SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
First Regular Session

73rd Legislative Day Friday, March 20, 2015

Prayer By the chaplain, Pastor Alan Harris, Julesburg Christian Church, Julesburg.

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

Pledge By Senator Scott.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Neville, reading of the Journal of Thursday, March 19, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **SB15-050** be postponed indefinitely.

Education The Committee on Education 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 FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for terms expiring December 31, 2018:

James M. Johnson of Colorado Springs, Colorado, to serve as a Republican from the Fifth Congressional District, reappointed;

Kenneth C. Weil of Denver, Colorado, to serve as a Democrat from the First Congressional District, reappointed;

Presley F. Askew of Wheat Ridge, Colorado, to serve as a Republican from the Seventh Congressional District, appointed.

Education The Committee on Education 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
BOARD OF TRUSTEES OF METROPOLITAN
STATE UNIVERSITY OF DENVER

for terms expiring December 31, 2018:

Terrance D. Carroll of Denver, Colorado, to serve as a Democrat, reappointed;

Michelle M. Lucero of Littleton, Colorado, to serve as a Democrat, reappointed.

Education The Committee on Education 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
BOARD OF TRUSTEES FOR THE COLORADO
SCHOOL FOR THE DEAF AND THE BLIND

for terms expiring July 1, 2018:

Walter VonFeldt of Monument, Colorado, a Republican, appointed;

Nancy Inez Brown of Colorado Springs, Colorado, a Republican, appointed;

Michelle Ann Butler of Colorado Springs, Colorado, a Republican, appointed;

Christopher Alan Madison of Gypsum, Colorado, an Unaffiliated, reappointed.

Education After consideration on the merits, the Committee recommends that **HB15-1184** 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.

Amend reengrossed bill, page 4, strike lines 19 through 21 and substitute:
"**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.".

Finance After consideration on the merits, the Committee recommends that **HB15-1136** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB15-207** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB15-1204** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB15-204** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB15-1145** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB15-1111** be referred to the Committee on Finance with favorable recommendation.

MESSAGE FROM THE HOUSE

March 19, 2015

Mr. President:

The House has voted to grant the House conferees on the Second Conference Committee on SB15-085 to consider matters not at issue between the two houses.

SENATE SERVICES REPORT

Correctly Printed: SJR15-019 and 020.
Correctly Engrossed: SJR15-016 and 017.
Correctly Reengrossed: SB15-090, 197 and 211.
Correctly Revised: HB15-1211.
Correctly Rerevised: HB15-1004 and 1067.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

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.

Senator Martinez Humenik moved that the Senate conferees on the second conference committee on **SB15-085** be granted permission to go beyond the scope of the differences between the two houses.

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

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR15-1016 by Representative(s) Brown and Coram; also Senator(s) Roberts--Concerning the remembrance of Ute history in Colorado, and, in connection therewith, honoring the heritage and culture of the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe.

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

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:

HB15-1211 by Representative(s) Young; also Senator(s) Sonnenberg--Concerning license requirements for durable medical equipment suppliers.

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: Cadman and Crowder.

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.

Senate in recess. Senate reconvened.

Upon request of Majority Leader Scheffel, **HB15-1046** was removed from the General Orders--Second Reading of Bills Consent Calendar of Friday, March 20 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Friday, March 20.

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--Consent Calendar, and Senator Holbert was called to the Chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR

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:

HB15-1223 by Representative(s) Williams, Nordberg; also Senator(s) Balmer and Jahn--Concerning the extension of current standards regarding home service contracts to new homes.

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

HB15-1213 by Representative(s) Tate and Tyler, Singer; also Senator(s) Martinez Humenik and Neville T., Newell--Concerning clarifications in connection with the responsibilities of the office of information technology.

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

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.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, March 18, page(s) 492 and placed in members' bill files.)

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 -- CONSENT CALENDAR

On motion of Senator Holbert, 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: SB15-208 as amended, HB15-1223, HB15-1213.

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:

SB15-135 by Senator(s) Martinez Humenik and Jahn, Hodge, Holbert, Todd; --Concerning modifications to statutory provisions governing urban redevelopment affecting public bodies in connection with urban renewal projects.

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

SB15-069 by Senator(s) Woods, Lundberg, Lambert, Holbert, Cooke, Neville T., Marble, Baumgardner, Balmer; also Representative(s) Priola, Everett, Navarro, Neville P., Nordberg, Ransom, Tate, Thurlow, Van Winkle, Willett--Concerning the repeal of the "Job Protection and Civil Rights Enforcement Act of 2013".

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 13, page(s) 459 and placed in members' bill files.)

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

SB15-086 by Senator(s) Lambert, Grantham, Lundberg, Marble, Holbert, Cooke, Baumgardner, Neville T., Roberts, Cadman, Scheffel, Scott, Crowder; also Representative(s) Joshi, Brown, Klingenschmitt, Carver, Wilson, Neville P.--Concerning criminal background checks performed pursuant to transfers of firearms.

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

SB15-045 by Senator(s) Lundberg; --Concerning the creation of income tax credits for nonpublic education.

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

HB15-1202 by Representative(s) Singer; also Senator(s) Woods--Concerning the ability of a licensing authority to reissue expired alcohol beverage licenses.

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

SB15-091 by Senator(s) Scott; --Concerning a reduction in the statutory limitation period applicable to legal actions for construction defects on improvements to real property.

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

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.

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

HB15-1072 by Representative(s) Fields, Arndt, Becker K., Buckner, Court, Danielson, Foote, Ginal, Lontine, McCann, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Singer, Tyler, Winter; also Senator(s) Newell--Concerning harassment through an interactive electronic medium.

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

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

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

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.

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

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	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: SB15-069 as amended, HB15-1202, HB15-1244.
Laid over until Monday, March 23: SB15-135, SB15-086, SB15-045, SB15-091, HB15-1072, HB15-1095, HB15-1046.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE RESOLUTIONS

SJR15-004 by Senator(s) Roberts; also Representative(s) Hamner--Concerning requests to the federal government regarding support for wildland fire suppression.

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

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:

MEMBER OF THE
BOARD OF ASSESSMENT APPEALS

for a term expiring July 1, 2015:

Amy J. Williams of Hayden, Colorado, engaged in agricultural, 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
SECURITIES BOARD

for terms expiring July 1, 2017:

Herrick Kenley Lidstone of Centennial, Colorado, a member of the public at large, appointed;

Mashenka Lundberg of Golden, Colorado, who is licensed by the state supreme court to practice law in the state of Colorado and who is conversant in securities law, 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		

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REPORT OF CONFERENCE COMMITTEES

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB15-161

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

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

Your first conference committee appointed on SB15-161, concerning a supplemental appropriation to the department of revenue, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 15, line 3, strike "Services" and substitute "~~Services~~ SERVICES[1a]".

Page 15, line 4, in the ITEM & SUBTOTAL column strike "21,239,549" and substitute "21,138,307" and in the CASH FUNDS column strike "12,308,273[a]" and substitute "12,207,031[a]".

Page 15, line 6, in the CASH FUNDS column strike "(228.7 FTE)" and substitute "(226.5 FTE)".

Page 15, line 8, in the ITEM & SUBTOTAL column strike "3,446,112" and substitute "3,443,440" and in the CASH FUNDS column strike "1,537,353[a]" and substitute "1,534,681[a]".

Adjust affected totals accordingly.

Page 16, line 4, strike "$11,055,980" and substitute "$10,952,066".

Page 27, after line 8 insert:

"1a DEPARTMENT OF REVENUE, DIVISION OF MOTOR VEHICLES, DRIVER SERVICES, PERSONAL SERVICES -- THE INITIAL FISCAL NOTE ESTIMATED A TOTAL OF 66,000 INDIVIDUALS WOULD REQUEST AN APPOINTMENT FOR A S.B. 13-251 DOCUMENT. CONTINUED OPERATIONS FOR THIS PROGRAM AT MORE THAN ONE OFFICE ARE PREMISED ON THE NEED TO HANDLE THE INITIAL SURGE OF APPLICANTS. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ONCE THE ANNUAL APPOINTMENTS MADE AVAILABLE FOR INDIVIDUALS WHO ARE NOT LAWFULLY PRESENT IN THE UNITED STATES FALLS BELOW 5,000 PER YEAR OR THE TOTAL APPOINTMENTS SERVED REACHES 60,000, THE DIVISION WILL REDUCE THE OFFICES THAT PROVIDE THE SERVICE TO ONE LOCATION.".

Respectfully submitted,

Senate Committee:	House Committee:
(signed)	(signed)
Kent D. Lambert, Chairman	Millie Hamner, Chairman
Kevin Grantham	Dave Young
Pat Steadman	Bob Rankin

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, March 19, 2015, at 1:35 p.m.:
SB15-191.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB15-1035, 1106, 1144, 1188.

INTRODUCTION OF BILLS -- FIRST READING

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

SB15-224 by Senator(s) Sonnenberg; --Concerning a permitting exemption for systems that remove groundwater from soils that are adjacent to foundations.
Agriculture, Natural Resources, & Energy

Senate in recess. Senate reconvened.

INTRODUCTION OF BILLS -- FIRST READING

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

SB15-225 by Senator(s) Holbert and Neville T., Guzman, Jahn; also Representative(s) Ryden and Saine, Nordberg, Primavera--Concerning the governance structure of the state historical society, and, in connection therewith, changing the method of appointment of the board of directors and creating a directors council.
State, Veterans, & Military Affairs

SB15-226 by Senator(s) Sonnenberg; also Representative(s) Vigil--Concerning the education requirements necessary to qualify for a license to take wildlife.
Agriculture, Natural Resources, & Energy

SB15-227 by Senator(s) Grantham and Jahn; also Representative(s) Melton and Van Winkle--Concerning the inclusion of a residential storage condominium unit in the definition of a residential improvement for purposes of the property tax.
Finance

SB15-228 by Senator(s) Steadman, Grantham, Lambert; also Representative(s) Rankin, Hamner, Young--Concerning a process for the periodic review of provider rates under the "Colorado Medical Assistance Act", and, in connection therewith, making an appropriation.
Health & Human Services

SB15-229 by Senator(s) Woods, Guzman, Merrifield; also Representative(s) Joshi and Mitsch Bush--Concerning the creation an amyotrophic lateral sclerosis license plate for motor vehicles.
Finance

SB15-230 by Senator(s) Scheffel; also Representative(s) Williams--Concerning the method by which the property tax administrator determines a telephone company's valuation for property tax purposes.
Finance

SB15-231 by Senator(s) Marble; also Representative(s) Salazar and Everett--Concerning a limitation on the use of force by a regulatory agency, and, in connection therewith, enacting the "Regulatory Agency Demilitarization Act".
State, Veterans, & Military Affairs

SCR15-001 by Senator(s) Martinez Humenik; --Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning the repeal of the requirement that each county in the state elect a county surveyor.
State, Veterans, & Military Affairs

On motion of Majority Leader Scheffel, the Senate adjourned until 10:00 a.m., Monday, March 23, 2015.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate