

CHAPTER 346

**GOVERNMENT - STATE**

SENATE BILL 06-149

BY SENATOR(S) May R., Jones, Kester, and Teck;  
also REPRESENTATIVE(S) Coleman, Crane, and McFadyen.

**AN ACT**

**CONCERNING OVERSIGHT OF COMMUNICATIONS AND INFORMATION RESOURCES TECHNOLOGIES IN STATE AGENCIES.**

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

**SECTION 1.** 24-37.5-101 (1) (g), Colorado Revised Statutes, is amended to read:

**24-37.5-101. Legislative declaration - findings.** (1) The general assembly hereby finds and declares that:

(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~~ INFORMATION technology is created.

**SECTION 2.** 24-37.5-102 (3) and (4), Colorado Revised Statutes, are amended to read:

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

(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 FOR ALL FUNCTIONS, NETWORK routers,

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

~~front-end processing units, miniprocessors, microprocessors~~ PERSONAL COMPUTERS, LAPTOP COMPUTERS, HAND-HELD PROCESSORS, and ALL related peripheral DEVICES CONFIGURABLE TO SUCH equipment, such as data storage devices, document scanners, data entry equipment, SPECIALIZED END-USER terminal equipment, ~~computer-based word processing systems other than memory or other typewriters,~~ and equipment and systems for SUPPORTING automated COMMUNICATIONS networks;

(b) All related services, including feasibility studies, systems design, software development, SYSTEM TESTING, EXTERNAL OFF-SITE STORAGE and ~~time-sharing~~ NETWORK services, whether provided by state employees or by others; and

(c) The SYSTEMS, programs, ~~and~~ routines, AND PROCESSES used to employ and control the capabilities of data processing hardware, including operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, APPLICATION TESTING CAPABILITIES, STORAGE SYSTEM SOFTWARE, HAND-HELD DEVICE OPERATING SYSTEMS, and computer networking programs.

(4) "Office" means the office of ~~innovation and~~ INFORMATION technology created pursuant to section 24-37.5-103.

**SECTION 3.** 24-37.5-103, Colorado Revised Statutes, is amended to read:

**24-37.5-103. Office of information technology - creation.** There is hereby created in the office of the governor an office of ~~innovation and~~ INFORMATION technology, the head of which shall be the chief ~~technology~~ INFORMATION officer, who shall be appointed by the governor and who shall serve at the pleasure of the governor.

**SECTION 4.** 24-37.5-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-37.5-104. Transfer of functions - change of name - continuity of existence - legislative declaration.** (5) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) UPON CREATION OF THIS ARTICLE, THE NAME "OFFICE OF INNOVATION AND TECHNOLOGY" BEST REFLECTED THE ACTIVITIES OF SUCH OFFICE IN THE GOVERNOR'S OFFICE IN CONNECTION WITH THE COORDINATION AND DIRECTION OF THE USE OF COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES BY STATE AGENCIES.

(II) TO BETTER REFLECT THE CURRENT ACTIVITIES OF THIS OFFICE, THE OFFICE SHOULD BE REFERRED TO AS THE "OFFICE OF INFORMATION TECHNOLOGY".

(III) THE NAME OF THE OFFICE IN THE GOVERNOR'S OFFICE THAT COORDINATES AND DIRECTS THE USE OF COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES BY STATE AGENCIES SHOULD ACCORDINGLY BE CHANGED FROM THE "OFFICE OF INNOVATION AND TECHNOLOGY" TO THE "OFFICE OF INFORMATION TECHNOLOGY".

(b) ON AND AFTER JULY 1, 2006, THE OFFICE OF INFORMATION TECHNOLOGY

SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED IN THE OFFICE OF INNOVATION AND TECHNOLOGY PRIOR TO JULY 1, 2006, AND ALL EMPLOYEES OF THE OFFICE OF INNOVATION AND TECHNOLOGY SHALL BE TRANSFERRED TO THE OFFICE OF INFORMATION TECHNOLOGY AND SHALL BECOME EMPLOYEES THEREOF. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS TO THE STATE PERSONNEL SYSTEM AND RETIREMENT BENEFITS UNDER 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 RULES.

(c) ON JULY 1, 2006, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE OFFICE OF INNOVATION AND TECHNOLOGY ARE TRANSFERRED TO THE OFFICE OF INFORMATION TECHNOLOGY AND SHALL BECOME THE PROPERTY THEREOF.

(d) WHENEVER THE OFFICE OF INNOVATION AND TECHNOLOGY IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE OFFICE OF INFORMATION TECHNOLOGY. ALL CONTRACTS ENTERED INTO BY THE OFFICE OF INNOVATION AND TECHNOLOGY PRIOR TO JULY 1, 2006, ARE HEREBY VALIDATED, WITH THE OFFICE OF INFORMATION TECHNOLOGY SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH CONTRACTS. ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS ARE HEREBY TRANSFERRED AND APPROPRIATED TO THE OFFICE OF INFORMATION TECHNOLOGY FOR THE PAYMENT OF SUCH OBLIGATIONS.

(e) ON AND AFTER JULY 1, 2006, WHEN ANY PROVISION OF THE COLORADO REVISED STATUTES REFERS TO THE OFFICE OF INNOVATION AND TECHNOLOGY, SAID LAW SHALL BE CONSTRUED AS REFERRING TO THE OFFICE OF INFORMATION TECHNOLOGY. THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL REFERENCES IN THE COLORADO REVISED STATUTES TO THE OFFICE OF INNOVATION AND TECHNOLOGY TO REFER TO THE OFFICE OF INFORMATION TECHNOLOGY.

**SECTION 5.** 24-37.5-105 (3), Colorado Revised Statutes, is amended to read:

**24-37.5-105. Office - responsibilities.** (3) The office ~~may~~ SHALL:

(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; AND

(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.~~

**SECTION 6.** 24-37.5-106, Colorado Revised Statutes, is amended to read:

**24-37.5-106. Chief information officer - duties and responsibilities.** (1) The chief ~~technology~~ INFORMATION 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 INFORMATION TECHNOLOGY 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~~ INFORMATION 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 AS PART OF THE STATE'S PLANNING AND BUDGETING PROCESS. SUCH PLANS SHALL:

(I) BE IN COMPLIANCE WITH THE STATE'S ANNUAL INFORMATION TECHNOLOGY PLAN;

(II) SPECIFY THE STATE AGENCY'S COMMUNICATIONS AND DATA PROCESSING PROCUREMENT AND SYSTEM ACQUISITION PLANS FOR THE PLANNING PERIOD; AND

(III) IDENTIFY RISKS, ISSUES, AND CONCERNS WITH THE AGENCY'S COMMUNICATIONS AND DATA PROCESSING INFRASTRUCTURE.

(c) In consultation with the executive director of the department of personnel and the commission on information management, coordinate and 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) In consultation with ~~the executive director of the department of personnel and~~

the commission on information management, coordinate and 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) IN CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING, review budget requests for communication and information resources, communication and information resources technologies, and data processing from state agencies AND APPROVE SUCH BUDGET REQUESTS FOR STATE AGENCIES OTHER THAN THE LEGISLATIVE DEPARTMENT;

(f.5) APPROVE A SET OF MINIMUM STANDARDS TO CONTROL PURCHASES BY STATE AGENCIES AND APPROVE CRITERIA TO BE USED IN APPROVING OR REJECTING AGENCY PROCUREMENTS;

(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~~ ONE HUNDRED 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) In consultation with ~~the executive director of the department of personnel and~~ the commission on information management, coordinate and 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) In consultation with the executive director of the department of personnel, 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;

(k) MONITOR THE STATUS AND TIMELINESS OF COMMUNICATION AND INFORMATION RESOURCES, COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES, AND DATA PROCESSING SYSTEMS PROJECTS AND PROCUREMENTS FOR STATE AGENCIES AND ADVISE ON ANY RISK MANAGEMENT ISSUES IN CONNECTION WITH THOSE PROJECTS AND PROCUREMENTS;

(l) ASSIST STATE AGENCIES WITH THE TIMELY DELIVERY OF AGENCY COMMUNICATION AND INFORMATION RESOURCES, COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES, AND DATA PROCESSING SYSTEMS PROJECTS, IN ACCORDANCE WITH RELEVANT CONTRACT DEADLINE DATES OR SCHEDULES, FROM COMMENCEMENT THROUGH COMPLETION OF THOSE PROJECTS; AND

(m) ADVISE THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY ON REQUESTED OR ONGOING COMMUNICATION AND INFORMATION RESOURCES, COMMUNICATION AND INFORMATION RESOURCES TECHNOLOGIES, AND DATA PROCESSING SYSTEMS PROJECTS, INCLUDING THE ADHERENCE OF THE STATE AGENCY TO THE BUDGET, AMOUNTS APPROPRIATED, AND RELEVANT CONTRACT DEADLINE DATES OR SCHEDULES FOR THOSE PROJECTS.

(1.5) ALL OF THE POLICIES, PROCEDURES, STANDARDS, SPECIFICATIONS, GUIDELINES, OR CRITERIA THAT ARE DEVELOPED OR APPROVED PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY BE PROMULGATED AS RULES PURSUANT TO ARTICLE 4 OF THIS TITLE BY AND ENFORCED BY THE CHIEF INFORMATION OFFICER.

(2) ~~The chief technology officer shall designate a chief information officer for the state. The chief information officer shall have such duties and responsibilities as may be assigned by the chief technology officer. All powers and authority granted to the chief technology officer may be exercised by the chief information officer in the absence of the chief technology officer or if the chief technology officer for any reason is unable to perform the required duties.~~

**SECTION 7.** 24-37.5-201 (2) (a) and (3), Colorado Revised Statutes, are amended to read:

**24-37.5-201. Commission on information management - creation - membership.** (2) (a) There is hereby created in the office of ~~innovation and~~ INFORMATION technology the commission on information management, which shall consist of ~~seventeen~~ FIFTEEN members and shall be constituted as follows:

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

(II) EFFECTIVE JULY 1, 2006, the president of the senate shall appoint ~~two~~ **members** ONE MEMBER 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 ~~three~~ **TWO** members of the house of representatives, one of whom shall be a minority party member; and

(III) The remaining five members shall be ~~the chief technology officer or the~~ chief information officer, ~~if so designated by the chief technology officer~~ the director of the office of state planning and budgeting, the executive director of the department of personnel, the executive director of one principal department, which department shall be designated by the governor, and the state court administrator.

(3) (a) The ~~commission~~ chair OF THE COMMISSION ON INFORMATION MANAGEMENT shall be ~~the chief technology officer or the~~ chief information officer ~~if so designated by the chief technology officer~~, and the vice-chair shall be a private sector member of the commission appointed by the governor.

(b) THE COMMISSION ON INFORMATION MANAGEMENT SHALL HOLD REGULAR PUBLIC MONTHLY MEETINGS AND MAY HOLD SPECIAL MEETINGS ON THE CALL OF THE CHIEF INFORMATION OFFICER AT SUCH OTHER TIMES AS DEEMED NECESSARY.

(c) THE COMMISSION ON INFORMATION MANAGEMENT MAY CONSIDER THE APPOINTMENT OF SUBCOMMITTEES TO ASSIST IN ADVISING THE COMMISSION AND THE CHIEF INFORMATION OFFICER. IF THE COMMISSION CHOOSES TO APPOINT SUBCOMMITTEES, MEMBERS SHOULD BE CHOSEN FROM THE PUBLIC OR PRIVATE SECTOR WHO EXHIBIT A BACKGROUND AND INTEREST IN INFORMATION MANAGEMENT AND TECHNOLOGY AND WHO ARE USERS OF ELECTRONIC INFORMATION, PRODUCTS, AND SERVICES. A MEMBER OF THE COMMISSION SHALL BE APPOINTED TO CHAIR EACH SUBCOMMITTEE, AND MEMBERS OF THE SUBCOMMITTEE SHALL NOT RECEIVE COMPENSATION FOR THEIR SERVICES.

**SECTION 8.** 24-37.5-202, Colorado Revised Statutes, is amended to read:

**24-37.5-202. Commission's purposes, powers, and duties.** (1) The purposes of the commission on information management are to ~~oversee~~ ADVISE THE OFFICE AND STATE AGENCIES ON strategic planning and ~~set policy~~ POLICIES for the state's communications and information systems and ~~assure~~ ON THE continuity ~~in~~ OF communications and planning and ~~controlling~~ CONTROL OF the state's investment in information systems EXERCISED BY THE OFFICE AND STATE AGENCIES. 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~~ REVIEW THE STATE'S INFORMATION TECHNOLOGY plan and ~~assure that~~ THE long-range plans of state agencies ~~are~~ developed in accordance with said plan;

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

(c) To ~~develop~~ ASSIST THE OFFICE WITH THE DEVELOPMENT OF 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~~ TO REVIEW 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~~ FOR CONFORMANCE WITH THE STATE INFORMATION TECHNOLOGY plan;

(f) To advise the governor, ~~and~~ the general assembly, THE OFFICE, AND STATE AGENCIES on communications and data processing matters;

(g) To study AND MAKE RECOMMENDATIONS TO THE OFFICE ON the communications and automated data processing needs of state agencies;

(h) To fulfill the duties concerning the statewide communications and information infrastructure specified in section 24-37.5-203;

(i) ~~To establish~~ REVIEW AND RECOMMEND nonvisual access standards and criteria TO THE OFFICE for the procurement of adaptive technology by state agencies for the use of individuals who are blind or visually impaired as specified in article 85 of this title;

(j) TO ASSIST AND ADVISE THE CHIEF INFORMATION OFFICER IN CONNECTION WITH ANY OF THE DUTIES AND RESPONSIBILITIES DESCRIBED IN SECTION 24-37.5-106.

(2) THE COMMISSION ON INFORMATION MANAGEMENT MAY PROMULGATE RULES PURSUANT TO ARTICLE 4 OF THIS TITLE AS MAY BE NECESSARY FOR THE IMPLEMENTATION OF THIS ARTICLE.

**SECTION 9.** 24-37.5-203, Colorado Revised Statutes, is amended to read:

**24-37.5-203. Statewide communications and information infrastructure - establishment - duties.** (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~~ REVIEW AND MAKE RECOMMENDATIONS ON 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;~~

(e) ~~To oversee~~ REVIEW AND MAKE RECOMMENDATIONS RELATED TO 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;~~

(g) TO ADVISE STATE AGENCIES ON THE RISKS, ISSUES, AND CONCERNS RELATED TO THE AGENCY'S COMMUNICATION AND DATA PROCESSING INFRASTRUCTURE THAT THE AGENCY HAS IDENTIFIED IN THE COMMUNICATIONS AND DATA PROCESSING PLAN PREPARED PURSUANT TO SECTION 24-37.5-106 (1) (b).

**SECTION 10.** 24-37.5-204, Colorado Revised Statutes, is amended to read:

**24-37.5-204. Status of state agencies.** (1) State agencies shall: ~~have general supervision of~~

(a) SUPERVISE their communications and automated data processing systems; ~~but shall~~

(b) Comply with the RULES, STANDARDS, plans, policies, and directives ~~issued by the commission and shall~~; OF THE OFFICE;

(c) COMPLY WITH INFORMATION REQUESTS OF THE OFFICE, THE GENERAL ASSEMBLY, AND THE JOINT BUDGET COMMITTEE; AND

(d) Upon request of the general assembly or the joint budget committee, provide satisfactory evidence of said compliance.

**SECTION 11. Repeal.** 24-37.5-205, Colorado Revised Statutes, is repealed as follows:

~~**24-37.5-205. Annual report by commission.** The commission shall report to the governor and the business affairs and labor committees of the house of representatives and the senate regularly on at least an annual basis concerning the implementation of the provisions of this part 2.~~

**SECTION 12.** 24-37.7-104 (3), Colorado Revised Statutes, is amended, and the said 24-37.7-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-37.7-104. Powers of the statewide internet portal authority.** (3) Any current or pending action by the office of ~~innovation and~~ INFORMATION technology relating to a request for proposals for the statewide internet portal shall be void.

(4) STATE AGENCIES SHALL COORDINATE AND COOPERATE WITH THE AUTHORITY FOR PURPOSES OF THE DELIVERY OF ELECTRONIC INFORMATION, PRODUCTS, AND SERVICES BY THE AUTHORITY.

**SECTION 13.** 24-37.7-105 (1) (c), Colorado Revised Statutes, is amended to read:

**24-37.7-105. Mission of the authority.** (1) The mission of the authority is to:

(c) Develop and annually update a strategic business plan for the implementation, maintenance, and enhancement of the statewide internet portal; ~~which may incorporate components of the preliminary plan developed by the commission on information management pursuant to section 24-37.5-203.5 (3);~~

**SECTION 14.** The introductory portion to 23-1-106.5 (1) and 23-1-106.5 (2) (e) and (6), Colorado Revised Statutes, are amended to read:

**23-1-106.5. Duties and powers of the commission with regard to advanced technology - fund created.** (1) The commission, in consultation with the governing boards of institutions of higher education and the office of ~~innovation and~~ INFORMATION technology created in the office of the governor, shall:

(2) The priorities established pursuant to paragraph (a) of subsection (1) of this

section shall take into account the following objectives:

(e) Developing the necessary infrastructure to support distance learning, telemedicine, economic development, and enhanced citizen access. The commission shall work cooperatively with the chief ~~technology~~ INFORMATION officer in the office of ~~innovation and~~ INFORMATION technology in the development of such necessary infrastructure.

(6) The commission shall work cooperatively with the chief ~~technology~~ INFORMATION officer in the office of ~~innovation and~~ INFORMATION technology created in the office of the governor and with the state board for community colleges and occupational education to promote the development and use of the Colorado customized training program created in section 23-60-306 to provide the skilled labor force required by advanced technology businesses establishing or expanding facilities in Colorado. No special appropriation shall be made for the purposes of this subsection (6) which shall be funded only through appropriations to the commission for advanced technology programs.

**SECTION 15.** The introductory portion to 23-1-106.7 (1), Colorado Revised Statutes, is amended to read:

**23-1-106.7. Duties and powers of the commission with respect to technology transfers.** (1) The commission, in consultation with the office of ~~innovation and~~ INFORMATION technology created in the office of the governor, shall:

**SECTION 16.** 23-5-121 (5) (e), Colorado Revised Statutes, is amended to read:

**23-5-121. Governing boards - authority to establish nonprofit corporations for developing discoveries and technology.** (5) As a means of carrying out the purposes stated in this section, the governing board of any state-supported institution of higher education or the commission may, through one or more corporations incorporated pursuant to subsection (2) of this section:

(e) In the case of a governing board of a state-supported institution of higher education, cooperate with the commission and the office of ~~innovation and~~ INFORMATION technology created in the office of the governor in technology transfers pursuant to section 23-1-106.7;

**SECTION 17.** 23-17-105 (1) (a), Colorado Revised Statutes, is amended to read:

**23-17-105. High technology scholarship program advisory committee - creation - repeal.** (1) (a) There is hereby created in the department of higher education the high technology scholarship program advisory committee. The advisory committee shall establish general guidelines to be used by the department of higher education in awarding scholarships pursuant to section 23-17-103. The advisory committee shall consist of seven members, five of whom shall be appointed by the governor, with the consent of the senate, one of whom shall be the chief ~~technology~~ INFORMATION officer of the office of ~~innovation and~~ INFORMATION technology, or his or her designee, and one of whom shall be the executive director, or his or her designee.

**SECTION 18.** 23-73-103 (1) (a) (I) (A) and (1) (a) (I) (B), Colorado Revised Statutes, are amended to read:

**23-73-103. Institute governance.** (1) (a) The institute shall be governed by a board of trustees of fourteen members appointed by the governor as follows:

(I) (A) Six persons who are chief executive officers, or a chief executive officer's designee, of a state-supported or nonpublic institution of higher education or the executive director, or the executive director's designee, of the Colorado commission on higher education or the ~~executive director~~ CHIEF INFORMATION OFFICER, or the ~~executive director's~~ CHIEF INFORMATION OFFICER'S designee, of the office of ~~innovation and~~ INFORMATION technology;

(B) Of the persons appointed pursuant to this subparagraph (I), not more than one member shall be from the Colorado commission on higher education and not more than one member shall be from the office of ~~innovation and~~ INFORMATION technology;

**SECTION 19.** The introductory portion to 23-73-106 (1), Colorado Revised Statutes, is amended to read:

**23-73-106. Participation of public institutions of higher education and other state agencies with the institute.** (1) Colorado public institutions of higher education and other state agencies, including but not ~~be~~ limited to the Colorado commission on higher education, the office of economic development, and the office of ~~innovation and~~ INFORMATION technology created in the office of the governor, pursuant to part 1 of article 37.5 of title 24, C.R.S., are hereby authorized to participate, contract, and enter into memoranda of understanding with the institute as follows:

**SECTION 20.** 24-4-103 (12), Colorado Revised Statutes, is amended to read:

**24-4-103. Rule-making - procedure - repeal.** (12) All rules of any agency that have been submitted to the attorney general under the provisions of subsection (8) of this section and the opinion of the attorney general, when issued, shall be filed in the office of the secretary of state. The secretary of state shall require that such rules be filed in an electronic format that complies with any requirements established pursuant to ~~sections 24-71.3-118, 24-37.5-106, and 24-37.5-205~~ SECTIONS 24-37.5-106 AND 24-71.3-118.

**SECTION 21.** 24-37.7-102 (3), Colorado Revised Statutes, is amended to read:

**24-37.7-102. Statewide internet portal authority - creation - board.** (3) The chief ~~technology~~ INFORMATION officer of the office of ~~innovation and~~ INFORMATION technology shall serve as an ex officio nonvoting member of the board.

**SECTION 22.** 24-30-1603 (3) (a), Colorado Revised Statutes, is amended to read:

**24-30-1603. Functions of the GGCC.** (3) (a) In accordance with rules,

standards, procedures, and policies adopted by the secretary of state pursuant to section 24-71.3-118 (2), the GGCC shall adopt and implement standards, policies, and procedures for the use of electronic or digital signatures by governmental agencies where use of electronic or digital signatures is expressly authorized by law. The secretary of state shall, prior to the adoption of any rules, standards, procedures, or policies for the use of electronic or digital signatures by governmental agencies, coordinate with the office of ~~innovation and~~ INFORMATION technology ~~and the commission on information management~~ on the development of such rules, standards, procedures, and policies.

**SECTION 23.** 24-30-1604 (1) (b), Colorado Revised Statutes, is amended to read:

**24-30-1604. Powers of the executive director - penalty for breach of confidentiality.** (1) In order to perform the functions and duties of the GGCC as set forth in this part 16, the executive director of the department of personnel shall exercise the following powers:

(b) In accordance with the policies, standards, specifications, and guidelines formulated and promulgated pursuant to section 24-37.5-106 (1) (c) by the chief ~~technology~~ INFORMATION officer of the office of ~~innovation and~~ INFORMATION technology created in the office of the governor, to adopt such rules as may be necessary to carry out the purposes and provisions of this part 16;

**SECTION 24.** 24-71.3-117, Colorado Revised Statutes, is amended to read:

**24-71.3-117. Creation and retention of electronic records by political subdivisions.** Each department, board, commission, authority, institution, or instrumentality of the state, in accordance with the policies, standards, and guidelines set forth by the office of ~~innovation and~~ INFORMATION technology, ~~of this state~~ may determine whether, and the extent to which, such department, board, commission, authority, institution, or instrumentality shall create and retain electronic records and convert written records to electronic records. A county, municipality, or other political subdivision, or any of their instrumentalities, shall have the general power, in relation to the administration of the affairs of a county, municipality, or other political subdivision, or any of their instrumentalities, to determine the extent to which it will create and retain electronic records and electronic signatures.

**SECTION 25.** 25-3.5-401 (2) (a), Colorado Revised Statutes, is amended to read:

**25-3.5-401. Responsibility for coordination.** (2) (a) The department of personnel, in consultation with the office of ~~innovation and~~ INFORMATION technology created in the office of the governor, shall coordinate the telecommunications subsystem with the existing state telecommunications network to the extent possible.

**SECTION 26.** 30-10-423 (2) (a) (III), Colorado Revised Statutes, is amended to read:

**30-10-423. Clerk and recorder technology panel - creation - powers - repeal.**

(2) (a) The panel shall consist of five members appointed by the secretary of state as follows:

(III) One member shall be a person with expertise in information technology from the department of state or the office of ~~innovation and~~ INFORMATION technology.

**SECTION 27.** 42-2-118 (1.5) (d) (I), Colorado Revised Statutes, is amended to read:

**42-2-118. Renewal of license in person or by mail - donations to organ and tissue donation awareness fund - repeal.** (1.5) (d) To implement electronic renewal of a driver's license pursuant to this section, the department shall:

(I) Submit to the commission on information and technology within the office of ~~innovation and~~ INFORMATION technology created in the office of the governor for the commission's review and approval the department's plan for the renewal of a driver's license by electronic means;

**SECTION 28. Repeal.** 24-37.5-203.5, Colorado Revised Statutes, is repealed.

**SECTION 29. 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: June 6, 2006