

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

51st Legislative Day

Thursday, March 2, 2006

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Prayer	By the chaplain, Rev. Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.	11
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Pledge	By Senator Spence.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--33.	18
	Excused--2; Grossman, Wiens.	19
	Present later--Grossman, Wiens.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Brophy, reading of the Journal of March 1, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	24
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INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

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HB06-1086	by Representative(s) Crane; also Senator(s) Johnson--Concerning the regulation of games of chance by the secretary of state, and making an appropriation therefor.	34
	State, Veterans & Military Affairs	35
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SB06-200	by Senator(s) Groff; --Concerning a requirement for employers to provide application information for public assistance programs to employees who are paid wages below a specified threshold amount.	38
	Business, Labor and Technology	39
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HB06-1102	by Representative(s) Carroll T.; also Senator(s) Grossman--Concerning changes to strengthen the state criminal procedural law.	43
	Judiciary	44
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		46
HB06-1127	by Representative(s) Riesberg, Todd; also Senator(s) Williams--Concerning the regulation of athletic trainers, and making an appropriation in connection therewith.	47
	Business, Labor and Technology	48
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HB06-1189	by Representative(s) Cadman; also Senator(s) Veiga--Concerning civil actions brought against public entities and employees to recover damages paid for injuries governed by the "Colorado Governmental Immunity Act".	51
	Judiciary	52
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HB06-1209	by Representative(s) Witwer, Carroll T., Crane, Harvey, Hefley, Jahn, Kerr, King, Marshall, Penry, Stafford; also Senator(s) Mitchell, Grossman--Concerning the voluntary contribution designation benefiting the Colorado special olympics fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation.	56
	Finance	57
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HB06-1212	by Representative(s) Boyd; also Senator(s) Veiga--Concerning authority of a pharmacist regarding emergency contraception.	63
	Business, Labor and Technology	64
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- HB06-1249** by Representative(s) Judd, Larson, Massey, Sullivan; also Senator(s) Takis--Concerning granting authority to a pregnant minor to approve perinatal medical care for the minor's pregnancy intended to result in a live birth of a child, and, in connection therewith, limiting the authority to approving prenatal, delivery, and post-delivery medical care related to the intended live birth of a child. 1
Health and Human Services 2
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- HB06-1269** by Representative(s) Cloer, Butcher, Benefield, Carroll T., Gardner, Hefley, Larson, Lundberg, Merrifield, Riesberg, Todd, White; also Senator(s) Tochtrop--Concerning creation of a nursing faculty fellowship program. 8
Health and Human Services 9
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- HB06-1289** by Representative(s) Solano, Benefield, Lindstrom, Merrifield, Pommer, Todd; also Senator(s) Williams, Shaffer--Concerning eliminating penalties arising from a parent's choice regarding student participation in statewide assessments. 13
Education 14
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- HB06-1299** by Representative(s) McCluskey, Larson, Coleman, Benefield, Berens, Buescher, Carroll T., Frangas, Hall, Jahn, Kerr, Knoedler, Liston, Penry, Todd, White, Witwer; also Senator(s) Sandoval, Hagedorn, Kester, Owen, Shaffer, Tochtrop--Concerning requirements for providers of medical goods under the medical assistance program. 18
Health and Human Services 19
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- HB06-1309** by Representative(s) McGihon, Madden, Plant, Romanoff; also Senator(s) Grossman, Fitz-Gerald, Groff--Concerning increased authority to protect air quality. 24
State, Veterans & Military Affairs 25
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27
- HB06-1332** by Representative(s) McKinley; also Senator(s) Kester--Concerning the classification of Las Animas county for purposes of fixing the salaries of county officers. 28
Local Government 29
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MESSAGE FROM THE HOUSE

March 1, 2006
Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1295, 1334, 1320.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06-1277, amended as printed in House Journal, February 28, pages 587-590.
HB06-1085, amended as printed in House Journal, February 28, page 583.
HB06-1091, amended as printed in House Journal, February 28, page 583.
HB06-1124, amended as printed in House Journal, February 28, pages 583-584.
HB06-1196, amended as printed in House Journal, February 28, page 584.
HB06-1287, amended as printed in House Journal, February 28, pages 584-585.
HB06-1273, amended as printed in House Journal, February 28, page 585.
HB06-1157, amended as printed in House Journal, February 28, page 586.
HB06-1264, amended as printed in House Journal, February 28, page 587.

The House has passed on Third Reading and returns herewith SB06-012.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB06-056, amended as printed in House Journal, February 28, pages 585-586.

The House has voted to concur in the Senate amendments to HB06-1140 and has repassed the bill as so amended.

March 1, 2006
Madame President:

The Speaker announced Representative Todd has replaced Representative T. Carroll as house sponsor on SB06-066.

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MESSAGE FROM THE REVISOR OF STATUTES

March 1, 2006

We herewith transmit:

- Without comment, HB06-1295, 1320, and 1334.
- Without comment, as amended, HB06-1085, 1091, 1124, 1157, 1273, 1277, and 1287.
- Without comment, as amended, SB06-56.
- With comment, as amended, HB06-1196 and 1264.

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:

HB06-1048 by Representative(s) Vigil, Coleman, Schultheis, White; also Senator(s) Takis, Hanna, Taylor--Concerning the discipline of persons engaged in an occupation regulated by the division of registrations in the department of regulatory agencies.

A majority of those elected to the Senate having voted in the affirmative, Senator Takis was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.007), by Senator Takis.

Amend revised bill, page 4, line 20, after "**Repeal.**", insert "The introductory portion to 12-4-113 (1) (c) and".

A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	N	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

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

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (HB06-1180, HB06-1319, HB06-1187, HB06-1142, HB06-1143, HB06-1104, HB06-1081) of March 2 was laid over until Friday, March 3, retaining its place on the calendar.

Committee of the Whole

On motion of Senator Groff, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Groff was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB06-037 by Senator(s) Isgar; also Representative(s) Curry--Concerning the adjudication of recreational in-channel diversions.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, February 13, pages 193-194 and placed in members' bill files.)

Amendment No. 2(L.015), by Senator Grossman.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated February 9, 2006, page 1, after line 6, insert the following:

"line 17, strike "KAYAKING." and substitute "BOATING.";"

Page 2 of the committee report, strike line 5 and substitute the following:

"Page 6, line 20, strike "NINETY" and substitute "EIGHTY-FIVE";

line 21, strike "IS PRESENT." and substitute "WOULD BE PRODUCED"";

after line 6, insert the following:

"line 22, strike "SHALL" and substitute "MAY";";

strike lines 11 through 18 and substitute the following:

"MOTION OF THE STATE ENGINEER.".

Page 7, strike line 1.".

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB06-143, SB06-038, HB06-1030) of March 2, was laid over until Friday, March 3, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Gross, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: SB06-037 as amended.
Laid over until Friday, March 3: SB06-143, SB06-038, HB06-1030.

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB06-105** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 9, strike "EXECUTIVE" and, after "OF THE", insert "DIVISION OF OIL AND PUBLIC SAFETY IN THE";

line 10, strike "EXECUTIVE".

Page 4, line 11, strike ""DEPARTMENT" MEANS" and substitute ""DIVISION" MEANS THE DIVISION OF OIL AND PUBLIC SAFETY IN".

Page 7, line 10, strike "A" and substitute "ON AND AFTER JULY 1, 2007, A";

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	line 15, strike the first "A" and substitute "ON AND AFTER JULY 1, 2007, A".	1
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	Page 8, line 1, strike the first "A" and substitute "ON AND AFTER JULY 1, 2007, A".	4
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	Page 13, line 19, strike "JULY 1, 2008," and substitute "JANUARY 1, 2007, AND EACH JANUARY 1 THEREAFTER,";	7
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	line 21, before "REGISTRATION", insert "INITIAL";	10
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	line 25, strike "JULY 1, 2008," and substitute "JANUARY 1, 2007,".	12
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	Page 15, line 7, strike "fees -";	14
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	strike lines 17 through 27.	16
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	Page 16, strike lines 1 and 2;	18
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	line 3, strike "(b)" and substitute "(2)".	20
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	Page 19, line 15, strike "2017." and substitute "2016.";	22
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	line 16, strike "DEPARTMENT, AND THE" and substitute "DIVISION, THE REGISTRATION AND";	24
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	line 17, strike "CONVEYANCES AND" and substitute "CONVEYANCES, AND THE CERTIFICATION OF";	27
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	line 24, strike "(48)" and substitute "(47)";	30
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	strike line 25 and substitute the following:	32
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	"ON JULY 1, 2016: THE FUNCTIONS OF THE ADMINISTRATOR AND THE DIVISION OF OIL AND PUBLIC SAFETY, THE REGISTRATION AND CERTIFICATION OF CONVEYANCES, AND";	34
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	line 26, before "CONVEYANCE", insert "THE CERTIFICATION OF".	38
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	Page 20, line 2, strike "2007." and substitute "2006.";	40
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	strike lines 3 through 11 and substitute the following:	42
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	"SECTION 4. 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.".	44
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB06-1055 be referred to the Committee of the Whole with favorable recommendation.	49
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB06-1174 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	54
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	Amend reengrossed bill, page 3, strike lines 26 and 27 and substitute the following:	58
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	"(b) AN OWNER OR OCCUPANT WHO HIRES A PERSON OR PERSONS SPECIFICALLY TO DO".	61
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	Page 4, line 1, strike "REALPROPERTY." and substitute "RESIDENTIAL REAL PROPERTY OF SUCH OWNER OR OCCUPANT.".	64
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Education

After consideration on the merits, the Committee recommends that **SB06-067** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. Title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 19
Colorado Higher Education Student Suicide Prevention Act

23-19-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO HIGHER EDUCATION STUDENT SUICIDE PREVENTION ACT".

23-19-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CONSENT FORM" MEANS A CONSENT FORM, SIGNED PURSUANT TO SECTION 23-19-103.

(2) "CONTACT PERSON" MEANS A STUDENT'S PARENT, PARENTS, OR FAMILY MEMBER OR ANOTHER PARTY DESIGNATED BY A STUDENT ON HIS OR HER CONSENT FORM.

(3) "STATE INSTITUTION" MEANS AN INSTITUTION OF HIGHER EDUCATION SUPPORTED IN WHOLE OR IN PART BY GENERAL FUND MONEYS.

(4) "STUDENT" MEANS AN UNDERGRADUATE STUDENT ENROLLED AT A STATE INSTITUTION.

23-19-103. Limited implementation - consent to release confidential information - policy - revocation. (1) ON OR BEFORE JULY 1, 2007, THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL SELECT ONE OR MORE WILLING STATE INSTITUTIONS TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE FOR A TWO-YEAR PERIOD.

(2) (a) ON OR BEFORE SEPTEMBER 1, 2007, THE STATE INSTITUTIONS SELECTED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL ADOPT A POLICY TO DISTRIBUTE A CONSENT FORM TO EACH STUDENT ENROLLED IN THE INSTITUTION AND MAINTAIN THE CONSENT FORM AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2). AT A MINIMUM, THE POLICY SHALL IDENTIFY:

(I) THE MOST EFFECTIVE MEANS OF DISTRIBUTING THE CONSENT FORM CONSISTENT WITH THIS ARTICLE;

(II) THE LANGUAGE OF THE CONSENT FORM;

(III) WHERE AND IN WHAT MANNER THE INSTITUTION SHALL MAINTAIN THE CONSENT FORM TO PROVIDE THE GREATEST ACCESS TO AUTHORIZED PERSONNEL;

(IV) THOSE PERSONNEL WHO SHALL HAVE ACCESS TO THE CONSENT FORM; AND

(V) THOSE PERSONNEL WHO SHALL HAVE AUTHORITY TO NOTIFY THE CONTACT PERSON DESIGNATED IN THE CONSENT FORM AND THE PROCESS BY WHICH THE NOTIFICATION IS MADE.

(b) ON OR BEFORE SEPTEMBER 1, 2007, THE STATE INSTITUTIONS SELECTED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE WITH MATERIALS PROVIDED TO EACH MATRICULATING STUDENT A CONSENT FORM THAT:

(I) AUTHORIZES THE STATE INSTITUTION TO NOTIFY A DESIGNATED CONTACT PERSON IN THE EVENT THAT A PERSON WHO HAS BEEN

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DESIGNATED BY THE STATE INSTITUTION HAS A REASONABLE BELIEF THAT THE STUDENT IS CONSIDERING SUICIDE OR MAY BE A DANGER TO HIMSELF OR HERSELF; AND

(II) AUTHORIZES THE STATE INSTITUTION TO RELEASE TO THE DESIGNATED CONTACT PERSON ONLY SUCH OTHERWISE CONFIDENTIAL INFORMATION THAT IS DIRECTLY RELATED TO THE REASONABLE BELIEF THAT THE STUDENT IS CONSIDERING SUICIDE OR MAY BE A DANGER TO HIMSELF OR HERSELF AND SUCH INFORMATION AS IS MINIMALLY NECESSARY TO CONVEY TO THE CONTACT PERSON THE GROUNDS FOR THE REASONABLE BELIEF.

(c) THE CONSENT FORM SHALL INCLUDE NOTIFICATION TO THE STUDENT THAT, IF HE OR SHE WANTS THE CONSENT FORM TO BE KEPT ON FILE WITH THE STATE INSTITUTION, HE OR SHE MUST RETURN THE FORM TO THE LOCATION DESIGNATED ON THE FORM BY THE STATE INSTITUTION VIA SUCH DELIVERY METHOD AS DESIGNATED BY THE STATE INSTITUTION ON THE CONSENT FORM.

(3) REFUSING TO SIGN A CONSENT FORM AT THE TIME OF REGISTRATION SHALL NOT PRECLUDE A STUDENT FROM LATER REQUESTING AND SIGNING A CONSENT FORM, NOR SHALL IT PRECLUDE THE STATE INSTITUTION FROM LATER PROVIDING THE STUDENT WITH THE OPTION OF SIGNING A CONSENT FORM.

(4) A STUDENT WHO HAS PREVIOUSLY SIGNED A CONSENT FORM MAY, AT ANY TIME, CHANGE THE CONTACT PERSON OR REVOKE THE CONSENT FORM ENTIRELY. REVOCATION OF A CONSENT FORM SHALL NOT PRECLUDE THE STUDENT FROM SIGNING A CONSENT FORM AT A LATER DATE.

(5) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE, THE RELEASE OF INFORMATION CONCERNING A STUDENT WHO IS TAKEN INTO CUSTODY OR RECEIVING CARE AND TREATMENT UNDER THE PROVISIONS OF ARTICLE 10 OF TITLE 27, C.R.S., SHALL BE GOVERNED BY THE PROVISIONS OF ARTICLE 10 OF TITLE 27, C.R.S.

23-19-104. Duty - immunity from liability. THIS ARTICLE SHALL NOT IMPOSE A NEW DUTY ON A STATE INSTITUTION OR MODIFY AN EXISTING DUTY UNDER LAW TO EITHER MONITOR BEHAVIOR OR IDENTIFY CIRCUMSTANCES UNDER WHICH A STUDENT POSES A RISK TO HIMSELF OR HERSELF. A STATE INSTITUTION OR EMPLOYEE OF A STATE INSTITUTION THAT NOTIFIES OR PROVIDES INFORMATION TO A CONTACT PERSON PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM SUIT FOR ANY ACT OR OMISSION RELATED TO NOTIFICATION OR DISCLOSURE OF INFORMATION PERTAINING TO A STUDENT WHO HAS SIGNED A CONSENT FORM.

23-19-105. Report - repeal. (1) ON OR BEFORE FEBRUARY 1, 2010, THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, REGARDING THE IMPLEMENTATION OF THE PROVISIONS OF THIS ARTICLE BY THE STATE INSTITUTIONS SELECTED PURSUANT TO SECTION 23-19-103 (1).

(2) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2010.

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 **HB06-1023** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 9, after line 18, insert the following:

"SECTION 8. 22-60.5-111 (14) (e) (II), Colorado Revised Statutes, is amended to read:

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22-60.5-111. Authorization - types - applicants' qualifications.
 (14) **Principal authorization.** (e) (II) If a person who is employed under a principal authorization successfully completes an induction program and completes the individualized alternative principal program while employed under the principal authorization, the department of education may issue a professional principal license to the person upon application SO LONG AS THE PERSON MEETS THE REQUIREMENTS SPECIFIED IN SECTION 22-60.5-301 (1) (b) (I.5).".

Renumber succeeding sections accordingly.

SENATE SERVICES REPORT

Correctly Printed: SB06-199.
Correctly Reengrossed: SB06-015, 040, 071, 089, 135, 171, 177, and 185.
Correctly Rerevised: HB06-1028, 1033, and 1136.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB06-1063.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB06-183** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 9 through 18 and substitute the following:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of higher education, for allocation to Colorado state university, for the fiscal year beginning July 1, 2006, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. 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.".

Page 1, strike "INSTITUTE." and substitute "INSTITUTE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB06-1120** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 17 and 18 and substitute the following:

"(II) THE PACKAGE MAY BE DELIVERED ONLY TO A PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER.";

line 24, strike "AT THE DELIVERY ADDRESS".

Page 8, line 6, strike "upon passage" and substitute "July 1, 2006,".

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Judiciary

After consideration on the merits, the Committee recommends that **SB06-146** be postponed indefinitely.

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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 March 2 was laid over until Friday, March 3, 2006, retaining its place on the calendar.

Consideration of Governor's Appointments:
Members of the Colorado Civil Rights Commission.
Conference Committees to Report: HB06-1215.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Friday, March 3, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate