

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

INTRODUCED

LLS NO. 08-0739.01 Dan Cartin

SENATE BILL 08-155

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Senate Committees

State, Veterans & Military Affairs

House Committees

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.

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,~~
10 ~~state-supported institutions of higher education, the department of higher~~
11 ~~education, the Colorado commission on higher education, or other~~
12 ~~instrumentality thereof.~~

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

15 **24-37.5-104. Transfer of functions - change of name -**
16 **continuity of existence - legislative declaration - rules.** (6) (a) THE
17 OFFICE SHALL, ON AND AFTER JULY 1, 2008, EXECUTE, ADMINISTER,
18 PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND
19 OBLIGATIONS VESTED PRIOR TO JULY 1, 2008, IN THE GENERAL
20 GOVERNMENT COMPUTER CENTER WITHIN THE DEPARTMENT OF
21 PERSONNEL, TELECOMMUNICATIONS COORDINATION WITHIN THE
22 DEPARTMENT OF PERSONNEL, STATE ARCHIVES AND PUBLIC RECORDS
23 WITHIN THE DEPARTMENT OF PERSONNEL, AND 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, TELECOMMUNICATIONS COORDINATION

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

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

1 CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN
2 THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN
3 ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND RULES.

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

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

1 WITHIN THE DEPARTMENT OF PERSONNEL, AND OFFICE OF THE CHIEF
2 INFORMATION SECURITY OFFICER IN THE OFFICE OF THE GOVERNOR PRIOR
3 TO JULY 1, 2008, IN CONNECTION WITH THE DUTIES AND FUNCTIONS
4 TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION (6), ARE
5 HEREBY VALIDATED, WITH THE OFFICE SUCCEEDING TO ALL RIGHTS AND
6 OBLIGATIONS OF THE CONTRACTS. ANY APPROPRIATIONS OF MONEYS
7 FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED
8 PURSUANT TO THE CONTRACTS ARE HEREBY TRANSFERRED AND
9 APPROPRIATED TO THE OFFICE FOR THE PAYMENT OF SUCH OBLIGATIONS.

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

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

24 (g) THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO CHANGE
25 ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE
26 DEPARTMENT OF PERSONNEL AND OFFICE OF THE GOVERNOR AS
27 APPROPRIATE AND WITH RESPECT TO THE POWERS, DUTIES, AND

1 FUNCTIONS TRANSFERRED TO THE OFFICE. IN CONNECTION WITH SUCH
2 AUTHORITY, THE REVISOR OF STATUTES IS HEREBY AUTHORIZED TO AMEND
3 OR DELETE PROVISIONS OF THE COLORADO REVISED STATUTES SO AS TO
4 MAKE THE STATUTES CONSISTENT WITH THE POWERS, DUTIES, AND
5 FUNCTIONS TRANSFERRED PURSUANT TO THIS SECTION.

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

9 **24-37.5-105. Office - responsibilities - rules.** (3) The office
10 shall:

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

17 (h) OVERSEE AND SUPERVISE THE MAINTENANCE OF INFORMATION
18 TECHNOLOGY AND THE INITIATION OF ANY INFORMATION TECHNOLOGY
19 UPDATES OR PROJECTS FOR STATE AGENCIES; AND

20 (i) INITIATE ALL PROCUREMENTS OF INFORMATION TECHNOLOGY
21 RESOURCES FOR STATE AGENCIES AND ENTER INTO ANY AGREEMENT OR
22 CONTRACT IN CONNECTION WITH SUCH A PROCUREMENT ON BEHALF OF A
23 STATE AGENCY;

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

1 **24-37.5-105. Office - responsibilities - rules.** (4) (a) The office
2 shall establish policies and procedures for acceptable project plans and
3 feasibility studies.

4 ~~(b) Prior to the approval or disbursement of any moneys, including~~
5 ~~from federal, state, or cash funds, for any major automation system~~
6 ~~development project, the office shall certify to the state controller that the~~
7 ~~project is in compliance with best practices adopted by the state~~
8 ~~concerning the management of an information technology project. Such~~
9 ~~best practices shall include the assignment of project managers and~~
10 ~~project management analysts to manage the state's resources and~~
11 ~~responsibilities for the development of major automated systems. The~~
12 ~~office shall develop policies regarding best practices and the verification~~
13 ~~of project managers and project management analysts.~~

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

25 ~~(I) Satisfy any training and experience requirements as established~~
26 ~~by the department of personnel; and~~

27 ~~(II) Be assigned by the office, in collaboration with state agencies,~~

1 ~~to work with any such agencies on a major automation system~~
2 ~~development project unless the agency's project manager or project~~
3 ~~management analyst satisfies the criteria specified in this paragraph (a).~~

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

22 (c) ~~The office shall establish and implement a training plan for all~~
23 ~~persons employed by the state as of June 6, 2006, who provide services~~
24 ~~or functions described in the job descriptions provided by the department~~
25 ~~of personnel for project managers and project management analysts. Any~~
26 ~~employee who receives such training and who possesses sufficient~~
27 ~~relevant experience may be certified by the office as a project manager or~~

1 a project management analyst. The office, in collaboration with the
2 department, may also require, as part of the verification process created
3 pursuant to paragraph (b) of this subsection (5), any refresher training that
4 it deems necessary for project managers and project management analysts
5 to stay current with trends affecting the management of information
6 technology projects.

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

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

24 (7) It is the intent of the general assembly that, to the extent
25 possible, after the 2007-08 state fiscal year, the costs of implementing
26 Senate Bill 06-063, as enacted at the second regular session of the
27 sixty-fifth general assembly, shall be included within the costs of major

1 ~~automation system development projects.~~

2 (8) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY
3 EMERGENCY ACQUISITION OR PURCHASE OF INFORMATION TECHNOLOGY
4 RESOURCES BY THE OFFICE SHALL NOT BE SUBJECT TO THE PROVISIONS OF
5 THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS TITLE. THE
6 CHIEF INFORMATION OFFICER SHALL PROMULGATE RULES PURSUANT TO
7 ARTICLE 4 OF THIS TITLE SPECIFYING THE CRITERIA FOR SUCH EMERGENCY
8 ACQUISITIONS OR PURCHASES.

9 (9) STATE AGENCIES SHALL COOPERATE WITH THE CHIEF
10 INFORMATION OFFICER AND OFFICE IN DEVELOPING AND IMPLEMENTING
11 PROCESSES FOR THE SHARING OF DATA AND INFORMATION WITH THE
12 OFFICE AND BETWEEN STATE AGENCIES. THE OFFICE SHALL DETERMINE
13 AND IMPLEMENT STATEWIDE EFFORTS TO STANDARDIZE INFORMATION
14 TECHNOLOGY RESOURCES TO THE EXTENT POSSIBLE AND SHALL
15 DETERMINE THE OWNERSHIP OF INFORMATION TECHNOLOGY RESOURCES
16 AMONG STATE AGENCIES.

