

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 28, 2011
Date

Committee on State, Veterans, & Military Affairs.

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

HB11-1301 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 6, line 5, strike "IS NOT REQUIRED TO BE
2 INCLUDED" and substitute "SHALL TAKE INTO ACCOUNT THE FACTORS
3 REQUIRED TO BE SPECIFIED".
- 4 Page 6, line 27, strike "SECTION." and substitute "SECTION, WHICH
5 GOVERNING BOARD POLICIES SHALL BE IN ACCORDANCE WITH THE
6 POLICIES ADOPTED BY THE COMMISSION PURSUANT TO SECTION
7 23-1-105.5".
- 8 Page 7, strike lines 9 through 16.
- 9 Page 9, line 12, after the period add "IN ADDITION, EACH GOVERNING
10 BOARD SHALL ANNUALLY PROVIDE TO THE DEPARTMENT OF HIGHER
11 EDUCATION AND THE COMMISSION A COPY OF THE FEE PLAN FOR EACH
12 INSTITUTION OR CAMPUS IT GOVERNS."
- 13 Page 18, line 5, after "**fees.**", insert "(1)" and strike "IS AUTHORIZED TO
14 ADOPT GUIDELINES" and substitute "SHALL ADOPT POLICIES".
- 15 Page 18, line 8, strike "GUIDELINES" and substitute "POLICIES".
- 16 Page 18, line 11, strike "AND".
- 17 Page 18, line 12, strike "BALANCES." and substitute "BALANCES, AND THE

1 MINIMUM LEVEL OF STUDENT INVOLVEMENT IN THE PROCESSES FOR
2 ESTABLISHING, REVIEWING, CHANGING THE AMOUNT OF, AND
3 DISCONTINUING STUDENT FEES." and strike "GUIDELINES," and substitute
4 "POLICIES,".

5 Page 18, line 14, strike "STUDENTS ENROLLED IN" and substitute "THE
6 STUDENT REPRESENTATIVE TO THE ADVISORY COMMITTEE CREATED
7 PURSUANT TO SECTION 23-1-103 AND REPRESENTATIVES OF THE STUDENT
8 GOVERNMENTS AT".

9 Page 18, after line 15 insert:

10 "(2) ON OR BEFORE JANUARY 15, 2012, AND ON OR BEFORE
11 JANUARY 15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT
12 TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
13 THE SENATE, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE
14 GOVERNING BOARD'S FEE POLICIES AND THE COLLECTION AND USE OF
15 STUDENT FEES."

16 Page 23, line 22, after "EDUCATION" insert "THAT IS DESIGNATED AS AN
17 ENTERPRISE PURSUANT TO SECTION 23-5-101.7".

18 Page 24, line 14, strike "the department OF" and substitute "~~the~~
19 ~~department and~~".

20 Page 24, line 15, strike "HIGHER EDUCATION and".

21 Page 25, line 26, strike "UPON RECEIPT OF THE REPORTS, THE".

22 Page 25, strike line 27.

23 Page 26, strike line 1.

24 Page 26, after line 23 insert:

25 "SECTION 13. 24-37.5-404.5, Colorado Revised Statutes, as
26 amended by Senate Bill 11-062, is amended to read:

27 **24-37.5-404.5. Institutions of higher education - information**
28 **security plans.** (1) ~~On or before July 1 of each year,~~ Each institution of
29 higher education, in coordination with the department of higher

1 education, shall develop an information security ~~plan~~ PROGRAM. The
2 information security ~~plan~~ PROGRAM shall provide information security for
3 the communication and information resources that support the operations
4 and assets of the institution of higher education.

5 (2) The information security ~~plan~~ PROGRAM shall include:

6 (a) Periodic assessments of the risk and magnitude of the harm
7 that could result from a security incident;

8 (b) A process for providing adequate information security for the
9 communication and information resources of the institution of higher
10 education;

11 (c) Information security awareness training ~~for employees of the~~
12 ~~institution of higher education~~ TO INFORM THE EMPLOYEES,
13 ADMINISTRATORS, AND USERS AT THE INSTITUTION OF HIGHER EDUCATION
14 ABOUT THE INFORMATION SECURITY RISKS AND THE RESPONSIBILITY OF
15 EMPLOYEES, ADMINISTRATORS, AND USERS TO COMPLY WITH THE
16 INSTITUTION'S INFORMATION SECURITY PROGRAM AND THE POLICIES,
17 STANDARDS, AND PROCEDURES DESIGNED TO REDUCE THE SECURITY
18 RISKS;

19 (d) Periodic testing and evaluation of the effectiveness of
20 information security for the institution of higher education, which shall
21 be performed not less than annually;

22 (e) A process for detecting, reporting, and responding to security
23 incidents consistent with the information security policy of the institution
24 of higher education. The institutions of higher education, the Colorado
25 commission on higher education, and the chief information security
26 officer shall establish the terms and conditions by which the institutions
27 of higher education shall report information security incidents to the chief
28 information security officer.

29 (f) Plans and procedures to ensure the continuity of operations for
30 information resources that support the operations and assets of the
31 institution of higher education in the event of a security incident.

32 (3) ~~On or before July 15 of each year, each institution of higher~~
33 ~~education shall submit the information security plan developed pursuant~~
34 ~~to this section to the Colorado commission on higher education for review~~
35 ~~and comment. The commission shall submit such plans to the chief~~
36 ~~information security officer.~~ ON OR BEFORE JULY 1, 2011, AND ON OR
37 BEFORE JULY 1 EACH YEAR THEREAFTER, EACH INSTITUTION OF HIGHER
38 EDUCATION SHALL REPORT TO THE EXECUTIVE DIRECTOR OF THE
39 DEPARTMENT OF HIGHER EDUCATION CONCERNING THE DEVELOPMENT
40 AND IMPLEMENTATION OF THE INSTITUTION'S INFORMATION SECURITY
41 PROGRAM AND COMPLIANCE WITH THE REQUIREMENTS SPECIFIED IN

1 SUBSECTION (2) OF THIS SECTION. UPON RECEIPT OF THE REPORTS, THE
2 DEPARTMENT OF HIGHER EDUCATION SHALL SUBMIT A STATEMENT OF
3 COMPLIANCE TO THE CHIEF INFORMATION SECURITY OFFICER.

4 (4) Nothing in this section shall be construed to require any
5 institution of higher education or the department of higher education to
6 adopt policies or standards that conflict with federal law, rules, or
7 regulations or with contractual arrangements governed by federal laws,
8 rules, or regulations.

9 (5) and (6) (Deleted by amendment, L. 2011, (SB 11-062), ch.
10 ____, p. ____, §8, effective ____.)

11 ~~(7) The Colorado commission on higher education shall require~~
12 ~~the institutions of higher education to provide regularized security~~
13 ~~awareness training to inform the employees, administrators, and users in~~
14 ~~those institutions about the information security risks and the~~
15 ~~responsibility of employees, administrators, and users to comply with the~~
16 ~~institution's information security plan and the policies, standards, and~~
17 ~~procedures designed to reduce those risks."~~

18 Renumber succeeding sections accordingly.

19 Page 29, line 16, strike "amended" and substitute "amended, and the said
20 24-50-135 is further amended BY THE ADDITION OF A NEW
21 SUBSECTION,".

22 Page 31, after line 13 insert:

23 "(3) FOR PURPOSES OF THIS SECTION, A PERSON IS IN A
24 PROFESSIONAL POSITION OR IS A PROFESSIONAL EMPLOYEE OR
25 PROFESSIONAL STAFF IF THE PERSON IS IN A POSITION THAT INVOLVES THE
26 EXERCISE OF DISCRETION, ANALYTICAL SKILL, JUDGMENT, PERSONAL
27 ACCOUNTABILITY, AND RESPONSIBILITY FOR CREATING, DEVELOPING,
28 INTEGRATING, APPLYING, OR SHARING AN ORGANIZED BODY OF
29 KNOWLEDGE THAT CHARACTERISTICALLY IS:

30 (a) ACQUIRED THROUGH EDUCATION OR TRAINING THAT MEETS
31 THE REQUIREMENTS FOR A BACHELOR'S OR GRADUATE DEGREE OR
32 EQUIVALENT SPECIALIZED EXPERIENCE; AND

33 (b) CONTINUOUSLY STUDIED TO EXPLORE, EXTEND, AND USE
34 ADDITIONAL DISCOVERIES, INTERPRETATIONS, AND APPLICATIONS AND TO
35 IMPROVE DATA, MATERIALS, EQUIPMENT, APPLICATIONS, AND METHODS."

36 Page 32, strike lines 23 through 27.

- 1 Page 33, strike lines 1 through 10.
- 2 Renumber succeeding sections accordingly.
- 3 Page 34, line 14, strike "(1)".
- 4 Page 34, line 24, before "Adams" insert "FORT LEWIS COLLEGE,".
- 5 Page 35, strike lines 4 through 13.
- 6 Page 35, line 17, strike "A CAPITAL" and substitute "A CAPITAL
7 CONSTRUCTION OR ACQUISITION PROJECT APPROVED AND APPROPRIATED
8 PRIOR TO JANUARY 1, 2010, MAY BE CONTAINED IN THE MOST RECENT
9 UNIFIED TWO-YEAR CAPITAL IMPROVEMENTS PROJECT PROJECTION
10 APPROVED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (c) OF
11 SUBSECTION (7) OF THIS SECTION. THE PROJECTION MAY BE AMENDED
12 FROM TIME TO TIME AND SHALL NOT BE SUBJECT TO ADDITIONAL REVIEW
13 OR APPROVAL BY THE COMMISSION, THE OFFICE OF STATE PLANNING AND
14 BUDGETING, THE CAPITAL DEVELOPMENT COMMITTEE, OR THE JOINT
15 BUDGET COMMITTEE.".
- 16 Page 35, strike lines 18 through 25.
- 17 Page 36, line 2, strike "THE" and substitute "A CAPITAL CONSTRUCTION
18 OR ACQUISITION PROJECT APPROVED AND APPROPRIATED PRIOR TO
19 JANUARY 1, 2010, MAY BE CONTAINED IN THE MOST RECENT UNIFIED
20 TWO-YEAR CAPITAL IMPROVEMENTS PROJECT PROJECTION APPROVED
21 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (c) OF SUBSECTION (7)
22 OF THIS SECTION, AND THE PROJECTION MAY BE AMENDED FROM TIME TO
23 TIME.".
- 24 Page 36, strike lines 3 through 8.
- 25 Page 36, strike lines 10 through 13 and substitute "amended to read:
26 **23-1-106. Duties and powers of the commission with respect
27 to capital construction and long-range planning.** (10.5) (a) For any
28 project ~~commenced pursuant~~ SUBJECT to subsection (9) or (10) of this
29 section, if, after commencement of acquisition or construction, the
30 governing board of the institution receives an additional gift, grant, or
31 donation for the project, the governing board may amend the project
32 without the approval of the commission, the office of state planning and

1 budgeting, the capital development committee, or the joint budget
2 committee so long as the governing board notifies the commission, the
3 office of state planning and budgeting, the capital development
4 committee, and the joint budget committee in writing, explaining how the
5 project has been amended and verifying the receipt of the additional gift,
6 grant, or donation.

7 (b) For any project ~~commenced pursuant~~ SUBJECT to subsection
8 (9) or (10) of this section, the governing board may enhance the project
9 in an amount not to exceed fifteen percent of the original estimate of the
10 cost of the project without the approval of the commission, the office of
11 state planning and budgeting, the capital development committee, or the
12 joint budget committee so long as the governing board notifies the
13 commission, the office of state planning and budgeting, the capital
14 development committee, and the joint budget committee in writing,
15 explaining how the project has been enhanced and the source of the
16 moneys for the enhancement.

17 (10.5) (c) FOR ANY PROJECT SUBJECT TO SUBSECTION (9) OR (10)
18 OF THIS".

19 Page 38, line 3, strike "(1) (a) and".

20 Page 38, line 4, strike "are" and substitute "is".

21 Page 38, strike lines 8 through 12.

22 Page 38, strike lines 20 through 27.

23 Strike pages 39 and 40.

24 Page 41, strike lines 1 through 15.

25 Renumber succeeding sections accordingly.

26 Page 42, line 17, strike "pledge" and substitute "pledge of tuition
27 revenues or the".

28 Page 42, line 18, strike "of tuition revenues or the".

29 Page 42, line 20, strike "section 23-1-123." and substitute "section
30 ~~23-1-123~~ SECTION 23-5-119.5".

1 Page 43, line 1, strike "institution." and substitute "institution; EXCEPT
2 THAT, IF THE GOVERNING BOARD USES THE SURPLUS MONEYS ON A
3 PROJECT REQUIRING TOTAL PROJECT EXPENDITURES THAT EXCEED TWO
4 MILLION DOLLARS, THE PROJECT SHALL BE SUBJECT TO THE PROVISIONS OF
5 SECTION 23-1-106."

6 Page 43, strike lines 7 through 9 and substitute "~~outstanding bonds~~. Use
7 of such surplus shall be reviewed in advance by representatives of the
8 student government at the institution with which the auxiliary facility is
9 associated."

10 Page 43, line 10, strike "This" and substitute "(1) Except as otherwise
11 provided in subsection (2) of this section, this".

12 Page 43, after line 19 add:

13 "(2) (a) Section 12 of this act shall not take effect if Senate Bill
14 11-062 is enacted and becomes law.

15 (b) Section 13 of this act shall take effect only if Senate Bill
16 11-062 is enacted and becomes law."

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