

SENATE COMMITTEE OF REFERENCE REPORT

_____ Date February 23, 2022
Chair of Committee

Committee on Business, Labor, & Technology.

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

SB22-113 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, strike line 10.

2 Strike page 4.

3 Page 5, strike lines 1 through 18 and substitute:

4

5 "(b) THE TASK FORCE INCLUDES THE FOLLOWING TWENTY-ONE
6 MEMBERS:

7 (I) THE CHIEF INFORMATION OFFICER APPOINTED BY THE
8 GOVERNOR PURSUANT TO SECTION 24-37.5-103 (1), OR THE CHIEF
9 INFORMATION OFFICER'S DESIGNEE;

10 (II) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S
11 DESIGNEE;

12 (III) THE CHAIR OF THE STATE BOARD OF EDUCATION OR THE
13 CHAIR'S DESIGNEE;

14 (IV) THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION
15 CREATED IN SECTION 24-33.5-401 OR THE DIRECTOR'S DESIGNEE;"

16 (V) ONE MEMBER WHO REPRESENTS THE COLORADO DISTRICT
17 ATTORNEYS' COUNCIL;

18 (VI) ONE MEMBER WHO REPRESENTS THE COUNTY SHERIFFS OF
19 COLORADO OR A SUCCESSOR ORGANIZATION;

20 (VII) ONE MEMBER WHO REPRESENTS THE COLORADO
21 ASSOCIATION OF CHIEFS OF POLICE OR A SUCCESSOR ORGANIZATION;

22 (VIII) TWO MEMBERS WHO ARE STATE REPRESENTATIVES, TO BE
23 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, WHICH
24 MEMBERS MUST NOT BELONG TO THE SAME POLITICAL PARTY;

25 (IX) TWO MEMBERS WHO ARE STATE SENATORS, TO BE APPOINTED
26 BY THE PRESIDENT OF THE SENATE, WHICH MEMBERS MUST NOT BELONG

1 TO THE SAME POLITICAL PARTY;

2 (X) TWO MEMBERS WHO REPRESENT LOCAL SCHOOL DISTRICT
3 BOARDS OF EDUCATION, ONE OF WHOM TO BE APPOINTED BY THE SPEAKER
4 OF THE HOUSE OF REPRESENTATIVES AND ONE OF WHOM TO BE APPOINTED
5 BY THE PRESIDENT OF THE SENATE;

6 (XI) TWO MEMBERS WHO ARE INSTRUCTORS AT ONE OR MORE
7 INSTITUTIONS OF HIGHER EDUCATION AND HAVE EXPERT KNOWLEDGE OF,
8 AND EXPERIENCE WITH, ARTIFICIAL INTELLIGENCE TECHNOLOGY, ONE OF
9 WHOM TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF
10 REPRESENTATIVES AND ONE OF WHOM TO BE APPOINTED BY THE
11 PRESIDENT OF THE SENATE;

12 (XII) TWO MEMBERS WHO ARE BUSINESS PROFESSIONALS WITH
13 EXPERT KNOWLEDGE OF, AND EXPERIENCE WITH, ARTIFICIAL
14 INTELLIGENCE PRODUCTS, ONE OF WHOM TO BE APPOINTED BY THE
15 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE OF WHOM TO BE
16 APPOINTED BY THE PRESIDENT OF THE SENATE;

17 (XIII) TWO MEMBERS WHO ARE ATTORNEYS WITH EXPERT
18 KNOWLEDGE OF, AND EXPERIENCE WITH, FEDERAL AND STATE LAWS
19 CONCERNING ARTIFICIAL INTELLIGENCE, ONE OF WHOM TO BE APPOINTED
20 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE OF WHOM
21 TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

22 (XIV) ONE MEMBER WHO REPRESENTS A STATEWIDE CIVIL
23 LIBERTIES ORGANIZATION, TO BE APPOINTED BY THE SPEAKER OF THE
24 HOUSE OF REPRESENTATIVES; AND

25 (XV) ONE MEMBER WHO REPRESENTS DISPROPORTIONATELY
26 IMPACTED COMMUNITIES, AS DEFINED IN SECTION 24-4-109 (2)(b)(II), TO
27 BE APPOINTED BY THE PRESIDENT OF THE SENATE.

28 (c) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
29 PRESIDENT OF THE SENATE SHALL MAKE EACH OF THE INITIAL
30 APPOINTMENTS DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION NOT
31 LATER THAN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

32 (d) THE TERMS OF THE APPOINTED MEMBERS OF THE TASK FORCE
33 ARE AS FOLLOWS:

34 (I) THE STATE REPRESENTATIVES APPOINTED PURSUANT TO
35 SUBSECTION (1)(b)(VIII) OF THIS SECTION MAY SERVE INDEFINITELY, AT
36 THE DISCRETION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, SO
37 LONG AS THEY REMAIN STATE REPRESENTATIVES;

38 (II) THE STATE SENATORS APPOINTED PURSUANT TO SUBSECTION
39 (1)(b)(IX) OF THIS SECTION MAY SERVE INDEFINITELY, AT THE DISCRETION
40 OF THE PRESIDENT OF THE SENATE, SO LONG AS THEY REMAIN STATE
41 SENATORS;

42 (III) OF THE TWO MEMBERS APPOINTED PURSUANT TO EACH OF
43 SUBSECTIONS (1)(b)(X) AND (1)(b)(XI) OF THIS SECTION, THE INITIAL

1 TERM OF THE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
2 REPRESENTATIVES IS TWO YEARS AND THE INITIAL TERM OF THE MEMBER
3 APPOINTED BY THE PRESIDENT OF THE SENATE IS FOUR YEARS, AND
4 THEREAFTER THE TERMS OF EACH SUCH MEMBER IS FOUR YEARS;

5 (IV) OF THE TWO MEMBERS APPOINTED PURSUANT TO EACH OF
6 SUBSECTIONS (1)(b)(XII) AND (1)(b)(XIII) OF THIS SECTION, THE INITIAL
7 TERM OF THE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE IS
8 TWO YEARS AND THE INITIAL TERM OF THE MEMBER APPOINTED BY THE
9 SPEAKER OF THE HOUSE OF REPRESENTATIVES IS FOUR YEARS, AND
10 THEREAFTER THE TERMS OF EACH SUCH MEMBER IS FOUR YEARS; AND

11 (V) THE MEMBERS APPOINTED PURSUANT TO SUBSECTIONS
12 (1)(b)(XIV) AND (1)(b)(XV) OF THIS SECTION SHALL SERVE TERMS OF
13 FOUR YEARS.

14 (e) ANY VACANCY THAT OCCURS AMONG THE APPOINTED
15 MEMBERS OF THE TASK FORCE SHALL BE FILLED BY THE APPROPRIATE
16 APPOINTING AUTHORITY AS SOON AS PRACTICABLE IN ACCORDANCE WITH
17 THE LIMITATIONS SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION.

18 (f) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE SPEAKER
19 OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE
20 SHALL ENSURE THAT:

21 (I) THE MEMBERSHIP OF THE TASK FORCE REFLECTS THE ETHNIC,
22 CULTURAL, AND GENDER DIVERSITY OF THE STATE; INCLUDES
23 REPRESENTATION OF ALL AREAS OF THE STATE; AND, TO THE EXTENT
24 PRACTICABLE, INCLUDES PERSONS WITH DISABILITIES; AND

25 (II) THE TWO MEMBERS APPOINTED PURSUANT TO EACH OF
26 SUBSECTIONS (1)(b)(X) TO (1)(b)(XIII) OF THIS SECTION RESIDE IN
27 DIFFERENT CONGRESSIONAL DISTRICTS.

28 (g) NOT LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE OF
29 THIS SECTION, THE PRESIDENT OF THE SENATE SHALL APPOINT A MEMBER
30 OF THE TASK FORCE TO SERVE AS THE INITIAL CHAIR OF THE TASK FORCE.
31 THEREAFTER, THE CHAIR OF THE TASK FORCE SHALL BE APPOINTED
32 ANNUALLY ON OR BEFORE JULY 1, WITH THE SPEAKER OF THE HOUSE OF
33 REPRESENTATIVES APPOINTING THE CHAIR IN ODD YEARS AND THE
34 PRESIDENT OF THE SENATE APPOINTING THE CHAIR IN EVEN YEARS."

35 Page 6, strike lines 17 through 19 and substitute:

36 "(a) MEET ON OR BEFORE OCTOBER 1, 2022, AT A TIME AND PLACE
37 TO BE DETERMINED BY THE CHAIR OF THE TASK FORCE;".

38 Page 7, strike lines 20 through 22 and substitute "LEGISLATIVE COUNCIL
39 MAY SUPPLY STAFF ASSISTANCE TO THE TASK FORCE AS THE DIRECTOR OF
40 RESEARCH DEEMS APPROPRIATE WITHIN EXISTING APPROPRIATIONS. THE

1 TASK".

2 Page 11, strike lines 1 and 2 and substitute:

3 "(2) "AGENCY" MEANS:

4 (a) AN AGENCY OF THE STATE GOVERNMENT OR OF A LOCAL
5 GOVERNMENT; OR

6 (b) A STATE INSTITUTION OF HIGHER EDUCATION."

7 Page 12, line 25, after "THE" insert "CONTINUAL".

8 Page 12, line 26, after "TRACK" insert "IN REAL TIME".

9 Page 13, strike lines 1 and 2 and substitute "PLACES."

10 Page 14, line 10, strike "**notice.**" and substitute "**notice - exemption.**".

11 Page 14, line 17, strike "AFTER" and substitute "EXCEPT AS DESCRIBED IN
12 SUBSECTION (8) OF THIS SECTION, AFTER".

13 Page 16, line 12, strike "OTHER ENTITY," and substitute "THIRD PARTY
14 THAT IS NOT A LAW ENFORCEMENT AGENCY,".

15 Page 16, line 13, strike "ENTITIES COMPLY" and substitute "THIRD PARTY
16 COMPLIES".

17 Page 18, after line 14 insert:

18 "(8) THE REQUIREMENTS OF SUBSECTIONS (2), (3), (4), (5), AND (7)
19 OF THIS SECTION CONCERNING ACCOUNTABILITY REPORTS DO NOT APPLY
20 TO AN AGENCY'S PROCUREMENT OR USE OF A FACIAL RECOGNITION
21 SERVICE IF:

22 (a) THE FACIAL RECOGNITION SERVICE IS PART OF A GENERALLY
23 AVAILABLE CONSUMER PRODUCT;

24 (b) THE FACIAL RECOGNITION SERVICE IS INCLUDED IN THE
25 CONSUMER PRODUCT ONLY FOR PERSONAL OR HOUSEHOLD USE; AND

26 (c) THE AGENCY CERTIFIES PUBLICLY THAT THE FACIAL
27 RECOGNITION SERVICE IS NOT THE REASON FOR THE AGENCY'S
28 PROCUREMENT OR USE OF THE CONSUMER PRODUCT AND WILL NOT BE
29 USED FOR GOVERNMENTAL PURPOSES."

30 Page 18, line 22, strike "**required.**" and substitute "**required -
31 exemption.**".

1 Page 18, line 23, strike "BEFORE" and substitute "EXCEPT AS DESCRIBED
2 IN SUBSECTION (4) OF THIS SECTION, BEFORE".

3 Page 19, line 4, strike "AN" and substitute "EXCEPT AS DESCRIBED IN
4 SUBSECTION (4) OF THIS SECTION, AN".

5 Page 20, after line 5 insert:

6 "(4) THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS
7 SECTION DO NOT APPLY IF THE FACIAL RECOGNITION SERVICE PROVIDER IS
8 A PARTICIPANT IN THE FACE RECOGNITION VENDOR TEST ONGOING PROJECT
9 OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY."

10 Page 21, line 9, strike "OR".

11 Page 21, after line 9 insert:

12 "(c) THE LAW ENFORCEMENT AGENCY HAS ESTABLISHED
13 PROBABLE CAUSE FOR SUCH USE; OR".

14 Re-letter succeeding paragraph accordingly.

15 Page 21, line 14, strike "(1)(c)" and substitute "(1)(d)".

16 Page 22, strike lines 11 through 13.

17 Renumber succeeding subsection accordingly.

18 Page 24, lines 3 and 4, strike "OR BY AN INSTITUTION OF HIGHER
19 EDUCATION".

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