

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

73rd Legislative Day Friday, March 21, 2014

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Prayer	By the chaplain, Rabbi Keren Gorban, Temple Sinai, Denver.	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 Crowder.	15
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Roll Call	Present--33	17
	Excused--2, Brophy, Roberts.	18
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Kefalas, reading of the Journal of Thursday, March 20, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

Education	The Committee on <u>Education</u> 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:	31
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**MEMBERS OF THE
PRIVATE OCCUPATIONAL SCHOOL BOARD**

for terms expiring July 1, 2014:

Joseph James Wolf of Arvada, Colorado, a representative of the general public who is employed by a lending institution located in Colorado and is familiar with the Colorado college access network, and occasioned by the resignation of Earl F. Douglass of Lakewood, Colorado appointed;

Rochelle G. Krovitz of Greenwood Village, Colorado, a representative of the general public, and occasioned by the resignation of Winnifred S. Rovig of Glenwood Springs, Colorado, appointed;

for a term expiring July 1, 2015:

Richard Semakula of Centennial, Colorado, a representative of a private occupational school, and occasioned by the resignation of Jennifer Lynn Sprague of Thornton, Colorado appointed.

Education	The Committee on <u>Education</u> 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:	58
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**MEMBERS OF THE
BOARD OF TRUSTEES FOR THE
 UNIVERSITY OF NORTHERN COLORADO**

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for a term expiring December 31, 2015:

Kevin Walter Ahern of Morrison, Colorado, to serve as a Republican, and occasioned by the resignation of Susan E. Carparelli of Highlands Ranch, Colorado, appointed;

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

Richard L. Monfort of Greeley, Colorado, a Republican, reappointed;

Christine M. Scanlan of Dillon, Colorado, a Democrat, appointed.

Education

After consideration on the merits, the Committee recommends that **HB14-1136** be referred to the Committee of the Whole with favorable recommendation.

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 placed on the consent calendar and confirmed:

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;

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

Health & Human Services

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

MEMBER OF THE SOLID AND HAZARDOUS WASTE COMMISSION

for a term expiring August 1, 2016:

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

Health & Human Services

After consideration on the merits, the Committee recommends that **HB14-1181** be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB14-1271** be referred to the Committee of the Whole with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that **HB14-1186** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 10, strike "pertaining to" and substitute "~~pertaining to~~".

Page 3, line 17, strike "PSYCHOTHERAPY NOTES." and substitute "WITHHELD IN ACCORDANCE WITH 45 C.F.R. 164.524 (a).".

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Page 5, strike lines 6 and 7.

Reletter succeeding paragraph accordingly.

Page 6, line 14, strike "PSYCHOTHERAPY NOTES," and substitute "RECORDS WITHHELD IN ACCORDANCE WITH 45 C.F.R. 164.524 (a),".

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 TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2015:

Sonia Quinn Riggs of Denver, Colorado, a representative of the food, beverage and restaurant industry, and occasioned by the resignation of Lawrence R. DiPasquale of Greenwood Village, Colorado, appointed;

for terms expiring June 1, 2017:

Barbara Jean Bowman of Grand Junction, Colorado, to serve as a representative of cultural event and facility groups, appointed; and

Courtney Lee Frazier of Parker, Colorado, to serve as an at large member from tourism-based industries, and from a small community, and occasioned by the resignation of Anne Catherine Klein of Durango, Colorado, appointed.

SENATE SERVICES REPORT

- Correctly Printed:** SB14-163.
- Correctly Reengrossed:** SB14-123.
- Correctly Revised:** HB14-1148 and 1206.
- Correctly Rerevised:** HB14-1092.
- Correctly Enrolled:** SB14-062, 089, 104 and 106.

MESSAGE FROM THE HOUSE

March 20, 2014

Madam President:

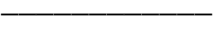
The House has voted to concur in the Senate amendments to HB14-1108, 1182 and 1265 and has repassed the bills as so amended.

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INTRODUCTION OF BILLS -- FIRST READING

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

- HB14-1161** by Representative(s) Garcia, Tyler, Buckner, Court, Duran, Exum, Fields, Fischer, Hamner, Hullinghorst, Labuda, Lebsock, Lee, McLachlan, Melton, Moreno, Navarro, Pabon, Primavera, Rankin, Rosenthal, Ryden, Salazar, Singer, Vigil, Williams; also Senator(s) Crowder--Concerning interstate rail service in southern Colorado, and, in connection therewith, creating a commission and a fund for the purposes of encouraging Amtrak to continue its southwest chief rail line service at all current Colorado stops, expanding such service to include a stop in Pueblo, studying the potential benefits of expanding such service to include a stop in Walsenburg, and making an appropriation.
Transportation1
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- HB14-1180** by Representative(s) Becker; also Senator(s) Tochtrop--Concerning the sunset review of the regulation of outfitters for the taking of wildlife by the director of the division of professions and occupations, and, in connection therewith, implementing the recommendations contained in the sunset report prepared by the department of regulatory agencies.
Agriculture, Natural Resources, & Energy17
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- HB14-1207** by Representative(s) Young, McCann; also Senator(s) Aguilar and Newell, Schwartz, Nicholson--Concerning the creation of the household medication take-back program, and, in connection therewith, making an appropriation.
Health & Human Services25
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- HB14-1221** by Representative(s) Exum and Rankin, Fields, Lebsock; also Senator(s) Tochtrop--Concerning continuation of the regulation of fire suppression contractors by the division of fire prevention and control, and, in connection therewith, implementing the recommendations of the 2013 sunset report by the department of regulatory agencies.
Local Government31
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- HB14-1227** by Representative(s) Ginal, Fields, Joshi, Landgraf, Primavera, Schafer, Singer; also Senator(s) Nicholson--Concerning the sunset review of the state board of dental examiners, and, in connection therewith, continuing the board, implementing the recommendations contained in the sunset report prepared by the department of regulatory agencies, and making an appropriation.
Health & Human Services38
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- HB14-1260** by Representative(s) Foote; also Senator(s) Johnston--Concerning the creation of three mandatory minimum presumptive ranges for defendants convicted of a felony sex offense involving intrusion against a child who is under twelve years of age when the adult defendant is at least ten years older that has one of the ranges starting at ten years as the minimum in the range, and, in connection therewith, creating an indeterminate lifetime sentence with a mandatory minimum presumptive range of ten to sixteen years for a class 4 felony; a mandatory minimum presumptive range of eighteen to thirty-two years for a class 3 felony; and a mandatory minimum presumptive range of twenty-four to forty-eight years for a class 2 felony.
Judiciary
Appropriations46
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- HB14-1267** by Representative(s) Fischer; also Senator(s) Jones--Concerning authorization for a political subdivision of the state to release black-footed ferrets on its land.
Agriculture, Natural Resources, & Energy58
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- HB14-1308** by Representative(s) Gerou, Duran, May; also Senator(s) Steadman, Hodge, Lambert--Concerning procedures for a department to vary an appropriation.
Appropriations63
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**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:

HB14-1148 by Representative(s) Fields; also Senator(s) Jahn--Concerning guidelines for ensuring the rights of victims of crime to participate in the criminal justice system.

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

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	Y	Lundberg	Y	Steadman	Y
Brophy	E	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	E		

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

Co-sponsor(s) added: Aguilar, Crowder, Heath, Herpin, Johnston, Jones, Kefalas, Kerr, King, Newell, Nicholson, Rivera, Steadman, Tochtrop and Todd.

HB14-1206 by Representative(s) Conti; also Senator(s) Ulibarri--Concerning modifications to the "Colorado Charitable Solicitations Act", and, in connection therewith, prohibiting certain charitable solicitation practices, modifying the secretary of state's fining authority, adjusting registration statement requirements, and specifying requirements for appointing registered agents.

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

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	Y	Lundberg	Y	Steadman	Y
Brophy	E	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	E		

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

Co-sponsor(s) added: Aguilar.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB14-1007 by Representative(s) Hamner; also Senator(s) Crowder--Concerning the authority of county governments to limit certain forms of fire, and, in connection therewith, permitting county governments to restrict agricultural burning during periods of high fire danger.

Laid over until Friday, March 28, retaining its place on the calendar.

