

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

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21st Legislative Day

Tuesday, January 28, 2014

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Prayer	By the chaplain, Rabbi Eliot Baskin, Jewish Family Services of Colorado, 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 Zenzinger.	16
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Roll Call	Present--34	18
	Absent--1, Ulibarri.	19
	Present later--1, Ulibarri.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Rivera, reading of the Journal of Monday, January 27, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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**COMMITTEE OF REFERENCE REPORTS**

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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that <b>SB14-080</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	32
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Business, Labor, & Technology	After consideration on the merits, the Committee recommends that <b>SB14-054</b> be referred to the Committee on <u>Finance</u> with favorable recommendation.	37
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>SB14-063</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	42
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	Amend printed bill, page 2, line 5, strike "NO LATER".	47
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	Page 3, strike lines 1 through 3 and substitute:	49
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	"THE DEPARTMENT OF REGULATORY AGENCIES SHALL ESTABLISH A SCHEDULE, IN CONSULTATION WITH EACH PRINCIPAL DEPARTMENT, FOR THE REVIEW OF ALL OF THE RULES FOR EACH PRINCIPAL DEPARTMENT. EACH PRINCIPAL DEPARTMENT SHALL CONDUCT".	51
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	Page 3, line 23, strike "AND".	56
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	Page 3, strike lines 24 through 27.	58
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	Page 4, strike line 1 and substitute:	60
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	"(g) WHETHER A COST-BENEFIT ANALYSIS WAS PERFORMED BY THE APPLICABLE RULE-MAKING AGENCY OR OFFICIAL IN THE PRINCIPAL DEPARTMENT PURSUANT TO SECTION 24-4-103 (2.5)".	62
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	Page 4, after line 1, insert:	66
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"(h) WHETHER THE RULE IS ADEQUATE FOR THE PROTECTION OF THE SAFETY, HEALTH, AND WELFARE OF THE STATE OR ITS RESIDENTS."

Page 4, line 3, after "NOTICE" insert "ON THE AGENCY'S OFFICIAL WEB SITE".

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB14-084** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 12, strike "IN A COUNTY IN".  
page 2, strike lines 13 through 16.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB14-071** be **postponed indefinitely**.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SB14-079** be **postponed indefinitely**.

Judiciary

After consideration on the merits, the Committee recommends that **HB14-1019** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary

After consideration on the merits, the Committee recommends that **SB14-034** be **postponed indefinitely**.

Judiciary

After consideration on the merits, the Committee recommends that **SB14-062** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 5, strike lines 15 through 17 and substitute:  
"(f) THE DEPENDENCY AND NEGLECT ACTION DID NOT INVOLVE SUBSTANTIATED ALLEGATIONS OF SEXUAL ABUSE OR AN INCIDENT OF EGREGIOUS".

Page 6, line 13, strike "NAME, AGE, AND ADDRESS" and substitute "NAME AND AGE".

Page 6, line 15, strike "THE NAME AND ADDRESS OF THE FOSTER PARENT OR AGENCY THAT".

Page 6, strike line 16.

Page 6, line 17, strike "PLACEMENT;".

Page 7, line 9, strike "PARENT;" and substitute "PARENT WHOSE PARENT-CHILD LEGAL RELATIONSHIP THE PETITION SEEKS TO HAVE REINSTATED;".

Page 9, strike lines 14 and 15 and substitute "TRIAL PERIOD. THE COUNTY DEPARTMENT MAY STOP THE VISITATION OR REMOVE THE CHILD FROM PLACEMENT WITH THE FORMER PARENT AT ANY TIME, IN".

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Judiciary After consideration on the merits, the Committee recommends that **SB14-070** be **postponed indefinitely**. 1  
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Judiciary After consideration on the merits, the Committee recommends that **SB14-059** be **amended** 5  
as follows, and as so amended, be referred to the Committee of the Whole with favorable 6  
recommendation. 7

Amend printed bill, page 2, strike lines 15 and 16 and substitute: 8  
"I) Under section 18-3-402, C.R.S., or section 18-3-403, C.R.S., 9  
as said section existed prior to July 1, 2000, OR SECTION 18-3-404, 10  
C.R.S.; or". 11

Page 2, line 17, after "IS" insert "A FELONY AND IS". 12  
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Page 2, line 20, after "(a.5);" insert "EXCEPT THAT THIS SUBPARAGRAPH 15  
(II) DOES NOT APPLY IF THE COURT FINDS THAT THERE IS NO PROBABLE 16  
CAUSE FOR THE OFFENSE CHARGED IN SUBPARAGRAPH (I) OF THIS 17  
PARAGRAPH (a.5);". 18  
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Page 3, line 4, strike "said date." and substitute "July 1, 2011.". 20  
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**SENATE SERVICES REPORT** 26

**Correctly Printed:** SB14-104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 27  
116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 28  
134, 135, 136, 137, 138, 139 and 140; SJR14-004; SR14-002. 29  
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On motion of Majority Leader Heath, and with a majority of those elected to the Senate 35  
having voted in the affirmative, the Senate proceeded out of order for an expression of 36  
personal privilege. 37  
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**THIRD READING OF BILLS -- FINAL PASSAGE** 42

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On third reading, the titles of the following bills were publicly read, the reading at length 47  
having been dispensed with by unanimous consent: 48

**SB14-028** by Senator(s) Jones; also Representative(s) Duran and Tyler--Concerning an expansion of 48  
eligibility for the receipt of disbursements from the electric vehicle grant fund for the 49  
installation of electric vehicle charging stations. 50

The question being "Shall the bill pass?", the roll call was taken with the following result: 51  
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YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	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	Y	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	N	Jones	Y	Renfroe	N	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	Y	Kerr	Y	Roberts	Y		

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

Co-sponsor(s) added: Aguilar, Guzman, Heath, Kefalas, Newell, Schwartz, Steadman, Ulibarri and Zenzinger.

**SB14-020** by Senator(s) Tochtrop; also Representative(s) Saine--Concerning administration of the motorcycle operator safety training program.

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	Y	Hill	N	Lundberg	Y	Steadman	Y
Brophy	N	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	N	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**.

**SB14-007** by Senator(s) Lundberg and Jones, Kefalas, Kerr, Lambert, Nicholson, Renfroe; also Representative(s) Foote and DelGrosso, Humphrey, Singer, Sonnenberg, Young-- Concerning authority for a board of county commissioners to transfer county general fund moneys to its county road and bridge fund after a declared disaster emergency in the county.

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**.

Co-sponsor(s) added: Aguilar, Baumgardner, Brophy, Cadman, Carroll, Crowder, Grantham, Guzman, Harvey, Heath, Herpin, Hill, Hodge, Jahn, Johnston, King, Marble, Newell, Rivera, Roberts, Scheffel, Schwartz, Steadman, Todd, Ulibarri and Zenzinger.



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--Consent Calendar, and Senator Steadman 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:

**SB14-048** by Senator(s) Guzman; also Representative(s) Waller--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.

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

**SB14-060** by Senator(s) Todd and King; also Representative(s) Coram and Williams--Concerning the authorization of the department of transportation to conduct flagperson training.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, January 24, page(s) 104 and placed in members' bill files.)

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

**SB14-076** by Senator(s) Tochtrop; also Representative(s) Becker--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.

Amendment No. 1, Agriculture, Natural Resources, & Energy Committee Amendment.

(Printed in Senate Journal, January 24, page(s) 104 and placed in members' bill files.)

As amended, 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 Steadman, 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: SB14-048, SB14-060 as amended, SB14-076 as amended.

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.

**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:

**SB14-067** by Senator(s) Aguilar; also Representative(s) Singer--Concerning aligning certain state medical assistance programs' eligibility laws with the federal "Patient Protection and Affordable Care Act".

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

**SB14-004** by Senator(s) Todd, Grantham, Jahn, Marble, Newell; also Representative(s) Wilson and May, Coram, DelGrosso, Garcia, Hamner, Holbert, Landgraf, Mitsch Bush, Moreno, Murray, Peniston, Pettersen, Rankin, Singer, Szabo--Concerning the role and mission of community colleges.

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

**SB14-052** by Senator(s) Crowder; also Representative(s) Sonnenberg--Concerning actions taken to remediate soil erosion creating property damage.

Amendment No. 1(L.001), by Senator Crowder.

Amend printed bill, page 4, line 2, strike "PUBLISHED MARKET RATES OF SERVICES" and substitute "MARKET RATES OF SERVICES IN THE "AGRICULTURE & BUSINESS MANAGEMENT NOTES", AS PUBLISHED BY THE COLORADO STATE UNIVERSITY EXTENSION, OR A COMPARABLE PUBLICATION".

As amended, ordered engrossed 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 Steadman, 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: SB14-067, SB14-004, SB14-052 as amended.

**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  
BOARD OF ASSESSMENT APPEALS

for terms expiring July 1, 2014:

MaryKay Kelley of Silverthorne, Colorado, reappointed;

Amy J. Williams of Hayden, Colorado, engaged in agricultural, reappointed; and

Brooke Blair Leer of Greenwood Village, Colorado, reappointed.

for a term expiring July 1, 2017:

Debra Ann Baumbach of Littleton, Colorado, 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  
FIRE AND POLICE PENSION ASSOCIATION  
BOARD OF DIRECTORS

for a term expiring September 1, 2014:

David Leroy Bomberger of Castle Rock, Colorado, who has experience in insurance disability claims, and occasioned by the resignation of Monica Cortez-Sangster of Aurora, Colorado, appointed.

for a term expiring September 1, 2015:

Todd A. Bower of Denver, Colorado, a full-time paid firefighter, reappointed.

for a term expiring September 1, 2019:

Nick Nuanes of Denver, Colorado, a retired fire fighter, appointed.

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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		

MEMBERS OF THE  
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

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

Stewart A. Bliss of Denver, Colorado, a Republican who is not a graduate of the Colorado School of Mines, reappointed;

Thomas E. Jorden of Centennial, Colorado, an Unaffiliated graduate of the Colorado School of Mines, appointed.

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  
COLORADO EDUCATIONAL AND CULTURAL  
FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2017:

William T. Pound of Castle Pines, Colorado, appointed;

Dan Jay Wilson of Broomfield, Colorado, appointed.

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  
PARKS AND WILDLIFE COMMISSION

for terms expiring July 1, 2017:

Jeanne Horne of Meeker, Colorado, as a representative of sports persons and outfitters and west of the Continental Divide, reappointed; and

James C. Pribyl of Boulder, Colorado, as a member at large, 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		

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Wednesday, January 29, 2014.

Approved:

Morgan Carroll  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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