

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

REVISED

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

LLS NO. 21-1034.01 Esther van Mourik x4215

SENATE BILL 21-287

SENATE SPONSORSHIP

Moreno and Rankin, Bridges, Danielson, Priola, Sonnenberg

HOUSE SPONSORSHIP

McCluskie and Titone,

Senate Committees
Appropriations

House Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING FUNDING SOURCES FOR THE OFFICE OF INFORMATION**
102 **TECHNOLOGY, AND, IN CONNECTION THEREWITH, CREATING THE**
103 **TECHNOLOGY RISK PREVENTION AND RESPONSE FUND;**
104 **INCREASING THE AMOUNT OF MONEY THAT MAY BE**
105 **TRANSFERRED BETWEEN ITEMS OF APPROPRIATION MADE TO**
106 **PRINCIPAL DEPARTMENTS OF STATE GOVERNMENT AND TO THE**
107 **OFFICE OF THE GOVERNOR; AND MAKING AN 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>.)

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.

HOUSE
2nd Reading Unamended
June 1, 2021

SENATE
3rd Reading Unamended
May 27, 2021

SENATE
2nd Reading Unamended
May 26, 2021

The bill creates the technology risk prevention and response fund (fund) for the office of information technology (office). The bill specifies that the fund consists of money that the general assembly may appropriate or transfer to the fund.

Fifty percent of the total balance of the fund is continuously appropriated to the office.

The office may use the money in the fund for one-time costs associated with:

- Information technology emergencies;
- Ensuring compliance with the office's information technology standards and policies; or
- Preventing risk from certain information technology debt.

The bill also increases the amount of money that may be transferred between items of appropriation made to principal departments of state government and to the office of the governor, which includes the office of information technology.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-37.5-118 as
3 follows:

4 **24-37.5-118. Technology risk prevention and response fund -**
5 **creation - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (a) (I) "INFORMATION TECHNOLOGY EMERGENCY" MEANS A
8 SITUATION IN WHICH AN IMMEDIATE THREAT TO THE PUBLIC HEALTH,
9 WELFARE, OR SAFETY EXISTS, WHERE THE SITUATION CREATES AN
10 IMMEDIATE NEED FOR INFORMATION TECHNOLOGY EQUIPMENT OR
11 SERVICES, AND THE LACK OF INFORMATION TECHNOLOGY OR SERVICES
12 WOULD THREATEN:

13 (A) THE HEALTH OR SAFETY OF ANY PERSON OR PROPERTY;

14 (B) THE IMMEDIATE FUNCTIONING OF ONE OR MORE OF THE
15 STATE'S ESSENTIAL SERVICES; OR

16 (C) THE SECURITY, CONFIDENTIALITY, OR INTEGRITY OF THE

1 STATE'S INFORMATION TECHNOLOGY.

2 (II) AN INFORMATION TECHNOLOGY EMERGENCY DOES NOT EXIST
3 AS A RESULT OF BUDGET CYCLES, FISCAL YEAR-END REQUIREMENTS, OR
4 POTENTIAL LOSS OF FUNDING.

5 (b) "TECHNOLOGY RISK PREVENTION AND RESPONSE FUND" OR
6 "FUND" MEANS THE TECHNOLOGY RISK PREVENTION AND RESPONSE FUND
7 CREATED IN SUBSECTION (2) OF THIS SECTION.

8 (2) THE TECHNOLOGY RISK PREVENTION AND RESPONSE FUND IS
9 HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF
10 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
11 TO THE FUND.

12 (3) 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
15 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE
16 FUND AND DOES NOT REVERT TO THE GENERAL FUND.

17 (4) (a) UP TO FIFTY PERCENT OF THE TOTAL BALANCE OF THE FUND
18 AT THE BEGINNING OF EACH FISCAL YEAR IS CONTINUOUSLY
19 APPROPRIATED TO THE OFFICE.

20 (b) THE OFFICE MAY EXPEND MONEY FROM THE FUND TO COVER
21 ONE-TIME COSTS ASSOCIATED WITH INFORMATION TECHNOLOGY
22 EXPENDITURES AS SPECIFIED IN SUBSECTION (4)(c) OF THIS SECTION AND
23 TO PROVIDE THE OFFICE AND STATE AGENCIES A FINANCIAL MECHANISM
24 TO ADDRESS COSTS ASSOCIATED WITH EMERGENCY OR AT-RISK
25 INFORMATION TECHNOLOGY.

26 (c) THE OFFICE SHALL USE THE MONEY IN THE FUND FOR ONE-TIME
27 COSTS ASSOCIATED WITH:

- 1 (I) AN INFORMATION TECHNOLOGY EMERGENCY;
- 2 (II) ENSURING COMPLIANCE WITH THE OFFICE'S INFORMATION
- 3 TECHNOLOGY STANDARDS AND POLICIES; OR
- 4 (III) PREVENTING RISK FROM INFORMATION TECHNOLOGY DEBT
- 5 THAT IS:
- 6 (A) ANTICIPATING FAILURE;
- 7 (B) NEARING OR NO LONGER MAINTAINED OR SUPPORTED BY
- 8 MANUFACTURERS OR VENDORS;
- 9 (C) OUT OF SECURITY COMPLIANCE OR CREATING SECURITY RISK;
- 10 (D) PART OF AN OUTSTANDING STATE AUDIT RECOMMENDATION;
- 11 OR
- 12 (E) KEEPING THE STATE FROM RECOGNIZING EFFICIENCIES OR
- 13 ADVANCES IN INFORMATION TECHNOLOGY OR INFORMATION TECHNOLOGY
- 14 FINANCING.

15 (5) NO LATER THAN NOVEMBER 1, 2022, THE OFFICE SHALL

16 PROVIDE A WRITTEN REPORT TO THE JOINT BUDGET COMMITTEE AND THE

17 JOINT TECHNOLOGY COMMITTEE OUTLINING THE EXPENDITURES OF MONEY

18 FROM THE FUND. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), NO

19 LATER THAN THE TWENTIETH DAY OF EVERY THIRD MONTH THEREAFTER,

20 THE OFFICE SHALL SUBMIT A WRITTEN REPORT TO THE JOINT BUDGET

21 COMMITTEE AND JOINT TECHNOLOGY COMMITTEE OF ALL EXPENDITURES

22 OF FUNDS SINCE THE LAST REPORT. THE WRITTEN REPORT MUST INCLUDE,

23 BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

- 24 (a) A LIST OF EACH EXPENDITURE MADE FROM THE FUND,
- 25 INCLUDING THE PURPOSE AND AMOUNT OF THE EXPENDITURE, THE DATE
- 26 ON WHICH THE EXPENDITURE WAS MADE, THE STATE AGENCY OR AGENCIES
- 27 THAT BENEFITED FROM THE EXPENDITURE, AND HOW THE EXPENDITURE

1 MET THE CRITERIA SET FORTH IN SUBSECTION (4) OF THIS SECTION; AND
2 (b) FINANCIAL STATEMENTS THAT ANALYZE THE DEMAND FOR
3 FUNDING AND THE ANNUAL FUND BALANCE AS OF THE START OF EACH
4 FISCAL YEAR.

5 **SECTION 2.** In Colorado Revised Statutes, 24-75-108, **amend**
6 (8) as follows:

7 **24-75-108. Intradepartmental transfers between**
8 **appropriations - repeal.** (8) The total amount of ~~moneys~~ MONEY
9 transferred between items of appropriation made to principal departments
10 of state government and to the office of the governor pursuant to this
11 section, other than transfers within a principal department from an
12 operating expense item to a utilities item, from a utilities item to an
13 operating expense item pursuant to ~~paragraph (b) of subsection (3)~~
14 SUBSECTION (3)(b) of this section, or from a utilities item to a utilities
15 item, shall not exceed ~~five~~ TEN million dollars.

16 **SECTION 3. Appropriation.** For the 2021-22 state fiscal year,
17 \$2,000,000 is appropriated to the technology risk prevention and response
18 fund created in section 24-37.5-118, C.R.S. This appropriation is from the
19 general fund. The office of the governor is responsible for the accounting
20 related to this appropriation.

21 **SECTION 4. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.