

CHAPTER 309

GOVERNMENT - STATE

HOUSE BILL 09-1150

BY REPRESENTATIVE(S) Todd, Benefield, Court, Labuda, Miklosi, Ryden, Priola;
also SENATOR(S) Williams, Boyd, Isgar, Spence.

AN ACT

**CONCERNING THE ADMINISTRATIVE DUTIES OF THE DEPARTMENT OF PERSONNEL, AND MAKING AN
APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. The introductory portion to 8-43-211 (1), Colorado Revised Statutes, is amended to read:

8-43-211. Notice - request for hearing. (1) At least thirty days prior to any hearing, the office of administrative courts in the department of personnel shall send written notice to all parties by regular OR ELECTRONIC mail OR BY FACSIMILE. The notice shall:

SECTION 2. 24-30-1001, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-30-1001. Office of administrative courts - administrative courts cash fund - creation - rules. (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL SHALL ESTABLISH ANY FEES OR COST ALLOCATION BILLING PROCESS NECESSARY TO PAY FOR THE DIRECT AND INDIRECT COSTS OF THE OFFICE OF ADMINISTRATIVE COURTS. THE DEPARTMENT OF PERSONNEL SHALL NOT ESTABLISH A FEE FOR INDIVIDUALS OR BENEFICIARIES THAT HAVE A RIGHT TO AN ADMINISTRATIVE HEARING WITHOUT PRIOR APPROVAL OF THE ASSOCIATED STATE AGENCY AND FORMAL RULE MAKING RELATED TO THE FEE PURSUANT TO ARTICLE 4 OF THIS TITLE. ALL MONEYS COLLECTED SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE ADMINISTRATIVE COURTS 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 THE OFFICE OF ADMINISTRATIVE COURTS. ALL INTEREST

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

DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

SECTION 3. The introductory portion to 24-30-1104 (1), Colorado Revised Statutes, is amended to read:

24-30-1104. Central services functions of the department - definitions - repeal. (1) Within the counties of Adams, Arapahoe, BOULDER, DOUGLAS, PUEBLO, EL PASO, and Jefferson, THE CITY AND COUNTY OF BROOMFIELD, and the city and county of Denver ~~only~~, AND WITHIN ANY OTHER AREAS IN THE STATE OF COLORADO WHERE CENTRAL SERVICES ARE OFFERED, 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:

SECTION 4. 24-50-122, Colorado Revised Statutes, is amended to read:

24-50-122. Opportunities for training - professional development center cash fund - creation - rules. (1) The state personnel director shall be responsible for the establishment and maintenance of training programs for employees in the state personnel system. He OR SHE shall identify training needs for current and anticipated classes of positions within the classified system, shall identify and recommend to the governor and the general assembly the most economical and effective means of meeting those training needs, and shall regularly assess the effectiveness of such training as may be conducted. State funds shall not be expended for the training of employees in the state personnel system without the approval of the state personnel director.

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL SHALL ESTABLISH ANY FEES NECESSARY TO PAY FOR THE DIRECT AND INDIRECT COSTS OF THE TRAINING PROGRAMS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. ALL MONEYS COLLECTED SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE PROFESSIONAL DEVELOPMENT CENTER 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 ESTABLISHING AND MAINTAINING THE TRAINING PROGRAMS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

SECTION 5. 24-50-125.4, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-50-125.4. Hearings. (6) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE FOR THE BOARD MAY GIVE ANY WRITTEN NOTICES OR ISSUE ANY WRITTEN DECISIONS REQUIRED IN THIS SECTION BY EITHER REGULAR OR ELECTRONIC MAIL OR BY

FACSIMILE. THE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE TO ESTABLISH A UNIFORM SYSTEM FOR SERVICE OF WRITTEN NOTICES AND DECISIONS.

SECTION 6. 24-75-112 (1) (c), Colorado Revised Statutes, is amended to read:

24-75-112. Annual general appropriation act - headnote definitions - general provisions - footnotes. (1) As used in the annual general appropriation act, the following definitions and general provisions shall apply for the headnote terms preceding and specifying the purpose of certain line items of appropriation:

(c) "Communications services payments" means payments to the ~~department of personnel~~ OFFICE OF INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103 for the cost of services from the state's public safety communications infrastructure.

SECTION 7. 24-80-102 (10), Colorado Revised Statutes, is amended to read:

24-80-102. State archives and public records - personnel - duties - cash fund - rules. (10) The executive director of the department of personnel shall establish by rule ~~and regulation such~~ ANY fees as are necessary to pay for the direct and indirect costs of responding to requests for information from nonstate agencies, including requests ~~which~~ THAT are processed through other state agencies. All fees collected shall be transmitted to the state treasurer, who shall credit the same to the 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~~ THAT 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. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. In no event shall the executive director charge any fee to any public entity to produce information ~~which~~ THAT the public entity is required by law to file with the state archives.

SECTION 8. Appropriation - adjustments to the 2009 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows:

(a) The appropriation to the department of personnel, personnel board, for operating expenses, is decreased by three thousand five hundred twenty-eight dollars (\$3,528) reappropriated funds from indirect cost recoveries.

(b) The appropriation to the department of personnel, administrative courts, for operating expenses, is decreased by five thousand four hundred sixty dollars (\$5,460) reappropriated funds from user fees from state agencies.

SECTION 9. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of personnel revolving fund created in section 24-30-1108 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of personnel, for allocation to the central services

division, integrated document factory, reprographics services, personal services, for the fiscal year beginning July 1, 2009, the sum of five hundred ninety-four thousand six hundred thirty-two dollars (\$594,632) reappropriated funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of personnel revolving fund created in section 24-30-1108 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of personnel, for allocation to the central services division, integrated document factory, reprographics services, operating expenses, for the fiscal year beginning July 1, 2009, the sum of one million one hundred eighty-four thousand seven hundred forty-seven dollars (\$1,184,747) reappropriated funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of personnel revolving fund created in section 24-30-1108 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of personnel, for allocation to the central services division, integrated document factory, document solutions group, personal services, for the fiscal year beginning July 1, 2009, the sum of one million three hundred fifty-seven thousand six hundred seventy-six dollars (\$1,357,676) reappropriated funds, or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of personnel revolving fund created in section 24-30-1108 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of personnel, for allocation to the central services division, integrated document factory, document solutions group, operating expenses, for the fiscal year beginning July 1, 2009, the sum of two hundred thousand seven hundred twenty-two dollars (\$200,722) reappropriated funds, or so much thereof as may be necessary, for the implementation of this act.

(5) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of personnel revolving fund created in section 24-30-1108 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of personnel, for allocation to the central services division, integrated document factory, mail services, personal services, for the fiscal year beginning July 1, 2009, the sum of six hundred seventeen thousand six hundred seventy-one dollars (\$617,671) reappropriated funds, or so much thereof as may be necessary, for the implementation of this act.

(6) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of personnel revolving fund created in section 24-30-1108 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of personnel, for allocation to the central services division, integrated document factory, mail services, operating expenses, for the fiscal year beginning July 1, 2009, the sum of three million nine hundred thirteen thousand eight hundred sixty-one dollars (\$3,913,861) reappropriated funds, or so much thereof as may be necessary, for the implementation of this act.

SECTION 10. Act subject to petition - effective date - applicability. (1) 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 5, 2009, if adjournment sine die is on May 6, 2009); 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.

(2) The provisions of section 1 of this act shall apply to notices issued on or after the applicable effective date of this act.

Approved: May 21, 2009