

CHAPTER 80

CORRECTIONS

HOUSE BILL 02-1286

BY REPRESENTATIVE(S) Jahn, Cadman, Coleman, Fritz, Mace, Spradley, and Williams S.;
also SENATOR(S) Anderson and Hernandez.

AN ACT**CONCERNING SURPLUS STATE PROPERTY.**

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

SECTION 1. 17-24-106.6, Colorado Revised Statutes, is amended to read:

17-24-106.6. Surplus state property. (1) As used in this section, unless the context otherwise requires:

(a) ~~"Excess equipment and supplies" means any equipment and supplies having a remaining useful life but which are no longer required by the using agency in possession of the equipment and supplies.~~

(b) "State agency" means this state or any department, institution, or other agency of the state, including institutions of higher education, but not including the department of transportation.

(c) ~~"Surplus equipment and supplies STATE PROPERTY"~~ means any equipment and supplies no longer having any use to the state or any state agency.

(2) The ~~executive~~ director shall promulgate rules to be utilized by the division in governing:

(a) The sale ~~lease~~, or disposal of surplus ~~equipment and supplies~~ STATE PROPERTY by public auction or competitive sealed bidding, but no public employee ~~which for the purposes of this subsection (2) includes elected officials~~, shall be entitled to purchase any such ~~equipment and supplies unless such purchase satisfies the conditions specified in subsection (2.1) of this section~~; and SURPLUS STATE PROPERTY.

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

(b) ~~The transfer of excess equipment and supplies.~~

(2.1) (a) ~~Items of personal property may not be sold to elected state officials unless they are sold in accordance with all of the following conditions:~~

~~(I) Such property shall be declared to be surplus property by the department which purchased it;~~

~~(II) Such property shall have historical significance because it was actually used by the elected state official in the performance of his duties;~~

~~(III) Such property shall be sold in accordance with such procedures and conditions as may be established by the department which purchased the personal property;~~

~~(IV) Such property shall be sold at a price that is equal to or greater than the then-current actual value;~~

~~(V) The sale shall be approved in writing by the governor, if the purchase is to be made by an elected state official in the executive branch, or by the executive committee of the legislative council, if the purchase is to be made by a member of the general assembly;~~

~~(VI) The proceeds of any such sale shall be deposited in the fund from which the personal property was originally purchased or, if such fund no longer exists, in the general fund, and may be appropriated to defray a portion of the costs of purchasing similar property in the future.~~

(b) Repealed.

(c) ~~For any chairs described in paragraph (b) of this subsection (2.1) not purchased by current or former members of the general assembly, the state historical society shall make efforts to place such chairs in the districts of the members. If the state historical society is unable to find suitable locations for such chairs, the society may dispose of such chairs in a manner befitting their historical significance.~~

(3) Such rules shall include, but shall not be limited to:

(a) ~~The preparation of an annual inventory by each state agency of its excess and surplus equipment and supplies, whereby notification may be made among such agencies of the availability of excess equipment and supplies~~ A PERPETUAL INVENTORY OF SURPLUS STATE PROPERTY COLLECTED BY THE DIVISION;

(a.5) A PROCEDURE TO INFORM ALL STATE AGENCIES OF THE AVAILABILITY OF SUCH SURPLUS STATE PROPERTY;

(b) ~~Procedures whereby each state agency shall be advised of the availability and shall be required to acquire excess equipment and supplies for any of the agency's needs if such excess equipment and supplies are available and can be reasonably determined to fulfill such needs;~~

(c) Procedures coordinating, to the extent possible, the programs administered by

the division under section 17-24-106 with the division's responsibility with respect to ~~excess and surplus~~ STATE property;

(d) A procedure whereby ~~any excess or surplus equipment and supplies~~ STATE PROPERTY which ~~are~~ IS not ~~transferred~~, sold or otherwise disposed of within six months after being received by the division shall be disposed of as soon as possible thereafter.

(4) Any moneys used to cover the administrative costs of the transfer of responsibilities with respect to ~~excess and surplus equipment and supplies~~ SURPLUS STATE PROPERTY from the department of administration to the department of corrections shall be transmitted to the state treasurer, who shall credit the same to the surplus property fund, which fund is hereby created, and such fund shall be subject to appropriation by the general assembly for the purposes of this section.

(5) Any moneys in any accounts or funds administered by the department of administration that are derived from the administration of part 4 of article 82 of title 24, C.R.S., shall be transferred to the surplus property fund.

(6) The division may ~~make changes and~~ assess fees from the recipient of any ~~excess~~ SURPLUS STATE property, which ~~changes or~~ fees shall be limited to reasonable administrative costs of the division incurred in effecting ~~any transfer~~ THE COLLECTION OF SURPLUS STATE PROPERTY. All such fees shall be credited to the surplus property fund.

SECTION 2. 17-24-106 (1) (r), Colorado Revised Statutes, is amended to read:

17-24-106. General powers of the division. (1) In addition to any other powers granted to the division by this article, the division shall have the following powers:

(r) To utilize the labor services of prisoners in order to receive, repair, and distribute surplus property pursuant to the powers and duties provided in part 4 of article 82 of title 24, C.R.S., and to use such labor services in order to receive, repair, sell, ~~lease, distribute,~~ or otherwise dispose of surplus ~~equipment and supplies~~ STATE PROPERTY ~~and to transfer excess supplies~~ as provided in section 17-24-106.6;

SECTION 3. 17-24-113 (3) and (4), Colorado Revised Statutes, are amended to read:

17-24-113. Business operations and budget. (3) All revenues collected by the division from the sale of industry goods and services and from the ~~transfer, sale lease,~~ or disposal of ~~excess or surplus equipment and supplies~~ STATE PROPERTY shall be transmitted to the state treasurer, who shall credit the same to a special revolving enterprise account designated as the correctional industries account. All interest derived from the deposit and investment of moneys in the correctional industries account shall be credited to said account. All moneys in said account shall be used for the purchase of requirements necessary for the production of industry goods and services, for the responsibilities set forth in section 17-24-106.6, and for all necessary personnel, in accordance with the annual appropriation by the general assembly; but such account shall not exceed the requirements of activities authorized by this article, as determined necessary by the director, and any excess, upon order of the director,

shall be transferred to the general fund by the state treasurer.

(4) All acquisitions, purchases, and loan repayments of the division shall be payable out of the revenues derived from the sale of correctional industry goods and services authorized in this article and from the ~~transfer, sale lease, or disposal of excess or surplus equipment and supplies~~ STATE PROPERTY under section 17-24-106.6.

SECTION 4. 24-102-101, Colorado Revised Statutes, 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~~ STATE PROPERTY as provided in section 17-24-106.6, C.R.S., and except as provided in part 2 of article 37.5 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.

SECTION 5. 24-102-301, Colorado Revised Statutes, 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, relating to the procurement of supplies, services, and construction and the sale and disposal of supplies, services, and construction are vested in the department of personnel except for the disposal of ~~excess or surplus equipment and supplies~~ STATE PROPERTY 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 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.

SECTION 6. 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: April 3, 2002