

HOUSE JOURNAL
SEVENTIETH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Forty-first Legislative Day

Monday, February 22, 2016

- 1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission, Denver.
- 2
- 3 The Speaker called the House to order at 10:00 a.m.
- 4
- 5 Pledge of Allegiance led by Ansley Jones, Global Village Academy
- 6 Charter School, Fort Collins.
- 7
- 8 The roll was called with the following result:
- 9
- 10 Present--61.
- 11 Excused--Representative(s) Dore, Kagan, Navarro, Rankin--4.
- 12

13 The Speaker declared a quorum present.

14 _____

15

16 On motion of Representative Leonard, the reading of the journal of

17 February 19, 2016, was declared dispensed with and approved as

18 corrected by the Chief Clerk.

19 _____

20

21

22 style="text-align:center">**CHANGE IN SPONSORSHIP**

23

24 The Speaker announced the following changes in sponsorship:

25 **HB16-1063**--Representative Duran to be added as dual prime sponsor

26 with Representative Foote.

27 _____

28

29 On motion of Representative Kraft-Tharp, the House resolved itself into

30 Committee of the Whole for consideration of General Orders, and she

31 was called to the Chair to act as Chairman.

32 _____

33

34 style="text-align:center">**GENERAL ORDERS--SECOND READING OF BILLS**

35

36 The Committee of the Whole having risen, the Chairman reported the

37 titles of the following bills had been read (reading at length had been

38 dispensed with by unanimous consent), the bills considered and action

39 taken thereon as follows:

40

41 (Amendments to the committee amendment are to the printed committee

42 report which was printed and placed in the members' bill file.)

43

1 [SB16-022](#) by Senator(s) Martinez Humenik, Merrifield; also
2 Representative(s) Pettersen, Singer, Wilson--Concerning
3 removing certain limitations on the pilot program to
4 mitigate cliff effect for low-income families who are
5 working and receiving child care assistance.
6

7 Ordered revised and placed on the Calendar for Third Reading and Final
8 Passage.
9

10 [HB16-1106](#) by Representative(s) Wilson; also Senator(s) Grantham
11 and Garcia--Concerning the authority of a county to
12 designate public roads as a section of a pioneer trail.
13

14 Amendment No. 1, Local Government Report, dated February 17, 2016,
15 and placed in member's bill file; Report also printed in House Journal,
16 February 18, 2016
17

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

21
22 [HB16-1189](#) by Representative(s) Wist; also Senator(s) Roberts--
23 Concerning the regulation of bingo-raffle licensees.
24

25 Ordered engrossed and placed on the Calendar for Third Reading and
26 Final Passage.
27

28
29 [SB16-050](#) by Senator(s) Neville T. and Jahn, Carroll; also
30 Representative(s) Saine and Ryden, Kraft-Tharp,
31 Nordberg, Primavera--Concerning a hold harmless
32 provision for retailers liable for any money payable as a
33 result of an incorrect location code assigned by the
34 department of revenue.
35

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

39
40 [HB16-1185](#) by Representative(s) Moreno; also Senator(s) Ulibarri--
41 Concerning the issuance of a new birth certificate with a
42 gender designation that differs from the gender designated
43 on the person's original birth certificate.
44

45 Laid over until February 29, retaining place on Calendar.
46

47 [HB16-1192](#) by Representative(s) Kagan, Dore, Foote, McCann,
48 Willett; also Senator(s) Steadman, Johnston, Roberts,
49 Scheffel, Scott--Concerning a nonsubstantive
50 recodification of the sunset review provisions.
51

52 Laid over until February 24, retaining place on Calendar.
53

1 [SB16-004](#) by Senator(s) Scott, Johnston, Roberts, Scheffel,
2 Steadman; also Representative(s) Willett, Dore, Foote,
3 Kagan, McCann--Concerning the enactment of Colorado
4 Revised Statutes 2015 as the positive and statutory law of
5 the state of Colorado.
6

7 Ordered revised and placed on the Calendar for Third Reading and Final
8 Passage.
9

10
11 [SB16-031](#) by Senator(s) Steadman, Johnston, Roberts, Scheffel,
12 Scott; also Representative(s) Dore, Foote, Kagan,
13 McCann, Willett--Concerning authority of the director of
14 the office of legislative legal services to sign vouchers for
15 expenditures of the office.
16

17 Laid over until February 24, retaining place on Calendar.
18

19 [HB16-1188](#) by Representative(s) Rosenthal--Concerning requirements
20 for the provision of additional public information by a
21 separate legal entity established by contract by a
22 combination of political subdivisions of the state.
23

24 Laid over until February 24, retaining place on Calendar.
25
26

27
28
29 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
30

31 Passed Second Reading: **SB16-022, HB16-1106 amended, 1189,**
32 **SB16-050, 004.**
33

34 Laid over until date indicated retaining place on Calendar:
35 **HB16-1192, SB16-031, HB16-1188**--February 24, 2016.
36 **HB16-1185**--February 29, 2016
37

38 The Chairman moved the adoption of the Committee of the Whole
39 Report. As shown by the following roll call vote, a majority of those
40 elected to the House voted in the affirmative, and the Report was
41 **adopted.**
42

	YES	61	NO	0	EXCUSED	4	ABSENT	0
44	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
45	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
46	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
47	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	Y
48	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
49	Buckner	Y	Humphrey	Y	Navarro	E	Thurlow	Y
50	Carver	Y	Joshi	Y	Neville P.	Y	Tyler	Y
51	Conti	Y	Kagan	E	Nordberg	Y	Van Winkle	Y
52	Coram	Y	Klingenschmitt	Y	Pabon	Y	Vigil	Y
53	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	Y
54	Danielson	Y	Landgraf	Y	Primavera	Y	Williams	Y
55	DelGrosso	Y	Lawrence	Y	Priola	Y	Wilson	Y
56	Dore	E	Lebsock	Y	Rankin	E	Windholz	Y

1	Duran	Y	Lee	Y	Ransom	Y	Winter	Y
2	Esgar	Y	Leonard	Y	Rosenthal	Y	Wist	Y
3	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
4							Speaker	Y

5
6
7
8 House in recess. House reconvened.
9

10
11
12 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

13
14 **PUBLIC HEALTH CARE & HUMAN SERVICES**

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

17
18 **HB16-1079** be amended as follows, and as so amended, be referred to
19 the Committee on Finance with favorable
20 recommendation:
21

22 Amend printed bill, page 2, line 10, strike "BEING PESTICIDE-FREE" and
23 substitute "ORGANIC".
24

25 Page 2, line 12, after "(a)" insert "(IV) (B) and (3) (a)".
26

27 Page 2, after line 16 insert:

28 "(IV) (B) Testing ~~shall~~ MUST include, but IS not ~~be~~ limited to,
29 analysis for residual solvents, poisons, or toxins; harmful chemicals;
30 dangerous molds or mildew; filth; and harmful microbials such as E. Coli
31 or salmonella and pesticides; EXCEPT THAT A LICENSED PREMISES THAT
32 IS CERTIFIED AS ORGANIC PURSUANT TO PART 2 OF ARTICLE 11.5 OF TITLE
33 35, C.R.S., IS EXEMPT FROM TESTING FOR PESTICIDES."
34

35 Page 2, line 21, strike "MEDICAL".
36

37 Page 2, line 22, strike "BEING PESTICIDE-FREE" and substitute "ORGANIC".
38

39 Page 3, line 5, strike "PESTICIDE-FREE" and substitute "ORGANIC".
40

41 Page 3, line 6, strike "**pesticide-free**" and substitute "**organic**".
42

43 Page 3, strike lines 8 through 12 and substitute "EASILY IDENTIFY
44 CANNABIS THAT IS ORGANIC."
45

46 Page 3, strike lines 16 through 20 and substitute "WHO CAN CERTIFY
47 WHETHER THE CANNABIS AT A PARTICULAR PREMISES IS ORGANIC.

