

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

**INTRODUCED**

LLS NO. 21-0593.01 Nicole Myers x4326

**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.**

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**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.

**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.

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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 SHALL submit a written report to the committee regarding any ~~of the~~  
14 ~~instances described in paragraph (a) of this subsection~~ (6) DELEGATION OF  
15 AUTHORITY TO THE STATE AGENCY PURSUANT TO SECTION 24-37.5-105.4.  
16 THE REPORT SHALL INCLUDE A SUMMARY OF THE INFORMATION INCLUDED  
17 IN THE WRITTEN DELEGATION AGREEMENT BETWEEN THE STATE AGENCY  
18 AND THE OFFICE OF INFORMATION TECHNOLOGY PURSUANT TO SECTION  
19 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 INCLUDES AT LEAST ONE OF THE FOLLOWING: A COMPLEX  
19 SET OF CHALLENGES, A SPECIFIC LEVEL OF BUSINESS CRITICALITY, A  
20 COMPLEX GROUP OR HIGH NUMBER OF STAKEHOLDERS OR SYSTEM END  
21 USERS, A SIGNIFICANT FINANCIAL INVESTMENT, OR SECURITY OR  
22 OPERATIONAL RISK. A "MAJOR INFORMATION TECHNOLOGY PROJECT"  
23 INCLUDES, WITHOUT LIMITATION, IMPLEMENTING A NEW INFORMATION  
24 TECHNOLOGY SYSTEM OR MAINTAINING OR REPLACING AN EXISTING  
25 INFORMATION TECHNOLOGY SYSTEM.

26 (20) "NONGOVERNMENTAL ORGANIZATION" MEANS ANY  
27 SCIENTIFIC, RESEARCH, PROFESSIONAL, BUSINESS, OR PUBLIC-INTEREST

1 ORGANIZATION THAT IS NEITHER AFFILIATED WITH NOR UNDER THE  
2 DIRECTION OF THE UNITED STATES GOVERNMENT OR ANY STATE OR LOCAL  
3 GOVERNMENT.

4 ~~(3)~~ (21) "Office" means the office of information technology  
5 created pursuant to section 24-37.5-103.

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

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

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

21 ~~(3.2)~~ (25) "Project manager" means a person who is trained ~~and~~  
22 ~~experienced~~ in the leadership and management of information technology  
23 projects ~~from the commencement of such projects through their~~  
24 ~~completion~~ AND IS RESPONSIBLE FOR ORGANIZING AND LEADING THE  
25 PROJECT TEAM THAT ACCOMPLISHES ALL OF THE PROJECT DELIVERABLES.

26 ~~(3.5) Repealed.~~

27 (26) **[Formerly 24-37.5-402 (9)]** "Public agency" means every

1 state office, whether executive or judicial, and all of its respective offices,  
2 departments, divisions, commissions, boards, bureaus, and institutions.  
3 "Public agency" does not include institutions of higher education or the  
4 general assembly.

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

9 (4) (28) "State agency" means all of the departments, divisions,  
10 commissions, boards, bureaus, and institutions in the executive branch of  
11 the state government. "State agency" does not include the legislative or  
12 judicial department, the department of education, the department of law,  
13 the department of state, the department of the treasury, or state-supported  
14 institutions of higher education.

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

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

22 **24-37.5-103. Office of information technology - creation -**  
23 **information technology revolving fund - geographic information**  
24 **system coordination.** (1) There is hereby created in the office of the  
25 governor an office of information technology, the head of which shall be  
26 the chief information officer, who shall be appointed by the governor and  
27 who shall serve at the pleasure of the governor.



1           (2) ~~Repealed.~~

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

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

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

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

25           (4) **[Formerly 24-37.5-111.]** On and after July 1, 2008, all duties  
26 and responsibilities for statewide geographic information system  
27 coordination shall be transferred from the department of local affairs to

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

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

7 **24-37.5-105. Office - roles - responsibilities.** (1) THE OFFICE  
8 MAY RECEIVE AND EXPEND GIFTS, GRANTS, DONATIONS, AND BEQUESTS,  
9 SPECIFICALLY INCLUDING STATE AND FEDERAL MONEY AND OTHER MONEY  
10 AVAILABLE. THE OFFICE MAY CONTRACT WITH THE UNITED STATES AND  
11 ANY OTHER LEGAL ENTITIES WITH RESPECT TO MONEY AVAILABLE  
12 THROUGH GIFTS, GRANTS, DONATIONS, OR BEQUESTS.

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

19 (3) THE OFFICE SHALL:

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

24 (b) COORDINATE WITH STATE AGENCIES TO PROVIDE ASSISTANCE,  
25 ADVICE, AND EXPERTISE IN CONNECTION WITH BUSINESS RELATIONSHIPS  
26 BETWEEN STATE AGENCIES AND PRIVATE SECTOR PROVIDERS OF  
27 INFORMATION TECHNOLOGY RESOURCES. SUCH ASSISTANCE SHALL

1 INCLUDE EFFORTS THAT STRENGTHEN AND CREATE EFFICIENCIES IN THOSE  
2 BUSINESS RELATIONSHIPS.

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

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

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

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

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

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

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

24 (II) ENSURING THAT EVERY PROJECT IS MANAGED BY AN ASSIGNED  
25 OFFICE PROJECT MANAGER AND ENSURING THAT THE STATE AGENCY  
26 WORKING ON AN INFORMATION TECHNOLOGY CAPITAL PROJECT REPORTS  
27 TO THE OFFICE BASED ON THE GOVERNANCE STANDARDS SPECIFIED IN THIS

1 SUBSECTION (4); AND

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

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

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

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

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

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

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

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

1 TECHNOLOGY-RELATED BUDGET REQUESTS.

2 (6) **Technology purchasing for enterprises.** THE OFFICE SHALL  
3 INITIATE THE PROCUREMENT OF INFORMATION TECHNOLOGY RESOURCES  
4 FOR STATE AGENCIES AND ENTER INTO AGREEMENTS OR CONTRACTS ON  
5 BEHALF OF A STATE AGENCY, MULTIPLE AGENCIES, OR THE OFFICE, OR BE  
6 A PARTY TO PROCUREMENT CONTRACTS THAT ARE INITIATED BY STATE  
7 AGENCIES. STATE AGENCY INITIATED CONTRACTS MUST BE DONE IN  
8 CONSULTATION WITH THE OFFICE. IN CONNECTION WITH THE  
9 PROCUREMENT OF INFORMATION TECHNOLOGY RESOURCES, THE OFFICE  
10 SHALL:

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

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

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

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

24 (7) **Information technology personnel.** THE OFFICE SHALL  
25 OVERSEE HIRING, MANAGEMENT, TRAINING, AND PERFORMANCE OF ALL  
26 STATE INFORMATION TECHNOLOGY PERSONNEL EXCEPT WHEN SUCH  
27 DUTIES ARE DELEGATED PURSUANT TO SECTION 24-37.5-105.4.

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

6           (a) DEVELOP STANDARDS FOR APPLICATION DEVELOPMENT AND  
7           MAINTENANCE, INCLUDING METHODOLOGY THAT ALL STATE AGENCIES  
8           SHALL USE FOR APPLICATION DEVELOPMENT ACTIVITIES;

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

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

13          (II) IMPROVE SYSTEM INTEROPERABILITY AND DATA  
14          ACCESSIBILITY BETWEEN AGENCIES; AND

15          (III) MEET THE AGENCY'S AND USER'S BUSINESS AND SERVICE  
16          NEEDS.

17          (9) **Infrastructure.** THE OFFICE SHALL OVERSEE THE  
18          INSTALLATION OF INFORMATION TECHNOLOGY INFRASTRUCTURE AND  
19          HARDWARE, INCLUDING:

20          (a) SERVICE DELIVERY, MAINTENANCE, AND RETIREMENT OF ALL  
21          DATA CENTER, MAINFRAME, SERVERS, STORAGE AND COMPUTER  
22          RESOURCES, EMAIL AND COLLABORATION, NETWORK,  
23          TELECOMMUNICATIONS, AND END USER SUPPORT AS OUTLINED BY  
24          SERVICES AND POLICIES IN SUBSECTION (3)(f) OF THIS SECTION; AND

25          (b) IMPLEMENTING INFORMATION TECHNOLOGY STANDARDS AND  
26          SPECIFICATIONS, CHARACTERISTICS, OR PERFORMANCE REQUIREMENTS OF  
27          INFRASTRUCTURE RESOURCES THAT INCREASE EFFICIENCY AND IMPROVE

1 SECURITY AND IDENTIFY OPPORTUNITIES FOR COST SAVINGS BASED ON  
2 SUCH STANDARDIZATION.

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

5 **24-37.5-105.2. State agencies - information technology -**  
6 **responsibilities.** (1) IN CONNECTION WITH INFORMATION TECHNOLOGY,  
7 EACH STATE AGENCY SHALL:

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

10 (b) COMPLY WITH INFORMATION TECHNOLOGY REQUESTS OF THE  
11 OFFICE, THE GENERAL ASSEMBLY, THE JOINT TECHNOLOGY COMMITTEE,  
12 AND THE JOINT BUDGET COMMITTEE, AND PROVIDE EVIDENCE OF SUCH  
13 COMPLIANCE UPON REQUEST OF THE GOVERNOR, GENERAL ASSEMBLY, THE  
14 JOINT TECHNOLOGY COMMITTEE, OR THE JOINT BUDGET COMMITTEE;

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

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

20 (2) IN CONNECTION WITH ANY MAJOR INFORMATION TECHNOLOGY  
21 PROJECT THAT A STATE AGENCY PLANS TO UNDERTAKE, THE STATE  
22 AGENCY SHALL:

23 (a) CONSULT WITH THE OFFICE ON THE DEVELOPMENT OF THE  
24 MAJOR INFORMATION TECHNOLOGY PROJECT;

25 (b) BEFORE COMMENCING WORK ON THE MAJOR INFORMATION  
26 TECHNOLOGY PROJECT, SUBMIT THE PLAN TO THE OFFICE AND OBTAIN  
27 APPROVAL FROM THE OFFICE;

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

6 (d) CONSULT WITH AND OBTAIN APPROVAL FROM THE OFFICE FOR  
7 CHANGES TO THE FUNDING STRATEGY FOR THE ONGOING MAINTENANCE  
8 AND EVENTUAL DISPOSAL OF A MAJOR INFORMATION TECHNOLOGY  
9 SYSTEM.

10 (3) STATE AGENCIES HAVE THE RESPONSIBILITY FOR ENSURING  
11 PROGRAM DELIVERY AND FOR CREATING A BUSINESS CULTURE THAT  
12 PRIORITIZES MAXIMIZING VALUE FROM TECHNOLOGY AND INFORMATION  
13 TECHNOLOGY PROJECTS. STATE AGENCIES SHALL:

14 (a) UNDERSTAND AND MANAGE THE BUSINESS CRITICALITY OF  
15 THEIR SYSTEMS;

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

18 (c) ARTICULATE THE OUTCOMES OF THEIR INFORMATION  
19 TECHNOLOGY PRODUCTS AND USE PROCESSES THAT EFFECTIVELY  
20 PRIORITIZE INVESTMENTS AND IMPROVEMENTS AIMED AT ACHIEVING  
21 THOSE OUTCOMES; AND

22 (d) PLAN FOR AND MANAGE THE IMPACTS OF CHANGES RESULTING  
23 FROM INFORMATION TECHNOLOGY PROJECTS FOR STAFF AND  
24 CONSTITUENTS TO ENHANCE ADOPTION AND MAXIMIZE THE VALUE OF  
25 INFORMATION TECHNOLOGY INVESTMENTS.

26 (4) STATE AGENCY RESPONSIBILITIES FOR USER ACCESS TO ALL  
27 STATE INFORMATION TECHNOLOGY SYSTEMS, IN CONNECTION WITH



1 EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, AND OTHER USERS  
2 INCLUDE:

3 (a) ENSURING THAT USER ACCESS IS CORRECT AND THAT ALL  
4 REQUIREMENTS ARE SATISFIED;

5 (b) REQUESTING APPROPRIATE ACCESS TO INFORMATION  
6 TECHNOLOGY SYSTEMS;

7 (c) PERIODIC AUDITING OF ACCESS LEVELS; AND

8 (d) REMOVAL OF ACCESS.

