

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

64th Legislative Day

Wednesday, March 12, 2014

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

Call to Order By the President *pro tem* at 9:00 a.m.

Pledge By Senator Todd.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hill, reading of the Journal of Tuesday, March 11, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB14-1107** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 3, line 2, after "MAY" insert "PROMULGATE RULES TO".

Page 3, line 21, strike "and the charge on oil and gas production" and substitute "~~and the charge on oil and gas production~~ OR FEES".

Page 4, line 1, after "TAXES" insert "OR FEES".

Page 4, line 6, after "TAXES" insert "OR FEES".

Finance After consideration on the merits, the Committee recommends that **HB14-1163** be **referred** to the Committee of the Whole with favorable recommendation.

Trans- After consideration on the merits, the Committee recommends that **SJR14-016** be **amended** as follows, and as so amended, be referred to the Senate for final action.

Amend printed resolution, page 4, line 1, after "Wars;" insert "Clear Creek County Veterans Coalition;".

Trans- After consideration on the merits, the Committee recommends that **SB14-146** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, lines 8 and 9, strike "town having a population of five thousand or less," and substitute "town, ~~having a population of five thousand or less,~~".

Amend printed bill, page 2, line 14, strike the second "THE" and substitute "ANY".

Local Government

After consideration on the merits, the Committee recommends that **HB14-1184** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 4, strike lines 5 through 15 and substitute "HOLDOVER DIRECTORS, CONTINUE TO HOLD OFFICE UNTIL THE EXPIRATION OF THEIR TERMS. UPON EXPIRATION OF THEIR TERMS, PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), THE GOVERNING BODY OF THE CITY OF PUEBLO SHALL FILL THE TWO VACANCIES FOR THE HOLDOVER DIRECTORS WHO RESIDED WITHIN THE CITY OF PUEBLO, AND PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY SHALL FILL THE VACANCY FOR THE HOLDOVER DIRECTOR WHO RESIDED WITHIN THE COUNTY OF PUEBLO.

(II) DIRECTORS ARE APPOINTED AND REPRESENT AREAS WITHIN THE DISTRICT AS FOLLOWS:

(A) FOUR OF THE DIRECTORS REPRESENT, MUST BE RESIDENTS OF, AND SHALL BE APPOINTED BY THE GOVERNING BODY OF THE CITY OF PUEBLO, WHOSE INITIAL TERMS ARE THREE YEARS."

Page 4, line 17, strike "NEW".

Page 4, lines 20 and 21, strike "PUEBLO OR THE PUEBLO WEST METROPOLITAN DISTRICT," and substitute "PUEBLO,".

Page 5, line 1, strike "NEW".

Local Government

After consideration on the merits, the Committee recommends that **HB14-1169** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government

After consideration on the merits, the Committee recommends that **HB14-1129** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government

After consideration on the merits, the Committee recommends that **HB14-1125** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local Government

After consideration on the merits, the Committee recommends that **HB14-1060** be referred to the Committee of the Whole with favorable recommendation.

Local Government

After consideration on the merits, the Committee recommends that **HB14-1007** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike line 3 and substitute:

"(1) (n.5) (I) and (1) (n.5) (III) as follows:".

Page 3, strike lines 10 through 17.

Page 1, strike lines 105 and 106 and substitute: "DANGER.".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

Local Government After consideration on the merits, the Committee recommends that **SB14-066** be postponed indefinitely.

SENATE SERVICES REPORT

Correctly Engrossed: SJM14-001.
Correctly Enrolled: SB14-024, 031, 059, 096, 097, 121 and 138.

MESSAGE FROM THE HOUSE

March 11, 2014

Madam President:

The House has adopted and returns herewith SJM14-001.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB14-156** by Senator(s) Kefalas and Heath; also Representative(s) Lee--Concerning a requirement that a public benefit corporation file an annual report.
Business, Labor, & Technology
- HB14-1042** by Representative(s) Saine, McCann; also Senator(s) Tochtrop--Concerning access by birth parents to records relating to the relinquishment of parental rights, and, in connection therewith, making an appropriation.
Judiciary
- 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.
Finance
- HB14-1141** by Representative(s) Coram; also Senator(s) Roberts--Concerning the confidentiality of social security numbers under the "Colorado Consumer Protection Act".
Judiciary
- HB14-1257** by Representative(s) Sonnenberg and Nordberg; also Senator(s) Balmer and King--Concerning the authority of the state auditor to conduct a performance audit of the Colorado health benefit exchange.
Health & Human Services
- HB14-1271** by Representative(s) Melton, Buckner, Fields, Williams; also Senator(s) Newell--Concerning extending a mental health provider's duty to warn to include specific entities that, if purposefully damaged or attacked as a result of a mental health patient's violent behavior, would jeopardize public health and safety.
Health & Human Services

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR14-019 by Senator(s) Hodge; --Concerning the establishment of March 16 as Liberty Day.

Laid over until Friday, March 14, retaining its place on the calendar.

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:

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

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

YES	18	NO	17	EXCUSED	0	ABSENT	0	
Aguilar		N	Heath	N	King	Y	Scheffel	Y
Balmer		N	Herpin	Y	Lambert	Y	Schwartz	N
Baumgardner	Y	Hill	Y	Lundberg	Y	Steadman	N	
Brophy	Y	Hodge	N	Marble	Y	Tochtrop	Y	
Cadman	Y	Jahn	Y	Newell	Y	Todd	N	
Crowder	Y	Johnston	N	Nicholson	N	Ulibarri	N	
Grantham	Y	Jones	N	Renfroe	Y	Zenzinger	N	
Guzman	N	Kefalas	N	Rivera	Y	President	N	
Harvey	Y	Kerr	N	Roberts	N			

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

Co-sponsor(s) added: Baumgardner, Crowder, Grantham, Hill, Jahn, Lambert, Marble and Scheffel.

HB14-1224 by Representative(s) Gardner; also Senator(s) Herpin--Concerning a set aside goal in state procurement for service-disabled veteran owned small businesses.

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

YES	27	NO	8	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	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	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, Carroll, Crowder, Grantham, Guzman, Heath, Hodge, Jahn, Johnston, Kefalas, Kerr, King, Newell, Nicholson, Rivera, Roberts, Schwartz, Tochtrop, Todd, Ulibarri and Zenzinger.

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--Consent Calendar, and Senator Newell 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:

HB14-1188 by Representative(s) Ryden; also Senator(s) Tochtrop, Guzman--Concerning revenue generated from the outdoor advertising program administered by the department of transportation.

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

SB14-051 by Senator(s) Tochtrop; also Representative(s) Saine--Concerning access to records relating to the adoption of children.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 18, page(s) 295-300 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 10, page(s) 443 and placed in members' bill files.)

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

HB14-1103 by Representative(s) Pabon, Holbert, Lawrence, McNulty, Murray, Priola, Szabo; also Senator(s) Harvey--Concerning the criteria that certain securities must meet to qualify as legal investments for public funds.

Ordered revised 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 Newell, 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: SB14-051 as amended, HB14-1188, HB14-1103.

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:

HB14-1208 by Representative(s) Wright and Hamner, Ferrandino; also Senator(s) Zenzinger and King-- Concerning authorizing the department of education to recognize as administrative units for purposes of the "Exceptional Children's Educational Act" groups of school districts that were parties to joint agreements existing on January 1, 2011, to provide special education services without forming a board of cooperative services.

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

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

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 13, page(s) 246-247 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 7, page(s) 434 and placed in members' bill files.)

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

HB14-1293 by Representative(s) Hullinghorst, Ferrandino, DelGrosso; also Senator(s) Heath, Carroll, Cadman--Concerning payment of expenses of the legislative department.

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

SB14-023 by Senator(s) Schwartz; --Concerning an authorization of the voluntary transfer of water efficiency savings to the Colorado water conservation board for instream use purposes in water divisions that include lands west of the continental divide.

Laid over until Thursday, March 13, retaining its place on the calendar.

SB14-117 by Senator(s) Jahn; also Representative(s) Fischer--Concerning the reauthorization of the regulation of real estate appraisers by the board of real estate appraisers through a recreation and reenactment of the relevant statutes incorporating no substantive amendments other than those approved during the first regular session of the 69th general assembly.

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

HB14-1077 by Representative(s) Gerou; also Senator(s) Hodge--Concerning an increase in the statutory cap on the two-year average of the unobligated portion of the oil and gas conservation and environmental response fund.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

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	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: SB14-131 as amended, SB14-117, HB14-1208, HB14-1293, HB14-1077.

Laid over until Thursday, March 13: SB14-023.

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

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

**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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61

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		

**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.

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		

**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.

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		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Thursday,
March 13, 2014.

Approved:

Morgan Carroll
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18