

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

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83rd Legislative Day

Monday, March 31, 2014

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Prayer	By the chaplain, Father Eustace Sequeira, Regis University Jesuit Community, Denver.	1
Call to Order	By the President <i>pro tem</i> at 10:00 a.m.	2
Pledge	By Senator Rivera.	3
Roll Call	Present--34 Excused--1, Grantham. Present later--1, Grantham.	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Todd, reading of the Journal of Friday, March 28, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.	6

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**SENATE SERVICES REPORT**

**Correctly Engrossed:** SJM14-002.  
**Correctly Reengrossed:** SB14-115, 158 and 161.  
**Correctly Revised:** HB14-1195.  
**Correctly Rerevised:** HB14-1100 and 1149.  
**Correctly Enrolled:** SB14-018, 028 and 054.

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**MESSAGE FROM THE HOUSE**

March 28, 2014

Madam President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1337, 1339, 1341.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1340, amended as printed in House Journal, March 27, page 702.  
HB14-1342, amended as printed in House Journal, March 27, pages 702-705.  
HB14-1336, amended as printed in House Journal, March 27, pages 705-717.

The House has adopted and returns herewith SJR14-021.

The House has voted to concur in the Senate amendments to HB14-1254, 1047, 1080, 1210, 1186, 1277 and has repassed the bills as so amended.

On reconsideration the House has voted not to concur in Senate amendments to HB14-1193, and requests that a conference committee be appointed. The Speaker has appointed Representatives Salazar, chairman, and Lebsock, and Gardner as House conferees on the First Conference Committee on HB14-1193. The bill is transmitted herewith.

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**MESSAGE FROM THE REVISOR OF STATUTES**

March 28, 2014

We herewith transmit:

Without comment, HB14-1337, 1339, and 1341.  
Without comment, as amended, HB14-1336, 1340, and 1342.

**INTRODUCTION OF BILLS -- FIRST READING**

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

- SB14-172** by Senator(s) Tochtrop and Newell; also Representative(s) Kraft-Tharp, McNulty--  
Concerning employer-paid benefits to a firefighter for cardiac illnesses resulting from a  
strenuous work event.  
Business, Labor, & Technology
- SB14-173** by Senator(s) Jahn and King, Crowder, Guzman, Herpin, Hill, Newell, Nicholson,  
Steadman; also Representative(s) Singer and McNulty, Gardner, Gerou, Kagan, Landgraf,  
Melton, Tyler--Concerning the recommendation that certain persons be offered a test for  
the hepatitis C virus.  
Health & Human Services
- SB14-174** by Senator(s) Heath; --Concerning the creation of the prosecution fellowship program.  
Judiciary
- SB14-175** by Senator(s) Kerr and Nicholson; also Representative(s) Primavera and McLachlan--  
Concerning freedom from government interference in an individual's reproductive health  
decisions.  
Health & Human Services
- SB14-176** by Senator(s) Johnston; --Concerning crimes related to entities that trade in stolen vehicles.  
Judiciary
- HB14-1289** by Representative(s) McNulty, Holbert, McLachlan, Moreno, Pabon, Williams; also  
Senator(s) Johnston, Hodge, Scheffel--Concerning the reinvestment of unused  
governmental moneys held by a financial institution that are in excess of the amount  
insured by the federal deposit insurance corporation in accounts of other financial  
institutions.  
Finance
- HB14-1336** by Representative(s) Duran, May, Gerou; also Senator(s) Steadman, Hodge, Lambert--  
Concerning the provision for payment of the expenses of the executive, legislative, and  
judicial departments of the state of Colorado, and of its agencies and institutions, for and  
during the fiscal year beginning July 1, 2014, except as otherwise noted.  
Appropriations
- HB14-1337** by Representative(s) Duran and Gerou, May; also Senator(s) Steadman, Hodge, Lambert--  
Concerning an increase in the general fund reserve.  
Appropriations
- HB14-1339** by Representative(s) Gerou, Duran, May; also Senator(s) Hodge, Steadman, Lambert--  
Concerning the creation of the hazardous substance site response fund.  
Appropriations

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- HB14-1340** by Representative(s) Gerou, Duran, May; also Senator(s) Lambert, Hodge, Steadman--  
Concerning the state toxicology laboratory, and, in connection therewith, making an  
appropriation. 1  
Appropriations 2  
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- HB14-1341** by Representative(s) May, Duran, Gerou; also Senator(s) Steadman, Hodge, Lambert--  
Concerning a transfer of moneys from the state general fund to the department of state cash  
fund for the purpose of repaying a prior transfer. 7  
Appropriations 8  
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- HB14-1342** by Representative(s) Duran, May, Gerou; also Senator(s) Steadman, Hodge, Lambert--  
Concerning transfers of moneys related to capital construction. 13  
Appropriations 14  
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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. 20  
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**CONSIDERATION OF RESOLUTIONS**

- SJR14-024** by Senator(s) Guzman and Aguilar; also Representative(s) Pabon, Duran, Garcia, Moreno,  
Salazar, Vigil--Concerning recognition of "César Chávez Day". 24  
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On motion of Senator Guzman, the resolution was read at length. 29  
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Amendment No. 1(L.001), by Senator Hodge. 33  
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Amend printed resolution, page 4, line 4, after "Coleman;" insert "former  
State Representative Val Vigil; former State Senator Polly Baca;". 35  
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The amendment was **passed** on the following roll call vote: 39  
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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		

On motion of Senator Guzman, the resolution, as amended, was **adopted** by the following  
roll call vote: 53  
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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		

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Co-sponsor(s) added: Carroll, Crowder, Grantham, Heath, Herpin, Hodge, Jahn, Johnston, Jones, Kefalas, Kerr, King, Newell, Nicholson, Rivera, Roberts, Schwartz, Steadman, Tochtrop, Todd, 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 an expression of personal privilege.

**THIRD READING OF BILLS -- FINAL PASSAGE --  
CONSENT CALENDAR**

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

**HB14-1195** by Representative(s) Gerou, Duran, May; also Senator(s) Lambert, Hodge, Steadman-- Concerning the diversion of revenue collected by the division of insurance to cash funds.

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

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		

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

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

**SB14-163** by Senator(s) Steadman and King; also Representative(s) Lee--Concerning clarifying changes to provisions related to the sentencing of persons convicted of drug crimes.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, March 27, page(s) 577-578 and placed in members' bill files.)

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

**HB14-1141** by Representative(s) Coram; also Senator(s) Roberts--Concerning the confidentiality of social security numbers under statutes protecting the privacy of individuals.

Laid over until to the end of the General Orders--Second Reading of Bills calendar of Monday, March 31.

**SB14-160** by Senator(s) Newell; also Representative(s) Primavera--Concerning removing limitations on a transitional living program for a person with a brain injury.

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 Jones, the report of the Committee of the Whole was **adopted** on 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		

The Committee of the Whole took the following action:

Passed on second reading: SB14-163 as amended, SB14-160.  
Laid over to the end of the General Orders--Second Reading of Bills calendar, Monday, March 31: HB14-1141.

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

**SB14-016** 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, April 7, retaining its place on the calendar.

**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.

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

**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.

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

**HB14-1141** by Representative(s) Coram; also Senator(s) Roberts--Concerning the confidentiality of social security numbers under the "Colorado Consumer Protection Act".

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 27, page(s) 578 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Roberts.

Amend the Judiciary Committee Report, dated March 26, 2014, page 2, line 12, strike "(1.5)" and substitute "(1)".

As amended, 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 Jones, the report of the Committee of the Whole was **adopted** on 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		

The Committee of the Whole took the following action:

Passed on second reading: SB14-165, HB14-1267, HB14-1141 as amended.  
Laid over until Monday, April 7: SB14-016.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB14-131** by Senator(s) King; also Representative(s) Wright--Concerning the removal of certain identifying information from a motor vehicle registration card.

Senator King moved that the Senate not concur in House amendments to **SB14-131**, as printed in House journal, March 21, page(s) 659, and March 25, page(s) 681, and that a conference committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted** on 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		

The President appointed Senators Todd, Chair, Jones, and King as Senate conferees on the first conference committee on **SB14-131**.



**APPOINTMENTS TO CONFERENCE COMMITTEE**

The President appointed Senators Kefalas, Chair, Jones, and Roberts as Senate conferees on the first conference committee on **HB14-1193**.

**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: SB14-022, 058, 098, 109, 110 and 119; HB14-1105, 1136, 1271 and 1274.

**MESSAGE FROM THE GOVERNOR**

March 28, 2014

The Honorable Colorado State Senate  
Sixty-ninth General Assembly  
Second Regular Session  
State Capitol  
Denver, CO 80203

Dear Colleagues:

We are returning to the Colorado General Assembly Senate Bill 14-089, "Concerning a Prohibition for the State to Enter into an Agreement for a Payment in Lieu of Taxes." This letter sets forth my reasons for vetoing this legislation.

I vetoed this bill at 9:15AM today, and this letter sets forth my reasons for doing so.

Upon taking office, we set out to change business as usual in state government and manage our administration on the basis of good governance: cutting red-tape and making government leaner, more efficient and effective. We believe that this bill, which prohibits the state from entering into agreements for payments in lieu of taxes, unnecessarily restricts the Executive's ability to enter into arrangements that may represent the best possible stewardship of Colorado taxpayers' dollars. Payments in lieu of taxes can be an effective, reasonable fiscal tool for governmental entities to use in certain circumstances.

Good governance also extends to the state government acting as a good neighbor and maintaining fairness in our business practices. Even though current law exempts the state from taxation, it does not prohibit the state from making reasonable business decisions that ensure we can make government work efficiently and effectively. By legislatively eliminating certain, and at times necessary, fiscal alternatives the General Assembly is restricting the ability of the Executive to enter into agreements that may be mutually beneficial to the state, counties, municipalities, special districts, business owners, and the people of Colorado.

We agree that payments in lieu of taxes could imply precedent-setting actions with respect to the State's typical exemption from property taxes. We would welcome a continuing discussion about ways the State could clarify the use of payments in lieu of taxes without setting unintended precedents.

For these reasons, I am vetoing Senate Bill 14-089.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Tuesday,  
April 1, 2014.

Approved:

Morgan Carroll  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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