

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0808.01 Troy Bratton

SENATE BILL 10-148

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SENATE SPONSORSHIP

White, Keller, Tapia

HOUSE SPONSORSHIP

Lambert, Ferrandino, Pommer

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Senate Committees  
Appropriations

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE TRANSFER OF THE ENTERPRISE FACILITY FOR  
102 OPERATIONAL RECOVERY, READINESS, RESPONSE, AND  
103 TRANSITION SERVICES FROM THE DEPARTMENT OF STATE TO  
104 THE OFFICE OF INFORMATION TECHNOLOGY IN THE OFFICE OF  
105 THE GOVERNOR, AND, IN CONNECTION THEREWITH, DEVELOPING  
106 A TIMELINE TO TRANSFER FUNDING OF THE FACILITY FROM THE  
107 DEPARTMENT OF STATE CASH FUND TO THE INFORMATION  
108 TECHNOLOGY REVOLVING FUND OVER A PERIOD OF FOUR YEARS.

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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*

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.*

*applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill transfers management responsibilities of the enterprise facility for operational recovery, readiness, response, and transition services (enterprise facility) from the department of state to the office of information technology in the office of the governor.

The bill also develops a timeline to transfer the funding of the enterprise facility from the department of state cash fund to the information technology revolving fund over a period of 4 years.

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

2           **SECTION 1.** 24-37.5-102, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:

4           **24-37.5-102. Definitions.** As used in this article, unless the  
5 context otherwise requires:

6           (1.5) "ENTERPRISE FACILITY" MEANS THE ENTERPRISE FACILITY  
7 FOR OPERATIONAL RECOVERY, READINESS, RESPONSE, AND TRANSITION  
8 SERVICES.

9           **SECTION 2.** 24-37.5-104, Colorado Revised Statutes, is  
10 amended BY THE ADDITION OF A NEW SUBSECTION to read:

11           **24-37.5-104. Transfer of functions - change of name -**  
12 **continuity of existence - legislative declaration - rules.** (7) (a) THERE  
13 IS HEREBY CREATED IN THE OFFICE THE ENTERPRISE FACILITY FOR  
14 OPERATIONAL RECOVERY, READINESS, RESPONSE, AND TRANSITION  
15 SERVICES.

16           (b) ON JULY 1, 2010, THE ENTERPRISE FACILITY FOR OPERATIONAL  
17 RECOVERY, READINESS, RESPONSE, AND TRANSITION SERVICES WITHIN THE  
18 DEPARTMENT OF STATE, IN COORDINATION WITH PARTICIPATING STATE  
19 AGENCIES, IS TRANSFERRED TO THE OFFICE.

20           (c) (I) ON AND AFTER JULY 1, 2010, ALL POSITIONS OF

1 EMPLOYMENT IN THE ENTERPRISE FACILITY AS IT EXISTED WITHIN THE  
2 DEPARTMENT OF STATE CONCERNING THE POWERS, DUTIES, AND  
3 FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION  
4 (7) THAT ARE DEEMED NECESSARY TO CARRY OUT THE PURPOSES OF THIS  
5 ARTICLE BY THE CHIEF INFORMATION OFFICER SHALL BE TRANSFERRED TO  
6 THE OFFICE AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN. THE  
7 CHIEF INFORMATION OFFICER SHALL APPOINT SUCH EMPLOYEES AS ARE  
8 NECESSARY TO CARRY OUT THE DUTIES AND EXERCISE THE POWERS  
9 CONFERRED BY LAW UPON THE OFFICE AND THE CHIEF INFORMATION  
10 OFFICER.

11 (II) ON AND AFTER JULY 1, 2010, ALL EMPLOYEES OF THE  
12 ENTERPRISE FACILITY AS IT EXISTED WITHIN THE DEPARTMENT OF STATE  
13 WHOSE DUTIES AND FUNCTIONS CONCERNED THE POWERS, DUTIES, AND  
14 FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION  
15 (7) SHALL BE CONSIDERED EMPLOYEES OF THE OFFICE FOR PURPOSES OF  
16 SECTION 24-50-124, REGARDLESS OF WHETHER THE POSITION OF  
17 EMPLOYMENT IN WHICH THE EMPLOYEE SERVED WAS TRANSFERRED TO  
18 THE OFFICE. ANY SUCH EMPLOYEES WHO ARE CLASSIFIED EMPLOYEES IN  
19 THE STATE PERSONNEL SYSTEM SHALL RETAIN ALL RIGHTS TO THE  
20 PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS  
21 OF THE STATE, AND THEIR SERVICE SHALL BE DEEMED TO HAVE BEEN  
22 CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN  
23 THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN  
24 ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND RULES.

25 (d) ON JULY 1, 2010, ALL ITEMS OF PROPERTY, REAL AND  
26 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,  
27 DOCUMENTS, AND RECORDS OF THE ENTERPRISE FACILITY AS IT EXISTED

1        WITHIN THE DEPARTMENT OF STATE PERTAINING TO THE DUTIES AND  
2        FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION  
3        (7) ARE TRANSFERRED TO THE OFFICE AND SHALL BECOME THE PROPERTY  
4        THEREOF.

5            (e) ON AND AFTER JULY 1, 2010, WHENEVER THE ENTERPRISE  
6        FACILITY FOR OPERATIONAL RECOVERY, READINESS, RESPONSE, AND  
7        TRANSITION SERVICES WITHIN THE DEPARTMENT OF STATE, IN  
8        COORDINATION WITH PARTICIPATING STATE AGENCIES, IS REFERRED TO OR  
9        DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH  
10       THE DUTIES AND FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO  
11       THIS SUBSECTION (7), SUCH REFERENCE OR DESIGNATION SHALL BE  
12       DEEMED TO APPLY TO THE OFFICE CREATED PURSUANT TO THIS ARTICLE.  
13       ALL CONTRACTS ENTERED INTO BY THE ENTERPRISE FACILITY AS IT  
14       EXISTED WITHIN THE DEPARTMENT OF STATE PRIOR TO JULY 1, 2010, IN  
15       CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE  
16       OFFICE PURSUANT TO THIS SUBSECTION (7) ARE HEREBY VALIDATED, WITH  
17       THE OFFICE SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS OF THE  
18       CONTRACTS. ANY APPROPRIATIONS OF MONEYS FROM PRIOR FISCAL YEARS  
19       OPEN TO SATISFY OBLIGATIONS INCURRED PURSUANT TO THE CONTRACTS  
20       ARE HEREBY TRANSFERRED AND APPROPRIATED TO THE OFFICE FOR THE  
21       PAYMENT OF SUCH OBLIGATIONS.

22            (f) ON AND AFTER JULY 1, 2010, UNLESS OTHERWISE SPECIFIED,  
23        WHENEVER ANY PROVISION OF LAW REFERS TO THE DEPARTMENT OF STATE  
24        IN CONNECTION WITH THE ENTERPRISE FACILITY, THE LAW SHALL BE  
25        CONSTRUED AS REFERRING TO THE OFFICE.

26            (g) ALL RULES AND ORDERS OF THE DEPARTMENT OF STATE OR THE  
27        OFFICE OF THE GOVERNOR IN CONNECTION WITH THE POWERS, DUTIES, AND

1 FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION  
2 (7) SHALL CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED,  
3 REPEALED, OR NULLIFIED PURSUANT TO LAW. ON AND AFTER JULY 1,  
4 2010, THE CHIEF INFORMATION OFFICER SHALL ADOPT RULES NECESSARY  
5 FOR THE ADMINISTRATION OF SUCH POWERS, DUTIES, AND FUNCTIONS.

6 (h) ON AND AFTER JULY 1, 2010, THE ENTERPRISE FACILITY SHALL  
7 BE FUNDED AS FOLLOWS:

8 (I) FOR STATE FISCAL YEAR 2010-11, ONE HUNDRED PERCENT BY  
9 MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE  
10 DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3)  
11 (b);

12 (II) FOR STATE FISCAL YEAR 2011-12, SIXTY-SEVEN PERCENT BY  
13 MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE  
14 DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b)  
15 AND THIRTY-THREE PERCENT BY MONEYS APPROPRIATED BY THE GENERAL  
16 ASSEMBLY FROM THE INFORMATION TECHNOLOGY REVOLVING FUND  
17 CREATED IN SECTION 24-37.5-112 (1) (a);

18 (III) FOR STATE FISCAL YEAR 2012-13, THIRTY-THREE PERCENT BY  
19 MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE  
20 DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b)  
21 AND SIXTY-SEVEN PERCENT BY MONEYS APPROPRIATED BY THE GENERAL  
22 ASSEMBLY FROM THE INFORMATION TECHNOLOGY REVOLVING FUND  
23 CREATED IN SECTION 24-37.5-112 (1) (a); AND

24 (IV) FOR STATE FISCAL YEAR 2013-14 AND FOR EACH STATE  
25 FISCAL YEAR THEREAFTER, ONE HUNDRED PERCENT BY MONEYS  
26 APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE INFORMATION  
27 TECHNOLOGY REVOLVING FUND CREATED IN SECTION 24-37.5-112 (1) (a).

1           **SECTION 3. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.