

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

---

9th Legislative Day

Thursday, January 16, 2014

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Prayer	By the chaplain, Randle Loeb, Community Minister, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Kerr.	15
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Roll Call	Present--31	17
	Excused--4, Cadman, Lambert, Schwartz, Todd.	18
	Present later--2, Lambert, Schwartz.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Balmer, reading of the Journal of Wednesday, January 15, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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**COMMITTEE OF REFERENCE REPORTS**

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Local Government	After consideration on the merits, the Committee recommends that <b>SB14-008</b> be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	32
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Judiciary	After consideration on the merits, the Committee recommends that <b>SB14-009</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	36
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	Amend printed bill, page 2, line 20, strike " <b>RIGHTS.</b> " and substitute " <b>ESTATE.</b> ".	41
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	Page 3, line 1, strike " <b>NEAR</b> " and substitute " <b>ADJACENT TO</b> ".	44
		45
	Page 3, line 2, strike " <b>INCLUDE</b> " and substitute " <b>INCLUDE, BUT ARE NOT LIMITED TO,</b> ".	46
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	Page 3, line 3, strike " <b>STORAGE</b> " and substitute " <b>STORAGE, OIL AND GAS, OR PRODUCTION</b> ".	49
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	Page 3, line 7, strike " <b>ADDITIONAL</b> " and substitute " <b>THE BUYER IS ENCOURAGED TO SEEK ADDITIONAL</b> ".	52
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	Page 3, line 10, strike " <b>APPLICATIONS,</b> " and substitute " <b>APPLICATIONS. THIS INFORMATION</b> ".	55
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	Page 3, line 20, after " <b>INVESTIGATE</b> " insert " <b>OR DISCLOSE</b> ".	58
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Judiciary

After consideration on the merits, the Committee recommends that **SB14-027** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 3, line 2, strike "PERSON. UPON REQUEST OF THE SUPREME" and substitute "AGENCY".

Page 3, after line 2 insert:  
"(3) UPON REQUEST OF THE SUPREME".

Renumber succeeding subsection accordingly.

Page 3, line 13, strike "(4)" and substitute "(4) (a)".

Page 3, line 19, strike "INVESTIGATOR." and substitute "INVESTIGATOR CONSISTENT WITH SECTION 24-5-101, C.R.S.".

Page 3, line 26, strike "UPON REQUEST OF THE DEPARTMENT, THE".

Page 3, after line 26 insert:  
"(b) UPON REQUEST OF THE DEPARTMENT, THE".

Page 4, line 2, strike "THE APPLICANT SHALL PAY THE COST".

Page 4, after line 2 insert:  
"(c) THE APPLICANT SHALL PAY THE COST".

**SENATE SERVICES REPORT**

**Correctly Printed:** SB14-090, 091, 092, 093 and 094.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator Guzman, the following Governor's appointment was confirmed by a roll call vote:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS

effective immediately for a term expiring at the pleasure of the Governor:

Rich Raemisch of Waunakee, Wisconsin, and occasioned by the resignation of Roger Werholtz of Lawrence, Kansas, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	E
Baumgardner	Y	Hill	Y	Lundberg	Y	Steadman	Y
Brophy	Y	Hodge	Y	Marble	Y	Tochtrop	Y
Cadman	E	Jahn	Y	Newell	Y	Todd	E
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 Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

COMMISSIONER OF INSURANCE

effective August 19, 2013, for a term expiring at the Pleasure of the Governor:

Marguerite Salazar of Alamosa, Colorado, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	E
Baumgardner	Y	Hill	Y	Lundberg	Y	Steadman	Y
Brophy	Y	Hodge	Y	Marble	Y	Tochtrop	Y
Cadman	E	Jahn	Y	Newell	Y	Todd	E
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 Tochtrop, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE BOARD OF PINNACOL ASSURANCE

for a term expiring January 1, 2016:

Bonnie Brown Dean of Greeley, Colorado, an employer whose liability is insured by Pinnacol, and occasioned by the resignation of John C. Plotkin of Lakewood, Colorado appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	E
Baumgardner	Y	Hill	Y	Lundberg	Y	Steadman	Y
Brophy	Y	Hodge	Y	Marble	Y	Tochtrop	Y
Cadman	E	Jahn	Y	Newell	Y	Todd	E
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		

**MESSAGE FROM THE GOVERNOR**

Appointment Letters of designation and appointment from Governor John W. Hickenlooper were read and assigned to committees as follows:

May 24, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBER OF THE  
STATE BOARD OF  
STOCK INSPECTION COMMISSIONERS

for a term expiring May 1, 2017:

Daniel Patrick McCarty of Parachute, Colorado, to represent the non-confinement cattle industry, appointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 10/01/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

May 28, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE  
STATE PLUMBING BOARD

effective July 1, 2013, for a term expiring July 1, 2015:

Robin A. Vidimos of Centennial, Colorado, an Unaffiliated member of the public at large, reappointed;

effective July 1, 2013, for terms expiring July 1, 2017:

Janice K. Snidow of Thornton, Colorado, a Democrat and a journeyman plumber, reappointed;

James Vernon of Fountain, Colorado, a Republican, and member or employee of a local government agency conducting plumbing inspections, reappointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 10/01/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

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June 7, 2013

To the Honorable Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE  
RENEWABLE ENERGY AUTHORITY BOARD OF DIRECTORS

for a term expiring July 1, 2015:

Jeffrey Paul Ackermann of Denver, Colorado, and occasioned by the resignation of Tanuj "TJ" Deora of Denver, Colorado, appointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 10/01/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

June 14, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration the following:

MEMBERS OF THE  
BOARD OF COMMISSIONERS OF STATE AND  
VETERANS NURSING HOMES

for a term expiring July 1, 2014:

Alexandra E. Hall of Denver, Colorado, a veteran, reappointed;

for terms expiring July 1, 2017:

Kathleen N. Dunemn, PhD, APRN, CNM of Littleton, Colorado, who has expertise in nursing home operations and who has practical clinical experience in nursing homes, appointed;

Mary Ann Terry, RN, BSN of Aurora, Colorado, who has expertise in nursing home operations and who has experience in multi-facility management of nursing homes, appointed.

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Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 10/01/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on State, Veterans, & Military Affairs

June 18, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE  
STATE PERSONNEL BOARD

for a term expiring June 30, 2018:

Neil Peck of Denver, Colorado, appointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 10/01/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

July 12, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE  
SECURITIES BOARD

for a term expiring July 1, 2016:

Scott R. Saltzman of Denver, Colorado, a certified public accountant, reappointed.

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Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 11/6/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

July 19, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE  
COLORADO BANKING BOARD

for terms expiring July 1, 2017:

John R. Dye of Denver, Colorado, a representative of a money transmitter organization licensed pursuant to Article 52 of Title 12, appointed;

James L. Basey of Denver, Colorado, to serve as an executive officer of a state bank, with not less than five years' practical experience as an active executive officer of a bank, reappointed;

Emily S. Robinson of Golden, Colorado, an executive officer of a state bank, with not less than five years' practical experience as an active executive officer of a bank, reappointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 11/6/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

July 19, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

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MEMBERS OF THE  
COAL MINE BOARD OF EXAMINERS

for terms expiring July 1, 2017:

Alan Reed Bayles of Hotchkiss, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in underground mining, reappointed;

Geral Justin Fedinec of Craig, Colorado, a coal mine owner, operator, manager, or other mine official actively engaged in surface mining industry, reappointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 11/6/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Agriculture, Natural Resources, & Energy

August 12, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBER OF THE  
STATE PLUMBING BOARD

for a term expiring July 1, 2017:

Matthew Ray Wagy of Greeley, Colorado, a Republican and a master plumber, appointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 11/6/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

August 12, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

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MEMBERS OF THE  
ENERGY IMPACT ASSISTANCE  
ADVISORY COMMITTEE

for terms expiring August 24, 2017:

Kelly Eugene Arnold of Windsor, Colorado, appointed;

Vicki L. Spencer of Gunnison, Colorado, reappointed;

George Barry Shiohita of La Junta, Colorado, reappointed.

Sincerely,

(signed)

John W. Hickenlooper

Governor

Rec'd: 11/6/2013

Cindi L. Markwell, Secretary of the Senate

Committee on Local Government

August 23, 2013

To the Honorable

Colorado Senate

Colorado General Assembly

State Capitol Building

Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE  
BOARD OF REAL ESTATE APPRAISERS

for terms expiring July 1, 2015:

Peter E. Muccio of Denver, Colorado, to serve as a member of the public, appointed;

Scot M. Rose of Lafayette, Colorado, to serve as a representative of appraisal management companies, appointed.

Sincerely,

(signed)

John W. Hickenlooper

Governor

Rec'd: 11/6/2013

Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

August 30, 2013

To the Honorable

Colorado Senate

Colorado General Assembly

State Capitol Building

Denver, CO 80203

Ladies and Gentlemen:

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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE  
WASTE TIRE ADVISORY COMMITTEE

for a term expiring September 9, 2015:

Lee Allen Overton of Meeker, Colorado, to serve as a waste tire hauler, and occasioned by the resignation of Christopher B. Houtchens of Colorado Springs, Colorado, appointed;

for terms expiring September 9, 2016:

Richard K. Welle of Centennial, Colorado, to serve as a waste tire processor, reappointed;

Joel F. Bolduc of Colorado Springs, Colorado, to serve as a waste tire end user, reappointed;

James A. Reid of Colorado Springs, Colorado, to serve as a representative of a local fire authority from a jurisdiction that has a waste tire facility, appointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 11/6/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Transportation

October 2, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBER OF THE  
STATEWIDE INTERNET PORTAL AUTHORITY

for a term expiring June 1, 2014:

Mary Kay Hogan of Denver, Colorado, as a representative of the private sector, and occasioned by the resignation of Stephan Michael Tadashi Bruce of Englewood, Colorado, appointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 11/6/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

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November 12, 2013

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBER OF THE  
STATE ELECTRICAL BOARD

for a term expiring July 1, 2016:

David Roderick Olson of Niwot, Colorado, a member of the public at large, appointed.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor  
Rec'd: 11/22/2013  
Cindi L. Markwell, Secretary of the Senate

Committee on Business, Labor, & Technology

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Friday, January 17, 2014.

Approved:

Morgan Carroll  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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