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

23rd Legislative Day Thursday, February 3, 2005

Prayer By the chaplain, Father Louis Christopulos, St. Catherine Greek Orthodox Church.

Pledge By Senator Bacon.

Call to Order By the President at 9:00 a.m.

Roll Call Present--31.
Absent/Excused--4; Groff, Hagedorn, Hanna, Johnson.
Present later--Groff.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Williams, reading of the Journal of February 2, 2005, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Second Reading -- General Orders calendar (SB05-076, SB05-021) of February 3, 2005, was laid over until Friday, February 4, 2005, retaining its place on the calendar.

CONSIDERATION OF RESOLUTIONS

HJR05-1011 by Representative(s) Harvey, May M.; also Senator(s) Wiens--Concerning repudiation of Professor Ward L. Churchill's essay "Some People Push Back: On the Justice of Roosting Chickens".

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

YES	31	NO	1	EXCUSED	3	ABSENT	0
Anderson	Y	Hanna	E	McElhany	Y	Teck	Y
Bacon	Y	Hillman	Y	Mitchell	Y	Tochtrop	Y
Dyer	Y	Isgar	Y	Owen	Y	Tupa	Y
Entz	Y	Johnson	E	Sandoval	Y	Veiga	Y
Evans	Y	Jones	Y	Shaffer	Y	Wiens	Y
Gordon	Y	Keller	Y	Spence	Y	Williams	Y
Groff	N	Kester	Y	Takis	Y	Windels	Y
Grossman	Y	Lamborn	Y	Tapia	Y	Mdm. President	Y
Hagedorn	E	May	Y	Taylor	Y		

Co-sponsors added: Anderson, Dyer, Entz, Evans, Fitz-Gerald, Hillman, Jones, Kester, Lamborn, May, McElhany, Mitchell, Owen, Sandoval, Spence, Taylor, Teck, Tochtrop, and Williams.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, and 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, and further recommends that the confirmation be placed on the consent calendar:

MEMBER OF THE
EXAMINING BOARD OF PLUMBERS

for a term expiring July 1, 2008:

Juan I. Muniz of Pueblo, Colorado, to serve as a representative of plumbing contractors, reappointed.

Business, Labor, and Technology

After consideration on the merits, the Committee recommends that **SB05-015** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar.

MESSAGE FROM THE GOVERNOR

Appointments

Letters of designation and appointment from Governor Owens were read and assigned to Committee as follows:

May 21, 2004

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
STATE BOARD OF THE
GREAT OUTDOORS COLORADO TRUST FUND

for a term expiring April 15, 2005:

Senator Margaret "Peggy" Reeves of Fort Collins, Colorado, to fill the vacancy occasioned by the resignation of Claire M. O'Neal of Holyoke, and to serve as a Democrat from the Fourth Congressional District, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 7/19/04
Karen Kuhlmann, Asst. Secy. of the Senate

Committee on Education

August 10, 2004

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
STATE BOARD OF THE
GREAT OUTDOORS COLORADO TRUST FUND

for a term expiring April 15, 2007:

Kathleen "Kae" B. Rader of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of Carl E. Miller of Leadville, Colorado, and to serve as an Unaffiliated from the Fifth Congressional District, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 8/25/04
Karen Kuhlmann, Asst. Secy. of the Senate

Committee on Education

July 1, 2004

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

EXECUTIVE DIRECTOR
OF THE
DEPARTMENT OF REGULATORY AGENCIES

for a term effective August 2, 2004 and expiring at the pleasure of the Governor:

The Honorable Tambor Williams of Greeley, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 8/25/04
Karen Kuhlmann, Asst. Secy. of the Senate

Committee on Business, Labor & Technology

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **SB05-068** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"**SECTION 1.** 18-1.3-501, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-1.3-501. Misdemeanors classified - penalties. (1.7) (a) IF A DEFENDANT IS CONVICTED OF ASSAULT IN THE THIRD DEGREE PURSUANT TO SECTION 18-3-204 OR RECKLESS ENDANGERMENT PURSUANT TO SECTION 18-3-208 AND THE VICTIM IS A MENTAL HEALTH PROFESSIONAL EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE COURT MAY SENTENCE THE DEFENDANT TO A TERM OF IMPRISONMENT GREATER THAN THE MAXIMUM SENTENCE BUT NOT MORE THAN TWICE THE MAXIMUM SENTENCE AUTHORIZED FOR THE CRIME WHEN THE VICTIM IS NOT A MENTAL HEALTH PROFESSIONAL EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES. IN ADDITION TO A TERM OF IMPRISONMENT, THE COURT MAY IMPOSE A FINE ON THE DEFENDANT PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(b) "MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION 16-8-202 (6), C.R.S., A PERSON LICENSED AS A NURSE PURSUANT TO PART 1 OF ARTICLE 38 OF TITLE 12, C.R.S., A NURSE AIDE CERTIFIED PURSUANT TO PART 1 OF ARTICLE 38.1 OF TITLE 12, C.R.S., AND A PSYCHIATRIC TECHNICIAN LICENSED PURSUANT TO PART 1 OF ARTICLE 42 OF TITLE 12, C.R.S.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to offenses committed on or after said date.

SECTION 3. 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.".

Judiciary

After consideration on the merits, the Committee recommends that **SB05-057** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **HB05-1065** be referred to the Committee of the Whole with favorable recommendation.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of February 3, 2005, was laid over until Friday, February 4, 2005, retaining its place on the calendar.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Friday, February 4, 2005.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate