

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0739.01 Dan Cartin

SENATE BILL 08-155

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Senate Committees

State, Veterans & Military Affairs

House Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CENTRALIZATION OF THE MANAGEMENT OF STATE**
102 **AGENCY INFORMATION TECHNOLOGY RESOURCES IN THE OFFICE**
103 **OF INFORMATION TECHNOLOGY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

(Drafting Note: This bill includes some statutory sections that have been relocated and renumbered, either without change or with amendments. Existing material that has been relocated is printed in lower-case type, with any amendments indicated by capital letters and stricken type. Former section numbers are supplied in brackets for comparison purposes.)

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 27, 2008

SENATE
Amended 2nd Reading
February 25, 2008

Transfers the rights, powers, duties, and functions of the following state agencies to the office of information technology (office) in the governor's office:

- ! The general government computer center, from the department of personnel;
- ! Telecommunications coordination, from the department of personnel;
- ! State archives and public records, from the department of personnel;
- ! The office of the chief information security officer, within the governor's office.

Limits the office's oversight to IT in the executive branch agencies and not the legislative or judicial departments.

Specifies that the employees of those state agencies whose employment is deemed necessary by the chief information officer of the office (CIO) shall become employees of the office.

Requires the office to coordinate with and provide assistance, advice, and expertise in connection with business relationships between state agencies and private sector providers of information technology (IT) resources. Specifies that the office oversees and supervises the maintenance of IT and the initiation of any IT updates or projects and initiates all procurements of IT resources for state agencies, other than the legislative department, and enters into the agreements or contracts in connection with those procurements.

Consistent with the office's overall IT project oversight and procurement for state agencies, eliminates the provisions governing and distinguishing major automation system development projects.

Exempts emergency acquisitions or purchases of IT resources by the office from the state procurement code. Authorizes the office to promulgate rules specifying the criteria for such acquisitions and purchases.

Requires state agencies to cooperate with the office in developing and implementing processes for the sharing of data and information with the office and between state agencies. Directs that the office determine and implement statewide efforts to standardize and determine ownership of IT resources among state agencies.

Requires the CIO to prepare and submit budget requests for all IT resources to be utilized by state agencies and to develop policies and procedures for state agency requests for IT procurements of any amount, instead of those exceeding \$100,000. Adds to the duties and responsibilities of the CIO supervision of the chief information security officer and the authorization to hire or retain contractors, subcontractors, advisors, consultants, and agents that are deemed advisable or necessary, including those to provide legal advice or legal services, research and

development activity, or strategic planning services.

Makes the position of CIO a member of the governor's cabinet.

Transfers the chief information officer of each state agency and certain employees of those agencies to the office by a specified date and makes each an employee of the office. Specifies that each chief information officer transferred to the office may continue to act as the information officer for the state agency from which he or she was transferred. Makes each chief information officer subject to the immediate supervision of the CIO. Exempts the chief information officers in the legislative and judicial departments from transfer to the office. Specifies that a transferred chief information officer and the employees under the supervision of that information officer may continue operations at the location of the information officer's state agency.

Transfers all duties and responsibilities for statewide geographic information system coordination from the department of local affairs to the office. Directs the office to develop a statewide geographic information system plan by a specified date and to submit the plan to the governor and to the state, veterans, and military affairs committees of the senate and the house of representatives.

Creates the information technology revolving fund. Directs that moneys in the revolving fund be continuously appropriated to the office to pay the costs of consolidation and information technology maintenance and upgrades. Requires that any moneys appropriated from the general fund to the office or a state agency for the 2008-09 fiscal year and for each fiscal year thereafter for the procurement of information technology resources or major automation system projects, which moneys are unexpended or unencumbered as of the close of the fiscal year as a result of savings achieved by the office or state agency in connection with such procurements, shall not revert to the general fund and shall be transferred to the revolving fund.

Makes conforming amendments. Deletes obsolete language. Defines terms.

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 to read:

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

6 (1) ~~"Communication and information resources" means the~~
7 ~~procedures, equipment, and software that are designed, built, operated,~~

1 ~~and maintained to collect, record, process, store, retrieve, display, and~~
2 ~~transmit information. The term also includes associated personnel~~
3 ~~including consultants and contractors~~ "CHIEF INFORMATION OFFICER"
4 MEANS THE CHIEF INFORMATION OFFICER APPOINTED PURSUANT TO
5 SECTION 24-37.5-103.

6 ~~(2) "Communication and information resources technologies"~~
7 ~~means data processing and telecommunications hardware, software,~~
8 ~~services, supplies, personnel, facility resources, maintenance, and~~
9 ~~training.~~

10 ~~(3)~~ (2) "Data processing" "INFORMATION TECHNOLOGY" means
11 information technology AND COMPUTER-BASED equipment and related
12 services designed for the ~~automated~~ storage, manipulation, and retrieval
13 of data by electronic or mechanical means, or both. The term includes but
14 is not limited to:

15 (a) Central processing units, servers for all functions, network
16 routers, personal computers, laptop computers, hand-held processors, and
17 all related peripheral devices configurable to such equipment, such as
18 data storage devices, document scanners, data entry equipment,
19 specialized end-user terminal equipment, and equipment and systems
20 supporting ~~automated~~ communications networks;

21 (b) All related services, including feasibility studies, systems
22 design, software development, system testing, external off-site storage,
23 and network services, whether provided by state employees or by others;
24 ~~and~~

25 (c) The systems, programs, routines, and processes used to employ
26 and control the capabilities of data processing hardware, including
27 operating systems, compilers, assemblers, utilities, library routines,

1 maintenance routines, applications, application testing capabilities,
2 storage system software, hand-held device operating systems, and
3 computer networking programs; AND

4 ~~(3.5)~~ (d) ~~"Information technology"~~ means The application of
5 electronic information processing hardware, software, or
6 telecommunications to support state government business processes.

7 ~~(3.7)~~ ~~"Major automation system development project"~~ means a
8 project of state government that has a significant information technology
9 component, including, without limitation, the replacement of an existing
10 technological system. For purposes of this subsection ~~(3.7)~~, "significant"
11 means a project for which the total estimated development cost is not less
12 than five million dollars, the project development or acquisition is a
13 multi-year effort, the project has a critical level of risk as determined by
14 an assessment performed by the office, or the project requires frequent or
15 consistent coordination between or among information technology project
16 management staff and agency administrative or program staff.

17 ~~(4)~~ (3) "Office" means the office of information technology
18 created pursuant to section 24-37.5-103.

19 ~~(4.3)~~ "Project management analyst" means a person who is trained
20 and experienced in gathering project management-related information and
21 in the analysis of project management-related information. Such
22 information may include, without limitation, information related to major
23 automation system development project scheduling, cost, and
24 performance. A project management analyst shall be able to develop
25 recommendations for appropriate corrective and preventative
26 management action regarding major automation system development
27 projects.

1 (4.7) "~~Project manager~~" means a person who is trained and
2 experienced in the leadership and management of major automation
3 system development projects from the commencement of such projects
4 through their completion.

5 (5) (4) "State agency" means ~~every state office, whether~~
6 ~~legislative, executive, or judicial, and all of its respective officers,~~ THE
7 departments, divisions, commissions, boards, bureaus, and institutions IN
8 THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT. "State agency"
9 does not include THE LEGISLATIVE OR JUDICIAL DEPARTMENT, THE
10 DEPARTMENT OF LAW, THE DEPARTMENT OF STATE, THE DEPARTMENT OF
11 THE TREASURY, OR state-supported institutions of higher education. ~~the~~
12 department of higher education, the Colorado commission on higher
13 education, or other instrumentality thereof.

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

16 **24-37.5-104. Transfer of functions - change of name -**
17 **continuity of existence - legislative declaration - rules.** (6) (a) THE
18 OFFICE SHALL, ON AND AFTER JULY 1, 2008, EXECUTE, ADMINISTER,
19 PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND
20 OBLIGATIONS VESTED PRIOR TO JULY 1, 2008, IN THE GENERAL
21 GOVERNMENT COMPUTER CENTER WITHIN THE DEPARTMENT OF
22 PERSONNEL, IN TELECOMMUNICATIONS COORDINATION WITHIN THE
23 DEPARTMENT OF PERSONNEL, AND IN THE OFFICE OF THE CHIEF
24 INFORMATION SECURITY OFFICER IN THE OFFICE OF THE GOVERNOR.

25 (b) (I) ON AND AFTER JULY 1, 2008, ALL POSITIONS OF
26 EMPLOYMENT IN THE GENERAL GOVERNMENT COMPUTER CENTER WITHIN
27 THE DEPARTMENT OF PERSONNEL, IN TELECOMMUNICATIONS

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

12 (II) ON AND AFTER JULY 1, 2008, ALL EMPLOYEES OF THE GENERAL
13 GOVERNMENT COMPUTER CENTER WITHIN THE DEPARTMENT OF
14 PERSONNEL, IN TELECOMMUNICATIONS COORDINATION WITHIN THE
15 DEPARTMENT OF PERSONNEL, AND IN THE OFFICE OF THE CHIEF
16 INFORMATION SECURITY OFFICER IN THE OFFICE OF THE GOVERNOR WHOSE
17 DUTIES AND FUNCTIONS CONCERNED THE POWERS, DUTIES, AND
18 FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION
19 (6), REGARDLESS OF WHETHER THE POSITION OF EMPLOYMENT IN WHICH
20 THE EMPLOYEE SERVED WAS TRANSFERRED, SHALL BE CONSIDERED
21 EMPLOYEES OF THE OFFICE FOR PURPOSES OF SECTION 24-50-124. ANY
22 SUCH EMPLOYEES WHO ARE CLASSIFIED EMPLOYEES IN THE STATE
23 PERSONNEL SYSTEM SHALL RETAIN ALL RIGHTS TO THE PERSONNEL
24 SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THE
25 STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN
26 CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN
27 THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN

1 ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND RULES.

2 (c) ON JULY 1, 2008, ALL ITEMS OF PROPERTY, REAL AND
3 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,
4 DOCUMENTS, AND RECORDS OF THE GENERAL GOVERNMENT COMPUTER
5 CENTER WITHIN THE DEPARTMENT OF PERSONNEL, IN
6 TELECOMMUNICATIONS COORDINATION WITHIN THE DEPARTMENT OF
7 PERSONNEL, _____ AND IN THE OFFICE OF THE CHIEF INFORMATION
8 SECURITY OFFICER IN THE OFFICE OF THE GOVERNOR PERTAINING TO THE
9 DUTIES AND FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS
10 SUBSECTION (6), ARE TRANSFERRED TO THE OFFICE AND SHALL BECOME
11 THE PROPERTY THEREOF.

12 (d) ON AND AFTER JULY 1, 2008, WHENEVER THE GENERAL
13 GOVERNMENT COMPUTER CENTER WITHIN THE DEPARTMENT OF
14 PERSONNEL, WHENEVER TELECOMMUNICATIONS COORDINATION WITHIN
15 THE DEPARTMENT OF PERSONNEL, _____ AND WHENEVER THE OFFICE OF
16 THE CHIEF INFORMATION SECURITY OFFICER IN THE OFFICE OF THE
17 GOVERNOR IS REFERRED TO OR DESIGNATED BY A CONTRACT OR OTHER
18 DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS
19 TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION (6), SUCH
20 REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE OFFICE
21 CREATED PURSUANT TO THIS ARTICLE. ALL CONTRACTS ENTERED INTO BY
22 THE GENERAL GOVERNMENT COMPUTER CENTER WITHIN THE DEPARTMENT
23 OF PERSONNEL, BY TELECOMMUNICATIONS COORDINATION WITHIN THE
24 DEPARTMENT OF PERSONNEL, _____ AND BY THE OFFICE OF THE CHIEF
25 INFORMATION SECURITY OFFICER IN THE OFFICE OF THE GOVERNOR PRIOR
26 TO JULY 1, 2008, IN CONNECTION WITH THE DUTIES AND FUNCTIONS
27 TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION (6), ARE

1 HEREBY VALIDATED, WITH THE OFFICE SUCCEEDING TO ALL RIGHTS AND
2 OBLIGATIONS OF THE CONTRACTS. ANY APPROPRIATIONS OF MONEYS
3 FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED
4 PURSUANT TO THE CONTRACTS ARE HEREBY TRANSFERRED AND
5 APPROPRIATED TO THE OFFICE FOR THE PAYMENT OF SUCH OBLIGATIONS.

6 (e) ON AND AFTER JULY 1, 2008, UNLESS OTHERWISE SPECIFIED,
7 WHENEVER ANY PROVISION OF LAW REFERS TO THE DEPARTMENT OF
8 PERSONNEL IN CONNECTION WITH THE GENERAL GOVERNMENT COMPUTER
9 CENTER, TO TELECOMMUNICATIONS COORDINATION, OR TO THE
10 OFFICE OF THE GOVERNOR IN CONNECTION WITH THE OFFICE OF THE CHIEF
11 INFORMATION SECURITY OFFICER, THE LAW SHALL BE CONSTRUED AS
12 REFERRING TO THE OFFICE.

13 (f) ALL RULES AND ORDERS OF THE DEPARTMENT OF PERSONNEL
14 OR THE OFFICE OF THE GOVERNOR IN CONNECTION WITH THE POWERS,
15 DUTIES, AND FUNCTIONS TRANSFERRED TO THE OFFICE SHALL CONTINUE
16 TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED
17 PURSUANT TO LAW. ON AND AFTER JULY 1, 2008, THE CHIEF INFORMATION
18 OFFICER SHALL ADOPT RULES NECESSARY FOR THE ADMINISTRATION OF
19 SUCH POWERS, DUTIES, AND FUNCTIONS.

20 (g) THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO CHANGE
21 ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE
22 DEPARTMENT OF PERSONNEL AND OFFICE OF THE GOVERNOR AS
23 APPROPRIATE AND WITH RESPECT TO THE POWERS, DUTIES, AND
24 FUNCTIONS TRANSFERRED TO THE OFFICE. IN CONNECTION WITH SUCH
25 AUTHORITY, THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO AMEND
26 OR DELETE PROVISIONS OF THE COLORADO REVISED STATUTES SO AS TO
27 MAKE THE STATUTES CONSISTENT WITH THE POWERS, DUTIES, AND

1 FUNCTIONS TRANSFERRED PURSUANT TO THIS SECTION.

2 **SECTION 3.** 24-37.5-105 (3), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF THE FOLLOWING NEW
4 PARAGRAPHS to read:

5 **24-37.5-105. Office - responsibilities - rules.** (3) The office
6 shall:

7 (g) COORDINATE WITH AND PROVIDE ASSISTANCE, ADVICE, AND
8 EXPERTISE IN CONNECTION WITH BUSINESS RELATIONSHIPS BETWEEN
9 STATE AGENCIES AND PRIVATE SECTOR PROVIDERS OF INFORMATION
10 TECHNOLOGY RESOURCES. SUCH ASSISTANCE SHALL INCLUDE EFFORTS
11 THAT STRENGTHEN AND CREATE EFFICIENCIES IN THOSE BUSINESS
12 RELATIONSHIPS.

13 (h) OVERSEE AND SUPERVISE THE MAINTENANCE OF INFORMATION
14 TECHNOLOGY AND THE INITIATION OF ANY INFORMATION TECHNOLOGY
15 UPDATES OR PROJECTS FOR STATE AGENCIES; AND

16 (i) INITIATE ALL PROCUREMENTS OF INFORMATION TECHNOLOGY
17 RESOURCES FOR STATE AGENCIES AND ENTER INTO ANY AGREEMENT OR
18 CONTRACT IN CONNECTION WITH SUCH A PROCUREMENT ON BEHALF OF A
19 STATE AGENCY;

20 **SECTION 4.** 24-37.5-105 (4), (5), (6), and (7), Colorado Revised
21 Statutes, are amended, and the said 24-37.5-105 is further amended BY
22 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to
23 read:

24 **24-37.5-105. Office - responsibilities - rules.** (4) (a) The office
25 shall establish policies and procedures for acceptable project plans and
26 feasibility studies.

27 (b) ~~Prior to the approval or disbursement of any moneys, including~~

1 from federal, state, or cash funds, for any major automation system
2 development project, the office shall certify to the state controller that the
3 project is in compliance with best practices adopted by the state
4 concerning the management of an information technology project. Such
5 best practices shall include the assignment of project managers and
6 project management analysts to manage the state's resources and
7 responsibilities for the development of major automated systems. The
8 office shall develop policies regarding best practices and the verification
9 of project managers and project management analysts.

10 (5) (a) The department of personnel, in collaboration with the
11 office, shall create a job category and defined skill sets within the state
12 personnel system for individuals employed as major automation system
13 development project managers and major automation system development
14 project management analysts. The qualifications for project managers
15 and project management analysts shall include, at a minimum, and
16 without limitation, certification by the project management institute,
17 certification from another equivalent standards organization, or relevant
18 experience with significant major automation system development
19 projects. The office shall establish a team of project managers and
20 project management analysts who shall:

21 (I) Satisfy any training and experience requirements as established
22 by the department of personnel; and

23 (II) Be assigned by the office, in collaboration with state agencies,
24 to work with any such agencies on a major automation system
25 development project unless the agency's project manager or project
26 management analyst satisfies the criteria specified in this paragraph (a).

27 (b) State agencies that use the services specified in subparagraph

1 ~~(H) of paragraph (a) of this subsection (5) shall be responsible for~~
2 ~~reimbursing the office for the personnel costs associated with the project~~
3 ~~management and project management analyst function. The budget of~~
4 ~~each major automation system development project shall include funding~~
5 ~~for at least one project manager and one project management analyst.~~
6 ~~The executive director of any state agency that employs any person who~~
7 ~~possesses the qualifications necessary to be a project manager or project~~
8 ~~management analyst may request a review and verification that any such~~
9 ~~person is in compliance with any personnel qualifications governing such~~
10 ~~position as adopted by the department of personnel concerning the~~
11 ~~management of an information technology project and may use any such~~
12 ~~qualified staff person for project management and project management~~
13 ~~analyst services. Consistent with existing rules governing the state~~
14 ~~personnel system, no state agency shall be precluded from hiring a~~
15 ~~contract employee as a full-time project manager or project management~~
16 ~~analyst if the person satisfies the qualifications specified in paragraph (a)~~
17 ~~of this subsection (5).~~

18 (c) ~~The office shall establish and implement a training plan for all~~
19 ~~persons employed by the state as of June 6, 2006, who provide services~~
20 ~~or functions described in the job descriptions provided by the department~~
21 ~~of personnel for project managers and project management analysts. Any~~
22 ~~employee who receives such training and who possesses sufficient~~
23 ~~relevant experience may be certified by the office as a project manager or~~
24 ~~a project management analyst. The office, in collaboration with the~~
25 ~~department, may also require, as part of the verification process created~~
26 ~~pursuant to paragraph (b) of this subsection (5), any refresher training that~~
27 ~~it deems necessary for project managers and project management analysts~~

1 to stay current with trends affecting the management of information
2 technology projects.

3 (d) ~~State agencies shall reimburse the office for the costs of~~
4 ~~providing the training required by paragraph (c) of this subsection (5).~~

5 (6) ~~Not later than February 1, 2007, and no later than February 1~~
6 ~~of each calendar year thereafter, the office shall submit a plan to the joint~~
7 ~~budget committee of the general assembly, the business, labor, and~~
8 ~~technology committee of the senate and the business affairs and labor~~
9 ~~committee of the house of representatives, or any successor committees,~~
10 ~~and each legislative committee of reference of the senate and the house~~
11 ~~of representatives with oversight over a state agency that has commenced~~
12 ~~a major automation system development project. The plan shall describe~~
13 ~~the compliance by the office with the requirements of subsections (4) and~~
14 ~~(5) of this section in connection with major automation system~~
15 ~~development projects. In the plan, the office shall also describe any~~
16 ~~significant automation system development projects currently in progress~~
17 ~~and the extent to which the projects identified are meeting the~~
18 ~~requirements of subsections (4) and (5) of this section for the prior~~
19 ~~calendar year.~~

20 (7) ~~It is the intent of the general assembly that, to the extent~~
21 ~~possible, after the 2007-08 state fiscal year, the costs of implementing~~
22 ~~Senate Bill 06-063, as enacted at the second regular session of the~~
23 ~~sixty-fifth general assembly, shall be included within the costs of major~~
24 ~~automation system development projects.~~

25 (8) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY
26 EMERGENCY ACQUISITION OR PURCHASE OF INFORMATION TECHNOLOGY
27 RESOURCES BY THE OFFICE SHALL NOT BE SUBJECT TO THE PROVISIONS OF

1 THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS TITLE. THE
2 CHIEF INFORMATION OFFICER, IN CONSULTATION WITH AND WITH THE
3 APPROVAL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
4 PERSONNEL AND THE DIVISION OF PURCHASING, SHALL PROMULGATE
5 RULES PURSUANT TO ARTICLE 4 OF THIS TITLE SPECIFYING THE CRITERIA
6 FOR SUCH EMERGENCY ACQUISITIONS OR PURCHASES. ON OR BEFORE
7 SEPTEMBER 1, 2009, AND ON OR BEFORE SEPTEMBER 1 EACH YEAR
8 THEREAFTER, THE CHIEF INFORMATION OFFICER SHALL REPORT TO THE
9 STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE SENATE
10 AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND
11 TO THE JOINT BUDGET COMMITTEE THE FOLLOWING INFORMATION FOR
12 EACH EMERGENCY ACQUISITION OR PURCHASE OF INFORMATION
13 TECHNOLOGY RESOURCES MADE IN THE PRECEDING FISCAL YEAR:

14 (a) THE INFORMATION TECHNOLOGY RESOURCES PURCHASED OR
15 ACQUIRED;

16 (b) THE AMOUNT OF SUCH PURCHASE OR ACQUISITION; AND

17 (c) THE EMERGENCY SERVING AS THE BASIS FOR SUCH PURCHASE
18 OR ACQUISITION.

19 (9) STATE AGENCIES SHALL COOPERATE WITH THE CHIEF
20 INFORMATION OFFICER AND OFFICE IN DEVELOPING AND IMPLEMENTING
21 PROCESSES FOR THE SHARING OF DATA AND INFORMATION WITH THE
22 OFFICE AND BETWEEN STATE AGENCIES. THE OFFICE SHALL DETERMINE
23 AND IMPLEMENT STATEWIDE EFFORTS TO STANDARDIZE INFORMATION
24 TECHNOLOGY RESOURCES TO THE EXTENT POSSIBLE AND SHALL
25 DETERMINE THE OWNERSHIP OF INFORMATION TECHNOLOGY RESOURCES
26 AMONG STATE AGENCIES.

27 **SECTION 5.** 24-37.5-106 (1), Colorado Revised Statutes, is

1 amended, and the said 24-37.5-106 is further amended BY THE
2 ADDITION OF A NEW SUBSECTION, to read:

3 **24-37.5-106. Chief information officer - duties and**
4 **responsibilities.** (1) The chief information officer shall:

5 (a) Monitor trends and advances in ~~communication and~~
6 ~~information TECHNOLOGY resources, and data processing,~~ direct and
7 approve a comprehensive, statewide, four-year planning process, and plan
8 for the acquisition, management, and use of ~~communication and~~
9 ~~information resources and data processing~~ INFORMATION TECHNOLOGY.
10 The statewide information technology plan shall be updated annually and
11 submitted to the governor, the speaker of the house of representatives,
12 and the president of the senate.

13 (b) ~~Require state agencies to prepare and submit communications~~
14 ~~and data processing plans to the office~~ PARTICIPATE WITH AND ADVISE
15 ~~THE OFFICE ON THE CREATION OF AN INFORMATION TECHNOLOGY PLAN~~
16 ~~FOR SUCH AGENCY as part~~ of the state's planning and budgeting process.

17 Such plans shall:

18 (I) Be in compliance with the state's annual information
19 technology plan;

20 (II) Specify the state agency's ~~communications and data~~
21 ~~processing~~ INFORMATION TECHNOLOGY procurement and system
22 acquisition plans for the planning period; and

23 (III) Identify risks, issues, and concerns with the agency's
24 ~~communications and data processing~~ INFORMATION TECHNOLOGY
25 infrastructure.

26 (c) ~~In consultation with the executive director of the department~~
27 ~~of personnel,~~ Coordinate and direct the formulation and promulgation of

1 policies, standards, specifications, and guidelines for ~~communication and~~
2 ~~information resources, communication and information resources~~
3 ~~technologies, and data processing~~ INFORMATION TECHNOLOGY in state
4 agencies including but not limited to those required to support state and
5 local government exchange, acquisition, storage, use, sharing, and
6 distribution of geographic or base map data and related technologies;

7 (d) Direct the development of policies and procedures, in
8 consultation with the office of state planning and budgeting, that are
9 integrated into the state's strategic planning and budgeting processes and
10 that state agencies shall follow in developing ~~communications and data~~
11 ~~processing~~ INFORMATION TECHNOLOGY plans and technology-related
12 budget requests;

13 (e) Coordinate and direct the development of policies and
14 procedures for the effective management of technology investments
15 throughout their entire life cycle including but not limited to project
16 definition, procurement, development, implementation, operation,
17 performance evaluation, and enhancement or retirement;

18 (f) In consultation with the office of state planning and budgeting,
19 ~~review~~ PREPARE AND SUBMIT budget requests for ~~communication and~~
20 ~~information resources, communication and~~ ALL information TECHNOLOGY
21 resources ~~technologies, and data processing from~~ TO BE UTILIZED BY state
22 agencies; ~~and approve such budget requests for state agencies other than~~
23 ~~the legislative department;~~

24 (f.5) Approve a set of minimum standards to control purchases ~~by~~
25 OF INFORMATION TECHNOLOGY RESOURCES BY THE OFFICE FOR state
26 agencies and approve criteria to be used in approving or rejecting STATE
27 agency REQUESTS FOR procurements OF INFORMATION TECHNOLOGY

1 RESOURCES;

2 (g) Direct the development of policies and procedures for
3 ~~communication and information resources, communication and~~
4 ~~information resources technologies, and data processing~~ STATE AGENCY
5 REQUESTS FOR INFORMATION TECHNOLOGY procurements, agreements, or
6 contracts; ~~for amounts exceeding one hundred thousand dollars;~~

7 (h) Aggregate ~~communication and information resources,~~
8 ~~communication and information resources technologies, and data~~
9 ~~processing~~ INFORMATION TECHNOLOGY procurements for one or more
10 state agencies;

11 (i) Coordinate and direct the establishment of statewide standards
12 for the efficient exchange of electronic information and technology,
13 including infrastructure, between the public and private sectors in the
14 state;

15 (j) In consultation with the executive director of the department
16 of personnel, evaluate the feasibility of outsourcing ~~communication and~~
17 ~~information resources and data processing~~ INFORMATION TECHNOLOGY
18 resources and services and outsource those resources and services that
19 would be beneficial to the state;

20 (k) Monitor the status and timeliness of ~~communication and~~
21 ~~information resources, communication and information resources~~
22 ~~technologies, and data processing systems~~ INFORMATION TECHNOLOGY
23 projects and procurements for state agencies and advise on any risk
24 management issues in connection with those projects and procurements;

25 (l) ~~Assist state agencies with the timely delivery of agency~~
26 ~~communication and information resources, communication and~~
27 ~~information resources technologies, and data processing systems projects;~~

1 ~~in accordance with relevant contract deadline dates or schedules, from~~
2 ~~commencement through completion of those projects;~~

3 (m) Advise the joint budget committee ~~of the general assembly~~ on
4 requested or ongoing ~~communication and information resources,~~
5 ~~communication and information resources technologies, and data~~
6 ~~processing systems~~ INFORMATION TECHNOLOGY projects, including the
7 adherence of the ~~state agency~~ OFFICE to the budget, amounts appropriated,
8 and relevant contract deadline dates or schedules for those projects; ~~and~~

9 (n) Adopt standards and criteria for the procurement of adaptive
10 technology by state agencies for the use of individuals who are blind or
11 visually impaired as specified in article 85 of this title;

12 (o) SUPERVISE THE CHIEF INFORMATION SECURITY OFFICER
13 APPOINTED PURSUANT TO SECTION 24-37.5-403 (1); AND

14 (p) HIRE OR RETAIN SUCH CONTRACTORS, SUBCONTRACTORS,
15 ADVISORS, CONSULTANTS, AND AGENTS AS THE CHIEF INFORMATION
16 OFFICER MAY DEEM ADVISABLE OR NECESSARY, IN ACCORDANCE WITH THE
17 RELEVANT PROCEDURES, STATUTES, AND RULES AND MAY MAKE AND
18 ENTER INTO CONTRACTS NECESSARY OR INCIDENTAL TO THE EXERCISE OF
19 THE POWERS AND PERFORMANCE OF THE DUTIES OF THE OFFICE AND THE
20 CHIEF INFORMATION OFFICER. THE CHIEF INFORMATION OFFICER MAY
21 SPECIFICALLY HIRE OR RETAIN SUCH CONTRACTORS, SUBCONTRACTORS,
22 ADVISORS, CONSULTANTS, AND AGENTS AS THE CHIEF INFORMATION
23 OFFICER MAY DEEM ADVISABLE AND NECESSARY.

24 (3) THE POSITION OF CHIEF INFORMATION OFFICER SHALL BE
25 COMMENSURATE WITH THE POSITION OF HEAD OF A PRINCIPAL
26 DEPARTMENT AND SHALL BE A MEMBER OF THE GOVERNOR'S CABINET.

27 **SECTION 6.** 24-37.5-109 (1) (a), Colorado Revised Statutes, is

1 amended to read:

2 **24-37.5-109. Status of state agencies.** (1) State agencies shall:

3 (a) ~~Supervise~~ CONSULT WITH AND ADVISE THE OFFICE ON their
4 ~~communications and automated data processing~~ INFORMATION
5 TECHNOLOGY systems;

6 **SECTION 7.** Part 1 of article 37.5 of title 24, Colorado Revised
7 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
8 SECTIONS to read:

9 **24-37.5-110. Technology coordination.** (1) ON JULY 1, 2008,
10 THE CHIEF INFORMATION OFFICER OF EACH STATE AGENCY AND ON OR
11 AFTER JULY 1, 2008, BUT ON OR BEFORE JULY 1, 2012, THE EMPLOYEES OF
12 SUCH STATE AGENCIES DESIGNATED PURSUANT TO SUBSECTION (2) OF THIS
13 SECTION SHALL BE TRANSFERRED TO THE OFFICE AND SHALL BECOME
14 EMPLOYEES OF THE OFFICE. EACH OFFICER TRANSFERRED TO THE OFFICE
15 PURSUANT TO THIS SUBSECTION (1) AND HIS OR HER SUCCESSOR MAY
16 CONTINUE TO ACT AS THE OFFICER FOR THE STATE AGENCY FROM WHICH
17 HE OR SHE WAS TRANSFERRED AND SHALL MAINTAIN ANY DUTIES OR
18 RESPONSIBILITIES RELATED TO THE INFORMATION TECHNOLOGY
19 RESOURCES OF SUCH AGENCY. EACH OFFICER TRANSFERRED TO THE
20 OFFICE SHALL REPORT TO AND BE UNDER THE IMMEDIATE SUPERVISION OF
21 THE CHIEF INFORMATION OFFICER OF THE OFFICE.

22 (b) THE EMPLOYEES OF AN AGENCY THAT SUPPORT THE
23 INFORMATION TECHNOLOGY FUNCTIONS OF SUCH AGENCY SHALL
24 CONTINUE TO BE UNDER THE SUPERVISION OF THE CHIEF INFORMATION
25 OFFICER OF SUCH AGENCY UNTIL THE CHIEF INFORMATION OFFICER OF THE
26 OFFICE DETERMINES THAT IT IS NECESSARY FOR THOSE POSITIONS OR
27 FUNCTIONS TO COME UNDER THE CONTROL AND SUPERVISION OF THE

1 OFFICE.

2 (2) THE CHIEF INFORMATION OFFICER OF THE OFFICE AND THE
3 EXECUTIVE DIRECTOR AND CHIEF INFORMATION OFFICER OF EACH STATE
4 AGENCY SHALL JOINTLY IDENTIFY THE POSITIONS AND FUNCTIONS
5 AFFILIATED WITH THE MANAGEMENT AND ADMINISTRATION OF SUCH
6 AGENCY'S INFORMATION TECHNOLOGY RESOURCES AND ENTERPRISES
7 THAT WILL BE TRANSFERRED TO AND CENTRALIZED IN THE OFFICE
8 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

9 (3) ANY SUCH OFFICER OR EMPLOYEES WHO ARE CLASSIFIED
10 EMPLOYEES IN THE STATE PERSONNEL SYSTEM AT THE TIME OF THE
11 TRANSFER SHALL RETAIN ALL RIGHTS TO THE PERSONNEL SYSTEM AND
12 RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THE STATE, AND THEIR
13 SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS
14 AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM
15 SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL
16 SYSTEM LAWS AND RULES FOR THE PURPOSES OF SECTION 24-50-124.

17 (4) A CHIEF INFORMATION OFFICER AND THE EMPLOYEES UNDER
18 THE SUPERVISION OF THE OFFICER TRANSFERRED PURSUANT TO THIS
19 SECTION MAY CONTINUE OPERATIONS AT THE LOCATION OF SUCH
20 OFFICER'S STATE AGENCY. NOTHING IN THIS SUBSECTION (4) SHALL
21 REQUIRE THE RELOCATION OF AN OFFICER OR EMPLOYEES UNDER THE
22 SUPERVISION OF THE OFFICER OR SUCH OPERATIONS. THE CHIEF
23 INFORMATION OFFICER OF THE OFFICE MAY RELOCATE AN OFFICER AND
24 SELECT EMPLOYEES IN FURTHERANCE OF CENTRALIZING THE
25 MANAGEMENT OF INFORMATION TECHNOLOGY IN STATE AGENCIES.

26 **24-37.5-111. Geographic information system - coordinator -**
27 **statewide plan.** ON AND AFTER JULY 1, 2008, ALL DUTIES AND

1 RESPONSIBILITIES FOR STATEWIDE GEOGRAPHIC INFORMATION SYSTEM
2 COORDINATION SHALL BE TRANSFERRED FROM THE DEPARTMENT OF LOCAL
3 AFFAIRS TO THE OFFICE. THE OFFICE SHALL DEVELOP A STATEWIDE
4 GEOGRAPHIC INFORMATION SYSTEM PLAN ON OR BEFORE JULY 1, 2010,
5 AND SUBMIT SUCH PLAN TO THE GOVERNOR AND TO THE STATE, VETERANS,
6 AND MILITARY AFFAIRS COMMITTEES OF THE SENATE AND THE HOUSE OF
7 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

8 **24-37.5-112. Information technology revolving fund.**

9 (1) (a) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE
10 INFORMATION TECHNOLOGY REVOLVING FUND. EXCEPT AS OTHERWISE
11 PROVIDED IN SUBSECTION (2) OF THIS SECTION, MONEYS SHALL BE
12 APPROPRIATED TO THE FUND EACH YEAR BY THE GENERAL ASSEMBLY IN
13 THE ANNUAL GENERAL APPROPRIATION ACT FOR THE DIRECT AND INDIRECT
14 COSTS OF THE OFFICE.

15 (b) THE OFFICE SHALL DEVELOP A METHOD FOR BILLING USERS OF
16 THE OFFICE'S SERVICES THE FULL COST OF THE SERVICES, INCLUDING
17 MATERIALS, DEPRECIATION RELATED TO CAPITAL COSTS, LABOR, AND
18 ADMINISTRATIVE OVERHEAD. THE BILLING METHOD SHALL BE FULLY
19 IMPLEMENTED FOR ALL USERS OF THE OFFICE'S SERVICES ON OR BEFORE
20 JULY 1, 2013.

21 (c) ALL INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE
22 FUND SHALL BE CREDITED TO THE FUND. MONEYS IN THE REVOLVING FUND
23 SHALL BE CONTINUOUSLY APPROPRIATED TO THE OFFICE OF INFORMATION
24 TECHNOLOGY TO PAY THE COSTS OF CONSOLIDATION AND INFORMATION
25 TECHNOLOGY MAINTENANCE AND UPGRADES. ANY MONEYS CREDITED TO
26 THE REVOLVING FUND AND UNEXPENDED AND UNENCUMBERED AT THE
27 END OF ANY GIVEN FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL

1 NOT REVERT TO THE GENERAL FUND.

2 (2) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY MONEYS
3 APPROPRIATED FROM THE GENERAL FUND TO THE OFFICE OR A STATE
4 AGENCY FOR THE 2008-09 FISCAL YEAR AND FOR EACH FISCAL YEAR
5 THEREAFTER, FOR THE PROCUREMENT OF INFORMATION TECHNOLOGY
6 RESOURCES OR MAJOR AUTOMATION SYSTEM PROJECTS THAT ARE
7 UNEXPENDED OR UNENCUMBERED AS OF THE CLOSE OF THE FISCAL YEAR
8 AS A RESULT OF SAVINGS ACHIEVED BY THE OFFICE OR STATE AGENCY IN
9 CONNECTION WITH SUCH PROCUREMENTS, SHALL NOT REVERT TO THE
10 GENERAL FUND AND SHALL BE TRANSFERRED BY THE STATE TREASURER
11 AND THE CONTROLLER TO THE INFORMATION TECHNOLOGY REVOLVING
12 FUND CREATED IN SUBSECTION (1) OF THIS SECTION.

13 **SECTION 8.** 24-37.5-403 (1) and (2) (h), Colorado Revised
14 Statutes, are amended to read:

15 **24-37.5-403. Chief information security officer - duties and**
16 **responsibilities.** (1) The governor shall appoint a chief information
17 security officer who shall serve at the pleasure of the governor. THE
18 OFFICER SHALL REPORT TO AND BE UNDER THE SUPERVISION OF THE CHIEF
19 INFORMATION OFFICER. The officer shall exhibit a background and
20 expertise in security and risk management for communications and
21 information resources. In the event the officer is unavailable to perform
22 the duties and responsibilities under this part 4, all powers and authority
23 granted to the officer may be exercised by the ~~chief technology officer in~~
24 ~~the office of innovation and technology~~ CHIEF INFORMATION OFFICER.

25 (2) The chief information security officer shall:

26 (h) In coordination and consultation with the office of state
27 planning and budgeting and the ~~chief technology officer~~ CHIEF

1 INFORMATION OFFICER, review public agency budget requests related to
2 information security systems and approve such budget requests for state
3 agencies other than the legislative department; and

4 **SECTION 9.** Article 37.5 of title 24, Colorado Revised Statutes,
5 is amended BY THE ADDITION OF THE FOLLOWING NEW PARTS
6 CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS,
7 to read:

8 **PART 5**
9 **TELECOMMUNICATIONS COORDINATION WITHIN**
10 **STATE GOVERNMENT**

11 **24-37.5-501. [Formerly 24-30-902] Powers, duties, and**
12 **functions concerning telecommunications.** ~~(1) The executive director~~
13 ~~of the department of personnel~~ CHIEF INFORMATION OFFICER shall appoint
14 assistants, clerical staff, and other personnel as may be necessary to
15 discharge the duties and responsibilities set forth by this ~~part 9~~ PART 5.

16 ~~(2) The powers, duties, and functions concerning~~
17 ~~telecommunications, specified in this part 9, shall be administered as if~~
18 ~~transferred by a type 2 transfer as such transfer is defined in the~~
19 ~~"Administrative Organization Act of 1968", article 1 of this title, to the~~
20 ~~department of personnel.~~

21 **24-37.5-502. [Formerly 24-30-903] Duties and responsibilities.**

22 (1) ~~The executive director of the department of personnel~~ CHIEF
23 INFORMATION OFFICER shall perform the following functions:

24 (a) In consultation with local, state, and federal departments,
25 institutions, and agencies, formulate recommendations for a current and
26 long-range telecommunications plan, involving telephone, radio,
27 microwave, facsimile closed circuit and cable television,

1 teleconferencing, public broadcast, data communications transmission
2 circuits, fiber optics, satellites, cellular radio, and public safety radio
3 communications systems required by the FCC public safety national plan
4 and their integration into applicable telecommunications networks for
5 approval of the governor;

6 (b) Administer the approved current and long-range plan for
7 telecommunications and exercise general supervision over all
8 telecommunications networks, systems, and microwave facilities, subject
9 to the exception stated in subsection (2) of this section;

10 (c) Review all existing and future telecommunications
11 applications, planning, networks, systems, programs, equipment, and
12 facilities and establish priorities for those that are necessary and desirable
13 to accomplish the purposes of this ~~part 9~~ PART 5;

14 (d) Approve or disapprove the acquisition of telecommunications
15 equipment and necessary licenses by any state department, institution, or
16 agency;

17 (e) Establish telecommunications procedures, standards, and
18 records for management of telecommunications networks and facilities
19 for all state departments, institutions, and agencies;

20 (f) Continually review, assess, and insure compliance with federal
21 and state telecommunications regulations pertaining to the needs and
22 functions of state departments, institutions, and agencies;

23 (g) Advise the governor and general assembly on
24 telecommunications matters;

25 (h) Cooperate with and assist nonprofit regional broadcasting
26 corporations, as appropriate and if resources are available, in the
27 development of regional noncommercial television and radio networks

1 and local facilities, including acting as the agency by which the state
2 participates in any such regional broadcasting corporation;

3 (i) Administer the public safety communications trust fund created
4 in ~~section 24-30-908.5~~ SECTION 24-37.5-506; and

5 (j) Adopt rules in accordance with the "State Administrative
6 Procedure Act", article 4 of this title, regarding distributions of public
7 safety communications trust fund moneys to and repayment of such
8 moneys by state and local governments.

9 (2) Notwithstanding the functions enumerated in paragraph (b) of
10 subsection (1) of this section and paragraph (a) of ~~subsection (6)~~
11 SUBSECTION (4) of this section, the ultimate responsibility for the
12 operation and conduct of the law enforcement radio systems specifically
13 provided for the division of the Colorado state patrol ~~which~~ THAT are
14 performed by radio dispatchers and telephone operators shall be vested
15 in the chief of the Colorado state patrol.

16 (3) The ~~executive director of the department of personnel~~ CHIEF
17 INFORMATION OFFICER may enter into contracts with any county, city and
18 county, state agency, private schools, school district, board of cooperative
19 educational services, or library and may act as a telecommunications
20 network provider between or among two or more counties or state
21 agencies for the purpose of providing teleconferencing facilities and
22 services between or among such entities, including the judicial system of
23 any county, the department of corrections, and the department of human
24 services and any of their facilities. To assure the availability of such
25 network throughout the various state agencies, private schools, school
26 districts, boards of cooperative educational services, libraries, and
27 counties, the executive director of the department of personnel shall

1 develop a uniform set of standards for facilities to be utilized by the
2 contracting entities.

3 ~~(4) and (5) Repealed.~~

4 ~~(6)~~ (4) The executive director of the department of personnel CHIEF
5 INFORMATION OFFICER shall:

6 (a) In consultation with recognized public safety radio
7 communication standards groups, appropriate affected public agencies,
8 and the chief of the Colorado state patrol, adopt recommended standards
9 for the replacement of analog-based equipment with digital-based radio
10 equipment for purposes of dispatching and related functions within the
11 department of public safety; and

12 (b) For purposes of serving the radio communications needs of
13 state departments including, but not limited to, the departments of public
14 safety, transportation, natural resources, and corrections, adopt
15 recommended standards and set a timetable for the replacement of
16 existing radio telecommunications equipment with a system that satisfies
17 the requirements of the FCC public safety national plan.

18 ~~(7)~~ (5) The executive director of the department of personnel
19 CHIEF INFORMATION OFFICER shall carry out all duties and responsibilities
20 set forth in this section in a manner that is consistent with the objective
21 of maximizing access to digital networks of the state by all public offices
22 of all levels, branches, and political subdivisions of the state within every
23 community of the state. In particular, within available resources and as
24 soon as is feasible, the executive director CHIEF INFORMATION OFFICER
25 shall provide connections proposed and approved by the department of
26 local affairs, created in section 24-1-125, through the community-based
27 access grant program established under section 24-32-3001 and may act

1 as a network provider between or among all public offices as defined in
2 said section. To the extent possible and if technically feasible, the
3 bidding and the method of awarding the contract for telecommunications
4 services under section 24-32-3001 should be structured in a manner as to
5 allow the greatest number of providers to participate in the bidding and
6 the award of the contract.

7 **24-37.5-503. [Formerly 24-30-906] Legislative department**
8 **exemption.** The provisions of this ~~part 9~~ PART 5 shall not apply to the
9 legislative department of the state.

10 **24-37.5-504. [Formerly 24-30-907] Higher education**
11 **exemption.** Local and internal telecommunications networks of
12 institutions of higher education may be exempted from the provisions of
13 this ~~part 9~~ PART 5 upon application to the ~~executive director of the~~
14 ~~department of personnel~~ CHIEF INFORMATION OFFICER; except that all
15 systems must be certified by the ~~executive director of the department of~~
16 ~~personnel~~ CHIEF INFORMATION OFFICER as being technically compatible
17 with plans and networks as described in ~~section 24-30-903 (1)~~ SECTION
18 24-37.5-502 (1).

19 **24-37.5-505. [Formerly 24-30-908] Telecommunications**
20 **revolving fund - service charges - pricing policy.** (1) Users of the
21 ~~department of personnel~~ OFFICE'S telephone and data communication
22 services shall be charged the full cost of the particular service, which
23 shall include the cost of all material, labor, and overhead. Said user
24 charges shall be transmitted to the state treasurer, who shall credit the
25 same to the telecommunications revolving fund, which fund is hereby
26 created. The moneys in the revolving fund are subject to annual
27 appropriations by the general assembly to the ~~department of personnel~~

1 OFFICE for use in acquiring such materials, supplies, labor, and overhead
2 as are required for telephone and data communications related service
3 functions. The revolving fund shall include user charges on public safety
4 radio systems of a state agency or other state entity; except that no
5 municipality, county, city and county, or special district shall be charged
6 user charges on public safety radio systems of a state agency or other state
7 entity.

8 (2) The ~~executive director of the department of personnel~~ CHIEF
9 INFORMATION OFFICER shall establish a policy of remaining competitive
10 with private industry with regard to the cost, timeliness, and quality of the
11 telephone service or data communication functions provided by the
12 ~~department of personnel~~ OFFICE. Agencies interested in purchasing
13 services from the private sector shall work with the ~~department of~~
14 ~~personnel~~ OFFICE to develop bid specifications, which shall identify all
15 services, requirements, and costs. All bids shall be consistent with the
16 state's long-term telecommunication objectives.

17 (3) ~~Repealed.~~

18 **24-37.5-506. [Formerly 24-30-908.5] Public safety**
19 **communications trust fund - creation.** (1) There is hereby created in
20 the state treasury the public safety communications trust fund, referred to
21 in this section as the "fund". The moneys in the fund are subject to
22 annual appropriation by the general assembly to the ~~department of~~
23 ~~personnel~~ OFFICE for distribution as determined by rules adopted pursuant
24 to ~~section 24-30-903 (1) (j)~~ SECTION 24-37.5-502 (1) (j). The primary
25 purpose of such distributions shall be the acquisition and maintenance of
26 public safety communication systems for use by departments including
27 but not limited to the departments of public safety, transportation, natural

1 resources, and corrections as provided in ~~section 24-30-903 (6) (b)~~
2 SECTION 24-37.5-502 (4) (b). Such systems shall satisfy the requirements
3 of the public safety national plan established by the federal
4 communications commission, also referred to in this article as the "FCC",
5 in *FCC report and order in general docket no. 87-112*, and subsequent
6 FCC proceedings and rules. This section shall not preclude the payment
7 of maintenance expenses including the cost of leased or rented
8 equipment, payments to local governmental entities for radio
9 communication systems, or payments related to public safety radio
10 systems.

11 (2) (a) (I) The general assembly declares its intention to commit
12 state moneys to the fund for the purposes set forth in this section. Except
13 as otherwise provided in paragraph (b) of this subsection (2), the total
14 amount of the principal in the fund shall not exceed fifty million dollars.

15 (II) Any appropriation of state moneys to the public safety
16 communications trust fund for any fiscal year from moneys in the capital
17 construction fund created in section 24-75-302 shall be further
18 appropriated from the public safety communications trust fund to the
19 ~~department of personnel~~ OFFICE for the purposes set forth in this section.
20 Any moneys in the public safety communications trust fund so
21 appropriated that were initially appropriated from moneys in the capital
22 construction fund shall, if any project for which such moneys are
23 appropriated is initiated within the fiscal year, remain available until
24 completion of the project or for a period of three years, whichever comes
25 first, at which time the unexpended and unencumbered balances of such
26 appropriation shall revert to the public safety communications trust fund.

27 (b) In addition to any appropriations made as a result of paragraph

1 (a) of this subsection (2), the ~~department of personnel~~ OFFICE may solicit
2 and accept donations, grants, bequests, and other contributions to the fund
3 from local, state, and federal entities and from public safety related
4 nonprofit organizations that directly support state departments, state
5 institutions, state agencies, and law enforcement and public safety
6 political subdivisions of the state. Such contributions shall be transmitted
7 to the state treasurer, who shall credit the contributions to the fund.

8 (3) At the end of each fiscal year, all unexpended and
9 unencumbered moneys in the fund shall remain therein and shall not be
10 credited or transferred to the general fund or any other fund. All interest
11 derived from the deposit and investment of this fund shall remain in the
12 fund and shall not revert to the general fund.

13 (4) In authorizing distributions of principal and interest from the
14 fund and purchasing, leasing, contracting for, and otherwise acquiring
15 equipment for state entities, the ~~executive director of the department of~~
16 ~~personnel~~ CHIEF INFORMATION OFFICER shall consider the following:

17 (a) The need for achieving functional interoperability among
18 local, state, and federal public safety radio communications systems by
19 acquiring equipment that meets emerging technical standards for systems
20 interoperability and open network architecture;

21 (b) The needs of local government entities that have recently
22 invested in new radio systems, particularly in regard to interoperability;

23 (c) The promotion of an orderly transition from analog-based to
24 digital-based radio systems.

25 (5) In acquiring equipment pursuant to subsection (4) of this
26 section, the executive director of the ~~department of personnel~~ OFFICE shall
27 develop bid specifications that identify all services, requirements, and

1 costs consistent with existing state law.

2 (6) The ~~executive director of the department of personnel~~ CHIEF
3 INFORMATION OFFICER shall keep an accurate account of all activities
4 related to the fund including its receipts and expenditures. The state
5 auditor may investigate the affairs of the fund, severally examine the
6 properties and records relating to the fund, and prescribe accounting
7 methods and procedures for rendering periodical reports in relation to
8 disbursements and purchases made from the fund. The provisions of this
9 section and the expenditures from the fund shall be reviewed by the
10 legislative audit committee commencing July 1, 1999, and every ~~two~~
11 FOUR years thereafter.

12 (7) In the expenditure of any funds from the public safety
13 communications trust fund for the acquisition, maintenance, or lease of
14 any public safety radio communications systems equipment or any other
15 communication devices or equipment, the ~~executive director of the~~
16 ~~department of personnel~~ CHIEF INFORMATION OFFICER shall ensure that
17 such expenditures are made pursuant to the requirements set forth under
18 the "Procurement Code", ~~article~~ ARTICLES 101 TO 112 of this title.

19 PART 6

20 GENERAL GOVERNMENT COMPUTER CENTER (GGCC)

21 **24-37.5-601. [Formerly 24-30-1602] General government**
22 **computer center (GGCC).** (†) The general government computer
23 center referred to in this ~~part 16~~ PART 6 as "GGCC" is within the
24 ~~department of personnel~~ OFFICE OF INFORMATION TECHNOLOGY. The
25 ~~executive director of the department of personnel~~ CHIEF INFORMATION
26 OFFICER shall appoint, pursuant to section 13 of article XII of the state
27 constitution, such personnel as may be necessary for the efficient

1 operation of the GGCC.

2 ~~(2) The GGCC and its powers, duties, and functions, specified by~~
3 ~~this part 16, shall be administered as if transferred to the department of~~
4 ~~personnel by a **type 2** transfer, as such transfer is defined by the~~
5 ~~"Administrative Organization Act of 1968", article 1 of this title.~~

6 **24-37.5-602. [Formerly 24-30-1603] Functions of the GGCC.**

7 (1) The GGCC shall perform the following functions:

8 (a) To provide computer data entry, and systems development and
9 programming services to those state departments, institutions, and
10 agencies in the executive branch that have been so designated by the
11 office of information technology, ~~created in section 24-37.5-103~~, after
12 consulting with the affected entity, and to provide these same services to
13 the legislative and judicial branches when so requested; except that
14 services shall not be provided to any such entity unless such entity has
15 funds available therefor;

16 (b) To establish and maintain automated data processing facilities
17 at GGCC, including but not limited to the operation of automated data
18 processing equipment and facilities and the employment of necessary
19 personnel;

20 (c) To prepare and submit such reports as are required by this ~~part~~
21 ~~16 PART 6~~ or ~~which~~ THAT the governor or general assembly may request;

22 (d) To ~~advise the office of information technology, created in~~
23 ~~section 24-37.5-103, on~~ DETERMINE the capacity and utilization of the
24 computer system in GGCC in an annual report. on or before December 1
25 of each year, commencing with the calendar year 1987.

26 ~~(2) Repealed.~~

27 ~~(3)~~ (2) (a) In accordance with any policies, standards, and

1 guidelines set forth by the office of information technology, created in
2 section ~~24-37.5-103~~, the GGCC shall adopt and implement standards,
3 policies, and procedures for the use of electronic or digital signatures by
4 governmental agencies where use of electronic or digital signatures is
5 expressly authorized by law.

6 (b) The ~~executive director~~ CHIEF INFORMATION OFFICER of each
7 agency or department of state government, including institutions of higher
8 education, ~~shall designate a chief information officer who~~ shall ensure
9 compliance with the policies, standards, and guidelines set forth by the
10 office. ~~of information technology, created in section 24-37.5-103.~~

11 (c) The local authorities of any county, city, town, or city and
12 county authorizing the use of digital or electronic signatures shall adopt
13 rules, standards, policies, and procedures for their own use of electronic
14 or digital signatures or shall ensure compliance with any policies,
15 standards, and guidelines set forth by the office. ~~of information~~
16 ~~technology, created in section 24-37.5-103.~~

17 (d) ~~(Deleted by amendment, L. 2006, p. 1521, 90, effective June~~
18 ~~1, 2006.)~~

19 **24-37.5-603. [Formerly 24-30-1604] Powers of the chief**
20 **information officer - penalty for breach of confidentiality.** (1) In
21 order to perform the functions and duties of the GGCC as set forth in this
22 ~~part 16~~ PART 6, the ~~executive director of the department of personnel~~
23 CHIEF INFORMATION OFFICER shall exercise the following powers:

24 (a) To prescribe procedures governing the operation of the GGCC
25 automated data processing equipment and software and the physical plant;

26 (b) In accordance with the policies, standards, specifications, and
27 guidelines formulated and promulgated pursuant to section 24-37.5-106

1 (1) (c) ~~by the chief information officer, of the office of information~~
2 ~~technology created in the office of the governor to~~ adopt such rules as
3 may be necessary to carry out the purposes and provisions of this ~~part 16~~
4 PART 6;

5 (c) To contract for such services and equipment as the GGCC may
6 require;

7 (d) To negotiate service level agreements with customers;

8 (e) To produce such reports as may be necessary; AND

9 (f) To control the ~~GGCC~~ COMPUTER SERVICES revolving fund
10 pursuant to ~~section 24-30-1606~~ SECTION 24-37.5-604.

11 (2) (a) Except in accordance with judicial order or as otherwise
12 provided by law, neither the executive director of the department of
13 personnel nor any GGCC employee NO EMPLOYEE OF THE OFFICE shall
14 divulge or make known in any way information disclosed in any restricted
15 or protected document, program, or dataset located at or in the custody of
16 the ~~department of personnel~~ OFFICE.

17 (b) Any person who violates the provisions of paragraph (a) of
18 this subsection (2) commits a class 1 misdemeanor and shall be punished
19 as provided in section 18-1.3-501, C.R.S. In addition, such person shall
20 be subject to removal or dismissal from state employment on grounds of
21 malfeasance in office.

22 **24-37.5-604. [Formerly 24-30-1606] Office of information**
23 **technology computer services revolving fund - service charges -**
24 **pricing.** (1) Users of GGCC services shall be charged by the ~~department~~
25 ~~of personnel~~ OFFICE the full cost of the particular service, which shall
26 include the cost of all material, labor, equipment, software, services, and
27 overhead. Two months prior to the November 1 submission date as

1 required by section 24-37-304, the ~~executive director of the department~~
2 CHIEF INFORMATION OFFICER shall establish, publish, and distribute billing
3 rates to user entities and other interested entities effective for the
4 following fiscal year. The billing rates shall not be increased during the
5 fiscal year. User charges shall be paid only out of items of appropriation
6 made specifically for the purchase of services from either the ~~department~~
7 OFFICE or from an alternative support source approved by the office. ~~of~~
8 ~~information technology, created in section 24-37.5-103.~~ Agencies
9 interested in purchasing services from the private sector shall work with
10 the office to develop bid specifications, which shall identify all services,
11 requirements, and costs. All bids shall be consistent with the state's
12 long-term data processing objectives. The bid process shall be completed
13 so as to coincide with the ~~department's~~ OFFICE'S rate publication date.

14 (2) User charges collected under this ~~part 16~~ PART 6 shall be
15 transmitted to the state treasurer, who shall credit the same to the
16 ~~department's~~ computer services revolving fund, which fund is hereby
17 created. The moneys in such fund are subject to annual appropriations by
18 the general assembly to the ~~department of personnel~~ OFFICE for the
19 purpose of acquiring such materials, supplies, labor, equipment, software,
20 services, and overhead as are required by the ~~department of personnel~~
21 OFFICE to supply the services purchased by users.

22 (3) The ~~executive director of the department of personnel~~ CHIEF
23 INFORMATION OFFICER shall establish a policy of remaining competitive
24 with the service provided by private industry with regard to the cost,
25 timeliness, and quality of that service provided by the ~~department~~ OFFICE.
26 Agencies are encouraged to seek competitive bids from the private sector
27 pursuant to subsection (1) of this section. If the ~~department~~ OFFICE cannot

1 meet the needs of any agency in any one of the said areas, the agency may
2 seek services elsewhere in consultation with the office. ~~of information~~
3 ~~technology, created in section 24-37.5-103.~~

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5 **SECTION 10.** 2-3-1304 (1) (f), Colorado Revised Statutes, is
6 amended to read:

7 **2-3-1304. Powers and duties of capital development committee.**

8 (1) The capital development committee shall have the following powers
9 and duties:

10 (f) To review the annual capital construction and maintenance
11 requests from the ~~executive director of the department of personnel~~ CHIEF
12 INFORMATION OFFICER OF THE OFFICE OF INFORMATION TECHNOLOGY
13 regarding the public safety communications trust fund created pursuant to
14 ~~section 24-30-908.5~~ SECTION 24-37.5-508, C.R.S.

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16 **SECTION 11. Repeal.** 24-1-128 ~~(7) (c)~~ and (7) (e), Colorado
17 Revised Statutes, are repealed as follows:

18 **24-1-128. Department of personnel - creation.** (7) The
19 department of personnel shall include the following administrative support
20 services:

21 ==

22 ~~(c) The powers, duties, and functions of the general government~~
23 ~~computer center, specified in this article and in part 16 of article 30 of this~~
24 ~~title concerning the center, shall be administered as if transferred by a~~
25 **type 2** ~~transfer to the department of personnel. The powers, duties, and~~
26 ~~functions concerning the operation of automated data processing~~
27 ~~equipment, including the data entry, systems development and~~

1 programming, and computer functions thereof, are transferred by a **type**
2 **2** transfer to the general government computer center.

3 (e) ~~The powers, duties, and functions concerning~~
4 ~~telecommunications, specified in part 9 of article 30 of this title, shall be~~
5 ~~administered as if transferred by **type 2** transfer to the department of~~
6 ~~personnel.~~

7 == ==

8 **SECTION 12.** 24-33.5-223 (2) (b) (II) (A) and (2) (b) (II) (B),
9 Colorado Revised Statutes, are amended to read:

10 **24-33.5-223. State telecommunications network.** (2) (b) The
11 facilities of the network shall be made available for the use of:

12 (II) Other local, state, and federal governmental entities or public
13 safety related nonprofit organizations that directly support any agency
14 described in subparagraph (I) of this paragraph (b) and that:

15 (A) May be requested to support the purposes expressed in ~~section~~
16 ~~24-30-901 (1) (c) and (1) (e)~~ SECTION 24-37.5-502 (1) (c) AND (1) (e) and
17 aggregate telecommunications service requirements of any public office
18 described in section 24-32-3001 (1) (h); or

19 (B) Make donations, grants, bequests, and other contributions to
20 the public communications trust fund pursuant to ~~section 24-30-908.5 (2)~~
21 ~~(b)~~ SECTION 24-37.5-508 (2) (b).

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23 **SECTION 13.** 24-37.5-108 (1) (d), Colorado Revised Statutes, is
24 amended to read:

25 **24-37.5-108. Statewide communications and information**
26 **infrastructure - establishment - duties.** (1) With regard to the statewide
27 communications and information infrastructure, the office shall have the

1 following duties:

2 (d) To advise state agencies on the risks, issues, and concerns
3 related to the agency's ~~communication and data processing~~ INFORMATION
4 TECHNOLOGY infrastructure that the agency has identified in the
5 ~~communications and data processing~~ INFORMATION TECHNOLOGY plan
6 prepared pursuant to section 24-37.5-106 (1) (b).

7 **SECTION 14. Repeal.** 24.37.5-402 (2), Colorado Revised
8 Statutes, is repealed as follows:

9 **24-37.5-402. Definitions.** As used in this part 4, unless the
10 context otherwise requires:

11 (2) "~~Communication and information resources~~" shall have the
12 same meaning as provided in section ~~24-37.5-102 (1)~~.

13 **SECTION 15.** 24-37.7-101 (6), Colorado Revised Statutes, is
14 amended to read:

15 **24-37.7-101. Definitions.** As used in this article, unless the
16 context otherwise requires:

17 (6) "State agency" shall have the same meaning as provided in
18 section ~~24-37.5-102 (5)~~ SECTION 24-37.5-102 (7).

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21 **SECTION 16.** 30-11-107 (1) (x), Colorado Revised Statutes, is
22 amended to read:

23 **30-11-107. Powers of the board.** (1) The board of county
24 commissioners of each county has power at any meeting:

25 (x) To enter into a contract with the state telecommunications
26 director pursuant to the provisions of ~~section 24-30-903 (3)~~ SECTION
27 24-37.5-502(3), C.R.S., for the providing of teleconferencing facilities and

1 services between the county and any other county, city and county, or state
2 agency to be used for teleconferencing of hearings relating to any person
3 in the custody of the county;

4 **SECTION 17.** 30-11-208, Colorado Revised Statutes, is amended
5 to read:

6 **30-11-208. Contract - teleconferencing facilities and services.**

7 The city and county of Denver may enter into a contract with the state
8 telecommunications director pursuant to the provisions of section
9 ~~24-30-903~~(3) SECTION 24-37.5-503, C.R.S., for the providing of
10 teleconferencing facilities and services between the city and county of
11 Denver and any other county or state agency to be used for
12 teleconferencing of hearings relating to any person in the custody of the
13 city and county of Denver.

14 **SECTION 18. Repeal of provisions being relocated in this act.**

15 Parts 9 and 16 of article 30 of title 24, Colorado Revised Statutes, are
16 repealed.

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