

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0822.01 Troy Bratton

HOUSE BILL 10-1286

HOUSE SPONSORSHIP

McNulty,

SENATE SPONSORSHIP

Scheffel,

House Committees

Judiciary

Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE TRANSFER OF CORRECTIONS-RELATED DIVISIONS OF
102 STATE GOVERNMENT TO THE DEPARTMENT OF PUBLIC SAFETY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill transfers the department of corrections and the division of youth corrections in the department of human services by a **type 2** transfer to the department of public safety.

The **type 2** transfer will transfer all department of corrections and division of youth corrections statutory authority, powers, duties,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

personnel, property, funding, budgeting, purchasing, and planning to the department of public safety.

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

2 **SECTION 1. Repeal.** 24-1-110 (1) (t), Colorado Revised
3 Statutes, is repealed as follows:

4 **24-1-110. Principal departments.** (1) In accordance with the
5 provisions of section 22 of article IV of the state constitution, all
6 executive and administrative offices, agencies, and instrumentalities of
7 the executive department of the state government and their respective
8 functions, powers, and duties, except as otherwise provided by law, are
9 allocated among and within the following principal departments created
10 by this article:

11 (t) ~~Department of corrections;~~

12 **SECTION 2.** 24-1-128.6 (2), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14 **24-1-128.6. Department of public safety - creation -**
15 **repeal.** (2) The department of public safety shall consist of the following
16 divisions:

17 (d.5) (I) DIVISION OF CORRECTIONS, THE HEAD OF WHICH SHALL BE
18 THE DIRECTOR OF THE DIVISION OF CORRECTIONS. THE POWERS, DUTIES,
19 AND FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS, CREATED BY PART
20 1 OF ARTICLE 1 OF TITLE 17, C.R.S., ARE TRANSFERRED BY A **TYPE 2**
21 TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY. WHENEVER ANY LAW
22 OF THIS STATE OR ANY RULE PROMULGATED UNDER THE LAWS OF THIS
23 STATE REFERS TO THE DEPARTMENT OF CORRECTIONS, SUCH LAW OR RULE
24 SHALL BE DEEMED TO REFER TO THE DIVISION OF CORRECTIONS IN THE
25 DEPARTMENT OF PUBLIC SAFETY.

1 (II) THE DIVISION OF CORRECTIONS SHALL INCLUDE THE YOUTH
2 CORRECTIONS SUBDIVISION. THE POWERS, DUTIES, AND FUNCTIONS OF THE
3 DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN
4 SERVICES, CREATED BY SECTION 19-2-203, C.R.S., ARE TRANSFERRED BY
5 A **TYPE 2** TRANSFER TO THE DIVISION OF CORRECTIONS IN THE
6 DEPARTMENT OF PUBLIC SAFETY. WHENEVER ANY LAW OF THIS STATE OR
7 ANY RULE PROMULGATED UNDER THE LAWS OF THIS STATE REFERS TO THE
8 DIVISION OF YOUTH CORRECTIONS, SUCH LAW OR RULE SHALL BE DEEMED
9 TO REFER TO THE SUBDIVISION OF YOUTH CORRECTIONS IN THE
10 DEPARTMENT OF PUBLIC SAFETY.

11 **SECTION 3.** 24-33.5-105, Colorado Revised Statutes, is
12 amended BY THE ADDITION OF THE FOLLOWING NEW
13 SUBSECTIONS to read:

14 **24-33.5-105. Transfer of functions.** (4) NOTWITHSTANDING
15 ANY OTHER PROVISION OF LAW, THE DEPARTMENT OF PUBLIC SAFETY
16 SHALL, ON AND AFTER JULY 1, 2011, EXECUTE, ADMINISTER, PERFORM,
17 AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND
18 OBLIGATIONS VESTED IN THE DEPARTMENT OF CORRECTIONS AND THE
19 DIVISION OF YOUTH CORRECTIONS WITHIN THE DEPARTMENT OF HUMAN
20 SERVICES PRIOR TO JULY 1, 2011, CONCERNING THE DUTIES AND
21 FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY. ON
22 JULY 1, 2011, ALL EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS AND
23 THE DIVISION OF YOUTH CORRECTIONS WITHIN THE DEPARTMENT OF
24 HUMAN SERVICES WHOSE PRINCIPAL DUTIES ARE CONCERNED WITH THE
25 DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PUBLIC
26 SAFETY AND WHOSE EMPLOYMENT IN THE DEPARTMENT OF PUBLIC SAFETY
27 IS DEEMED NECESSARY BY THE EXECUTIVE DIRECTOR TO CARRY OUT THE

1 PURPOSES OF THIS ARTICLE SHALL BE TRANSFERRED TO THE DEPARTMENT
2 OF PUBLIC SAFETY AND SHALL BECOME EMPLOYEES THEREOF. SUCH
3 EMPLOYEES SHALL RETAIN ALL RIGHTS TO STATE PERSONNEL SYSTEM AND
4 RETIREMENT BENEFITS UNDER THE LAWS OF THIS STATE, AND THEIR
5 SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS
6 AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM
7 SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL
8 SYSTEM LAWS AND RULES AND REGULATIONS.

9 (5) WHENEVER THE DEPARTMENT OF CORRECTIONS OR THE
10 DIVISION OF YOUTH CORRECTIONS WITHIN THE DEPARTMENT OF HUMAN
11 SERVICES IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER
12 DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS
13 TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY, SUCH REFERENCE
14 OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE DEPARTMENT OF
15 PUBLIC SAFETY. ALL CONTRACTS ENTERED INTO BY THE SAID
16 DEPARTMENTS PRIOR TO JULY 1, 2011, IN CONNECTION WITH THE DUTIES
17 AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY
18 ARE HEREBY VALIDATED, WITH THE DEPARTMENT OF PUBLIC SAFETY
19 SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH CONTRACTS.
20 ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO
21 SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS ARE HEREBY
22 TRANSFERRED AND APPROPRIATED TO THE DEPARTMENT OF PUBLIC
23 SAFETY FOR THE PAYMENT OF SUCH OBLIGATIONS.

24 **SECTION 4. Act subject to petition - effective date.** This act
25 shall take effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part shall not take effect
4 unless approved by the people at the general election to be held in
5 November 2010 and shall take effect on the date of the official
6 declaration of the vote thereon by the governor.