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Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0593.01 Esther van Mourik x4215

HOUSE BILL 21-1236

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A BILL FOR AN ACT

101 **CONCERNING THE MODIFICATION OF CERTAIN STATUTORY PROVISIONS**
102 **TO REFLECT THE CURRENT STATE INFORMATION TECHNOLOGY**
103 **ENVIRONMENT.**

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 Technology Committee. The bill modifies the laws that create the joint technology committee (JTC), the Colorado cybersecurity council (council), and the office of information technology (office), to reflect the current information technology (IT) environment and direction in the state.

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

SENATE
2nd Reading Unamended
April 30, 2021

HOUSE
3rd Reading Unamended
April 8, 2021

HOUSE
Amended 2nd Reading
April 6, 2021

Joint technology committee. **Section 1** of the bill updates definitions used by the JTC to be consistent with the definitions used by the office.

Current law specifies the powers and duties of the JTC. **Section 2** allows the JTC to request information and presentations regarding data privacy and data security, specifies that the JTC oversees any state agency that has been delegated IT functions by the office, and makes other modifications to make the provisions governing the JTC and the office consistent.

Colorado cybersecurity council. Current law creates the council to develop cybersecurity policies and guidance and to coordinate with the legislative and judicial branches regarding cybersecurity issues. **Sections 3 and 4** specify additional functions of the council, modify the composition of the council, and allow the council to coordinate with other entities regarding cybersecurity.

Office of information technology. Current law contains multiple definitions sections that apply to the office. **Section 5** consolidates all of the definitions that apply to the office into one section and updates some definitions to align with best practices and industry standards.

Section 6 relocates provisions of current law regarding the information technology revolving fund and the coordination of the statewide geographic information system.

Current law specifies the roles and responsibilities of the office. **Section 7** repeals and reenacts the law and defines the office's roles and responsibilities in connection with IT.

Current law specifies the responsibilities of state agencies regarding IT. **Section 8** adds additional responsibilities when a state agency undertakes a major IT project, when a state agency is the business owner of an IT system, and when the office is involved in a state agency's IT project only as a party to the contract. **Section 8** also authorizes the office to delegate an IT function to a state agency and specifies procedures and requirements that the office and the state agency are required to follow when such delegation occurs.

Current law describes the duties and responsibilities of the chief information officer (CIO). **Section 9** repeals and reenacts the current provisions in law and updates the duties and responsibilities of the CIO.

Section 10 relocates current law that authorizes the revisor of statutes to change certain statutory references in connection with the creation of the office.

Sections 11 and 12 update the timelines and dates for the development of IT security plans and certain required reports regarding those plans for state agencies, institutions of higher education, and the legislative branch.

Current law creates an interdepartmental data protocol that governs data-sharing among state agencies. **Section 13** repeals and reenacts

current law and specifies requirements of the office and the government data advisory board regarding the creation of a data-sharing and privacy master plan and additional requirements for when a state agency shares personal identifying information with another state agency.

Section 14 updates the office's annual reporting requirement to the general assembly regarding IT asset inventory.

Sections 15 through 20 make conforming amendments, and **section 21** repeals obsolete provisions regarding the consolidation of IT functions to the office, the transfer of employees and officers to the office, the creation of a work eligibility verification portal, the creation and implementation of the Colorado financial reporting system, and a reporting requirement on the transfer of IT infrastructure ownership. Section 21 also repeals provisions regarding the statewide communications and information infrastructure that are incorporated into other provisions of law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1701, **amend** (2),
3 (2.5), and (4) as follows:

4 **2-3-1701. Definitions.** As used in this part 17:

5 (2) (a) "Information technology" means ~~information technology~~
6 ~~and computer-based equipment and related services designed for the~~
7 ~~storage, manipulation, and retrieval of data by electronic or mechanical~~
8 ~~means, or both. The term includes but is not limited to:~~ TECHNOLOGY,
9 INFRASTRUCTURE, EQUIPMENT, SYSTEMS, SOFTWARE, CONTROLLING,
10 DISPLAYING, SWITCHING, INTERCHANGING, TRANSMITTING, AND
11 RECEIVING DATA OR INFORMATION, INCLUDING AUDIO, VIDEO, GRAPHICS,
12 AND TEXT. "INFORMATION TECHNOLOGY" SHALL BE CONSTRUED BROADLY
13 TO INCORPORATE FUTURE TECHNOLOGIES THAT CHANGE OR SUPPLANT
14 THOSE IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2).

15 ~~(f) Central processing units, servers for all functions, and~~
16 ~~equipment and systems supporting communications networks;~~

17 ~~(H) All related services, including feasibility studies, systems~~

1 design, software development, system testing, external off-site storage,
2 and network services, whether provided by state employees or by others;

3 (III) ~~The systems, programs, routines, and processes used to~~
4 ~~employ and control the capabilities of data processing hardware,~~
5 ~~including operating systems, compilers, assemblers, utilities, library~~
6 ~~routines, maintenance routines, applications, application testing~~
7 ~~capabilities, storage system software, hand-held device operating systems,~~
8 ~~and computer networking programs;~~

9 (IV) ~~The application of electronic information processing~~
10 ~~hardware, software, or telecommunications to support state government~~
11 ~~business processes.~~

12 (b) "Information technology" does not mean post-implementation
13 support, hardware life-cycle replacement, or routine maintenance.

14 (2.5) (a) "Information technology budget request" means a budget
15 request from a state agency or state institution of higher education for the
16 installation, development, MAINTENANCE, or upgrade of information
17 technology, including the purchase of services from the office of
18 information technology on the condition that the use of such services is
19 the most cost beneficial option or falls within the duties and
20 responsibilities of the office of information technology or the office's
21 chief information officer as described in sections 24-37.5-105 and
22 24-37.5-106. ~~C.R.S.~~ "Information technology budget request" does not
23 include budget requests that are primarily operational in nature or a
24 budget request where the majority of funding will be used to support or
25 modify state staffing levels.

26 (b) ~~For purposes of this subsection (2.5), "information~~
27 ~~technology" means information technology as defined in section~~

1 ~~24-37.5-102 (2), C.R.S., the majority of the components of which have a~~
2 ~~useful life of at least five years; except that "information technology"~~
3 ~~does not include personal computer replacement or maintenance, unless~~
4 ~~such personal computer replacement or maintenance is a component of~~
5 ~~a larger computer system upgrade.~~

6 (4) "Oversee" means reviews of major information technology
7 projects as defined in ~~section 24-37.5-102 (2.6)~~ SECTION 24-37.5-102
8 (19), reviews of the office's budget requests for information technology
9 projects, and ensuring that information technology projects follow best
10 practice standards as established by the office of information technology.
11 "Oversee" does not include interference with the office's general
12 responsibilities set forth in this article 3.

13 **SECTION 2.** In Colorado Revised Statutes, 2-3-1704, **amend**
14 (1)(e), (6), (7), and (11)(e); and **repeal** (1)(d) and (4) as follows:

15 **2-3-1704. Powers and duties of the joint technology committee.**

16 (1) The committee oversees the office of information technology,
17 including but not limited to:

18 ~~(d) The office of information technology's responsibilities related~~
19 ~~to the statewide communications and information infrastructure as set~~
20 ~~forth in section 24-37.5-108, C.R.S.; and~~

21 (e) The office of information technology's responsibilities related
22 to the geographic information system as set forth in ~~section 24-37.5-111,~~
23 ~~C.R.S.~~ SECTION 24-37.5-103 (4).

24 ~~(4) The committee oversees the general government computer~~
25 ~~center established in part 6 of article 37.5 of title 24, C.R.S.~~

26 (6) (a) The committee oversees a state agency regarding ANY
27 AUTHORITY THAT HAS BEEN DELEGATED TO THE STATE AGENCY PURSUANT

1 TO SECTION 24-37.5-105.4.

2 ~~(I) Any information technology purchased or implemented that is~~
3 ~~not managed or approved through the office of information technology;~~

4 ~~(II) Any information technology that a state agency purchased or~~
5 ~~implemented that does not follow the standards set by the office of~~
6 ~~information technology; and~~

7 ~~(III) Any information technology that a state agency purchased or~~
8 ~~implemented that has the same function as information technology that~~
9 ~~the office of information technology has already created, purchased, or~~
10 ~~implemented.~~

11 (b) On or before ~~November 1, 2013~~ NOVEMBER 1, 2021, and on
12 ~~November 1 of each year thereafter, all state agencies are encouraged to~~
13 ~~THE OFFICE OF INFORMATION TECHNOLOGY SHALL~~ submit a written report
14 to the committee regarding any of the instances described in paragraph (a)
15 of this subsection ~~(6)~~ DELEGATION OF AUTHORITY TO THE STATE AGENCY
16 PURSUANT TO SECTION 24-37.5-105.4. THE REPORT SHALL INCLUDE A
17 SUMMARY OF THE INFORMATION INCLUDED IN THE WRITTEN DELEGATION
18 AGREEMENT BETWEEN THE STATE AGENCY AND THE OFFICE OF
19 INFORMATION TECHNOLOGY PURSUANT TO SECTION 24-37.5-105.4 (3).

20 (7) On or before November 1, 2013, and on November 1 of each
21 year thereafter, the judicial department, the department of law, the
22 department of state, and the department of the treasury ~~are encouraged to~~
23 ~~SHALL~~ submit a written report to the committee that details all information
24 technology that such department purchased or implemented.

25 (11) (e) The committee ~~has the duty to forecast the state's~~
26 ~~requirements for future~~ SHALL OVERSEE information technology budget
27 requests as may be necessary or desirable for adequate presentation of the

1 ~~planning and implementation of such projects~~ STRATEGY THROUGH THE
2 REVIEW OF STATE AGENCY INFORMATION TECHNOLOGY PLANS.

3 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1902,
4 **amend** (1) and (2)(q); **repeal** (2)(g), (2)(h), (2)(i), (2)(j), (2)(k), (2)(n),
5 (2)(o), and (2)(r); and **add** (2)(s), (2)(t), (2)(u), and (2)(v) as follows:

6 **24-33.5-1902. Colorado cybersecurity council - creation -**
7 **council members.** (1) There is created in the department of public safety
8 and within existing resources the Colorado cybersecurity council. The
9 council operates as a steering group to develop cybersecurity policy
10 guidance for the governor; develop comprehensive sets of prioritized
11 goals, requirements, initiatives, and milestones; and coordinate with the
12 general assembly and the judicial branch regarding cybersecurity as
13 deemed necessary and appropriate by the council. IN ADDITION, THE
14 COUNCIL MAY:

15 (a) DEVELOP A WHOLE-OF-STATE CYBERSECURITY APPROACH FOR
16 THE STATE AND FOR LOCAL GOVERNMENTS, INCLUDING THE COORDINATION
17 AND SETTING OF STRATEGIC STATEWIDE CYBERSECURITY GOALS,
18 ROADMAPS, AND BEST PRACTICES;

19 (b) REVIEW THE NEED TO CONDUCT RISK ASSESSMENTS OF LOCAL
20 GOVERNMENT SYSTEMS, PROVIDING ADDITIONAL CYBERSECURITY
21 SERVICES TO LOCAL GOVERNMENTS, AND PROPOSING NECESSARY
22 STATUTORY OR POLICY CHANGES, INCLUDING THE DETERMINATION OF
23 OWNERSHIP FOR THESE CAPABILITIES;

24 (c) MAKE RECOMMENDATIONS TO THE GOVERNOR AND GENERAL
25 ASSEMBLY ON THE AUTHORITY AND ACTIVITIES OF THE STATE CHIEF
26 INFORMATION SECURITY OFFICER WITH LOCAL GOVERNMENTS BY JULY 1,
27 2022.

1 (2) The Colorado cybersecurity council is comprised of the
2 following members:

3 (g) ~~The director of the Colorado office of economic development,~~
4 ~~or the director's designee;~~

5 (h) ~~The aerospace and defense industry champion in the Colorado~~
6 ~~office of economic development;~~

7 (i) ~~The director of the governor's office of state planning and~~
8 ~~budgeting, or the director's designee;~~

9 (j) ~~The executive director of the department of revenue, or the~~
10 ~~executive director's designee;~~

11 (k) ~~The state controller;~~

12 (n) ~~Representatives from institutions of higher education deemed~~
13 ~~necessary and appropriate by the governor;~~

14 (o) ~~The state auditor, or the state auditor's designee; except that~~
15 ~~the state auditor or the state auditor's designee shall be a nonvoting~~
16 ~~member of the council and shall act solely in an advisory capacity with~~
17 ~~respect to the council's activities;~~

18 (q) The director of the division of homeland security and
19 emergency management in the department of public safety, or the
20 director's designee; and

21 (r) ~~Any other person deemed necessary and appropriate by the~~
22 ~~governor.~~

23 (s) A REPRESENTATIVE OF AN ORGANIZATION THAT REPRESENTS
24 COLORADO MUNICIPAL GOVERNMENTS;

25 (t) THE SECRETARY OF STATE OR THE SECRETARY'S DESIGNEE;

26 (u) TWO REPRESENTATIVES FROM COUNTY GOVERNMENTS, ONE
27 OF WHOM REPRESENTS A RURAL COUNTY; AND

1 (v) ANY OTHER PERSON DEEMED NECESSARY AND APPROPRIATE BY
2 THE GOVERNOR.

3 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1903,
4 **amend** (2)(f) and (2)(g); and **add** (2)(h) as follows:

5 **24-33.5-1903. Cyber operation center - coordination of**
6 **missions.** (2) In furtherance of the provisions of subsection (1) of this
7 section, the coordinating entities may:

8 (f) Establish protocols for coordinating and sharing information
9 with state and federal law enforcement and intelligence agencies
10 responsible for investigating and collecting information related to
11 cyber-based criminal and national security threats; **and**

12 (g) Support state and federal law enforcement agencies with their
13 responsibilities to investigate and prosecute threats to and attacks against
14 critical infrastructure; **AND**

15 (h) ENSURE THE COORDINATION OF CYBERSECURITY THREAT
16 INFORMATION SHARING AMONG THE COLORADO BUREAU OF
17 INVESTIGATION, THE OFFICE OF PREVENTION AND SECURITY, THE OFFICE
18 OF INFORMATION TECHNOLOGY, AND PARTICIPATING MEMBERS OF THE
19 FEDERAL BUREAU OF INVESTIGATION'S CYBERSECURITY TASK FORCE OR
20 SUCCESSOR ORGANIZATION.

21 **SECTION 5.** In Colorado Revised Statutes, **amend with**
22 **relocated provisions** 24-37.5-102 as follows:

23 **24-37.5-102. Definitions.** As used in this article 37.5, unless the
24 context otherwise requires:

25 (1) **[Formerly 24-37.5-702 (1)]** "Advisory board" means the
26 government data advisory board created in ~~section 24-37.5-703~~ SECTION
27 24-37.5-702.

1 (2) **[Formerly 24-37.5-402 (1)]** "Availability" means the timely
2 and reliable access to and use of information created, generated,
3 collected, or maintained by a public agency.

4 ~~(1)~~ (3) "Chief information officer" means the chief information
5 officer appointed pursuant to section 24-37.5-103.

6 ~~(1.3) Repealed.~~

7 (4) **[Formerly 24-37.5-402 (3)]** "Confidentiality" means the
8 preservation of authorized restrictions on information access and
9 disclosure, including the means for protecting personal privacy and
10 proprietary information.

11 (5) "DATA" MEANS FACTS THAT CAN BE COLLECTED, ANALYZED,
12 OR USED IN AN EFFORT TO GAIN KNOWLEDGE OR MAKE DECISIONS, AND
13 THAT ARE REPRESENTED AS TEXTS, NUMBERS, GRAPHICS, IMAGES, SOUNDS,
14 AND VIDEOS.

15 (6) "DATA MANAGEMENT" MEANS DEVELOPMENT AND EXECUTION
16 OF ARCHITECTURES, POLICIES, PRACTICES, AND PROCEDURES THAT
17 PROPERLY MANAGE THE CREATION, COLLECTION, PROTECTION, SHARING,
18 ANALYSIS, TRANSMISSION, STORAGE, AND DESTRUCTION OF DATA.

19 (7) **[Formerly 24-37.5-402 (4)]** "Department of higher education"
20 means the Colorado commission on higher education, collegeinvest, the
21 Colorado student loan program, the Colorado college access network, the
22 private occupational school division, and the state historical society.

23 ~~(1.5)~~ (8) "Disaster recovery" means the provisioning of THE
24 OFFICE'S PROVIDED services for operational recovery, readiness, response,
25 and transition of information technology applications, systems, or
26 resources.

27 (9) "ENTERPRISE" MEANS:

1 (a) INFORMATION TECHNOLOGY SERVICES THAT CAN BE APPLIED
2 ACROSS STATE GOVERNMENT; AND

3 (b) SUPPORT FOR INFORMATION TECHNOLOGY THAT CAN BE
4 APPLIED ACROSS STATE GOVERNMENT, INCLUDING:

5 (I) TECHNICAL SUPPORT;

6 (II) SOFTWARE;

7 (III) HARDWARE;

8 (IV) PEOPLE; AND

9 (V) STANDARDS.

10 ~~(1.6) "Enterprise agreement" means any agreement for the~~
11 ~~purchase of information technology or for the purchase of goods or~~
12 ~~services that are related to information technology that the office enters~~
13 ~~into for the benefit of the state and that is created in furtherance of the~~
14 ~~office's requirements or responsibilities specified in this article.~~

15 ~~(1.7) "Enterprise facility" means any facility, including state~~
16 ~~offices, state warehouses, state leased spaces, and vendor facilities, that~~
17 ~~the office designates as a facility where state data, equipment, information~~
18 ~~technology, or goods related to information technology will be located or~~
19 ~~where services related to information technology will be performed.~~

20 ~~(1.8) "Independent verification and validation" means ensuring~~
21 ~~that a product, service, or system meets required specifications and that~~
22 ~~it fulfills its intended purpose. The review of such product, service, or~~
23 ~~system is typically performed by an independent third party.~~

24 ~~(1.9) (10) "Information security" means the protection of~~
25 ~~communication and information resources from unauthorized access, use,~~
26 ~~disclosure, disruption, modification, or destruction in order to:~~

27 (a) ~~Prevent improper information modification or destruction~~

1 PROTECT AGAINST THEFT OR MISAPPROPRIATION OF INFORMATION, AS
2 WELL AS IMPROPER ACCESS, MODIFICATION, DEGRADATION, OR
3 DESTRUCTION OF INFORMATION;

4 (b) Preserve authorized restrictions on information access and
5 disclosure;

6 (c) Ensure timely and reliable access to and use of information;
7 and

8 (d) Maintain the confidentiality, integrity, and availability of
9 information.

10 (11) [Formerly 24-37.5-402 (6)] "Information security plan"
11 means the plan developed by a public agency pursuant to section
12 24-37.5-404.

13 ~~(2) "Information technology" means information technology and~~
14 ~~computer-based equipment and related services designed for the storage,~~
15 ~~manipulation, and retrieval of data by electronic or mechanical means, or~~
16 ~~both. The term includes but is not limited to:~~

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

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

26 ~~(c) The systems, programs, routines, and processes used to employ~~
27 ~~and control the capabilities of data processing hardware, including~~

1 ~~operating systems, compilers, assemblers, utilities, library routines,~~
2 ~~maintenance routines, applications, application testing capabilities,~~
3 ~~storage system software, hand-held device operating systems, and~~
4 ~~computer networking programs; and~~

5 ~~(d) The application of electronic information processing hardware,~~
6 ~~software, or telecommunications to support state government business~~
7 ~~processes.~~

8 (12) "INFORMATION TECHNOLOGY" MEANS TECHNOLOGY,
9 INFRASTRUCTURE, EQUIPMENT, SYSTEMS, SOFTWARE, CONTROLLING,
10 DISPLAYING, SWITCHING, INTERCHANGING, TRANSMITTING, AND
11 RECEIVING DATA OR INFORMATION, INCLUDING AUDIO, VIDEO, GRAPHICS,
12 AND TEXT. "INFORMATION TECHNOLOGY" SHALL BE CONSTRUED BROADLY
13 TO INCORPORATE FUTURE TECHNOLOGIES THAT CHANGE OR SUPPLANT
14 THOSE IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (12).

15 (13) "INFRASTRUCTURE" MEANS DATA AND TELECOMMUNICATIONS
16 NETWORKS, DATA CENTER SERVICES, WEBSITE HOSTING AND PORTAL
17 SERVICES, AND SHARED ENTERPRISE SERVICES SUCH AS EMAIL AND
18 DIRECTORY SERVICES; EXCEPT THAT "INFRASTRUCTURE" DOES NOT
19 INCLUDE THE PROVISION OF WEBSITE INFORMATION ARCHITECTURE AND
20 CONTENT.

21 (14) **[Formerly 24-37.5-402 (7)]** "Institution of higher education"
22 means a state-supported institution of higher education.

23 (15) **[Formerly 24-37.5-402 (8)]** "Integrity" means the
24 prevention of improper information modification or destruction and
25 ensuring information nonrepudiation and authenticity.

