

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

43rd Legislative Day

Wednesday, February 19, 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 N. "Todd" Hill, who joined the Senate for "Awareness Day for Individuals with Developmental Disabilities". Todd has been with Community Advantage in both Residential and Day Program Services for eight years. Todd's interests include Biblical studies, music, science, and safety preparedness.

Roll Call Present--34
Absent--1, Steadman.
Present Later--1, Steadman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Kerr, reading of the Journal of Tuesday, February 18, 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 **HB14-1074** 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 4, strike "the effective date of this act." and substitute "January 1, 2014."

Finance After consideration on the merits, the Committee recommends that **SB14-022** 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 4, strike "**funds.**" and substitute "**funds - definition.**".

Page 3, after line 9 insert:

"(III) FOR PURPOSES OF THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES, "COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION" MEANS AN ORGANIZATION THAT HAS BEEN CERTIFIED AND MAINTAINS SUCH CURRENT STATUS FROM THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND ADMINISTERED BY THE UNITED STATES DEPARTMENT OF THE TREASURY. A "COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION" MUST:

(A) BE A LEGAL ENTITY;

(B) HAVE A PRIMARY MISSION OF PROMOTING COMMUNITY DEVELOPMENT;

(C) BE A FINANCING ENTITY;

(D) PRIMARILY SERVE ONE OR MORE TARGET MARKETS AS

DEFINED BY THE COMMUNITY DEVELOPMENT INSTITUTIONS FUND;
 (E) PROMOTE DEVELOPMENT SERVICES IN CONJUNCTION WITH ITS
 FINANCING ACTIVITIES;
 (F) MAINTAIN ACCOUNTABILITY TO ITS DEFINED TARGET MARKET;
 AND
 (G) BE A NONGOVERNMENTAL ENTITY AND NOT BE UNDER THE
 CONTROL OF ANY GOVERNMENTAL ENTITY; EXCEPT THAT A TRIBAL
 GOVERNMENT IS EXEMPT FROM THE REQUIREMENTS OF THIS
 SUB-SUBPARAGRAPH (G)."

Finance After consideration on the merits, the Committee recommends that **SB14-129** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB14-1018** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Trans- The Committee on Transportation has had under consideration and has had a hearing on portation the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE
WASTE TIRE ADVISORY COMMITTEE

for a term expiring September 9, 2016:

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

Trans- After consideration on the merits, the Committee recommends that **HB14-1056** be portation referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local After consideration on the merits, the Committee recommends that **HB14-1111** be Government referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local After consideration on the merits, the Committee recommends that **HB14-1010** be Government referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local The Committee on Local Government has had under consideration and has had a hearing Government on the following appointments and recommends that the appointments be confirmed:

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 B. Shiohita of La Junta, Colorado, reappointed.

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SENATE SERVICES REPORT

Correctly Engrossed: SB14-103; SJR14-013.
Correctly Reengrossed: SB14-101, 112, 126 and 137.
Correctly Revised: HJR14-1002.

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.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR14-014 by Senator(s) Jones; also Representative(s) Gardner--Concerning Awareness Day for Individuals with Intellectual and Developmental Disabilities.

On motion of Senator Jones, the resolution was read at length and adopted by 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		

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

The following resolution was read by title:

SJR14-015 by Senator(s) Crowder; also Representative(s) Garcia--Concerning the designation of a bridge that crosses the Arkansas River on Colorado State Highway 207 as "The SSGT Justin L. Vasquez Memorial Bridge".

Laid over until Thursday, March 6, retaining its place on the calendar.

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.

INTRODUCTION OF BILLS -- FIRST READING

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

- SB14-149** by Senator(s) Johnston; also Representative(s) Young--Concerning the minimum standards that a private occupational school must satisfy before being issued a certificate of approval to operate in Colorado.
Education
- HB14-1080** by Representative(s) McLachlan and Coram; also Senator(s) Roberts--Concerning a sales and use tax exemption for the Colorado Ute Indians.
Finance
- HB14-1107** by Representative(s) Tyler, Stephens; also Senator(s) Newell--Concerning the authority of the department of revenue to offer taxpayers the option to receive electronic notices.
Finance
- HB14-1174** by Representative(s) Mitsch Bush; also Senator(s) Schwartz and Jones--Concerning the sunset review of the natural areas council.
Agriculture, Natural Resources, & Energy

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

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

- SB14-097** by Senator(s) Tochtrop; also Representative(s) Hamner--Concerning the immunity of public agencies against liability arising from the wildfire mitigation activities of insurance companies.

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, Guzman, Heath, Jones, Kefalas, King, Lambert, Newell, Roberts, Schwartz and Todd.

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:

HB14-1241 by Representative(s) Duran, May, Gerou; also Senator(s) Steadman, Hodge, Lambert-- Concerning a supplemental appropriation to the department of local affairs.

Laid over until Friday, February 21, retaining its place on the calendar.

SB14-121 by Senator(s) Lambert; also Representative(s) Young--Concerning financial assistance for local governments after a declared disaster emergency.

A majority of those elected to the Senate having voted in the affirmative, Senator Lambert was given permission to offer a third reading amendment.

Amendment No. 1(L.002), by Senator Lambert.

Amend engrossed bill, page 2, line 12, strike "OR".

Page 2, line 13, strike "125." and substitute "125, OR REQUIRED BY ANY OTHER FEDERAL LAW IN ORDER TO RECEIVE FEDERAL DISASTER RELIEF FUNDS.".

Page 3, line 8, strike "OR".

Page 3, line 9, strike "125." and substitute "125, OR REQUIRED BY ANY OTHER FEDERAL LAW IN ORDER TO RECEIVE FEDERAL DISASTER RELIEF FUNDS.".

The amendment was **passed** 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 question being, "Shall the bill, as amended, 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, Carroll, Crowder, Grantham, Heath, Herpin, Hill, Hodge, Jahn, Johnston, Jones, Kefalas, Kerr, Newell, Nicholson, Rivera, Schwartz, Steadman, Tochtrop, Todd, Ulibarri and Zenzinger.

SB14-103 by Senator(s) Guzman; also Representative(s) Fischer--Concerning the phase-out of the sale of certain low-efficiency plumbing fixtures.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	N	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	N	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	N	Jones	Y	Renfroe	N	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	N	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, Johnston, Kefalas, Nicholson, Schwartz, Steadman and Ulibarri.

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

SB14-043 by Senator(s) Grantham, Tochtrop; also Representative(s) Priola--Concerning the inclusion of certain land areas used to grow products that originate above the ground within the classification of "all other agricultural property" for property tax purposes.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 14, page(s) 254 and placed in members' bill files.)

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

SB14-135 by Senator(s) Brophy, Grantham, Harvey, Renfroe, Lambert, Herpin, Scheffel, Rivera, Baumgardner, Cadman, Crowder, King, Lundberg; also Representative(s) Wright, Nordberg, Humphrey, Priola, Dore, Everett, Gardner, Holbert, McNulty, Rankin, Saine, Scott, Sonnenberg, Szabo--Concerning the repeal of certain provisions concerning the purchasing of firearms in states that are contiguous to Colorado.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 17, page(s) 273 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

On motion of Senator Johnston, 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: SB14-043 as amended, SB14-135 as amended.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB14-1078, 1250, 1251, 1252.

TRIBUTES

Honoring:

- Colorado Career and Technical Education, Preparing graduates for high-demand career fields -- By Senator Andy Kerr and Senator Rollie Heath.
- The Members of Mountain View Homemakers Club, 50 years of excellent service and contributions to the community -- By Senator Ellen Roberts.
- The Honorable Judge Roger Cisneros, On the Occasion of his 90th Birthday and 12 years of service as a Colorado State Senator -- By Senator Irene Aguilar.
- Mountain Family Health Centers, Providing comprehensive health care for Colorado's mountain communities -- By Senator Gail Schwartz.

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Thursday, February 20, 2014.

Approved:

Morgan Carroll
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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