

## CHAPTER 115

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**GOVERNMENT - STATE**


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**HOUSE BILL 15-1266**

BY REPRESENTATIVE(S) Rankin, Hamner, Young, Singer, Tate, Tyler, Brown, Fields, Ginal, Pettersen, Priola, Rosenthal, Ryden, Windholz;  
also SENATOR(S) Lambert, Grantham, Steadman, Martinez Humenik, Neville T., Newell, Kerr, Cadman.

**AN ACT****CONCERNING THE INFORMATION TECHNOLOGY BUDGET REQUEST PROCESS.**

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

**SECTION 1.** In Colorado Revised Statutes, 24-37-304, **add** (1) (c.5) (V) as follows:

**24-37-304. Additional budgeting responsibilities.** (1) In addition to the responsibilities enumerated in section 24-37-302, the office of state planning and budgeting shall:

(c.5) (V) ANY NEW OR AMENDED INFORMATION TECHNOLOGY BUDGET REQUEST OR SUPPLEMENTAL INFORMATION TECHNOLOGY BUDGET REQUEST SUBMITTED TO THE JOINT TECHNOLOGY COMMITTEE PURSUANT TO THIS PARAGRAPH (c.5) MUST CLEARLY IDENTIFY AND QUANTIFY ANTICIPATED ADMINISTRATIVE AND OPERATING EFFICIENCIES OR PROGRAM ENHANCEMENTS AND SERVICE EXPANSION THROUGH COST-BENEFIT ANALYSES AND RETURN ON INVESTMENT CALCULATIONS.

**SECTION 2.** In Colorado Revised Statutes, 24-75-111, **amend** (2), (3) (b), and (4) (c); and **add** (1) (c) (V), (1) (c) (VI), and (4) (d) as follows:

**24-75-111. Additional authority for controller to allow expenditures in excess of appropriations - limitations - appropriations for subsequent fiscal year restricted.** (1) For fiscal years commencing on or after July 1, 1997, in addition to any overexpenditure allowed pursuant to section 24-75-109, the controller may allow any department, institution, or agency of the state, including any institution of higher education, to make an expenditure in excess of the amount authorized by an item of appropriation for such fiscal year if:

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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.*

(c) (V) IF THE OVEREXPENDITURE IS IN REGARD TO AN INFORMATION TECHNOLOGY BUDGET ITEM AND IS REQUESTED BY A DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE OTHER THAN THE DEPARTMENT OF LAW, THE DEPARTMENT OF THE TREASURY, THE DEPARTMENT OF STATE, THE JUDICIAL DEPARTMENT, OR THE LEGISLATIVE DEPARTMENT:

(A) THE REQUEST FOR THE OVEREXPENDITURE HAS BEEN SUBMITTED TO THE OFFICE OF STATE PLANNING AND BUDGETING FOR APPROVAL AND THE OFFICE OF STATE PLANNING AND BUDGETING HAS APPROVED THE OVEREXPENDITURE, IN WHOLE OR IN PART; AND

(B) UPON APPROVAL BY THE OFFICE OF STATE PLANNING AND BUDGETING, THE REQUEST FOR THE OVEREXPENDITURE HAS BEEN SUBMITTED TO THE JOINT TECHNOLOGY COMMITTEE OF THE GENERAL ASSEMBLY FOR CONSIDERATION; AND

(C) UPON THE ISSUANCE OF A WRITTEN RECOMMENDATION REGARDING THE OVEREXPENDITURE BY THE JOINT TECHNOLOGY COMMITTEE, THE REQUEST FOR THE OVEREXPENDITURE HAS BEEN SUBMITTED TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY FOR APPROVAL; AND

(D) THE REQUEST FOR THE OVEREXPENDITURE HAS BEEN APPROVED, IN WHOLE OR IN PART, BY A MAJORITY VOTE OF THE MEMBERS OF THE JOINT BUDGET COMMITTEE AND THE CONTROLLER HAS RECEIVED WRITTEN CONFIRMATION OF SUCH APPROVAL FROM THE JOINT BUDGET COMMITTEE; OR

(VI) IF THE OVEREXPENDITURE IS IN REGARD TO AN INFORMATION TECHNOLOGY BUDGET ITEM AND IS REQUESTED BY THE DEPARTMENT OF LAW, THE DEPARTMENT OF THE TREASURY, THE DEPARTMENT OF STATE, THE JUDICIAL DEPARTMENT, OR THE LEGISLATIVE DEPARTMENT:

(A) THE REQUEST FOR THE OVEREXPENDITURE HAS BEEN SUBMITTED TO THE JOINT TECHNOLOGY COMMITTEE OF THE GENERAL ASSEMBLY FOR CONSIDERATION; AND

(B) UPON THE ISSUANCE OF A WRITTEN RECOMMENDATION REGARDING THE OVEREXPENDITURE BY THE JOINT TECHNOLOGY COMMITTEE, THE REQUEST FOR THE OVEREXPENDITURE HAS BEEN SUBMITTED TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY FOR APPROVAL; AND

(C) THE REQUEST FOR THE OVEREXPENDITURE HAS BEEN APPROVED, IN WHOLE OR IN PART, BY A MAJORITY VOTE OF THE MEMBERS OF THE JOINT BUDGET COMMITTEE AND THE CONTROLLER HAS RECEIVED WRITTEN CONFIRMATION OF SUCH APPROVAL FROM THE JOINT BUDGET COMMITTEE.

(2) Any department, institution, or agency of the state requesting an overexpenditure pursuant to subsection (1) of this section shall make the request in such form and shall include in the request such information as may be required by the office of state planning and budgeting, the capital development committee, THE JOINT TECHNOLOGY COMMITTEE, and the joint budget committee, as applicable.

(3) Overexpenditures allowed pursuant to subsection (1) of this section shall be subject to the following requirements:

(b) No overexpenditure shall be allowed in excess of the unencumbered balance of the fund OR ACCOUNT from which the overexpenditure is made as of the date of the overexpenditure.

~~(4) (c) The department, institution, or agency shall not be allowed to expend any amount restricted pursuant to this subsection (4) unless such restriction is released in accordance with subsection (5) of this section~~ FOR ANY OVEREXPENDITURE ALLOWED BY THE CONTROLLER IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION THAT IS IN REGARD TO AN INFORMATION TECHNOLOGY BUDGET ITEM, THE CONTROLLER SHALL RESTRICT, IN AN AMOUNT EQUAL TO SAID OVEREXPENDITURE, THE ITEMS OF APPROPRIATION THAT ARE MADE IN THE GENERAL APPROPRIATION ACT FOR THE FISCAL YEAR FOLLOWING THE FISCAL YEAR FOR WHICH THE OVEREXPENDITURE IS ALLOWED AND THAT ARE MADE FOR THE FOLLOWING PURPOSES IN THE ORDER SPECIFIED: THE INFORMATION TECHNOLOGY BUDGET ITEM FOR WHICH THE OVEREXPENDITURE WAS ALLOWED; ANY OTHER INFORMATION TECHNOLOGY BUDGET ITEM OF THE DEPARTMENT, INSTITUTION, OR AGENCY THAT WAS ALLOWED TO MAKE THE OVEREXPENDITURE; ANY OPERATING BUDGET ITEM RELATING TO THE ADMINISTRATION OF THE DEPARTMENT, INSTITUTION, OR AGENCY THAT WAS ALLOWED TO MAKE THE OVEREXPENDITURE; AND ANY OTHER OPERATING BUDGET ITEM OF THE DEPARTMENT, INSTITUTION, OR AGENCY THAT WAS ALLOWED TO MAKE THE OVEREXPENDITURE. FOR THE PURPOSES OF DETERMINING THE ITEMS OF APPROPRIATION FOR OPERATING BUDGET ITEMS TO BE RESTRICTED, THE CONTROLLER SHALL RESTRICT THE ITEMS OF APPROPRIATION THAT WOULD BE THE LEAST DISRUPTIVE TO THE OPERATIONS OF THE DEPARTMENT, INSTITUTION, OR AGENCY.

(d) THE DEPARTMENT, INSTITUTION, OR AGENCY SHALL NOT BE ALLOWED TO EXPEND ANY AMOUNT RESTRICTED PURSUANT TO THIS SUBSECTION (4) UNLESS SUCH RESTRICTION IS RELEASED IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION.

**SECTION 3.** In Colorado Revised Statutes, 24-75-301, **add** (4.5) as follows:

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

(4.5) "INFORMATION TECHNOLOGY" MEANS INFORMATION TECHNOLOGY AS DEFINED IN SECTION 24-37.5-102 (2), THE MAJORITY OF THE COMPONENTS OF WHICH HAVE A USEFUL LIFE OF AT LEAST FIVE YEARS; EXCEPT THAT "INFORMATION TECHNOLOGY" DOES NOT INCLUDE PERSONAL COMPUTER REPLACEMENT OR MAINTENANCE, UNLESS SUCH PERSONAL COMPUTER REPLACEMENT OR MAINTENANCE IS A COMPONENT OF A LARGER COMPUTER SYSTEM UPGRADE.

**SECTION 4.** In Colorado Revised Statutes, 24-75-302, **add** (3.7) as follows:

**24-75-302. Capital construction fund - capital assessment fees - calculation - information technology capital account - repeal.** (3.7) THERE IS HEREBY CREATED A SPECIAL ACCOUNT WITHIN THE CAPITAL CONSTRUCTION FUND ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO BE KNOWN AS THE

INFORMATION TECHNOLOGY CAPITAL ACCOUNT. THE ACCOUNT CONSISTS OF ANY MONEYS APPROPRIATED OR TRANSFERRED TO THE ACCOUNT BY THE GENERAL ASSEMBLY. THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS IN THE ACCOUNT FOR INFORMATION TECHNOLOGY PROJECTS. THE APPROPRIATION FOR INFORMATION TECHNOLOGY PROJECTS MUST BE SET FORTH IN A SINGLE LINE ITEM AS A TOTAL SUM. ALL UNAPPROPRIATED BALANCES IN THE ACCOUNT AT THE CLOSE OF ANY FISCAL YEAR MUST REMAIN IN THE ACCOUNT AND MAY NOT REVERT TO THE GENERAL FUND. ALL UNEXPENDED OR UNENCUMBERED MONEYS FROM AN INFORMATION TECHNOLOGY CAPITAL ACCOUNT APPROPRIATION TO A STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION FOR ANY FISCAL YEAR REVERTS TO THE ACCOUNT AT THE END OF THE PERIOD FOR WHICH THE MONEYS ARE APPROPRIATED. NO PORTION OF THE UNEXPENDED BALANCE OF A STATE AGENCY'S OR STATE INSTITUTION OF HIGHER EDUCATION'S INFORMATION TECHNOLOGY CAPITAL ACCOUNT APPROPRIATION MAY BE USED BY THE STATE AGENCY OR THE STATE INSTITUTION OF HIGHER EDUCATION FOR ANY ADDITIONAL PROJECTS THAT ARE BEYOND THE SCOPE OR DESIGN OF THE ORIGINAL PROJECT WITHOUT FURTHER APPROVAL BY THE JOINT TECHNOLOGY COMMITTEE OF SUCH ADDITIONAL PROJECT. ANTICIPATION WARRANTS OR CHECKS MAY BE ISSUED AGAINST THE REVENUES OF THE ACCOUNT AS PROVIDED BY LAW. ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE ACCOUNT MUST REMAIN IN AND BECOME PART OF THE ACCOUNT.

**SECTION 5. 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: April 24, 2015