

CHAPTER 172

GOVERNMENT - STATE

SENATE BILL 17-255

BY SENATOR(S) Lambert, Lundberg, Moreno, Crowder, Jahn, Kerr, Martinez Humenik, Tate, Todd, Zenzinger;
also REPRESENTATIVE(S) Rankin, Hamner, Young, Lontine, Rosenthal.

AN ACT

CONCERNING THE CREATION OF THE TECHNOLOGY ADVANCEMENT AND EMERGENCY FUND IN THE OFFICE OF INFORMATION TECHNOLOGY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-37.5-115 as follows:

24-37.5-115. Technology advancement and emergency fund. (1) THE TECHNOLOGY ADVANCEMENT AND EMERGENCY FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION, MONEY TRANSFERRED TO THE FUND PURSUANT TO SECTION 24-37.5-112 (2), AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND 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 REVERT TO THE GENERAL FUND.

(3) ON JULY 1, 2017, AND ON JULY 1, 2018, THE STATE TREASURER SHALL TRANSFER TWO MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

(4) (a) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE OFFICE MAY EXPEND MONEY FROM THE FUND TO COVER ONE-TIME COSTS ASSOCIATED WITH EMERGENCY INFORMATION TECHNOLOGY EXPENDITURES AS SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION, TO ADDRESS DEFERRED

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

MAINTENANCE OF STATE AGENCY INFORMATION TECHNOLOGY ASSETS, AND TO PROVIDE ADDITIONAL SERVICES TO ADDRESS UNFORSEEN SERVICE DEMANDS.

(b) IF THE OFFICE USES MONEY IN THE FUND FOR COSTS ASSOCIATED WITH EMERGENCY INFORMATION TECHNOLOGY EXPENDITURES, THE EXPENDITURES SHALL BE MADE IN ACCORDANCE WITH SECTION 24-37.5-105.

(5) IF THE OFFICE USES MONEY FROM THE FUND TO COVER ALL OR ANY PORTION OF THE COST OF PURCHASING OR REFRESHING AN ASSET FOR A STATE AGENCY, THE ASSET SHALL BECOME THE PROPERTY OF THE OFFICE.

(6) ON OR BEFORE NOVEMBER 1, 2017, AND ON OR BEFORE NOVEMBER 1, 2018, THE OFFICE SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE AND THE JOINT TECHNOLOGY COMMITTEE OF THE GENERAL ASSEMBLY REGARDING THE EXPENDITURES FROM THE FUND. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(a) A LIST OF EACH EXPENDITURE MADE FROM THE FUND, INCLUDING THE PURPOSE AND AMOUNT OF THE EXPENDITURE, THE DATE ON WHICH THE OFFICE MADE THE EXPENDITURE, THE STATE AGENCY THAT BENEFITED FROM THE EXPENDITURE, AND HOW THE EXPENDITURE MET THE CRITERIA FOR USE OF MONEY IN THE FUND;

(b) THE AMOUNT, IF ANY, THAT THE STATE AGENCY THAT BENEFITED FROM THE EXPENDITURE OF MONEY IN THE FUND CONTRIBUTED TO THE ASSET, SERVICE, OR MAINTENANCE THAT THE OFFICE PURCHASED; AND

(c) THE AMOUNT BY WHICH EXPENDITURES FROM THE FUND HAVE SUPPLEMENTED EXPENDITURES FROM STATE AGENCY OPERATING BUDGETS FOR INFORMATION TECHNOLOGY ASSETS, SERVICES, AND MAINTENANCE.

SECTION 2. In Colorado Revised Statutes, 24-37.5-112, **amend** (2) as follows:

24-37.5-112. Information technology revolving fund. (2) Notwithstanding any law to the contrary, any ~~moneys~~ MONEY appropriated from the general fund to the office or a state agency for the 2008-09 fiscal year and for each fiscal year thereafter, for the procurement of information technology resources or major automation system projects that are unexpended or unencumbered as of the close of the fiscal year as a result of savings achieved by the office or state agency in connection with such procurements, shall not revert to the general fund and shall be transferred by the state treasurer and the controller to the ~~information technology revolving fund created in subsection (1) of this section~~ TECHNOLOGY ADVANCEMENT AND EMERGENCY FUND CREATED IN SECTION 24-37.5-115.

SECTION 3. In Colorado Revised Statutes, 24-75-402, **add** (5)(II) as follows:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in the amount of fees - exclusions - repeal. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(II) THE TECHNOLOGY ADVANCEMENT AND EMERGENCY FUND CREATED IN

SECTION 24-37.5-115.

SECTION 4. Appropriation. For the 2017-18 state fiscal year, \$3,200,000 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from the technology advancement and emergency fund created in section 24-37.5-115 (1), C.R.S. To implement this act, the office may use this appropriation for the purposes authorized in section 24-37.5-115 (4), C.R.S.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 28, 2017