

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 17-0976.01 Nicole Myers x4326

SENATE BILL 17-255

SENATE SPONSORSHIP

Lambert, Lundberg, Moreno

HOUSE SPONSORSHIP

Rankin, Hamner, Young

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE TECHNOLOGY ADVANCEMENT**
102 **AND EMERGENCY FUND IN THE OFFICE OF INFORMATION**
103 **TECHNOLOGY, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. The bill creates the technology advancement and emergency fund (fund) in the office of information technology (office). Subject to annual appropriation by the general

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 30, 2017

SENATE
2nd Reading Unamended
March 29, 2017

assembly, the office may expend money in the fund to cover one-time costs associated with emergency information technology expenditures, to address deferred maintenance of state agency information technology assets, and to provide additional services to address unforeseen service demands.

The bill specifies that if the office uses money in the fund to cover all or any portion of the cost of purchasing or refreshing an asset for a state agency, the asset becomes the property of the office.

The office is required to submit an annual report to the joint budget committee and the joint technology committee, including specified information regarding expenditures from the fund.

The bill directs the state treasurer to transfer \$2 million to the fund on July 1, 2017, and on July 1, 2018. In addition, at the end of each fiscal year the state treasurer and the state controller shall transfer any unexpended or unencumbered appropriations that are the result of cost savings by the office to the newly created fund instead of the existing information technology revolving fund.

The bill specifies that the fund is exempt from the limitation on uncommitted reserves of a cash fund at the end of a fiscal year.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-37.5-115 as
3 follows:

4 **24-37.5-115. Technology advancement and emergency fund.**

5 (1) THE TECHNOLOGY ADVANCEMENT AND EMERGENCY FUND, REFERRED
6 TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE
7 TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND
8 PURSUANT TO SUBSECTION (3) OF THIS SECTION, MONEY TRANSFERRED TO
9 THE FUND PURSUANT TO SECTION 24-37.5-112 (2), AND ANY OTHER
10 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
11 TO THE FUND.

12 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
13 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
14 FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY

1 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
2 THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

3 (3) ON JULY 1, 2017, AND ON JULY 1, 2018, THE STATE TREASURER
4 SHALL TRANSFER TWO MILLION DOLLARS FROM THE GENERAL FUND TO THE
5 FUND.

6 (4) (a) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
7 ASSEMBLY, THE OFFICE MAY EXPEND MONEY FROM THE FUND TO COVER
8 ONE-TIME COSTS ASSOCIATED WITH EMERGENCY INFORMATION
9 TECHNOLOGY EXPENDITURES AS SPECIFIED IN SUBSECTION (4)(b) OF THIS
10 SECTION, TO ADDRESS DEFERRED MAINTENANCE OF STATE AGENCY
11 INFORMATION TECHNOLOGY ASSETS, AND TO PROVIDE ADDITIONAL
12 SERVICES TO ADDRESS UNFORSEEN SERVICE DEMANDS.

13 (b) IF THE OFFICE USES MONEY IN THE FUND FOR COSTS
14 ASSOCIATED WITH EMERGENCY INFORMATION TECHNOLOGY
15 EXPENDITURES, THE EXPENDITURES SHALL BE MADE IN ACCORDANCE WITH
16 SECTION 24-37.5-105.

17 (5) IF THE OFFICE USES MONEY FROM THE FUND TO COVER ALL OR
18 ANY PORTION OF THE COST OF PURCHASING OR REFRESHING AN ASSET FOR
19 A STATE AGENCY, THE ASSET SHALL BECOME THE PROPERTY OF THE
20 OFFICE.

21 (6) ON OR BEFORE NOVEMBER 1, 2017, AND ON OR BEFORE
22 NOVEMBER 1, 2018, THE OFFICE SHALL SUBMIT A REPORT TO THE JOINT
23 BUDGET COMMITTEE AND THE JOINT TECHNOLOGY COMMITTEE OF THE
24 GENERAL ASSEMBLY REGARDING THE EXPENDITURES FROM THE FUND. THE
25 REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

26 (a) A LIST OF EACH EXPENDITURE MADE FROM THE FUND,
27 INCLUDING THE PURPOSE AND AMOUNT OF THE EXPENDITURE, THE DATE

1 ON WHICH THE OFFICE MADE THE EXPENDITURE, THE STATE AGENCY THAT
2 BENEFITED FROM THE EXPENDITURE, AND HOW THE EXPENDITURE MET THE
3 CRITERIA FOR USE OF MONEY IN THE FUND;

4 (b) THE AMOUNT, IF ANY, THAT THE STATE AGENCY THAT
5 BENEFITED FROM THE EXPENDITURE OF MONEY IN THE FUND CONTRIBUTED
6 TO THE ASSET, SERVICE, OR MAINTENANCE THAT THE OFFICE PURCHASED;
7 AND

8 (c) THE AMOUNT BY WHICH EXPENDITURES FROM THE FUND HAVE
9 SUPPLEMENTED EXPENDITURES FROM STATE AGENCY OPERATING BUDGETS
10 FOR INFORMATION TECHNOLOGY ASSETS, SERVICES, AND MAINTENANCE.

11 **SECTION 2.** In Colorado Revised Statutes, 24-37.5-112, **amend**
12 (2) as follows:

13 **24-37.5-112. Information technology revolving fund.**

14 (2) Notwithstanding any law to the contrary, any ~~moneys~~ MONEY
15 appropriated from the general fund to the office or a state agency for the
16 2008-09 fiscal year and for each fiscal year thereafter, for the
17 procurement of information technology resources or major automation
18 system projects that are unexpended or unencumbered as of the close of
19 the fiscal year as a result of savings achieved by the office or state agency
20 in connection with such procurements, shall not revert to the general fund
21 and shall be transferred by the state treasurer and the controller to the
22 ~~information technology revolving fund created in subsection (1) of this~~
23 ~~section~~ TECHNOLOGY ADVANCEMENT AND EMERGENCY FUND CREATED IN
24 SECTION 24-37.5-115.

25 **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **add**
26 (5)(II) as follows:

27 **24-75-402. Cash funds - limit on uncommitted reserves -**

1 **reduction in the amount of fees - exclusions - repeal.**

2 (5) Notwithstanding any provision of this section to the contrary, the
3 following cash funds are excluded from the limitations specified in this
4 section:

5 (II) THE TECHNOLOGY ADVANCEMENT AND EMERGENCY FUND
6 CREATED IN SECTION 24-37.5-115.

7 **SECTION 4. Appropriation.** For the 2017-18 state fiscal year,
8 \$3,200,000 is appropriated to the office of the governor for use by the
9 office of information technology. This appropriation is from the
10 technology advancement and emergency fund created in section
11 24-37.5-115 (1), C.R.S. To implement this act, the office may use this
12 appropriation for the purposes authorized in section 24-37.5-115 (4),
13 C.R.S.

14 **SECTION 5. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.