

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
First Regular Session

64th Legislative Day

Wednesday, March 11, 2015

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

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

Pledge By Senator Holbert.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal	On motion of Senator Sonnenberg, reading of the Journal of Tuesday, March 10, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.
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COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB15-1150** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB15-1079** be **postponed indefinitely**.

Local Government	The Committee on <u>Local Government</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:
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MEMBERS OF THE STATE HOUSING BOARD

for terms expiring January 31, 2019:

Raymond Timothy Hudner of Grand Junction, Colorado, a Republican and resident of the Third Congressional District, reappointed;

Barbara Cleland of Aurora, Colorado, a Republican and resident of the Sixth Congressional District, reappointed.

SENATE SERVICES REPORT

Correctly Engrossed: SB15-046, 137 and 138.

Correctly Reengrossed: SB15-122.

Correctly Revised: HB15-1012, 1032, 1075, 1078, 1144 and 1207; HJR15-1015.

Correctly Rerevised: HB15-1012, 1032, 1073, 1078, 1117 and 1122.

Correctly Enrolled: SB15-002, 043, 049, 051, 053, 055, 071 and 111.

MESSAGE FROM THE REVISOR OF STATUTES

March 10, 2015

We herewith transmit:

Without comment, HB15-1175, 1183, 1213 and 1254.
Without comment, as amended, HB15-1026, 1095, 1104, 1133, 1149, 1153, 1211, 1217, 1223 and 1225.
Without comment, as amended, SB15-013 and 047.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR15-013 by Senator(s) Scheffel and Garcia; also Representative(s) Lawrence and McCann--
Concerning the designation of "First Responder Appreciation Day".

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

SJR15-014 by Senator(s) Crowder; also Representative(s) Vigil--Concerning the designation of
Colorado Highway 159 as the "Costilla County Veterans Memorial Highway".

Laid over until Friday, March 27, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

SB15-205 by Senator(s) Roberts and Garcia; also Representative(s) Keyser and Hamner--Concerning
the utilization of veterans' fire corps programs by the division of fire prevention and control
in the department of public safety.
Judiciary

SB15-206 by Senator(s) Roberts and Hodge; also Representative(s) Garnett and Keyser--Concerning
the implementation of the 2012 conservation easement program performance audit
recommendations for conservation easements donated on or after January 1, 2015, and, in
connection therewith, addressing the issue of phasing, lowering transaction costs for
agricultural producers, and easing endangered species mitigation.
Agriculture, Natural Resources, & Energy

SB15-207 by Senator(s) Baumgardner and Scott, Kefalas, Sonnenberg; also Representative(s) Brown,
Becker K., Vigil--Concerning the authority of the state to enter into lease-purchase
agreements for the refinancing of the Colorado bureau of investigation's Grand Junction
regional office and forensic laboratory.
Finance

SB15-208 by Senator(s) Kefalas; also Representative(s) Brown, Becker K., Vigil--Concerning capital-
related expenditures, and, in connection therewith, granting the controller authority to
allow expenditures for capital construction budget appropriations if nonmonetary
adjustments are needed when the legislature is not in session, adding a capital development
committee-approved waiver for the arts in public places requirement, and clarifying the
types of capital construction projects to which the arts in public places requirement applies.
Finance

SB15-209	by Senator(s) Balmer, Todd; also Representative(s) Williams--Concerning an amendment to specified statutes governing the management of the financial affairs of a unit owners' association under the "Colorado Common Interest Ownership Act" so as to exempt communities in which a majority of units designated for residential use are time share units. Business, Labor, & Technology	1 2 3 4 5 6 7
SB15-210	by Senator(s) Woods, Baumgardner, Holbert, Martinez Humenik; also Representative(s) Arndt--Concerning creation of the title insurance commission. Business, Labor, & Technology	8 9 10 11 12
SB15-211	by Senator(s) Lambert, Grantham, Steadman, Baumgardner, Kefalas, Sonnenberg; also Representative(s) Rankin, Hamner, Young, Becker K., Brown, Vigil--Concerning an automatic funding mechanism for payment of future costs attributable to certain of the state's capital assets. Appropriations	13 14 15 16 17 18 19
HB15-1042	by Representative(s) Foote; also Senator(s) Cooke--Concerning requiring presentence reports to include a statement concerning a defendant's eligibility for release from incarceration. Judiciary	20 21 22 23 24 25
HB15-1046	by Representative(s) Moreno; also Senator(s) Scott--Concerning authorization for the executive director of the department of transportation to waive department project cost estimate-based statutory contract amount limits when awarding a highway project contract. Transportation	26 27 28 29 30 31
HB15-1114	by Representative(s) Saine, Neville P., Humphrey, Lebsock, Salazar, Klingenschmitt, Ransom; also Senator(s) Woods and Ulibarri, Baumgardner--Concerning a prohibition against assistance by the state, including, but not limited to, any member of the Colorado National Guard serving in his or her official capacity, with enforcement of certain federal laws relating to investigation, prosecution, and detention of individuals that were initially enacted in the federal "National Defense Authorization Act for Fiscal Year 2012". State, Veterans, & Military Affairs	32 33 34 35 36 37 38 39 40
HB15-1130	by Representative(s) Nordberg and Ryden; also Senator(s) Garcia and Hill--Concerning voting by military and overseas voters in municipal elections, and, in connection therewith, extending certain deadlines that govern the conduct of municipal elections to ensure that such voters have the same ability to vote in such elections as they do in federal, state, and county elections. State, Veterans, & Military Affairs	41 42 43 44 45 46 47 48
HB15-1184	by Representative(s) Lontine; also Senator(s) Hill--Concerning the operation of charter school networks. Education	49 50 51 52 53
HB15-1191	by Representative(s) Pettersen; also Senator(s) Grantham--Concerning the addition of dentists to the "Physician Designation Disclosure Act". Health & Human Services	54 55 56 57 58
HB15-1202	by Representative(s) Singer; also Senator(s) Woods--Concerning the ability of a licensing authority to reissue expired alcohol beverage licenses. Business, Labor, & Technology	59 60 61 62 63
HB15-1204	by Representative(s) Pabon, Ginal, Arndt, Singer, Melton; also Senator(s) Kerr, Grantham, Guzman, Jahn--Concerning the creation of a distillery pub license. Business, Labor, & Technology	64 65 66 67 68 69

HB15-1244

by Representative(s) Singer and Nordberg, Arndt, Becker J., Esgar, Everett, Humphrey, Joshi, Neville P., Rosenthal, Ryden, Tate, Williams, Winter; also Senator(s) Jahn and Lundberg--Concerning the ability of members of a club licensed under the "Colorado Liquor Code" to remove from the club a resealed container of partially consumed vinous liquor purchased at the club.
Business, Labor, & Technology

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 Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR15-012

by Senator(s) Aguilar and Grantham; also Representative(s) Lontine and Landgraf--Concerning recognition of the 25th anniversary of the signing into law of the "Americans with Disabilities Act of 1990".

On motion of Senator Grantham, the resolution was read at length and **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: Balmer, Baumgardner, Cadman, Carroll, Cooke, Crowder, Donovan, Garcia, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Roberts, Scheffel, Scott, Sonnenberg, Steadman, Todd, Ulibarri and Woods.

Upon request of Majority Leader Scheffel, **HB15-1032** was removed from the Third Reading of Bills--Final Passage--Consent Calendar of Wednesday, March 11 and was placed at the end of the Third Reading of Bills Final Passage Calendar of Wednesday, March 11.

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:

HB15-1012

by Representative(s) Becker J.; also Senator(s) Sonnenberg--Concerning a sales and use tax exemption for dyed diesel.

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: Baumgardner, Crowder, Grantham, Lundberg, Neville T., Scott and Woods.

HB15-1207 by Representative(s) Melton, Ginal, Kraft-Tharp, Lebsock, Salazar; also Senator(s) Todd-- Concerning the use of earphones while driving.

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: Baumgardner, Kerr, Lambert, Lundberg, Scott and Woods.

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:

SB15-137 by Senator(s) Balmer; also Representative(s) DelGrosso and Ginal, Kraft-Tharp-- Concerning business entities permitted to provide the program of all-inclusive care for the elderly.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	N	Jahn	Y	Merrifield	N	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 was **passed**.

HB15-1078 by Representative(s) Nordberg and McCann; also Senator(s) Jahn and Woods--Concerning immediate reporting of missing children who are in the custody of a state agency to law enforcement for inclusion in national crime databases.

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, Baumgardner, Cadman, Carroll, Cooke, Crowder, Donovan, Garcia, Grantham, Guzman, Heath, Hill, Hodge, Johnston, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Scott, Steadman, Todd and Ulibarri.

HB15-1075 by Representative(s) Ginal, Coram, Hamner, Singer, Conti, Court, Duran, Esgar, Humphrey, Lebsock, Lee, Melton, Ransom, Saine, Salazar, Tyler, Winter; also Senator(s) Crowder, Newell, Merrifield--Concerning the authority for a registered naturopathic doctor to treat children who are under two years of age.

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

Third Reading Amendment No. 1(L.008), by Senator Neville.

Amend revised bill, page 2, line 13, strike "SERVICES AND RECOMMENDS THAT" and substitute "SERVICES;".

Page 2, strike lines 14 and 15.

The amendment was **lost** on the following roll call vote:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kerr	N	Scheffel	Y
Balmer	Y	Heath	Y	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	N	Todd	N
Crowder	N	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	N		

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	N	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	Y	Lundberg	Y	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	Y	Holbert	N	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	Woods	N
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	N	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: Carroll, Heath, Jahn, Kefalas, Kerr and Todd.

SB15-178 by Senator(s) Newell; also Representative(s) Danielson--Concerning the continuation of the Colorado commission for the deaf and hard of hearing, 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**.

Co-sponsor(s) added: Aguilar, Crowder, Donovan, Guzman, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Steadman and Todd.

HB15-1144 by Representative(s) Primavera; also Senator(s) Todd--Concerning the prohibition of synthetic plastic microbeads in personal care products.

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	Y	Guzman	Y	Kerr	Y	Scheffel	N
Balmer	Y	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	N	Holbert	N	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	Woods	N
Garcia	Y	Jones	Y	Newell	Y	President	N
Grantham	N	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, Heath, Jones and Merrifield.

SB15-046

by Senator(s) Grantham; also Representative(s) Moreno--Concerning reducing the cost of attainment of renewable energy standards by electric utilities that are not investor-owned, and, in connection therewith, allowing purchases of electricity from community solar gardens by cooperative electric associations to qualify as retail distributed generation.

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, Baumgardner, Cadman, Carroll, Cooke, Crowder, Donovan, Garcia, Guzman, Heath, Hodge, Jahn, Johnston, Kefalas, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Scott, Sonnenberg, Todd, Ulibarri and Woods.

HB15-1032

by Representative(s) Singer; also Senator(s) Aguilar--Concerning the addition of licensed mental health professionals as authorized providers of mental health services to minors who are at least fifteen years of age.

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	Y	Lundberg	Y	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	N	Holbert	N	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	Woods	N
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	N	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: Carroll, Guzman, Heath, Hodge, Kefalas, Kerr, Merrifield, Newell, Steadman and Todd.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB15-085

by Senator(s) Martinez Humenik, Ulibarri; also Representative(s) Winter and Buck--Concerning the expansion of the "Colorado Cottage Foods Act," and, in connection therewith, increasing the net revenue a producer can earn under the act.

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

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB15-057, 142 and 159; HB15-1059; HJR15-1009, 1012 and 1014.

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Thursday, March 12, 2015.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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