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An Act

HOUSE BILL 14-1395

BY REPRESENTATIVE(S) Gerou, Duran, May, Becker, Labuda, Rankin, Schafer, Young;
also SENATOR(S) Lambert, Hodge, Steadman, King, Newell.

CONCERNING INFORMATION TECHNOLOGY BUDGET REQUESTS, AND, IN CONNECTION THEREWITH, MOVING THE REVIEW AND PRIORITIZATION OF INFORMATION TECHNOLOGY BUDGET REQUESTS PREVIOUSLY REQUESTED AS CAPITAL CONSTRUCTION TO THE JOINT TECHNOLOGY COMMITTEE, ESTABLISHING SPECIFIC DEADLINES FOR INFORMATION TECHNOLOGY BUDGET REQUESTS, AND MAKING AN APPROPRIATION.

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

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

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

(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, OR UPGRADE OF INFORMATION TECHNOLOGY, INCLUDING THE PURCHASE OF SERVICES FROM THE OFFICE OF INFORMATION TECHNOLOGY ON THE CONDITION THAT THE

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

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 AND A TOTAL PROJECT COST THAT EQUALS OR EXCEEDS FIVE HUNDRED THOUSAND DOLLARS; 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 2. In Colorado Revised Statutes, 2-3-1704, **amend** (9); and **add** (11) as follows:

2-3-1704. Powers and duties of the joint technology committee.

(9) On or before the first day of the regular legislative session commencing on or after January 1, 2014, and on the first day of each regular legislative session thereafter, the joint technology committee shall submit a written report on the committee's findings and recommendations based on the committee's oversight pursuant to subsections (1) to (8) of this section to the joint budget committee. ~~for any operational budget item related to information technology and to the capital development committee for any capital budget item related to information technology.~~ Such report may include:

(a) Legislation recommended by the committee that addresses any of the committee's findings and recommendations based on the committee's oversight pursuant to subsections (1) to (8) of this section. Any such legislation is exempt from the five-bill limitation specified in rule 24 of the joint rules of the senate and the house of representatives; AND

~~(b) Recommendations concerning appropriations to any state~~

~~agency for information technology.~~

~~(c) Recommendations concerning state agency budget requests for information technology for the next fiscal year that have been approved by the office of information technology or the office of state planning and budgeting. Such recommendations may include the basis for approval by the committee, findings or comments on one or more budget requests, and a suggested prioritization of such budget requests.~~

~~(d) (b) Any information on approved budget requests and A report on the status of any information technology BUDGET REQUEST that was previously approved for phasing in or for incremental implementation over a period exceeding one year.~~

(11) (a) THE COMMITTEE SHALL STUDY ALL INFORMATION TECHNOLOGY BUDGET REQUESTS MADE BY ALL STATE AGENCIES AND STATE INSTITUTIONS OF HIGHER EDUCATION. FOR PURPOSES OF INSTITUTIONS OF HIGHER EDUCATION, THE COMMITTEE SHALL ONLY REVIEW STATE-FUNDED INFORMATION TECHNOLOGY BUDGET REQUESTS. THE COMMITTEE SHALL MAKE DETERMINATIONS OF THE PRIORITY TO BE ACCORDED TO SUCH INFORMATION TECHNOLOGY BUDGET REQUESTS BASED UPON INFORMATION MADE AVAILABLE TO THE COMMITTEE FROM ANY SOURCES WITH RESPECT TO ESTIMATES OF REVENUES AVAILABLE IN A FISCAL YEAR FOR INFORMATION TECHNOLOGY BUDGET REQUESTS. THE COMMITTEE SHALL MAKE WRITTEN REPORTS SETTING FORTH ITS RECOMMENDATIONS, PRIORITIZATION, FINDINGS, AND COMMENTS AS TO EACH INFORMATION TECHNOLOGY BUDGET REQUEST, INCLUDING RECOMMENDATIONS REGARDING THE APPROPRIATE AMOUNT OF AN INFORMATION TECHNOLOGY BUDGET REQUEST, AND SHALL SUBMIT SUCH WRITTEN REPORTS TO THE JOINT BUDGET COMMITTEE FOR SUPPLEMENTAL INFORMATION TECHNOLOGY BUDGET REQUESTS NO LATER THAN JANUARY 15 OF EACH YEAR, AND FOR NEW OR AMENDED INFORMATION TECHNOLOGY BUDGET REQUESTS FOR THE UPCOMING FISCAL YEAR NO LATER THAN FEBRUARY 15 OF EACH YEAR.

(b) THE JOINT BUDGET COMMITTEE MAY SEEK THE COMMITTEE'S REVIEW OF ANY OPERATING BUDGET REQUEST FOR INFORMATION TECHNOLOGY.

(c) THE COMMITTEE SHALL HOLD SUCH HEARINGS AS MAY BE NECESSARY TO STUDY ALL INFORMATION TECHNOLOGY BUDGET REQUESTS

MADE BY ALL STATE AGENCIES AND STATE INSTITUTIONS OF HIGHER EDUCATION.

(d) THE LEGISLATIVE COUNCIL STAFF SHALL ASSIST AND ADVISE THE COMMITTEE BY REVIEWING AND SUMMARIZING THE INFORMATION TECHNOLOGY BUDGET REQUESTS MADE BY ALL STATE AGENCIES AND STATE INSTITUTIONS OF HIGHER EDUCATION.

(e) THE COMMITTEE HAS THE DUTY TO FORECAST THE STATE'S REQUIREMENTS FOR FUTURE INFORMATION TECHNOLOGY BUDGET REQUESTS AS MAY BE NECESSARY OR DESIRABLE FOR ADEQUATE PRESENTATION OF THE PLANNING AND IMPLEMENTATION OF SUCH PROJECTS.

SECTION 3. In Colorado Revised Statutes, 2-3-203, **amend** (1) (b.1) (I) (A); and **add** (1) (b.1) (I) (C) as follows:

2-3-203. Powers and duties of the joint budget committee - repeal. (1) The committee has the following power and duties:

(b.1) (I) (A) Effective July 1, 2004, to hold hearings as required and to review the executive budget and the budget requests of each state agency and institution, including proposals for construction of capital improvements AND INFORMATION TECHNOLOGY BUDGET REQUESTS AS PRIORITIZED BY THE JOINT TECHNOLOGY COMMITTEE, and to make appropriation recommendations to the appropriations committees, or any successor committees, of each house.

(C) IF THE JOINT BUDGET COMMITTEE'S RECOMMENDATIONS TO THE APPROPRIATIONS COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES IN THE ANNUAL GENERAL APPROPRIATION BILL ALTER THE DETERMINATIONS OF PRIORITY ESTABLISHED BY THE JOINT TECHNOLOGY COMMITTEE, PRIOR TO MAKING THE RECOMMENDATIONS, THE JOINT BUDGET COMMITTEE SHALL NOTIFY THE JOINT TECHNOLOGY COMMITTEE AND ALLOW FOR A JOINT MEETING OF THE TWO COMMITTEES. IF PART 17 OF THIS ARTICLE IS REPEALED, THIS SUB-SUBPARAGRAPH (C) IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 4. In Colorado Revised Statutes, **amend** 24-37-101 as follows:

24-37-101. Definitions. As used in this ~~part~~ ARTICLE, unless the context otherwise requires:

(1) "Director" means the director of the office of state planning and budgeting.

(2) "INFORMATION TECHNOLOGY BUDGET REQUEST" HAS THE SAME MEANING AS SET FORTH IN SECTION 2-3-1701 (2.5), C.R.S.

~~(2)~~ (3) "Office" means the office of state planning and budgeting.

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

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

(b) EXCEPT AS PROVIDED IN PARAGRAPH (c.5) OF THIS SUBSECTION (1), ensure submission to the joint budget committee of the general assembly by the deadlines set forth in section 2-3-208, C.R.S., of all agency requests for the upcoming year;

(b.5) EXCEPT AS PROVIDED IN PARAGRAPH (c.5) OF THIS SUBSECTION (1), ensure submission to the joint budget committee of the general assembly by the deadlines set forth in section 2-3-208, C.R.S., of all agency requests for supplemental appropriations for the current fiscal year;

(c.5) (I) ENSURE SUBMISSION TO THE JOINT TECHNOLOGY COMMITTEE OF:

(A) ALL INFORMATION TECHNOLOGY BUDGET REQUESTS BY EACH STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION FOR THE UPCOMING FISCAL YEAR NO LATER THAN OCTOBER 1 OF EACH YEAR;

(B) THE RECOMMENDED PRIORITY OF FUNDING OF ALL INFORMATION TECHNOLOGY BUDGET REQUESTS FOR THE UPCOMING FISCAL YEAR NO LATER THAN NOVEMBER 1 OF EACH YEAR; AND

(C) ALL REQUESTS FOR SUPPLEMENTAL INFORMATION TECHNOLOGY

BUDGET REQUESTS FOR THE CURRENT OR PREVIOUS FISCAL YEAR BY EACH STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION NO LATER THAN DECEMBER 10 OF EACH YEAR.

(II) ALL NEW OR AMENDED INFORMATION TECHNOLOGY BUDGET REQUESTS SUBMITTED BY A STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION FOR THE UPCOMING FISCAL YEAR AFTER THE DEADLINES SPECIFIED IN SUB-SUBPARAGRAPH (A), (B), OR (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c.5) AS A RESULT OF CIRCUMSTANCES UNKNOWN TO, AND NOT REASONABLY FORESEEABLE BY, THE STATE AGENCY OR THE STATE INSTITUTION OF HIGHER EDUCATION MUST BE SUBMITTED NO LATER THAN DECEMBER 10 OF EACH YEAR.

(III) THE OFFICE MAY MODIFY THE RECOMMENDED PRIORITY FOR INFORMATION TECHNOLOGY BUDGET REQUESTS FOR THE UPCOMING FISCAL YEAR NO LATER THAN JANUARY 1 OF THE YEAR FOLLOWING THE ORIGINAL SUBMISSION DESCRIBED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c.5).

(IV) IN THE EVENT OF AN EMERGENCY, THE OFFICE MAY SUBMIT AN INFORMATION TECHNOLOGY BUDGET REQUEST FOR A STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION AFTER THE DEADLINES SPECIFIED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (c.5) IF THE OFFICE, AS SOON AS POSSIBLE BUT NO LATER THAN THIRTY DAYS AFTER DETERMINING THE EMERGENCY, MAKES A PRESENTATION TO THE JOINT TECHNOLOGY COMMITTEE EXPLAINING THE NATURE OF THE EMERGENCY AND THE ESTIMATED TIME FOR SUBMISSION OF SUCH BUDGET REQUEST.

SECTION 6. In Colorado Revised Statutes, 24-30-1301, **amend as amended by House Bill 14-1387** (1), (2) (g), and (10) as follows:

24-30-1301. Definitions. As used in this part 13, unless the context otherwise requires:

(1) (a) "Capital asset" means:

~~(a)~~ (I) Real property;

~~(b)~~ ~~Information technology;~~

(c) (II) Fixed equipment;

(d) (III) Movable equipment; or

(e) (IV) Instructional or scientific equipment with a cost that exceeds fifty thousand dollars; except that "capital asset" does not include instructional or scientific equipment purchased by a state institution of higher education if the institution uses moneys other than those appropriated pursuant to section 24-75-303. INSTRUCTIONAL OR SCIENTIFIC EQUIPMENT DOES NOT INCLUDE INFORMATION TECHNOLOGY.

(b) "CAPITAL ASSET" DOES NOT MEAN INFORMATION TECHNOLOGY. ALL INFORMATION TECHNOLOGY BUDGET REQUESTS MUST BE PRESENTED AS SET FORTH IN SECTION 2-3-1704 (11), C.R.S.

(2) "Capital construction" means:

(g) ~~Installation, development, 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.~~

(10) ~~"Information technology" means information technology as defined in section 24-37.5-102 (2), the majority of the components of which have a useful life of at least five years and a total project cost that equals or exceeds five hundred thousand dollars; 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, and except that "information technology" does not include information technology purchased by a state institution of higher education if the institution uses moneys other than those appropriated pursuant to section 24-75-303.~~

SECTION 7. In Colorado Revised Statutes, 23-1-106, **amend as amended by House Bill 14-1387** (10.3) (c) as follows:

23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning - legislative declaration

- definitions. (10.3) As used in this section, unless the context otherwise requires:

(c) "Capital construction" has the same meaning as set forth in section 24-30-1301 (2), C.R.S. ~~except that it does not include the installation, development, or upgrade of information technology as specified in section 24-30-1301 (2) (g), C.R.S.~~

SECTION 8. In Colorado Revised Statutes, 2-3-203, **amend as amended by House Bill 14-1395**, (1) (b.1) (I) (A) as follows:

2-3-203. Powers and duties of the joint budget committee - repeal. (1) The committee has the following power and duties:

(b.1) (I) (A) Effective July 1, 2004, to hold hearings as required and to review the executive budget and the budget requests of each state agency and institution, including proposals for construction of capital improvements and information technology budget requests as prioritized, PURSUANT TO RULE 45 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, by the joint technology committee, and to make appropriation recommendations to the appropriations committees, or any successor committees, of each house.

SECTION 9. In Colorado Revised Statutes, 2-3-1701, **amend as added by House Bill 14-1395**, (2.5) (b) as follows:

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

(2.5) (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; ~~and a total project cost that equals or exceeds five hundred thousand dollars;~~ 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 10. In Colorado Revised Statutes, 2-3-1704, **amend as added by House Bill 14-1395**, (11) (a) and (11) (c) as follows:

2-3-1704. Powers and duties of the joint technology committee.

(11) (a) The committee shall study all information technology budget requests PURSUANT TO RULE 45 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, made by all state agencies and state institutions of higher education. For purposes of institutions of higher education, the committee shall only review state-funded information technology budget requests. The committee shall make determinations of the priority to be accorded to such information technology budget requests based upon information made available to the committee from any sources with respect to estimates of revenues available in a fiscal year for information technology budget requests. The committee shall make written reports setting forth its recommendations, prioritization, findings, and comments as to each information technology budget request REVIEWED PURSUANT TO RULE 45 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, including recommendations regarding the appropriate amount of an information technology budget request, and shall submit such written reports to the joint budget committee for supplemental information technology budget requests no later than January 15 of each year, and for new or amended information technology budget requests for the upcoming fiscal year no later than February 15 of each year.

(c) The committee shall hold such hearings as may be necessary to study all information technology budget requests PURSUANT TO RULE 45 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES made by all state agencies and state institutions of higher education.

SECTION 11. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2014, the sum of \$178,301 and 1.0 FTE, or so much thereof as may be necessary, for allocation to the legislative council related to the implementation of this act.

SECTION 12. Effective date - applicability. (1) This act takes effect upon passage; except that:

(a) Sections 6 and 7 of this act take effect only if House Bill 14-1387 becomes law and take effect either upon the effective date of this act or House Bill 14-1387, whichever is later; and

(b) Sections 8, 9, and 10 of this act take effect only if Senate Joint Resolution 14-039 is adopted and takes effect either upon the effective date of this act or Senate Joint Resolution 14-039, whichever is later.

(2) This act applies to information technology budget requests made on or after the effective date of this act.

SECTION 13. 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.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO