

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

91st Legislative Day

Tuesday, April 8, 2014

Prayer By the chaplain, Pastor Bob Kaylor, Tri-Lakes United Methodist Church, Monument.

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

Pledge By Senator Ulibarri.

Roll Call Present--34
Absent--1, Johnston.
Present later--1, Johnston.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Herpin, reading of the Journal of Monday, April 7, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that **SB14-152** 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 **HB14-1295** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 11, after "CFPB," insert "OR IS EXEMPT FROM COMPLIANCE WITH THAT REGULATION UNDER FEDERAL LAW OR CFPB RULES, REGULATIONS, OR ORDERS,".

Page 11, line 4, after "CFPB," insert "OR IS EXEMPT FROM COMPLIANCE WITH THAT REGULATION UNDER FEDERAL LAW OR CFPB RULES, REGULATIONS, OR ORDERS,".

Judiciary After consideration on the merits, the Committee recommends that **HB14-1312** be **referred** to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB14-148** be **postponed indefinitely**.

SENATE SERVICES REPORT

Correctly Printed: SJR14-027.

Correctly Revised: HB14-1057, 1176 and 1299; HJR14-1015.

MESSAGE FROM THE REVISOR OF STATUTES

April 7, 2014

We herewith transmit:

Without comment, as amended, HB14-1009, 1011, 1013, 1014, 1016, 1029, 1061, 1072, 1095, 1170, 1173, 1199, 1203, 1213, 1266, 1270, 1278, 1283, and 1316.
Without comment, as amended, SB14-027.

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 Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

HJR14-1010 by Representative(s) Singer and Buck, DelGrosso, Foote, Humphrey, Young; also Senator(s) Nicholson and Renfroe, Lambert--Concerning the recognition of flood recovery efforts throughout the state.

On motion of Senator Nicholson, 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, Jones, Kefalas, Kerr, King, Lundberg, Marble, Newell, Rivera, Roberts, Scheffel, Schwartz, Steadman, Tochtrop, Todd, Ulibarri and Zenzinger.

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:

HB14-1299 by Representative(s) Tyler, Lee, Salazar; also Senator(s) Todd, Guzman--Concerning the repeal of the six-year limitation on applying a salvage brand to a motor vehicle whose cost of being repaired exceeds the value of the vehicle without the recent damage.

Laid over until Wednesday, April 9, retaining its place on the calendar.

HB14-1057 by Representative(s) Navarro; also Senator(s) King--Concerning the Colorado fraud investigators unit.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	N
Balmer	N	Herpin	Y	Lambert	Y	Schwartz	Y
Baumgardner	N	Hill	Y	Lundberg	Y	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	Y	Kerr	Y	Roberts	Y		

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

HB14-1176 by Representative(s) Ryden; also Senator(s) Tochtrop--Concerning the state audit cycle of the emissions program for motor vehicles.

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

YES	20	NO	15	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	N	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	N	Jones	Y	Renfroe	N	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	N	Kerr	Y	Roberts	N		

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

Co-sponsor(s) added: Aguilar and Guzman.

CONSIDERATION OF RESOLUTIONS (cont'd)

SJR14-026 by Senator(s) Zenzinger and Kerr; also Representative(s) Peniston and Duran--Concerning the designation of April 8, 2014, as "Equal Pay Day" in Colorado, and, in connection therewith, acknowledging the persisting problem of wage disparity among various groups.

On motion of Senator Zenzinger, the resolution was read at length.

Senate in recess. Senate reconvened.

Laid over until Friday, April 11, retaining its place on the calendar.

HJR14-1009 by Representative(s) Williams, Buckner, Exum, Fields, Melton, Salazar, Becker, Court, Duran, Ferrandino, Fischer, Foote, Garcia, Ginal, Hamner, Hulinghorst, Kagan, Kraft-Tharp, Labuda, Lebsack, Lee, May, McCann, McLachlan, Mitsch Bush, Moreno, Pabon, Peniston, Petterson, Primavera, Rosenthal, Ryden, Schafer, Singer, Tyler, Vigil, Young; also Senator(s) Ulibarri--Concerning a request that Congress restore the federal "Voting Rights Act of 1965", as amended.

Laid over until Tuesday, April 22, retaining its place on the calendar.

HJR14-1014 by Representative(s) Sonnenberg; also Senator(s) Brophy--Concerning the designation of March 26, 2014, as Agriculture Day in Colorado.

Laid over until Tuesday, April 22, retaining its place on the calendar.

RECONSIDERATION OF HJR14-1015

HJR14-1015 by Representative(s) Rosenthal and Gardner; also Senator(s) Crowder and Ulibarri-- Concerning the declaration of April 28, 2014, through May 4, 2014, as Holocaust Awareness Week.

Having voted on the prevailing side, Majority Leader Heath moved for reconsideration of the last Senate action, Consideration of Resolutions, on HJR14-1015.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

CONSIDERATION OF RESOLUTIONS (cont'd)

HJR14-1015 by Representative(s) Rosenthal and Gardner; also Senator(s) Crowder and Ulibarri-- Concerning the declaration of April 28, 2014, through May 4, 2014, as Holocaust Awareness Week.

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: Carroll.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB14-1193 by Representative(s) Salazar; also Senator(s) Kefalas--Concerning requirements governing the imposition of a fee for the research and retrieval of public records under the "Colorado Open Records Act".

Senator Kefalas moved for the adoption of the first report of the first conference committee on **HB14-1193**, as printed in Senate journal, April 7, page(s) 654. The motion was **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		

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	Y
Balmer	N	Herpin	Y	Lambert	Y	Schwartz	Y
Baumgardner	Y	Hill	Y	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	Y	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, as amended, was **repassed**.

MESSAGE FROM THE HOUSE

April 8, 2014

Madam President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB14-1273, amended as printed in House Journal, April 4, page 810.
 HB14-1275, amended as printed in House Journal, April 7, page 839
 HB14-1321, amended as printed in House Journal, April 7, page 839.

The House has passed on Third Reading and returns herewith SB14-146.

MESSAGE FROM THE GOVERNOR

April 07, 2014

To the Honorable Senate
 Sixty-Ninth General Assembly
 Second Regular Session
 State Capitol
 Denver, Colorado 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

SB14-022: CONCERNING CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS, AND, IN CONNECTION THEREWITH, AUTHORIZING SUCH INSTITUTIONS TO SERVE AS A QUALIFIED HOLDER AND TO PRESENT A REQUEST FOR FULL OR PARTIAL RELEASE OF COLLATERAL PLEDGED WITHOUT PRESENTATION OF THE ORIGINAL PROMISSORY NOTE.

Approved April 07, 2014 at 1:03 p.m.

SB14-058: CONCERNING HIGH SCHOOL EQUIVALENCY EXAMINATIONS IN COLORADO.

Approved April 07, 2014 at 1:04 p.m.

SB14-098: CONCERNING CLARIFICATIONS TO STATUTORY LANGUAGE ON CRIMES AGAINST AT-RISK ELDERS.

Approved April 07, 2014 at 1:04 p.m.

SB14-109: CONCERNING THE USE OF THE PREVENTION, EARLY DETECTION, AND TREATMENT FUND, AND, IN CONNECTION THEREWITH, ELIMINATING THE ANNUAL TRANSFER OF TWO MILLION DOLLARS FROM THE FUND TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR MEDICAID DISEASE MANAGEMENT AND TREATMENT PROGRAMS THAT ADDRESS CANCER, HEART DISEASE, AND LUNG DISEASE OR RISK FACTORS ASSOCIATED WITH THOSE DISEASES AND INCREASING THE AMOUNT ANNUALLY APPROPRIATED FROM THE FUND TO THE PREVENTION SERVICES DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE CANCER, CARDIOVASCULAR DISEASE, AND CHRONIC PULMONARY DISEASE PREVENTION, EARLY DETECTION, AND TREATMENT PROGRAM BY TWO MILLION DOLLARS.

Approved April 07, 2014 at 1:06 p.m.

SB14-110: CONCERNING THE GENERAL ASSEMBLY'S DEVELOPMENT OF RECOMMENDATIONS REGARDING NEW METHODS OF FINANCING THE STATE'S ONGOING CAPITAL CONSTRUCTION NEEDS.

Approved April 07, 2014 at 1:07 p.m.

SB14-119: CONCERNING THE DECRIMINALIZATION OF CERTAIN PROHIBITED PRACTICES BY PERSONS ENGAGED IN LOBBYING.

Approved April 07, 2014 at 1:07 p.m.

Sincerely,
 (signed)
 John W. Hickenlooper
 Governor

MESSAGE FROM THE REVISOR OF STATUTES

April 8, 2014

We herewith transmit:

Without comment, as amended, HB14-1275 and 1321.
 With comment, as amended, HB14-1273.

Senate in recess. Senate reconvened.

INTRODUCTION OF RESOLUTIONS

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

SR14-003 by Senator(s) Balmer, Jahn, Steadman, Ulibarri; --Concerning congressional action to facilitate legal financial services for the marijuana industry.
 Business, Labor, & Technology

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INTRODUCTION OF BILLS -- FIRST READING

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

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| SB14-185 | 9 |
| by Senator(s) Johnston and Zenzinger; also Representative(s) Pettersen--Concerning pay | 10 |
| for success contracts for successful early childhood education services programs. | 11 |
| Education | 12 |
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| HB14-1001 | 14 |
| by Representative(s) Singer, Young; also Senator(s) Nicholson, Jones, Kefalas-- | 15 |
| Concerning the creation of a property tax reimbursement for a taxpayer that owes property | 16 |
| tax on property that has been destroyed by a natural cause, and, in connection therewith, | 17 |
| making and reducing appropriations. | 18 |
| Finance | 19 |
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| HB14-1009 | 21 |
| by Representative(s) Exum; also Senator(s) Nicholson--Concerning changing the wildfire | 22 |
| mitigation income tax deduction to the wildfire mitigation income tax credit, and in | 23 |
| connection therewith, making and reducing appropriations. | 24 |
| Local Government | 25 |
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| HB14-1014 | 27 |
| by Representative(s) DelGrosso and Kraft-Tharp; also Senator(s) Heath and Scheffel-- | 28 |
| Concerning modifications to the job growth incentive tax credit, and, in connection | 29 |
| therewith, reducing an appropriation. | 30 |
| Finance | 31 |
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| HB14-1016 | 33 |
| by Representative(s) Ryden and Gardner, Kagan, May, McCann, Williams; also Senator(s) | 34 |
| Todd and Grantham--Concerning the delivery of procurement technical assistance services. | 35 |
| Business, Labor, & Technology | 36 |
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| HB14-1029 | 38 |
| by Representative(s) Primavera, Kraft-Tharp, Lee, Mitsch Bush, Peniston, Tyler; also | 39 |
| Senator(s) Todd, Heath, Jones--Concerning a recodification of the laws governing reserved | 40 |
| parking for persons with disabilities, and in connection therewith, making and reducing | 41 |
| appropriations. | 42 |
| Transportation | 43 |
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| HB14-1061 | 45 |
| by Representative(s) Salazar; also Senator(s) Guzman--Concerning sentences imposing | 46 |
| monetary payments in criminal actions, and, in connection therewith, eliminating prison | 47 |
| sentences for persons who are unable to pay criminal monetary penalties. | 48 |
| Judiciary | 49 |
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| HB14-1072 | 51 |
| by Representative(s) Pettersen and Exum, Fields; also Senator(s) Kefalas, Ulibarri-- | 52 |
| Concerning an income tax credit for child care expenses paid by a resident individual with | 53 |
| a federal adjusted gross income of twenty-five thousand dollars or less, and, in connection | 54 |
| therewith, making and reducing appropriations. | 55 |
| Finance | 56 |
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| HB14-1170 | 58 |
| by Representative(s) Garcia, Court, Foote, Hullinghorst, May, Moreno, Navarro, Pabon, | 59 |
| Rosenthal, Salazar, Schafer; also Senator(s) Steadman, Guzman--Concerning the authority | 60 |
| of the state to enter into lease-purchase agreements for the Colorado bureau of | 61 |
| investigation's Pueblo regional office and forensic laboratory, and, in connection therewith, | 62 |
| making and reducing appropriations. | 63 |
| Finance | 64 |
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| HB14-1173 | 66 |
| by Representative(s) Ginal and McCann, Schafer, Tyler, Young, Conti, Landgraf, | 67 |
| Primavera, Singer; also Senator(s) Newell--Concerning continuation of the controlled | 68 |
| substances abuse act, and, in connection therewith, the treatment of controlled substances | 69 |
| abuse and making an appropriation. | 70 |
| Health & Human Services | 71 |
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- HB14-1203** by Representative(s) Duran, May, Gerou; also Senator(s) Lambert, Hodge, Steadman--
Concerning funding to maintain the infrastructure for the digital trunked radio system, and,
in connection therewith, making an appropriation. 1
Appropriations 2
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- HB14-1213** by Representative(s) Kraft-Tharp, Joshi, Vigil; also Senator(s) Crowder--Concerning 7
pharmacy benefit manager maximum allowable cost pricing requirements for prescription 8
drugs, and, in connection therewith, making and reducing appropriations. 9
Health & Human Services 10
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- HB14-1266** by Representative(s) McCann and Gardner; also Senator(s) Newell and King--Concerning 13
the penalties for certain value-based offenses, and, in connection therewith, reducing an 14
appropriation. 15
Judiciary 16
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- HB14-1270** by Representative(s) Lebsock; also Senator(s) Tochtrop--Concerning the sunset review of 19
the licensing of pet animal facilities, and, in connection therewith, continuing the licensing 20
functions of the commissioner of agriculture and making substantive changes to the 21
regulatory statutes. 22
Agriculture, Natural Resources, & Energy 23
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- HB14-1273** by Representative(s) McCann and Wright; also Senator(s) Newell and Schwartz, Kefalas-- 26
Concerning human trafficking, and, in connection therewith, making and reducing 27
appropriations. 28
Judiciary 29
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- HB14-1278** by Representative(s) Rosenthal; also Senator(s) Tochtrop--Concerning continuation of the 32
workers' compensation accreditation program administered by the division of workers' 33
compensation, and, in connection therewith, implementing the recommendations of the 34
2013 sunset report by the department of regulatory agencies. 35
Business, Labor, & Technology 36
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- HB14-1283** by Representative(s) McCann, Becker, Fields, Ginal, Primavera, Schafer, Singer, Tyler, 39
Young; also Senator(s) Newell and Kefalas, Guzman, Roberts--Concerning modifications 40
to the electronic prescription drug monitoring program, and, in connection therewith, 41
making an appropriation. 42
Health & Human Services 43
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- HB14-1316** by Representative(s) Williams and Salazar, Melton, Becker, Buckner, Court, Duran, Exum, 46
Ferrandino, Fields, Fischer, Foote, Garcia, Ginal, Hamner, Hullinghorst, Kagan, Kraft- 47
Tharp, Labuda, Lebsock, Lee, McCann, McLachlan, Moreno, Pabon, Peniston, Pettersen, 48
Rosenthal, Ryden, Schafer, Singer, Tyler, Vigil, Young; also Senator(s) Ulibarri and 49
Guzman--Concerning methods to determine whether disparities involving certain 50
historically underutilized businesses exist within the state procurement process, and, in 51
connection therewith, commissioning a study to make such determination, requiring the 52
department of personnel to track contracts awarded to historically underutilized businesses, 53
and making and reducing appropriations. 54
State, Veterans, & Military Affairs 55
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- HB14-1321** by Representative(s) Young; also Senator(s) King--Concerning the membership of the 58
Colorado task force on drunk and impaired driving. 59
Judiciary 60
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SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB14-1100, 1186, 1254.

MESSAGE FROM THE GOVERNOR

April 2, 2014

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:

MEMBERS OF THE
AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2017:

Peter Butler of Durango, Colorado, to serve as a person with appropriate technical and scientific experience, appointed;

Charles George Grobe of Craig, Colorado, to serve as a person with appropriate industrial experience, appointed;

Anthony Gerber of Denver, Colorado, to serve as a person with appropriate scientific experience, appointed;

Jeffrey Todd Mitchell of Aspen, Colorado, to serve as a person with appropriate scientific and technical experience, appointed.

Sincerely,
(signed)
Joseph A. Garcia
Lt. Governor, acting on
behalf of the State while
Governor John W.
Hickenlooper is absent
from the State.
Rec'd: 4/2/2014
Cindi L. Markwell, Secretary of the Senate

Committee on Health & Human Services

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

Approved:

Morgan Carroll
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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