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SENATE BILL 17-304

BY SENATOR(S) Martinez Humenik and Williams A., Tate, Kefalas;
also REPRESENTATIVE(S) Singer and Thurlow, Pabon, Carver, Hansen,
Rosenthal, Weissman.

CONCERNING THE AUTHORITY OF THE JOINT TECHNOLOGY COMMITTEE.

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) A copy of any legislative measure introduced during any legislative session, regular or special, commencing on or after January 1, 2014, and determined by the speaker of the house of representatives or by the president of the senate to be dealing with information technology, DATA PRIVACY, OR CYBERSECURITY shall be reviewed by the committee. THE COMMITTEE MAY ALSO REQUEST THAT ANY LEGISLATIVE MEASURE INTRODUCED DURING A LEGISLATIVE SESSION, REGULAR OR SPECIAL, AND DETERMINED BY THE COMMITTEE TO BE DEALING WITH INFORMATION TECHNOLOGY, DATA PRIVACY, OR CYBERSECURITY BE REVIEWED BY THE COMMITTEE. The committee may make advisory recommendations about such legislative measures to the house of representatives, the senate, the

joint budget committee, the capital development committee, or to any committee of reference, as appropriate, considering any such legislative measure.

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

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

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

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

(a.5) DESIGN AND PREPARE, IN COORDINATION WITH THE STAFF OF THE JOINT TECHNOLOGY COMMITTEE OF THE GENERAL ASSEMBLY, THE FORMS AND INSTRUCTIONS TO BE USED IN PREPARATION OF ALL BUDGET REQUESTS AND SUPPLEMENTAL BUDGET REQUESTS SUBMITTED TO THE JOINT TECHNOLOGY COMMITTEE PURSUANT TO SECTION 24-37-304 (1)(c.5). THE STAFF OF THE JOINT TECHNOLOGY COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE JOINT TECHNOLOGY COMMITTEE REGARDING SUCH FORMS AND INSTRUCTIONS FOR THE COMMITTEE'S APPROVAL. THE FORMS AND INSTRUCTIONS SHALL REQUIRE THAT BUDGET REQUESTS SUBMITTED TO THE JOINT TECHNOLOGY COMMITTEE INCLUDE:

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

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

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

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

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO