

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 10-0808.01 Troy Bratton

SENATE BILL 10-148

SENATE SPONSORSHIP

White, Keller, Tapia

HOUSE SPONSORSHIP

Lambert, Ferrandino, Pommer

Senate Committees
Appropriations

House Committees

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 COMPUTER**
108 **SERVICES REVOLVING FUND OVER A PERIOD OF FOUR YEARS.**

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.*

SENATE
Amended 2nd Reading
February 24, 2010

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.

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 THE FOLLOWING NEW
4 SUBSECTIONS to read:

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

7 (1.5) "DISASTER RECOVERY" MEANS THE PROVISIONING OF
8 SERVICES FOR OPERATIONAL RECOVERY, READINESS, RESPONSE, AND
9 TRANSITION OF INFORMATION TECHNOLOGY APPLICATIONS, SYSTEMS, OR
10 RESOURCES.

11 (1.7) "ENTERPRISE FACILITY" MEANS AN ENTERPRISE FACILITY FOR
12 PROVIDING INFORMATION TECHNOLOGY SERVICES.

13 (2.5) "LOCAL GOVERNMENT" MEANS THE GOVERNMENT OF ANY
14 COUNTY, CITY AND COUNTY, HOME RULE OR STATUTORY CITY, TOWN,
15 SPECIAL DISTRICT, OR SCHOOL DISTRICT.

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

18 **24-37.5-104. Transfer of functions - change of name -**
19 **continuity of existence - legislative declaration - rules.** (7) (a) THERE
20 IS HEREBY CREATED IN THE OFFICE THE ENTERPRISE FACILITY FOR

1 OPERATIONAL RECOVERY, READINESS, RESPONSE, AND TRANSITION
2 SERVICES.

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

7 (c) (I) ON AND AFTER JULY 1, 2010, ALL POSITIONS OF
8 EMPLOYMENT IN THE ENTERPRISE FACILITY AS IT EXISTED WITHIN THE
9 DEPARTMENT OF STATE CONCERNING THE POWERS, DUTIES, AND
10 FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION
11 (7) THAT ARE DEEMED NECESSARY TO CARRY OUT THE PURPOSES OF THIS
12 ARTICLE BY THE CHIEF INFORMATION OFFICER SHALL BE TRANSFERRED TO
13 THE OFFICE AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN. THE
14 CHIEF INFORMATION OFFICER SHALL APPOINT SUCH EMPLOYEES AS ARE
15 NECESSARY TO CARRY OUT THE DUTIES AND EXERCISE THE POWERS
16 CONFERRED BY LAW UPON THE OFFICE AND THE CHIEF INFORMATION
17 OFFICER.

18 (II) ON AND AFTER JULY 1, 2010, ALL EMPLOYEES OF THE
19 ENTERPRISE FACILITY AS IT EXISTED WITHIN THE DEPARTMENT OF STATE
20 WHOSE DUTIES AND FUNCTIONS CONCERNED THE POWERS, DUTIES, AND
21 FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION
22 (7) SHALL BE CONSIDERED EMPLOYEES OF THE OFFICE FOR PURPOSES OF
23 SECTION 24-50-124, REGARDLESS OF WHETHER THE POSITION OF
24 EMPLOYMENT IN WHICH THE EMPLOYEE SERVED WAS TRANSFERRED TO
25 THE OFFICE. ANY SUCH EMPLOYEES WHO ARE CLASSIFIED EMPLOYEES IN
26 THE STATE PERSONNEL SYSTEM SHALL RETAIN ALL RIGHTS TO THE
27 PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS

1 OF THE STATE, AND THEIR SERVICE SHALL BE DEEMED TO HAVE BEEN
2 CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN
3 THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN
4 ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND RULES.

5 (d) ON JULY 1, 2010, ALL ITEMS OF PROPERTY, REAL AND
6 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,
7 DOCUMENTS, AND RECORDS OF THE ENTERPRISE FACILITY AS IT EXISTED
8 WITHIN THE DEPARTMENT OF STATE PERTAINING TO THE DUTIES AND
9 FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION
10 (7) ARE TRANSFERRED TO THE OFFICE AND SHALL BECOME THE PROPERTY
11 THEREOF.

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

1 PAYMENT OF SUCH OBLIGATIONS.

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

6 (g) ALL RULES AND ORDERS OF THE DEPARTMENT OF STATE OR THE
7 OFFICE OF THE GOVERNOR IN CONNECTION WITH THE POWERS, DUTIES, AND
8 FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION
9 (7) SHALL CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED,
10 REPEALED, OR NULLIFIED PURSUANT TO LAW. ON AND AFTER JULY 1,
11 2010, THE CHIEF INFORMATION OFFICER SHALL ADOPT RULES NECESSARY
12 FOR THE ADMINISTRATION OF SUCH POWERS, DUTIES, AND FUNCTIONS.

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

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

19 (II) FOR STATE FISCAL YEAR 2011-12, SIXTY-SEVEN PERCENT BY
20 MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE
21 DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b)
22 AND THIRTY-THREE PERCENT BY MONEYS APPROPRIATED BY THE GENERAL
23 ASSEMBLY FROM THE COMPUTER SERVICES REVOLVING FUND CREATED IN
24 SECTION 24-37.5-604 (2);

25 (III) FOR STATE FISCAL YEAR 2012-13, THIRTY-THREE PERCENT BY
26 MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE
27 DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b)

1 AND SIXTY-SEVEN PERCENT BY MONEYS APPROPRIATED BY THE GENERAL
2 ASSEMBLY FROM THE COMPUTER SERVICES REVOLVING FUND CREATED IN
3 SECTION 24-37.5-604 (2); AND

4 (IV) FOR STATE FISCAL YEAR 2013-14 AND FOR EACH STATE
5 FISCAL YEAR THEREAFTER, ONE HUNDRED PERCENT BY MONEYS
6 APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE COMPUTER
7 SERVICES REVOLVING FUND CREATED IN SECTION 24-37.5-604 (2).

8 **SECTION 3.** 24-37.5-106, Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW SUBSECTION to read:

10 **24-37.5-106. Chief information officer - duties and**
11 **responsibilities - broadband inventory fund created.** (1.7) THE CHIEF
12 INFORMATION OFFICER MAY ENTER INTO CONTRACTS WITH ANY LOCAL
13 GOVERNMENT, STATE AGENCY, OR POLITICAL SUBDIVISION OF THE STATE,
14 INCLUDING THE LEGISLATIVE AND JUDICIAL DEPARTMENTS, THE
15 DEPARTMENT OF LAW, THE DEPARTMENT OF STATE, THE DEPARTMENT OF
16 TREASURY, OR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION
17 FOR THE PURPOSE OF PROVIDING DISASTER RECOVERY SERVICES.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.