

CHAPTER 421

GOVERNMENT - STATE

SENATE BILL 21-287

BY SENATOR(S) Moreno and Rankin, Bridges, Danielson, Priola, Sonnenberg;
also REPRESENTATIVE(S) McCluskie and Titone, Bennett, Bird, Boesenecker, Cutter, Exum, Hooton, Lontine, McCormick,
Michaelson Jenet, Ortiz, Young.

AN ACT

CONCERNING FUNDING SOURCES FOR THE OFFICE OF INFORMATION TECHNOLOGY, AND, IN CONNECTION THEREWITH, CREATING THE TECHNOLOGY RISK PREVENTION AND RESPONSE FUND; INCREASING THE AMOUNT OF MONEY THAT MAY BE TRANSFERRED BETWEEN ITEMS OF APPROPRIATION MADE TO PRINCIPAL DEPARTMENTS OF STATE GOVERNMENT AND TO THE OFFICE OF THE GOVERNOR; AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-37.5-120 as follows:

24-37.5-120. Technology risk prevention and response fund - creation - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) (I) "INFORMATION TECHNOLOGY EMERGENCY" MEANS A SITUATION IN WHICH AN IMMEDIATE THREAT TO THE PUBLIC HEALTH, WELFARE, OR SAFETY EXISTS, WHERE THE SITUATION CREATES AN IMMEDIATE NEED FOR INFORMATION TECHNOLOGY EQUIPMENT OR SERVICES, AND THE LACK OF INFORMATION TECHNOLOGY OR SERVICES WOULD THREATEN:

(A) THE HEALTH OR SAFETY OF ANY PERSON OR PROPERTY;

(B) THE IMMEDIATE FUNCTIONING OF ONE OR MORE OF THE STATE'S ESSENTIAL SERVICES; OR

(C) THE SECURITY, CONFIDENTIALITY, OR INTEGRITY OF THE STATE'S INFORMATION TECHNOLOGY.

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.

(II) AN INFORMATION TECHNOLOGY EMERGENCY DOES NOT EXIST AS A RESULT OF BUDGET CYCLES, FISCAL YEAR-END REQUIREMENTS, OR POTENTIAL LOSS OF FUNDING.

(b) "TECHNOLOGY RISK PREVENTION AND RESPONSE FUND" OR "FUND" MEANS THE TECHNOLOGY RISK PREVENTION AND RESPONSE FUND CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) THE TECHNOLOGY RISK PREVENTION AND RESPONSE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(3) 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 REMAINS IN THE FUND AND DOES NOT REVERT TO THE GENERAL FUND.

(4) (a) UP TO FIFTY PERCENT OF THE TOTAL BALANCE OF THE FUND AT THE BEGINNING OF EACH FISCAL YEAR IS CONTINUOUSLY APPROPRIATED TO THE OFFICE.

(b) THE OFFICE MAY EXPEND MONEY FROM THE FUND TO COVER ONE-TIME COSTS ASSOCIATED WITH INFORMATION TECHNOLOGY EXPENDITURES AS SPECIFIED IN SUBSECTION (4)(c) OF THIS SECTION AND TO PROVIDE THE OFFICE AND STATE AGENCIES A FINANCIAL MECHANISM TO ADDRESS COSTS ASSOCIATED WITH EMERGENCY OR AT-RISK INFORMATION TECHNOLOGY.

(c) THE OFFICE SHALL USE THE MONEY IN THE FUND FOR ONE-TIME COSTS ASSOCIATED WITH:

(I) AN INFORMATION TECHNOLOGY EMERGENCY;

(II) ENSURING COMPLIANCE WITH THE OFFICE'S INFORMATION TECHNOLOGY STANDARDS AND POLICIES; OR

(III) PREVENTING RISK FROM INFORMATION TECHNOLOGY DEBT THAT IS:

(A) ANTICIPATING FAILURE;

(B) NEARING OR NO LONGER MAINTAINED OR SUPPORTED BY MANUFACTURERS OR VENDORS;

(C) OUT OF SECURITY COMPLIANCE OR CREATING SECURITY RISK;

(D) PART OF AN OUTSTANDING STATE AUDIT RECOMMENDATION; OR

(E) KEEPING THE STATE FROM RECOGNIZING EFFICIENCIES OR ADVANCES IN INFORMATION TECHNOLOGY OR INFORMATION TECHNOLOGY FINANCING.

(5) NO LATER THAN NOVEMBER 1, 2022, THE OFFICE SHALL PROVIDE A WRITTEN REPORT TO THE JOINT BUDGET COMMITTEE AND THE JOINT TECHNOLOGY COMMITTEE OUTLINING THE EXPENDITURES OF MONEY FROM THE FUND. NOTWITHSTANDING

SECTION 24-1-136 (1)(a)(I), NO LATER THAN THE TWENTIETH DAY OF EVERY THIRD MONTH THEREAFTER, THE OFFICE SHALL SUBMIT A WRITTEN REPORT TO THE JOINT BUDGET COMMITTEE AND JOINT TECHNOLOGY COMMITTEE OF ALL EXPENDITURES OF FUNDS SINCE THE LAST REPORT. THE WRITTEN REPORT MUST 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 EXPENDITURE WAS MADE, THE STATE AGENCY OR AGENCIES THAT BENEFITED FROM THE EXPENDITURE, AND HOW THE EXPENDITURE MET THE CRITERIA SET FORTH IN SUBSECTION (4) OF THIS SECTION; AND

(b) FINANCIAL STATEMENTS THAT ANALYZE THE DEMAND FOR FUNDING AND THE ANNUAL FUND BALANCE AS OF THE START OF EACH FISCAL YEAR.

SECTION 2. In Colorado Revised Statutes, 24-75-108, **amend** (8) as follows:

24-75-108. Intradepartmental transfers between appropriations - repeal.

(8) The total amount of ~~moneys~~ MONEY transferred between items of appropriation made to principal departments of state government and to the office of the governor pursuant to this section, other than transfers within a principal department from an operating expense item to a utilities item, from a utilities item to an operating expense item pursuant to ~~paragraph (b) of subsection (3)~~ SUBSECTION (3)(b) of this section, or from a utilities item to a utilities item, shall not exceed ~~five~~ TEN million dollars.

SECTION 3. Appropriation. For the 2021-22 state fiscal year, \$2,000,000 is appropriated to the technology risk prevention and response fund created in section 24-37.5-118, C.R.S. This appropriation is from the general fund. The office of the governor is responsible for the accounting related to this appropriation.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 2, 2021