

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB24-129 be amended as follows:

1 Amend the Business, Labor, and Technology Committee Report, dated
2 March 28, 2024, page 1, strike lines 2 through 4 and substitute:

3 "Page 3 of the bill, line 21, strike "REQUIRED BY LAW; AND" and substitute
4 "PERMITTED BY LAW OR RULE OR IS NECESSARY TO ENFORCE OR ENSURE
5 COMPLIANCE WITH THE LAW OR RULES OF THE STATE; AND".".

6 Page 1 of the committee report, strike lines 15 through 20.

7 Page 2 of the committee report, strike lines 1 through 8 and substitute:

8 "Page 5 of the bill, strike lines 4 through 13 and substitute:

9 "(a) THE MEMBER-SPECIFIC DATA IS SPECIFICALLY IDENTIFIED IN
10 A LAWFUL SUBPOENA OR WARRANT THAT IS:

11 (I) ISSUED BY A COURT OF COMPETENT JURISDICTION OR IS ISSUED
12 UNDER THE AGENCY'S STATUTORY OR CONSTITUTIONAL AUTHORITY IN AN
13 ADMINISTRATIVE, CIVIL, OR CRIMINAL MATTER OR FOR AN
14 ADMINISTRATIVE PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE,
15 A HEARING OFFICER, OR OTHER DULY AUTHORIZED, QUASI-JUDICIAL
16 OFFICIAL, INCLUDING THE INDEPENDENT ETHICS COMMISSION AS
17 AUTHORIZED BY ARTICLE XXIX OF THE STATE CONSTITUTION; OR

18 (II) SERVED UPON A STATE OR LOCAL AGENCY FOR PURPOSES OF
19 FACILITATING A LAWFUL INVESTIGATION, SUBJECT TO THE CONDITIONS OF
20 A PROTECTIVE ORDER AS DIRECTED BY THE COURT OR AGENCY THAT
21 ISSUED THE SUBPOENA;

22 (b) (I) THE MEMBER-SPECIFIC DATA IS PRODUCED IN DISCOVERY
23 UNDER THE COLORADO RULES OF CIVIL PROCEDURE BEFORE A COURT OF
24 COMPETENT JURISDICTION OR AS AUTHORIZED BY JURISDICTION, AN
25 ADMINISTRATIVE LAW JUDGE, A HEARING OFFICER, OR OTHER DULY
26 AUTHORIZED, QUASI-JUDICIAL OFFICIAL, INCLUDING THE INDEPENDENT
27 ETHICS COMMISSION AS AUTHORIZED BY ARTICLE XXIX OF THE STATE
28 CONSTITUTION, SO LONG AS THE PRESIDING OFFICIAL ENTERS A
29 PROTECTIVE ORDER PROHIBITING OR LIMITING THE DISCLOSURE OF THE
30 MEMBER-SPECIFIC DATA TO THE PUBLIC.

31 (II) A PROTECTIVE ORDER MAY BE ISSUED AS DESCRIBED IN THIS
32 SUBSECTION (3)(b) AT THE COURT'S DISCRETION IN DISCOVERY BY STATE
33 OR LOCAL AGENCIES ENGAGED IN SECURITIES AND COMMODITIES
34 ENFORCEMENT, LICENSING, OR EXAMINATION PROCEDURES.".".

35 Page 2 of the committee report, strike lines 16 through 19 and substitute

1 "TO QUALIFY FOR OR TO OPERATE A BUSINESS ACTIVITY IN THE STATE OR
2 IN ORDER FOR LICENSEES OR REGISTRANTS TO COMPLY WITH ONGOING
3 REGULATORY REQUIREMENTS, SO LONG AS THE MEMBER-SPECIFIC DATA IS
4 USED ONLY IN CONNECTION WITH LAWFUL REGULATORY OR ENFORCEMENT
5 ACTIVITY TO WHICH THE REQUEST RELATES AND FOR ANY RELATED
6 PROCEEDINGS;".

7 Page 2 of the committee report, strike line 35 and substitute "TO
8 DETERMINE WHETHER A PERSON THAT IS APPLYING FOR OR BEING
9 EVALUATED FOR ANY".

10 Page 3 of the committee report, strike lines 2 and 3 and substitute "THE
11 APPLICANT, AS WELL AS PERSONS CONDUCTING THE EVALUATION, SO LONG
12 AS THE MEMBER-SPECIFIC DATA IS USED ONLY IN CONNECTION WITH THE
13 SPECIFIC APPLICATION FOR, OR EVALUATION FOR, A".

14 Page 3 of the committee report, strike lines 6 through 12 and substitute:

15 "(m) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED BY THE
16 OFFICE OF THE STATE AUDITOR FOR THE PURPOSE OF PERFORMING THE
17 FUNCTIONS OF THAT OFFICE OR IN AN AUDIT, EVALUATION, OR STUDY
18 CONDUCTED BY A PUBLIC AGENCY TO PERFORM ITS FUNCTIONS, SO LONG
19 AS THE MEMBER-SPECIFIC DATA IS USED ONLY FOR OFFICIAL STATE
20 BUSINESS;".

21 Page 3 of the committee report, strike lines 21 through 23 and substitute:

22 "RELATING TO THE DEDUCTION OR CREDITS ARISING FROM CONTRIBUTIONS
23 TO A NONPROFIT ENTITY FROM A PERSON'S TAXABLE INCOME;

24 (p) THE MEMBER-SPECIFIC DATA IS PRODUCED FOR THE PURPOSES
25 OF ENFORCEMENT, EXAMINATION, OR OTHER SECURITIES AND
26 COMMODITIES REGULATORY MATTERS, INCLUDING COLLABORATION WITH
27 OTHER SECURITIES AND COMMODITIES ENFORCEMENT AND REGULATORY
28 AGENCIES, INCLUDING, BUT NOT LIMITED TO, INTERNATIONAL, FOREIGN,
29 FEDERAL, STATE, AND SELF-REGULATORY AGENCIES, SUCH AS THE
30 FINANCIAL INDUSTRY REGULATORY AUTHORITY;

31 (q) THE MEMBER-SPECIFIC DATA CONCERNS A MEMBER WHO HAS
32 BEEN ISSUED OR IS PRACTICING UNDER ANY CLASS OF LICENSE UNDER
33 SECTION 44-20-108 OR 44-20-408; OR

34 (r) THE MEMBER-SPECIFIC DATA WAS VOLUNTARILY RELEASED
35 TO".

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