

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

29th Legislative Day

Wednesday, February 5, 2014

Prayer	By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.	11
Call to Order	By the President <i>pro tem</i> at 9:00 a.m.	13
Pledge	By Senator Marble.	16
Roll Call	Present--30 Excused--5, Aguilar, Hill, Kerr, Lundberg, Nicholson. Present later--4, Aguilar, Hill, Kerr, Lundberg.	18 19 20
Quorum	The President announced a quorum present.	22
Reading of Journal	On motion of Senator Zenzinger, reading of the Journal of Tuesday, February 4, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.	24 25

COMMITTEE OF REFERENCE REPORTS

Finance	After consideration on the merits, the Committee recommends that SB14-056 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	31 32
Finance	After consideration on the merits, the Committee recommends that SB14-083 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	35 36 37
Judiciary	After consideration on the merits, the Committee recommends that SB14-102 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	40 41 42
Finance	After consideration on the merits, the Committee recommends that SB14-089 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	45 46 47

Amend printed bill, page 2, strike lines 8 through 12 and substitute "property tax. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, UNLESS SPECIFICALLY AUTHORIZED BY LAW, THE STATE MAY NOT CONTRACTUALLY OBLIGATE ITSELF TO MAKE A PAYMENT IN LIEU OF PROPERTY TAXES EQUAL TO THE PROPERTY TAXES PAYABLE BY A NONTAX-EXEMPT ENTITY FOR PROPERTY THAT THE STATE OCCUPIES; EXCEPT THAT THE STATE MAY ENTER INTO AN AGREEMENT TO MITIGATE SOME OF THE LOSS OF REVENUE RESULTING FROM THE OWNERSHIP OF THE PROPERTY BY A TAX-EXEMPT ENTITY."

Page 2, strike lines 23 through 25.

Page 3, strike lines 1 and 2 and substitute "from the levy and collection of property tax. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, UNLESS SPECIFICALLY AUTHORIZED BY LAW, THE STATE MAY NOT CONTRACTUALLY OBLIGATE ITSELF TO MAKE A PAYMENT IN LIEU OF PROPERTY TAXES EQUAL TO THE PROPERTY TAXES PAYABLE BY A NONTAX-EXEMPT ENTITY FOR PROPERTY DESCRIBED IN THIS PARAGRAPH

(a) THAT THE STATE OCCUPIES; EXCEPT THAT THE STATE MAY ENTER INTO AN AGREEMENT TO MITIGATE SOME OF THE LOSS OF REVENUE RESULTING FROM THE OWNERSHIP OF THE PROPERTY DESCRIBED IN THIS PARAGRAPH (a) BY A TAX-EXEMPT ENTITY."

Page 3, strike lines 11 through 16 and substitute "levy and collection of property tax. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, UNLESS SPECIFICALLY AUTHORIZED BY LAW, THE STATE MAY NOT CONTRACTUALLY OBLIGATE ITSELF TO MAKE A PAYMENT IN LIEU OF PROPERTY TAXES EQUAL TO THE PROPERTY TAXES PAYABLE BY A NONTAX-EXEMPT ENTITY FOR PROPERTY DESCRIBED IN THIS PARAGRAPH (b) THAT THE STATE OCCUPIES; EXCEPT THAT THE STATE MAY ENTER INTO AN AGREEMENT TO MITIGATE SOME OF THE LOSS OF REVENUE RESULTING FROM THE OWNERSHIP OF THE PROPERTY DESCRIBED IN THIS PARAGRAPH (b) BY A TAX-EXEMPT ENTITY. If the state or".

Finance

After consideration on the merits, the Committee recommends that **SB14-005** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend the Judiciary Committee Report, dated January 22, 2014, page 1, line 19, strike "action," and substitute "action PROCEEDING, INCLUDING A CIVIL ACTION OR AN ADMINISTRATIVE PROCEDURE UNDER SECTIONS 8-4-111 AND 8-4-111.5,".

Page 2 of the Committee Report, strike lines 2 through 4 and substitute "~~compensation are not mailed to the place of receipt specified in a demand for payment and postmarked within fourteen days after the receipt of such demand~~ IS NOT PAID WITHIN FOURTEEN DAYS AFTER THE WRITTEN DEMAND IS SENT IN THE MANNER SET FORTH IN PARAGRAPH (d) OF THIS SUBSECTION (3), the employer shall be liable to the employee for the wages or".

Page 2, of the Committee Report, strike lines 9 through 17 and substitute: "Page 8, strike line 27 and substitute "~~of this subsection (3)~~: THE EMPLOYER SHALL SEND OR DELIVER PAYMENT, BY CHECK, DRAFT, OR VOUCHER IN THE EMPLOYEE'S NAME, TO THE EMPLOYEE AT THE ADDRESS CONTAINED IN THE WRITTEN DEMAND; OR MAKE THE PAYMENT BY DIRECT DEPOSIT AUTHORIZED UNDER SECTION 8-4-102 (2) IF THE EMPLOYEE HAS NOT REVOKED THE AUTHORIZATION. THE EMPLOYER MAY, BUT IS NOT REQUIRED TO, MAKE THE PAYMENT BY DIRECT DEPOSIT TO AN ACCOUNT SPECIFIED BY THE EMPLOYEE IN THE DEMAND, EVEN IF THE EMPLOYEE HAS NOT PREVIOUSLY AUTHORIZED DIRECT DEPOSIT OF THE EMPLOYEE'S COMPENSATION, OR MAKE THE PAYMENT BY ANOTHER METHOD REQUESTED BY THE EMPLOYEE IN THE DEMAND, IF APPLICABLE. IF THE EMPLOYEE HAS NOT PREVIOUSLY AUTHORIZED DIRECT DEPOSIT OF COMPENSATION AND THE DEMAND DOES NOT STATE AN ADDRESS TO WHICH THE PAYMENT SHOULD BE MAILED, THE EMPLOYER SHALL MAKE THE PAYMENT AS FOLLOWS:

(a) TO THE EMPLOYEE'S LAST-KNOWN ADDRESS ACCORDING TO THE RECORDS OF THE EMPLOYER; OR

(b) IF APPLICABLE AND IF THE EMPLOYER SO ELECTS, AS OTHERWISE REQUESTED BY THE EMPLOYEE IN THE DEMAND."

Page 9, strike lines 1 through 6."

Page 3 of the Committee Report, after line 4 insert: "Page 11, strike line 11 and substitute "DAYS AFTER THE NOTICE OF COMPLAINT IS SENT UNLESS THE".

Page 3 of the Committee Report, strike lines 5 through 7.

Page 3 of the Committee Report, after line 18, insert: "Page 13, strike lines 2 through 4 and substitute: "(5) THE DIVISION'S NOTICE TO THE EMPLOYER OF A COMPLAINT

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FILED PURSUANT TO SUBSECTION (2) OF THIS SECTION SATISFIES THE REQUIREMENT OF A WRITTEN DEMAND AS DESCRIBED IN SECTION 8-4-109 (3) (a).".".

Page 3 of the Committee Report, line 26, strike "COURT".

Page 3 of the Committee Report, line 27, strike "ANY" and substitute "A".

Page 4 of the Committee Report, strike lines 2 through 22 and substitute: ""SECTION 9. Effective date. (1) Sections 1, 5, 6, 9, and 10 of this act take effect upon passage.

(2) The remaining sections of this act take effect January 1, 2015.

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".".

SENATE SERVICES REPORT

Correctly Reengrossed: SB14-047, 055 and 063.

MESSAGE FROM THE HOUSE

February 4, 2014

Madam President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1079, 1083, 1010, 1111, 1056.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1047, amended as printed in House Journal, February 3, page 153. HB14-1069, amended as printed in House Journal, February 3, page 154. HB14-1051, amended as printed in House Journal, February 3, page 154.

The House has passed on Third Reading and returns herewith SB14-026.

MESSAGE FROM THE REVISOR OF STATUTES

February 4, 2014

We herewith transmit:

Without comment, HB14-1010, 1056, 1079, 1083, and 1111. Without comment, as amended, HB14-1047, 1051, and 1069.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR14-007

by Senator(s) Aguilar; also Representative(s) Hullinghorst and Szabo--Concerning awareness of heart disease, and, in connection therewith, declaring February 7, 2014, as "National Wear Red Day".

Laid over until Friday, February 7, retaining its place on the calendar.

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INTRODUCTION OF BILLS -- FIRST READING

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

- HB14-1005** by Representative(s) Sonnenberg and Young, DelGrosso, Foote, Saine, Singer; also Senator(s) Lundberg and Kefalas, Jones, Renfroe--Concerning clarification of the requirements applicable to a change of point of water diversion.
Agriculture, Natural Resources, & Energy
- HB14-1024** by Representative(s) Murray; also Senator(s) Schwartz--Concerning the designation of the claret cup cactus as the state cactus.
Agriculture, Natural Resources, & Energy
- HB14-1026** by Representative(s) Fischer; also Senator(s) Schwartz--Concerning the authorization of flexible water markets.
Agriculture, Natural Resources, & Energy

Majority Leader Heath announced that **SB14-058** would be moved from the General Orders--Second Reading of Bills Calendar for Wednesday, February 5 and placed at the end of the General Orders--Second Reading of Bills--Consent Calendar for Wednesday, February 5.

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

- SB14-039** by Senator(s) Balmer, Guzman; also Representative(s) McCann and Court--Concerning a grant of limited authority to emergency medical service providers to voluntarily provide preveterinary emergency care to certain domesticated animals.

Amendment No. 1, Health & Human Services Committee Amendment.
(Printed in Senate Journal, February 3, page(s) 151 and placed in members' bill files.)

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

- SB14-058** by Senator(s) Todd; also Representative(s) Murray--Concerning high school equivalency examinations in Colorado.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 3, page(s) 152 and placed in members' bill files.)

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

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**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Aguilar	E	Heath	Y	King	Y	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	Y
Baumgardner	Y	Hill	E	Lundberg	E	Steadman	Y
Brophy	Y	Hodge	Y	Marble	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	Y	Nicholson	E	Ulibarri	Y
Grantham	Y	Jones	Y	Renfroe	Y	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	Y	Kerr	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB14-039 as amended, SB14-058 as amended.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Kerr, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE
BOARD OF TRUSTEES FOR COLORADO MESA UNIVERSITY**

for a term expiring December 31, 2016:

Bror Douglas Quimby of Colorado Springs, Colorado, appointed;

effective December 31, 2013 for terms expiring December 31, 2017:

Robert Glen Wilson of Grand Junction, Colorado, a Republican and resident of Mesa County, reappointed;

Daniel R. Robinson of Grand Junction, Colorado, a Democrat and resident of Mesa County, reappointed; and

Randolph "Ray" Martinez of Fort Collins, Colorado, a Republican, appointed.

YES	33	NO	0	EXCUSED	2	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	Y
Baumgardner	Y	Hill	E	Lundberg	Y	Steadman	Y
Brophy	Y	Hodge	Y	Marble	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	Y	Nicholson	E	Ulibarri	Y
Grantham	Y	Jones	Y	Renfroe	Y	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	Y	Kerr	Y	Roberts	Y		

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR14-003; SR14-002.

MESSAGE FROM THE GOVERNOR

Appointment

A letter of designation and appointment from Governor John W. Hickenlooper was read and assigned to committee as follows:

January 27, 2014

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBER OF THE
STATE ELECTRICAL BOARD

for a term expiring July 1, 2016:

Michael Allen Miller of Centennial, Colorado, to serve as an electrical contractor who has a master's license, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 1/27/2014
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Thursday, February 6, 2014.

Approved:

Morgan Carroll
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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