

CHAPTER 273

**GOVERNMENT - STATE**

SENATE BILL 96-228

BY SENATORS Blickensderfer, Lacy, Rizzuto, and Pascoe;  
also REPRESENTATIVES Owen, Grampsas, and Romero.

**AN ACT**

**CONCERNING THE ORGANIZATION OF THE DEPARTMENT OF PERSONNEL.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 24-1-128 (7) (a), (7) (b), (7) (c), (7) (d), (7) (e), (7) (g), (7) (h), and (7) (i), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-1-128. Department of personnel - creation.** (7) The department of personnel shall include the following administrative support services:

(a) ~~Division of purchasing, the head of which shall be the state purchasing director. The division of purchasing and the office of state purchasing director, created by~~ THE POWERS, DUTIES, AND FUNCTIONS CONCERNING PURCHASING, SPECIFIED IN part 2 of article 102 of this title, ~~and their powers, duties, and functions are~~ SHALL BE ADMINISTERED AS IF transferred by a **type 2** transfer to the department of personnel. ~~as the division of purchasing.~~

(b) ~~Division of state archives and public records, the head of which shall be the state archivist. The division of~~ THE POWERS, DUTIES, AND FUNCTIONS CONCERNING state archives and public records, ~~and the office of state archivist, created by~~ SPECIFIED IN part 1 of article 80 of this title, ~~and their powers, duties, and functions are~~ SHALL BE ADMINISTERED AS IF transferred by a **type 2** transfer to the department of personnel. ~~as the division of state archives and public records.~~

(c) THE POWERS, DUTIES, AND FUNCTIONS OF the general government computer center, ~~the head of which shall be the director of the general government computer center. The powers, duties, and functions~~ specified in this article and in part 16 of

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

article 30 of this title concerning the center, ~~and director are~~ SHALL BE ADMINISTERED AS IF transferred by a **type 2** transfer to the department of personnel. The powers, duties, and functions concerning the operation of automated data processing equipment, including the data entry, systems development and programming, and computer functions thereof, are transferred by a **type 2** transfer to the general government computer center.

~~(d) Division of accounts and control, the head of which shall be the controller. The division of THE POWERS, DUTIES, AND FUNCTIONS CONCERNING accounts and control and the office of controller, created by SPECIFIED IN part 2 of article 30 of this title, and their powers, duties, and functions, except those powers, duties, and functions transferred by paragraph (c) of this subsection (7), are SHALL BE ADMINISTERED AS IF transferred by a **type 2** transfer to the department of personnel. as the division of accounts and control.~~

~~(e) Division of telecommunications, the head of which shall be the state telecommunications director. The division of THE POWERS, DUTIES, AND FUNCTIONS CONCERNING telecommunications, and the state telecommunications director, created by SPECIFIED IN part 9 of article 30 of this title, and their powers, duties, and functions are SHALL BE ADMINISTERED AS IF transferred by **type 2** transfer to the department of personnel. as a division thereof.~~

~~(g) Division of central services, the head of which shall be the director of central services. The division of THE POWERS, DUTIES, AND FUNCTIONS CONCERNING central services, and the director of central services, created by SPECIFIED IN part 11 of article 30 of this title, and their powers, duties, and functions are SHALL BE ADMINISTERED AS IF transferred by a **type 2** transfer to the department of personnel.~~

~~(h) Division of risk management, the head of which shall be the state risk manager. The division of THE POWERS, DUTIES, AND FUNCTIONS CONCERNING THE risk management SYSTEM, and the state risk manager, created by SPECIFIED IN part 15 of article 30 of this title, and their powers, duties, and functions are SHALL BE ADMINISTERED AS IF transferred by a **type 2** transfer to the department of personnel. as a division thereof.~~

~~(i) Division of accounts and control. The division of accounts and control, pursuant to part 2 of article 30 of this title, and its powers, duties, and functions are transferred by a **type 2** transfer to the department of personnel as a division thereof.~~

**SECTION 2.** The introductory portion to 24-30-201 (1) and 24-30-201 (1) (j) and (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-201. Accounts and control - state controller.** (1) The ~~division of~~ POWERS, DUTIES, AND FUNCTIONS CONCERNING accounts and control ~~shall be a division in the department of personnel~~ AS SET FORTH IN THIS PART 2 SHALL BE THE RESPONSIBILITY OF THE STATE CONTROLLER. The controller ~~shall be the head of the division and~~ shall be appointed by the executive director of the department of personnel, subject to the provisions of section 13 of article XII of the state constitution. The controller shall be bonded in such amount as ~~said~~ THE executive director shall fix. The powers and duties of ~~the division and of~~ the controller shall be:

(j) Pursuant to rules and regulations promulgated by the executive director of the department of personnel, to assist state agencies in their efforts to recover moneys owing to the state and to collect, on behalf of the state, accounts referred to the controller ~~and the division of accounts and control~~ under rules and regulations authorizing such referral under defined circumstances, as further specified in section 24-30-202.4;

(2) The ~~division of~~ POWERS, DUTIES, AND FUNCTIONS CONCERNING accounts and control and the office of controller, ~~and their powers, duties, and functions,~~ except those powers, duties, and functions transferred by section 24-1-128 (7) (c), ~~are~~ SHALL BE ADMINISTERED AS IF transferred by a **type 2** transfer to the department of personnel. ~~as the division of accounts and control.~~

**SECTION 3.** 24-30-202 (18) (f), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-30-202. Procedures - vouchers and warrants - rules - penalties.**  
(18) (f) All state agencies are required to make and preserve records of employees' wages and hours and other conditions and practices of employment. ~~All time and payroll records must be prescribed or approved by the controller, in writing.~~

**SECTION 4.** 24-30-202 (23), Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

**24-30-202. Procedures - vouchers and warrants - rules - penalties.**  
(23) (a) ~~Except as provided in paragraph (d) of this subsection (23), the controller shall regulate, approve, and review all payroll deductions for all state employees.~~

(b) ~~No payroll deduction shall be made on behalf of a state employee without prior written authorization from the controller, or such assistant as he may designate, given after receipt by the controller or his assistant of a written request for such payroll deduction from the employee, department or agency representative, or organization.~~

(c) ~~A charge shall be assessed against an organization which receives a benefit from such a payroll deduction to offset the cost to the state for this service.~~

(d) ~~Deductions expressly authorized by statute, or state-sponsored, shall not be subject to the provisions of this subsection (23).~~

**SECTION 5.** 24-30-205, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-30-205. Duties of controller.** The controller shall ~~devote his entire~~ BE DEVOTED FULL time to the duties of ~~his~~ THE office and shall follow no other gainful employment. During the consideration of the budget and appropriation bills by the general assembly, it is ~~his~~ THE CONTROLLER'S duty, upon demand by either house of the general assembly or any committee thereof, to appear before the same and render any testimony, explanation, or assistance required. ~~of him. He~~ THE CONTROLLER shall have ~~such~~ THE technical and clerical assistance as, in the opinion of the governor, the execution of ~~his~~ THE CONTROLLER'S duties requires. ~~He~~ THE CONTROLLER shall be furnished with suitable office space for the performance of the

CONTROLLER'S duties. ~~of this division.~~

**SECTION 6.** 24-30-902, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-902. Powers, duties, and functions concerning telecommunications.**

(1) ~~There is hereby created, as a division within the department of personnel, the division of telecommunications. The executive director of the department of personnel shall appoint, pursuant to section 13 of article XII of the state constitution, a state telecommunications director. The state telecommunications director~~ THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall appoint ~~such~~ assistants, clerical staff, and other personnel as may be necessary to discharge the duties and responsibilities set forth by this part 9.

(2) ~~The state telecommunications director and the division of POWERS, DUTIES, AND FUNCTIONS CONCERNING telecommunications, shall exercise their powers and perform their duties and functions specified in this part 9, under the department of personnel and the executive director thereof as if the same were~~ SHALL BE ADMINISTERED AS IF transferred to said department by a **type 2** transfer as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title, TO THE DEPARTMENT OF PERSONNEL.

**SECTION 7.** The introductory portion to 24-30-903 (1) and 24-30-903 (1) (a), (2), (3), and (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-903. Duties and responsibilities.** (1) ~~The state telecommunications director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall perform the following functions:

(a) In consultation with state departments, institutions, and agencies, formulate recommendations for a current and long-range telecommunications plan, involving telephone, radio, microwave, facsimile closed circuit and cable television, teleconferencing, public broadcast, data communications transmission circuits, fibreoptics, satellites, and cellular radio and their integration into applicable telecommunications networks, for approval of ~~the executive director of the department of personnel and the governor;~~

(2) Notwithstanding the functions ~~of the state telecommunications director~~ enumerated in paragraph (b) of subsection (1) of this section, the responsibility for the operation and conduct of the law enforcement radio systems specifically provided for the division of the Colorado state patrol which are performed by radio dispatchers and telephone operators shall be vested in the chief of the Colorado state patrol.

(3) ~~The state telecommunications director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL may enter into contracts with any county, city and county, state agency, private schools, school district, board of cooperative educational services, or library and may act as a telecommunications network provider between or among two or more counties or state agencies for the purpose of providing teleconferencing facilities and services between or among such entities, including the judicial system of any county, the department of corrections, and the department of

human services and any of their facilities. To assure the availability of such network throughout the various state agencies, private schools, school districts, boards of cooperative educational services, libraries, and counties, the EXECUTIVE director OF THE DEPARTMENT OF PERSONNEL shall develop a uniform set of standards for facilities to be utilized by the contracting entities.

(4) The ~~state telecommunications director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL may enter into contracts with the board of directors of the Colorado compensation insurance authority to provide information and administrative support services other than personnel for carrying out the functions authorized in article 45 of title 8, C.R.S.

**SECTION 8.** 24-30-1102 (2) and (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-1102. Definitions.** As used in this part 11, unless the context otherwise requires:

(2) "Director" OR "EXECUTIVE DIRECTOR" means the ~~director of the division of central services created in section 24-30-1103~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL.

(3) "~~Division~~" means the ~~division of central services created in section 24-30-1103.~~

**SECTION 9.** 24-30-1103, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1103. Central services.** (1) ~~There is hereby created a division of central services in the department of personnel, referred to in this part 11 as the "division". Pursuant to section 13 of article XII of the state constitution, the executive director of the department of personnel shall appoint a director of central services as head of the division, who shall appoint such other personnel as may be necessary for the efficient operation of the division.~~

(2) ~~The division of central services and the director of~~ POWERS, DUTIES, AND FUNCTIONS CONCERNING central services, ~~shall exercise their powers and perform their duties and functions~~ specified by this part 11, ~~under the department of personnel and the executive director thereof as if the same were transferred to the department~~ SHALL BE ADMINISTERED AS IF TRANSFERRED by a **type 2** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title, TO THE DEPARTMENT OF PERSONNEL.

**SECTION 10.** The introductory portions to 24-30-1104 (1) and (2) and 24-30-1104 (1) (a), (1) (c), (1) (d), (1) (e), (1) (f), (1) (j), (2) (c), (2) (d), (2) (e), (2) (f), (2) (m), (2) (n), (2) (s), and (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-1104. Central services functions of the department.** (1) Within the counties of Adams, Arapahoe, and Jefferson and the city and county of Denver only, ~~the division~~ DEPARTMENT OF PERSONNEL shall perform the following functions for the

executive branch of the state of Colorado, its departments, institutions, and agencies, under the direction of the executive director: ~~of the department of personnel:~~

(a) Formulate, in consultation with state departments, institutions, and agencies, recommendations for a current and long-range ~~division~~ operations plan for approval of the executive director of the department of personnel and the governor no later than January 1 of each year;

(c) Establish ~~division~~ procedures and standards for management of service functions SET FORTH IN THIS PART 11 for all state departments, institutions, and agencies;

(d) Establish and maintain ~~division~~ facilities AS NEEDED TO CARRY OUT THE DUTIES SET FORTH IN THIS PART 11, including but not limited to those listed;

(e) Advise the department of personnel on qualifications and wage standards necessary to recruit and retain personnel essential for the implementation of a sound long-range ~~division~~ plan;

(f) Advise the governor and the general assembly on ~~division~~ CENTRAL SERVICES matters;

(j) Provide ~~division~~ services, equipment, and facilities AS REQUIRED PURSUANT TO THIS PART 11 for state departments, institutions, and agencies according to their needs;

(2) In addition to the county-specific functions ~~of the division~~ set forth in subsection (1) of this section, the ~~division~~ DEPARTMENT OF PERSONNEL shall take such steps as are necessary to fully implement a central state motor vehicle fleet system by January 1, 1993. The ~~division~~ DEPARTMENT OF PERSONNEL shall perform the following functions pertaining to the motor vehicle fleet system throughout the state for the executive branch of the state of Colorado, its departments, institutions, and agencies, under the direction of the executive director: ~~of the department of personnel:~~

(c) Adopt uniform rules and regulations for motor vehicle acquisition, operation, maintenance, repair, and disposal standards. Uniform rules and regulations adopted by the ~~division~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL pertaining to acquisition of motor vehicles by lease or purchase shall provide that low energy consumption shall be a favorable factor in determining the low responsible bidder. The size of any passenger motor vehicle shall not be greater than necessary to accomplish its purpose;

(d) (I) Require that all state agencies transfer custody of certificates of title to all state-owned motor vehicles ~~which~~ THAT are owned by such agencies to the ~~division~~ DEPARTMENT OF PERSONNEL for the purpose of compiling complete data on all motor vehicles owned by the state.

(II) Require that all motor vehicles presently owned by state agencies be entered into the state fleet management maintenance and insurance programs. Per-mile costs for the program shall be determined by criteria established by the ~~division~~

## DEPARTMENT OF PERSONNEL.

~~(III) (A) The division shall conduct an analysis of all state-owned motor vehicles as defined in section 24-30-1102(6) to determine the appropriate number of vehicles that should be owned by the state motor fleet and state agencies as of January 1, 1993. The division of central services shall make a recommendation to the office of state planning and budgeting and the joint budget committee by December 1, 1992, concerning the appropriate fleet size for each state agency.~~

~~(B) In consultation with all state agencies, the division shall reduce the total number of all state-owned motor vehicles by a minimum of ten percent or to a maximum total of four thousand nine hundred seventy-six vehicles, whichever is less, by June 30, 1993. If the recommendations regarding the appropriate size of the fleet result in a reduction of the number of vehicles of more than ten percent, such reductions above this amount shall be taken by June 30, 1994. The state auditor shall perform an audit of the fleet management program to determine its cost effectiveness by June 30, 1995.~~

(e) Require that all vehicles purchased after July 1, 1992, shall be owned by the ~~division~~ DEPARTMENT OF PERSONNEL and leased and permanently assigned to state agencies. Purchases shall be based on specifications as requested by the state agency in cooperation and consultation with the ~~division~~ DEPARTMENT OF PERSONNEL and the motor vehicle advisory council.

(f) Maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the ~~division~~ DEPARTMENT OF PERSONNEL. The ~~division~~ DEPARTMENT OF PERSONNEL shall ensure that state-owned motor vehicles are not routinely replaced until they have been driven for seventy-five thousand six hundred miles or more;

(m) Delegate or conditionally delegate to the respective heads of agencies to which state-owned motor vehicles are permanently assigned such duties as may be designated by the director for the enforcement of all or part of the rules and regulations adopted by the ~~division~~ DEPARTMENT OF PERSONNEL;

(n) Require state agencies, officers, and employees to keep all records and make all reports regarding state-owned motor vehicle use as provided in rules and regulations adopted by the ~~division~~ DEPARTMENT OF PERSONNEL;

(s) Exercise any other powers or perform any other duties ~~which are consistent with the purposes and provisions for which the division was created and which~~ THAT are reasonably necessary for the fulfillment of the powers and duties assigned to the ~~division~~ DEPARTMENT OF PERSONNEL PURSUANT TO THIS PART 11.

(3) In addition to any other duties imposed by this section, the ~~division~~ DEPARTMENT OF PERSONNEL shall implement a statewide travel management program pursuant to the provisions of section 24-30-1118.

**SECTION 11.** The introductory portion to 24-30-1105 (1) and 24-30-1105 (1) (d), (1) (f), (1) (g), and (2) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-1105. Powers of the executive director - penalties.** (1) In order to perform the duties and functions of the ~~division~~ as set forth in this part 11, ~~the director of central services, with the approval of the executive director of the department of personnel,~~ shall, in relation to departments, institutions, and agencies of the executive branch:

(d) Contract for such services as the ~~division~~ DEPARTMENT OF PERSONNEL may require FOR PURPOSES OF THIS PART 11;

(f) Recommend to ~~the executive director of the department of personnel and the governor~~ the transfer of funds, equipment, supplies, and personnel from existing departments, institutions, and agencies to the ~~division~~ DEPARTMENT OF PERSONNEL or to such other agency as may be necessary to accomplish the purposes of this part 11, such transfer to be effective upon the approval by the governor;

(g) Certify for evidentiary purposes as true copies of the originals, before the originals are destroyed or lost, photographs, microphotographs, or reproductions on film created by the ~~division~~ DEPARTMENT OF PERSONNEL. Such certified photographs, microphotographs, or reproductions shall have the same legal force and effect as if certified by the original custodian of the records. ~~This paragraph (g) is not intended to supersede the state archivist's authority so far as certification is concerned as provided in section 24-80-107.~~

(2) (a) Except in accordance with judicial order or as otherwise provided by law, ~~the director of central services~~ EXECUTIVE DIRECTOR or ~~his~~ THE employees OF THE DEPARTMENT OF PERSONNEL shall not divulge or make known in any way any information disclosed in any confidential document to which ~~he has~~ THE EMPLOYEES HAVE access in performing ~~his~~ THE duties ~~under~~ SPECIFIED IN this part 11.

**SECTION 12.** 24-30-1115, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1115. Motor fleet management fund - creation.** (1) There is hereby created a fund to be known as the ~~division~~ motor fleet management fund, which shall be administered by the ~~division~~ DEPARTMENT OF PERSONNEL and which shall consist of all moneys which may be transferred thereto in accordance with section 24-30-1104 (2) (k) or 24-30-1113 (4).

(2) The moneys in the fund shall be subject to annual appropriation by the general assembly for the purposes of this part 11. Any moneys not appropriated shall remain in the fund and shall not be transferred to or revert to the general fund of the state at the end of any fiscal year. Subject to severe budget constraints and annual appropriation, a portion of the state motor fleet shall be replaced each year. The number of motor vehicles to be replaced annually shall be based on a formula provided by the ~~division~~ DEPARTMENT OF PERSONNEL and approved by the general assembly.

**SECTION 13.** 24-30-1117, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1117. Exclusive authority to acquire state-owned motor vehicles.** The

~~division of central services~~ DEPARTMENT OF PERSONNEL shall have the exclusive authority to purchase, lease, and otherwise acquire motor vehicles for such use by state officers and employees as may be necessitated in the course and conduct of official state business. Except for any vehicles donated to specific state agencies, no motor vehicle shall be purchased, leased, or otherwise acquired by any state agency unless such vehicle is obtained through the ~~division of central services~~ DEPARTMENT OF PERSONNEL.

**SECTION 14.** 24-30-1118 (2), the introductory portions to 24-30-1118 (3), (3) (e), and (3) (e) (I), and 24-30-1118 (3) (e) (I) (C), (3) (e) (I) (D), (3) (e) (II), and (3) (j), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-1118. Statewide travel management program - creation - duties of department - mandatory use by state employees.** (2) There is hereby created a statewide travel management program to be administered by the ~~division of central services~~ DEPARTMENT OF PERSONNEL for the purpose of coordinating and overseeing state employee travel. Any state employee who travels in the performance of official state business shall be required to participate in the program.

(3) The ~~division~~ DEPARTMENT OF PERSONNEL shall perform the following functions pertaining to the statewide travel management program throughout the state for all departments, institutions of higher education, and agencies of state government under the direction of the EXECUTIVE director of the department of personnel:

(e) Unless otherwise authorized by the ~~division~~ DEPARTMENT OF PERSONNEL, require that any state employee who travels in the performance of official state duties shall:

(I) Utilize only those commercial travel vendors that have been approved by the ~~division~~ DEPARTMENT OF PERSONNEL. Notwithstanding such requirement, the ~~division~~ DEPARTMENT may authorize the use of nonapproved commercial travel vendors when:

(C) The ~~division~~ DEPARTMENT OF PERSONNEL determines that an emergency situation exists; or

(D) Use of a nonapproved commercial travel vendor would facilitate ease of access to the service required; except that in such cases, reimbursement shall not exceed the contract price established by the ~~division~~ DEPARTMENT OF PERSONNEL for such service in contracts with approved commercial travel vendors. In the event no contract has been entered into for such service, the ~~division~~ DEPARTMENT shall authorize reasonable reimbursement.

(II) Utilize the uniform credit card system established by the ~~division~~ DEPARTMENT OF PERSONNEL for all direct billing and cash advances related to such travel.

(j) Submit an annual written report evaluating the progress of the statewide travel management program. ~~Such~~ THE report shall be submitted with the ~~division's~~ DEPARTMENT'S annual budget request and shall include detailed information concerning cost-savings achieved, utilization by state employees, policy changes which have resulted from the implementation of the program, and any other

information concerning the program which the ~~division~~ DEPARTMENT OF PERSONNEL deems appropriate; and

**SECTION 15.** 24-30-1203 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1203. Purchasing requirements.** (1) In order to provide preferential treatment to the products and services of nonprofit agencies for persons with severe disabilities, public agencies shall purchase such products and services directly from said agencies in accordance with applicable specifications of the ~~division of purchasing for state agencies~~ DEPARTMENT OF PERSONNEL and of local purchasing officials for other public agencies. Whenever such products and services are available at a price determined to be reasonable by the appropriate purchasing official, the price shall recover for the nonprofit agency for persons with severe disabilities the cost of all materials, labor, and overhead, including delivery expenses, incurred in the production of products or the provision of services by such nonprofit agency.

**SECTION 16.** 24-30-1501 (1) and (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-1501. Legislative declaration.** (1) The general assembly recognizes that the general liability and automobile liability insurance policies of the state of Colorado have been cancelled, that no responsive bids were received, and that, as a direct result, the governor called an extraordinary session of the general assembly to address the need for a method to protect the state and its employees against claims brought under the "Colorado Governmental Immunity Act", article 10 of this title, and arising under federal law. The general assembly further recognizes that the consequences of uninsured liability of the state, including failure to respond to meritorious claims in a timely fashion and greater ultimate costs of settlement caused by failure to investigate claims in an orderly and timely manner, are undesirable. The general assembly hereby declares, therefore, that the appropriate remedy is to create a reserve fund for purposes of self-insurance of the state. The general assembly declares that the purpose of this part 15 is to create a self-insurance fund, provide a mechanism for claims adjustment, investigation, and defense, and authorize the settlement and payment of claims and the payment of judgments rendered against the state. ~~The general assembly further finds that, in order to adequately protect the state and carry out these purposes, it is necessary to create a new division to perform risk management services for the state.~~ The general assembly also recognizes that no responsible bids have been received for property insurance policies for the state of Colorado and that a method for covering loss or damage to state property is needed. The general assembly hereby declares that the appropriate remedy is to create a reserve for purposes of self-insurance of the state for loss or damage to state property. The general assembly declares that its intent is to explore, on an annual basis, the availability of commercial liability insurance policies and property damage insurance policies, considering the possibility that the insurance industry can provide coverage in the future that is less expensive than the costs of operating a risk management ~~division~~ SYSTEM and paying for claims out of the risk management fund and out of the self-insured property fund.

(2) The general assembly recognizes that liability claims arising prior to

September 15, 1985, exist for which no commercial insurance coverage is available. The general assembly hereby finds and declares that the risk management system will provide an appropriate remedy for such claims and that the ~~division~~ DEPARTMENT OF PERSONNEL should be authorized to administer such claims.

**SECTION 17.** 24-30-1502 (2), Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

**24-30-1502. Definitions.** As used in this part 15, unless the context otherwise requires:

(2) ~~"Division" means the division of risk management created in section 24-30-1503.~~

**SECTION 18.** 24-30-1503, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1503. Risk management system.** (1) ~~There is hereby created a division of risk management in the department of personnel.~~ Pursuant to section 13 of article XII of the state constitution, the executive director of the department of personnel shall appoint a state risk manager, as head of the division, who shall appoint such other personnel, including a claims manager, as may be necessary for the efficient operation of the ~~division~~ RISK MANAGEMENT SYSTEM.

(2) ~~The division of POWERS, DUTIES, AND FUNCTIONS CONCERNING risk management, and the state risk manager, shall exercise their powers and perform their duties specified by this part 15, under the department of personnel and the executive director thereof as if the same were~~ SHALL BE ADMINISTERED AS IF transferred to the department OF PERSONNEL by a **type 2** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title.

**SECTION 19.** The introductory portion to 24-30-1504 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1504. Powers and duties of the department.** (1) ~~The division~~ DEPARTMENT OF PERSONNEL shall have the following powers and duties:

**SECTION 20.** The introductory portion to 24-30-1505 (1) and 24-30-1505 (1) (a), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-30-1505. Powers of the executive director.** (1) In order to perform the powers and duties ~~of the division as set forth in this part 15, the state risk manager, with approval of the executive director shall exercise the following powers:~~

(a) Supervise the development and administration of the following RISK MANAGEMENT programs: ~~of the division:~~

**SECTION 21.** 24-30-1510 (1), (3) (b), and (3) (d), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-30-1510. Risk management fund - creation - authorized and unauthorized**

**payments.** (1) There is hereby created in the state treasury a fund to be known as the risk management fund, which shall consist of all moneys ~~which~~ THAT may be appropriated thereto by the general assembly or ~~which~~ THAT may be otherwise made available to it by the general assembly. Moneys "otherwise made available" shall be deemed to include transfers of moneys to the fund authorized in the general appropriation act. All interest earned from the investment of moneys in the risk management fund shall be credited to the risk management fund and become a part thereof. The moneys in the fund are hereby continuously appropriated for the purposes of the risk management fund other than the direct and indirect administrative costs of operating the ~~division~~ RISK MANAGEMENT SYSTEM. The general assembly shall make annual appropriations from the fund for the direct and indirect administrative costs of operating the ~~division~~ RISK MANAGEMENT SYSTEM ~~which~~ THAT are attributable to the operation of the risk management fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(3) Expenditures shall be made out of the risk management fund in accordance with subsection (1) of this section only for the following purposes:

(b) To pay the administrative costs of operating the ~~division~~ RISK MANAGEMENT SYSTEM and the costs of purchasing services pursuant to sections 24-30-1506, 24-30-1507, and 24-30-1513;

(d) To pay any deductible or self-insured retention contained in any insurance policy purchased by or at the direction of the ~~division~~ EXECUTIVE DIRECTOR;

**SECTION 22.** 24-30-1510.5 (1), (3) (c), (5) (1), and (6), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-30-1510.5. Self-insured property fund - creation - authorized and unauthorized payments - executive director authorized to make payments.** (1) There is hereby created in the state treasury a fund to be known as the self-insured property fund, which shall consist of all moneys ~~which~~ THAT may be appropriated thereto by the general assembly or which may be otherwise made available to it by the general assembly. Moneys "otherwise made available" shall be deemed to include transfers of moneys to the fund authorized in the general appropriation act. All interest earned from the investment of moneys in the self-insured property fund shall be credited to the self-insured property fund and become a part thereof. The moneys in the fund are hereby continuously appropriated for the purposes of the self-insured property fund other than the direct and indirect administrative costs of operating the ~~division~~ RISK MANAGEMENT SYSTEM. The general assembly shall make annual appropriations from the fund for the direct and indirect administrative costs of operating the ~~division~~ RISK MANAGEMENT SYSTEM ~~which~~ THAT are attributable to the operation of the self-insured property fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(3) Expenditures shall be made out of the self-insured property fund in accordance with subsection (1) of this section only for the following purposes:

(c) To pay the administrative costs of operating the ~~division~~ RISK MANAGEMENT

## SYSTEM.

(5) The self-insured property fund shall provide self-insurance for loss or damage to state property due to the following hazards:

(1) Any other hazard ~~which~~ THAT the ~~division~~ EXECUTIVE DIRECTOR determines pursuant to rule and regulation is appropriate for inclusion under the self-insured property fund.

(6) The executive director or ~~his~~ A designee OF THE EXECUTIVE DIRECTOR is authorized to pay property claims of a state agency subject to available funds in the self-insured property fund and subject to the limitations in this section. The executive director or ~~his~~ A designee OF THE EXECUTIVE DIRECTOR is authorized to provide for the repair and replacement of property consistent with the provisions of this part 15 and is authorized to provide for the payment of the costs of such repair and replacement out of the self-insured property fund. Disbursements from the self-insured property fund for claims of state agencies for loss or damage to property shall be paid by the state treasurer upon warrants drawn in accordance with the law upon vouchers issued by the ~~division~~ DEPARTMENT OF PERSONNEL.

**SECTION 23.** 24-30-1602, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1602. General government computer center (GGCC).** (1) There is hereby created as a ~~division in the department of personnel~~; the general government computer center, referred to in this part 16 as "GGCC". The executive director of the department of personnel shall appoint, pursuant to section 13 of article XII of the state constitution, a ~~director of the GGCC as head of the division, who shall appoint~~ such ~~other~~ personnel as may be necessary for the efficient operation of the GGCC.

(2) The GGCC ~~and its director shall exercise their powers and perform their~~ AND ITS POWERS, duties, and functions, specified by this part 16, ~~under the department of personnel and the executive director thereof as if the same were~~ SHALL BE ADMINISTERED AS IF transferred to the department OF PERSONNEL by a **type 2** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title.

**SECTION 24.** The introductory portion to 24-30-1604 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1604. Powers of the executive director - penalty for breach of confidentiality.** (1) In order to perform the functions and duties of the GGCC as set forth in this part 16, ~~the director of the GGCC, with the approval of~~ the executive director of the department of personnel shall exercise the following powers:

**SECTION 25.** 24-30-1606, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1606. GGCC revolving fund - service charges - pricing.** (1) Users of GGCC services shall be charged the full cost of the particular service, which shall include the cost of all material, labor, equipment, software, services, and overhead.

Two months prior to the November 1 submission date as required by section 24-37-304, ~~the director of the GGCC~~ THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall establish, publish, and distribute billing rates to user entities and other interested entities effective for the following fiscal year. ~~Said~~ THE billing rates shall not be increased during the fiscal year. User charges shall be paid only out of items of appropriation made specifically for the purchase of services from either the GGCC or from an alternative support source approved by the commission on information management. Agencies interested in purchasing services from the private sector shall work with the commission on information management to develop bid specifications, which shall identify all services, requirements, and costs. All bids shall be consistent with the state's long-term data processing objectives. The bid process shall be completed so as to coincide with the GGCC rate publication date.

(2) User charges collected under this part 16 shall be transmitted to the state treasurer, who shall credit the same to the general government computer center revolving fund, which fund is hereby created. The moneys in such fund are subject to annual appropriations by the general assembly to the department of personnel ~~for allocation to the director of the GGCC~~ for the purpose of acquiring such materials, supplies, labor, equipment, software, services, and overhead as are required by the GGCC to supply the services purchased by users.

(3) The EXECUTIVE director ~~of the GGCC~~ OF THE DEPARTMENT OF PERSONNEL shall establish a policy of remaining competitive with the service provided by private industry with regard to the cost, timeliness, and quality of that service provided by the GGCC. Agencies are encouraged to seek competitive bids from the private sector pursuant to subsection (1) of this section. If the GGCC cannot meet the needs of any agency in any one of the said areas, the agency may seek services elsewhere pursuant to part 17 of this article.

**SECTION 26.** 24-50-104 (1) (b) and (1) (c), Colorado Revised Statutes, 1988 Repl. Vol., are repealed as follows:

**24-50-104. Job evaluation and compensation - repeal.** (1) **Payment of salaries - payroll deduction.** ~~(b) Upon receipt of a request in writing by a state personnel system employee or an employee organization whose primary purpose is representing state employees, the state official authorized to disburse funds in payment of the salaries or wages of such employees shall deduct from the salaries or wages of such employees, for payment to the employee organization, the amount of money indicated in such request for the employee organization dues and other economic benefits which the employee desires through membership in such organization. If the request for deduction is initiated by an employee organization, such organization shall maintain accurate documentation of requests for such deductions by employees.~~

~~(c) Nothing in this subsection (1) shall preclude the payroll deduction for other economic benefits requested by an employee and approved by the state official authorized to disburse funds in payment of the salary or wages of such employee.~~

**SECTION 27.** 24-50.3-104, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**24-50.3-104. Powers and duties of executive director.** (7) THE EXECUTIVE DIRECTOR MAY ESTABLISH SUCH DIVISIONS, SECTIONS, AND OTHER UNITS WITHIN THE DEPARTMENT OF PERSONNEL AS ARE NECESSARY FOR THE PROPER AND EFFICIENT DISCHARGE OF THE POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT. THE EXECUTIVE DIRECTOR MAY ALLOCATE THE POWERS, DUTIES, AND FUNCTIONS PREVIOUSLY ASSIGNED TO STATUTORILY CREATED DIVISIONS OR SECTIONS TO THE DIVISIONS, SECTIONS, OR OTHER UNITS ESTABLISHED BY THE EXECUTIVE DIRECTOR.

(8) (a) ALL TIME AND PAYROLL RECORDS MUST BE PRESCRIBED OR APPROVED BY THE EXECUTIVE DIRECTOR IN WRITING.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION (8), THE EXECUTIVE DIRECTOR SHALL REGULATE, APPROVE, AND REVIEW ALL PAYROLL DEDUCTIONS FOR ALL STATE EMPLOYEES.

(c) NO PAYROLL DEDUCTION SHALL BE MADE ON BEHALF OF A STATE EMPLOYEE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE EXECUTIVE DIRECTOR, OR SUCH ASSISTANT AS THE EXECUTIVE DIRECTOR MAY DESIGNATE, GIVEN AFTER RECEIPT BY THE EXECUTIVE DIRECTOR OF A WRITTEN REQUEST FOR SUCH PAYROLL DEDUCTION FROM THE EMPLOYEE, DEPARTMENT OR AGENCY REPRESENTATIVE, OR ORGANIZATION.

(d) A CHARGE SHALL BE ASSESSED AGAINST AN ORGANIZATION THAT RECEIVES A BENEFIT FROM SUCH A PAYROLL DEDUCTION TO OFFSET THE COST TO THE STATE FOR THIS SERVICE.

(e) DEDUCTIONS EXPRESSLY AUTHORIZED BY STATUTE, OR STATE-SPONSORED, SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SUBSECTION (8).

**SECTION 28.** 24-50.3-106, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-50.3-106. Authority of revisor of statutes to amend references to department - affected statutory provisions.** (1) The revisor of statutes is hereby authorized to change all references in the Colorado Revised Statutes to the department of administration from the department of administration to the department of personnel with respect to the powers, duties, and functions transferred to the department. In connection with such authority, the revisor of statutes is hereby authorized to amend or delete provisions of the Colorado Revised Statutes so as to make the statutes consistent with the powers, duties, and functions transferred pursuant to section 24-1-128, this article, and article 30 of this title.

(2) ON AND AFTER JULY 1, 1996, THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO CHANGE ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE DIVISIONS OF PURCHASING, STATE ARCHIVES AND PUBLIC RECORDS, ACCOUNTS AND CONTROLS, TELECOMMUNICATIONS, ADMINISTRATIVE HEARINGS, CENTRAL SERVICES, RISK MANAGEMENT, AND GENERAL GOVERNMENT COMPUTER CENTER, FROM SAID REFERENCES TO THE DEPARTMENT OF PERSONNEL AND TO CHANGE ALL REFERENCES TO THE DIRECTORS OF SAID DIVISIONS, EXCEPT THE STATE CONTROLLER, TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL WITH RESPECT TO THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT AND THE EXECUTIVE DIRECTOR. IN CONNECTION WITH SUCH AUTHORITY, THE REVISOR IS

HEREBY AUTHORIZED TO AMEND OR DELETE PROVISIONS OF THE COLORADO REVISED STATUTES SO AS TO MAKE THE STATUTES CONSISTENT THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED PURSUANT TO SECTION 24-1-128, THIS ARTICLE, AND ARTICLE 30 OF THIS TITLE.

**SECTION 29.** 24-80-102 (1), (2), (3), (4), (7), (8), (9), (10), and (11), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-80-102. State archives and public records - personnel - duties - cash fund.**

(1) ~~The division of state archives and public records, referred to in this part 1 as the "division", shall be a division of the department of personnel.~~ The ~~division~~ DEPARTMENT OF PERSONNEL shall succeed to all records of the state of Colorado or any political subdivision thereof, as the same are defined in section 24-80-101. Except as provided in subsections (5), (6), and (7) of this section, the ~~division~~ DEPARTMENT OF PERSONNEL shall be the official custodian and trustee for the state of all public records of whatever kind ~~which~~ THAT are transferred to it under this part 1 from any public office of the state or any political subdivision thereof.

(2) The chief administrative officer ~~of the division~~ OVER STATE ARCHIVES AND PUBLIC RECORDS shall be the ~~state archivist, who shall be professionally qualified and who shall be appointed by the~~ executive director of the department of personnel. ~~pursuant to the provisions and exemptions of section 13 of article XII of the state constitution.~~

(3) ~~The state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall be responsible for the proper administration of public records under this part 1. It is ~~his~~ THE EXECUTIVE DIRECTOR'S duty to determine and direct the administrative and technical procedures ~~of the division~~ CONCERNING STATE ARCHIVES AND PUBLIC RECORDS. ~~He~~ THE EXECUTIVE DIRECTOR shall study the problems of preservation and disposition of records as defined in section 24-80-101 and based on such study shall formulate and put into effect, to the extent authorized by law, within the ~~division~~ DEPARTMENT OF PERSONNEL or otherwise, such program as ~~he~~ THE EXECUTIVE DIRECTOR deems advisable or necessary for public records conservation by the state of Colorado or political subdivisions thereof.

(4) To effectuate the purposes of this part 1, the governor may direct any department, division, board, bureau, commission, institution, or agency of the state, or any political subdivision thereof, to designate a records liaison officer to cooperate with and assist and advise the ~~state archivist~~ EXECUTIVE DIRECTOR in the performance of the duties and functions ~~of the division~~ CONCERNING STATE ARCHIVES AND PUBLIC RECORDS and to provide such other assistance and data as will enable the ~~division~~ DEPARTMENT OF PERSONNEL TO properly to carry out its activities and effectuate the purposes of this part 1.

(7) In the event of disagreement between the state historical society and the ~~division~~ DEPARTMENT OF PERSONNEL as to the custody of any records as defined in section 24-80-101, the governor with the advice of the attorney general shall make final and conclusive determination and order and direct custody accordingly.

(8) ~~The state archivist~~ EXECUTIVE DIRECTOR shall prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant

to the provisions of section 24-1-136, a report accounting to the governor and the general assembly for the efficient discharge of all responsibilities assigned by law or directive to the ~~division~~ DEPARTMENT OF PERSONNEL CONCERNING STATE ARCHIVES AND PUBLIC RECORDS.

(9) Publications of the ~~division~~ DEPARTMENT CONCERNING STATE ARCHIVES AND PUBLIC RECORDS circulated in quantity outside the executive branch shall be issued in accordance with the provisions of section 24-1-136.

(10) The ~~state archivist~~ EXECUTIVE DIRECTOR shall establish by rule and regulation such fees as are necessary to pay for the direct and indirect costs of responding to requests for information from nonstate agencies, including requests which are processed through other state agencies. All fees collected shall be transmitted to the state treasurer, who shall credit the same to the ~~division~~ of state archives and public records cash fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of responding to requests for information from nonstate agencies, including requests which are processed through other state agencies. All interest derived from the deposit and investment of moneys in the fund shall be credited to the general fund. In no event shall the ~~state archivist~~ EXECUTIVE DIRECTOR charge any fee to any public entity to produce information which the public entity is required by law to file with the state ~~archivist~~ ARCHIVES.

(11) The ~~division~~ of POWERS, DUTIES, AND FUNCTIONS CONCERNING state archives and public records ~~and the office of state archivist and their powers, duties, and functions are~~ SHALL BE ADMINISTERED AS IF transferred by a **type 2** transfer to the department of personnel.

**SECTION 30.** 24-80-102.5, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-80-102.5. Custody of state property.** The ~~division~~ DEPARTMENT OF PERSONNEL shall have the charge, care, and custody of the property of the state when no other provision is made.

**SECTION 31.** 24-102-101, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-102-101. Authority and duties of the executive director.** Subject to the provisions of part 4 of this article, the executive director OF THE DEPARTMENT OF PERSONNEL has the authority and responsibility to promulgate rules, consistent with this code, governing the procurement and disposal of any and all supplies, services, and construction to be procured by the state, except for excess or surplus equipment and supplies as provided in section 17-24-106.6, C.R.S., and except as provided in part 17 of article 30 and part 4 of article 82 of this title. The executive director shall consider and decide matters of policy within the provisions of this code. ~~including those referred to him by the state purchasing director.~~

**SECTION 32.** 24-102-201, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-102-201. Purchasing.** (1) ~~There is hereby created in the department of personnel the division of purchasing, the head of which shall be the state purchasing director. The state purchasing director shall be a full-time employee of the state. The state purchasing director shall be appointed by the executive director pursuant to the provisions of section 13 of article XII of the state constitution.~~

(2) ~~The division of POWERS, DUTIES, AND FUNCTIONS CONCERNING purchasing and the state purchasing director shall exercise their powers and perform their duties and functions under the department of personnel and the executive director thereof as if the same were~~ SHALL BE ADMINISTERED AS IF transferred to the department OF PERSONNEL by a **type 2** transfer, as such transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title.

**SECTION 33.** 24-102-202 (1) and the introductory portion to 24-102-202 (2), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-102-202. Authority of the executive director.** (1) Consistent with the provisions of this code, the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL may adopt operational procedures governing the internal functions of the ~~division of purchasing~~ DEPARTMENT.

(2) Except as otherwise specifically provided in this code, the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall, pursuant to rules:

**SECTION 34.** 24-102-202.5 (1) and (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-102-202.5. Supplier database - cash fund.** (1) ~~The state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall develop a centralized database ~~which~~ THAT includes a listing of all businesses which are interested in providing goods and services to the state. The businesses in the database shall be identified by a registration number, and the ~~state purchasing~~ EXECUTIVE director shall develop a procedure for notifying the appropriate businesses whenever the state issues requests for proposals or invitations for bids for goods or services which a particular business provides. The database shall be accessible through the department of personnel to all purchasing agencies designated pursuant to section 24-102-302 (2). Such purchasing agencies shall be entitled to reimbursement for actual expenses incurred in the use and maintenance of the database from moneys in the supplier database cash fund created in subsection (2) of this section.

(2) Each business ~~which~~ THAT wishes to be included in the database created pursuant to subsection (1) of this section shall pay a registration fee as determined by the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL. The ~~state purchasing~~ EXECUTIVE director shall set and collect such fees as are necessary to cover the direct and indirect costs which are incurred in implementing the provisions of this section. The revenue from such fees shall be transmitted to the state treasurer, who shall credit the same to the supplier database cash fund, which fund is hereby created. The general assembly shall make appropriations from such fund as necessary to implement the provisions of this section. In accordance with section 24-36-114, all interest derived from the deposit

and investment of this fund shall be credited to the general fund.

**SECTION 35.** 1-40-124.5 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-40-124.5. Ballot information booklet.** (2) Following completion of the ballot information booklet, the director of research shall arrange for its distribution to every residence of one or more active registered electors in the state. Distribution may be accomplished by such means as the director of research deems appropriate to comply with section 1 (7.5) of article V of the state constitution, including, but not limited to, mailing the ballot information booklet to electors and insertion of the ballot information booklet in newspapers of general circulation in the state. The distribution shall be performed pursuant to a contract or contracts bid and entered into after employing standard competitive bidding practices including, but not limited to, the use of requests for information, requests for proposals, or any other standard vendor selection practices determined to be best suited to selecting an appropriate means of distribution and an appropriate contractor or contractors. ~~The state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall provide such technical advice and assistance regarding bidding procedures as deemed necessary by the director of research.

**SECTION 36.** 2-5-105 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**2-5-105. Publication contract - legislative declaration.** (2) On and after December 1, 1992, the work of the printing, binding, and packaging of replacement volumes and cumulative supplements for and publications ancillary to Colorado Revised Statutes, originally entitled Colorado Revised Statutes 1973, and other similar operations precedent to the distribution thereof when published shall be performed pursuant to a contract or contracts bid and entered into in the manner directed by the committee on legal services in accordance with this section. Such contract or contracts shall be bid by employing standard bidding practices including, but not limited to, the use of requests for information, requests for proposals, or any other standard vendor selection practices determined by the committee to be best suited to selecting an appropriate printing contractor. ~~The state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall provide such technical advice and assistance regarding bidding procedures as deemed necessary by the committee.

**SECTION 37.** 8-45-101 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**8-45-101. Colorado compensation insurance authority - creation - powers and duties.** (1) There is hereby created the Colorado compensation insurance authority which shall be a body corporate and a political subdivision of the state. The authority shall not be an agency of state government, nor shall it be subject to administrative direction by any state agency except as provided in this article, and except for the purposes of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., and except for inclusion in the risk management fund and by the ~~division of risk management~~ DEPARTMENT OF PERSONNEL as provided in part 15 of article 30 of title 24, C.R.S.

**SECTION 38.** 10-1-103 (2), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

**10-1-103. Division of insurance - subject to termination - repeal of article.**

(2) The commissioner of insurance, before incurring any expense for his OR HER office and the maintenance thereof, exclusive of salaries and wages, shall make requisition therefor upon and receive the approval of the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL as required by law.

**SECTION 39.** 11-2-102 (4), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

**11-2-102. Banking board.** (4) Each member of the board shall receive the same per diem compensation and reimbursement of expenses as those provided for members of boards and commissions in the division of registrations pursuant to section 24-34-102 (13), C.R.S. Payment for all such expenses and allowances shall be made upon vouchers therefor, which shall be filed with the ~~division of accounts and control~~ DEPARTMENT OF PERSONNEL.

**SECTION 40.** 11-44-101.6 (4), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**11-44-101.6. Financial services board - creation.** (4) Each member of the board shall receive the same per diem compensation and reimbursement of expenses as those provided for members of boards and commissions in the division of registrations pursuant to section 24-34-102 (13), C.R.S. Payment for all such expenses and allowances shall be made upon vouchers therefor, which shall be filed with the ~~division of accounts and control~~ in the department of personnel.

**SECTION 41.** 12-59-119 (1) and (2), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

**12-59-119. Preservation of records.** (1) In the event that a school located within this state ceases operation, the owner or such owner's authorized designee shall deposit with the ~~division of state archives and public records~~ DEPARTMENT OF PERSONNEL the original or legible true copies of all educational, financial, or other records of said school.

(2) In the event that it appears to the division that any such records of a school ceasing operation are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the division, the division may seize and take possession of such records upon making application to any court of competent jurisdiction for an appropriate order. The division shall maintain or cause to be maintained in the ~~division of state archives and public records~~ DEPARTMENT OF PERSONNEL a permanent file of any such records.

**SECTION 42.** 12-59-121, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

**12-59-121. Violations - civil - penalty.** The division may commence a civil action against any entity believed by the division to have violated the provisions of section

12-59-107 or who fails or refuses to deposit with the ~~division of state archives and public records~~ DEPARTMENT OF PERSONNEL the records required by section 12-59-119. Upon a finding that such entity has violated the provisions of section 12-59-107 or has failed or refused to deposit with the ~~division of state archives and public records~~ DEPARTMENT OF PERSONNEL the records required by section 12-59-119, the court shall order such entity to pay to the division a civil penalty not to exceed one hundred dollars for each violation. Each day's failure by an entity to comply with the provisions of said section shall be a separate violation.

**SECTION 43.** 12-59-122, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

**12-59-122. Violations - criminal - penalty.** Any person, group, or entity, or any owner, officer, agent, or employee thereof, who willfully violates the provisions of section 12-59-107 or who willfully fails or refuses to deposit with the ~~division of state archives and public records~~ DEPARTMENT OF PERSONNEL the records required by section 12-59-119 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. It is the duty of the district attorney to prosecute all violations of this section occurring within his OR HER district.

**SECTION 44.** 17-24-111 (1) (a), (1) (c), (1) (f), and (2) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**17-24-111. Purchasing requirement.** (1) (a) The director is hereby authorized to develop programs that produce goods and services, including capital construction items, which are used by agencies financed in whole or in part by the state, any political subdivision thereof, or the federal government and to develop programs that produce goods, including capital construction items, which are used by public entities involved in lease-purchase agreements as provided in section 17-24-106 (1) (f) (II). The director shall also develop programs to market goods and services to distributor networks, nonprofit organizations, private sector retailers, and the general public. The state and its institutions, agencies, and departments may purchase through the ~~state purchasing director~~ DEPARTMENT OF PERSONNEL or purchasing agency authorized by section 24-102-302 (2), C.R.S., such goods and services as are produced by the division, unless similar goods and services can be obtained at or below the amount established for small purchases which are exempt from the competitive sealed bidding requirements of the "Procurement Code" contained in part 2 of article 103 of title 24, C.R.S. Goods and services produced by the division shall be provided at a price comparable to the current market price for similar goods and services. State agencies may purchase goods and services from sources other than the division; except that office furniture and office systems shall be purchased from the division. Printing services shall be purchased from the division unless a state agency operates its own printing operation. If the division is not able to provide its goods or services at a price or level of quality which is comparable to that provided by the private sector or provide them in a timely manner, which price, level of quality, or timeliness is determined by the ~~state purchasing director~~ DEPARTMENT OF PERSONNEL, the ~~state purchasing director~~ DEPARTMENT OF PERSONNEL shall make a certification to that effect, and the state agency purchasing such goods or services shall not be required to purchase them from the division.

(c) The financial and staff resources dedicated to said purchasing function in the affected agency shall be under the authority of ~~the division of purchasing~~ in the department of personnel during the period of suspension, and purchases made for the affected agency shall be in accordance with the requirements of this subsection (1).

(f) The division of correctional industries shall have access to the PURCHASING records of the ~~division of purchasing~~ DEPARTMENT OF PERSONNEL and the records of purchasing agents of state agencies established pursuant to section 24-102-302, C.R.S.

(2) (a) On or before April 1 and October 1 of each year or as often within the year as may be necessary, the director shall report to the ~~state purchasing director~~ DEPARTMENT OF PERSONNEL or purchasing agency, the office of state planning and budgeting, the correctional industries advisory committee, and the joint budget committee of the general assembly all goods and services to be produced by the division during the following one-year period. The ~~state purchasing director~~ DEPARTMENT OF PERSONNEL or purchasing agency shall inform all state agencies, within thirty days, of such list. All state agencies that require such goods and services for their operation shall inform the ~~state purchasing director~~ DEPARTMENT OF PERSONNEL or purchasing agency and the office of state planning and budgeting of the anticipated orders for such goods and services during the next one-year period. All orders for such goods and services shall be placed by the agency through the ~~state purchasing director~~ DEPARTMENT OF PERSONNEL or purchasing agency. Except as otherwise provided in subsection (1) of this section, all state agencies may be required to purchase such goods and services from the division.

**SECTION 45.** 24-1-136 (3) (d) and (6), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-1-136. "Information Coordination Act" - policy - functions of the heads of principal departments.** (3) The heads of the principal departments shall jointly have the following responsibilities of coordination and control:

(d) Delivery to the custody of the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, as chief administrative officer of the ~~division of~~ state archives and public records, of two official archival copies of original published and processed agency reports, studies, and other publications and distribution of other copies of the original reports as directed by the governor. Colleges and universities shall forward a monthly listing of publications in the form and manner prescribed by the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL.

(6) Nothing in this section shall be construed to change or supersede the present authority and responsibility of the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL to act as official custodian and trustee of permanent public documents and to respond to all reasonable requests for reference, research, and information and to provide facsimiles thereof concerning the contents of original agency reports.

**SECTION 46.** 24-14-102, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-14-102. Purchase of insurance authorized.** The head of a department of the state of Colorado, with the approval of the governor or, in the case of the county or city and county, the chief executive officer or board of county commissioners, subject to appropriations being available therefor, is hereby authorized to procure insurance, through the ~~state purchasing director~~ DEPARTMENT OF PERSONNEL as provided in the "Procurement Code", articles 101 to 112 of this title, for the purpose of insuring its officers, employees, and agents against any liability, other than a liability which may be insured against under the provisions of the "Workers' Compensation Act of Colorado", for injuries or damages resulting from their negligence or other tortious conduct during the course of their service or employment. Counties or cities and counties are authorized to insure their officers, employees, and agents against similar liabilities.

**SECTION 47.** 24-14-103, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-14-103. Approval of seller - premium cost.** Any policy of insurance shall be obtained from an insurer authorized to transact business in this state and deemed by the ~~state purchasing director~~ DEPARTMENT OF PERSONNEL or the appropriate governing body of the governmental subdivision to be responsible and financially sound considering the extent of the coverage required. The premium for such insurance shall be a proper charge against the state or the appropriate governmental subdivision.

**SECTION 48.** 24-16-106, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-16-106. Rules and regulations.** On or after July 1, 1981, but before January 1, 1982, ~~the division of accounts and control~~ of the department of personnel shall promulgate rules and regulations which are designed to implement the provisions of this article. In promulgating such rules and regulations, the controller may seek the advice of the advisory committee on governmental accounting appointed pursuant to section 29-1-503, C.R.S., but the advice of such committee shall not be binding upon the controller. He shall at all times be concerned with the promulgation and implementation of rules and regulations concerning the obligation of agencies of government to keep certain project records, even if duplicative, in accordance with generally accepted cost accounting principles and standards. Upon request of local government officials, the ~~division of accounts and control~~ DEPARTMENT OF PERSONNEL may assist local government officials in implementing cost accounting procedures.

**SECTION 49.** 24-22-113 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-22-113. Power of state treasurer to loan money to the Colorado financial reporting system project - repeal.** (1) At the discretion of the state treasurer, as provided in section 24-75-203 (2), the state treasurer shall loan to the Colorado financial reporting system (COFRS) project an amount determined by the COFRS line item in the general appropriation act. In addition, the state treasurer shall ensure that the loan is repaid from cost savings or increased earnings identified as a direct result of improvements in the automated financial reporting system. In the event that

cost savings and increased earnings are not sufficient to repay the loan, the state treasurer, with the cooperation of the ~~division of accounts and control in the~~ department of personnel, shall collect the difference from the state agency general appropriation act line items which have been identified in the loan. It is the intent of the general assembly that program services not be reduced in order to repay this loan.

**SECTION 50.** 24-30-201 (10), (12) (a), and (12) (b), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-30-201. Division of accounts and control - controller.** (10) The attorney general shall be the legal adviser of the controller ~~and the division of accounts and control~~ and to ~~him~~ THE ATTORNEY GENERAL shall be referred any question concerning the legality of any obligation by or claim against the state.

(12) The controller shall prescribe and cause to be installed a unified and integrated system of accounts for the state. Such system shall be based upon the accrual system of accounting, as enunciated by the governmental accounting standards board, which shall include:

(a) A set of budgetary control accounts for each fund, which shall be maintained ~~by the division of accounts and control~~ PURSUANT TO THE ACCOUNTS AND CONTROL FUNCTIONS OF THE DEPARTMENT OF PERSONNEL;

(b) A set of general controlling proprietary and operating accounts for each fund, which shall be maintained ~~by the division of accounts and control~~ PURSUANT TO THE ACCOUNTS AND CONTROL FUNCTIONS OF THE DEPARTMENT OF PERSONNEL, recording the transactions of the fund in summary form and showing the actual current assets, prepaid expenses, current liabilities, deferred credits to income, reserves, actual income, actual expenditures, and current surplus or deficit as the case may be;

**SECTION 51.** 24-30-202.5, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-30-202.5. Assistant state solicitors general.** The state solicitor general shall appoint ~~to the division of accounts and control~~ such assistants as are reasonably necessary to perform the legal services which the controller may require to carry out the duties of collection of debts due the state.

**SECTION 52.** 24-30-206 (1) (a) and (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-206. Work program - allotments - revision.** (1) (a) Not later than July 1 of each year, the governor shall require the head of each department of the executive branch of state government to submit to him OR HER through the controller a work program for the ensuing fiscal year. For purposes of this section, in the case of the department of higher education, the governing boards of institutions of higher education shall perform the duties specified for the head of a department with respect to institutions under their control, and the executive director of the department of higher education shall perform the duties specified for the head of a department with respect to the Colorado commission on higher education. Such program shall include allotments of all appropriations and other funds from any source made available to

said department for its operation and maintenance and for the acquisition of property; except that, in the case of the department of higher education, such program shall include allotments of all general fund appropriations and cash funds in the form of tuition and indirect cost recoveries and need not include other cash funds or funds from other sources made available to said department. The program shall show the requested allotments of said appropriations and other funds by quarters for the entire fiscal year and shall separately set forth the requested quarterly allotments of general fund appropriations. Separate allotments shall be submitted for each separate agency number in the state's accounting system assigned by the ~~division of accounts and control~~ DEPARTMENT OF PERSONNEL. The governor, with the assistance of the controller and the office of state planning and budgeting, shall review the requested allotments with respect to the work program of each department, and the governor shall, if he deems it necessary, revise, alter, or change such allotments before approving the same.

(b) The judicial and legislative departments of state government shall prepare work programs for the ensuing fiscal year. Such programs shall include allotments of all appropriations and other funds from any source made available to said departments for their operation and maintenance and for the acquisition of property. The program shall show the allotments by quarters for the entire fiscal year and shall separately set forth quarterly allotments of general fund appropriations. Separate allotments shall be submitted for each separate agency number in the state's accounting system assigned by the ~~division of accounts and control~~ DEPARTMENT OF PERSONNEL. Such programs and allotments shall be subject to approval, in the case of the judicial department, by the chief justice and, in the case of the legislative department, by a majority of the following: The speaker of the house of representatives; the president of the senate; the majority leaders of the house of representatives and the senate; and the minority leaders of the house of representatives and the senate.

**SECTION 53.** 24-30-805 (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-805. Eligibility for participation.** (1) All state employees, whether classified or unclassified, shall be eligible to receive awards under the program, except:

(b) The staffs of the office of state planning and budgeting, the joint budget committee, the state auditor, and the ~~division of accounts and control~~ DEPARTMENT OF PERSONNEL;

**SECTION 54.** 24-30-907, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-30-907. Higher education exemption.** Local and internal telecommunications networks of institutions of higher education may be exempted from the provisions of this part 9 upon application to the ~~state telecommunications director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL; except that all systems must be certified by the ~~state telecommunications director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL as being technically compatible with plans and networks as described in section 24-30-903 (1).

**SECTION 55.** 24-30-908 (1) and (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-908. Telecommunications revolving fund - service charges - pricing policy.** (1) Users of the ~~division of telecommunications~~ DEPARTMENT OF PERSONNEL telephone and data communication services shall be charged the full cost of the particular service, which shall include the cost of all material, labor, and overhead. Said user charges shall be transmitted to the state treasurer, who shall credit the same to the ~~division of telecommunications revolving fund~~, which fund is hereby created. The moneys in such fund are subject to annual appropriations by the general assembly to the department of personnel for allocation to the ~~state telecommunications director~~ for use in acquiring such materials, supplies, labor, and overhead as are required for telephone and data communications related service functions. Said revolving fund shall be limited to telephone service and data communications and shall not include public safety or radio systems.

(2) The ~~state telecommunications director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall establish a policy of remaining competitive with private industry with regard to the cost, timeliness, and quality of the telephone service or data communication functions provided by the ~~division of telecommunications~~ DEPARTMENT OF PERSONNEL. Agencies interested in purchasing services from the private sector shall work with the ~~division of telecommunications~~ DEPARTMENT OF PERSONNEL to develop bid specifications, which shall identify all services, requirements, and costs. All bids shall be consistent with the state's long-term telecommunication objectives.

**SECTION 56.** 24-30-909, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

**24-30-909. Appeal from decisions of director.** ~~If any state department, institution, or agency disagrees with any decision, plan, procedure, priority, standard, rule, regulation, or other act of the division of telecommunications or its director, the head thereof shall notify the executive director of the department of personnel of the basis for such disagreement, and, within ten working days, the said executive director shall, in his or her discretion, uphold, modify, or reverse such decision, procedure, plan, priority, standard, rule, regulation, or other act.~~

**SECTION 57.** 24-30-1303 (1) (k.5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1303. Department of personnel - responsibilities - repeal.** (1) The department shall:

(k.5) Coordinate initiation of budget requests for controlled maintenance projects and make recommendations concerning such requests to the capital development committee and to the office of state planning and budgeting. In the event that a controlled maintenance request exceeds approximately two hundred fifty thousand dollars, the ~~director of the state buildings division~~ EXECUTIVE DIRECTOR may require the department making the request to prepare a feasibility study or program plan for the request. The ~~director~~ EXECUTIVE DIRECTOR may establish guidelines or criteria for such feasibility study or program plan.

**SECTION 58.** 24-30-1505 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-30-1505. Powers of the state risk manager.** (2) ~~The state risk manager shall advise the executive director with regard to~~ SHALL DETERMINE the need, if any, for procuring commercial insurance to protect the state against liability and the specifications for such insurance. The acquisition of any insurance shall be pursuant to the state "Procurement Code", articles 101 to 112 of this title. In the event that no responsible competitive sealed bids are received, ~~the state risk manager, with the approval of~~ the executive director may negotiate with any agent, broker, or insurance company to secure the required coverage or necessary coverage. Such negotiated policy or policies shall be subject to the approval of the board.

**SECTION 59.** 24-30-1507, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-30-1507. Legal services.** The executive director shall provide legal services for the defense of claims brought against the state and may in his OR HER discretion employ legal counsel to coordinate, direct, supervise, or otherwise aid in the investigation of any incident or occurrence likely to result in a claim against the state. The executive director may provide for those legal services through the state attorney general's office or, with the concurrence of the state attorney general, may purchase such legal services from any private law firm or attorney. ~~recommended by the division.~~

**SECTION 60.** 24-30-1510 (2) and (3) (e), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-30-1510. Risk management fund - creation - authorized and unauthorized payments.** (2) The risk management fund shall maintain reserves for incurred but unpaid claims, including general liability and automobile liability claims. The risk management fund shall maintain reserves to provide for the contingency that the reserves set aside in the fund to meet estimated expenses are inadequate to cover the actual expenses realized. The board after consultation with the ~~state risk manager~~ EXECUTIVE DIRECTOR shall recommend the amount of money that is required to maintain adequate reserves. Adequate reserves shall be maintained in the risk management fund subject to available appropriations made by the general assembly in its discretion.

(3) Expenditures shall be made out of the risk management fund in accordance with subsection (1) of this section only for the following purposes:

(e) To pay liability claims and expenses related thereto when a state agency has contracted to defend and hold harmless the owner of property leased to the state agency for a state purpose if such contract limits the state's obligation to claims arising from alleged negligent acts or omissions of the state agency and of its public employees which occurred or are alleged to have occurred during the performance of their duties and within the scope of their employment, except where such acts or omissions are willful and wanton. Such claims shall be subject to the limitations of the "Colorado Governmental Immunity Act", article 10 of this title. No such contract shall be valid unless approved in writing by the ~~state risk manager~~ EXECUTIVE

DIRECTOR and meets the requirements of this paragraph (e).

**SECTION 61.** 24-30-1510.3, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1510.3. Risk management fund - state employee workers' compensation account - assessment of risks to institutions of higher education.**

In determining the amount of risk assessed to institutions of higher education for purposes of making recommendations to the joint budget committee on the amount of appropriations necessary to reflect the risks attributable to institutions of higher education for the risk management fund and for the state employee workers' compensation account in the risk management fund, the ~~state risk manager~~ EXECUTIVE DIRECTOR shall base such assessments and recommendations on actuarially sound analyses that appropriately and fairly reflect the accurate risks and claim experience attributable to institutions of higher education.

**SECTION 62.** 24-30-1510.5 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-30-1510.5. Self-insured property fund - creation - authorized and unauthorized payments - executive director authorized to make payments.**

(2) The self-insured property fund shall maintain reserves for incurred but unpaid loss or damage claims to state property. The self-insured property fund shall maintain reserves to provide for the contingency that the reserves set aside in the fund to meet estimated expenses are inadequate to cover the actual expenses realized. The executive director ~~after consultation with the state risk manager~~ shall recommend the amount of money that is required to maintain adequate reserves. Adequate reserves shall be maintained in the self-insured property fund subject to available appropriations made by the general assembly in its discretion.

**SECTION 63.** 24-30-1510.7 (2) (a) and (5) (a) (II), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-1510.7. Workers' compensation for state employees.** (2) Expenditures shall be made out of the state employee workers' compensation account in the risk management fund in accordance with subsection (1) of this section only for the following purposes:

(a) To pay workers' compensation benefits to state employees in accordance with articles 40 to 47 of title 8, C.R.S., and to pay the administrative costs of operating the ~~division~~ DEPARTMENT OF PERSONNEL in relation to the workers' compensation self-insurance program for state employees;

(5) (a) (II) In no event shall the ~~division~~ DEPARTMENT OF PERSONNEL elect to self-insure for workers' compensation claims prior to the beginning of a fiscal year in which the general assembly appropriates sufficient funds for such self-insurance.

**SECTION 64.** 24-30-1511, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1511. State treasurer to invest funds.** The state treasurer shall invest any

portion of the risk management fund, including its reserves and moneys deposited pursuant to section 24-30-1510.6, which the ~~state risk manager~~ EXECUTIVE DIRECTOR and the board determine is not needed for immediate use. The state treasurer shall invest any portion of the self-insured property fund, including its reserves, which the ~~state risk manager~~ EXECUTIVE DIRECTOR determines is not needed for immediate use. The state treasurer shall invest any portion of the state employee workers' compensation account in the risk management fund, including its reserves, which the ~~state risk manager~~ EXECUTIVE DIRECTOR determines is not needed for immediate use. Such moneys may be invested in the types of investments authorized in sections 24-36-109, 24-36-112, and 24-36-113.

**SECTION 65.** 24-30-1515 (2) (a) (I), (2) (a) (II), and (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-1515. Compromise or settlement of claims - authority.** (2) (a) The following parties are authorized to make compromises or settlements on behalf of the state in the following amounts:

(I) A claims adjuster employed by the ~~division~~ DEPARTMENT OF PERSONNEL or under contract with the ~~division~~ DEPARTMENT OF PERSONNEL is authorized to settle claims for an amount not to exceed five thousand dollars;

(II) The claims manager of the ~~division~~ DEPARTMENT OF PERSONNEL is authorized to settle and direct payment in settlement of claims for an amount not to exceed twenty-five thousand dollars;

(3) Disbursements from the risk management fund for claims compromised or settled in accordance with this part 15 shall be paid by the state treasurer upon warrants drawn in accordance with law upon vouchers issued by the ~~division~~ DEPARTMENT OF PERSONNEL upon order of the board or person authorized in subsection (2) of this section to make such compromise or settlement.

**SECTION 66.** The introductory portion to 24-30-1516 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-30-1516. Rules and regulations.** (1) In order to carry out the purposes of this part 15, ~~the state risk manager with the approval of the executive director~~ may promulgate reasonable rules and regulations governing the following:

**SECTION 67.** 24-30-1519, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-30-1519. Insurance policies.** The procurement of any property or liability insurance policy by any state agency shall be coordinated through and approved by the ~~division~~ DEPARTMENT OF PERSONNEL. State agencies are encouraged to submit any other insurance policy to the ~~division~~ DEPARTMENT OF PERSONNEL for review and evaluation.

**SECTION 68.** The introductory portion to 24-30-1604 (1) and 24-30-1604 (2) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-30-1604. Powers of the executive director - penalty for breach of confidentiality.** (1) In order to perform the functions and duties of the GGCC as set forth in this part 16, ~~the director of the GGCC,~~ with the approval of the executive director of the department of personnel shall exercise the following powers:

(2) (a) Except in accordance with judicial order or as otherwise provided by law, neither the ~~director of the GGCC~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL nor any GGCC employee shall divulge or make known in any way information disclosed in any restricted or protected document, program, or dataset located at or in the custody of the GGCC.

**SECTION 69.** 24-30-1605, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

**24-30-1605. Appeal from decisions of director.** ~~If any state department, institution, or agency disagrees with any decision, plan, procedure, priority, standard, rule, regulation, or other act of the GGCC or its director, the head thereof shall notify the executive director of the department of personnel of the basis for such disagreement, and, within ten working days, the said executive director shall, in his or her discretion, uphold, modify, or reverse such decision, procedure, plan, priority, standard, rule, regulation, or other act.~~

**SECTION 70.** 24-30-1607, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

**24-30-1607. Transfer of functions, equipment, and personnel.** ~~(1) The GGCC shall, on and after July 1, 1987, execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested in the division of automated data processing in the department of personnel prior to July 1, 1987, concerning the duties and functions transferred to the GGCC. On July 1, 1987, all employees of the division of automated data processing whose principal duties are concerned with the duties and functions transferred to the GGCC and whose employment in the GGCC is deemed necessary by the director of the GGCC to carry out the purposes of this part 16 shall be transferred to the GGCC and shall become the employees thereof. Such employees shall retain all rights to state personnel system benefits and retirement benefits under the laws of this state, and their services shall be deemed to have been continuous. All transfers and any abolishment of positions in the state personnel system shall be made and processed in accordance with state personnel system laws and rules and regulations.~~

~~(2) On July 1, 1987, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the division of automated data processing pertaining to the duties and functions transferred to the GGCC pursuant to section 24-1-116 (2), are transferred to the GGCC and become the property thereof.~~

~~(3) Whenever the division of automated data processing is referred to or designated by any contract or other document in connection with the duties and functions transferred to the GGCC, such reference or designation shall be deemed to apply to the GGCC. All contracts entered into by the division of automated data processing prior to July 1, 1987, in connection with the duties and functions~~

~~transferred to the GGCC are hereby validated, with the GGCC succeeding to all the rights and obligations of such contracts. Any appropriation of funds from prior fiscal years available to satisfy obligations incurred under such contracts are hereby transferred and appropriated to the GGCC for the payment of such obligations.~~

**SECTION 71.** 24-34-102 (5) and (6), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-34-102. Division of registrations - creation - duties of division and department heads.** (5) Each of the examining and licensing boards or agencies shall be provided with suitable offices in the capitol buildings group if space is available in any of such buildings and, if not, then in a suitable office building in the city and county of Denver selected by the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL. It is lawful and proper for two or more of such boards or agencies to be assigned space in the same office room or suite, if such grouping or joint occupancy, in the opinion of the executive director of the department of regulatory agencies, will not unreasonably interfere with the efficient operation of any of such boards or agencies so grouped or joined.

(6) Each of the examining and licensing boards or agencies to which office space is provided shall pay into the general revenue fund of the state out of the moneys appropriated to it by the general assembly a monthly or annual charge for rental, heat, light, telephone, collection, legal, and other state services made available to such board or agency as may be fixed by the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, with the approval of the executive director of the department of regulatory agencies, such charges to be not more than twenty-five percent of the moneys appropriated to it by the general assembly.

**SECTION 72.** 24-50.3-104 (3) (f), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-50.3-104. Powers and duties of executive director.** (3) In order to perform these duties, the executive director shall have the power to:

(f) Promulgate rules and regulations for the controller ~~and the staff of the division of accounts and control~~ in the collection of debts referred to that office, including such matters as referrals to collection agencies or practicing attorneys for out-of-state collection of debts; authority to write off, release, or compromise debts; authorization of suit filings; and methods of collection of judgments;

**SECTION 73.** 24-70-202, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-70-202. Executive director of the department of personnel to supervise.** The ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall have full direction and supervision of all public printing of the state of Colorado and particularly as specified in this part 2. The general assembly declares that it is in the public interest and necessary for economy in the expenditure of public moneys, and in the prevention of the duplication of public offices, to provide for the supervision and direction of public printing by the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL. The ~~state purchasing~~

~~director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall supervise and direct all public printing as a part of and in connection with his OR HER duties as ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL without additional compensation. ~~He~~ THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall employ, pursuant to section 13 of article XII of the state constitution and laws relating to the state personnel system, such persons as he OR SHE may deem necessary to properly and fully direct and supervise all public printing of the state of Colorado, who shall be practical printers with at least five years' experience in commercial printing.

**SECTION 74.** 24-70-205 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-70-205. Contracts for public printing.** (2) The ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall advertise at least two times in newspapers of general circulation published and printed in the city and county of Denver, in sufficient time to insure furnishing of such printing when needed, inviting sealed proposals for doing printing included in the first, second, or third classes. Calls for bids for the printing specified in the fourth class shall be made from time to time in the discretion of the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL as such printing may be required for the state and its departments. The ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL may call for bids on any item or group of items at such times as he OR SHE may designate; except that printing for the state agencies outside the Denver area may be secured by the respective heads of such agencies by securing the approval of the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL after a call for bids, as specified under rules and regulations established by the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL.

**SECTION 75.** 24-70-206, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-70-206. Bids - specifications.** The ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall have the responsibility for setting detailed standards and specifications for the submission of all bids. Bids which do not comply with such standards and specifications may be rejected by the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL. The ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall consult with the president of the senate and the speaker of the house of representatives and the chief justice of the Colorado supreme court, as applicable, concerning the content, format, and specifications for printing in classes one, two, and three. Publications of the executive branch in class four of public printing shall be approved by the controller before being submitted for bid.

**SECTION 76.** 24-70-207, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-70-207. Delivery of sealed bids.** All bids and proposals shall be delivered at the office of the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, in the state capitol buildings group, endorsed, "Proposals for state

printing; Class .....", and shall be and remain sealed until the hour specified in the advertisements or call for the opening of such bids and proposals, and in no case shall bids be received by the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL after such hour, except for bids of state institutions.

**SECTION 77.** 24-70-208, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-70-208. Bid guarantee - opening bid.** The ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, in the case of classes one, two, or three, shall consider only bids which are accompanied by a bid guarantee satisfactory to the ~~state purchasing director~~ EXECUTIVE DIRECTOR, in the sum of at least five percent of the established value of the contract, conditioned that the person making the bid, if the contract is awarded him OR HER, within ten days after notification that his OR HER bid has been accepted, will enter into such contract in accordance with his OR HER bid or proposal and in accordance with the provisions of this part 2 and all specifications submitted by the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL.

**SECTION 78.** 24-70-209 (1) and (2), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-70-209. Letting of contract - bond.** (1) At the hour specified for the opening of bids submitted for printing under classes one, two, or three, the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, in the presence of such bidders as may choose to attend, shall open such bids and proceed to determine the lowest responsible bidder for each class, having full regard for the probable aggregate cost of all things to be furnished and work to be done under such contract in accordance with such bid. After the determination of same, ~~said purchasing director~~ THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL immediately shall notify such lowest responsible bidder of his OR HER appointment to execute the work, and such bidder, within ten days after receiving such notice, shall execute a bond to the state of Colorado in such sum as the ~~state purchasing director~~ EXECUTIVE DIRECTOR determines, conditioned for the faithful performance of his OR HER contract in all respects, with sureties to be approved by the ~~state purchasing director~~ EXECUTIVE DIRECTOR, and such bonds shall be deposited with and remain in the custody of the secretary of state.

(2) In case the lowest bidder fails to execute such bond or fails to enter into contract in accordance with the terms of his OR HER bid, he OR SHE and the sureties on his OR HER bond tendered with his OR HER bid shall be liable for all costs which may accrue to the state by reason of such failure, to be recovered from him OR HER and the sureties on his OR HER bond, and any such failure shall be conclusive evidence of damages in at least the sum of one hundred dollars. In case of such failure, the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall immediately award the contract to the next lowest responsible bidder, and the same steps shall be taken successively until a proper contract has been executed. The ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, if he deems it for the best interest of the state, may reject any or all bids, or parts of bids, and in such case, as well as on the failure of any successful bidder to enter into contract in accordance with his OR HER bid or proposal, the ~~state purchasing director~~

EXECUTIVE DIRECTOR shall readvertise for such bids or parts of bids.

**SECTION 79.** 24-70-212, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-70-212. Quality of paper.** The quality of paper to be used for blanks, stationery, and blank books shall be number one grade flat writing, twenty pound, twenty-five percent rag content bond and number one grade ledger, which shall be furnished by the contractor according to the specifications of the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, unless otherwise specified in the call for bids, as the nature of the job may require.

**SECTION 80.** 24-70-215, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-70-215. Requisitions for printing.** No public printing of any sort or description whatever may be furnished to any department of the state government or to any officer or employee of the state, except on requisition of the head of a department, addressed to the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL; but the provisions of this section do not apply to the printing, publishing, or binding of the reports of the decisions of the supreme court or the court of appeals.

**SECTION 81.** 24-70-218, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-70-218. Attorney general to bring action, when.** If any person making any bid or proposal under this part 2 fails or refuses to enter into a contract pursuant to the terms of his OR HER bid or proposal within the time mentioned in his OR HER bond presented with such bid or proposal or fails to fulfill his OR HER contract or if there is any unreasonable delay in performing the things required under the terms of such contract, it is the duty of the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL to notify the attorney general of the state, who shall at once bring suit on the bond of such contractor against such contractor and his OR HER sureties and shall prosecute the same to judgment and final execution.

**SECTION 82.** 24-70-219, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-70-219. Annulment of contract.** Upon the failure or nonperformance in any particular of the terms of any of the contracts on the part of a contractor with the state or for any unreasonable delay in performing the things required under the terms of such contract, the governor may annul the contract in which such default is made, and payment for all work theretofore done by the contractor shall be withheld until the damage to the state is ascertained by proper adjudication, and the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL may thereupon readvertise and enter into a contract for the balance of the uncompleted term of any contract so annulled or abrogated in the manner prescribed for contracting by the terms of this part 2.

**SECTION 83.** 24-70-221, Colorado Revised Statutes, 1988 Repl. Vol., is

amended to read:

**24-70-221. Account not approved, when.** All printing that is purchased for the use of the general assembly, or the members thereof, or for any officer or person whatever to whom such printing is furnished at the expense of the state shall be printed on the quality and size of paper and in the manner specified in the contract for printing and furnishing such printing, and the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall not approve any account, nor shall any money be paid from the state treasury, for any work or material that is not in accordance with the requirements of such contract or for which a higher price is charged than that specified in the contract for such printing.

**SECTION 84.** 24-75-903 (2), (5), and (6), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-75-903. Definitions.** As used in this part 9, unless the context otherwise requires:

(2) "Fund" means any fund or group of accounts to which state moneys are credited, including, but not limited to: The general fund, the highway users tax fund, the Colorado compensation insurance authority fund, the Colorado water conservation board construction fund, the ~~division of~~ central services revolving fund, the correctional industries account, the capital construction fund, the severance tax trust fund, and the higher education fund.

(5) Items in the present care, custody, and trusteeship of the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL which are not records as defined by section 24-80-101, because of their historical, library, or museum interest or value, shall be retained by the state historical society, and items which are not records which are in the future proposed for disposition under the provisions of this part 1, but determined to be of historical, library, or museum interest or value, shall be transferred to the state historical society with its consent in accordance with provisions set forth in section 24-80-104.

(6) The state historical society, qualified students, and scholars approved by the society or the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL and other appropriate persons shall have the right of reasonable access to all records in the custody of the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL for purposes of historical reference, research, and information, and the state historical society shall have the privilege of museum display of original historical records or facsimiles thereof, subject to provisions of section 24-80-106. Copies of records, as defined in section 24-80-101, having historical, library, or museum interest or value shall be furnished to the state historical society by the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL upon request of the society in accordance with provisions of sections 24-80-103 and 24-80-107.

**SECTION 85.** 24-80-103, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-80-103. Determination of value - disposition.** Every public officer who has

public records in his OR HER custody shall consult periodically with the ~~state archivist of the division of state archives and public records~~ DEPARTMENT OF PERSONNEL and the attorney general of the state, and such three officers shall determine whether the records in question are of legal, administrative, or historical value. Those records unanimously determined to be of no legal, administrative, or historical value shall be disposed of by such method as such three officers may specify. A list of all records so disposed of, together with a statement certifying compliance with this part 1, signed by these three officers, shall be filed and preserved in the office from which the records were drawn and in the files of the ~~state archivist~~ DEPARTMENT OF PERSONNEL. Public records in the custody of the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL may be disposed of upon a similar determination by the attorney general, the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, and the head of the agency from which the records were received, or its legal successor.

**SECTION 86.** 24-80-104, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-80-104. Transfer of records to archives.** Those records deemed by the public officer having custody thereof to be unnecessary for the transaction of the business of his OR HER office and yet deemed by the attorney general or the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL to be of legal, administrative, or historical value may be transferred, with the consent of the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, to the custody of the ~~division of state archives and public records~~ DEPARTMENT OF PERSONNEL. A list of all records so transferred, together with a statement certifying compliance with this part 1, signed by such three officers, shall be preserved in the files of the office from which the records were drawn and in the files of the ~~said division~~ DEPARTMENT OF PERSONNEL.

**SECTION 87.** 24-80-105, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-80-105. Disposal of records.** All public records of any public office, upon the termination of the existence and functions of that office, shall be checked by the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL and the attorney general and either disposed of or transferred to the custody of the ~~division~~ DEPARTMENT OF PERSONNEL, in accordance with the procedure of this part 1 and the findings of such two officers. When a public office is terminated or reduced by the transfer of its powers and duties to another office or to other offices, its appropriate public records shall pass with the powers and duties so transferred.

**SECTION 88.** 24-80-106, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-80-106. Protection of records.** The ~~division of state archives and public records~~ DEPARTMENT OF PERSONNEL and every other custodian of public records shall carefully protect and preserve them from deterioration, mutilation, loss, or destruction and, whenever advisable, shall cause them to be properly repaired and renovated. All paper, ink, and other materials used in public offices for the purpose of permanent records shall be of durable quality.

**SECTION 89.** 24-80-107 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-80-107. Reproduction on film - evidence.** (2) Whenever such photographs, microphotographs, or reproductions on film properly certified are placed in conveniently accessible files and provisions made for preserving, examining, and using the same, any such public officer may cause the original records from which the photographs or microphotographs have been made, or any part thereof, to be disposed of according to methods prescribed by sections 24-80-103 to 24-80-106. Such copies shall be certified by their custodian as true copies of the originals before the originals are destroyed or lost, and the copies so certified shall have the same force and effect as the originals. Copies of public records transferred from the office of their origin to the ~~division~~ DEPARTMENT OF PERSONNEL, when certified by the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL or the assistant ~~archivist~~ TO THE EXECUTIVE DIRECTOR, shall have the same legal force and effect as if certified by the original custodian of the records.

**SECTION 90.** 24-80-108, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-80-108. Access to public records.** The ~~state archivist of the division of state archives and public records~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, in person or through a deputy, shall have the right of reasonable access to all nonconfidential public records in the state, or any public office of the state of Colorado, or any county, city, municipality, district, or political subdivision thereof, because of the historical and research value of data contained therein, with a view to securing their safety and determining their need for preservation or disposal.

**SECTION 91.** 24-80-109, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-80-109. Records may be replevined.** On behalf of the state and the ~~division of state archives and public records~~ DEPARTMENT OF PERSONNEL, the attorney general may replevin any public records which were formerly part of the records or files of any public office of the territory or state of Colorado.

**SECTION 92.** 24-80-110, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-80-110. Disagreement as to value of records.** In the event the attorney general and the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL determine that any records in the custody of a public officer including the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, but not those in the custody of a public officer of any county, city, municipality, district, or political subdivision thereof, are of no legal, administrative, or, subject to section 24-80-211 (1) (b), historical value, but the public officer having custody of said records or from whose office records originated fails to agree with such determination or refuses to dispose of said records, the attorney general and the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL may request the governor to make his OR HER determination as to whether said records should be disposed of in the interests of conservation of space, economy, or safety.

**SECTION 93.** 24-80-211 (1) (a), (1) (b), and (1) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-80-211. Society and division.** (1) The state historical society shall continue as an educational institution of the state, considered as a division of the department of higher education for the purpose of determining the order of its appropriation; except that:

(a) ~~The division of state archives and public records shall be a division of the department of personnel of the state government, separate and apart from the state historical society;~~

(b) The ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall consult with the state historical society with respect to the proposed destruction under part 1 of this article of any documentary, library, or museum materials, whether or not defined in section 24-80-101 as records, and shall not consent to the destruction of any such materials determined by the state historical society to be of historical value; and

(c) The installation of any museum display or exhibition of historical materials in the ~~division of state archives and public records~~ DEPARTMENT OF PERSONNEL shall be with the guidance and counsel of the state historical society.

**SECTION 94.** 24-82-202, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-82-202. Approval.** Any easement or right-of-way given or granted under this part 2 shall be only upon approval of the chief executive officer and the commission or board, if any, of the institution, department, or agency across the premises of which such easement or right-of-way shall cross, ~~the state purchasing director~~, the executive director of the department of personnel, the governor, and the attorney general as to the legal form of the easement or right-of-way.

**SECTION 95.** 24-82-408, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-82-408. Purchases - how made.** All purchases of equipment, supplies, and material required for the operation of the state agency shall be made through the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL.

**SECTION 96.** 24-101-105 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-101-105. Application of this code.** (1) This code shall apply to all publicly funded contracts entered into by all governmental bodies of the executive branch of this state; except that this code shall not apply to the procurement of bridge and highway construction nor to contracts for unsolicited or comparable proposals for public-private initiatives under section 43-1-1203, C.R.S. Except as provided in section 24-111-103, it shall also apply to contracts funded in whole or in part with federal assistance moneys. However, this code shall not apply to the awarding of either grants or contracts between the state and its political subdivisions or other

governments, except as provided in article 110 of this title. It shall apply to the transfer or disposal of state supplies. Except for the provisions of article 109 of this title, this code shall not apply to the procurement of public printing, as defined in section 24-70-201. This code shall not apply to the procurement of professional services, as defined in section 24-30-1402. Upon the request of a governmental body purchasing items for resale to the public, the ~~state purchasing director or the head of a purchasing agency~~ may, by written determination, provide that this code shall not apply to items acquired for such resale. Nothing in this code or in rules promulgated under this code shall prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.

**SECTION 97.** 24-101-201, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-101-201. Determinations.** Written determinations required by this code shall be retained in the appropriate official contract file of the ~~division of purchasing~~ DEPARTMENT OF PERSONNEL or the purchasing agency administering the procurement.

**SECTION 98.** 24-101-301 (17) and (21), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-101-301. Definitions.** The terms defined in this section shall have the following meanings whenever they appear in this code, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular article or portion thereof:

(17) "Purchasing agency" means any governmental body other than the ~~division of purchasing~~ DEPARTMENT OF PERSONNEL which is authorized to enter into contracts by section 24-102-302 (1) by way of delegation from the executive director pursuant to section 24-102-302 (2) or by the way of delegation from the ~~state purchasing director~~ EXECUTIVE DIRECTOR pursuant to section 24-102-204.

(21) "~~State purchasing director~~" means ~~the person holding the position created in section 24-102-201 as the head of the division of purchasing in the department of personnel.~~

**SECTION 99.** 24-102-101, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-102-101. Authority and duties of the executive director.** Subject to the provisions of part 4 of this article, the executive director has the authority and responsibility to promulgate rules, consistent with this code, governing the procurement and disposal of any and all supplies, services, and construction to be procured by the state, except for excess or surplus equipment and supplies as provided in section 17-24-106.6, C.R.S., and except as provided in part 17 of article 30 and part 4 of article 82 of this title. The executive director shall consider and decide matters of policy within the provisions of this code. ~~including those referred to him by the state purchasing director.~~

**SECTION 100.** 24-102-204, Colorado Revised Statutes, 1988 Repl. Vol., is

amended to read:

**24-102-204. Delegation of purchasing authority by the executive director of the department of personnel.** Subject to rules, the ~~state purchasing director~~ EXECUTIVE DIRECTOR may delegate PURCHASING authority to designees or to any department, agency, or official.

**SECTION 101.** 24-102-301, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-102-301. Centralization of procurement authority.** Except as otherwise provided in this part 3, all rights, powers, duties, and authority ~~other than the rule-making authority of the executive director~~, relating to the procurement of supplies, services, and construction and the sale and disposal of supplies, services, and construction are vested in the ~~division of purchasing~~ DEPARTMENT OF PERSONNEL, except for the disposal of excess or surplus equipment and supplies as provided in section 17-24-106.6, C.R.S., and except as provided in part 4 of article 82 of this title. The ~~division of purchasing~~ DEPARTMENT OF PERSONNEL shall establish a pilot program to determine the most cost-effective method for the procurement of travel products for state employees. The pilot program shall only be effective in Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, Pueblo, and Weld counties, which counties have been designated as "metropolitan counties" by the United States office of management and budget. The ~~state purchasing director~~ EXECUTIVE DIRECTOR shall conduct a preliminary evaluation of this pilot program and shall present a report to the general assembly not later than March 1, 1986, and a second report not later than March 1, 1987, at which time the pilot program shall be deemed terminated.

**SECTION 102.** 24-102-302 (2) and (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-102-302. Purchasing agencies - establishment - authority.** (2) If the executive director is of the opinion and so certifies in writing that the needs of any governmental body are of such specialized nature and sufficient volume to warrant a purchasing agency for such governmental body, he shall authorize the creation of the same. All such purchasing agencies shall operate under the provisions of this code and the rules promulgated pursuant thereto and shall be subject to the supervision and control of the ~~state purchasing director~~ EXECUTIVE DIRECTOR. All such purchasing agencies shall operate under the provisions of section 17-24-111, C.R.S., requiring the purchase of goods and services from the division of correctional industries, and failure of any such purchasing agency to comply with such requirement shall be cause for the ~~state purchasing director~~ and the executive director to suspend for a period of up to one year at the discretion of the executive director the authority of a purchasing agency created pursuant to this subsection (2) to purchase goods and services. The authority of a purchasing agency to purchase goods and services may also be suspended at the discretion of the executive director. The financial and staff resources dedicated to the purchasing function in the affected agency shall be under the authority of ~~the division of purchasing~~ in the department of personnel during the period of suspension, and purchases made for the affected agency shall be in accordance with the requirements of section 17-24-111 (1), C.R.S.

(3) The heads of purchasing agencies responsible for procuring the supplies, services, or construction delegated to them by subsections (1) and (2) of this section shall conduct procurements in accordance with the provisions of this code and its implementing rules. The ~~state purchasing director~~ EXECUTIVE DIRECTOR shall establish a standard supplier's form and a standard set of procedures that each purchasing agency shall use in accepting the form and evaluating the supplier. Each purchasing agency created pursuant to this section shall submit a quarterly report to the ~~state purchasing director~~ EXECUTIVE DIRECTOR regarding the quantity and type of goods and services procured during the prior quarter. Such report shall include a description of any instance where a contractor failed to deliver a good or service in accordance with the provisions of the contract. The reporting requirements established in this subsection (3) shall be in addition to and not in lieu of any other reporting requirements established in this code.

**SECTION 103.** 24-102-501, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-102-501. Collection of data concerning public procurement.** All using agencies shall furnish such reports as the ~~state purchasing director~~ EXECUTIVE DIRECTOR may require concerning usage, needs, and stocks on hand, and the ~~state purchasing director~~ EXECUTIVE DIRECTOR shall have authority to prescribe forms to be used by the using agencies in the requisitioning, ordering, and reporting of supplies, services, and construction.

**SECTION 104.** 24-103-202 (6), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-103-202. Competitive sealed bidding.** (6) Withdrawal of inadvertently erroneous bids before the award may be permitted pursuant to rules if the bidder submits proof of evidentiary value which clearly and convincingly demonstrates that an error was made. Except as otherwise provided by rules, all decisions to permit the withdrawal of bids based on such bid mistakes shall be supported by a written determination made by the ~~state purchasing director~~ EXECUTIVE DIRECTOR or the head of a purchasing agency.

**SECTION 105.** 24-103-203 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-103-203. Competitive sealed proposals.** (1) When, pursuant to rules, the ~~state purchasing director~~ EXECUTIVE DIRECTOR, the head of a purchasing agency, or a designee of either officer who is in a higher ranking employment position than a procurement officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the state, a contract may be entered into by competitive sealed proposals. Competitive sealed proposals may be used for the procurement of professional services whether or not the determination described by this subsection (1) has been made. The executive director may provide by rule that it is neither practicable nor advantageous to the state to procure specified types of supplies, services, or construction by competitive sealed bidding.

**SECTION 106.** 24-103-205, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-103-205. Sole source procurement.** A contract may be awarded for a supply, service, or construction item without competition when, under rules, the ~~state purchasing director~~ EXECUTIVE DIRECTOR, the head of a purchasing agency, or a designee of either officer who is in a higher ranking employment position than a procurement officer determines in writing that there is only one source for the required supply, service, or construction item. Sole source procurement provisions shall not be used when the goods or services needed are available through the division of correctional industries unless the purchasing agency specifies the division of correctional industries as the sole source provider.

**SECTION 107.** 24-103-206, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-103-206. Emergency procurements.** Notwithstanding any other provision of this code, the ~~state purchasing director~~ EXECUTIVE DIRECTOR, the head of a purchasing agency, or a designee of either officer may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, or safety under emergency conditions, as defined in rules, but such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

**SECTION 108.** 24-103-207 (1) and (2) and the introductory portion to 24-103-207 (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-103-207. State purchases of recycled paper and recycled products.**

(1) When purchasing paper and paper products, the ~~state purchasing director~~ EXECUTIVE DIRECTOR or any purchasing agent shall, whenever the price is competitive and the quality adequate for the purpose intended, purchase recycled paper as defined in section 8-19.7-102 (3), C.R.S.

(2) For the fiscal year 1990-91, the ~~state purchasing director~~ EXECUTIVE DIRECTOR shall establish as a goal that at least ten percent of the total volume of paper and paper products purchased by the state shall contain recycled paper. The goal shall increase to twenty percent for the fiscal year 1991-92, to thirty percent for the fiscal year 1992-93, to forty percent for the fiscal year 1993-94, and to fifty percent for the fiscal year 1994-95, and for each fiscal year thereafter.

(5) When purchasing any product with public funds, the ~~state purchasing director~~ EXECUTIVE DIRECTOR or any purchasing agent shall be authorized to purchase products or materials with recycled content, that have been source-reduced, that are reusable, or that have been composted, unless one or more of the following conditions exist:

**SECTION 109.** 24-103-401 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-103-401. Responsibility of bidders and offerors.** (2) Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the ~~division of purchasing~~ DEPARTMENT OF PERSONNEL or the purchasing agency without

prior written consent by the bidder or offeror.

**SECTION 110.** 24-103-502, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-103-502. Approval of accounting system.** Except with respect to firm fixed-price contracts, no contract type shall be used unless it has been determined in writing by the ~~state purchasing director~~ EXECUTIVE DIRECTOR, the head of a purchasing agency, or a designee of either officer who is in a higher ranking employment position than a procurement officer that the proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated and the proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted accounting principles.

**SECTION 111.** 24-104-202, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-104-202. Duties of the executive director.** The ~~state purchasing director~~ EXECUTIVE DIRECTOR shall prepare, issue, revise, maintain, and monitor the use of specifications for supplies, services, and construction required by the state.

**SECTION 112.** 24-104-204, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-104-204. Relationship with using agencies.** The ~~state purchasing director~~ EXECUTIVE DIRECTOR may obtain expert advice and assistance from personnel of using agencies in the development of specifications and may delegate, in writing, to a using agency the authority to prepare and utilize its own specifications.

**SECTION 113.** 24-106-101 (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-106-101. Contract clauses - price adjustments - additional clauses - modification.** (4) Any contract clauses promulgated under this section shall be set forth in rules; except that such rules shall be consistent with section 24-91-103.5 (1) and (2). However, the ~~state purchasing director~~ EXECUTIVE DIRECTOR or the head of a purchasing agency may vary the clauses for inclusion in any particular state contract so long as any variations are supported by a written determination that describes the circumstances justifying such variations and notice of any material variation is stated in the invitation for bids or request for proposals. No variation that is inconsistent with section 24-91-103.5 (1) and (2) shall be made pursuant to this subsection (4).

**SECTION 114.** The introductory portion to 24-109-101 (1) and 24-109-101 (2), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-109-101. Resolution of controversies.** (1) The ~~state purchasing director, the head of a purchasing agency or a designee of either officer~~ is authorized to settle and resolve any questions regarding:

(2) Any decision of the ~~state purchasing director, the~~ head of a purchasing agency or a designee is subject to appeal de novo to the executive director or to the district court of the city and county of Denver pursuant to the provisions of this article.

**SECTION 115.** 24-109-102 (1) and (2), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-109-102. Protested solicitations and awards.** (1) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the ~~state purchasing director or the~~ head of a purchasing agency OR A DESIGNEE, ~~as appropriate.~~ The protest shall be submitted in writing within seven working days after such aggrieved person knows or should have known of the facts giving rise thereto.

(2) ~~The state purchasing director~~ The head of a purchasing agency or a designee ~~of either officer~~ shall have the authority to settle and resolve a protest of an aggrieved bidder, offeror, or contractor, actual or prospective, concerning the solicitation or award of a contract. A written decision regarding the protest shall be rendered within seven working days after the protest is filed. This authority shall be exercised pursuant to rules promulgated to provide for the expeditious resolution of the protest.

**SECTION 116.** 24-109-105 (1) (a) and (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**24-109-105. Debarment and suspension.** (1) (a) After reasonable notice to the person involved and reasonable opportunity for that person to be heard, ~~the state purchasing director or~~ the head of a purchasing agency OR A DESIGNEE, after consultation with the using agency and the attorney general, shall have authority to debar a person for any of the reasons set forth in subsection (2) of this section from consideration for award of contracts. The debarment shall not be for a period of more than three years.

(b) ~~The state purchasing director or the~~ head of a purchasing agency OR A DESIGNEE, after consultation with the using agency and the attorney general, shall have authority to suspend a person from consideration for award of contracts if there is probable cause to believe that such person has engaged in activities that may lead to debarment. The suspension shall not be for a period exceeding three months. However, if a criminal indictment has been issued for an offense which would be a cause for debarment under subsection (2) of this section, the suspension shall, at the request of the attorney general, remain in effect until after the trial of the suspended person.

**SECTION 117.** 24-109-106 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-109-106. Resolution of contract and breach of contract controversies - applicability - authority.** (2) ~~The state purchasing director, the~~ head of a purchasing agency or a designee ~~of either officer~~ is authorized to settle and resolve any controversy described in subsection (1) of this section. This authority shall be exercised pursuant to rules which shall provide for an expeditious resolution of the controversy.

**SECTION 118.** 24-109-107 (1) and (3), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**24-109-107. Issuance and appeal of decision.** (1) ~~The state purchasing director, the head of a purchasing agency or a designee of either officer~~ shall promptly issue a written decision regarding any protest, debarment or suspension, or contract controversy if it is not settled by mutual agreement. The decision shall state the reasons for the action taken and give notice to the protestor, prospective contractor, or contractor of his OR HER right to administrative and judicial reviews as provided for in this article.

(3) ~~If the state purchasing director, the head of a purchasing agency or a designee of either officer~~ does not issue a written decision regarding a contract controversy within twenty working days after written request for a final decision, or within such longer period as may be agreed upon by the parties, then the contractor may proceed as if a decision against him OR HER had been rendered.

**SECTION 119.** 24-109-201, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-109-201. Appeal to the executive director.** Unless an action has been initiated previously in the district court of the city and county of Denver pursuant to this article, the executive director shall have the authority to review and determine de novo any appeal by an aggrieved person from a decision of the ~~state purchasing director, head of a purchasing agency or a designee of either officer~~ rendered pursuant to section 24-109-107. The executive director is authorized to designate another person to exercise his OR HER powers pursuant to this part 2.

**SECTION 120.** 24-109-202, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-109-202. Rules of procedure.** The executive director shall adopt rules of procedure which, to the fullest extent possible, provide for the expeditious resolution of appeals of controversies. The only parties to the appeals shall be the persons aggrieved by decisions of ~~the state purchasing director, the head of a purchasing agency or his~~ A designee and the appropriate state agency. Section 24-4-105 shall not apply to reviews and determinations made by the executive director or his OR HER designee pursuant to this article.

**SECTION 121.** 24-109-205, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-109-205. Appeals to district court.** An appeal of a decision by the executive director or ~~his~~ A designee rendered pursuant to section 24-109-201 or by ~~the state purchasing director, the head of a purchasing agency or a designee of either officer~~ rendered pursuant to section 24-109-107 shall be filed with the district court for the city and county of Denver, which shall have exclusive jurisdiction to hear such appeals. Any judicial action under this part 2 shall be de novo, and the provisions of section 24-4-106 shall not apply.

**SECTION 122.** The introductory portion to 24-109-206 (1), Colorado Revised

Statutes, 1988 Repl. Vol., is amended to read:

**24-109-206. Time limitations on appeals to the district court.** (1) A judicial review of a decision of the executive director or ~~his~~ A designee or of ~~the state purchasing director,~~ the head of a purchasing agency or a designee ~~of either officer~~ shall be initiated within the following time periods:

**SECTION 123.** 24-110-101 (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-110-101. Definitions.** As used in this article, unless the context otherwise requires:

(5) "State public procurement unit" means ~~the division of purchasing, within~~ the department of personnel or any other purchasing agency of this state.

**SECTION 124.** 24-110-205 (3), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-110-205. Supply of personnel, information, and technical services.** (3) Upon request, the ~~state purchasing director~~ EXECUTIVE DIRECTOR through the division of local government, within the department of local affairs, may make available to local public procurement units and external procurement activities the following items, including, but not limited to:

**SECTION 125.** 24-110-207.5, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-110-207.5. Certification of certain entities as local public procurement units - rules.** The ~~state purchasing director~~ EXECUTIVE DIRECTOR may certify any nonprofit community mental health center, as defined in section 27-1-201 (1), C.R.S., any nonprofit community mental health clinic, as defined in section 27-1-201 (2), C.R.S., any nonprofit community centered board, as defined in section 27-10.5-102 (3), C.R.S., or any nonprofit service agency, as defined in section 27-10.5-102 (28), C.R.S., as a local public procurement unit so long as the supplies, services, or construction procured by such entities are utilized for the public mental health system or the public developmentally disabled system. The ~~state purchasing director~~ EXECUTIVE DIRECTOR shall adopt such regulations as are necessary to implement the certification process required by this section.

**SECTION 126.** 24-110-208, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-110-208. Review of procurement requirements.** To the extent possible, the ~~state purchasing director~~ EXECUTIVE DIRECTOR may collect information concerning the type, cost, quality, and quantity of commonly used supplies, services, or construction being procured or used by state public procurement units. The ~~state purchasing director~~ EXECUTIVE DIRECTOR, through the division of local government within the department of local affairs, may also collect such information from local public procurement units. The ~~state purchasing director~~ EXECUTIVE DIRECTOR may make available all such information to any public procurement unit upon request.

**SECTION 127.** 24-111-103, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-111-103. Compliance with federal requirements.** When a procurement involves the expenditure of federal assistance or contract funds, the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL or the head of a purchasing agency shall comply with the appropriate federal law and the rules and regulations promulgated pursuant to such law which are mandatorily applicable.

**SECTION 128.** 25-3.5-104.3 (1) (c) (IV), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**25-3.5-104.3. State trauma advisory council - duties.** (1) (c) The following shall be the ex officio nonvoting members of the council:

(IV) The ~~director of the division of telecommunications in~~ EXECUTIVE DIRECTOR OF the department of personnel, or such director's designee.

**SECTION 129.** 25-3.5-402, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**25-3.5-402. Local government participation.** The ~~division of telecommunications~~ DEPARTMENT OF PERSONNEL shall consult with local government entities to ensure that provision is made for their entry into the statewide telecommunications subsystem and that their present resources are being fully utilized.

**SECTION 130.** 25-7-105 (9), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**25-7-105. Duties of commission.** (9) The commission shall adopt exhaust emissions standards for motor vehicles purchased for state use and shall assist the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL in determining those vehicles which meet or exceed such standards.

**SECTION 131.** 26-8.2-103 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**26-8.2-103. Sale of products.** (1) In order to provide preferential treatment to the products and services of the center offered for sale, public agencies shall purchase such products and services directly from the center in accordance with applicable specifications of the ~~division of purchasing~~ DEPARTMENT OF PERSONNEL. When such products and services are available, the price determined by the center shall be an amount equal to the cost of raw materials, labor, overhead, and delivery.

**SECTION 132.** 26-8.2-104, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**26-8.2-104. Contracts.** The ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL shall not approve any contracts made in violation of this article by any public agency over which he has control of purchasing.

**SECTION 133.** 28-3-106 (1) (o), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**28-3-106. Powers and duties of adjutant general.** (1) The adjutant general has the following powers and duties:

(o) All purchases, with the exception of emergency purchases, shall be made through the ~~state purchasing director~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL in the manner provided by law. All property purchased under the authority granted shall be inspected by an inspector or an officer detailed for that purpose by the adjutant general, and no payment shall be made therefor until it appears by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. In case of emergency, the governor may suspend the operation of this paragraph (o) and direct the adjutant general in writing to purchase such military property as may be required in the open market. The governor shall report such actions with the reasons therefor and statement of the property purchased and the prices paid therefor to the general assembly at its next session. All payments shall be made by voucher drawn upon the military fund of the state upon such form as may be provided by the controller of the state of Colorado. Each voucher shall show the attestation of the adjutant general that it is within the budget as approved by the governor.

**SECTION 134.** 30-10-407 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**30-10-407. Microfilm and optical imaging records - when - standards for optical imaging systems.** (2) At least two microfilms or two optical imaging database records shall be made of each recorded instrument, which shall be kept in separate buildings as far as reasonably may be done in order that they may not be subject to the same hazards. All sets of the microfilm and all optical imaging computer data shall be constantly under the control of the county clerk and recorder. One set of microfilm or one copy of the optical imaging database shall always be kept by the county clerk and recorder, so that the same is available to the public during the hours that said county clerk and recorder's office is open for business and so that persons desiring to inspect or examine the record may do so by means of microfilm reader and facilities or by means of optical imaging computer terminals maintained in said county clerk and recorder's office. Said records shall not be removed from the county clerk and recorder's office at any time for any purpose, except the security copy, which shall be kept in a security vault approved by the board of county commissioners and the county clerk and recorder. The security copy of the microfilm or optical image media may be deposited in the county records section of the ~~division of state archives and public records~~ DEPARTMENT OF PERSONNEL.

**SECTION 135.** 31-10-616 (1), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-10-616. Preservation of ballots and election records.** (1) The ballots, when not required to be taken from the ballot box for the purpose of election contests, shall remain in the ballot box in the custody of the clerk until six months after the election at which such ballots were cast or until the time has expired for which the ballots would be needed in any contest proceedings, at which time the ballot box shall be

opened by the clerk and the ballots destroyed by fire, shredding, or burial, or by any other method approved by the ~~state archivist~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL. If the ballot boxes are needed for a special election before the legal time for commencing any proceedings in the way of contests has elapsed or in case such clerk, at the time of holding such special election, has knowledge of the pendency of any contest in which the ballots would be needed, the clerk shall preserve the ballots in some secure manner and provide for their being kept so that no one can ascertain how any voter may have voted.

**SECTION 136.** 35-57-104 (1) (c), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-57-104. Colorado beef council authority - creation.** (1) There is hereby created the Colorado beef council authority, which shall be a body corporate and a political subdivision of the state. The authority shall not be an agency of state government, nor shall it be subject to administrative direction by any state agency except:

(c) For purposes of inclusion in the risk management fund and the self-insured property fund and by the ~~division of risk management~~ DEPARTMENT OF PERSONNEL pursuant to part 15 of article 30 of title 24, C.R.S.

**SECTION 137.** 35-57.5-104 (1) (c), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-57.5-104. Colorado sheep and wool authority - creation.** (1) There is hereby created the Colorado sheep and wool authority, which shall be a body corporate and a political subdivision of the state. The authority shall not be an agency of state government, nor shall it be subject to administrative direction by any state agency except:

(c) For purposes of inclusion in the risk management fund and the self-insured property fund and by the ~~division of risk management~~ DEPARTMENT OF PERSONNEL pursuant to part 15 of article 30 of title 24, C.R.S.

**SECTION 138.** 35-57.8-103 (1) (c), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-57.8-103. Colorado horse development board - creation.** (1) There is hereby created the Colorado horse development board that is a body corporate and a political subdivision of the state. The board is not an agency of state government and is not subject to administrative direction by any state agency except:

(c) For purposes of inclusion in the risk management fund and the self-insured property fund and by the ~~division of risk management~~ DEPARTMENT OF PERSONNEL pursuant to part 15 of article 30 of title 24, C.R.S.

**SECTION 139.** 35-65-401 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-65-401. Colorado state fair authority - created - powers and duties.**

(1) There is hereby created the Colorado state fair authority which shall be a body corporate and a political subdivision of the state. The authority shall not be an agency of state government; nor shall it be subject to administrative direction by any state agency except as provided in this article, and except for the purposes of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., and except for inclusion in the risk management fund and the self-insured property fund and by the ~~division of risk management~~ DEPARTMENT OF PERSONNEL as provided in part 15 of article 30 of title 24, C.R.S.

**SECTION 140.** 35-70-122, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**35-70-122. Contributions for purposes of inclusion of soil conservation districts in the risk management fund.** Each soil conservation district shall contribute moneys which shall be deposited in the risk management fund for the soil conservation district's proportionate share, as determined by the ~~state risk manager~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL, of potential claims arising from soil conservation districts.

**SECTION 141.** 24-30-1108 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-30-1108. Revolving fund - service charges - pricing policy.** (1) There is hereby created a ~~division of~~ central services revolving fund for use in acquiring such materials, supplies, labor, and overhead as are required. The fund shall be under the direction of the director of central services.

**SECTION 142. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 1996