

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO  
CORRECTED INTRODUCED**

LLS NO. 16-0089.01 Richard Sweetman x4333

**HOUSE BILL 16-1208**

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**HOUSE SPONSORSHIP**

**Carver,** Lebsock, Humphrey, Joshi, Roupe, Windholz, Lundeen, Ginal, Klingenschmitt, Wist, Brown, Landgraf, Rosenthal, Saine, Singer

**SENATE SPONSORSHIP**

**Lundberg and Newell,**

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE CREATION OF A SUBCOMMITTEE TO ADDRESS**  
102            **INFORMATION SECURITY, AND, IN CONNECTION THEREWITH,**  
103            **CHARGING THE SUBCOMMITTEE TO CONSIDER STRATEGIES FOR**  
104            **PROTECTING DATA AND OTHER INFORMATION RESOURCES OF**  
105            **THE STATE AGAINST UNAUTHORIZED ACCESS, DISCLOSURE, USE,**  
106            **MODIFICATION, OR DESTRUCTION.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill creates within the joint technology committee a

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.*

subcommittee on data privacy and cyber-security (subcommittee) to consider:

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

The subcommittee shall submit its findings to the joint technology committee and to the general assembly, by January 1, 2018. The subcommittee is repealed, effective July 1, 2018.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 2-3-1705.5** as  
3 follows:

4 **2-3-1705.5. Subcommittee on data privacy and cyber-security**  
5 **- creation - membership - duties - repeal.** (1) THERE IS CREATED  
6 WITHIN THE COMMITTEE THE SUBCOMMITTEE ON DATA PRIVACY AND  
7 CYBER-SECURITY, REFERRED TO WITHIN THIS SECTION AS THE  
8 "SUBCOMMITTEE".

9 (2) THE SUBCOMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

10 (a) ONE MEMBER OF THE MAJORITY PARTY OF THE HOUSE OF  
11 REPRESENTATIVES, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF  
12 REPRESENTATIVES;

13 (b) ONE MEMBER OF THE MINORITY PARTY OF THE HOUSE OF  
14 REPRESENTATIVES, TO BE APPOINTED BY THE HOUSE MINORITY LEADER;

15 (c) ONE MEMBER OF THE MAJORITY PARTY OF THE SENATE, TO BE  
16 APPOINTED BY THE PRESIDENT OF THE SENATE;

17 (d) ONE MEMBER OF THE MINORITY PARTY OF THE SENATE, TO BE  
18 APPOINTED BY THE SENATE MINORITY LEADER;

19 (e) FOUR MEMBERS TO BE APPOINTED BY THE GOVERNOR, AS

1       FOLLOWS:

2               (I) ONE MEMBER AT AN INSTITUTION OF HIGHER EDUCATION IN THE  
3       STATE WITH A DEPARTMENT OR PROGRAM RELATED TO ELECTRONIC DATA,  
4       CYBER-SECURITY, OR PRIVACY;

5               (II) ONE MEMBER WHO OWNS OR IS EMPLOYED FULL-TIME BY A  
6       PRIVATE COMPANY THAT PROVIDES PROFESSIONAL SERVICES RELATING TO  
7       CYBER-SECURITY;

8               (III) ONE MEMBER REPRESENTING A NONPROFIT ORGANIZATION  
9       THAT IS INVOLVED WITH ISSUES RELATED TO DATA PRIVACY; AND

10              (IV) ONE MEMBER REPRESENTING THE OFFICE OF INFORMATION  
11       TECHNOLOGY CREATED IN SECTION 24-37.5-103, C.R.S.; AND

12              (f) THE CHIEF INFORMATION SECURITY OFFICER APPOINTED  
13       PURSUANT TO SECTION 24-37.5-403, C.R.S.

14              (3) (a) EACH MEMBER OF THE SUBCOMMITTEE MAY SERVE  
15       INDEFINITELY AT THE PLEASURE OF HIS OR HER APPOINTING AUTHORITY  
16       AND CONTINUE SERVING UNTIL A SUCCESSOR IS APPOINTED.

17              (b) THE MEMBERS OF THE SUBCOMMITTEE MAY SELECT ONE  
18       MEMBER TO SERVE AS CHAIR OF THE SUBCOMMITTEE AND ANOTHER  
19       MEMBER TO SERVE AS VICE-CHAIR.

20              (4) THE SUBCOMMITTEE SHALL CONSIDER:

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

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

27              (c) ADDITIONAL MEASURES TO PROTECT SUCH DATA AGAINST

1 UNAUTHORIZED ACCESS, DISCLOSURE, USE, MODIFICATION, OR  
2 DESTRUCTION.

3 (5) ALL STATE AND LOCAL AGENCIES SHALL COOPERATE WITH THE  
4 SUBCOMMITTEE AND PROVIDE SUCH DATA AND OTHER INFORMATION AS  
5 THE SUBCOMMITTEE MAY REQUIRE IN CARRYING OUT ITS DUTIES UNDER  
6 THIS SECTION. ANY STATE OR LOCAL AGENCY OR ORGANIZATION THAT IS  
7 REPRESENTED ON THE SUBCOMMITTEE MAY PROVIDE STAFF ASSISTANCE  
8 TO THE SUBCOMMITTEE, SUBJECT TO THE DISCRETION OF THE CHAIR. ANY  
9 STAFF ASSISTANCE PROVIDED TO THE SUBCOMMITTEE PURSUANT TO THIS  
10 SUBSECTION (5) IS WITHOUT COMPENSATION.

11 (6) THE SUBCOMMITTEE SHALL:

12 (a) MEET AT LEAST THREE TIMES EACH CALENDAR YEAR, OR MORE  
13 OFTEN AS DIRECTED BY THE CHAIR OF THE SUBCOMMITTEE;

14 (b) COMMUNICATE WITH AND OBTAIN INPUT FROM GROUPS  
15 THROUGHOUT THE STATE AFFECTED BY THE ISSUES IDENTIFIED IN  
16 SUBSECTION (4) OF THIS SECTION;

17 (c) SUBMIT ITS FINDINGS AND RECOMMENDATIONS TO THE  
18 COMMITTEE AND TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1,  
19 2018. THE FINDINGS, AT A MINIMUM, MUST INCLUDE THE FOLLOWING:

20 (I) WHETHER ANY ADDITIONAL AREAS CONCERNING DATA  
21 PRIVACY AND CYBER-SECURITY SHOULD BE REVIEWED BY THE  
22 SUBCOMMITTEE;

23 (II) WHETHER LEGISLATION IS NECESSARY TO LIMIT THE  
24 COLLECTION OR ACCESS TO OR PROTECTION OF DATA; AND

25 (III) WHETHER THE GENERAL ASSEMBLY SHOULD EXTEND THE  
26 DATE UPON WHICH THE SUBCOMMITTEE IS REPEALED, AS DESCRIBED IN  
27 SUBSECTION (9) OF THIS SECTION, SO AS TO ALLOW THE SUBCOMMITTEE TO

1 CONTINUE ITS WORK.

2 (7) IN ADDITION TO THE FINDINGS DESCRIBED IN PARAGRAPH (c)  
3 OF SUBSECTION (6) OF THIS SECTION, THE SUBCOMMITTEE MAY SUBMIT ITS  
4 FINDINGS TO THE COMMITTEE OR TO THE GENERAL ASSEMBLY ON OR  
5 BEFORE JANUARY 1, 2017, ADDRESSING ANY OF THE ITEMS DESCRIBED IN  
6 SAID PARAGRAPH (c).

7 (8) NONLEGISLATIVE MEMBERS OF THE SUBCOMMITTEE SERVE  
8 WITHOUT COMPENSATION BUT MAY RECEIVE REIMBURSEMENT FOR ACTUAL  
9 TRAVEL EXPENSES.

10 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018, UNLESS  
11 EXTENDED BY THE GENERAL ASSEMBLY.

12 **SECTION 2. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly (August  
15 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
16 referendum petition is filed pursuant to section 1 (3) of article V of the  
17 state constitution against this act or an item, section, or part of this act  
18 within such period, then the act, item, section, or part will not take effect  
19 unless approved by the people at the general election to be held in  
20 November 2016 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.