SENATE JOURNAL
Sixty-ninth General Assembly
STATE OF COLORADO
First Regular Session

87th Legislative Day Friday, April 5, 2013

Prayer — By the chaplain, Rabbi Yossi Serebryanski, Chabad of South Denver.

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

Pledge — By Senator Jones.

Roll Call — Present--34
Excused--1, Johnston.

Musical Presentation — By the El Jebel Shrine Pipe Band, Colorado's oldest continuous pipe band. Led by Pipe Major Tom Johnson, Drum Major Kent Burns, and Chieftain Tony Datillo. The Pipe Band plays many of the Celtic and Highland festivals throughout Colorado, as well as Honor Flights for service members returning to the state.

Quorum — The President announced a quorum present.

Reading of Journal — On motion of Senator Todd, reading of the Journal of Thursday, April 4, 2013, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Appropriations — After consideration on the merits, the Committee recommends that **SB13-200** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, after line 14 insert:

"**SECTION 3. Appropriation - adjustments to 2013 long bill.** (1) In addition to any other appropriation, there is hereby appropriated to the department of health care policy and financing, for the fiscal year beginning July 1, 2013, the sum of $1,752,297 and 17.4 FTE, or so much thereof as may be necessary, comprised of $876,150 from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes and $876,147 from federal funds, to be allocated to the executive director's office for general administration for the implementation of this act as follows:

(a) $1,105,847 and 17.4 FTE for personal services;
(b) $115,368 for health, life, and dental;
(c) $1,883 for short-term disability;
(d) $35,672 for S.B. 04-257 amortization equalization disbursement;
(e) $32,204 for S.B. 06-235 supplemental amortization equalization disbursement;
(f) $146,190 for operating expenses;
(g) $24,910 for the purchase of legal services;
(h) $12,122 for the purchase of administrative law judge services;
(i) $78,101 for leased space; and
(j) $200,000 for general professional services and special projects.

(2) In addition to any other appropriation, there is hereby appropriated to the department of health care policy and financing, for

the fiscal year beginning July 1, 2013 the sum of $1,554,374, or so much thereof as may be necessary, to be allocated to the executive director's office for information technology contracts for the implementation of this act as follows:

(a) $201,600, comprised of $100,800 from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes and $100,800 from federal funds, for medicaid management information system maintenance and projects;

(b) $595,214, comprised of $297,607 from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes and $297,607 from federal funds, for the centralized eligibility vendor; and

(c) $757,560, comprised of $378,780 from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes and $378,780 from federal funds, for the Colorado benefits management system modernization project.

(3) In addition to any other appropriation, there is hereby appropriated to the department of health care policy and financing, for the fiscal year beginning July 1, 2013 the sum of $2,883,599, or so much thereof as may be necessary, to be allocated to the executive director's office for eligibility determinations and client services for the implementation of this act as follows:

(a) $11,017, comprised of $197 from the general fund, $5,312 from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes, and $5,508 from federal funds, for medical identification cards;

(b) $1,537,200, comprised of $768,600 from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes and $768,600 from federal funds, for contracts for special eligibility determinations;

(c) $104,712, comprised of $31,414 from the general fund, $20,942 from local funds, and $52,356 from federal funds, for county administration;

(d) $1,023,453, comprised of $451,727 from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes and $571,726 from federal funds for hospital provider fee county administration costs; and

(e) $207,217, comprised of $4,132 from the general fund, $99,477 from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes, and $103,608 from federal funds for customer outreach.

(4) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2013, for medical service premiums are adjusted as follows:

(a) The general fund appropriation is decreased by $934,367;

(b) The cash funds appropriation from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes, is decreased by $138,501,252;

(c) The cash funds appropriation from the old age pension health and medical care fund created in section 7 (c) of Article XXIV of the Colorado constitution is increased by $1,745,639; and

(d) The federal funds appropriation is increased by $412,433,097.

(5) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2013, for behavioral health community programs for behavioral health capitation payments are adjusted as follows:

(a) The general fund appropriation is increased $76,907;

(b) The appropriation from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes, is decreased by $19,260,944; and

(c) The federal funds appropriation is increased by $52,601,870.

(6) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2013, the sum of $2,007,812, or so much thereof as may be necessary, for allocation to the indigent care program

for children's basic health plan medical and dental costs related to the implementation of this act. Of said sum, $694,706 is from the general fund, $22,938 is from the children's basic health plan trust created in section 25.5-8-105 (1), Colorado Revised Statutes, and $1,290,168 is from federal funds.

(7) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2013, for other medical services are adjusted as follows:

(a) The cash funds appropriation from the old age pension health and medical care fund created in section 7 (c) of Article XXIV of the Colorado constitution is decreased by $1,745,639, for the old age pension state medical program.

SECTION 4. Appropriation - adjustments to 2013 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 2013, the sum of $28,249 and 0.4 FTE, or so much thereof as may be necessary, to be allocated to management for the executive director's office subprogram for the implementation of this act as follows:

(a) $23,546 and 0.4 FTE for personal services; and

(b) $4,703 for operating expenses.

(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of corrections for the fiscal year beginning July 1, 2013, for institutions for the medical services subprogram are adjusted as follows:

(a) The general fund appropriation for purchase of medical services from other medical facilities is decreased by $950,000; and

(b) The general fund appropriation for catastrophic medical expenses is decreased by $1,550,000.

SECTION 5. Appropriation - adjustments to 2013 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services for the fiscal year beginning July 1, 2013, for behavioral health services for mental health community programs are adjusted as follows:

(a) The general fund appropriation for mental health services for the medically indigent is decreased by $651,875.

SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2013, the sum of $24,910, or so much thereof as may be necessary, for the provision of legal services for the department of health care policy and financing related to the implementation of this act. Said sum is from reappropriated funds received from the department of health care policy and financing out of the appropriation made in paragraph (g) of subsection (1) as contained in section 3 of this act.

SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated to the department of personnel, for the fiscal year beginning July 1, 2013, the sum of $12,122, or so much thereof as may be necessary, for the provision of administrative law judge services for the department of health care policy and financing related to the implementation of this act. Said sum is from reappropriated funds received from the department of health care policy and financing out of the appropriation made in paragraph (h) of subsection (1) as contained in section 3 of this act.".

Renumber succeeding section accordingly.

Page 1, line 104, strike "**LINE.**" and substitute "**LINE, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB13-204** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 14 insert:

"**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of professions and occupations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2013, the sum of $2,100, or so much thereof as may be necessary, for allocation to the division of professions and occupations for board member expenses related to the implementation of this act.".

Renumber succeeding section accordingly.

Page 1, line 102, strike "**EXAMINERS.**" and substitute "**EXAMINERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".

Appropriations After consideration on the merits, the Committee recommends that **SB13-193** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 14, after line 23 insert:

"**SECTION 10. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2013, the sum of $150,093 and 1.0 FTE, or so much thereof as may be necessary, to be allocated to the management and administration division for accountability and improvement planning programs for the implementation of this act as follows:

(a) $100,440 and 1.0 FTE for personal services; and
(b) $49,653 for operating expenses and other costs.".

Renumber succeeding section accordingly.

Page 1, line 101, strike "**SCHOOLS.**" and substitute "**SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".

Appropriations After consideration on the merits, the Committee recommends that **SB13-148** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB13-082** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB13-166** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB13-170** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Senate Judiciary Committee Report dated February 27, 2013, page 2, after line 7, insert:

"Page 4, line 13, after "**Appropriation.**" insert "(1)".

Page 4, line 16, strike "office of the governor," and substitute "governor - lieutenant governor - state planning and budgeting,".".

Page 2 of the Report, after line 8 insert:

"Page 4, after line 19 insert:

"(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the disability-benefit support fund created in section 24-30-2205, Colorado Revised Statutes, not otherwise appropriated, to the department of personnel, for the fiscal year beginning July 1, 2013, the sum of $15,648 and 0.3 FTE, or so much thereof as may be necessary, for allocation to executive director's office, department administration, for personal services related to the implementation of the laura hershey disability-benefit support act (H.B. 11-1216).

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2013, the sum of $16,000, or so much thereof as may be necessary, for allocation to the taxation business group for contract computer programming services related to the implementation of this act.".".

Appropriations

After consideration on the merits, the Committee recommends that **SB13-040** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 3, before line 24 insert:

"**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2013, the sum of $99,575, or so much thereof as may be necessary, for allocation to the homelake military veterans cemetery line item for construction costs related to the implementation of this act.".

Renumber succeeding section accordingly.

Page 1, line 102, strike "**CEMETERY.**" and substitute "**CEMETERY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB13-047** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 23 insert:

"**SECTION 2. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2013, the sum of $24,334, or so much thereof as may be necessary, for the implementation of this act as follows:

(a) $19,650 to the division of child welfare for credit report remediation; and

(b) $4,684 to the division of youth corrections for credit report remediation.

(2) (a) In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2013, the department of human services will receive the sum of $6,766 in federal funds for the implementation of this act as follows:

(I) $6,550 to the division of child welfare for credit report remediation; and

(II) $216 to the division of youth corrections for credit report remediation.

(b) Although the federal funds identified in paragraph (a) of this

subsection (2) are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.".

Renumber succeeding section accordingly.

Page 1, line 102, strike "**THEFT.**" and substitute "**THEFT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".

Appro-priations

After consideration on the merits, the Committee recommends that **SB13-073** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appro-priations

After consideration on the merits, the Committee recommends that **SB13-111** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 23, after line 4 insert:

"**SECTION 18. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2013, the sum of $3,286,208 and 1.0 FTE, or so much thereof as may be necessary, to be allocated to the adult assistance programs division for the implementation of this act as follows:

(a) $2,200,000 for the reduction of county adult protective services worker caseloads;

(b) $1,000,000 for the county provision of adult protective services to at risk adults; and

(c) $86,208 and 1.0 FTE for adult protective services training and quality assurance activities.".

Renumber succeeding section accordingly.

Page 1, line 101, strike "**ADULTS.**" and substitute "**ADULTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".

Appro-priations

After consideration on the merits, the Committee recommends that **HB13-1039** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health & Human Services

The Committee on Health & Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
STATE BOARD OF HUMAN SERVICES

for a term expiring March 1, 2013:

Jerene Carol Petersen of Denver, Colorado, a member of the public, and occasioned by the resignation of Regina D. Richards of Aurora, Colorado, appointed;

for terms expiring March 1, 2015:

Honorable Connie McLain of Black Hawk, Colorado, to serve as a county commissioner, and occasioned by the resignation of the Honorable Dave Long of New Raymer, Colorado, appointed;

Honorable David Allen Foy of Otis, Colorado, to serve as a county commissioner, and occasioned by the resignation of the Honorable Samuel Pace of Crestone, Colorado, appointed.

Health & Human Services

The Committee on Health & Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
HOSPITAL PROVIDER FEE OVERSIGHT
AND ADVISORY BOARD

for a term expiring May 15, 2015:

Henry Garvin of Alamosa, Colorado, an employee of a rural hospital in Colorado, to fill the vacancy occasioned by the resignation of Michelle Lynn Joy of Sterling, Colorado, appointed

for a term expiring May 15, 2016:

Dan E. Enderson of Castle Rock, Colorado, an employee of a hospital in Colorado, appointed.

Health & Human Services

The Committee on Health & Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO TRAUMATIC BRAIN INJURY
TRUST FUND BOARD

for terms expiring on June 30, 2015:

Susan Beth Charlifue of Littleton, Colorado, appointed;

James Pinkney, III of Henderson, Colorado, appointed;

for a term expiring on June 30, 2015:

Deborah A. Boyle of Franktown, Colorado, to serve as a member of the public, reappointed.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB13-144** be postponed indefinitely.

Health & Human Services

After consideration on the merits, the Committee recommends that **SCR13-002** be referred to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB13-1077** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 16, after "TITLE," insert "WHERE THE HEARING OFFICER IS ENGAGED IN FINDING FACTS AND APPLYING LAW FOR AN INCIDENT OR OFFENSE REPORTED DIRECTLY TO THE DEPARTMENT BY A LAW ENFORCEMENT OFFICER, AND WHERE THE REVOCATION WAS NOT TRIGGERED IN WHOLE OR IN PART BY A RECORD OF A CONVICTION,".

Agriculture, Natural Resources, & Energy

After consideration on the merits, the Committee recommends that **SB13-223** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **SJR13-021** be amended as follows, and as so amended, be referred to the Senate for final action.

Amend printed joint resolution, page 2, line 19, strike ".03%" and substitute ".3%".

Page 2, line 28, strike "16" and substitute "19".

Page 2, after line 32 insert:

"(II) Two members of the House of Representatives who serve on either on the Health, Insurance, and Environment Committee or the Public Health Care and Human Services Committee, one appointed by the Speaker of the House of Representatives and one appointed by the minority leader of the House of Representatives;".

Renumber succeeding subparagraphs accordingly.

Page 3, line 18, strike "system; and" and substitute "system, appointed by the Governor;".

Page 3, line 19, strike "provider;" and substitute "provider, appointed by the Governor; and

(XI) One member who represents dentists, appointed by the Governor;".

Page 3, strike line 20 and substitute:

"(b) The individuals making the appointments shall make a".

Page 3, line 23, strike "appointees" and substitute "individuals making the appointments".

SENATE SERVICES REPORT

Correctly Engrossed: SJM13-001.
Correctly Reengrossed: SB13-201 and 212.
Correctly Rerevised: HB13-1025 and 1060.
Correctly Enrolled: SB13-013, 071, 139 and 184.

INTRODUCTION OF BILLS -- FIRST READING

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

HB13-1121 by Representative(s) Schafer and Murray, Priola, Ginal, Joshi, McCann, Singer, Sonnenberg, Stephens, Young, Landgraf, Primavera; also Senator(s) Heath and Roberts, Tochtrop, Brophy, Todd, Johnston--Concerning the ability of a pharmacist to substitute a biosimilar product for a prescribed biological product when certain conditions are satisfied.
Health & Human Services

HB13-1160 by Representative(s) Pabon; also Senator(s) King--Concerning criminal theft, and, in connection therewith, reducing an appropriation.
Judiciary

HB13-1260 by Representative(s) Singer; also Senator(s) Roberts--Concerning the regulation of bingo, and, in connection therewith, repealing the existing limit on the number of bingo games that may be conducted on any one occasion and allowing a player to play bingo by means of an electronic device.
State, Veterans, & Military Affairs

HB13-1265 by Representative(s) Hullinghorst; also Senator(s) Heath--Concerning the income tax credit for business facility employees under the "Urban and Rural Enterprise Zone Act".
Finance

HB13-1268 by Representative(s) Moreno, Foote, Hullinghorst, Lebsock, Mitsch Bush, Pabon, Singer; also Senator(s) Hodge--Concerning a disclosure of possible separate ownership of the mineral estate in the sale of real property.
State, Veterans, & Military Affairs

Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB13-1179 by Representative(s) Levy, Duran, Gerou; also Senator(s) Steadman, Hodge, Lambert--Concerning deadlines for state agencies to submit documents related to appropriations to the joint budget committee.

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

HB13-1243 by Representative(s) Young, Buckner, Court, Duran, Gardner, Kagan, Lee, McLachlan, Pettersen, Salazar; also Senator(s) Ulibarri--Concerning factual findings included in parenting time orders.

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

HB13-1237 by Representative(s) Young and Buckner; also Senator(s) Hodge--Concerning the voluntary contribution benefiting the Special Olympics Colorado fund that appears on the state individual income tax return forms.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kefalas	Y	Roberts	Y
Balmer	Y	Harvey	Y	Kerr	Y	Scheffel	Y
Baumgardner	Y	Heath	Y	King	Y	Schwartz	Y
Brophy	Y	Hill	Y	Lambert	Y	Steadman	Y
Cadman	Y	Hodge	Y	Lundberg	Y	Tochtrop	Y
Carroll	Y	Hudak	Y	Marble	Y	Todd	Y
Crowder	Y	Jahn	Y	Newell	Y	Ulibarri	Y
Giron	Y	Johnston	E	Nicholson	Y	President	Y
Grantham	Y	Jones	Y	Renfroe	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB13-1179, HB13-1243, HB13-1237.

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Committee of the Whole

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

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB13-1123 by Representative(s) Exum; also Senator(s) Kerr--Concerning the right of a person to waive confidentiality requirements protecting personal work information obtained by the department of labor and employment for unemployment benefit claims to permit the department to forward certain information to potential employers.

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

HB13-1204 by Representative(s) Gardner; also Senator(s) Ulibarri--Concerning the "Uniform Premarital and Marital Agreements Act".

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 2, page(s) 665-666, was **lost**.)

Amendment No. 2(L.003), by Senator Ulibarri.

Amend reengrossed bill, page 3, line 3, strike "STATUS:" and substitute "STATUS OR BETWEEN PARTNERS IN A CIVIL UNION BECAUSE OF THEIR STATUS AS PARTIES TO A CIVIL UNION:".

Page 9, after line 20 insert:

"**SECTION 2.** In Colorado Revised Statutes, **add with relocated provisions** 14-2-303.5 as follows:

14-2-303.5. Applicability of part and case law to marital agreements relating to civil unions. [Formerly 14-2-307.5 as added by Senate Bill 13-011] Prospective parties to a civil union and present parties to a civil union may ~~contract to make an agreement relating to the civil union that includes any of the rights and obligations that may be included in a marital agreement pursuant to section 14-2-304, but only if the agreement is signed by both parties prior to the filing of an action for legal separation of the civil union, dissolution of the civil union, or for declaration of invalidity of the civil union~~ ENTER INTO A PREMARITAL AGREEMENT OR MARITAL AGREEMENT PURSUANT TO THE PROVISIONS OF THIS PART 3, AND the provisions of this ~~article~~ PART 3 and any case law construing this ~~article~~ PART 3 apply to ~~any agreement made by prospective parties to a civil union or between present parties to a civil union~~ SUCH AGREEMENTS.

SECTION 3. Repeal of relocated provisions in this act. In Colorado Revised Statutes, **repeal as added by Senate Bill 13-011**, 14-2-307.5, as follows:

14-2-307.5. Applicability of article and case law to agreements relating to civil unions. ~~Prospective parties to a civil union and present parties to a civil union may contract to make an agreement relating to the civil union that includes any of the rights and obligations that may be included in a marital agreement pursuant to section 14-2-304, but only if the agreement is signed by both parties prior to the filing of an action for legal separation of the civil union, dissolution of the civil union, or for declaration of invalidity of the civil union. The provisions of this article and any case law construing this article apply to any agreement made by prospective parties to a civil union or between present parties to a civil union.~~".

Renumber succeeding sections accordingly.

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

HB13-1258 by Representative(s) Salazar, Buckner, Court, Duran, Ferrandino, Fields, Fischer, Foote, Garcia, Ginal, Hamner, Hullinghorst, Labuda, Lebsock, Levy, May, McCann, Melton, Mitsch Bush, Moreno, Pabon, Schafer, Singer, Vigil, Williams; also Senator(s) Aguilar and Carroll--Concerning local government involvement with federal immigration issues.

Ordered revised 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.)

SB13-191 by Senator(s) Hodge; also Representative(s) Williams and Sonnenberg--Concerning the acquisition of rights-of-way by pipeline companies.

Laid over until Wednesday, April 10, retaining its place on the calendar.

SB13-185 by Senator(s) Nicholson; also Representative(s) Primavera--Concerning expansion of the types of activities that are eligible for grants under the tobacco education, prevention, and cessation grant program.

Laid over until Wednesday, April 10, retaining its place on the calendar.

SB13-203 by Senator(s) Schwartz, Giron, King; also Representative(s) Coram, DelGrosso, Priola, Singer, Tyler--Concerning limitations on the use of certain public land for automotive service stations in order to limit government competition.

Laid over until Wednesday, April 10, retaining its place on the calendar.

HB13-1208 by Representative(s) Duran; also Senator(s) Newell--Concerning creative districts, and, in connection therewith, authorizing the creative industries division of the Colorado office of economic development to offer incentives in the form of need-based funding for infrastructure development in state-certified creative districts and to provide such funding from any moneys appropriated to the creative industries cash fund for that purpose.

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

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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB13-1258 by Representative(s) Salazar, Buckner, Court, Duran, Ferrandino, Fields, Fischer, Foote, Garcia, Ginal, Hamner, Hullinghorst, Labuda, Lebsock, Levy, May, McCann, Melton, Mitsch Bush, Moreno, Pabon, Schafer, Singer, Vigil, Williams; also Senator(s) Aguilar and Carroll--Concerning local government involvement with federal immigration issues.

Senator Lundberg moved to amend the Report of the Committee of the Whole to show that the following Lundberg floor amendment, (L.002) to HB 13-1258, did pass.

Amend reengrossed bill, page 2, strike lines 2 through 22 and substitute:

"**SECTION 1.** In Colorado Revised Statutes, 29-29-103, **repeal** (2) and **amend** (3) as follows:

29-29-103. Cooperation with federal officials regarding immigration status. (2) ~~(a) (I) A peace officer who has probable cause that an arrestee for a criminal offense is not legally present in the United States shall report such arrestee to the United States immigration and customs enforcement office if the arrestee is not held at a detention facility. If the arrestee is held at a detention facility and the county sheriff reasonably believes that the arrestee is not legally present in the United States, the sheriff shall report such arrestee to the federal immigration and customs enforcement office.~~

~~(II) This subsection (2) shall not apply to arrestees who are arrested for a suspected act of domestic violence as defined by section 18-6-800.3, C.R.S., until such time as the arrestee is convicted of a domestic violence offense.~~

~~(b) The governing body of each local government shall provide notice in writing to peace officers of the duty to cooperate with state and federal officials with regards to enforcement of state and federal laws regarding immigration and comply with paragraph (a) of this subsection (2). Each governing body shall provide written confirmation to the general assembly that it has provided such notice and shall annually, on or before March 1 of each year, report to the legislative council of the general assembly the number of reports made to the United States immigration and customs enforcement office pursuant to this article.~~

~~(c) The general assembly finds and declares that the state attorney general and all appropriate state and local law enforcement agencies should vigorously pursue all federal moneys to which the state may be entitled for the reimbursement of moneys spent to enforce federal immigration laws.~~

(3) A local government that violates subsection (1) of this section ~~or paragraph (b) of subsection (2) of this section~~ shall not be eligible to receive local government financial assistance through grants administered by the department of local affairs until such time as the ordinance or policy is no longer in effect.".

Renumber succeeding section accordingly.

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 was **lost** on the following roll call vote:

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	N	Guzman	N	Kefalas	N	Roberts	Y
Balmer	Y	Harvey	Y	Kerr	N	Scheffel	Y
Baumgardner	Y	Heath	N	King	Y	Schwartz	N
Brophy	Y	Hill	Y	Lambert	Y	Steadman	N
Cadman	Y	Hodge	N	Lundberg	Y	Tochtrop	N
Carroll	N	Hudak	N	Marble	Y	Todd	N
Crowder	Y	Jahn	N	Newell	N	Ulibarri	N
Giron	N	Johnston	E	Nicholson	Y	President	N
Grantham	Y	Jones	N	Renfroe	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kefalas	Y	Roberts	Y
Balmer	Y	Harvey	Y	Kerr	Y	Scheffel	Y
Baumgardner	Y	Heath	Y	King	Y	Schwartz	Y
Brophy	Y	Hill	Y	Lambert	Y	Steadman	Y
Cadman	Y	Hodge	Y	Lundberg	Y	Tochtrop	Y
Carroll	Y	Hudak	Y	Marble	Y	Todd	Y
Crowder	Y	Jahn	Y	Newell	Y	Ulibarri	Y
Giron	Y	Johnston	E	Nicholson	Y	President	Y
Grantham	Y	Jones	Y	Renfroe	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB13-1123, HB13-1204 as amended, HB13-1258, HB13-1208.
Laid over until Wednesday, April 10: SB13-191, SB13-185, SB13-203.

CONSIDERATION OF RESOLUTIONS

SR13-003 by Senator(s) Carroll; --Concerning the creation of a Senate committee of reference for the implementation of amendment 64.

Laid over until Wednesday, April 10, retaining its place on the calendar.

HJR13-1017 by Representative(s) Landgraf; also Senator(s) Aguilar--Concerning encouraging medical care professionals to provide perinatal bereavement services to parents who receive a fetal anomaly diagnosis.

On motion of Senator Aguilar, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kefalas	Y	Roberts	Y
Balmer	Y	Harvey	Y	Kerr	Y	Scheffel	Y
Baumgardner	Y	Heath	Y	King	Y	Schwartz	Y
Brophy	Y	Hill	Y	Lambert	Y	Steadman	Y
Cadman	Y	Hodge	Y	Lundberg	Y	Tochtrop	Y
Carroll	Y	Hudak	Y	Marble	Y	Todd	Y
Crowder	Y	Jahn	Y	Newell	Y	Ulibarri	Y
Giron	Y	Johnston	E	Nicholson	Y	President	Y
Grantham	Y	Jones	Y	Renfroe	Y		

Co-sponsor(s) added: Baumgardner, Crowder, Giron, Grantham, Guzman, Jahn, Jones, Kerr, King, Lundberg, Marble, Roberts, Scheffel, Schwartz, Steadman and Ulibarri.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB13-126 by Senator(s) Guzman; also Representative(s) Duran--Concerning the removal of unreasonable restrictions on the ability of the owner of an electric vehicle to access charging facilities.

Senator Guzman moved that the Senate concur in House amendments to **SB13-126**, as printed in House journal, March 27, page(s) 707. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kefalas	Y	Roberts	Y
Balmer	Y	Harvey	Y	Kerr	Y	Scheffel	Y
Baumgardner	Y	Heath	Y	King	Y	Schwartz	Y
Brophy	Y	Hill	Y	Lambert	Y	Steadman	Y
Cadman	Y	Hodge	Y	Lundberg	Y	Tochtrop	Y
Carroll	Y	Hudak	Y	Marble	Y	Todd	Y
Crowder	Y	Jahn	Y	Newell	Y	Ulibarri	Y
Giron	Y	Johnston	E	Nicholson	Y	President	Y
Grantham	Y	Jones	Y	Renfroe	Y		

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kefalas	Y	Roberts	N
Balmer	N	Harvey	Y	Kerr	Y	Scheffel	N
Baumgardner	N	Heath	Y	King	N	Schwartz	Y
Brophy	Y	Hill	N	Lambert	N	Steadman	Y
Cadman	N	Hodge	Y	Lundberg	N	Tochtrop	Y
Carroll	Y	Hudak	Y	Marble	N	Todd	Y
Crowder	Y	Jahn	Y	Newell	Y	Ulibarri	Y
Giron	Y	Johnston	E	Nicholson	Y	President	Y
Grantham	N	Jones	Y	Renfroe	N		

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

SB13-182 by Senator(s) Nicholson, Todd, Schwartz; also Representative(s) Williams, Hamner, Mitsch Bush--Concerning deceptive trade practices related to time share resale services.

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

SB13-027 by Senator(s) Todd; also Representative(s) Priola--Concerning the provision of parking facilities by third parties at or near regional transportation district mass transit stations.

Senator Todd moved that the Senate concur in House amendments to **SB13-027**, as printed in House journal, April 1, page(s) 736. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kefalas	Y	Roberts	Y
Balmer	Y	Harvey	Y	Kerr	Y	Scheffel	Y
Baumgardner	Y	Heath	Y	King	Y	Schwartz	Y
Brophy	Y	Hill	Y	Lambert	Y	Steadman	Y
Cadman	Y	Hodge	Y	Lundberg	Y	Tochtrop	Y
Carroll	Y	Hudak	Y	Marble	Y	Todd	Y
Crowder	Y	Jahn	Y	Newell	Y	Ulibarri	Y
Giron	Y	Johnston	E	Nicholson	Y	President	Y
Grantham	Y	Jones	Y	Renfroe	Y		

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kefalas	Y	Roberts	Y
Balmer	Y	Harvey	N	Kerr	Y	Scheffel	N
Baumgardner	N	Heath	Y	King	Y	Schwartz	Y
Brophy	Y	Hill	N	Lambert	N	Steadman	Y
Cadman	N	Hodge	Y	Lundberg	N	Tochtrop	Y
Carroll	Y	Hudak	Y	Marble	N	Todd	Y
Crowder	Y	Jahn	Y	Newell	Y	Ulibarri	Y
Giron	Y	Johnston	E	Nicholson	Y	President	Y
Grantham	N	Jones	Y	Renfroe	N		

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

RECONSIDERATION OF SB13-126

SB13-126 by Senator(s) Guzman; also Representative(s) Duran--Concerning the removal of unreasonable restrictions on the ability of the owner of an electric vehicle to access charging facilities.

Having voted on the prevailing side, Majority Leader Carroll moved for reconsideration of the last Senate action, Repassage of SB13-126.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

REPASSAGE OF SB13-126

SB13-126 by Senator(s) Guzman; also Representative(s) Duran--Concerning the removal of unreasonable restrictions on the ability of the owner of an electric vehicle to access charging facilities.

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

YES	21	NO	13	EXCUSED	1	ABSENT	0
Aguilar	Y	Guzman	Y	Kefalas	Y	Roberts	N
Balmer	N	Harvey	N	Kerr	Y	Scheffel	N
Baumgardner	N	Heath	Y	King	N	Schwartz	Y
Brophy	Y	Hill	N	Lambert	N	Steadman	Y
Cadman	N	Hodge	Y	Lundberg	N	Tochtrop	Y
Carroll	Y	Hudak	Y	Marble	N	Todd	Y
Crowder	Y	Jahn	Y	Newell	Y	Ulibarri	Y
Giron	Y	Johnston	E	Nicholson	Y	President	Y
Grantham	N	Jones	Y	Renfroe	N		

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

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR13-026 by Senator(s) Nicholson and Grantham; also Representative(s) Schafer and Gardner, Buck, Buckner, Conti, Coram, Court, DelGrosso, Dore, Duran, Everett, Exum, Ferrandino, Fields, Fischer, Foote, Garcia, Gerou, Ginal, Hamner, Holbert, Hullinghorst, Humphrey, Joshi, Kagan, Kraft-Tharp, Labuda, Landgraf, Lawrence, Lebsock, Lee, Levy, May, McCann, McLachlan, McNulty, Melton, Mitsch Bush, Moreno, Murray, Navarro, Nordberg, Pabon, Peniston, Pettersen, Primavera, Priola, Rankin, Rosenthal, Ryden, Saine, Salazar, Scott, Singer, Sonnenberg, Stephens, Swalm, Szabo, Tyler, Vigil, Waller, Williams, Wilson, Wright, Young--Concerning the declaration of April 7 through 14, 2013, as "Holocaust Awareness Week".

Laid over until Thursday, April 11, retaining its place on the calendar.

INTRODUCTION OF BILLS -- FIRST READING

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

SB13-253 by Senator(s) Steadman; also Representative(s) Levy--Concerning a deferred judgment for a drug offense when there is a violation of the deferred judgment.
Judiciary

SB13-254 by Senator(s) Jones; also Representative(s) Tyler, Levy--Concerning an expansion of the utility cost-savings measures law to allow a governmental entity to enter into a vehicle fleet maintenance and fuel cost-savings contract.
Agriculture, Natural Resources, & Energy

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB13-1068, 1139, 1202, 1221.

MESSAGE FROM THE GOVERNOR

April 4, 2013

To the Honorable Senate
Sixty-Ninth General Assembly
First Regular Session
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:

SB13-067: CONCERNING THE OPERATION OF VEHICLES OFF-ROAD.

Approved April 4, 2013 at 12:10 p.m.

SB13-074: CONCERNING THE RESOLUTION OF AMBIGUITIES IN OLD WATER RIGHT DECREES REGARDING THE PLACE OF USE OF IRRIGATION WATER.

Approved April 4, 2013 at 12:10 p.m.

SB13-190: CONCERNING THE IMPLEMENTATION OF THE COLORADO FINANCIAL REPORTING SYSTEM MODERNIZATION PROJECT.

Approved April 4, 2013 at 12:10 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

On motion of Majority Leader Carroll, the Senate adjourned until 10:00 a.m., Monday, April 8, 2013.

Approved:

John P. Morse
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate