

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

7th Legislative Day Tuesday, January 14, 2014

Prayer By the chaplain, Pastor Bob Kaylor, Tri-Lakes United Methodist Church, Monument. 11

Call to Order By the President at 9:00 a.m. 13

Pledge By Senator Kerr. 16

Roll Call Present--34 18
 Excused--1, Hill. 19
 Present later--1, Hill. 20

Quorum The President announced a quorum present. 22

Reading of Journal On motion of Senator Balmer, reading of the Journal of Monday, January 13, 2014, was dispensed with and the Journal was approved as corrected by the Secretary. 24

On motion of Majority Leader Heath, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for expressions of personal privilege to honor retiring Chief Justice of the Colorado Supreme Court, Michael L. Bender. 30

On motion of Majority Leader Heath, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 31 (a) was suspended to allow former Chief Justice of the Colorado Supreme Court, Michael L. Bender, to enter the well of the Senate to receive a tribute for his years of service to the State of Colorado. 38

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Judiciary The Committee on Judiciary has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed: 53

EXECUTIVE DIRECTOR OF THE
 DEPARTMENT OF CORRECTIONS

effective immediately for a term expiring at the pleasure of the Governor: 61

Richard Raemisch of Waunakee, Wisconsin, and occasioned by the resignation of Roger Werholtz of Lawrence, Kansas, appointed. 63

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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 appointment and recommends that the appointment be confirmed:

COMMISSIONER OF INSURANCE

effective August 19, 2013 for a term expiring at the Pleasure of the Governor:

Marguerite Salazar of Alamosa, Colorado, appointed.

Business,
Labor, &
Technology

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

MEMBER OF THE
BOARD OF PINNACOL ASSURANCE

for a term expiring January 1, 2016:

Bonnie Brown Dean of Greeley, Colorado, an employer whose liability is insured by Pinnacol, and occasioned by the resignation of John C. Plotkin of Lakewood, Colorado appointed.

MESSAGE FROM THE HOUSE

January 13, 2014

Madam President:

The House has adopted and transmits herewith HJR14-1002.

INTRODUCTION OF BILLS -- FIRST READING

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

SB14-063

by Senator(s) Marble, Balmer, Baumgardner, Cadman, Crowder, Grantham, Harvey, Herpin, King, Lambert, Lundberg, Renfro, Rivera, Scheffel, Steadman, Todd, Ulibarri; also Representative(s) Saine, Moreno, Everett, Nordberg, Pabon--Concerning the mandatory review of existing executive branch agency rules conducted by each principal department.

State, Veterans, & Military Affairs

SB14-064

by Senator(s) Ulibarri, Guzman; also Representative(s) Salazar--Concerning restricting the use of long-term isolated confinement for inmates with serious mental illness.

Judiciary

SB14-065

by Senator(s) Harvey; also Representative(s) Holbert--Concerning the prohibition on a political subdivision pledging business personal property tax revenue to pay future financial obligations.

State, Veterans, & Military Affairs

SB14-066

by Senator(s) Steadman and Harvey; --Concerning the reallocation of the conservation trust fund to a metropolitan district that provides parks and recreation services exclusively within and includes territory exclusively within the unincorporated area of a county.

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- SB14-067** by Senator(s) Aguilar; also Representative(s) Singer--Concerning aligning certain state medical assistance programs' eligibility laws with the federal "Patient Protection and Affordable Care Act".
Health & Human Services
- SB14-068** by Senator(s) Lambert; also Representative(s) Priola--Concerning a modification of retirement eligibility for members of the public employees' retirement association.
State, Veterans, & Military Affairs
- SB14-069** by Senator(s) Brophy; --Concerning requiring a ruling within three years of the filing of the notice of appeal on a death penalty unitary appeal.
Judiciary
- SB14-070** by Senator(s) Lundberg; --Concerning the application of the "Colorado Open Records Act" to private associations of elected officials funded at least partially through public moneys.
Judiciary
- SB14-071** by Senator(s) Lundberg; --Concerning the ability of an elector to opt out of receiving ballots by mail.
State, Veterans, & Military Affairs
- SB14-072** by Senator(s) Brophy; also Representative(s) Fischer--Concerning treatment of the September 2013 floods as replacing certain out-of-priority groundwater depletions in water division 1.
Agriculture, Natural Resources, & Energy
- SB14-073** by Senator(s) Jahn, Grantham, Hodge, Tochtrop; also Representative(s) Gerou--Concerning the state income tax credit for the environmental remediation of contaminated land in the state.
Business, Labor, & Technology
- SB14-074** by Senator(s) Rivera; also Representative(s) Szabo--Concerning remedies in employment discrimination cases filed under state law.
State, Veterans, & Military Affairs
- SB14-075** by Senator(s) Baumgardner; also Representative(s) Sonnenberg--Concerning the registration of motor vehicles for members of the United States armed forces who are deployed outside the United States.
Transportation
- SB14-076** by Senator(s) Tochtrop; also Representative(s) Becker--Concerning the creation of a hard rock mining permit issued by the division of reclamation, mining, and safety for mining operations disturbing no more than five acres of surface area.
Agriculture, Natural Resources, & Energy
- SB14-077** by Senator(s) Lambert, Lundberg, Marble, Baumgardner, Cadman, Grantham, Harvey, King, Renfroe, Roberts, Scheffel; also Representative(s) Nordberg, Everett--Concerning the retention by the state of Colorado of concurrent jurisdiction over certain federal lands, and, in connection therewith, the retention by the state of concurrent jurisdiction over land owned and operated within the state by the United States forest service and the United States bureau of land management.
State, Veterans, & Military Affairs
- SB14-078** by Senator(s) Renfroe, Grantham; --Concerning community residential homes for persons with developmental disabilities.
Health & Human Services

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SB14-079	by Senator(s) Harvey; --Concerning the opportunity to challenge a ballot to be cast by mail. State, Veterans, & Military Affairs	1 2 3 4
SB14-080	by Senator(s) Grantham; also Representative(s) Fields--Concerning the elimination of the list of certain additional qualifications that apply to property valuation appeal arbitrators. Business, Labor, & Technology	5 6 7 8 9
SB14-081	by Senator(s) Herpin; also Representative(s) Gardner--Concerning building inspections relating to utilities. Business, Labor, & Technology	10 11 12 13 14
SB14-082	by Senator(s) Grantham, Harvey, Hill, Rivera, Cadman, Crowder, King, Lambert, Lundberg, Roberts, Scheffel, Tochtrop; --Concerning attainment of the renewable energy standard by cooperative electric associations, and, in connection therewith, reducing the cost to the associations' members of achieving specified levels of distributed generation. State, Veterans, & Military Affairs	15 16 17 18 19 20 21
SB14-083	by Senator(s) Crowder; --Concerning reimbursement to be paid by a county to the state for costs incurred by the state in connection with the reappraisal of property in the county. Finance	22 23 24 25 26
SB14-084	by Senator(s) Roberts; also Representative(s) Coram and Labuda--Concerning the election of a county commissioner in a county with a population of less than seventy thousand by the voters residing in the district from which the commissioner runs for election. State, Veterans, & Military Affairs	27 28 29 30 31 32
SB14-085	by Senator(s) Hill; --Concerning a one percent reduction in the state budget for the state fiscal year 2014-15. Appropriations	33 34 35 36 37
SB14-086	by Senator(s) Roberts; also Representative(s) Rosenthal--Concerning creation of a revolving loan program for charter school capital construction. Education	38 39 40 41 42
SB14-087	by Senator(s) Ulibarri, Kefalas; also Representative(s) Fields, Exum, Pettersen--Concerning issuance of identification cards to people who are lawfully present in the United States but may have difficulty with certain documentary evidence. Health & Human Services	43 44 45 46 47 48
SB14-088	by Senator(s) Newell, Crowder; also Representative(s) Kraft-Tharp--Concerning the creation of the suicide prevention commission. Health & Human Services	49 50 51 52 53
SB14-089	by Senator(s) Schwartz, Jahn; also Representative(s) Fischer, Szabo, Vigil--Concerning a prohibition for the state to enter into an agreement for a payment in lieu of taxes. Finance	54 55 56 57 58 59

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Aguilar, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF PUBLIC HEALTH
AND ENVIRONMENT

effective September 16, 2013, for a term expiring at the Pleasure of the Governor:

Larry I. Wolk, MD, MSPH of Englewood, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	Y
Baumgardner	Y	Hill	Y	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	Y	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: SJR14-001.

