

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

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44th Legislative Day Thursday, February 25, 2016

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Prayer	By the chaplain, Reverend E.D. Fujii, Tri-State Denver Buddhist Temple, Denver.	10
Call to Order	By the President at 9:00 a.m.	11
Pledge	By Senator Merrifield.	12
Roll Call	Present--33 Excused--2, Aguilar, Hill. Present later--1, Hill.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Woods, reading of the Journal of Wednesday, February 24, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.	15

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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 to allow President Cadman to wish his wife, Lisa, a happy birthday.

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**COMMITTEE OF REFERENCE REPORTS**

State, Veterans, & Military Affairs	The Committee on <u>State, Veterans, &amp; Military Affairs</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:	16
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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.

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>SB16-037</b> be <b>postponed indefinitely</b> .	17
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State, Veterans, & Military Affairs 1  
 After consideration on the merits, the Committee recommends that **HB16-1043** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. 2  
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State, Veterans, & Military Affairs 7  
 After consideration on the merits, the Committee recommends that **SB16-083** be **referred** to the Committee on Appropriations with favorable recommendation. 8  
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Judiciary 13  
 After consideration on the merits, the Committee recommends that **HB16-1032** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. 14  
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Judiciary 18  
 After consideration on the merits, the Committee recommends that **SB16-116** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 19  
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Amend printed bill, page 2, strike lines 2 through 20. 23

Strike page 3. 24  
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Page 4, strike lines 1 through 24 and substitute: 26  
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**"SECTION 1.** In Colorado Revised Statutes, **add** 24-72-703.5 as follows: 28  
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**24-72-703.5. Sealing criminal justice records - simplified process - defendant option - fees - referral - support services.** (1) AT THE TIME OF AN ADVISEMENT UNDER THIS PART 7, THE COURT SHALL GIVE THE DEFENDANT ELIGIBLE TO HAVE HIS OR HER CRIMINAL JUSTICE RECORDS SEALED THE OPTION OF IMMEDIATELY MOVING TO HAVE HIS OR HER CRIMINAL JUSTICE RECORDS SEALED. THIS MOTION MAY BE INFORMAL, AND THE WRITTEN ADVISEMENT MUST CONTAIN A CHECK-OFF BOX INDICATING WHETHER OR NOT THE DEFENDANT IS MOVING OR NOT MOVING IMMEDIATELY TO HAVE HIS OR HER CRIMINAL JUSTICE RECORDS SEALED. IF THE DEFENDANT MOVES UNDER THIS SUBSECTION (1) TO SEAL HIS OR HER CRIMINAL JUSTICE RECORDS, THE COURT SHALL PROMPTLY PROCESS THE DEFENDANT'S REQUEST TO SEAL THE CRIMINAL JUSTICE RECORDS. THE SUPREME COURT MAY SET AND COLLECT REASONABLE FEES FOR THE SEALING OF CRIMINAL JUSTICE RECORDS BY THE COURTS IN AMOUNTS NECESSARY TO RECOVER THE DIRECT AND INDIRECT COSTS OF SEALING CRIMINAL JUSTICE RECORDS THROUGH THE SIMPLIFIED PROCESS INITIATED UNDER THIS SUBSECTION (1). 30  
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(2) IF A DEFENDANT ELIGIBLE TO HAVE HIS OR HER CRIMINAL JUSTICE RECORDS SEALED OPTS TO UTILIZE OTHER PROVISIONS OF THIS PART 7 TO SEAL HIS OR HER CRIMINAL JUSTICE RECORDS RATHER THAN THE SIMPLIFIED PROCEDURE IN SUBSECTION (1) OF THIS SECTION, THE COURT SHALL REFER THE DEFENDANT TO SUPPORT SERVICES TO ASSIST THE DEFENDANT IN SEALING HIS OR HER CRIMINAL JUSTICE RECORDS." 48  
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Renumber succeeding section accordingly. 55  
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Page 5, line 8, strike "acts of private custodians" and substitute "the sealing". 57  
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Business, Labor, & Technology 60  
 After consideration on the merits, the Committee recommends that **SB16-127** 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. 61  
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Amend printed bill, page 3, strike lines 2 through 11 and substitute: 66  
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**"SECTION 4. Effective date.** This act takes effect July 1, 2016. 68  
**SECTION 5. Safety clause.** The general assembly hereby finds, 69

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB16-1076** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB16-1025** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB16-096** be postponed indefinitely.

**SENATE SERVICES REPORT**

**Correctly Engrossed:** SB16-016, 034, and 080.  
**Correctly Reengrossed:** SB16-007, 112, and 125.  
**Correctly Rerevised:** HB16-1008, 1041, 1049, 1081, and 1095.  
**Correctly Enrolled:** SJR16-007.

**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:

**SB16-034** by Senator(s) Sonnenberg; also Representative(s) Fields and Lawrence--Concerning tampering with a deceased human body.

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	E	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	N	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	N
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: Cooke, Crowder, Jahn, Johnston, Martinez Humenik, Newell, Roberts, Scott, Todd, and Woods.

**SB16-080** by Senator(s) Newell; also Representative(s) Wist and Pabon--Concerning secured marijuana cultivation requirements.

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

YES	19	NO	15	EXCUSED	1	ABSENT	0
Aguilar	E	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	N
Cooke	Y	Holbert	N	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	N	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	N	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	N
Grantham	N	Kefalas	Y	Roberts	Y	President	Y
Guzman	N	Kerr	Y	Scheffel	N		

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

Co-sponsor(s) added: Garcia, Heath, Johnston, Kerr, Tate, and Todd.

**SB16-016** by Senator(s) Steadman and Cadman, Scheffel, Baumgardner, Cooke, Crowder, Grantham, Guzman, Hill, Hodge, Holbert, Jahn, Johnston, Kefalas, Kerr, Martinez Humenik, Merrifield, Roberts, Tate, Todd, Ulibarri; also Representative(s) Hullinghorst and Lawrence, Arndt, Becker K., Brown, Conti, Court, Danielson, Fields, Ginal, Kagan, Kraft-Tharp, Landgraf, Lebsock, Lee, Lontine, McCann, Melton, Mitsch Bush, Moreno, Pettersen, Primavera, Priola, Rankin, Rosenthal, Roupe, Ryden, Singer, Thurlow, Williams, Wilson, Windholz, Winter, Young--Concerning the scientific and cultural facilities district, and, in connection therewith, amending the ballot question concerning the extension of the district to be submitted to the voters and modifying statutory provisions concerning the administration of the district.

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

YES	28	NO	6	EXCUSED	1	ABSENT	0
Aguilar	E	Heath	Y	Lambert	N	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	N	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	N	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Ulibarri	Y
Garcia	Y	Jones	N	Newell	N	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**.

Senator Merrifield requested his name be removed as sponsor on SB16-016.

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

**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:

**HB16-1084** 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.

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

**HB16-1057** by Representative(s) Ransom; also Senator(s) Merrifield--Concerning statutorily established time periods that are multiples of seven days.

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 Sonnenberg, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar		E 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: HB16-1084, HB16-1057.

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

**SB16-013** by Senator(s) Newell, Kefalas, Lundberg; also Representative(s) Singer--Concerning statutory changes related to the office of the child protection ombudsman.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 23, page(s) 257-258, and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Newell.

Amend printed bill, page 7, strike lines 21 through 24 and substitute:

"(d) TO REVIEW THE MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE AND THE JUDICIAL DEPARTMENT AND RENEGOTIATE SUCH MEMORANDUM OF UNDERSTANDING AT ANY TIME AS THE OFFICE AND THE JUDICIAL DEPARTMENT MUTUALLY DEEM APPROPRIATE;"

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

**SB16-021** by Senator(s) Donovan, Aguilar, Guzman, Heath, Hodge, Johnston, Jones, Kefalas, Kerr, Merrifield, Newell, Steadman, Todd; also Representative(s) Mitsch Bush and Becker K.-- Concerning recognition of the fourth Monday in March as a state holiday, and, in connection therewith, designating the fourth Monday in March as "Public Lands Day".

Laid over until Tuesday, March 1, retaining its place on the calendar.

**SB16-123** by Senator(s) Lundberg, Marble, Baumgardner, Scheffel, Holbert, Newell, Hill, Woods, Cooke, Crowder, Grantham, Lambert; also Representative(s) Singer, Saine, Ransom, Lebsock, Wilson, Melton, Winter, Lontine, Sias--Concerning free access for high occupancy vehicles to high occupancy vehicle and high occupancy toll lanes on state highways, and, in connection therewith, prohibiting the department of transportation and the high-performance transportation enterprise from requiring a vehicle owner to use a switchable transponder or other device in order to travel in a high occupancy vehicle on such a lane without paying a toll.

Amendment No. 1, Transportation Committee Amendment.  
(Printed in Senate Journal, February 19, page(s) 232, and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Jones.

Strike the Transportation Committee Report, dated February 18, 2016, and substitute:

"Amend printed bill, page 2, line 2, strike **add** (1)".

Page 2, line 3, strike "(e)" and substitute **amend** (1) (d) (II)".

Page 2, strike lines 5 through 16 and substitute **toll (HOT) lanes.**  
(1)(d) The department shall develop and adopt functional specifications and standards for an automatic vehicle identification system for use on high occupancy vehicle lanes, high occupancy toll lanes, any public highway constructed and operated under the provisions of part 5 of article 4 of title 43, C.R.S., and any other street or highway where tolls or charges are imposed for the privilege of traveling upon such street or highway. The specifications and standards shall ensure that:

(II) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), AS AMENDED, a vehicle owner shall not be required to purchase or install more than one device to use on all toll facilities A SWITCHABLE TRANSPONDER OR OTHER DEVICE IN ORDER TO TRAVEL IN A HIGH-OCCUPANCY VEHICLE ON EITHER A HIGH-OCCUPANCY VEHICLE LANE OR A HIGH-OCCUPANCY TOLL LANE THAT IS ON A HIGHWAY UNDER THE JURISDICTION OF THE DEPARTMENT ON A TOLL-FREE BASIS, BUT MAY BE REQUIRED TO USE ONE SWITCHABLE TRANSPONDER OR OTHER DEVICE IN ORDER TO ENGAGE IN SUCH TRAVEL. THE DEPARTMENT SHALL REMIT BACK TO ANY VEHICLE OWNER WHO PURCHASED A SWITCHABLE TRANSPONDER OR OTHER DEVICE AS REQUIRED BY THE DEPARTMENT BEFORE THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), AS AMENDED, THE FULL PURCHASE PRICE OF THE TRANSPONDER OR OTHER DEVICE."

Page 3, line 10, strike "USE" and substitute "PURCHASE, BUT MAY REQUIRE A VEHICLE OWNER TO INSTALL AND USE,".

Page 3, line 12, after "BASIS." insert "THE DEPARTMENT SHALL REMIT

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BACK TO ANY VEHICLE OWNER WHO PURCHASED A SWITCHABLE TRANSPONDER OR OTHER DEVICE AS REQUIRED BY THE DEPARTMENT BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, THE FULL PURCHASE PRICE OF THE TRANSPONDER OR OTHER DEVICE."

Page 1, strike lines 103 through 109 and substitute "STATE HIGHWAYS."."

As amended, laid over until Tuesday, March 1, retaining its place on the calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Sonnenberg, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar		E 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: SB16-013 as amended.  
Laid over until Tuesday, March 1: SB16-021, SB16-123 as amended.

**MESSAGE FROM THE HOUSE**

February 25, 2016

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1188, 1170, 1193.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1192, amended as printed in House Journal, February 24.

**MESSAGE FROM THE REVISOR OF STATUTES**

February 25, 2016

We herewith transmit:

Without comment, HB16-1170, 1188, and 1193.  
Without comment, as amended, HB16-1192.

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.

**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 BOARD OF VETERANS AFFAIRS**

effective June 30, 2015, for terms expiring June 30, 2019:

Christopher Michael Holden of Colorado Springs, Colorado, a Republican and a veteran who has been honorably released or separated from the armed forces of the United States, reappointed;

Hollie Kaye Caldwell of Parker, Colorado, a Democrat and a veteran who has been honorably released or separated from the armed forces of the United States, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	E	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.

**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

**SJR16-010** by Senator(s) Roberts and Steadman; also Representative(s) Wilson and Esgar--Concerning the commemoration of the 50th anniversary of the "National Historic Preservation Act".

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

**TRIBUTES**

Honoring:

Lisa Cadman, on the occasion of her birthday -- by President of the Senate Bill L. Cadman.



On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Friday,  
February 26, 2016.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Effie Ameen  
Secretary of the Senate

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