

SENATE JOURNAL  
Seventieth General Assembly  
STATE OF COLORADO  
First Regular Session

84th Legislative Day Tuesday, March 31, 2015

- Prayer By the chaplain, Dan File, Capitol Commission, Lake City.
- Call to Order By the President at 9:00 a.m.
- Pledge By Senator Neville.
- Roll Call Present--34  
Excused--1, Martinez Humenik.  
Present later--1, Martinez Humenik.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Holbert, reading of the Journal of Monday, March 30, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

- Trans- After consideration on the merits, the Committee recommends that **HB15-1173** be  
portation **amended** as follows, and as so amended, be referred to the Committee of the Whole with  
favorable recommendation.

Amend reengrossed bill, page 3, strike lines 26 and 27 and substitute:

~~"(B) unless motor vehicles using the same are equipped with tire chains, four-wheel drive with adequate tires for the existing conditions, or snow tires with a "mud and snow" or all weather rating from the manufacturer having a tread of sufficient abrasive or skid-resistant design or composition and depth to provide adequate traction under existing driving conditions. during storms or when other dangerous driving conditions exist or during construction or maintenance operations whenever the department considers such closing or restriction of use necessary for the protection and safety of the public~~ THE DEPARTMENT MAY RESTRICT ANY PORTION OF A STATE HIGHWAY TO TRAVEL BY ANY MOTOR VEHICLE UNLESS THE MOTOR VEHICLE IS EQUIPPED WITH THE FOLLOWING: TIRE CHAINS OR AN APPROVED TRACTION CONTROL DEVICE; FOUR-WHEEL DRIVE WITH OR ALL-WHEEL DRIVE WITH TIRES THAT HAVE A TREAD DEPTH OF FOUR THIRTY-SECONDS OF AN INCH; OR TIRES IMPRINTED BY A MANUFACTURER WITH A MOUNTAIN-SNOWFLAKE, "M&S", "M+S", OR "M/S" SYMBOL WITH A TREAD DEPTH OF FOUR THIRTY-SECONDS OF AN INCH.

(C) ~~Such~~ A prohibition or restriction of use ~~shall be~~ UNDER THIS SUBSECTION (5) IS effective when signs, including temporary or electronic signs, ~~giving notice thereof~~ THAT NOTIFY THE PUBLIC OF THE PROHIBITION OR RESTRICTION are erected upon ~~such portion of said~~ THE highway and it shall be unlawful to proceed in violation of such notice OR WHERE ICY OR SNOW-PACKED CONDITIONS ARE PRESENT ON INTERSTATE 70 BETWEEN MILEPOST 133 (DOTSERO) AND MILEPOST 259 (MORRISON). BEGINNING SEPTEMBER 1, 2015, THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE PUBLIC OF THE REQUIREMENTS OF THIS PARAGRAPH (a) THROUGH TEMPORARY OR PERMANENT SIGNS, THE DEPARTMENT'S TRAVEL WEB SITE, SOCIAL MEDIA, AND OTHER APPROPRIATE MEANS."

Page 4, strike lines 1 though 15.

Page 5, strike lines 16 through 27.

Page 6, strike lines 1 through 25.

Renumber succeeding sections accordingly.

SENATE SERVICES REPORT

Correctly Printed: SB15-256 and 257.  
Correctly Engrossed: SB15-218 and 221.  
Correctly Revised: HB15-1073, 1142, 1183, 1191 and 1224.  
Correctly Rerevised: HB15-1008, 1246 and 1256.

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:

HB15-1142 by Representative(s) McCann, Coram, Duran, Pabon, Williams; also Senator(s) Guzman-- Concerning the conduct of foreclosure sales by a public trustee, and, in connection therewith, authorizing the conduct of foreclosure sales through the internet and other electronic media and authorizing the collection of fees by electronic transfer.

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

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	E	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: Merrifield and Ulibarri.

HB15-1183 by Representative(s) Fields, Conti, Klingenschmitt, Lebsock, Tate; also Senator(s) Guzman--Concerning the admission of a child's statements describing attempted acts of an unlawful sexual offense.

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

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	E	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, Donovan, Heath, Jahn, Johnston, Kefalas, Kerr, Merrifield, Newell, Roberts and Todd.

**HB15-1073** by Representative(s) Salazar; also Senator(s) Ulibarri--Concerning allowing a driver to challenge the validity of a law enforcement officer's initial contact with the driver.

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

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	E	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, Guzman, Heath, Merrifield and Steadman.

**SB15-221** by Senator(s) Cooke; also Representative(s) Danielson and Priola--Concerning public transit officers.

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

YES	33	NO	1	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	E	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	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.

**HB15-1191** by Representative(s) Pettersen; also Senator(s) Grantham--Concerning the addition of dentists to the "Physician Designation Disclosure Act".

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

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	E	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, Crowder, Heath, Kefalas, Merrifield, Newell and Todd.

**HB15-1224** by Representative(s) Mitsch Bush, Hamner, Rankin; also Senator(s) Hill and Todd--Concerning accounting for state moneys received by public postsecondary institutions that do not participate in the college opportunity fund program.

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

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	E	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: Crowder, Donovan, Merrifield and Newell.

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

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

**SB15-218** by Senator(s) Roberts and Cooke; also Representative(s) Williams--Concerning requiring a law enforcement agency to disclose whether a peace officer has made a knowing misrepresentation in certain settings.

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

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	E	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, Balmer, Baumgardner, Cadman, Carroll, Donovan, Garcia, Grantham, Guzman, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Lundberg, Marble, Merrifield, Neville T., Newell, Scheffel, Scott, Steadman, Todd, Ulibarri and Woods.

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

SB15-219 by Senator(s) Cooke and Roberts; also Representative(s) Salazar--Concerning measures to provide additional transparency to peace officer-involved shootings.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, March 27, page(s) 591-592 and placed in members' bill files.)

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

HB15-1245 by Representative(s) Vigil; also Senator(s) Sonnenberg--Concerning the authority of the state board of land commissioners to use a specified portion of the investment and development fund moneys for asset maintenance.

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

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar of Tuesday, March 31 (SB15-216, SB15-223) was laid over until Monday, April 6, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Neville, 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: SB15-219 as amended, HB15-1245.  
Laid over until Monday, April 6: SB15-216, SB15-223.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

**SB15-065** by Senator(s) Marble, Grantham, Neville T., Woods, Holbert, Cooke, Sonnenberg, Lambert, Scott, Scheffel, Cadman, Baumgardner, Crowder, Lundberg; also Representative(s) Nordberg, Everett, Saine, Joshi, Humphrey, Neville P., Ransom-- Concerning a prohibition on the use of public electronic benefits transfer services at certain establishments.

Senator Marble moved that the Senate concur in House amendments to **SB15-065**, as printed in House journal, March 27, page(s) 614. The motion was **adopted** by the following roll call vote:

YES	34	NO	1	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	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	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kerr	Y	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	Y	Merrifield	N	Ulibarri	N
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	N	Jones	N	Newell	Y	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

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

**SB15-182** by Senator(s) Garcia and Crowder; also Representative(s) Navarro and Esgar--Concerning allowing the department of corrections to transfer certain offenders to the youthful offender system to participate in age-appropriate programs.

Senator Garcia moved that the Senate concur in House amendments to **SB15-182**, as printed in House journal, March 27, page(s) 614. The motion 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		

The question being "Shall the bill, as amended, 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, as amended, was **repassed**.

Co-sponsor(s) added: Guzman, Heath, Jones and Newell.

**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  
COLORADO WATER CONSERVATION BOARD

for a term expiring February 12, 2016:

John Hawkins McCLOW of Gunnison, Colorado, to serve as a representative of the Gunnison-Uncompahgre drainage basin and as an Unaffiliated, reappointed.

for terms expiring February 12, 2018:

Phyllis "Diane" Hoppe of Broomfield, Colorado, to serve as a representative of the South Platte drainage basin and as a Republican, reappointed;

David H. "Ty" Wattenberg of Walden, Colorado, to serve as a representative of the North Platte drainage basin and as 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		

MEMBERS OF THE  
COLORADO WILDLIFE HABITAT STAMP COMMITTEE

for a term expiring December 31, 2018:

Timothy Brass of Longmont, Colorado, to serve as a representative of the public at large, appointed.

effective December 31, 2014, for a term expiring December 31, 2018:

Daniel C. Gates of Canon City, Colorado, a sportsperson, appointed.

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		

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Woods, Chair, Grantham, and Kerr as Senate conferees on the first conference committee on [HB15-1204](#).

Senate in recess. Senate reconvened.

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Wednesday, April 1, 2015.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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