

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

14th Legislative Day

Tuesday, January 21, 2014

Prayer	By Senator Newell.	10
Call to Order	By the President <i>pro tem</i> at 10:00 a.m.	11
Pledge	By Senator Rivera.	12
Roll Call	Present--34 Excused--1, Renfroe.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Ulibarri, reading of the Journal of Friday, January 17, 2014, was dispensed with and the Journal was approved as corrected by the Secretary.	15

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB14-026 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	16
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Agriculture, Natural Resources, & Energy	The Committee on <u>Agriculture, Natural Resources, & Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	17
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**MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY**

for terms expiring October 1, 2017:

H. Webster Jones of Steamboat Springs, Colorado, to serve as a representative of the Yampa White Drainage Basin, and planning and development, appointed; and

Roy Ellsworth Heald of Colorado Springs, Colorado, to serve as a representative of the Arkansas Drainage Basin, appointed.

Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB14-025 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.	18
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Amend printed bill, page 3, lines 9 and 10, strike "DOMESTIC WASTEWATER TREATMENT".

Page 3, line 13, strike "DOMESTIC WASTEWATER".

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

SB14-019 by Senator(s) Steadman; also Representative(s) Moreno and Ginal--Concerning the state income tax filing status of two taxpayers who may legally file a joint federal income tax return.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, January 16, page(s) 67 and placed in members' bill files.)

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

(For further action, see amendments to the report of the Committee of the Whole.)

SB14-009 by Senator(s) Hodge; also Representative(s) Moreno--Concerning a disclosure of possible separate ownership of the mineral estate in the sale of real property.

Laid over until Thursday, January 23, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB14-019 by Senator(s) Steadman; also Representative(s) Moreno and Ginal--Concerning the state income tax filing status of two taxpayers who may legally file a joint federal income tax return.

Senator Harvey moved to amend the Report of the Committee of the Whole to show that the following amendment to SB14-019 did pass.

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. In Colorado Revised Statutes, 39-22-107, **add** (4) as follows:

39-22-107. Income tax filing status. (4) IF THE FEDERAL TAXABLE INCOME OF TWO INDIVIDUALS OF THE SAME SEX WHO ARE MARRIED UNDER THE LAWS OF ANOTHER STATE OR A FOREIGN COUNTRY BUT WHOSE MARRIAGE IS NOT VALID OR RECOGNIZED IN COLORADO BECAUSE SECTION 31 OF ARTICLE II OF THE STATE CONSTITUTION SPECIFIES THAT ONLY A UNION OF ONE MAN AND ONE WOMAN SHALL BE VALID OR RECOGNIZED AS A MARRIAGE IN THIS STATE IS DETERMINED ON A JOINT FEDERAL RETURN, THEIR TAX SHALL BE DETERMINED ON A RETURN, IN A FORM DETERMINED BY THE EXECUTIVE DIRECTOR, THAT PROVIDES FOR THE ALLOCATION OF THEIR INCOME, AS REPORTED ON THEIR JOINT FEDERAL RETURN, TO EACH OF THEM AS INDIVIDUALS.

SECTION 2. Applicability. This act applies to income tax years commencing on or after January 1, 2013, and any other income tax years that are open under section 39-21-107 or 39-21-108, Colorado Revised Statutes.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, line 102, after "TAXPAYERS" insert "OF THE SAME SEX".

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Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was **lost** on the following roll call vote:

YES	16	NO	18	EXCUSED	1	ABSENT	0
Aguilar	N	Heath	N	King	Y	Scheffel	Y
Balmer	Y	Herpin	Y	Lambert	Y	Schwartz	N
Baumgardner	Y	Hill	Y	Lundberg	Y	Steadman	N
Brophy	Y	Hodge	N	Marble	Y	Tochtrop	N
Cadman	Y	Jahn	N	Newell	N	Todd	N
Crowder	Y	Johnston	N	Nicholson	N	Ulibarri	N
Grantham	Y	Jones	N	Renfroe	E	Zenzinger	N
Guzman	N	Kefalas	N	Rivera	Y	President	N
Harvey	Y	Kerr	N	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Aguilar, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	18	NO	16	EXCUSED	1	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	E	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	N	President	Y
Harvey	N	Kerr	Y	Roberts	N		

The Committee of the Whole took the following action:

Passed on second reading: SB14-019 as amended.

Laid over until Thursday, January 23: SB14-009.

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.

On motion of Senator Crowder, 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.

MESSAGE FROM THE HOUSE

January 21, 2014

Madam President:

The House has adopted and transmits herewith HJR14-1003.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR14-1003 by Representative(s) Exum, Williams, Buckner, Fields, Melton; also Senator(s) Steadman-
-Concerning the commemoration of the birthday of the Reverend Dr. Martin Luther
King, Jr.

On motion of Senator Steadman, the resolution was read at length and **adopted** by the
following roll call vote:

YES	34	NO	0	EXCUSED	1	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	E	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, Lambert, Lundberg, Marble, Newell, Nicholson, Rivera, Roberts, Scheffel,
Schwartz, Tochtrop, Todd, Ulibarri and Zenzinger.

MESSAGE FROM THE HOUSE

January 21, 2014

Madam President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB14-1078, 1053, 1019.

On motion of Majority Leader Heath, the Senate adjourned until 9:00 a.m., Wednesday,
January 22, 2014.

Approved:

Morgan Carroll
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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