

SENATE JOURNAL  
Seventieth General Assembly  
STATE OF COLORADO  
First Regular Session

90th Legislative Day Monday, April 6, 2015

Prayer By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.

Call to Order By the President at 10:00 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 2, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Correctly Printed: SB15-258, 259, 260, 261, 262 and 263.

Correctly Reengrossed: SB15-234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251 and 255.

Correctly Enrolled: SB15-008, 121 and 198.

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:

HB15-1130 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.

A majority of all members elected to the Senate having voted in the affirmative, the bill was re-referred to the Committee on State, Veterans, & Military Affairs.

Committee On motion of Senator Cooke, the Senate resolved itself into the Committee of the  
of the Whole Whole for consideration of General Orders--Second Reading of Bills, and Senator Cooke  
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 Friday, April 10, retaining its place on the calendar.

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 Thursday, April 9, 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.

Laid over until Friday, April 10, retaining its place on the calendar.

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.

Laid over until Tuesday, April 7, retaining its place on the calendar.

SB15-216 by Senator(s) Hill; also Representative(s) Fields--Concerning a school district's exclusive  
authority to authorize charter schools located within the geographic boundaries of the  
school district.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 27, page(s) 592 and placed in members' bill files.)

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

SB15-223 by Senator(s) Holbert and Todd, Carroll, Merrifield, Marble, Woods, Neville T., Lundberg,  
Scheffel, Hill, Sonnenberg; also Representative(s) Lebsock and Ransom, Primavera,  
Danielson, Winter, Salazar, Esgar, Saine, Brown, Buck, Conti, Everett, Klingenschmitt,  
Navarro, Roupe, Sias, Thurlow, Van Winkle, Windholz, Neville P.--Concerning ensuring  
that the exercise of a parent's right to refuse to have his or her child take standardized tests  
does not result in negative consequences due to a reduced student participation rate.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 27, page(s) 592 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Carroll.

Amend printed bill, page 2, line 20, after "STANDARDIZED" insert  
"STATE".

Page 3, strike lines 8 and 9 and substitute "ONE OR MORE OF THE  
STANDARDIZED ASSESSMENTS THAT THE DEPARTMENT OF".

Page 3, line 12, strike "22-7-409; AND" and substitute "22-7-409.".

Page 3, strike lines 13 and 14.

Page 3, line 17, after "STANDARDIZED" insert "STATE".  
Page 3, line 20, after "STANDARDIZED" insert "STATE".  
Page 3, line 22, after "STANDARDIZED" insert "STATE".  
Page 3, line 24, after "STANDARDIZED" insert "STATE".  
Page 3, line 25, after "STANDARDIZED" insert "STATE".  
Page 4, line 4, after "STANDARDIZED" insert "STATE".  
Page 4, line 10, after "STANDARDIZED" insert "STATE".

Amendment No. 3(L.017), by Senator Carroll.

Amend printed bill, page 4, after line 10 insert:  
"(e) EACH LOCAL EDUCATION PROVIDER SHALL CONTINUE TO MAKE GOOD FAITH EFFORTS TO ENSURE THAT ALL STUDENTS TAKE THE STANDARDIZED STATE ASSESSMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF FEDERAL AND STATE LAW AND SHALL NOT IN ANY MANNER ENCOURAGE PARENTS TO EXCUSE STUDENTS FROM TAKING THE STANDARDIZED STATE ASSESSMENTS."

Amendment No. 4(L.018), by Senator Kerr.

Amend printed bill, page 2, line 6, after "(6)" insert "(a)".  
Page 2, after line 21 insert:  
"(b) IF THE OVERALL ASSESSMENT SCORES OF THE STUDENTS WHO TAKE A STANDARDIZED ASSESSMENT RESULT IN A LOWER EFFECTIVENESS RATING FOR A TEACHER OR PRINCIPAL, PURSUANT TO ARTICLE 9 OF THIS TITLE, OR A LOWER PERFORMANCE PLAN FOR A PUBLIC SCHOOL OR A LOWER ACCREDITATION STATUS FOR A LOCAL EDUCATION PROVIDER, PURSUANT TO ARTICLE 11 OF THIS TITLE, THE LOWER EFFECTIVENESS RATING, LOWER PERFORMANCE PLAN, OR LOWER ACCREDITATION RATING IS NOT A PENALTY AND IS NOT PROHIBITED UNDER PARAGRAPH (a) OF THIS SUBSECTION (6)."  
Page 4, after line 10 insert:  
"(e) IF THE OVERALL ASSESSMENT SCORES OF THE STUDENTS WHO TAKE A STANDARDIZED ASSESSMENT RESULT IN A LOWER EFFECTIVENESS RATING FOR A TEACHER OR PRINCIPAL, PURSUANT TO ARTICLE 9 OF THIS TITLE, OR A LOWER PERFORMANCE PLAN FOR A PUBLIC SCHOOL, PURSUANT TO ARTICLE 11 OF THIS TITLE, THE LOWER EFFECTIVENESS RATING OR LOWER PERFORMANCE PLAN IS NOT A PENALTY AND IS NOT PROHIBITED UNDER PARAGRAPH (d) OF THIS SUBSECTION (3.5)."

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

**SB15-100** by Senator(s) Steadman, Guzman, Johnston; also Representative(s) Foote and McCann, Kagan--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Amendment No. 1, Legal Services Committee Amendment.  
(Printed in Senate Journal, March 30, page(s) 603 and placed in members' bill files.)

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

SB15-204

by Senator(s) Newell and Lundberg, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Grantham, Guzman, Hodge, Holbert, Johnston, Kefalas, Kerr, Lambert, Marble, Martinez Humenik, Merrifield, Scott, Steadman, Todd, Ulibarri, Woods; also Representative(s) Singer, Garnett, Kraft-Tharp, Lebsock, Lee, Lontine, McCann, Melton, Moreno, Primavera, Rankin, Rosenthal, Ryden, Salazar, Tate, Tyler, Winter, Young--Concerning the independent functioning of the office of the child protection ombudsman.

Laid over until Tuesday, April 7, 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.

Laid over until Friday, April 10, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Cooke, 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: SB15-216 as amended, SB15-223 as amended, SB15-100 as amended.

Laid over until Tuesday, April 7: SB15-209, SB15-204.

Laid over until Thursday, April 9: SB15-091.

Laid over until Friday, April 10: SB15-135, SB15-177, HB15-1173.

CONSIDERATION OF RESOLUTIONS -- CONSENT CALENDAR

HJR15-1018

by Representative(s) Pabon and Duran, Moreno, Salazar; also Senator(s) Guzman--Concerning recognition of "César Chávez Day" and honoring Dolores Huerta.

On motion of Majority Leader Scheffel, the resolution 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		

Co-sponsor(s) added: Aguilar, Baumgardner, Cadman, Carroll, Cooke, Crowder, Donovan, Garcia, Grantham, Heath, Hodge, Holbert, Jahn, Jones, Kefalas, Kerr, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Scott, Sonnenberg, Steadman, Todd, Ulibarri and Woods.

**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: SB15-005, 015, 030, 058, 097, 099, 105, 126, 171, 186, 187, 188, 189 and 190; HB15-1008, 1073, 1183, 1197 and 1256.

**MESSAGE FROM THE GOVERNOR**

April 3, 2015

Colorado Senate  
Seventieth General Assembly  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB15-002: CONCERNING AN EXTENSION OF THE DATE BY WHICH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY MUST SUBMIT TO THE JOINT BUDGET COMMITTEE A REPORT REGARDING STATEWIDE RADIO COMMUNICATIONS.

Approved April 3, 2015, at 1:11 p.m.

SB15-013: CONCERNING EXTENDING THE DEADLINE FOR PEACE OFFICERS TO COMPLETE DOG ENCOUNTER TRAINING TO JUNE 30, 2015.

Approved April 3, 2015, at 1:11 p.m.

SB15-019: CONCERNING THE AUTHORITY OF THE STATE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE COLORADO HEALTH BENEFIT EXCHANGE.

Approved April 3, 2015, at 1:12 p.m.

SB15-043: CONCERNING CLARIFYING CHANGES TO THE PROSECUTION FELLOWSHIP PROGRAM.

Approved April 3, 2015, at 1:12 p.m.

SB15-047: CONCERNING NOTIFICATION TO LEGISLATORS ABOUT THE ADOPTION OF EXECUTIVE BRANCH AGENCY RULES THAT IMPLEMENT NEWLY ENACTED LEGISLATION.

Approved April 3, 2015, at 1:12 p.m.

SB15-049: CONCERNING THE VESTING OF TITLE TO REAL ESTATE IN A GRANTEE THAT IS AN ENTITY THAT HAS NOT YET BEEN FORMED ONCE THE ENTITY HAS BEEN FORMED.

Approved April 3, 2015, at 1:12 p.m.

SB15-051: CONCERNING LEGAL RECOURSE FOR A STUDENT WHO IS SANCTIONED OR FOUND INELIGIBLE TO PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY.

Approved April 3, 2015, at 1:13 p.m.

SB15-053: CONCERNING THE ABILITY TO FURNISH A SUPPLY OF EMERGENCY DRUGS FOR PURPOSES OF TREATING INDIVIDUALS WHO MAY EXPERIENCE AN OPIATE-RELATED DRUG OVERDOSE EVENT.

Approved April 3, 2015, at 1:26 p.m.

SB15-071: CONCERNING THE ABILITY OF A PHARMACIST TO SUBSTITUTE AN INTERCHANGEABLE BIOLOGICAL PRODUCT FOR A PRESCRIBED BIOLOGICAL PRODUCT WHEN CERTAIN CONDITIONS ARE SATISFIED.

Approved April 3, 2015, at 1:24 p.m.

SB15-103: CONCERNING CONTINUATION OF THE COMPLIANCE ADVISORY PANEL, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES AS CONTAINED IN THE 2014 SUNSET REPORT.

Approved April 3, 2015, at 1:13 p.m.

SB15-111: CONCERNING THE CONTINUOUS APPROPRIATION TO THE DEPARTMENT OF EDUCATION OF MONEYS IN THE EDUCATOR LICENSURE CASH FUND.

Approved April 3, 2015, at 1:14 p.m.

SB15-116: CONCERNING NEEDLE-STICK PREVENTION.

Approved April 3, 2015, at 1:21 p.m.

SB15-161: CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF REVENUE.

Approved April 3, 2015, at 1:14 p.m.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Tuesday, April 7, 2015.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate