

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

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 COMPUTER**  
108 **SERVICES 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.*

SENATE  
3rd Reading Unamended  
February 26, 2010

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.

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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 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.