On motion of Majority Leader Heath, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (HB14-1080) of Friday, March 21 was laid over until Monday, March 24, retaining its place on the calendar.

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

HB14-1193 by Representative(s) Salazar; also Senator(s) Kefalas--Concerning requirements governing the imposition of a fee for the research and retrieval of public records under the "Colorado Open Records Act".

Laid over until Monday, March 24, retaining its place on the calendar.

SB14-016 by Senator(s) Aguilar; also Representative(s) Moreno--Concerning the ability of certain health care facilities to provide emergency services outside a hospital setting.

Laid over until Monday, March 24, retaining its place on the calendar.

HB14-1105 by Representative(s) Mitsch Bush; also Senator(s) Todd--Concerning the exemption from the state gasoline and special fuel tax of sales between governmental entities.

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

HB14-1210 by Representative(s) Gerou; also Senator(s) Roberts--Concerning a requirement that a state agency enter into an intergovernmental agreement with a county to address wildland fires affecting certain state lands located within the county.

Laid over until Monday, March 24, retaining its place on the calendar.

HB14-1254 by Representative(s) Labuda; also Senator(s) Balmer--Concerning a requirement to disclose fees charged to a unit owners' association by a community association manager.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 19, page(s) 518 and placed in members' bill files.)

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Amendment No. 2(L.002), by Senators Kefalas and Balmer.

Amend the Local Government Committee Report, dated March 18, 2014, page 1, line 12, strike "ITEM." and substitute "ITEM ON A REAL ESTATE CLOSING SETTLEMENT STATEMENT.".

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

HB14-1089 by Representative(s) Hamner; also Senator(s) Schwartz--Concerning the qualification for a person to use the 10th mountain division license plate.

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

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	Y	Lundberg	Y	Steadman	Y
Brophy	E	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	E		

The Committee of the Whole took the following action:

Passed on second reading: HB14-1105, HB14-1254 as amended, HB14-1089.
Laid over until Monday, March 24: HB14-1193, SB14-016, HB14-1210.

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

On motion of Majority Leader Heath, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE
TRANSPORTATION COMMISSION**

for a term expiring July 1, 2015:

Douglas E. Aden of Grand Junction, Colorado, to serve as a commissioner from the Seventh Transportation District, reappointed;

for terms expiring July 1, 2017:

Shannon Margaret Gifford, CFA of Denver, Colorado, to serve as a commissioner from the First Transportation District, appointed;

Gary Michael Reiff of Englewood, Colorado, to serve as a commissioner from the Third Transportation District, reappointed;

Sidny Kay Zink of Durango, Colorado, to serve as a commissioner from the Eighth Transportation District, appointed; and

William Thiebaut, Jr., of Pueblo, Colorado, to serve as a commissioner from the 10th Transportation District, 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	Y	Lundberg	Y	Steadman	Y
Brophy	E	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	E		

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB14-1125, 1169.

MESSAGE FROM THE GOVERNOR

March 20, 2014

To the Honorable Senate
Sixty-Ninth General Assembly
Second Regular Session
State Capitol
Denver, Colorado 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:

SB14-047: CONCERNING THE PAYMENT OF DEATH BENEFITS FOR SEASONAL WILDLAND FIREFIGHTERS KILLED IN THE LINE OF DUTY.

Approved March 20, 2014 at 12:23 p.m.

SB14-076: 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.

Approved March 20, 2014 at 12:27 p.m.

SB14-052: CONCERNING ACTIONS TAKEN TO REMEDIATE SOIL EROSION CREATING PROPERTY DAMAGE.

Approved March 20, 2014 at 12:30 p.m.

SB14-083: 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.

Approved March 20, 2014 at 12:34 p.m.

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SB14-039: CONCERNING A GRANT OF LIMITED AUTHORITY TO EMERGENCY MEDICAL SERVICE PROVIDERS TO VOLUNTARILY PROVIDE PREVETERINARY EMERGENCY CARE TO CERTAIN DOMESTICATED ANIMALS.

Approved March 20, 2014 at 12:38 p.m.

SB14-112: CONCERNING A REQUIREMENT THAT ALL FINANCIAL ASSISTANCE AWARDED FROM THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND UNDER THE "BUILDING EXCELLENT SCHOOLS TODAY ACT" BE SUBJECT TO ANNUAL APPROPRIATION.

Approved March 20, 2014 at 12:41 p.m.

SB14-048: CONCERNING USE OF THE MOST RECENT UNITED STATES CENSUS BUREAU MORTALITY TABLE AS EVIDENCE OF THE EXPECTANCY OF CONTINUED LIFE OF ANY PERSON IN A CIVIL ACTION IN COLORADO.

Approved March 20, 2014 at 12:41 p.m.

SB14-105: CONCERNING THE ELIMINATION OF THE REQUIREMENT THAT A PORTION OF THE FEES COLLECTED FOR THE WATER RESOURCES CASH FUND BE TRANSFERRED TO THE STATE GENERAL FUND.

Approved March 20, 2014 at 12:42 p.m.

SB14-107: CONCERNING THE CONTINUATION OF THE DEPARTMENT OF LAW'S AUTHORITY TO ACCEPT GIFTS, GRANTS, AND DONATIONS.

Approved March 20, 2014 at 12:43 p.m.

SB14-108: CONCERNING THE DEPARTMENT OF PERSONNEL REVOLVING FUND, AND, IN CONNECTION THEREWITH, SETTING AN ALTERNATIVE TARGET RESERVE FOR THE FUND AND RESTRICTING THE SPENDING OF THE CAPITAL OUTLAY RESERVE.

Approved March 20, 2014 at 12:43 p.m.

SB14-024: CONCERNING THE RESPONSIBILITIES OF CERTAIN ENTITIES IN MANAGING VOLUNTEER FIREFIGHTER PENSION PLANS THAT ARE AFFILIATED WITH THE FIRE AND POLICE PENSION ASSOCIATION.

Approved March 20, 2014 at 12:44 p.m.

SB14-031: CONCERNING MODIFICATIONS TO THE ADMINISTRATION OF OLD HIRE POLICE OFFICERS' AND FIREFIGHTERS' PENSION PLANS.

Approved March 20, 2014 at 12:44 p.m.

SB14-043: CONCERNING THE INCLUSION OF CERTAIN LAND AREAS USED TO GROW PRODUCTS THAT ORIGINATE ABOVE THE GROUND WITHIN THE CLASSIFICATION OF "ALL OTHER AGRICULTURAL PROPERTY" FOR PROPERTY TAX PURPOSES.

Approved March 20, 2014 at 12:45 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

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INTRODUCTION OF BILLS -- FIRST READING

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

SB14-164 by Senator(s) Carroll and King, Cadman; --Concerning aerial firefighting.
Agriculture, Natural Resources, & Energy

SB14-165 by Senator(s) Johnston and Kerr, Todd, Scheffel, Zenzinger; also Representative(s) Murray and Peniston--Concerning the percentage at which to rate the student academic growth standard for the purpose of licensed personnel performance evaluations in the 2014-15 academic year.
Education

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

March 21, 2014

Madam President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1282, 1057, 1286, 1291.

The House has passed on Third Reading and returns herewith SB14-058, 017.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB14-018, amended as printed in House Journal, March 20, pages 643-644.

The House has adopted and returns herewith SJR14-016.

The House has adopted and transmits herewith HJR14-1010.

The House has postponed indefinitely SB14-020. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 21, 2014

We herewith transmit:

Without comment, HB14-1057, 1282, 1286, and 1291.
Without comment, as amended, SB14-018.

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INTRODUCTION OF BILLS -- FIRST READING

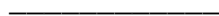
The following bill was read by title and referred to the committee indicated:

SB14-166 by Senator(s) Carroll and Rivera; also Representative(s) Tyler and Garcia--Concerning the development of mobile application software in the Colorado office of economic development that users may access to identify local businesses.
Business, Labor, & Technology



SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB14-062, 063, 089, 102, 104, 106, 137 and 142; HB14-1082, 1177.



On motion of Majority Leader Heath, the Senate adjourned until 10:00 a.m., Monday, March 24, 2014.

Approved:

Morgan Carroll
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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