**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 09-1285

BY REPRESENTATIVE(S) Benefield, Kerr A., Massey, Middleton, Miklosi, Scanlan, Schafer S., Summers, Todd, Acree, Apuan, Green, Kerr J., Merrifield, Murray, Nikkel, Ryden, Stephens, Carroll T., Fischer; also SENATOR(S) King K., Gibbs, Groff, Heath, Hudak, Newell, Spence, Williams.

CONCERNING THE GOVERNMENT DATA ADVISORY BOARD, AND, IN CONNECTION THEREWITH, CREATING THE EDUCATION DATA SUBCOMMITTEE TO MAKE RECOMMENDATIONS FOR CREATION OF A STATEWIDE COMPREHENSIVE P-20 EDUCATION DATA SYSTEM.

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

**SECTION 1.** 24-37.5-702 (1) and (2), Colorado Revised Statutes, are amended, and the said 24-37.5-702 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-37.5-702. Definitions.** As used in this part 7, unless the context otherwise requires:

(1) ~~"Chief information officer" means the head of the office of information technology appointed pursuant to section 24-37.5-103.~~ "ADVISORY BOARD" MEANS THE GOVERNMENT DATA ADVISORY BOARD

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

CREATED IN SECTION 24-37.5-703.

(2) ~~"Council" means the data protocol development council convened pursuant to section 24-37.5-703.~~ "CHIEF INFORMATION OFFICER" MEANS THE HEAD OF THE OFFICE OF INFORMATION TECHNOLOGY APPOINTED PURSUANT TO SECTION 24-37.5-103.

(3.5) "EDUCATION DATA SUBCOMMITTEE" MEANS THE SUBCOMMITTEE OF THE ADVISORY BOARD CREATED IN SECTION 24-37.5-703.5 TO PROVIDE POLICIES AND PROTOCOLS REGARDING SHARING EDUCATION DATA AMONG LOCAL AND STATE EDUCATION PROVIDERS.

**SECTION 2.** 24-37.5-703, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**24-37.5-703. Government data advisory board - created - duties - repeal.** (1) (a) THERE IS HEREBY CREATED IN THE OFFICE OF INFORMATION TECHNOLOGY THE GOVERNMENT DATA ADVISORY BOARD, WHICH SHALL CONSIST OF THE MEMBERS SPECIFIED IN THIS SUBSECTION (1).

(b) ON OR BEFORE OCTOBER 1, 2009, THE GOVERNOR SHALL APPOINT FOUR MEMBERS OF THE ADVISORY BOARD AS FOLLOWS:

(I) AN EMPLOYEE OF A CITY, COUNTY, OR CITY AND COUNTY THAT COLLECTS AND MAINTAINS UNIT-LEVEL RECORDS, WHICH EMPLOYEE HAS EXPERTISE IN DATA SHARING AND INFORMATION TECHNOLOGY;

(II) A PERSON WHO IS SERVING ON A SCHOOL DISTRICT BOARD OF EDUCATION IN THIS STATE;

(III) AN EMPLOYEE OF A SCHOOL DISTRICT IN THIS STATE WHO HAS EXPERTISE IN DATA SHARING AND INFORMATION TECHNOLOGY; AND

(IV) A PERSON FROM AN INSTITUTION OF HIGHER EDUCATION OR A NONGOVERNMENTAL ORGANIZATION THAT, IN THE COURSE OF CONDUCTING RESEARCH, ROUTINELY REQUESTS DATA FROM GOVERNMENT AGENCIES, WHICH PERSON HAS EXPERTISE IN DATA SHARING AND INFORMATION TECHNOLOGY.

(c) THE CHIEF INFORMATION OFFICER, OR HIS OR HER DESIGNEE,

SHALL SERVE AS AN EX OFFICIO MEMBER AND CHAIR OF THE ADVISORY BOARD.

(d) (I) THE REMAINING MEMBERSHIP OF THE ADVISORY BOARD SHALL CONSIST OF A PERSON FROM EACH OF THE FOLLOWING DEPARTMENTS WHO IS EITHER AN EXPERT IN INFORMATION TECHNOLOGY OR RESPONSIBLE FOR DATA ADMINISTRATION WITHIN THE MEMBER'S RESPECTIVE DEPARTMENT AND WHO IS SELECTED BY THE HEAD OF THE MEMBER'S RESPECTIVE DEPARTMENT TO PARTICIPATE ON THE ADVISORY BOARD AT THE INVITATION OF THE CHIEF INFORMATION OFFICER:

(A) THE DEPARTMENT OF EDUCATION;

(B) THE DEPARTMENT OF HIGHER EDUCATION;

(C) THE DEPARTMENT OF HUMAN SERVICES;

(D) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;

(E) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(F) THE DEPARTMENT OF LABOR AND EMPLOYMENT;

(G) THE DEPARTMENT OF PUBLIC SAFETY;

(H) THE DEPARTMENT OF CORRECTIONS; AND

(I) THE DEPARTMENT OF REVENUE.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), THE GOVERNOR, AS HE OR SHE DEEMS APPROPRIATE, MAY DIRECT THE EXECUTIVE DIRECTOR OF ONE OR MORE OF THE DEPARTMENTS THAT ARE NOT SPECIFIED IN SAID SUBPARAGRAPH (I) TO SELECT A MEMBER FROM HIS OR HER DEPARTMENT WHO MEETS THE QUALIFICATIONS SPECIFIED IN SAID SUBPARAGRAPH (I) TO PARTICIPATE ON THE ADVISORY BOARD AT THE INVITATION OF THE CHIEF INFORMATION OFFICER.

(2) THE MEMBERS OF THE ADVISORY BOARD APPOINTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL:

(a) SERVE FOUR-YEAR TERMS; EXCEPT THAT TWO OF THE MEMBERS APPOINTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL INITIALLY SERVE TWO-YEAR TERMS;

(b) SERVE AT THE WILL OF THE GOVERNOR. IF A VACANCY ARISES DURING A MEMBER'S TERM, THE GOVERNOR SHALL APPOINT A PERSON MEETING THE SAME QUALIFICATIONS TO SERVE THE REMAINDER OF THE TERM.

(c) SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(3) (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 (4) OF THIS SECTION.

(4) THE ADVISORY BOARD SHALL HAVE THE FOLLOWING DUTIES:

(a) TO ADVISE THE CHIEF INFORMATION OFFICER REGARDING THE ONGOING DEVELOPMENT, MAINTENANCE, AND IMPLEMENTATION OF THE INTERDEPARTMENTAL DATA PROTOCOL;

(b) TO ADVISE THE CHIEF INFORMATION OFFICER CONCERNING BEST PRACTICES IN SHARING AND PROTECTING DATA IN STATE GOVERNMENT;

(c) TO RECOMMEND TO THE CHIEF INFORMATION OFFICER RULES AND PROCEDURES THAT A STATE AGENCY SHALL FOLLOW IN REQUESTING, OR RESPONDING TO A REQUEST FOR, DATA FROM ANOTHER STATE AGENCY, INCLUDING BUT NOT LIMITED TO STRATEGIES FOR ENFORCING SAID RULES;

(d) TO ADVISE THE CHIEF INFORMATION OFFICER CONCERNING RULES AND PROCEDURES FOR RESPONDING TO DATA REQUESTS SUBMITTED BY AN ENTITY OUTSIDE OF STATE GOVERNMENT;

(e) TO RECOMMEND TO THE CHIEF INFORMATION OFFICER A SCHEDULE OF FEES THAT THE OFFICE MAY CHARGE TO STATE AGENCIES TO SUPERVISE AND ADMINISTER INTERDEPARTMENTAL AND EXTERNAL DATA REQUESTS, THAT A STATE AGENCY MAY CHARGE ANOTHER STATE AGENCY IN RESPONDING TO AN INTERDEPARTMENTAL DATA REQUEST, AND THAT A STATE AGENCY MAY CHARGE TO RESPOND TO A DATA REQUEST SUBMITTED BY AN ENTITY OUTSIDE OF STATE GOVERNMENT. IN RECOMMENDING THE FEE SCHEDULE, THE ADVISORY BOARD SHALL ENSURE THAT THE FEE AMOUNTS DO NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE OFFICE OR BY THE STATE AGENCY THAT IS RESPONDING TO A DATA REQUEST.

