

SENATE JOURNAL
Sixty-eighth General Assembly
STATE OF COLORADO
First Regular Session

22nd Legislative Day

Wednesday, February 2, 2011

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Prayer	By the chaplain, Reverend Vern Rempel, First Mennonite Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator White.	15
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Roll Call	Present--34	17
	Excused--1, Mitchell.	18
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Nicholson, reading of the Journal of Monday, January 31, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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MESSAGE FROM THE HOUSE

February 1, 2011

Mr. President:

The House has voted not to concur in the Senate amendments to HJR11-1007 and requests that a conference committee be appointed. The Speaker has appointed Representatives DelGrosso, chairman, Gerou, and Ferrandino as House conferees on the First Conference Committee on HJR11-1007. The bill is transmitted herewith.

SENATE SERVICES REPORT

Correctly Printed: SB11-083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130 and 131; SJR11-008 and 009.

Correctly Engrossed: SJR11-007 and 008.

Correctly Reengrossed: SB11-024 and 029.

Correctly Revised: HJR11-1007.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB11-132 by Senator(s) King K., Johnston; also Representative(s) Casso--Concerning the financing of capital construction for charter schools.
State, Veterans & Military Affairs

**THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR**

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB11-020 by Senator(s) Morse; also Representative(s) Stephens--Concerning the authorization of certain employees of the department of law as peace officers.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: King S.

SB11-028 by Senator(s) Schwartz; also Representative(s) Coram--Concerning the number of judges in certain judicial districts.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	E	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	Y	President	Y
Grantham	Y	King S.	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was passed.

Co-sponsors added: King S. and Williams S.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Johnston, Chair, Morse, and Brophy as Senate conferees on the first conference committee on **HJR11-1007**.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, February 2 was laid over until Thursday, February 3, retaining its place on the calendar.

General Orders -- Second Reading of Bills -- Consent Calendar: SB11-002, SB11-021.

General Orders -- Second Reading of Bills: SB11-013.

Consideration of Governor's Appointments:

Executive Director of the Department of Personnel and Administration

Commissioner of Agriculture

Executive Director of the Department of Regulatory Agencies

Executive Director of the Department of Natural Resources

Executive Director of the Department of Corrections

Executive Director of the Department of Public Safety

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB11-062** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 3, line 20, strike "(3) (b), (3) (h)," and substitute "(3) (h)".

Page 3, strike lines 24 through 26.

Page 4, line 3, strike "Initiate, EXECUTE," and substitute "Initiate".

Page 4, line 5, strike "contract, INCLUDING PRICE AGREEMENTS," and substitute "contract".

Page 5, line 14, strike "legislative," and substitute "~~legislative~~".

Page 5, line 15, strike "executive," and substitute "executive".

Page 5, line 17, strike "education." and substitute "education".

Page 5, line 18, strike "~~education.~~" and substitute "~~education~~ OR THE GENERAL ASSEMBLY.".

Page 8, after line 17, insert:

"SECTION 10. Part 4 of article 37.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-37.5-404.7. General assembly - information security plans.

(1) THE GENERAL ASSEMBLY SHALL DEVELOP AN INFORMATION SECURITY PLAN. THE INFORMATION SECURITY PLAN SHALL PROVIDE INFORMATION SECURITY FOR THE COMMUNICATION AND INFORMATION RESOURCES THAT SUPPORT THE OPERATIONS AND ASSETS OF THE GENERAL ASSEMBLY.

(2) THE INFORMATION SECURITY PLAN SHALL INCLUDE:

(a) PERIODIC ASSESSMENTS OF THE RISK AND MAGNITUDE OF THE HARM THAT COULD RESULT FROM A SECURITY INCIDENT;

(b) A PROCESS FOR PROVIDING ADEQUATE INFORMATION SECURITY FOR THE COMMUNICATION AND INFORMATION RESOURCES OF THE GENERAL ASSEMBLY;

(c) INFORMATION SECURITY AWARENESS TRAINING FOR REGULAR EMPLOYEES OF THE GENERAL ASSEMBLY;

(d) PERIODIC TESTING AND EVALUATION OF THE EFFECTIVENESS OF INFORMATION SECURITY FOR THE GENERAL ASSEMBLY, WHICH SHALL BE PERFORMED NOT LESS THAN ANNUALLY;

(e) A PROCESS FOR DETECTING, REPORTING, AND RESPONDING TO SECURITY INCIDENTS CONSISTENT WITH THE INFORMATION SECURITY POLICY OF THE GENERAL ASSEMBLY. THE GENERAL ASSEMBLY AND THE

CHIEF INFORMATION SECURITY OFFICER SHALL ESTABLISH THE TERMS AND CONDITIONS BY WHICH THE GENERAL ASSEMBLY SHALL REPORT INFORMATION SECURITY INCIDENTS TO THE CHIEF INFORMATION SECURITY OFFICER.

(f) PLANS AND PROCEDURES TO ENSURE THE CONTINUITY OF OPERATIONS FOR INFORMATION RESOURCES THAT SUPPORT THE OPERATIONS AND ASSETS OF THE GENERAL ASSEMBLY IN THE EVENT OF A SECURITY INCIDENT.

(3) ON OR BEFORE JULY 15 OF EACH YEAR, THE DIRECTOR OF LEGISLATIVE INFORMATION SERVICES FOR THE GENERAL ASSEMBLY SHALL SUBMIT THE INFORMATION SECURITY PLAN DEVELOPED PURSUANT TO THIS SECTION TO THE LEGISLATIVE SERVICE AGENCY DIRECTORS OF THE GENERAL ASSEMBLY FOR REVIEW AND COMMENT. THE LEGISLATIVE SERVICE AGENCY DIRECTORS SHALL SUBMIT SUCH PLAN TO THE CHIEF INFORMATION SECURITY OFFICER.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE GENERAL ASSEMBLY TO ADOPT POLICIES OR STANDARDS THAT CONFLICT WITH FEDERAL LAW, RULES, OR REGULATIONS OR WITH CONTRACTUAL ARRANGEMENTS GOVERNED BY FEDERAL LAWS, RULES, OR REGULATIONS.

(5) THE GENERAL ASSEMBLY SHALL PROVIDE REGULARIZED SECURITY AWARENESS TRAINING TO INFORM THE REGULAR LEGISLATIVE EMPLOYEES, ADMINISTRATORS, AND USERS ABOUT THE INFORMATION SECURITY RISKS AND THE RESPONSIBILITY OF EMPLOYEES, ADMINISTRATORS, AND USERS TO COMPLY WITH THE GENERAL ASSEMBLY'S INFORMATION SECURITY PLAN AND THE POLICIES, STANDARDS, AND PROCEDURES DESIGNED TO REDUCE THOSE RISKS."

Renumber succeeding sections accordingly.

Page 10, strike lines 10 through 12 and substitute:

"(b) THE FUND BALANCE OF THE TELECOMMUNICATIONS REVOLVING FUND EFFECTIVE THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH (b) SHALL BE TRANSFERRED TO THE INFORMATION TECHNOLOGY".

Page 10, strike lines 15 through 18 and substitute:

"(2) The chief information officer shall establish a policy of remaining competitive with private industry with regard to the cost, timeliness, and quality of the telephone service or data communication functions provided by the office. ~~Agencies interested in purchasing~~".

Page 12, strike lines 9 through 11 and substitute:

"(b) THE FUND BALANCE OF THE COMPUTER SERVICES REVOLVING FUND EFFECTIVE THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS PARAGRAPH (b) SHALL BE TRANSFERRED TO THE INFORMATION TECHNOLOGY".

Page 12, strike lines 14 through 17 and substitute:

(3) The chief information officer shall establish a policy of remaining competitive with the service provided by private industry with regard to the cost, timeliness, and quality of that service provided by the office. ~~Agencies are encouraged to seek competitive bids from the~~".

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that **SB11-010** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **SB11-036** be postponed indefinitely.

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Judiciary

After consideration on the merits, the Committee recommends that **SB11-007** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 6, strike "~~in the county in which~~" and substitute "in the county in which".

Page 2, strike line 7 and substitute "the offender was released from incarceration for commission of the".

Page 2, line 8, strike "~~offense requiring registration~~" and substitute "offense requiring registration,".

Page 2, strike line 9 and substitute "resides, IN THE COUNTY IN WHICH THE OFFENDER WAS ORIGINALLY CONVICTED OF THE OFFENSE REQUIRING REGISTRATION, IN THE COUNTY IN WHICH THE OFFENDER COMPLETED HIS OR HER LAST REGISTRATION, or in the county in which the offender is apprehended. THE DISTRICT ATTORNEY MAY ONLY CONDUCT THE TRIAL IN THE COUNTY IN WHICH THE OFFENDER WAS RELEASED FROM INCARCERATION FOR COMMISSION OF THE OFFENSE REQUIRING REGISTRATION AS THE VENUE OF LAST RESORT.".

Judiciary

After consideration on the merits, the Committee recommends that **SB11-016** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 17, strike "11-____," and substitute "11-016,".

Page 5, line 20, strike "11-____," and substitute "11-016,".

TRIBUTES

Honoring:

- National Board Certified Teachers -- By Senator Hudak and Representative Todd.
- Ft. Lewis College Centenary -- By Senator Roberts and Representatives Brown and Coram.
- Eagle Scout Eric Swiontek -- By Senator Renfro.
- Aaron Hildreth, White House Intern -- By Senator Shaffer.
- Leitner Poma's 30th Anniversary in Grand Junction -- By Senator S. King.
- Team Mzuri, Deer Creek Middle School -- By Senator Kopp.

On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, February 3, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi Markwell
Secretary of the Senate

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