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

59th Legislative Day

Friday, March 7, 2014

Prayer By the chaplain, Rabbi Keren Gorban, Temple Sinai, Denver. Call to By the President pro tem at 9:00 a.m. Order Pledge By Senator Baumgardner. Roll Call Present--34 Excused--1, Johnston. Quorum The President announced a quorum present. On motion of Senator Jones, reading of the Journal of Thursday, March 6, 2014, was Reading of Journal dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

After consideration on the merits, the Committee recommends that HB14-1188 be Transportation referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar. Trans-After consideration on the merits, the Committee recommends that HB14-1228 be portation referred to the Committee on <u>Appropriations</u> with favorable recommendation. The Committee on Health & Human Services has had under consideration and has had a Health & hearing on the following appointments and recommends that the appointments be placed Human on the consent calendar and confirmed: Services MEMBERS OF THE

HOSPITAL PROVIDER FEE OVERSIGHT AND ADVISORY BOARD

for a term expiring at the pleasure of the Governor:

David R. Livingston of Denver, Colorado, to serve as the Chairman of the Hospital Provider Fee Oversight and Advisory Board, appointed;

for terms expiring May 15, 2017:

David R. Livingston of Denver, Colorado, a representative of a business that purchases or otherwise provides health insurance for its employees, appointed;

Madeleine L. Roberson of Greenwood Village, Colorado, an employee of a hospital in Colorado, reappointed;

Christopher W. Underwood of Evergreen, Colorado, an employee of the state department, reappointed.

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:

MEMBERS OF THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

effective December 31, 2013, for a term expiring December 31, 2016:

Karen D. Wilde of Aurora, Colorado, a Democrat, reappointed;

effective December 31, 2013, for a term expiring December 31, 2017:

John M. Wells of Durango, Colorado, an Unaffiliated, reappointed.

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:

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; and

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

- Education After consideration on the merits, the Committee recommends that **HB14-1208** be referred to the Committee of the Whole with favorable recommendation.
- Appropriations After consideration on the merits, the Committee recommends that **SB14-131** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, before line 12 insert:

"SECTION 4. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.".

Renumber succeeding sections accordingly.

Appropriations After consideration on the merits, the Committee recommends that **HB14-1293** be referred to the Committee of the Whole with favorable recommendation.

SENATE SERVICES REPORT

Correctly Printed: SJM14-001; SJR14-018. Correctly Engrossed: SJR14-015. Correctly Revised: HB14-1183, 1215 and 1229. Correctly Enrolled: SB14-083.

MESSAGE FROM THE HOUSE

March 6, 2014

Madam President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1274.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1186, amended as printed in House Journal, March 5, pages 473-474. HB14-1089, amended as printed in House Journal, March 5, page 474. HB14-1148, amended as printed in House Journal, March 5, page 474. HB14-1271, amended as printed in House Journal, March 5, page 475.

The House has passed on Third Reading and returns herewith SB14-105, 107, 108, 120, 009, 060.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB14-059, amended as printed in House Journal, March 5, pages 475-476.

The House has adopted and returns herewith SJR14-015.

MESSAGE FROM THE REVISOR OF STATUTES

March 6, 2014

We herewith transmit:

Without comment, HB14-1274. Without comment, as amended, HB14-1089, 1148, 1186, and 1271. Without comment, as amended, SB14-059.

INTRODUCTION OF BILLS -- FIRST READING

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

- **HB14-1017** by Representative(s) Duran; also Senator(s) Ulibarri--Concerning measures to expand the availability of affordable housing in the state, and, in connection therewith, making modifications to statutory provisions establishing the housing investment trust fund, the housing development grant fund, and the low-income housing tax credit; and making an appropriation. Finance
- **HB14-1182** by Representative(s) Hamner; also Senator(s) Kerr--Concerning changes for the 2015-16 school year to certain public education accountability measures specified in the "Education Accountability Act of 2009" to accommodate the transition to administering new statewide assessments. Education
- **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.

State, Veterans, & Military Affairs

HB14-1256 by Representative(s) Fischer; also Senator(s) Kerr--Concerning authorizing institutions of higher education to enter into employment contracts for librarians. Education

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 Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR14-017 by Senator(s) Schwartz; also Representative(s) Hamner--Concerning national fish hatcheries in Colorado.

On motion of Senator Schwartz, the resolution was read at length and **adopted** by the following roll call vote:

YES 34		NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Heath		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	E	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	

Co-sponsor(s) added: Aguilar, Brophy, Carroll, Crowder, Guzman, Harvey, Heath, Herpin, Hodge, Jahn, Jones, Kefalas, King, Newell, Nicholson, Roberts, Scheffel, Tochtrop, Todd, Ulibarri and Zenzinger.

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:

HB14-1229 by Representative(s) Kagan and Wright, Buckner, Conti, Gardner, Lawrence, Salazar, Swalm; also Senator(s) Johnston and King--Concerning authorizing sharing information between state and local government agencies related to legal marijuana.

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

	34	NO	0	EXCUSED	1	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	E	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	

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

HB14-1215 by Representative(s) Ginal, Kraft-Tharp, McNulty, Navarro, Nordberg, Szabo, Williams, Melton, Ryden; also Senator(s) Tochtrop--Concerning the ability of a federal home loan bank to enforce its rights with regard to collateral subject to a security agreement.

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

YES 34	-	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Heath		King		Y Scheffel	Y
Balmer	Y	Herpin	Y	Lambert		Y Schwartz	Y
Baumgardner		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	E	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	

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

HB14-1183 by Representative(s) Fields, Garcia, Becker, Buckner, Court, Duran, Exum, Fischer, Foote, Ginal, Labuda, Lee, May, McLachlan, Melton, Mitsch Bush, Moreno, Pabon, Peniston, Pettersen, Ryden, Salazar, Schafer, Tyler, Vigil, Williams; also Senator(s) Jones--Concerning the reinstatement of the authority for active military personnel to practice professionally.

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

YES	33	NO	1	EXCUSED	1	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		Hodge	Y	Marble	Ν	Tochtrop	Y
Cadman	Y	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	E	Nicholson	Y	Ulibarri	Y
Grantham	Y	Jones	Y	Renfroe	Y	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	Ŷ	Kerr	Y	Roberts	Y		

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

Co-sponsor(s) added: Aguilar, Balmer, Carroll, Grantham, Heath, Herpin, Jahn, Kefalas, Kerr, King, Newell, Rivera, Roberts, Schwartz, Todd, Ulibarri and Zenzinger.

Upon request of Majority Leader Heath, **HB14-1172** was removed from the General Orders--Second Reading of Bills--Consent Calendar of Friday, March 7 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Friday, March 7.

Committee 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:

SB14-125 by Senator(s) Jahn and Harvey, Baumgardner, Cadman, Crowder, Grantham, Herpin, Hodge, Johnston, Lambert, Marble, Newell, Rivera, Steadman, Todd, Zenzinger; also Representative(s) Pabon and Szabo--Concerning the regulation of transportation network companies, and, in connection therewith, requiring transportation network companies to carry liability insurance, conduct background checks on transportation network company drivers, inspect transportation network company vehicles, and obtain a permit from the public utilities commission.

> <u>Amendment No. 1, Business, Labor & Technology Committee Amendment</u>. (Printed in Senate Journal, February 12, page(s) 227-228 and placed in members' bill files.)

> <u>Amendment No. 2, Appropriations Committee Amendment</u>. (Printed in Senate Journal, February 14, page(s) 255-256 and placed in members' bill files.)

> Amendment No. 3(L.021), by Senators Jahn, Harvey, Carroll, Cadman, and Kefalas.

Amend Business, Labor, and Technology Committee Report, dated February 11, 2014, page 1, strike line 1 and substitute:

"Amend printed bill, page 7, line 18, after "WITH" insert "PRIMARY LIABILITY".

Page 8 of the bill, line 24, strike "AND".".

Page 1 of the report, strike lines 11 through 15 and substitute:

"WHILE RIDING AS A PASSENGER IN A TRANSPORTATION NETWORK COMPANY DRIVER'S PERSONAL VEHICLE, A RIDER IS INSURED UNDER THE TERMS OF THE TRANSPORTATION NETWORK COMPANY'S LIABILITY POLICY.".

Page 2 of the report, line 1, after "ABOUT" insert "THE TRANSPORTATION NETWORK COMPANY'S LIABILITY POLICY AND".

Page 2 of the report, after line 25 insert:

"Page 14 of the bill, after line 16 insert:

"40-10.1-608. Personal automobile insurance coverage rating. Nothing in this part 6 prevents an insurance carrier from rating a driver's personal automobile liability policy to cover any demonstrated additional risk posed by the period of time after the driver has logged into a transportation network company's digital network but before the driver has accepted a prearranged ride.".

Page 14 of the bill, line 17, strike "40-10.1-608." and substitute "40-10.1-609.".".

Page 3 of the report, strike line 21 and substitute "INCLUDES THE SERVICES OFFERED BY A TRANSPORTATION NETWORK".

Page 3 of the report, line 23, strike "UNLESS" and substitute "WHEN".

Page 3 of the report, line 25, strike "C.R.S."". and substitute "C.R.S.

Amendment No. 4(L.022), by Senator Jahn.

Amend the Business, Labor, and Technology Committee Report, dated February 11, 2014, page 1, strike line 1 and substitute:

"Amend printed bill, page 7, line 20, after "RIDE." insert "THE TRANSPORTATION NETWORK COMPANY'S INSURANCE POLICY MUST PROVIDE THIS COVERAGE AT ALL TIMES THAT THE DRIVER IS ENGAGED IN A PREARRANGED RIDE.".

Page 8, line 24, strike "AND".".

Amendment No. 5(L.020), by Senator Harvey.

Amend the Business, Labor, and Technology Committee Report, dated February 11, 2014, page 1, after line 15 insert:

"(j) (I) A TRANSPORTATION NETWORK COMPANY SHALL MAKE THE FOLLOWING DISCLOSURE TO A PROSPECTIVE DRIVER IN THE PROSPECTIVE DRIVER'S TERMS OF SERVICE:

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION NETWORK COMPANY SERVICES FOR OUR TRANSPORTATION NETWORK COMPANY HAS A LIEN AGAINST IT, YOU MUST NOTIFY THE LIEN HOLDER THAT YOU WILL BE USING THE VEHICLE FOR TRANSPORTATION NETWORK COMPANY SERVICES.

(II) The disclosure set forth in subparagraph (I) of this paragraph (j) must be placed prominently in the prospective driver's written terms of service, and the prospective driver must acknowledge the terms of service electronically or by signature.".

Reletter succeeding paragraphs in the committee report accordingly.

Amendment No. 6(L.023), by Senator Harvey.

Amend the Business, Labor, and Technology report, dated February 11, 2014, page 2, strike line 2 and substitute: "POLICY. (m) THE PRIMARY INSURANCE COVERAGE AND DISCLOSURES SET FORTH IN THIS SUBSECTION (1) TAKE EFFECT ON JULY 1, 2014.".".

As amended, ordered engrossed 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.)

SB14-032 by Senator(s) Lundberg; --Concerning elimination of restrictions on the ability of alternative health care providers to treat children.

Laid over until Monday, March 10, retaining its place on the calendar.

HB14-1172 by Representative(s) Lawrence; also Senator(s) Steadman--Concerning exempting certain public safety departments from certain statutory requirements related to the impact of a criminal conviction on state employment opportunities.

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB14-125 by Senator(s) Jahn and Harvey, Baumgardner, Cadman, Crowder, Grantham, Herpin, Hodge, Johnston, Lambert, Marble, Newell, Rivera, Steadman, Todd, Zenzinger; also Representative(s) Pabon and Szabo--Concerning the regulation of transportation network companies, and, in connection therewith, requiring transportation network companies to carry liability insurance, conduct background checks on transportation network company drivers, inspect transportation network company vehicles, and obtain a permit from the public utilities commission.

Senator Hill moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 14-125 did pass.

Amend printed bill, strike everything below the enacting clause and substitute the following:

"**SECTION 1.** In Colorado Revised Statutes, 40-10.1-103, **add** (3) as follows:

40-10.1-103. Subject to control by commission. (3) THEPUBLIC UTILITIES COMMISSION HAS NO AUTHORITY TO REGULATE TRANSPORTATION NETWORK COMPANIES.

SECTION 2. 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.".

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

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

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the 45 following Harvey and Aguilar floor amendment, (L.024) to SB 14-125, did pass. 46

Amend the Jahn, Harvey, Carroll, Cadman, and Kefalas floor amendment, (SB125_L.021), page 1, strike lines 6 through 11.

Page 1 of the floor amendment, after line 11 insert:

"Page 1 of the Business, Labor, & Technology committee report, after line 15 insert: "(j) A TRANSPORTATION NETWORK COMPANY SHALL MAKE THE

FOLLOWING DISCLOSURE TO A RIDER: WHILE RIDING AS A PASSENGER IN A TRANSPORTATION NETWORK COMPANY DRIVER'S PERSONAL VEHICLE, A RIDER IS INSURED UNDER THE TERMS OF THE TRANSPORTATION NETWORK COMPANY'S LIABILITY POLICY.".

Reletter succeeding paragraphs accordingly.".

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 **passed** on the following roll call vote:

YES .	33	NO	1	EXCUSED	1	ABSENT	0
Aguilar	Y	Heath	T.	Y King		Scheffel	Y
Balmer	Y	Herpin	, in the second s	Y Lambert	Y	Schwartz	Y
Baumgardner	Y	Hill		Y Lundberg	Y	Steadman	Y
Brophy	Y	Hodge	Ţ	Y Marble	Y	Tochtrop	Y
Cadman		Jahn	, second s	Y Newell	Y	Todd	Y
Crowder	Y	Johnston	I	E Nicholson	Y	Ulibarri	Y
Grantham	Y	Jones		Y Renfroe	Y	Zenzinger	Y
Guzman	Y	Kefalas		Y Rivera	Y	President	Y
Harvey	Y	Kerr	Ţ	Y Roberts	Y		

Senator Hill moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 14-125 did pass.

Amend printed bill, page 14, after line 20 insert:

"SECTION 6. Effective date. This act takes effect on January 1, 2015.".

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

YES	6	NO	28	EXCUSED	1	ABSENT	0
Aguilar	Ν	Heath	N	King	N	Scheffel	Ν
Balmer	Ν	Herpin	N	Lambert	N	Schwartz	Ν
Baumgardner	Y	Hill	Y	Lundberg	γ	Steadman	Ν
Brophy	Ν	Hodge	Ν	Marble	Υ	7 Tochtrop	Ν
Cadman	Ν	Jahn	Ν	Newell	N	Todd	Ν
Crowder	Y	Johnston	E	Nicholson	N	V Ulibarri	Ν
Grantham	Y	Jones	Ν	Renfroe	N	V Zenzinger	Ν
Guzman	Ν	Kefalas	Ν	Rivera	N	V President	Ν
Harvey	N	Kerr	N	Roberts	N	1	

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 3		NO	0	EXCUSED	1	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	E	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	

The Committee of the Whole took the following action:

Passed on second reading: SB14-125 as amended, HB14-1172. Laid over until Monday, March 10: SB14-032.

INTRODUCTION OF BILLS -- FIRST READING

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

- **SB14-153** by Senator(s) Heath and Cadman, Carroll; also Representative(s) DelGrosso and Hullinghorst, Ferrandino--Concerning compensation of members of the general assembly appointed to and serving on state entities. State, Veterans, & Military Affairs
- **SB14-154** by Senator(s) Lambert, Hodge, Steadman; also Representative(s) Gerou, Duran, May--Concerning funds administered by the division of fire prevention and control in the department of public safety. Appropriations

MESSAGE FROM THE HOUSE

March 7, 2014

Madam President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1257.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1042, amended as printed in House Journal, March 5, pages 471-473.

The House has passed on Third Reading and returns herewith SB14-043.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB14-1083, 1099, 1112, 1166, 1174, 1190.

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

Approved:

Morgan Carroll President of the Senate

Attest:

Cindi L. Markwell Secretary of the Senate