

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0923.01 Nicole Myers x4326

SENATE BILL 17-304

SENATE SPONSORSHIP

Martinez Humenik and Williams A., Tate

HOUSE SPONSORSHIP

Singer and Thurlow, Pabon

Senate Committees

State, Veterans, & Military Affairs

House Committees

Finance

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE JOINT TECHNOLOGY**
102 **COMMITTEE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Technology Committee. The bill adds definitions of "cybersecurity" and "data privacy" for the purposes of the joint technology committee (committee). In addition, the bill modifies the definition of "oversee" for the purposes of the committee to be consistent with other statutory provisions.

The bill adds to the powers and duties of the committee the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
May 9, 2017

HOUSE
2nd Reading Unamended
May 8, 2017

SENATE
3rd Reading Unamended
May 8, 2017

SENATE
Amended 2nd Reading
May 5, 2017

authority to request information and presentations regarding data privacy and cybersecurity within state agencies and the authority to coordinate with the Colorado cybersecurity council created in the department of public safety. In addition, the committee may consider:

- ! Whether state agencies are collecting or retaining data that exceeds what is necessary and appropriate for such agencies to perform their functions;
- ! Who has access to data, the extent of such access, and appropriate mechanisms to protect sensitive data; and
- ! Measures to protect data against unauthorized access, disclosure, use, modification, or destruction.

Currently, the committee is required to review and may make recommendations to other legislative committees on any legislative measure that the speaker of the house of representatives or the president of the senate determines to be dealing with information technology. The bill specifies that this requirement includes data privacy and cybersecurity. The bill also specifies that the committee may request to review and make recommendations to other legislative committees on any legislative measure that the committee determines to be dealing with information technology, data privacy, or cybersecurity.

Pursuant to current law, the committee will repeal on July 1, 2018. The bill eliminates the repeal of the committee.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1701, **amend** (4);
3 and **add** (1.3) and (1.7) as follows:

4 **2-3-1701. Definitions.** As used in this part 17:

5 (1.3) "CYBERSECURITY" MEANS A BROAD RANGE OF
6 TECHNOLOGIES, PROCESSES, AND PRACTICES DESIGNED TO PROTECT
7 NETWORKS, COMPUTERS, PROGRAMS, AND DATA FROM ATTACK, DAMAGE,
8 OR UNAUTHORIZED ACCESS.

9 (1.7) "DATA PRIVACY" MEANS THE COLLECTION AND
10 DISSEMINATION OF DATA, TECHNOLOGY, AND THE PUBLIC EXPECTATION OF
11 PRIVACY. "DATA PRIVACY" ALSO INCLUDES THE WAY PERSONALLY
12 IDENTIFIABLE INFORMATION OR OTHER SENSITIVE INFORMATION IS
13 COLLECTED, STORED, USED, AND FINALLY DESTROYED OR DELETED, IN

1 DIGITAL FORM OR OTHERWISE.

2 (4) "Oversee" means reviews of ~~significant~~ MAJOR information
3 technology projects AS DEFINED IN SECTION 24-37.5-102 (2.6), reviews of
4 the office's budget requests for information technology projects, and
5 ensuring that information technology projects follow best practice
6 standards as established by the office of information technology.
7 "Oversee" does not include interference with the office's general
8 responsibilities set forth in this ~~article~~ ARTICLE 3.

9 **SECTION 2.** In Colorado Revised Statutes, 2-3-1704, **amend** (8);
10 and **add** (6.5) as follows:

11 **2-3-1704. Powers and duties of the joint technology committee.**

12 (6.5) THE COMMITTEE MAY REQUEST INFORMATION AND PRESENTATIONS
13 FROM STATE AGENCIES REGARDING DATA PRIVACY AND CYBERSECURITY
14 WITHIN STATE AGENCIES AND MAY COORDINATE WITH THE COLORADO
15 CYBERSECURITY COUNCIL CREATED IN SECTION 24-33.5-1902. IN
16 ADDITION, THE COMMITTEE MAY CONSIDER:

17 (a) WHETHER STATE AGENCIES ARE COLLECTING OR RETAINING
18 DATA THAT EXCEEDS WHAT IS NECESSARY AND APPROPRIATE FOR SUCH
19 AGENCIES TO PERFORM THEIR FUNCTIONS;

20 (b) WHO HAS ACCESS TO DATA, THE EXTENT OF SUCH ACCESS, AND
21 APPROPRIATE MECHANISMS TO PROTECT SENSITIVE DATA; AND

22 (c) MEASURES TO PROTECT DATA AGAINST UNAUTHORIZED
23 ACCESS, DISCLOSURE, USE, MODIFICATION, OR DESTRUCTION.

24 (8) A copy of any legislative measure introduced during any
25 legislative session, regular or special, commencing on or after January 1,
26 2014, and determined by the speaker of the house of representatives or by
27 the president of the senate to be dealing with information technology,

1 DATA PRIVACY, OR CYBERSECURITY shall be reviewed by the committee.
2 THE COMMITTEE MAY ALSO REQUEST THAT ANY LEGISLATIVE MEASURE
3 INTRODUCED DURING A LEGISLATIVE SESSION, REGULAR OR SPECIAL, AND
4 DETERMINED BY THE COMMITTEE TO BE DEALING WITH INFORMATION
5 TECHNOLOGY, DATA PRIVACY, OR CYBERSECURITY BE REVIEWED BY THE
6 COMMITTEE. The committee may make advisory recommendations about
7 such legislative measures to the house of representatives, the senate, the
8 joint budget committee, the capital development committee, or to any
9 committee of reference, as appropriate, considering any such legislative
10 measure.

11 **SECTION 3.** In Colorado Revised Statutes, **repeal** 2-3-1706 as
12 follows:

13 **2-3-1706. Repeal of part.** ~~This part 17 is repealed, effective July~~
14 ~~1, 2018.~~

15 **SECTION 4.** In Colorado Revised Statutes, 24-37-302, **add**
16 (1)(a.5) as follows:

17 **24-37-302. Responsibilities of the office of state planning and**
18 **budgeting.** (1) The office of state planning and budgeting shall assist the
19 governor in his or her responsibilities pertaining to the executive budget.
20 Specifically, it shall:

21 (a.5) DESIGN AND PREPARE, IN COORDINATION WITH THE STAFF OF
22 THE JOINT TECHNOLOGY COMMITTEE OF THE GENERAL ASSEMBLY, THE
23 FORMS AND INSTRUCTIONS TO BE USED IN PREPARATION OF ALL BUDGET
24 REQUESTS AND SUPPLEMENTAL BUDGET REQUESTS SUBMITTED TO THE
25 JOINT TECHNOLOGY COMMITTEE PURSUANT TO SECTION 24-37-304
26 (1)(c.5). THE STAFF OF THE JOINT TECHNOLOGY COMMITTEE SHALL MAKE
27 RECOMMENDATIONS TO THE JOINT TECHNOLOGY COMMITTEE REGARDING

1 SUCH FORMS AND INSTRUCTIONS FOR THE COMMITTEE'S APPROVAL. THE
2 FORMS AND INSTRUCTIONS SHALL REQUIRE THAT BUDGET REQUESTS
3 SUBMITTED TO THE JOINT TECHNOLOGY COMMITTEE INCLUDE:

4 (I) INFORMATION FROM A REQUEST FOR INFORMATION ISSUED
5 PURSUANT TO SECTION 24-103-201.5, OR OTHER FORMAL MARKET
6 RESEARCH REGARDING THE INFORMATION TECHNOLOGY BUDGET REQUEST;

7 (II) A DEFINED SCOPE OF WORK AND INFORMATION REGARDING
8 WHETHER A VENDOR OR CONSULTANT ASSISTED IN PREPARING THE
9 SPECIFICATIONS OR STATEMENT OF WORK INCLUDED IN THE INFORMATION
10 TECHNOLOGY BUDGET REQUEST;

11 (III) A RANGE OF OPTIONS FOR COMPLETING THE PROJECT,
12 INCLUDING THE ESTIMATED COSTS FOR SUCH OPTIONS; AND

13 (IV) ANY OTHER AVAILABLE AND RELEVANT INFORMATION
14 OBTAINED FROM THE MARKET RESEARCH RELATED TO THE INFORMATION
15 TECHNOLOGY BUDGET REQUEST.

16 **SECTION 5. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.