

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

Twenty-first Legislative Day

Tuesday, January 28, 2014

1 Prayer by Father Gary Menard, Arrupe Jesuit High School, Denver.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Loren Lamb, Sebastian Zajack, Bear Creek
6 High School, Lakewood.
7
8 The roll was called with the following result:
9
10 Present--59.
11 Excused--Representative(s) Dore, Everett, Moreno, Saine,
12 Sonnenberg, Stephens--6.
13 Present after roll call--Representative(s) Dore, Everett, Moreno,
14 Sonnenberg, Stephens.
15
16 The Speaker declared a quorum present.
17 _____
18
19 On motion of Representative Nordberg, the reading of the journal of
20 January 27, 2014, was declared dispensed with and approved as corrected
21 by the Chief Clerk.
22
23 _____
24
25
26 On motion of Representative Hamner, the House resolved itself into
27 Committee of the Whole for consideration of General Orders, and she
28 was called to the Chair to act as Chairman.
29
30 _____
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32
33 **GENERAL ORDERS--SECOND READING OF BILLS**
34
35 The Committee of the Whole having risen, the Chairman reported the
36 titles of the following bills had been read (reading at length had been
37 dispensed with by unanimous consent), the bills considered and action
38 taken thereon as follows:
39
40 (Amendments to the committee amendment are to the printed committee
41 report which was printed and placed in the members' bill file.)
42
43

1 **HB14-1050** by Representative(s) Kagan; also Senator(s) Guzman--
2 Concerning an increase in the number of judges for the
3 eighteenth judicial district.
4

5 Amendment No. 1, Appropriations Report, dated January 24, 2014, and
6 placed in member's bill file; Report also printed in House Journal, January
7 24, 2014, page(s) 100.
8

9 As amended, ordered engrossed and placed on the Calendar for Third
10 Reading and Final Passage.
11

12
13 **HB14-1077** by Representative(s) Gerou; also Senator(s) Hodge--
14 Concerning an increase in the statutory cap on the two-
15 year average of the unobligated portion of the oil and gas
16 conservation and environmental response fund.
17

18 Ordered engrossed and placed on the Calendar for Third Reading and
19 Final Passage.
20

21
22 **HB14-1092** by Representative(s) Vigil, Salazar; also Senator(s)
23 Kefalas--Concerning the voluntary contribution
24 designation benefitting the Colorado Youth Conservation
25 Corps fund that appears on the state individual income tax
26 return forms.
27

28 Ordered engrossed and placed on the Calendar for Third Reading and
29 Final Passage.
30

31
32 **HB14-1035** by Representative(s) Gardner; also Senator(s) Johnston--
33 Concerning collection of restitution ordered pursuant to a
34 deferred judgment.
35

36 Amendment No. 1, Judiciary Report, dated January 23, 2014, and placed
37 in member's bill file; Report also printed in House Journal, January 24,
38 2014, page(s) 101.
39

40 As amended, ordered engrossed and placed on the Calendar for Third
41 Reading and Final Passage.
42

43
44 **HB14-1086** by Representative(s) Murray, Court; also Senator(s) Jones--
45 -Concerning a requirement that a legal notice published in
46 a newspaper is also published on a statewide web site
47 maintained by a majority of Colorado newspapers.
48

49 Amendment No. 1, Local Government Report, dated January 23, 2014,
50 and placed in member's bill file; Report also printed in House Journal,
51 January 24, 2014, page(s) 101.
52

53 As amended, ordered engrossed and placed on the Calendar for Third
54 Reading and Final Passage.
55

1 **HB14-1081** by Representative(s) Fischer and Szabo, Vigil; also
 2 Senator(s) Baumgardner, Jahn, Schwartz--Concerning the
 3 motor carrier safety fund, and, in connection therewith,
 4 creating the fund, transferring money from the hazardous
 5 materials safety fund to the motor carrier safety fund, and
 6 specifying that any excess uncommitted reserves in the
 7 public utilities commission motor carrier fund be
 8 transferred to the motor carrier safety fund.
 9

10 Ordered engrossed and placed on the Calendar for Third Reading and
 11 Final Passage.
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 15
 16 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

17
 18 Passed Second Reading: **HB14-1050 amended, 1077, 1092, 1035**
 19 **amended, 1086 amended, 1081.**
 20
 21

22 The Chairman moved the adoption of the Committee of the Whole
 23 Report. As shown by the following roll call vote, a majority of those
 24 elected to the House voted in the affirmative, and the Report was
 25 **adopted.**
 26

	YES	62	NO	0	EXCUSED	3	ABSENT	0
28	Becker	Y	Gerou	Y	McLachlan	Y	Saine	E
29	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
30	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
31	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
32	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
33	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
34	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
35	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
36	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
37	Everett	E	Labuda	Y	Peniston	Y	Tyler	Y
38	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
39	Fields	Y	Lawrence	E	Primavera	Y	Waller	Y
40	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
41	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
42	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
43	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
44							Speaker	Y

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 49 House in recess. House reconvened.
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REPORT(S) OF COMMITTEE(S) OF REFERENCE

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AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

HB14-1005 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 20, strike "ditch, canal, or feeder." and substitute "~~ditch, canal, or feeder~~ ABSOLUTE OR DECREED CONDITIONAL WATER RIGHT."

HB14-1026 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 20, strike "~~such~~ THE" and substitute "such".

Page 3, line 7, after "2014," insert "AND THE RETURN FLOWS ASSOCIATED WITH THE HISTORICAL USE OF THE WATER RIGHT IF APPROPRIATED IN ACCORDANCE WITH THE LAW UNDER A NEW PRIORITY DATE AND CONFIRMED BY THE WATER COURT CHANGE-IN-USE DECREE IN WHICH THE FULLY CONSUMPTIVE USE PORTION OF THE WATER RIGHT IS QUANTIFIED,".

Page 3, line 10, after "HISTORICAL" insert "DIVERSIONS AND HISTORICAL".

Page 3, after line 11 insert:

"(c) QUANTIFIES THE RETURN FLOWS ASSOCIATED WITH THE HISTORICAL USE OF THE WATER RIGHT IN TIME, PLACE, AND AMOUNT;".

Reletter succeeding paragraphs accordingly.

Page 3, after line 16 insert:

"(e) IF RETURN FLOWS ASSOCIATED WITH THE HISTORICAL USE OF THE WATER RIGHT ARE APPROPRIATED IN ACCORDANCE WITH THE LAW UNDER A NEW PRIORITY DATE, PROVIDES TERMS AND CONDITIONS GOVERNING THE USE OF THE APPROPRIATED RETURN FLOWS;".

Reletter succeeding paragraphs accordingly.

Page 3, line 18, after "RIGHT" insert "AND ANY APPROPRIATED RETURN FLOWS".

Page 3, line 24, strike "RIGHT." and substitute "RIGHT AND ANY APPROPRIATED RETURN FLOWS."

Page 3, line 26, strike "BENEFICIAL USE." and substitute "BENEFICIAL USE, INCLUDING A COMPACT OBLIGATION, WITHIN THE WATER DIVISION OF HISTORICAL USE."

1 Page 4, line 12, after "**use.**" insert "(a)".

2

3 Page 4, after line 18 insert:

4

5 "(b) A DECREED FLEX USE IS SUBJECT TO RECONSIDERATION BY
6 THE WATER JUDGE ON THE QUESTION OF INJURY TO THE VESTED WATER
7 RIGHTS OF OTHERS FOR SUCH PERIOD AFTER THE ENTRY OF SUCH DECREE
8 AS IS NECESSARY OR DESIRABLE TO REMEDY OR PRECLUDE SUCH INJURY.
9 IT IS THE GENERAL ASSEMBLY'S INTENT THAT ANY DECREED FLEX USE BE
10 IMPLEMENTED IN A MANNER DESIGNED TO PROMOTE THE USE OF
11 ALTERNATIVE TRANSFER METHODS THAT ENCOURAGE AND SUPPORT
12 CONTINUATION OF IRRIGATED AGRICULTURE, WHILE APPLYING THE
13 DECREED FLEX USE TO ADDITIONAL USES. AS SUCH, A DECREED FLEX USE
14 MUST BE CONDITIONED UPON THE CONTINUATION OF IRRIGATION OF A
15 PORTION OF THE PROPERTY SERVED BY THE WATER RIGHT DECREED FOR
16 FLEX USE, SUBJECT TO FALLOWING FOR FLEX USE. THE WATER JUDGE MAY
17 ESTABLISH TERMS AND CONDITIONS COMMENSURATE WITH THE INTENT OF
18 THE GENERAL ASSEMBLY EXPRESSED HEREIN. AT A MINIMUM, A CHANGE-
19 IN-USE DECREE APPROVING A FLEX USE MUST PROVIDE THAT THE
20 DISCONTINUANCE OF IRRIGATION OF THE ENTIRE PROPERTY SERVED BY THE
21 WATER RIGHT DECREED FOR FLEX USE FOR ANY SINGLE PERIOD IN EXCESS
22 OF THREE CONSECUTIVE YEARS NULLIFIES THE DECREED FLEX USE
23 WITHOUT ANY FURTHER ACTION OF THE WATER JUDGE. IN SUCH EVENT,
24 THE WATER RIGHT MAY ONLY BE USED FOR THE DECREED IRRIGATION USE
25 UNLESS THE OWNER OF THE WATER RIGHT OBTAINS A SUBSEQUENT WATER
26 COURT CHANGE-IN-USE IDENTIFYING THE SPECIFIED END USES OF THE
27 WATER RIGHT AND ESTABLISHING ANY ADDITIONAL TERMS AND
28 CONDITIONS NECESSARY TO PREVENT INJURY."

29

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31

32 **HB14-1052** be referred to the Committee of the Whole with favorable
33 recommendation.

34

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36 **HB14-1159** be amended as follows, and as so amended, be referred to
37 the Committee on Finance with favorable
38 recommendation:

39

40 Amend printed bill, page 5, line 5, strike "C.R.S.;" and substitute
41 "C.R.S.".

42

43 Page 5, strike lines 6 through 9.

44

45

46

47

48 **EDUCATION**

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

51

52 **HB14-1048** be postponed indefinitely.

53

54

55

1 **HB14-1076** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:
4

5 Amend printed bill, page 3, line 21, strike "TITLE, FOR CHILDREN ELIGIBLE
6 TO" and substitute "TITLE".
7

8 Page 3, strike lines 22 and 23.
9

10 Page 6, line 15, strike "BASE" and strike "ESTABLISHED FOR THE" and
11 substitute "THAT A SCHOOL DISTRICT RECEIVES FOR EACH CHILD ENROLLED
12 IN THE".
13

14 Page 6, line 18, strike "BASE".
15

16 Page 6, line 19, strike "ESTABLISHED FOR" and substitute "THE SCHOOL
17 DISTRICT RECEIVES FOR EACH CHILD ENROLLED IN".
18
19
20

21 **HB14-1085** be referred favorably to the Committee on Appropriations.
22
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26 **STATE, VETERANS, & MILITARY AFFAIRS**

27 After consideration on the merits, the Committee recommends the
28 following:
29

30 **HB14-1024** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:
33

34 Amend printed bill, page 2, line 4, strike "kingcup" and substitute "claret
35 cup".
36

37 Page 2, line 7, strike "kingcup" and substitute "claret cup".
38

39 Page 2, line 9, strike "kingcup" and substitute "claret cup".
40

41 Page 2, line 11, strike "kingcup" and substitute "claret cup".
42

43 Page 2, line 13, strike "kingcup" and substitute "claret cup".
44

45 Page 2, line 17, strike "kingcup" and substitute "claret cup".
46

47 Page 2, line 19, strike "kingcup" and substitute "claret cup".
48

49 Page 2, line 23, strike "KINGCUP" and substitute "CLARET CUP".
50

51 Page 1, line 101, strike "KINGCUP" and substitute "CLARET CUP".
52
53
54

55 **HB14-1090** be postponed indefinitely.
56

- 1 **HB14-1164** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4
- 5 Amend printed bill, page 3, strike lines 16 through 22.
6
- 7 Renumber succeeding sections accordingly.
8
- 9 Page 5, line 6, strike "SECTION 1-13.5-1102." and substitute "SECTION
10 1-13.5-103."
11
- 12 Page 8, strike lines 5 and 6 and substitute "ELECTOR VOTES USING A
13 DEVICE BY WHICH VOTES ARE RECORDED ELECTRONICALLY, INCLUDING A
14 TOUCHSCREEN SYSTEM."
15
- 16 Page 41, line 11, strike "CLERK AND RECORDER, SECRETARY OF STATE,"
17 and substitute "CLERK AND RECORDER".
18
- 19 Page 53, line 23, strike "THE ADOPTION AND USE OF".
20
- 21 Page 53, strike lines 24 through 26.
22
- 23 Page 78, strike lines 17 through 27.
24
- 25 Page 79, strike lines 1 and 2.
26
- 27 Renumber succeeding C.R.S. sections accordingly.
28
- 29 Page 101, after line 18 insert:
30 **"SECTION 9.** In Colorado Revised Statutes, 30-20-503, **amend**
31 (1) (a) (I) and (1) (b) as follows:
32 **30-20-503. Definitions.** As used in this part 5, unless the context
33 otherwise requires:
34 (1) (a) (I) (A) An "elector" of a district is a person who, at the
35 designated time or event, is registered to vote in ~~general elections in this~~
36 ~~state~~ ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992",
37 ARTICLES 1 TO 13 OF TITLE 1, C.R.S.; and
38 (B) Who ~~has been~~ IS a resident of the district or the area to be
39 included in the district; ~~for not less than thirty days;~~ or
40 (C) Who or whose spouse OR CIVIL UNION PARTNER owns taxable
41 real or personal property within the district or the area to be included in
42 the district whether or not said person resides within the district.
43 (b) A "taxpaying elector" of a district is an elector of a district
44 who or whose spouse OR CIVIL UNION PARTNER owns taxable real or
45 personal property within the district or the area to be included within the
46 district, whether or not said person resides within the district. Where the
47 owner of taxable real or personal property specified in this paragraph (b)
48 is not a natural person, a "taxpaying elector" of the district shall include
49 a natural person designated by such owner to vote for such person. Such
50 designation shall be in writing and filed with the county clerk and
51 recorder. Only one ~~such~~ person may be designated by an owner.
52 **SECTION 10.** In Colorado Revised Statutes, 30-20-602, **amend**
53 (2.7) (a) as follows:
54 **30-20-602. Definitions.** As used in this part 6, unless the context
55 otherwise requires:
56 (2.7) (a) "Elector of the district" means a person who, at the

1 designated time or event, is registered to vote in ~~the general election in~~
2 ~~this state~~ ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992",
3 ARTICLES 1 TO 13 OF TITLE 1, C.R.S., and:

4 (I) Who ~~has been~~ IS a resident of the district or the area to be
5 included in the district; ~~for not less than thirty days~~; or

6 (II) Who or whose spouse OR CIVIL UNION PARTNER owns taxable
7 real or personal property within the district or the area to be included in
8 the district whether or not said person resides within the district."
9

10 Renumber succeeding sections accordingly.

11
12 Page 105, strike lines 21 through 25 and substitute "county in which the
13 elector is registered, stating that, ~~the elector has moved prior to the~~
14 ~~thirtieth day before the election and that~~, ON THE DATE OF THE ELECTION,
15 the elector ~~has lived~~ IS LIVING at the new address in the new precinct
16 within the municipality. ~~for at least thirty days~~. Upon the receipt of the
17 request, the".

18
19 Page 120, line 24, strike "are HAVE BEEN" and substitute "are".

20
21 Page 120, strike line 27 and substitute "MUNICIPALITY;".

22
23 Page 121, line 1, strike "ELECTION;".
24

25 26 27 28 PRINTING REPORT

29
30 The Chief Clerk reports the following bill has been correctly printed:
31 **HB14-1172.**

32 33 34 35 MESSAGE FROM THE SENATE

36
37 Mr. Speaker,

38
39 The Senate has passed on Third Reading and transmitted to the Revisor
40 of Statutes:

41
42 SB14-007, SB14-020

43
44 SB14-028, amended in General Orders as printed in Senate Journal,
45 January 24, 2014, page 108.
46

47 48 49 MESSAGE(S) FROM THE REVISOR

50
51 We herewith transmit:
52 without comment, **SB14-007 and 020.**
53 without comment, as amended, **SB14-028.**
54
55
56

INTRODUCTION OF BILLS
First Reading

- 1
2
3
4 The following bills were read by title and referred to the committees
5 indicated:
6
7 **HB14-1173** by Representative(s) Ginal and McCann, Schafer, Tyler,
8 Young, Conti, Landgraf, Primavera, Singer; also
9 Senator(s) Newell--Concerning continuation of the
10 controlled substances abuse act, and, in connection
11 therewith, the treatment of controlled substances abuse.
12 Committee on Public Health Care & Human Services
13
14 **HB14-1174** by Representative(s) Mitsch Bush; also Senator(s)
15 Schwartz and Jones--Concerning the sunset review of the
16 natural areas council, and, in connection therewith,
17 continuing the council indefinitely.
18 Committee on Agriculture, Livestock, & Natural Resources
19
20 **HB14-1175** by Representative(s) Fields and Pabon--Concerning
21 studying strategies for successful ongoing recruitment of
22 minority teachers in public schools.
23 Committee on Education
24
25 **HB14-1176** by Representative(s) Ryden; also Senator(s) Tochtrop--
26 Concerning the state audit cycle of the emissions program
27 for motor vehicles.
28 Committee on Transportation & Energy
29
30 **HB14-1177** by Representative(s) Swalm, Labuda, McNulty, Szabo;
31 also Senator(s) Tochtrop--Concerning requirements
32 governing meetings of the boards of county
33 commissioners of the larger counties.
34 Committee on Local Government
35
36 **HB14-1178** by Representative(s) Ferrandino and DelGrosso, Duran,
37 Holbert, Kraft-Tharp, Lawrence, May, McNulty, Waller,
38 Williams, Young; also Senator(s) Hodge and Grantham,
39 Harvey, Scheffel, Steadman--Concerning a sales and use
40 tax exemption for qualified property used in space flight.
41 Committee on Finance
42
43 **SB14-007** by Senator(s) Lundberg and Jones, Kefalas, Kerr,
44 Lambert, Nicholson, Renfroe; also Representative(s)
45 Foote and DelGrosso, Humphrey, Singer, Sonnenberg,
46 Young--Concerning authority for a board of county
47 commissioners to transfer county general fund moneys to
48 its county road and bridge fund after a declared disaster
49 emergency in the county.
50 Committee on Local Government
51
52 **SB14-020** by Senator(s) Tochtrop; also Representative(s) Saine--
53 Concerning administration of the motorcycle operator
54 safety training program.
55 Committee on Transportation & Energy
56

1 **SB14-028** by Senator(s) Jones; also Representative(s) Duran and
2 Tyler--Concerning an expansion of eligibility for the
3 receipt of disbursements from the electric vehicle grant
4 fund for the installation of electric vehicle charging
5 stations.

6 Committee on Transportation & Energy

7 _____

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9

10 On motion of Representative Hullinghorst, the following bill(s) will be
11 calendared for General Orders on January 29, 2014: **HB14-1005, 1164.**

12
13 _____

14

15 On motion of Representative Hullinghorst, the House adjourned until
16 9:00 a.m., January 29, 2014.

17

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Approved:
MARK FERRANDINO,
Speaker

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22

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Attest:
MARILYN EDDINS,
Chief Clerk