48 (3) A PERSON SHALL NOT, IN CONNECTION WITH AN ORGANIC
49 CERTIFICATION PURSUANT TO THIS PART 2, USE THE ORGANIC SEAL
50 ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE OR
51 IMPLY ANY TACIT OR DIRECT APPROVAL BY OR ATTRIBUTION TO THE
52 FEDERAL ORGANIC CERTIFICATION PROGRAM.

53 **35-11.5-202. Definitions - program - rules.** (1) FOR PURPOSES
54 OF THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

55 (a) "CANNABIS" MEANS "MEDICAL MARIJUANA" AS DEFINED IN
56 SECTION 12-43.3-104, C.R.S., AND "RETAIL MARIJUANA" AS DEFINED IN

1 SECTION 12-43.4-103, C.R.S.
2 (b) "OMRI" MEANS THE ORGANIC MATERIALS REVIEW INSTITUTE
3 OR AN ANALOGOUS SUCCESSOR ORGANIZATION AS DETERMINED BY THE
4 COMMISSIONER.
5 (c) (I) "ORGANIC" MEANS, AS FURTHER SPECIFIED IN RULES
6 PROMULGATED PURSUANT TO THIS SECTION, THAT:
7 (A) THERE ARE NO BIOSOLIDS PRESENT IN POTTING SOILS OR THE
8 LAND USED FOR CULTIVATION; AND
9 (B) THE USE OF PROHIBITED NONSYNTHETIC SUBSTANCES
10 COMPLIES WITH 7 CFR 205.602.
11 (II) OMRI-APPROVED NUTRIENTS AND INPUTS ARE ALLOWED IN
12 THE CULTIVATION AND TREATMENT OF ORGANIC CANNABIS.
13 (2) THE PROGRAM MUST:
14 (I) NOT ACCEPT APPLICATIONS FOR CERTIFICATION UNTIL THE
15 DEPARTMENT HAS MADE ITS DETERMINATION REGARDING THE USE OF
16 PESTICIDES ON CANNABIS PURSUANT TO SECTION 24-20-112 (1), C.R.S.,
17 AND THE STATE LICENSING AUTHORITY HAS ESTABLISHED THE TESTING
18 AND CERTIFICATION PROGRAM REQUIRED BY SECTION 12-43.4-202 (3) (a)
19 (IV) (A), C.R.S.;
20 (II) HAVE THE CAPACITY TO RUN INDEPENDENT VERIFICATION OF
21 INPUTS NOT ALREADY REVIEWED BY OMRI OR THE DEPARTMENT;
22 (III) SUPPORT INDOOR AND OUTDOOR CULTIVATORS;
23 (IV) REQUIRE INSPECTIONS EACH YEAR OF AT LEAST FIFTEEN
24 PERCENT OF THE LICENSED PREMISES THAT HAVE BEEN CERTIFIED
25 ORGANIC;
26 (V) SPECIFY THAT LICENSED PREMISES THAT HAVE BEEN
27 CERTIFIED ORGANIC PURSUANT TO THIS PART 2 ARE NOT SUBJECT TO
28 TESTING FOR PESTICIDES BY THE STATE LICENSING AUTHORITY OR ANY
29 LOCAL ENTITY;
30 (VI) INCLUDE COMPREHENSIVE DOCUMENTATION OF PESTICIDES
31 AND FERTILIZERS USED AND INSPECTION OF THE DOCUMENTATION BOTH
32 ANNUALLY AND WHEN ANY CHANGES ARE MADE; AND
33 (VII) REQUIRE THE DEPARTMENT TO POST A LIST OF CERTIFIERS
34 AND LICENSED PREMISES THAT ARE CURRENTLY CERTIFIED ON ITS
35 WEBSITE.
36 (3) THE COMMISSIONER SHALL, AFTER".

37
38 Page 3, strike lines 23 and 24 and substitute "2. THE RULES MUST:".
39
40 Page 4, line 4, strike "2, INCLUDING A" and substitute "2;".
41
42 Page 4, strike lines 5 to 7.
43
44 Page 4, line 24, strike everything after "RECEIVED" and substitute
45 "PURSUANT TO THIS SECTION, INCLUDING MARIJUANA TAXES AS
46 AUTHORIZED BY SECTION 39-28.8-501 (2) (b) (III), C.R.S., THAT THE
47 GENERAL ASSEMBLY MAY APPROPRIATE FOR THE PURPOSES OF THIS PART
48 2, INCLUDING FOR START-UP COSTS,".
49
50 Page 6, after line 17 insert:
51
52 "SECTION 9. Severability. Section 2-4-204, Colorado Revised
53 Statutes, regarding severability, applies to this act."
54
55 Renumber succeeding sections accordingly.
56

PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed:
HB16-1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB16-1018, 1044; HJR16-1008; SJR16-007.**

MESSAGE(S) FROM THE SENATE

Madam Speaker:

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

SB16-079 amended in General Orders as printed in Senate Journal, February 19, 2016.

SB16-088 amended in General Orders as printed in Senate Journal, February 19, 2016.

SB16-070 amended in General Orders as printed in the Senate Journal, February 19, 2016 and amended on Third Reading as printed in Senate Journal, February 22, 2016.

The Senate has passed on Third Reading and returns herewith:
HB16-1053.

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

HB16-1069 amended in General Orders as printed in the Senate Journal, February 19, 2016.

The Senate has adopted and transmits herewith: SJM16-004.

MESSAGE(S) FROM THE REVISOR

We herewith transmit:

without comment, as amended, **HB16-1069.**

without comment, as amended, **SB16-070, 079, and 088.**

INTRODUCTION OF BILLS
First Reading

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

HB16-1286 by Representative(s) Becker K., Singer, Vigil--Concerning an increase in the percentage of a landowner's costs incurred in performing wildfire mitigation measures that

- 1 may be claimed by the landowner for purposes of the
- 2 wildfire mitigation income tax deduction.
- 3 Committee on Finance
- 4
- 5 **SB16-070** by Senator(s) Neville T., Cadman, Cooke, Crowder,
- 6 Grantham, Hill, Holbert, Lundberg, Marble, Scheffel,
- 7 Tate, Woods; also Representative(s) Everett, Brown,
- 8 Buck, Humphrey, Neville P., Saine--Concerning the
- 9 prohibition of discrimination against employees based on
- 10 labor union participation.
- 11 Committee on State, Veterans, & Military Affairs
- 12
- 13 **SB16-079** by Senator(s) Todd, Carroll, Kerr, Martinez Humenik,
- 14 Merrifield; also Representative(s) Young--Concerning
- 15 increasing the alignment of postsecondary and workforce
- 16 readiness initiatives at the secondary education level with
- 17 postsecondary career and technical education.
- 18 Committee on Education
- 19
- 20 **SB16-088** by Senator(s) Steadman; also Representative(s) Willett--
- 21 Concerning the "Revised Uniform Fiduciary Access to
- 22 Digital Assets Act".
- 23 Committee on Judiciary
- 24
- 25 **SB16-121** by Senator(s) Tate; also Representative(s) Garnett--
- 26 Concerning the percentage of tuition revenue that an
- 27 institution of higher education is authorized to pledge for
- 28 contracts for the advancement of money.
- 29 Committee on Finance

INTRODUCTION OF MEMORIAL

35 The following memorial was read by title and laid over one day under the
36 rules:

- 37
- 38 **SJM16-004** by Senator(s) Martinez Humenik, Todd, Tate, Newell; also
- 39 Representative(s) Primavera, Lebsock--Concerning the
- 40 reauthorization of the federal "Older Americans Act of
- 41 1965".
- 42

46 On motion of Representative Duran, the House adjourned until 9:00 a.m.,
47 February 23, 2016.

49 Approved:
50 DICKEY LEE HULLINGHORST,
51 Speaker

52 Attest:
53 MARILYN EDDINS,
54 Chief Clerk

55
56

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