

**SENATE JOURNAL**  
 Seventieth General Assembly  
**STATE OF COLORADO**  
 First Regular Session

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92nd Legislative Day Wednesday, April 8, 2015

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Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	1 2 3 4 5 6 7 8 9 10 11
Call to Order	By the President at 9:00 a.m.	12 13 14 15
Pledge	By Senator Cooke.	16 17
Roll Call	Present--35	18 19
Quorum	The President announced a quorum present.	20 21
Reading of Journal	On motion of Senator Merrifield, reading of the Journal of Tuesday, April 7, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.	22 23 24 25

**COMMITTEE OF REFERENCE REPORTS**

Finance	After consideration on the merits, the Committee recommends that <b>SB15-196</b> be <b>amended</b> as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	26 27 28 29 30 31 32
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Amend the Agriculture, Natural Resources, & Energy committee report, dated March 26, 2015, page 2, line 17, strike "AN INVENTORY".

Page 2, line 18, strike "TRACKING SYSTEM" and substitute "A RADIO FREQUENCY IDENTIFICATION-BASED INVENTORY TRACKING SYSTEM" and strike "COMMISSIONER." and substitute "COMMISSIONER FOR A SAMPLE OF THE REGISTRANT'S INDUSTRIAL HEMP CROP.".

Page 3, line 5, after the period, add "THE DEPARTMENT MAY PROMULGATE RULES TO REQUIRE APPROVED SHIPPING DOCUMENTATION FOR THE TRANSPORTATION OF HEMP.".

Finance	After consideration on the merits, the Committee recommends that <b>SB15-222</b> be <b>amended</b> as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50
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Amend printed bill, page 2, line 6, strike "TEN" and substitute "FIVE".

Page 2, line 10, strike "TEN" and substitute "FIVE".

Finance	After consideration on the merits, the Committee recommends that <b>SB15-229</b> be <b>referred</b> to the Committee on <u>Appropriations</u> with favorable recommendation.	51 52 53 54 55 56 57 58 59 60 61 62
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Finance

After consideration on the merits, the Committee recommends that **SB15-227** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 10, after "FEET;" insert "EXCEPT THAT THIS SQUARE FOOTAGE REQUIREMENT DOES NOT APPLY IF THE UNIT AND THE OWNER'S RESIDENCE ARE PART OF THE SAME COMMON INTEREST COMMUNITY;"

Page 3, line 17, after "(b)" insert "(I)".

Page 3, strike line 20 and substitute "LOCATED, ON OR BEFORE MARCH 1 OF THE PROPERTY TAX YEAR:

(A) AN".

Page 3, strike lines 23 and 24 and substitute "SET FORTH IN THIS SECTION; AND

(B) DOCUMENTATION OF PROOF OF OWNERSHIP OF BOTH THE BUILDING UNIT AND THE OWNER'S RESIDENCE, WHICH DOCUMENTATION MUST IDENTIFY THE SAME PERSON AS THE OWNER FOR BOTH.

(II) NO MORE THAN ONE BUILDING UNIT PER RESIDENCE MAY QUALIFY AS A RESIDENTIAL STORAGE CONDOMINIUM UNIT.

(III) THE OWNER MUST SUBMIT A SEPARATE AFFIDAVIT FOR EACH PROPERTY TAX YEAR FOR EACH RESIDENTIAL STORAGE CONDOMINIUM UNIT.

(IV) AN OWNER MAY NOT SEEK A CHANGE IN CLASSIFICATION BASED ON A BUILDING UNIT BEING A RESIDENTIAL STORAGE CONDOMINIUM UNIT UNLESS THE OWNER HAS COMPLIED WITH REQUIREMENTS OF THIS PARAGRAPH (b) FOR THE PROPERTY TAX YEAR. CLASSIFICATION OF A RESIDENTIAL STORAGE CONDOMINIUM UNIT AS A RESIDENTIAL IMPROVEMENT DOES NOT AFFECT THE CLASSIFICATION FOR ANY PRIOR OR LATER PROPERTY TAX YEAR FOR WHICH THE BUILDING UNIT DOES NOT QUALIFY AS A RESIDENTIAL STORAGE CONDOMINIUM UNIT."

Finance

After consideration on the merits, the Committee recommends that **SB15-230** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, strike lines 8 through 10.

Page 4, line 11, strike "SPECIFIED IN" and substitute "INCLUDES GOODWILL, SOFTWARE, CUSTOMER LISTS, CUSTOMER RELATIONSHIPS, CONTRACTS, CONTRACT RIGHTS, PATENTS, TRADEMARKS, COPYRIGHTS, TRADE SECRETS, FRANCHISES, AND ALL LICENSES WITH THE EXCEPTION OF LICENSES GRANTED BY THE FEDERAL COMMUNICATIONS COMMISSION THAT ARE ALREADY EXCLUDED FROM THE TELEPHONE COMPANY'S VALUATION UNDER".

Page 4, strike lines 15 through 17 and substitute "ADMINISTRATOR SHALL CONSIDER THE MAXIMUM VALUE OF THE TELEPHONE COMPANY AS A UNIT TO BE THE NET BOOK VALUE OF THE TANGIBLE PROPERTY, PLANT, AND EQUIPMENT AS REFLECTED ON THE BOOKS AND RECORDS OF THE COMPANY, ADJUSTED FOR ANY ADDITIONAL OBSOLESCENCE."

Judiciary

After consideration on the merits, the Committee recommends that **HB15-1153** be **referred** to the Committee on Appropriations with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **HB15-1198** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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Judiciary

After consideration on the merits, the Committee recommends that **SB15-195** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 15, strike "FIVE MILLION DOLLARS" and substitute "SIX MILLION FIVE HUNDRED THOUSAND DOLLARS".

Page 2, line 18, strike "SUB-SUBPARAGRAPH (B) OF" and substitute "SUB-SUBPARAGRAPH (B) OF".

Page 3, after line 3 insert:

"**SECTION 2.** In Colorado Revised Statutes, **add** 17-42-103 as follows:

**17-42-103. Policies concerning inmates' use of telephones - excessive rates prohibited.** IN ADMINISTERING THE USE OF TELEPHONES BY INMATES IN ANY STATE OR PRIVATE PRISON FACILITY, THE DEPARTMENT SHALL NOT RECEIVE ANY COMMISSION FROM THE PHONE PROVIDER EXCEPT AS MUCH AS IS NECESSARY TO PAY FOR CALLING COSTS AND THE DIRECT AND INDIRECT COSTS INCURRED BY THE DEPARTMENT IN MANAGING THE CALLING SYSTEM. FOR THE PURPOSES OF THIS PROVISION, "DIRECT AND INDIRECT COSTS INCURRED BY THE DEPARTMENT IN MANAGING THE CALLING SYSTEM" INCLUDES COSTS RELATED TO THE PROVISION OF SECURITY AND MONITORING SYSTEMS BY EITHER THE DEPARTMENT OR THE PHONE PROVIDER."

Renumber succeeding section accordingly.

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **SCR15-001** be **referred** to the Committee of the Whole with favorable recommendation.

Local  
Government

The Committee on Local Government has had under consideration and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed:

MEMBER OF THE  
STATE HOUSING BOARD

for a term expiring January 31, 2019:

Letitia Jones Horace of Denver, Colorado, a Democrat and resident of the First Congressional District, appointed.

**SENATE SERVICES REPORT**

**Correctly Engrossed:** SB15-204.

**Correctly Reengrossed:** SB15-100, 216 and 223.

**Correctly Revised:** HB15-1095.

**Correctly Enrolled:** SJR15-008, 014 and 020.

**MESSAGE FROM THE HOUSE**

April 7, 2015

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes: HB15-1298, 1304, 1252, 1277, 1243, 1271, 1299, 1315.

The House has passed on Third Reading and transmitted to the Revisor of Statutes: HB15-1002, amended as printed in House Journal, April 6. HB15-1016, amended as printed in House Journal, April 6. HB15-1146, amended as printed in House Journal, April 6. HB15-1205, amended as printed in House Journal, April 6. HB15-1268, amended as printed in House Journal, April 6.

The House has passed on Third Reading and returns herewith SB15-193, 194, 178, 138.

The House has passed on Third Reading and transmitted to the Revisor of Statutes: SB15-110, amended as printed in House Journal, April 6. SB15-211, amended as printed in House Journal, April 6.

**MESSAGE FROM THE REVISOR OF STATUTES**

April 7, 2015

We herewith transmit:

Without comment, HB15-1243, 1252, 1271, 1277, 1298, 1299, 1304, and 1315. Without comment, as amended, HB15-1002, 1016, 1146, 1205, and 1268. Without comment, as amended, SB15-110 and 211.

**INTRODUCTION OF BILLS -- FIRST READING**

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

- SCR15-002** by Senator(s) Roberts and Steadman; --Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning procedures related to a citizen-initiated constitutional amendment, and, in connection therewith, requiring prior authorization by a majority of voters at a general election before an initiated constitutional amendment is placed on the ballot at the following odd-year election for the voters to approve or reject; requiring the nonpartisan research staff of the general assembly to prepare a ballot information booklet prior to an authorization question and, if the question is approved, to conduct public hearings about the amendment in each congressional district prior to the odd-year election; and excluding from these new requirements an initiative to repeal a provision from a constitutional amendment adopted prior to 2015.  
State, Veterans, & Military Affairs
- HB15-1019** by Representative(s) Lundeen; also Senator(s) Woods--Concerning prostitution by a minor, and, in connection therewith, minors who are victims of human trafficking.  
Judiciary
- HB15-1220** by Representative(s) Danielson and Ryden, Landgraf; also Senator(s) Cooke and Martinez Humenik--Concerning response to sexual assault on campuses of Colorado's institutions of higher education.  
Education

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**HB15-1300** by Representative(s) Moreno and Melton; also Senator(s) Merrifield--Concerning the repeal of the prohibition on local governments enacting minimum wage laws. State, Veterans, & Military Affairs

**THIRD READING OF BILLS -- FINAL PASSAGE**

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

**HB15-1095** by Representative(s) Carver, Joshi, Lundeen, Saine, Tate; also Senator(s) Lundberg-- Concerning the extension of an exemption under the "Colorado Common Interest Ownership Act" for certain small common-interest communities to include communities created before July 1, 1992, whose declarations limit their annual common expense liability to no more than three hundred dollars.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kerr	N	Scheffel	Y
Balmer	Y	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	N	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	N	Merrifield	Y	Ulibarri	N
Donovan	N	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	N	Jones	N	Newell	N	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

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

Co-sponsor(s) added: Baumgardner, Cooke, Grantham, Lambert, Neville T., Scheffel and Woods.

**SB15-204** by Senator(s) Newell and Lundberg, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Grantham, Guzman, Hodge, Holbert, Johnston, Kefalas, Kerr, Lambert, Marble, Martinez Humenik, Merrifield, Scott, Steadman, Todd, Ulibarri, Woods; also Representative(s) Singer, Garnett, Kraft-Tharp, Lebsock, Lee, Lontine, McCann, Melton, Moreno, Primavera, Rankin, Rosenthal, Ryden, Salazar, Tate, Tyler, Winter, Young--Concerning the independent functioning of the office of the child protection ombudsman, and, in connection therewith, making and reducing appropriations.

A majority of those elected to the Senate having voted in the affirmative, Senator Newell was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.011), by Senator Newell.

Amend engrossed bill, page 2, line 14, strike "(3)" and substitute "(2)" and strike the second "THE".

Page 3, line 25, strike "BOARD," and substitute "GENERAL ASSEMBLY,".

Page 3, line 27, strike "BOARD," and substitute "GENERAL ASSEMBLY,".

The amendment was **passed** 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 question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	33	NO	2	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	N	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	N	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

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

Co-sponsor(s) added: Cadman, Jahn, Roberts and Scheffel.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills Calendar (SB15-209) of Wednesday, April 8 was laid over until Thursday, April 9, retaining its place on the calendar.

**CONSIDERATION OF RESOLUTIONS**

**SJR15-022** by Senator(s) Newell; also Representative(s) Lee--Concerning recognition of October as "Conflict Resolution Month" in Colorado.

On motion of Senator Newell, portions of the resolution were read, and the resolution was **adopted**, by 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		

Co-sponsor(s) added: Aguilar, Balmer, Baumgardner, Cadman, Carroll, Cooke, Crowder, Donovan, Garcia, Grantham, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Roberts, Scheffel, Scott, Sonnenberg, Steadman, Todd, Ulibarri and Woods.

**REPORTS OF CONFERENCE COMMITTEES**

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB15-1072

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB15-1072,  
concerning harassment through an interactive electronic medium, has met  
and reports that it has agreed upon the following:

That the House accede to the Senate amendment made to the bill,  
as the amendment appears in the rerevised bill, with the following  
changes:

Amend rerevised bill, page 2, line 19, after "THE" insert  
"CONSTITUTIONALLY PROTECTED".

Respectfully submitted,

House Committee:  
(signed)  
Rhonda Fields, chairman  
Daniel Kagan  
Don Coram

Senate Committee:  
(signed)  
Linda Newell, chairman  
Ellen S. Roberts  
John Cooke

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB15-1204

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB15-1204,  
concerning the creation of a distillery pub license, has met and reports  
that it has agreed upon the following:

That the House accede to the Senate amendment made to the bill,

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as the amendment appears in the rerevised bill, with the following change:

Amend rerevised bill, page 16, strike lines 12 through 21 and substitute:

**"SECTION 24. 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."

Respectfully submitted,

House Committee:  
(signed)  
Dan Pabon, chairman  
Susan Lontine  
Jack Tate

Senate Committee:  
(signed)  
Laura J. Woods, chairman  
Kevin Grantham  
Andy Kerr

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**TRIBUTES**

Honoring:

- Basalt Middle School -- By Senator Kerry Donovan.
- Dave and Mary Jean Napier -- By Senator Leroy Garcia.
- Bob and Dorothy Jones -- By Senator Leroy Garcia.
- Mike and Gloria Sanchez -- By Senator Leroy Garcia.
- Orlando and Rose Mora -- By Senator Leroy Garcia.
- Nicole Steiner -- By Senator Mark Scheffel.
- Commerce City Youth Commission -- By Senator Jessie Ulibarri.

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On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Thursday, April 9, 2015.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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