

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
Second Regular Session

65th Legislative Day

Thursday, March 17, 2016

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Prayer	By the chaplain, Pastor Brian Henderson, First Baptist Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Holbert.	15
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Roll Call	Present--35	17
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Quorum	The President announced a quorum present.	19
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Reading of Journal	On motion of Senator Sonnenberg, reading of the Journal of Wednesday, March 16, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.	21
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Judiciary	After consideration on the merits, the Committee recommends that HB16-1066 be referred to the Committee of the Whole with favorable recommendation.	30
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Judiciary	After consideration on the merits, the Committee recommends that HB16-1192 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.	34
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	Amend reengrossed bill, page 18, strike lines 16 through 18 and substitute:	40
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	"(II) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT SPONSOR MORE THAN TWO BILLS INTRODUCED PURSUANT TO THIS SUBSECTION (6) IN A SINGLE LEGISLATIVE SESSION."	43
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Health & Human Services	After consideration on the merits, the Committee recommends that HB16-1165 be referred to the Committee of the Whole with favorable recommendation.	48
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB16-1176 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	53
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB16-1157 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	58
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Business, Labor, & Technology 1
 After consideration on the merits, the Committee recommends that **HB16-1189** 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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Business, Labor, & Technology 5
 After consideration on the merits, the Committee recommends that **SB16-134** 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. 6
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Amend printed bill, page 2, strike lines 2 through 13. 10
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Renumber succeeding sections accordingly. 12
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Page 3, line 18, strike "(8.5), 25-3.5-203," and substitute "(8.5)". 14
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State, Veterans, & Military Affairs 18
 After consideration on the merits, the Committee recommends that **SB16-136** be **postponed indefinitely**. 19
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State, Veterans, & Military Affairs 24
 After consideration on the merits, the Committee recommends that **HB16-1152** be **referred** to the Committee of the Whole with favorable recommendation. 25
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State, Veterans, & Military Affairs 30
 After consideration on the merits, the Committee recommends that **SB16-142** be **referred** to the Committee on Appropriations with favorable recommendation. 31
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State, Veterans, & Military Affairs 36
 After consideration on the merits, the Committee recommends that **SB16-152** be **postponed indefinitely**. 37
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State, Veterans, & Military Affairs 42
 After consideration on the merits, the Committee recommends that **SB16-149** be **referred** to the Committee of the Whole with favorable recommendation. 43
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SENATE SERVICES REPORT 48
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- Correctly Printed:** SB16-159, 160, 161, 162, and 163; SR16-003. 50
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- Correctly Engrossed:** SJR16-016, 017, and 018. 52
- Correctly Reengrossed:** SB16-083 and 124. 53
- Correctly Rerevised:** HB16-1090, 1163, 1170, and 1193. 54
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Committee of the Whole 58
 On motion of Senator Hill, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar, and Senator Hill was called to act as Chair. 59
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GENERAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR 63
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The Committee of the Whole having risen, the Chair reported that the following bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows: 66
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HB16-1094 by Representative(s) Dore, Wist, Van Winkle, Wilson, Hullinghorst, Foote, Nordberg, Rankin, Lundeen, Becker K., Court, Conti, Hamner, Kagan, Landgraf, Lawrence, Roupe, Windholz; also Senator(s) Roberts--Concerning making references to the attorney general in the Colorado Revised Statutes gender neutral.

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 Hill, 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: HB16-1094.

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

SB16-123 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.

(Amended in General Orders as printed in Senate Journal, February 25, page(s) 286-287.)

Amendment No. 1(L.009), by Senator Lundberg.

Amend printed bill, page 2, after line 16 insert:

"**SECTION 2.** In Colorado Revised Statutes, 42-4-1012, **add** (1) (e) as follows:

42-4-1012. High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes. (1) (e) AT LEAST TWELVE MONTHS BEFORE REQUIRING THAT ANY VEHICLE CARRY THREE OR MORE INDIVIDUALS TO TRAVEL FOR FREE AS A HIGH-OCCUPANCY VEHICLE IN A HIGH OCCUPANCY VEHICLE LANE OR HIGH OCCUPANCY TOLL LANE OPERATED BY THE

DEPARTMENT OF TRANSPORTATION, THE HIGH PERFORMANCE TRANSPORTATION ENTERPRISE, OR A PRIVATE PARTNER OF THE ENTERPRISE, THE TRANSPORTATION COMMISSION SHALL PROVIDE WRITTEN NOTICE TO THE GENERAL ASSEMBLY, AT A TIME WHEN THE GENERAL ASSEMBLY IS IN REGULAR SESSION, OF ITS FORMALLY ADOPTED RESOLUTION EXPRESSING ITS INTENTION TO IMPOSE THE REQUIREMENT BEGINNING ON A SPECIFIED FUTURE DATE."

Renumber succeeding sections accordingly.

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

SB16-106 by Senator(s) Holbert; also Representative(s) Salazar--Concerning measures to facilitate the efficient administration of Colorado laws governing campaign finance.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 23, page(s) 260, and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 11, page(s) 400-401, and placed in members' bill files.)

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

(For further action, see amendments to the report of the Committee of the Whole.)

SB16-133 by Senator(s) Tate, Johnston; also Representative(s) Pabon and Willett--Concerning the transfer of property rights upon the death of a person, and, in connection therewith, including inherited individual retirement accounts and inherited Roth individual retirement accounts as property exempt from levy and sale under writ of attachment or writ of execution, clarifying determination-of-heirship proceedings in probate, and enacting portions of the "Uniform Power of Appointment Act".

Laid over until Friday, March 18, retaining its place on the calendar.

SB16-131 by Senator(s) Tate, Johnston; also Representative(s) Pabon and Willett--Concerning the management of assets for individuals, and, in connection therewith, clarifying that a fiduciary's authority is suspended after a petition for the fiduciary's removal is filed, protecting an adult ward or protected person's right to an attorney post-adjudication, and preventing a fiduciary from paying court costs or fees from out of an estate after receiving notice of an action for the fiduciary's removal.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 15, page(s) 418, and placed in members' bill files.)

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

Senator Ulibarri moved to amend the Report of the Committee of the Whole to show that the following Ulibarri floor amendment, (L.003) to SB16-106, did pass.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. In Colorado Revised Statutes, add part 2 to article 45 of title 1 as follows:

PART 2
CLEAN ELECTIONS ACT

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1-45-201. Short title. THE SHORT TITLE OF THIS ACT IS THE "CLEAN ELECTIONS ACT".

1-45-202. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) POLITICAL CAMPAIGNS FOR CANDIDATES FOR THE GENERAL ASSEMBLY HAVE BECOME VERY EXPENSIVE. AS A RESULT, MANY QUALIFIED RESIDENTS OF THE STATE ARE FINANCIALLY UNABLE TO SEEK ELECTION TO THE GENERAL ASSEMBLY, AND THE COST OF CONDUCTING POLITICAL CAMPAIGNS FORCES MANY CANDIDATES FOR STATE LEGISLATIVE OFFICE TO SPEND AN INORDINATE AMOUNT OF TIME RAISING CAMPAIGN FUNDS.

(b) THE PEOPLE OF THE STATE ARE CONCERNED THAT SPECIAL INTERESTS EXERCISE A DISPROPORTIONATE LEVEL OF INFLUENCE OVER THE POLITICAL PROCESS. THE SUREST WAY TO OFFSET THIS INFLUENCE IS TO ENSURE THAT CANDIDATES ARE ELECTED TO PUBLIC OFFICE BACKED BY A MEANINGFUL LEVEL OF PUBLIC AND GRASSROOTS SUPPORT.

(c) CITIZEN INTEREST, PARTICIPATION, AND CONFIDENCE IN THE INTEGRITY OF THE ELECTORAL PROCESS ARE LESSENED BY EXCESSIVELY LONG AND EXPENSIVE POLITICAL CAMPAIGNING;

(d) FULL OR PARTIAL PUBLIC FINANCING OF CAMPAIGNS FOR STATE LEGISLATIVE OFFICES, CONDITIONED ON A SUFFICIENT AMOUNT OF GRASSROOTS SUPPORT, WILL LEVEL THE PLAYING FIELD AMONG CANDIDATES, INCREASE CITIZEN PARTICIPATION IN THE ELECTORAL PROCESS, INCREASE THE SUPPLY OF QUALIFIED CANDIDATES ABLE TO RUN FOR STATE LEGISLATIVE OFFICE, LIMIT THE TIME CANDIDATES SPEND SOLICITING CONTRIBUTIONS, REDUCE THE PRESSURE ON STATE LEGISLATORS TO RESPOND AND PROVIDE ACCESS TO LARGE CONTRIBUTORS, AND FACILITATE THE EFFICIENT ADMINISTRATION OF LAWS GOVERNING CAMPAIGN FINANCE. AS A RESULT, CANDIDATES AND MEMBERS OF THE GENERAL ASSEMBLY WILL BE BETTER ABLE TO DEVOTE THEIR TIME AND ENERGY TO DEBATING THE ISSUES, RESPONDING TO CONSTITUENTS, AND PERFORMING THEIR OFFICIAL DUTIES. FURTHER, CAMPAIGNS THAT ARE FINANCED WHOLLY OR PARTIALLY WITH PUBLIC MONEYS WILL HELP RESTORE AND INCREASE PUBLIC TRUST AND CONFIDENCE IN OUR GOVERNMENTAL INSTITUTIONS.

(e) WHEN PUBLIC FINANCING OF ELECTIONS IS AVAILABLE, THE ADMINISTRATION OF LAWS ADDRESSING CAMPAIGN FINANCE IS MADE MORE EFFICIENT BECAUSE THE UNDERLYING RULES GOVERNING THE SYSTEM ARE SIMPLER AND EASIER TO UNDERSTAND AND FOLLOW, LEADING TO A SYSTEM OF FINANCING CANDIDATES THAT IS MORE TRANSPARENT AND ACCOUNTABLE, FEWER PUBLIC AND PRIVATE RESOURCES ARE CONSUMED SEEKING OR PROTECTING AGAINST MAXIMUM LEGAL ADVANTAGE, AND THE INTEGRITY OF THE SOURCE OF MONEYS FINANCING SUCH CAMPAIGNS IS PRESERVED AND MADE SECURE.

(2) THE GENERAL ASSEMBLY INTENDS THAT THIS PART 2 BE LIBERALLY CONSTRUED IN ORDER TO MORE FULLY IMPLEMENT ARTICLE XXVIII OF THE STATE CONSTITUTION, THE PURPOSES OF WHICH ARE SET FORTH IN SECTION 1 OF SAID ARTICLE.

1-45-203. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ARTICLE XXVIII" MEANS ARTICLE XXVIII OF THE STATE CONSTITUTION.

(2) "AUTHORITY" MEANS THE CLEAN ELECTIONS AUTHORITY CREATED IN SECTION 1-45-206 (1).

(3) "COVERED OFFICE" MEANS AN ELECTED OFFICE IN THE STATE SENATE OR THE STATE HOUSE OF REPRESENTATIVES.

(4) "FUND" MEANS THE CLEAN ELECTIONS FUND CREATED IN SECTION 1-45-206 (3).

(5) "PROFESSIONAL LOBBYIST" HAS THE SAME MEANING AS IS SPECIFIED IN SECTION 24-6-301, C.R.S.

(6) "QUALIFIED CANDIDATE" MEANS A CANDIDATE WHO HAS SATISFIED THE REQUIREMENTS OF SECTION 1-45-204 (1) AND (2) AND IS, THEREFORE, ELIGIBLE TO ACCEPT ONE OR MORE DISBURSEMENTS OF MONEYS FROM THE FUND IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 2.

(7) "SECRETARY" MEANS THE COLORADO SECRETARY OF STATE.

1-45-204. Process for obtaining qualified candidate status.

(1) IN ORDER TO BE ELIGIBLE TO RECEIVE ONE OR MORE DISBURSEMENTS OF MONEYS FROM THE FUND, A CANDIDATE FOR A COVERED OFFICE MUST

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BECOME A QUALIFIED CANDIDATE. IN ORDER TO BECOME A QUALIFIED CANDIDATE, A CANDIDATE FOR A COVERED OFFICE SHALL OBTAIN:

(a) SIGNATURES ON A PETITION, THE FORM OF WHICH HAS BEEN APPROVED BY THE SECRETARY, FROM NOT LESS THAN TWO HUNDRED FIFTY RESIDENTS IN THE LEGISLATIVE DISTRICT IN WHICH THE CANDIDATE IS SEEKING ELECTION OR REELECTION;

(b) NOT LESS THAN TWO HUNDRED FIFTY CONTRIBUTIONS TO THE CANDIDATE'S CANDIDATE COMMITTEE IN AN AMOUNT OF NOT MORE THAN ONE HUNDRED DOLLARS FROM RESIDENTS IN THE LEGISLATIVE DISTRICT IN WHICH THE CANDIDATE IS SEEKING ELECTION OR REELECTION; OR

(c) ANY COMBINATION OF SIGNATURES IN SATISFACTION OF PARAGRAPH (a) OF THIS SUBSECTION (1) OR CONTRIBUTIONS IN SATISFACTION OF PARAGRAPH (b) OF THIS SUBSECTION (1) AS LONG AS THE COMBINATION OF SIGNATURES OR CONTRIBUTIONS ADDS UP TO AT LEAST FIVE HUNDRED CONTRIBUTIONS AND SIGNATURES.

(2) EACH CANDIDATE SEEKING QUALIFIED CANDIDATE STATUS SHALL SUBMIT A NOTARIZED STATEMENT TO THE SECRETARY, THE FORM OF WHICH HAS BEEN APPROVED BY THE SECRETARY, THAT EVIDENCES THE CANDIDATE'S SATISFACTION OF THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION TO BECOME A QUALIFIED CANDIDATE. UPON SUBMISSION BY THE CANDIDATE OF A STATEMENT THAT DEMONSTRATES THAT THE CANDIDATE HAS SATISFIED ALL REQUIREMENTS OF THIS SECTION, THE SECRETARY SHALL CERTIFY THE CANDIDATE AS A QUALIFIED CANDIDATE. TO THE EXTENT PRACTICABLE, THE SECRETARY SHALL COMPLETE THE CERTIFICATION PROCESS NOT LATER THAN TEN BUSINESS DAYS AFTER THE DATE ON WHICH THE CANDIDATE'S NOTARIZED STATEMENT IS SUBMITTED TO THE SECRETARY.

(3) EXCEPT AS OTHERWISE ALLOWED BY SECTION 1-4-205 (2), ONCE A CANDIDATE HAS RECEIVED CERTIFICATION FROM THE SECRETARY AS A QUALIFIED CANDIDATE, THE CANDIDATE, THROUGH HIS OR HER CANDIDATE COMMITTEE, SHALL NOT ACCEPT ANY ADDITIONAL CONTRIBUTIONS FROM ANY PERSON FOR PURPOSES OF SUPPORTING THE CANDIDATE'S ELECTION OR REELECTION.

1-45-205. Disbursement of moneys from the fund - procedures

- rules. (1) A CANDIDATE WHO HAS BEEN CERTIFIED AS A QUALIFIED CANDIDATE PURSUANT TO SECTION 1-45-204 (2) IS ELIGIBLE TO ACCEPT AN INITIAL DISBURSEMENT FROM THE FUND IN THE AMOUNT OF SEVENTY FIVE THOUSAND DOLLARS TO BE EXPENDED ON THE CANDIDATE'S ELECTION OR REELECTION FOR THE APPLICABLE ELECTION CYCLE. SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, A QUALIFIED CANDIDATE WILL RECEIVE AN ADDITIONAL DISBURSEMENT OF MONEYS FROM THE FUND, THROUGH HIS OR HER CANDIDATE COMMITTEE, IN THE AMOUNT OF TWENTY FIVE THOUSAND DOLLARS FOR EVERY FIFTY THOUSAND DOLLARS IN AGGREGATE CONTRIBUTIONS ANY OF THE CANDIDATE'S OPPONENTS, SINGULARLY OR IN COMBINATION, ACCEPTS DURING THE APPLICABLE ELECTION CYCLE THAT EXCEEDS AN INITIAL BASE AMOUNT OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS AS ILLUSTRATED BY THE FOLLOWING:

(a) A QUALIFIED CANDIDATE IS ELIGIBLE TO ACCEPT SEVENTY FIVE THOUSAND DOLLARS FOR BECOMING CERTIFIED AS A QUALIFIED CANDIDATE.

(b) A QUALIFIED CANDIDATE IS ELIGIBLE TO ACCEPT A TOTAL DISBURSEMENT FROM THE FUND OF ONE HUNDRED THOUSAND DOLLARS IF ANY OF THE CANDIDATE'S OPPONENTS, SINGULARLY OR IN COMBINATION, ACCEPTS IN AGGREGATE CONTRIBUTIONS IN AN AMOUNT IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS BUT LESS THAN ONE HUNDRED SEVENTY THOUSAND DOLLARS.

(c) A QUALIFIED CANDIDATE IS ELIGIBLE TO ACCEPT A TOTAL DISBURSEMENT FROM THE FUND OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS IF ANY OF THE CANDIDATE'S OPPONENTS, SINGULARLY OR IN COMBINATION, ACCEPTS IN AGGREGATE CONTRIBUTIONS AN AMOUNT IN EXCESS OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS BUT LESS THAN TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS.

(d) A QUALIFIED CANDIDATE IS ELIGIBLE TO ACCEPT A TOTAL DISBURSEMENT FROM THE FUND OF ONE HUNDRED FIFTY THOUSAND DOLLARS IF ANY OF THE CANDIDATE'S OPPONENTS, SINGULARLY OR IN COMBINATION, ACCEPTS IN AGGREGATE CONTRIBUTIONS IN AN AMOUNT IN EXCESS OF TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS BUT LESS

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THAN TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS.

(e) A QUALIFIED CANDIDATE IS ELIGIBLE TO ACCEPT A TOTAL DISBURSEMENT FROM THE FUND OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS IF ANY OF THE CANDIDATE'S OPPONENTS, SINGULARLY OR IN COMBINATION, ACCEPTS IN AGGREGATE CONTRIBUTIONS IN AN AMOUNT IN EXCESS OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS BUT LESS THAN THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS.

(f) A QUALIFIED CANDIDATE IS ELIGIBLE TO ACCEPT A TOTAL DISBURSEMENT FROM THE FUND OF TWO HUNDRED THOUSAND DOLLARS IF ANY OF THE CANDIDATE'S OPPONENTS, SINGULARLY OR IN COMBINATION, ACCEPTS IN AGGREGATE CONTRIBUTIONS IN AN AMOUNT IN EXCESS OF THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE MAXIMUM AMOUNT OF MONEYS A QUALIFIED CANDIDATE MAY RECEIVE IN DISBURSEMENTS FROM THE FUND IS TWO HUNDRED THOUSAND DOLLARS. AT SUCH TIME AS SUCH QUALIFIED CANDIDATE HAS RECEIVED TWO HUNDRED THOUSAND DOLLARS FROM THE FUND AND ANY OF THE CANDIDATE'S OPPONENTS, SINGULARLY OR IN COMBINATION, RECEIVES IN AGGREGATE CONTRIBUTIONS IN AN AMOUNT IN EXCESS OF THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS, THE QUALIFIED CANDIDATE MAY RECEIVE THROUGH HIS OR HER CANDIDATE COMMITTEE SUCH ADDITIONAL CONTRIBUTIONS FROM ANY PERSON AS ARE PERMITTED TO BE RECEIVED BY A CANDIDATE COMMITTEE IN ACCORDANCE WITH ARTICLE XXVIII.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY MONEYS DISBURSED TO A CANDIDATE COMMITTEE IN ACCORDANCE WITH THIS PART 2 MUST BE EXPENDED IN SUPPORT OF THE CANDIDATE'S ELECTION OR REELECTION.

1-45-206. Clean elections authority - enterprise status - fee on registered lobbyists - clean elections fund. (1) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF STATE THE CLEAN ELECTIONS AUTHORITY, REFERRED TO IN THIS PART 2 AS THE "AUTHORITY", WHICH IS UNDER THE AUTHORITY OF THE SECRETARY. THE AUTHORITY CONSTITUTES AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS THE AUTHORITY RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1), AND THE AUTHORITY RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES FROM GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS THE AUTHORITY CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SECTION, THE AUTHORITY IS NOT SUBJECT TO ANY OF THE PROVISIONS OF SECTION (20) OF ARTICLE X OF THE STATE CONSTITUTION.

(b) SUBJECT TO APPROVAL BY THE GENERAL ASSEMBLY, EITHER BY BILL OR BY JOINT RESOLUTION, AND AFTER APPROVAL BY THE GOVERNOR PURSUANT TO SECTION 39 OF ARTICLE V OF THE STATE CONSTITUTION, THE AUTHORITY IS HEREBY AUTHORIZED TO ISSUE REVENUE BONDS TO FINANCE THE ELECTION OF CANDIDATES SEEKING ELECTION TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH THIS PART 2.

(2) IN ADDITION TO THE ANNUAL REGISTRATION FEE IMPOSED UPON PROFESSIONAL LOBBYISTS IN ACCORDANCE WITH SECTION 24-6-303 (1.3) (a), C.R.S., EACH PROFESSIONAL LOBBYIST SHALL ALSO PAY TO THE SECRETARY AN ADDITIONAL FEE OF TEN PERCENT OF THE TOTAL GROSS INCOME FOR LOBBYING THAT THE LOBBYIST RECEIVED DURING THE PRIOR CALENDAR YEAR. THE ADDITIONAL FEE IMPOSED UNDER THIS SUBSECTION (2) MUST BE PAID BY THE LOBBYIST AT THE SAME TIME THE LOBBYIST FILES HIS OR HER REGISTRATION STATEMENT PURSUANT TO SECTION 24-6-303 (1.3) (a), C.R.S. ALL FEES COLLECTED BY THE SECRETARY MUST BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CLEAN ELECTIONS FUND CREATED IN SUBSECTION (3) OF THIS SECTION.

(3) THERE IS HEREBY CREATED IN THE STATE TREASURY THE CLEAN ELECTIONS FUND. THE FUND CONSISTS OF ALL MONEYS COLLECTED BY THE SECRETARY FROM THE FEE IMPOSED PURSUANT TO SUBSECTION (2) OF THIS SECTION, ANY MONEYS COLLECTED BY THE SECRETARY FOR THE PURPOSE OF THIS SECTION FROM FEDERAL GRANTS, FROM OTHER CONTRIBUTIONS, GIFTS, GRANTS, AND DONATIONS RECEIVED FROM ANY

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OTHER INDIVIDUAL, PUBLIC OR PRIVATE, FROM THE PROCEEDS OF ANY BOND ISSUED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, AND FROM ANY FEES OR INTEREST EARNED ON SUCH MONEY. THE SECRETARY IS HEREBY AUTHORIZED AND DIRECTED TO SOLICIT, ACCEPT, EXPEND, AND DISBURSE ALL MONEYS COLLECTED FOR THE FUND FROM THE SOURCES SPECIFIED IN THIS SUBSECTION (3) FOR THE PURPOSE OF FINANCING THE ELECTION CAMPAIGNS OF QUALIFIED CANDIDATES IN ACCORDANCE WITH THIS PART 2. ALL MONEYS CREDITED TO THE FUND MUST BE USED AS PROVIDED IN THIS PART 2 AND MUST NOT BE DEPOSITED IN OR TRANSFERRED TO THE GENERAL FUND OF THE STATE OR ANY OTHER FUND.

1-45-207. Rules. THE SECRETARY SHALL PROMULGATE, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., SUCH RULES AS MAY BE NECESSARY TO ADMINISTER THIS PART 2.

SECTION 2. 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."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **lost** on the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	N	Holbert	N	Martinez Humenik	N	Tate	N
Crowder	N	Jahn	Y	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	N	President	N
Guzman	Y	Kerr	Y	Scheffel	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hill, 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: SB16-123 as amended, SB16-106 as amended, SB16-131 as amended.

Laid over until Friday, March 18: SB16-133.

CONSIDERATION OF RESOLUTIONS

SR16-003 by Senator(s) Cadman and Steadman, Scheffel, Guzman; --Concerning the ascertainment of a quorum immediately after the Senate is called to order by the presiding officer.

On motion of Senator Steadman, the resolution 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		

Co-sponsor(s) added: Garcia, Grantham, Heath, Hodge, Holbert, Johnston, Jones, Kefalas, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scott, Tate, and Todd.

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 calendar of Thursday, March 17 was laid over until Friday, March 18, retaining its place on the calendar.

- Consideration of House Amendments to Senate Bills: SB16-121, SB16-010.
- Consideration of Governor's Appointments -- Consent Calendar:
 - Members of the Colorado Commission on Judicial Discipline.
 - Members of the Juvenile Parole Board.
 - Member of the Board of Assessment Appeals.

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

March 17, 2016

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1210, 1281.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1271, amended as printed in House Journal, March 16.
 HB16-1155, amended as printed in House Journal, March 16.
 HB16-1230, amended as printed in House Journal, March 16.
 HB16-1262, amended as printed in House Journal, March 16.
 HB16-1263, amended as printed in House Journal, March 16.
 HB16-1264, amended as printed in House Journal, March 16.
 HB16-1265, amended as printed in House Journal, March 16.
 HB16-1259, amended as printed in House Journal, March 16.

The House has passed on Third Reading and returns herewith SB16-012, 034.

MESSAGE FROM THE REVISOR OF STATUTES

March 17, 2016

We herewith transmit:

Without comment, HB16-1210 and 1281.

Without comment, as amended, HB16-1155, 1230, 1259, 1262, 1263, 1264, 1265, and 1271.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR16-002 by Senator(s) Baumgardner and Merrifield, Cooke, Jones, Roberts; also Representative(s) Hamner and Thurlow, Becker K., Buck, Singer--Concerning the recognition of Colorado firefighters killed in the line of duty.

Laid over until Thursday, March 24, retaining its place on the calendar.

SJR16-021 by Senator(s) Grantham; also Representative(s) Williams--Concerning recognition of "Single Parents' Day".

Laid over until Monday, March 21, retaining its place on the calendar.

SJR16-022 by Senator(s) Baumgardner and Todd; also Representative(s) Rosenthal and Nordberg--Concerning the designation of March 21, 2016, as "Colorado Aerospace Day".

Laid over until Monday, March 21, retaining its place on the calendar.

SJR16-023 by Senator(s) Roberts and Todd; also Representative(s) Lawrence and Ginal--Concerning the recognition of National Women's History Month, and, in connection therewith, designating March as Colorado Women's History Month.

Laid over until Monday, March 21, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

SB16-164 by Senator(s) Cooke; --Concerning clarification that a private probation supervision provider can file legal process against a probationer under his or her supervision.
Judiciary

SB16-165 by Senator(s) Grantham; also Representative(s) Young--Concerning the requirements for an insurance company to be deemed to maintain a home office or regional home office in this state for purposes of the tax on insurance premiums collected by the insurance company.
Finance
Appropriations

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- HB16-1155** by Representative(s) Saine and Mitsch Bush, Humphrey, Buck, Priola, Melton, Coram, Becker J., Nordberg; also Senator(s) Sonnenberg, Marble--Concerning authorization for a county to designate a four-lane controlled-access highway that is located in the county as a primary road of the county highway system, and, in connection therewith, specifying the jurisdiction, control, and duties of the county and of a municipality through which the highway passes with respect to such a highway.
Transportation
- HB16-1230** by Representative(s) Dore, Rankin, Lebsock, Klingenschmitt, Van Winkle, Wist, Arndt, Brown, Nordberg; also Senator(s) Cooke--Concerning the inclusion of a county's financial information in the state's financial information database, which is known as the transparency online project.
Local Government
- HB16-1259** by Representative(s) Mitsch Bush and Wilson, Hamner, Rankin; also Senator(s) Cooke and Donovan--Concerning local district junior colleges, and, in connection therewith, changing the term local district junior college to local district college.
Education
- HB16-1262** by Representative(s) Williams, Esgar, Melton, Salazar; also Senator(s) Cooke--Concerning measures to improve peace officer hiring, and, in connection therewith, requiring employment waivers as part of the background check process for a person applying for a position as a peace officer who has worked as an officer and giving the P.O.S.T. board the authority to deny certification to an applicant who entered into a deferred agreement.
Judiciary
- HB16-1263** by Representative(s) Williams, Salazar, Becker K., Buckner, Danielson, Duran, Esgar, Garnett, Hullinghorst, Kagan, Lee, McCann, Melton, Moreno, Pettersen, Rosenthal, Vigil, Winter; also Senator(s) Ulibarri--Concerning updates to the statutory prohibition on profiling by peace officers.
Judiciary
- HB16-1264** by Representative(s) Melton, Esgar, Salazar, Williams; also Senator(s) Johnston--Concerning prohibiting the use of a chokehold by a peace officer.
Judiciary
- HB16-1265** by Representative(s) Melton and Esgar, Salazar; also Senator(s) Johnston and Cooke--Concerning expungement of arrest records based on mistaken identity.
Judiciary
- HB16-1271** by Representative(s) Singer and Nordberg; also Senator(s) Jahn and Lundberg--Concerning the ability of a limited winery that has a winery direct shipper's permit to deliver vinous liquors of its own manufacture directly to a personal consumer without the use of a common carrier.
Business, Labor, & Technology
- HB16-1281** by Representative(s) Young; also Senator(s) Tate--Concerning modifications to the implementation of the state's payroll system that will allow all state employees to be paid twice a month.
Finance

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MESSAGE FROM THE GOVERNOR

March 16, 2016

Colorado Senate
Seventieth General Assembly
State Capitol
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB16-008: CONCERNING THE USE OF AN OFF-HIGHWAY VEHICLE TO CROSS STATE HIGHWAYS WITHIN THE JURISDICTION OF A MUNICIPALITY.

Approved March 16, 2016, at 3:30 p.m.

SB16-014: CONCERNING THE ALIGNMENT OF STATE MORTGAGE ORIGINATOR DISCLOSURE LAWS WITH RECENT CHANGES IN FEDERAL LAW.

Approved March 16, 2016, at 3:27 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Friday, March 18, 2016.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Effie Ameen
Secretary of the Senate

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