

## CHAPTER 211

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**GOVERNMENT - STATE**

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## HOUSE BILL 21-1236

BY REPRESENTATIVE(S) Titone and Baisley, Bennett, Pico, Ricks, Valdez D., Woodrow;  
also SENATOR(S) Bridges and Priola, Kolker, Rankin.

**AN ACT**

**CONCERNING THE MODIFICATION OF CERTAIN STATUTORY PROVISIONS TO REFLECT THE CURRENT  
STATE INFORMATION TECHNOLOGY ENVIRONMENT.**

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

**SECTION 1.** In Colorado Revised Statutes, 2-3-1701, **amend** (2), (2.5), and (4) as follows:

**2-3-1701. Definitions.** As used in this part 17:

(2) (a) "Information technology" means ~~information technology and computer-based equipment and related services designed for the storage, manipulation, and retrieval of data by electronic or mechanical means, or both. The term includes but is not limited to:~~ TECHNOLOGY, INFRASTRUCTURE, EQUIPMENT, SYSTEMS, SOFTWARE, CONTROLLING, DISPLAYING, SWITCHING, INTERCHANGING, TRANSMITTING, AND RECEIVING DATA OR INFORMATION, INCLUDING AUDIO, VIDEO, GRAPHICS, AND TEXT. "INFORMATION TECHNOLOGY" SHALL BE CONSTRUED BROADLY TO INCORPORATE FUTURE TECHNOLOGIES THAT CHANGE OR SUPPLANT THOSE IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2).

~~(f) Central processing units, servers for all functions, and equipment and systems supporting communications networks;~~

~~(H) All related services, including feasibility studies, systems design, software development, system testing, external off-site storage, and network services, whether provided by state employees or by others;~~

~~(III) The systems, programs, routines, and processes used to employ and control the capabilities of data processing hardware, including operating systems,~~

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

compilers, assemblers, utilities, library routines, maintenance routines, applications, application testing capabilities, storage system software, hand-held device operating systems, and computer networking programs;

(IV) The application of electronic information processing hardware, software, or telecommunications to support state government business processes:

~~(b) "Information technology" does not mean post-implementation support, hardware life-cycle replacement, or routine maintenance.~~

(2.5) (a) "Information technology budget request" means a budget request from a state agency or state institution of higher education for the installation, development, MAINTENANCE, or upgrade of information technology, including the purchase of services from the office of information technology on the condition that the use of such services is the most cost beneficial option or falls within the duties and responsibilities of the office of information technology or the office's chief information officer as described in sections 24-37.5-105 and 24-37.5-106. ~~C.R.S.~~ "Information technology budget request" does not include budget requests that are primarily operational in nature or a budget request where the majority of funding will be used to support or modify state staffing levels.

~~(b) For purposes of this subsection (2.5), "information technology" means information technology as defined in section 24-37.5-102 (2), C.R.S., 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.~~

(4) "Oversee" means reviews of major information technology projects as defined in ~~section 24-37.5-102 (2.6)~~ SECTION 24-37.5-102 (19), reviews of the office's budget requests for information technology projects, and ensuring that information technology projects follow best practice standards as established by the office of information technology. "Oversee" does not include interference with the office's general responsibilities set forth in this article 3.

**SECTION 2.** In Colorado Revised Statutes, 2-3-1704, **amend** (1)(e), (6), (7), and (11)(e); and **repeal** (1)(d) and (4) as follows:

**2-3-1704. Powers and duties of the joint technology committee.** (1) The committee oversees the office of information technology, including but not limited to:

~~(d) The office of information technology's responsibilities related to the statewide communications and information infrastructure as set forth in section 24-37.5-108, C.R.S.; and~~

~~(e) The office of information technology's responsibilities related to the geographic information system as set forth in section 24-37.5-111, C.R.S. SECTION 24-37.5-103 (4).~~

(4) The committee oversees the general government computer center established

~~in part 6 of article 37.5 of title 24, C.R.S.~~

(6) (a) The committee oversees a state agency regarding ANY AUTHORITY THAT HAS BEEN DELEGATED TO THE STATE AGENCY PURSUANT TO SECTION 24-37.5-105.4.

~~(I) Any information technology purchased or implemented that is not managed or approved through the office of information technology;~~

~~(II) Any information technology that a state agency purchased or implemented that does not follow the standards set by the office of information technology; and~~

~~(III) Any information technology that a state agency purchased or implemented that has the same function as information technology that the office of information technology has already created, purchased, or implemented.~~

(b) On or before ~~November 1, 2013~~ NOVEMBER 1, 2021, and on November 1 of each year thereafter, ~~all state agencies are encouraged to~~ THE OFFICE OF INFORMATION TECHNOLOGY SHALL submit a written report to the committee regarding any ~~of the instances described in paragraph (a) of this subsection (6)~~ DELEGATION OF AUTHORITY TO THE STATE AGENCY PURSUANT TO SECTION 24-37.5-105.4. THE REPORT SHALL INCLUDE A SUMMARY OF THE INFORMATION INCLUDED IN THE WRITTEN DELEGATION AGREEMENT BETWEEN THE STATE AGENCY AND THE OFFICE OF INFORMATION TECHNOLOGY PURSUANT TO SECTION 24-37.5-105.4 (3).

(7) On or before November 1, 2013, and on November 1 of each year thereafter, the judicial department, the department of law, the department of state, and the department of the treasury ~~are encouraged to~~ SHALL submit a written report to the committee that details all information technology that such department purchased or implemented.

(11) (e) The committee ~~has the duty to forecast the state's requirements for future~~ SHALL OVERSEE information technology budget requests ~~as may be necessary or desirable for adequate presentation of the planning and implementation of such projects~~ STRATEGY THROUGH THE REVIEW OF STATE AGENCY INFORMATION TECHNOLOGY PLANS.

**SECTION 3.** In Colorado Revised Statutes, 24-33.5-1902, **amend** (1) and (2)(q); **repeal** (2)(g), (2)(h), (2)(i), (2)(j), (2)(k), (2)(n), (2)(o), and (2)(r); and **add** (2)(s), (2)(t), (2)(u), and (2)(v) as follows:

**24-33.5-1902. Colorado cybersecurity council - creation - council members.**

(1) There is created in the department of public safety and within existing resources the Colorado cybersecurity council. The council operates as a steering group to develop cybersecurity policy guidance for the governor; develop comprehensive sets of prioritized goals, requirements, initiatives, and milestones; and coordinate with the general assembly and the judicial branch regarding cybersecurity as deemed necessary and appropriate by the council. IN ADDITION, THE COUNCIL MAY:

(a) DEVELOP A WHOLE-OF-STATE CYBERSECURITY APPROACH FOR THE STATE AND FOR LOCAL GOVERNMENTS, INCLUDING THE COORDINATION AND SETTING OF

STRATEGIC STATEWIDE CYBERSECURITY GOALS, ROADMAPS, AND BEST PRACTICES;

(b) REVIEW THE NEED TO CONDUCT RISK ASSESSMENTS OF LOCAL GOVERNMENT SYSTEMS, PROVIDING ADDITIONAL CYBERSECURITY SERVICES TO LOCAL GOVERNMENTS, AND PROPOSING NECESSARY STATUTORY OR POLICY CHANGES, INCLUDING THE DETERMINATION OF OWNERSHIP FOR THESE CAPABILITIES;

(c) MAKE RECOMMENDATIONS TO THE GOVERNOR AND GENERAL ASSEMBLY ON THE AUTHORITY AND ACTIVITIES OF THE STATE CHIEF INFORMATION SECURITY OFFICER WITH LOCAL GOVERNMENTS BY JULY 1, 2022.

(2) The Colorado cybersecurity council is comprised of the following members:

~~(g) The director of the Colorado office of economic development, or the director's designee;~~

~~(h) The aerospace and defense industry champion in the Colorado office of economic development;~~

~~(i) The director of the governor's office of state planning and budgeting, or the director's designee;~~

~~(j) The executive director of the department of revenue, or the executive director's designee;~~

~~(k) The state controller;~~

~~(n) Representatives from institutions of higher education deemed necessary and appropriate by the governor;~~

~~(o) The state auditor, or the state auditor's designee; except that the state auditor or the state auditor's designee shall be a nonvoting member of the council and shall act solely in an advisory capacity with respect to the council's activities;~~

~~(q) The director of the division of homeland security and emergency management in the department of public safety, or the director's designee; and~~

~~(r) Any other person deemed necessary and appropriate by the governor.~~

(s) A REPRESENTATIVE OF AN ORGANIZATION THAT REPRESENTS COLORADO MUNICIPAL GOVERNMENTS;

(t) THE SECRETARY OF STATE OR THE SECRETARY'S DESIGNEE;

(u) TWO REPRESENTATIVES FROM COUNTY GOVERNMENTS, ONE OF WHOM REPRESENTS A RURAL COUNTY; AND

(v) ANY OTHER PERSON DEEMED NECESSARY AND APPROPRIATE BY THE GOVERNOR.

**SECTION 4.** In Colorado Revised Statutes, 24-33.5-1903, **amend** (2)(f) and

(2)(g); and **add** (2)(h) as follows:

**24-33.5-1903. Cyber operation center - coordination of missions.** (2) In furtherance of the provisions of subsection (1) of this section, the coordinating entities may:

(f) Establish protocols for coordinating and sharing information with state and federal law enforcement and intelligence agencies responsible for investigating and collecting information related to cyber-based criminal and national security threats; **and**

(g) Support state and federal law enforcement agencies with their responsibilities to investigate and prosecute threats to and attacks against critical infrastructure; **AND**

(h) ENSURE THE COORDINATION OF CYBERSECURITY THREAT INFORMATION SHARING AMONG THE COLORADO BUREAU OF INVESTIGATION, THE OFFICE OF PREVENTION AND SECURITY, THE OFFICE OF INFORMATION TECHNOLOGY, AND PARTICIPATING MEMBERS OF THE FEDERAL BUREAU OF INVESTIGATION'S CYBERSECURITY TASK FORCE OR SUCCESSOR ORGANIZATION.

**SECTION 5.** In Colorado Revised Statutes, **amend with relocated provisions** 24-37.5-102 as follows:

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

(1) **[Formerly 24-37.5-702 (1)]** "Advisory board" means the government data advisory board created in ~~section 24-37.5-703~~ SECTION 24-37.5-702.

(2) **[Formerly 24-37.5-402 (1)]** "Availability" means the timely and reliable access to and use of information created, generated, collected, or maintained by a public agency.

~~(3)~~ (3) "Chief information officer" means the chief information officer appointed pursuant to section 24-37.5-103.

~~(1.3) Repeated.~~

(4) **[Formerly 24-37.5-402 (3)]** "Confidentiality" means the preservation of authorized restrictions on information access and disclosure, including the means for protecting personal privacy and proprietary information.

(5) "DATA" MEANS FACTS THAT CAN BE COLLECTED, ANALYZED, OR USED IN AN EFFORT TO GAIN KNOWLEDGE OR MAKE DECISIONS, AND THAT ARE REPRESENTED AS TEXTS, NUMBERS, GRAPHICS, IMAGES, SOUNDS, AND VIDEOS.

(6) "DATA MANAGEMENT" MEANS DEVELOPMENT AND EXECUTION OF ARCHITECTURES, POLICIES, PRACTICES, AND PROCEDURES THAT PROPERLY MANAGE THE CREATION, COLLECTION, PROTECTION, SHARING, ANALYSIS, TRANSMISSION, STORAGE, AND DESTRUCTION OF DATA.

(7) ~~[Formerly 24-37.5-402 (4)]~~ "Department of higher education" means the Colorado commission on higher education, collegeinvest, the Colorado student loan program, the Colorado college access network, the private occupational school division, and the state historical society.

~~(1.5)~~ (8) "Disaster recovery" means the provisioning of THE OFFICE'S PROVIDED services for operational recovery, readiness, response, and transition of information technology applications, systems, or resources.

(9) "ENTERPRISE" MEANS:

(a) INFORMATION TECHNOLOGY SERVICES THAT CAN BE APPLIED ACROSS STATE GOVERNMENT; AND

(b) SUPPORT FOR INFORMATION TECHNOLOGY THAT CAN BE APPLIED ACROSS STATE GOVERNMENT, INCLUDING:

(I) TECHNICAL SUPPORT;

(II) SOFTWARE;

(III) HARDWARE;

(IV) PEOPLE; AND

(V) STANDARDS.

~~(1.6) "Enterprise agreement" means any agreement for the purchase of information technology or for the purchase of goods or services that are related to information technology that the office enters into for the benefit of the state and that is created in furtherance of the office's requirements or responsibilities specified in this article.~~

~~(1.7) "Enterprise facility" means any facility, including state offices, state warehouses, state leased spaces, and vendor facilities, that the office designates as a facility where state data, equipment, information technology, or goods related to information technology will be located or where services related to information technology will be performed.~~

~~(1.8) "Independent verification and validation" means ensuring that a product, service, or system meets required specifications and that it fulfills its intended purpose. The review of such product, service, or system is typically performed by an independent third party.~~

~~(1.9)~~ (10) "Information security" means the protection of communication and information resources from unauthorized access, use, disclosure, disruption, modification, or destruction in order to:

(a) ~~Prevent improper information modification or destruction~~ PROTECT AGAINST THEFT OR MISAPPROPRIATION OF INFORMATION, AS WELL AS IMPROPER ACCESS, MODIFICATION, DEGRADATION, OR DESTRUCTION OF INFORMATION;

- (b) Preserve authorized restrictions on information access and disclosure;
- (c) Ensure timely and reliable access to and use of information; and
- (d) Maintain the confidentiality, integrity, and availability of information.

(11) **[Formerly 24-37.5-402 (6)]** "Information security plan" means the plan developed by a public agency pursuant to section 24-37.5-404.

~~(2) "Information technology" means information technology and computer-based equipment and related services designed for the 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, servers for all functions, network routers, 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, and equipment and systems supporting communications networks;~~

~~(b) All related services, including feasibility studies, systems design, software development, system testing, external off-site storage, and network services, whether provided by state employees or by others;~~

~~(c) The systems, programs, 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; and~~

~~(d) The application of electronic information processing hardware, software, or telecommunications to support state government business processes.~~

(12) "INFORMATION TECHNOLOGY" MEANS TECHNOLOGY, INFRASTRUCTURE, EQUIPMENT, SYSTEMS, SOFTWARE, CONTROLLING, DISPLAYING, SWITCHING, INTERCHANGING, TRANSMITTING, AND RECEIVING DATA OR INFORMATION, INCLUDING AUDIO, VIDEO, GRAPHICS, AND TEXT. "INFORMATION TECHNOLOGY" SHALL BE CONSTRUED BROADLY TO INCORPORATE FUTURE TECHNOLOGIES THAT CHANGE OR SUPPLANT THOSE IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (12).

(13) "INFRASTRUCTURE" MEANS DATA AND TELECOMMUNICATIONS NETWORKS, DATA CENTER SERVICES, WEBSITE HOSTING AND PORTAL SERVICES, AND SHARED ENTERPRISE SERVICES SUCH AS EMAIL AND DIRECTORY SERVICES; EXCEPT THAT "INFRASTRUCTURE" DOES NOT INCLUDE THE PROVISION OF WEBSITE INFORMATION ARCHITECTURE AND CONTENT.

(14) **[Formerly 24-37.5-402 (7)]** "Institution of higher education" means a state-supported institution of higher education.

(15) **[Formerly 24-37.5-402 (8)]** "Integrity" means the prevention of improper

information modification or destruction and ensuring information nonrepudiation and authenticity.

(16) **[Formerly 24-37.5-702 (4)]** "Interdepartmental data protocol" means file sharing and governance policies, processes, and procedures that permit the merging of data for the purposes of policy analysis and determination of program effectiveness.

~~(2.3)~~ (17) "Joint technology committee" means the joint technology committee created in section 2-3-1702. ~~C.R.S.~~

~~(2.5)~~ (18) "Local government" means the government of any county, city and county, home rule or statutory city, town, special district, or school district.

~~(2.6) (a)~~ "Major information technology project" means a project of state government, excluding the department of education through June 30, 2019, that has a significant information technology component, including, without limitation, the replacement of an existing information technology system.

~~(b)~~ As used in this subsection ~~(2.6)~~, "significant" means the project has a specific level of business criticality and manifests either a security risk or an operational risk as determined by a comprehensive risk assessment performed by the office.

(19) "MAJOR INFORMATION TECHNOLOGY PROJECT" MEANS A PROJECT THAT CONSIDERS RISK, IMPACT ON EMPLOYEES AND CITIZENS, AND BUDGET, AND THAT INCLUDES AT LEAST ONE OF THE FOLLOWING: A COMPLEX SET OF CHALLENGES, A SPECIFIC LEVEL OF BUSINESS CRITICALITY, A COMPLEX GROUP OR HIGH NUMBER OF STAKEHOLDERS OR SYSTEM END USERS, A SIGNIFICANT FINANCIAL INVESTMENT, OR SECURITY OR OPERATIONAL RISK. A "MAJOR INFORMATION TECHNOLOGY PROJECT" INCLUDES, WITHOUT LIMITATION, IMPLEMENTING A NEW INFORMATION TECHNOLOGY SYSTEM OR MAINTAINING OR REPLACING AN EXISTING INFORMATION TECHNOLOGY SYSTEM.

(20) "NONGOVERNMENTAL ORGANIZATION" MEANS ANY SCIENTIFIC, RESEARCH, PROFESSIONAL, BUSINESS, OR PUBLIC-INTEREST ORGANIZATION THAT IS NEITHER AFFILIATED WITH NOR UNDER THE DIRECTION OF THE UNITED STATES GOVERNMENT OR ANY STATE OR LOCAL GOVERNMENT.

~~(2)~~ (21) "Office" means the office of information technology created pursuant to section 24-37.5-103.

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

(23) **[Formerly 24-37.5-702 (6)]** "Political subdivision" means a municipality,

county, city and county, town, or school district in this state.

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

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

~~(3.5) Repealed.~~

(26) [Formerly 24-37.5-402 (9)] "Public agency" means every state office, whether executive or judicial, and all of its respective offices, departments, divisions, commissions, boards, bureaus, and institutions. "Public agency" does not include institutions of higher education or the general assembly.

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

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

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

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

**24-37.5-103. Office of information technology - creation - information technology revolving fund - geographic information system coordination.**

(1) There is hereby created in the office of the governor an office of information technology, the head of which shall be the chief information officer, who shall be appointed by the governor and who shall serve at the pleasure of the governor.

~~(2) Repealed.~~

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

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

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

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

(4) **[Formerly 24-37.5-111.]** On and after July 1, 2008, all duties and responsibilities for statewide geographic information system coordination shall be transferred from the department of local affairs to the office. The office shall develop a statewide geographic information system plan on or before July 1, 2010, and submit such plan to the governor and to the state, veterans, and military affairs committees of the senate and the house of representatives, or their successor committees.

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

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

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

(3) THE OFFICE SHALL:

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

(b) COORDINATE WITH STATE AGENCIES TO PROVIDE ASSISTANCE, ADVICE, AND

EXPERTISE IN CONNECTION WITH BUSINESS RELATIONSHIPS BETWEEN STATE AGENCIES AND PRIVATE SECTOR PROVIDERS OF INFORMATION TECHNOLOGY RESOURCES. SUCH ASSISTANCE SHALL INCLUDE EFFORTS THAT STRENGTHEN AND CREATE EFFICIENCIES IN THOSE BUSINESS RELATIONSHIPS.

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

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

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

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

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

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

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

(II) ENSURING THAT EVERY PROJECT IS MANAGED BY AN ASSIGNED PROJECT MANAGER AND ENSURING THAT THE STATE AGENCY WORKING ON AN INFORMATION TECHNOLOGY CAPITAL PROJECT REPORTS TO THE OFFICE BASED ON THE GOVERNANCE STANDARDS SPECIFIED IN THIS SUBSECTION (4); AND

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

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

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

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

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

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

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

(b) 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 INFORMATION TECHNOLOGY PLANS AND TECHNOLOGY-RELATED BUDGET REQUESTS.

(6) **Technology purchasing for enterprises.** THE OFFICE MAY INITIATE THE PROCUREMENT OF INFORMATION TECHNOLOGY RESOURCES FOR STATE AGENCIES AND ENTER INTO AGREEMENTS OR CONTRACTS ON BEHALF OF A STATE AGENCY, MULTIPLE AGENCIES, OR THE OFFICE, OR BE A PARTY TO PROCUREMENT CONTRACTS THAT ARE INITIATED BY STATE AGENCIES. STATE AGENCY INITIATED CONTRACTS MUST BE DONE IN CONSULTATION WITH THE OFFICE, AND MUST INCLUDE PROVISIONS ALLOWING THE OFFICE TO ENFORCE TECHNOLOGY AND SECURITY STANDARDS OR CONDUCT DUE DILIGENCE OR AUDITS OF THE CONTRACTORS. IN CONNECTION WITH THE PROCUREMENT OF INFORMATION TECHNOLOGY RESOURCES, THE OFFICE SHALL:

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

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

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

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

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

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

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

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

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

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

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

(9) **Infrastructure.** THE OFFICE SHALL OVERSEE THE INFORMATION TECHNOLOGY INFRASTRUCTURE AND HARDWARE, INCLUDING:

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

(b) IMPLEMENTING INFORMATION TECHNOLOGY STANDARDS AND SPECIFICATIONS, CHARACTERISTICS, OR PERFORMANCE REQUIREMENTS OF INFRASTRUCTURE RESOURCES THAT INCREASE EFFICIENCY AND IMPROVE SECURITY AND IDENTIFY OPPORTUNITIES FOR COST SAVINGS BASED ON SUCH STANDARDIZATION.

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

**24-37.5-105.2. State agencies - information technology - responsibilities.**

(1) IN CONNECTION WITH INFORMATION TECHNOLOGY, EACH STATE AGENCY SHALL:

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

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

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

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

(2) IN CONNECTION WITH ANY MAJOR INFORMATION TECHNOLOGY PROJECT THAT

A STATE AGENCY PLANS TO UNDERTAKE, THE STATE AGENCY SHALL:

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

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

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

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

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

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

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

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

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

(4) STATE AGENCY RESPONSIBILITIES FOR USER ACCESS TO ALL STATE INFORMATION TECHNOLOGY SYSTEMS, IN CONNECTION WITH EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, AND OTHER USERS INCLUDE:

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

(b) REQUESTING APPROPRIATE ACCESS TO INFORMATION TECHNOLOGY SYSTEMS;

(c) PERIODIC AUDITING OF ACCESS LEVELS; AND

(d) REMOVAL OF ACCESS.

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

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

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

- (a) THE STATE AGENCY HAS REQUESTED THAT THE FUNCTION BE DELEGATED;
- (b) THE STATE AGENCY HAS THE NECESSARY RESOURCES AND SKILLS TO PERFORM OR CONTROL THE FUNCTION TO BE DELEGATED; AND
- (c) THE FUNCTION TO BE DELEGATED IS A UNIQUE OR MISSION-CRITICAL FUNCTION OF THE STATE AGENCY.

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

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

- (a) A PRECISE DEFINITION OF EACH FUNCTION TO BE DELEGATED;
- (b) A CLEAR DESCRIPTION OF THE STANDARDS TO BE MET IN PERFORMING EACH DELEGATED FUNCTION;
- (c) DESIGNATION OF THE STATE AGENCY RESPONSIBLE FOR ENSURING OPERATIONAL SECURITY AND VALIDATING COMPLIANCE TO SECURITY POLICIES AND STANDARDS;
- (d) A PROVISION FOR PERIODIC ADMINISTRATIVE AUDITS BY THE OFFICE;
- (e) A DATE ON WHICH THE AGREEMENT SHALL TERMINATE IF THE AGREEMENT HAS NOT BEEN PREVIOUSLY TERMINATED OR RENEWED; AND

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

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

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

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

(2) THE CHIEF INFORMATION OFFICER SHALL:

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

(b) ADVISE THE JOINT TECHNOLOGY COMMITTEE AND THE JOINT BUDGET COMMITTEE ON REQUESTED OR ONGOING INFORMATION TECHNOLOGY PROJECTS, INCLUDING THE ADHERENCE OF THE OFFICE TO THE BUDGET, AMOUNTS APPROPRIATED, AND RELEVANT CONTRACT DEADLINE DATES OR SCHEDULES FOR THOSE PROJECTS;

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

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

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

(3) THE CHIEF INFORMATION OFFICER MAY ENTER INTO CONTRACTS WITH ANY LOCAL GOVERNMENT, STATE AGENCY, OR POLITICAL SUBDIVISION OF THE STATE, INCLUDING THE LEGISLATIVE AND JUDICIAL DEPARTMENTS, THE DEPARTMENT OF LAW, THE DEPARTMENT OF STATE, THE DEPARTMENT OF TREASURY, OR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION, FOR THE PURPOSE OF

## PROVIDING DISASTER RECOVERY SERVICES.

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

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

**24-37.5-118. Change of references - director to revisor of statutes. [Formerly 24-37.5-104 (6)(g)]** The revisor of statutes is hereby authorized to change all references in the Colorado Revised Statutes to the department of personnel and office of the governor as appropriate and with respect to the powers, duties, and functions transferred to the office. In connection with such authority, the revisor of statutes is hereby authorized to amend or delete provisions of the Colorado Revised Statutes so as to make the statutes consistent with the powers, duties, and functions transferred pursuant to this section.

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

**24-37.5-404. Public agencies - information security plans.** (1) On or before July 1 of each year, IN ACCORDANCE WITH THE RULES PROMULGATED BY THE OFFICE IN SUPPORT OF THIS PART 4, each public agency shall develop an information security plan utilizing the information security policies, standards, and guidelines developed by the chief information security officer. The information security plan shall provide information security for the communication and information resources that support the operations and assets of the public agency.

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

**24-37.5-404.5. Institutions of higher education - information security plans.** (3) (a) ~~On or before July 1, 2011, and on or before July 1 each year thereafter,~~ EVERY THREE YEARS, IN ACCORDANCE WITH THE SCHEDULE SPECIFIED IN SUBSECTION (3)(b) OF THIS SECTION, each institution of higher education shall submit to the department of higher education a report concerning the development and implementation of the institution's information security program and compliance with the requirements specified in subsection (2) of this section. Upon receipt of the reports, the department of higher education shall review the reports and subsequently submit the reports to the chief information security officer.

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

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

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

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

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

PART 7  
INTERDEPARTMENTAL DATA PROTOCOL

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

(a) EACH STATE AGENCY, THROUGH THE PROVISIONS OF GOVERNMENTAL SERVICES, COLLECTS A SIGNIFICANT AMOUNT OF DATA ABOUT PERSONS HAVING INTERACTIONS WITH THE STATE AGENCY;

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

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

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

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

**24-37.5-702. Government data advisory board - created - duties - definition.**

(1) (a) THERE IS HEREBY CREATED IN THE OFFICE THE GOVERNMENT DATA ADVISORY BOARD, WHICH CONSISTS OF THE MEMBERS SPECIFIED IN THIS SUBSECTION (1).

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

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

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

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

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

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

(IV) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE MAY JOINTLY SELECT A MEMBER OF THE JOINT TECHNOLOGY COMMITTEE CREATED IN SECTION 2-3-1702.

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

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

(3) THE ADVISORY BOARD SHALL:

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

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

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

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

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

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

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

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

(b) PROVIDE RECOMMENDATIONS FOR FUTURE WORK; AND

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

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

**24-37.5-703. Interdepartmental data protocol - contents.** (1) THE CHIEF INFORMATION OFFICER, OR THE CHIEF INFORMATION OFFICER'S DESIGNEE, IN COORDINATION WITH THE GOVERNMENT DATA ADVISORY BOARD, MUST PUBLISH ON OR BEFORE NOVEMBER 1, 2022, AN INTEROPERABILITY DATA FRAMEWORK AND PROTOCOL AIMED AT PROMOTING INTEROPERABILITY OF DATA MODELS ACROSS STATE AGENCIES, WITH THE GOAL OF MINIMIZING DUPLICATION OF RECORDS, ENHANCING SECURITY, AND INCREASING THE STATE'S CAPABILITY TO MONITOR AND AUDIT DATA-SHARING TRANSACTIONS. AT A MINIMUM, THE INTEROPERABILITY DATA FRAMEWORK SHALL:

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

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

(2) THE PROTOCOL AND PROCEDURES INCLUDED IN THE INTERDEPARTMENTAL

DATA PROTOCOL BY WHICH STATE AGENCIES MAY SHARE DATA AND BY WHICH A STATE AGENCY MAY RELEASE DATA TO A POLITICAL SUBDIVISION OR TO A NONGOVERNMENTAL ORGANIZATION SHALL PRIORITIZE AND COORDINATE DATA MANAGEMENT AND PROTECTION EFFORTS ACROSS STATE AGENCIES TO MAXIMIZE THE PRIVACY AND PROTECTION OF ALL DATA AND TO REDUCE THE RISK OF PUBLIC EXPOSURE OF PRIVATE OR PROTECTED DATA. THIS INCLUDES BUT IS NOT LIMITED TO:

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

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

(c) ENSURING COMPLIANCE WITH ALL STATE AND FEDERAL LAWS AND REGULATIONS CONCERNING THE PRIVACY OF INFORMATION, INCLUDING BUT NOT LIMITED TO THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AND THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 1320d TO 1320d-9; AND

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

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

**24-37.5-704. Data-sharing - authorization.** (1) EXCEPT AS SPECIFICALLY PROHIBITED BY STATE OR FEDERAL LAWS, AND IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL PRIVACY LAWS AND POLICIES, EACH STATE AGENCY IS AUTHORIZED, IN ACCORDANCE WITH THE PROVISIONS OF THE INTERDEPARTMENTAL DATA PROTOCOL, TO SHARE DATA COLLECTED IN THE COURSE OF PERFORMING ITS POWERS AND DUTIES WITH THE FOLLOWING ENTITIES:

(a) OTHER STATE AGENCIES;

(b) THE LEGISLATIVE AND JUDICIAL DEPARTMENTS;

(c) POLITICAL SUBDIVISIONS; AND

(d) NONGOVERNMENTAL ORGANIZATIONS AND INDIVIDUALS.

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

(a) OTHER STATE AGENCIES;

(b) THE LEGISLATIVE AND JUDICIAL DEPARTMENTS;

(c) POLITICAL SUBDIVISIONS; AND

(d) NONGOVERNMENTAL ORGANIZATIONS AND INDIVIDUALS.

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

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

(b) CONDUCT AN INVENTORY OF ITS OWN DATA ASSETS, INCLUDING SENSITIVITY AND CLASSIFICATION, AND PROVIDE THE INVENTORY TO THE OFFICE;

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

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

**24-37.5-705. Interdepartmental data protocol cash fund - created - legislative intent - repeal.** (1) THE CHIEF INFORMATION OFFICER IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 7. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE INTERDEPARTMENTAL DATA PROTOCOL CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE OFFICE OF INFORMATION TECHNOLOGY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS PART 7. THE CHIEF INFORMATION OFFICER AND THE OFFICE OF INFORMATION TECHNOLOGY SHALL NOT BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS PART 7 UNTIL SUCH TIME AS AT LEAST ONE

HUNDRED THIRTEEN THOUSAND FIVE HUNDRED DOLLARS ARE CREDITED TO THE FUND. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE PROVISIONS OF THIS PART 7 BE IMPLEMENTED WITHOUT THE USE OF STATE MONEY.

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

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

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

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

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

~~(a) In the report due on or before November 1, 2014, the office shall include asset inventory and refresh cycle information for personal computers, including operating systems and productivity software;~~

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

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

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

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

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

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

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

**24-30-202. Procedures - vouchers, warrants, and checks - rules - penalties - definitions.** (1) No disbursements shall be made in payment of any liability incurred on behalf of the state, other than from petty cash or by any alternative means of payment approved by fiscal rule promulgated by the controller, unless there has been previously filed with the office of the state controller a commitment voucher. The commitment voucher may be in the form of an advice of employment, a purchase order, a copy of a contract, or a travel authorization or in other form appropriate to the type of transaction as prescribed by the controller. Any state contract involving the payment of money by the state shall contain a clause providing that the contract shall not be deemed valid until it has been approved by the controller or such assistant as he or she may designate; except that a state contract for a major information technology project as defined in ~~section 24-37.5-102 (2.6)~~ SECTION 24-37.5-102 (19) shall contain a clause providing that the contract shall not be deemed valid until it has been approved by the chief information officer or the chief information officer's designee. Such contracts entered into on or after July 1, 1997, shall also contain a clause notifying the other party to the contract of the controller's authority to withhold debts owed to state agencies under the vendor offset intercept system pursuant to section 24-30-202.4 (3.5)(a)(I) and the types of debts that are subject to withholding under said system. The form and content of and procedures for filing such vouchers shall be prescribed by the fiscal rules promulgated by the controller.

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

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

**SECTION 18.** In Colorado Revised Statutes, 24-75-301, **amend** (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)~~ SECTION 24-37.5-102 (12), 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 19.** In Colorado Revised Statutes, 24-101-301, **amend** (28) as follows:

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

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

**SECTION 20. Repeal of provisions being relocated in this act.** In Colorado Revised Statutes, **repeal** 24-37.5-104 (6)(g) and (7)(h)(IV), 24-37.5-111, 24-37.5-112, 24-37.5-402, and 24-37.5-702.

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

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

Approved: June 7, 2021