

SENATE JOURNAL
 Seventy-first General Assembly
STATE OF COLORADO
 Second Regular Session

100th Legislative Day Thursday, April 19, 2018

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Prayer By Senator Tim Neville.

Call to Order By the President at 9:00 a.m.

Roll Call Present--32
Excused--3, Aguilar, Jones, Merrifield.
Present later--3, Aguilar, Jones, Merrifield.

Quorum The President announced a quorum present.

Pledge By Senator Gardner.

Reading of the Journal On motion of Senator Smallwood, reading of the Journal of Wednesday, April 18, 2018, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

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Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, & Energy 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
 COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2020:

Celene Nicole Hawkins of Durango, Colorado, a resident of the San Miguel-Dolores-San Juan drainage basin and a Democrat, appointed;

Heather Renae Dutton of Del Norte, Colorado to serve as a representative from the Rio Grande drainage basin and as a Republican, appointed;

Jack Martin Goble of Hasty, Colorado to serve as a representative from the Arkansas drainage basin and as an Unaffiliated, appointed.

for terms expiring February 12, 2021:

Curran A. Trick of Cowdrey, Colorado, to serve as a representative of the North Platte drainage basin and as a Republican, appointed;

Steven A. Anderson of Olathe, Colorado, to serve as a representative of the Gunnison-Uncompahgre drainage basin and as a Republican, appointed;

James Thomas Yahn of Sterling, Colorado, to serve as a representative of the South Platte drainage basin and as a Republican, reappointed.

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Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB18-226** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB18-239** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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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 confirmed:

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MEMBER OF THE
COLORADO CIVIL RIGHTS COMMISSION

for a term expiring March 13, 2021:

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Charles Fredrick Garcia of Denver, Colorado, a Democrat and member of the community at large, and occasioned by the resignation of Heidi Jeanne Hess of Clifton, Colorado, appointed.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB18-242** be referred to the Committee of the Whole with favorable recommendation.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB18-1304** be postponed indefinitely.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB18-1262** be postponed indefinitely.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB18-1261** be postponed indefinitely.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB18-1152** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB18-1181** 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.

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Amend reengrossed bill, page 4, line 5, strike "AN ELIGIBLE ELECTOR" and substitute "ELIGIBLE TO VOTE".

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Page 5, line 12, strike "DISTRICT," and substitute "DISTRICT AT A PUBLIC HEARING, ".

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Page 5, line 24, strike "RESOLUTION," and substitute "RESOLUTION AT A PUBLIC HEARING,".

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Page 8, line 9, strike "AN ELIGIBLE ELECTOR OF" and substitute "ELIGIBLE TO VOTE IN".

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Health & Human Services

After consideration on the merits, the Committee recommends that **SB18-237** be **postponed indefinitely**.

Judiciary

After consideration on the merits, the Committee recommends that **SB18-234** 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, strike everything below the enacting clause and substitute:

"SECTION 1. In Colorado Revised Statutes, 12-54-104, **add** (1)(p) as follows:

12-54-104. Unlawful acts. (1) It is unlawful:

(p) FOR A PERSON OWNING AN INDIRECT INTEREST WITH MORE THAN TEN-PERCENT OWNERSHIP IN A FUNERAL ESTABLISHMENT OR FOR A PERSON OWNING A DIRECT INTEREST IN A FUNERAL ESTABLISHMENT TO OWN AN INDIRECT INTEREST WITH MORE THAN TEN-PERCENT OWNERSHIP IN A NONTRANSPLANT TISSUE BANK, AS DEFINED IN SECTION 12-54.5-101 (5), OR TO OWN A DIRECT INTEREST IN A NONTRANSPLANT TISSUE BANK.

SECTION 2. In Colorado Revised Statutes, 12-54-301, **add** (3) as follows:

12-54-301. Unlawful acts. (3) IT IS UNLAWFUL FOR A PERSON OWNING AN INDIRECT INTEREST WITH MORE THAN TEN-PERCENT OWNERSHIP IN A CREMATORY OR FOR A PERSON OWNING A DIRECT INTEREST IN A CREMATORY TO OWN AN INDIRECT INTEREST WITH MORE THAN TEN-PERCENT OWNERSHIP IN A NONTRANSPLANT TISSUE BANK, AS DEFINED IN SECTION 12-54.5-101 (5), OR TO OWN A DIRECT INTEREST IN A NONTRANSPLANT TISSUE BANK.

SECTION 3. In Colorado Revised Statutes, **add** article 54.5 to title 12 as follows:

**ARTICLE 54.5
Nontransplant Tissue Banks**

12-54.5-101. Definitions. AS USED IN THIS ARTICLE 54.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BODY PART" MEANS A PORTION OF THE HUMAN BODY. THE TERM DOES NOT INCLUDE BLOOD UNLESS THE BLOOD IS DONATED FOR THE PURPOSE OF RESEARCH OR EDUCATION.

(2) "DESIGNEE" MEANS AN INDIVIDUAL DESIGNATED BY A NONTRANSPLANT TISSUE BANK REGISTERED IN ACCORDANCE WITH SECTION 12-54.5-102.

(3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE DIRECTOR'S DESIGNEE.

(4) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND OCCUPATIONS CREATED IN SECTION 24-34-102.

(5) (a) "NONTRANSPLANT TISSUE BANK" MEANS A PERSON THAT, FOR ANY PURPOSE OTHER THAN TRANSPLANTING A BODY PART, RECOVERS, TRANSPORTS, DISTRIBUTES, SCREENS, STORES, AND ARRANGES FOR THE STORAGE AND DISTRIBUTION OF A BODY PART.

(b) "NONTRANSPLANT TISSUE BANK" DOES NOT INCLUDE:

(I) AN EYE BANK, AN ORGAN PROCUREMENT ORGANIZATION, OR A TISSUE BANK, AS THOSE TERMS ARE DEFINED IN SECTION 15-19-202 (10), (16), AND (31), RESPECTIVELY;

(II) A FUNERAL ESTABLISHMENT REGISTERED IN ACCORDANCE WITH SECTION 12-54-110; OR

(III) A CREMATORY REGISTERED IN ACCORDANCE WITH SECTION 12-54-303.

12-54.5-102. Registration required - repeal. (1) (a) BY JULY 1, 2019, EACH NONTRANSPLANT TISSUE BANK SHALL REGISTER WITH THE DIRECTOR IN THE FORM AND MANNER DETERMINED BY THE DIRECTOR. THE REGISTRATION MUST INCLUDE:

(I) THE SPECIFIC ADDRESS OF THE NONTRANSPLANT TISSUE BANK;

(II) THE FULL NAME AND ADDRESS OF THE DESIGNEE APPOINTED IN ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION;

(III) THE DATE THE NONTRANSPLANT TISSUE BANK BEGAN DOING BUSINESS;

(IV) THE CATEGORY OF BODY PARTS AND THE TYPE OF BODY PART SERVICES PROVIDED; AND

(V) A DESCRIPTION OF THE NONTRANSPLANT TISSUE BANK'S PREMISES AND EQUIPMENT.

(b) EACH NONTRANSPLANT TISSUE BANK REGISTRATION IS SUBJECT TO RENEWAL PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR IN ACCORDANCE WITH SECTION 24-34-102 (8) AND IN THE FORM AND MANNER DETERMINED BY THE DIRECTOR.

(c) IN ACCORDANCE WITH SECTION 24-34-105, THE DIRECTOR MAY ADJUST THE REGISTRATION FEE SET UNDER SUBSECTION (3) OF THIS SECTION AND ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT. IF A NONTRANSPLANT TISSUE BANK FAILS TO RENEW THE REGISTRATION IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE REGISTRATION EXPIRES.

(2) (a) EACH NONTRANSPLANT TISSUE BANK SHALL APPOINT AN INDIVIDUAL AS THE DESIGNEE OF THE NONTRANSPLANT TISSUE BANK. A DESIGNEE MUST:

(I) BE AT LEAST EIGHTEEN YEARS OF AGE;
(II) HAVE AT LEAST TWO YEARS OF EXPERIENCE WORKING FOR A NONTRANSPLANT TISSUE BANK;

(III) BE EMPLOYED BY THE REGISTERED NONTRANSPLANT TISSUE BANK THAT THE DESIGNEE REPRESENTS;

(IV) HAVE THE AUTHORITY WITHIN THE NONTRANSPLANT TISSUE BANK'S ORGANIZATION TO REQUIRE THAT PERSONNEL COMPLY WITH THIS ARTICLE 54.5; AND

(V) NOT BE DESIGNATED FOR MORE THAN ONE NONTRANSPLANT TISSUE BANK UNLESS EACH ADDITIONAL NONTRANSPLANT TISSUE BANK IS OPERATED UNDER COMMON OWNERSHIP AND MANAGEMENT AND UNLESS EACH ADDITIONAL NONTRANSPLANT TISSUE BANK IS SIXTY MILES OR LESS FROM ALL OTHER NONTRANSPLANT TISSUE BANKS HELD UNDER THE SAME COMMON OWNERSHIP.

(b) IF, AFTER INITIAL REGISTRATION, THE NONTRANSPLANT TISSUE BANK APPOINTS A NEW DESIGNEE IN ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION, THE NONTRANSPLANT TISSUE BANK SHALL NOTIFY THE DIRECTOR WITHIN THIRTY DAYS AFTER APPOINTING THE DESIGNEE.

(3) TO REGISTER, A PERSON MUST PAY THE FEE SET BY THE DIRECTOR. THE DIRECTOR SHALL SET THE REGISTRATION FEE TO OFFSET THE DIVISION'S DIRECT AND INDIRECT COSTS OF IMPLEMENTING THIS ARTICLE 54.5. THE DIRECTOR SHALL TRANSMIT THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE DIVISION OF PROFESSIONS AND OCCUPATIONS CASH FUND CREATED IN SECTION 24-34-105.

(4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024. BEFORE ITS REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

12-54.5-103. Records and receipts. (1) A NONTRANSPLANT TISSUE BANK SHALL FURNISH TO A PERSON WHO DELIVERS A BODY PART TO THE NONTRANSPLANT TISSUE BANK A RECEIPT, WHICH MUST BE SIGNED BY BOTH THE NONTRANSPLANT TISSUE BANK AND THE PERSON WHO DELIVERS THE BODY PART. THE NONTRANSPLANT TISSUE BANK SHALL RETAIN A COPY OF THE RECEIPT IN ITS RECORDS IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION. THE RECEIPT MUST INCLUDE THE FOLLOWING:

(a) THE DATE AND TIME OF THE DELIVERY;
(b) THE NAME OF THE PERSON WHO DELIVERED THE BODY PART;
(c) THE NAME OF THE DECEDENT;
(d) THE NAME OF ANY BUSINESSES WITH WHICH THE PERSON DELIVERING THE BODY PART IS AFFILIATED; AND

(e) THE NAME OF THE PERSON WHO RECEIVED THE BODY PART ON BEHALF OF THE NONTRANSPLANT TISSUE BANK.

(2) A NONTRANSPLANT TISSUE BANK SHALL MAINTAIN FOR AT LEAST THREE YEARS AT ITS REGISTERED LOCATION THE FOLLOWING RECORDS:

(a) THE DONOR'S FULL NAME AND ADDRESS;
(b) THE DATE OF DONATION;
(c) DOCUMENTATION OF THE DECEDENT'S INFORMED CONSENT OR THE CONSENT OF THE PERSON AUTHORIZED BY LAW TO CONSENT ON BEHALF OF THE DONOR TO THE DONATION;

(d) A DESCRIPTION AND THE QUANTITY OF EACH BODY PART TO BE DONATED FOR SCIENTIFIC OR EDUCATIONAL PURPOSES;

(e) DECEDENT MEDICAL HISTORY, INCLUDING ANY OF THE FOLLOWING IF USED BY THE NONTRANSPLANT TISSUE BANK: AUTOPSY

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REPORTS, DONATION QUESTIONNAIRES, AND OTHER DONOR OR DECEDENT SOLICITATION MATERIALS; AND

(f) TRACKING DOCUMENTATION OF THE LOCATION OF EACH BODY PART.

(3) A NONTRANSPLANT TISSUE BANK SHALL KEEP COMPLETE AND ACCURATE RECORDS AND MAKE THE RECORDS OPEN FOR INSPECTION BY THE DIRECTOR.

12-54.5-104. Standards of practice. (1) A NONTRANSPLANT TISSUE BANK SHALL:

(a) HANDLE BODY PARTS IN A SAFE AND SANITARY MANNER;

(b) BE EQUIPPED WITH INSTRUMENTS AND SUPPLIES NECESSARY TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND EMPLOYEES OF THE NONTRANSPLANT TISSUE BANK; AND

(c) AFFIX IDENTIFICATION TO EACH BODY PART AND PROVIDE TRACKING PAPERWORK TO MATCH THE IDENTIFICATION.

(2) A NONTRANSPLANT TISSUE BANK SHALL NOT COMMINGLE UNIDENTIFIED OR UNHARVESTED BODY PARTS PRIOR TO TRANSFER TO A CREMATORY OR FUNERAL ESTABLISHMENT, AS THOSE TERMS ARE DEFINED IN SECTION 12-54-102 (5) AND (12), RESPECTIVELY.

(3) AN INCINERATOR THAT IS USED FOR THE DISPOSAL OF BODY PARTS AND THAT IS OPERATED BY A REGISTERED NONTRANSPLANT TISSUE BANK NEED NOT BE REGISTERED UNDER PART 3 OF ARTICLE 54 OF THIS TITLE 12. THE INCINERATOR MAY COMMINGLE TISSUE FROM MEDICAL OR EDUCATIONAL RESEARCH FROM MULTIPLE DECEDENTS.

12-54.5-105. Disclosure. (1) A NONTRANSPLANT TISSUE BANK SHALL DISCLOSE, IN CLEAR AND UNAMBIGUOUS TERMS, THE FOLLOWING INFORMATION TO THE DONOR OR TO THE PERSON AUTHORIZED BY LAW TO CONSENT TO DONATION:

(a) THAT THE DONATED BODY PART MAY BE DISTRIBUTED, IN WHOLE OR IN PART, BY THE NONTRANSPLANT TISSUE BANK;

(b) THAT THE DONATED BODY PART MAY BE RETURNED, IN WHOLE OR IN PART, TO THE NONTRANSPLANT TISSUE BANK; AND

(c) THAT THE NONTRANSPLANT TISSUE BANK WILL BE COMPENSATED FOR DISTRIBUTION OF THE BODY PART.

12-54.5-106. Discipline. (1) THE DIRECTOR MAY DENY, SUSPEND, REVOKE, OR PLACE ON PROBATION A NONTRANSPLANT TISSUE BANK OR ISSUE A LETTER OF ADMONITION TO AN APPLICANT FOR OR HOLDER OF A NONTRANSPLANT TISSUE BANK REGISTRATION IF THE NONTRANSPLANT TISSUE BANK OR APPLICANT:

(a) VIOLATES AN ORDER OF THE DIRECTOR, THIS ARTICLE 54.5, OR THE RULES ESTABLISHED UNDER THIS ARTICLE 54.5;

(b) MAKES A MATERIAL MISSTATEMENT OR OMISSION IN THE REGISTRATION OR THE APPLICATION FOR A REGISTRATION;

(c) VIOLATES FEDERAL LAW, COLORADO LAW, OR AN ORDINANCE OR RESOLUTION OF A POLITICAL SUBDIVISION OF COLORADO IN THE OPERATION OF THE NONTRANSPLANT TISSUE BANK; OR

(d) HAS INCURRED DISCIPLINARY ACTION RELATED TO THE ADMINISTRATION OF A NONTRANSPLANT TISSUE BANK IN ANOTHER JURISDICTION. EVIDENCE OF THIS DISCIPLINARY ACTION IS PRIMA FACIE EVIDENCE FOR DENIAL OF REGISTRATION OR OTHER DISCIPLINARY ACTION IF THE VIOLATION WOULD BE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE.

(2) TO BE VALID, A PROCEEDING TO DENY, SUSPEND, REVOKE, OR PLACE ON PROBATION A REGISTRATION MUST BE CONDUCTED IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105. THE DIRECTOR MAY USE AN ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE OFFICE OF ADMINISTRATIVE COURTS IN THE DEPARTMENT OF PERSONNEL TO CONDUCT A HEARING.

12-54.5-107. Violations and penalties. A PERSON WHO VIOLATES THIS ARTICLE 54.5 IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS, IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN TWENTY-FOUR MONTHS, OR BOTH THE FINE AND IMPRISONMENT.

SECTION 4. In Colorado Revised Statutes, 24-34-104, amend (25)(a)(XIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (25) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2024:

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(XIII) The regulation of persons registered to practice mortuary science by sections 12-54-110 and 12-54-111 and cremation by sections 12-54-303 and 12-54-304, and the administration thereof in accordance with part 4 of article 54 of title 12, AND THE REGULATION OF NONTRANSPLANT TISSUE BANKS BY SECTION 12-54.5-102;

SECTION 5. In Colorado Revised Statutes, 12-54-303, amend (1) as follows:

12-54-303. Registration required. (1) Unless practicing at a registered crematory pursuant to UNDER this section AND EXCEPT AS PROVIDED IN SECTION 12-54.5-104 (3), a person shall not practice as, or offer the services of, a cremationist, nor shall the crematory sell or offer to sell funeral goods and services to the public.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor."

Judiciary After consideration on the merits, the Committee recommends that **HB18-1092** be **postponed indefinitely**.

Judiciary After consideration on the merits, the Committee recommends that **HB18-1256** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, after line 21 insert:

"SECTION 3. In Colorado Revised Statutes, add 2-3-125 as follows:

2-3-125. Periodic performance audits of Colorado civil rights division and commission - reports. BY DECEMBER 15, 2019, AND BY DECEMBER 15, 2024, THE STATE AUDITOR SHALL COMPLETE OR CAUSE TO BE CONDUCTED AND COMPLETED A PERFORMANCE AUDIT OF THE COLORADO CIVIL RIGHTS DIVISION CREATED IN SECTION 24-34-302 AND THE COLORADO CIVIL RIGHTS COMMISSION CREATED IN SECTION 24-34-303. THE STATE AUDITOR SHALL PREPARE A REPORT AND RECOMMENDATIONS ON EACH AUDIT CONDUCTED AND SHALL PRESENT THE REPORT AND RECOMMENDATIONS TO THE COMMITTEE.

SECTION 4. In Colorado Revised Statutes, 24-34-303, amend (1), (2), and (3) as follows:

24-34-303. Civil rights commission - membership - repeal. (1) (a) There is hereby created, within the division, the Colorado civil rights commission.

(b) (I) The commission shall consist of seven members, who shall be appointed by the governor, with the consent of the senate, for terms of four years. The governor shall make appointments in such a manner that there are at all times two members of the commission representing the business community, at least one of whom shall be a representative of small business, two members of the commission representing state or local government entities, and three members of the commission from the community at large. The membership of the commission shall at all times be comprised of at least four members who are members of groups of people who have been or who might be discriminated against because of disability, race, creed, color, sex, sexual orientation, national origin, ancestry, marital status, religion, or age. Appointments shall be made to provide geographical area representation insofar as may be practicable, and no more than four members shall belong to the same political party.

(II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE MARCH 15, 2019.

(c) (I) STARTING MARCH 15, 2019, THE COMMISSION CONSISTS OF EIGHT MEMBERS AS FOLLOWS:

(A) FOUR MEMBERS APPOINTED BY THE GOVERNOR WITH THE

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CONSENT OF THE SENATE;

(B) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; EXCEPT THAT, IF THE SPEAKER SHARES THE SAME POLITICAL PARTY REGISTRATION AS THE GOVERNOR, THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO MEMBERS; AND

(C) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE; EXCEPT THAT, IF THE PRESIDENT SHARES THE SAME POLITICAL PARTY REGISTRATION AS THE GOVERNOR, THE MINORITY LEADER OF THE SENATE SHALL APPOINT TWO MEMBERS.

(II) THE MEMBERSHIP OF THE COMMISSION MUST AT ALL TIMES BE COMPRISED OF AT LEAST:

(A) ONE MEMBER FROM OR REPRESENTING A LABOR UNION OR SIMILAR EMPLOYEE ASSOCIATION THAT REPRESENTS MEMBERS IN COLORADO;

(B) ONE MEMBER WHO IS A MAJORITY OWNER OF A SMALL BUSINESS THAT EMPLOYS AT LEAST FIVE EMPLOYEES;

(C) ONE MEMBER WHO IS A MAJORITY OWNER OF A SMALL BUSINESS THAT EMPLOYS MORE THAN TWENTY-FIVE EMPLOYEES;

(D) TWO MEMBERS REPRESENTING STATE OR LOCAL GOVERNMENT ENTITIES; AND

(E) THREE MEMBERS FROM THE COMMUNITY AT LARGE.

(III) FROM THE MEMBERS DESCRIBED IN SUBSECTIONS (1)(c)(II)(A) TO (1)(c)(II)(E) OF THIS SECTION, AT LEAST FOUR MEMBERS MUST BE FROM GROUPS OF PEOPLE WHO HAVE BEEN OR WHO MIGHT BE DISCRIMINATED AGAINST BECAUSE OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN, ANCESTRY, MARITAL STATUS, RELIGION, OR AGE.

(IV) APPOINTMENTS SHALL BE MADE TO PROVIDE GEOGRAPHICAL AREA REPRESENTATION INsofar AS MAY BE PRACTICABLE. NO MORE THAN THREE MEMBERS MAY BELONG TO THE SAME POLITICAL PARTY, AND NO MORE THAN SIX MEMBERS MAY BE AFFILIATED WITH ANY POLITICAL PARTY. A MEMBER MUST HAVE BEEN REGISTERED WITH THE SAME POLITICAL PARTY OR UNAFFILIATED WITH ANY POLITICAL PARTY FOR AT LEAST FOUR YEARS PRIOR TO THE MEMBER'S APPOINTMENT TO THE COMMISSION.

(V) MEMBERS OF THE COMMISSION SERVE FOUR-YEAR TERMS; EXCEPT THAT, FOR PURPOSES OF ENSURING STAGGERED TERMS OF OFFICE, TWO MEMBERS APPOINTED BY THE GOVERNOR, ONE MEMBER APPOINTED BY THE SPEAKER OR MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, AS APPLICABLE, AND ONE MEMBER APPOINTED BY THE PRESIDENT OR MINORITY LEADER OF THE SENATE, AS APPLICABLE, SERVE INITIAL TWO-YEAR TERMS.

(2) Vacancies on the commission shall be filled by ~~the governor~~ by appointment ~~with the consent of the senate,~~ and BY THE APPOINTING AUTHORITY OF THAT COMMISSIONER, WITH GOVERNOR APPOINTMENTS SUBJECT TO CONSENT OF THE SENATE. The term of a commissioner ~~so~~ appointed shall be TO FILL A VACANCY IS for the unexpired part of the term for which the commissioner is appointed.

(3) Any commissioner may be removed from office by the ~~governor~~ APPOINTING AUTHORITY OF THAT COMMISSIONER for misconduct, incompetence, or neglect of duty.

SECTION 5. In Colorado Revised Statutes, 24-34-306, amend (4), (11), (12), (14), and (15) as follows:

24-34-306. Charge - complaint - hearing - procedure - exhaustion of administrative remedies - option to choose administrative or district court proceeding. (4) (a) (I) When the director is satisfied that further efforts to settle the matter by conference, conciliation, and persuasion will be futile, ~~he~~ THE DIRECTOR shall ~~so~~ report THAT AND REFER THE MATTER to the commission. UPON RECEIPT OF THE MATTER, THE COMMISSION SHALL NOTIFY BOTH PARTIES OF THEIR RIGHT TO CHOOSE TO CONTINUE WITH AN ADMINISTRATIVE PROCEEDING BEFORE THE COMMISSION OR ADMINISTRATIVE LAW JUDGE OR TO PURSUE THE MATTER IN THE APPROPRIATE DISTRICT COURT. THE NOTICE MUST SPECIFY THAT:

(A) IF THE MATTER REMAINS IN THE COMMISSION'S JURISDICTION, NEITHER PARTY MAY FILE A CLAIM IN DISTRICT COURT AND THE COMMISSION RETAINS JURISDICTION OF THE MATTER UNTIL FINAL RESOLUTION OF THE MATTER; AND

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(B) IF EITHER PARTY OPTS TO PURSUE THE MATTER IN DISTRICT COURT, THE COMMISSION'S JURISDICTION OVER THE MATTER CEASES, AND ALL REMEDIES THAT MAY BE GRANTED BY THE COMMISSION ARE AVAILABLE IN THE DISTRICT COURT PROCEEDING TO EITHER PARTY.

(II) THE PARTIES SHALL NOTIFY THE COMMISSION OF THEIR SELECTION WITHIN TWENTY-ONE DAYS AFTER RECEIVING THE NOTICE FROM THE COMMISSION. IF BOTH PARTIES CHOOSE TO CONTINUE WITH AN ADMINISTRATIVE PROCEEDING, OR IF THE PARTIES DO NOT TIMELY RESPOND, THE MATTER SHALL REMAIN IN THE COMMISSION'S JURISDICTION, AND NEITHER PARTY MAY FILE THE MATTER IN DISTRICT COURT. IF EITHER PARTY NOTIFIES THE COMMISSION THAT THE PARTY OPTS TO PURSUE THE MATTER IN DISTRICT COURT, THE COMMISSION SHALL STAY THE MATTER AND FILE THE MATTER IN THE APPROPRIATE DISTRICT COURT WITHIN THIRTY DAYS AFTER RECEIPT OF THE NOTICE FROM EITHER PARTY.

(b) If the commission RETAINS JURISDICTION OF THE MATTER AND determines that the circumstances warrant, it THE COMMISSION shall issue and cause to be served, in the manner provided by section 24-4-105 (2), a written notice and complaint requiring the respondent to answer the charges at a formal hearing before the commission, a commissioner, or an administrative law judge. ~~Such~~ THE hearing shall be commenced within one hundred twenty days after the service of ~~such~~ THE written notice and complaint. ~~Such~~ THE notice and complaint shall state the time, place, and nature of the hearing, the legal authority and jurisdiction under which it is to be held, and the matters of fact and law asserted.

(11) IF THE MATTER REMAINS IN THE JURISDICTION OF THE COMMISSION PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, AND if written notice that a formal hearing will be held is not served within two hundred seventy days after the filing of the charge, ~~if the complainant has requested and received a notice of right to sue pursuant to subsection (15) of this section,~~ or if the hearing is not commenced within the one-hundred-twenty-day period prescribed by subsection ~~(4)~~ **(4)(b)** of this section, the jurisdiction of the commission over the complaint ~~shall cease~~ CEASES, and the complainant may seek the relief authorized under this part 3 and parts 4 to 7 of this article **34** against the respondent by filing a civil action in the district court for the district in which the alleged discriminatory or unfair practice occurred. ~~Such~~ THE COMPLAINANT MUST FILE THE ACTION ~~must be filed~~ within ninety days of AFTER the date upon which the jurisdiction of the commission ceased, and if ~~not so filed, it shall be~~ THE COMPLAINANT FAILS TO TIMELY FILE THE ACTION IN THE APPROPRIATE DISTRICT COURT, THE COMPLAINANT IS barred FROM FILING THE ACTION IN THE COURT, and the district court ~~shall~~ DOES NOT have ~~no~~ jurisdiction to hear ~~such~~ THE action. If any party requests the extension of any time period prescribed by this subsection (11), ~~such~~ THE COMMISSION, A COMMISSIONER, OR THE ADMINISTRATIVE LAW JUDGE, AS THE CASE MAY BE, MAY GRANT THE extension ~~may be granted~~ for good cause, ~~by the commission, a commissioner, or the administrative law judge, as the case may be,~~ but the total period of all ~~such~~ extensions to either the respondent or the complainant ~~shall~~ MUST not exceed ninety days each, and, in the case of multiple parties, the total period of all extensions ~~shall~~ MUST not exceed one hundred eighty days.

(12) (a) The division shall maintain a central file of decisions rendered under parts 3 to 7 of this article ~~and such~~ **34**. THE DIVISION SHALL MAKE THE file ~~shall be open~~ AVAILABLE to the public for inspection during regular business hours AND SHALL POST THE FILE ON ITS WEBSITE. THE DIVISION SHALL INCLUDE IN THE FILE A QUARTERLY SUMMARY OF ALL CHARGES FILED WITH THE DIVISION DURING EACH CALENDAR QUARTER, INCLUDING THE TYPES OF CHARGES FILED, SPECIFYING WHETHER THE CHARGES ALLEGED VIOLATIONS OF PART 4, 5, OR 6 OF THIS ARTICLE **34**, AND THE OUTCOMES OF THE MATTERS, SPECIFYING WHETHER:

- (I) THE MATTER WAS RESOLVED BY THE DIVISION, AND IF SO, WHETHER THE DIVISION DISMISSED THE CHARGES;
- (II) THE DIVISION FOUND PROBABLE CAUSE;
- (III) THE DIVISION REFERRED THE MATTER TO THE COMMISSION;
- (IV) A CIVIL ACTION WAS FILED REGARDING THE MATTER; AND
- (V) WHETHER THE COMMISSION OR DISTRICT COURT FOUND THAT THE RESPONDENT ENGAGED IN A DISCRIMINATORY OR UNFAIR PRACTICE, AND IF SO, WHETHER ANY REMEDIES WERE GRANTED.

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(b) THE DIVISION SHALL NOT DISCLOSE THE NAMES OF THE PARTIES OR THE SPECIFIC DETAILS OF ANY CASE OR CHARGE IN THE QUARTERLY SUMMARY.

(14) ~~No~~ A person may NOT file a civil action in a district court in this state based on an alleged discriminatory or unfair practice prohibited by parts 4 to 7 of this article ~~34~~ without first exhausting the proceedings and remedies available to him OR HER under this part 3 unless:

(a) ~~he~~ THE PERSON shows, in an action filed in the appropriate district court, by clear and convincing evidence, THAT his OR HER ill health ~~which~~ is of such a nature that pursuing administrative remedies would not provide timely and reasonable relief and would cause irreparable harm; OR

(b) THE PERSON HAS OPTED TO PURSUE THE MATTER IN DISTRICT COURT IN ACCORDANCE WITH SUBSECTION (4)(a) OF THIS SECTION.

(15) The charging party in any action may request the division to issue a written notice of right to sue at any time DURING THE INVESTIGATION AND prior to REFERRAL OF THE MATTER BY THE DIVISION TO THE COMMISSIONER PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION OR TO service of a notice and complaint pursuant to subsection ~~(4)~~ (4)(b) of this section. The charging party shall make the request for notice of right to sue in writing. The division shall promptly grant a claimant's request for notice of right to sue made after the expiration of one hundred eighty days following the filing of the charge IF THE MATTER HAS NOT BEEN REFERRED TO THE COMMISSION PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION. If a claimant makes a request for a notice of right to sue prior to the expiration of one hundred eighty days following the filing of the charge, the division shall grant the request upon a determination that the investigation of the charge will not be completed within one hundred eighty days following the filing of the charge. A notice of right to sue shall constitute final agency action and exhaustion of administrative remedies and proceedings pursuant to this part 3.

SECTION 6. In Colorado Revised Statutes, 24-34-602, **amend** (1)(a) as follows:

24-34-602. Penalty and civil liability. (1) (a) (I) Any person who violates section 24-34-601 shall be fined ~~not less than fifty dollars nor more than five hundred dollars~~ for each violation:

(A) UP TO FIVE HUNDRED DOLLARS FOR THE FIRST VIOLATION;

(B) UP TO FIVE THOUSAND DOLLARS FOR THE SECOND VIOLATION;

AND

(C) UP TO TEN THOUSAND DOLLARS FOR THE THIRD OR ANY SUBSEQUENT VIOLATION.

(II) FINES AUTHORIZED BY THIS SECTION ARE NOT ASSESSED ON A PER-DAY BASIS.

(III) A person aggrieved by the violation of section 24-34-601 shall bring an action in any court of competent jurisdiction in the county where the violation occurred. Upon finding a violation, the court shall order the defendant to pay the fine to the aggrieved party."

Renumber succeeding sections accordingly.

Education After consideration on the merits, the Committee recommends that **HB18-1070** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 7 through 27.

Strike page 4.

Renumber succeeding sections accordingly.

Page 1, strike lines 107 through 109 and substitute "ASSISTANCE FUND".

Education After consideration on the merits, the Committee recommends that **HB18-1277** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

SENATE SERVICES REPORT

Correctly Printed: SCR18-004 and 005.
Correctly Engrossed: SB18-223.
Correctly Revised: HB18-1186, 1235, 1240, 1265, 1284, 1296, 1300, and 1308.
Correctly Enrolled: SB18-076 and 144; SR18-005.

Upon request of Majority Leader Holbert, **SB18-223** was removed from the Third Reading of Bills--Final Passage--Consent Calendar of Thursday, April 19, and was placed at the end of the Third Reading of Bills--Final Passage Calendar of Thursday, April 19.

**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:

HB18-1265 by Representative(s) Lontine and Beckman, Buckner, Ginal, Kennedy, Roberts; also Senator(s) Crowder--Concerning the continuation of the stroke advisory board in accordance with the recommendation in the department of regulatory agencies' 2017 sunset report.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	N	Gardner	N	Lambert	Y	Smallwood	Y
Cooke	N	Guzman	Y	Lundberg	Y	Sonnenberg	N
Coram	Y	Hill	N	Marble	N	Tate	Y
Court	Y	Holbert	N	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	N	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

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

Co-sponsor(s) added: Aguilar, Kefalas, Martinez Humenik, Merrifield, Moreno, Tate, Todd, and Williams A.

HB18-1308 by Representative(s) Kraft-Tharp and Becker J., Arndt, Liston; also Senator(s) Hill and Kagan, Kefalas, Kerr, Moreno, Priola, Scott--Concerning an exemption from the "Workers' Compensation Act of Colorado" for nonresident employers whose employees are temporarily working in Colorado.

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	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

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

Co-sponsor(s) added: Aguilar, Baumgardner, Cooke, Donovan, Garcia, Gardner, Grantham, Guzman, Jahn, Marble, Martinez Humenik, Merrifield, Neville T., Sonnenberg, Tate, Todd, and Williams A.

HB18-1296 by Representative(s) Melton and Everett; also Senator(s) Marble and Moreno--Concerning an expansion of the ability to leave a motor vehicle unattended in certain circumstances.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	N	Todd	Y
Crowder	N	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	N	Moreno	Y	Zenzinger	N
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	N	Priola	Y		

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

Co-sponsor(s) added: Baumgardner, Cooke, Gardner, Grantham, Lambert, Lundberg, Neville T., Scott, and Sonnenberg.

HB18-1240 by Representative(s) Bridges and Becker J., Carver, Esgar, Ginal, Hansen, Jackson, Lewis, McLachlan, Roberts, Winter; also Senator(s) Cooke--Concerning the continuation of a grant program to prevent motor vehicle theft, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	N	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

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

Co-sponsor(s) added: Court, Fields, Gardner, Martinez Humenik, Moreno, and Tate.

HB18-1235 by Representative(s) Hansen and McKean; also Senator(s) Scott--Concerning the continuation of the regulation of custom meat processors, and, in connection therewith, implementing the recommendations of the 2017 sunset report of the department of regulatory agencies.

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	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	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, Donovan, Grantham, Hill, Marble, Martinez Humenik, Neville T., Smallwood, and Tate.

HB18-1186 by Representative(s) Wilson and Reyher, Bridges, Buckner, Exum, Lee, McLachlan, Pettersen; also Senator(s) Marble--Concerning the continuation of the Colorado youth advisory council, and, in connection therewith, implementing the sunset review recommendations of the department of regulatory agencies and making an appropriation.

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	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

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

Co-sponsor(s) added: Aguilar, Court, Donovan, Fields, Gardner, Grantham, Jahn, Jones, Kefalas, Kerr, Lundberg, Martinez Humenik, Merrifield, Moreno, Tate, Todd, Williams A., and Zenzinger.

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:

SB18-077 by Senator(s) Crowder; also Representative(s) Reyher and Valdez--Concerning a state sales and use tax exemption for used motor vehicles.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	N	Garcia	N	Kerr	N	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	N	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	N	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	Y	Merrifield	N	Williams A.	N
Donovan	N	Jones	N	Moreno	N	Zenzinger	N
Fenberg	N	Kagan	N	Neville T.	Y	President	Y
Fields	N	Kefalas	N	Priola	Y		

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

Co-sponsor(s) added: Baumgardner, Cooke, Gardner, Grantham, Hill, Holbert, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Scott, Smallwood, Sonnenberg, and Tate.

SB18-061 by Senator(s) Sonnenberg and Grantham; also Representative(s) Lawrence--Concerning a reduction of the state income tax rate, and, in connection therewith, making an appropriation.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	N	Garcia	N	Kerr	N	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	N	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	N	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	N	Merrifield	N	Williams A.	N
Donovan	N	Jones	N	Moreno	N	Zenzinger	N
Fenberg	N	Kagan	N	Neville T.	Y	President	Y
Fields	N	Kefalas	N	Priola	Y		

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

Co-sponsor(s) added: Baumgardner, Cooke, Crowder, Gardner, Hill, Holbert, Lambert, Lundberg, Marble, Neville T., Priola, Scott, Smallwood, and Tate.

SB18-228 by Senator(s) Hill; also Representative(s) Van Winkle--Concerning improving school choice in traditional schools of a school district.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	N	Garcia	N	Kerr	N	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	N	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	N	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	Y	Merrifield	N	Williams A.	N
Donovan	N	Jones	N	Moreno	N	Zenzinger	N
Fenberg	N	Kagan	N	Neville T.	Y	President	Y
Fields	N	Kefalas	N	Priola	Y		

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

Co-sponsor(s) added: Baumgardner, Cooke, Crowder, Gardner, Grantham, Holbert, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Priola, Scott, Smallwood, Sonnenberg, and Tate.

HB18-1300 by Representative(s) Young and Buck; also Senator(s) Marble and Cooke--Concerning granting authority for local district colleges to provide a bachelor of science degree in nursing program as a completion degree to students who have or are pursuing an associate degree in nursing.

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	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

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

Co-sponsor(s) added: Aguilar, Baumgardner, Coram, Crowder, Fields, Garcia, Gardner, Grantham, Hill, Jahn, Jones, Kefalas, Kerr, Lambert, Lundberg, Martinez Humenik, Merrifield, Moreno, Neville T., Scott, Smallwood, Tate, Todd, Williams A., and Zenzinger.

RECONSIDERATION OF HB18-1300

HB18-1300 by Representative(s) Young and Buck; also Senator(s) Marble and Cooke--Concerning granting authority for local district colleges to provide a bachelor of science degree in nursing program as a completion degree to students who have or are pursuing an associate degree in nursing.

Having voted on the prevailing side, Majority Leader Holbert moved for reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on HB18-1300.

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)

HB18-1300 by Representative(s) Young and Buck; also Senator(s) Marble and Cooke--Concerning granting authority for local district colleges to provide a bachelor of science degree in nursing program as a completion degree to students who have or are pursuing an associate degree in nursing.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	N	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	N		

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

Co-sponsor(s) added: Sonnenberg.

HB18-1284 by Representative(s) Buckner and Wilson; also Senator(s) Martinez Humenik and Kefalas--Concerning the cost of prescription drugs purchased at a pharmacy.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	N	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

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

Co-sponsor(s) added: Aguilar, Court, Donovan, Fields, Grantham, Jahn, Jones, Kagan, Kerr, Lambert, Lundberg, Marble, Merrifield, Moreno, Neville T., Tate, Todd, Williams A., and Zenzinger.

SB18-223 by Senator(s) Gardner, Coram, Fenberg, Fields; also Representative(s) Gray and Carver, Benavidez--Concerning the circumstances under which an autopsy report prepared in connection with the death of a minor may be released to certain parties.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	N	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	N	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	N	Priola	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, Grantham, Lambert, Marble, Martinez Humenik, Neville T., Scott, Smallwood, Tate, and Todd.

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

SB18-235 by Senator(s) Coram; also Representative(s) Arndt--Concerning the creation of the Colorado industrial hemp research and development authority.

Laid over until Thursday, April 26, retaining its place on the calendar.

SB18-230 by Senator(s) Marble; also Representative(s) Saine--Concerning modification of the laws governing the establishment of drilling units for oil and gas wells, and, in connection therewith, clarifying that a drilling unit may include more than one well, providing limited immunity to nonconsenting owners subject to pooling orders, adjusting cost recovery from nonconsenting owners, and modifying the conditions upon which a pooling order may be entered.

Laid over until Monday, April 23, retaining its place on the calendar.

HB18-1270 by Representative(s) Hansen and Becker J.; also Senator(s) Tate--Concerning energy storage, and, in connection therewith, requiring the public utilities commission to establish mechanisms for investor-owned electric utilities to procure energy storage systems if certain criteria are satisfied.

Amendment No. 1, Agriculture, Natural Resources, & Energy Committee Amendment.
(Printed in Senate Journal, April 13, pages 755-756 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Tate.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated April 12, 2018, page 1, after line 2 insert:

"Page 4 of the reengrossed bill, line 12, after "REDUCED" insert "OR ADDED".

Page 4 of the bill, strike lines 15 and 16.

Reletter succeeding paragraphs accordingly."

Page 1 of the report, strike lines 8 and 9.

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

SB18-233 by Senator(s) Marble and Fenberg; also Representative(s) Foote and Neville P.-- Concerning technical modifications to miscellaneous provisions of the "Uniform Election Code of 1992".

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, April 17, pages 779-780 and placed in members' bill files.)

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

SCR18-003 by Senator(s) Marble and Fenberg, Aguilar, Baumgardner, Cooke, Coram, Court, Crowder, Donovan, Fields, Garcia, Gardner, Grantham, Guzman, Hill, Holbert, Jahn, Jones, Kagan, Kefalas, Kerr, Lambert, Lundberg, Martinez Humenik, Merrifield, Moreno, Neville T., Priola, Scott, Smallwood, Sonnenberg, Tate, Todd, Williams A., Zenzinger; also Representative(s) Saine and Pabon, Becker J., Buck, Everett, Humphrey, Landgraf, Lewis, Liston, Neville P., Rankin, Ransom, Reyher, Sandridge, Thurlow, Van Winkle, Winkler-- Submitting to the registered electors of the state of Colorado an amendment to the Colorado constitution concerning changing the industrial hemp definition from a constitutional definition to a statutory definition.

Amendment No. 1(L.001), by Senator Marble.

Amend printed concurrent resolution, page 2, line 16, strike "7 U.S.C. SEC. 5940 (b)(2)" and substitute "FEDERAL LAW".

Page 2, strike line 17 and substitute "STATUTE."

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

SB18-163 by Senator(s) Martinez Humenik and Merrifield, Priola; also Representative(s) Pettersen and Wilson, Buckner--Concerning an extension of the repeal of the early childhood and school readiness legislative commission.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, pages 780-781 and placed in members' bill files.)

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

SB18-059 by Senator(s) Fields; also Representative(s) Pabon--Concerning creation of a public safety information-sharing system.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 6, pages 372-374 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page 781 and placed in members' bill files.)

Amendment No. 3(L.013), by Senator Fields.

Amend the Judiciary Committee Report, dated March 5, 2018, page 3, strike lines 19 and 20 and substitute "WEBSITE ANY APPLICANT WHO WAS SELECTED TO RECEIVE A GRANT AWARD WITHIN ONE BUSINESS DAY AFTER SUCH SELECTION. ANY PARTY MAY CONTEST ANY SUCH SELECTION WITHIN".

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

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SB18-016 by Senator(s) Martinez Humenik and Fields; also Representative(s) Singer, Benavidez-- Concerning the repeal date for the transfer of money from community corrections to the housing assistance for persons transitioning from the criminal or juvenile justice system cash fund.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 17, pages 781-782 and placed in members' bill files.)

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

HB18-1335 by Representative(s) Young, Hamner, Rankin; also Senator(s) Lundberg, Lambert, Moreno--Concerning the Colorado child care assistance program, and, in connection therewith, establishing eligibility requirements for all counties and creating a new formula to determine the amount of block grants to counties.

Ordered revised 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 Neville, 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	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB18-233 as amended, SCR18-003 as amended, SB18-163 as amended, SB18-059 as amended, SB18-016 as amended, HB18-1270 as amended, HB18-1335.

Laid over until Monday, April 23: SB18-230.

Laid over until Thursday, April 26: SB18-235.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB18-033 by Senator(s) Sonnenberg; also Representative(s) Arndt and Becker J.--Concerning the continuation of the animal feeding operation permit program under the department of public health and environment, and, in connection therewith, making an appropriation.

Senator Sonnenberg moved that the Senate not concur in House amendments to SB18-033, as printed in House journal, April 17, page 1024, and that the Senate adhere to its position. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

SB18-108 by Senator(s) Crowder and Coram; also Representative(s) Arndt and Singer--Concerning the issuance of identification documents under the "Colorado Road and Community Safety Act" to persons who are not lawfully present in the United States, and, in connection therewith, making an appropriation.

Senator Coram moved that the Senate not concur in House amendments to SB18-108, as printed in House journal, April 11, page 931, and that the Senate adhere to its position. The motion was **adopted** by the following roll call vote:

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	N	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	N	Moreno	N	Zenzinger	Y
Fenberg	Y	Kagan	N	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

SB18-132 by Senator(s) Smallwood; also Representative(s) Kennedy--Concerning a waiver of federal law to permit insurance carriers to offer catastrophic health plans to any individual residing in Colorado, and, in connection therewith, making an appropriation.

Senator Smallwood moved that the Senate concur in House amendments to SB18-132, as printed in House journal, April 4, page 839. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	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	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

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

SB18-141 by Senator(s) Court; also Representative(s) Wilson and Hansen--Concerning voluntary contribution designations on the Colorado individual income tax return form.

Laid over until Monday, April 23, retaining its place on the calendar.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS --
CONSENT CALENDAR**

On motion of Majority Leader Holbert, the following Governor's appointments were confirmed by the following roll call votes:

MEMBER OF THE
STATE ELECTRICAL BOARD

for a term expiring July 1, 2018:

Scott R. Pandy of Fort Collins, Colorado to serve as a general contractor actively engaged in the building industry, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

MEMBER OF THE
STATE PLUMBING BOARD

for a term expiring July 1, 2021:

Catherine A. Duniho of Windsor, Colorado, an Unaffiliated, and a journeyman plumber, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

MEMBERS OF THE
UNINSURED EMPLOYER BOARD

for a term expiring September 1, 2019:

Roger Allen Hays of Aurora, Colorado, to serve as a representative of employers, appointed;

for terms expiring September 1, 2020:

Elsa Martinez Tenreiro, JD of Elizabeth, Colorado, to serve as an attorney who represents injured workers, appointed;

Amy Newton of Westminster, Colorado, to serve as a representative of insurers, appointed.

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YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

MEMBER OF THE
COLORADO COMMISSION ON JUDICIAL DISCIPLINE

effective June 30, 2017 for a term expiring June 30, 2021:

Christopher Gregory of Fort Collins, Colorado to serve as an attorney, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB18-180 and 187; HB18-1104, 1132, 1147, 1211, 1237, 1243, 1275, 1282, 1322, 1326, 1328, 1332, 1333, 1334, and 1337.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS (cont'd)

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB18-236** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 5, strike "**definitions.**" and substitute "**definition.**".

Page 2, line 24, strike "SHALL" and substitute "MAY".

Page 3, line 13, after "REQUIRING" insert "THAT THE PROVIDER REGISTER AND BE SUBJECT TO A".

Page 3, line 14, strike "PROVIDERS'" and substitute "PROVIDER'S".

Page 3, line 17, after "PROVIDER" insert "REGISTER AND".

Page 3, line 20, after "PROVIDER" insert "REGISTER AND".

Page 4, strike lines 1 through 4.

Reletter succeeding sub-subparagraph accordingly.

Page 4, strike line 12 and substitute:

"OCCUPATIONAL LICENSE;
(I) THE NEED TO ADDRESS A DIFFERENT TYPE OR MULTIPLE TYPES OF HARM, THE DEPARTMENT MAY RECOMMEND ALTERNATIVE TYPES OF

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REGULATIONS OR A COMBINATION OF TYPES OF REGULATIONS.".

Page 4, line 13, strike "SECTION:" and substitute "SECTION,".

Page 4, line 14, strike "(a)".

Page 4, line 16, strike "(I)" and substitute "(a)".

Page 4, line 17, strike "(II)" and substitute "(b)".

Page 4, line 18, strike "(III)" and substitute "(c)".

Page 4, line 19, strike "(IV)" and substitute "(d)".

Page 4, line 20, strike "(V)" and substitute "(e)".

Page 4, line 22, strike "(VI)" and substitute "(f)".

Page 4, line 23, strike "(VII)" and substitute "(g)".

Page 4, line 25, strike "(VIII)" and substitute "(h)".

Page 4, strike line 26 and substitute "GOOD OR SERVICE OR THE FACILITY WHERE THE GOOD OR SERVICE IS PROVIDED;".

Page 4, line 27, strike "(IX)" and substitute "(i)".

Page 5, line 1, strike "(X)" and substitute "(j)".

Page 5, line 2, strike "(XI)" and substitute "(k)".

Page 5, line 3, strike "(XII)" and substitute "(l)".

Page 5, line 4, strike "(XIII)" and substitute "(m)".

Page 5, strike lines 5 through 22 and substitute:

(n) OCCUPATIONAL LICENSE; AND
(o) A COMBINATION OF TYPES OF REGULATIONS, MORE RESTRICTIVE TYPES OF REGULATIONS, OR A PROHIBITION, AS DETERMINED BY THE DEPARTMENT."

Page 6, line 14, strike "PRESUME" and substitute "PERFORM AN ORIGINAL REVIEW THAT PRESUMES".

Page 6, line 20, strike "ENACTMENT" and substitute "CONTINUATION".

Page 6, line 25, strike "SHALL" and substitute "MAY".

Page 7, line 12, after "REQUIRING" insert "THAT THE PROVIDER REGISTER AND BE SUBJECT TO A".

Page 7, line 13, strike "PROVIDERS'" and substitute "PROVIDER'S".

Page 7, line 16, after "PROVIDER" insert "REGISTER AND".

Page 7, line 19, after "PROVIDER" insert "REGISTER AND".

Page 7, strike line 27.

Page 8, strike lines 1 through 3.

Reletter succeeding sub-subparagraph accordingly.

Page 8, strike lines 12 through 21 and substitute:

(I) THE NEED TO ADDRESS A DIFFERENT TYPE OR MULTIPLE TYPES OF HARM, THE DEPARTMENT MAY RECOMMEND ALTERNATIVE TYPES OF REGULATIONS OR COMBINATIONS OF TYPES OF REGULATIONS.

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SECTION 3. Act subject to petition - effective date. This act takes effect November 1, 2018; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor."

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB18-219** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 22, strike "OR SERVICE".

Page 3, line 25, strike "LABOR, AND SERVICING" and substitute "AND LABOR".

Page 3, line 26, strike "DEALER. "REPAIR" ALSO INCLUDES" and substitute "DEALER".

Page 3, strike line 27.

Page 4, strike line 1.

Page 4, line 2, strike "LABOR".

Page 4, lines 14 and 15, strike "DIAGNOSING, REPAIRING, AND SERVICING" and substitute "DIAGNOSING AND REPAIRING".

Page 4, line 15, strike "TO CORRECT ANY DEFECT OR" and substitute "IN ACCORDANCE WITH ANY".

Page 4, strike lines 16 through 19 and substitute "WARRANTY, RECALL, OR CERTIFIED PREOWNED WARRANTY,".

Page 4, line 20, strike "OBLIGATION,".

Page 4, line 21, strike "OR SERVICE COMMITMENT".

Page 4, line 23, strike "A" and substitute "AT A MOTOR VEHICLE DEALER'S REQUEST, A" and strike "ITS" and substitute "THE".

Page 4, line 24, strike "DEALERS" and substitute "DEALER".

Page 4, line 25, after "PERCENTAGE" insert "IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION".

Page 4, lines 26 and 27, strike "ARISING FROM OR RELATING TO ANY WARRANTY OBLIGATION." and substitute "FOR COVERED REPAIRS PERFORMED IN ACCORDANCE WITH THE WARRANTY OBLIGATION, IF THE RETAIL LABOR RATE AND RETAIL PARTS MARKUP PERCENTAGE ARE REASONABLE.".

Page 5, line 6, strike "FIFTY" and substitute "ONE HUNDRED".

Page 5, line 15, strike "THIRTY" and substitute "NINETY".

Page 5, line 26, after "PERCENTAGE." add "IF THE RATES FROM THE CALCULATION ARE SUBSTANTIALLY HIGHER OR LOWER THAN THE CURRENT RATES, THE MANUFACTURER MAY REQUEST ADDITIONAL REPAIR ORDERS FOR THE NINETY DAYS BEFORE OR AFTER THE SUBMITTED REPAIR ORDERS FOR PURPOSES OF ALTERATION.".

Page 6, line 2, strike "SIXTY" and substitute "NINETY".

Page 6, line 6, strike "SIXTY" and substitute "NINETY".

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Page 7, strike line 1 and substitute "EVENTS, ONE-TIME SPECIALS, EXPRESS SERVICE, AND QUOTED-PRICE PROMOTIONAL DISCOUNTS, BUT THIS EXCLUSION FROM THE CALCULATION DOES NOT INCLUDE BROADLY APPLICABLE DISCOUNTS OFFERED BY THE DEALER, SUCH AS PERCENTAGE-OFF COUPONS, THAT APPLY TO REPAIRS AND PARTS;"

Page 7, line 2, strike "REPAIRS DONE" and substitute "PARTS SOLD".

Page 7, line 4, after "FASTENERS," insert "TIRES,".

Page 7, strike line 6.

Re-number succeeding subparagraphs accordingly.

Page 7, line 14, after "FOR" insert "MANUFACTURER APPROVED AND REIMBURSED".

Page 7, line 14, strike "OR POLICY".

Page 7, line 19, strike "CARRIERS, FLEET OPERATORS," and substitute "CARRIERS, AND FLEET OPERATORS, BUT NOT INCLUDING" and strike "COMPANIES," and substitute "COMPANIES".

Page 7, line 27, strike "SEMIANNUALLY," and substitute "ONCE ANNUALLY,".

Page 8, line 3, strike "SEMIANNUALLY," and substitute "ONCE ANNUALLY,".

Page 8, after line 5 insert:

"(d) (I) A MANUFACTURER MAY:

(A) CONDUCT A PERIODIC REVIEW OF A MOTOR VEHICLE DEALER'S SERVICE RECORDS TO VERIFY THE CONTINUING ACCURACY OF THE RETAIL LABOR RATE OR RETAIL PARTS MARKUP PERCENTAGE PROPOSED BY OR IN EFFECT FOR THE DEALER; AND

(B) ADJUST THE MOTOR VEHICLE DEALER'S RETAIL LABOR RATE OR RETAIL PARTS MARKUP PERCENTAGE BASED ON THE REVIEW CONDUCTED UNDER SUBSECTION (5)(d)(I)(A) OF THIS SECTION.

(II) A MANUFACTURER SHALL NOT CONDUCT A PERIODIC REVIEW MORE THAN ONCE PER CALENDAR YEAR. THIS PERIODIC REVIEW IS NOT AN AUDIT IN ACCORDANCE WITH SECTION 12-6-126.

(III) THE MOTOR VEHICLE DEALER MAY FILE A COMPLAINT IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SUBSECTION (6)(c) OF THIS SECTION IF THE MOTOR VEHICLE DEALER DOES NOT AGREE WITH THE ADJUSTED RETAIL LABOR RATE OR RETAIL PARTS MARKUP PERCENTAGE."

Page 8, line 8, strike "INACCURATE," and substitute "INACCURATE OR IS UNREASONABLE OR IS SUBSTANTIALLY DIFFERENT THAN THAT OF OTHER SAME LINE-MAKE DEALERS WITHIN THIRTY MILES OF OR SIMILARLY SITUATED AS THE SUBMITTING MOTOR VEHICLE DEALER,".

Page 8, line 11, strike "FIFTEEN" and substitute "FORTY-FIVE".

Page 8, line 15, strike "A FULL AND DETAILED" and substitute "AN".

Page 8, strike line 17 and substitute "SUBJECT TO CONTEST;".

Page 8, line 22, strike "SHALL NOT" and substitute "MAY".

Page 8 line 25, strike "(6)." and substitute "(6), BUT THE MODIFICATION DOES NOT CHANGE THE TIMING REQUIREMENTS IN THIS SECTION.".

Page 9, line 3, strike "FIFTEEN" and substitute "FORTY-FIVE".

Page 9, line 8, strike "INCREASE IN" and substitute "CALCULATION OF".

Page 9, line 16, strike "JURISDICTION." and substitute "JURISDICTION OR THE EXECUTIVE DIRECTOR NO LATER THAN SIXTY DAYS AFTER THE NEW

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MOTOR VEHICLE DEALER RECEIVES THE MANUFACTURER'S CHALLENGE TO THE DETERMINED RETAIL LABOR RATE OR RETAIL PARTS MARKUP PERCENTAGE."

Page 9, strike lines 17 through 20 and substitute:

"(II) IN A COURT PROCEEDING, THE COURT".

Page 9, line 24, strike "JUDICIAL".

Page 9, line 26, strike "FIFTEEN" and substitute "THIRTY".

Page 10, line 12, strike "FIFTEEN" and substitute "THIRTY".

Page 10, line 19, strike "IF THE COURT FINDS THAT THE".

Page 10, strike lines 20 through 23.

Page 10, strike lines 26 and 27.

Page 11, strike lines 1 and 2.

Reletter succeeding paragraphs accordingly.

Page 11, line 3, strike "ELIMINATE FLAT-RATE TIMES OR".

Page 11, line 4, strike "AND ANY FLAT-RATE TIME THAT IS".

Page 11, strike lines 5 and 6.

Page 11, line 7, strike "(c) SHALL ESTABLISH REASONABLE" and substitute "NOR ESTABLISH UNREASONABLE".

Reletter succeeding paragraphs accordingly.

Page 11, line 8, strike "CONSISTENT" and substitute "INCONSISTENT".

Page 11, strike lines 11 through 16 and substitute "WARRANTY OBLIGATION, COMPENSATE THE MOTOR VEHICLE DEALER FOR THE AUTHORIZED REPAIR PART BY PAYING THE DEALER AN AMOUNT EQUAL TO THE RETAIL PARTS MARKUP PERCENTAGE MULTIPLIED BY THE COST THE DEALER WOULD HAVE PAID FOR THE AUTHORIZED PART AS LISTED IN THE MANUFACTURER'S PRICE SCHEDULE;"

Reletter succeeding paragraphs accordingly.

Page 11, line 21, strike "REPAIRS;" and substitute "REPAIRS SOLELY TO PROVIDE A LOWER COMPENSATION TO A MOTOR VEHICLE DEALER;"

Page 11, line 23, strike "A" and substitute "THE".

Page 11, line 24, strike "A" and substitute "THE".

Page 11, line 27, strike "A" and substitute "THE".

Page 12, line 1, strike "A" and substitute "THE".

Page 12, line 2, strike "A" and substitute "THE".

Page 12, strike lines 4 through 16 and substitute:

"(f) SHALL NOT REQUIRE FROM A MOTOR VEHICLE ANY INFORMATION THAT IS UNDULY BURDENSOME OR TIME CONSUMING TO OBTAIN, INCLUDING ANY PART-BY-PART OR TRANSACTION-BY-TRANSACTION CALCULATIONS."

Page 12, lines 19 and 20, strike "BUSINESS IN ACCORDANCE WITH ESTABLISHED PRACTICE." and substitute "BUSINESS."

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- Business, Labor, & Technology After consideration on the merits, the Committee recommends that **HB18-1187** be **referred** to the Committee of the Whole with favorable recommendation. 1
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- Finance After consideration on the merits, the Committee recommends that **HB18-1209** be **postponed indefinitely**. 5
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- Finance After consideration on the merits, the Committee recommends that **SB18-229** be **referred** to the Committee on Appropriations with favorable recommendation. 10
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MESSAGE FROM THE HOUSE

April 19, 2018 14
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Mr. President: 17
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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB18-1281, 1314, amended as printed in House Journal, April 18, 2018. 19
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The House has passed on Third Reading and returns herewith SB18-143, 207, 177, 003, 178. 24
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The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB18-062, 015, amended as printed in House Journal, April 18, 2018. 27
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The House has postponed indefinitely SB18-047, 192. The bills are returned herewith. 30
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MESSAGE FROM THE REVISOR OF STATUTES

April 19, 2018 33
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We herewith transmit: 37
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Without comment, as amended, HB18-1281 and 1314. 40
Without comment, as amended, SB18-015 and 062. 41
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INTRODUCTION OF BILLS -- FIRST READING

- The following bills were read by title and referred to the committees indicated: 44
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- SB18-261** by Senator(s) Marble; also Representative(s) Hooton and Ransom--Concerning adding a condition for which a physician could prescribe an opiate for pain to the list of disabling medical conditions for medical marijuana use. 47
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 - SB18-262** by Senator(s) Gardner; also Representative(s) Duran and Bridges--Concerning targeted funding for public institutions of higher education to help achieve the Colorado commission on higher education master plan goals, and, in connection therewith, making an appropriation. 54
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 - HB18-1281** by Representative(s) Esgar; also Senator(s) Garcia--Concerning measures to enhance the consumer protection mission of the Colorado public utilities commission, and, in connection therewith, prohibiting a person with recent connections to a regulated utility from serving on the commission and providing for periodic performance audits. 60
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 - HB18-1314** by Representative(s) Ginal and Lawrence; also Senator(s) Cooke--Concerning prohibiting the use of unmanned aircraft systems to obstruct public safety operations. 66
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On motion of Majority Leader Holbert, the Senate adjourned until 9:00 a.m., Friday, April 20, 2018.

Approved:

Kevin J. Grantham
President of the Senate

Attest:

Effie Ameen
Secretary of the Senate

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