

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0524.02 Bob Lackner

**SENATE BILL 11-082**

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**SENATE SPONSORSHIP**

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**HOUSE SPONSORSHIP**

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**A BILL FOR AN ACT**

101     **CONCERNING THE AUTHORITY OF THE STATE AUDITOR TO CONDUCT**  
102             **AUDITS OF SECURITY SYSTEMS USED FOR INFORMATION**  
103             **TECHNOLOGY OPERATED BY THE STATE.**

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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>.)*

**Legislative Audit Committee.** In addition to any other duties granted by law, **section 1** of the bill authorizes the state auditor (auditor) to assess, confirm, and report on the security practices of all of the information technology systems maintained or administered by all

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.*

departments, institutions, and agencies of state government, including educational institutions and the judicial and legislative branches. The bill also authorizes the auditor to perform similar or related duties with respect to political subdivisions of the state where the auditor has been granted authority to perform financial or performance audits with respect to such political subdivisions. In order to perform such duties, the bill authorizes the auditor to conduct penetration or similar testing of computer networks or information systems of the state or a political subdivision, as applicable, assess network or information system vulnerability, or conduct similar or related procedures to promote best practices with respect to the confidentiality, integrity, or availability of information systems technology as the auditor deems necessary in his or her discretion. In conducting such testing, the bill authorizes the state auditor to contract with auditors or information technology security specialists, or both, that possess the necessary specialized knowledge and experience to perform the required work. The bill specifies that the authority of the state auditor, with respect to such information technology system audits, shall be coextensive with the auditor's existing authority.

Section 1 of the bill also imposes certain requirements applicable to any testing or assessment of security practices and procedures concerning information technology conducted or caused to be conducted by the auditor.

**Section 2** of the bill prohibits the results of any audit or evaluation of information technology systems that are precluded from disclosure under the open meetings law from being released to the public in connection with any such audit or evaluation.

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

2 **SECTION 1.** 2-3-103, Colorado Revised Statutes, is amended BY  
3 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
4 read:

5 **2-3-103. Duties of state auditor - definitions.** (1.5) (a) IN  
6 ADDITION TO ANY OTHER DUTIES GRANTED BY LAW, THE STATE AUDITOR  
7 MAY ASSESS, CONFIRM, AND REPORT ON THE SECURITY PRACTICES OF ALL  
8 OF THE INFORMATION TECHNOLOGY SYSTEMS MAINTAINED OR  
9 ADMINISTERED BY ALL DEPARTMENTS, INSTITUTIONS, AND AGENCIES OF  
10 STATE GOVERNMENT, INCLUDING EDUCATIONAL INSTITUTIONS AND THE

1 JUDICIAL AND LEGISLATIVE BRANCHES. THE AUDITOR MAY PERFORM  
2 SIMILAR OR RELATED DUTIES WITH RESPECT TO POLITICAL SUBDIVISIONS  
3 OF THE STATE WHERE THE AUDITOR HAS BEEN GRANTED AUTHORITY TO  
4 PERFORM FINANCIAL OR PERFORMANCE AUDITS WITH RESPECT TO SUCH  
5 POLITICAL SUBDIVISIONS. IN ORDER TO PERFORM SUCH DUTIES, THE STATE  
6 AUDITOR MAY CONDUCT PENETRATION OR SIMILAR TESTING OF COMPUTER  
7 NETWORKS OR INFORMATION SYSTEMS OF THE STATE OR A POLITICAL  
8 SUBDIVISION, AS APPLICABLE, ASSESS NETWORK OR INFORMATION SYSTEM  
9 VULNERABILITY, OR CONDUCT SIMILAR OR RELATED PROCEDURES TO  
10 PROMOTE BEST PRACTICES WITH RESPECT TO THE CONFIDENTIALITY,  
11 INTEGRITY, AND AVAILABILITY OF INFORMATION SYSTEMS TECHNOLOGY  
12 AS THE AUDITOR DEEMS NECESSARY IN HIS OR HER DISCRETION. IN  
13 CONDUCTING SUCH TESTING, THE STATE AUDITOR MAY CONTRACT WITH  
14 AUDITORS OR INFORMATION TECHNOLOGY SECURITY SPECIALISTS, OR  
15 BOTH, THAT POSSESS THE NECESSARY SPECIALIZED KNOWLEDGE AND  
16 EXPERIENCE TO PERFORM THE REQUIRED WORK. THE AUTHORITY OF THE  
17 STATE AUDITOR PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION  
18 (1.5) SHALL BE COEXTENSIVE WITH THE AUDITOR'S AUTHORITY UNDER  
19 THIS PART 1.

20 (b) ANY TESTING OR ASSESSMENT OF SECURITY PRACTICES AND  
21 PROCEDURES CONCERNING INFORMATION TECHNOLOGY IN ACCORDANCE  
22 WITH PARAGRAPH (a) OF THIS SUBSECTION (1.5) SHALL BE CONDUCTED OR  
23 CAUSED TO BE CONDUCTED BY THE STATE AUDITOR:

24 (I) AFTER CONSULTATION AND IN COORDINATION WITH, BUT NOT  
25 REQUIRING THE APPROVAL OF, THE CHIEF INFORMATION OFFICER  
26 APPOINTED PURSUANT TO SECTION 24-37.5-103, C.R.S., OR ANY PERSON  
27 PERFORMING COMPARABLE DUTIES FOR EITHER A STATE AGENCY THAT IS

1 NOT UNDER THE JURISDICTION OF THE OFFICE OF INFORMATION  
2 TECHNOLOGY CREATED IN SECTION 24-37.5-103, C.R.S., OR A POLITICAL  
3 SUBDIVISION OF THE STATE.

4 (II) IN ACCORDANCE WITH INDUSTRY STANDARDS PRESCRIBED BY  
5 THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY OR ANY  
6 SUCCESSOR AGENCY; AND

7 (III) AFTER THE STATE AUDITOR AND ANY OTHER PERSON WITH  
8 WHOM THE STATE AUDITOR IS REQUIRED TO CONSULT IN ACCORDANCE  
9 WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b)  
10 HAVE AGREED IN WRITING TO RULES GOVERNING THE MANNER IN WHICH  
11 THE TESTING OR ASSESSMENT IS TO BE CONDUCTED, INCLUDING A  
12 MITIGATION PLAN FOR HANDLING SIGNIFICANT SYSTEM OUTAGES OR  
13 DISRUPTIONS IN THE EVENT THEY OCCUR.

14 (10) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
15 REQUIRES:

16 (a) "INFORMATION TECHNOLOGY" SHALL HAVE THE SAME  
17 MEANING AS SPECIFIED IN SECTION 24-37.5-102 (2), C.R.S.

18 **SECTION 2.** 2-3-107 (2) (b), Colorado Revised Statutes, is  
19 amended to read:

20 **2-3-107. Authority to subpoena witnesses - access to records.**

21 (2) (b) Nothing in this subsection (2) shall be construed as authorizing or  
22 permitting the publication of information prohibited by law.

23 Notwithstanding the approval of the committee to release work papers of  
24 the office of the state auditor pursuant to section 2-3-103 (3), no  
25 information required to be kept confidential pursuant to any other law  
26 shall be released in connection with an audit. THE RESULTS OF ANY AUDIT  
27 OR EVALUATION OF INFORMATION TECHNOLOGY SYSTEMS UNDERTAKEN

1 PURSUANT TO SECTION 2-3-103 (1.5) THAT ARE PRECLUDED FROM  
2 DISCLOSURE UNDER SECTION 24-6-402 (3) (a) (IV), C.R.S., SHALL NOT BE  
3 RELEASED IN CONNECTION WITH ANY SUCH AUDIT OR EVALUATION. In  
4 addition to the penalty established in section 2-3-103.7, any person who  
5 unlawfully releases confidential information shall be subject to any  
6 criminal or civil penalty under any applicable law for the unlawful release  
7 of the information.

8 **SECTION 3. Act subject to petition - effective date.** This act  
9 shall take effect at 12:01 a.m. on the day following the expiration of the  
10 ninety-day period after final adjournment of the general assembly (August  
11 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
12 referendum petition is filed pursuant to section 1 (3) of article V of the  
13 state constitution against this act or an item, section, or part of this act  
14 within such period, then the act, item, section, or part shall not take effect  
15 unless approved by the people at the general election to be held in  
16 November 2012 and shall take effect on the date of the official  
17 declaration of the vote thereon by the governor.