

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

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16th Legislative Day

Thursday, January 28, 2016

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Prayer	By the chaplain, Reverend Cynthia James, Mile Hi Church, Lakewood.	1
Call to Order	By the President <i>pro tem</i> at 9:00 a.m.	2
Pledge	By Senator Neville.	3
Roll Call	Present--34 Excused--1, Cadman.	4
Quorum	The President <i>pro tem</i> announced a quorum present.	5
Reading of Journal	On motion of Senator Tate, reading of the Journal of Wednesday, January 27, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.	6

**COMMITTEE OF REFERENCE REPORTS**

Judiciary	After consideration on the merits, the Committee recommends that <b>SB16-026</b> be <b>amended</b> as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	7
	Amend printed bill, page 2, line 4, strike " <b>guardians and</b> " and substitute " <b>guardians.</b> ".	8
	Page 2, line 5, strike " <b>conservators.</b> ".	9
	Page 2, line 8, strike "OR CONSERVATOR".	10
	Page 3, line 7, strike "OR CONSERVATOR".	11
	Page 3, line 14, strike "OR CONSERVATOR".	12
	Page 3, line 16, strike "OR CONSERVATOR".	13
	Page 3, line 18, strike "OR CONSERVATOR".	14
	Page 3, line 24, strike "GUARDIAN OR CONSERVATOR." and substitute "GUARDIAN.".	15
	Page 5, line 7, strike "OR CONSERVATOR".	16
	Page 5, line 11, strike "OR CONSERVATOR".	17
	Page 5, line 15, strike "GUARDIAN OR CONSERVATOR'S" and substitute "GUARDIAN'S".	18
	Page 5, line 16, strike "OR CONSERVATOR".	19
	Page 5, line 18, strike "OR CONSERVATOR".	20
	Page 6, line 12, strike "OR CONSERVATOR".	21
	Page 6, line 27, strike "OR CONSERVATOR".	22

Page 7, line 3, strike "OR CONSERVATOR".

Page 7, line 10, strike "**and conservators**".

Page 7, line 12, strike "OR CONSERVATOR".

Page 7, line 25, strike "OR CONSERVATOR".

Page 8, line 2, strike "OR CONSERVATOR".

Page 8, line 7, strike "OR CONSERVATOR".

Page 8, line 10, strike "OR CONSERVATOR".

Page 8, line 13, strike "OR CONSERVATOR".

Page 8, line 15, strike "OR CONSERVATOR".

Page 8, after line 18 insert:

"(4) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CLOSEST FAMILY MEMBER OF THE PROTECTED PERSON" MEANS, IN ORDER:

(I) A SPOUSE OF THE PROTECTED PERSON OR A PARTNER OF THE PROTECTED PERSON IN A CIVIL UNION;

(II) AN ADULT CHILD OF THE PROTECTED PERSON;

(III) A PARENT OF THE PROTECTED PERSON; OR

(IV) AN ADULT NEAREST IN KINSHIP TO THE PROTECTED PERSON.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (4), "CLOSEST FAMILY MEMBER OF THE PROTECTED PERSON" DOES NOT INCLUDE AN INDIVIDUAL WHO IS A GUARDIAN OF THE PROTECTED PERSON.

(c) IF MORE THAN ONE PERSON QUALIFIES AS THE CLOSEST FAMILY MEMBER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), THEN:

(I) IF THERE ARE TWO SUCH PERSONS, THEN NOTICE MUST BE PROVIDED TO BOTH PERSONS; AND

(II) IF THERE ARE MORE THAN TWO SUCH PERSONS, THEN NOTICE MUST BE PROVIDED TO THE TWO OLDEST SUCH PERSONS.

**SECTION 3.** In Colorado Revised Statutes, **add** 15-14-102.7 as follows:

**15-14-102.7. Personal rights of protected persons.**

(1) **Obligation of the courts.** THE COURT SHALL CONSTRUE AND APPLY THIS PART 1 AND PARTS 3 AND 4 OF THIS ARTICLE, AND OTHER PROVISIONS OF THIS CODE AS SUCH PROVISIONS RELATE TO A PROTECTED PERSON, IN A MANNER THAT MAXIMIZES THE PROTECTION OF THE PERSONAL RIGHTS OF EACH PROTECTED PERSON.

(2) **Declaration - uniform law comments.** THE GENERAL ASSEMBLY DECLARES THAT THE COURTS SHOULD EMBRACE THE COMMENTS OF THE UNIFORM LAW COMMISSION THAT ACCOMPANIED THE REENACTMENT OF THIS ARTICLE IN 2000, WHICH ARE SUPPORTIVE OF THE PERSONAL RIGHTS OF A PROTECTED PERSON.

**SECTION 4.** In Colorado Revised Statutes, 15-14-102, **amend** (11); and **add** (10.5) as follows:

**15-14-102. Definitions.** In parts 1 to 4 of this article:

(10.5) "PERSONAL RIGHTS OF A PROTECTED PERSON" MEANS THE RIGHT TO PERSONAL AUTONOMY AND OTHER RIGHTS THAT ALL INDIVIDUALS ARE ENTITLED TO UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES AND OF THIS STATE, WHICH RIGHTS INCLUDE, BUT ARE NOT LIMITED TO, EQUALITY OF JUSTICE, FREEDOM OF SPEECH, FREEDOM OF RELIGION, FREEDOM OF ASSOCIATION, RIGHT TO COUNSEL, RIGHT TO PETITION, AND DUE PROCESS OF LAW FOR THE PROTECTION OF LIFE, LIBERTY, AND PROPERTY.

(11) "Protected person" means a minor or other individual for whom a conservator has been appointed or other protective order has been made, AND, AS USED IN SECTIONS 15-14-102.7, 15-14-119.5, AND 15-14-119.7, INCLUDES A WARD."

Page 8, strike lines 19 through 26 and substitute:

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"SECTION 5. 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."

Strike page 9.

Page 1, line 103, strike "OR CONSERVATOR".

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that SB16-053 be postponed indefinitely.

Business, Labor, & Technology

After consideration on the merits, the Committee recommends that SB16-050 be amended 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.

Amend printed bill, page 2, strike lines 6 and 7 and substitute, "FAITH, THE RETAILER PROVIDES AN ADDRESS THAT CORRECTLY INDICATES THE LOCATION OF THE BUSINESS,".

Page 2, line 8, strike "CORRECT,".

Page 3, line 9, strike "REGION." and substitute "REGION, OR MEANS ANY SUCCESSOR SYSTEM USED BY THE DEPARTMENT TO IDENTIFY THE LOCAL SALES TAXES THAT A RETAILER IS REQUIRED TO COLLECT AND REMIT BASED ON THE BUSINESS LOCATION.".

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that SB16-017 be referred to the Committee on Finance with favorable recommendation.

State, Veterans, & Military Affairs

The Committee on State, Veterans, & Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed:

MEMBER OF THE FIRE AND POLICE PENSION ASSOCIATION BOARD OF DIRECTORS

for a term expiring September 1, 2017:

Suzanne J. Morgan of Lone Tree, Colorado, to serve as a representative of Colorado municipal employers, and occasioned by the resignation of Susan R. Eaton of Denver, Colorado, appointed.

State, Veterans, & Military Affairs

The Committee on State, Veterans, & Military Affairs 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 FIRE AND POLICE PENSION ASSOCIATION BOARD OF DIRECTORS

for terms expiring September 1, 2019:

Manuel Albert Esquibel of Brighton, Colorado, to serve as a representative of Colorado municipal employers, reappointed;

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Pamela Marie Feely, CPA, MBA, of Lakewood, Colorado, to serve as a representative of a board of directors of a special district, reappointed;

Todd A. Bower of Denver, Colorado, to serve as a full-time paid firefighter, reappointed.

State, Veterans, & Military Affairs

The Committee on State, Veterans, & Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed:

MEMBER OF THE BOARD OF COMMISSIONERS OF VETERANS COMMUNITY LIVING CENTERS

for a term expiring July 1, 2019:

Ruth Eileen Minnema, RN, MA, NHA, RAC-CT, of Centennial, Colorado, to serve as a member with expertise in nursing home operations, who is a nursing home administrator at the time of appointment, who is experienced in the financial operations of a nursing home, and as an Unaffiliated, appointed.

State, Veterans, & Military Affairs

The Committee on State, Veterans, & Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed:

MEMBER OF THE BOARD OF COMMISSIONERS OF VETERANS COMMUNITY LIVING CENTERS

for a term expiring July 1, 2019:

William Lewis Robinson of Castle Rock, Colorado, to serve as a veteran and the designee of the State Board of Veterans Affairs and as an Unaffiliated, appointed.

**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:

**SB16-066**

by Senator(s) Steadman, Grantham, Lambert; also Representative(s) Hamner, Young, Rankin--Concerning creation of the contingency reserve fund for school districts.

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

YES	34	NO	0	EXCUSED	1	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	E
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, Donovan, Garcia, Guzman, Heath, Jahn, Kefalas, Kerr, Merrifield, Newell, and Todd.

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On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Friday, January 29, 2016.

Approved:

Ellen Roberts  
President *pro tem* of the Senate

Attest:

Effie Ameen  
Secretary of the Senate

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