

## CHAPTER 92

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**GOVERNMENT - STATE**

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**HOUSE BILL 04-1022**

BY REPRESENTATIVE(S) Vigil, Coleman, Rhodes, Williams T., and Salazar;  
also SENATOR(S) Anderson, Takis, Taylor, and Tupa.

**AN ACT**

**CONCERNING THE DUTIES OF THE DIVISION OF CENTRAL SERVICES IN THE DEPARTMENT OF PERSONNEL.**

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

**SECTION 1.** 24-30-1101 (1) (a), (1) (b), and (1) (c), Colorado Revised Statutes, are amended to read:

**24-30-1101. Legislative findings and declarations.** (1) The general assembly hereby finds, determines, and declares that:

(a) Services such as printing, ~~mail rooms, messengers, office supplies, copiers~~ DOCUMENT MANAGEMENT, MAIL-RELATED SERVICES, microfilm, ~~forms management,~~ graphic arts, ~~motor pool~~ FLEET MANAGEMENT, and other similar services are being widely used by the state of Colorado as a practical and economical means of improving administrative production and efficiency;

(b) ~~Rapid advances in many of the services have broadened the potential use of the services beyond traditional applications;~~

(c) ~~It is expected that existing uses of the various services will be expanded as state government continues to grow, which will enable the state to better manage and communicate with the public;~~

**SECTION 2.** 24-30-1102 (4), Colorado Revised Statutes, is amended to read:

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

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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.*

(4) "Services" means printing, ~~mail room, messengers, office supplies, copiers~~ DOCUMENT MANAGEMENT, MAIL-RELATED SERVICES, microfilm, ~~forms management,~~ graphic arts, ~~motor pool~~ FLEET MANAGEMENT, and other similar support functions ~~which~~ THAT are or may be used by the state of Colorado as a practical and economical means of improving administrative production and efficiency.

**SECTION 3.** 24-30-1104 (1) (a), (1) (b), (1) (e), (1) (h), (1) (k), (1) (l), (2) (d) (II), (2) (f), (2) (h), (2) (j), and (2) (o), Colorado Revised Statutes, are amended, and the said 24-30-1104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-30-1104. Central services functions of the department - repeal.**

(1) Within the counties of Adams, Arapahoe, and Jefferson and the city and county of Denver only, the 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:

(a) Formulate, in consultation with state departments, institutions, and agencies, recommendations for a ~~current and long-range operations~~ STRATEGIC plan for approval of the executive director of the department of personnel and the governor no later than January 1 of ~~each year~~ 2005 AND EVERY FIVE YEARS THEREAFTER;

(b) Review all existing and future SERVICES, service applications, SOFTWARE RELATED TO SERVICES, planning systems, personnel, equipment, and facilities and establish priorities for those that are necessary and desirable to accomplish the purposes of this part 11;

(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 plan;~~

(h) Approve or disapprove the acquisition of SERVICES, service equipment, AND SOFTWARE RELATED TO SERVICES by any state department, institution, or agency and approve, modify, or disapprove the staffing pattern for service operations by any state department, institution, or agency in accordance with the approved plan;

(k) Establish, in consultation with other state departments, institutions, and agencies, techniques and standards for microfilm, DIGITAL IMAGING, AND DIGITAL CONVERSION and evidentiary certification of photographs, microphotographs, or reproductions;

(l) Notify state agencies through ~~a statement on invoices~~ WRITTEN STATEMENTS, WHICH MAY INCLUDE ELECTRONIC STATEMENTS, prepared by central services that state agencies may obtain goods and services directly from the private sector, if the cost and quality of such goods or services offered by the private sector are competitive with those provided by central services.

(2) In addition to the county-specific functions set forth in subsection (1) of this section, the 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 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:

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

(f) Maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the department of personnel. The 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~~ MEET THE REPLACEMENT CRITERIA RELATING TO MILEAGE, COST, SAFETY, AND OTHER RELEVANT FACTORS ESTABLISHED BY THE DEPARTMENT.

(h) Assign suitable transportation, either on a temporary or permanent basis to any state agency upon: Proper requisition; proper showing of need for use on authorized state business; OR approved commuting as provided in section 24-30-1113; ~~or approved vanpooling use as provided in section 24-30-1116;~~

(j) ~~Establish and operate a vanpool program as provided in section 24-30-1116;~~

(o) ~~Acquire motor vehicle liability insurance on all state-owned motor vehicles under the control of the division;~~

(4) IN ADDITION TO ANY OTHER DUTIES IMPOSED BY THIS SECTION, THE DEPARTMENT OF PERSONNEL SHALL ESTABLISH AND MAINTAIN A PROGRAM FOR PARKING PERMITS AND BUILDING AND GROUNDS MAINTENANCE FOR THE STATE CAPITOL BUILDINGS GROUP PURSUANT TO PART 1 OF ARTICLE 82 OF THIS TITLE.

**SECTION 4.** 24-30-1105 (1) (a) and (1) (h) (III), Colorado Revised Statutes, are amended to read:

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

(a) Approve the equipment, SOFTWARE RELATED TO SERVICES, and facilities with which specific services shall be performed by or for any state department, institution, or agency in accordance with the approved plan;

(h) In performance of such microfilm services as may be requested by the custodians of the types of documents referred to in this paragraph (h):

(III) Assist custodians of documents upon which microfilm, DIGITAL IMAGING, AND DIGITAL CONVERSION services have been performed in the lawful disposition of such documents pursuant to section 24-80-103;

**SECTION 5.** 24-30-1107, Colorado Revised Statutes, is amended to read:

**24-30-1107. Existing and new equipment, personnel, applications, and systems subject to approval of director.** On and after June 20, 1977, no SERVICES, service equipment, OR SOFTWARE RELATED TO SERVICES shall be purchased, leased, or otherwise acquired by any department, institution, or agency, nor shall any new service personnel be added to the state personnel system, nor shall any new applications, systems, or programs begin except upon the written approval of the executive director, nor shall any service equipment leased or operated by any department, institution, or agency on June 20, 1977, continue to be so leased or operated after July 1, 1977, unless certified by the executive director to be in accordance with the approved plan.

**SECTION 6.** The introductory portion to 24-30-1112 (1) (a) and 24-30-1112 (2) and (3) (a), Colorado Revised Statutes, are amended to read:

**24-30-1112. Permanent assignment of vehicles - verification of minimum mileage - revocation.** (1) Unless an agency can justify to the division the need for permanent assignment because of the unique use of a vehicle, a state-owned passenger motor vehicle shall not be permanently assigned to:

(a) Any AGENCY, state officer, or STATE employee, ~~who is likely to drive it on official business at a rate of less than twelve thousand six hundred miles per year~~ IF THE USE OF SUCH VEHICLE IS NOT LIKELY TO MEET THE MINIMUM REQUIRED MILEAGE ESTABLISHED BY THE DEPARTMENT OF PERSONNEL FOR THE UTILIZATION CLASSIFICATION ASSOCIATED WITH THE VEHICLE'S INTENDED WORK FUNCTION unless:

(2) The division shall establish a program and adopt rules and regulations providing for annual verification that each permanently assigned motor vehicle has met the minimum ~~annual threshold mileage rate for permanent assignment~~ REQUIRED MILEAGE BASED ON THE APPROPRIATE UTILIZATION CLASSIFICATION. If verification establishes that a vehicle has not met the minimum annual mileage rate and if the responsible state agency cannot justify such lower mileage, permanent assignment shall be revoked immediately.

(3) The division shall adopt rules and regulations governing the procedure for revocation of assignment of state-owned motor vehicles. Revocation of assignment shall occur when it has been determined that:

(a) The vehicle has been used for other than official business, or without the state agency executive director's approval as provided in ~~sections 24-30-1113 and 24-30-1116~~ SECTION 24-30-1113;

**SECTION 7.** 24-30-1113 (1) and (4), Colorado Revised Statutes, are amended to read:

**24-30-1113. Commuting - reimbursement by state officers and employees.** (1) Except as provided in this section, ~~and section 24-30-1116~~, the state agency shall not assign any state-owned motor vehicle to an officer or employee of a state agency for any reason other than as necessitated by the conduct of official state business.

(4) (a) Any individual who has received the state agency executive director's authorization to use a state-owned motor vehicle for commuting purposes shall

reimburse the state for such use at a rate computed by the division. This rate shall approximate the benefit derived from the use of the vehicle. Reimbursement shall be for twenty days per month regardless of how many days the individual uses the vehicle to commute during the month. Reimbursement shall be made ~~by payroll deduction. Moneys derived from reimbursement on vehicles shall be deposited to the credit of the division~~ AS PROVIDED BY RULE.

(b) UNLESS PROVIDED BY RULE, no exceptions shall be made to the reimbursement provisions of this subsection (4).

**SECTION 8.** 24-30-1115 (2), Colorado Revised Statutes, is amended to read:

**24-30-1115. Motor fleet management fund - creation.** (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~~ METHODOLOGY provided by the department of personnel and approved by the general assembly.

**SECTION 9. Repeal.** 24-30-1116, Colorado Revised Statutes, is repealed as follows:

**24-30-1116. Vanpooling - state-owned vehicles - revolving account.** ~~(1) The state vanpool program shall consist of vans with a seating capacity of eight or more persons to be used in carrying state officers and employees to and from work. Such program may also permit persons who are not state officers or employees to participate and to ride to and from work in such vans if space is available in a van and if the established van route makes such participation reasonable.~~

~~(2) All persons participating in the program shall pay a monthly fee sufficient to recover, over the projected life of the van, that portion of the purchase cost and operating expenses of the van which are attributable to the use of the van in carrying such persons to and from work. For the purpose of calculating the monthly fee, the life of the van shall be deemed to be one hundred thousand miles or ten years, whichever may come first. Such monthly fee shall also include a charge sufficient to recover the cost, if any, of additional insurance purchased by the division to cover the added risk incurred by permitting such vanpooling.~~

~~(3) Vans utilized in the vanpool shall be maintained and repaired by the division. A ten-dollar fee shall be included in determining the monthly fee charged to participants in the vanpool program.~~

~~(4) The division may permit the use of such vans for personal use during nonwork hours by the state officer or employee who regularly drives the van in going to and returning from work if the division or the agency to which the van is permanently assigned the use of the van so desires on condition that said state officer or employee pay the state's vanpool fund or controlling agency vanpool fund, as appropriate, an amount of money sufficient to cover the cost of gasoline used by said state officer or employee for the first two hundred fifty miles of personal use per month. For personal~~

~~miles driven in excess of two hundred fifty miles per month, said state officer or employee shall pay the appropriate fund at a mileage rate sufficient to cover the full cost of van operation:~~

~~(5) The division may provide for the use of other state-owned passenger vehicles by participants in the vanpool program in going to and returning from work when the vans which they usually use are being inspected, repaired, or maintained.~~

~~(6) (a) There is hereby created a special account to be known as the vanpool program revolving account. Receipts from participants in vanpools which use state-owned motor vehicles shall be deposited to said account and shall be used only to pay the monthly operating and maintenance costs of such vehicles which are attributable to the use of such motor vehicles in carrying persons to and from work and to pay that portion of the purchase cost of replacement vehicles which is attributable to the use of the motor vehicles in carrying persons to and from work.~~

~~(b) The controller, upon presentation of vouchers properly drawn and signed by the director or the director's designee, shall issue warrants drawn on such account for the purposes authorized in paragraph (a) of this subsection (6).~~

~~(c) The controller, with the consent and approval of the director, is authorized and directed to establish an adequate system of accounting which accurately records:~~

~~(I) All moneys received and from what sources;~~

~~(II) All moneys expended and for what purposes.~~

~~(d) The director shall submit to the executive director of the department of personnel an annual report clearly showing the allocation of moneys in the account to operating and maintenance costs, replacement costs, and surplus, if any.~~

~~(e) The executive director of the department of personnel shall incorporate the information provided pursuant to paragraph (d) of this subsection (6) in each annual budget request to the governor.~~

**SECTION 10.** 24-30-1117, Colorado Revised Statutes, is amended to read:

**24-30-1117. Exclusive authority to acquire state-owned motor vehicles.** The 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 department of personnel OR UNDER AN EXPRESS WAIVER GRANTED BY THE DEPARTMENT.

**SECTION 11. Repeal.** 24-75-203 (4), Colorado Revised Statutes, is repealed as follows:

**24-75-203. Loans and advances.** (4) ~~Upon the prior written approval of the governor and the controller as to purpose and amount, the state treasurer may lend the~~

approved amount, out of any moneys in the state treasury not immediately required to be disbursed, to the executive director of the department of personnel, to provide funds for the account created pursuant to section 24-30-1116 (6). Any such loan shall be repaid prior to the end of the fiscal year in which the loan is made.

**SECTION 12.** 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 surplus 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 13. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 7, 2004