(f) UPON REQUEST BY THE CHIEF INFORMATION OFFICER, TO ADVISE THE CHIEF INFORMATION OFFICER ON OTHER ISSUES PERTAINING TO DATA SHARING.

(5) THE ADVISORY BOARD SHALL ENSURE THAT THE RECOMMENDATIONS MADE PURSUANT TO SUBSECTION (4) OF THIS SECTION COMPLY WITH THE INTERDEPARTMENTAL DATA PROTOCOL.

(6) ON OR BEFORE JANUARY 15, 2010, AND ON OR BEFORE JANUARY 15 EACH YEAR THEREAFTER, THE ADVISORY BOARD SHALL SUBMIT TO THE CHIEF INFORMATION OFFICER ITS RECOMMENDATIONS FOR DEVELOPING AND IMPLEMENTING PROTOCOLS FOR SHARING DATA AMONG STATE AGENCIES AND ENTITIES AND WITH LOCAL GOVERNMENTS AND NONGOVERNMENTAL ENTITIES. THE CHIEF INFORMATION OFFICER SHALL REVIEW THE RECOMMENDATIONS AND TAKE THEM INTO ACCOUNT IN PREPARING A REPORT CONCERNING IMPLEMENTING PROTOCOLS FOR SHARING DATA AMONG STATE AGENCIES AND ENTITIES AND WITH LOCAL GOVERNMENTS AND NONGOVERNMENTAL ENTITIES. THE CHIEF INFORMATION OFFICER SHALL SUBMIT THE REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE MARCH 1, 2010, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019. PRIOR TO SUCH REPEAL, THE ADVISORY BOARD SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

**SECTION 3.** Part 7 of article 37.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-37.5-703.5. Education data subcommittee - created - duties**

**- repeal.** (1) THE EDUCATION DATA SUBCOMMITTEE IS HEREBY CREATED AS A SUBCOMMITTEE OF THE ADVISORY BOARD. THE EDUCATION DATA SUBCOMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS:

(a) THE ADVISORY BOARD MEMBERS APPOINTED PURSUANT TO SECTION 24-37.5-703 (1) (b) (II) AND (1) (b) (III) TO REPRESENT SCHOOL DISTRICTS;

(b) A PERSON SERVING ON THE EDUCATION DATA ADVISORY COMMITTEE CREATED PURSUANT TO SECTION 22-2-304, C.R.S., WHICH PERSON IS APPOINTED BY THE GOVERNOR;

(c) THE ADVISORY BOARD MEMBER SELECTED FROM THE DEPARTMENT OF EDUCATION;

(d) THE ADVISORY BOARD MEMBER SELECTED FROM THE DEPARTMENT OF HIGHER EDUCATION;

(e) THE ADVISORY BOARD MEMBER SELECTED FROM THE DEPARTMENT OF HUMAN SERVICES; AND

(f) AT LEAST TEN MEMBERS APPOINTED BY THE GOVERNOR WITH EXPERTISE IN DATA SHARING BY EDUCATION AGENCIES, INCLUDING AT LEAST ONE REPRESENTATIVE FROM EACH OF THE FOLLOWING GROUPS:

(I) INFORMATION OFFICERS EMPLOYED BY THE SCHOOL DISTRICTS IN THE STATE;

(II) CHARTER SCHOOLS AUTHORIZED BY SCHOOL DISTRICTS PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, C.R.S.;

(III) THE STATE CHARTER SCHOOL INSTITUTE CREATED IN PART 5 OF ARTICLE 30.5 OF TITLE 22, C.R.S.;

(IV) THE BOARDS OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, C.R.S.;

(V) INFORMATION OFFICERS EMPLOYED WITHIN THE STATE SYSTEM OF COMMUNITY AND TECHNICAL COLLEGES ESTABLISHED PURSUANT TO SECTION 23-60-201, C.R.S.;

(VI) THE GOVERNING BOARDS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION;

(VII) EARLY CHILDHOOD COUNCILS ESTABLISHED PURSUANT TO SECTION 26-6.5-103, C.R.S., AND EARLY CHILDHOOD CARE AND EDUCATION COUNCILS ESTABLISHED PURSUANT TO SECTION 26-6.5-106, C.R.S.;

(VIII) INSTITUTIONS OF HIGHER EDUCATION OR NONGOVERNMENTAL ORGANIZATIONS THAT, IN THE COURSE OF CONDUCTING RESEARCH, ROUTINELY REQUEST DATA FROM STATE AGENCIES;

(IX) NONPROFIT ADVOCACY GROUPS THAT WORK IN CHILDREN'S ISSUES AND ROUTINELY REQUEST DATA FROM STATE AGENCIES; AND

(X) STATEWIDE MEMBERSHIP ORGANIZATIONS OF EDUCATION PROFESSIONALS AND LOCAL BOARDS OF EDUCATION.

(2) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS TO THE EDUCATION DATA SUBCOMMITTEE NO LATER THAN OCTOBER 1, 2009.

(3) THE MEMBERS OF THE EDUCATION DATA SUBCOMMITTEE APPOINTED BY THE GOVERNOR SHALL:

(a) SERVE TERMS OF FOUR YEARS; EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED, THE GOVERNOR SHALL SELECT APPROXIMATELY ONE-THIRD OF THE MEMBERS TO SERVE TWO-YEAR TERMS AND APPROXIMATELY ONE-THIRD OF THE MEMBERS TO SERVE THREE-YEAR TERMS;

(b) SERVE AT THE WILL OF THE GOVERNOR. IF A VACANCY ARISES DURING A MEMBER'S TERM, THE GOVERNOR SHALL APPOINT A PERSON MEETING THE SAME QUALIFICATIONS TO SERVE THE REMAINDER OF THE TERM.

(c) SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(4) (a) THE ADVISORY BOARD MEMBER SELECTED FROM THE DEPARTMENT OF EDUCATION SHALL SCHEDULE THE FIRST MEETING OF THE EDUCATION DATA SUBCOMMITTEE. AT THE FIRST MEETING, THE EDUCATION

DATA SUBCOMMITTEE SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS TO SERVE FOR A TERM NOT EXCEEDING TWO YEARS, AS DETERMINED BY THE SUBCOMMITTEE. A MEMBER SHALL NOT BE ELIGIBLE TO SERVE AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

(b) THE EDUCATION DATA SUBCOMMITTEE SHALL MEET AS OFTEN AS NECESSARY, AT THE CALL OF THE CHAIR, TO COMPLETE ITS DUTIES.

(c) THE OFFICE, TO THE EXTENT PRACTICABLE WITHIN EXISTING RESOURCES, SHALL PROVIDE TECHNICAL ASSISTANCE AND SUPPORT TO THE EDUCATION DATA SUBCOMMITTEE TO ASSIST THE SUBCOMMITTEE IN COMPLETING ITS DUTIES PURSUANT TO THIS SECTION.

(5) THE EDUCATION DATA SUBCOMMITTEE SHALL HAVE THE FOLLOWING DUTIES:

(a) TO RECOMMEND TO THE CHIEF INFORMATION OFFICER AND THE ADVISORY BOARD PROTOCOLS AND PROCEDURES FOR SHARING EDUCATION DATA AMONG CHARTER SCHOOLS, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HIGHER EDUCATION, AND STATE INSTITUTIONS OF HIGHER EDUCATION;

(b) TO RECOMMEND TO THE CHIEF INFORMATION OFFICER AND THE ADVISORY BOARD APPROPRIATE INFORMATION TECHNOLOGY AND REPORTING FORMATS FOR EDUCATION DATA;

(c) TO RECOMMEND DATA ELEMENT STANDARDS FOR INDIVIDUAL STUDENT RECORDS FOR USE BY CHARTER SCHOOLS, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HIGHER EDUCATION, AND STATE INSTITUTIONS OF HIGHER EDUCATION;

(d) TO RECOMMEND ELECTRONIC STANDARDS BY WHICH CHARTER SCHOOLS, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HIGHER EDUCATION, AND STATE INSTITUTIONS OF HIGHER EDUCATION MAY SHARE DATA CURRENTLY BEING SHARED THROUGH OTHER MEANS, INCLUDING BUT NOT LIMITED TO INTEROPERABILITY STANDARDS, STANDARDS AND PROTOCOLS FOR TRANSFER OF RECORDS INCLUDING STUDENT TRANSCRIPTS, AND THE USE OF

DATA-EXCHANGE TRANSCRIPTS;

(e) TO RECOMMEND THE DESIGN AND CONTINUING DEVELOPMENT OF A STATEWIDE COMPREHENSIVE P-20 EDUCATION DATA SYSTEM THAT MAY INCLUDE, BUT NEED NOT BE LIMITED TO, IMPLEMENTATION OF AN INTEROPERABILITY DATA FRAMEWORK AND PROTOCOLS AND STANDARDS FOR DATA INPUT AND FOR MAKING AND RESPONDING TO DATA REQUESTS TO ENSURE THAT PRESCHOOL THROUGH POSTSECONDARY EDUCATION ENTITIES THROUGHOUT THE STATE CAN SHARE EDUCATION DATA; AND

(f) UPON REQUEST BY THE CHIEF INFORMATION OFFICER, TO ADVISE THE CHIEF INFORMATION OFFICER ON OTHER ISSUES PERTAINING TO EDUCATION DATA SHARING.

(6) (a) THE EDUCATION DATA SUBCOMMITTEE SHALL ENSURE THAT ITS RECOMMENDATIONS CONFORM WITH THE INTERDEPARTMENTAL DATA PROTOCOL AND ARE IN 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.

(b) THE EDUCATION DATA SUBCOMMITTEE SHALL ENSURE THAT ITS RECOMMENDATIONS FOR THE STATEWIDE COMPREHENSIVE P-20 EDUCATION DATA SYSTEM INCLUDE THE ELEMENTS REQUIRED IN THE FEDERAL "AMERICA COMPETES ACT", 20 U.S.C. SEC. 9801 ET SEQ., IN ORDER TO QUALIFY FOR THE MAXIMUM AMOUNT OF FEDERAL FUNDING AVAILABLE THROUGH THE "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5.

(7) ON OR BEFORE DECEMBER 1, 2009, AND AT LEAST EVERY SIX MONTHS THEREAFTER, THE EDUCATION DATA SUBCOMMITTEE SHALL SUBMIT TO THE CHIEF INFORMATION OFFICER AND THE ADVISORY BOARD ITS RECOMMENDATIONS PREPARED PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE CHIEF INFORMATION OFFICER SHALL REVIEW THE RECOMMENDATIONS AND TAKE THEM INTO ACCOUNT IN PREPARING A REPORT CONCERNING PROTOCOLS AND PROCEDURES FOR SHARING STUDENT DATA AMONG PRESCHOOL THROUGH POSTSECONDARY EDUCATION ENTITIES, INCLUDING BUT NOT LIMITED TO THE CREATION OF A STATEWIDE COMPREHENSIVE P-20 EDUCATION DATA SYSTEM. THE CHIEF INFORMATION OFFICER SHALL COMBINE THE REPORT WITH THE REPORT PREPARED PURSUANT TO SECTION 24-37.5-703 (6) AND SUBMIT THE COMBINED REPORT

TO THE GENERAL ASSEMBLY ON OR BEFORE MARCH 1, 2010, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019. PRIOR TO SUCH REPEAL, THE EDUCATION DATA SUBCOMMITTEE SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

**SECTION 4.** 24-37.5-704 (1) and the introductory portion to 24-37.5-704 (3), Colorado Revised Statutes, are amended to read:

**24-37.5-704. Interdepartmental data protocol - contents.** (1) The chief information officer, working with the ~~council, shall create~~ ADVISORY BOARD, SHALL OVERSEE THE IMPLEMENTATION OF the interdepartmental data protocol, which at a minimum shall include protocols and procedures to be used by state agencies in data processing, including but not limited to collecting, storing, manipulating, sharing, retrieving, and releasing data. In ~~designing~~ IMPLEMENTING the interdepartmental data protocol, the chief information officer and the ~~council shall establish~~ ADVISORY BOARD SHALL MONITOR COMPLIANCE WITH THE timelines by which the state agencies shall implement the interdepartmental data protocol.

(3) ~~In creating~~ The protocols 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 entity or an individual ~~the council~~ shall, at a minimum:

**SECTION 5.** 24-37.5-106 (1) (o), Colorado Revised Statutes, is amended, and the said 24-37.5-106 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**24-37.5-106. Chief information officer - duties and responsibilities - broadband inventory fund created - repeal.** (1) The chief information officer shall:

(o) Supervise the chief information security officer appointed pursuant to section 24-37.5-403 (1); ~~and~~

(q) IN CONSULTATION WITH THE GOVERNMENT DATA ADVISORY BOARD CREATED IN SECTION 24-37.5-703, ADOPT RULES AND PROCEDURES

THAT A STATE AGENCY, AS DEFINED IN SECTION 24-37.5-702 (7), SHALL FOLLOW IN REQUESTING, OR RESPONDING TO A REQUEST FOR, DATA FROM ANOTHER STATE AGENCY;

(r) IN CONSULTATION WITH THE GOVERNMENT DATA ADVISORY BOARD CREATED IN SECTION 24-37.5-703, ADOPT RULES AND PROCEDURES FOR RESPONDING TO DATA REQUESTS SUBMITTED BY AN ENTITY OUTSIDE OF STATE GOVERNMENT; AND

(s) IN CONSULTATION WITH THE GOVERNMENT DATA ADVISORY BOARD CREATED IN SECTION 24-37.5-703, ADOPT A SCHEDULE OF FEES THAT THE OFFICE MAY CHARGE TO STATE AGENCIES TO SUPERVISE AND ADMINISTER INTERDEPARTMENTAL AND EXTERNAL DATA REQUESTS, THAT A STATE AGENCY MAY CHARGE ANOTHER STATE AGENCY IN RESPONDING TO AN INTERDEPARTMENTAL DATA REQUEST, AND THAT A STATE AGENCY MAY CHARGE TO RESPOND TO A DATA REQUEST SUBMITTED BY AN ENTITY OUTSIDE OF STATE GOVERNMENT. THE CHIEF INFORMATION OFFICER SHALL ENSURE THAT THE AMOUNT OF THE FEES DOES NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE OFFICE OR BY THE STATE AGENCY THAT IS RESPONDING TO A DATA REQUEST.

**SECTION 6.** 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**2-3-1203. Sunset review of advisory committees.** (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(ff) JULY 1, 2019:

(I) THE GOVERNMENT DATA ADVISORY BOARD CREATED IN SECTION 24-37.5-703, C.R.S.;

(II) THE EDUCATION DATA SUBCOMMITTEE CREATED IN SECTION 24-37.5-703.5, C.R.S.

**SECTION 7. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section

1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

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| Terrance D. Carroll<br>SPEAKER OF THE HOUSE<br>OF REPRESENTATIVES | Peter C. Groff<br>PRESIDENT OF<br>THE SENATE |
| Marilyn Eddins<br>CHIEF CLERK OF THE HOUSE<br>OF REPRESENTATIVES | Karen Goldman<br>SECRETARY OF<br>THE SENATE |

APPROVED_____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO