

HOUSE JOURNAL
SIXTY-NINTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Fiftieth Legislative Day

Wednesday, February 26, 2014

1 Prayer by Archbishop Samuel Aquila, Catholic Archdiocese of Denver.

2

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

4

5 Pledge of Allegiance led by Stephen Robbins, Dillon Gauser, Heather
6 Chrismon, Rebecca Michalczyk, Bishop Machebeuf High School,
7 Denver.

8

9 The roll was called with the following result:

10

11 Present--61.

12 Excused--Representative(s) Dore, May, Singer--3.

13 Absent--Representative(s) Everett--1.

14 Present after roll call--Representative(s) Everett, Singer.

15

16 The Speaker declared a quorum present.

17

18

19 On motion of Representative Rankin, the reading of the journal of
20 February 25, 2014, was declared dispensed with and approved as
21 corrected by the Chief Clerk.

22

23

24

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

26

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

30

31 **HB14-1034** by Representative(s) Williams; also Senator(s) Jahn--
32 Concerning the creation of a wine packaging permit to
33 allow certain alcohol beverage licensees to package wine
34 produced by another wine manufacturer, and, in
35 connection therewith, making an appropriation.

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	61	NO	0	EXCUSED	3	ABSENT	1
1								
2	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
3	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
4	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
5	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
6	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	E
7	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
8	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
9	Dore	E	Kagan	Y	Nordberg	Y	Swalm	Y
10	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
11	Everett	-	Labuda	Y	Peniston	Y	Tyler	Y
12	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
13	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
14	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
15	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
16	Garcia	Y	May	E	Rosenthal	Y	Wright	Y
17	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Becker, Gerou, Ginal, Holbert,
 20 Hullinghorst, Kagan, Labuda, McCann, Pabon, Rosenthal, Ryden, Saine,
 21 Schafer, Young

22
 23 **HB14-1082** by Representative(s) Lee; also Senator(s) Tochtrop--
 24 Concerning a requirement for written notice of
 25 cancellation of individual life insurance policies, and in
 26 connection therewith, requiring written notice prior to the
 27 lapse of individual life insurance policies.

28
 29 The question being "Shall the bill pass?".

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

	YES	61	NO	0	EXCUSED	3	ABSENT	1
34								
35	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
36	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
37	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
38	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
39	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	E
40	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
41	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
42	Dore	E	Kagan	Y	Nordberg	Y	Swalm	Y
43	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
44	Everett	-	Labuda	Y	Peniston	Y	Tyler	Y
45	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
46	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
47	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
48	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
49	Garcia	Y	May	E	Rosenthal	Y	Wright	Y
50	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
51							Speaker	Y

52 Co-sponsor(s) added: Representative(s) Becker, Buckner, Exum, Ginal,
 53 Hamner, Hullinghorst, Kagan, Labuda, Pettersen, Primavera, Rosenthal,
 54 Salazar, Tyler, Williams, Young

55
 56

1 **HB14-1254** by Representative(s) Labuda; also Senator(s) Balmer--
 2 Concerning a requirement to disclose fees charged to a
 3 unit owners' association by a community association
 4 manager.

5
 6 The question being "Shall the bill pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the bill
 9 was declared **passed**.

	YES	53	NO	8	EXCUSED	3	ABSENT	1
12	Becker	Y	Gerou	Y	McLachlan	Y	Saine	N
13	Buck	N	Ginal	Y	McNulty	Y	Salazar	Y
14	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
15	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
16	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	E
17	Court	Y	Humphrey	N	Murray	Y	Sonnenberg	Y
18	DelGrosso	Y	Joshi	N	Navarro	Y	Stephens	N
19	Dore	E	Kagan	Y	Nordberg	Y	Swalm	Y
20	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
21	Everett	-	Labuda	Y	Peniston	Y	Tyler	Y
22	Exum	Y	Landgraf	N	Pettersen	Y	Vigil	Y
23	Fields	Y	Lawrence	N	Primavera	Y	Waller	Y
24	Fischer	Y	Lebsock	Y	Priola	N	Williams	Y
25	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
26	Garcia	Y	May	E	Rosenthal	Y	Wright	Y
27	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
28							Speaker	Y

29 Co-sponsor(s) added: Representative(s) Fields, Hullinghorst, Pabon, Ryden,
 30 Schafer, Tyler, Williams

31
 32 **HB14-1191** by Representative(s) Conti, Coram, Court, Ferrandino,
 33 Rosenthal, Scott; also Senator(s) King--Concerning the
 34 creation of an emergency alert program to notify the public
 35 after a serious hit-and-run accident.

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**.

	YES	61	NO	0	EXCUSED	3	ABSENT	1
43	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
44	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
45	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
46	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
47	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	E
48	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
49	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
50	Dore	E	Kagan	Y	Nordberg	Y	Swalm	Y
51	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
52	Everett	-	Labuda	Y	Peniston	Y	Tyler	Y
53	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
54	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
55	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
56	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y

1	Garcia	Y	May	E	Rosenthal	Y	Wright	Y
2	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
3							Speaker	Y

4 Co-sponsor(s) added: Representative(s) Becker, Buckner, Fields, Fischer,
 5 Foote, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock,
 6 Mitsch Bush, Pabon, Peniston, Pettersen, Primavera, Priola, Ryden, Salazar,
 7 Schafer, Tyler, Williams, Wilson, Young

8
 9 **HB14-1210** by Representative(s) Gerou; also Senator(s) Roberts--
 10 Concerning a requirement that a state agency enter into an
 11 intergovernmental agreement with a county to address
 12 wildland fires affecting certain state lands located within
 13 the county.

14
 15 The question being "Shall the bill pass?".
 16 A roll call vote was taken. As shown by the following recorded vote, a
 17 majority of those elected to the House voted in the affirmative and the bill
 18 was declared **passed**.

	YES	61	NO	0	EXCUSED	3	ABSENT	1
21	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
22	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
23	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
24	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
25	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	E
26	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
27	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
28	Dore	E	Kagan	Y	Nordberg	Y	Swalm	Y
29	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
30	Everett	-	Labuda	Y	Peniston	Y	Tyler	Y
31	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
32	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
33	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
34	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
35	Garcia	Y	May	E	Rosenthal	Y	Wright	Y
36	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
37							Speaker	Y

38 Co-sponsor(s) added: Representative(s) Labuda, Rosenthal, Schafer

39
 40 **HB14-1188** by Representative(s) Ryden; also Senator(s) Tochtrop,
 41 Guzman--Concerning revenue generated from the outdoor
 42 advertising program administered by the department of
 43 transportation.

44
 45 The question being "Shall the bill pass?".
 46 A roll call vote was taken. As shown by the following recorded vote, a
 47 majority of those elected to the House voted in the affirmative and the bill
 48 was declared **passed**.

	YES	61	NO	0	EXCUSED	3	ABSENT	1
51	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
52	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
53	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
54	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
55	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	E
56	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y

1	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
2	Dore	E	Kagan	Y	Nordberg	Y	Swalm	Y
3	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
4	Everett	-	Labuda	Y	Peniston	Y	Tyler	Y
5	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
6	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
7	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
8	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
9	Garcia	Y	May	E	Rosenthal	Y	Wright	Y
10	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
11							Speaker	Y

12 Co-sponsor(s) added: Representative(s) Court, Fields, Hullinghorst, Melton,
13 Schafer, Williams

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15
16
17
18 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

19
20 **HB14-1074** by Representative(s) Court and DelGrosso; also Senator(s)
21 Johnston--Concerning payments that a nonprofit owner of
22 a tax-exempt property may receive for reasonable
23 expenses incurred without affecting the tax-exempt status
24 of the property.

25
26 (Amended as printed in Senate Journal, February 21, 2014, pages 338.)

27
28 Representative DelGrosso moved that the House **concur** in Senate
29 amendments. The motion was declared **passed** by the following roll call
30 vote:

	YES	61	NO	1	EXCUSED	3	ABSENT	0
33	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
34	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
35	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
36	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
37	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	E
38	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
39	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	N
40	Dore	E	Kagan	Y	Nordberg	Y	Swalm	Y
41	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
42	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
43	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
44	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
45	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
46	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
47	Garcia	Y	May	E	Rosenthal	Y	Wright	Y
48	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
49							Speaker	Y

50
51 The question being, "Shall the bill, as amended, pass?"

52 A roll call vote was taken. As shown by the following recorded vote, a
53 majority of those elected to the House voted in the affirmative, and the
54 bill, as amended, was declared **repassed**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
1								
2	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
3	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
4	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
5	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
6	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
7	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
8	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
9	Dore	E	Kagan	Y	Nordberg	Y	Swalm	Y
10	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
11	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
12	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
13	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
14	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
15	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
16	Garcia	Y	May	E	Rosenthal	Y	Wright	Y
17	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Rosenthal, Ryden, Vigil

20
21
22
23 On motion of Representative Fischer, the House resolved itself into
24 Committee of the Whole for consideration of General Orders, and he was
25 called to the Chair to act as Chairman.

26
27
28 **GENERAL ORDERS--SECOND READING OF BILLS**

29
30 The Committee of the Whole having risen, the Chairman reported the
31 titles of the following bills had been read (reading at length had been
32 dispensed with by unanimous consent), the bills considered and action
33 taken thereon as follows:

34
35 (Amendments to the committee amendment are to the printed committee
36 report which was printed and placed in the members' bill file.)

37
38 **HB14-1054** by Representative(s) Peniston; also Senator(s) Tochtrop--
39 Concerning restricting access by minors to artificial
40 tanning devices.

41
42 (Previously amended as printed in House Journal, February 25, page 392.)

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

46
47 **HB14-1108** by Representative(s) Primavera, Landgraf, Singer; also
48 Senator(s) Tochtrop, Roberts--Concerning limits on
49 copayments made by a covered person for physical
50 rehabilitation services.

51
52 Amendment No. 1, Health, Insurance, & Environment Report, dated
53 February 11, 2014, and placed in member's bill file; Report also printed
54 in House Journal, February 12, 2014, page(s) 249.

1 Amendment No. 2, by Representative(s) Landgraf.
 2
 3 Amend the Health, Insurance, and Environment Committee Report, dated
 4 February 11, 2014, page 1, line 6, strike "**copayments, coinsurance, and**
 5 **deductibles**" and substitute "**copayments**".
 6
 7 Page 1, strike line 14 and substitute "COPAYMENT THAT".
 8
 9 Page 1, lines 15 and 16, strike "COPAYMENT, COINSURANCE, OR OFFICE
 10 VISIT DEDUCTIBLE AMOUNT" and substitute "COPAYMENT".
 11
 12 Page 1, strike line 18 and substitute:
 13
 14 "(b) THE COPAYMENT".
 15
 16 Page 1, line 20, strike "TWENTY PERCENT OF".
 17
 18 As amended, ordered engrossed and placed on the Calendar for Third
 19 Reading and Final Passage.
 20
 21
 22
 23

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

24
 25
 26 Passed Second Reading: **HB14-1054 amended, 1108 amended.**
 27

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

	YES	49	NO	14	EXCUSED	2	ABSENT	0
34	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
35	Buck	N	Ginal	Y	McNulty	N	Salazar	Y
36	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
37	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	N
38	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
39	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	N
40	DelGrosso	N	Joshi	N	Navarro	N	Stephens	Y
41	Dore	E	Kagan	Y	Nordberg	N	Swalm	N
42	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	N
43	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
44	Exum	Y	Landgraf	N	Pettersen	Y	Vigil	Y
45	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
46	Fischer	Y	Lebsock	Y	Priola	N	Williams	Y
47	Foote	Y	Lee	Y	Rankin	N	Wilson	Y
48	Garcia	Y	May	E	Rosenthal	Y	Wright	N
49	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
50							Speaker	Y

51
 52
 53
 54 House in recess. House reconvened.
 55
 56

REPORT(S) OF COMMITTEE(S) OF REFERENCE**BUSINESS, LABOR, ECONOMIC, & WORKFORCE DEVELOPMENT COMMITTEE**

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

HB14-1075 be postponed indefinitely.

HB14-1272 be postponed indefinitely.

HB14-1278 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

Amend printed bill, page 3, strike lines 11 through 22.

Renumber succeeding sections accordingly.

HEALTH, INSURANCE & ENVIRONMENT

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

HB14-1253 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 14, strike "TOWARDS" and substitute "TOWARD".

Page 6, after line 5 insert:

"(b) A PERSON OF ANY AGE MAY BE "GRAVELY DISABLED", BUT SUCH TERM SHALL NOT INCLUDE A PERSON WHOSE DECISION-MAKING CAPABILITIES ARE LIMITED SOLELY BY HIS OR HER DEVELOPMENTAL DISABILITY."

Page 7, line 19, strike "IS ENCOURAGED TO" and substitute "SHOULD".

Page 7, line 27, strike "IF THE PROVISIONS ARE MEDICALLY" and substitute "UNLESS THE PROVISIONS ARE NOT, IN THE PROVIDER'S INDEPENDENT MEDICAL JUDGMENT, MEDICALLY APPROPRIATE."

Page 8, strike line 1.

Page 10, line 22, strike "it. or a jury has" and substitute "it or a jury has".

