

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 25, 2024
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB24-129 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

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

1 UNDER THE COLORADO RULES OF CIVIL PROCEDURE BEFORE A COURT OF
2 COMPETENT JURISDICTION OR AS AUTHORIZED BY JURISDICTION, AN
3 ADMINISTRATIVE LAW JUDGE, A HEARING OFFICER, OR OTHER DULY
4 AUTHORIZED, QUASI-JUDICIAL OFFICIAL, INCLUDING THE INDEPENDENT
5 ETHICS COMMISSION AS AUTHORIZED BY ARTICLE XXIX OF THE STATE
6 CONSTITUTION, SO LONG AS THE PRESIDING OFFICIAL ENTERS A
7 PROTECTIVE ORDER PROHIBITING OR LIMITING THE DISCLOSURE OF THE
8 MEMBER-SPECIFIC DATA TO THE PUBLIC.

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

13 Page 2 of the committee report, strike lines 16 through 19 and substitute
14 "TO QUALIFY FOR OR TO OPERATE A BUSINESS ACTIVITY IN THE STATE OR
15 IN ORDER FOR LICENSEES OR REGISTRANTS TO COMPLY WITH ONGOING
16 REGULATORY REQUIREMENTS, SO LONG AS THE MEMBER-SPECIFIC DATA IS
17 USED ONLY IN CONNECTION WITH LAWFUL REGULATORY OR ENFORCEMENT
18 ACTIVITY TO WHICH THE REQUEST RELATES AND FOR ANY RELATED
19 PROCEEDINGS;".

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

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

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

28 "(m) THE MEMBER-SPECIFIC DATA IS COLLECTED AND USED BY THE
29 OFFICE OF THE STATE AUDITOR FOR THE PURPOSE OF PERFORMING THE
30 FUNCTIONS OF THAT OFFICE OR IN AN AUDIT, EVALUATION, OR STUDY
31 CONDUCTED BY A PUBLIC AGENCY TO PERFORM ITS FUNCTIONS, SO LONG
32 AS THE MEMBER-SPECIFIC DATA IS USED ONLY FOR OFFICIAL STATE
33 BUSINESS;".

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

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

1 (p) THE MEMBER-SPECIFIC DATA IS PRODUCED FOR THE PURPOSES
2 OF ENFORCEMENT, EXAMINATION, OR OTHER SECURITIES AND
3 COMMODITIES REGULATORY MATTERS, INCLUDING COLLABORATION WITH
4 OTHER SECURITIES AND COMMODITIES ENFORCEMENT AND REGULATORY
5 AGENCIES, INCLUDING, BUT NOT LIMITED TO, INTERNATIONAL, FOREIGN,
6 FEDERAL, STATE, AND SELF-REGULATORY AGENCIES, SUCH AS THE
7 FINANCIAL INDUSTRY REGULATORY AUTHORITY;
8 (q) THE MEMBER-SPECIFIC DATA CONCERNS A MEMBER WHO HAS
9 BEEN ISSUED OR IS PRACTICING UNDER ANY CLASS OF LICENSE UNDER
10 SECTION 44-20-108 OR 44-20-408; OR
11 (r) THE MEMBER-SPECIFIC DATA WAS VOLUNTARILY RELEASED
12 TO".

** ** ** ** **