

HOUSE JOURNAL
SEVENTIETH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Forty-fourth Legislative Day

Thursday, February 25, 2016

1 Prayer by Former Representative Ken Summers, You Count Campaign,
2 Fort Collins.

3
4 The Speaker called the House to order at 9:00 a.m.

5
6 On motion Speaker Hullinghorst, House rule 6 was suspended and the
7 Pledge of Allegiance was led by Myrda Anderson, Charles Anderson,
8 Arvada.

9
10 The roll was called with the following result:

11
12 Present--64.
13 Excused--Representative(s) Pabon--1.
14 Present after roll call--Representative(s) Pabon.

15
16 The Speaker declared a quorum present.

17
18
19 On motion of Representative Leonard, the reading of the journal of
20 February 24, 2016, was declared dispensed with and approved as
21 corrected by the Chief Clerk.

22
23
24
25
26 **THIRD READING OF BILL(S)--FINAL PASSAGE**

27
28 The following bill(s) were considered on Third Reading. The title(s)
29 were publicly read. Reading of the bill at length was dispensed with by
30 unanimous consent.

31
32 [HB16-1192](#) by Representative(s) Kagan, Dore, Foote, McCann,
33 Willett; also Senator(s) Steadman, Johnston, Roberts,
34 Scheffel, Scott--Concerning a nonsubstantive
35 recodification of the sunset review provisions.

36
37 The question being "Shall the bill pass?".
38 A roll call vote was taken. As shown by the following recorded vote, a
39 majority of those elected to the House voted in the affirmative and the
40 bill was declared **passed**.

41

	YES	64	NO	1	EXCUSED	0	ABSENT	0
1								
2	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
3	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
4	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
5	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	Y
6	Buck	Y	Hamner	Y	Moreno	N	Singer	Y
7	Buckner	Y	Humphrey	Y	Navarro	Y	Thurlow	Y
8	Carver	Y	Joshi	Y	Neville P.	Y	Tyler	Y
9	Conti	Y	Kagan	Y	Nordberg	Y	Van Winkle	Y
10	Coram	Y	Klingenschmitt	Y	Pabon	Y	Vigil	Y
11	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	Y
12	Danielson	Y	Landgraf	Y	Primavera	Y	Williams	Y
13	DelGrosso	Y	Lawrence	Y	Priola	Y	Wilson	Y
14	Dore	Y	Lebsock	Y	Rankin	Y	Windholz	Y
15	Duran	Y	Lee	Y	Ransom	Y	Winter	Y
16	Esgar	Y	Leonard	Y	Rosenthal	Y	Wist	Y
17	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Fields, Klingenschmitt, Lee, Melton,
 20 Rankin, Rosenthal, Wist

21
 22 **HB16-1188** by Representative(s) Rosenthal; also Senator(s) Martinez
 23 Humenik--Concerning requirements for the provision of
 24 additional public information by a separate legal entity
 25 established by contract by a combination of political
 26 subdivisions of the state.

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

	YES	65	NO	0	EXCUSED	0	ABSENT	0
33								
34	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
35	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
36	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
37	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	Y
38	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
39	Buckner	Y	Humphrey	Y	Navarro	Y	Thurlow	Y
40	Carver	Y	Joshi	Y	Neville P.	Y	Tyler	Y
41	Conti	Y	Kagan	Y	Nordberg	Y	Van Winkle	Y
42	Coram	Y	Klingenschmitt	Y	Pabon	Y	Vigil	Y
43	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	Y
44	Danielson	Y	Landgraf	Y	Primavera	Y	Williams	Y
45	DelGrosso	Y	Lawrence	Y	Priola	Y	Wilson	Y
46	Dore	Y	Lebsock	Y	Rankin	Y	Windholz	Y
47	Duran	Y	Lee	Y	Ransom	Y	Winter	Y
48	Esgar	Y	Leonard	Y	Rosenthal	Y	Wist	Y
49	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
50							Speaker	Y

51 Co-sponsor(s) added: Representative(s) Fields, Klingenschmitt, Lebsock,
 52 Lontine, Priola

53
 54 **HB16-1170** by Representative(s) Vigil and Coram, Brown; also
 55 Senator(s) Sonnenberg and Garcia--Concerning the
 56 continuation of the division of racing events in the

1 department of revenue, and, in connection therewith,
 2 implementing recommendation 1 of the 2015 sunset report
 3 of the department of regulatory agencies.
 4

5 The question being "Shall the bill pass?".

6 A roll call vote was taken. As shown by the following recorded vote, a
 7 majority of those elected to the House voted in the affirmative and the bill
 8 was declared **passed**.
 9

	YES	48	NO	17	EXCUSED	0	ABSENT	0
11	Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y
12	Becker J.	Y	Foote	Y	McCann	Y	Saine	N
13	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
14	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	Y
15	Buck	N	Hamner	Y	Moreno	Y	Singer	Y
16	Buckner	Y	Humphrey	N	Navarro	N	Thurlow	Y
17	Carver	N	Joshi	N	Neville P.	N	Tyler	Y
18	Conti	Y	Kagan	Y	Nordberg	N	Van Winkle	N
19	Coram	Y	Klingenschmitt	N	Pabon	Y	Vigil	Y
20	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	N
21	Danielson	Y	Landgraf	Y	Primavera	Y	Williams	Y
22	DelGrosso	Y	Lawrence	Y	Priola	Y	Wilson	Y
23	Dore	N	Lebsock	Y	Rankin	Y	Windholz	Y
24	Duran	Y	Lee	Y	Ransom	N	Winter	Y
25	Esgar	Y	Leonard	N	Rosenthal	Y	Wist	N
26	Everett	N	Lontine	Y	Roupe	Y	Young	Y
27							Speaker	Y

28 Co-sponsor(s) added: Representative(s) Becker J., Fields, Kraft-Tharp,
 29 Primavera, Rosenthal

30
 31 **HB16-1193** by Representative(s) Hamner, Young, Rankin; also
 32 Senator(s) Lambert, Grantham, Steadman--Concerning
 33 granting electronic access to court information to attorneys
 34 under contract with the office of the respondent parents'
 35 counsel.
 36

37 The question being "Shall the bill pass?".

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

	YES	64	NO	1	EXCUSED	0	ABSENT	0
43	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
44	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
45	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
46	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	Y
47	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
48	Buckner	Y	Humphrey	Y	Navarro	Y	Thurlow	Y
49	Carver	Y	Joshi	Y	Neville P.	Y	Tyler	Y
50	Conti	Y	Kagan	Y	Nordberg	Y	Van Winkle	Y
51	Coram	Y	Klingenschmitt	Y	Pabon	Y	Vigil	Y
52	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	Y
53	Danielson	Y	Landgraf	Y	Primavera	Y	Williams	Y
54	DelGrosso	Y	Lawrence	Y	Priola	Y	Wilson	Y
55	Dore	Y	Lebsock	Y	Rankin	Y	Windholz	Y
56	Duran	Y	Lee	Y	Ransom	Y	Winter	Y

1	Esgar	Y	Leonard	N	Rosenthal	Y	Wist	Y
2	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Fields, Garnett, Kraft-Tharp, Lontine,
5 Rosenthal, Singer, Tyler, Winter

6
7
8
9 On motion of Representative Williams, the House resolved itself into
10 Committee of the Whole for consideration of General Orders, and she
11 was called to the Chair to act as Chairman.

12
13
14
15 **GENERAL ORDERS--SECOND READING OF BILLS**

16
17 The Committee of the Whole having risen, the Chairman reported the
18 titles of the following bills had been read (reading at length had been
19 dispensed with by unanimous consent), the bills considered and action
20 taken thereon as follows:

21
22 (Amendments to the committee amendment are to the printed committee
23 report which was printed and placed in the members' bill file.)

24
25 **SB16-031** by Senator(s) Steadman, Johnston, Roberts, Scheffel,
26 Scott; also Representative(s) Dore, Foote, Kagan,
27 McCann, Willett--Concerning authority of the director of
28 the office of legislative legal services to sign vouchers for
29 expenditures of the office.

30
31 Ordered revised and placed on the Calendar for Third Reading and Final
32 Passage.

33
34 **HB16-1182** by Representative(s) Court and Duran, Kagan, Lee,
35 Salazar; also Senator(s) Cooke--Concerning the
36 continuation of the commodity metals theft task force.

37
38 Amendment No. 1, Business Affairs and Labor Report, dated February
39 23, 2016, and placed in member's bill file; Report also printed in House
40 Journal, February 24, 2016.

