

CHAPTER 44

PROFESSIONS AND OCCUPATIONS

SENATE BILL 97-119

BY SENATORS Ament, Hernandez, Rupert, and Wham;
also REPRESENTATIVES Sullivan, Dean, Paschall, and Pfiffner.

AN ACT

CONCERNING THE PROVISION OF INDUSTRIAL HYGIENE SERVICES TO STATE AGENCIES.

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

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

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

(p) Develop and maintain, or cause to be developed and maintained, at state agencies approved lists of qualified architects, INDUSTRIAL HYGIENISTS, engineers, landscape architects, land surveyors, and consultants from which the principal representative shall make a selection, including therein such information as may be required by part 14 of this article;

SECTION 2. 24-30-1401, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-30-1401. Legislative declaration. The purpose of this part 14 is to provide managerial control by the state over competitive negotiations for the acquisition of the professional services provided by architects, INDUSTRIAL HYGIENISTS, engineers, landscape architects, and land surveyors. It is hereby declared to be the policy of this state to publicly announce requirements for such professional services, to encourage all qualified persons to put themselves in a position to be considered for a contract, and to negotiate contracts for such professional services on the basis of demonstrated competence and qualification for the types of professional services required and on the basis of the furnishing of such professional services at fair and reasonable fees.

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

SECTION 3. 24-30-1402, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-30-1402. Definitions. As used in this part 14, unless the context otherwise requires:

(1) "CERTIFIED INDUSTRIAL HYGIENIST" MEANS AN INDIVIDUAL THAT IS CERTIFIED BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR ITS SUCCESSOR.

(1.2) "INDUSTRIAL HYGIENIST" MEANS AN INDIVIDUAL WHO HAS OBTAINED A BACCALAUREATE OR GRADUATE DEGREE IN INDUSTRIAL HYGIENE, BIOLOGY, CHEMISTRY, ENGINEERING, PHYSICS, OR A CLOSELY RELATED PHYSICAL OR BIOLOGICAL SCIENCE FROM AN ACCREDITED COLLEGE OR UNIVERSITY. THE SPECIAL STUDIES AND TRAINING OF SUCH INDIVIDUAL SHALL BE SUFFICIENT IN THE COGNATE SCIENCES TO PROVIDE THE ABILITY AND COMPETENCY TO:

(a) ANTICIPATE AND RECOGNIZE THE ENVIRONMENTAL FACTORS AND STRESSES ASSOCIATED WITH WORK AND WORK OPERATIONS AND TO UNDERSTAND THEIR EFFECTS ON INDIVIDUALS AND THEIR WELL-BEING;

(b) EVALUATE ON THE BASIS OF TRAINING AND EXPERIENCE AND WITH THE AID OF QUANTITATIVE MEASUREMENT TECHNIQUES THE MAGNITUDE OF SUCH ENVIRONMENTAL FACTORS AND STRESSES IN TERMS OF THEIR ABILITY TO IMPAIR HUMAN HEALTH AND WELL-BEING;

(c) (I) PRESCRIBE METHODS TO PREVENT, ELIMINATE, CONTROL, OR REDUCE SUCH FACTORS AND STRESSES AND THEIR EFFECTS.

(II) ANY INDIVIDUAL WHO HAS PRACTICED WITHIN THE SCOPE OF THE MEANING OF INDUSTRIAL HYGIENE FOR A PERIOD OF NOT LESS THAN FIVE YEARS IMMEDIATELY PRIOR TO JULY 1, 1997, IS EXEMPT FROM THE DEGREE REQUIREMENTS SET FORTH IN THIS SUBSECTION (1.2).

(III) ANY INDIVIDUAL WHO HAS A TWO-YEAR ASSOCIATE OF APPLIED SCIENCE DEGREE IN ENVIRONMENTAL SCIENCE FROM AN ACCREDITED COLLEGE OR UNIVERSITY AND IN ADDITION NOT LESS THAN FOUR YEARS PRACTICE IMMEDIATELY PRIOR TO JULY 1, 1997, WITHIN THE SCOPE OF THE MEANING OF INDUSTRIAL HYGIENE IS EXEMPT FROM THE DEGREE REQUIREMENTS SET FORTH IN THIS SUBSECTION (1.2).

(+) (1.5) "Continuing contract" means a contract for professional services entered into pursuant to this part 14 between a state agency and a person, whereby the person provides professional services to the state agency for work of a specified nature as outlined in the contract required by the state agency with no specific time limitation. Any such contract shall provide a termination clause.

(2) "Department" means the department of personnel.

(3) "Person" means an individual, a corporation, a limited liability company, a partnership, a business trust, an association, a firm, or any other legal entity.

(3.5) "PRACTICE OF INDUSTRIAL HYGIENE" MEANS THE PERFORMANCE OF PROFESSIONAL SERVICES, INCLUDING BUT NOT LIMITED TO CONSULTING, INVESTIGATING, SAMPLING, OR TESTING IN CONNECTION WITH THE ANTICIPATION, RECOGNITION, EVALUATION, AND CONTROL OF THOSE ENVIRONMENTAL FACTORS OR STRESSES ARISING IN OR FROM THE WORKPLACE THAT MAY CAUSE SICKNESS, IMPAIRED HEALTH, OR SIGNIFICANT DISCOMFORT TO WORKERS OR THE PUBLIC. "PRACTICE OF INDUSTRIAL HYGIENE" INCLUDES BUT IS NOT LIMITED TO THE IDENTIFICATION, SAMPLING, AND TESTING OF CHEMICAL, PHYSICAL, BIOLOGICAL, AND ERGONOMIC STRESSES AND THE DEVELOPMENT OF PHYSICAL, ADMINISTRATIVE, PERSONAL PROTECTIVE EQUIPMENT, AND TRAINING METHODS TO PREVENT, ELIMINATE, CONTROL, OR REDUCE SUCH FACTORS AND STRESSES AND THEIR EFFECTS. THE TERM DOES NOT INCLUDE THE PRACTICE OF ARCHITECTURE, AS DEFINED IN SECTION 12-4-102 (5), C.R.S., OR THE PRACTICE OF ENGINEERING, AS DEFINED IN SECTION 12-25-102 (10), C.R.S.

(4) "Practice of landscape architecture" means the performance of professional services such as consultation, investigation, reconnaissance, research, planning, design, or responsible supervision in connection with the development of land areas or land use, where and to the extent that the dominant purpose of any such service is the preservation and development of existing and proposed land features, ground surface, planting, naturalistic features, and esthetic values. "Practice of landscape architecture" includes the design, location, and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this subsection (4), but the term does not include the making of land surveys or final engineered plats for official recording, integration of design of structures of earth, or other construction materials.

(5) "Principal representative" means the governing board of a state department, institution, or agency or, if there is no governing board, the executive head of a state department, institution, or agency, as designated by the governor or the general assembly.

(6) "Professional services" means those services within the scope of the following:

(a) The practice of architecture, as defined in section 12-4-102 (5), C.R.S.;

(b) The practice of engineering, as defined in section 12-25-102 (10), C.R.S.;

(c) The practice of professional land surveying, as defined in section 12-25-202 (6), C.R.S.;

(d) The practice of landscape architecture, as defined in subsection (4) of this section;

(e) THE PRACTICE OF INDUSTRIAL HYGIENE, AS DEFINED IN SUBSECTION (3.5) OF THIS SECTION.

(7) "State agency" means this state or any department, board, bureau, commission, institution, or other agency of this state.

SECTION 4. 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: March 24, 1997