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor John W. Hickenlooper were read and assigned to committees as follows:

May 23, 2013

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO BOARD OF VETERANS AFFAIRS

effective June 30, 2013, for a term expiring June 30, 2015:

Christopher M. Holden of Colorado Springs, Colorado, a Republican and a veteran who has been honorably released or separated from the Armed Forces of the United States, and occasioned by the resignation of Franklin DB Jackson of Denver, Colorado, appointed;

effective June 30, 2013, for terms expiring June 30, 2017:

Jason Anderson Vitley Crow of Denver, Colorado, a Democrat and a veteran who has been honorably released or separated from the Armed Forces of the United States, reappointed;

Rene Joseph Simard of Highlands Ranch, Colorado, a Republican and a veteran who has been honorably released or separated from the armed forces of the United States, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 10/01/2013
Cindi L. Markwell, Secretary of the Senate

Committee on State, Veterans, & Military Affairs

June 24, 2013

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO COMMISSION ON JUDICIAL DISCIPLINE

for a term expiring June 30, 2015:

Yolanda Regina Lyons of Monument, Colorado, to serve as a non-attorney, and occasioned by the resignation of Albus Brooks, appointed;

for terms expiring June 30, 2017:

Richard O. Campbell of Denver, Colorado, to serve as an attorney, reappointed;

Kathleen S. Kelley of Meeker, Colorado, to serve as a non-attorney, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 10/01/2013
Cindi L. Markwell, Secretary of the Senate

Committee on Judiciary

July 1, 2013

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

Ladies and Gentlemen:

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

MEMBERS OF THE
COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2017:

William T. Pound of Castle Pines, Colorado, appointed;

Dan Jay Wilson of Broomfield, Colorado, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 11/6/2013
Cindi L. Markwell, Secretary of the Senate

Committee on Education

July 12, 2013

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, reappoint, and submit to your consideration, the following:

MEMBERS OF THE
CHARTER SCHOOL INSTITUTE BOARD

for terms expiring July 1, 2016:

Cecilia K. Sanchez de Ortiz of Denver, Colorado, to serve as a member with other board or public service experience, and as a Democrat, reappointed;

Patricia Mae Chlouber of Leadville, Colorado, to serve as a member who has experience as a public school teacher, and as a Republican, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 11/6/2013
Cindi L. Markwell, Secretary of the Senate

Committee on Education

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July 19, 2013

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
SOLID AND HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2016:

Cameron L. Garcia of Fruita, Colorado, to serve as a representative from the regulated community and as a Republican, appointed;

Randall Mack Weiner of Boulder, Colorado, to serve as a member of the public and as a Democrat, appointed;

Christopher J. Neumann of Denver, Colorado, to serve as a representative of the academic community and as a Republican, reappointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 11/6/2013
Cindi L. Markwell, Secretary of the Senate

Committee on Health & Human Services

August 12, 2013

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
FINANCIAL SERVICES BOARD

for terms expiring July 1, 2017:

Michael George Hurst of Del Norte, Colorado, an executive officer of a state savings and loan association and a Democrat, appointed;

Keith Marshall Cowling of Arvada, Colorado, an executive officer of a state credit union and a Republican, reappointed;

Nilsa Guerrero-Mahon of Brighton, Colorado, to serve as a public member with expertise in finance, and an Unaffiliated, reappointed.

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Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 11/6/2013
Cindi L. Markwell, Secretary of the Senate

Committee on Finance

August 21, 2013

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:

MEMBERS OF THE
COLORADO TRAUMATIC BRAIN INJURY TRUST FUND BOARD

for terms expiring June 30, 2016:

Jeffrey Paul Cuthbert, PhD, MPH, MS, OT, of Littleton, Colorado, appointed;

Catharine H. Johnston-Brooks, PhD, ABPP, of Broomfield, Colorado, appointed;

Helen E. Morgan of Denver, Colorado, appointed.

Sincerely,
(signed)
John W. Hickenlooper
Governor
Rec'd: 11/6/2013
Cindi L. Markwell, Secretary of the Senate

Committee on Health & Human Services

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Wednesday, January 15, 2014.

Approved:

Morgan Carroll
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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