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

44
45 **SB16-014** by Senator(s) Holbert; also Representative(s) Williams--
46 Concerning the alignment of state mortgage originator
47 disclosure laws with recent changes in federal law.

48
49 Amendment No. 1, Business Affairs and Labor Report, dated February
50 23, 2016, and placed in member's bill file; Report also printed in House
51 Journal, February 24, 2016.

52
53 As amended, ordered revised and placed on the Calendar for Third
54 Reading and Final Passage.

1 [SB16-029](#) by Senator(s) Scheffel and Heath; also Representative(s)
2 Duran and Lawrence--Concerning changes to Colorado
3 insurance laws necessary to maintain accreditation with
4 the national association of insurance commissioners
5 (NAIC), and, in connection therewith, adopting a new
6 own risk and solvency assessment law (ORSA) in a form
7 substantially similar to the NAIC model and enhancing
8 Colorado's insurance holding company system law by
9 adding a required NAIC model provision specifying the
10 insurance commissioner's power to issue subpoenas and
11 examine witnesses.
12

13 Amendment No. 1, Business Affairs and Labor Report, dated February
14 23, 2016, and placed in member's bill file; Report also printed in House
15 Journal, February 24, 2016.

16
17 As amended, ordered revised and placed on the Calendar for Third
18 Reading and Final Passage.
19

20 [HB16-1284](#) by Representative(s) Nordberg and Moreno, Sias, Court,
21 DelGrosso, Duran, Everett, Garnett, Kagan,
22 Klingenschmitt, Kraft-Tharp, Lawrence, Lundeen, Pabon,
23 Pettersen, Williams; also Senator(s) Hill and Garcia,
24 Cadman, Scheffel, Crowder, Grantham, Holbert,
25 Johnston, Neville T., Sonnenberg--Concerning divestment
26 by the public employees' retirement association from
27 companies that have economic prohibitions against the
28 state of Israel.
29

30 Amendment No. 1, Business Affairs and Labor Report, dated February
31 23, 2016, and placed in member's bill file; Report also printed in House
32 Journal, February 24, 2016.
33

34 Amendment No. 2, by Representative(s) Moreno.
35

36 Amend printed bill, page 5, line 15, after "ISRAEL." add "ANY ACTIONS
37 PERMITTED UNDER APPLICABLE FEDERAL ANTI-BOYCOTT LAWS SHALL NOT
38 BE CONSIDERED ECONOMIC PROHIBITIONS AGAINST ISRAEL."
39

40 Amendment No. 3, by Representative(s) Moreno.
41

42 Amend printed bill, page 2, strike lines 7 through 16.
43

44 Strike page 3.
45

46 Page 4, strike lines 1 through 24.
47

48 Renumber succeeding C.R.S. sections accordingly.
49

50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.
52

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56

1 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**

2
3 Representative Leonard moved to amend the Report of the Committee of
4 the Whole to reverse the action taken by the Committee in adopting
5 HB 16-1284, to show that HB 16-1284, as amended, lost.

6
7 The amendment was declared **lost** by the following roll call vote:

	YES	4	NO	61	EXCUSED	0	ABSENT	0
10 Arndt	N		Fields	N	Lundeen	N	Ryden	N
11 Becker J.	N		Foote	N	McCann	N	Saine	N
12 Becker K.	Y		Garnett	N	Melton	N	Salazar	N
13 Brown	N		Ginal	N	Mitsch Bush	N	Sias	N
14 Buck	N		Hamner	N	Moreno	N	Singer	N
15 Buckner	N		Humphrey	N	Navarro	N	Thurlow	N
16 Carver	N		Joshi	N	Neville P.	N	Tyler	N
17 Conti	N		Kagan	N	Nordberg	N	Van Winkle	N
18 Coram	N		Klingenschmitt	N	Pabon	N	Vigil	N
19 Court	N		Kraft-Tharp	N	Pettersen	N	Willett	N
20 Danielson	N		Landgraf	N	Primavera	N	Williams	N
21 DelGrosso	N		Lawrence	N	Priola	N	Wilson	N
22 Dore	N		Lebsock	N	Rankin	N	Windholz	N
23 Duran	N		Lee	Y	Ransom	N	Winter	N
24 Esgar	N		Leonard	Y	Rosenthal	N	Wist	N
25 Everett	N		Lontine	N	Roupe	N	Young	N
26							Speaker	Y

27
28
29
30
31
32 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

33
34 Passed Second Reading: **SB16-031, HB16-1182 amended, SB16-014**
35 **amended, 029 amended, HB16-1284 amended.**

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

	YES	64	NO	1	EXCUSED	0	ABSENT	0
43 Arndt	Y		Fields	Y	Lundeen	Y	Ryden	Y
44 Becker J.	Y		Foote	Y	McCann	Y	Saine	Y
45 Becker K.	Y		Garnett	Y	Melton	Y	Salazar	Y
46 Brown	Y		Ginal	Y	Mitsch Bush	Y	Sias	Y
47 Buck	Y		Hamner	Y	Moreno	Y	Singer	Y
48 Buckner	Y		Humphrey	Y	Navarro	Y	Thurlow	Y
49 Carver	Y		Joshi	Y	Neville P.	Y	Tyler	Y
50 Conti	Y		Kagan	Y	Nordberg	Y	Van Winkle	Y
51 Coram	Y		Klingenschmitt	Y	Pabon	Y	Vigil	Y
52 Court	Y		Kraft-Tharp	Y	Pettersen	Y	Willett	Y
53 Danielson	Y		Landgraf	Y	Primavera	Y	Williams	Y
54 DelGrosso	Y		Lawrence	Y	Priola	Y	Wilson	Y
55 Dore	Y		Lebsock	Y	Rankin	Y	Windholz	Y
56 Duran	Y		Lee	Y	Ransom	Y	Winter	Y

1	Esgar	Y	Leonard	N	Rosenthal	Y	Wist	Y
2	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
3							Speaker	Y

CHANGE IN SPONSORSHIP

8 The Speaker announced the following changes in sponsorship:

9 **HB16-1182**--Senator Heath to be added as dual prime sponsor with
10 Senator Cooke.

13 House in recess. House reconvened.

REPORT(S) OF COMMITTEE(S) OF REFERENCE

EDUCATION

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

22 **HB16-1100** be amended as follows, and as so amended, be referred to
23 the Committee of the Whole with favorable
24 recommendation:

26 Amend printed bill, page 2, strike lines 9 through 17 and substitute:

27 "(2) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT
28 OTHERWISE REQUIRES, "UNACCOMPANIED HOMELESS YOUTH" MEANS AN
29 INDIVIDUAL WHO HAS NOT ATTAINED TWENTY-TWO YEARS OF AGE AND
30 WHO HAS BEEN VERIFIED BY A PERSON DESCRIBED IN PARAGRAPH (b) OF
31 THIS SUBSECTION (2) AS EITHER:

32 (I) AN UNACCOMPANIED YOUTH WHO IS A HOMELESS CHILD OR
33 YOUTH, AS THOSE TERMS ARE DEFINED IN SECTION 725 OF THE FEDERAL
34 "MCKINNEY-VENTO HOMELESS ASSISTANCE ACT", 42 U.S.C. SEC.
35 11434a; OR

36 (II) AN UNACCOMPANIED YOUTH, AT RISK OF HOMELESSNESS, AND
37 SELF-SUPPORTING, AS THOSE TERMS ARE DEFINED IN THE FEDERAL
38 STUDENT AID HANDBOOK BY THE UNITED STATES DEPARTMENT OF
39 EDUCATION PURSUANT TO TITLE IV OF THE FEDERAL "HIGHER EDUCATION
40 ACT OF 1965", AS AMENDED, 20 U.S.C. SEC. 1001 ET SEQ.

41 (b) THE FOLLOWING PERSONS MAY VERIFY THAT A YOUTH IS AN
42 UNACCOMPANIED HOMELESS YOUTH AS DEFINED IN PARAGRAPH (a) OF
43 THIS SUBSECTION (2):

44 (I) A LOCAL EDUCATIONAL AGENCY HOMELESS LIAISON,".

46 Page 2, line 20, strike "(b)" and substitute "(II)".

48 Page 3, line 3, strike "(c)" and substitute "(III)".

50 Page 3, line 6, strike "(d)" and substitute "(IV)".

54 **SB16-066** be referred to the Committee of the Whole with favorable
55 recommendation.

56

1 **FINANCE**

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

4
5 **HB16-1065** be postponed indefinitely.

6
7
8 **HB16-1207** be postponed indefinitely.

9
10
11 **HB16-1229** be amended as follows, and as so amended, be referred to
12 the Committee on Appropriations with favorable
13 recommendation:
14

15 Amend strike everything below the enacting clause and substitute:

16
17 "SECTION 1. In Colorado Revised Statutes, 23-1-106.3, amend
18 (2) (a) as follows:

19 **23-1-106.3. Duties and powers of the commission - capital**
20 **construction projects - federal mineral lease revenues fund - higher**
21 **education institutions lease-purchase cash fund.** (2) (a) On or before
22 August 15, 2009, and on or before August 15 OF each year thereafter
23 THROUGH AUGUST 15, 2015, the state treasurer shall notify the
24 commission, the office of state planning and budgeting, the capital
25 development committee, and the joint budget committee of the amount of
26 money in the revenues fund and whether the treasurer determines that
27 there are sufficient moneys in the revenues fund to enter into additional
28 lease-purchase agreements to be funded from the revenues fund. ON AND
29 AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a), AS AMENDED, THE
30 STATE SHALL NOT ENTER INTO ANY ADDITIONAL LEASE-PURCHASE
31 AGREEMENTS TO BE FUNDED FROM THE REVENUES FUND.
32

33 **SECTION 2.** In Colorado Revised Statutes, 23-19.9-101, **repeal**
34 (2) as follows:

35 **23-19.9-101. Definitions.** As used in this article, unless the
36 context otherwise requires:

37 (2) ~~"Maintenance and reserve fund" means the higher education~~
38 ~~maintenance and reserve fund created in section 23-19.9-102 (2) (a).~~
39

40 **SECTION 3.** In Colorado Revised Statutes, 23-19.9-102, **amend**
41 (1) (a) and (1) (b); **add** (1) (a.5); and **repeal** (2) (a) and (2) (b) as follows:

42 **23-19.9-102. Higher education federal mineral lease revenues**
43 **fund - higher education maintenance and reserve fund - creation -**
44 **sources of revenues - use.** (1) (a) The higher education federal mineral
45 lease revenues fund is hereby created in the state treasury. For the
46 2008-09 fiscal year and for each succeeding fiscal year THROUGH THE
47 QUARTERLY TRANSFER FOR THE QUARTER COMMENCING ON OCTOBER 1 OF
48 THE 2015-16 FISCAL YEAR, the lesser of the first fifty million dollars of the
49 total amount of moneys required to be transferred to the revenues fund
50 and the maintenance and reserve fund pursuant to section 34-63-102
51 (5.5), C.R.S., or all of such moneys shall be transferred to the revenues
52 fund and the remainder of such moneys shall be transferred to the
53 maintenance and reserve fund. FOR THE QUARTERLY TRANSFERS FOR THE
54 QUARTERS COMMENCING ON JANUARY 1, 2016, AND APRIL 1, 2016, FOR
55 THE 2016-17 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER,
56 MONEY SHALL BE TRANSFERRED TO THE REVENUES FUND AS REQUIRED BY

1 SECTION 34-63-102 (5.5), C.R.S. Interest and income derived from the
2 deposit and investment of the revenues fund shall remain in the revenues
3 fund and shall not be transferred to the general fund or any other fund at
4 the end of any fiscal year. The state treasurer may invest the revenues
5 fund in any investment in which the board of trustees of the public
6 employees' retirement association may invest the funds of the association
7 pursuant to section 24-51-206, C.R.S.

8 (a.5) ON THE EFFECTIVE DATE OF THIS PARAGRAPH (a.5), THE
9 TREASURER SHALL TRANSFER ALL MONEY IN THE MAINTENANCE AND
10 RESERVE FUND TO THE REVENUES FUND.

11 (b) The general assembly may annually appropriate moneys in the
12 revenues fund to THE DEPARTMENT OF HIGHER EDUCATION FOR TRANSFER
13 TO THE STATE TREASURER TO directly pay for or pay the costs of financing
14 capital construction projects at state-supported institutions of higher
15 education that are included on a prioritized list of such projects specified
16 in a joint resolution that has taken effect in accordance with section 39 of
17 article V of the state constitution after being sponsored by the joint budget
18 committee of the general assembly, approved by the general assembly,
19 and presented to the governor pursuant to section 23-1-106.3 (1) (b),
20 enacted by Senate Bill 08-233, enacted at the second regular session of
21 the sixty-sixth general assembly. MONEY TRANSFERRED TO THE
22 TREASURER IS CONTINUOUSLY APPROPRIATED TO THE TREASURER FOR THE
23 PURPOSE OF MAKING PAYMENTS RELATED TO THE CAPITAL CONSTRUCTION
24 PROJECTS. The general assembly may also appropriate moneys in the
25 revenues fund to the department of education for distribution by the
26 department, or any board or division within the department that the
27 department may designate, to school districts for capital construction
28 projects at area vocational schools, as defined in section 23-60-103 (1).
29 In making such appropriations, the general assembly shall give priority
30 consideration to capital construction projects at state-supported
31 institutions of higher education that are located in communities that are
32 substantially impacted by energy production or conversion activities, and
33 the department, or any board or division within the department designated
34 to distribute moneys appropriated to the department pursuant to this
35 paragraph (b), shall give priority consideration to capital construction
36 projects at area vocational schools that are located in such communities.
37 Only capital construction projects that will be used exclusively or
38 primarily for academic purposes shall be eligible for funding pursuant to
39 this paragraph (b).

40 ~~(2) (a) The higher education maintenance and reserve fund is~~
41 ~~hereby created in the state treasury. The principal of the maintenance and~~
42 ~~reserve fund shall consist of moneys transferred to the maintenance and~~
43 ~~reserve fund pursuant to section 34-63-102 (5.3) (a) (II), C.R.S. Except~~
44 ~~as otherwise provided in paragraph (b) of this subsection (2), the principal~~
45 ~~of the maintenance and reserve fund shall remain in the fund and shall not~~
46 ~~be expended for any purpose. The general assembly may annually~~
47 ~~appropriate interest and income derived from the deposit and investment~~
48 ~~of moneys in the maintenance and reserve fund for controlled~~
49 ~~maintenance projects for the system of public higher education that are~~
50 ~~selected through the process set forth in sections 24-30-1303 (1) (k.5) and~~
51 ~~2-3-1304 (1) (b), C.R.S. The state treasurer may invest the maintenance~~
52 ~~and reserve fund in any investment in which the board of trustees of the~~
53 ~~public employees' retirement association may invest the funds of the~~
54 ~~association pursuant to section 24-51-206, C.R.S.~~

55 ~~(b) (i) If the amount of moneys in the revenues fund will be~~
56 ~~insufficient to cover the full amount of the payments due to be made~~

1 under lease-purchase agreements authorized pursuant to section
 2 23-1-106.3 (3), the general assembly may transfer from the principal of
 3 the maintenance and reserve fund or from any other sources to the
 4 revenues fund sufficient moneys to make the payments.

5 (H) If, at any time during a fiscal year, the most recent available
 6 quarterly revenue estimate prepared by the staff of the legislative council
 7 indicates that the amount of total general fund revenues for the fiscal year
 8 will not be sufficient to allow the state to maintain the four percent or
 9 higher reserve required by section 24-75-201.1 (1), C.R.S., the general
 10 assembly may make supplemental appropriations of principal of the
 11 maintenance and reserve fund or the state controller may allow
 12 overexpenditures to be made from principal of the maintenance and
 13 reserve fund pursuant to and in accordance with the requirements of
 14 section 24-75-111, C.R.S., in order to offset any reduction in the amount
 15 of one or more general fund appropriations for the fiscal year for
 16 operating expenses of state-supported institutions of higher education that
 17 resulted from the insufficiency in the amount of total general fund
 18 revenues.

19 (H) Notwithstanding any provision of this subsection (2) to the
 20 contrary, on June 30, 2009, the state treasurer shall deduct thirty-three
 21 million seven hundred thousand dollars from the higher education
 22 maintenance and reserve fund and transfer such sum to the general fund;
 23 except that, if the balance of moneys in the higher education maintenance
 24 and reserve fund on June 30, 2009, is less than thirty-three million seven
 25 hundred thousand dollars, the state treasurer shall transfer the balance of
 26 moneys in the fund to the general fund.

27 (IV) Notwithstanding any provision of this subsection (2) to the
 28 contrary, on April 15, 2010, the state treasurer shall deduct two million
 29 three hundred thousand dollars from the higher education maintenance
 30 and reserve fund and transfer such sum to the general fund.

31 (V) Notwithstanding any provision of this subsection (2) to the
 32 contrary, on May 5, 2011, the state treasurer shall deduct one million one
 33 hundred twenty-eight thousand six hundred twenty-four dollars from the
 34 higher education maintenance and reserve fund and transfer such sum to
 35 the general fund.

36

37 **SECTION 4.** In Colorado Revised Statutes, 34-63-102, amend
 38 (1) (a) (II), (5.3) (a) (II), (5.5) (a), and (5.5) (b) as follows:

39 **34-63-102. Creation of mineral leasing fund - distribution -**
 40 **advisory committee - local government permanent fund created -**
 41 **definitions - transfer of moneys - repeal.** (1) (a) (II) On and after July
 42 1, 2008, all moneys, including any interest and income derived therefrom,
 43 received by the state treasurer pursuant to the provisions of the federal
 44 "Mineral Lands Leasing Act" of February 25, 1920, as amended, except
 45 those moneys described in section 34-63-104, shall be deposited by the
 46 state treasurer into the mineral leasing fund, which fund is hereby created,
 47 for use by state agencies, public schools, and political subdivisions of the
 48 state as described in subsections (5.3) and (5.4) of this section and for
 49 transfer to the higher education federal mineral lease revenues fund
 50 created in section 23-19.9-102 (1) (a), C.R.S., ~~the higher education~~
 51 ~~maintenance and reserve fund created in section 23-19.9-102 (2) (a),~~
 52 ~~C.R.S.,~~ and the local government permanent fund created in
 53 sub-subparagraph (A) of subparagraph (I) of paragraph (a) of subsection
 54 (5.3) of this section, as required by this section and section 23-19.9-102,
 55 C.R.S.

56 (5.3) (a) Bonus payments credited to the mineral leasing fund

1 created in subparagraph (II) of paragraph (a) of subsection (1) of this
 2 section shall be distributed on a quarterly basis for each quarter
 3 commencing on July 1, October 1, January 1, or April 1 of any state fiscal
 4 year as follows:

5 (II) Fifty percent of the bonus payments shall be transferred to the
 6 higher education ~~maintenance and reserve~~ FEDERAL MINERAL LEASE
 7 REVENUES fund created in ~~section 23-19.9-102 (2) (a)~~; SECTION
 8 23-19.9-102 (1) (a), C.R.S.

9 (5.5) (a) (I) On and after July 1, 2008, BUT BEFORE THE EFFECTIVE
 10 DATE OF THIS PARAGRAPH (a), AS AMENDED, all moneys other than bonus
 11 payments, as defined in paragraph (b) of subsection (5.3) of this section,
 12 credited to the mineral leasing fund in excess of the amounts distributed
 13 pursuant to subsection (5.4) of this section shall be transferred on a
 14 quarterly basis for each quarter commencing on July 1, October 1,
 15 January 1, or April 1 of any state fiscal year to the higher education
 16 federal mineral lease revenues fund created in section 23-19.9-102 (1) (a),
 17 C.R.S., and the higher education maintenance and reserve fund created in
 18 section 23-19.9-102 (2) (a), C.R.S., as specified in said section AS THAT
 19 SECTION EXISTED PRIOR TO ITS REPEAL.

20 (II) ON AND AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a),
 21 AS AMENDED, ALL MONEYS OTHER THAN BONUS PAYMENTS, AS DEFINED
 22 IN PARAGRAPH (b) OF SUBSECTION (5.3) OF THIS SECTION, CREDITED TO
 23 THE MINERAL LEASING FUND IN EXCESS OF THE AMOUNTS DISTRIBUTED
 24 PURSUANT TO SUBSECTION (5.4) OF THIS SECTION SHALL BE TRANSFERRED
 25 ON A QUARTERLY BASIS FOR EACH QUARTER COMMENCING ON JULY 1,
 26 OCTOBER 1, JANUARY 1, OR APRIL 1 OF ANY STATE FISCAL YEAR TO THE
 27 HIGHER EDUCATION FEDERAL MINERAL LEASE REVENUES FUND CREATED
 28 IN SECTION 23-19.9-102 (1) (a), C.R.S., AS SPECIFIED IN SAID SECTION.

29 (b) Notwithstanding the provisions of paragraph (a) of subsection
 30 (5.4) of this section, if the amount of moneys in the higher education
 31 federal mineral lease revenues fund, established pursuant to section
 32 23-19.9-102 (1), C.R.S., ~~including any transfers pursuant to section~~
 33 ~~23-19.9-102 (2) (b), C.R.S.~~, is insufficient to cover the full amount of the
 34 payments due to be made under lease-purchase agreements authorized
 35 pursuant to section 23-1-106.3 (3), C.R.S., the general assembly may
 36 reduce the transfer to the state public school fund by the amount needed
 37 to cover the full amount of payments and transfer that amount to the
 38 higher education federal mineral lease revenues fund.

39 **SECTION 5. Effective date.** (1) Except as otherwise provided
 40 in this section, this act takes effect upon passage.

41 (2) Section 23-19.9-102 (1) (b), Colorado Revised Statutes, as
 42 amended in section 3 of this act, takes effect July 1, 2016.

43 (3) The repeal of section 23-19.9-102 (2) (a), Colorado Revised
 44 Statutes, as contained in section 3 of this act, takes effect on the day after
 45 the remainder of this act takes effect.

46 **SECTION 6. Safety clause.** The general assembly hereby finds,
 47 determines, and declares that this act is necessary for the immediate
 48 preservation of the public peace, health, and safety."
 49
 50

51
 52 **HB16-1275** be amended as follows, and as so amended, be referred to
 53 the Committee on Appropriations with favorable
 54 recommendation:
 55

1 Amend printed bill, page 6, line 27, strike "A LEGITIMATE BUSINESS
2 PURPOSE." and substitute "REASONS THAT MEET THE ECONOMIC
3 SUBSTANCE DOCTRINE AS DESCRIBED IN SECTION 7701 (o) OF THE FEDERAL
4 "INTERNAL REVENUE CODE OF 1986", AS AMENDED."
5

6 Page 8, line 21, strike "\$ _____" and substitute "\$75 MILLION".
7

8 Page 10, line 18, strike "16-____," and substitute "16-1275,".
9

10

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12

13 **LOCAL GOVERNMENT**

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

16

17 **HB16-1149** be referred to the Committee of the Whole with favorable
18 recommendation.
19

20

21 **HB16-1163** be referred to the Committee of the Whole with favorable
22 recommendation.
23

24

25 **HB16-1191** be postponed indefinitely.
26

27

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31 **STATE, VETERANS, & MILITARY AFFAIRS**

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

34

35 **HB16-1138** be postponed indefinitely.
36

37

38 **HB16-1181** be postponed indefinitely.
39

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43 **TRANSPORTATION & ENERGY**

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

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47 **HB16-1231** be referred to the Committee of the Whole with favorable
48 recommendation.
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51 **HB16-1223** be postponed indefinitely.
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PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed:
HB16-1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294.



SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB16-1053, 1237, 1238, 1239, 1242, 1243, 1244, 1245, 1246, 1248, 1249, 1250, 1251, 1252, 1253.**



MESSAGE FROM THE SENATE

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:
SB16-016.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:
SB16-034 amended in General Orders as printed in Senate Journal, February 18 and February 23, 2016.
SB16-080 amended in General Orders as printed in Senate Journal, February 24, 2016.



MESSAGE(S) FROM THE REVISOR

We herewith transmit:
without comment, **SB16-016.**
without comment, as amended, **SB16-034 and 080.**



**INTRODUCTION OF BILL
First Reading**

The following bill was read by title and referred to the committee indicated:

SB16-034 by Senator(s) Sonnenberg; also Representative(s) Fields and Lawrence--Concerning tampering with a deceased human body.
Committee on State, Veterans, & Military Affairs



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INTRODUCTION OF MEMORIAL

The following memorial was read by title and referred to the committee indicated:

SJM16-001 by Senator(s) Roberts; also Representative(s) Coram and Mitsch Bush--Concerning protection from liability for voluntary reclamation of abandoned hard rock mines.
Committee on Agriculture, Livestock, & Natural Resources



On motion of Representative Duran, the following bill(s) calendared for General Orders, February 29, will be calendared for March 1, 2016:
HB16-1165.



On motion of Representative Duran, the House adjourned until 9:00 a.m., February 26, 2016.

Approved:
DICKY LEE HULLINGHORST,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk