

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

72nd Legislative Day

Thursday, March 20, 2014

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Prayer	By the chaplain, Dr. Gene Selander, Crystal Clear Ministries, 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 Crowder.	15
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Roll Call	Present--28	17
	Absent--1, Hill.	18
	Excused--6, Brophy, Johnston, King, Lundberg, Renfroe, Roberts.	19
	Present later--2, Hill, Lundberg.	20
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Kefalas, reading of the Journal of Wednesday, March 19, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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COMMITTEE OF REFERENCE REPORTS

Judiciary	After consideration on the merits, the Committee recommends that HB14-1047 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	31
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Amend reengrossed bill, strike everything below the enacting clause and substitute:

"**SECTION 1.** In Colorado Revised Statutes, **amend** 24-72-305.5 as follows:

24-72-305.5. Access to records - denial by custodian - use of records to obtain information for solicitation - definitions.

(1) Records of official actions and criminal justice records and the names, addresses, telephone numbers, and other information in such records shall not be used by any person for the purpose of soliciting business for pecuniary gain. The official custodian shall deny any person access to records of official actions and criminal justice records unless such person signs a statement which affirms that such records shall not be used for the direct solicitation of business for pecuniary gain.

(2) (a) IT IS UNLAWFUL FOR A PERSON TO OBTAIN A COPY OF A BOOKING PHOTOGRAPH IN ANY FORMAT KNOWING:

(I) THE BOOKING PHOTOGRAPH WILL BE PLACED IN A PUBLICATION OR POSTED TO A WEB SITE; AND

(II) REMOVAL OF THE BOOKING PHOTOGRAPH FROM THE PUBLICATION OR WEB SITE REQUIRES THE PAYMENT OF A FEE OR OTHER EXCHANGE FOR PECUNIARY GAIN.

(b) A PERSON WHO REQUESTS A COPY OF A BOOKING PHOTOGRAPH FROM AN OFFICIAL CUSTODIAN SHALL, AT THE TIME OF MAKING THE REQUEST, SUBMIT THE STATEMENT REQUIRED BY SUBSECTION (1) OF THIS SECTION. BY SIGNING THE STATEMENT, THE PERSON IS AFFIRMING THAT THE BOOKING PHOTOGRAPH WILL NOT BE PLACED IN A PUBLICATION OR POSTED TO A WEB SITE THAT REQUIRES THE PAYMENT OF A FEE OR OTHER EXCHANGE FOR PECUNIARY GAIN IN ORDER TO REMOVE OR DELETE THE BOOKING PHOTOGRAPH FROM THE PUBLICATION OR WEB SITE.

(c) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-72-309, A PERSON WHO VIOLATES A PROVISION OF PARAGRAPH (a) OF THIS

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SUBSECTION (2) OR WHO SUBMITS A FALSE STATEMENT PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) COMMITS AN UNCLASSIFIED MISDEMEANOR AND SHALL BE PUNISHED BY A FINE OF UP TO ONE THOUSAND DOLLARS.

(d) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT OTHERWISE REQUIRES, "BOOKING PHOTOGRAPH" MEANS A PHOTOGRAPH OR OTHER IMAGE OF A PERSON TAKEN BY A CRIMINAL JUSTICE AGENCY AT THE TIME THAT A PERSON IS ARRESTED OR DETAINED BY A CRIMINAL JUSTICE AGENCY AND PRIOR TO CONVICTION.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 2014; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act."

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **HB14-1274** be **referred** to the Committee of the Whole with favorable recommendation.

Business,
Labor, &
Technology

After consideration on the merits, the Committee recommends that **SB14-156** be **referred** to the Committee of the Whole with favorable recommendation.

SENATE SERVICES REPORT

- Correctly Engrossed:** SB14-123.
- Correctly Reengrossed:** SB14-092 and 143.
- Correctly Revised:** HB14-1092.
- Correctly Rerevised:** HB14-1030, 1117, 1142, 1160, 1177, 1182 and 1222.
- Correctly Enrolled:** SB14-063, 102 and 137.

MESSAGE FROM THE HOUSE

March 19, 2014

Madam President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1308.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1161, amended as printed in House Journal, March 18, page 606.
HB14-1180, amended as printed in House Journal, March 18, page 606.
HB14-1207, amended as printed in House Journal, March 18, page 606.
HB14-1221, amended as printed in House Journal, March 18, pages 606-607.
HB14-1227, amended as printed in House Journal, March 18, page 607.

The House has passed on Third Reading and returns herewith SB14-062, 104, 106, 109, 110, 132.

The House has postponed indefinitely SB14-101. The bill is returned herewith.

The House has voted to concur in the Senate amendments to HB14-1152, 1107, 1184 and has repassed the bills as so amended.

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MESSAGE FROM THE REVISOR OF STATUTES

March 19, 2014

We herewith transmit:

Without comment, HB14-1308.
Without comment, as amended, HB14-1161, 1180, 1207, 1221, and 1227.

INTRODUCTION OF BILLS -- FIRST READING

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

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.
Judiciary

Senate in recess. Senate reconvened.

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.

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:

HB14-1092 by Representative(s) Vigil, Salazar; also Senator(s) Kefalas--Concerning the voluntary contribution designation benefitting the Colorado Youth Conservation Corps fund that appears on the state individual income tax return forms.

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

YES	20	NO	9	EXCUSED	5	ABSENT	1
Aguilar	Y	Heath	Y	King	E	Scheffel	N
Balmer	N	Herpin	Y	Lambert	N	Schwartz	Y
Baumgardner	N	Hill	A	Lundberg	N	Steadman	Y
Brophy	E	Hodge	Y	Marble	N	Tochtrop	Y
Cadman	N	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	E	Nicholson	Y	Ulibarri	Y
Grantham	N	Jones	Y	Renfroe	E	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	N	President	Y
Harvey	Y	Kerr	Y	Roberts	E		

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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, Kerr, Nicholson, Schwartz, Tochtrop, Todd and Ulibarri.

SB14-123

by Senator(s) Guzman; also Representative(s) Kagan--Concerning the authority of the peace officers standards and training board, and, in connection therewith, providing additional rule-making authority; raising the maximum fee for certification and skills exams; allowing awarding grants to nonprofit organizations; denying certification for municipal violations; and making an appropriation.

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

YES	18	NO	11	EXCUSED	5	ABSENT	1
Aguilar	Y	Harvey	N	Kerr	Y	Roberts	E
Balmer	N	Heath	Y	King	E	Scheffel	N
Baumgardner	N	Herpin	N	Lambert	N	Schwartz	Y
Brophy	E	Hill	A	Lundberg	N	Steadman	Y
Cadman	N	Hodge	Y	Marble	N	Tochtrop	Y
President	Y	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	E	Nicholson	Y	Ulibarri	Y
Grantham	N	Jones	Y	Renfroe	E	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	N		

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

Co-sponsor(s) added: Heath, Jones, Kerr, Newell and Nicholson.

Committee of the Whole

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

HB14-1148

by Representative(s) Fields; also Senator(s) Jahn--Concerning guidelines for ensuring the rights of victims of crime to participate in the criminal justice system.

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

HB14-1206

by Representative(s) Conti; also Senator(s) Ulibarri--Concerning modifications to the "Colorado Charitable Solicitations Act", and, in connection therewith, prohibiting certain charitable solicitation practices, modifying the secretary of state's fining authority, adjusting registration statement requirements, and specifying requirements for appointing registered agents.

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 Kerr, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	29	NO	0	EXCUSED	5	ABSENT	1
Aguilar	Y	Harvey	Y	Kerr	Y	Roberts	E
Balmer	Y	Heath	Y	King	E	Scheffel	Y
Baumgardner	Y	Herpin	Y	Lambert	Y	Schwartz	Y
Brophy	E	Hill	A	Lundberg	Y	Steadman	Y
Cadman	Y	Hodge	Y	Marble	Y	Tochtrop	Y
President	Y	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	E	Nicholson	Y	Ulibarri	Y
Grantham	Y	Jones	Y	Renfroe	E	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB14-1148, HB14-1206.

On motion of Majority Leader Heath, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills Calendar (HB14-1193) of Thursday, March 20 was laid over until Friday, March 21, retaining its place on the calendar.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB14-119 by Senator(s) Heath and Cadman; also Representative(s) Hullinghorst and DelGrosso-- Concerning the decriminalization of certain prohibited practices by persons engaged in lobbying.

Majority Leader Heath moved that the Senate concur in House amendments to **SB14-119**, as printed in House journal, March 17, page(s) 596. The motion was **adopted** by the following roll call vote:

YES	30	NO	0	EXCUSED	5	ABSENT	0
Aguilar	Y	Heath	Y	King	E	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Steadman	Y
Brophy	E	Hodge	Y	Marble	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	E	Nicholson	Y	Ulibarri	Y
Grantham	Y	Jones	Y	Renfroe	E	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	Y	Kerr	Y	Roberts	E		

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

YES	30	NO	0	EXCUSED	5	ABSENT	0
Aguilar	Y	Heath	Y	King	E	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Steadman	Y
Brophy	E	Hodge	Y	Marble	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	E	Nicholson	Y	Ulibarri	Y
Grantham	Y	Jones	Y	Renfroe	E	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	Y	Kerr	Y	Roberts	E		

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

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB14-1171, 1191, 1223, 1256.

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Friday, March 21, 2014.

Approved:

Morgan Carroll
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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