

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

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16th Legislative Day Thursday, January 23, 2014

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Prayer	By Senator Guzman.	11
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Call to Order	By the President <i>pro tem</i> at 9:00 a.m.	13
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Pledge	By Senator Rivera.	16
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Roll Call	Present--24	18
	Excused--11, Balmer, Brophy, Cadman, Hill, Jones, Lundberg, Newell, Renfroe, Scheffel, Ulibarri, Zenzinger.	19
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	Present later--6, Brophy, Cadman, Jones, Newell, Ulibarri, Zenzinger.	21
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Lambert, reading of the Journal of Wednesday, January 22, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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**COMMITTEE OF REFERENCE REPORTS**

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Health & Human Services	After consideration on the merits, the Committee recommends that <b>SB14-067</b> be referred to the Committee of the Whole with favorable recommendation.	33
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Business, Labor, & Technology	The Committee on <u>Business, Labor, &amp; Technology</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	38
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**MEMBERS OF THE  
BOARD OF ASSESSMENT APPEALS**

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Business,  
Labor, &  
Technology

The Committee on Business, Labor, & Technology has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE  
FIRE AND POLICE PENSION ASSOCIATION  
BOARD OF DIRECTORS

for a term expiring September 1, 2014:

David Leroy Bomberger of Castle Rock, Colorado, who has experience in insurance disability claims, and occasioned by the resignation of Monica Cortez-Sangster of Aurora, Colorado, appointed;

for a term expiring September 1, 2015:

Todd A. Bower of Denver, Colorado, a full-time paid firefighter, reappointed;

for a term expiring September 1, 2019:

Nick Nuanes of Denver, Colorado, a retired fire fighter, appointed.

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **SB14-033** be **postponed indefinitely**.

Judiciary

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 Finance with favorable recommendation.

Amend printed bill, page 6, strike lines 10 through 14.

Renumber succeeding subsection accordingly.

Page 7, strike line 4 and substitute:

"(4.5) UP TO A MAXIMUM FINE OF SEVEN THOUSAND FIVE HUNDRED DOLLARS."

Page 7, strike lines 10 and 11 and substitute:

"AVAILABLE AT THE WORK SITE OR AT THE EMPLOYER'S LOCAL OFFICE UNDER PARAGRAPH (a) OR (b) OF THIS SUBSECTION (1)."

Page 7, strike lines 17 and 18 and substitute:

"accordance with subsection (1) of this section, the employee, ~~or~~ his or her designated agent, ~~shall make~~ OR THE DIVISION MAY SEND a written demand for the payment. ~~within~~".

Page 7, strike lines 21 through 27 and substitute:

"(a.5) If the employer disputes the amount of wages or compensation claimed by an employee under this article and if, within fourteen days after the ~~employee's~~ WRITTEN demand IS SENT, the employer makes a legal tender of the amount that the employer in good faith believes is due, the employer shall not be liable for any penalty unless, in a legal action, the employee recovers a greater sum than the amount so tendered.

(b) If an employee's earned, vested, and determinable wages or 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, the employer shall be liable to the employee for the wages or".

Page 8, strike lines 1 through 3.

Page 8, line 13, strike "(c) b" and substitute "(c)".

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Page 8, line 14, strike "(b) (a)" and substitute "(b)".	1
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Page 8, line 25, strike "(d) (c) (I)" and substitute "(d) (I)".	3
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Page 8, strike line 27 and substitute:	5
"of this subsection (3)".	6
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Page 9, strike lines 1 and 2.	8
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Page 9, line 3, strike "ACTION".	10
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Page 9, line 6, after "EMPLOYER." add "A PAYMENT UNDER THIS	12
SUBSECTION (3) SHALL BE MADE IN THE FORM OF A CHECK DRAFT OR	13
VOUCHER IN THE NAME OF THE EMPLOYEE OR BY DIRECT DEPOSIT	14
AUTHORIZED UNDER SECTION 8-4-102 (2) IF THE EMPLOYEE HAS NOT	15
REVOKED THE AUTHORIZATION."	16
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Page 9, line 12, after "(3):" insert " <del>A payment under this subsection (3)</del>	18
<del>shall be made in the form of a check draft or voucher in the name of the</del>	19
<del>employee."</del>	20
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Page 9, strike lines 18 through 20 and substitute "WRITTEN DEMAND	22
UNDER THIS SUBSECTION (3). IF AN EMPLOYER MAKES A LEGAL TENDER	23
OF THE FULL AMOUNT CLAIMED IN THE ACTION WITHIN FOURTEEN DAYS	24
AFTER SERVICE OF THE COMPLAINT OR OTHER DOCUMENT COMMENCING	25
THE ACTION, THE EMPLOYEE SHALL DISMISS THE ACTION."	26
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Page 9, strike lines 21 through 25.	28
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Page 10, line 6, strike "THE" and substitute "FOR WAGES AND	30
COMPENSATION EARNED ON AND AFTER JANUARY 1, 2015, THE".	31
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Page 10, line 8, after "WAGES" insert "OR COMPENSATION".	33
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Page 10, strike line 21 and substitute:	35
"REMEDY UNLESS THE EMPLOYEE HAS ACCEPTED PAYMENT PURSUANT TO	36
PARAGRAPH (e) OF SUBSECTION (2) OF THIS SECTION."	37
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Page 12, line 8, strike "VIOLATOR." and substitute "VIOLATOR OR AFTER	39
TERMINATING THE DIVISION'S ADMINISTRATIVE PROCEDURE PURSUANT TO	40
SUBSECTION (3) OF THIS SECTION."	41
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Page 12, strike lines 16 through 18 and substitute:	43
"CITATION AND NOTICE OF ASSESSMENT."	44
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Page 13, after line 1 insert:	46
"(4) EXCEPT FOR AN APPEAL PURSUANT TO SECTION 8-4-111.5 (5)	47
OR AS STATED IN A CITATION, NOTICE OF ASSESSMENT, OR ORDER FILED	48
WITH THE COURT PURSUANT TO SECTION 8-4-113 (2), ANY	49
DETERMINATION MADE BY THE DIVISION PURSUANT TO THIS ARTICLE, OR	50
ANY OFFER OF PAYMENT BY THE EMPLOYER OF THE WAGES MADE DURING	51
OR IN CONJUNCTION WITH A PROCEEDING OF THE DIVISION, IS NOT	52
ADMISSIBLE IN ANY COURT ACTION."	53
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Reorder succeeding subsections accordingly.	55
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Page 16, line 14, strike "MAY" and substitute "SHALL".	57
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Page 17, line 19, strike "AND" and substitute "OR".	59
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Page 17, strike lines 25 through 27 and substitute:	61
"HEARING OFFICER'S DECISION MAY APPEAL THAT DECISION TO THE	62
DISTRICT COURT OF COMPETENT JURISDICTION WITHIN TWENTY-ONE DAYS	63
AFTER THE DATE OF MAILING OF THE DECISION BY THE DIVISION. THE	64
APPEAL WILL BE CONDUCTED IN ACCORDANCE WITH SECTIONS (a), (b), (c),	65
AND (d) OF RULE 411 OF THE COLORADO RULES OF CIVIL COURT	66
PROCEDURE, OR ANY SUCCESSOR RULE, WITH REFERENCE IN THAT RULE	67
TO "CIVIL ACTION" AND THE "COUNTY COURT" REPLACED WITH "THE	68
PROCEEDINGS", "THE HEARING OFFICER", OR OTHER APPROPRIATE	69

WORDS."

Page 18, strike line 1.

Page 20, strike lines 8 through 16 and substitute:

**"SECTION 9. Act subject to petition - effective date.**

(1) (a) Except as provided in paragraph (b) of this subsection (1), sections 2 through 4, 7, and 8 of this act take effect January 1, 2015.

(b) If a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against sections 2 through 4, 7, and 8 of this act or an item, section, or part of those sections within the ninety-day period after final adjournment of the general assembly, then the item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on January 1, 2015 or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) Sections 1, 5, 6, and 9 of this act take 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 6, 2014, if adjournment sine die is on May 7, 2014); 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 2014 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 **SB14-048** 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:** SB14-095 and 096; SJR14-003.

**Correctly Reengrossed:** SB14-019.

**INTRODUCTION OF BILLS -- FIRST READING**

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

**HB14-1019** by Representative(s) Gardner, Foote, Labuda, Scott; also Senator(s) Steadman, Guzman, Roberts--Concerning the enactment of Colorado Revised Statutes 2013 as the positive and statutory law of the state of Colorado.  
Judiciary

**HB14-1053** by Representative(s) McCann; also Senator(s) Aguilar, Nicholson--Concerning the authority of the commissioner of insurance to adopt rules to ensure consistent requirements for pediatric dental benefits in health benefit plans offered in Colorado regardless of the method by which a plan is purchased.  
Health & Human Services

**HB14-1078** by Representative(s) Pettersen; also Senator(s) Johnston--Concerning changes to the public education accreditation statutes as a result of legislative review of the rules of the state board of education, and, in connection therewith, clarifying the term "public school" in the accreditation statutes and allowing automatic renewal of the accreditation contract for an entity with an improvement plan.  
Education

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

**SB14-026** by Senator(s) Hodge, Brophy, Jones, Roberts, Schwartz; also Representative(s) Vigil, Coram, Fischer, Mitsch Bush, Sonnenberg--Concerning the removal of certain statutory printing requirements for information provided by the division of water resources.

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

**SB14-025** by Senator(s) Hodge, Brophy, Jones, Roberts, Schwartz; also Representative(s) Fischer, Coram, Mitsch Bush, Sonnenberg, Vigil--Concerning grants for domestic wastewater treatment works for small communities.

Amendment No. 1, Agriculture, Natural Resources, and Energy Committee Amendment.  
(Printed in Senate Journal, January 21, page(s) 87-88 and placed in members' bill files.)

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

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

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

YES	25	NO	0	EXCUSED	10	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	E
Balmer	E	Herpin	Y	Lambert	Y	Schwartz	Y
Baumgardner	Y	Hill	E	Lundberg	E	Steadman	Y
Brophy	E	Hodge	Y	Marble	Y	Tochtrop	Y
Cadman	E	Jahn	Y	Newell	E	Todd	Y
Crowder	Y	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	Y	Jones	E	Renfroe	E	Zenzinger	E
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: SB14-026, SB14-025 as amended

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

**SB14-009** by Senator(s) Hodge; also Representative(s) Moreno--Concerning a disclosure of possible separate ownership of the mineral estate in the sale of real property.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, January 16, page(s) 69 and placed in members' bill files.)

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

Amend printed bill, page 2, line 5, strike "2015," and substitute "2016,".

Page 2, line 7, strike "LISTING CONTRACT, CONTRACT OF SALE," and substitute "CONTRACT OF SALE".

Page 3, lines 13 and 14, strike "2015, EACH LISTING CONTRACT, CONTRACT OF SALE," and substitute "2016, EACH CONTRACT OF SALE".

Page 3, strike lines 21 and 22 and substitute "OTHERWISE EXIST FOR THE SELLER, A PERSON LICENSED UNDER ARTICLE 61 OF TITLE 12, C.R.S., OR A TITLE INSURANCE AGENT OR COMPANY LICENSED UNDER ARTICLE 2 OF TITLE 10, C.R.S.".

Page 4, line 7, strike "2015." and substitute "2016.".

As amended, ordered engrossed 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 Roberts, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	29	NO	0	EXCUSED	6	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	E
Balmer	E	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	Y	Ulibarri	Y
Grantham	Y	Jones	Y	Renfroe	E	Zenzinger	E
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: SB14-009 as amended.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

**MEMBERS OF THE  
COLORADO WATER RESOURCES  
AND POWER DEVELOPMENT AUTHORITY**

for terms expiring October 1, 2017:

H. Webster Jones of Steamboat Springs, Colorado, to serve as a representative of the Yampa White Drainage Basin, and planning and development, appointed; and

Roy Ellsworth Heald of Colorado Springs, Colorado, to serve as a representative of the Arkansas Drainage Basin, appointed.

YES	30	NO	0	EXCUSED	5	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	E
Balmer	E	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	Y	Ulibarri	Y
Grantham	Y	Jones	Y	Renfroe	E	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: HJR14-1003.

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Friday, January 24, 2014.

Approved:

Morgan Carroll  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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