

HB 3127 A STAFF MEASURE SUMMARY**Carrier:** Rep. Bowman**House Committee On Emergency Management, General Government, and Veterans****Action Date:** 03/21/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Conrad, Dexter, Evans, Grayber, Hieb, Lewis, Tran**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Beverly Schoonover, LPRO Analyst**Meeting Dates:** 3/9, 3/21**WHAT THE MEASURE DOES:**

Prohibits the installation, download and use of certain software, hardware and services from specific vendors onto state information technology assets. Requires state agencies to remove these products if installed or downloaded and implement measures necessary to prevent further installation, download or use of these products on state assets. Permits state agencies to download, install, use or access these products for carrying out law enforcement activities, and requires risk mitigation standards and procedures for such use. Requires agencies allowing installation for investigatory purposes to adopt risk mitigation standards. Directs State Chief Information Officer to coordinate with and oversee state agencies to implement measure. Outlines rulemaking requirements for State Chief Information Officer. Applies provisions of measure to State Treasury and Office of Secretary of State. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Concerns about state and National security
- Examples and impacts of cyberattacks on local government

EFFECT OF AMENDMENT:

Replaces Alibaba Group Holding Limited with Ant Group Co., Limited. Authorizes State Chief Information Officer to designate other covered entities. Requires agencies allowing installation for investigatory purposes to adopt risk mitigation standards. Directs State Chief Information Officer to coordinate with and oversee those policies. Outlines rulemaking requirements for State Chief Information Officer. Applies provisions of measure to State Treasury and Office of Secretary of State.

BACKGROUND:

The federal Consolidated Appropriations Act of 2023 (P.L. 117-328), incorporated S. 1143, also known as the “No TikTok on Government Devices Act” which directed the Office of Management and Budget (OMB) and national security agencies to develop standards and guidelines to remove the video hosting platform TikTok from federal information technology. On February 23, 2023, OMB sent a memorandum to all federal agencies directing TikTok be removed from federal technology within 30 days; the measure did include exceptions for national security, law enforcement, and security research use. Currently, 27 states have enacted legislation or administrative orders to block the use of TikTok on state technology devices.

TikTok is an online hosting service for short-form videos and is owned by ByteDance Ltd., an internet technology company located in Beijing, China. Leadership at the Federal Bureau of Investigation and the Federal Communications Commission have voiced concerns about the safety and security of TikTok regarding user data collection and data sharing.

HB 3127 A STAFF MEASURE SUMMARY

House Bill 3127 A prohibits the installation, download or use of software, hardware or services from specific vendors onto state information technology assets, including such programs as TikTok. It requires the state to remove existing installations and downloads of these products and implement all measures necessary to prevent further installation, download or use of these products on state information technology assets. The measure does include an exception for state agencies that use the products of these vendors for carrying out law enforcement activities and requires these agencies adopt risk mitigation standards and procedures. The State Chief Information Officer is directed to adopt rules and processes for assessing whether corporate entities pose or do not pose a threat to national security and may designate additional covered vendors to these prohibitions.