

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
First Regular Session

44th Legislative Day Thursday, February 19, 2015

Prayer By the chaplain, Reverend Cynthia James, Mile Hi Church, Lakewood.

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

Pledge By Senator Merrifield.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Woods, reading of the Journal of Wednesday, February 18, 2015, was dispensed with, and the Journal was approved as corrected by the Secretary.

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.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that HB15-1021 be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that SB15-020 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 9, strike "ASSAULT." and substitute "ASSAULT, INCLUDING MATERIALS AND TRAINING THAT ARE SPECIFIC TO PREVENTING SEXUAL ABUSE AND ASSAULT OF CHILDREN WITH DEVELOPMENTAL DISABILITIES.".

Judiciary The Committee on Judiciary 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
STATE BOARD OF PAROLE

for terms expiring July 1, 2017:

Denise K. Balazic of Aurora, Colorado, to serve as a parole or probation representative, reappointed;

Alfredo Enrique Pena of Denver, Colorado, to serve as a citizen representative, reappointed.

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Judiciary	The Committee on <u>Judiciary</u> 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:	1 2 3 4 5 6 7 8 9
	<u>EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY</u>	10 11 12 13 14 15
	effective June 16, 2014, for a term expiring at the pleasure of the Governor:	16 17 18 19
	Stanley Alan Hilkey of Palisade, Colorado, and occasioned by the resignation of James H. Davis of Westminster, Colorado, appointed.	20 21 22 23 24 25 26
Judiciary	The Committee on <u>Judiciary</u> 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:	27 28 29 30 31 32 33 34 35 36
	<u>MEMBER OF THE JUVENILE PAROLE BOARD</u>	37 38 39 40 41 42 43 44 45 46 47
	for a term expiring November 15, 2018:	48 49 50
	Dennis Raymond Desparrois of Denver, Colorado, to serve as a representative from the Colorado Department of Human Services, and occasioned by the resignation of Daniel L. Casey of Thornton, Colorado, appointed.	51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68
Health & Human Services	After consideration on the merits, the Committee recommends that HB15-1023 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 SJR15-008 be amended as follows, and as so amended, be referred to the Senate for final action with a recommendation that it be placed on the consent calendar. Amend printed resolution, page 3, line 26, strike "Senator Cory Gardner as well as our" and substitute "Senator Michael Bennet, Senator Cory Gardner, Representative Diana DeGette, Representative Doug Lamborn, Representative Ed Perlmutter, Representative Mike Coffman, Representative Jared Polis, Representative Scott Tipton, and Representative Ken Buck". Page 3, line 27, strike "Colorado delegates".	
Business, Labor, & Technology	The Committee on <u>Business, Labor, & Technology</u> 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:	
	<u>MEMBERS OF THE BOARD OF ASSESSMENT APPEALS</u>	
	for terms expiring July 1, 2015:	
	Sondra Winterhof Mercier of Westminster, Colorado, appointed;	
	MaryKay Kelley of Silverthorne, Colorado, reappointed;	
	Ann Louesa Maricle of Denver, Colorado reappointed;	
	Gregg A. Near of Lakewood, Colorado, reappointed.	

Judiciary

After consideration on the merits, the Committee recommends that **SB15-087** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health & Human Services Committee Report, dated February 4, 2015, page 2, line 31, after "portion," insert "(7) (a) (I) (C),".

Page 5, after line 10 insert:

"(C) Any felony offenses involving unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.;".

Page 6, line 19, strike "(a)".

Page 6, line 25, strike "(I)" and substitute "(a)".

Page 6, line 30, strike "(A)" and substitute "(I)".

Page 6, line 31, strike "(B)" and substitute "(II)".

Page 6, line 33, strike "(C)" and substitute "(III)".

Page 6, line 35, strike "(D)" and substitute "(IV)".

Page 6, line 38, strike "(E)" and substitute "(V)".

Page 6, line 41, strike "(F)" and substitute "(VI)".

Page 7, line 3, strike "(G)" and substitute "(VII)".

Page 7, strike lines 5 through 7 and substitute "OFFENSES DESCRIBED IN SUBPARAGRAPHS (I) TO (VI) OF THIS PARAGRAPH (a);

(b) A CHECK OF THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM".

Page 7, line 8, strike "DEPARTMENT".

Page 7, line 14, strike "(III)" and substitute "(c)".

Page 7, line 20, strike "(IV)" and substitute "(d)".

Page 7, line 34, strike "SUBPARAGRAPH (I) OF".

Page 7, line 36, strike "ICON;" and substitute "THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM;".

Page 8, line 20, strike "SUBPARAGRAPH (I) OF".

Page 8, lines 24 and 25, strike "ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT." and substitute "COLORADO JUDICIAL PUBLIC ACCESS SYSTEM.".

Page 8, line 40, strike "STATES; OR" and substitute "STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES DESCRIBED IN SUBPARAGRAPHS (I) TO (VI) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION; OR".

Page 9, line 2, strike "CHILD." and substitute "CHILD, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES DESCRIBED IN SUBPARAGRAPHS (I) TO (VI) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION.".

Page 9, strike lines 3 through 16.

Renumber succeeding subsections accordingly.

Page 9, line 26, strike "(10)" and substitute "(9)".

Page 10, strike line 24 and substitute "KINSHIP CARE, INCLUDING KINSHIP

FOSTER CARE."	1
	2
Page 10, line 25, strike "KINSHIP CARE."	3
	4
Page 11, strike lines 7 through 12.	5
	6
Reletter succeeding paragraphs accordingly.	7
	8
Page 11, strike lines 16 and 17 and substitute "26-6-106.3 (5) AND (6)	9
AND SECTION 19-3-406 (4) AND (4.5), C.R.S.;"	10
	11
Page 11, lines 20 and 21, strike "OR FOR PERSONS PROVIDING	12
NONCERTIFIED KINSHIP CARE"	13
	14
Page 12, line 24, strike the second "HOME" and substitute "HOME,"	15
	16
Page 12, strike line 25.	17
	18
Page 12, line 26, strike "CARE,"	19
	20
Page 12, lines 30 and 31, strike "OR INTERESTED PERSON"	21
	22
Page 12, lines 32 and 33, strike "OR INTERESTED PERSON"	23
	24
Page 12, line 37, strike "APPLICANT, AN INTERESTED PERSON," and	25
substitute "APPLICANT"	26
	27
Page 12, line 39, strike "APPLICANT, INTERESTED PERSON," and substitute	28
"APPLICANT"	29
	30
Page 12, strike line 41 and substitute "SECTION 26-6-106.3 (5) (a);"	31
	32
Page 13, lines 1 and 2, strike "ICON SYSTEM AT THE STATE JUDICIAL	33
DEPARTMENT" and substitute "COLORADO PUBLIC ACCESS SYSTEM"	34
	35
Page 13, lines 3 and 4, strike "APPLICANT, INTERESTED PERSON," and	36
substitute "APPLICANT"	37
	38
Page 13, lines 9 and 10, strike "APPLICANT, INTERESTED PERSON," and	39
substitute "APPLICANT"	40
	41
Page 13, line 18, strike "APPLICANT, INTERESTED PERSON," and substitute	42
"APPLICANT"	43
	44
Page 13, lines 22 and 23, strike "applicant, INTERESTED PERSON," and	45
substitute "applicant"	46
	47
Page 13, lines 34 and 35, strike "home OR TO THE HOME PROVIDING	48
NONCERTIFIED KINSHIP CARE." and substitute "home."	49
	50
Page 14, line 16, after "CIRCUMSTANCES" insert "WHEN THERE IS A	51
SAFETY CONCERN BY A COUNTY DEPARTMENT AND"	52
	53
Page 14, strike lines 31 through 34 and substitute "responsible for the	54
neglect or dependency of the child. THE COUNTY DEPARTMENT SHALL	55
SHARE WITH THE GUARDIAN AD LITEM THE REPORTS OF	56
FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FROM THE	57
COLORADO BUREAU OF INVESTIGATION AND FROM THE FEDERAL BUREAU	58
OF INVESTIGATION IF THE COURT ORDERS THE COUNTY DEPARTMENT TO	59
SHARE THAT INFORMATION WITH THE GUARDIAN AD LITEM. The court and	60
social workers assigned to the case"	61
	62
Page 14, strike lines 38 through 41 and substitute:	63
"SECTION 9. In Colorado Revised Statutes, amend 19-3-406	64
as follows:	65
19-3-406. Fingerprint-based criminal history record check -	66
providers of emergency placement for children - use of criminal	67
justice records - definitions - rules. (1) (a) A county department may	68
elect to collaborate with local law enforcement agencies to perform	69

~~initial criminal history record checks followed by fingerprint verification pursuant to the provisions of this section. If a county department elects to collaborate with local law enforcement agencies pursuant to this section, then~~ Any time a child is taken into temporary custody by a law enforcement officer and any time the court places temporary custody of a child with a county department pursuant to the provisions of this part 4, and a relative or other available person is identified as a potential emergency placement for the child, the COUNTY DEPARTMENT OR A local law enforcement agency shall conduct an initial criminal history record check of the relative or other available person prior to the county department or the law enforcement officer placing the child in the emergency placement. A COUNTY DEPARTMENT MAY PERFORM INITIAL CRIMINAL HISTORY RECORD CHECKS THROUGH ITS STAFF OR MAY COLLABORATE WITH LOCAL LAW ENFORCEMENT AGENCIES TO PERFORM THE INITIAL CRIMINAL HISTORY RECORD CHECKS. When a county department of social services has temporary custody of a child pursuant to the provisions of this part 4 and contacts the local law enforcement agency for an initial criminal history record check of a person who is identified as a potential emergency placement for the child pursuant to the provisions of this section, the local law enforcement agency shall provide the county department with a verbal response regarding the person's criminal history and shall not provide the county department with documentation of the person's criminal history, consistent with the provisions of Public Law 92-544, and regulations promulgated thereunder, as amended.

~~(b) If a county department of social services elects to request an initial criminal history record check pursuant to the provisions of this section,~~ The child may not be placed with the relative or other available person if the initial criminal history record check conducted pursuant to paragraph (a) of this subsection (1) reflects a criminal history described in subsection (4) of this section.

~~(c) If a county department of social services elects to request an initial criminal history record check pursuant to the provisions of this section,~~ The child may be placed with the relative or other available person if the initial criminal history record check does not reflect a criminal history described in subsection (4) of this section, HOWEVER, THE RELATIVE OR OTHER PERSON WHO IS NOT DISQUALIFIED BASED UPON THE RESULTS OF THE INITIAL CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL REPORT TO LOCAL LAW ENFORCEMENT AND UNDERGO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS SECTION AND ALL OF THE OTHER REQUIRED BACKGROUND CHECKS DESCRIBED IN SUBSECTION (4.5) OF THIS SECTION.

(2) A relative or other available person who is not disqualified as an emergency placement for a child pursuant to paragraph (b) of subsection (1) of this section and who authorizes a child to be placed with him or her on an emergency basis pursuant to the provisions of this part 4 shall report to a local law enforcement agency for the purpose of providing fingerprints to the law enforcement agency no later than five days after the child is placed in the person's home or no later than fifteen calendar days when exigent circumstances exist. If the relative or other available person fails to report to the local law enforcement agency within this time period, the county department of social services or the law enforcement officer, as appropriate, shall immediately remove the child from the physical custody of the person. The county department of social services shall contact the local law enforcement agency to verify CONFIRM WITHIN FIFTEEN DAYS AFTER THE CHILD HAS BEEN PLACED WITH THE RELATIVE OR OTHER AVAILABLE PERSON that a THE relative or other available person identified by the county department reported to the local law enforcement agency for fingerprinting within the time period specified by this subsection (2).

(3) When a person reports to a local law enforcement agency pursuant to the provisions of subsection (2) of this section, the local law enforcement agency shall fingerprint the person and forward the fingerprints to the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. Upon receipt of fingerprints and payment for the costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal

history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. ~~The local law enforcement agency shall be the authorized agency to receive information regarding~~ The results of the state and national fingerprint-based criminal history record checks CONDUCTED PURSUANT TO THIS SECTION SHALL BE FORWARDED IMMEDIATELY TO THE AGENCY AUTHORIZED TO RECEIVE THE INFORMATION. If the fingerprint-based criminal history record check indicates that the person has a criminal history described in subsection (4) of this section, the county department ~~of social services~~ or the local law enforcement officer, whichever is appropriate, shall immediately remove the child from the emergency placement and shall not place a child with the person who has the criminal history without court involvement and an order of the court affirming placement of the child with the person.

(4) A county department or a local law enforcement agency ~~that elects to perform an initial criminal history record check pursuant to the provisions of this section~~ shall not make an emergency placement or continue the emergency placement of a child with a person who has been convicted of one or more of the following offenses:

- (a) Child abuse, as described in section 18-6-401, C.R.S.;
- (b) A crime of violence, as defined in section 18-1.3-406, C.R.S.;
- (c) ~~A felony~~ AN offense involving unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.;
- (d) A felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S.;
- (e) A felony involving physical assault or a drug-related offense, committed within the preceding five years;
- (f) Violation of a protection order, as described in section 18-6-803.5, C.R.S.;
- (g) A crime involving homicide; or
- (h) An offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in paragraphs (a) to (g) of this subsection (4).

(4.5) (a) IF A RELATIVE OR OTHER PERSON WAS NOT DISQUALIFIED AS AN EMERGENCY PLACEMENT BASED UPON THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND THE CHILD WAS PLACED IN AN EMERGENCY PLACEMENT WITH SUCH PERSON, THE COUNTY DEPARTMENT SHALL PERFORM THE FOLLOWING ADDITIONAL BACKGROUND CHECKS OF THE RELATIVE OR OTHER PERSON:

- (I) A CHECK OF THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM PURSUANT TO SECTION 26-6-106.3, C.R.S., TO DETERMINE THE STATUS OR DISPOSITION OF ANY CRIMINAL CHARGES;
- (II) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE FOR INFORMATION TO INFORM DECISIONS ABOUT PLACEMENT TO DETERMINE IF THE PERSON HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND WHETHER SUCH FINDING PRESENTS AN UNSAFE PLACEMENT FOR THE CHILD; AND
- (III) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND ADDRESSES AGAINST THE KNOWN NAMES AND ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM FOR COLORADO TO DETERMINE IF A PERSON IS A REGISTERED SEX OFFENDER.

(b) IF INFORMATION IS FOUND AS A RESULT OF THE ADDITIONAL BACKGROUND CHECKS OF THE RELATIVE OR OTHER PERSON THAT INDICATE THAT CONTINUED PLACEMENT WITH THAT RELATIVE OR OTHER PERSON WOULD NO LONGER BE SAFE FOR THE CHILD, THE COUNTY DEPARTMENT SHALL REMOVE THE CHILD FROM THAT PLACEMENT.

(c) THE COUNTY DEPARTMENT SHALL ALSO REQUEST THAT A LOCAL LAW ENFORCEMENT AGENCY PERFORM A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF ANY PERSON RESIDING IN THE HOME TO DETERMINE IF THE PERSON HAS A CRIMINAL HISTORY AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION AND ALSO PERFORM THE ADDITIONAL BACKGROUND CHECKS DESCRIBED IN SUBPARAGRAPHS (I) TO (II) OF PARAGRAPH (a) OF THIS SUBSECTION (4.5). IF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK INDICATES THAT A PERSON RESIDING IN THE HOME HAS A CRIMINAL HISTORY DESCRIBED IN SUBSECTION (4) OF THIS SECTION OR THE INFORMATION

FROM THE OTHER BACKGROUND CHECKS RAISES ISSUES ABOUT THE SAFETY OF THE CHILD IN THE HOME, THE COUNTY DEPARTMENT SHALL EVALUATE THE CONTINUED PLACEMENT OF THE CHILD IN THE HOME AND DEVELOP A PLAN TO ADDRESS THE ISSUES WITHIN FOURTEEN DAYS. A COUNTY DEPARTMENT SHALL REMEDY THE SITUATION AS QUICKLY AS POSSIBLE AND NO LATER THAN TWO WEEKS AFTER THE PLACEMENT. THE STATE BOARD SHALL PROMULGATE RULES TO ADDRESS CHILD SAFETY AND WHAT MUST BE CONSIDERED IN THE EVALUATION.

(5) The state board ~~of human services~~ shall promulgate rules to implement the provisions of this section, consistent with the provisions contained in part 3 of article 72 of title 24, C.R.S.

(6) For purposes of this section, "initial criminal history record check" means a name-based state and federal criminal history record check performed by a local law enforcement agency utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation.

(7) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, IF THE COUNTY DEPARTMENT VERIFIES AND DOCUMENTS THAT ALL OF THE CRIMINAL HISTORY RECORD CHECKS AND OTHER BACKGROUND CHECKS DESCRIBED IN SUBSECTION (4.5) OF THIS SECTION HAVE BEEN COMPLETED IN THE PRECEDING THREE MONTHS FOR A RELATIVE, OTHER PERSON, OR A PERSON RESIDING IN THE HOME, THE COUNTY DEPARTMENT DOES NOT NEED TO REPEAT THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF THAT RELATIVE, OTHER PERSON, OR A PERSON RESIDING IN THE HOME; EXCEPT THAT THE COUNTY DEPARTMENT SHALL REPEAT THE OTHER BACKGROUND CHECKS DESCRIBED IN SUBSECTION (4.5) OF THIS SECTION AND CONTACT LOCAL LAW ENFORCEMENT TO DETERMINE IF THERE WERE ANY NEW CHARGES FOR OFFENSES FILED AGAINST THAT RELATIVE, OTHER PERSON, OR A PERSON RESIDING IN THE HOME DURING THE PRECEDING THREE MONTHS SINCE THE LAST FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

SECTION 10. In Colorado Revised Statutes, **add** 19-3-407 as follows:

19-3-407. Noncertified kinship care - requirement for background checks and other checks - definitions. (1) A COUNTY DEPARTMENT SHALL REQUEST THAT A LOCAL LAW ENFORCEMENT AGENCY CONDUCT THE FOLLOWING BACKGROUND CHECKS OF KIN OR ANY ADULT WHO RESIDES AT THE HOME PRIOR TO PLACING A CHILD IN NONCERTIFIED KINSHIP CARE:

(a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION TO DETERMINE IF THE KIN OR AN ADULT WHO RESIDES AT THE HOME HAS BEEN CONVICTED OF:

(I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S.;

(II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S.;

(III) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S.;

(IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

(V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF APPLICATION FOR A CERTIFICATE;

(VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR

(VII) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE OFFENSES DESCRIBED IN SUB-SUBPARAGRAPHS (I) TO (VI) OF THIS PARAGRAPH (a);

(b) A CHECK OF THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM AT THE STATE JUDICIAL DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING CRIMINAL CHARGES BROUGHT AGAINST THE KIN OR AN ADULT WHO RESIDES AT THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

(c) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED

DATABASE FOR INFORMATION TO DETERMINE IF THE KIN OR AN ADULT WHO RESIDES AT THE HOME HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND WHETHER SUCH FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD; AND

(d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM FOR COLORADO TO DETERMINE IF THE KIN OR AN ADULT WHO RESIDES AT THE HOME IS A REGISTERED SEX OFFENDER.

(2) A COUNTY DEPARTMENT SHALL NOT PLACE A CHILD IN NONCERTIFIED KINSHIP CARE IF THE KIN OR ANY ADULT WHO RESIDES WITH THE KIN AT THE HOME:

(a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION;

(b) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER REGISTRY CREATED PURSUANT TO SECTION 16-22-110, C.R.S. OR IS A REGISTERED SEX OFFENDER AS DETERMINED BY A CHECK OF THE NATIONAL SEX OFFENDER REGISTRY OPERATED BY THE UNITED STATES DEPARTMENT OF JUSTICE. THE SEX OFFENDER REGISTRY CHECKS MUST CHECK THE KIN'S OR ADULT RESIDENT'S KNOWN NAMES AND ADDRESSES IN THE INTERACTIVE DATABASE SYSTEM FOR COLORADO OR THE NATIONAL SEX OFFENDER PUBLIC REGISTRY AGAINST ALL OF THE REGISTRANT'S KNOWN NAMES AND ADDRESSES; OR

(c) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE AND THAT FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR THE CHILD.

(3) A COUNTY DEPARTMENT MAY MAKE A PLACEMENT WITH NONCERTIFIED KIN THAT WOULD OTHERWISE BE DISQUALIFIED PURSUANT TO SUBSECTION (2) OF THIS SECTION OR ALLOW CONTINUED PLACEMENT WITH NONCERTIFIED KIN IF AN ADULT RESIDING IN THE HOME WOULD OTHERWISE BE DISQUALIFIED PURSUANT TO SUBSECTION (2) OF THIS SECTION IF SUCH PLACEMENT OCCURS ACCORDING TO RULES PROMULGATED BY THE STATE BOARD OR IF THERE IS COUNTY-INITIATED COURT INVOLVEMENT AND AN ORDER OF THE COURT AFFIRMING PLACEMENT OF THE CHILD WITH THE KIN.

(4) FOR THE PURPOSES OF THIS SECTION, "CONVICTED" MEANS A CONVICTION BY A JURY OR BY A COURT AND INCLUDES A DEFERRED JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION, OR A PLEA OF GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO PARTICIPATED IN DIVERSION, AS DEFINED IN SECTION 19-1-103 (44), C.R.S., AND DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A PERSON WHO PARTICIPATED IN AND SUCCESSFULLY COMPLETED THE CHILD ABUSE AND CHILD NEGLECT DIVERSION PROGRAM AS DESCRIBED IN SECTION 19-3-310, C.R.S.

(5) THE CONVICTIONS IDENTIFIED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND IN SUBSECTION (2) OF THIS SECTION MUST BE DETERMINED ACCORDING TO THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION AND THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM. THE SCREENING REQUEST IN COLORADO SHALL BE MADE PURSUANT TO SECTION 19-1-307 (2) (k.5), RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. 671 (a) (2). A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION, DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF A CONVICTION OR AGREEMENT.

(6) THE STATE BOARD SHALL ADOPT RULES RELATING TO BACKGROUND CHECKS OF RELATIVES AND PLACEMENT OF CHILDREN IN NONCERTIFIED KINSHIP CARE, INCLUDING:

(a) RULES ON REQUIREMENTS THAT ALL COUNTY DEPARTMENTS THAT PLACE CHILDREN IN NONCERTIFIED KINSHIP CARE CONDUCT AND DOCUMENT THAT ALL OF THE BACKGROUND CHECKS HAVE BEEN INITIATED AND COMPLETED IN ACCORDANCE WITH SECTION 19-3-406 AND WITH THIS SECTION FOR ANY PERSON PROVIDING NONCERTIFIED KINSHIP CARE AND FOR ANY ADULT RESIDING AT THE HOME;

(b) RULES ON THE ACTIONS A COUNTY DEPARTMENT SHOULD TAKE IF A DISQUALIFYING FACTOR IS FOUND DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN THIS SECTION, INCLUDING RULES ON REVIEWING THE PLACEMENT OF CHILDREN, ADDRESSING CHILD SAFETY ISSUES, EVALUATING THE VULNERABILITY AND THE AGE OF THE CHILD, AND IDENTIFY ALTERNATIVE REMEDIES TO REMOVAL OF THE CHILD FROM THE PLACEMENT."

Strike pages 15 through 20.

Page 21, strike lines 1 through 36.

Page 22, line 3, strike "A SAFE PLACEMENT FOR" and substitute "IN THE BEST INTERESTS OF".

SENATE SERVICES REPORT

Correctly Printed: SB15-184 and 185.
Correctly Engrossed: SB15-018, 032, 064, 103, 105, 111, 115 and 119.
Correctly Reengrossed: SB15-015, 116 and 128.
Correctly Revised: HB15-1039; HJR15-1014.

INTRODUCTION OF MEMORIALS

The following memorial was read by title and referred to the committee indicated:

SM15-001 by Senator(s) Johnston--Memorializing former Senator Regis Groff.

Laid over until Monday, February 23, retaining its place on the calendar.

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR

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

SB15-111 by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning the continuous appropriation to the department of education of moneys in the educator licensure cash fund.

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

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		

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

HB15-1039by Representative(s) Tyler; also Senator(s) Neville T.--Concerning the donation of prescription medications by licensed health care facilities.

123

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

456

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		

789101112131415161718

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

192021

Co-sponsor(s) added: Aguilar, Baumgardner, Cadman, Cooke, Crowder, Garcia, Grantham, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Lundberg, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Scott, Todd and Woods.

2223242526

SB15-103by Senator(s) Lundberg; also Representative(s) Becker K.--Concerning continuation of the compliance advisory panel, and, in connection therewith, implementing the recommendations of the department of regulatory agencies as contained in the 2014 sunset report.

2728293031

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

323334

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		

353637383940414243444546

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

474849

Co-sponsor(s) added: Aguilar and Newell.

505152

THIRD READING OF BILLS -- FINAL PASSAGE

53545556

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

575859

SB15-018by Senator(s) Neville T.; also Representative(s) Neville P.--Concerning the repeal of the late vehicle registration fee.

60616263

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

64656667

YES	18	NO	17	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	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	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: Balmer, Baumgardner, Cadman, Cooke, Crowder, Grantham, Hill, Holbert, Lambert, Lundberg, Marble, Roberts, Scheffel, Scott, Sonnenberg and Woods.

SB15-032 by Senator(s) Marble; also Representative(s) Ransom--Concerning allowing a law-abiding person to carry a concealed handgun without a permit, and, in connection therewith, preserving current laws restricting the carrying of concealed handguns on certain property including school grounds and reducing appropriations.

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

YES	18	NO	17	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	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	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: Balmer, Baumgardner, Cadman, Cooke, Crowder, Grantham, Hill, Holbert, Lambert, Lundberg, Neville T., Scheffel, Scott, Sonnenberg and Woods.

SB15-105 by Senator(s) Martinez Humenik, Aguilar, Newell; also Representative(s) Primavera--Concerning the continuation of the regulation of respiratory therapists by the director of the division of professions and occupations in the department of regulatory agencies, and, in connection therewith, implementing the recommendations of the department in its sunset review of and report on the profession.

The question being "Shall the bill 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	N	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	N	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		

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

Co-sponsor(s) added: Guzman and Todd.

SB15-064 by Senator(s) Sonnenberg; also Representative(s) Becker J.--Concerning limits that the basic tenets of Colorado water law place on the ability of certain federal agencies to impose conditions on a water right owner in exchange for permission to use federal land.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Kerr	N	Scheffel	Y
Balmer	Y	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	Y	Marble	Y	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	Y	Merrifield	N	Ulibarri	N
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	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, Crowder, Grantham, Hill, Jahn, Lambert, Lundberg, Marble, Neville T., Roberts, Scott and Woods.

SB15-119 by Senator(s) Sonnenberg, Baumgardner; also Representative(s) Becker K.--Concerning continuation of the regulation of pesticide applicators by the department of agriculture, and, in connection therewith, implementing the recommendations of the 2014 sunset report by the department of regulatory agencies.

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

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		

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

SB15-115 by Senator(s) Hill, Holbert; also Representative(s) Pabon--Concerning the sunset review of the medical marijuana programs.

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

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		

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

Co-sponsor(s) added: Aguilar.

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

SB15-139 by Senator(s) Hill, Todd; also Representative(s) Lee--Concerning allowing the safe2tell program to reveal the identity of a person who makes a fraudulent report, and, in connection therewith, requiring a post-enactment review of the implementation of this act.

Laid over until Friday, February 20, retaining its place on the calendar.

SB15-097 by Senator(s) Aguilar; also Representative(s) Landgraf--Concerning the eligibility of a supplemental needs trust to receive certain public employees' retirement association benefits.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 13, page(s) 258 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Aguilar.

Amend printed bill, page 3, strike lines 12 through 27.

Page 4, strike line 1 and substitute:

"(46.5) "SUPPLEMENTAL NEEDS TRUST" MEANS A VALID THIRD-PARTY SPECIAL NEEDS TRUST ESTABLISHED FOR A MEMBER'S OR RETIREE'S CHILD AS THE BENEFICIARY OF THE TRUST THAT COMPLIES WITH THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., AND THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED. THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL REVIEW ANY TRUST ESTABLISHED DURING THE DETERMINATION OR REDETERMINATION OF AN INDIVIDUAL'S ELIGIBILITY FOR MEDICAL ASSISTANCE AND SPECIFICALLY AS TO THE EFFECT OF ANY TRUST ON SUCH ELIGIBILITY FOR MEDICAL ASSISTANCE. THE TRUST MUST BE FOR THE BENEFIT OF A SINGLE BENEFICIARY AND MUST BE COTERMINOUS WITH THE LIFETIME OF SUCH BENEFICIARY."

Page 4, line 16, strike "amend".

Page 4, line 17, strike "(3) and (3.8); and".

Page 4, strike lines 18 through 27.

Page 5, strike lines 1 through 12.
Page 5, strike lines 21 through 27.
Page 6, strike lines 1 through 6.
Renumber succeeding sections accordingly.
Page 6, strike line 13 and substitute "QUALIFIED CHILD ELIGIBLE".
Page 8, strike lines 6 through 21 and substitute:

"(f) "SUPPLEMENTAL NEEDS TRUST" MEANS A VALID THIRD-PARTY SPECIAL NEEDS TRUST ESTABLISHED FOR A MEMBER'S OR RETIREE'S CHILD AS THE BENEFICIARY OF THE TRUST THAT COMPLIES WITH THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., AND THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED. THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL REVIEW ANY TRUST ESTABLISHED DURING DETERMINATION OR REDETERMINATION OF AN INDIVIDUAL'S ELIGIBILITY FOR MEDICAL ASSISTANCE AND SPECIFICALLY AS TO THE EFFECT OF ANY TRUST ON SUCH ELIGIBILITY FOR MEDICAL ASSISTANCE. THE TRUST MUST BE FOR THE BENEFIT OF A SINGLE BENEFICIARY AND MUST BE COTERMINOUS WITH THE LIFETIME OF SUCH BENEFICIARY."

Page 11, strike lines 16 and 17 and substitute "MEMBER FOR THE BENEFIT OF THE CHILD ELIGIBLE FOR SURVIVOR BENEFITS, SURVIVOR".

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 Crowder, 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: SB15-097 as amended.
Laid over until Friday, February 20: SB15-139.

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Friday, February 20, 2015.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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