

**SENATE JOURNAL**  
Seventieth General Assembly  
**STATE OF COLORADO**  
Second Regular Session

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55th Legislative Day

Monday, March 7, 2016

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Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.	11
Call to Order	By the President at 10:00 a.m.	13
Pledge	By Senator Garcia.	16
Roll Call	Present--31 Absent--1, Martinez Humenik. Excused--3, Johnston, Neville, Sonnenberg. Present later--1, Martinez Humenik.	18 19 20 21
Quorum	The President announced a quorum present.	23
Reading of Journal	On motion of Senator Tate, reading of the Journal of Friday, March 4, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.	25 26

**COMMITTEE OF REFERENCE REPORTS**

Health & Human Services	The Committee on <u>Health &amp; 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:	33 34 35
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**MEMBERS OF THE  
SOLID AND HAZARDOUS WASTE COMMISSION**

for terms expiring August 1, 2018:

Michael K. Dempsey of Aurora, Colorado, to serve as a representative from the regulated community and as a Republican, reappointed;

Charlotte Sophia Pitt of Denver, Colorado, to serve as a representative of the government or academic community and as a Democrat, reappointed;

Joseph Charles Prinster, Jr., of Boulder, Colorado, to serve as a member of the public and as a Republican, reappointed.

Local Government	After consideration on the merits, the Committee recommends that <b>HB16-1046</b> be <b>amended</b> 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.	54 55 56 57
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Amend reengrossed bill, page 5, line 19, after the period insert "A PRIVATE ENTITY MAY ASSIST A FIRE DEPARTMENT OR DESIGNATED EMERGENCY RESPONSE AUTHORITY IN PURSUING SUCH A CLAIM UNDER SUBSECTION (3) OF THIS SECTION; HOWEVER, THE FIRE DEPARTMENT OR DESIGNATED EMERGENCY RESPONSE AUTHORITY MUST APPROVE THE CLAIM."

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Legislative Council After consideration on the merits, the Committee recommends that **HB16-1139** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the State, Veterans, & Military Affairs Committee Report, dated February 23, 2016, and substitute:

"Amend reengrossed bill, page 2, after line 26 insert:  
 "(IV) NOTHING IN THIS PARAGRAPH (h) REQUIRES THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL TO ALLOW MEMBERS TO PARTICIPATE ELECTRONICALLY IN COMMITTEE MEETINGS OCCURRING DURING THE LEGISLATIVE INTERIM."."

Education After consideration on the merits, the Committee recommends that **HB16-1144** be **referred** to the Committee of the Whole with favorable recommendation.

Education After consideration on the merits, the Committee recommends that **HB16-1082** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education After consideration on the merits, the Committee recommends that **SB16-104** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 27, after ""RURAL" insert "SCHOOL OR", and after "A" insert "SCHOOL OR".

Page 4, line 1, after the period add ""RURAL SCHOOL OR SCHOOL DISTRICT" INCLUDES A CHARTER SCHOOL OR INSTITUTE CHARTER SCHOOL THAT FALLS WITHIN THE GEOGRAPHIC RANGE OF A RURAL SCHOOL DISTRICT, AS DETERMINED BY THE DEPARTMENT OF EDUCATION.".

Page 4, line 2, strike "**centers**" and substitute "**coordinator**".

Page 4, line 4, strike "FOUR" and substitute "ONE".

Page 4, line 5, strike "CENTERS TO REPRESENT FOUR RURAL REGIONS" and substitute "COORDINATOR TO REPRESENT A RURAL REGION".

Page 4, line 6, strike "CENTERS" and substitute "COORDINATOR".

Page 4, strike line 7 and substitute "HIGHER EDUCATION.".

Page 4, line 8, strike "CENTERS" and substitute "COORDINATOR".

Page 4, line 12, after "RURAL" insert "SCHOOLS AND SCHOOL".

Page 4, line 13, after "RURAL" insert "SCHOOLS AND SCHOOL".

Page 4, lines 20 and 21, strike "ONE OR MORE RURAL EDUCATION CENTERS." and substitute "A RURAL EDUCATION COORDINATOR.".

Page 4, line 25, strike "ONE OR MORE INSTITUTIONS" and substitute "AN INSTITUTION".

Page 4, line 26, strike "CENTER" and substitute "COORDINATOR".

Page 5, line 1, strike "CENTER" and substitute "COORDINATOR".

Page 5, line 4, strike "A" and substitute "THE".

Page 5, line 5, after the first "THE" insert "WORK OF THE" and strike "CENTER," and substitute "COORDINATOR,".

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Page 5, line 10, strike "ANY" and substitute "THE".

Page 5, line 11, strike "CENTER" and substitute "COORDINATOR".

Page 5, line 14, strike "FINANCIAL STIPENDS" and substitute "UP TO FORTY FINANCIAL STIPENDS ANNUALLY, NOT TO EXCEED TWO THOUSAND EIGHT HUNDRED DOLLARS PER STUDENT," and after "TUITION" insert "COSTS".

Page 5, line 16, strike "IDENTIFIED RURAL SCHOOL DISTRICTS." and substitute "A RURAL SCHOOL OR RURAL SCHOOL DISTRICT OF THE STUDENT TEACHER'S CHOICE.".

Page 5, line 22, after "RURAL" insert "SCHOOLS AND".

Page 5, line 23, strike "DISTRICTS OR BOARDS" and substitute "DISTRICTS, CHARTER SCHOOLS, OR THE CHARTER SCHOOL INSTITUTE, ANY OF WHICH MAY CONTRACT WITH A BOARD".

Page 6, strike lines 3 through 11 and substitute "**concurrent enrollment stipends - continuing education stipends.** THE DEPARTMENT OF HIGHER EDUCATION SHALL ANNUALLY PROVIDE UP TO TWENTY FINANCIAL STIPENDS, NOT TO EXCEED SIX THOUSAND DOLLARS EACH, TO ANY TEACHER IN A RURAL SCHOOL OR SCHOOL DISTRICT WHO IS SEEKING CERTIFICATION AS A NATIONAL BOARD CERTIFIED TEACHER, SEEKING CERTIFICATION AS A CONCURRENT ENROLLMENT TEACHER, OR IS A TEACHER FURTHERING HIS OR HER PROFESSIONAL DEVELOPMENT PLAN THROUGH CONTINUING EDUCATION. THE STIPENDS MAY BE USED TO OFFSET APPLICATION FEES, EVALUATION COSTS, TUITION COSTS, AND ANY COSTS ASSOCIATED WITH CONTINUING EDUCATION THAT ARE IN SUPPORT OF A TEACHER'S PROFESSIONAL DEVELOPMENT PLAN. A TEACHER WHO RECEIVES A STIPEND PURSUANT TO THIS SECTION MUST COMMIT TO TEACH FOR A TOTAL OF THREE YEARS IN HIS OR HER RURAL SCHOOL OR SCHOOL DISTRICT.".

Education

After consideration on the merits, the Committee recommends that **HB16-1083** 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:** SB16-136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150; SJR16-013 and 014.

**Correctly Revised:** HB16-1119.

**Correctly Rerevised:** HB16-1017.

**Correctly Enrolled:** SJR16-012.

**MESSAGE FROM THE HOUSE**

March 4, 2016

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1190.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1185, amended as printed in House Journal, February 29.

HB16-1149, amended as printed in House Journal, February 29.

HB16-1136, amended as printed in House Journal, March 3.

HB16-1165, amended as printed in House Journal, March 3.

HB16-1093, amended as printed in House Journal, March 3.

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The House has passed on Third Reading and returns herewith SB16-107.

The House has voted to concur in the Senate amendments to HB16-1125, 1130 and has repassed the bills as so amended.

**MESSAGE FROM THE REVISOR OF STATUTES**

March 4, 2016

We herewith transmit:

Without comment, HB16-1190.  
Without comment, as amended, HB16-1093, 1136, 1149, 1165, and 1185.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

**CONSIDERATION OF RESOLUTIONS**

**SR16-002** by Senator(s) Woods; --Concerning restoring the presumption of service connection for Agent Orange exposure for United States Vietnam veterans through the "Blue Water Navy Vietnam Veterans Act of 2015".

On motion of Senator Woods, the resolution was read at length and **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	E
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	E	Neville T.	E	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	Y		

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

Senate in recess. Senate reconvened.

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 an expression of personal privilege.

**THIRD READING OF BILLS -- FINAL PASSAGE --  
CONSENT CALENDAR**

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

**HB16-1119** by Representative(s) Thurlow, Becker K.; also Senator(s) Holbert--Concerning a modification to the number of days that an aircraft may remain in the state after it is purchased for purposes of the sales and use tax exemption on the purchase of certain aircraft.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	E
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	E	Neville T.	E	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	Y		

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

Co-sponsor(s) added: Baumgardner, Cadman, Cooke, Crowder, Grantham, Heath, Hodge, Jahn, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Scheffel, Scott, Tate, Todd, and Woods.

Committee of the Whole On motion of Senator Martinez Humenik, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar, and Senator Martinez Humenik was called to act as Chair.

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

The Committee of the Whole having risen, the Chair reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB16-1051** by Representative(s) Van Winkle; also Senator(s) Holbert--Concerning the issuance of beneficiary designation forms to facilitate the transfer of ownership of a vehicle upon the death of an owner.

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

**SB16-085** by Senator(s) Steadman; --Concerning the "Colorado Uniform Trust Decanting Act".

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

- SB16-126** by Senator(s) Roberts; also Representative(s) Garnett and Nordberg--Concerning parity of state-chartered banks with federally chartered banks regarding frequency of meetings.
  - Amendment No. 1, Business, Labor & Technology Committee Amendment.
  - (Printed in Senate Journal, March 3, page(s) 334, and placed in members' bill files.)
  - As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- HB16-1064** by Representative(s) Brown; also Senator(s) Roberts--Concerning local licensing of medical marijuana testing facilities.
  - Ordered revised and placed on the calendar for third reading and final passage.
- SB16-135** by Senator(s) Aguilar; also Representative(s) Ginal--Concerning a pharmacist's provision of health care services that have been delegated by another health care provider.
  - Amendment No. 1, Health & Human Services Committee Amendment.
  - (Printed in Senate Journal, February 26, page(s) 296, and placed in members' bill files.)
  - As amended, ordered engrossed and placed on the calendar for third reading and final passage.
- HB16-1091** by Representative(s) Thurlow and Mitsch Bush, Arndt, Coram, Melton, Nordberg, Sias, Tyler, Wist; also Senator(s) Sonnenberg, Hodge--Concerning a change to the biennial filing date for rate-regulated electric utilities to submit their plans for transmission facilities to the public utilities commission, and, in connection therewith, deleting the requirement that the commission issue a final order within one hundred eighty days after an application for the construction or expansion of transmission facilities is filed.
  - Ordered revised 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 Martinez Humenik, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	E
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	E	Neville T.	E	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB16-085, SB16-126 as amended, SB16-135 as amended, HB16-1051, HB16-1064, HB16-1091.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills Calendar (SB16-116, SB16-123, SB16-132, HB16-1284) of Monday, March 7 was laid over until Tuesday, March 8, 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 balance of the Consideration of Resolutions Calendar (SJR16-011, SJR16-014) of Monday, March 7 was laid over until Tuesday, March 8, 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:

MEMBERS OF THE  
COLORADO WATER RESOURCES  
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2019:

Michael Jude Berry, PE, CWP, of Montrose, Colorado, to serve as a member from the Gunnison-Uncompahgre drainage basin, and with experience in water planning and development, appointed;

George Patrick Corkle of Walden, Colorado, to serve as a member from the North Platte drainage basin, appointed;

Steven Eric Vandiver of Alamosa, Colorado, to serve as a member from the Rio Grande drainage basin, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	E
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	E	Neville T.	E	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	Y		

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

The President has signed: SJR16-012.

**CHANGE IN SPONSORSHIP**

Upon announcement of President Cadman, Representative Vigil replaced Representative Humphrey as the House prime sponsor on SB16-062 with Senator Marble and Representative Becker J.

**DELIVERY TO THE GOVERNOR**

To the Governor for signature on Monday, March 7, 2016, at 09:00 a.m.:  
SB16-004, 009, 015, and 020.



On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Tuesday,  
March 8, 2016.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Effie Ameen  
Secretary of the Senate

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