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SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
First Regular Session

94th Legislative Day

Friday, April 10, 2015

Prayer By the chaplain, Reverend Margaret Redmond, First AME Church, Pueblo.

Call to Order

By the President at 9:00 a.m.

Pledge By Senator Cooke.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Merrifield, reading of the Journal of Thursday, April 9, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB15-1111** be postponed indefinitely.

Health & Human Services

The Committee on <u>Health & Human Services</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:

MEMBERS OF THE STATE BOARD OF HUMAN SERVICES

for terms expiring March 1, 2019:

Honorable Thomas Crawford Davidson of Dillon, Colorado, to serve as a county commissioner, appointed;

Honorable David Allen Foy of Otis, Colorado, to serve as a county commissioner, reappointed;

Honorable Stephen W. Johnson of Fort Collins, Colorado, to serve as a county commissioner, reappointed;

Constance "Connie" M. Rule of Lakewood, Colorado, to serve as a public member, reappointed;

David A. Ervin of Colorado Springs, Colorado, to serve as a public member, reappointed.

Health & Human Services

The Committee on Health & Human Services 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 **COLORADO COMMISSION ON THE AGING**

for a term expiring July 1, 2016:

Ruth Elaine Long of Fort Collins, Colorado, to serve as a Democrat from Congressional District 2, reappointed;

for terms expiring July 1, 2018:

Paulette St. James of Denver, Colorado, to serve as a Democrat from Congressional District 1, appointed;

Celestino J. Santistevan of Rocky Ford, Colorado, to serve as an Unaffiliated and as an at-large member from Congressional District 4, appointed;

Jody Barker of Colorado Springs, Colorado, to serve as a Republican from Congressional District 5, appointed;

Benjamin Moultrie of Aurora, Colorado, to serve as a Democrat from Congressional District 6, appointed;

Christina Johnson of Lakewood, Colorado, to serve as a Democrat from Congressional District 7, appointed.

Health & Human Services

After consideration on the merits, the Committee recommends that HB15-1269 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 HB15-1097 be referred to the Committee on State, Veterans, & Military Affairs with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that HB15-1186 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.

Agriculture, Natural Energy

After consideration on the merits, the Committee recommends that SB15-258 be amended as follows, and as so amended, be referred to the Committee on Appropriations with Resources, & favorable recommendation.

> Amend printed bill, page 3, line 10, strike "GENERATORS" and substitute GENERATORS, COLORADO RATEPAYERS,".

Agriculture, Natural Resources, & Energy

After consideration on the merits, the Committee recommends that SB15-252 be referred to the Committee of the Whole with favorable recommendation.

Agriculture, The Committee on Agriculture, Natural Resources, & Energy has had under consideration 1 2 3 4 5 6 7 8 9 and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed: Natural Resources, & Energy MEMBER OF THE **COLORADO ENERGY RESEARCH AUTHORITY** for a term expiring July 1, 2018: 11 12 13 Michelle Hadwiger of Denver, Colorado, appointed. 14 15 16 17 18 Agriculture. The Committee on Agriculture, Natural Resources, & Energy 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: Natural Resources, & Energy 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 MEMBER OF THE COLORADO STATE FAIR AUTHORITY **BOARD OF COMMISSIONERS** for a term expiring November 1, 2018: Ronald Jay Teck of Grand Junction, Colorado, a Republican from the 3rd Congressional District, who resides on the western slope of the state, appointed. Agriculture, After consideration on the merits, the Committee recommends that **SB15-206** be amended Natural as follows, and as so amended, be referred to the Committee on Finance with favorable Resources, & recommendation. Energy Amend printed bill, page 1, line 101, strike "THE IMPLEMENTATION OF THE 2012 CONSERVATION" and substitute "PHASED CONSERVATION EASEMENT DONATIONS". 40 Page 1, strike line 102. Page 1, line 105, strike "ADDRESSING THE ISSUE OF PHASING,". 42 43 44 45 46 47 48 49 50 51 52 53 54 55 57 58 Page 1, line 106, strike "PRODUCERS, AND EASING" and substitute "PRODUCERS AND FACILITATING". Agriculture, The Committee on Agriculture, Natural Resources, & Energy has had under consideration Natural and has had a hearing on the following appointments and recommends that the appointments be placed on the consent calendar and confirmed: Resources, & Energy MEMBERS OF THE WATER QUALITY CONTROL COMMISSION for terms expiring February 15, 2018: Richard Clark Hum of Nathrop, Colorado, appointed;

Mary Beth Fabisiak of Lakewood, Colorado, reappointed;

Jon Slutsky of Wellington, Colorado, reappointed.

Appropriations

After consideration on the merits, the Committee recommends that SB15-109 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated February 25, 2015, page 4, after line 19 insert:

"SECTION 4. Appropriation. For the 2015-16 state fiscal year, \$111,444 is appropriated to the department of human services for use by the adult assistance programs. This appropriation consists of \$89,155 from the general fund and \$22,289 from the local funds. To implement this act, the adult assistance programs may use this appropriation for adult protective services.".

Renumber succeeding sections accordingly.

Page 4 of the report, after line 24 insert:

"Page 1 of the bill, line 102, strike "DISABILITY." and substitute "DISABILITY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

Appropriations

After consideration on the merits, the Committee recommends that SB15-014 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Health and Human Services Committee Report, dated February 26, 2015, page 8, strike lines 23 through 41.

Page 9 of the report, strike lines 1 through 4.

Page 9 of the report, line 5, strike "6." and substitute "5.".

Page 9 of the report, after line 16 insert:

"SECTION 6. Appropriation. For the 2015-16 state fiscal year, \$60,000 is appropriated to the department of public safety for use by the Colorado crime information center. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department of public safety may use this appropriation for the collection of medical marijuana information.

SECTION 7. Appropriation. (1) For the 2015-16 state fiscal

year, \$1,068,560 is appropriated to the department of public health and environment. This appropriation is from the medical marijuana program cash fund created in section 25-1.5-106 (16) (a), C.R.S. To implement this act, the department of public health and environment may use this appropriation for the purchase of information technology services.

(2) For the 2015-16 state fiscal year, \$1,068,560 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of public health and environment under subsection (1) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of public health and environment.

SECTION 8. Appropriation. (1) For the 2015-16 state fiscal

year, \$113,704 is appropriated to the department of revenue. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

\$56,998 for use by marijuana enforcement division for personal services and operating expenses, which amount is based on an assumption that the department will require an additional 1.0 FTE; and

(b) \$56,706 for the purchase of legal services.
(2) For the 2015-16 state fiscal year, \$56,706 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of revenue under paragraph (b) of

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subsection (1) of this section, and is based on an assumption that the department will require an additional 0.3 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of revenue.".

Page 9 of the report, line 17, strike "7." and substitute "9.".

Page 9 of the report, line 20, strike "8." and substitute "10.".

Page 9 of the report, after line 22 insert:

"Amend the printed bill, page 1, line 102, strike "REVENUE." and substitute "REVENUE, AND, IN CONNECTION THEREWITH, MAKING APPROPRIATIONS."."

Appropriations After consideration on the merits, the Committee recommends that **SB15-007** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that SB15-012 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, after line 12 insert:

"SECTION 5. Appropriation. (1) For the 2015-16 state fiscal year, \$868,895 is appropriated to the department of human services for use by the office of self sufficiency. This appropriation consists of \$315,509 from the general fund and \$553,386 from the temporary assistance for needy families block grant. To implement this act, the office may use this appropriation as follows:

office may use this appropriation as follows:

(a) \$792,921, which consists of \$277,522 from general fund and \$515,399 federal funds from the temporary assistance for needy families block grant, for changes to the automated child support enforcement system;

(b) \$75,974 which consists of \$37,987 from general fund and \$37,987 federal funds from the temporary assistance for needy families block grant, for implementation contractor costs.".

Renumber succeeding section accordingly.

Page 1, line 102, strike "PROGRAM." and substitute "PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

Appropriations

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

Amend printed bill, page 10, after line 5 insert:

"SECTION 7. Appropriation. For the 2015-16 state fiscal year, \$72,512 is appropriated to the department of public safety for use by the school safety resource center. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.9 FTE."

Renumber succeeding section accordingly.

Page 1, line 102, strike "ASSAULT." and substitute "ASSAULT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

Appropriations After consideration on the merits, the Committee recommends that SB15-029 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 7, after line 6 insert:

"SECTION 2. Appropriation. (1) For the 2015-16 state fiscal year, \$102,970 is appropriated to the legislative department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$100,000 for use by the office of the state auditor for

contractual services to study volunteer firefighter pension plans; and

(b) \$2,970 for use by the general assembly.

- (2) For the 2015-16 state fiscal year, \$4,271 is appropriated to the department of local affairs. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows
- (a) \$848 for use by the executive director's office for the purchase of information technology services; and

\$3,423 for use by the division of local government for

personal services.

(3) For the 2015-16 state fiscal year, \$848 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs under paragraph (a) of subsection (2) of this section.".

Renumber succeeding section accordingly.

Page 1, line 102, strike "STATE." and substitute "STATE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

Appropriations

After consideration on the merits, the Committee recommends that SB15-063 be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that SB15-184 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 14, after line 23 insert:

"SECTION 14. Appropriation - adjustments to 2015 long bill.

(1) For the 2015-16 state fiscal year, \$337,154 is appropriated to the department of personnel for use by the office of administrative courts. This appropriation is from user fees from non-state agencies. To implement this act, the department may use this appropriation as follows:

(a) \$315,973 for personal services, which amount is based on an assumption that the department will require an additional 3.5 FTE; and (b) \$21,181 for operating expenses and capital outlay costs.

(2) To implement this act, the general fund appropriation made in the annual general appropriation act for the 2015-16 state fiscal year to the judicial department for trial court programs is decreased by \$176,965, and the related FTE is decreased by 1.8 FTE.".

Renumber succeeding section accordingly.

Page 1, line 102, strike "REQUIREMENTS." and substitute 'REQUIREMENTS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS."

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Appropriations

After consideration on the merits, the Committee recommends that SB15-185 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee Report, dated April 8, 2014, page 2, after line 25 insert:

"SECTION 2. Appropriation. (1) For the 2015-16 state fiscal year, \$38,799 is appropriated to the department of public safety. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$32,299 for DCJ administrative services, which amount is

based on an assumption that the division of criminal justice will require

an additional 0.4 FTE; and

(c) \$6,500 for Colorado integrated criminal justice information system (CICJIS) operating expenses.

(2) For the 2015-16 state fiscal year, \$9,800 is appropriated to the department of corrections. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of information technology services.

(3) For the 2015-16 state fiscal year, \$9,800 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of corrections under subsection (2) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of corrections.".

Renumber succeeding section accordingly.

Page 2 of the committee report, after line 35 insert:

"Page 1 of the bill, line 101, strike "OPERATIONS." and substitute "OPERATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Appropriations After consideration on the merits, the Committee recommends that SB15-207 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **SB15-113** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **SB15-089** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that SB15-127 be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **SB15-205** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that SB15-256 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 4 insert:

"SECTION 3. Appropriation. (1) For the 2015-16 state fiscal year, \$15,527 is appropriated to the legislative department. This appropriation is from the general fund. To implement this act, the

department may use this appropriation as follows:

- (a) \$5.627 for use by the legislative council. which amount is based on an assumption that the legislative council will require an additional 0.1 FTE; and
- (b) \$9,900 for use by the general assembly.".

Renumber succeeding section accordingly.

Page 1, line 102, strike "EXCHANGE." and substitute "EXCHANGE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

Appropriations After consideration on the merits, the Committee recommends that SB15-217 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, after line 11 insert:

"SECTION 3. Appropriation. For the 2015-16 state fiscal year, \$30,851 is appropriated to the department of public safety for use by the division of criminal justice. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.5 FTE. To implement this act, the division may use this appropriation for DCJ administrative services."

Renumber succeeding section accordingly.

Page 1, line 102, strike "PERSON." and substitute "PERSON, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

Appropriations

After consideration on the merits, the Committee recommends that **SB15-067** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, strike line 27 and substitute:

"**SECTION 4.** In Colorado Revised Statutes, **add** 17-18-117 as follows:

- **17-18-117. Appropriation to comply with section 2-2-703 SB 15-067 repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE BILL 15-067, ENACTED IN 2015:
- (a) For the $2016-17\,\text{state}$ fiscal year, nine hundred twenty-four thousand seven hundred fifty-five dollars is appropriated to the department from the general fund.
- (b) For the 2017-18 state fiscal year, one million two hundred forty-two thousand five hundred thirty-three dollars is appropriated to the department from the general fund.
- (c) For the 2018-19 state fiscal year, one million three hundred thirty thousand eight hundred five dollars is appropriated to the department from the general fund.
- (d) For the 2019-20 state fiscal year, one million four hundred nineteen thousand seventy-six dollars is appropriated to the department from the general fund.
- (2) This section is repealed, effective July 1, 2020.".

Page 6, strike lines 1 through 6.

Page 1, line 103, strike "RESPONDERS." and substitute "RESPONDERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

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Appropriations After consideration on the merits, the Committee recommends that SB15-203 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the Committee recommends that SB15-181 be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that SB15-229 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 4 insert:

"SECTION 3. Appropriation. (1) For the 2015-16 state fiscal year, \$5,304 cash funds is appropriated to the department of revenue. To implement this act, the department may use this appropriation as follows:

(a) \$4,120 from the Colorado state titling and registration account of the highway users tax fund created in section 42-1-211 (2), C.R.S., for the purchase of information technology services; and
(b) \$1,184 from the license plate cash fund created in section

42-2-301 (1) (b), for use by department for license plate ordering.

(2) For the 2015-16 state fiscal year, \$4,120 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of revenue under paragraph (a) of subsection (1) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of revenue.".

Renumber succeeding section.

Page 1, line 102, strike "VEHICLES." and substitute "VEHICLES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

Appropriations After consideration on the merits, the Committee recommends that SB15-011 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, strike lines 21 through 27 and substitute:

"SECTION 5. Appropriation. (1) For the 2015-16 state fiscal year, \$179,347 is appropriated to the department of health care policy and financing. This appropriation is from the general fund. To implement

this act, the department may use this appropriation as follows:

(a) \$25,520 for personal services related to general administration, which amount is based on an assumption that the department will require an additional 0.8 FTE:

- \$3,032 for operating expenses related to (b) administration;
- (c) \$27,500 for general professional services and special projects; and
- (d) \$123,295 for medical services premiums, which is subject to the "(M)" notation as defined in the general appropriation act for the same fiscal year.
- For the 2015-16 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$183,302 in federal funds. The appropriation in subsection (1) of this section is based on the assumption that the department will receive this amount of federal funds to be used as follows:
- \$25,519 for personal services related to (a) general administration;
- \$3,031 for operating expenses related to general (b) administration;
- (c) \$27,500 for general professional services and special projects; and

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(d) \$127,252 for medical services premiums. **SECTION 6. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

Page 6, strike lines 1 through 3.

Page 1, line 103, strike "MEDICINE." and substitute "MEDICINE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

Appropriations

After consideration on the merits, the Committee recommends that **HB15-1149** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the Committee recommends that HB15-1266 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the Committee recommends that **SB15-133** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB15-1153** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB15-195** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, before line 4 insert:

"SECTION 2. Appropriation - adjustments to 2015 long bill.

(1) To implement this act, appropriations made in the annual general appropriation act for the 2015-16 state fiscal year to the department of corrections are adjusted as follows:

(a) The appropriation to the volunteers subprogram for personal services from the general fund is increased by \$618,417 and the appropriation from cash funds from sales revenues earned by the canteen operation is decreased by \$618,417;

operation is decreased by \$618,417;

(b) The appropriation to the volunteers subprogram for operating expenses from the general fund is increased by \$17,912 and the appropriation from cash funds from sales revenues earned by the canteen operation is decreased by \$17,912; and

(c) The appropriation to the education subprogram for operating

expenses from cash funds from sales revenues earned by the canteen operation is increased by \$636,329 and the appropriation from the general fund is decreased by \$636,329.

(2) To implement this act, appropriations made in the annual general appropriation act for the 2015-16 state fiscal year to the department of corrections are adjusted as follows:

(a) The appropriation to the education subprogram for personal services from the general fund is increased by \$1,017,989 and the appropriation from cash funds from sales revenues earned by the canteen operation is decreased by \$1,017,989; and

(b) The appropriation to the education subprogram for operating expenses from the general fund is increased by \$482,011 and the appropriation from cash funds from sales revenues earned by the canteen operation is decreased by \$482,011."

Renumber succeeding section accordingly.

Page 1, line 103, strike "INMATES." and substitute "INMATES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.".

Appropriations

After consideration on the merits, the Committee recommends that SB15-228 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 8, line 7, strike "\$258,588" and substitute "\$269,912".

Page 8, line 10, strike "3.6 FTE." and substitute "4.0 FTE.".

Page 8, line 13, strike "\$122,472" and substitute "\$133,606".

Page 8, line 14, strike "\$11,116" and substitute "\$11,306".

Page 8, line 19, strike "\$258,588" and substitute "\$269,911"

Page 8, line 23, strike "\$122,472" and substitute "\$133,605".

Page 8, line 24, strike "\$11,116" and substitute "\$11,306".

Appropriations

After consideration on the merits, the Committee recommends that **SB15-227** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB15-1280** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

SENATE SERVICES REPORT

Correctly Printed: SB15-264 and 265. **Correctly Engrossed:** SB15-091.

Correctly Revised: HB15-1042 and 1212.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR15-023 by Senator(s) Cooke and Guzman; also Representative(s) Sias--Concerning declaring the week of May 10-16, 2015, as Police Week, and, in connection therewith, declaring May 15, 2015, as Peace Officers' Memorial Day.

Laid over until Monday, April 27, retaining its place on the calendar.

SJR15-024 by Senator(s) Holbert and Heath; also Representative(s) Ransom--Commemorating the 150th anniversary of the death of President Abraham Lincoln.

Laid over until Wednesday, April 15, retaining its place on the calendar.

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.

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:

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

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

| YES 1 | 8 | NO | 17 | EXCUSED (|) | 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 | | Marble | | 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, Neville T., Roberts, Scheffel, Sonnenberg and Woods.

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.

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 | 7 | Y Kerr | Y | Scheffel | Y |
| Balmer | Y | Heath | } | ' Lambert | Y | Scott | Y |
| Baumgardner | Y | Hill | } | Lundberg | Y | Sonnenberg | Y |
| Carroll | Y | Hodge | } | Marble Marble | Y | Steadman | Y |
| Cooke | Y | Holbert | } | Martinez Humen | ik Y | Todd | Y |
| Crowder | Y | Jahn | } | Merrifield Merrifield | Y | Ulibarri | Y |
| Donovan | Y | Johnston | } | Neville T. | Y | Woods | Y |
| Garcia | Y | Jones | } | ' Newell | Y | President | Y |
| Grantham | Y | Kefalas | | ' Roberts | Y | - | |

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

Co-sponsor(s) added: Jahn, Johnston, Lambert, Lundberg, Marble, Martinez Humenik, Roberts, Scheffel and Woods.

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HB15-1212 by Representative(s) Becker K.; also Senator(s) Kerr and Merrifield--Concerning making permanent the state board of land commissioners' authority to sell state trust land to local governments.

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

| YES 29 | | NO | 6 | | EXCUSED (|) | | ABSENT | 0 | |
|-------------------|---|----------|---|---|------------------|---|---|------------|---|---|
| Aguilar Balmer | Y | Guzman | | | Kerr | , | Y | Scheffel | | Y |
| Balmer | Y | Heath | | Y | Lambert | 1 | V | Scott | | Y |
| Baumgardner | N | Hill | | Y | Lundberg | • | Y | Sonnenberg | | Y |
| Carroll | Y | Hodge | | Y | Marble | | | Steadman | | Y |
| Cooke | Y | Holbert | | Y | Martinez Humenik | ` | Y | Todd | | Y |
| Crowder | N | Jahn | | Y | Merrifield | 7 | Y | Ulibarri | | Y |
| Donovan | Y | Johnston | | Y | Neville T. | 1 | V | Woods | | N |
| Garcia | Y | Jones | | Y | Newell | 7 | Y | President | | Y |
| Grantham | Y | Kefalas | | Y | Roberts | 7 | Y | | | |

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

Co-sponsor(s) added: Carroll, Donovan, Heath and Jones.

Upon request of Majority Leader Scheffel, the General Orders--Second Reading of Bills Consent Calendar of Friday, April 10 (HB15-1198) was placed at the end of the General Orders--Second Reading of Bills Calendar of Friday, April 10.

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 Tuesday, April 14, retaining its place on the calendar.

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.

<u>Amendment No. 1, Business, Labor & Technology Committee Amendment</u>. (Printed in Senate Journal, March 19, page(s) 509-511 and placed in members' bill files.)

Amendment No. 2(L.023), by Senators Scheffel and Ulibarri.

Amend the Business, Labor, and Technology Committee Report, dated March 18, 2015, page 1, strike lines 1 through 14 and substitute:

"Amend printed bill, page 4, strike lines 3 through 23 and substitute:

"(3) (a) The declaration, bylaws, or rules GOVERNING DOCUMENTS of the association COMMON INTEREST COMMUNITY may specify situations in which disputes shall be resolved by binding arbitration under MUST BE

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SUBMITTED TO A MUTUALLY AGREED-UPON MEDIATOR OR, IN THE CASE OF AN ARBITRATION SERVICE PROVIDER, AN ARBITRATION SERVICE PROVIDER QUALIFIED PURSUANT TO the uniform arbitration act, part 2 of article 22 of title 13, C.R.S., or by another means of alternative DISPUTE RESOLUTION UNDER THE FEDERAL ARBITRATION ACT, 9 U.S.C. SECS. 1 TO 307, or by another means of alternative dispute resolution under the "Dispute Resolution Act", part 3 of article 22 of title 13, C.R.S. IF THOSE SITUATIONS INCLUDE A CONSTRUCTION DEFECT CLAIM AGAINST A DEVELOPMENT PARTY, A SUBSEQUENT AMENDMENT TO THE GOVERNING DOCUMENTS THAT REMOVES OR AMENDS THE MEDIATION REQUIREMENT IS NOT EFFECTIVE WITH REGARD TO A CONSTRUCTION DEFECT CLAIM.

(b) (I) A construction defect claim against a development party must be resolved by a qualified mediator or, in the case of an arbitration service provider, an arbitration service provider qualified pursuant to the uniform arbitration act, part 2 of article 22 of title 13, C.R.S. The parties shall cooperate to select a mutually agreed-upon mediator or, in the case of an arbitration service provider, an arbitration service provider qualified pursuant to the uniform arbitration act, part 2 of article 22 of title 13, C.R.S., with a preference given to the mediator or arbitration service provider specified in the declaration if that provider is qualified pursuant to the uniform arbitration act, part 2 of article 22 of title 13, C.R.S. If no arbitration service provider is specified in the governing documents or if the"."

Amendment No. 3(L.024), by Senators Scheffel and Ulibarri.

Amend the Business, Labor, and Technology Committee Report, dated March 18, 2015, page 3, line 3, after "THE" insert "CLAIMED".

Page 3, line 7, after "THE" insert "CLAIMED".

Page 3, after line 18 insert:

"Page 8, line 7, strike "C.R.S., AND BEFORE".

Page 8, strike lines 8 through 10 and substitute "C.R.S.; AND".".

Amendment No. 4(L.027), by Senators Scheffel and Ulibarri.

Amend printed bill, page 2, after line 1 insert:

"**SECTION 1.** In Colorado Revised Statutes, 13-22-223, **amend** (1.5) as follows:

13-22-223. Vacating award. (1.5) Notwithstanding the provisions of subsection (1) of this section, the fact that the relief was such that it could not or would not be granted by a court of law or equity is not grounds for vacating or refusing to confirm the award; EXCEPT THAT, IN THE ARBITRATION OF AN ACTION AS DEFINED IN SECTION 13-20-802.5 (9.5), C.R.S., THE ARBITRATOR SHALL FOLLOW THE SUBSTANTIVE LAW OF COLORADO WITH REGARD TO ANY REMEDY GRANTED, AND IF THE REMEDY IS SUBSTANTIALLY AFFECTED BY THE ARBITRATOR'S FAILURE TO FOLLOW THE SUBSTANTIVE LAW OF COLORADO, THE COURT MAY VACATE OR REFUSE TO CONFIRM THE AWARD ON THAT BASIS."

Renumber succeeding sections accordingly.

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

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.

Laid over until Monday, April 13, retaining its place on the calendar.

SCR15-001 by Senator(s) Martinez Humenik; also Representative(s) Windholz--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.

Laid over until Tuesday, April 14, retaining its place on the calendar.

HB15-1173 by Representative(s) Mitsch Bush and Rankin; also Senator(s) Todd--Concerning a requirement that motor vehicles have certain traction equipment when driving on the interstate 70 mountain corridor.

Amendment No. 1, Transportation Committee Amendment. (Printed in Senate Journal, March 31, page(s) 617-618 and placed in members' bill files.)

As amended, ordered revised 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.)

HB15-1198 by Representative(s) Foote; also Senator(s) Steadman--Concerning enactment of the 2008 amendments to the "Uniform Interstate Family Support Act".

Amendment No. 1(L.003), by Senator Steadman.

Amend reengrossed bill, page 9, line 1, strike "consent," and substitute "consent IN A RECORD,".

Page 15, strike line 6 and substitute:

"(b) (1), (b) (4), (b) (5), and (e) as follows:".

Page 15, after line 12 insert:

"(4) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and".

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

Senate in recess. Senate reconvened.

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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

by Representative(s) Mitsch Bush and Rankin; also Senator(s) Todd--Concerning a HB15-1173 requirement that motor vehicles have certain traction equipment when driving on the interstate 70 mountain corridor.

> Senator Baumgardner moved to amend the Report of the Committee of the Whole to show that the following Baumgardner floor amendment, (L.011) to HB15-1173 did pass, and that HB15-1173, as amended, did pass.

Amend the Transportation Committee Report, dated March 26, 2015, page 2, line 2, strike "(MORRISON)." and substitute "(MORRISON) OR ON A HIGHWAY TRAVERSING ANY MOUNTAIN PASS THAT IS REACHED BY A HIGHWAY THAT CONNECTS TO INTERSTATE 70 BETWEEN MILEPOST 133 (Dotsero) and Milepost 259 (Morrison).".

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 **passed** on the following roll call vote:

| YES 18 | 3 | 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 | | Marble | | | Steadman | | N |
| Cooke | Y | Holbert | Y | Martinez Humeni | k | 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 | | | |

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 | | | Steadman | | Y |
| Cooke | Y | Holbert | | Y | Martinez Humenil | k | 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: SB15-177 as amended, HB15-1173 as amended, HB15-1198 as amended.

Laid over until Monday, April 13: SB15-209. Laid over until Tuesday, April 14: SB15-135, SCR15-001.

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an appropriation.

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SB15-110 by Senator(s) Baumgardner, Aguilar, Newell; also Representative(s) Ginal--Concerning the continuation of the regulation by the director of the division of professions and occupations of funeral establishments, and, in connection therewith, implementing the recommendations of the department of regulatory agencies as contained in the 2014 sunset report and making

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

Senator Baumgardner moved that the Senate concur in House amendments to **SB15-110**, as printed in House journal, April 6, page(s) 693. The motion was adopted by the following roll call vote:

| YES 34 | | NO | 1 | | EXCUSED (|) | | 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 | ζ. | Y | Todd | | Y |
| Crowder | Y | Jahn | • | Y | Merrifield | | Y | 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 | | | |

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

| YES 33 | | NO | 2 | EXCUSED (|) | ABSENT | 0 |
|-------------|---|----------|---|------------------|---|------------|---|
| Aguilar | Y | Guzman | Y | Kerr | Y | Scheffel | Y |
| Balmer | Y | Heath | Y | Lambert | Y | Scott | Y |
| Baumgardner | Y | Hill | Y | Lundberg | N | 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, as amended, was repassed.

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.

Senator Lambert moved that the Senate concur in House amendments to SB15-211, as printed in House journal, April 6, page(s) 693-694. 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 | |

| 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 Marble | | Y | Steadman | Y |
| Cooke | Y | Holbert | Y | Martinez Humen | ik | 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**.

SB15-234

by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2015, except as otherwise noted.

Senator Lambert moved that the Senate not concur in House amendments to **SB15-234**, as printed in House journal, April 8, page(s) 721-724, 729-730, 734-735, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on the following roll call vote:

| YES 35 | | NO | 0 | EXCUSED (|) | ABSENT | 0 |
|-------------|---|----------|---|------------------|---|------------|---|
| Aguilar | Y | Guzman | | 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 | | Steadman | Y |
| Cooke | Y | Holbert | Y | Martinez Humenik | Y | Todd | Y |
| Crowder | Y | Jahn | | 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 President appointed Senators Lambert, Chair, Grantham, and Steadman as Senate conferees on the first conference committee on **SB15-234**.

Senator Lambert moved that the Senate conferees on the first conference committee on **SB15-234** 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**.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS -- CONSENT CALENDAR

On motion of Majority Leader Scheffel, the following Governor's appointment was confirmed by the following roll call vote:

MEMBER OF THE STATE HOUSING BOARD

for a term expiring January 31, 2019:

Letitia Jones Horace of Denver, Colorado, a Democrat and resident of the First Congressional District, appointed.

| YES 35 | | NO | 0 | | EXCUSED 0 | | ABSENT | 0 | |
|-------------|---|----------|---|---|------------------|---|------------|---|---|
| Aguilar | Y | Guzman | | | Kerr | Y | Scheffel | | Y |
| Balmer | Y | Heath | | Y | Lambert | Y | Scott | | Y |
| Baumgardner | Y | Hill | | Y | Lundberg | Y | Sonnenberg | | Y |
| Carroll | Y | Hodge | | | Marble | | 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 | | | |

DELIVERY TO THE GOVERNOR

To the Governor for signature on Thursday, April 9, 2015, at 4:05 p.m.: SB15-005, 015, 030, 058, 097, 099, 105, 126, 171, 186, 187, 188, 189 and 190.

On motion of Majority Leader Scheffel, the Senate adjourned until 10:00 a.m., Monday, April $13,\,2015$.

Approved:

Bill L. Cadman President of the Senate

Attest:

Cindi L. Markwell Secretary of the Senate