HOUSE JOURNAL
SIXTY-NINTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

One Hundred Ninth Legislative Day Saturday, April 27, 2013

Prayer by Representative Tony Exum, Colorado Springs.

The Speaker called the House to order at 12:05 a.m.

Pledge of Allegiance led by Representative Pete Lee, Colorado Springs; Tracy Kraft-Tharp, Arvada.

The roll was called with the following result:


Excused--Representative(s) Buckner, Coram, Joshi, Nordberg, Scott--5.

Absent--Representative(s) Buck, Conti, DelGrosso, Dore, Everett, Gardner, Gerou, Holbert, Humphrey, Landgraf, Lawrence, McNulty, Murray, Navarro, Priola, Rankin, Saine, Sonnenberg, Stephens, Swalm, Szabo, Waller, Wilson, Wright--24.

Present after roll call--Representative(s) Buck, Conti, DelGrosso, Dore, Everett, Gardner, Gerou, Holbert, Humphrey, Landgraf, Lawrence, McNulty, Murray, Navarro, Priola, Rankin, Saine, Sonnenberg, Stephens, Swalm, Szabo, Waller, Wilson, Wright. The Speaker declared a quorum present.

On motion of Representative Melton, the reading of the journal of April 26, 2013, was declared dispensed with and approved as corrected by the Chief Clerk.

House in recess. House reconvened.

The following bills on the Special Orders Calendar were laid over from Friday, April 26, 2013: HB13-1013, SB13-252 amended, 158, 248, 249 amended, 208, 169, HB13-1274 amended, 1288 amended, 1316, 1317 amended, 1318 amended, 1320.

The Special Orders Calendar was continued from House Journal, April 26, 2013, page 1318.
On motion of Representative McCann, the House resolved itself into
Committee of the Whole for continuation of consideration of Special
Orders and she was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS
(continued from page 1318)

The Committee of the Whole having risen, the Chairman reported the
titles of the following bills had been read (reading at length had been
dispensed with by unanimous consent), the bills considered and action
taken thereon as follows:

(Amendments to the committee amendment are to the printed committee
report which was printed and placed in the members' bill file.)

HB13-1318 by Representative(s) Singer--Concerning the
recommendations made in the public process for the
purpose of implementing certain state taxes on retail
marijuana legalized by section 16 of article XVIII of the
Colorado constitution.

Amendment No. 1, Finance Report, dated April 25, 2013, and placed in
member's bill file; Report also printed in House Journal, April 25, 2013,
page(s) 1273.

Amendment No. 2, Appropriations Report, dated April 26, 2013, and
placed in member's bill file; Report also printed in House Journal, April
26, 2013, page(s) 1300-1301.

Amendment No. 3, by Representative(s) Singer.
Amend the Appropriations Committee Report, dated April 26, 2013, page
2, line 20, strike "AND," and substitute "CONSTITUTION, AND,"

As amended, laid over until April 29, 2013.

AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT

Representative Saine moved to amend the Report of the Committee of the
Whole to reverse the action taken by the Committee in not adopting the
following Saine amendment to SB 13-252, to show that said amendment
passed, and that SB 13-252, as amended, passed.

Amend reengrossed bill, page 11, after line 1 insert:
"SECTION 2. In Colorado Revised Statutes, amend 42-2-130 as
follows:
42-2-130. Utility bills - cost transparency - disclosures to
customers. (1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND
DECLAR ES THAT ALL COLORADANS HAVE THE RIGHT TO TRANSPARENCY
IN THEIR UTILITY RATES, INCLUDING DISCLOSURE OF ALL COSTS
ASSOCIATED WITH THE BILLS THEY PAY FOR ENERGY AND HOW MUCH EACH
ENERGY SOURCE IS AFFECTING THEIR TOTAL BILL.
(2) BEGINNING ON OR BEFORE THE EFFECTIVE DATE OF THIS
SECTION, EACH UTILITY PROVIDING RETAIL ELECTRIC SERVICE IN
COLORADO SHALL DISCLOSE TO EACH OF ITS CUSTOMERS AT LEAST FOUR

(3) A UTILITY'S COSTS OF REVISIONING THE FORMAT OF ITS BILLS TO INCLUDE THE INFORMATION REQUIRED BY THIS SECTION MAY BE RECOVERED THROUGH RATES."

Renumber succeeding sections accordingly.

The amendment was declared lost by the following roll call vote:

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Representative Labuda moved to amend the Report of the Committee of the Whole to reverse the action taken by the Committee in not adopting the following Labuda amendment to HB 13-1317, to show that said amendment passed, and that HB 13-1317, as amended, passed.

Amend printed bill, page 56, after line 22 insert:

"PART 11

SEVERABILITY

12-43.4-1101. Severability. If any provision of this article is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this article are valid, unless it appears to the court that the valid provisions of the statute are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the legislature would have enacted the valid provisions without the void one; or unless the court determines that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent."
The amendment was declared passed by the following roll call vote:

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Representative Waller moved to amend the Report of the Committee of the Whole to reverse the action taken by the Committee in not adopting the following Waller amendment to SB 13-252, to show that said amendment passed, and that SB 13-252, as amended, passed.

Amend reengrossed bill, page 2, line 5, strike "(1) (g) (I) (A), and (1) (g) (IV) (A)" and substitute "and (1) (g) (I) (A);".

Page 8, strike lines 2 through 4.

The amendment was declared lost by the following roll call vote:

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Speaker Y
Representative Gardner moved to amend the Report of the Committee of the Whole to reverse the action taken by the Committee in not adopting the following Gardner amendment to HB 13-1317, to show that said amendment passed, and that HB 13-1317, as amended, passed.

Amend printed bill, page 21, line 19, strike "MAY" and substitute "SHALL".

Page 21, line 20, strike "MAY" and substitute "SHALL".

Page 21, line 22, strike "LICENSE." and substitute "LICENSEE. THE STATE LICENSING AUTHORITY SHALL LIMIT, AND MAY MODIFY THE LIMIT OF, THE STATEWIDE TOTAL SQUARE FOOTAGE; LIGHTS, LUMENS, OR WATTAGE; LIT CANOPY; THE NUMBER OF CULTIVATING PLANTS; THE NUMBER OF INDIVIDUAL GROWS; A COMBINATION OF THE FORGOING; OR OTHER REASONABLE METRICS.".

Page 22, strike line 2 and substitute "MARIJUANA.".

The amendment was declared passed by the following roll call vote:

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Representatives Holbert and Saine moved to amend the Report of the Committee of the Whole to reverse the action taken by the Committee in not adopting the following Holbert amendment, (L.073) to SB 13-252, to show that said amendment passed, and that SB 13-252, as amended, passed.

Amend reengrossed bill, page 4, after line 21 insert:

"(V) "HYDROELECTRICITY" MEANS THE GENERATION AND DELIVERY TO THE INTERCONNECTION METER OF ANY SOURCE OF ELECTRICAL OR MECHANICAL ENERGY BY HARNESSING THE KINETIC ENERGY OF WATER.

(VI) "PUMPED HYDROELECTRICITY" MEANS ELECTRICITY THAT IS GENERATED DURING PERIODS OF HIGH ELECTRICAL DEMAND FROM WATER
THAT HAS BEEN PUMPED DURING PERIODS OF LOW ELECTRICAL DEMAND FROM A LOWER-ELEVATION RESERVOIR TO A HIGHER-ELEVATION RESERVOIR.

Renumber succeeding subparagraphs accordingly.

Page 5, strike lines 8 through 10 and substitute "geothermal, biomass, new hydroelectricity with a nameplate rating of ten megawatts or less, and hydroelectricity in existence on January 1, 2005, with a nameplate rating of thirty megawatts or less PUMPED HYDROELECTRICITY, AND HYDROELECTRICITY.".

The amendment was declared lost by the following roll call vote:

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YES 25  NO 35  EXCUSED 5  ABSEN 0
Buck Y Ginal N McLachlan N Saine Y
Buckner E Hamner N McNulty Y Salazar N
Conti Y Holbert Y Melton N Schafer N
Coram E Hullinghorst N Mitsch Bush N Scott E
Court N Humphrey Y Moreno N Singer N
DelGrosso Y Joshi E Murray Y Sonnenberg Y
Dore Y Kagan N Navarro Y Stephens Y
Duran N Kraft-Tharp N Nordberg E Swalm Y
Everett Y Labuda N Pabon N Szabo Y
Exum N Landgraf Y Peniston N Tyler N
Fields N Lawrence Y Pettersen Y Vigil N
Fischer N Lebsock N Primavera N Waller Y
Foote N Lee N Priola Y Williams N
Garcia N Levy N Rankin Y Wilson Y
Gardner Y May N Rosenthal N Wright Y
Gerou Y McCann N Ryden N Young N
Speaker N
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ADOPTION OF COMMITTEE OF THE WHOLE REPORT


Laid over until date indicated retaining place on Calendar: HB13-1013, 1318 amended--April 29, 2013.

The Chairman moved the adoption of the Committee of the Whole Report. As shown by the following roll call vote, a majority of those elected to the House voted in the affirmative, and the Report was adopted.

```
YES 52  NO 8  EXCUSED 5  ABSEN 0
Buck N Ginal Y McLachlan Y Saine Y
Buckner E Hamner Y McNulty Y Salazar Y
Conti Y Holbert N Melton Y Schafer Y
Coram E Hullinghorst Y Mitsch Bush Y Scott E
Court Y Humphrey N Moreno Y Singer Y
DelGrosso Y Joshi E Murray Y Sonnenberg Y
Dore Y Kagan Y Navarro Y Stephens N
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REPORT(S) OF COMMITTEE(S) OF REFERENCE

LEGISLATIVE COUNCIL

After consideration on the merits, the Committee recommends the following:

HB13-1007 be re-referred favorably to the Committee on Appropriations.

HB13-1306 be referred favorably to the Committee on Appropriations.

HB13-1321 be postponed indefinitely.

HJR13-1028 be postponed indefinitely.

SB13-082 be referred to the Committee of the Whole with favorable recommendation.

SB13-148 be referred favorably to the Committee on Appropriations.

SB13-227 be referred favorably to the Committee on Appropriations.

SB13-246 be referred to the Committee of the Whole with favorable recommendation.

MESSAGE(S) FROM THE SENATE

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:


The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:


The Senate has passed on Third Reading and transmits herewith: HB13-1129 and HB13-1136.

The Senate has postponed indefinitely HB13-1244. The bill is returned herewith.

The Senate has adopted the First Report of the First Conference Committee on SB13-025, as printed in Senate Journal, April 26, 2013, and repassed the bill as amended.

The Senate voted to concur in House amendments to SB13-198, and repassed the bill as amended.

MESSAGE(S) FROM THE REVISOR

We herewith transmit:
without comment, as amended, HB13-1077 and 1115.
without comment, as amended, SB13-268 and 282.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: HB13-1136.

DELCIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: HB13-1136, 1265 at 3:05 p.m. on April 26, 2013.

MESSAGE(S) FROM THE GOVERNOR

I certify I received the following on the 26th day of April, 2013 at 3:30 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins, Chief Clerk of the House
April 26, 2013
To the Honorable House of Representatives
Sixty-Ninth General Assembly
First Regular Session
State Capitol
Denver, CO 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:

HB13-1022 CONCERNING PROOF OF MOTOR VEHICLE INSURANCE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION. Approved April 26, 2013 at 12:09 p.m.

HB13-1025 CONCERNING AN INCREASE IN THE AMOUNT OF THE AUTHORIZED DEDUCTIBLE FOR WORKERS' COMPENSATION INSURANCE POLICIES. Approved April 26, 2013 at 12:12 p.m.

HB13-1047 CONCERNING CLARIFYING THAT, IF A STUDENT CHOOSES TO PARTICIPATE IN AN ACTIVITY AT A PUBLIC SCHOOL OTHER THAN THE STUDENT'S SCHOOL OF ATTENDANCE, THE SCHOOL DISTRICT IN WHICH THE STUDENT CHOOSES TO PARTICIPATE SHALL CHOOSE THE PUBLIC SCHOOL AT WHICH THE STUDENT PARTICIPATES. Approved April 26, 2013 at 12:25 p.m.


HB13-1095 CONCERNING PARTICIPATION IN EXTRACURRICULAR SCHOOL ACTIVITIES BY STUDENTS ENROLLED IN NONPUBLIC HOME-BASED EDUCATIONAL PROGRAMS. Approved April 26, 2013 at 12:26 p.m.

HB13-1123 CONCERNING THE RIGHT OF A PERSON TO WAIVE CONFIDENTIALITY REQUIREMENTS PROTECTING PERSONAL WORK INFORMATION OBTAINED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT FOR UNEMPLOYMENT BENEFIT CLAIMS TO PERMIT THE DEPARTMENT TO FORWARD CERTAIN INFORMATION TO POTENTIAL EMPLOYERS. Approved April 26, 2013 at 12:39 p.m.
HB13-1205  CONCERNING THE INVESTMENT OF STATE MONEYS
BY THE STATE TREASURER.

Approved April 26, 2013 at 12:18 p.m.

HB13-1223  CONCERNING THE AUTHORITY OF THE
COMMISSIONER OF INSURANCE TO PROMULRATE
RULES REGARDING AN INSURANCE CARRIER'S
REQUIREMENT TO SUBMIT COST INFORMATION TO
THE COMMISSIONER.

Approved April 26, 2013 at 12:29 p.m.

HB13-1258  CONCERNING LOCAL GOVERNMENT INVOLVEMENT
WITH FEDERAL IMMIGRATION ISSUES.

Approved April 26, 2013 at 12:45 p.m.

Sincerely,
(signed)
John W. Hickenlooper
Governor

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INTRODUCTION OF BILLS
First Reading

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

SB13-245  by Senator(s) King and Jahn; also Representative(s)
Gardner--Concerning the creation of the Colorado
firefighting air corps in the division of fire prevention and
control of the department of public safety.
Committee on Agriculture, Livestock, & Natural Resources

SB13-251  by Senator(s) Ulibarri and Morse, Aguilar, Carroll, Giron,
Guzman, Heath, Hodge, Hudak, Johnston, Jones, Kefalas,
Newell, Schwartz, Steadman, Tochtrop, Todd; also
Representative(s) Melton, Moreno, Salazar--Concerning
documentary evidence needed for an individual to be
issued an identity document by the department of revenue,
and, in connection therewith, making an appropriation.
Committee on State, Veterans, & Military Affairs

SB13-268  by Senator(s) Steadman; also Representative(s) May--
Concerning the repeal of certain requirements in
connection with any bill enacted by the general assembly
that relies on gifts, grants, or donations as its funding
source.
Committee on State, Veterans, & Military Affairs

SB13-282  by Senator(s) Guzman; also Representative(s) Pabon and
Levy, Tyler--Concerning a medical exemption from tiered
electricity rates.
Committee on Transportation & Energy
LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Hullinghorst, the following item(s) on the Calendar were laid over until April 29, retaining place on Calendar:

- Consideration of Special Orders--HB13-1013, 1316, 1320, SB13-158.
- Consideration of Third Reading--SB13-213.
- Consideration of Conference Committee Report(s)--HB13-1058, 1081, 1204.
- Consideration of Resolution(s)--SJR13-018, HJR13-1021, 1022, 1025, 1026, 1027, SJR13-022, 023, HJR13-1023, 1024.
- Consideration of Memorial(s)--SJM13-001, 003, HM13-1004.
- Consideration of Senate Amendment(s)--HB13-1144, 1250, 1071, 1191, 1225, 1272, 1130, 1200, 1235.

On motion of Representative Hullinghorst, the House adjourned until 10:00 a.m., April 29, 2013.

Approved:
MARK FERRANDINO,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk