

HOUSE JOURNAL
SEVENTIETH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Fifty-seventh Legislative Day

Wednesday, March 9, 2016

1 Prayer by the Reverend Louise Westfall, Central Presbyterian Church,
2 Denver.

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4 The Speaker called the House to order at 9:00 a.m.

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6 Pledge of Allegiance led by Logan Saenger, CeCe Saenger, Ryder Wicks,
7 William Roberts, K-8 School, Denver.

8
9 The roll was called with the following result:

10
11 Present--61.
12 Excused--Representative(s) Becker K., Everett, Moreno,
13 Rankin--4.
14 Present after roll call--Representative(s) Becker K., Everett,
15 Moreno.

16
17 The Speaker declared a quorum present.

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22 On motion of Representative Lontine, the reading of the journal of
23 March 8, 2016, was declared dispensed with and approved as corrected
24 by the Chief Clerk.

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28 **THIRD READING OF BILL(S)--FINAL PASSAGE**

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30 The following bill(s) were considered on Third Reading. The title(s)
31 were publicly read. Reading of the bill at length was dispensed with by
32 unanimous consent.

33
34 **HB16-1275** by Representative(s) Foote and Pettersen; also Senator(s)
35 Jones and Donovan--Concerning the taxation of a
36 corporation's state income that is sheltered in a foreign
37 jurisdiction for purposes of tax avoidance.

38
39 The question being "Shall the bill pass?".
40 A roll call vote was taken. As shown by the following recorded vote, a
41 majority of those elected to the House voted in the affirmative and the
42 bill was declared **passed**.

43

	YES	34	NO	30	EXCUSED	1	ABSENT	0
1								
2	Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y
3	Becker J.	N	Foote	Y	McCann	Y	Saine	N
4	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
5	Brown	N	Ginal	Y	Mitsch Bush	Y	Sias	N
6	Buck	N	Hamner	Y	Moreno	Y	Singer	Y
7	Buckner	Y	Humphrey	N	Navarro	N	Thurlow	N
8	Carver	N	Joshi	N	Neville P.	N	Tyler	Y
9	Conti	N	Kagan	Y	Nordberg	N	Van Winkle	N
10	Coram	N	Klingenschmitt	N	Pabon	Y	Vigil	Y
11	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	N
12	Danielson	Y	Landgraf	N	Primavera	Y	Williams	Y
13	DelGrosso	N	Lawrence	N	Priola	N	Wilson	N
14	Dore	N	Lebsock	Y	Rankin	E	Windholz	N
15	Duran	Y	Lee	Y	Ransom	N	Winter	Y
16	Esgar	Y	Leonard	N	Rosenthal	Y	Wist	N
17	Everett	N	Lontine	Y	Roupe	N	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Arndt, Court, Danielson, Duran, Esgar,
 20 Fields, Ginal, Hamner, Kagan, Lee, Lontine, Primavera, Salazar, Singer, Tyler,
 21 Winter, Young, Speaker

22
 23 **HB16-1027** by Representative(s) Danielson; also Senator(s) Todd and
 24 Sonnenberg--Concerning depositions in criminal cases in
 25 which an at-risk person may not be available for trial.

26
 27 The question being "Shall the bill pass?".
 28 A roll call vote was taken. As shown by the following recorded vote, a
 29 majority of those elected to the House voted in the affirmative and the bill
 30 was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
31								
32								
33	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
34	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
35	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
36	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	Y
37	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
38	Buckner	Y	Humphrey	Y	Navarro	Y	Thurlow	Y
39	Carver	Y	Joshi	Y	Neville P.	Y	Tyler	Y
40	Conti	Y	Kagan	Y	Nordberg	Y	Van Winkle	Y
41	Coram	Y	Klingenschmitt	Y	Pabon	Y	Vigil	Y
42	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	Y
43	Danielson	Y	Landgraf	Y	Primavera	Y	Williams	Y
44	DelGrosso	Y	Lawrence	Y	Priola	Y	Wilson	Y
45	Dore	Y	Lebsock	Y	Rankin	E	Windholz	Y
46	Duran	Y	Lee	Y	Ransom	Y	Winter	Y
47	Esgar	Y	Leonard	Y	Rosenthal	Y	Wist	Y
48	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
49							Speaker	Y

50 Co-sponsor(s) added: Representative(s) Becker K., Court, Fields, Foote, Ginal,
 51 Hamner, Kraft-Tharp, Lee, Lontine, Pabon, Primavera, Priola, Rosenthal,
 52 Ryden, Salazar, Singer, Young, Speaker

1 **LAY OVER OF CALENDAR ITEM(S)**

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3 On motion of Representative Duran, the following item(s) on the
4 Calendar were laid over until March 14, retaining place on Calendar:

5
6 Consideration of General Orders--**HB16-1164, 1100, 1285, 1257.**

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10 House in recess. House reconvened.
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14 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

15
16 **BUSINESS AFFAIRS & LABOR**

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

19
20 **HB16-1306** be amended as follows, and as so amended, be referred to
21 the Committee of the Whole with favorable
22 recommendation:

23
24 Amend printed bill, page 2, after line 1 insert:

25
26 **"SECTION 1.** In Colorado Revised Statutes, 6-1-105, **amend** (1)
27 (bbb) as follows:

28 **6-1-105. Deceptive trade practices.** (1) A person engages in a
29 deceptive trade practice when, in the course of the person's business,
30 vocation, or occupation, the person:

31 (bbb) Violates any provision of section ~~12-61-911~~ 12-61-905.5,
32 C.R.S.;"

33
34 Renumber succeeding sections accordingly.

35
36 Page 2, after line 16 insert:

37
38 **"SECTION 3.** In Colorado Revised Statutes, 12-61-904, **amend**
39 (1) introductory portion and (1) (b) as follows:

40 **12-61-904. Exemptions - rules.** (1) Except as otherwise provided
41 in section ~~12-61-911~~ 12-61-905.5, this part 9 does not apply to the
42 following, unless otherwise determined by the federal bureau of consumer
43 financial protection or the United States department of housing and urban
44 development:

45 (b) With respect to a residential mortgage loan:

46 (I) A person, estate, or trust that provides mortgage financing for
47 the sale of no more than three properties in any twelve-month period to
48 purchasers of such properties, each of which is owned by such person,
49 estate, or trust and serves as security for the loan; OR

50 (II) A PARENT WHO ACTS AS A LOAN ORIGINATOR IN PROVIDING
51 LOAN FINANCING TO HIS OR HER CHILD.

52 **SECTION 4.** In Colorado Revised Statutes, 12-61-905, **amend**
53 (1) (f) as follows:

54 **12-61-905. Powers and duties of the board.** (1) The board may
55 deny an application for a license, refuse to renew, or revoke the license
56 of an applicant or licensee who has:

1 (f) Been found to have violated the provisions of section
2 ~~12-61-911~~ 12-61-905.5;".

3

4 Renumber succeeding sections accordingly.

5

6 Page 4, line 8, strike "OR" and substitute "AND".

7

8 Page 4, line 10, strike "24 CFR 3500 OR".

9

10 Page 4, line 12, strike "202.12;" and substitute "202.12 AND 12 CFR
11 1002;".

12

13 Page 4, line 18, strike "203;" and substitute "203 AND 12 CFR 1003;".

14

15 Page 7, after line 26 insert:

16

17 "SECTION 8. In Colorado Revised Statutes, 38-40-105, amend
18 (1) (e) as follows:

19

20 **38-40-105. Prohibited acts by participants in certain mortgage**

21

22 **loan transactions - unconscionable acts and practices - definitions.**
23 (1) The following acts by any mortgage broker, mortgage originator,
24 mortgage lender, mortgage loan applicant, real estate appraiser, or closing
25 agent, other than a person who provides closing or settlement services
26 subject to regulation by the division of insurance, with respect to any loan
27 that is secured by a first or subordinate mortgage or deed or trust lien
28 against a dwelling are prohibited:

29

30 (e) To knowingly facilitate the consummation of a mortgage loan
31 transaction that violates, or that is connected with a violation of, section
32 ~~12-61-911~~ 12-61-905.5, C.R.S."

33

34 Renumber succeeding sections accordingly.

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HEALTH, INSURANCE & ENVIRONMENT

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

SB16-027 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 3, line 27, strike "ITS ENROLLMENT PACKET" and substitute "THE RECIPIENT HANDBOOK".

JUDICIARY

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

HB16-1216 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 14, after "COMMISSION." add "ANY RULES
2 THAT THE COMMISSION IS REQUIRED TO PROMULGATE TO SATISFY THE
3 REQUIREMENTS OF THIS SUBSECTION (6), AS AMENDED, MUST BE ADOPTED
4 BY THE COMMISSION NOT LATER THAN ONE HUNDRED EIGHTY DAYS FROM
5 THE EFFECTIVE DATE OF THIS SUBSECTION (6), AS AMENDED."
6
- 7 Page 4, line 21, after "XXIX." add "THE COMMISSION SHALL ORGANIZE
8 ITS STAFF AND ADMINISTER ITS FUNCTIONS SO THAT THE SAME ATTORNEY
9 IS NOT PERFORMING THE SEPARATE FUNCTIONS OF PROSECUTING A
10 COMPLAINT AND ADVISING THE COMMISSION WITH RESPECT TO ITS
11 ADJUDICATION OF THE SAME OR A RELATED COMPLAINT."
12
- 13 Page 5, line 17, strike "16-___," and substitute "16-1216,".
14
- 15 Page 9, strike lines 26 and 27.
16
- 17 Strike pages 10 and 11.
18
- 19 Page 12, strike lines 1 through 21.
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- 21 Renumber succeeding sections accordingly.
22
- 23 Page 13, strike lines 5 through 27.
24
- 25 Page 14, strike lines 1 through 21.
26
- 27 Renumber succeeding sections accordingly.
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- 31 **SB16-088** be referred to the Committee of the Whole with favorable
32 recommendation.
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- 37 **PUBLIC HEALTH CARE & HUMAN SERVICES**
38 After consideration on the merits, the Committee recommends the
39 following:
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- 41 **HB16-1112** be amended as follows, and as so amended, be referred to
42 the Committee on Appropriations with favorable
43 recommendation.
44
- 45 Amend printed bill, page 4, lines 1 and 2, strike "CANINES TO BE USED BY
46 THE" and substitute "CANINES, AS WELL AS REQUIREMENTS FOR A".
47
- 48 Page 4, line 7, strike "AN" and substitute "TWO" and strike "AGENCY" and
49 substitute "AGENCIES THAT REPRESENT DIFFERENT COUNTIES".
50
- 51 Page 4, line 15, strike "A" and substitute "EACH".
52
- 53 Page 4, line 27, strike "THE" and substitute "EACH".
54
- 55 Page 6, line 4, strike "ASSEMBLY." and substitute "ASSEMBLY, INCLUDING
56 MONEY TRANSFERRED PURSUANT TO SECTION 28-5-709 (3.5) (d), C.R.S.".

1 Page 7, after line 4, insert:

2

3 "SECTION 2. In Colorado Revised Statutes, 28-5-709, add (3.5)
4 (d) as follows:

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6 **28-5-709. Colorado state veterans trust fund - created - report.**

7 (3.5) (d) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
8 CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (d), THE STATE
9 TREASURER SHALL DEDUCT ONE HUNDRED THIRTY THOUSAND DOLLARS
10 FROM THE COLORADO STATE VETERANS TRUST FUND AND TRANSFER SUCH
11 SUM TO THE TRAINING VETERANS TO TRAIN THEIR OWN SERVICE DOGS
12 PILOT PROGRAM FUND CREATED IN SECTION 26-23-104, C.R.S."

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14 Renumber succeeding section accordingly.

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18 **HB16-1210** be referred to the Committee of the Whole with favorable
19 recommendation.

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22 **HB16-1224** be amended as follows, and as so amended, be referred to
23 the Committee of the Whole with favorable
24 recommendation:

25

26 Amend printed bill, page 2, line 3, after "(VIII)" insert "and (23.5)".

27

28 Page 2, line 10, strike "INVOLUNTARY SERVITUDE, AS DESCRIBED".

29

30 Page 2, strike line 11.

31

32 Page 2, after line 12 insert:

33

34 "(23.5) "COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN"
35 INVOLVES CRIMES OF A SEXUAL NATURE COMMITTED AGAINST JUVENILE
36 VICTIMS FOR FINANCIAL OR OTHER ECONOMIC REASONS."

37

38 Page 2, line 18, strike "REASONABLY BELIEVES" and substitute
39 "ASSESSMENT CONCLUDES".

40

41 Page 3, strike line 1.

42

43 Page 3, line 2, strike "18-3-503, C.R.S., OR HUMAN TRAFFICKING OF A".

44

45 Page 3, line 3, strike "C.R.S., IT SHALL" and substitute "C.R.S.; OR
46 COMMERCIAL SEXUAL EXPLOITATION OF A CHILD, IT SHALL, WHEN
47 NECESSARY AND APPROPRIATE,".

48

49 Page 3, strike lines 7 through 11 and substitute "JURISDICTION ON BEHALF
50 OF SUCH CHILD. IF, AT ANY TIME AFTER THE COMMENCEMENT OF AN
51 INVESTIGATION, THE INVESTIGATOR HAS REASONABLE CAUSE TO SUSPECT
52 THAT THE CHILD OR ANY OTHER CHILD UNDER THE SAME CARE IS A VICTIM
53 OF HUMAN TRAFFICKING, THE COUNTY DEPARTMENT SHALL NOTIFY THE
54 LOCAL LAW ENFORCEMENT AGENCY AS SOON AS IT IS REASONABLY
55 PRACTICABLE TO DO SO."

56

1 Page 3, line 12, strike "AGENCY."
2
3 Page 3, strike line 25.
4
5 Page 3, line 26, strike "18-3-503, C.R.S., OR HUMAN TRAFFICKING OF A".
6
7 Page 3, line 27, after "C.R.S.," insert "OR COMMERCIAL SEXUAL
8 EXPLOITATION OF A CHILD,".
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12 **SB16-094** be referred to the Committee of the Whole with favorable
13 recommendation.
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MESSAGE(S) FROM THE SENATE

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MESSAGE(S) FROM THE REVISOR

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The Senate has passed on Third Reading and returns herewith:
HB16-1033 and 1038.

The Senate has passed on Third Reading and transmitted to the Revisor
of Statutes:
HB16-1284 amended in General Orders as printed in the Senate
Journal on March 8, 2016.

The Senate has postponed indefinitely HB16-1067. The bill is returned
herewith.

The Senate has passed on Third Reading and transmitted to the Revisor
of Statutes:
SB16-132 amended in General Orders as printed in Senate Journal,
March 8, 2016.
SB16-058 amended in General Orders as printed in Senate Journal,
March 8, 2016.
SB16-102 amended in General Orders as printed in Senate Journal,
March 8, 2016 and amended in Third Reading as printed
in Senate Journal March 9, 2016.

The Senate failed to pass HB16-1139 on second reading. The bill is
returned herewith.

We herewith transmit:
without comment, as amended, **HB16-1284**.
without comment, as amended, **SB16-058, 102, and 132**.

INTRODUCTION OF BILLS
First Reading

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

HB16-1346 by Representative(s) Lawrence--Concerning public records that are subject to denial of inspection.
Committee on State, Veterans, & Military Affairs

HB16-1347 by Representative(s) Danielson; also Senator(s) Ulibarri--Concerning the release of information concerning an employer's violation of wage laws by the division of labor in the department of labor and employment.
Committee on Judiciary

HB16-1348 by Representative(s) Ryden--Concerning a specific crime of cruelty to law enforcement service animals.
Committee on Judiciary

HB16-1349 by Representative(s) Ryden and Nordberg, Becker J., Brown, Buck, Buckner, Carver, Coram, Court, Danielson, Esgar, Foote, Hamner, Humphrey, Landgraf, Lawrence, Lontine, Melton, Neville P., Pabon, Pettersen, Primavera, Priola, Roupe, Salazar, Sias, Thurlow, Van Winkle, Vigil, Williams, Wilson, Windholz, Winter, Young; also Senator(s) Carroll--Concerning continuation of the voluntary contribution to the military family relief fund.
Committee on Finance

HB16-1350 by Representative(s) Young, Hamner, Rankin; also Senator(s) Grantham, Lambert, Steadman--Concerning the department of higher education's authority to make transfers relating to a governing board's fee-for-service contracts for specialty education.
Committee on Appropriations

HB16-1351 by Representative(s) Windholz, Priola, Conti, Carver, Humphrey; also Senator(s) Crowder--Concerning a requirement that the executive director of the department of human services convey real property at the Fitzsimons campus to the housing authority of the city of Aurora, Colorado, for the purpose of helping homeless veterans and veterans with disabilities by developing transitional housing for both groups of such veterans and housing with domiciliary care for veterans with disabilities.
Committee on State, Veterans, & Military Affairs

SB16-085 by Senator(s) Steadman; also Representative(s) Willett--Concerning the "Colorado Uniform Trust Decanting Act".
Committee on Judiciary

1 **SB16-102** by Senator(s) Kerr, Aguilar, Guzman, Heath, Lundberg,
2 Marble, Merrifield; also Representative(s) Moreno--
3 Concerning the elimination of mandatory sentences to
4 incarceration for certain crimes, and, in connection
5 therewith, making and reducing an appropriation.

6 Committee on Judiciary
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8 **SB16-126** by Senator(s) Roberts; also Representative(s) Garnett and
9 Nordberg--Concerning parity of state-chartered banks with
10 federally chartered banks regarding frequency of meetings.

11 Committee on Business Affairs and Labor
12

13 **SB16-132** by Senator(s) Cooke; also Representative(s) Foote--
14 Concerning clarifying that test results relating to certain
15 DUI offenses are not public information.

16 Committee on Judiciary
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19 **INTRODUCTION OF RESOLUTIONS**

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21 The following resolutions were read by title and referred to the
22 committees indicated:
23

24 **HJR16-1010** by Representative(s) Everett, Klingenschmitt, Humphrey,
25 Leonard, Lundeen, Priola, Ransom, Saine--Concerning
26 changes to the Joint Rules of the Senate and House of
27 Representatives to reduce the amount of legislation
28 introduced during a regular session of the Colorado
29 general assembly.

30 Committee on State, Veterans, & Military Affairs
31

32 **HR16-1004** by Representative(s) Everett, Klingenschmitt, Humphrey,
33 Saine, Leonard, Lundeen, Priola, Ransom--Concerning
34 changes to the rules of the House of Representatives to
35 conform with changes to the Joint Rules of the Senate and
36 House of Representatives that require two-thirds of the
37 members elected to the House of Representatives to grant
38 authorization previously required from the House
39 committee on delayed bills.

40 Committee on State, Veterans, & Military Affairs
41

42
43 On motion of Representative Duran, the following bill(s) will be
44 calendared for General Orders on March 10, 2016: **HB16-1306, 1210,**
45 **1224, SB16-094, 088.**
46

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48 On motion of Representative Duran, the House adjourned until 9:00 a.m.,
49 March 10, 2016.
50

51 Approved:
52 DICKY LEE HULLINGHORST,
53 Speaker

54 Attest:
55 MARILYN EDDINS,
56 Chief Clerk

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