

SENATE JOURNAL  
Seventieth General Assembly  
STATE OF COLORADO  
Second Regular Session

52nd Legislative Day Friday, March 4, 2016

Prayer By the chaplain, Pastor Bill Oudemolen, Foothills Bible Church, Littleton.

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

Pledge By Senator Woods.

Roll Call Present--33  
Excused--2, Scheffel, Sonnenberg.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Martinez Humenik, reading of the Journal of Thursday, March 3, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **HB16-1033** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **HB16-1038** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **SB16-058** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Business, Labor, and Technology Committee Report, dated February 17, 2016, page 5, after line 25 insert:

"SECTION 10. Appropriation. (1) For the 2016-17 state fiscal year, \$3,800 is appropriated to the department of agriculture. This appropriation is from the inspection and consumer services cash fund created in section 35-1-106.5 (1), C.R.S. To implement this act, the department may use this appropriation for the purchase of legal services.

(2) For the 2016-17 state fiscal year, \$3,800 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of agriculture under subsection (1) of this section. To implement this act, the department of law may use this appropriation to provide legal services for the department of agriculture."

Page 5 of the committee report, line 26, strike "10." and substitute "11".

Page 5 of the committee report, after line 28 insert:

"Page 1 of the bill, line 104, strike "REGULATION." and substitute "REGULATION, AND MAKING AN APPROPRIATION."."

Appropriations

After consideration on the merits, the Committee recommends that **SB16-062** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, before line 9 insert:

**"SECTION 4. Appropriation.** For the 2016-17 state fiscal year, \$5,220 is appropriated to the department of regulatory agencies for use by the division of professions and occupations. This appropriation is from the division of professions and occupations cash fund created in section 24-34-105 (2) (b) (I), C.R.S. To implement this act, the division may use this appropriation for operating expenses."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "PHARMACEUTICALS." and substitute "PHARMACEUTICALS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB16-102** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 4 insert:

**"SECTION 3. Appropriation.** For the 2016-17 state fiscal year, \$65,788 is appropriated to the judicial department. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.9 FTE. To implement this act, the judicial department may use this appropriation as follows:

<u>Probation and related services</u>	
Probation programs	\$61,085 (0.9 FTE)
<u>Centrally administered programs</u>	
Courthouse capital/infrastructure maintenance	\$4,703

**SECTION 4. Appropriation - adjustments to 2016 long bill.** To implement this act, appropriations made in the annual general appropriation act for the 2016-17 state fiscal year to the department of corrections for use by the external capacity subprogram are adjusted as follows:

- (a) The general fund appropriation for payments to in-state private prisons is decreased by \$605,372; and
- (b) The general fund appropriation for payments to pre-release parole revocation facilities is decreased by \$116,124 ."

Renumber succeeding section accordingly.

Page 1, line 102, strike "CRIMES." and substitute "CRIMES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB16-115** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 13, after line 14 insert:

**"SECTION 7. Appropriation.** For the 2016-17 state fiscal year, \$5,289 is appropriated to the department of state for use by the administration division. This appropriation is from the department of state cash fund created in section 24-21-104 (3) (b), C.R.S., and is based on an assumption that the division will require an additional 0.1 FTE. To implement this act, the division may use this appropriation for personal services."

Renumber succeeding section accordingly.

Page 1, line 112, strike "AND".

Page 1, line 113, strike "SURCHARGE." and substitute "SURCHARGE; AND MAKING AN APPROPRIATION.".

SENATE SERVICES REPORT

Correctly Engrossed: SJR16-012.  
Correctly Revised: HB16-1017.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bills was publicly read, the reading at length having been dispensed with by unanimous consent:

HB16-1017 by Representative(s) Pabon and Lawrence; also Senator(s) Cooke and Johnston-- Concerning appearances before a victim impact panel.

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

YES	31	NO	2	EXCUSED	2	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	N	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	E
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.	N	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	E		

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

Co-sponsor(s) added: Aguilar, Crowder, Heath, Kefalas, Kerr, Marble, Merrifield, Newell, Todd, and Woods.

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

**HB16-1119** by Representative(s) Thurlow, Becker K.; also Senator(s) Holbert--Concerning a modification to the number of days that an aircraft may remain in the state after it is purchased for purposes of the sales and use tax exemption on the purchase of certain aircraft.

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 Holbert, 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	E
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	E		

The Committee of the Whole took the following action:

Passed on second reading: HB16-1119.

## INTRODUCTION OF BILLS – FIRST READING

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

**SB16-136** by Senator(s) Donovan; --Concerning broadband deployment, and, in connection therewith, modifying a local government's process for an exemption from the requirement for voter approval to provide its own advanced service in an unserved area, updating the definition of "broadband", modifying the procedure for determining how funds in the high cost support mechanism are allocated, and requiring coordination between state agencies to ensure nonduplication of funding for broadband deployment in rural areas.

State, Veterans, & Military Affairs

State, Veterans, &amp; Military Affairs

**SB16-137** by Senator(s) Johnston and Sonnenberg; --Concerning a clarification of the authority of the parks and wildlife commission to enter into an agreement with a private landowner.  
Agriculture, Natural Resources, & Energy

## Agriculture, Natural Resources, & Energy

**SB16-138** by Senator(s) Scott; --Concerning a study of the delegation of functions of certain regulations related to motor vehicles administered by the department of revenue.  
Transportation

## Transportation

**SB16-139** by Senator(s) Roberts and Hodge; also Representative(s) Coram--Concerning a requirement that the Colorado commission on affordable health care develop a proposal under any applicable federal law to enable the state to operate a global payment system pilot program for hospitals in certain areas of the state.

Health & Human Services

- SB16-140** by Senator(s) Sonnenberg; also Representative(s) Kraft-Tharp--Concerning certificates of title issued for motor vehicles purchased from motor vehicle dealers.  
Transportation
- SB16-141** by Senator(s) Jones; also Representative(s) Foote--Concerning enactment of the "Don't Swipe My Identity Act" protecting a consumer's machine-readable information on certain identification documents issued by the department of revenue.  
Business, Labor, & Technology
- SB16-142** by Senator(s) Scott; also Representative(s) Ryden--Concerning modernization of election law provisions, and, in connection therewith, correcting statutory citations, updating terms and procedures to reflect modern elections administration, conforming state law to federal law, eliminating redundancies and obsolete references and practices, and harmonizing durational residency requirements for certain local government elections.  
State, Veterans, & Military Affairs
- SB16-143** by Senator(s) Hill; also Representative(s) Pabon, Young--Concerning a reduction in annual liquor licensing fees for specified licensees.  
Business, Labor, & Technology
- SB16-144** by Senator(s) Cooke; --Concerning allowing certain military personnel who are less than twenty-one years of age to obtain a permit to carry a concealed handgun.  
State, Veterans, & Military Affairs
- SB16-145** by Senator(s) Baumgardner and Donovan, Roberts, Scott; also Representative(s) Mitsch Bush and Willett, Becker K., Brown, Coram, Hamner, Rankin, Thurlow--Concerning an alternative mechanism for creating a subdistrict of the Colorado river water conservation district.  
Agriculture, Natural Resources, & Energy
- SB16-146** by Senator(s) Steadman; also Representative(s) Esgar--Concerning modernizing statutes related to sexually transmitted infections.  
Judiciary
- SB16-147** by Senator(s) Newell and Martinez Humenik, Aguilar, Cooke, Crowder, Donovan, Garcia, Guzman, Heath, Hill, Hodge, Jahn, Johnston, Kefalas, Kerr, Merrifield, Roberts, Steadman, Todd, Ulibarri; also Representative(s) Pettersen, Esgar, Landgraf, Primavera, Tyler--Concerning establishing the Colorado zero suicide model to reduce death by suicide in the Colorado health care system.  
Health & Human Services
- SB16-148** by Senator(s) Hill, Baumgardner, Hodge, Holbert, Jahn, Lambert, Newell; also Representative(s) Moreno and Lundeen, Arndt, Lawrence, Pabon, Priola--Concerning requiring students to correctly answer a portion of the civics questions on the United States naturalization test as part of the existing state requirement for high school students to satisfactorily complete a course on civil government before graduating from high school.  
Education
- SB16-149** by Senator(s) Marble and Woods, Cooke, Holbert, Lundberg, Neville T.; also Representative(s) Humphrey, Leonard, Ransom, Van Winkle--Concerning factors a court must consider in a review of an arbitrator's award in the context of a dissolution of a marriage.  
State, Veterans, & Military Affairs

<b>SB16-150</b>	by Senator(s) Steadman; also Representative(s) Esgar--Concerning marriages by individuals who are parties to a civil union, and, in connection therewith, prohibiting marriages in circumstances in which one of the parties is already in a civil union with another individual, addressing the legal effect of parties to a civil union marrying each other, clarifying the dissolution process when parties to a civil union marry, and amending the bigamy statute to include parties to a civil union. Judiciary	1
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<b>HB16-1004</b>	by Representative(s) Winter and Arndt; also Senator(s) Kefalas--Concerning a requirement to include measurable goals that are subject to deadlines in Colorado's climate action plan. Agriculture, Natural Resources, & Energy	10
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<b>HB16-1005</b>	by Representative(s) Esgar and Danielson; also Senator(s) Merrifield--Concerning the use of rain barrels to collect precipitation from a residential rooftop for nonpotable outdoor uses. Agriculture, Natural Resources, & Energy	14
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<b>HB16-1063</b>	by Representative(s) Foote and Duran; also Senator(s) Scheffel and Cadman--Concerning an exception to the prohibition against disclosing confidential communications with a mental health professional when school safety is at risk. Health & Human Services	21
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<b>HB16-1066</b>	by Representative(s) Roupe, Carver, Lundeen; also Senator(s) Newell--Concerning an habitual domestic violence offender. Judiciary	27
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<b>HB16-1094</b>	by Representative(s) Dore, Wist, Van Winkle, Wilson, Hullinghorst, Foote, Nordberg, Rankin, Lundeen, Becker K., Court, Conti, Hamner, Kagan, Landgraf, Lawrence, Roupe, Windholz; also Senator(s) Roberts--Concerning making references to the attorney general in the Colorado Revised Statutes gender neutral. Judiciary	31
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<b>HB16-1098</b>	by Representative(s) Lawrence; also Senator(s) Newell--Concerning updates to provisions related to school discipline reporting. Education	39
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<b>HB16-1104</b>	by Representative(s) Roupe; also Senator(s) Cooke--Concerning the issuance of a summons in lieu of a warrant for certain non-violent offenders. Judiciary	43
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<b>HB16-1106</b>	by Representative(s) Wilson; also Senator(s) Grantham and Garcia--Concerning the authority of a county to designate public roads as a section of a pioneer trail. Local Government	48
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<b>HB16-1145</b>	by Representative(s) Lebsock, Thurlow; also Senator(s) Tate, Holbert, Kefalas--Concerning the determination of the documentary fee imposed for recording a grant or conveyance of residential real property. Local Government	53
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<b>HB16-1152</b>	by Representative(s) Foote; also Senator(s) Cooke--Concerning the authority of the department of corrections to distribute medication. State, Veterans, & Military Affairs	59
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- HB16-1157** by Representative(s) Garnett and Kraft-Tharp; also Senator(s) Tate--Concerning the establishment of a future sunset review of the functions delegated to the director of the division of professions and occupations under the "Michael Skolnik Medical Transparency Act of 2010" to implement the recommendation of the department of regulatory agencies as contained in its 2015 sunset report pertaining to the division of professions and occupations.  
Business, Labor, & Technology
- HB16-1158** by Representative(s) Lee; also Senator(s) Holbert--Concerning continuation under the sunset law of the identity theft and financial fraud board.  
Finance
- HB16-1159** by Representative(s) Lee, Court, Foote, Kagan; also Senator(s) Holbert--Concerning continuation under the sunset law of the Colorado fraud investigators unit.  
Finance
- HB16-1163** by Representative(s) Rankin, Hamner, Young; also Senator(s) Grantham, Lambert, Steadman--Concerning appropriations from the noxious weed management fund.  
Appropriations
- HB16-1168** by Representative(s) Ginal and Danielson, Landgraf, Pettersen, Primavera, Singer, Tyler; also Senator(s) Scott--Concerning the continuation of the rural alcohol and substance abuse prevention and treatment program.  
Health & Human Services
- HB16-1170** by Representative(s) Vigil and Coram, Brown; also Senator(s) Sonnenberg and Garcia--Concerning the continuation of the division of racing events in the department of revenue, and, in connection therewith, implementing recommendation 1 of the 2015 sunset report of the department of regulatory agencies.  
Agriculture, Natural Resources, & Energy
- HB16-1176** by Representative(s) Lebsock, Duran, DelGrosso, Joshi, Landgraf, McCann, Rosenthal, Ryden; also Senator(s) Tate, Woods, Martinez Humenik, Todd--Concerning the authority of a licensed wholesaler to establish an employee purchase program under which its employees may purchase directly from the wholesaler alcohol beverage products sold by that wholesaler.  
Business, Labor, & Technology
- HB16-1188** by Representative(s) Rosenthal; also Senator(s) Martinez Humenik--Concerning requirements for the provision of additional public information by a separate legal entity established by contract by a combination of political subdivisions of the state.  
Business, Labor, & Technology
- HB16-1189** by Representative(s) Wist; also Senator(s) Roberts--Concerning the regulation of bingo-raffle licensees.  
Business, Labor, & Technology
- HB16-1192** by Representative(s) Kagan, Dore, Foote, McCann, Willett; also Senator(s) Steadman, Johnston, Roberts, Scheffel, Scott--Concerning a nonsubstantive recodification of the sunset review provisions.  
Judiciary
- HB16-1193** by Representative(s) Hamner, Young, Rankin; also Senator(s) Lambert, Grantham, Steadman--Concerning granting electronic access to court information to attorneys under contract with the office of the respondent parents' counsel.  
Appropriations



- HB16-1231

by Representative(s) Lebsock; also Senator(s) Carroll--Concerning the limited use of automated vehicle identification systems designed to detect disobedience to a traffic signal.  
Transportation

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- HB16-1232

by Representative(s) Kraft-Tharp, Wist; also Senator(s) Baumgardner--Concerning continuation of the authority of the executive director of the department of revenue to issue written responses upon the request of a taxpayer.  
Finance

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- HB16-1236

by Representative(s) Primavera, Brown, Esgar, Ginal, Joshi, Landgraf, Lontine, McCann, Ryden; also Senator(s) Crowder--Concerning continuation of the infection control advisory committee.  
Health & Human Services

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- HB16-1260

by Representative(s) Fields; also Senator(s) Cooke and Johnston--Concerning extending the criminal statute of limitations for a sexual assault to twenty years.  
Judiciary

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INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title.

- SJR16-013

by Senator(s) Newell; --Concerning recognition of October as "Conflict Resolution Month" in Colorado.  
  
Laid over until Tuesday, March 8, retaining its place on the calendar.

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- SJR16-014

by Senator(s) Neville T.; also Representative(s) Everett and Leonard--Concerning the designation of United States Highway 285 from Mile Marker 238 to Mile Marker 245 as the "Sergeant Sean P. Renfro Memorial Highway".  
  
Laid over one day under Senate Rule 30(b).

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CONSIDERATION OF RESOLUTIONS

- SJR16-011

by Senator(s) Grantham, Cadman, Baumgardner, Cooke, Crowder, Hill, Holbert, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Roberts, Scheffel, Scott, Sonnenberg, Tate, Woods; also Representative(s) Wilson, Becker J., Brown, Buck, Carver, Conti, Coram, DelGrosso, Dore, Everett, Humphrey, Joshi, Klingenschmitt, Landgraf, Lawrence, Leonard, Lundeen, Navarro, Neville P., Nordberg, Priola, Rankin, Ransom, Roupe, Saine, Sias, Thurlow, Van Winkle, Willett, Windholz, Wist--Concerning discouraging the lease of the CSP II facility in Canon City to the federal government.  
  
Laid over until Monday, March 7, retaining its place on the calendar.

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CONSIDERATION OF GOVERNOR'S APPOINTMENTS --  
CONSENT CALENDAR

On motion of Assistant Majority Leader Lundberg, the following Governor's appointment was confirmed by the following roll call vote:



MEMBER OF THE  
ADVISORY COMMITTEE TO THE PROPERTY  
TAX ADMINISTRATOR

for a term expiring September 1, 2019:

Tim Canterbury of Howard, Colorado, to serve as a non-assessor from a county with a population less than seventy-five thousand and as a Republican, reappointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	E
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	E		

On motion of Assistant Majority Leader Lundberg, the Senate adjourned until 10:00 a.m., Monday, March 7, 2016.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Effie Ameen  
Secretary of the Senate