

SENATE JOURNAL  
Seventieth General Assembly  
STATE OF COLORADO  
First Regular Session

35th Legislative Day Tuesday, February 10, 2015

Prayer By the chaplain, Dan File, Capitol Commission, Lake City.

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

Pledge By Majority Leader Scheffel.

Roll Call Present--33  
Excused--2, Aguilar, Martinez Humenik.  
Present later--2, Aguilar, Martinez Humenik.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Donovan, reading of the Journal of Monday, February 9, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Legal Services After consideration on the merits, the Committee recommends that SB15-100 be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that SB15-089 be referred to the Committee on Appropriations with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that SB15-125 be postponed indefinitely.

Judiciary After consideration on the merits, the Committee recommends that SB15-042 be postponed indefinitely.

Judiciary After consideration on the merits, the Committee recommends that SB15-058 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike line 14 and substitute "NOT KNOW IN WHICH POSITION THE SUSPECT IS PLACED IN THE PHOTO ARRAY WHEN IT IS VIEWED BY THE EYEWITNESS."

Page 3, line 18, strike "AN OFFENSE" and substitute "THE OFFENSE IN QUESTION".

Page 4, line 10, after "SUSPECT" insert "IN PERSON".

Page 4, line 13, strike "ALL" and substitute "ANY".

	Page 4, line 14, strike "AGENCIES" and substitute "AGENCY CHARGED WITH ENFORCING THE CRIMINAL LAWS OF COLORADO AND THAT, AS PART OF ANY CRIMINAL INVESTIGATION, USES OR MIGHT USE ANY EYEWITNESS IDENTIFICATION PROCEDURE".	1 2 3 4 5
	Page 4, line 18, strike "RECOMMENDED BY" and substitute "OF".	6 7
	Page 4, line 19, before "RESEARCH" insert "PEER-REVIEWED".	8 9
	Page 4, line 20, strike "DEVELOPED" and substitute "DEVELOPED, AGREED UPON,".	10 11 12
	Page 5, line 21, strike "(3) AND SUBMIT A COPY" and substitute "(3).".	13 14
	Page 5, strike line 22 and substitute "IF A".	15 16
	Page 5, line 23, after "NOT" insert "COMPLETE OR".	17 18
	Page 6, strike lines 3 and 4 and substitute "SUCH POLICIES AND PROCEDURES MUST BE".	19 20 21
	Page 6, line 5, strike "REQUEST." and substitute "REQUEST PURSUANT TO THE PROVISIONS OF THIS SECTION.".	22 23 24
	Page 6, line 6, strike "THE P.O.S.T. BOARD" and substitute "LAW ENFORCEMENT".	25 26 27
	Page 6, line 11, strike the second "THE" and substitute "ANY".	28 29
	Page 6, after line 15 insert: "(4) POLICIES AND PROCEDURES ADOPTED AND IMPLEMENTED BY A LAW ENFORCEMENT AGENCY PURSUANT TO THIS SECTION SHALL BE REVIEWED BY THE AGENCY AT LEAST EVERY FIVE YEARS TO ENSURE CONSISTENCY WITH NATIONALLY RECOGNIZED PEER-REVIEWED RESEARCH.".	30 31 32 33 34 35 36
	Renumber succeeding subsection accordingly.	37 38 39
Judiciary	After consideration on the merits, the Committee recommends that <b>SB15-099</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	40 41 42 43 44
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that <b>SB15-101</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	45 46 47 48 49
	Amend printed bill, page 3, strike lines 5 through 7 and substitute: "(II) THE EMPLOYEE IS PROVIDED NOTICE OF THE OPTION TO DESIGNATE AND AUTHORIZE AN ACCOUNT FOR ELECTRONIC CREDIT TRANSFER TO BE EFFECTIVE AT THE END OF THE FIRST PAYROLL PERIOD;".	50 51 52 53 54 55
	Page 3, line 12, strike "CHECK,".	56 57
	Page 3, line 13, strike the comma and after "PERIOD" insert "AT A LOCATION OR FINANCIAL INSTITUTION DESIGNATED BY THE EMPLOYER".	58 59 60
	Page 3, strike line 19 and substitute: "CREDIT TO A PAYCARD AND THE ABILITY TO CHANGE THE ACCEPTANCE OF WAGES FROM PAYCARD TO ELECTRONIC CREDIT TRANSFER.".	61 62 63 64 65
	Page 3, strike lines 20 through 22 and substitute:	66 67

"(b) AS USED IN THIS SECTION, "PAYCARD" MEANS A CARD  
DISTRIBUTED TO AN EMPLOYEE BY AN EMPLOYER, OR BY ANOTHER ENTITY  
BY ARRANGEMENT WITH THE EMPLOYER, THAT PROVIDES AN EMPLOYEE  
WITH IMMEDIATE ACCESS TO THE EMPLOYEE'S WAGES."

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **SB15-069** be **referred**  
to the Committee on Appropriations with favorable recommendation.

Business,  
Labor, &  
Technology

The Committee on Business, Labor, & Technology 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 DIRECTORS OF DENVER METROPOLITAN  
MAJOR LEAGUE STADIUM DISTRICT

for terms expiring August 1, 2015:

F. Robert Lee of Littleton, Colorado, reappointed;

Patricia D. Baca of Denver, Colorado, reappointed;

John P. Dikeou of Denver, Colorado, reappointed;

for terms expiring August 1, 2016:

Raymond T. Baker of Lakewood, Colorado, reappointed;

Patricia G. Imhoff of Greenwood Village, Colorado, reappointed;

for terms expiring August 1, 2017:

William "Wil" D. Alston of Denver, Colorado, reappointed;

Ruben A. Valdez of Lakewood, Colorado, reappointed.

Business,  
Labor, &  
Technology

The Committee on Business, Labor, & Technology 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:

MEMBER OF THE  
STATE PERSONNEL BOARD

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

Michelle Evelyn Palmquist of Denver, Colorado, appointed.

**SENATE SERVICES REPORT**

**Correctly Reengrossed:** SB15-023, 065, 082 and 117.  
**Correctly Revised:** HJR15-1006.

Upon request of Majority Leader Scheffel, **SB15-122** and **SB15-111** were removed from the General Orders--Second Reading of Bills Consent Calendar of Tuesday, February 10 and were placed at the end of the General Orders--Second Reading of Bills Calendar of Tuesday, February 10.

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

**SB15-074** by Senator(s) Neville T., Marble, Cadman, Woods, Grantham, Cooke, Roberts, Lambert, Scheffel, Baumgardner, Crowder; also Representative(s) Joshi, Neville P., Saine, Humphrey, Conti, Everett--Concerning a requirement that health care providers disclose the charges they impose for common health care services when payment is made directly rather than by a third party.

Amendment No. 1, Health & Human Services Committee Amendment.  
(Printed in Senate Journal, February 6, page(s) 218-221 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Neville.

Amend the Health and Human Services Committee Report, dated February 5, 2015, page 1, line 7, strike "CHARGES" and substitute "WILL CHARGE".

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

**SB15-055** by Senator(s) Hodge; --Concerning state engineer administration of tailwater ditches.

Amendment No. 1, Agriculture, Natural Resources, & Energy Committee Amendment.  
(Printed in Senate Journal, Febraury 6, page(s) 221 and placed in members' bill files.)

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

(For further action, see amendments to the report of the Committee of the Whole.)

**SB15-122** by Senator(s) Newell, Aguilar; also Representative(s) Moreno--Concerning the continuation of the regulation of massage parlors, and, in connection therewith, repealing the regulation of massage parlors.

Laid over until Wednesday, February 11, retaining its place on the calendar.

**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.

A majority of all members elected to the Senate having voted in the affirmative, the bill was referred to the Committee on Appropriations.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB15-055 by Senator(s) Hodge; --Concerning state engineer administration of tailwater ditches.

Senators Baumgardner, Scott, and Garcia moved to amend the Report of the Committee of the Whole to show that SB 15-055, as amended, did not pass.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was lost on the following roll call vote:

YES	13	NO	22	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kerr	N	Scheffel	Y
Balmer	Y	Heath	N	Lambert	N	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	N	Sonnenberg	N
Carroll	N	Hodge	N	Marble	Y	Steadman	N
Cooke	N	Holbert	N	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	N	Merrifield	Y	Ulibarri	N
Donovan	N	Johnston	N	Neville T.	Y	Woods	N
Garcia	Y	Jones	N	Newell	N	President	N
Grantham	Y	Kefalas	N	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Woods, 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: SB15-074 as amended, SB15-055 as amended.  
Laid over until Wednesday, February 11: SB15-122.  
Referred to Appropriations: SB15-111.

MESSAGE FROM THE HOUSE

February 10, 2015

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB15-1117, 1069.

The House has passed on Third Reading and transmitted to the Revisor of Statutes  
HB15-1038, amended as printed in House Journal, February 9.  
HB15-1078, amended as printed in House Journal, February 9.  
  
The House has passed on Third Reading and returns herewith SB15-010.

Senate in recess. Senate reconvened.

MESSAGE FROM THE REVISOR OF STATUTES

February 10, 2015

We herewith transmit:

Without comment, HB15-1069 and 1117.  
Without comment, as amended, HB15-1038 and 1078.

INTRODUCTION OF BILLS -- FIRST READING

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

SB15-177 by Senator(s) Scheffel and Ulibarri; also Representative(s) DelGrosso and Singer--  
Concerning prerequisites to the authority of a unit owners' association to pursue resolution  
of disputes involving construction defects.  
Business, Labor, & Technology

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Wednesday,  
February 11, 2015.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate