

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
Second Regular Session

22nd Legislative Day

Wednesday, February 3, 2016

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Prayer	By the chaplain, Pastor Vern Rempel, Beloved Community Mennonite Church, Littleton.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Nikki Bronson and Hayle Johnson, Denver Broncos Cheerleaders.	15
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Roll Call	Present--32	17
	Excused--3, Hodge, Lambert, Neville T.	18
	Present later--3, Hodge, Lambert, Neville T.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Merrifield, reading of the Journal of Tuesday, February 2, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

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Local Government	After consideration on the merits, the Committee recommends that SB16-012 be referred to the Committee of the Whole with favorable recommendation.	32
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Local Government	After consideration on the merits, the Committee recommends that SB16-008 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	36
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	Amend printed bill, page 2, strike lines 7 through 10 and substitute "off-highway vehicle on the other side. except that a person shall not cross a state highway within the jurisdiction of a municipality.	41
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	SECTION 2. In Colorado Revised Statutes, 33-14.5-110, add (3) as follows:	44
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	33-14.5-110. Regulation by political subdivisions. (3) FOR A CITY OR TOWN TO REGULATE THE CROSSING OF A STATE HIGHWAY UNDER THE JURISDICTION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, THE CITY OR TOWN MUST REQUEST IN WRITING THAT THE REGIONAL OFFICE OF THE DEPARTMENT APPROVE THE REGULATION. THE REGIONAL OFFICE SHALL NOT UNREASONABLY WITHHOLD APPROVAL. IF THE REGIONAL OFFICE DOES NOT APPROVE OR DENY THE REQUEST WITHIN SIXTY DAYS AFTER RECEIVED, THE REQUEST IS DEEMED APPROVED."	46
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	Renumber succeeding section accordingly.	54
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Finance	After consideration on the merits, the Committee recommends that SB16-059 be postponed indefinitely.	58
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Finance

The Committee on Finance 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
COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2019:

James Howard Davis of Westminster, Colorado, to serve as a representative of law enforcement and as a Republican, appointed.

Finance

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

SENATE SERVICES REPORT

Correctly Printed: SJM16-003; SJR16-006.
Correctly Engrossed: SB16-009, 011, 015; SJR16-003.
Correctly Reengrossed: SB16-050.
Correctly Revised: HJR16-1009.

MESSAGE FROM THE REVISOR OF STATUTES

February 2, 2016

We herewith transmit:

Without comment, HB16-1011, 1013, 1025, 1041, 1044, 1046, 1069, and 1084.
Without comment, as amended, HB16-1008, 1017, 1019, 1033, 1039, 1042, and 1076.

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SJM16-003 by Senator(s) Hodge, Todd, Carroll, Steadman; also Representative(s) Ryden--
Memorializing former Senator Stephanie Takis.

Laid over until Monday, February 8, retaining its place on the calendar.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR16-006 by Senator(s) Sonnenberg; also Representative(s) Fields and Lawrence--Concerning the designation of February 4 as "Missing Persons Day" in Colorado.

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

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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".

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

INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

- HB16-1008** by Representative(s) Winter and Becker J.; also Senator(s) Cooke and Heath--Concerning authorization for the department of transportation to designate an area on a roadway not otherwise laned for traffic for use by commercial vehicles designed to transport sixteen passengers or more that are operated by a governmental entity or government-owned business that transports the general public or by a contractor on behalf of such an entity or government-owned business.
Transportation
- HB16-1011** by Representative(s) Vigil; also Senator(s) Garcia and Grantham--Concerning the removal of restrictions on the authority of a board of a metropolitan district to provide activities in support of business development within the district.
Business, Labor, & Technology
- HB16-1013** by Representative(s) Garnett; also Senator(s) Marble--Concerning authorizing school districts to purchase crime insurance coverage in lieu of surety bonds.
Education
- HB16-1017** by Representative(s) Pabon and Lawrence; also Senator(s) Cooke--Concerning appearances before a victim impact panel.
Judiciary
- HB16-1019** by Representative(s) Becker K., Buck, Hamner, Singer, Thurlow; also Senator(s) Jones and Roberts, Baumgardner, Cooke, Merrifield--Concerning increased authority to use broadcast burning as a tool to promote watershed restoration.
Agriculture, Natural Resources, & Energy
- 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.
Business, Labor, & Technology
- HB16-1033** by Representative(s) McCann and Nordberg; also Senator(s) Kefalas and Newell--Concerning the Colorado human trafficking council.
Judiciary
- HB16-1041** by Representative(s) Lebsack; also Senator(s) Holbert--Concerning the removal of unreasonably impracticable financial requirements applicable to marijuana businesses that are required to be licensed.
Business, Labor, & Technology
- HB16-1042** by Representative(s) Arndt; also Senator(s) Sonnenberg--Concerning an exemption from liquor licensing laws for a brewing program offered by a state institution of higher education.
Education
- HB16-1044** by Representative(s) Becker J., Hamner, Nordberg; also Senator(s) Hill--Concerning the extension of dates related to the petroleum storage tank fund.
Finance

HB16-1046 by Representative(s) Kraft-Tharp; also Senator(s) Baumgardner--Concerning the response to hazardous substance incidents under designated emergency response authority responsibility.
Local Government

HB16-1069 by Representative(s) Rankin and Moreno; also Senator(s) Grantham--Concerning the ability of a city's governing body to determine the length of terms for its housing authority commissioners.
Local Government

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

HB16-1084 by Representative(s) Lebsock, Neville P., Esgar; also Senator(s) Holbert, Guzman, Carroll, Neville T., Steadman--Concerning a modification to the exemption from the "Colorado Liquor Code" for home brewers to permit an adult other than the head of a family to engage in home brewing activities for personal use without obtaining a liquor license.
Business, Labor, & Technology

**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:

SB16-015 by Senator(s) Baumgardner; also Representative(s) Vigil--Concerning a requirement that a governor-designated state agency clarify which pesticides may be used in the marijuana industry.

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	E	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, Crowder, Garcia, Guzman, Heath, Johnston, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Roberts, Scott, Sonnenberg, Steadman, Todd, and Woods.

SB16-009 by Senator(s) Grantham; also Representative(s) Primavera--Concerning the sharing of professional dental fees.

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	E	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, Crowder, Kefalas, and Scott.

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:

SB16-011 by Senator(s) Neville T., Marble; also Representative(s) Neville P., Humphrey, Ransom, Saine--Concerning the repeal of statutory requirements that a portion of the revenue from specified motor vehicle related fees imposed under the "Funding Advancements for Surface Transportation and Economic Recovery Act of 2009" be used for transit-related projects.

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

YES	18	NO	16	EXCUSED	1	ABSENT	0
Aguilar	N	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	E	Marble	Y	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	N	Merrifield	N	Todd	N
Donovan	N	Johnston	N	Neville T.	Y	Ulibarri	N
Garcia	N	Jones	N	Newell	N	Woods	Y
Grantham	Y	Kefalas	N	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: Baumgardner, Cadman, Cooke, Crowder, Grantham, Hill, Holbert, Lambert, Lundberg, Scheffel, Scott, Sonnenberg and Woods.

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 SCHOOL OF MINES BOARD OF TRUSTEES

effective December 31, 2015, for a term expiring December 31, 2016:

James R. Spaanstra of Lakewood, Colorado, to serve as a non-graduate and as a Democrat, reappointed;

effective December 31, 2015, for a term expiring December 31, 2019:

Patricia K. Starzer of Highlands Ranch, Colorado, to serve as a graduate and as a Republican, 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		

MEMBERS OF THE
PRIVATE OCCUPATIONAL SCHOOL BOARD

for a term expiring July 1, 2018:

Paul Edward Garibay, Jr. of Westminster, Colorado, to serve as a representative of the general public, who is an owner or operator of a business within Colorado that employs students who are enrolled in schools that are subject to administration by the private occupational school division, and occasioned by the resignation of Ledy R. Garcia-Eckstein of Denver, Colorado, appointed;

for terms expiring July 1, 2019:

Richard Semakula of Centennial, Colorado, to serve as a representative of a private occupational school, reappointed;

Arlene Rae Malay of Denver, Colorado, to serve as a representative of a private occupational school, reappointed.

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		

Senate in recess.

Senate reconvened.

TRIBUTES

Honoring:

Lester and Alta Denton -- By Senator Leroy Garcia.

Advancement Via Individual Determination -- By Senator Nancy Todd.

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Thursday, February 4, 2016.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Effie Ameen
Secretary of the Senate

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