

CHAPTER 224

GOVERNMENT - STATE

HOUSE BILL 99-1372

BY REPRESENTATIVES May, George, Taylor, Alexander, Fairbank, Gotlieb, Hagedorn, Hefley, Kester, Larson, Lawrence, Lee, McPherson, Paschall, Scott, Smith, Stengel, Swenson, T. Williams, and Young;
also SENATORS Lacy, Blickensderfer, Hernandez, Lamborn, Powers, Tebedo, and Teck.

AN ACT

CONCERNING THE CREATION OF THE OFFICE OF INNOVATION AND TECHNOLOGY IN THE GOVERNOR'S OFFICE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

ARTICLE 37.5
Office of Innovation and Technology

PART 1
OFFICE CREATED

24-37.5-101. Legislative declaration - findings. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) COMMUNICATION AND INFORMATION RESOURCES IN THE VARIOUS AGENCIES OF STATE GOVERNMENT ARE VALUABLE STRATEGIC ASSETS BELONGING TO THE PEOPLE OF COLORADO THAT MUST BE MANAGED ACCORDINGLY;

(b) TECHNOLOGICAL AND THEORETICAL ADVANCES IN THE AREA OF COMMUNICATION AND INFORMATION USE ARE RECENT IN ORIGIN, IMMENSE IN SCOPE AND COMPLEXITY, AND PROGRESSING RAPIDLY;

(c) THE NATURE OF THESE ADVANCES PRESENTS COLORADO WITH THE OPPORTUNITY TO PROVIDE HIGHER QUALITY, MORE TIMELY, AND MORE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

COST-EFFECTIVE GOVERNMENTAL SERVICES;

(d) AGENCIES INDEPENDENTLY ACQUIRE UNCOORDINATED AND DUPLICATIVE INFORMATION RESOURCE TECHNOLOGIES THAT ARE MORE APPROPRIATELY ACQUIRED AS PART OF A COORDINATED EFFORT FOR MAXIMUM COST EFFECTIVENESS AND USE;

(e) THE SHARING OF COMMUNICATION AND INFORMATION RESOURCE TECHNOLOGIES AMONG AGENCIES IS OFTEN THE MOST COST-EFFECTIVE METHOD OF PROVIDING THE HIGHEST QUALITY AND MOST TIMELY GOVERNMENTAL SERVICES THAT WOULD OTHERWISE BE COST PROHIBITIVE;

(f) CONSIDERATIONS OF BOTH COST AND THE NEED FOR THE TRANSFER OF INFORMATION AMONG THE VARIOUS AGENCIES AND BRANCHES OF STATE GOVERNMENT IN THE MOST TIMELY AND USEFUL FORM POSSIBLE REQUIRE A UNIFORM POLICY AND COORDINATED SYSTEM FOR THE USE AND ACQUISITION OF COMMUNICATION AND INFORMATION RESOURCE TECHNOLOGIES; AND

(g) IT IS THE POLICY OF THIS STATE TO COORDINATE AND DIRECT THE USE OF COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES BY STATE AGENCIES AND TO PROVIDE AS SOON AS POSSIBLE THE MOST COST-EFFECTIVE AND USEFUL RETRIEVAL AND EXCHANGE OF INFORMATION BOTH WITHIN AND AMONG THE VARIOUS STATE AGENCIES AND BRANCHES OF GOVERNMENT AND FROM THE STATE AGENCIES AND BRANCHES OF GOVERNMENT TO THE PEOPLE OF COLORADO. TO THAT END, THE OFFICE OF INNOVATION AND TECHNOLOGY IS CREATED.

24-37.5-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMUNICATION AND INFORMATION RESOURCES" MEANS THE PROCEDURES, EQUIPMENT, AND SOFTWARE THAT ARE DESIGNED, BUILT, OPERATED, AND MAINTAINED TO COLLECT, RECORD, PROCESS, STORE, RETRIEVE, DISPLAY, AND TRANSMIT INFORMATION. THE TERM ALSO INCLUDES ASSOCIATED PERSONNEL INCLUDING CONSULTANTS AND CONTRACTORS.

(2) "COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES" MEANS DATA PROCESSING AND TELECOMMUNICATIONS HARDWARE, SOFTWARE, SERVICES, SUPPLIES, PERSONNEL, FACILITY RESOURCES, MAINTENANCE, AND TRAINING.

(3) "DATA PROCESSING" MEANS INFORMATION TECHNOLOGY EQUIPMENT AND RELATED SERVICES DESIGNED FOR THE AUTOMATED STORAGE, MANIPULATION, AND RETRIEVAL OF DATA BY ELECTRONIC OR MECHANICAL MEANS, OR BOTH. THE TERM INCLUDES, BUT IS NOT LIMITED TO:

(a) CENTRAL PROCESSING UNITS, FILE SERVERS, ROUTERS, FRONT-END PROCESSING UNITS, MINIPROCESSORS, MICROPROCESSORS, AND RELATED PERIPHERAL EQUIPMENT, SUCH AS DATA STORAGE DEVICES, DOCUMENT SCANNERS, DATA ENTRY EQUIPMENT, TERMINAL EQUIPMENT, COMPUTER-BASED WORD PROCESSING SYSTEMS OTHER THAN MEMORY OR OTHER TYPEWRITERS, AND EQUIPMENT AND SYSTEMS FOR AUTOMATED NETWORKS;

(b) ALL RELATED SERVICES, INCLUDING FEASIBILITY STUDIES, SYSTEMS DESIGN,

SOFTWARE DEVELOPMENT, AND TIME-SHARING SERVICES, WHETHER PROVIDED BY STATE EMPLOYEES OR BY OTHERS; AND

(c) THE PROGRAMS AND ROUTINES USED TO EMPLOY AND CONTROL THE CAPABILITIES OF DATA PROCESSING HARDWARE, INCLUDING OPERATING SYSTEMS, COMPILERS, ASSEMBLERS, UTILITIES, LIBRARY ROUTINES, MAINTENANCE ROUTINES, APPLICATIONS, AND COMPUTER NETWORKING PROGRAMS.

(4) "OFFICE" MEANS THE OFFICE OF INNOVATION AND TECHNOLOGY CREATED PURSUANT TO SECTION 24-37.5-103.

(5) "STATE AGENCY" MEANS EVERY STATE OFFICE, WHETHER LEGISLATIVE, EXECUTIVE, OR JUDICIAL, AND ALL OF ITS RESPECTIVE OFFICERS, DEPARTMENTS, DIVISIONS, COMMISSIONS, BOARDS, BUREAUS, AND INSTITUTIONS. "STATE AGENCY" DOES NOT INCLUDE STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION, THE DEPARTMENT OF HIGHER EDUCATION, THE COLORADO COMMISSION ON HIGHER EDUCATION, OR OTHER INSTRUMENTALITY THEREOF.

24-37.5-103. Office of innovation and technology - creation. THERE IS HEREBY CREATED IN THE OFFICE OF THE GOVERNOR AN OFFICE OF INNOVATION AND TECHNOLOGY, THE HEAD OF WHICH SHALL BE THE CHIEF TECHNOLOGY OFFICER, WHO SHALL BE APPOINTED BY THE GOVERNOR AND WHO SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

24-37.5-104. Transfer of functions. (1) THE OFFICE SHALL, ON AND AFTER JULY 1, 1999, EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED IN THE COMMISSION ON INFORMATION MANAGEMENT AS A COMMISSION IN THE DEPARTMENT OF PERSONNEL PRIOR TO SAID DATE CONCERNING THE DUTIES AND FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SECTION.

(2) (a) ON AND AFTER JULY 1, 1999, THE OFFICERS AND EMPLOYEES OF THE COMMISSION ON INFORMATION MANAGEMENT PRIOR TO SAID DATE WHOSE DUTIES AND FUNCTIONS CONCERNED THE DUTIES AND FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SECTION AND WHOSE EMPLOYMENT IN THE OFFICE IS DEEMED NECESSARY BY THE CHIEF TECHNOLOGY OFFICER TO CARRY OUT THE PURPOSES OF THIS ARTICLE SHALL BE TRANSFERRED TO THE OFFICE AND BECOME EMPLOYEES THEREOF.

(b) ANY SUCH EMPLOYEES WHO ARE CLASSIFIED EMPLOYEES IN THE STATE PERSONNEL SYSTEM SHALL RETAIN ALL RIGHTS TO THE PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND REGULATIONS.

(3) ON JULY 1, 1999, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE COMMISSION ON INFORMATION MANAGEMENT PRIOR TO SAID DATE PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS

SECTION, ARE TRANSFERRED TO THE OFFICE AND BECOME THE PROPERTY THEREOF.

(4) WHENEVER THE COMMISSION ON INFORMATION MANAGEMENT IS REFERRED TO OR DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS ARTICLE, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE OFFICE CREATED PURSUANT TO THIS SECTION. ALL CONTRACTS ENTERED INTO BY THE COMMISSION ON INFORMATION MANAGEMENT PRIOR TO JULY 1, 1999, IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SECTION ARE HEREBY VALIDATED, WITH THE OFFICE CREATED BY SECTION 24-37.5-103 SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH CONTRACTS. ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED PURSUANT TO SUCH CONTRACTS ARE HEREBY TRANSFERRED AND APPROPRIATED TO THE OFFICE CREATED BY SECTION 24-37.5-103 FOR THE PAYMENT OF SUCH OBLIGATIONS.

24-37.5-105. Office - responsibilities. (1) THE OFFICE IS EMPOWERED TO RECEIVE AND EXPEND GRANTS, GIFTS, AND BEQUESTS, SPECIFICALLY INCLUDING STATE AND FEDERAL FUNDS AND OTHER FUNDS AVAILABLE, AND TO CONTRACT WITH THE UNITED STATES AND ANY OTHER LEGAL ENTITIES WITH RESPECT THERETO.

(2) CONTRIBUTIONS OF ADVANCED TECHNOLOGY EQUIPMENT, GRANTS, GIFTS, OR BEQUESTS FROM PRIVATE SOURCES, INCLUDING BUT NOT LIMITED TO ADVANCED TECHNOLOGY COMPANIES, INDIVIDUALS, AND FOUNDATIONS, MAY BE DESIGNATED BY THE OFFICE TO A SPECIFIC STATE ENTITY OR MAY BE NONDESIGNATED.

(3) THE OFFICE MAY:

(a) IDENTIFY AND ENCOURAGE ADVANCED AND EMERGING TECHNOLOGY INDUSTRIES TO LOCATE IN COLORADO;

(b) DEVELOP AND ENCOURAGE A WORLD-WIDE WEB BASED STATE GOVERNMENT AND FACILITATE THE DISSEMINATION OF INFORMATION ONTO THE WEB;

(c) EVALUATE AND STREAMLINE SYSTEMWIDE BUSINESS PRACTICES FOR THE PURPOSE OF FINDING METHODS FOR THE ENHANCED UTILIZATION OF TECHNOLOGY;

(d) INVESTIGATE AND DEVELOP METHODS FOR MAXIMIZING BROADBAND ACCESS THROUGHOUT THE STATE;

(e) FACILITATE THE COMMERCIALIZATION OF TECHNOLOGY FROM THE PRIVATE SECTOR TO THE PUBLIC SECTOR; AND

(f) PROMOTE THE TECHNOLOGY AND INFRASTRUCTURE NECESSARY TO ENABLE AND ENSURE THE PARTICIPATION OF COLORADO CITIZENS AND BUSINESSES IN ELECTRONIC COMMERCE.

24-37.5-106. Chief technology officer - duties and responsibilities. (1) THE CHIEF TECHNOLOGY OFFICER SHALL:

(a) MONITOR TRENDS AND ADVANCES IN COMMUNICATION AND INFORMATION

RESOURCES AND DATA PROCESSING, DIRECT AND APPROVE A COMPREHENSIVE, STATEWIDE, FOUR-YEAR PLANNING PROCESS, AND PLAN FOR THE ACQUISITION, MANAGEMENT, AND USE OF COMMUNICATION AND INFORMATION RESOURCES AND DATA PROCESSING. THE STATEWIDE PLAN SHALL BE UPDATED ANNUALLY AND SUBMITTED TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE SENATE, FOLLOWING REVIEW BY THE LEGISLATIVE COMMUNICATIONS AND INFORMATION TECHNOLOGY COMMITTEE CREATED IN HOUSE BILL 99-1348, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY. IN DEVELOPING AND UPDATING SUCH PLANS, THE CHIEF TECHNOLOGY OFFICER SHALL CONSIDER THE ADVICE AND RECOMMENDATIONS OF THE COMMISSION ON INFORMATION MANAGEMENT.

(b) REQUIRE STATE AGENCIES TO PREPARE AND SUBMIT COMMUNICATIONS AND DATA PROCESSING PLANS TO THE OFFICE;

(c) DIRECT THE FORMULATION AND PROMULGATION OF POLICIES, STANDARDS, SPECIFICATIONS, AND GUIDELINES FOR COMMUNICATION AND INFORMATION RESOURCES, COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES, AND DATA PROCESSING IN STATE AGENCIES, INCLUDING, BUT NOT LIMITED TO, THOSE REQUIRED TO SUPPORT STATE AND LOCAL GOVERNMENT EXCHANGE, ACQUISITION, STORAGE, USE, SHARING AND DISTRIBUTION OF GEOGRAPHIC OR BASE MAP DATA AND RELATED TECHNOLOGIES AND CONCERNING THE DEVELOPMENT OF ELECTRONIC TRANSACTIONS INCLUDING THE USE OF ELECTRONIC SIGNATURES AS SPECIFIED IN LAW;

(d) DIRECT THE DEVELOPMENT OF POLICIES AND PROCEDURES, IN CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING, THAT ARE INTEGRATED INTO THE STATE'S STRATEGIC PLANNING AND BUDGETING PROCESSES AND THAT STATE AGENCIES SHALL FOLLOW IN DEVELOPING COMMUNICATIONS AND DATA PROCESSING PLANS AND TECHNOLOGY-RELATED BUDGET REQUESTS;

(e) DIRECT THE DEVELOPMENT OF POLICIES AND PROCEDURES FOR THE EFFECTIVE MANAGEMENT OF TECHNOLOGY INVESTMENTS THROUGHOUT THEIR ENTIRE LIFE CYCLE, INCLUDING, BUT NOT LIMITED TO, PROJECT DEFINITION, PROCUREMENT, DEVELOPMENT, IMPLEMENTATION, OPERATION, PERFORMANCE EVALUATION, AND ENHANCEMENT OR RETIREMENT;

(f) REVIEW BUDGET REQUESTS FOR COMMUNICATION AND INFORMATION RESOURCES, COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES, AND DATA PROCESSING FROM STATE AGENCIES;

(g) DIRECT THE DEVELOPMENT OF POLICIES AND PROCEDURES FOR REVIEW BY THE COMMISSION ON INFORMATION MANAGEMENT OF COMMUNICATION AND INFORMATION RESOURCES, COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES, AND DATA PROCESSING PROCUREMENTS, AGREEMENTS, OR CONTRACTS FOR AMOUNTS EXCEEDING TWENTY-FIVE THOUSAND DOLLARS;

(h) SUBJECT TO THE REVIEW AND APPROVAL OF THE COMMISSION ON INFORMATION MANAGEMENT, AGGREGATE COMMUNICATION AND INFORMATION RESOURCES, COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES, AND DATA PROCESSING PROCUREMENTS FOR ONE OR MORE STATE AGENCIES;

(i) DIRECT THE ESTABLISHMENT OF STATEWIDE STANDARDS FOR THE EFFICIENT EXCHANGE OF ELECTRONIC INFORMATION AND TECHNOLOGY, INCLUDING INFRASTRUCTURE, BETWEEN THE PUBLIC AND PRIVATE SECTORS IN THE STATE;

(j) EVALUATE THE FEASIBILITY OF OUTSOURCING COMMUNICATION AND INFORMATION RESOURCES AND DATA PROCESSING RESOURCES AND SERVICES AND OUTSOURCE THOSE RESOURCES AND SERVICES THAT WOULD BE BENEFICIAL TO THE STATE.

PART 2
COMMISSION ON INFORMATION MANAGEMENT

24-37.5-201. [Formerly 24-30-1701] Commission on information management - creation - membership. (1) EFFECTIVE JULY 1, 1999, THE COMMISSION ON INFORMATION MANAGEMENT IS ABOLISHED, AND THE TERMS OF THE MEMBERS OF THE COMMISSION SERVING AS SUCH IMMEDIATELY PRIOR TO JULY 1, 1999, ARE TERMINATED.

~~(1)~~ (2) (a) There is hereby created in the ~~department of personnel~~ OFFICE OF INNOVATION AND TECHNOLOGY the commission on information management which shall consist of ~~fifteen~~ SEVENTEEN members and shall be constituted as follows:

(I) The governor shall appoint ~~eight~~ SIX members from the private sector who shall exhibit a background in information management and technology;

(II) The president of the senate shall appoint ~~one member~~ TWO MEMBERS of the senate AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE MEMBER OF THE SENATE, and the speaker of the house of representatives shall appoint ~~one member~~ THREE MEMBERS of the house of representatives, ONE OF WHOM SHALL BE A MINORITY PARTY MEMBER; and

(III) The remaining five members shall be the ~~executive director of the department of personnel~~ CHIEF TECHNOLOGY OFFICER, the executive directors of three principal departments, which departments shall be designated by the governor, and the state court administrator.

(b) Private sector members shall serve for terms of four years each; except that, of those members first appointed to the commission, the terms of office shall be as follows: Two shall be appointed for one year, two shall be appointed for two years, AND two shall be appointed for three years. ~~and two shall be appointed for four years.~~ Private sector members shall receive no compensation for their services but shall be reimbursed from the governor's budget for their actual and necessary expenses incurred in the performance of their duties on the commission. Legislative members shall be compensated in the same manner as for attendance at interim committee meetings.

~~(2)~~ (3) The commission ~~annually shall elect a chairman from among its members~~ CHAIR SHALL BE THE CHIEF TECHNOLOGY OFFICER, AND THE VICE-CHAIR SHALL BE A PRIVATE SECTOR MEMBER OF THE COMMISSION APPOINTED BY THE GOVERNOR.

~~(3)~~ (4) Subject to availability, the executive, judicial, and legislative departments

shall make available to the commission such data, facilities, and personnel as are necessary for the performance of the commission's duties.

24-37.5-202. [Formerly 24-30-1702] Commission's purposes, powers, and duties. (1) The purposes of the commission on information management are to oversee strategic planning and set policy for the state's COMMUNICATIONS AND information systems and to assure continuity in COMMUNICATIONS AND planning and controlling the state's investment in information systems. In furtherance of these purposes, the commission shall have the following powers and duties:

(a) To prepare annually and approve the state's strategic COMMUNICATIONS AND data processing plan and assure that long-range plans of state agencies are developed in accordance with said ~~data processing~~ plan;

(b) To assess the status of current state data processing systems and evaluate other potential systems;

(c) To develop an approach for achieving statewide compatibility or accessibility of COMMUNICATIONS AND information systems;

(d) To approve a set of minimum standards to control purchases by state agencies and approve criteria to be used in approving or rejecting agency procurements. Approved standards and criteria shall be promulgated as rules and regulations pursuant to the "State Administrative Procedure Act", article 4 of this title.

(e) EXCEPT AS OTHERWISE DIRECTED BY THE CHIEF TECHNOLOGY OFFICER, TO DISAPPROVE STATE AGENCY PROCUREMENTS FOR COMMUNICATION AND INFORMATION RESOURCES, COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES, AND DATA PROCESSING SYSTEMS THAT DO NOT CONFORM TO THE STATE STRATEGIC COMMUNICATIONS AND DATA PROCESSING PLAN;

~~(e)~~ (f) To advise the governor and the general assembly on COMMUNICATIONS AND data processing matters;

~~(f)~~ (g) To study the COMMUNICATIONS AND automated data processing needs of state agencies; ~~and~~

~~(g)~~ (h) To fulfill the duties concerning the statewide COMMUNICATIONS AND information infrastructure specified in ~~section 24-30-1702.5~~ SECTION 24-37.5-203.

~~(2) The commission shall exercise its powers and perform its duties and functions specified by this article as if the same were transferred to the department by a type 1 transfer, as such transfer is defined in article 1 of this title.~~

24-37.5-203. [Formerly 24-30-1702.5] Statewide communications and information infrastructure - establishment - duties. ~~(1)(a) The general assembly hereby finds that development of a statewide information infrastructure that connects urban and rural communities across the state and is accessible to citizens, state and local government agencies, school districts, institutions of higher education, public libraries, the state judicial system, health care providers, and entities involved in economic development is critical for the continued advancement of the state.~~

~~(b) The general assembly finds that a statewide information infrastructure will provide Colorado's state and local governments, educators, public libraries, health care providers, businesses, and citizens with:~~

~~(I) Connections between and among institutions of higher education, school districts, public libraries, public hospitals, courts, and government offices both inside and outside the state;~~

~~(II) The necessary infrastructure to support distance learning, telemedicine, economic development, and enhanced citizen access to government information;~~

~~(III) Reduced pollution through the deployment of information services that reduce the need to travel long distances for education, health care, government services, and information and eliminate distance as a factor that detracts from individuals' quality of life;~~

~~(IV) Growth opportunities for existing education, health care, and business institutions regardless of geographic location;~~

~~(V) Enhanced positioning for the state as an international source of education, information access, health care, business, and economic development;~~

~~(VI) Increased efficiency in funding through the elimination of costly duplication and gaps in infrastructure that cause the misuse of state resources; and~~

~~(VII) Establishment of Colorado as a leader in providing an open access information superhighway.~~

~~(2) As used in this section, unless the context otherwise requires:~~

~~(a) "Communities" means geographically defined communities and communities of interest, including but not limited to education, libraries, health care, the judicial system, and economic development.~~

~~(b) "Information infrastructure" means all services offered to the public, either free or at a set price, that employ the statewide telecommunications infrastructure to provide, for the benefit of the public or private sector, text, video, image, sound, or data.~~

~~(3) (1) With regard to the statewide COMMUNICATIONS AND information infrastructure, the commission on information management shall have the following duties:~~

~~(a) To develop and implement requirements for the statewide COMMUNICATIONS AND information infrastructure based on present and future user applications;~~

~~(b) To review existing portions of the statewide COMMUNICATIONS AND information infrastructure to determine the areas of the state in which they exist and whether the existing portions are adequate and usable for present and future user applications;~~

~~(c) To define and initiate a partnership between the public and private sector for~~

funding and building the statewide COMMUNICATIONS AND information infrastructure, with the understanding that the private sector will build the necessary portions of the statewide COMMUNICATIONS AND information infrastructure;

(d) To initiate a system to manage the use of the statewide COMMUNICATIONS AND information network in the most economical and effective manner; ~~including designation of a system usage manager;~~

(e) To oversee ongoing use of the statewide COMMUNICATIONS AND information infrastructure;

(f) To recommend, if necessary, further legislation and budget appropriations for ongoing implementation of the statewide COMMUNICATIONS AND information infrastructure.

24-37.5-204. [Formerly 24-30-1703] Status of state agencies. State agencies ~~including the legislative and judicial departments,~~ shall have general supervision of their COMMUNICATIONS AND automated data processing systems but shall comply with the plans, policies, AND directives ~~rules, and regulations~~ issued by the commission and shall, upon request of the general assembly or the joint budget committee, provide satisfactory evidence of said compliance.

24-37.5-205. [Formerly 24-30-1704] Annual report by commission. The commission shall report to the GOVERNOR AND THE COMMUNICATIONS AND INFORMATION TECHNOLOGY COMMITTEE CREATED IN HOUSE BILL 99-1348, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SECOND general assembly, regularly on at least an annual basis concerning the implementation of the provisions of this ~~part 17~~ PART 2.

SECTION 2. Repeal. 24-1-128 (7) (m), Colorado Revised Statutes, is repealed as follows:

24-1-128. Department of personnel - creation. (7) The department of personnel shall include the following administrative support services:

(m) ~~The commission on information management. Such commission, created by section 24-30-1701, and its powers, duties, and functions are transferred by a type 1 transfer to the department of personnel.~~

SECTION 3. 16-20.5-102 (2.3), Colorado Revised Statutes, is amended to read:

16-20.5-102. Definitions. As used in this article, unless the context otherwise requires:

(2.3) "Commission" means the commission on information management created by ~~section 24-30-1701~~ SECTION 24-37.5-201, C.R.S.

SECTION 4. Repeal of provisions being relocated in this act. Part 17 of article 30 of title 24, Colorado Revised Statutes, is repealed.

SECTION 5. Appropriation - adjustments in 1999 long bill. (1) In addition

to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the governor's office, for allocation to the office of innovation and technology, for the fiscal year beginning July 1, 1999, the sum of one million five hundred sixty-five thousand seven hundred twenty-eight dollars (\$1,565,728) and 9.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1999, shall be adjusted as follows:

(a) The general fund appropriation to the department of personnel, for allocation to the information management commission, is reduced by one million five hundred sixty-two thousand two hundred fifty-six dollars (\$1,562,256) and 9.0 FTE.

(b) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by three thousand four hundred seventy-two dollars (\$3,472).

(c) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by three thousand four hundred seventy-two dollars (\$3,472).

SECTION 6. Effective date. This act shall take effect July 1, 1999.

SECTION 7. 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.

Approved: May 24, 1999