26 (16) **[Formerly 24-37.5-702 (4)]** "Interdepartmental data
27 protocol" means file sharing and governance policies, processes, and

1 procedures that permit the merging of data for the purposes of policy
2 analysis and determination of program effectiveness.

3 ~~(2.3)~~ (17) "Joint technology committee" means the joint
4 technology committee created in section 2-3-1702. ~~C.R.S.~~

5 ~~(2.5)~~ (18) "Local government" means the government of any
6 county, city and county, home rule or statutory city, town, special district,
7 or school district.

8 ~~(2.6) (a)~~ "Major information technology project" means a project
9 of state government, excluding the department of education through June
10 30, 2019, that has a significant information technology component,
11 including, without limitation, the replacement of an existing information
12 technology system.

13 ~~(b)~~ As used in this subsection ~~(2.6)~~, "significant" means the
14 project has a specific level of business criticality and manifests either a
15 security risk or an operational risk as determined by a comprehensive risk
16 assessment performed by the office.

17 (19) "MAJOR INFORMATION TECHNOLOGY PROJECT" MEANS A
18 PROJECT THAT CONSIDERS RISK, IMPACT ON EMPLOYEES AND CITIZENS,
19 AND BUDGET, AND THAT INCLUDES AT LEAST ONE OF THE FOLLOWING: A
20 COMPLEX SET OF CHALLENGES, A SPECIFIC LEVEL OF BUSINESS
21 CRITICALITY, A COMPLEX GROUP OR HIGH NUMBER OF STAKEHOLDERS OR
22 SYSTEM END USERS, A SIGNIFICANT FINANCIAL INVESTMENT, OR SECURITY
23 OR OPERATIONAL RISK. A "MAJOR INFORMATION TECHNOLOGY PROJECT"
24 INCLUDES, WITHOUT LIMITATION, IMPLEMENTING A NEW INFORMATION
25 TECHNOLOGY SYSTEM OR MAINTAINING OR REPLACING AN EXISTING
26 INFORMATION TECHNOLOGY SYSTEM.

27 (20) "NONGOVERNMENTAL ORGANIZATION" MEANS ANY

1 SCIENTIFIC, RESEARCH, PROFESSIONAL, BUSINESS, OR PUBLIC-INTEREST
2 ORGANIZATION THAT IS NEITHER AFFILIATED WITH NOR UNDER THE
3 DIRECTION OF THE UNITED STATES GOVERNMENT OR ANY STATE OR LOCAL
4 GOVERNMENT.

5 ~~(3)~~ (21) "Office" means the office of information technology
6 created pursuant to section 24-37.5-103.

7 (22) "PERSONAL IDENTIFYING INFORMATION" MEANS ANY
8 INFORMATION THAT ALONE, OR IN COMBINATION WITH OTHER
9 INFORMATION, CAN BE USED TO IDENTIFY AN INDIVIDUAL, INCLUDING, BUT
10 NOT LIMITED TO, SOCIAL SECURITY NUMBER, DRIVER'S LICENSE NUMBER
11 OR OTHER IDENTIFICATION NUMBER, BIOMETRIC DATA, PERSONAL HEALTH
12 INFORMATION AS DEFINED BY THE FEDERAL "HEALTH INSURANCE
13 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED, PUB.L.
14 104-191, AND OTHER INFORMATION THAT IS CONSIDERED PERSONAL
15 INFORMATION OR PERSONALLY IDENTIFIABLE INFORMATION AS DEFINED IN
16 LAW.

17 (23) **[Formerly 24-37.5-702 (6)]** "Political subdivision" means a
18 municipality, county, city and county, town, or school district in this state.

19 (24) "PROJECT MANAGEMENT" MEANS THE APPLICATION OF
20 KNOWLEDGE, SKILLS, TOOLS, AND TECHNIQUES TO SUPPORT COMPLETING
21 OUTCOMES IDENTIFIED IN THE WORK.

22 ~~(3.2)~~ (25) "Project manager" means a person who is trained ~~and~~
23 ~~experienced~~ in the leadership and management of information technology
24 projects ~~from the commencement of such projects through their~~
25 ~~completion~~ AND IS RESPONSIBLE FOR ORGANIZING AND LEADING THE
26 PROJECT TEAM THAT ACCOMPLISHES ALL OF THE PROJECT DELIVERABLES.

27 ~~(3.5) Repealed.~~

1 (26) [Formerly 24-37.5-402 (9)] "Public agency" means every
2 state office, whether executive or judicial, and all of its respective offices,
3 departments, divisions, commissions, boards, bureaus, and institutions.
4 "Public agency" does not include institutions of higher education or the
5 general assembly.

6 (27) [Formerly 24-37.5-402 (10)] "Security incident" means an
7 accidental or deliberate event that results in or constitutes an imminent
8 threat of the unauthorized access, loss, disclosure, modification,
9 disruption, or destruction of communication and information resources.

10 ~~(4)~~ (28) "State agency" means all of the departments, divisions,
11 commissions, boards, bureaus, and institutions in the executive branch of
12 the state government. "State agency" does not include the legislative or
13 judicial department, the department of education, the department of law,
14 the department of state, the department of the treasury, or state-supported
15 institutions of higher education.

16 (29) "STATE INFORMATION TECHNOLOGY PERSONNEL" MEANS ANY
17 PERSONNEL WHOSE EMPLOYMENT IS NECESSARY TO CARRY OUT THE
18 PURPOSES OF THIS ARTICLE 33.5 BY THE CHIEF INFORMATION OFFICER AND
19 TO ADMINISTER, PERFORM, AND ENFORCE THE POWERS, DUTIES, AND
20 FUNCTIONS OF THE OFFICE.

21 **SECTION 6.** In Colorado Revised Statutes, **amend with**
22 **relocated provisions** 24-37.5-103 as follows:

23 **24-37.5-103. Office of information technology - creation -**
24 **information technology revolving fund - geographic information**
25 **system coordination.** (1) There is hereby created in the office of the
26 governor an office of information technology, the head of which shall be
27 the chief information officer, who shall be appointed by the governor and

1 who shall serve at the pleasure of the governor.

2 ~~(2) Repealed.~~

3 (2) [Formerly 24-37.5-104 (7)(h)(IV)] For state fiscal year
4 2013-14 and for each state fiscal year thereafter, one hundred percent by
5 ~~moneys~~ OF THE MONEY appropriated by the general assembly from the
6 information technology revolving fund established in section 24-37.5-112
7 (1)(a) SHALL BE USED TO FUND THE OFFICE.

8 (3) [Formerly 24-37.5-112] (a) There is hereby established in the
9 state treasury the information technology revolving fund. ~~Except as~~
10 ~~otherwise provided in subsection (2) of this section, moneys~~ MONEY shall
11 be appropriated to the fund each year by the general assembly in the
12 annual general appropriation act for the direct and indirect costs of the
13 office.

14 (b) The office shall develop a method for billing users of the
15 office's services the full cost of the services, including materials,
16 depreciation related to capital costs, labor, and administrative overhead.
17 The billing method shall be fully implemented for all users of the office's
18 services on or before July 1, 2013.

19 (c) All interest earned on the investment of ~~moneys~~ MONEY in the
20 fund shall be credited to the fund. ~~Moneys~~ MONEY in the revolving fund
21 shall be continuously appropriated to the office of information technology
22 to pay the costs of consolidation and information technology maintenance
23 and upgrades. Any ~~moneys~~ MONEY credited to the revolving fund and
24 unexpended and unencumbered at the end of any given fiscal year shall
25 remain in the fund and shall not revert to the general fund.

26 (4) [Formerly 24-37.5-111.] On and after July 1, 2008, all duties
27 and responsibilities for statewide geographic information system

1 coordination shall be transferred from the department of local affairs to
2 the office. The office shall develop a statewide geographic information
3 system plan on or before July 1, 2010, and submit such plan to the
4 governor and to the state, veterans, and military affairs committees of the
5 senate and the house of representatives, or their successor committees.

6 **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**
7 **with amendments,** 24-37.5-105 as follows:

8 **24-37.5-105. Office - roles - responsibilities.** (1) THE OFFICE
9 MAY RECEIVE AND EXPEND GIFTS, GRANTS, DONATIONS, AND BEQUESTS,
10 SPECIFICALLY INCLUDING STATE AND FEDERAL MONEY AND OTHER MONEY
11 AVAILABLE. THE OFFICE MAY CONTRACT WITH THE UNITED STATES AND
12 ANY OTHER LEGAL ENTITIES WITH RESPECT TO MONEY AVAILABLE
13 THROUGH GIFTS, GRANTS, DONATIONS, OR BEQUESTS.

14 (2) THE OFFICE MAY DESIGNATE TO A SPECIFIC STATE AGENCY ANY
15 CONTRIBUTION OF ADVANCED INFORMATION TECHNOLOGY, GIFTS,
16 GRANTS, DONATIONS, OR BEQUESTS FROM PRIVATE SOURCES, INCLUDING
17 BUT NOT LIMITED TO ADVANCED INFORMATION TECHNOLOGY COMPANIES,
18 INDIVIDUALS, AND FOUNDATIONS. THE OFFICE MAY ALSO DETERMINE THAT
19 SUCH CONTRIBUTIONS REMAIN NONDESIGNATED.

20 (3) THE OFFICE SHALL:

21 (a) DELIVER INNOVATION AND INFORMATION TECHNOLOGY TO
22 STATE AGENCIES TO FOSTER COLLABORATION AMONG STATE AGENCIES, TO
23 EMPOWER STATE AGENCIES TO PROVIDE BETTER SERVICE TO RESIDENTS OF
24 COLORADO, AND TO MAXIMIZE THE VALUE OF TAXPAYER RESOURCES;

25 (b) COORDINATE WITH STATE AGENCIES TO PROVIDE ASSISTANCE,
26 ADVICE, AND EXPERTISE IN CONNECTION WITH BUSINESS RELATIONSHIPS
27 BETWEEN STATE AGENCIES AND PRIVATE SECTOR PROVIDERS OF

1 INFORMATION TECHNOLOGY RESOURCES. SUCH ASSISTANCE SHALL
2 INCLUDE EFFORTS THAT STRENGTHEN AND CREATE EFFICIENCIES IN THOSE
3 BUSINESS RELATIONSHIPS.

4 (c) ASSIST THE JOINT TECHNOLOGY COMMITTEE AS NECESSARY TO
5 FACILITATE THE COMMITTEE'S OVERSIGHT OF THE OFFICE; AND

6 (d) ESTABLISH, MAINTAIN, AND KEEP AN INVENTORY OF
7 INFORMATION TECHNOLOGY OWNED BY OR HELD IN TRUST FOR EVERY
8 STATE AGENCY.

9 (4) **Governance.** THE OFFICE SHALL ESTABLISH, MAINTAIN, AND
10 ENFORCE INFORMATION TECHNOLOGY OVERSIGHT AND STANDARDS AND
11 SHALL SUPPORT COLLABORATIVE DECISION-MAKING. IN CONNECTION WITH
12 INFORMATION TECHNOLOGY GOVERNANCE, THE OFFICE SHALL:

13 (a) OVERSEE STATEWIDE INFORMATION TECHNOLOGY STRATEGY,
14 RATES AND SERVICES, BROADBAND, SECURITY, DATA, ARCHITECTURE, AND
15 INFORMATION TECHNOLOGY STANDARDS;

16 (b) PROVIDE ASSISTANCE AND GUIDANCE TO STATE AGENCIES IN
17 DEVELOPING INDIVIDUAL STATE AGENCY INFORMATION TECHNOLOGY
18 PLANS AND ENSURE COMPLIANCE WITH THE STATE AGENCY INFORMATION
19 TECHNOLOGY PLAN; AND

20 (c) PROVIDE PROJECT GOVERNANCE TO ALL INFORMATION
21 TECHNOLOGY PROJECTS, INCLUDING:

22 (I) EVALUATING ALL INFORMATION TECHNOLOGY PROJECTS FOR
23 ALIGNMENT WITH STATE STANDARDS, ARCHITECTURE, AND BEST
24 PRACTICES;

25 (II) ENSURING THAT EVERY PROJECT IS MANAGED BY AN ASSIGNED
26 PROJECT MANAGER AND ENSURING THAT THE STATE AGENCY WORKING
27 ON AN INFORMATION TECHNOLOGY CAPITAL PROJECT REPORTS TO THE

1 OFFICE BASED ON THE GOVERNANCE STANDARDS SPECIFIED IN THIS
2 SUBSECTION (4); AND

3 (III) DEVELOPING STANDARDS FOR PROJECT MANAGEMENT
4 INCLUDING RISK MANAGEMENT AND CHANGE MANAGEMENT;

5 (d) DEVELOP AND ENCOURAGE AN INTERNET-BASED STATE
6 GOVERNMENT AND FACILITATE THE DISSEMINATION OF INFORMATION
7 ONTO THE INTERNET THROUGH WEB AND DOMAIN NAMING STANDARDS. IN
8 CONNECTION WITH DEVELOPING AN INTERNET-BASED STATE
9 GOVERNMENT, THE OFFICE SHALL:

10 (I) SET STANDARDS FOR, PARTNER IN THE DEVELOPMENT OF, AND
11 ENCOURAGE A SECURE, READILY ACCESSIBLE, AND EQUITABLY AVAILABLE
12 DIGITAL STATE GOVERNMENT AND FACILITATE THE DISSEMINATION OF
13 INFORMATION ONTO THE INTERNET;

14 (II) COLLABORATE WITH THE STATEWIDE INTERNET PORTAL
15 AUTHORITY CREATED IN SECTION 24-37.7-102 AND OTHER STATE
16 AGENCIES TO CREATE, MAINTAIN, AND ENHANCE THE CITIZEN EXPERIENCE
17 OF GOVERNMENT; AND

18 (III) ENSURE ALL APPLICATIONS COMPLY WITH THE ACCESSIBILITY
19 STANDARDS SPECIFIED IN ARTICLE 85 OF THIS TITLE 24.

20 (5) **Budget requests.** IN CONSULTATION WITH THE OFFICE OF
21 STATE PLANNING AND BUDGETING, THE OFFICE SHALL:

22 (a) REVIEW AND SUBMIT BUDGET REQUESTS FOR ALL INFORMATION
23 TECHNOLOGY RESOURCES TO BE USED BY STATE AGENCIES; AND

24 (b) DIRECT THE DEVELOPMENT OF POLICIES AND PROCEDURES, IN
25 CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING,
26 THAT ARE INTEGRATED INTO THE STATE'S STRATEGIC PLANNING AND
27 BUDGETING PROCESSES AND THAT STATE AGENCIES SHALL FOLLOW IN

1 DEVELOPING INFORMATION TECHNOLOGY PLANS AND
2 TECHNOLOGY-RELATED BUDGET REQUESTS.

3 (6) **Technology purchasing for enterprises.** THE OFFICE MAY
4 INITIATE THE PROCUREMENT OF INFORMATION TECHNOLOGY RESOURCES
5 FOR STATE AGENCIES AND ENTER INTO AGREEMENTS OR CONTRACTS ON
6 BEHALF OF A STATE AGENCY, MULTIPLE AGENCIES, OR THE OFFICE, OR BE
7 A PARTY TO PROCUREMENT CONTRACTS THAT ARE INITIATED BY STATE
8 AGENCIES. STATE AGENCY INITIATED CONTRACTS MUST BE DONE IN
9 CONSULTATION WITH THE OFFICE, AND MUST INCLUDE PROVISIONS
10 ALLOWING THE OFFICE TO ENFORCE TECHNOLOGY AND SECURITY
11 STANDARDS OR CONDUCT DUE DILIGENCE OR AUDITS OF THE
12 CONTRACTORS. IN CONNECTION WITH THE PROCUREMENT OF INFORMATION
13 TECHNOLOGY RESOURCES, THE OFFICE SHALL:

14 (a) ENSURE INFORMATION TECHNOLOGY PURCHASES ADHERE TO
15 STANDARDS FOR DATA TECHNOLOGY, ARCHITECTURE, AND SECURITY;

16 (b) ESTABLISH SPECIAL REQUIREMENTS FOR VENDORS OF
17 INFORMATION TECHNOLOGY SERVICES TO STATE AGENCIES AND ADAPT
18 STANDARDS AS NECESSARY FOR INDIVIDUAL STATE AGENCIES TO COMPLY
19 WITH FEDERAL LAW;

20 (c) OVERSEE INFORMATION TECHNOLOGY VENDORS ON BEHALF OF
21 THE STATE AND STATE AGENCIES EXCEPT WHEN DELEGATED TO A STATE
22 AGENCY PURSUANT TO SECTION 24-37.5-105.4; AND

23 (d) IF THE OFFICE DOES NOT HAVE OVERSIGHT OF AN INFORMATION
24 TECHNOLOGY OR SERVICES CONTRACT, ENSURE THAT THE STATE AGENCY
25 WITH OVERSIGHT OF THE CONTRACT OPERATES PURSUANT TO SECTION
26 24-37.5-105.4 REGARDING THE DELEGATION OF AUTHORITY.

27 (7) **Information technology personnel.** TO THE EXTENT

1 PERMITTED BY APPLICABLE PERSONNEL LAWS AND RULES, THE OFFICE
2 SHALL OVERSEE HIRING, MANAGEMENT, TRAINING, AND PERFORMANCE OF
3 ALL STATE INFORMATION TECHNOLOGY PERSONNEL EXCEPT WHEN SUCH
4 DUTIES ARE DELEGATED PURSUANT TO SECTION 24-37.5-105.4.

5 (8) **State applications.** THE OFFICE SHALL OVERSEE THE
6 INSTALLATION, SERVICES, MAINTENANCE, AND RETIREMENT OF ALL STATE
7 APPLICATIONS EXCEPT WHEN SUCH DUTIES ARE DELEGATED PURSUANT TO
8 SECTION 24-37.5-105.4. IN CONNECTION WITH SUCH OVERSIGHT, THE
9 OFFICE SHALL:

10 (a) DEVELOP STANDARDS FOR APPLICATION DEVELOPMENT AND
11 MAINTENANCE, INCLUDING METHODOLOGY THAT ALL STATE AGENCIES
12 SHALL USE FOR APPLICATION DEVELOPMENT ACTIVITIES;

13 (b) ENSURE THAT COST-EFFECTIVE, EFFICIENT, AND SECURE
14 INFORMATION AND COMMUNICATION SYSTEMS AND RESOURCES ARE BEING
15 USED BY STATE AGENCIES TO:

16 (I) REDUCE DATA, HARDWARE, AND SOFTWARE REDUNDANCY;

17 (II) IMPROVE SYSTEM INTEROPERABILITY AND DATA
18 ACCESSIBILITY BETWEEN AGENCIES; AND

19 (III) MEET THE AGENCY'S AND USER'S BUSINESS AND SERVICE
20 NEEDS.

21 (9) **Infrastructure.** THE OFFICE SHALL OVERSEE THE
22 INFORMATION TECHNOLOGY INFRASTRUCTURE AND HARDWARE,
23 INCLUDING:

24 (a) SERVICE DELIVERY, INSTALLATION, MAINTENANCE, AND
25 RETIREMENT OF ALL DATA CENTER, MAINFRAME, SERVERS, STORAGE AND
26 COMPUTER RESOURCES, EMAIL AND COLLABORATION, NETWORK,
27 TELECOMMUNICATIONS, AND END USER SUPPORT AS OUTLINED BY

1 SERVICES AND POLICIES IN SUBSECTION (3)(f) OF THIS SECTION; AND

2 (b) IMPLEMENTING INFORMATION TECHNOLOGY STANDARDS AND
3 SPECIFICATIONS, CHARACTERISTICS, OR PERFORMANCE REQUIREMENTS OF
4 INFRASTRUCTURE RESOURCES THAT INCREASE EFFICIENCY AND IMPROVE
5 SECURITY AND IDENTIFY OPPORTUNITIES FOR COST SAVINGS BASED ON
6 SUCH STANDARDIZATION.

7 **SECTION 8.** In Colorado Revised Statutes, **add** 24-37.5-105.2
8 and 24-37.5-105.4 as follows:

9 **24-37.5-105.2. State agencies - information technology -**
10 **responsibilities.** (1) IN CONNECTION WITH INFORMATION TECHNOLOGY,
11 EACH STATE AGENCY SHALL:

12 (a) COMPLY WITH THE RULES, STANDARDS, PLANS, POLICIES, AND
13 DIRECTIVES OF THE OFFICE;

14 (b) COMPLY WITH INFORMATION TECHNOLOGY REQUESTS OF THE
15 OFFICE, THE GENERAL ASSEMBLY, THE JOINT TECHNOLOGY COMMITTEE,
16 AND THE JOINT BUDGET COMMITTEE, AND PROVIDE EVIDENCE OF SUCH
17 COMPLIANCE UPON REQUEST OF THE GOVERNOR, GENERAL ASSEMBLY, THE
18 JOINT TECHNOLOGY COMMITTEE, OR THE JOINT BUDGET COMMITTEE;

19 (c) PARTICIPATE WITH AND ADVISE THE OFFICE ON THE CREATION
20 OF AN INFORMATION TECHNOLOGY PLAN FOR THE STATE AGENCY AS PART
21 OF THE STATE'S PLANNING AND BUDGETING PROCESS; AND

22 (d) SUPPORT EFFECTIVE USE OF INFORMATION TECHNOLOGY BY
23 DEFINING ROLES AND PROCESSES TO PARTNER WITH THE OFFICE.

24 (2) IN CONNECTION WITH ANY MAJOR INFORMATION TECHNOLOGY
25 PROJECT THAT A STATE AGENCY PLANS TO UNDERTAKE, THE STATE
26 AGENCY SHALL:

27 (a) CONSULT WITH THE OFFICE ON THE DEVELOPMENT OF THE

1 MAJOR INFORMATION TECHNOLOGY PROJECT;

2 (b) BEFORE COMMENCING WORK ON THE MAJOR INFORMATION
3 TECHNOLOGY PROJECT, SUBMIT THE PLAN TO THE OFFICE AND OBTAIN
4 APPROVAL FROM THE OFFICE;

5 (c) IF THE STATE AGENCY PLANS TO MAKE SIGNIFICANT CHANGES
6 TO THE MAJOR INFORMATION TECHNOLOGY PROJECT OR BUDGET, CONSULT
7 WITH THE OFFICE REGARDING THE CHANGES AND OBTAIN THE OFFICE'S
8 APPROVAL OF THE CHANGES BEFORE COMMENCING WORK ON THE
9 CHANGES; AND

10 (d) CONSULT WITH AND OBTAIN APPROVAL FROM THE OFFICE FOR
11 CHANGES TO THE FUNDING STRATEGY FOR THE ONGOING MAINTENANCE
12 AND EVENTUAL DISPOSAL OF A MAJOR INFORMATION TECHNOLOGY
13 SYSTEM.

14 (3) STATE AGENCIES HAVE THE RESPONSIBILITY FOR ENSURING
15 PROGRAM DELIVERY AND FOR CREATING A BUSINESS CULTURE THAT
16 PRIORITIZES MAXIMIZING VALUE FROM TECHNOLOGY AND INFORMATION
17 TECHNOLOGY PROJECTS. STATE AGENCIES SHALL:

18 (a) UNDERSTAND AND MANAGE THE BUSINESS CRITICALITY OF
19 THEIR SYSTEMS;

20 (b) IMPROVE AWARENESS OF HOW INFORMATION TECHNOLOGY CAN
21 HELP THEM ACHIEVE THE MISSION OF THE STATE AGENCY;

22 (c) ARTICULATE THE OUTCOMES OF THEIR INFORMATION
23 TECHNOLOGY PRODUCTS AND USE PROCESSES THAT EFFECTIVELY
24 PRIORITIZE INVESTMENTS AND IMPROVEMENTS AIMED AT ACHIEVING
25 THOSE OUTCOMES; AND

26 (d) PLAN FOR AND MANAGE THE IMPACTS OF CHANGES RESULTING
27 FROM INFORMATION TECHNOLOGY PROJECTS FOR STAFF AND

1 CONSTITUENTS TO ENHANCE ADOPTION AND MAXIMIZE THE VALUE OF
2 INFORMATION TECHNOLOGY INVESTMENTS.

3 (4) STATE AGENCY RESPONSIBILITIES FOR USER ACCESS TO ALL
4 STATE INFORMATION TECHNOLOGY SYSTEMS, IN CONNECTION WITH
5 EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, AND OTHER USERS
6 INCLUDE:

7 (a) ENSURING THAT USER ACCESS IS CORRECT AND THAT ALL
8 REQUIREMENTS ARE SATISFIED;

9 (b) REQUESTING APPROPRIATE ACCESS TO INFORMATION
10 TECHNOLOGY SYSTEMS;

11 (c) PERIODIC AUDITING OF ACCESS LEVELS; AND

12 (d) REMOVAL OF ACCESS.

13 (5) FOR SECURITY PURPOSES, A STATE AGENCY SHALL INCLUDE
14 THE OFFICE AS A PARTY TO ALL CONTRACTS OR AGREEMENTS FOR
15 INFORMATION TECHNOLOGY GOODS, SERVICES, OR SYSTEMS.

16 (6) A STATE AGENCY SHALL HOLD AUTHORITY AND BE
17 RESPONSIBLE FOR PROJECTS MANAGED BY THE STATE AGENCY WHEN THE
18 OFFICE IS INVOLVED ONLY AS A PARTY TO THE CONTRACT OR A PARTY TO
19 THE AGREEMENT WITH A VENDOR, CONTRACTOR, OR OTHER PARTY.

20 **24-37.5-105.4. Delegation of authority.** (1) THE CHIEF
21 INFORMATION OFFICER MAY DELEGATE AN INFORMATION TECHNOLOGY
22 FUNCTION OF THE OFFICE TO ANOTHER STATE AGENCY BY AGREEMENT OR
23 OTHER MEANS AUTHORIZED BY LAW. THE CHIEF INFORMATION OFFICER
24 MAY DELEGATE AN INFORMATION TECHNOLOGY FUNCTION OF THE OFFICE
25 IF IN THE JUDGMENT OF THE DIRECTOR OF THE STATE AGENCY AND THE
26 CHIEF INFORMATION OFFICER:

27 (a) THE STATE AGENCY HAS REQUESTED THAT THE FUNCTION BE

1 DELEGATED;

2 (b) THE STATE AGENCY HAS THE NECESSARY RESOURCES AND
3 SKILLS TO PERFORM OR CONTROL THE FUNCTION TO BE DELEGATED; AND

4 (c) THE FUNCTION TO BE DELEGATED IS A UNIQUE OR
5 MISSION-CRITICAL FUNCTION OF THE STATE AGENCY.

6 (2) THE CHIEF INFORMATION OFFICER MAY DELEGATE A FUNCTION
7 OF THE OFFICE ONLY WHEN THE DELEGATION RESULTS IN NET COST
8 SAVINGS OR IMPROVED SERVICE DELIVERY TO THE STATE AS A WHOLE OR
9 TO THE UNIQUE MISSION CRITICAL FUNCTION OF THE STATE AGENCY, OR IS
10 NOT OTHERWISE PROVIDED IN THE OFFICE'S INFORMATION TECHNOLOGY
11 OVERSIGHT AND STANDARDS GOVERNANCE DEVELOPED PURSUANT TO
12 SECTION 24-37.5-105 (4).

13 (3) FOR ANY DELEGATION OF AUTHORITY PURSUANT TO THIS
14 SECTION, THE OFFICE SHALL FORMALIZE AN AGREEMENT WITH THE STATE
15 AGENCY IN WHICH THE AGENCY ASSUMES THE RESPONSIBILITY FOR ALL OF
16 THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (3), INCLUDING
17 ACKNOWLEDGING RESPONSIBILITY FOR ENSURING THAT THE INFORMATION
18 TECHNOLOGY OR SERVICE MAINTAINS ONGOING COMPLIANCE WITH STATE
19 INFORMATION TECHNOLOGY POLICIES AND STANDARDS PURSUANT TO
20 SECTION 24-37.5-105 (4) AND APPLICABLE FEDERAL REGULATIONS. THE
21 DELEGATION OF AUTHORITY PURSUANT TO THIS SECTION SHALL BE IN
22 WRITING AND SHALL CONTAIN THE FOLLOWING:

23 (a) A PRECISE DEFINITION OF EACH FUNCTION TO BE DELEGATED;

24 (b) A CLEAR DESCRIPTION OF THE STANDARDS TO BE MET IN
25 PERFORMING EACH DELEGATED FUNCTION;

26 (c) DESIGNATION OF THE STATE AGENCY RESPONSIBLE FOR
27 ENSURING OPERATIONAL SECURITY AND VALIDATING COMPLIANCE TO

1 SECURITY POLICIES AND STANDARDS;

2 (d) A PROVISION FOR PERIODIC ADMINISTRATIVE AUDITS BY THE
3 OFFICE;

4 (e) A DATE ON WHICH THE AGREEMENT SHALL TERMINATE IF THE
5 AGREEMENT HAS NOT BEEN PREVIOUSLY TERMINATED OR RENEWED; AND

6 (f) DESIGNATION OF THE APPOINTING AUTHORITY RESPONSIBLE
7 FOR THE DELEGATED SERVICES TO SUPPORT THE FUNCTION IN THE STATE
8 AGENCY AND RATES TO BE CHARGED FOR THE STAFF; AND

9 (4) AN AGREEMENT TO DELEGATE FUNCTIONS TO A STATE AGENCY
10 MAY BE TERMINATED BY THE OFFICE IF THE RESULTS OF AN
11 ADMINISTRATIVE AUDIT CONDUCTED BY THE OFFICE REVEALS A LACK OF
12 COMPLIANCE WITH THE TERMS OF THE AGREEMENT BY THE STATE AGENCY.

13 **SECTION 9.** In Colorado Revised Statutes, **repeal and reenact,**
14 **with amendments,** 24-37.5-106 as follows:

15 **24-37.5-106. Chief information officer - duties and**
16 **responsibilities.** (1) THE POSITION OF CHIEF INFORMATION OFFICER SHALL
17 BE COMMENSURATE WITH THE POSITION OF HEAD OF A PRINCIPAL
18 DEPARTMENT AND SHALL BE A MEMBER OF THE GOVERNOR'S CABINET.

19 (2) THE CHIEF INFORMATION OFFICER SHALL:

20 (a) MONITOR TRENDS AND ADVANCES IN INFORMATION
21 TECHNOLOGY RESOURCES, DIRECT AND APPROVE A COMPREHENSIVE,
22 STATEWIDE, PLANNING PROCESS, AND PLAN FOR THE ACQUISITION,
23 MANAGEMENT, AND USE OF INFORMATION TECHNOLOGY. THE STATEWIDE
24 INFORMATION TECHNOLOGY PLAN SHALL BE UPDATED ANNUALLY AND
25 SUBMITTED TO THE GOVERNOR, THE JOINT TECHNOLOGY COMMITTEE, THE
26 SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE
27 SENATE.

1 (b) ADVISE THE JOINT TECHNOLOGY COMMITTEE AND THE JOINT
2 BUDGET COMMITTEE ON REQUESTED OR ONGOING INFORMATION
3 TECHNOLOGY PROJECTS, INCLUDING THE ADHERENCE OF THE OFFICE TO
4 THE BUDGET, AMOUNTS APPROPRIATED, AND RELEVANT CONTRACT
5 DEADLINE DATES OR SCHEDULES FOR THOSE PROJECTS;

6 (c) SUPERVISE THE CHIEF INFORMATION SECURITY OFFICER
7 APPOINTED PURSUANT TO SECTION 24-37.5-403 (1);

8 (d) HIRE OR RETAIN SUCH CONTRACTORS, SUBCONTRACTORS,
9 ADVISORS, CONSULTANTS, AND AGENTS AS THE CHIEF INFORMATION
10 OFFICER MAY DEEM ADVISABLE OR NECESSARY, IN ACCORDANCE WITH
11 RELEVANT PROCEDURES, STATUTES, AND RULES AND MAKE AND ENTER
12 INTO CONTRACTS NECESSARY OR INCIDENTAL TO THE EXERCISE OF THE
13 POWERS AND PERFORMANCE OF THE DUTIES OF THE OFFICE AND THE CHIEF
14 INFORMATION OFFICER; AND

15 (e) ASSIST THE JOINT TECHNOLOGY COMMITTEE AS NECESSARY TO
16 FACILITATE THE COMMITTEE'S OVERSIGHT OF THE OFFICE.

17 (3) THE CHIEF INFORMATION OFFICER MAY ENTER INTO CONTRACTS
18 WITH ANY LOCAL GOVERNMENT, STATE AGENCY, OR POLITICAL
19 SUBDIVISION OF THE STATE, INCLUDING THE LEGISLATIVE AND JUDICIAL
20 DEPARTMENTS, THE DEPARTMENT OF LAW, THE DEPARTMENT OF STATE,
21 THE DEPARTMENT OF TREASURY, OR STATE-SUPPORTED INSTITUTIONS OF
22 HIGHER EDUCATION, FOR THE PURPOSE OF PROVIDING DISASTER RECOVERY
23 SERVICES.

24 (4) THE CHIEF INFORMATION OFFICER MAY PROMULGATE AS RULES
25 PURSUANT TO ARTICLE 4 OF THIS TITLE 24, ALL OF THE POLICIES,
26 PROCEDURES, STANDARDS, SPECIFICATIONS, GUIDELINES, OR CRITERIA
27 THAT ARE DEVELOPED OR APPROVED PURSUANT TO SECTION 24-37.5-105

1 (4).

2 **SECTION 10.** In Colorado Revised Statutes, **add with relocated**
3 **provisions** 24-37.5-118 as follows:

4 **24-37.5-118. Change of references - director to revisor of**
5 **statutes. [Formerly 24-37.5-104 (6)(g)]** The revisor of statutes is hereby
6 authorized to change all references in the Colorado Revised Statutes to
7 the department of personnel and office of the governor as appropriate and
8 with respect to the powers, duties, and functions transferred to the office.
9 In connection with such authority, the revisor of statutes is hereby
10 authorized to amend or delete provisions of the Colorado Revised Statutes
11 so as to make the statutes consistent with the powers, duties, and
12 functions transferred pursuant to this section.

13 **SECTION 11.** In Colorado Revised Statutes, 24-37.5-404,
14 **amend** (1) as follows:

15 **24-37.5-404. Public agencies - information security plans.**
16 (1) On or before July 1 of each year, IN ACCORDANCE WITH THE RULES
17 PROMULGATED BY THE OFFICE IN SUPPORT OF THIS PART 4, each public
18 agency shall develop an information security plan utilizing the
19 information security policies, standards, and guidelines developed by the
20 chief information security officer. The information security plan shall
21 provide information security for the communication and information
22 resources that support the operations and assets of the public agency.

23 **SECTION 12.** In Colorado Revised Statutes, 24-37.5-404.5,
24 **amend** (3) as follows:

25 **24-37.5-404.5. Institutions of higher education - information**
26 **security plans.** (3) (a) ~~On or before July 1, 2011, and on or before July~~
27 ~~1 each year thereafter,~~ EVERY THREE YEARS, IN ACCORDANCE WITH THE

1 SCHEDULE SPECIFIED IN SUBSECTION (3)(b) OF THIS SECTION, each
2 institution of higher education shall submit to the department of higher
3 education a report concerning the development and implementation of the
4 institution's information security program and compliance with the
5 requirements specified in subsection (2) of this section. Upon receipt of
6 the reports, the department of higher education shall review the reports
7 and subsequently submit the reports to the chief information security
8 officer.

9 (b) ~~As soon as practicable after August 10, 2016,~~ The department
10 of higher education shall divide the institutions of higher education into
11 three groups. ~~Notwithstanding any provision of paragraph (a) of this~~
12 ~~subsection (3) to the contrary~~ EACH INSTITUTION OF HIGHER EDUCATION
13 SHALL SUBMIT THE REPORT REQUIRED BY SUBSECTION (3)(a) OF THIS
14 SECTION AS FOLLOWS:

15 (I) ~~After the report submitted by July 1, 2017,~~ The institutions in
16 the first group shall submit the report ~~required in this subsection (3)~~ BY
17 JULY 1, 2020, AND by July 1 every three years THEREAFTER;

18 (II) ~~After the report submitted by July 1, 2018,~~ The institutions in
19 the second group shall submit the report ~~required in this subsection (3)~~ BY
20 JULY 1, 2021, AND by July 1 every three years THEREAFTER; and

21 (III) ~~After the report submitted by July 1, 2019,~~ The institutions
22 in the third group shall submit the report ~~required in this subsection (3)~~
23 BY JULY 1, 2022, AND by July 1 every three years THEREAFTER.

24 **SECTION 13.** In Colorado Revised Statutes, **repeal and reenact,**
25 **with amendments,** part 7 of article 37.5 of title 24 as follows:

26 PART 7

27 INTERDEPARTMENTAL DATA PROTOCOL

1 **24-37.5-701. Legislative declaration - intent.** (1) THE GENERAL
2 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

3 (a) EACH STATE AGENCY, THROUGH THE PROVISIONS OF
4 GOVERNMENTAL SERVICES, COLLECTS A SIGNIFICANT AMOUNT OF DATA
5 ABOUT PERSONS HAVING INTERACTIONS WITH THE STATE AGENCY;

6 (b) A UNIFIED STATEWIDE DATA GOVERNANCE FRAMEWORK WILL
7 ENHANCE THE EFFECTIVENESS AND EFFICIENCY OF GOVERNMENT SERVICES
8 BY PROMOTING GREATER COLLABORATION, INNOVATION, AND AGILITY IN
9 GOVERNMENT OPERATIONS THROUGH DATA-SHARING BETWEEN STATE
10 AGENCIES;

11 (c) A ROBUST AND CONSISTENT PROGRAM OF INFORMATION
12 SHARING ACROSS STATE AGENCIES THAT PRIORITIZES INTEROPERABILITY
13 AND PRIVACY WILL ENABLE THE STATE TO MEET ITS CURRENT CHALLENGES
14 AND TO LEVERAGE DATA TO IMPROVE THE HEALTH AND QUALITY OF LIFE
15 FOR COLORADANS; AND

16 (d) THE PRIVACY OF COLORADANS MUST REMAIN A CENTRAL
17 TENET IN THE STATE'S INFORMATION SHARING PROGRAM. WITH THE
18 INCREASE OF ATTACKS ON SENSITIVE DATA HELD BY PUBLIC AND PRIVATE
19 ENTITIES, INFORMATION SECURITY IS CRITICALLY IMPORTANT.
20 FUNDAMENTAL DATA MANAGEMENT PRINCIPLES, SUCH AS DATA
21 MINIMIZATION, NOT ONLY PROTECT THE PRIVACY OF COLORADANS, BUT
22 REDUCE THE STATE'S RISK IN THE EVENT OF A SECURITY INCIDENT.

23 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENCOURAGE
24 INFORMATION SHARING ACROSS STATE AGENCIES, INCLUDING THE
25 DEPARTMENT OF LAW, THE DEPARTMENT OF STATE, AND THE DEPARTMENT
26 OF THE TREASURY, WHICH ARE PRINCIPAL DEPARTMENTS HEADED BY
27 INDEPENDENTLY ELECTED CONSTITUTIONAL OFFICERS.

1 **24-37.5-702. Government data advisory board - created -**

2 **duties - definition.** (1) (a) THERE IS HEREBY CREATED IN THE OFFICE THE
3 GOVERNMENT DATA ADVISORY BOARD, WHICH CONSISTS OF THE MEMBERS
4 SPECIFIED IN THIS SUBSECTION (1).

5 (b) THE CHIEF INFORMATION OFFICER, OR HIS OR HER DESIGNEE,
6 SHALL SERVE AS AN EX OFFICIO MEMBER AND CHAIR OF THE ADVISORY
7 BOARD.

8 (c) THE REMAINING MEMBERSHIP OF THE ADVISORY BOARD
9 CONSISTS OF PERSONS FROM STATE AGENCIES WHO ARE EITHER EXPERTS
10 IN DATA OR RESPONSIBLE FOR DIVERSE ASPECTS OF DATA MANAGEMENT
11 WITHIN THE MEMBER'S RESPECTIVE DEPARTMENT AND WHO ARE SELECTED
12 BY THE HEAD OF THE MEMBER'S RESPECTIVE DEPARTMENT TO PARTICIPATE
13 ON THE ADVISORY BOARD AT THE INVITATION OF THE CHIEF INFORMATION
14 OFFICER.

15 (d) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(c) OF
16 THIS SECTION, AT THE INVITATION OF THE CHIEF INFORMATION OFFICER,
17 ADDITIONAL MEMBERS WHO MEET THE QUALIFICATIONS SPECIFIED IN
18 SUBSECTION (1)(c) OF THIS SECTION MAY BE SELECTED TO PARTICIPATE ON
19 THE ADVISORY BOARD AS FOLLOWS:

20 (I) THE GOVERNOR, AS HE OR SHE DEEMS APPROPRIATE, MAY
21 SELECT A MEMBER FROM ONE OR MORE POLITICAL SUBDIVISIONS OF THE
22 STATE, INCLUDING A CITY, COUNTY, CITY AND COUNTY, OR SPECIAL
23 PURPOSE AUTHORITY;

24 (II) THE SECRETARY OF STATE, ATTORNEY GENERAL, AND STATE
25 TREASURER MAY EACH SELECT A MEMBER FROM HIS OR HER DEPARTMENT
26 AS HE OR SHE DEEMS APPROPRIATE;

27 (III) THE CHIEF JUSTICE OF THE SUPREME COURT, AS HE OR SHE

1 DEEMS APPROPRIATE, MAY SELECT A MEMBER FROM THE JUDICIAL
2 DEPARTMENT; AND

3 (IV) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
4 PRESIDENT OF THE SENATE MAY JOINTLY SELECT A MEMBER OF THE JOINT
5 TECHNOLOGY COMMITTEE CREATED IN SECTION 2-3-1702.

6 (2)(a) THE CHIEF INFORMATION OFFICER, OR HIS OR HER DESIGNEE,
7 SHALL SCHEDULE THE FIRST MEETING OF THE ADVISORY BOARD AND
8 SCHEDULE SUCCEEDING MEETINGS OF THE ADVISORY BOARD AS
9 NECESSARY TO COMPLETE THE ADVISORY BOARD'S DUTIES SPECIFIED IN
10 THIS SECTION.

11 (b) THE OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE AND
12 SUPPORT, TO THE EXTENT PRACTICABLE WITHIN EXISTING RESOURCES, TO
13 ASSIST THE ADVISORY BOARD IN COMPLETING THE DUTIES SPECIFIED IN
14 SUBSECTION (3) OF THIS SECTION.

15 (3) THE ADVISORY BOARD SHALL:

16 (a) DEVELOP AND UPDATE A STANDARD LEXICON FOR
17 DATA-SHARING AND DATA GOVERNANCE, TO ENSURE DATA PROVIDERS
18 AND RECIPIENTS HAVE A CLEAR AND CONSISTENT UNDERSTANDING OF THE
19 REQUIREMENTS AND EXPECTATIONS RELATED TO DATA-SHARING;

20 (b) COLLECT ANNUAL FEEDBACK FROM STATE AGENCIES TO
21 INFORM ANY POLICIES, PROCEDURES, AND TECHNICAL INFRASTRUCTURE
22 IMPLEMENTED BY THE OFFICE TO ENABLE DATA-SHARING BETWEEN STATE
23 AGENCIES IN ACCORDANCE WITH ALL APPLICABLE LAWS, RULES, AND
24 REGULATIONS;

25 (c) CREATE AND UPDATE STANDARD TEMPLATES FOR
26 INTERAGENCY DATA-SHARING AND DATA-ACCESS AGREEMENTS;

27 (d) IDENTIFY AND DOCUMENT BEST PRACTICES AND STANDARDS

1 FOR HOW STATE AGENCIES SHOULD PERFORM DATA MANAGEMENT;

2 (e) PROVIDE RECOMMENDATIONS TO ADDRESS EXISTING BARRIERS
3 TO EFFECTIVE DATA-SHARING, SUBJECT TO ALL APPLICABLE FEDERAL AND
4 STATE LAWS, RULES, AND REGULATIONS; AND

5 (f) IDENTIFY OTHER POTENTIAL AREAS OF RISK RELATED TO DATA
6 MANAGEMENT AND SHARING AND CREATE WAYS TO MANAGE THAT RISK.

7 (4) ON OR BEFORE NOVEMBER 1, 2021, AND ON OR BEFORE
8 NOVEMBER 1 EACH YEAR THEREAFTER, THE CHIEF INFORMATION OFFICER,
9 IN PARTNERSHIP WITH THE ADVISORY BOARD, SHALL SUBMIT A YEARLY
10 REPORT TO THE JOINT TECHNOLOGY COMMITTEE OF THE GENERAL
11 ASSEMBLY ESTABLISHED IN SECTION 2-3-1702. THE REPORT SHALL:

12 (a) OUTLINE THE ACCOMPLISHMENTS WITHIN THE ADVISORY
13 BOARD'S DUTIES;

14 (b) PROVIDE RECOMMENDATIONS FOR FUTURE WORK; AND

15 (c) OUTLINE THE PROGRESS OF SHARING DATA AMONG STATE
16 AGENCIES AND ENTITIES AND WITH LOCAL GOVERNMENTS AND
17 NONGOVERNMENTAL ORGANIZATIONS.

18 (5) FOR THE PURPOSES OF THIS PART 7, "STATE AGENCY" MEANS
19 EACH PRINCIPAL DEPARTMENT OF THE EXECUTIVE DEPARTMENT OF STATE
20 GOVERNMENT IDENTIFIED IN SECTION 24-1-110, INCLUDING EACH BOARD,
21 COMMISSION, DIVISION, UNIT, OFFICE, OR OTHER SUBDIVISION WITHIN EACH
22 DEPARTMENT, EACH OFFICE, AGENCY, BOARD, OR COMMISSION WITHIN THE
23 GOVERNOR'S OFFICE, EACH STATE-SUPPORTED INSTITUTION OF HIGHER
24 EDUCATION, AND EACH LOCAL DISTRICT COLLEGE.

25 **24-37.5-703. Interdepartmental data protocol - contents.**

26 (1) THE CHIEF INFORMATION OFFICER, OR THE CHIEF INFORMATION
27 OFFICER'S DESIGNEE, IN COORDINATION WITH THE GOVERNMENT DATA

1 ADVISORY BOARD, MUST PUBLISH ON OR BEFORE NOVEMBER 1, 2022, AN
2 INTEROPERABILITY DATA FRAMEWORK AND PROTOCOL AIMED AT
3 PROMOTING INTEROPERABILITY OF DATA MODELS ACROSS STATE
4 AGENCIES, WITH THE GOAL OF MINIMIZING DUPLICATION OF RECORDS,
5 ENHANCING SECURITY, AND INCREASING THE STATE'S CAPABILITY TO
6 MONITOR AND AUDIT DATA-SHARING TRANSACTIONS. AT A MINIMUM, THE
7 INTEROPERABILITY DATA FRAMEWORK SHALL:

8 (a) INCLUDE THE PROTOCOL AND PROCEDURES TO BE USED BY
9 STATE AGENCIES IN DATA MANAGEMENT; AND

10 (b) BE DESIGNED TO ENSURE THAT DATA COLLECTED BY DIFFERENT
11 STATE AGENCIES CAN BE MATCHED AND DISCREPANCIES IN THE DATA
12 PROCESSING ARE RECONCILED TO ACCURATELY IDENTIFY DATA
13 PERTAINING TO THE SAME RECORD WITHOUT ALLOWING ANY PERMANENT
14 SHARING OF PERSONAL IDENTIFYING INFORMATION.

15 (2) THE PROTOCOL AND PROCEDURES INCLUDED IN THE
16 INTERDEPARTMENTAL DATA PROTOCOL BY WHICH STATE AGENCIES MAY
17 SHARE DATA AND BY WHICH A STATE AGENCY MAY RELEASE DATA TO A
18 POLITICAL SUBDIVISION OR TO A NONGOVERNMENTAL ORGANIZATION
19 SHALL PRIORITIZE AND COORDINATE DATA MANAGEMENT AND
20 PROTECTION EFFORTS ACROSS STATE AGENCIES TO MAXIMIZE THE PRIVACY
21 AND PROTECTION OF ALL DATA AND TO REDUCE THE RISK OF PUBLIC
22 EXPOSURE OF PRIVATE OR PROTECTED DATA. THIS INCLUDES BUT IS NOT
23 LIMITED TO:

24 (a) DEFINING PROCESSES FOR MANAGING DATA THROUGHOUT THE
25 DATA MANAGEMENT LIFECYCLE;

26 (b) ESTABLISHING THE CIRCUMSTANCES UNDER WHICH AND THE
27 REASONS THAT A STATE AGENCY MAY SHARE INFORMATION WITH

1 ANOTHER STATE AGENCY, A POLITICAL SUBDIVISION, OR A
2 NONGOVERNMENTAL ORGANIZATION;

3 (c) ENSURING COMPLIANCE WITH ALL STATE AND FEDERAL LAWS
4 AND REGULATIONS CONCERNING THE PRIVACY OF INFORMATION,
5 INCLUDING BUT NOT LIMITED TO THE FEDERAL "FAMILY EDUCATIONAL
6 RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AND THE
7 FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
8 OF 1996", 42 U.S.C. SEC. 1320d TO 1320d-9; AND

9 (d) ESTABLISHING A PROTOCOL THAT SECURES ALL PERSONAL
10 IDENTIFYING INFORMATION COLLECTED AND DEVELOPING STANDARDS TO
11 MINIMIZE THE COLLECTION OF PERSONAL IDENTIFYING INFORMATION.

12 (3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE
13 INTERDEPARTMENTAL DATA PROTOCOL SHALL NOT PROHIBIT THE RELEASE
14 OR SHARING OF DATA AS REQUIRED BY FEDERAL OR STATE LAWS
15 INCLUDING, BUT NOT LIMITED TO, THE "COLORADO OPEN RECORDS ACT",
16 PART 2 OF ARTICLE 72 OF THIS TITLE 24 OR AS REQUIRED TO COMPLY WITH
17 A COURT-ISSUED SUBPOENA, WARRANT, OR ORDER. IN ADDITION, THE
18 INTERDEPARTMENTAL DATA PROTOCOL IS NOT INTENDED TO PREVENT THE
19 SHARING OF DATA AS PERMITTED BY EXISTING CONTRACTS OR
20 AGREEMENTS ENTERED INTO BY STATE AGENCIES THAT COMPLY WITH ALL
21 APPLICABLE LAWS. ANY SHARING OF DATA WITH NONGOVERNMENTAL
22 ORGANIZATIONS OR INDIVIDUALS THAT IS PERMITTED, BUT NOT REQUIRED,
23 BY STATE OR FEDERAL LAWS, MUST BE SUBJECT TO A WRITTEN AGREEMENT
24 CONTAINING SUFFICIENT TERMS TO PROTECT AGAINST ANY UNAUTHORIZED
25 OR UNLAWFUL ACCESS OR RELEASE OF ANY PERSONAL IDENTIFYING
26 INFORMATION OR TO PROTECT THE CONFIDENTIALITY OF NONPUBLIC
27 INFORMATION THAT MAY BE SHARED WITH SUCH PARTIES.

1 **24-37.5-704. Data-sharing - authorization.** (1) EXCEPT AS
2 SPECIFICALLY PROHIBITED BY STATE OR FEDERAL LAWS, AND IN
3 ACCORDANCE WITH APPLICABLE STATE AND FEDERAL PRIVACY LAWS AND
4 POLICIES, EACH STATE AGENCY IS AUTHORIZED, IN ACCORDANCE WITH THE
5 PROVISIONS OF THE INTERDEPARTMENTAL DATA PROTOCOL, TO SHARE
6 DATA COLLECTED IN THE COURSE OF PERFORMING ITS POWERS AND DUTIES
7 WITH THE FOLLOWING ENTITIES:

- 8 (a) OTHER STATE AGENCIES;
- 9 (b) THE LEGISLATIVE AND JUDICIAL DEPARTMENTS;
- 10 (c) POLITICAL SUBDIVISIONS; AND
- 11 (d) NONGOVERNMENTAL ORGANIZATIONS AND INDIVIDUALS.

12 (2) EXCEPT AS SPECIFICALLY PROHIBITED BY STATE OR FEDERAL
13 LAW, THE DEPARTMENT OF LAW, AND IN ACCORDANCE WITH APPLICABLE
14 STATE AND FEDERAL PRIVACY LAWS AND POLICIES, THE DEPARTMENT OF
15 STATE, AND THE DEPARTMENT OF THE TREASURY ARE AUTHORIZED, IN
16 ACCORDANCE WITH EITHER THE PROVISIONS OF THEIR OWN DATA-SHARING
17 PROTOCOL OR THE INTERDEPARTMENTAL DATA PROTOCOL, TO SHARE
18 DATA COLLECTED IN THE COURSE OF PERFORMING THE DEPARTMENT'S
19 POWERS AND DUTIES WITH THE FOLLOWING ENTITIES:

- 20 (a) OTHER STATE AGENCIES;
- 21 (b) THE LEGISLATIVE AND JUDICIAL DEPARTMENTS;
- 22 (c) POLITICAL SUBDIVISIONS; AND
- 23 (d) NONGOVERNMENTAL ORGANIZATIONS AND INDIVIDUALS.

24 (3) IN ORDER TO FURTHER THE DEVELOPMENT AND
25 IMPLEMENTATION OF THE INTERDEPARTMENTAL DATA PROTOCOL, EACH
26 STATE AGENCY SHALL:

- 27 (a) PROVIDE INPUT AND COORDINATE WITH THE OFFICE AND THE

1 GOVERNMENT DATA ADVISORY BOARD AS NECESSARY TO SUPPORT THE
2 DEVELOPMENT OF THE NECESSARY DATA GOVERNANCE FRAMEWORK AND
3 PROTOCOL DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION;

4 (b) CONDUCT AN INVENTORY OF ITS OWN DATA ASSETS, INCLUDING
5 SENSITIVITY AND CLASSIFICATION, AND PROVIDE THE INVENTORY TO THE
6 OFFICE;

7 (c) DEVELOP A PROCESS FOR ONGOING MONITORING OF NEW DATA
8 ACQUIRED BY THE STATE AGENCY AND ESTABLISH A DATA RETENTION
9 POLICY FOR ALL DATA; AND

10 (d) CREATE A PLAN AND WORK TO IMPLEMENT THE
11 INTEROPERABILITY DATA FRAMEWORK AND PROTOCOL PUBLISHED BY THE
12 OFFICE FOR THE PURPOSE OF MINIMIZING DUPLICATION OF RECORDS,
13 ENHANCING SECURITY, AND INCREASING THE STATE'S CAPABILITY TO
14 MONITOR AND AUDIT DATA-SHARING TRANSACTIONS.

15 **24-37.5-705. Interdepartmental data protocol cash fund -**
16 **created - legislative intent - repeal.** (1) THE CHIEF INFORMATION
17 OFFICER IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR
18 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
19 PART 7. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS,
20 GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE
21 TREASURER, WHO SHALL CREDIT THE SAME TO THE INTERDEPARTMENTAL
22 DATA PROTOCOL CASH FUND, WHICH FUND IS HEREBY CREATED AND
23 REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEY IN THE FUND
24 IS CONTINUOUSLY APPROPRIATED TO THE OFFICE OF INFORMATION
25 TECHNOLOGY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE
26 IMPLEMENTATION OF THIS PART 7. THE CHIEF INFORMATION OFFICER AND
27 THE OFFICE OF INFORMATION TECHNOLOGY SHALL NOT BE REQUIRED TO

1 IMPLEMENT THE PROVISIONS OF THIS PART 7 UNTIL SUCH TIME AS AT LEAST
2 ONE HUNDRED THIRTEEN THOUSAND FIVE HUNDRED DOLLARS ARE
3 CREDITED TO THE FUND. IT IS THE INTENT OF THE GENERAL ASSEMBLY
4 THAT THE PROVISIONS OF THIS PART 7 BE IMPLEMENTED WITHOUT THE USE
5 OF STATE MONEY.

6 (2) ANY MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSE OF
7 THIS PART 7 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY
8 LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND
9 DEPOSIT OF MONEY IN THE FUND SHALL BE CREDITED TO THE FUND. ANY
10 UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT
11 THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
12 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

13 (3) THE STATE TREASURER SHALL TRANSFER ANY UNEXPENDED
14 AND UNENCUMBERED MONEY REMAINING IN THE FUND ON **NOVEMBER 1,**
15 2021, TO THE INFORMATION TECHNOLOGY REVOLVING FUND CREATED IN
16 SECTION 24-37.5-103 (3).

17 (4) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2022.

18 **SECTION 14.** In Colorado Revised Statutes, **amend** 24-37.5-801
19 as follows:

20 **24-37.5-801. Information technology asset inventory - refresh**
21 **cycle schedule - report.** ~~(1) On or before November 1, 2014, and on or~~
22 ~~before~~ November 1 each year, ~~thereafter,~~ the office shall submit a report
23 to the members of the joint budget committee and the joint technology
24 committee of the general assembly regarding the office's information
25 technology asset inventory and the office's refresh cycle schedule,
26 including cost projections. The office shall ~~phase in the information to be~~
27 ~~included in the report over four years as follows:~~ INCLUDE IN THE REPORT

1 OPERATING SYSTEMS AND PRODUCTIVITY SOFTWARE, NETWORK
2 INFRASTRUCTURE SERVERS, AND NONPRODUCTIVITY SOFTWARE.

3 ~~(a) In the report due on or before November 1, 2014, the office~~
4 ~~shall include asset inventory and refresh cycle information for personal~~
5 ~~computers, including operating systems and productivity software;~~

6 ~~(b) In the report due on or before November 1, 2015, the office~~
7 ~~shall include the information specified in paragraph (a) of this subsection~~
8 ~~(1) and asset inventory and refresh cycle schedule information for~~
9 ~~network infrastructure;~~

10 ~~(c) In the report due on or before November 1, 2016, the office~~
11 ~~shall include the information specified in paragraph (b) of this subsection~~
12 ~~(1) and asset inventory and refresh cycle information for servers; and~~

13 ~~(d) In the report due on or before November 1, 2017, and in the~~
14 ~~report due on or before November 1 each year thereafter, the office shall~~
15 ~~include the information specified in paragraph (c) of this subsection (1)~~
16 ~~and asset inventory and refresh cycle information for nonproductivity~~
17 ~~software.~~

18 **SECTION 15.** In Colorado Revised Statutes, 2-3-103, **amend**
19 (10)(a) as follows:

20 **2-3-103. Duties of state auditor - definition.** (10) As used in this
21 section, unless the context otherwise requires:

22 (a) "Information technology" shall have the same meaning as
23 specified in ~~section 24-37.5-102 (2), C.R.S.~~ SECTION 24-37.5-102 (12).

24 **SECTION 16.** In Colorado Revised Statutes, 24-30-202, **amend**
25 (1) as follows:

26 **24-30-202. Procedures - vouchers, warrants, and checks -**
27 **rules - penalties - definitions.** (1) No disbursements shall be made in

1 payment of any liability incurred on behalf of the state, other than from
2 petty cash or by any alternative means of payment approved by fiscal rule
3 promulgated by the controller, unless there has been previously filed with
4 the office of the state controller a commitment voucher. The commitment
5 voucher may be in the form of an advice of employment, a purchase
6 order, a copy of a contract, or a travel authorization or in other form
7 appropriate to the type of transaction as prescribed by the controller. Any
8 state contract involving the payment of money by the state shall contain
9 a clause providing that the contract shall not be deemed valid until it has
10 been approved by the controller or such assistant as he or she may
11 designate; except that a state contract for a major information technology
12 project as defined in ~~section 24-37.5-102 (2.6)~~ SECTION 24-37.5-102 (19)
13 shall contain a clause providing that the contract shall not be deemed
14 valid until it has been approved by the chief information officer or the
15 chief information officer's designee. Such contracts entered into on or
16 after July 1, 1997, shall also contain a clause notifying the other party to
17 the contract of the controller's authority to withhold debts owed to state
18 agencies under the vendor offset intercept system pursuant to section
19 24-30-202.4 (3.5)(a)(I) and the types of debts that are subject to
20 withholding under said system. The form and content of and procedures
21 for filing such vouchers shall be prescribed by the fiscal rules
22 promulgated by the controller.

23 **SECTION 17.** In Colorado Revised Statutes, 24-37.5-117,
24 **amend** (1) as follows:

25 **24-37.5-117. Use of technology to interact with citizens -**
26 **working group - strategic plan.** (1) The office shall convene a working
27 group of state agencies, as defined in ~~section 24-37.5-102 (4)~~ SECTION

1 24-37.5-102 (28), to develop and implement a strategic plan for how state
2 agencies use technology to provide services, data, and information to
3 citizens and businesses. The office shall implement the plan on or before
4 July 1, 2020.

5 **SECTION 18.** In Colorado Revised Statutes, 24-75-301, **amend**
6 (4.5) as follows:

7 **24-75-301. Definitions.** As used in this part 3, unless the context
8 otherwise requires:

9 (4.5) "Information technology" means information technology as
10 defined in section ~~24-37.5-102(2)~~ SECTION 24-37.5-102 (12), the majority
11 of the components of which have a useful life of at least five years;
12 except that "information technology" does not include personal computer
13 replacement or maintenance, unless such personal computer replacement
14 or maintenance is a component of a larger computer system upgrade.

15 **SECTION 19.** In Colorado Revised Statutes, 24-101-301, **amend**
16 (28) as follows:

17 **24-101-301. Definitions.** The terms defined in this section shall
18 have the following meanings whenever they appear in this code, unless
19 the context in which they are used clearly requires a different meaning or
20 a different definition is prescribed for a particular article or portion
21 thereof:

22 (28) "Procurement" means buying, purchasing, renting, leasing,
23 or otherwise acquiring any supplies, services, or construction.
24 "Procurement" includes all functions that pertain to the obtaining of any
25 supply, service, or construction, including description of requirements,
26 selection and solicitation of sources, preparation and award of contract,
27 and all phases of contract administration. "Procurement" also includes the

1 procurement of information technology as defined in ~~section 24-37.5-102~~
2 (~~2~~) SECTION 24-37.5-102 (11).

3 **SECTION 20. Repeal of provisions being relocated in this act.**

4 In Colorado Revised Statutes, **repeal** 24-37.5-104 (6)(g) and (7)(h)(IV),
5 24-37.5-111, 24-37.5-112, 24-37.5-402, and 24-37.5-702.

6 **SECTION 21.** In Colorado Revised Statutes, **repeal** 24-37.5-104
7 (1) to (5), 24-37.5-104 (6)(a) to (6)(f), 24-37.5-104 (7)(a) to (7)(h)(III),
8 24-37.5-107, 24-37.5-108, 24-37.5-109, 24-37.5-110, 24-37.5-114,
9 24-37.5-407, part 6 of article 37.5 of title 24, and 24-37.5-804.

10 **SECTION 22. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2022 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.