

SENATE JOURNAL
 Seventieth General Assembly
STATE OF COLORADO
 First Regular Session

23rd Legislative Day Thursday, January 29, 2015

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Prayer	By Senator Grantham.	10
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Call to Order	By the President at 9:00 a.m.	12
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Pledge	By Senator Cooke.	14
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Roll Call	Present--35	16
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Quorum	The President announced a quorum present.	18
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Reading of Journal	On motion of Senator Merrifield, reading of the Journal of Wednesday, January 28, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.	20
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COMMITTEE OF REFERENCE REPORTS

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Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, & Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	30
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**MEMBERS OF THE
COLORADO WATER RESOURCES
 AND POWER DEVELOPMENT AUTHORITY**

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State,
Veterans, &
Military
Affairs

The Committee on State, Veterans, & Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for a term expiring September 1, 2017:

Jack Edward Blumenthal of Denver, Colorado, a person from the State's financial or business community experienced in personnel or corporate administration, reappointed;

for a term expiring September 1, 2018:

David Leroy Bomberger of Castle Rock, Colorado, who has experience in insurance disability claims, reappointed.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB15-088** be **postponed indefinitely**.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB15-061** be **referred** to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **SB15-030** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 5, strike "**record.**" and substitute "**record protective order - definitions.**".

Page 2, line 11, strike "SECTION 18-3-502 (12)." and substitute "SUBSECTION (4) OF THIS SECTION. TO ASSERT THE AFFIRMATIVE DEFENSE PURSUANT TO THIS SUBSECTION (1), THE PERSON CHARGED WITH THE OFFENSE MUST DEMONSTRATE BY A PREPONDERANCE OF THE EVIDENCE THAT HE OR SHE WAS A VICTIM OF HUMAN TRAFFICKING AT THE TIME OF THE OFFENSE.".

Amend printed bill, page 2, line 18 strike "A" and substitute "ON OR AFTER JANUARY 1, 2016, A".

Page 2, line 22, strike "SECTION 18-3-502 (12)," and substitute "SUBSECTION (4) OF THIS SECTION,".

Page 2, strike lines 23 through 25 and substitute "APPLY TO THE COURT FOR A SEALING OF HIS OR HER RECORDS PURSUANT TO SECTION 24-72-702, C.R.S., OR 24-72-706, C.R.S., AS APPLICABLE.".

Page 3, strike line 1 and substitute:

"(b) A JUVENILE CHARGED WITH OR ADJUDICATED OF PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201 OR ANY CORRESPONDING MUNICIPAL CODE OR ORDINANCE, FOR AN OFFENSE COMMITTED BEFORE JULY 1, 2015, WHICH OFFENSE WAS COMMITTED AS A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING, AS DEFINED IN SUBSECTION (4) OF THIS SECTION, MAY APPLY TO THE COURT FOR EXPUNGEMENT OF HIS OR HER RECORD PURSUANT TO SECTION 19-1-306, C.R.S.".

Reletter succeeding paragraphs accordingly.

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Page 3, strike lines 8 through 11.

Page 3, after line 11, insert:

"(3) AT THE REQUEST OF A PERSON WHO ASSERTED THE AFFIRMATIVE DEFENSE PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COURT MAY AT ANY TIME ISSUE A PROTECTIVE ORDER CONCERNING PROTECTING THE CONFIDENTIALITY OF THE PERSON ASSERTING THE AFFIRMATIVE DEFENSE.

(4) AS USED IN THIS SECTION UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "HUMAN TRAFFICKING" MEANS AN OFFENSE DESCRIBED IN PART 5 OF ARTICLE 3 THIS TITLE OR ANY CONDUCT THAT, IF IT OCCURRED PRIOR TO THE ENACTMENT OF SUCH PART 5, WOULD CONSTITUTE AN OFFENSE OF HUMAN TRAFFICKING PURSUANT TO PART 5 OF ARTICLE 3 OF THIS TITLE.

(b) "VICTIM OF HUMAN TRAFFICKING" MEANS A "VICTIM" AS DEFINED IN SECTION 18-3-502 (12).

SECTION 2. In Colorado Revised Statutes, 18-3-505, **add** (4) (i) as follows:

18-3-505. Human trafficking council - created - duties - repeal. (4) The council shall hold its first meeting on or before November 1, 2014, at a time and place to be designated by the executive director of the department of public safety, or by his or her designee. The council shall meet at least four times each year and shall carry out the following duties:

(i) ON OR AFTER JANUARY 1, 2019, PERFORM A POST-ENACTMENT REVIEW OF SECTION 18-7-201.3 AND REPORT ITS FINDINGS TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES."

Renumber succeeding section accordingly.

Judiciary After consideration on the merits, the Committee recommends that **SB15-037** be **postponed indefinitely**.

Judiciary After consideration on the merits, the Committee recommends that **SB15-048** be **postponed indefinitely**.

Judiciary After consideration on the merits, the Committee recommends that **SB15-067** be **referred** to the Committee on Appropriations with favorable recommendation.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB15-049** be **referred** to the Committee of the Whole with favorable recommendation.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB15-031** be **postponed indefinitely**.

SENATE SERVICES REPORT

Correctly Printed: SB15-127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141 and 142.

Correctly Reengrossed: SB15-047 and 051.

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MESSAGE FROM THE REVISOR OF STATUTES

January 28, 2015

We herewith transmit:

Without comment, as amended, HB15-1017 and 1029.

INTRODUCTION OF RESOLUTIONS

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

SJR15-007 by Senator(s) Martinez Humenik and Donovan; also Representative(s) Roupe and Primavera--Concerning awareness of heart disease, and, in connection therewith, declaring February 6, 2015, as "National Wear Red Day".

Laid over until Friday, February 6, retaining its place on the calendar.

HJR15-1006 by Representative(s) Vigil; also Senator(s) Sonnenberg--Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.
Agriculture, Natural Resources, & Energy

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 an expression of personal privilege.

Senate in recess. Senate reconvened.

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 the Chair to act as Chairman.

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

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:

SB15-013 by Senator(s) Balmer, Guzman; also Representative(s) Court and Coram--Concerning extending the deadline for peace officers to complete dog encounter training to June 30, 2015.

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

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SB15-043 by Senator(s) Heath; also Representative(s) Pabon--Concerning clarifying changes to the prosecution fellowship program.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, January 27, page(s) 110 and placed in members' bill files.)

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

SB15-057 by Senator(s) Balmer, Aguilar, Crowder, Jahn, Newell, Roberts, Woods; also Representative(s) Williams, Becker K., Brown, Buck, Joshi, Lontine, Melton, Navarro, Nordberg, Pabon, Priola, Ransom, Rosenthal, Roupe, Szabo, Tate, Van Winkle-- Concerning the reporting requirements of the Colorado clean claims task force.

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, January 27, page(s) 110 and placed in members' bill files.)

As amended, 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 Holbert, 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	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB15-013, SB15-043 as amended, SB15-057 as amended.

On motion of Majority Leader Scheffel, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB15-004 and SB15-126 were made Special Orders at 9:33 a.m.

Senate in recess. Senate reconvened.

Committee of the Whole

The hour of 9:33 a.m. having arrived, Senator Holbert moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills, and Senator Holbert was called to the Chair to act as Chairman.

SPECIAL 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:

SB15-004

by Senator(s) Jahn; also Representative(s) Primavera--Concerning trained volunteer court-appointed special advocates for youth brought before a court in a truancy proceeding.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, January 27, page(s) 109 and placed in members' bill files.)

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

SB15-126

by Senator(s) Cooke and Johnston; --Concerning medical tests for victims of crimes of assault.

Amendment No. 1(L.001), by Senator Cooke.

Amend printed bill, page 6, strike lines 10 and 11 and substitute:

"SECTION 3. In Colorado Revised Statutes, 18-3-202, **repeal as added by"**.

Page 6, strike lines 13 through 27.

Page 7, strike lines 1 through 14 and substitute:

"18-3-202. Assault in the first degree - definitions. (3) (d) ~~As used in this subsection (3), unless the context otherwise"~~.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Holbert, 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	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB15-004 as amended, SB15-126 as amended.

CONSIDERATION OF RESOLUTIONS

SJR15-006 by Senator(s) Crowder and Woods; also Representative(s) Vigil--Concerning recognition and support for the strategic partnership between the United States of America and the Republic of Azerbaijan.

Laid over until Friday, May 15.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Hill, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR COLORADO MESA UNIVERSITY

for terms expiring December 31, 2018:

Honorable Jose D.L. Marquez of Englewood, Colorado, a Democrat, reappointed;

Kathleen S. Eck of Edwards, Colorado, a Republican, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Friday, January 30, 2015.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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