

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

76th Legislative Day Monday, March 24, 2014

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Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.	11
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Call to Order	By the President <i>pro tem</i> at 10:00 a.m.	13
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Presentation of Colors	Color Guard from Boy Scout Troops 199 and 331 and Cub Scout Pack 34, Denver:	16
	Collin Metscher;	17
	David Gantt;	18
	Michael Brown;	19
	Ben Thomson;	20
	Bryce Gantt; and	21
	Luke Nortman.	22
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Pledge	By Thomas Nortman, Eagle Scout, Troop 199, Denver.	24
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Roll Call	Present--35	26
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Quorum	The President announced a quorum present.	28
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Reading of Journal	On motion of Senator Marble, reading of the Journal of Friday, March 21, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.	30
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COMMITTEE OF REFERENCE REPORTS

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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB14-158 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	38
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	Amend printed bill, page 5, after line 20 insert:	43
	"(7) "FULLY ADJUDICATED" MEANS TO HAVE BEEN DECIDED BY A	44
	FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION AND FROM	45
	WHICH THERE CAN BE NO APPEAL."	46
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	Renumber succeeding subsection accordingly.	48
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	Page 8, line 18, strike "COMPLETELY" and substitute "FULLY".	50
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	Page 8, line 23, strike "COMPLETELY" and substitute "FULLY".	52
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	Page 13, strike lines 11 and 12 and substitute "DEEMED VACANT AND SHALL BE FILLED ACCORDING TO LAW, INCLUDING SECTION 2 (3) OF ARTICLE V OF THE STATE CONSTITUTION AND PART 2 OF THIS ARTICLE."	54
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	Page 13, line 13, strike "SECTION 1-2-202."	58
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	Page 13, line 14, strike "AS A".	60
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	Page 13, strike line 15 and substitute "TO FILL THE VACANCY."	62
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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB14-161** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 19, line 10, strike "(4) (b) (IV) and (4.5) (b.5)" and substitute "(4) (b) (IV), (4.5) (b.5), and (7)".

Page 21, after line 2 insert:

"(7) IF, BY THE CLOSE OF POLLS, AN ELECTOR DEPOSITS A BALLOT AT A DROP-OFF LOCATION IN A COUNTY IN WHICH THE ELECTOR DOES NOT RESIDE, THE COUNTY CLERK AND RECORDER, UPON DISCOVERING THAT FACT, SHALL TIMELY DELIVER THE BALLOT TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE ELECTOR RESIDES, WHO SHALL ACCEPT THE BALLOT FOR PROCESSING."

Page 23, after line 27 insert:

"**SECTION 24.** In Colorado Revised Statutes, 1-10-101, **add** (4) as follows:

1-10-101. Canvass board for partisan elections - appointment, fees, oaths. (4) ANY INDIVIDUAL SERVING ON A CANVASS BOARD PURSUANT TO THIS ARTICLE IS IMMUNE FROM LIABILITY IN ANY PROCEEDING THAT IS BASED ON AN ACT OR OMISSION OF THE INDIVIDUAL IF:

(a) HE OR SHE WAS ACTING IN GOOD FAITH AND WITHIN THE SCOPE OF HIS OR HER OFFICIAL FUNCTIONS OR DUTIES AS SPECIFIED IN THIS ARTICLE; AND

(b) THE VIOLATION WAS NOT CAUSED BY WILLFUL OR INTENTIONAL MISCONDUCT ON THE PART OF THE INDIVIDUAL."

Renumber succeeding sections accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB14-1277** 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: SB14-164, 165 and 166.
Correctly Revised: HB14-1089, 1105 and 1254.
Correctly Rerevised: HB14-1148 and 1206.
Correctly Enrolled: SB14-109, 110 and 119; SJR14-016 and 019.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR14-022 by Senator(s) Baumgardner and Heath; also Representative(s) DelGrosso and Becker-- Concerning the recognition and commendation of the people of Colorado and the United States on the 100th anniversary of the establishment of Rocky Mountain National Park.

Laid over until Friday, April 11, 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 Senate proceeded out of order for an expression of personal privilege.

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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

SJR14-020 by Senator(s) Todd; also Representative(s) Kraft-Tharp and Rankin--Concerning the designation of March 24, 2014, as "Colorado Aerospace Day", and, in connection therewith, commemorating the establishment of a Colorado chapter of Citizens for Space Exploration.

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

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		

Co-sponsor(s) added: Aguilar, Balmer, Baumgardner, Brophy, Cadman, Carroll, Crowder, Grantham, Guzman, Harvey, Heath, Herpin, Hill, Hodge, Jahn, Johnston, Jones, Kefalas, Kerr, King, Lambert, Lundberg, Marble, Newell, Nicholson, Renfroe, Rivera, Roberts, Scheffel, Schwartz, Steadman, Tochtrop, Ulibarri and Zenzinger.

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.

INTRODUCTION OF BILLS -- FIRST READING

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

SB14-167 by Senator(s) Zenzinger; also Representative(s) Fields--Concerning an initiative to support innovation among alternative education campuses in serving high-risk students.
Education

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

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.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	Y
Balmer	N	Herpin	Y	Lambert	N	Schwartz	Y
Baumgardner	N	Hill	N	Lundberg	N	Steadman	Y
Brophy	N	Hodge	Y	Marble	N	Tochtrop	Y
Cadman	Y	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	Y	Jones	Y	Renfroe	N	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	N	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: Nicholson.

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.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	Y
Baumgardner	N	Hill	Y	Lundberg	Y	Steadman	Y
Brophy	Y	Hodge	Y	Marble	N	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	N	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: Kefalas.

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

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	N
Balmer	Y	Herpin	Y	Lambert	N	Schwartz	Y
Baumgardner	N	Hill	N	Lundberg	N	Steadman	Y
Brophy	Y	Hodge	N	Marble	N	Tochtrop	N
Cadman	N	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	N	Jones	Y	Renfroe	N	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	N	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, Kerr and Todd.

Upon request of Majority Leader Heath, **HB14-1080** was removed from the General Orders--Second Reading of Bills Consent Calendar of Monday, March 24 and was placed at the end of the General Orders--Second Reading of Bills Calendar of Monday, March 24.

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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, and Senator Steadman was called to the chair to act as Chairman.

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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:

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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".

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Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, March 18, page(s) 507-508 and placed in members' bill files.)

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Amendment No. 2(L.006), by Senator Kefalas.

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Amend the State, Veterans, & Military Affairs Committee Report, dated March 17, 2014, page 1, line 3, strike "CUSTODIAN." and substitute "CUSTODIAN, INCLUDING THE AMOUNT OF ANY CURRENT FEE."

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Page 1 of the Committee Report, strike lines 18 through 23 and substitute "FEE ON THE WEB SITE OF THE GENERAL ASSEMBLY.".

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

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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.

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Laid over until Monday, March 31, retaining its place on the calendar.

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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.

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Amendment No. 1(L.003), by Senator Schwartz.

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Amend reengrossed bill, page 4, line 20, after "LANDS." add "HOWEVER, THE DEPARTMENT OF NATURAL RESOURCES AND THE STATE LAND BOARD SHALL EVALUATE THE FEASIBILITY OF ENTERING INTO INTERGOVERNMENTAL AGREEMENTS SIMILAR TO THOSE REQUIRED UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) FOR STATE TRUST LANDS. PRIOR TO SEPTEMBER 1, 2014, THE DEPARTMENT OF NATURAL RESOURCES SHALL REPORT TO THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION 2-3-1602, C.R.S., REGARDING ANY CONCLUSIONS REACHED SUBSEQUENT TO THIS EVALUATION, INCLUDING REASONABLE ALTERNATIVES TO ADDRESS WILDLAND FIRE MITIGATION AND SUPPRESSION COSTS WITH COUNTIES IN WHICH STATE TRUST LANDS ARE LOCATED."

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

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HB14-1047 by Representative(s) Becker; also Senator(s) Guzman--Concerning restrictions on the publishing of basic identification information on commercial web sites. 1
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Amendment No. 1, Judiciary Committee Amendment. 4
(Printed in Senate Journal, March 20, page(s) 529-530 and placed in members' bill files.) 5
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As amended, ordered revised and placed on the calendar for third reading and final 7
passage. 8
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HB14-1274 by Representative(s) Kraft-Tharp and Holbert; also Senator(s) Jahn--Concerning the 10
modification of certain limitations on the managers of a bank chartered by Colorado. 11
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Ordered revised and placed on the calendar for third reading and final passage. 13
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SB14-156 by Senator(s) Kefalas and Heath; also Representative(s) Lee--Concerning a requirement 16
that a public benefit corporation file an annual report. 17
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Ordered engrossed and placed on the calendar for third reading and final passage. 19
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HB14-1080 by Representative(s) McLachlan and Coram; also Senator(s) Roberts--Concerning a sales 22
and use tax exemption for the Colorado Ute Indians. 23
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Amendment No. 1, Finance Committee Amendment. 26
(Printed in Senate Journal, March 19, page(s) 517 and placed in members' bill files.) 27
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As amended, ordered revised and placed on the calendar for third reading and final 29
passage. 30
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 33
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On motion of Senator Steadman, the report of the Committee of the Whole was **adopted** 36
on the following roll call vote: 37
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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		

The Committee of the Whole took the following action: 40
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The Committee of the Whole took the following action: 54
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Passed on second reading: SB14-156, HB14-1193 as amended, HB14-1210 as amended, 56
HB14-1047 as amended, HB14-1274, HB14-1080 as amended. 57
Laid over until Monday, March 31: SB14-016. 58
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CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS 63
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SB14-018 by Senator(s) Nicholson and Jones; also Representative(s) Hamner and Young-- 65
Concerning the prohibition against furnishing nicotine products to persons under eighteen 66
years of age. 67
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Senator Nicholson moved that the Senate concur in House amendments to **SB14-018**, as 69
printed in House journal, March 20, page(s) 643-644. The motion was **adopted** by the 70
following roll call vote: 71
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YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	Y
Baumgardner	N	Hill	N	Lundberg	Y	Steadman	Y
Brophy	Y	Hodge	Y	Marble	N	Tochtrop	Y
Cadman	Y	Jahn	Y	Newell	Y	Todd	Y
Crowder	N	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	Y	Jones	Y	Renfroe	Y	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	N	President	Y
Harvey	Y	Kerr	Y	Roberts	Y		

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	N	Scheffel	N
Balmer	N	Herpin	N	Lambert	N	Schwartz	Y
Baumgardner	N	Hill	N	Lundberg	N	Steadman	Y
Brophy	N	Hodge	Y	Marble	N	Tochtrop	Y
Cadman	N	Jahn	Y	Newell	Y	Todd	Y
Crowder	N	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	N	Jones	Y	Renfroe	Y	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	N	Kerr	Y	Roberts	Y		

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

MESSAGE FROM THE HOUSE

March 24, 2014

Madam President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1288, amended as printed in House Journal, March 21, pages 658-659.

The House has passed on Third Reading and returns herewith SB14-028.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB14-054, amended as printed in House Journal, March 21, page 659.

The House has passed on Third Reading and transmitted to the Revisor of Statutes SB14-098, amended on Third Reading as printed in House Journal March 24.

MESSAGE FROM THE REVISOR OF STATUTES

March 24, 2014

We herewith transmit:

Without comment, as amended, HB14-1288.

Without comment, as amended, SB14-054 and 098.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR14-016 and 019.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Monday, March 24, 2014, at 8:51 a.m.:
SB14-062, 063, 089, 102, 104, 106, 137 and 142.

MESSAGE FROM THE GOVERNOR

March 21, 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:

SB14-121: CONCERNING FINANCIAL ASSISTANCE FOR LOCAL GOVERNMENTS AFTER A DECLARED DISASTER EMERGENCY.

Approved March 21, 2014 at 1:39 p.m.

SB14-138: CONCERNING CIVIL IMMUNITY FOR COMMUNITY VOLUNTEERS ASSISTING AT AN EMERGENCY.

Approved March 21, 2014 at 1:41 p.m.

SB14-097: CONCERNING THE IMMUNITY OF PUBLIC AGENCIES AGAINST LIABILITY ARISING FROM THE WILDFIRE MITIGATION ACTIVITIES OF INSURANCE COMPANIES.

Approved March 21, 2014 at 2:15 p.m.

SB14-059: CONCERNING ELIMINATING THE STATUTE OF LIMITATIONS FOR OFFENSES THAT ACCOMPANY SEX OFFENSES THAT ARE NOT SUBJECT TO A STATUTE OF LIMITATIONS.

Approved March 21, 2014 at 2:00 p.m.

SB14-096: CONCERNING RENAMING STATE VETERANS NURSING HOMES TO VETERANS COMMUNITY LIVING CENTERS TO MORE ACCURATELY REFLECT THE WIDE ARRAY OF SERVICES PROVIDED TO STATE VETERANS

Approved March 21, 2014 at 2:04 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

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On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Tuesday,
March 25, 2014.

Approved:

Morgan Carroll
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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