



MEMORANDUM

To: Joint Technology Committee
From: Gregg Rippy, SIPA Interim Executive Director
Jack Arrowsmith, Chairman, SIPA Board of Directors
Date: January 23, 2015
Subject: Summary of legislation recommended by SIPA to the JTC

In response to a request from legislative staff, the Colorado Statewide Internet Portal Authority (SIPA) and its Board of Directors offer this summary of legislation recommended by SIPA for consideration by the Joint Technology Committee (JTC).

BACKGROUND

Section 24-37.7-113.5, C.R.S., requires SIPA to submit an annual report to the JTC by November 1 each year that includes recommendations regarding legislation that might be necessary to carry out the purposes of SIPA. SIPA submitted its annual report on November 1, 2014, and presented its report to the Committee at its meeting on December 30, 2014.

Subsequently, on January 8, 2015, SIPA's Board of Directors held its monthly meeting and formally approved the legislative recommendations summarized in this memorandum.

RECOMMENDED LEGISLATION

SIPA recommends legislation on the following two topics, either as one bill or separate bills:

1. Board of Directors

- a. Reduce from four to two the number of members of SIPA's board of directors who must be members of the Joint Technology Committee.

Explanation: SIPA's 15-member board of directors includes four legislators (two from each house). When the JTC was statutorily created in 2013, the bill required that all future appointments of legislators to SIPA's Board must be members of the JTC. SIPA recommends that the number of legislators who are JTC members be reduced from four to two, so that two legislators may be appointed to the Board who are not members of the JTC. Members serving on joint committees often have duties and time constraints in addition to the normal committees they serve on. Allowing the selection of two members outside of the JTC provides an opportunity for greater legislative participation, while not preventing the possibility of all four members coming from the JTC.



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- b. Allow each member of SIPA's board of directors who is also a member of the Governor's cabinet to appoint a designated alternate to attend meetings and vote on his or her behalf.

Explanation: SIPA's statute requires that SIPA's 15-member board include the State's Chief Information Officer and the executive directors of three principal departments as appointed by the Governor (see section 24-37.7-102(2)(c) and (2)(h), C.R.S.). Those members are currently not permitted to appoint designees. However, because those individuals are exceptionally busy, it is difficult for them to attend all board meetings personally, and obtaining a quorum is frequently a challenge. SIPA recommends that each of these four board members be allowed to appoint (by formal designation in writing) a representative to attend meetings and vote as a board member on their behalf when they are unable to attend (but that representatives not be allowed to serve as board officers). The legislation should consider specifying appropriate qualifications required for an appointed representative (such as deputy director or CIO).

- c. Allow the Board to elect a chairperson who is not an elected official.

Explanation: SIPA's statute requires that Board's chairperson be an elected official. However, only five elected officials serve on the Board by statute, namely, four legislators and the Secretary of State. (The current chair is the local government representative who also happened to be an elected official until his term recently expired.) It is difficult for the four legislators to attend board meetings during legislative sessions. Allowing the Board to elect a chairperson who is not an elected official would give the Board more options in choosing a chairperson who can consistently attend meetings and actively participate in other SIPA business outside of meetings. If the Board selects a cabinet member to be the chair, SIPA recommends that only the cabinet member can serve as chair and that an appointed representative not be allowed to serve in that capacity.

2. Clarify and improve SIPA's reporting to the General Assembly

SIPA recommends legislation to harmonize conflicting statutes that require SIPA to submit different annual reports to different legislative committees. Specifically, SIPA recommends that the legislation require SIPA to submit a single annual report with the JTC as its legislative oversight committee (with copies to any other appropriate committee), and that a single statute prescribe the contents of the annual report.

Explanation: The 2013 legislation that created the JTC added a new section 24-37.7-113.5 to SIPA's statute that requires SIPA to submit an annual report to the JTC. However, that legislation did not repeal or amend section 24-37.7-106(4)(b), which already required annual reporting to the Joint Budget Committee, the Business, Labor, and Technology Committee of the Senate, and the Business Affairs and Labor Committee of the House of Representatives. Therefore, SIPA recommends legislation that moves the requirements of



section 24-37.7-106(4)(b) into section 24-37.7-113.5, so that all reporting is to the Joint Technology Committee.

Here are the applicable statutes:

24-37.7-106. Fees and charges - no modification - new services – reporting. (4)
(b) On or before November 1, 2010, and on or before November 1 of each year thereafter, the board shall report to the business, labor, and technology committee of the senate and the business affairs and labor committee of the house of representatives, or any successor committees, and to the joint budget committee on:

(I) The total amount of charges or fees imposed by each state agency for accessing electronic information, products, and services through the statewide internet portal made in the preceding fiscal year; and

(II) The total amount of receipts and revenue derived by the authority from the transactions described in subparagraph (I) of this paragraph (b) for the preceding fiscal year.

24-37.7-113.5. Annual report. On or before November 1, 2013, and on November 1 of each year thereafter, the authority shall submit a report that sets forth a complete and detailed operating and financial statement of the authority during such fiscal year. The report must also include any recommendations regarding additional legislation or other action that may be necessary to carry out the purposes of the authority.