

HOUSE JOURNAL
SEVENTY-FIRST GENERAL ASSEMBLY
STATE OF COLORADO
First Extraordinary Session

First Legislative Day

Monday, October 2, 2017

1 The hour of 10:00 a.m. having arrived, the House of Representatives of
2 the First Extraordinary Session of the 71st General Assembly of the State
3 of Colorado, pursuant to law, was called to order by Crisanta Duran,
4 Speaker of the House.

5
6 Prayer by Father Tom Cwik, St. Ignatius Loyola Catholic Church,
7 Denver.

8
9 Pledge of Allegiance led by Eunsul Kim, University of Colorado Denver.

10
11 The roll was called with the following result:

12
13 Present--63.
14 Excused--Representative(s) Rosenthal, Salazar--2.
15 Present after roll call--Representative(s) Rosenthal.

16
17 The Speaker declared a quorum present.

18
19

STATE OF COLORADO
DEPARTMENT OF STATE
CERTIFICATE

20
21
22
23
24
25 I, WAYNE WILLIAMS, Secretary of State of the State of Colorado, do
26 hereby certify that the attached is a true and exact copy of the document
27 filed in this office and admitted to record in:

28 D2017-023

29 Executive Order

30 "PROCLAMATION

31 CALL FOR THE FIRST EXTRAORDINARY SESSION OF THE
32 SEVENTY-FIRST GENERAL ASSEMBLY"

33

34 IN TESTIMONY WHEREOF, I have unto set my hand and affixed the
35 Great Seal of the State of Colorado, at the City Of Denver this 18th day
36 of September, 2017.

37

38 (signed)

39 Wayne Williams

40 Secretary of State

41

42

43

D2017-023
EXECUTIVE ORDER
PROCLAMATION

Call for the First Extraordinary Session
of the Seventy-First General Assembly

Pursuant to the authority vested in the Governor of the State of Colorado, and in particular, pursuant to powers vested in the Governor pursuant to article IV, section 9 of the Colorado Constitution, and as recognized in article V, section 7.1, John W. Hickenlooper, Governor of the State of Colorado, hereby find that the following extraordinary occasion exists to convene the Seventy-First General Assembly to meet in special session.

I. Background

In the 2017 legislative session, the General Assembly enacted Senate Bill 17-267 (Concerning the Sustainability of Rural Colorado). One of the bill's provisions consolidated two distinct taxes on retail marijuana sales into a single tax. In accomplishing this efficiency, however Senate Bill 17-267 inadvertently exempted certain special districts and other limited purpose governmental entities from levying sales tax on retail marijuana sales. As a result this inadvertent exemption, greater complexity and a lack of clarity now exist in the State's sales tax code, and certain special districts' and other limited purpose governmental entities' ability to provide services to their constituents is weakened.

We have had extensive conversations with Senate Bill 17-267 sponsors, interested stakeholders, and General Assembly leadership to identify how to minimize harms to impacted special districts, other limited purpose governmental entities, and the constituents; and achieve greater clarity and efficiency in the State's tax code. A special session is the most expedient way to advance these interests.

This proclamation does not prescribe the specific form that legislation introduced in the special session shall take; rather, it defines the appropriate subject matter for legislative consideration. The following section describes the purpose and need for the special session.

II. Purpose and Need

Senate Bill 17-267, enacted during the 2017 regular session of the Seventy-First General Assembly, was robust and historic legislation that will contribute greatly to the strength of Colorado's rural communities. Legislation of such complexity and magnitude often requires adjustments in subsequent legislative sessions to ensure the General Assembly's intent is honored and to address unforeseen and unintended consequences.

One component of Senate Bill 17-267 exempted retail marijuana sales from the State's 2.9 percent general sales tax, but increased the rate of the special retail marijuana sales tax from 10 percent to 15 percent. In consolidating these two sales taxes, however, Senate Bill 17-267 inadvertently eliminated certain special districts' and other limited purpose governmental entities' ability to levy sales tax on retail marijuana

1 sales. Consequently, those entities have experienced, and will continue
2 to experience, reductions in revenue that jeopardize their ability to
3 provide services to their constituents. These revenue reductions are not
4 the result of market or economic forces, but are instead the result of the
5 aforementioned exclusion inadvertently included in Senate Bill 17-267.
6 As such, a correction is needed to ensure services are not unintentionally
7 diminished.

8
9 We communicated with the sponsors of Senate Bill 17-267 and House
10 and Senate leadership. All affirm that this result was an unintentional
11 error in need of correction. Therefore, the General Assembly should
12 consider taking legislative action to enact a law clarifying that certain
13 special districts and other limited purpose governmental entities are
14 authorized to levy a sales tax on retail marijuana sales.

15
16 III. Proclamation

17
18 I, John W. Hickenlooper, Governor of the State of Colorado, with
19 this proclamation find extraordinary occasions exist to convene the
20 Seventy-First General Assembly of this State and summon the members
21 of the Seventy-First General Assembly to meet in special session at 10:00
22 A.M. on October 2, 2017, at the State Capitol, in the City and County of
23 Denver, and designate the following specific subject for consideration
24 and appropriate legislative action:

25
26 A. Concerning the clarification of statutory provisions, enacted in
27 Senate Bill 17-267, to codify that retail marijuana sales are subject
28 to sales taxes levied by certain special districts and other limited
29 purpose governmental entities.

30
31 GIVEN under my hand and the Executive Seal of the State of Colorado
32 this fourteenth day of September, 2017

33 (signed)
34 John W. Hickenlooper
35 Governor

36
37
38 On motion of Representative KC Becker, the Speaker appointed
39 Representatives Winter, Chair, Michaelson Jenet, and Ransom to notify
40 the Senate that the House was organized and ready for business.

41
42
43
44 On motion of Representative KC Becker, the speaker appointed
45 Representatives Mitsch Bush, Chair, Gray, and Everett to notify the
46 Governor that the House was organized and ready for business.

47
48
49 _____
House in recess.

50
51
52 The Speakr recognized a committee from the Senate. Senators
53 Baumgardner, Priola, and Williams reported that the Senate was
54 organized and ready for business.

55
56

1 House reconvened.
2
3

4 Representative Winter, Chair of the Committee to Notify the Senate,
5 reported that the Senate had been notified that the House was organized
6 and ready for business.
7

8
9 Representative Mitsch Bush, Chair of the Committee to Notify the
10 Governor, reported that the Governor had been notified that the House
11 was organized and ready for business.
12

13 ANNOUNCEMENT

14
15
16 The Speaker announced the House was in the last three days of session.
17 The Majority Leader announced all bills coming out of committee will be
18 placed on the Second Reading calendar and given immediate
19 consideration.
20

21 PRINTING REPORT

22
23
24 The Chief Clerk reports the following bill has been correctly preprinted:
25 **HB17B-1001**.
26

27 INTRODUCTION OF BILL 28 First Reading

29
30
31 The following bill was read by title and referred to the committee
32 indicated:
33

34 **HB17B-1001** by Representative(s) Becker K., Pabon, Kennedy, Herod,
35 Buckner, Hooton, Michaelson Jenet, Benavidez,
36 Weissman; also Senator(s) Donovan--Concerning
37 clarification that retail marijuana sales are subject to sales
38 taxes levied by certain limited purpose governmental
39 entities.

40 Committee on Finance
41

42
43 House in recess. House reconvened.
44

45 REPORT(S) OF COMMITTEE(S) OF REFERENCE

46 **FINANCE**

47
48
49 After consideration on the merits, the Committee recommends the
50 following:
51

52
53 **HB17B-1001** be referred to the Committee of the Whole with favorable
54 recommendation.
55

1 On motion of Representative Foote, the House resolved itself into
2 Committee of the Whole for consideration of General Orders, and he was
3 called to act as Chair.

4
5
6 **GENERAL ORDERS--SECOND READING OF BILLS**

7
8 The Committee of the Whole having risen, the Chair reported the titles
9 of the following bills had been read (reading at length had been
10 dispensed with by unanimous consent), the bills considered and action
11 taken thereon as follows:

12
13 (Amendments to the committee amendment are to the printed committee
14 report which was printed and placed in the members' bill file.)

15
16 **HB17B-1001** by Representative(s) Becker K., Pabon, Kennedy, Herod,
17 Buckner, Hooton, Michaelson Jenet, Benavidez,
18 Weissman; also Senator(s) Donovan--Concerning
19 clarification that retail marijuana sales are subject to sales
20 taxes levied by certain limited purpose governmental
21 entities.

22
23 Ordered engrossed and placed on the Calendar for Third Reading and
24 Final Passage.

25
26
27 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

28
29 Passed Second Reading: **HB17B-1001**.

30
31 The Chairman moved the adoption of the Committee of the Whole
32 Report. As shown by the following roll call vote, a majority of those
33 elected to the House voted in the affirmative, and the Report was
34 **adopted**.

35
36

	YES	37	NO	24	EXCUSED	4	ABSENT	0
37	Arndt	Y	Foote	Y	Leonard	N	Ransom	N
38	Becker J.	N	Garnett	Y	Lewis	N	Rosenthal	Y
39	Becker K.	Y	Ginal	Y	Liston	N	Saine	N
40	Beckman	N	Gray	Y	Lontine	Y	Salazar	E
41	Benavidez	Y	Hamner	Y	Lundeen	N	Sias	N
42	Bridges	Y	Hansen	Y	McKean	N	Singer	Y
43	Buck	N	Herod	Y	McLachlan	Y	Thurlow	Y
44	Buckner	Y	Hooton	Y	Melton	Y	Valdez	Y
45	Carver	N	Humphrey	N	Michaelson Jenet	Y	Van Winkle	N
46	Catlin	E	Jackson	Y	Mitsch Bush	Y	Weissman	Y
47	Coleman	Y	Kennedy	Y	Navarro	N	Willett	N
48	Covarrubias	N	Kraft-Tharp	Y	Neville P.	N	Williams D.	N
49	Danielson	Y	Landgraf	N	Nordberg	N	Wilson	N
50	Esgar	Y	Lawrence	E	Pabon	Y	Winter	Y
51	Everett	E	Lebsock	Y	Pettersen	Y	Wist	N
52	Exum	Y	Lee	Y	Rankin	N	Young	Y
53							Speaker	Y

54
55

1 On motion of Representative KC Becker, the House adjourned until
2 9:00 a.m., October 3, 2017.

3

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Approved:
CRISANTA DURAN,
Speaker

Attest:

MARILYN EDDINS,

Chief Clerk

HOUSE JOURNAL
SEVENTY-FIRST GENERAL ASSEMBLY
STATE OF COLORADO
First Extraordinary Session

Second Legislative Day

Tuesday, October 3, 2017

1 Prayer by the Reverend Dr. Kay Marsh, Retired, First United Methodist
2 Church, Longmont.

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

5
6 Pledge of Allegiance led by Emily Manderscheid, Metropolitan State
7 University, Denver.

8
9 The roll was called with the following result:

10

11 Present--61.

12 Excused--Representative(s) Catlin, Hooton, Salazar, Sias--4.

13 Present after roll call--Representative(s) Hooton.

14

15 The Speaker declared a quorum present.

16

17

18

19 On motion of Representative Weissman, the reading of the journal of
20 October 2, 2017, was declared dispensed with and approved as corrected
21 by the Chief Clerk.

22

23

24

25

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

27

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

31

32 [HB17B-1001](#) by Representative(s) Becker K., Pabon, Kennedy, Herod,
33 Buckner, Hooton, Michaelson Jenet, Benavidez,
34 Weissman; also Senator(s) Donovan--Concerning
35 clarification that retail marijuana sales are subject to sales
36 taxes levied by certain limited purpose governmental
37 entities.

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	37	NO	25	EXCUSED	3	ABSENT	0
1								
2	Arndt	Y	Foote	Y	Leonard	N	Ransom	N
3	Becker J.	N	Garnett	Y	Lewis	N	Rosenthal	Y
4	Becker K.	Y	Ginal	Y	Liston	N	Saine	N
5	Beckman	N	Gray	Y	Lontine	Y	Salazar	E
6	Benavidez	Y	Hamner	Y	Lundeen	N	Sias	E
7	Bridges	Y	Hansen	Y	McKean	N	Singer	Y
8	Buck	N	Herod	Y	McLachlan	Y	Thurlow	Y
9	Buckner	Y	Hooton	Y	Melton	Y	Valdez	Y
10	Carver	N	Humphrey	N	Michaelson Jenet	Y	Van Winkle	N
11	Catlin	E	Jackson	Y	Mitsch Bush	Y	Weissman	Y
12	Coleman	Y	Kennedy	Y	Navarro	N	Willett	N
13	Covarrubias	N	Kraft-Tharp	Y	Neville P.	N	Williams D.	N
14	Danielson	Y	Landgraf	N	Nordberg	N	Wilson	N
15	Esgar	Y	Lawrence	N	Pabon	Y	Winter	Y
16	Everett	N	Lebsock	Y	Pettersen	Y	Wist	N
17	Exum	Y	Lee	Y	Rankin	N	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Coleman, Foote, Gray, Hamner,
 20 Hansen, Jackson, Kraft-Tharp, Lee, Lontine, Melton, Mitsch Bush, Pettersen,
 21 Rosenthal, Winter, Young

22
 23
 24 House in recess. House reconvened.
 25
 26

27 INTRODUCTION AND CONSIDERATION OF RESOLUTION

28
 29 On motion of Representative KC Becker, the rules were suspended and
 30 the following resolution was given immediate consideration.

31
 32 **HJR17B-1001** by Representative(s) Becker K., Duran, Neville P.; also
 33 Senator(s) Holbert, Grantham, Guzman--Concerning the
 34 appointment of a joint committee to notify the Governor
 35 that the First Extraordinary Session of the Seventy-first
 36 General Assembly is about to adjourn sine die.

37
 38 (Printed and placed in members' files).

39
 40 On motion of Representative KC Becker, the resolution was **adopted** by
 41 **viva voce** vote.

42
 43 The Speaker appointed Representatives Benavidez, chair, Herod, Leonard
 44 pursuant to the resolution.

45
 46 Co-sponsor(s) added: Representative(s) Buck, Ginal, Gray, Mitsch Bush,
 47 Navarro, Saine, Van Winkle, Wilson, Wist.

50 MESSAGE FROM THE SENATE

51
 52 The Senate has Postponed Indefinitely HB17B-1001.

53
 54 The Senate has adopted and transmits herewith: SJR17B-001.

HISTORY OF HOUSE JOINT RESOLUTIONS

RESOLUTION NUMBER SUBJECT TITLE SPONSOR COMMITTEE ASSIGNMENT	Introduced	Laid Over One Day Under the Rules	Rules Suspended Immediate Action	Adopted by House	Adopted by Senate	Signed by Speaker	* PI RR RC LO OTHER ACTION Amended Postponed Indefinitely Referred Re-referred Reconsideration Laid Over
HJR17B-1001 by Representative(s) Becker K., Duran, Neville P.; also Senator(s) Holbert, Grantham, Guzman-- Concerning the appointment of a joint committee to notify the Governor that the First Extraordinary Session of the Seventy-first General Assembly is about to adjourn sine die.	8		8	8	9	11	

HISTORY OF SENATE JOINT RESOLUTIONS

RESOLUTION NUMBER SUBJECT TITLE SPONSOR COMMITTEE ASSIGNMENT	Adopted by Senate	Introduced in House	Laid Over One Day Under the Rules	Rules Suspended Immediate Action	Referred to House by Committee	Adopted by House	Signed by Speaker	* PI RRR RC LO OTHER ACTION
SJR17B-001 by Senator(s) Holbert, Grantham, Guzman; also Representative(s) Becker K., Duran, Neville P.-- Concerning adjournment sine die.	8	9		9		9	11	

HISTORY OF HOUSE BILLS

BILL NUMBER SUBJECT TITLE SPONSOR COMMITTEE ASSIGNMENT	Introduced	Referred to Committee of the Whole	Passed Second Reading	Passed Third Reading	Passed by Senate	Signed by Speaker	Signed by Governor	Effective Date of Act	OTHER ACTION * PI Amended PI Postponed Indefinitely R Referred R Re-referred R Reconsideration O Laid Over
HB17B-1001 by Representative(s) Becker K., Pabon, Kennedy, Herod, Buckner, Hooton, Michaelson Jenet, Benavidez, Weissman; also Senator(s) Donovan--Concerning clarification that retail marijuana sales are subject to sales taxes levied by certain limited purpose governmental entities. Committee on Finance	4	4	5	7					8 - PI in Senate.