

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
Second Regular Session

48th Legislative Day

Monday, February 29, 2016

Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community.	10
Call to Order	By the President at 10:00 a.m.	11
Pledge	By Senator Woods.	12
Roll Call	Present-- 35	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Martinez Humenik, reading of the Journal of Friday, February 26, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.	15

SENATE SERVICES REPORT

Correctly Engrossed: SB16-099 and 122; SJR16-010.
Correctly Reengrossed: SB16-013.
Correctly Revised: HB16-1012, 1028, 1086, and 1125.
Correctly Rerevised: HB16-1057 and 1084. SB16-066.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title

SJR16-011 by Senator(s) Grantham, Cadman, Baumgardner, Cooke, Crowder, Hill, Holbert, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Roberts, Scheffel, Scott, Sonnenberg, Tate, Woods; also Representative(s) Wilson, Becker J., Brown, Buck, Carver, Conti, Coram, DelGrosso, Dore, Everett, Humphrey, Joshi, Klingenschmitt, Landgraf, Lawrence, Leonard, Lundeen, Navarro, Neville P., Nordberg, Priola, Rankin, Ransom, Roupe, Saine, Sias, Thurlow, Van Winkle, Willett, Windholz, Wist--Concerning discouraging the lease of the CSP II facility in Canon City to the federal government.

Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS -- FIRST READING

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

HB16-1284 by Representative(s) Nordberg and Moreno, Sias, Court, DelGrosso, Duran, Everett, Garnett, Kagan, Klingenschmitt, Kraft-Tharp, Lawrence, Lundeen, Pabon, Pettersen, Williams; also Senator(s) Hill and Garcia, Cadman, Scheffel, Crowder, Grantham, Holbert, Johnston, Sonnenberg, Neville T.--Concerning divestment by the public employees' retirement association from companies that have economic prohibitions against the state of Israel.
Finance

Upon request of Majority Leader Scheffel, **SB16-122** was removed from the Third Reading of Bills--Final Passage--Consent Calendar of Monday, February 29 and was placed at the end of the Third Reading of Bills Final Passage Calendar of Monday, February 29.

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

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB16-099 by Senator(s) Jahn, Holbert, Neville T., Carroll, Guzman; also Representative(s) Primavera, Nordberg, Ryden--Concerning implementing recommendations of the state auditor's office by establishing the authority of the correctional education program to sell inmate-produced products to specified persons.

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	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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: Aguilar, Heath, Hodge, Johnston, Kerr, Merrifield, Newell, Steadman, and Todd.

HB16-1086 by Representative(s) Ryden and Nordberg, Saine; also Senator(s) Holbert, Jahn--Concerning a modification of the dates on which the required performance audits of certain governmental entities are due.

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	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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: Crowder, Grantham, Guzman, Heath, Hill, Lundberg, Marble, Martinez Humenik, Scott, Tate, and Woods.

HB16-1028 by Representative(s) Van Winkle, Buck, Lontine, Ginal; also Senator(s) Cooke-- Concerning modifications to the statewide death and disability plan administered by the fire and police pension association.

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	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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: Crowder, Grantham, Heath, Jones, Martinez Humenik, Merrifield, and Todd.

HB16-1012 by Representative(s) Ryden; also Senator(s) Scott--Concerning a requirement that a municipal clerk file a copy of each statement of election results with the division of local government in the department of local affairs rather than the secretary of state.

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	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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: Crowder, Grantham, Heath, Kefalas, Martinez Humenik, Merrifield, Newell, and Todd.

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:

HB16-1125 by Representative(s) Roupe, Carver, Landgraf, Lontine, Dore; also Senator(s) Baumgardner, Garcia, Lambert, Todd--Concerning creating a Colorado statutory reference to conform with the federal definition of "veteran".

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	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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: Aguilar, Cadman, Carroll, Cooke, Crowder, Donovan, Grantham, Guzman, Heath, Holbert, Jahn, Jones, Kefalas, Kerr, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Roberts, Scheffel, Scott, Sonnenberg, Tate, Ulibarri, and Woods.

SB16-122 by Senator(s) Baumgardner; also Representative(s) Nordberg and Brown--Concerning additional oversight of the activities of the department of transportation.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	N	Marble	Y	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	N	Merrifield	N	Todd	Y
Donovan	N	Johnston	N	Neville T.	Y	Ulibarri	N
Garcia	Y	Jones	N	Newell	N	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	N	Kerr	N	Scheffel	Y		

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

Co-sponsor(s) added: Crowder, Grantham, Hill, Lambert, Lundberg, Neville T., Scheffel, Scott, and Woods.

Upon request of Majority Leader Scheffel, **HB16-1032** and **SB16-127** were removed from the General Orders--Second Reading of Bills--Consent Calendar of Monday, February 29, and were placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, February 29.

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

HB16-1043 by Representative(s) Brown, Becker K., Vigil; also Senator(s) Baumgardner, Kefalas, Sonnenberg--Concerning the joint technology committee's authority to approve the request for a waiver of certain deadlines after moneys for a project have been appropriated.

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

HB16-1076 by Representative(s) Hamner; also Senator(s) Tate--Concerning the status of a retired architect.

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

HB16-1025 by Representative(s) Arndt, Nordberg; also Senator(s) Tate, Newell--Concerning statutory recognition that an insurance policy may be subject to renewal by an admitted insurer within the same insurance group as the insurer that issued the insurance policy.

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 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	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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: HB16-1043. HB16-1076, HB16-1025.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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:

SB16-116 by Senator(s) Johnston; --Concerning the creation of a deceptive trade practice under the "Colorado Consumer Protection Act" for a private custodian of criminal justice records to fail to remove a sealed criminal justice record from the custodian's database after receiving notice of a court order sealing that criminal justice record.

Laid over until Monday, March 7, retaining its place on the calendar.

HB16-1032 by Representative(s) Lontine; also Senator(s) Todd and Cooke--Concerning changes to the contents of a criminal summons.

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

SB16-127 by Senator(s) Tate; also Representative(s) Arndt--Concerning the repeal of the "Medical Clean Claims Transparency and Uniformity Act".

Amendment No. 1, Business, Labor & Technology Committee Amendment.
(Printed in Senate Journal, February 25, page(s) 282-283, 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

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	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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: SB16-127 as amended, HB16-1032.
Laid over until Monday, March 7: SB16-116.

RECONSIDERATION OF SB16-122

SB16-122 by Senator(s) Baumgardner; also Representative(s) Nordberg and Brown--Concerning additional oversight of the activities of the department of transportation.

Having voted on the prevailing side, Majority Leader Scheffel moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB16-122.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE (cont'd)

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

SB16-122 by Senator(s) Baumgardner; also Representative(s) Nordberg and Brown--Concerning additional oversight of the activities of the department of transportation.

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

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

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB16-014 by Senator(s) Holbert; also Representative(s) Williams--Concerning the alignment of state mortgage originator disclosure laws with recent changes in federal law.

Senator Holbert moved that the Senate concur in House amendments to SB16-014, as printed in House Journal, February 25. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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 question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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, as amended, was **repassed**.

Co-sponsor(s) added: Woods.

SB16-029 by Senator(s) Scheffel and Heath; also Representative(s) Duran and Lawrence--Concerning changes to Colorado insurance laws necessary to maintain accreditation with the national association of insurance commissioners (NAIC), and, in connection therewith, adopting a new own risk and solvency assessment law (ORSA) in a form substantially similar to the NAIC model and enhancing Colorado's insurance holding company system law by adding a required NAIC model provision specifying the insurance commissioner's power to issue subpoenas and examine witnesses.

Majority Leader Scheffel moved that the Senate concur in House amendments to SB16-029, as printed in House journal, February 25. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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 question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	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, as amended, was **repassed**.

**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 CHANNEL AUTHORITY
BOARD OF DIRECTORS

for terms expiring October 6, 2019:

Timothy Michael Ryan of Aurora, Colorado, an Unaffiliated who has experience in the business operations of broadcast journalism, reappointed;

Scott Alan Nachtrieb of Highlands Ranch, Colorado, a Republican, to serve as a representative who has experience in the business operations of broadcast journalism, reappointed;

Todd Barnes of Erie, Colorado, a Democrat, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	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	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	Y		

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Tuesday, March 1, 2016.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Effie Ameen
Secretary of the Senate

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