SENATE JOURNAL Seventieth General Assembly STATE OF COLORADO Second Regular Session

56th Legislative Day

Tuesday, March 8, 2016

Prayer By the chaplain, Pastor Bob Tolsen, Immanuel Evangelical Church, Fort Morgan.

Call to Order

By the President at 9:00 a.m.

Color Jack Vasquez, Eagle Scout, Order of the Arrow from the Denver Area Council of the Boy Guard

Scouts of America, Leading the Guard.

Jack Vasquez, accompanied by Victor Boyer and Rudy Reynolds, Boy Scouts of America. Pledge

Roll Call Excused--2, Neville and Sonennberg.

Quorum The President announced a quorum present.

Reading of Journal

On motion of Senator Tate, reading of the Journal of Monday, March 7, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary

The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be placed on the consent calendar and confirmed:

MEMBERS OF THE STATE BOARD OF PAROLE

effective November 23, 2015 for a term expiring July 1, 2016:

Alexandra Jennifer Walker of Sedalia, Colorado, to serve as a citizen representative, and occasioned by the resignation of Brandon Cary Shaffer of Longmont, Colorado, appointed.

for a term expiring July 1, 2018:

John M. O'Dell of Loveland, Colorado, to serve as a law enforcement representative, reappointed.

Judiciary

The Committee on <u>Judiciary</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be placed on the consent calendar and confirmed:

MEMBERS OF THE COLORADO COMMISSION ON JUDICIAL DISCIPLINE

effective July 1, 2015, for terms expiring June 30, 2019:

Yolanda Lyons Pfund of Monument, Colorado, to serve as a non-attorney, reappointed;

Elizabeth Krupa of Evergreen, Colorado, to serve as an attorney, appointed.

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Judiciary After consideration on the merits, the Committee recommends that HB16-1085 be referred to the Committee of the Whole with favorable recommendation and with a

recommendation that it be placed on the Consent Calendar.

Business. After consideration on the merits, the Committee recommends that HB16-1011 be referred to the Committee of the Whole with favorable recommendation and with a Labor, & Technology recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that HB16-1151 be referred to the Committee of the Whole with favorable recommendation.

SENATE SERVICES REPORT

Correctly Engrossed: SB16-085, 126, and 135; SR16-002. **Correctly Revised:** HB16-1051, 1064, and 1091.

Correctly Rerevised: HB16-1119.

INTRODUCTION OF BILLS -- FIRST READING

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

SB16-151 by Senator(s) Sonnenberg; --Concerning the right of Coloradans to hunt wildlife, and, in connection therewith, establishing hunting as the primary means of managing wildlife. Agriculture, Natural Resources, & Energy

by Senator(s) Aguilar; also Representative(s) Lontine--Concerning notifications of health SB16-152 care billing charges for covered persons.

State, Veterans, & Military Affairs

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resoultions.

CONSIDERATION OF RESOLUTIONS

by Senator(s) Newell; also Representative(s) Lee--Concerning recognition of October as **SJR16-013** 'Conflict Resolution Month" in Colorado.

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

YES 33		NO	0		EXCUSED 2		ABSENT	0
Aguilar	Y	Heath		Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill		Y	Lundberg	Y	Sonnenberg	Е
Carroll	Y	Hodge		Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert		Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn		Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston		Y	Neville T.	Е	Ulibarri	Y
Garcia	Y	Jones		Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas		Y	Roberts	Y	President	Y
Guzman	Y	Kerr		Y	Scheffel	Y		

Co-sponsor(s) added: Aguilar, Carroll, Cooke, Crowder, Donovan, Garcia, Guzman, Heath, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lundberg, Martinez Humenik, Merrifield, Roberts, Scheffel, Scott, Steadman, Tate, Todd, Ulibarri, and Woods.

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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:

HB16-1051 by Representative(s) Van Winkle; also Senator(s) Holbert--Concerning the issuance of beneficiary designation forms to facilitate the transfer of ownership of a vehicle upon the death of an owner.

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

YES 33		NO	0		EXCUSED 2)	ABSENT	0
Aguilar	Y	Heath		Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill		Y	Lundberg	Y	Sonnenberg	Ε
Carroll	Y	Hodge		Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert		Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn			Merrifield	Y	Todd	Y
Donovan	Y	Johnston		Y	Neville T.	Е	Ulibarri	Y
Garcia	Y	Jones		Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas		Y	Roberts	Y	President	Y
Guzman	Y	Kerr		Y	Scheffel	Y		

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

Co-sponsor(s) added: Baumgardner, Crowder, Grantham, Heath, Hodge, Jahn, Jones, Lundberg, Marble, Martinez Humenik, Merrifield, Roberts, Scheffel, Scott, Steadman, Tate, Todd, and Woods.

SB16-085 by Senator(s) Steadman; also Representative(s) Willett--Concerning the "Colorado Uniform Trust Decanting Act".

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

YES 33		NO	0		EXCUSED	2		ABSENT	0
Aguilar	Y	Heath		Y	Lambert		Y	Scott	Y
Baumgardner	Y	Hill		Y	Lundberg		Y	Sonnenberg	Е
Carroll	Y	Hodge		Y	Marble		Y	Steadman	Y
Cooke	Y	Holbert		Y	Martinez Humenil	k	Y	Tate	Y
Crowder	Y	Jahn		Y	Merrifield		Y	Todd	Y
Donovan	Y	Johnston		Y	Neville T.		E	Ulibarri	Y
Garcia	Y	Jones		Y	Newell		Y	Woods	Y
Grantham	Y	Kefalas		Y	Roberts		Y	President	Y
Guzman	Y	Kerr		Y	Scheffel		Y		

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

Co-sponsor(s) added: Cadman, Crowder, Heath, Kerr, Lambert, Martinez Humenik, and Roberts.

SB16-126 by Senator(s) Roberts; also Representative(s) Garnett and Nordberg--Concerning parity of state-chartered banks with federally chartered banks regarding frequency of meetings.

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

Y

Y Y

Y

Y

Y

Aguilar |

Carroll

Cooke

Garcia

Crowder

Donovan

Grantham

Guzman

Baumgardner

NO

Hill

Jahn

Jones

Kerr

Kefalas

Heath

Hodge

Holbert

Johnston

ABSENT

Sonnenberg

Steadman

Ulibarri

Woods

President

Scott

Tate Todd

Y

Y

Y

E Y

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

Y

Y

EXCUSED

Lambert

Marble

Lundberg

Merrifield

Neville T.

Newell

Roberts

Scheffel

Martinez Humenik

Co-sponsor(s) added: Baumgardner, Cooke, Heath, Holbert, Lundberg, Scheffel, Tate, and Woods.

HB16-1064 by Representative(s) Brown; also Senator(s) Roberts--Concerning local licensing of medical marijuana testing facilities.

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

YES 33		NO	0	EXCUSED 2		ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill		Lundberg	Y	Sonnenberg	Е
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Е	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	Y		

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

Co-sponsor(s) added: Heath, Holbert, Jahn, Johnston, Kerr, Scott, and Steadman.

SB16-135 by Senator(s) Aguilar; also Representative(s) Ginal--Concerning a pharmacist's provision of health care services that have been delegated by another health care provider.

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

YES 33		NO	0		EXCUSED 2	2	ABSENT	0	
Aguilar	Y	Heath		Y	Lambert	7	Scott	7	7
Baumgardner	Y	Hill	,	Y	Lundberg	}	Y Sonnenberg	E	3
Carroll	Y	Hodge		Y	Marble	}	Y Steadman	}	7
Cooke	Y	Holbert	,	Y	Martinez Humenik	: }	7 Tate	}	7
Crowder	Y	Jahn		Y	Merrifield	7	7 Todd	}	7
Donovan	Y	Johnston		Y	Neville T.	E	E Ulibarri	7	7
Garcia	Y	Jones		Y	Newell	}	Y Woods	}	7
Grantham	Y	Kefalas		Y	Roberts	}	7 President	}	7
Guzman	Y	Kerr	,	Y	Scheffel	}	7		

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

Co-sponsor(s) added: Carroll, Crowder, Heath, Jahn, Johnston, Kefalas, Merrifield, Newell, Roberts, Steadman, and Todd.

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HB16-1091

by Representative(s) Thurlow and Mitsch Bush, Arndt, Coram, Melton, Nordberg, Sias, Tyler, Wist; also Senator(s) Sonnenberg, Hodge--Concerning a change to the biennial filing date for rate-regulated electric utilities to submit their plans for transmission facilities to the public utilities commission, and, in connection therewith, deleting the requirement that the commission issue a final order within one hundred eighty days after an application for the construction or expansion of transmission facilities is filed.

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

YES 33		NO	0		EXCUSED	2		ABSENT	0	
Aguilar	Y	Heath		Y	Lambert		Y	Scott		Y
Baumgardner	Y	Hill		Y	Lundberg		Y	Sonnenberg		Е
Carroll	Y	Hodge			Marble			Steadman		Y
Cooke	Y	Holbert		Y	Martinez Humeni	k	Y	Tate		Y
Crowder	Y	Jahn		Y	Merrifield		Y	Todd		Y
Donovan	Y	Johnston		Y	Neville T.		Е	Ulibarri		Y
Garcia	Y	Jones		Y	Newell		Y	Woods		Y
Grantham	Y	Kefalas		Y	Roberts		Y	President		Y
Guzman	Y	Kerr		Y	Scheffel		Y			

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

Co-sponsor(s) added: Cooke, Jones, and Scott.

Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR

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

HB16-1033 by Representative(s) McCann and Nordberg; also Senator(s) Kefalas and Newell-Concerning the Colorado human trafficking council.

Ordered revised and placed on the calendar for third reading and final passage.

HB16-1038 by Representative(s) Melton and Salazar, Lontine, Ginal; also Senator(s) Jones-Concerning optional affiliation with the fire and police pension association by a county sheriff department that does not participate in social security.

Ordered revised and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE -- CONSENT CALENDAR

On motion of Senator Scott, the report of the Committee of the Whole was **adopted** on the following roll call vote:

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YES 33		NO	U	EXCUSED	2		ABSENI	U
Aguilar	Y	Heath	Y	Lambert		Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg		Y	Sonnenberg	Е
Carroll	Y	Hodge	Y	Marble		Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Hun	nenik	Y	Tate	Y
Crowder	Y	Jahn	Y	Merrifield		Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.		Е	Ulibarri	Y
Garcia	Y	Jones	Y	Newell		Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts		Y	President	Y
Guzman	Y	Kerr	Y	Scheffel		Y		

The Committee of the Whole took the following action:

Passed on second reading: HB16-1033 and HB16-1038.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB16-123 by Senator(s) Lundberg, Marble, Baumgardner, Scheffel, Holbert, Newell, Hill, Woods, Cooke, Crowder, Grantham, Lambert; also Representative(s) Singer, Saine, Ransom, Lebsock, Wilson, Melton, Winter, Lontine, Sias--Concerning free access for high occupancy vehicles to high occupancy vehicle and high occupancy toll lanes on state highways, and, in connection therewith, prohibiting the department of transportation and the high-performance transportation enterprise from requiring a vehicle owner to use a switchable transponder or other device in order to travel in a high occupancy vehicle on such a lane without paying a toll.

As amended, laid over until Friday, March 11, retaining its place on the calendar.

SB16-132 by Senator(s) Cooke; also Representative(s) Foote--Concerning clarifying that test results relating to certain DUI offenses are not public information.

> Amendment No. 1, Judiciary Committee Amendment. (Printed in Senate Journal, March 1, page(s) 315, and placed in members' bill files.)

Amendment No. 2 (L.003), by Senator Cooke.

Amend printed bill, page 2, line 23, after "CONTAINING" insert "PERSONAL IDENTIFYING 51 INFORMATION RELATING TO". 52

Page 3, strike lines 1 through 4 and substitute "PERSONS' BREATH ALCOHOL CONTENT, AND 54 ALL PERSONAL IDENTIFYING INFORMATION THEREOF, ARE NOT PUBLIC INFORMATION. THE 55 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL DISCLOSE SUCH INFORMATION 56 ONLY TO:".

Page 3, line 6, strike the second "OR".

Page 3, strike line 9 and substitute:

"LEGAL REPRESENTATIVE; OR

- (C) ANY PROSECUTING ATTORNEY, LAW ENFORCEMENT OFFICER, STATE AGENCY, OR STATE 64 AND LOCAL PUBLIC OFFICIAL LEGALLY AUTHORIZED TO UTILIZE SUCH INFORMATION TO 65 CARRY OUT HIS OR HER DUTIES.
- THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY RELEASE 67 (IV) NON-PERSONAL IDENTIFYING INFORMATION FROM THE DATABASE IN ACCORDANCE WITH 68 SECTIONS 24-72-101 TO 24-72-402, C.R.S."

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

HB16-1284 by Representative(s) Nordberg and Moreno, Sias, Court, DelGrosso, Duran, Everett, Garnett, Kagan, Klingenschmitt, Kraft-Tharp, Lawrence, Lundeen, Pabon, Pettersen, Williams; also Senator(s) Hill and Garcia, Cadman, Scheffel, Crowder, Grantham, Holbert, Johnston, Sonnenberg, Neville T.--Concerning divestment by the public employees'

Johnston, Sonnenberg, Neville T.--Concerning divestment by the public employees' retirement association from companies that have economic prohibitions against the state of Israel.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, March 3, page(s) 336, and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for third reading and final passage.

by Senator(s) Hill; also Representative(s) Becker K.--Concerning the regulation of certain foods, and, in connection therewith, exempting certain food producers from licensure, inspection, and other regulation.

Amendment No. 1, Business, Labor & Technology Committee Amendment. (Printed in Senate Journal, Februrary 19, page(s) 229-232, and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, March 4, page(s) 339, and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

by Senator(s) Marble, Grantham, Neville T., Lambert, Woods, Holbert, Lundberg, Scheffel, Cooke, Crowder, Hill, Martinez Humenik, Sonnenberg, Tate; also Representative(s) Becker J. and Vigil, Saine, Brown, Everett, Willett, Ransom, Wist, Sias, Nordberg, Joshi, Lundeen, Klingenschmitt, Buck, Navarro, Neville P., Humphrey--Concerning modifications to the regulation of veterinary pharmaceuticals.

Laid over until Wednesday, March 9, retaining its place on the calendar.

by Senator(s) Kerr, Aguilar, Guzman, Heath, Lundberg, Marble, Merrifield; --Concerning the elimination of mandatory sentences to incarceration for certain crimes.

Amendment No. 1, Appropriations Committee Amendment. (Printed in Senate Journal, March 4, page(s) 340, and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Kerr.

Amend printed bill, page 2, line 21, strike "repeal" and substitute "amend".

Page 3, line 4, strike "bail." and substitute "bail The Court shall sentence any person who is convicted of a misdemeanor offense in violation of section 18-6-803.5, or a felony offense in violation of section 18-8-704, 18-8-705, 18-8-706, 18-8-707, involving a victim or witness in the underlying offense while on bond in the underlying case to imprisonment of not less than one year for violation of subsection (1) of this section and not less than six months for violation of subsection (2) of this section, unless the court makes findings that unusual or extenuating circumstances exist and finds that a sentence to incarceration would not be in the interest of justice and would be inconsistent with the purposes of sentencing as described in section 18-1-102.5. The court shall order the sentence to be served consecutively with any sentence for the offense on which the person is on bail if the underlying sentence is a sentence to incarceration.".

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

by Senator(s) Martinez Humenik; --Concerning an electronic filing system for documents recorded with a county clerk and recorder, and, in connection therewith, creating the electronic recording technology board, which is an enterprise; authorizing the board to set an additional filing surcharge for a five-year period; requiring counties to transmit the proceeds of the board's surcharge to the state for deposit in a cash fund administered by the board; requiring the board to make grants from the fund to counties to create, maintain, improve, or replace electronic filing systems; establishing reporting requirements for the board; and increasing a local filing surcharge.

Laid over until Wednesday, March 9, retaining its place on the calendar.

SB16-116

by Senator(s) Johnston; --Concerning the creation of a deceptive trade practice under the "Colorado Consumer Protection Act" for a private custodian of criminal justice records to fail to remove a sealed criminal justice record from the custodian's database after receiving notice of a court order sealing that criminal justice record.

Amendment No. 1, Judiciary Committee Amendment. (Printed in Senate Journal, February 25, page(s) 282, and placed in members' bill files.)

As amended, laid over until Wednesday, March 9, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Scott, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES 33		NO	0		EXCUSED 2		ABSENT	0
Aguilar	Y	Heath		Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill		Y	Lundberg	Y	Sonnenberg	Е
Carroll	Y	Hodge		Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert		Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn		Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston		Y	Neville T.	Е	Ulibarri	Y
Garcia	Y	Jones		Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas		Y	Roberts	Y	President	Y
Guzman	Y	Kerr		Y	Scheffel	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB16-132 as amened, SB16-058 as amended, SB16-102 as amended, HB16-1284 as amended.

Laid over until Wednesday, March 9: SB16-062, SB16-115, SB16-116 as amended. Laid over until Friday, March 11: SB16-123 as amended.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Resolutions Calendar (SJR16-011, SJR16-014) of Tuesday, March 8 was laid over until Wednesday, March 9, retaining its place on the calendar.

MESSAGE FROM THE HOUSE

March 8, 2016

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1035, 1183, 1060, 1184, 1269, 1215.

The House has passed on Third Reading and transmitted HB16-1255, amended as printed in House Journal, Marc HB16-1272, amended as printed in House Journal, Marc HB16-1070, amended as printed in House Journal, Marc HB16-1103, amended as printed in House Journal, Marc HB16-1141, amended as printed in House Journal, Marc HB16-1229, amended as printed in House Journal, Marc HB16-1270, amended as printed in House Journal, Marc	h 3. h 7. h 7. h 7. h 7. h 7.	1 2 3 4 5 6 7 8
The House has passed on Third Reading and returns here 089, 090, 091, 092, 093, 095.	ewith SB16-063, 055,	10 11 12
The House has adopted and returns herewith SJR16-013.		13 14
		15 16 17
MESSAGE FROM THE REVISOR OF STA	ATUTES	18 19
March 8, 2016		20 21
We herewith transmit:		23 24 25
Without comment, HB16-1035, 1060, 1183, 1184, 1215, Without comment, as amended, HB16-1070, 1103, 1141		20 21 22 23 24 25 26 27 28 29 30 31 32 33
On motion of Majority Leader Scheffel, the Senate adjordarch 9, 2016.	urned until 9:00 a.m., Wednesday,	30 31 32
	Approved:	33 34 35 36
	Bill L. Cadman President of the Senate	37 38 39 40
Attest:		41 42 43 44
Effie Ameen Secretary of the Senate		44 45 46 47