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

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

16 **24-37.5-105.4. Delegation of authority.** (1) THE CHIEF  
17 INFORMATION OFFICER MAY DELEGATE AN INFORMATION TECHNOLOGY  
18 FUNCTION OF THE OFFICE TO ANOTHER STATE AGENCY BY AGREEMENT OR  
19 OTHER MEANS AUTHORIZED BY LAW. THE CHIEF INFORMATION OFFICER  
20 MAY DELEGATE AN INFORMATION TECHNOLOGY FUNCTION OF THE OFFICE  
21 IF IN THE JUDGMENT OF THE DIRECTOR OF THE STATE AGENCY AND THE  
22 CHIEF INFORMATION OFFICER:

23 (a) THE STATE AGENCY HAS REQUESTED THAT THE FUNCTION BE  
24 DELEGATED;

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

27 (c) THE FUNCTION TO BE DELEGATED IS A UNIQUE OR

1 MISSION-CRITICAL FUNCTION OF THE STATE AGENCY.

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

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

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

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

22 (c) DESIGNATION OF THE STATE AGENCY RESPONSIBLE FOR  
23 ENSURING OPERATIONAL SECURITY AND VALIDATING COMPLIANCE TO  
24 SECURITY POLICIES AND STANDARDS;

25 (d) A PROVISION FOR PERIODIC ADMINISTRATIVE AUDITS BY THE  
26 OFFICE;

27 (e) A DATE ON WHICH THE AGREEMENT SHALL TERMINATE IF THE

1 AGREEMENT HAS NOT BEEN PREVIOUSLY TERMINATED OR RENEWED; AND

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

5 (4) AN AGREEMENT TO DELEGATE FUNCTIONS TO A STATE AGENCY  
6 MAY BE TERMINATED BY THE OFFICE IF THE RESULTS OF AN  
7 ADMINISTRATIVE AUDIT CONDUCTED BY THE OFFICE REVEALS A LACK OF  
8 COMPLIANCE WITH THE TERMS OF THE AGREEMENT BY THE STATE AGENCY.

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

11 **24-37.5-106. Chief information officer - duties and**  
12 **responsibilities.** (1) THE POSITION OF CHIEF INFORMATION OFFICER SHALL  
13 BE COMMENSURATE WITH THE POSITION OF HEAD OF A PRINCIPAL  
14 DEPARTMENT AND SHALL BE A MEMBER OF THE GOVERNOR'S CABINET.

15 (2) THE CHIEF INFORMATION OFFICER SHALL:

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

24 (b) ADVISE THE JOINT TECHNOLOGY COMMITTEE AND THE JOINT  
25 BUDGET COMMITTEE ON REQUESTED OR ONGOING INFORMATION  
26 TECHNOLOGY PROJECTS, INCLUDING THE ADHERENCE OF THE OFFICE TO  
27 THE BUDGET, AMOUNTS APPROPRIATED, AND RELEVANT CONTRACT

1 DEADLINE DATES OR SCHEDULES FOR THOSE PROJECTS;

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

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

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

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

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

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

27 **24-37.5-118. Change of references - director to revisor of**

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

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

11 **24-37.5-404. Public agencies - information security plans.**

12 (1) On or before July 1 of each year, IN ACCORDANCE WITH THE RULES  
13 PROMULGATED BY THE OFFICE IN SUPPORT OF THIS PART 4, each public  
14 agency shall develop an information security plan utilizing the  
15 information security policies, standards, and guidelines developed by the  
16 chief information security officer. The information security plan shall  
17 provide information security for the communication and information  
18 resources that support the operations and assets of the public agency.

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

21 **24-37.5-404.5. Institutions of higher education - information**

22 **security plans.** (3) (a) ~~On or before July 1, 2011, and on or before July~~  
23 ~~1 each year thereafter,~~ EVERY THREE YEARS, IN ACCORDANCE WITH THE  
24 SCHEDULE SPECIFIED IN SUBSECTION (3)(b) OF THIS SECTION, each  
25 institution of higher education shall submit to the department of higher  
26 education a report concerning the development and implementation of the  
27 institution's information security program and compliance with the

1 requirements specified in subsection (2) of this section. Upon receipt of  
2 the reports, the department of higher education shall review the reports  
3 and subsequently submit the reports to the chief information security  
4 officer.

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

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

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

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

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

22 PART 7

23 INTERDEPARTMENTAL DATA PROTOCOL

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

26 (a) EACH STATE AGENCY, THROUGH THE PROVISIONS OF  
27 GOVERNMENTAL SERVICES, COLLECTS A SIGNIFICANT AMOUNT OF DATA

1 ABOUT PERSONS HAVING INTERACTIONS WITH THE STATE AGENCY;

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

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

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

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

24 **24-37.5-702. Government data advisory board - created -**  
25 **duties - definition.** (1) (a) THERE IS HEREBY CREATED IN THE OFFICE THE  
26 GOVERNMENT DATA ADVISORY BOARD, WHICH CONSISTS OF THE MEMBERS  
27 SPECIFIED IN THIS SUBSECTION (1).

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

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

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

16 (I) THE GOVERNOR, AS HE OR SHE DEEMS APPROPRIATE, MAY  
17 SELECT A MEMBER FROM ONE OR MORE POLITICAL SUBDIVISIONS OF THE  
18 STATE, INCLUDING A CITY, COUNTY, CITY AND COUNTY, OR SPECIAL  
19 PURPOSE AUTHORITY;

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

23 (III) THE CHIEF JUSTICE OF THE SUPREME COURT, AS HE OR SHE  
24 DEEMS APPROPRIATE, MAY SELECT A MEMBER FROM THE JUDICIAL  
25 DEPARTMENT; AND

26 (IV) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE  
27 PRESIDENT OF THE SENATE MAY JOINTLY SELECT A MEMBER OF THE JOINT



1 TECHNOLOGY COMMITTEE CREATED IN SECTION 2-3-1702.

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

7 (b) THE OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE AND  
8 SUPPORT, TO THE EXTENT PRACTICABLE WITHIN EXISTING RESOURCES, TO  
9 ASSIST THE ADVISORY BOARD IN COMPLETING THE DUTIES SPECIFIED IN  
10 SUBSECTION (3) OF THIS SECTION.

11 (3) THE ADVISORY BOARD SHALL:

12 (a) DEVELOP AND UPDATE A STANDARD LEXICON FOR  
13 DATA-SHARING AND DATA GOVERNANCE, TO ENSURE DATA PROVIDERS  
14 AND RECIPIENTS HAVE A CLEAR AND CONSISTENT UNDERSTANDING OF THE  
15 REQUIREMENTS AND EXPECTATIONS RELATED TO DATA-SHARING;

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

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

23 (d) IDENTIFY AND DOCUMENT BEST PRACTICES AND STANDARDS  
24 FOR HOW STATE AGENCIES SHOULD PERFORM DATA MANAGEMENT;

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

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

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

8 (a) OUTLINE THE ACCOMPLISHMENTS WITHIN THE ADVISORY  
9 BOARD'S DUTIES;

10 (b) PROVIDE RECOMMENDATIONS FOR FUTURE WORK; AND

11 (c) OUTLINE THE PROGRESS OF SHARING DATA AMONG STATE  
12 AGENCIES AND ENTITIES AND WITH LOCAL GOVERNMENTS AND  
13 NONGOVERNMENTAL ORGANIZATIONS.

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

21 **24-37.5-703. Interdepartmental data protocol - contents.**

22 (1) THE CHIEF INFORMATION OFFICER, OR THE CHIEF INFORMATION  
23 OFFICER'S DESIGNEE, IN COORDINATION WITH THE GOVERNMENT DATA  
24 ADVISORY BOARD, MUST PUBLISH ON OR BEFORE NOVEMBER 1, 2022, AN  
25 INTEROPERABILITY DATA FRAMEWORK AND PROTOCOL AIMED AT  
26 PROMOTING INTEROPERABILITY OF DATA MODELS ACROSS STATE  
27 AGENCIES, WITH THE GOAL OF MINIMIZING DUPLICATION OF RECORDS,

1 ENHANCING SECURITY, AND INCREASING THE STATE'S CAPABILITY TO  
2 MONITOR AND AUDIT DATA-SHARING TRANSACTIONS. AT A MINIMUM, THE  
3 INTEROPERABILITY DATA FRAMEWORK SHALL:

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

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

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

20 (a) DEFINING PROCESSES FOR MANAGING DATA THROUGHOUT THE  
21 DATA MANAGEMENT LIFECYCLE;

22 (b) ESTABLISHING THE CIRCUMSTANCES UNDER WHICH AND THE  
23 REASONS THAT A STATE AGENCY MAY SHARE INFORMATION WITH  
24 ANOTHER STATE AGENCY, A POLITICAL SUBDIVISION, OR A  
25 NONGOVERNMENTAL ORGANIZATION;

26 (c) ENSURING COMPLIANCE WITH ALL STATE AND FEDERAL LAWS  
27 AND REGULATIONS CONCERNING THE PRIVACY OF INFORMATION,

1 INCLUDING BUT NOT LIMITED TO THE FEDERAL "FAMILY EDUCATIONAL  
2 RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AND THE  
3 FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT  
4 OF 1996", 42 U.S.C. SEC. 1320d TO 1320d-9; AND

5 (d) ESTABLISHING A PROTOCOL THAT SECURES ALL PERSONAL  
6 IDENTIFYING INFORMATION COLLECTED AND DEVELOPING STANDARDS TO  
7 MINIMIZE THE COLLECTION OF PERSONAL IDENTIFYING INFORMATION.

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

24 **24-37.5-704. Data-sharing - authorization.** (1) EXCEPT AS  
25 SPECIFICALLY PROHIBITED BY STATE OR FEDERAL LAWS, AND IN  
26 ACCORDANCE WITH APPLICABLE STATE AND FEDERAL PRIVACY LAWS AND  
27 POLICIES, EACH STATE AGENCY IS AUTHORIZED, IN ACCORDANCE WITH THE

1 PROVISIONS OF THE INTERDEPARTMENTAL DATA PROTOCOL, TO SHARE  
2 DATA COLLECTED IN THE COURSE OF PERFORMING ITS POWERS AND DUTIES  
3 WITH THE FOLLOWING ENTITIES:

- 4 (a) OTHER STATE AGENCIES;
- 5 (b) THE LEGISLATIVE AND JUDICIAL DEPARTMENTS;
- 6 (c) POLITICAL SUBDIVISIONS; AND
- 7 (d) NONGOVERNMENTAL ORGANIZATIONS AND INDIVIDUALS.

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

- 16 (a) OTHER STATE AGENCIES;
- 17 (b) THE LEGISLATIVE AND JUDICIAL DEPARTMENTS;
- 18 (c) POLITICAL SUBDIVISIONS; AND
- 19 (d) NONGOVERNMENTAL ORGANIZATIONS AND INDIVIDUALS.

20 (3) IN ORDER TO FURTHER THE DEVELOPMENT AND  
21 IMPLEMENTATION OF THE INTERDEPARTMENTAL DATA PROTOCOL, EACH  
22 STATE AGENCY SHALL:

- 23 (a) PROVIDE INPUT AND COORDINATE WITH THE OFFICE AND THE  
24 GOVERNMENT DATA ADVISORY BOARD AS NECESSARY TO SUPPORT THE  
25 DEVELOPMENT OF THE NECESSARY DATA GOVERNANCE FRAMEWORK AND  
26 PROTOCOL DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION;

- 27 (b) CONDUCT AN INVENTORY OF ITS OWN DATA ASSETS, INCLUDING

1 SENSITIVITY AND CLASSIFICATION, AND PROVIDE THE INVENTORY TO THE  
2 OFFICE;

3 (c) DEVELOP A PROCESS FOR ONGOING MONITORING OF NEW DATA  
4 ACQUIRED BY THE STATE AGENCY AND ESTABLISH A DATA RETENTION  
5 POLICY FOR ALL DATA; AND

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

11 **24-37.5-705. Interdepartmental data protocol cash fund -**  
12 **created - legislative intent - repeal.** (1) THE CHIEF INFORMATION  
13 OFFICER IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR  
14 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS  
15 PART 7. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS,  
16 GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE  
17 TREASURER, WHO SHALL CREDIT THE SAME TO THE INTERDEPARTMENTAL  
18 DATA PROTOCOL CASH FUND, WHICH FUND IS HEREBY CREATED AND  
19 REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEY IN THE FUND  
20 IS CONTINUOUSLY APPROPRIATED TO THE OFFICE OF INFORMATION  
21 TECHNOLOGY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE  
22 IMPLEMENTATION OF THIS PART 7. THE CHIEF INFORMATION OFFICER AND  
23 THE OFFICE OF INFORMATION TECHNOLOGY SHALL NOT BE REQUIRED TO  
24 IMPLEMENT THE PROVISIONS OF THIS PART 7 UNTIL SUCH TIME AS AT LEAST  
25 ONE HUNDRED THIRTEEN THOUSAND FIVE HUNDRED DOLLARS ARE  
26 CREDITED TO THE FUND. IT IS THE INTENT OF THE GENERAL ASSEMBLY  
27 THAT THE PROVISIONS OF THIS PART 7 BE IMPLEMENTED WITHOUT THE USE

1 OF STATE MONEY.

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

9 (3) THE STATE TREASURER SHALL TRANSFER ANY UNEXPENDED  
10 AND UNENCUMBERED MONEY REMAINING IN THE FUND ON SEPTEMBER 1,  
11 2021, TO THE INFORMATION TECHNOLOGY REVOLVING FUND CREATED IN  
12 SECTION 24-37.5-103 (3).

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

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

16 **24-37.5-801. Information technology asset inventory - refresh**  
17 **cycle schedule - report.** ~~(1) On or before November 1, 2014, and on or~~  
18 ~~before~~ November 1 each year, ~~thereafter~~, the office shall submit a report  
19 to the members of the joint budget committee and the joint technology  
20 committee of the general assembly regarding the office's information  
21 technology asset inventory and the office's refresh cycle schedule,  
22 including cost projections. The office shall ~~phase in the information to be~~  
23 ~~included in the report over four years as follows:~~ INCLUDE IN THE REPORT  
24 OPERATING SYSTEMS AND PRODUCTIVITY SOFTWARE, NETWORK  
25 INFRASTRUCTURE SERVERS, AND NONPRODUCTIVITY SOFTWARE.

26 ~~(a) In the report due on or before November 1, 2014, the office~~  
27 ~~shall include asset inventory and refresh cycle information for personal~~

1 computers, including operating systems and productivity software;

2 (b) In the report due on or before November 1, 2015, the office  
3 shall include the information specified in paragraph (a) of this subsection  
4 (1) and asset inventory and refresh cycle schedule information for  
5 network infrastructure;

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

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

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

16 **2-3-103. Duties of state auditor - definition.** (10) As used in this  
17 section, unless the context otherwise requires:

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

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

22 **24-30-202. Procedures - vouchers, warrants, and checks -**  
23 **rules - penalties - definitions.** (1) No disbursements shall be made in  
24 payment of any liability incurred on behalf of the state, other than from  
25 petty cash or by any alternative means of payment approved by fiscal rule  
26 promulgated by the controller, unless there has been previously filed with  
27 the office of the state controller a commitment voucher. The commitment



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

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

21 **24-37.5-117. Use of technology to interact with citizens -**  
22 **working group - strategic plan.** (1) The office shall convene a working  
23 group of state agencies, as defined in ~~section 24-37.5-102 (4)~~ SECTION  
24 24-37.5-102 (28), to develop and implement a strategic plan for how state  
25 agencies use technology to provide services, data, and information to  
26 citizens and businesses. The office shall implement the plan on or before  
27 July 1, 2020.

1           **SECTION 18.** In Colorado Revised Statutes, 24-75-301, **amend**  
2 (4.5) as follows:

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

5           (4.5) "Information technology" means information technology as  
6 defined in section ~~24-37.5-102(2)~~ SECTION 24-37.5-102 (12), the majority  
7 of the components of which have a useful life of at least five years;  
8 except that "information technology" does not include personal computer  
9 replacement or maintenance, unless such personal computer replacement  
10 or maintenance is a component of a larger computer system upgrade.

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

13           **24-101-301. Definitions.** The terms defined in this section shall  
14 have the following meanings whenever they appear in this code, unless  
15 the context in which they are used clearly requires a different meaning or  
16 a different definition is prescribed for a particular article or portion  
17 thereof:

18           (28) "Procurement" means buying, purchasing, renting, leasing,  
19 or otherwise acquiring any supplies, services, or construction.  
20 "Procurement" includes all functions that pertain to the obtaining of any  
21 supply, service, or construction, including description of requirements,  
22 selection and solicitation of sources, preparation and award of contract,  
23 and all phases of contract administration. "Procurement" also includes the  
24 procurement of information technology as defined in section ~~24-37.5-102~~  
25 (~~2~~) SECTION 24-37.5-102 (11).

26           **SECTION 20. Repeal of provisions being relocated in this act.**  
27 In Colorado Revised Statutes, **repeal** 24-37.5-104 (6)(g) and (7)(h)(IV),

1 24-37.5-111, 24-37.5-112, 24-37.5-402, and 24-37.5-702.

2           **SECTION 21.** In Colorado Revised Statutes, **repeal** 24-37.5-104  
3 (1) to (5), 24-37.5-104 (6)(a) to (6)(f), 24-37.5-104 (7)(a) to (7)(h)(III),  
4 24-37.5-107, 24-37.5-108, 24-37.5-109, 24-37.5-110, 24-37.5-114,  
5 24-37.5-407, part 6 of article 37.5 of title 24, and 24-37.5-804.

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