

Senate approves Brophy's student medication bill

Written by Marianne Goodland, Legislative reporter

Last week, Sen. Greg Brophy, R-Wray, got past one of the biggest hurdles a Senate Republican faces in the 2011 session: getting a bill out of the Democratic-controlled Senate.

The Senate last week approved Brophy's Senate Bill 11-012, which would allow students in public schools to keep their life-saving medication on hand, instead of having it locked up in a nurse's or principal's office.

For a student to keep medication at school, the parents must first get a doctor's prescription, a form signed by a school nurse, another sign-off by the doctor, and then a contract between the student, parents and school nurse on responsibility for the medication, and that process must be repeated every year.

Under amendments placed on the bill by the Senate Education Committee, the permission process becomes optional for school districts that develop their own policies to allow students to carry medication. Another amendment requires school districts to determine whether the medication is a risk to other students and ensures that the child has a sufficient supply to handle daily needs.

The Senate amended the bill twice in its final reviews of the bill on Feb. 18 and for the final vote on Feb. 21. As a result, SB 12 now recognizes that physicians are not the only people who write prescriptions, and the bill allows for prescriptions written by any licensed health care practitioner.

SB 12 was approved unanimously by the Senate and is now over in the House, where it is carried by Rep. Tom Massey, R-Poncha Springs, the chair of the House Education Committee, where the bill is likely to go.

Brophy also was a strong supporter of a Senate measure that will ask Colorado voters to tighten the initiative process. Senate Concurrent Resolution 11-001 would ask voters to set a higher threshold for passing amendments that go onto the Colorado Constitution, from a simple majority to 60 percent of the vote. It would limit the General Assembly's ability to rescind statutory measures passed by voters, to a waiting period of at least three years.

SCR 1 also contains a requirement for geographic distribution of signatures on initiative

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petitions, meaning that signatures would have to be gathered in every congressional district rather than allowing signature gatherers to collect them only in large metropolitan areas. Supporters have said this would give a voice to rural Coloradans who don't have one now and would lessen the possibility that a local issue would rise to the level of a statewide concern.

"The greatest threat that ag in Colorado faces is this (current) initiative process," Brophy said in asking his Republican colleagues to vote in favor of SCR 1. He noted that in California, a 2008 ballot initiative passed by voters banned confinement livestock operations. When the measure goes into effect in 2014, Brophy said, there will be no hog operations or indoor egg production in that state, affecting everything from restaurants to bakeries.

"When we ask people to come to Colorado who want to bring jobs and economic opportunity, they are afraid to invest in eastern Colorado because of our initiative process," Brophy said, and he warned that the group that brought up the measure in California is now raising millions of dollars for a similar effort here. "Passage of this initiative will slow them down; it might even stop them," Brophy said.

Republican opponents, such as Sen. Bill Cadman, R-Colorado Springs, said that business owners are more afraid of what the legislature does in 120 days than what has happened in the Constitution in the past 100 years. "The people create the Constitution, not the other way around," he said, and asked that the General Assembly not interfere with the people's ability to amend it.

The resolution, which needed 24 votes to pass the Senate, got 25 votes Monday, Feb. 21, with support from five Republicans. The House took action on SCR 1 on Friday, Feb. 25. In that chamber, it was carried by Speaker of the House Frank McNulty, R-Highlands Ranch, and Rep. Carole Murray, R-Castle Rock, and had 44 additional co-sponsors.

Among those co-sponsors, and voting in favor: Reps. Jon Becker, R-Fort Morgan, and Jerry Sonnenberg, R-Sterling. The measure needed 44 votes to pass; it got 52 votes with 12 voting against.

SCR 1 needs one last round of approvals from the Senate for House amendments, and if approved would appear on the 2012 general election ballot.

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Rep. Randy Baumgardner, R-Hot Sulphur Springs, is happy this week about his chances of getting his farm truck bill onto the desk of Gov. John Hickenlooper and believes this time it will be signed.

House Bill 11-1004 passed the House last week on a 62-3 vote. Under state law, county clerks require proof that an agricultural motor vehicle, such as a farm truck or truck tractor, is used by someone whose primary business is agriculture. Under the bill, that requirement is lifted if the vehicle is used for production on a farm or ranch that is classified as agricultural for property tax purposes.

On Feb. 21, Baumgardner got the House's support for an amendment offered by the Hickenlooper administration that said plates couldn't be moved from one vehicle to another. Baumgardner said that such language is already in state law, but the governor's office wanted that affirmed in the section of statute that would include his bill, to which Baumgardner readily agreed.

In the Senate, HB 1004 will be carried by Sen. Ted Harvey, R-Highlands Ranch. Baumgardner and Harvey teamed up for a similar effort in 2010 that got 99-1 support from the General Assembly, but was on the receiving end of an unexpected veto from Gov. Bill Ritter.

A bill regarding the employees at Northeastern 18, the golf course now owned by Northeastern Junior College, is now in the Senate and under Brophy's wing to the finish line. Its first stop is the Senate Business, Labor and Technology Committee, where it was assigned Feb. 21.

HB 1187 was originally sponsored by Sonnenberg. As introduced, it would allow NJC to exempt from the state personnel system the employees of the former Sterling Country Club, which was donated to NJC in 2009.

Currently, the employees at the golf course and the Plainsman Grill are under temporary contracts which are due to expire soon, according to NJC President Lance Bolton.

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That leaves the college with two options: let them go or convert the positions to classified, which would put them under the state personnel system. This affects about 33 employees: two in management, 16 student workers, and the rest who are temporary and/or part-time and who work at the facility to supplement their incomes.

HB 1187 would categorize all of those positions as exempt from the personnel system, and it would apply only to those positions and no others at NJC. Around the state, colleges that have dorms have cooks and other employees who fall under the state personnel system, but Bolton recently said that food service at NJC is provided by Sodexo, an outside third party. The college does have a groundskeeper, a classified employee who will remain in the state personnel system, although the groundskeeper(s) at Northeastern 18 would not be, according to Bolton and according to the bill.

HB 1187 passed the House Tuesday, Feb. 15 on a vote of 59-6.