

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

PREAMENDED

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

LLS NO. 08-0739.01 Dan Cartin

SENATE BILL 08-155

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Senate Committees

State, Veterans & Military Affairs

House Committees

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, THE~~
10 ~~DEPARTMENT OF LAW, THE DEPARTMENT OF STATE, THE DEPARTMENT OF~~
11 ~~THE TREASURY, OR state-supported institutions of higher education. the~~
12 ~~department of higher education, the Colorado commission on higher~~
13 ~~education, or other instrumentality thereof.~~

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

16 **24-37.5-104. Transfer of functions - change of name -**
17 **continuity of existence - legislative declaration - rules.** (6) (a) THE
18 OFFICE SHALL, ON AND AFTER JULY 1, 2008, EXECUTE, ADMINISTER,
19 PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND
20 OBLIGATIONS VESTED PRIOR TO JULY 1, 2008, IN THE GENERAL
21 GOVERNMENT COMPUTER CENTER WITHIN THE DEPARTMENT OF
22 PERSONNEL, TELECOMMUNICATIONS COORDINATION WITHIN THE
23 DEPARTMENT OF PERSONNEL, == AND OFFICE OF THE CHIEF INFORMATION
24 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, _____ AND OFFICE OF THE CHIEF
2 INFORMATION SECURITY OFFICER IN THE OFFICE OF THE GOVERNOR
3 CONCERNING THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE
4 OFFICE PURSUANT TO THIS SUBSECTION (6) AND WHOSE EMPLOYMENT IN
5 THE OFFICE IS DEEMED NECESSARY TO CARRY OUT THE PURPOSES OF THIS
6 ARTICLE BY THE CHIEF INFORMATION OFFICER SHALL BE TRANSFERRED TO
7 THE OFFICE AND SHALL BECOME EMPLOYMENT POSITIONS THEREIN. THE
8 CHIEF INFORMATION OFFICER SHALL APPOINT SUCH EMPLOYEES AS ARE
9 NECESSARY TO CARRY OUT THE DUTIES AND EXERCISE THE POWERS
10 CONFERRED BY LAW UPON THE OFFICE AND THE CHIEF INFORMATION
11 OFFICER.

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

1 ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND RULES.

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

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

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

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

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

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

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

4 **24-37.5-105. Office - responsibilities - rules.** (3) The office
5 shall:

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

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

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

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

23 **24-37.5-105. Office - responsibilities - rules.** (4) (a) The office
24 shall establish policies and procedures for acceptable project plans and
25 feasibility studies.

26 (b) ~~Prior to the approval or disbursement of any moneys, including~~
27 ~~from federal, state, or cash funds, for any major automation system~~

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

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

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

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

26 (b) ~~State agencies that use the services specified in subparagraph~~
27 ~~(II) of paragraph (a) of this subsection (5) shall be responsible for~~

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

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

1 technology projects:

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

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

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

24 (8) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY
25 EMERGENCY ACQUISITION OR PURCHASE OF INFORMATION TECHNOLOGY
26 RESOURCES BY THE OFFICE SHALL NOT BE SUBJECT TO THE PROVISIONS OF
27 THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS TITLE. THE

1 CHIEF INFORMATION OFFICER SHALL PROMULGATE RULES PURSUANT TO
2 ARTICLE 4 OF THIS TITLE SPECIFYING THE CRITERIA FOR SUCH EMERGENCY
3 ACQUISITIONS OR PURCHASES.

4 (9) STATE AGENCIES SHALL COOPERATE WITH THE CHIEF
5 INFORMATION OFFICER AND OFFICE IN DEVELOPING AND IMPLEMENTING
6 PROCESSES FOR THE SHARING OF DATA AND INFORMATION WITH THE
7 OFFICE AND BETWEEN STATE AGENCIES. THE OFFICE SHALL DETERMINE
8 AND IMPLEMENT STATEWIDE EFFORTS TO STANDARDIZE INFORMATION
9 TECHNOLOGY RESOURCES TO THE EXTENT POSSIBLE AND SHALL
10 DETERMINE THE OWNERSHIP OF INFORMATION TECHNOLOGY RESOURCES
11 AMONG STATE AGENCIES.

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

15 **24-37.5-106. Chief information officer - duties and**
16 **responsibilities.** (1) The chief information officer shall:

17 (a) Monitor trends and advances in communication and
18 information TECHNOLOGY resources, and data processing, direct and
19 approve a comprehensive, statewide, four-year planning process, and plan
20 for the acquisition, management, and use of ~~communication and~~
21 ~~information resources and data processing~~ INFORMATION TECHNOLOGY.
22 The statewide information technology plan shall be updated annually and
23 submitted to the governor, the speaker of the house of representatives,
24 and the president of the senate.

25 (b) Require state agencies to prepare and submit communications
26 and data processing plans to the office PARTICIPATE WITH AND ADVISE
27 THE OFFICE ON THE CREATION OF AN INFORMATION TECHNOLOGY PLAN

1 FOR SUCH AGENCY as part of the state's planning and budgeting process.

2 Such plans shall:

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

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

8 (III) Identify risks, issues, and concerns with the agency's
9 ~~communications and data processing~~ INFORMATION TECHNOLOGY
10 infrastructure.

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

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

25 (e) Coordinate and direct the development of policies and
26 procedures for the effective management of technology investments
27 throughout their entire life cycle including but not limited to project

1 definition, procurement, development, implementation, operation,
2 performance evaluation, and enhancement or retirement;

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

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

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

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

23 (i) Coordinate and direct the establishment of statewide standards
24 for the efficient exchange of electronic information and technology,
25 including infrastructure, between the public and private sectors in the
26 state;

27 (j) In consultation with the executive director of the department

1 of personnel, evaluate the feasibility of outsourcing ~~communication and~~
2 ~~information resources and data processing~~ INFORMATION TECHNOLOGY
3 resources and services and outsource those resources and services that
4 would be beneficial to the state;

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

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

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

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

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

26 (p) HIRE OR RETAIN SUCH CONTRACTORS, SUBCONTRACTORS,
27 ADVISORS, CONSULTANTS, AND AGENTS AS THE CHIEF INFORMATION

1 OFFICER MAY DEEM ADVISABLE OR NECESSARY, IN ACCORDANCE WITH THE
2 RELEVANT PROCEDURES, STATUTES, AND RULES AND MAY MAKE AND
3 ENTER INTO CONTRACTS NECESSARY OR INCIDENTAL TO THE EXERCISE OF
4 THE POWERS AND PERFORMANCE OF THE DUTIES OF THE OFFICE AND THE
5 CHIEF INFORMATION OFFICER. THE CHIEF INFORMATION OFFICER MAY
6 SPECIFICALLY HIRE OR RETAIN SUCH CONTRACTORS, SUBCONTRACTORS,
7 ADVISORS, CONSULTANTS, AND AGENTS AS THE CHIEF INFORMATION
8 OFFICER MAY DEEM ADVISABLE AND NECESSARY.

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

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

14 **24-37.5-109. Status of state agencies.** (1) State agencies shall:

15 (a) ~~Supervise~~ CONSULT WITH AND ADVISE THE OFFICE ON their
16 ~~communications and automated data processing~~ INFORMATION
17 TECHNOLOGY systems;

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

21 **24-37.5-110. Technology coordination.** (1) ON JULY 1, 2008,
22 THE CHIEF INFORMATION OFFICER OF EACH STATE AGENCY AND ON OR
23 AFTER JULY 1, 2008, BUT ON OR BEFORE JULY 1, 2012, THE EMPLOYEES OF
24 SUCH STATE AGENCIES DESIGNATED PURSUANT TO SUBSECTION (2) OF THIS
25 SECTION SHALL BE TRANSFERRED TO THE OFFICE AND SHALL BECOME
26 EMPLOYEES OF THE OFFICE. EACH OFFICER TRANSFERRED TO THE OFFICE
27 PURSUANT TO THIS SUBSECTION (1) AND HIS OR HER SUCCESSOR MAY

1 CONTINUE TO ACT AS THE OFFICER FOR THE STATE AGENCY FROM WHICH
2 HE OR SHE WAS TRANSFERRED AND SHALL MAINTAIN ANY DUTIES OR
3 RESPONSIBILITIES RELATED TO THE INFORMATION TECHNOLOGY
4 RESOURCES OF SUCH AGENCY. EACH OFFICER TRANSFERRED TO THE
5 OFFICE SHALL REPORT TO AND BE UNDER THE IMMEDIATE SUPERVISION OF
6 THE CHIEF INFORMATION OFFICER OF THE OFFICE.

7 (b) THE EMPLOYEES OF AN AGENCY THAT SUPPORT THE
8 INFORMATION TECHNOLOGY FUNCTIONS OF SUCH AGENCY SHALL
9 CONTINUE TO BE UNDER THE SUPERVISION OF THE CHIEF INFORMATION
10 OFFICER OF SUCH AGENCY UNTIL THE CHIEF INFORMATION OFFICER OF THE
11 OFFICE DETERMINES THAT IT IS NECESSARY FOR THOSE POSITIONS OR
12 FUNCTIONS TO COME UNDER THE CONTROL AND SUPERVISION OF THE
13 OFFICE.

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

21 (3) ANY SUCH OFFICER OR EMPLOYEES WHO ARE CLASSIFIED
22 EMPLOYEES IN THE STATE PERSONNEL SYSTEM AT THE TIME OF THE
23 TRANSFER SHALL RETAIN ALL RIGHTS TO THE PERSONNEL SYSTEM AND
24 RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THE STATE, AND THEIR
25 SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS
26 AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM
27 SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL

1 SYSTEM LAWS AND RULES FOR THE PURPOSES OF SECTION 24-50-124.

2 (4) A CHIEF INFORMATION OFFICER AND THE EMPLOYEES UNDER
3 THE SUPERVISION OF THE OFFICER TRANSFERRED PURSUANT TO THIS
4 SECTION MAY CONTINUE OPERATIONS AT THE LOCATION OF SUCH
5 OFFICER'S STATE AGENCY. NOTHING IN THIS SUBSECTION (4) SHALL
6 REQUIRE THE RELOCATION OF AN OFFICER OR EMPLOYEES UNDER THE
7 SUPERVISION OF THE OFFICER OR SUCH OPERATIONS. THE CHIEF
8 INFORMATION OFFICER OF THE OFFICE MAY RELOCATE AN OFFICER AND
9 SELECT EMPLOYEES IN FURTHERANCE OF CENTRALIZING THE
10 MANAGEMENT OF INFORMATION TECHNOLOGY IN STATE AGENCIES.

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

20 **24-37.5-112. Information technology revolving fund.**
21 (1) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE
22 INFORMATION TECHNOLOGY REVOLVING FUND. EXCEPT AS OTHERWISE
23 PROVIDED IN SUBSECTION (2) OF THIS SECTION, MONEYS SHALL BE
24 APPROPRIATED TO THE FUND EACH YEAR BY THE GENERAL ASSEMBLY IN
25 THE ANNUAL GENERAL APPROPRIATION ACT FOR THE DIRECT AND INDIRECT
26 COSTS OF THE OFFICE. USERS OF THE OFFICE'S SERVICES SHALL BE
27 CHARGED THE FULL COST OF THE PARTICULAR SERVICE, WHICH SHALL

1 INCLUDE ALL MATERIAL, LABOR, AND OVERHEAD COSTS. ALL INTEREST
2 EARNED ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED
3 TO THE FUND. MONEYS IN THE REVOLVING FUND SHALL BE CONTINUOUSLY
4 APPROPRIATED TO THE OFFICE OF INFORMATION TECHNOLOGY TO PAY THE
5 COSTS OF CONSOLIDATION AND INFORMATION TECHNOLOGY MAINTENANCE
6 AND UPGRADES. ANY MONEYS CREDITED TO THE REVOLVING FUND AND
7 UNEXPENDED AND UNENCUMBERED AT THE END OF ANY GIVEN FISCAL
8 YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE
9 GENERAL FUND.

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

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

23 **24-37.5-403. Chief information security officer - duties and**
24 **responsibilities.** (1) The governor shall appoint a chief information
25 security officer who shall serve at the pleasure of the governor. THE
26 OFFICER SHALL REPORT TO AND BE UNDER THE SUPERVISION OF THE CHIEF
27 INFORMATION OFFICER. The officer shall exhibit a background and

1 expertise in security and risk management for communications and
2 information resources. In the event the officer is unavailable to perform
3 the duties and responsibilities under this part 4, all powers and authority
4 granted to the officer may be exercised by the ~~chief technology officer in~~
5 ~~the office of innovation and technology~~ CHIEF INFORMATION OFFICER.

6 (2) The chief information security officer shall:

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

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

16 PART 5

17 TELECOMMUNICATIONS COORDINATION WITHIN
18 STATE GOVERNMENT

19 **24-37.5-501. [Formerly 24-30-902] Powers, duties, and**
20 **functions concerning telecommunications.** ~~(1) The executive director~~
21 ~~of the department of personnel~~ CHIEF INFORMATION OFFICER shall appoint
22 assistants, clerical staff, and other personnel as may be necessary to
23 discharge the duties and responsibilities set forth by this ~~part 9~~ PART 5.

24 ~~(2) The powers, duties, and functions concerning~~
25 ~~telecommunications, specified in this part 9, shall be administered as if~~
26 ~~transferred by a **type 2** transfer as such transfer is defined in the~~
27 ~~"Administrative Organization Act of 1968", article 1 of this title, to the~~

1 ~~department of personnel.~~

2 **24-37.5-502. [Formerly 24-30-903] Duties and responsibilities.**

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

5 (a) In consultation with local, state, and federal departments,
6 institutions, and agencies, formulate recommendations for a current and
7 long-range telecommunications plan, involving telephone, radio,
8 microwave, facsimile closed circuit and cable television,
9 teleconferencing, public broadcast, data communications transmission
10 circuits, fiber optics, satellites, cellular radio, and public safety radio
11 communications systems required by the FCC public safety national plan
12 and their integration into applicable telecommunications networks for
13 approval of the governor;

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

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

22 (d) Approve or disapprove the acquisition of telecommunications
23 equipment and necessary licenses by any state department, institution, or
24 agency;

25 (e) Establish telecommunications procedures, standards, and
26 records for management of telecommunications networks and facilities
27 for all state departments, institutions, and agencies;

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

4 (g) Advise the governor and general assembly on
5 telecommunications matters;

6 (h) Cooperate with and assist nonprofit regional broadcasting
7 corporations, as appropriate and if resources are available, in the
8 development of regional noncommercial television and radio networks
9 and local facilities, including acting as the agency by which the state
10 participates in any such regional broadcasting corporation;

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

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

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

24 (3) The ~~executive director of the department of personnel~~ CHIEF
25 INFORMATION OFFICER may enter into contracts with any county, city and
26 county, state agency, private schools, school district, board of cooperative
27 educational services, or library and may act as a telecommunications

1 network provider between or among two or more counties or state
2 agencies for the purpose of providing teleconferencing facilities and
3 services between or among such entities, including the judicial system of
4 any county, the department of corrections, and the department of human
5 services and any of their facilities. To assure the availability of such
6 network throughout the various state agencies, private schools, school
7 districts, boards of cooperative educational services, libraries, and
8 counties, the executive director of the department of personnel shall
9 develop a uniform set of standards for facilities to be utilized by the
10 contracting entities.

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

12 ~~(6) (4) The executive director of the department of personnel~~ CHIEF
13 INFORMATION OFFICER shall:

14 (a) In consultation with recognized public safety radio
15 communication standards groups, appropriate affected public agencies,
16 and the chief of the Colorado state patrol, adopt recommended standards
17 for the replacement of analog-based equipment with digital-based radio
18 equipment for purposes of dispatching and related functions within the
19 department of public safety; and

20 (b) For purposes of serving the radio communications needs of
21 state departments including, but not limited to, the departments of public
22 safety, transportation, natural resources, and corrections, adopt
23 recommended standards and set a timetable for the replacement of
24 existing radio telecommunications equipment with a system that satisfies
25 the requirements of the FCC public safety national plan.

26 ~~(7) (5) The executive director of the department of personnel~~
27 CHIEF INFORMATION OFFICER shall carry out all duties and responsibilities

1 set forth in this section in a manner that is consistent with the objective
2 of maximizing access to digital networks of the state by all public offices
3 of all levels, branches, and political subdivisions of the state within every
4 community of the state. In particular, within available resources and as
5 soon as is feasible, the ~~executive director~~ CHIEF INFORMATION OFFICER
6 shall provide connections proposed and approved by the department of
7 local affairs, created in section 24-1-125, through the community-based
8 access grant program established under section 24-32-3001 and may act
9 as a network provider between or among all public offices as defined in
10 said section. To the extent possible and if technically feasible, the
11 bidding and the method of awarding the contract for telecommunications
12 services under section 24-32-3001 should be structured in a manner as to
13 allow the greatest number of providers to participate in the bidding and
14 the award of the contract.

15 **24-37.5-503. [Formerly 24-30-906] Legislative department**
16 **exemption.** The provisions of this ~~part 9~~ PART 5 shall not apply to the
17 legislative department of the state.

18 **24-37.5-504. [Formerly 24-30-907] Higher education**
19 **exemption.** Local and internal telecommunications networks of
20 institutions of higher education may be exempted from the provisions of
21 this ~~part 9~~ PART 5 upon application to the ~~executive director of the~~
22 ~~department of personnel~~ CHIEF INFORMATION OFFICER; except that all
23 systems must be certified by the ~~executive director of the department of~~
24 ~~personnel~~ CHIEF INFORMATION OFFICER as being technically compatible
25 with plans and networks as described in ~~section 24-30-903 (1)~~ SECTION
26 24-37.5-502 (1).

27 **24-37.5-505. [Formerly 24-30-908] Telecommunications**

1 **revolving fund - service charges - pricing policy.** (1) Users of the
2 ~~department of personnel~~ OFFICE'S telephone and data communication
3 services shall be charged the full cost of the particular service, which
4 shall include the cost of all material, labor, and overhead. Said user
5 charges shall be transmitted to the state treasurer, who shall credit the
6 same to the telecommunications revolving fund, which fund is hereby
7 created. The moneys in the revolving fund are subject to annual
8 appropriations by the general assembly to the ~~department of personnel~~
9 OFFICE for use in acquiring such materials, supplies, labor, and overhead
10 as are required for telephone and data communications related service
11 functions. The revolving fund shall include user charges on public safety
12 radio systems of a state agency or other state entity; except that no
13 municipality, county, city and county, or special district shall be charged
14 user charges on public safety radio systems of a state agency or other state
15 entity.

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

25 (3) ~~Repealed.~~

26 **24-37.5-506. [Formerly 24-30-908.5] Public safety**
27 **communications trust fund - creation.** (1) There is hereby created in

1 the state treasury the public safety communications trust fund, referred to
2 in this section as the "fund". The moneys in the fund are subject to
3 annual appropriation by the general assembly to the ~~department of~~
4 ~~personnel~~ OFFICE for distribution as determined by rules adopted pursuant
5 to ~~section 24-30-903 (1) (j)~~ SECTION 24-37.5-502 (1) (j). The primary
6 purpose of such distributions shall be the acquisition and maintenance of
7 public safety communication systems for use by departments including
8 but not limited to the departments of public safety, transportation, natural
9 resources, and corrections as provided in ~~section 24-30-903 (6) (b)~~
10 SECTION 24-37.5-502 (4) (b). Such systems shall satisfy the requirements
11 of the public safety national plan established by the federal
12 communications commission, also referred to in this article as the "FCC",
13 in *FCC report and order in general docket no. 87-112*, and subsequent
14 FCC proceedings and rules. This section shall not preclude the payment
15 of maintenance expenses including the cost of leased or rented
16 equipment, payments to local governmental entities for radio
17 communication systems, or payments related to public safety radio
18 systems.

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

23 (II) Any appropriation of state moneys to the public safety
24 communications trust fund for any fiscal year from moneys in the capital
25 construction fund created in section 24-75-302 shall be further
26 appropriated from the public safety communications trust fund to the
27 ~~department of personnel~~ OFFICE for the purposes set forth in this section.

1 Any moneys in the public safety communications trust fund so
2 appropriated that were initially appropriated from moneys in the capital
3 construction fund shall, if any project for which such moneys are
4 appropriated is initiated within the fiscal year, remain available until
5 completion of the project or for a period of three years, whichever comes
6 first, at which time the unexpended and unencumbered balances of such
7 appropriation shall revert to the public safety communications trust fund.

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

16 (3) At the end of each fiscal year, all unexpended and
17 unencumbered moneys in the fund shall remain therein and shall not be
18 credited or transferred to the general fund or any other fund. All interest
19 derived from the deposit and investment of this fund shall remain in the
20 fund and shall not revert to the general fund.

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

25 (a) The need for achieving functional interoperability among
26 local, state, and federal public safety radio communications systems by
27 acquiring equipment that meets emerging technical standards for systems

1 interoperability and open network architecture;

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

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

6 (5) In acquiring equipment pursuant to subsection (4) of this
7 section, the executive director of the ~~department of personnel~~ OFFICE shall
8 develop bid specifications that identify all services, requirements, and
9 costs consistent with existing state law.

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

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

27

PART 6

1 GENERAL GOVERNMENT COMPUTER CENTER (GGCC)

2 **24-37.5-601. [Formerly 24-30-1602] General government**
3 **computer center (GGCC).** (1) The general government computer
4 center referred to in this ~~part 16~~ PART 6 as "GGCC" is within the
5 ~~department of personnel~~ OFFICE OF INFORMATION TECHNOLOGY. The
6 ~~executive director of the department of personnel~~ CHIEF INFORMATION
7 OFFICER shall appoint, pursuant to section 13 of article XII of the state
8 constitution, such personnel as may be necessary for the efficient
9 operation of the GGCC.

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

14 **24-37.5-602. [Formerly 24-30-1603] Functions of the GGCC.**

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

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

24 (b) To establish and maintain automated data processing facilities
25 at GGCC, including but not limited to the operation of automated data
26 processing equipment and facilities and the employment of necessary
27 personnel;

1 (c) To prepare and submit such reports as are required by this part
2 ~~16 PART 6 or which~~ THAT the governor or general assembly may request;

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

7 ~~(2) Repealed.~~

8 ~~(3)~~ (2) (a) In accordance with any policies, standards, and
9 guidelines set forth by the office ~~of information technology, created in~~
10 ~~section 24-37.5-103,~~ the GGCC shall adopt and implement standards,
11 policies, and procedures for the use of electronic or digital signatures by
12 governmental agencies where use of electronic or digital signatures is
13 expressly authorized by law.

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

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

25 (d) ~~(Deleted by amendment, L. 2006, p. 1521, 90, effective June~~
26 ~~1, 2006.)~~

27 **24-37.5-603. [Formerly 24-30-1604] Powers of the chief**

1 **information officer - penalty for breach of confidentiality.** (1) In
2 order to perform the functions and duties of the GGCC as set forth in this
3 ~~part 16~~ PART 6, the ~~executive director of the department of personnel~~
4 CHIEF INFORMATION OFFICER shall exercise the following powers:

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

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

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

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

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

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

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

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

25 (b) Any person who violates the provisions of paragraph (a) of
26 this subsection (2) commits a class 1 misdemeanor and shall be punished
27 as provided in section 18-1.3-501, C.R.S. In addition, such person shall

1 be subject to removal or dismissal from state employment on grounds of
2 malfeasance in office.

3 **24-37.5-604. [Formerly 24-30-1606] Office of information**
4 **technology computer services revolving fund - service charges -**
5 **pricing.** (1) Users of GGCC services shall be charged by the ~~department~~
6 ~~of personnel~~ OFFICE the full cost of the particular service, which shall
7 include the cost of all material, labor, equipment, software, services, and
8 overhead. Two months prior to the November 1 submission date as
9 required by section 24-37-304, the ~~executive director of the department~~
10 CHIEF INFORMATION OFFICER shall establish, publish, and distribute billing
11 rates to user entities and other interested entities effective for the
12 following fiscal year. The billing rates shall not be increased during the
13 fiscal year. User charges shall be paid only out of items of appropriation
14 made specifically for the purchase of services from either the ~~department~~
15 OFFICE or from an alternative support source approved by the office. ~~of~~
16 ~~information technology, created in section 24-37.5-103.~~ Agencies
17 interested in purchasing services from the private sector shall work with
18 the office to develop bid specifications, which shall identify all services,
19 requirements, and costs. All bids shall be consistent with the state's
20 long-term data processing objectives. The bid process shall be completed
21 so as to coincide with the ~~department's~~ OFFICE'S rate publication date.

22 (2) User charges collected under this ~~part 16~~ PART 6 shall be
23 transmitted to the state treasurer, who shall credit the same to the
24 ~~department's~~ computer services revolving fund, which fund is hereby
25 created. The moneys in such fund are subject to annual appropriations by
26 the general assembly to the ~~department of personnel~~ OFFICE for the
27 purpose of acquiring such materials, supplies, labor, equipment, software,

1 services, and overhead as are required by the ~~department of personnel~~
2 OFFICE to supply the services purchased by users.

3 (3) The ~~executive director of the department of personnel~~ CHIEF
4 INFORMATION OFFICER shall establish a policy of remaining competitive
5 with the service provided by private industry with regard to the cost,
6 timeliness, and quality of that service provided by the ~~department~~ OFFICE.
7 Agencies are encouraged to seek competitive bids from the private sector
8 pursuant to subsection (1) of this section. If the ~~department~~ OFFICE cannot
9 meet the needs of any agency in any one of the said areas, the agency may
10 seek services elsewhere in consultation with the office. ~~of information~~
11 ~~technology, created in section 24-37.5-103.~~

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

15 **2-3-1304. Powers and duties of capital development committee.**

16 (1) The capital development committee shall have the following powers
17 and duties:

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

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

26 **24-1-128. Department of personnel - creation.** (7) The

27 department of personnel shall include the following administrative support

1 services:

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3 ~~(c) The powers, duties, and functions of the general government~~
4 ~~computer center, specified in this article and in part 16 of article 30 of this~~
5 ~~title concerning the center, shall be administered as if transferred by a~~
6 ~~**type 2** transfer to the department of personnel. The powers, duties, and~~
7 ~~functions concerning the operation of automated data processing~~
8 ~~equipment, including the data entry, systems development and~~
9 ~~programming, and computer functions thereof, are transferred by a **type**~~
10 ~~**2** transfer to the general government computer center.~~

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

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

18 **24-33.5-223. State telecommunications network.** (2) (b) The
19 facilities of the network shall be made available for the use of:

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

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

27 (B) Make donations, grants, bequests, and other contributions to

1 the public communications trust fund pursuant to ~~section 24-30-908.5 (2)~~
2 ~~(b)~~ SECTION 24-37.5-508 (2) (b).

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

6 **24-37.5-108. Statewide communications and information**
7 **infrastructure - establishment - duties.** (1) With regard to the statewide
8 communications and information infrastructure, the office shall have the
9 following duties:

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

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

17 **24-37.5-402. Definitions.** As used in this part 4, unless the
18 context otherwise requires:

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

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

23 **24-37.7-101. Definitions.** As used in this article, unless the
24 context otherwise requires:

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

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

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

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

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

30-11-208. Contract - teleconferencing facilities and services. The city and county of Denver may enter into a contract with the state telecommunications director pursuant to the provisions of section ~~24-30-903 (3)~~ SECTION 24-37.5-503, C.R.S., for the providing of teleconferencing facilities and services between the city and county of Denver and any other county or state agency to be used for teleconferencing of hearings relating to any person in the custody of the city and county of Denver.

SECTION 18. Repeal of provisions being relocated in this act. Parts 9 and 16 of article 30, Colorado Revised Statutes, are repealed.

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