

HOUSE JOURNAL
SEVENTIETH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Forty-eighth Legislative Day

Monday, February 29, 2016

1 Prayer by the Reverend Leon Kelly, Open Door Youth Gang Alternatives,
2 Denver.

3
4 The Speaker Pro Tempore called the House to order at 10:00 a.m.

5
6 Pledge of Allegiance led by Jaheim Thomas, Christopher Baldwin, Emilio
7 Castillo, Christian Pasillas, Denver.

8
9 The roll was called with the following result:

10
11 Present--63.
12 Excused--Representative(s) Hullinghorst, Sias--2.
13 Present after roll call--Representative(s) Hullinghorst, Sias.

14
15 The Speaker declared a quorum present.

16
17
18 On motion of Representative Wist, the reading of the journal of
19 February 26, 2016, was declared dispensed with and approved as
20 corrected by the Chief Clerk.

21
22
23 **APPOINTMENT**

24
25 The Speaker Pro Tempore announced the following temporary
26 appointment for February 29, 2016 only:

27 **Education**
28 Representative Court to replace Representative Fields

29
30
31
32 On motion of Representative Arndt, the House resolved itself into
33 Committee of the Whole for consideration of General Orders, and she
34 was called to act as Chair.

35
36
37 **GENERAL ORDERS--SECOND READING OF BILLS**

38
39 The Committee of the Whole having risen, the Chair reported the titles
40 of the following bills had been read (reading at length had been
41 dispensed with by unanimous consent), the bills considered and action
42 taken thereon as follows:

43

1 (Amendments to the committee amendment are to the printed committee
2 report which was printed and placed in the members' bill file.)
3

4 [HB16-1150](#) by Representative(s) Conti, Lawrence, Singer, Windholz--
5 Concerning a clarification of the prohibition against the
6 possession of nicotine products by persons under eighteen
7 years of age by explicitly allowing a county to enact its
8 own prohibition.
9

10 Laid over until June 1, **Deemed lost**.

11
12 [HB16-1236](#) by Representative(s) Primavera, Brown, Esgar, Ginal,
13 Joshi, Landgraf, Lontine, McCann, Ryden; also Senator(s)
14 Crowder--Concerning continuation of the infection
15 control advisory committee.
16

17 Amendment No. 1, Health, Insurance, & Environment Report, dated
18 February 23, 2016, and placed in member's bill file; Report also printed
19 in House Journal, February 24, 2016
20

21 Amendment No. 2, by Representative(s) Primavera.
22

23 Amend the Health, Insurance, & Environment Committee Report, dated
24 February 23, 2016, page 3, strike line 35 and substitute "procedures AND
25 OTHER HEALTH CARE-ASSOCIATED INFECTIONS TO MONITOR AND REPORT,
26 using the".
27

28 As amended, ordered engrossed and placed on the Calendar for Third
29 Reading and Final Passage.
30

31 [HB16-1168](#) by Representative(s) Ginal and Danielson, Landgraf,
32 Pettersen, Primavera, Singer, Tyler; also Senator(s) Scott--
33 Concerning the continuation of the rural alcohol and
34 substance abuse prevention and treatment program.
35

36 Ordered engrossed and placed on the Calendar for Third Reading and
37 Final Passage.
38

39 [HB16-1100](#) by Representative(s) Pettersen and Esgar--Concerning the
40 ability of unaccompanied homeless youth to determine
41 domicile for purposes of in-state tuition status at
42 institutions of higher education.
43

44 Laid over until March 3, retaining place on Calendar.
45

46 [SB16-066](#) by Senator(s) Steadman, Grantham, Lambert; also
47 Representative(s) Hamner, Young, Rankin--Concerning
48 creation of the contingency reserve fund for school
49 districts.
50

51 Ordered revised and placed on the Calendar for Third Reading and Final
52 Passage.
53

1 [HB16-1149](#) by Representative(s) Melton--Concerning a requirement
 2 that the executive board of a common interest community
 3 created in Colorado before July 1, 1992, comply with the
 4 budget reporting provision of the "Colorado Common
 5 Interest Ownership Act".
 6

7 Amendment No. 1, by Representative(s) Ransom.
 8

9 Amend printed bill, page 2, after line 9 insert:

10 "SECTION 2. In Colorado Revised Statutes, 38-33.3-303,
 11 amend (4) (a) as follows:

12 **38-33.3-303. Executive board members and officers - powers
 13 and duties - reserve funds - reserve study - audit.** (4) (a) (I) Within
 14 ninety days after adoption of ~~any~~ A proposed budget for the common
 15 interest community, the executive board shall mail, by ~~ordinary~~ first-class
 16 mail, or otherwise deliver, INCLUDING POSTING THE PROPOSED BUDGET
 17 ON THE ASSOCIATION'S WEBSITE, a summary of the budget to all the unit
 18 owners and shall set a date for a meeting of the unit owners to consider
 19 the budget. ~~Such~~ THE meeting shall MUST occur within a reasonable time
 20 after mailing or other delivery of the summary, or as allowed for in the
 21 bylaws. The executive board shall give notice to the unit owners of the
 22 meeting as allowed for in the bylaws. Unless the declaration requires
 23 otherwise, the budget proposed by the executive board does not require
 24 approval from the unit owners and it will be deemed approved by the unit
 25 owners in the absence of a veto at the noticed meeting by a majority of
 26 all unit owners, or if permitted in the declaration, a majority of a class of
 27 unit owners, or any larger percentage specified in the declaration,
 28 whether or not a quorum is present. ~~In the event that~~ IF the proposed
 29 budget is vetoed, the periodic budget last proposed by the executive
 30 board and not vetoed by the unit owners must be continued until a
 31 subsequent budget proposed by the executive board is not vetoed by the
 32 unit owners.

33 (II) THE BUDGET REPORTING REQUIREMENT SET FORTH IN
 34 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) DOES NOT APPLY TO A
 35 VOLUNTARY ASSOCIATION FOR WHICH THERE IS NOT A COVENANT
 36 IMPOSING MANDATORY ASSOCIATION DUES."
 37

38 Renumber succeeding section accordingly.
 39

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

43 [HB16-1163](#) by Representative(s) Rankin, Hamner, Young; also
 44 Senator(s) Grantham, Lambert, Steadman--Concerning
 45 appropriations from the noxious weed management fund.
 46

47 Ordered engrossed and placed on the Calendar for Third Reading and
 48 Final Passage.
 49

50 [HB16-1232](#) by Representative(s) Kraft-Tharp, Wist; also Senator(s)
 51 Baumgardner--Concerning continuation of the authority
 52 of the executive director of the department of revenue to
 53 issue written responses upon the request of a taxpayer.
 54

55 Ordered engrossed and placed on the Calendar for Third Reading and
 56 Final Passage.

1 [SB16-008](#) by Senator(s) Crowder; also Representative(s) Vigil--
2 Concerning the use of an off-highway vehicle to cross
3 state highways within the jurisdiction of a municipality.
4

5 Ordered revised and placed on the Calendar for Third Reading and Final
6 Passage.
7

8 [HB16-1231](#) by Representative(s) Lebsock; also Senator(s) Carroll--
9 Concerning the limited use of automated vehicle
10 identification systems designed to detect disobedience to
11 a traffic signal.
12

13 Amendment No. 1, by Representative(s) Lebsock.
14

15 Amend printed bill, page 3, line 10, after the period add "THE FACT THAT
16 A DRIVEWAY DIRECTLY ACCESSES A ROAD DOES NOT, BY ITSELF, PREVENT
17 THE ROAD FROM BEING AN ARTERIAL ROAD."
18

19 As amended, ordered engrossed and placed on the Calendar for Third
20 Reading and Final Passage.
21

22 [HB16-1185](#) by Representative(s) Moreno; also Senator(s) Ulibarri--
23 Concerning the issuance of a new birth certificate with a
24 gender designation that differs from the gender designated
25 on the person's original birth certificate.
26

27 Amendment No. 1, Health, Insurance, & Environment Report, dated
28 February 18, 2016, and placed in member's bill file; Report also printed
29 in House Journal, February 19, 2016
30

31 As amended, ordered engrossed and placed on the Calendar for Third
32 Reading and Final Passage.
33

34 [HB16-1005](#) by Representative(s) Esgar and Danielson; also Senator(s)
35 Merrifield--Concerning the use of rain barrels to collect
36 precipitation from a residential rooftop for nonpotable
37 outdoor uses.
38

39 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
40 dated February 22, 2016, and placed in member's bill file; Report also
41 printed in House Journal, February 23, 2016
42

43 Amendment No. 2, by Representative(s) Becker J.
44

45 Amend the Agriculture, Livestock, and Natural Resources Committee
46 Report, dated February 22, 2016, page 1, after 11 insert:
47

48 "(3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE USE
49 OF A RAIN BARREL DOES NOT CONSTITUTE A WATER RIGHT."
50

51 Page 1 of the report, after line 13 insert:
52

53 "Page 3 of the bill, strike lines 2 and 3 and substitute "**permitted.**
54 (1) PRECIPITATION FROM A ROOFTOP".
55

56 Page 3 of the bill, after line 16 insert:
57

58 (3) THE STATE ENGINEER MAY CURTAIL RAIN BARREL USAGE
59 PURSUANT TO SECTION 37-92-502 (2) (a).".
60

1 Amendment No. 3, by Representative(s) Esgar.

2

3 Amend printed bill, page 4, after line 1 insert:

4 **"37-96.5-104. Reporting.** (1) ON OR BEFORE MARCH 1, 2019,
5 AND ON OR BEFORE MARCH 1, 2022, THE STATE ENGINEER SHALL REPORT
6 TO THE COMMITTEES OF REFERENCE IN EACH HOUSE OF THE GENERAL
7 ASSEMBLY WITH JURISDICTION OVER AGRICULTURE ON WHETHER THE
8 ALLOWANCE OF SMALL-SCALE RESIDENTIAL PRECIPITATION COLLECTION
9 PURSUANT TO THIS ARTICLE HAS CAUSED ANY DISCERNIBLE INJURY TO
10 DOWNSTREAM WATER RIGHTS. THE STATE ENGINEER'S REPORT MAY
11 CONTAIN THE FOLLOWING:

12 (a) DATA RECEIVED FROM WATER PROVIDERS, WATER USERS, OR
13 OTHER STAKEHOLDERS;

14 (b) DATA RESULTING FROM A PRECIPITATION COLLECTION PILOT
15 PROJECT OR OTHER RESEARCH; OR

16 (c) ANY COMPLAINT OR REPORT OF INJURY."

17

18 As amended, ordered engrossed and placed on the Calendar for Third
19 Reading and Final Passage.

20

21

22 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

23

24 Passed Second Reading: **HB16-1236 amended, 1168, SB16-066,**
25 **HB16-1149 amended, 1163, 1232, SB16-008, HB16-1231 amended,**
26 **1185 amended, 1005 amended.**

27

28 Laid over until date indicated retaining place on Calendar:
29 **HB16-1100--March 3, 2016**

30

31 Laid over until date indicated:

32 **HB16-1150--June 1, 2016, Deemed lost.**

33

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

38

	YES	65	NO	0	EXCUSED	0	ABSENT	0
39 Arndt	Y		Fields	Y	Lundeen	Y	Ryden	Y
40 Becker J.	Y		Foote	Y	McCann	Y	Saine	Y
41 Becker K.	Y		Garnett	Y	Melton	Y	Salazar	Y
42 Brown	Y		Ginal	Y	Mitsch	Y	Sias	Y
43 Buck	Y		Hamner	Y	Moreno	Y	Singer	Y
44 Buckner	Y		Humphrey	Y	Navarro	Y	Thurlow	Y
45 Carver	Y		Joshi	Y	Neville P.	Y	Tyler	Y
46 Conti	Y		Kagan	Y	Nordberg	Y	Van Winkle	Y
47 Coram	Y		Klingenschmi	Y	Pabon	Y	Vigil	Y
48 Court	Y		Kraft-Tharp	Y	Pettersen	Y	Willett	Y
49 Danielson	Y		Landgraf	Y	Primavera	Y	Williams	Y
50 DelGrosso	Y		Lawrence	Y	Priola	Y	Wilson	Y
51 Dore	Y		Lebsock	Y	Rankin	Y	Windholz	Y
52 Duran	Y		Lee	Y	Ransom	Y	Winter	Y
53 Esgar	Y		Leonard	Y	Rosenthal	Y	Wist	Y
54 Everett	Y		Lontine	Y	Roupe	Y	Young	Y
55							Speaker	Y

56

1 House in recess. House reconvened.

2
3
4 **PRINTING REPORT**

5
6 The Chief Clerk reports the following bills have been correctly printed:
7 **HB16-1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302.**

8
9
10
11 **MESSAGE(S) FROM THE SENATE**

12
13 Madam Speaker:

14
15 The Senate has passed on Third Reading and returns herewith:
16 **HB16-1086, 1028, and 1012.**

17
18 The Senate has passed on Third Reading and transmitted to the Revisor
19 of Statutes:
20 **HB16-1125** amended in General Orders as printed in the Senate
21 Journal, February 26, 2016.

22
23
24 The Senate has passed on Third Reading and transmitted to the Revisor
25 of Statutes:
26 **SB16-099.**

27
28 The Senate has passed on Third Reading and transmitted to the Revisor
29 of Statutes:
30 **SB16-122** amended in General Orders as printed in Senate Journal,
31 February 26, 2016.

32
33 The Senate has concurred in House Amendments to SB16-014 and 029.
34 The bills have been repassed as amended.

35
36
37 **MESSAGE(S) FROM THE REVISOR**

38
39 We herewith transmit:
40 without comment, **SB16-099.**
41 without comment, as amended, **HB16-1125.**
42 without comment, as amended, **SB16-122.**

43
44
45
46 **INTRODUCTION OF BILLS**
47 **First Reading**

48
49 The following bills were read by title and referred to the committees
50 indicated:

51
52 **HB16-1303** by Representative(s) Landgraf--Concerning prohibiting a
53 regional transportation authority from levying sales tax on
54 vacant land annexed by a nonmember jurisdiction.
55 Committee on Local Government

56

1 **HB16-1304** by Representative(s) Tyler, Coram, Becker J., Mitsch
 2 Bush, Ryden--Concerning community conversations on
 3 transportation priorities and preferred funding options.
 4 Committee on Transportation & Energy

5
 6 **SB16-016** by Senator(s) Steadman and Cadman, Scheffel,
 7 Baumgardner, Cooke, Crowder, Grantham, Guzman, Hill,
 8 Hodge, Holbert, Jahn, Johnston, Kefalas, Kerr, Martinez
 9 Humenik, Merrifield, Roberts, Tate, Todd, Ulibarri; also
 10 Representative(s) Hullinghorst and Lawrence, Arndt,
 11 Becker K., Brown, Conti, Court, Danielson, Fields, Ginal,
 12 Kagan, Kraft-Tharp, Landgraf, Lebsock, Lee, Lontine,
 13 McCann, Melton, Mitsch Bush, Moreno, Pettersen,
 14 Primavera, Priola, Rankin, Rosenthal, Roupe, Ryden,
 15 Singer, Thurlow, Williams, Wilson, Windholz, Winter,
 16 Young--Concerning the scientific and cultural facilities
 17 district, and, in connection therewith, amending the ballot
 18 question concerning the extension of the district to be
 19 submitted to the voters and modifying statutory provisions
 20 concerning the administration of the district.

21 Committee on Finance

22
 23 **SB16-099** by Senator(s) Jahn, Holbert, Neville T., Carroll, Guzman;
 24 also Representative(s) Primavera, Nordberg, Ryden--
 25 Concerning implementing recommendations of the state
 26 auditor's office by establishing the authority of the
 27 correctional education program to sell inmate-produced
 28 products to specified persons.

29 Committee on Judiciary

30
 31 **SB16-122** by Senator(s) Baumgardner; also Representative(s)
 32 Nordberg and Brown--Concerning additional oversight of
 33 the activities of the department of transportation.

34 Committee on Transportation & Energy

35
 36
 37
 38
 39 On motion of Representative Duran, the following bill(s) calendared for
 40 General Orders, March 1, will be calendared for March 3, 2016:
 41 **HB16-1165.**

42
 43
 44
 45 On motion of Representative Duran, the House adjourned until 9:00 a.m.,
 46 March 1, 2016.

47
 48 Approved:
 49 DICKY LEE HULLINGHORST,
 50 Speaker

51 Attest:
 52 MARILYN EDDINS,
 53 Chief Clerk

54

