

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

72nd Legislative Day

Thursday, March 24, 2011

		1
		2
		3
		4
		5
		6
		7
		8
		9
		10
Prayer	By the chaplain, Reverend Paul Kottke, University Park United Methodist Church, Denver.	11
		12
		13
Call to Order	By the President at 9:00 a.m.	14
		15
		16
Pledge	By Senator Jahn.	17
		18
Roll Call	Present--35	19
		20
		21
Quorum	The President announced a quorum present.	22
		23
Reading of Journal	On motion of Senator Roberts, reading of the Journal of Wednesday, March 23, 2011, was dispensed with and the Journal was approved as corrected by the Secretary.	24
		25
		26
		27
		28
		29

INTRODUCTION OF BILLS -- FIRST READING

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

		30
		31
		32
SB11-202	by Senator(s) Cadman; also Representative(s) Gardner B.--Concerning the authority for the proceeds of the transfer of a hospital owned by certain types of local governments to be used for a public purpose if the public purpose is approved by the voters of the local government.	34
		35
		36
		37
	Local Government	38
		39
		40
		41

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

		42
		43
		44
		45
		46
SB11-172	by Senator(s) Steadman, Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, Morse, Newell, Nicholson, Shaffer B., Tochtrop, Williams S., Schwartz; also Representative(s) Ferrandino, Court, Duran, Fischer, Gardner D., Hamner, Hullinghorst, Jones, Kagan, Kefalas, Kerr A., Labuda, Lee, Levy, McCann, Miklosi, Pabon, Peniston, Ryden, Schafer S., Tyler, Williams A., Wilson, Casso, Fields, Todd, Vigil--Concerning authorization of civil unions, and making an appropriation in connection therewith.	47
		48
		49
		50
		51
		52
		53

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

54
55
56
57

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	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.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	Y		

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

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of House amendments to Senate bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB11-034 by Senator(s) Nicholson; also Representative(s) Summers--Concerning requiring an educator who provides services through the women, infants, and children program to report child abuse or neglect.

Senator Nicholson moved that the Senate concur in House amendments to **SB11-034**, as printed in House journal, March 15, page 644. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	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.	N	Renfroe	N	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, as amended, was **repassed**.

Co-sponsor added: King S.

SB11-039 by Senator(s) Tochtrop; also Representative(s) Massey--Concerning the consequences of default in payments due for storage of personal property in a self-storage facility.

Senator Tochtrop moved that the Senate concur in House amendments to **SB11-039**, as printed in House journal, March 18, page 683. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

YES	35	NO	0	EXCUSED	0	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	Y	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, as amended, was **repassed**.

SB11-025 by Senator(s) Carroll; also Representative(s) Ferrandino--Concerning accountability for state procurement, and, in connection therewith, enacting the "Colorado Taxpayer Empowerment Act of 2011".

Senator Carroll moved that the Senate concur in House amendments to **SB11-025**, as printed in House journal, March 21, page 707. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	Y
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	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.	N	Renfroe	N	President	Y
Grantham	N	King S.	N	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

SB11-120

by Senator(s) Newell, Bacon, Foster, Giron, Guzman, Hudak, Jahn, Johnston, Morse, Nicholson, Schwartz, Shaffer B., Steadman, Williams S.; also Representative(s) Kefalas, Ferrandino, Kagan--Concerning rights of certain children in foster care, and, in connection therewith, establishing rights for children in foster care except for those in the custody of the division of youth corrections or a state mental hospital.

Senator Newell moved that the Senate concur in House amendments to **SB11-120**, as printed in House journal, March 22, pages 719-721. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	N
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	Y	Spence	Y
Brophy	N	Hodge	Y	Mitchell	Y	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	N	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, as amended, was **repassed**.

SB11-083

by Senator(s) Roberts; also Representative(s) Barker--Concerning provisions relating to the Colorado probate code.

Senator Roberts moved that the Senate concur in House amendments to **SB11-083**, as printed in House journal, March 18, page 682. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

YES	35	NO	0	EXCUSED	0	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	Y	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, as amended, was **repassed**.

Co-sponsors added: Boyd and Steadman.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Bacon, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE BOARD OF TRUSTEES FOR MESA STATE COLLEGE

effective December 31, 2010, for terms expiring December 31, 2014:

Honorable Jose D.L. Marquez of Englewood, Colorado, a Democrat, reappointed;

Kathleen S. Eck of Edwards, Colorado, a Republican, appointed.

YES	35	NO	0	EXCUSED	0	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	Y	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		

SENATE SERVICES REPORT

Correctly Engrossed: SB11-172.
Correctly Reengrossed: SB11-198.
Correctly Rerevised: HB11-1033, 1101, 1111, 1159, 1236 and 1258.
Correctly Enrolled: SB11-010, 019, 024, 031 and 087.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators King K., Chair, Guzman, and Giron as Senate conferees on the first conference committee on **HB11-1189**.

MESSAGE FROM THE HOUSE

March 24, 2011

Mr. President:

The House has adopted and transmits herewith HJR11-1012.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB11-1268, amended as printed in House Journal, March 22, page 721.

The House has voted to concur in the Senate amendments to HB11-1180, and has repassed the bill as so amended.

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
STATE ELECTRICAL BOARD**

effective July 2, 2010 for terms expiring July 1, 2013:

Michael E. Dell'Orfano of Aurora, Colorado, a member of the public at large, appointed;

Jerry L. Coffee of Pueblo, Colorado, an electrical contractor who has a masters' license, reappointed.

Business,
Labor, &
Technology

The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

STATEWIDE INTERNET PORTAL AUTHORITY

for a term expiring June 1, 2014:

Stephan Michael Tadashi Bruce of Englewood, Colorado, as a representative of the private sector, appointed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Business, Labor, & Technology The Committee on Business Labor and Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
BOARD OF MORTGAGE LOAN ORIGINATORS

for terms expiring August 10, 2012:

Cheryl L. Dingwell-Keckritz of Colorado Springs, Colorado, a licensed mortgage loan originator, appointed;

Leslie J. Mitchell of Denver, Colorado, a member of the public at large, appointed;

for terms expiring August 10, 2014:

Rosemary Marshall of Denver, Colorado, a member of the public at large, appointed.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB11-167** be referred to the Committee on Legislative Council with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB11-179** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB11-1076** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 2, line 14, strike "case." and substitute "case; EXCEPT THAT, IF AMOUNTS OWED IN THE CASE HAVE STILL NOT BEEN PAID IN FULL ONE YEAR AFTER THE DATE OF THE ASSESSMENT, SAID FEE SHALL BE ASSESSED ANNUALLY UNTIL THE DEFENDANT HAS FULLY SATISFIED HIS OR HER FINANCIAL OBLIGATION IN THE CASE.".

Judiciary After consideration on the merits, the Committee recommends that **HB11-1200** be referred to the Committee on Finance with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB11-133** be amended as follows, and as so amended, be referred to the Committee on Legislative Council with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute:

SECTION 1. Part 1 of article 33 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-33-111. School discipline study - legislative declaration - task force appointed - report - repeal. (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

(I) SECTION 2 OF ARTICLE IX OF THE STATE CONSTITUTION PROVIDES FOR THE ESTABLISHMENT OF A THOROUGH AND UNIFORM SYSTEM OF PUBLIC SCHOOLS WITH THE PURPOSE OF PROVIDING FREE EDUCATION FOR ALL CHILDREN IN THE STATE SO THAT THEY ARE PREPARED TO BECOME PRODUCTIVE AND ENGAGED MEMBERS OF SOCIETY;

(II) TO THAT END, PUBLIC SCHOOLS SHOULD BE SAFE, WELCOMING, AND ENGAGING PLACES FOR CHILDREN TO LEARN. SCHOOL DISCIPLINE POLICIES AND PRACTICES SHOULD BE DESIGNED TO PROTECT STUDENTS FROM HARM, CREATE HEALTHY AND PRODUCTIVE LEARNING ENVIRONMENTS, ASSIST YOUTH IN LEARNING FROM THEIR MISTAKES, AND

MAXIMIZE STUDENTS' OPPORTUNITIES TO LEARN.

(III) IN PUBLIC SCHOOLS ACROSS THE STATE, ZERO-TOLERANCE POLICIES HAVE LED TO STUDENTS BEING REMOVED FROM SCHOOL THROUGH OUT-OF-SCHOOL SUSPENSION, EXPULSION, AND REFERRALS TO ALTERNATIVE SCHOOLS FOR MINOR INCIDENTS OF MISBEHAVIOR THAT COULD BE MORE APPROPRIATELY DEALT WITH USING MORE EFFECTIVE STRATEGIES;

(IV) SIMILARLY, PUBLIC SCHOOLS ACROSS THE STATE, STUDENTS ARE BEING TICKETED, ARRESTED, OR OTHERWISE REFERRED TO LAW ENFORCEMENT OFFICIALS FOR MINOR MISBEHAVIOR THAT COULD BE DEALT WITH USING MORE EFFECTIVE SCHOOL DISCIPLINARY METHODS; AND

(V) THESE PROBLEMS EXIST AND THEY CONTRIBUTE TO HIGH DROPOUT RATES, LOW GRADUATION RATES, ACHIEVEMENT GAPS, AND LONG-TERM COSTS TO THE COMMUNITY IN THE FORM OF LESS EDUCATED AND LESS PRODUCTIVE CITIZENS.

(b) THE GENERAL ASSEMBLY DECLARES THAT IT IS NECESSARY AND APPROPRIATE TO CREATE A LEGISLATIVE TASK FORCE TO ASSESS THE CURRENT USE OF SCHOOL DISCIPLINE STRATEGIES AS THEY RELATE TO THE JUVENILE JUSTICE SYSTEM, ALONG WITH EVIDENCE-BASED SOLUTIONS THAT PROMOTE DISCIPLINE STRATEGIES TO KEEP STUDENTS IN SCHOOL AND REDUCE THE CRIMINALIZATION OF SCHOOL-BASED BEHAVIORS.

(2) THERE IS HEREBY CREATED A LEGISLATIVE TASK FORCE TO STUDY AND ASSESS:

(a) CURRENT SCHOOL DISCIPLINE PRACTICES AND STATUTES CONCERNING ZERO TOLERANCE PRACTICES IN COLORADO SCHOOLS;

(b) THE USE OF LAW ENFORCEMENT TICKETS, ARRESTS, AND OTHER JUVENILE JUSTICE SANCTIONS FOR SCHOOL-BASED BEHAVIORS IN ELEMENTARY AND SECONDARY PUBLIC SCHOOLS IN COLORADO; AND

(c) THE INTERACTION OF SCHOOL DISCIPLINE PRACTICES WITH THE JUVENILE JUSTICE SYSTEM IN COLORADO.

(3) (a) (I) THE TASK FORCE SHALL CONSIST OF SIX LEGISLATIVE MEMBERS APPOINTED AS FOLLOWS:

(A) THREE MEMBERS OF THE SENATE, TWO OF WHOM ARE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM IS APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(B) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWO OF WHOM ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE OF WHOM IS APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(II) THE APPOINTING AUTHORITIES SHALL MAKE THEIR APPOINTMENTS NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. THE PRESIDENT OF THE SENATE SHALL SELECT A LEGISLATIVE TASK FORCE MEMBER TO SERVE AS CHAIR OF THE TASK FORCE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT A LEGISLATIVE MEMBER OF THE TASK FORCE TO SERVE AS VICE-CHAIR OF THE TASK FORCE.

(III) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307, C.R.S., THE LEGISLATIVE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES INCURRED IN SERVING ON THE TASK FORCE.

(b) (I) THE CHAIR AND VICE-CHAIR OF THE TASK FORCE SHALL JOINTLY SELECT UP TO TEN PERSONS TO SERVE AS NON-VOTING MEMBERS OF THE TASK FORCE AND TO ASSIST THE LEGISLATIVE TASK FORCE MEMBERS IN REVIEWING THE ISSUES IDENTIFIED IN THIS SECTION. THE NON-VOTING MEMBERS SHALL INCLUDE PERSONS WITH KNOWLEDGE AND EXPERIENCE IN THE AREAS OF SCHOOL DISCIPLINE AND JUVENILE JUSTICE AND WHO REPRESENT THE FOLLOWING CONSTITUENCIES:

(A) SCHOOL DISTRICTS;

(B) TEACHERS AND ADMINISTRATORS EMPLOYED IN PUBLIC SCHOOLS;

(C) STUDENTS AND PARENTS OF STUDENTS ENROLLED IN PUBLIC SCHOOLS;

(D) LAW ENFORCEMENT AGENCIES;

(E) DISTRICT ATTORNEYS;

(F) CRIMINAL DEFENSE ATTORNEYS;

(G) RESTORATIVE JUSTICE PRACTITIONERS; AND

(H) COMMUNITY ORGANIZATIONS.

(II) THE NON-VOTING TASK FORCE MEMBERS SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

(4) (a) THE TASK FORCE SHALL HOLD AT LEAST FOUR PUBLIC MEETINGS AND MAY HOLD ADDITIONAL PUBLIC MEETINGS AS DEEMED NECESSARY BY THE CHAIR. AT THE MEETINGS, THE TASK FORCE SHALL TAKE TESTIMONY ON AND DISCUSS THE TOPICS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. THE TASK FORCE MAY ALSO SOLICIT AND RECEIVE WRITTEN COMMENTS FROM MEMBERS OF THE PUBLIC.

(b) IN ADDITION TO TESTIMONY, THE TASK FORCE SHALL REVIEW ANY AVAILABLE, NON-IDENTIFYING COLORADO DATA COLLECTED BY THE DEPARTMENT OF EDUCATION, SCHOOL DISTRICTS, OR LAW ENFORCEMENT AGENCIES IN STUDYING ISSUES RELATING TO ZERO-TOLERANCE LAWS AND PRACTICES AND THE USE OF JUVENILE JUSTICE SANCTIONS FOR SCHOOL-BASED ADOLESCENT BEHAVIORS. THE TASK FORCE MAY ALSO SOLICIT INFORMATION FROM THE NATIONAL CONFERENCE OF STATE LEGISLATURES, OTHER NATIONAL RESEARCH ORGANIZATIONS, AND OTHER STATES OR ORGANIZATIONS THAT HAVE STUDIED OR INTRODUCED LEGISLATION CONCERNING EVIDENCE-BASED PRACTICES FOR ADDRESSING SCHOOL DISCIPLINE ISSUES.

(5) ON OR BEFORE DECEMBER 15, 2011, THE TASK FORCE SHALL SUBMIT TO THE JUDICIARY COMMITTEES AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, WRITTEN RECOMMENDATIONS FOR STATUTORY CHANGES TO ENHANCE THE EFFECTIVENESS OF SCHOOL DISCIPLINE PRACTICES IN ACHIEVING THE GOALS IDENTIFIED IN SUBSECTION (1) OF THIS SECTION. EACH RECOMMENDATION OF THE TASK FORCE REQUIRES THE AFFIRMATIVE CONSENT OF A MAJORITY OF THE LEGISLATIVE MEMBERS. THE TASK FORCE MAY ALSO SUBMIT ONE OR MORE MINORITY REPORTS.

(6) (a) THE TASK FORCE SHALL NEITHER RECEIVE NOR EXPEND GENERAL FUND MONEYS IN FULFILLING ITS DUTIES. NEITHER THE LEGISLATIVE COUNCIL STAFF NOR THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE. THE TASK FORCE SHALL NOT BE CONSIDERED AN INTERIM COMMITTEE FOR PURPOSES OF RULE 24 (b) (1) (D) OR RULE 24A OF THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

(b) THE TASK FORCE MAY SOLICIT, ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS, INCLUDING IN-KIND DONATIONS, TO SUPPORT THE TASK FORCE IN FULFILLING ITS DUTIES. ANY MONEYS RECEIVED PURSUANT TO THIS PARAGRAPH (b) SHALL BE CREDITED TO THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN SECTION 2-2-1601, C.R.S., FOR USE BY THE TASK FORCE.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Education After consideration on the merits, the Committee recommends that **HB11-1126** be referred to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **SB11-173** 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 8, strike "and instantaneously" and strike "by radio".

Page 4, strike lines 17 through 27 and substitute:

"(d) Each school district, on or before July 1, 2009, to start to develop in conjunction with local fire departments, local law enforcement agencies, local emergency medical service personnel, local mental health organizations, and local public health agencies, collectively referred to in this subsection (4) as "community partners", a school safety, readiness, and incident management plan, INCLUDING, TO THE EXTENT POSSIBLE, EMERGENCY COMMUNICATIONS, that coordinates with any statewide or local homeland security EMERGENCY OPERATION plans. and that, IN DEVELOPING THE PLAN, A SCHOOL DISTRICT MAY COLLABORATE WITH LOCAL FIRE DEPARTMENTS, STATE AND LOCAL LAW ENFORCEMENT AGENCIES, LOCAL 911 AGENCIES, LOCAL EMERGENCY MEDICAL SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

PERSONNEL, LOCAL MENTAL HEALTH ORGANIZATIONS, LOCAL PUBLIC HEALTH AGENCIES, LOCAL EMERGENCY MANAGEMENT PERSONNEL, AND LOCAL OR REGIONAL HOMELAND SECURITY PERSONNEL, WHICH ENTITIES ARE COLLECTIVELY REFERRED TO IN THIS SUBSECTION (4) AS "COMMUNITY PARTNERS". THE SCHOOL SAFETY, READINESS, AND INCIDENT MANAGEMENT PLAN SHALL, at a minimum, identifies IDENTIFY for each public school in the school district:".

Page 5, line 10, strike "REGULAR".

Page 5, strike lines 20 through 27 and substitute:

"**response.** (1) THE SCHOOL RESPONSE FRAMEWORK CREATED IN SECTION 22-32-109.1 (4), C.R.S., SETS FORTH THE FRAMEWORK FOR SCHOOL EMERGENCY INCIDENT RESPONSE AND EMERGENCY PREPAREDNESS, INCLUDING EMERGENCY COMMUNICATIONS. PURSUANT TO THE SCHOOL RESPONSE FRAMEWORK, EMERGENCY RESPONSE PERSONNEL ARE COMMUNITY PARTNERS WITH SCHOOLS. AS PART OF ITS DUTY TO REGULARLY INSPECT SCHOOL".

Strike page 6.

Page 9, strike lines 23 through 27 and substitute:

"(j) PROVIDE INFORMATION AND EXPERTISE, TO THE EXTENT POSSIBLE, REGARDING INTEROPERABLE AND EMERGENCY COMMUNICATIONS PLANNING, TECHNOLOGY, TRAINING, AND FUNDING OPPORTUNITIES TO STATE, REGIONAL, TRIBAL, AND LOCAL AGENCIES AND EMERGENCY PERSONNEL AND ALL OTHER STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO PUBLIC, PRIVATE AND NONGOVERNMENTAL ORGANIZATIONS.".

Page 10, strikes lines 1 through 4.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB11-187** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 12, line 3, after "(6)," insert "(7.5)".

Page 12, after line 18 insert:

"(7.5) "Professional relationship" means an interaction that is deliberately planned or directed, or both, by the ~~psychologist~~ **psychotherapist** LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER toward obtaining specific ~~psychological~~ **psychotherapeutic** objectives. ~~such as those set forth in subsection (9) of this section.~~"

Page 12, strike lines 23 through 27.

Page 13, strike lines 1 through 9 and substitute:

~~"(9) "Psychotherapy" means the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors which interfere with effective emotional, social, or intellectual functioning. Psychotherapy follows a planned procedure of intervention which takes place on a regular basis, over a period of time, or in the cases of testing, assessment, and brief psychotherapy, it can be a single intervention. It is the intent of the general assembly that the definition of psychotherapy as used in this part 2 be interpreted in its narrowest sense to regulate only those persons who clearly fall within the definition set forth in this subsection (9)."~~

Page 17, line 18, strike "**Repeal.**".

Page 17, line 19, strike "repealed as follows:" and substitute "amended to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

read:".

Page 17, strike lines 22 through 27.

Page 18, strike lines 1 through 5 and substitute:

"(3) (a) "Psychotherapy" means the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors which THAT interfere with effective emotional, social, or intellectual functioning. Psychotherapy follows a planned procedure of intervention which THAT takes place on a regular basis, over a period of time, OR IN THE CASES OF TESTING, ASSESSMENT, AND BRIEF PSYCHOTHERAPY, IT CAN BE A SINGLE INTERVENTION.

(b) It is the intent of the general assembly that the definition of psychotherapy as used in this part 7 be interpreted in its narrowest sense to regulate only those persons who clearly fall within the definition set forth in this subsection (3)."

Page 20, after line 11 insert:

"(6) A REGISTERED PSYCHOTHERAPIST SHALL INCLUDE IN ANY ADVERTISING OR WRITTEN MATERIAL GIVEN TO THE PUBLIC AND POTENTIAL CLIENTS, INCLUDING ON THE REGISTERED PSYCHOTHERAPIST'S WEB PAGE, IN A WRITTEN OR ELECTRONIC ADVERTISEMENT CONTAINED IN OR POSTED ON A PHYSICAL OR WEB-BASED DIRECTORY LISTING OF BUSINESSES, ON A BUSINESS CARD, OR ON ANY OTHER ADVERTISEMENT OR WRITTEN MATERIAL THAT LISTS THE REGISTERED PSYCHOTHERAPIST'S NAME AND CONTACT INFORMATION, A STATEMENT THAT THE PERSON IS REGISTERED BY THE STATE TO PRACTICE PSYCHOTHERAPY BUT IS NOT LICENSED BY THE STATE."

Page 28, line 2, strike "A" and substitute "THE FOLLOWING" and strike "SECTION" and substitute "SECTIONS".

Page 29, after line 24 insert:

"12-43-227.5. Mental health professional peer health assistance program - fees - administration - rules. (1) (a) ON AND AFTER JULY 1, 2011, AS A CONDITION OF LICENSURE, REGISTRATION, OR CERTIFICATION AND RENEWAL IN THIS STATE, EVERY PERSON APPLYING FOR A NEW LICENSE, REGISTRATION, OR CERTIFICATION OR TO RENEW HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATION SHALL PAY TO THE APPROPRIATE BOARD, FOR USE BY THE ADMINISTERING ENTITY SELECTED BY THE BOARD PURSUANT TO THIS SUBSECTION (1), AN AMOUNT NOT TO EXCEED TWENTY-FIVE DOLLARS PER APPLICATION FOR A NEW OR TO RENEW A LICENSE, REGISTRATION, OR CERTIFICATION, WHICH MAXIMUM AMOUNT MAY BE ADJUSTED ON JANUARY 1, 2012, AND ANNUALLY THEREAFTER BY THE APPROPRIATE BOARD TO REFLECT CHANGES IN THE UNITED STATES BUREAU OF STATISTICS CONSUMER PRICE INDEX FOR THE DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX. THE APPROPRIATE BOARD SHALL FORWARD THE FEE TO THE CHOSEN ADMINISTERING ENTITY FOR USE IN SUPPORTING DESIGNATED PROVIDERS SELECTED BY THE BOARD TO PROVIDE ASSISTANCE TO LICENSEES, REGISTRANTS, OR CERTIFICATE HOLDERS NEEDING HELP IN DEALING WITH PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS THAT MAY BE DETRIMENTAL TO THEIR ABILITY TO PRACTICE THEIR MENTAL HEALTH PROFESSION.

(b) THE APPLICABLE BOARD SHALL SELECT ONE OR MORE PEER HEALTH ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR DESIGNATION BY THE BOARD, A PEER HEALTH ASSISTANCE PROGRAM MUST:

(I) PROVIDE FOR THE EDUCATION OF MENTAL HEALTH PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND PROVIDE FOR INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

ESTABLISHED BY THE BOARD BY RULE;

(II) OFFER ASSISTANCE TO A MENTAL HEALTH PROFESSIONAL IN IDENTIFYING PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS;

(III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS AND REFER THE MENTAL HEALTH PROFESSIONAL FOR APPROPRIATE TREATMENT;

(IV) MONITOR THE STATUS OF A MENTAL HEALTH PROFESSIONAL WHO HAS BEEN REFERRED FOR TREATMENT;

(V) PROVIDE COUNSELING AND SUPPORT FOR THE MENTAL HEALTH PROFESSIONAL AND FOR THE FAMILY OF ANY MENTAL HEALTH PROFESSIONAL REFERRED FOR TREATMENT;

(VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND

(VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED, REGISTERED, OR CERTIFIED MENTAL HEALTH PROFESSIONALS.

(c) THE BOARD MAY SELECT AN ENTITY TO ADMINISTER THE MENTAL HEALTH PROFESSIONAL PEER ASSISTANCE PROGRAM. AN ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE FOUNDATION THAT IS QUALIFIED UNDER SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT IS DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT, EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO MENTAL HEALTH PROFESSIONS, MENTAL HEALTH PROFESSIONAL EDUCATION, MENTAL HEALTH RESEARCH AND SCIENCE, AND OTHER MENTAL HEALTH CHARITABLE PURPOSES.

(d) THE ADMINISTERING ENTITY SHALL:

(I) DISTRIBUTE THE MONEYS COLLECTED BY THE APPLICABLE BOARD, LESS EXPENSES, TO THE DESIGNATED PROVIDER, AS DIRECTED BY THE BOARD;

(II) PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED; AND

(III) POST A SURETY PERFORMANCE BOND IN AN AMOUNT SPECIFIED BY THE BOARD TO SECURE PERFORMANCE UNDER THE REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN PERCENT OF THE TOTAL AMOUNT COLLECTED.

(e) THE APPLICABLE BOARD SHALL COLLECT THE REQUIRED ANNUAL PAYMENTS PAYABLE TO THE ADMINISTERING ENTITY FOR THE BENEFIT OF THE ADMINISTERING ENTITY AND SHALL TRANSFER ALL SUCH PAYMENTS TO THE ADMINISTERING ENTITY. ALL REQUIRED ANNUAL PAYMENTS COLLECTED OR DUE TO THE BOARD FOR EACH FISCAL YEAR ARE CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, AND THE DISTRIBUTION OF PAYMENTS TO THE ADMINISTERING ENTITY OR EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) (a) ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED BY THE APPLICABLE BOARD TO A PEER HEALTH ASSISTANCE PROGRAM SHALL ENTER INTO A STIPULATION WITH THE BOARD PURSUANT TO SECTION 12-43-223 (6) BEFORE PARTICIPATING IN THE PROGRAM. THE AGREEMENT MUST CONTAIN SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE PARTICIPANT, INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A PROVISION THAT A FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS ARE TO BE PROMPTLY REPORTED TO THE BOARD AND THAT SUCH FAILURE WILL RESULT IN DISCIPLINARY ACTION BY THE BOARD.

(b) NOTWITHSTANDING SECTIONS 12-43-223, 12-43-224, AND 24-4-104, C.R.S., THE APPLICABLE BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OF ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED TO A PEER HEALTH ASSISTANCE PROGRAM BY THE BOARD AND WHO FAILS TO ATTEND OR TO COMPLETE THE PROGRAM. IF THE MENTAL HEALTH PROFESSIONAL OBJECTS TO THE SUSPENSION, HE OR SHE MAY SUBMIT A WRITTEN REQUEST TO THE BOARD FOR A FORMAL HEARING ON THE SUSPENSION WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST. IN THE HEARING, THE MENTAL HEALTH PROFESSIONAL BEARS THE BURDEN OF PROVING THAT HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

SHOULD NOT BE SUSPENDED.

(c) ANY MENTAL HEALTH PROFESSIONAL WHO SELF-REFERS AND IS ACCEPTED INTO A PEER HEALTH ASSISTANCE PROGRAM SHALL AFFIRM THAT, TO THE BEST OF HIS OR HER KNOWLEDGE, INFORMATION, AND BELIEF, HE OR SHE KNOWS OF NO INSTANCE IN WHICH HE OR SHE HAS VIOLATED THIS ARTICLE OR THE RULES OF THE BOARD, EXCEPT IN THOSE INSTANCES AFFECTED BY THE MENTAL HEALTH PROFESSIONAL'S PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS.

(3) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE APPLICABLE BOARD OR THE STATE OF COLORADO FOR THE ACTIONS OF THE BOARD IN MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO CIVIL ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE BOARD OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER, THE STATE REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., IF AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM OCCURRED WHILE SUCH MENTAL HEALTH PROFESSIONAL WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE STATE.

(4) THE BOARDS MAY PROMULGATE RULES NECESSARY TO IMPLEMENT THIS SECTION.

(5) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST, SOCIAL WORKER, CLINICAL SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR, OR PSYCHOTHERAPIST REGULATED UNDER THIS ARTICLE."

Page 38, line 1, strike "12-43-201 (9)." and substitute "~~12-43-201 (9)~~ 12-43-701 (3)."

Page 45, line 7, after "(1) (a)," insert "(1) (b)," and before "and" insert "(4) (d)."

Page 45, line 8, strike "amended" and substitute "amended, and the said 12-43-214 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH,".

Page 45, line 12, after "information" insert "VERBALLY AND".

Page 45, after line 16 insert:

"(b) (I) AN EXPLANATION OF THE LEVELS OF REGULATION APPLICABLE TO MENTAL HEALTH PROFESSIONALS UNDER THIS ARTICLE AND THE DIFFERENCES BETWEEN LICENSURE, REGISTRATION, AND CERTIFICATION, INCLUDING THE EDUCATIONAL, EXPERIENCE, AND TRAINING REQUIREMENTS APPLICABLE TO THE PARTICULAR LEVEL OF REGULATION; AND

(II) A listing of any degrees, credentials, certifications, REGISTRATIONS, and licenses HELD OR OBTAINED BY THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER, INCLUDING THE EDUCATION, EXPERIENCE, AND TRAINING THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER WAS REQUIRED TO SATISFY IN ORDER TO OBTAIN THE DEGREE, CREDENTIALS, CERTIFICATIONS, REGISTRATIONS, OR LICENSES;"

Page 45, line 21, after "board" insert "and".

Page 45, line 22, strike "and".

Page 46, line 9, strike "therapy." and substitute "therapy; AND".

Page 46, after line 9 insert:

"(e) IF THE MENTAL HEALTH PROFESSIONAL IS A REGISTERED PSYCHOTHERAPIST, A STATEMENT INDICATING THAT A REGISTERED PSYCHOTHERAPIST IS A PSYCHOTHERAPIST LISTED IN THE STATE'S DATA BASE AND IS AUTHORIZED BY LAW TO PRACTICE PSYCHOTHERAPY IN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

COLORADO BUT IS NOT LICENSED BY THE STATE AND IS NOT REQUIRED TO SATISFY ANY FORMAL EDUCATIONAL OR TESTING REQUIREMENTS TO OBTAIN A REGISTRATION FROM THE STATE."

Page 46, after line 12 insert:

"(d) The client is in the physical custody of either the department of corrections or the department of human services and such department has developed an alternative program to provide similar information to such client and such program has been established through rule or regulation; pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S."

Page 46, line 17, strike "(5)," and substitute "(5) and (7)," and strike "is" and substitute "are".

Page 46, after line 23 insert:

~~"(7) The provisions of this article shall not apply to mental health professionals acting within the scope of a court appointment to undertake custodial evaluations in domestic relations cases in the courts of this state or to mental health professionals acting within the scope of a court appointment to undertake domestic and child abuse evaluations for purposes of legal proceedings in the courts of this state."~~

Page 46, line 27, strike "amended" and substitute "amended, and the said 12-43-218 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 48, after line 20 insert:

"(6) THIS SECTION DOES NOT APPLY TO COVERED ENTITIES, THEIR BUSINESS ASSOCIATES, OR HEALTH OVERSIGHT AGENCIES, AS EACH IS DEFINED IN THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED BY THE FEDERAL "HEALTH INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT", AND THE RESPECTIVE IMPLEMENTING REGULATIONS."

Page 64, line 12, strike "OPTIONS, INCLUDING" and substitute "OPTIONS".

Page 64, line 13, strike "MEDICATION,".

Page 86, strike lines 9 through 27.

Page 87, strike lines 1 through 3.

Renumber succeeding sections accordingly.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB11-1138** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 17, line 19, strike "2015." and substitute "2016."

Corrected page 27, strike lines 13 through 20 and substitute:

"SECTION 11. 24-34-104 (47.5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.

(47.5) The following agencies, functions, or both, shall terminate on September 1, 2016:

(c) THE SEX OFFENDER MANAGEMENT BOARD CREATED IN SECTION 16-11.7-103, C.R.S."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB11-1080** be referred to the Committee on Appropriations with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB11-1084** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB11-1065** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB11-1055** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB11-1168** be postponed indefinitely.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR11-1012 by Representative(s) Stephens, Swerdfeger, Pace, Vigil; also Senator(s) Scheffel-- Concerning the designation of a portion of State Highway 105 as "Medal of Honor Master Sergeant William J. Crawford Highway".

On motion of Senator Scheffel, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	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		

Co-sponsors added: Aguilar, Bacon, Boyd, Brophy, Cadman, Carroll, Foster, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Kopp, Lambert, Lundberg, Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White and Williams S.

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 Thursday, March 24 was laid over until Friday, March 25, retaining its place on the calendar.

- General Orders -- Second Reading of Bills -- Consent Calendar: HB11-1206.
- General Orders -- Second Reading of Bills: SB11-107, HB11-1181, SB11-180, HB11-1169, HB11-1013, SB11-052, HB11-1155, HB11-1097, SB11-070, SB11-128, SB11-169, SB11-085, HB11-1130.
- Consideration of Resolutions: SJR11-005, SJR11-009, SJR11-015, SJR11-023, SJR11-024, SJR11-026.
- Consideration of House Amendments to Senate Bills: SCR11-001.
- Consideration of House Adherence: SB11-007.
- Requests for Conference Committee: HB11-1069, HB11-1189.



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Friday, March 25, 2011.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33