

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
Second Regular Session

28th Legislative Day Tuesday, February 9, 2016

Prayer By the chaplain, Dan File, Capitol Commission, Lake City.

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

Pledge By Senator Donovan.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Cooke, reading of the Journal of Monday, February 8, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that SB16-107 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that SB16-112 be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that SB16-023 be postponed indefinitely.

Judiciary After consideration on the merits, the Committee recommends that SB16-051 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike line 3 and substitute "(1) (a); and add (1) (c) as follows:".

Page 2, strike lines 26 and 27 and substitute "in the state. EXCEPT AS DESCRIBED IN PARAGRAPH (C) OF THIS SUBSECTION (1), A COURT SHALL SENTENCE a person convicted of two or more separate crimes of violence arising out of the same incident shall be sentenced for such".

Page 3, strike lines 1 and 2 and substitute "crimes so that HIS OR HER sentences are served consecutively rather than concurrently."

Page 3, after line 2 insert:

"(c) THE COURT MAY REQUIRE A DEFENDANT TO SERVE HIS OR HER SENTENCES CONSECUTIVELY RATHER THAN CONCURRENTLY IF THE

	DEFENDANT IS CONVICTED OF TWO OR MORE SEPARATE CRIMES OF VIOLENCE ARISING OUT OF THE SAME INCIDENT AND ONE OF SUCH CRIMES IS:	1
	(I) AGGRAVATED ROBBERY, AS DESCRIBED IN SECTION 18-4-302;	2
	(III) ASSAULT IN THE SECOND DEGREE, AS DESCRIBED IN SECTION 18-3-203; OR	3
	(III) ESCAPE, AS DESCRIBED IN SECTION 18-8-208."	4
	Page 3, strike lines 3 through 12 and substitute:	5
	"SECTION 2. Effective date - applicability. This act takes effect July 1, 2016, and applies to offenses committed on or after said date.	6
	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."	7
Judiciary	After consideration on the merits, the Committee recommends that SB16-102 be referred to the Committee on Appropriations with favorable recommendation.	8
Judiciary	After consideration on the merits, the Committee recommends that SB16-003 be referred to the Committee on Appropriations with favorable recommendation.	9
Business, Labor, & Technology	The Committee on Business, Labor, & Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	10
	MEMBER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO	11
	effective January 12, 2016, for a term expiring the Monday preceding the second Tuesday in January 2020:	12
	Frances Ann Koncilja of Denver, Colorado, to serve as a Democrat, appointed.	13
	SENATE SERVICES REPORT	14
	Correctly Engrossed: SJM16-003.	15
	Correctly Reengrossed: SB16-008 and 012.	16
	Correctly Revised: HJR16-1002.	17
	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 expressions of personal privilege.	18
	Senate in recess. Senate reconvened.	19

Committee of the Whole On motion of Senator Cooke, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar, and Senator Cooke 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB16-055 by Senator(s) Grantham, Donovan, Crowder, Sonnenberg; also Representative(s) Moreno-- Concerning the conduct of elections to choose the board of directors of a cooperative electric association.

Ordered engrossed 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 Cooke, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
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.	Y	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: SB16-055.

Committee of the Whole On motion of Senator Cooke, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills, and Senator Cooke 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:

SB16-006 by Senator(s) Martinez Humenik, Lundberg, Roberts, Tate; also Representative(s) Sias, Landgraf--Concerning the use of qualified insurance brokers to enroll eligible participants in health benefit plans through the Colorado health benefit exchange.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 4, page(s) 132 and placed in members' bill files.)

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

SB16-041

by Senator(s) Baumgardner; also Representative(s) Pabon--Concerning data collected by the division of criminal justice in the department of public safety concerning the study of marijuana implementation.

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

(For further action, see amendments to the report of the Committee of the Whole.)

SB16-068

by Senator(s) Donovan, Marble, Cadman, Johnston; also Representative(s) Esgar and Willett--Concerning wearing fluorescent pink garments to hunt big game.

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB16-041

by Senator(s) Baumgardner; also Representative(s) Pabon--Concerning data collected by the division of criminal justice in the department of public safety concerning the study of marijuana implementation.

Senator Aguilar moved to amend the Report of the Committee of the Whole to show that the following Aguilar floor amendment, (L.001) to SB16-041, did pass.

Amend printed bill, page 2, strike line 3 and substitute "(1) and (2) (a) as follows:".

Page 2, strike lines 13 and 14 and substitute:

"(a) (I) Marijuana-initiated contacts by law enforcement, broken down by judicial district and by race and ethnicity.

(II) AS USED IN THIS PARAGRAPH (a):

(A) "CONTACT BY LAW ENFORCEMENT" MEANS ANY DETENTION BY A PEACE OFFICER OF A PERSON, OR ANY PEACE OFFICER'S INTERACTION WITH A PERSON IN WHICH THE PEACE OFFICER CONDUCTS A SEARCH, INCLUDING A CONSENSUAL SEARCH, OF THE PERSON'S BODY OR PROPERTY IN THE PERSONS POSSESSION OR CONTROL; AND

(B) "MARIJUANA-INITIATED" MEANS THAT ORIGINAL REASON FOR THE LAW ENFORCEMENT OFFICER CONTACTING THE PERSON WAS BECAUSE OF THE OFFICER'S REASONABLE SUSPICION THAT THE PERSON WAS UNDER THE INFLUENCE OF MARIJUANA OR POSSESSED MARIJUANA IN VIOLATION OF STATE LAW."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **lost** on the following roll call vote:

YES	13	NO	22	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	N	Marble	N	Steadman	Y
Cooke	N	Holbert	N	Martinez Humenik	N	Tate	N
Crowder	N	Jahn	N	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	N	Ulibarri	Y
Garcia	N	Jones	Y	Newell	N	Woods	N
Grantham	N	Kefalas	Y	Roberts	N	President	N
Guzman	Y	Kerr	Y	Scheffel	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
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.	Y	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: SB16-006 as amended, SB16-041, SB16-068.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS --
CONSENT CALENDAR**

On motion of Majority Leader Scheffel, the following Governor's appointments were confirmed by the following roll call votes:

MEMBERS OF THE
COLORADO COMMISSION ON HIGHER EDUCATION

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

Jeanette Autobee Garcia of Pueblo, Colorado, to serve as a representative of the Third Congressional District and as a Democrat, reappointed;

Monte Moses, PhD, of Englewood, Colorado, to serve as a representative of the Sixth Congressional District and as a Republican, reappointed;

Maia A. Babbs, CFA, of Golden, Colorado, to serve as a representative of the Second Congressional District and as an Unaffiliated, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
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.	Y	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	Y		

MESSAGE FROM THE HOUSE

February 9, 2016

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1081, 1085, 1161, 1064, 1091, 1119.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1004, amended as printed in House Journal, February 8, 2016.
HB16-1095, amended as printed in House Journal, February 8, 2016.
HB16-1030, amended as printed in House Journal, February 8, 2016.
HB16-1090, amended as printed in House Journal, February 8, 2016.
HB16-1139, amended as printed in House Journal, February 8, 2016.
HB16-1125, amended as printed in House Journal, February 8, 2016.

The House has passed on Third Reading and returns herewith SB16-020.

MESSAGE FROM THE REVISOR OF STATUTES

February 9, 2016

We herewith transmit:

Without comment, HB16-1064, 1081, 1085, 1091, 1119, and 1161.
Without comment, as amended, HB16-1004, 1030, 1090, 1095, 1125, and 1139.

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Wednesday, February 10, 2016.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Effie Ameen
Secretary of the Senate