

SENATE JOURNAL
 Seventieth General Assembly
STATE OF COLORADO
 First Regular Session

37th Legislative Day Thursday, February 12, 2015

		1
		2
		3
		4
		5
		6
		7
		8
		9
		10
Prayer	By the chaplain, Dr. Gene Selander, Crystal Clear Ministries, Denver.	11
		12
Call to Order	By the President at 9:00 a.m.	13
		14
Pledge	By Senator Martinez Humenik.	15
		16
Roll Call	Present--34 Excused--1, Garcia.	17
		18
		19
		20
Quorum	The President announced a quorum present.	21
		22
Reading of Journal	On motion of Senator Donovan, reading of the Journal of Wednesday, February 11, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.	23
		24
		25
		26
		27

COMMITTEE OF REFERENCE REPORTS

		28
		29
		30
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB15-084 be postponed indefinitely .	31
		32
		33
		34
		35
		36
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB15-063 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	37
		38
		39
		40
		41
	Amend printed bill, page 2, line 11, strike "electricity" and substitute " electricity ENERGY".	42
		43
		44
	Page 2, line 12, strike "electricity" and substitute " electricity ENERGY".	45
		46
	Page 2, lines 14 and 15, strike "electricity with wind turbines ALTERNATIVE ENERGY;" and substitute " electricity with wind turbines ENERGY;".	47
		48
		49
		50
	Page 2, lines 16 and 17, strike "electricity with wind turbines ALTERNATIVE ENERGY;" and substitute " electricity with wind turbines ENERGY;".	51
		52
		53
		54
	Page 2, line 17, strike "electricity" and substitute " electricity ".	55
		56
	Page 3, line 14, strike "C.R.S." and substitute "C.R.S., OR THERMAL ENERGY CAPTURED OR UTILIZED BY GEOTHERMAL, SOLAR THERMAL, OR BIOMASS TECHNOLOGIES.".	57
		58
		59
		60
	Page 4, after line 9 insert:	61
		62
	"(5) "PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL AS PROVIDED IN SECTION 22-1-101, INCLUDING A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE.".	63
		64
		65
		66
		67

Renumber succeeding subsection accordingly.

Page 4, lines 22 and 23, strike "may, with the written authorization of the local board of education," and substitute "may ~~with the written authorization of the local board of education,~~".

Page 5, line 26, strike "electricity" and substitute "~~electricity~~ ENERGY".

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SB15-127** be **referred** to the Committee on Finance with favorable recommendation.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SJR15-004** be **amended** as follows, and as so amended, be referred to the Senate for final action and with a recommendation that it be placed on the Consent Calendar.

Amend printed resolution, page 3, strike lines 2 through 4.

Page 3, after line 7 insert:

"WHEREAS, Colorado recognizes the value of fire for forest health and the need to use fire, as well as grazing, as a selective tool for maintaining healthy forests in the state; and"

Page 3, line 8, strike "This" and substitute "The".

Page 3, strike lines 16 and 17 and substitute:

"(1) Create a separate line item in the federal budget for catastrophic wildfires; and"

Page 3, line 21, strike "Steven Pischke," and substitute "Ken Watkins,".

Page 3, line 25, strike "Brian Achziger, Deputy" and substitute "Todd Richardson,".

Page 3, line 26, strike "Mark Boche," and substitute "Willie Thompson,".

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB15-070** be **postponed indefinitely**.

Judiciary

After consideration on the merits, the Committee recommends that **SB15-129** 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, strike "LIBERTY".

Page 5, line 2, strike "LIBERTY".

Page 6, line 8, strike "DEVELOPMENT," and substitute "DEVELOPMENT AND IF THE COURT DETERMINES THAT SHARED PARENTING IS APPROPRIATE,".

Page 6, strike lines 24 through 27.

Strike page 7.

Page 8, strike lines 1 through 13.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

	Renumber succeeding sections accordingly.	1
	Page 9, line 10, strike "LIBERTY".	2
	Page 9, line 23, strike "THE" and substitute "IF THE COURT FINDS THAT SHARED PARENTING IS APPROPRIATE, THE".	3
	Page 12, line 9, strike "THE" and substitute "IF THE COURT FINDS THAT SHARED PARENTING IS APPROPRIATE, THE".	4
	Page 12, strike lines 18 through 27.	5
	Strike pages 13 through 21.	6
	Page 22, strike lines 1 through 17.	7
	Renumber succeeding section accordingly.	8
Judiciary	After consideration on the merits, the Committee recommends that SB15-128 be referred to the Committee of the Whole with favorable recommendation.	9
Judiciary	After consideration on the merits, the Committee recommends that SB15-124 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	10
	Amend printed bill, page 4, strike lines 18 and 19 and substitute "SERVICES".	11
	Page 5, line 2, strike "THE DIVISION OF ADULT PAROLE" and substitute "A COMMUNITY PAROLE OFFICER".	12
	Page 5, line 5, strike "DIVISION OR".	13
	Page 5, strike lines 13 and 14 and substitute "CONSIDERED A TECHNICAL VIOLATION OF PAROLE".	14
	Page 5, strike lines 15 and 16 and substitute:	15
	"(d) IF A PAROLEE HAS A TECHNICAL VIOLATION, THE PAROLEE'S COMMUNITY PAROLE OFFICER, WITH".	16
	Page 5, line 23, strike "IMMEDIATE" and substitute "INTERMEDIATE".	17
	Page 5, strike lines 26 and 27 and substitute "SANCTION. THE SHERIFF OF EACH COUNTY HAS THE AUTHORITY AND DISCRETION TO DETERMINE THE NUMBER OF JAIL BEDS, IF ANY, THAT ARE AVAILABLE TO THE DEPARTMENT OF CORRECTIONS IN THEIR RESPECTIVE FACILITIES FOR THE PURPOSE OF IMPOSING AN INTERMEDIATE SANCTION. IF JAIL BEDS ARE UNAVAILABLE IN THE".	18
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB15-140 be postponed indefinitely.	19
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB15-015 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	20
	Amend printed bill, page 4, line 8, after "(E)," insert "(1.4) (a) (III), (1.4) (a) (XII) introductory portion,".	21
	Page 4, after line 27 insert:	22

"(III) "Autism spectrum disorders" or "ASD":

(a) HAS THE SAME MEANING AS SET FORTH IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS IN EFFECT AT THE TIME OF THE DIAGNOSIS; AND

(b) Includes the following ~~neurobiological~~ disorders, AS DEFINED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS IN EFFECT AT THE TIME OF THE DIAGNOSIS: Autistic disorder, Asperger's disorder, and atypical autism as a diagnosis within pervasive developmental disorder not otherwise specified. ~~as defined in the most recent edition of the diagnostic and statistical manual of mental disorders, at the time of the diagnosis.~~

(XII) "Treatment for autism spectrum disorders" shall be for treatments that are medically necessary. ~~appropriate, effective, or efficient.~~ The treatments listed in this subparagraph (XII) are not considered experimental or investigational and are considered appropriate, effective, or efficient for the treatment of autism. "Treatment for autism spectrum disorders" shall include the following, AS MEDICALLY NECESSARY:".

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB15-131** be referred to the Committee on Finance with favorable recommendation.

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 placed on the consent calendar and confirmed:

MEMBERS OF THE COLORADO BOARD OF VETERANS AFFAIRS

for terms expiring June 30, 2018:

William Lewis Robinson of Castle Pines, Colorado, to serve as a veteran and as an Unaffiliated, reappointed;

Duane E. Dailey of Hot Sulphur Springs, Colorado, to serve as a veteran and as a Republican, appointed.

Judiciary

After consideration on the merits, the Committee recommends that **SB15-116** 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 12 and 13, strike "NEEDLE, SYRINGE, OR OTHER SHARP OBJECT" and substitute "NEEDLE OR SYRINGE".

Page 2, line 16, strike "NEEDLE, SYRINGE, OR OTHER SHARP OBJECT" and substitute "NEEDLE OR SYRINGE".

Page 2, line 21, strike "NEEDLE, SYRINGE, OR SHARP OBJECT" and substitute "HYPODERMIC NEEDLE OR SYRINGE".

Page 2, line 22, strike "RESIDUAL" and substitute "TRACE, RESIDUAL".

Page 2, line 23, strike "NEEDLE, SYRINGE, OR SHARP OBJECT," and substitute "HYPODERMIC NEEDLE OR SYRINGE,".

Page 3, line 1, strike "NEEDLE, SYRINGE, OR SHARPOBJECT" and substitute "HYPODERMIC NEEDLE OR SYRINGE".

Page 3, line 2, strike "RESIDUAL" and substitute "TRACE, RESIDUAL".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

Page 3, line 3, strike "NEEDLE, SYRINGE, OR SHARP OBJECT." and substitute "HYPODERMIC NEEDLE OR SYRINGE. THE CIRCUMSTANCES DESCRIBED IN THIS PARAGRAPH (b) MAY BE USED AS A FACTOR IN A PROBABLE CAUSE OR REASONABLE SUSPICION DETERMINATION.".

Page 3, line 13, strike "RESIDUAL" and substitute "TRACE, RESIDUAL".

Page 3, line 14, strike "NEEDLE, SYRINGE, OR SHARP OBJECT," and substitute "HYPODERMIC NEEDLE OR SYRINGE,".

Page 3, line 16, strike "RESIDUAL" and substitute "TRACE, RESIDUAL".

Page 3, line 17, strike "NEEDLE, SYRINGE, OR SHARP OBJECT." and substitute "HYPODERMIC NEEDLE OR SYRINGE. THE CIRCUMSTANCES DESCRIBED IN SECTION 18-18-428 (1) (b) MAY BE USED AS A FACTOR IN A PROBABLE CAUSE OR REASONABLE SUSPICION DETERMINATION.".

Page 4, line 4, strike "NEEDLES" and substitute "HYPODERMIC NEEDLES".

SENATE SERVICES REPORT

Correctly Engrossed: SB15-077.
Correctly Reengrossed: SB15-055 and 074.

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:

SB15-061 by Senator(s) Holbert; --Concerning the nonapplicability of disclosure requirements under Colorado law governing campaign finance in the case of certain issue committees that raise relatively small amounts of money.

Laid over until Friday, February 13, retaining its place on the calendar.

SB15-077 by Senator(s) Neville T., Marble, Woods, Holbert, Cooke, Crowder, Grantham, Roberts; also Representative(s) Neville P., Saine, Humphrey, Everett--Concerning the creation of a parent's bill of rights.

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

YES	18	NO	16	EXCUSED	1	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	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	N	Merrifield	N	Ulibarri	N
Donovan	N	Johnston	N	Neville T.	Y	Woods	Y
Garcia	E	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, Cadman, Lambert, Lundberg, Scheffel, Scott and Sonnenberg.

Upon request of Majority Leader Scheffel, the General Orders--Second Reading of Bills Consent Calendar of Thursday, February 12 (SB15-099) and was placed at the end of the General Orders--Second Reading of Bills Calendar of Thursday, February 12.

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, and Senator Holbert was called to the chair to act as Chairman.

GENERAL 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:

SB15-161 by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of revenue.
 Ordered engrossed and placed on the calendar for third reading and final passage.

SB15-122 by Senator(s) Newell, Aguilar; also Representative(s) Moreno--Concerning the continuation of the regulation of massage parlors, and, in connection therewith, repealing the regulation of massage parlors.
 Laid over until Friday, February 13, retaining its place on the calendar.

SB15-100 by Senator(s) Steadman, Guzman, Johnston; also Representative(s) Foote and McCann, Kagan--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.
 Ordered engrossed and placed on the calendar for third reading and final passage.

SB15-058 by Senator(s) Guzman; also Representative(s) Kagan--Concerning statewide policies and procedures for law enforcement agencies that conduct eyewitness identifications.
Amendment No. 1, Judiciary Committee Amendment.
 (Printed in Senate Journal, February 10, page(s) 229-230 and placed in members' bill files.)
 As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB15-101 by Senator(s) Balmer; also Representative(s) Pabon--Concerning the authority of employers to pay wages to employees electronically.
 Laid over until Friday, February 20, retaining its place on the calendar.

SB15-099 by Senator(s) Cooke; also Representative(s) Lawrence--Concerning eliminating certain duties for probation officers.
 Ordered engrossed and placed on the calendar for third reading and final passage.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

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	34	NO	0	EXCUSED	1	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	E	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: SB15-161, SB15-100, SB15-058 as amended, SB15-099.
- Laid over until Friday, February 13: SB15-122.
- Laid over until Friday, February 20: SB15-101.

**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
BOARD OF DIRECTORS OF DENVER METROPOLITAN
MAJOR LEAGUE STADIUM DISTRICT

for terms expiring August 1, 2015:

- F. Robert Lee of Littleton, Colorado, reappointed;
- Patricia D. Baca of Denver, Colorado, reappointed;
- John P. Dikeou of Denver, Colorado, reappointed;

for terms expiring August 1, 2016:

- Raymond T. Baker of Lakewood, Colorado, reappointed;
- Patricia G. Imhoff of Greenwood Village, Colorado, reappointed;

for terms expiring August 1, 2017:

- William "Wil" D. Alston of Denver, Colorado, reappointed;
- Ruben A. Valdez of Lakewood, Colorado, reappointed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65

YES	34	NO	0	EXCUSED	1	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	E	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

**MEMBER OF THE
STATE PERSONNEL BOARD**

effective May 5, 2014, for a term expiring June 30, 2017:

Michelle Evelyn Palmquist of Denver, Colorado, appointed.

YES	34	NO	0	EXCUSED	1	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	E	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

MESSAGE FROM THE HOUSE

February 12, 2015

Mr. President:

The House has passed on Third Reading and returns herewith SB15-143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 160, 162, 163, 164, 167, 168, 169, 170, 112, 108.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB15-159, amended as printed in House Journal, February 11. SB15-165, amended as printed in House Journal, February 11. SB15-166, amended as printed in House Journal, February 11.

MESSAGE FROM THE REVISOR OF STATUTES

February 12, 2015

We herewith transmit:

Without comment, as amended, SB15-159, 165, and 166.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Friday,
February 13, 2015.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16