17 **SECTION 5.** 24-37.5-106 (1), Colorado Revised Statutes, is
18 amended, and the said 24-37.5-106 is further amended BY THE
19 ADDITION OF A NEW SUBSECTION, to read:

20 **24-37.5-106. Chief information officer - duties and**
21 **responsibilities.** (1) The chief information officer shall:

22 (a) Monitor trends and advances in communication and
23 information resources and data processing, direct and approve a
24 comprehensive, statewide, four-year planning process, and plan for the
25 acquisition, management, and use of ~~communication and information~~
26 ~~resources and data processing~~ INFORMATION TECHNOLOGY. The statewide
27 information technology plan shall be updated annually and submitted to

1 the governor, the speaker of the house of representatives, and the
2 president of the senate.

3 (b) Require state agencies to prepare and submit ~~communications~~
4 ~~and data processing~~ INFORMATION TECHNOLOGY plans to the office as part
5 of the state's planning and budgeting process. Such plans shall:

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

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

11 (III) Identify risks, issues, and concerns with the agency's
12 ~~communications and data processing~~ INFORMATION TECHNOLOGY
13 infrastructure.

14 (c) ~~In consultation with the executive director of the department~~
15 ~~of personnel~~, Coordinate and direct the formulation and promulgation of
16 policies, standards, specifications, and guidelines for ~~communication and~~
17 ~~information resources, communication and information resources~~
18 ~~technologies, and data processing~~ INFORMATION TECHNOLOGY in state
19 agencies including but not limited to those required to support state and
20 local government exchange, acquisition, storage, use, sharing, and
21 distribution of geographic or base map data and related technologies;

22 (d) Direct the development of policies and procedures, in
23 consultation with the office of state planning and budgeting, that are
24 integrated into the state's strategic planning and budgeting processes and
25 that state agencies shall follow in developing ~~communications and data~~
26 ~~processing~~ INFORMATION TECHNOLOGY plans and technology-related
27 budget requests;

1 (e) Coordinate and direct the development of policies and
2 procedures for the effective management of technology investments
3 throughout their entire life cycle including but not limited to project
4 definition, procurement, development, implementation, operation,
5 performance evaluation, and enhancement or retirement;

6 (f) In consultation with the office of state planning and budgeting,
7 ~~review~~ PREPARE AND SUBMIT budget requests for ~~communication and~~
8 ~~information resources, communication and~~ ALL information TECHNOLOGY
9 resources ~~technologies, and data processing from~~ TO BE UTILIZED BY state
10 agencies; ~~and approve such budget requests for state agencies other than~~
11 ~~the legislative department;~~

12 (f.5) Approve a set of minimum standards to control purchases ~~by~~
13 OF INFORMATION TECHNOLOGY RESOURCES BY THE OFFICE FOR state
14 agencies and approve criteria to be used in approving or rejecting STATE
15 agency REQUESTS FOR procurements OF INFORMATION TECHNOLOGY
16 RESOURCES;

17 (g) Direct the development of policies and procedures for
18 ~~communication and information resources, communication and~~
19 ~~information resources technologies, and data processing~~ STATE AGENCY
20 REQUESTS FOR INFORMATION TECHNOLOGY procurements, agreements, or
21 contracts; ~~for amounts exceeding one hundred thousand dollars;~~

22 (h) Aggregate ~~communication and information resources,~~
23 ~~communication and information resources technologies, and data~~
24 ~~processing~~ INFORMATION TECHNOLOGY procurements for one or more
25 state agencies;

26 (i) Coordinate and direct the establishment of statewide standards
27 for the efficient exchange of electronic information and technology,

1 including infrastructure, between the public and private sectors in the
2 state;

3 (j) In consultation with the executive director of the department
4 of personnel, evaluate the feasibility of outsourcing ~~communication and~~
5 ~~information resources and data processing~~ INFORMATION TECHNOLOGY
6 resources and services and outsource those resources and services that
7 would be beneficial to the state;

8 (k) Monitor the status and timeliness of ~~communication and~~
9 ~~information resources, communication and information resources~~
10 ~~technologies, and data processing systems~~ INFORMATION TECHNOLOGY
11 projects and procurements for state agencies and advise on any risk
12 management issues in connection with those projects and procurements;

13 (l) ~~Assist state agencies with the timely delivery of agency~~
14 ~~communication and information resources, communication and~~
15 ~~information resources technologies, and data processing systems projects,~~
16 ~~in accordance with relevant contract deadline dates or schedules, from~~
17 ~~commencement through completion of those projects;~~

18 (m) Advise the joint budget committee ~~of the general assembly~~ on
19 requested or ongoing ~~communication and information resources,~~
20 ~~communication and information resources technologies, and data~~
21 ~~processing systems~~ INFORMATION TECHNOLOGY projects, including the
22 adherence of the ~~state agency~~ OFFICE to the budget, amounts appropriated,
23 and relevant contract deadline dates or schedules for those projects; ~~and~~

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

27 (o) SUPERVISE THE CHIEF INFORMATION SECURITY OFFICER

1 APPOINTED PURSUANT TO SECTION 24-37.5-403 (1); AND

2 (p) HIRE OR RETAIN SUCH CONTRACTORS, SUBCONTRACTORS,
3 ADVISORS, CONSULTANTS, AND AGENTS AS THE CHIEF INFORMATION
4 OFFICER MAY DEEM ADVISABLE OR NECESSARY, IN ACCORDANCE WITH THE
5 RELEVANT PROCEDURES, STATUTES, AND RULES AND MAY MAKE AND
6 ENTER INTO CONTRACTS NECESSARY OR INCIDENTAL TO THE EXERCISE OF
7 THE POWERS AND PERFORMANCE OF THE DUTIES OF THE OFFICE AND THE
8 CHIEF INFORMATION OFFICER. THE CHIEF INFORMATION OFFICER MAY
9 SPECIFICALLY HIRE OR RETAIN SUCH CONTRACTORS, SUBCONTRACTORS,
10 ADVISORS, CONSULTANTS, AND AGENTS AS THE CHIEF INFORMATION
11 OFFICER MAY DEEM ADVISABLE AND NECESSARY TO PROVIDE LEGAL
12 ADVICE OR LEGAL SERVICES, TO PROVIDE FOR RESEARCH AND
13 DEVELOPMENT ACTIVITY, OR TO PROVIDE STRATEGIC PLANNING SERVICES.

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

17 **SECTION 6.** 24-37.5-109 (1) (a), Colorado Revised Statutes, is
18 amended to read:

19 **24-37.5-109. Status of state agencies.** (1) State agencies shall:

20 (a) Supervise their ~~communications and automated data~~
21 ~~processing~~ INFORMATION TECHNOLOGY systems;

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

25 **24-37.5-110. Technology coordination.** (1) ON JULY 1, 2008,
26 THE CHIEF INFORMATION OFFICER OF EACH STATE AGENCY AND THE
27 EMPLOYEES OF SUCH STATE AGENCIES DESIGNATED PURSUANT TO

1 SUBSECTION (2) OF THIS SECTION SHALL BE TRANSFERRED TO THE OFFICE
2 AND SHALL BECOME EMPLOYEES OF THE OFFICE. EACH OFFICER
3 TRANSFERRED TO THE OFFICE PURSUANT TO THIS SUBSECTION (1) AND HIS
4 OR HER SUCCESSOR MAY CONTINUE TO ACT AS THE OFFICER FOR THE STATE
5 AGENCY FROM WHICH HE OR SHE WAS TRANSFERRED AND SHALL MAINTAIN
6 ANY DUTIES OR RESPONSIBILITIES RELATED TO THE INFORMATION
7 TECHNOLOGY RESOURCES OF SUCH AGENCY. EACH OFFICER TRANSFERRED
8 TO THE OFFICE SHALL REPORT TO AND BE UNDER THE IMMEDIATE
9 SUPERVISION OF THE CHIEF INFORMATION OFFICER OF THE OFFICE.

10 (2) THE CHIEF INFORMATION OFFICER OF THE OFFICE AND THE
11 EXECUTIVE DIRECTOR AND CHIEF INFORMATION OFFICER OF EACH STATE
12 AGENCY SHALL JOINTLY IDENTIFY THE POSITIONS AND FUNCTIONS
13 AFFILIATED WITH THE MANAGEMENT AND ADMINISTRATION OF SUCH
14 AGENCY'S INFORMATION TECHNOLOGY RESOURCES AND ENTERPRISES
15 THAT WILL BE TRANSFERRED TO AND CENTRALIZED IN THE OFFICE
16 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

17 (3) ANY SUCH OFFICER OR EMPLOYEES WHO ARE CLASSIFIED
18 EMPLOYEES IN THE STATE PERSONNEL SYSTEM AT THE TIME OF THE
19 TRANSFER SHALL RETAIN ALL RIGHTS TO THE PERSONNEL SYSTEM AND
20 RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THE STATE, AND THEIR
21 SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS
22 AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM
23 SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL
24 SYSTEM LAWS AND RULES FOR THE PURPOSES OF SECTION 24-50-124.

25 (4) A CHIEF INFORMATION OFFICER AND THE EMPLOYEES UNDER
26 THE SUPERVISION OF THE OFFICER TRANSFERRED PURSUANT TO THIS
27 SECTION MAY CONTINUE OPERATIONS AT THE LOCATION OF SUCH

1 OFFICER'S STATE AGENCY. NOTHING IN THIS SUBSECTION (4) SHALL
2 REQUIRE THE RELOCATION OF AN OFFICER OR EMPLOYEES UNDER THE
3 SUPERVISION OF THE OFFICER OR SUCH OPERATIONS. THE CHIEF
4 INFORMATION OFFICER OF THE OFFICE MAY RELOCATE AN OFFICER AND
5 SELECT EMPLOYEES IN FURTHERANCE OF CENTRALIZING THE
6 MANAGEMENT OF INFORMATION TECHNOLOGY IN STATE AGENCIES.

7 **24-37.5-111. Geographic information system - coordinator -**
8 **statewide plan.** ON AND AFTER JULY 1, 2008, ALL DUTIES AND
9 RESPONSIBILITIES FOR STATEWIDE GEOGRAPHIC INFORMATION SYSTEM
10 COORDINATION SHALL BE TRANSFERRED FROM THE DEPARTMENT OF LOCAL
11 AFFAIRS TO THE OFFICE. THE OFFICE SHALL DEVELOP A STATEWIDE
12 GEOGRAPHIC INFORMATION SYSTEM PLAN ON OR BEFORE JULY 1, 2010,
13 AND SUBMIT SUCH PLAN TO THE GOVERNOR AND TO THE STATE, VETERANS,
14 AND MILITARY AFFAIRS COMMITTEES OF THE SENATE AND THE HOUSE OF
15 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

16 **24-37.5-112. Information technology revolving fund.**
17 (1) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE
18 INFORMATION TECHNOLOGY REVOLVING FUND. EXCEPT AS OTHERWISE
19 PROVIDED IN SUBSECTION (2) OF THIS SECTION, MONEYS SHALL BE
20 APPROPRIATED TO THE FUND EACH YEAR BY THE GENERAL ASSEMBLY IN
21 THE ANNUAL GENERAL APPROPRIATION ACT FOR THE DIRECT AND INDIRECT
22 COSTS OF STATE INFORMATION TECHNOLOGY. ALL INTEREST EARNED ON
23 THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE
24 FUND. MONEYS IN THE REVOLVING FUND SHALL BE CONTINUOUSLY
25 APPROPRIATED TO THE OFFICE OF INFORMATION TECHNOLOGY TO PAY THE
26 COSTS OF CONSOLIDATION AND INFORMATION TECHNOLOGY MAINTENANCE
27 AND UPGRADES. ANY MONEYS CREDITED TO THE REVOLVING FUND AND

1 UNEXPENDED AND UNENCUMBERED AT THE END OF ANY GIVEN FISCAL
2 YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE
3 GENERAL FUND.

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

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

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

27 (2) The chief information security officer shall:

1 (h) In coordination and consultation with the office of state
2 planning and budgeting and the ~~chief technology officer~~ CHIEF
3 INFORMATION OFFICER, review public agency budget requests related to
4 information security systems and approve such budget requests for state
5 agencies other than the legislative department; and

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

10 PART 5

11 TELECOMMUNICATIONS COORDINATION WITHIN
12 STATE GOVERNMENT

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

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

23 **24-37.5-502. [Formerly 24-30-903] Duties and responsibilities.**

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

26 (a) In consultation with local, state, and federal departments,
27 institutions, and agencies, formulate recommendations for a current and

1 long-range telecommunications plan, involving telephone, radio,
2 microwave, facsimile closed circuit and cable television,
3 teleconferencing, public broadcast, data communications transmission
4 circuits, fiber optics, satellites, cellular radio, and public safety radio
5 communications systems required by the FCC public safety national plan
6 and their integration into applicable telecommunications networks for
7 approval of the governor;

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

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

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

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

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

25 (g) Advise the governor and general assembly on
26 telecommunications matters;

27 (h) Cooperate with and assist nonprofit regional broadcasting

1 corporations, as appropriate and if resources are available, in the
2 development of regional noncommercial television and radio networks
3 and local facilities, including acting as the agency by which the state
4 participates in any such regional broadcasting corporation;

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

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

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

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

1 districts, boards of cooperative educational services, libraries, and
2 counties, the executive director of the department of personnel shall
3 develop a uniform set of standards for facilities to be utilized by the
4 contracting entities.

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

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

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

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

20 ~~(7) (5) The executive director of the department of personnel~~
21 CHIEF INFORMATION OFFICER shall carry out all duties and responsibilities
22 set forth in this section in a manner that is consistent with the objective
23 of maximizing access to digital networks of the state by all public offices
24 of all levels, branches, and political subdivisions of the state within every
25 community of the state. In particular, within available resources and as
26 soon as is feasible, the ~~executive director~~ CHIEF INFORMATION OFFICER
27 shall provide connections proposed and approved by the department of

1 local affairs, created in section 24-1-125, through the community-based
2 access grant program established under section 24-32-3001 and may act
3 as a network provider between or among all public offices as defined in
4 said section. To the extent possible and if technically feasible, the
5 bidding and the method of awarding the contract for telecommunications
6 services under section 24-32-3001 should be structured in a manner as to
7 allow the greatest number of providers to participate in the bidding and
8 the award of the contract.

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

12 **24-37.5-504. [Formerly 24-30-907] Higher education**
13 **exemption.** Local and internal telecommunications networks of
14 institutions of higher education may be exempted from the provisions of
15 this ~~part 9~~ PART 5 upon application to the ~~executive director of the~~
16 ~~department of personnel~~ CHIEF INFORMATION OFFICER; except that all
17 systems must be certified by the ~~executive director of the department of~~
18 ~~personnel~~ CHIEF INFORMATION OFFICER as being technically compatible
19 with plans and networks as described in ~~section 24-30-903 (1)~~ SECTION
20 24-37.5-502 (1).

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

1 created. The moneys in the revolving fund are subject to annual
2 appropriations by the general assembly to the ~~department of personnel~~
3 OFFICE for use in acquiring such materials, supplies, labor, and overhead
4 as are required for telephone and data communications related service
5 functions. The revolving fund shall include user charges on public safety
6 radio systems of a state agency or other state entity; except that no
7 municipality, county, city and county, or special district shall be charged
8 user charges on public safety radio systems of a state agency or other state
9 entity.

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

19 (3) ~~Repealed.~~

20 **24-37.5-506. [Formerly 24-30-908.5] Public safety**
21 **communications trust fund - creation.** (1) There is hereby created in
22 the state treasury the public safety communications trust fund, referred to
23 in this section as the "fund". The moneys in the fund are subject to
24 annual appropriation by the general assembly to the ~~department of~~
25 ~~personnel~~ OFFICE for distribution as determined by rules adopted pursuant
26 to ~~section 24-30-903 (1) (j)~~ SECTION 24-37.5-502 (1) (j). The primary
27 purpose of such distributions shall be the acquisition and maintenance of

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

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

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

1 appropriation shall revert to the public safety communications trust fund.

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

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

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

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

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

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

27 (5) In acquiring equipment pursuant to subsection (4) of this

1 section, the executive director of the ~~department of personnel~~ OFFICE shall
2 develop bid specifications that identify all services, requirements, and
3 costs consistent with existing state law.

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

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

21 PART 6

22 GENERAL GOVERNMENT COMPUTER CENTER (GGCC)

23 **24-37.5-601. [Formerly 24-30-1602] General government**
24 **computer center (GGCC).** (†) The general government computer
25 center referred to in this ~~part 16~~ PART 6 as "GGCC" is within the
26 ~~department of personnel~~ OFFICE OF INFORMATION TECHNOLOGY. The
27 ~~executive director of the department of personnel~~ CHIEF INFORMATION

1 OFFICER shall appoint, pursuant to section 13 of article XII of the state
2 constitution, such personnel as may be necessary for the efficient
3 operation of the GGCC.

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

8 **24-37.5-602. [Formerly 24-30-1603] Functions of the GGCC.**

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

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

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

22 (c) To prepare and submit such reports as are required by this ~~part~~
23 ~~16 PART 6~~ or ~~which~~ THAT the governor or general assembly may request;

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

1 ~~(2) Repealed.~~

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

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

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

19 ~~(d) (Deleted by amendment, L. 2006, p. 1521, 90, effective June~~
20 ~~1, 2006.)~~

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

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

1 (b) In accordance with the policies, standards, specifications, and
2 guidelines formulated and promulgated pursuant to section 24-37.5-106
3 (1) (c) ~~by the chief information officer, of the office of information~~
4 ~~technology created in the office of the governor to~~ adopt such rules as
5 may be necessary to carry out the purposes and provisions of this ~~part 16~~
6 PART 6;

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

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

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

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

13 (2) (a) Except in accordance with judicial order or as otherwise
14 provided by law, neither the ~~executive director of the department of~~
15 ~~personnel~~ CHIEF INFORMATION OFFICER nor any GGCC employee shall
16 divulge or make known in any way information disclosed in any restricted
17 or protected document, program, or dataset located at or in the custody of
18 the ~~department of personnel~~ OFFICE.

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

24 **24-37.5-604. [Formerly 24-30-1606] Office of information**
25 **technology computer services revolving fund - service charges -**
26 **pricing.** (1) Users of GGCC services shall be charged by the ~~department~~
27 ~~of personnel~~ OFFICE the full cost of the particular service, which shall

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

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

24 (3) The ~~executive director of the department of personnel~~ CHIEF
25 INFORMATION OFFICER shall establish a policy of remaining competitive
26 with the service provided by private industry with regard to the cost,
27 timeliness, and quality of that service provided by the ~~department~~ OFFICE.

1 Agencies are encouraged to seek competitive bids from the private sector
2 pursuant to subsection (1) of this section. If the ~~department~~ OFFICE
3 cannot meet the needs of any agency in any one of the said areas, the
4 agency may seek services elsewhere in consultation with the office. ~~of~~
5 ~~information technology, created in section 24-37.5-103.~~

6 PART 7

7 STATE ARCHIVES AND PUBLIC RECORDS

8 **24-37.5-701. [Formerly 24-80-101] Definitions.** As used in this
9 ~~part~~ PART 7, unless the context otherwise requires:

10 (1) "Records" means all books, papers, maps, photographs, or
11 other documentary materials, regardless of physical, ELECTRONIC, OR
12 DIGITAL form or characteristics, made or received by any governmental
13 agency in pursuance of law or in connection with the transaction of public
14 business and preserved or appropriate for preservation by the agency or
15 its legitimate successor as evidence of the organization, functions,
16 policies, decisions, procedures, operations, or other activities of the
17 government or because of the value of the official governmental data
18 contained therein. As used in this ~~part~~ PART 7, the following are
19 excluded from the definition of records:

20 (a) Materials preserved or appropriate for preservation because of
21 the value of the data contained therein other than that of an official
22 governmental nature or because of the historical value of the materials
23 themselves;

24 (b) Library books, pamphlets, newspapers, or museum material
25 made, acquired, or preserved for reference, historical, or exhibition
26 purposes;

27 (c) Private papers, manuscripts, letters, diaries, pictures,

1 biographies, books, and maps, including materials and collections
2 previously owned by persons other than the state or any political
3 subdivision thereof and transferred by them to the state historical society;

4 (d) Extra copies of publications or duplicated documents
5 preserved for convenience of reference;

6 (e) Stocks of publications;

7 (f) Electronic mail messages, regardless of whether such messages
8 are produced or stored using state-owned equipment or software, unless
9 the recipient has previously segregated and stored such messages as
10 evidence of the organization, functions, policies, decisions, procedures,
11 operations, or other activities of the government or because of the value
12 of the official governmental data contained therein.

13 **24-37.5-702. [Formerly 24-80-102] State archives and public**
14 **records - personnel - duties - cash fund.** (1) ON AND AFTER JULY 1,
15 2008, the ~~department of personnel~~ OFFICE shall succeed to all records of
16 the state of Colorado or any political subdivision thereof, as the same are
17 defined in ~~section 24-80-101~~ SECTION 24-37.5-701. Except as provided
18 in subsections (5), (6), and (7) of this section, the ~~department of personnel~~
19 OFFICE shall be the official custodian and trustee for the state of all public
20 records of whatever kind that are transferred to it under this ~~part~~ PART
21 7 from any public office of the state or any political subdivision thereof.

22 (2) The chief administrative officer over state archives and public
23 records shall be the ~~executive director of the department of personnel~~
24 CHIEF INFORMATION OFFICER.

25 (3) The ~~executive director of the department of personnel~~ CHIEF
26 INFORMATION OFFICER shall be responsible for the proper administration
27 of public records under this ~~part~~ PART 7. It is the ~~executive director's~~

1 CHIEF INFORMATION OFFICER'S duty to determine and direct the
2 administrative and technical procedures concerning state archives and
3 public records. The ~~executive director~~ CHIEF INFORMATION OFFICER shall
4 ~~study~~ EVALUATE the problems of preservation and disposition of records,
5 as defined in ~~section 24-80-101~~ SECTION 24-37.5-701, and ~~based on such~~
6 ~~study shall formulate and put into effect, to the extent authorized by law,~~
7 ~~within the department of personnel or otherwise, such program as the~~
8 ~~executive director deems advisable or~~ IMPLEMENT A RECORDS
9 MANAGEMENT PROGRAM necessary for public records conservation by the
10 state of Colorado or political subdivisions thereof.

11 (4) To effectuate the purposes of this ~~part 1~~ PART 7, the governor
12 may direct any political subdivision of the state to designate a records
13 administrator to cooperate with and assist and advise the ~~executive~~
14 ~~director of the department of personnel~~ CHIEF INFORMATION OFFICER in
15 the performance of the duties and functions concerning state archives and
16 public records and to provide such other assistance and data as will enable
17 the ~~department of personnel~~ OFFICE to properly carry out its activities and
18 effectuate the purposes of this ~~part 1~~ PART 7.

19 (5) Items in the present care, custody, and trusteeship of the
20 ~~executive director of the department of personnel~~ ~~which~~ OFFICE THAT are
21 not records, as defined by ~~section 24-80-101~~ SECTION 24-37.5-701,
22 because of their historical, library, or museum interest or value, shall be
23 retained by the state historical society, and items ~~which~~ THAT are not
24 records ~~which~~ THAT are in the future proposed for disposition under the
25 provisions of this ~~part 1~~ PART 7, but determined to be of historical, library,
26 or museum interest or value, shall be transferred to the state historical
27 society with its consent in accordance with the provisions set forth in

1 ~~section 24-80-104~~ SECTION 24-37.5-706.

2 (6) The state historical society, qualified students, and scholars
3 approved by the society or the state archivist and other appropriate
4 persons shall have the right of reasonable access to all records in the
5 custody of the ~~executive director of the department of personnel~~ OFFICE
6 for purposes of historical reference, research, and information, and the
7 state historical society shall have the privilege of museum display of
8 original historical records or facsimiles thereof, subject to the provisions
9 of ~~section 24-80-106~~ SECTION 24-37.5-708. Copies of records, as defined
10 in ~~section 24-80-101~~ SECTION 24-37.5-701, having historical, library, or
11 museum interest or value shall be furnished to the state historical society
12 by the state archivist upon request of the society in accordance with the
13 provisions of ~~sections 24-80-103 and 24-80-107~~ SECTIONS 24-37.5-705
14 AND 24-37.5-709.

15 (7) In the event of disagreement between the state historical
16 society and the ~~department of personnel~~ OFFICE as to the custody of any
17 records, as defined in ~~section 24-80-101~~ SECTION 24-37.5-701, the
18 governor, with the advice of the attorney general, shall make a final and
19 conclusive determination and order and direct custody accordingly.

20 ~~(8) Repealed.~~

21 ~~(9)~~ (8) Publications of the ~~department~~ OFFICE concerning state
22 archives and public records circulated in quantity outside the executive
23 branch shall be issued in accordance with the provisions of section
24 24-1-136.

25 ~~(10)~~ (9) The ~~executive director of the department of personnel~~
26 CHIEF INFORMATION OFFICER shall establish by rule ~~and regulation~~ such
27 fees as are necessary to pay for the direct and indirect costs of responding

1 to requests for information from nonstate agencies, including requests
2 ~~which~~ THAT are processed through other state agencies. All fees collected
3 shall be transmitted to the state treasurer, who shall credit the same to the
4 state archives and public records cash fund, which fund is hereby created.
5 The moneys in the fund shall be subject to annual appropriation by the
6 general assembly for the direct and indirect costs of responding to
7 requests for information from nonstate agencies, including requests which
8 are processed through other state agencies. All interest derived from the
9 deposit and investment of moneys in the fund shall be credited to the
10 general fund. In no event shall the ~~executive director~~ CHIEF INFORMATION
11 OFFICER charge any fee to any public entity to produce information which
12 the public entity is required by law to file with the state archives.

13 ~~(11) The powers, duties, and functions concerning state archives~~
14 ~~and public records shall be administered as if transferred by a **type 2**~~
15 ~~transfer to the department of personnel.~~

16 **24-37.5-703. [Formerly 24-80-102.5] Custody of state**
17 **property.** The ~~department of personnel~~ OFFICE shall have the charge,
18 care, and custody of the property of the state when no other provision is
19 made.

20 **24-37.5-704. [Formerly 24-80-102.7] Records management**
21 **programs - records liaison officers - repeal.** (1) As used in this
22 section, unless the context otherwise requires, "state agency" means any
23 department, division, board, bureau, commission, institution, or agency
24 of the state.

25 (2) No later than January 1, 2004, each state agency shall:

26 (a) Establish and maintain a records management program for the
27 state agency and document the policies and procedures of such program.

1 The state agency shall ensure that such program satisfies the
2 administrative and technical procedures for records maintenance and
3 management established by the ~~executive director of the department of~~
4 ~~personnel~~ CHIEF INFORMATION OFFICER pursuant to this ~~part~~ PART 7.

5 (b) Designate a records liaison officer or officers from the state
6 agency's existing personnel to cooperate with and assist and advise the
7 ~~executive director of the department of personnel~~ CHIEF INFORMATION
8 OFFICER in the performance of the duties and functions concerning state
9 archives and public records and to provide such other assistance and data
10 that will enable the ~~department of personnel~~ OFFICE to properly carry out
11 its activities and implement the purposes of this ~~part~~ PART 7. The duties
12 of a records liaison officer shall include the following:

13 (I) Reviewing the policies and procedures of the state agency's
14 records management program to ensure that such program efficiently
15 manages the state agency's records and complies with all state and federal
16 law;

17 (II) Establishing an inventory of the state agency's records;

18 (III) Establishing retention and disposition schedules for the state
19 agency's records that are consistent with this ~~part~~ PART 7 and the
20 administrative and technical procedures established by the ~~executive~~
21 ~~director of the department of personnel~~ CHIEF INFORMATION OFFICER;

22 (IV) Providing information about the storage of the state agency's
23 records to the ~~executive director of the department of personnel~~ CHIEF
24 INFORMATION OFFICER, including the number of records stored, the
25 amount of storage space used, and the cost of such storage; and

26 (V) Ensuring adequate security, public access, and proper storage
27 of the state agency's records.

1 (c) Notify the ~~executive director of the department of personnel~~
2 CHIEF INFORMATION OFFICER of the appointment of the records liaison
3 officer or officers. Any subsequent change in the designation of a records
4 liaison officer shall be reported in writing to the ~~executive director~~ CHIEF
5 INFORMATION OFFICER within thirty days.

6 (3) (a) The department of corrections shall be exempt from all of
7 the provisions of this section.

8 (b) This subsection (3) is repealed, effective July 1, 2008.

9 **24-37.5-705. [Formerly 24-80-103] Determination of value -**
10 **disposition.** No later than January 1, 2005, and January 1 every two years
11 thereafter, every public officer of a state agency, as defined in ~~section~~
12 ~~24-80-102.7~~ SECTION 24-37.5-704, who has public records in his or her
13 custody shall consult with the ~~department of personnel~~ CHIEF
14 INFORMATION OFFICER and the attorney general of the state, and such
15 three officers shall determine whether the records in question are of legal,
16 administrative, or historical value. Every public officer of a political
17 subdivision who has public records in his or her custody shall consult
18 periodically with the ~~department of personnel~~ OFFICE and the attorney
19 general of the state, and such three officers shall determine whether the
20 records in question are of legal, administrative, or historical value. Those
21 records unanimously determined to be of no legal, administrative, or
22 historical value shall be disposed of by such method as such three officers
23 may specify. A list of all records so disposed of, together with a
24 statement certifying compliance with this ~~part 7~~ PART 7, signed by these
25 three officers, shall be filed and preserved in the office from which the
26 records were drawn and in the files of the ~~department of personnel~~
27 OFFICE. Public records in the custody of the ~~executive director of the~~

1 ~~department of personnel~~ CHIEF INFORMATION OFFICER may be disposed of
2 upon a similar determination by the attorney general, the ~~executive~~
3 ~~director of the department of personnel~~ CHIEF INFORMATION OFFICER, and
4 the head of the state agency or political subdivision from which the
5 records were received, or its legal successor.

6 **24-37.5-706. [Formerly 24-80-104] Transfer of records to**
7 **archives.** Those records deemed by the public officer having custody
8 thereof to be unnecessary for the transaction of the business of his or her
9 office and yet deemed by the attorney general or the ~~executive director of~~
10 ~~the department of personnel~~ CHIEF INFORMATION OFFICER to be of legal,
11 administrative, or historical value may be transferred, with the consent of
12 the ~~executive director~~ CHIEF INFORMATION OFFICER, to the custody of the
13 ~~department of personnel~~ OFFICE, or a storage vendor approved by the
14 ~~executive director~~ CHIEF INFORMATION OFFICER. A list of all records so
15 transferred, together with a statement certifying compliance with this ~~part~~
16 ~~† PART 7~~, signed by such three officers, shall be preserved in the files of
17 the office from which the records were drawn and in the files of the
18 ~~department of personnel~~ OFFICE.

19 **24-37.5-707. [Formerly 24-80-105] Disposal of records.** All
20 public records of any public office, upon the termination of the existence
21 and functions of that office, shall be checked by the ~~executive director of~~
22 ~~the department of personnel~~ CHIEF INFORMATION OFFICER and the attorney
23 general and either disposed of or transferred to the custody of the
24 ~~department of personnel~~ OFFICE, in accordance with the procedure of this
25 ~~part † PART 7~~ and the findings of such two officers. When a public office
26 is terminated or reduced by the transfer of its powers and duties to
27 another office or to other offices, its appropriate public records shall pass

1 with the powers and duties so transferred.

2 **24-37.5-708. [Formerly 24-80-106] Protection of records.** The
3 ~~department of personnel~~ OFFICE and every other custodian of public
4 records shall carefully protect and preserve them from deterioration,
5 mutilation, loss, or destruction and, whenever advisable, shall cause them
6 to be properly repaired and renovated. ~~All paper, ink, and other materials~~
7 ~~used in public offices for the purpose of permanent records shall be of~~
8 ~~durable quality.~~

9 **24-37.5-709. [Formerly 24-80-107] Reproduction on film -**
10 **evidence.** (1) Any public officer of the state or any county, city,
11 municipality, district, or legal subdivision thereof may cause any or all
12 records, papers, or documents kept by him OR HER to be photographed,
13 microphotographed, or reproduced on film. Such photographic film shall
14 comply with the minimum standards of quality approved for permanent
15 photographic records by the national bureau of standards, and the device
16 used to reproduce such records on such film shall be one ~~which~~ THAT
17 accurately reproduces the original thereof in all details. Such
18 photographs, microphotographs, or photographic film shall be deemed to
19 be original records for all purposes, including introduction in evidence in
20 all courts or administrative agencies. A transcript, exemplification, or
21 certified copy thereof, for all purposes recited in this section, shall be
22 deemed to be a transcript, exemplification, or certified copy of the
23 original.

24 (2) Whenever such photographs, microphotographs, or
25 reproductions on film properly certified are placed in conveniently
26 accessible files and provisions made for preserving, examining, and using
27 the same, any such public officer may cause the original records from

1 which the photographs or microphotographs have been made, or any part
2 thereof, to be disposed of according to methods prescribed by ~~sections~~
3 ~~24-80-103 to 24-80-106~~ SECTIONS 24-37.5-705 TO 24-37.5-708. Such
4 copies shall be certified by their custodian as true copies of the originals
5 before the originals are destroyed, ~~or lost~~ and the copies so certified shall
6 have the same force and effect as the originals. Copies of public records
7 transferred from the office of their origin to the ~~department of personnel~~
8 OFFICE, when certified by the ~~executive director of the department of~~
9 ~~personnel, or the assistant to the executive director,~~ CHIEF INFORMATION
10 OFFICER shall have the same legal force and effect as if certified by the
11 original custodian of the records.

12 **24-37.5-710. [Formerly 24-80-108] Access to public records.**

13 The ~~executive director of the department of personnel~~ CHIEF
14 INFORMATION OFFICER, in person or through a deputy, shall have the right
15 of reasonable access to all nonconfidential public records in the state, or
16 any public office of the state of Colorado, or any county, city,
17 municipality, district, or political subdivision thereof, because of the
18 historical and research value of data contained therein, with a view to
19 securing their safety and determining their need for preservation or
20 disposal.

21 **24-37.5-711. [Formerly 24-80-109] Records may be**

22 **replevined.** On behalf of the state and the ~~department of personnel~~
23 OFFICE, the attorney general may replevin any public records ~~which~~ THAT
24 were formerly part of the records or files of any public office of the
25 territory or state of Colorado.

26 **24-37.5-712. [Formerly 24-80-110] Disagreement as to value**

27 **of records.** In the event the attorney general and the ~~executive director~~

1 of the ~~department of personnel~~ CHIEF INFORMATION OFFICER determine
2 that any records in the custody of a public officer, including the ~~executive~~
3 ~~director of the department of personnel~~ CHIEF INFORMATION OFFICER, but
4 not those in the custody of a public officer of any county, city,
5 municipality, district, or political subdivision thereof, are of no legal,
6 administrative, or, subject to section 24-80-211 (1) (b), historical value,
7 but the public officer having custody of said records or from whose office
8 records originated fails to agree with such determination or refuses to
9 dispose of said records, the attorney general and the ~~executive director of~~
10 ~~the department of personnel~~ CHIEF INFORMATION OFFICER may request the
11 governor to make his or her determination as to whether said records
12 should be disposed of in the interests of conservation of space, economy,
13 or safety.

14 **24-37.5-713. [Formerly 24-80-112] Noneffect of sections.**
15 ~~Sections 24-80-101, 24-80-102~~ SECTIONS 24-37.5-701, 24-37.5-702, and
16 24-80-211 shall in no way affect ~~sections 24-80-104 to 24-80-110~~
17 SECTIONS 24-37.5-706 TO 24-37.5-712.

18 **24-37.5-714. [Formerly 24-80-113] State archives - available**
19 **storage space - report.** (1) As the chief administrative officer over state
20 archives and public records pursuant to ~~section 24-80-102 (2)~~ SECTION
21 24-37.5-702 (2), the ~~executive director of the department of personnel~~
22 CHIEF INFORMATION OFFICER or the ~~director's~~ OFFICER'S designee shall be
23 responsible for reviewing and assessing the use and amount of space
24 available for records storage in state archives and public records every
25 three years.

26 ~~(2)(a) Repealed.~~

27 ~~(b)~~ (2) The report shall include, but shall not be limited to, the

1 following:

2 (I) (a) An overall assessment of the amount of space available for
3 records storage in the state archives;

4 (II) (b) The approximate number of records or boxes of records
5 that the state archives received for storage from the executive, judicial,
6 and legislative branches of the state government over the past three years;

7 (III) (c) The approximate number of records or boxes of records
8 that the state archivist converted from paper to microfilm or digital format
9 over the past three years, the amount of space conserved in the archives
10 through such conversions, the approximate number or percentage of
11 records that the state archivist received for storage over the past three
12 years that were already on microfilm or in digital format, and the amount
13 of space saved due to receiving records in such format;

14 (IV) (d) The approximate number of records or boxes of records
15 that were transferred to the Colorado historical society or other state
16 designated records collection facilities and the amount of storage space
17 in the state archives that such transfers made available; and

18 (V) (e) Any other information that the ~~executive director~~ CHIEF
19 INFORMATION OFFICER, the ~~director's~~ OFFICER'S designee, or the
20 committee deems necessary or relevant.

21 **SECTION 10.** 2-3-114 (1) (b) and (3) (a), Colorado Revised
22 Statutes, are amended to read:

23 **2-3-114. State records management - duties of state auditor.**

24 (1) For purposes of this section, unless the context otherwise requires:

25 (b) "Records" shall have the same meaning as set forth in ~~section~~
26 ~~24-80-101(I)~~ SECTION 24-37.5-701 (1), C.R.S., and shall include a
27 "record" as defined in section 24-71.3-102 (13), C.R.S.

1 (3) The executive director of the department of personnel or the
2 director's designee shall, in consultation with the state archivist, provide
3 the state auditor with guidelines by September 1, 2001, for determining
4 whether an agency is:

5 (a) Managing its records in compliance with the administrative
6 and technical procedures for records maintenance and management
7 established pursuant to ~~section 24-80-102 (3)~~ SECTION 24-37.5-702 (3),
8 C.R.S.; and

9 **SECTION 11.** 2-3-1304 (1) (f), Colorado Revised Statutes, is
10 amended to read:

11 **2-3-1304. Powers and duties of capital development**
12 **committee.** (1) The capital development committee shall have the
13 following powers and duties:

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

19 **SECTION 12.** 6-1-713 (3), Colorado Revised Statutes, is
20 amended to read:

21 **6-1-713. Disposal of personal identifying documents - policy.**

22 (3) A public entity that is managing its records in compliance with part
23 ~~1 of article 80~~ PART 7 OF ARTICLE 37.5 of title 24, C.R.S., shall be deemed
24 to have met its obligations under subsection (1) of this section.

25 **SECTION 13.** 11-44-103.5, Colorado Revised Statutes, is
26 amended to read:

27 **11-44-103.5. Record retention by the commissioner.** The

1 commissioner shall retain records pursuant to ~~part 1 of article 80~~ PART 7
2 OF ARTICLE 37.5 of title 24, C.R.S., and may, in his or her discretion,
3 destroy records pursuant to said ~~part 1~~ PART 7.

4 **SECTION 14. Repeal.** 24-1-128 (7) (b), (7) (c), and (7) (e),
5 Colorado Revised Statutes, are repealed as follows:

6 **24-1-128. Department of personnel - creation.** (7) The
7 department of personnel shall include the following administrative
8 support services:

9 ~~(b) The powers, duties, and functions concerning state archives~~
10 ~~and public records, specified in part 1 of article 80 of this title, shall be~~
11 ~~administered as if transferred by a **type 2** transfer to the department of~~
12 ~~personnel.~~

13 ~~(c) The powers, duties, and functions of the general government~~
14 ~~computer center, specified in this article and in part 16 of article 30 of this~~
15 ~~title concerning the center, shall be administered as if transferred by a~~
16 ~~**type 2** transfer to the department of personnel. The powers, duties, and~~
17 ~~functions concerning the operation of automated data processing~~
18 ~~equipment, including the data entry, systems development and~~
19 ~~programming, and computer functions thereof, are transferred by a **type**~~
20 ~~**2** transfer to the general government computer center.~~

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

25 **SECTION 15.** 24-30-1105 (1) (h) (III), Colorado Revised
26 Statutes, is amended to read:

27 **24-30-1105. Powers of the executive director - penalties.**

1 (1) In order to perform the duties and functions set forth in this part 11,
2 the executive director of the department of personnel shall, in relation to
3 departments, institutions, and agencies of the executive branch:

4 (h) In performance of such microfilm services as may be
5 requested by the custodians of the types of documents referred to in this
6 paragraph (h):

7 (III) Assist custodians of documents upon which microfilm,
8 digital imaging, and digital conversion services have been performed in
9 the lawful disposition of such documents pursuant to ~~section 24-80-103~~
10 SECTION 24-37.5-705;

11 **SECTION 16.** 24-33.5-223 (2) (b) (II) (A) and (2) (b) (II) (B),
12 Colorado Revised Statutes, are amended to read:

13 **24-33.5-223. State telecommunications network.** (2) (b) The
14 facilities of the network shall be made available for the use of:

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

18 (A) May be requested to support the purposes expressed in ~~section~~
19 ~~24-30-901 (1) (c) and (1) (e)~~ SECTION 24-37.5-502 (1) (c) AND (1) (e) and
20 aggregate telecommunications service requirements of any public office
21 described in section 24-32-3001 (1) (h); or

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

25 **SECTION 17.** 24-36-106 (3), Colorado Revised Statutes, is
26 amended to read:

27 **24-36-106. Record of warrants - order of payment - paid**

1 **warrants - validation.** (3) All paid warrants shall be cancelled and,
2 after being microfilmed or copied through image technology such as
3 optical storage and other recognized state-of-the-art storage technologies,
4 shall be destroyed pursuant to ~~part 1 of article 80~~ PART 7 OF ARTICLE 37.5
5 of this title. The treasury department is authorized to enter into an
6 arrangement which allows any bank holding cancelled warrants to
7 microfilm or copy through other recognized state-of-the-art storage
8 technologies and to store said warrants for the benefit and use of the
9 treasury department, but no bank shall destroy any cancelled warrant
10 without written authorization from the treasury department. Any bank
11 producing microfilm or using other recognized state-of-the-art storage
12 technologies pursuant to this subsection (3) shall transmit such microfilm
13 or the product of such other recognized state-of-the-art storage
14 technologies to the treasury department, where it shall be kept and stored.
15 The treasury department is not authorized to enter into such an
16 arrangement if the cost of the service charged by the bank exceeds the
17 cost which the state would incur by providing the same service.

18 **SECTION 18.** 24-37.5-108 (1) (d), Colorado Revised Statutes,
19 is amended to read:

20 **24-37.5-108. Statewide communications and information**
21 **infrastructure - establishment - duties.** (1) With regard to the
22 statewide communications and information infrastructure, the office shall
23 have the following duties:

24 (d) To advise state agencies on the risks, issues, and concerns
25 related to the agency's ~~communication and data processing~~ INFORMATION
26 TECHNOLOGY infrastructure that the agency has identified in the
27 ~~communications and data processing~~ INFORMATION TECHNOLOGY plan

1 prepared pursuant to section 24-37.5-106 (1) (b).

2 **SECTION 19. Repeal.** 24.37.5-402 (2), Colorado Revised
3 Statutes, is repealed as follows:

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

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

8 **SECTION 20.** 24-37.7-101 (6), Colorado Revised Statutes, is
9 amended to read:

10 **24-37.7-101. Definitions.** As used in this article, unless the
11 context otherwise requires:

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

14 **SECTION 21.** 24-72-205 (1), Colorado Revised Statutes, is
15 amended to read:

16 **24-72-205. Copy, printout, or photograph of a public record.**

17 (1) In all cases in which a person has the right to inspect a public record,
18 the person may request a copy, printout, or photograph of the record. The
19 custodian shall furnish a copy, printout, or photograph and may charge a
20 fee determined in accordance with subsection (5) of this section; except
21 that, when the custodian is the secretary of state, fees shall be determined
22 and collected pursuant to section 24-21-104 (3), and when the custodian
23 is the ~~executive director of the department of personnel~~ CHIEF
24 INFORMATION OFFICER, fees shall be determined and collected pursuant
25 to ~~section 24-80-102 (10)~~ SECTION 24-37.5-702 (9). Where the fee for a
26 certified copy or other copy, printout, or photograph of a record is
27 specifically prescribed by law, the specific fee shall apply.

1 **SECTION 22.** 24-80-202 (1), Colorado Revised Statutes, is
2 amended to read:

3 **24-80-202. Trustee for state - exchange duplicates - lending**
4 **materials.** (1) Except as otherwise provided in ~~part 1 of this article~~ PART
5 7 OF ARTICLE 37.5 OF THIS TITLE, the society shall be the trustee of the
6 state and as such shall faithfully expend and apply all money received
7 from the state to the uses and purposes directed by law, and shall hold its
8 present and future collections and property for the state, and shall not sell,
9 mortgage, transfer, or dispose of in any manner or remove from the
10 Colorado state museum any article thereof, or part of the same, without
11 authority of law.

12 **SECTION 23.** 24-80-211 (1) (b), Colorado Revised Statutes, is
13 amended to read:

14 **24-80-211. Society and division.** (1) The state historical society
15 shall continue as an educational institution of the state, considered as a
16 division of the department of higher education for the purpose of
17 determining the order of its appropriation; except that:

18 (b) The ~~executive director of the department of personnel~~ CHIEF
19 INFORMATION OFFICER shall consult with the state historical society with
20 respect to the proposed destruction under ~~part 1 of this article~~ PART 7 OF
21 ARTICLE 37.5 OF THIS TITLE of any documentary, library, or museum
22 materials, whether or not defined in ~~section 24-80-101~~ SECTION
23 24-37.5-701 as records, and shall not consent to the destruction of any
24 such materials determined by the state historical society to be of historical
25 value; and

26 **SECTION 24.** 24-101-402, Colorado Revised Statutes, is
27 amended to read:

1 **24-101-402. Retention of procurement records.** All
2 procurement records shall be retained and disposed of in accordance with
3 records retention guidelines and schedules, as provided in ~~section~~
4 ~~24-80-103~~ SECTION 24-37.5-705.

5 **SECTION 25.** 30-11-107 (1) (x), Colorado Revised Statutes, is
6 amended to read:

7 **30-11-107. Powers of the board.** (1) The board of county
8 commissioners of each county has power at any meeting:

9 (x) To enter into a contract with the state telecommunications
10 director pursuant to the provisions of ~~section 24-30-903 (3)~~ SECTION
11 24-37.5-502 (3), C.R.S., for the providing of teleconferencing facilities
12 and services between the county and any other county, city and county,
13 or state agency to be used for teleconferencing of hearings relating to any
14 person in the custody of the county;

15 **SECTION 26.** 30-11-208, Colorado Revised Statutes, is amended
16 to read:

17 **30-11-208. Contract - teleconferencing facilities and services.**

18 The city and county of Denver may enter into a contract with the state
19 telecommunications director pursuant to the provisions of section
20 ~~24-30-903 (3)~~ SECTION 24-37.5-503, C.R.S., for the providing of
21 teleconferencing facilities and services between the city and county of
22 Denver and any other county or state agency to be used for
23 teleconferencing of hearings relating to any person in the custody of the
24 city and county of Denver.

25 **SECTION 27. Repeal of provisions being relocated in this act.**

26 Parts 9 and 16 of article 30 and part 1 of article 80 of title 24, Colorado
27 Revised Statutes, are repealed.

1 **SECTION 28. 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.