Page 10, strike lines 23 through 27 and substitute "~~determined~~ DETERMINES that the respondent has a mental illness or is gravely disabled and that, by reason thereof, the person is unable to competently exercise said right or perform the function as to which the disability is sought to be imposed. Any interested person may ask leave of the court

- 1 to intervene as a copetitioner for the purpose of seeking the imposition of
2 a legal disability or the deprivation of a legal right."
3
4 Page 11, strike line 1.
5
6 Page 44, line 15, strike "TOWARDS" and substitute "TOWARD".
7
8 Page 47, line 14, strike "IS ENCOURAGED TO" and substitute "SHOULD".
9
10 Page 52, line 1, strike "days." and substitute "days, EXCLUDING
11 SATURDAYS, SUNDAYS, AND HOLIDAYS IF TREATMENT AND EVALUATION
12 SERVICES ARE NOT AVAILABLE ON THOSE DAYS."
13
14 Page 52, line 7, after the period add "AN APPROVED TREATMENT FACILITY
15 IS NOT REQUIRED TO ADMIT A PERSON WHO DOES NOT MEET THE FACILITY'S
16 WRITTEN ADMISSION CRITERIA RELATED TO ACUTE MEDICAL NEEDS AND
17 SITUATIONS."
18
19 Page 52, line 27, strike "days;" and substitute "days, EXCLUDING
20 SATURDAYS, SUNDAYS, AND HOLIDAYS IF TREATMENT AND EVALUATION
21 SERVICES ARE NOT AVAILABLE ON THOSE DAYS;"
22
23 Page 53, line 1, strike "days" and substitute "days, EXCLUDING
24 SATURDAYS, SUNDAYS, AND HOLIDAYS IF TREATMENT AND EVALUATION
25 SERVICES ARE NOT AVAILABLE ON THOSE DAYS,"
26
27 Page 53, line 26, before "MAY" insert "WHO IS EIGHTEEN YEARS OF AGE OR
28 OLDER".
29
30 Page 56, line 1, after "HOLD." insert "THE COURT SHALL NOT REQUIRE AN
31 APPROVED TREATMENT FACILITY TO ADMIT A PERSON WHO DOES NOT
32 MEET THE FACILITY'S WRITTEN ADMISSION CRITERIA RELATED TO ACUTE
33 MEDICAL NEEDS AND SITUATIONS."
34
35 Page 56, line 6, strike "EMERGENCY TREATMENT AND EVALUATION" and
36 substitute "APPROVED TREATMENT".
37
38 Page 75, line 14, strike "OR LONG-TERM" and substitute "LONG-TERM, OR
39 EXTENDED LONG-TERM".
40
41 Page 75, strike lines 19 through 24 and substitute:
42 "(I) Has been ~~committed as an alcoholic~~ VOLUNTARILY ADMITTED
43 FOR TREATMENT AS A PERSON WHO MISUSES SUBSTANCES OR WHO IS
44 UNDER THE INFLUENCE OF SUBSTANCES pursuant to section ~~27-81-109 or~~
45 27-81-110, C.R.S.; or".
46
47
48
49 **SB14-039** be referred to the Committee of the Whole with favorable
50 recommendation.
51
52
53
54
55
56

1 **JUDICIARY**

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

4
5 **HB14-1061** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend printed bill, strike everything below the enacting clause and
10 substitute:

11 "SECTION 1. In Colorado Revised Statutes, **amend** 18-1.3-702
12 as follows:

13 **18-1.3-702. Monetary payments - due process required.**

14 (1) (a) When the court imposes a ~~fine upon an individual~~ SENTENCE THAT
15 INCLUDES THE PAYMENT OF A MONETARY AMOUNT, the court may direct
16 as follows:

17 ~~(a)~~ (I) That the defendant pay the entire MONETARY amount of the
18 fine at the time sentence is pronounced;

19 ~~(b)~~ (II) That the defendant pay the entire MONETARY amount of the
20 fine at some later date;

21 ~~(c)~~ (III) That the defendant pay a ~~specified portion of the fine at~~
22 ~~designated periodic intervals, and in such case the court may also direct~~
23 ~~that the fine be remitted to a designated official who shall report to the~~
24 ~~court on any failure to comply with the order~~ AS DIRECTED BY THE COURT
25 OR THE COURT'S DESIGNATED OFFICIAL THE MONETARY AMOUNT:

26 (A) AT A FUTURE DATE CERTAIN IN ITS ENTIRETY;

27 (B) BY PERIODIC PAYMENTS WHICH MAY INCLUDE PAYMENTS AT
28 INTERVALS, REFERRED TO IN THIS SECTION AS A "PAYMENT PLAN"; OR

29 (C) BY OTHER PAYMENT ARRANGEMENT AS DETERMINED BY THE
30 COURT OR THE COURT'S DESIGNATED OFFICIAL;

31 ~~(d)~~ (IV) ~~Where~~ WHEN the defendant is sentenced to a period of
32 probation as well as PAYMENT OF a ~~fine~~ MONETARY AMOUNT, that
33 payment of the ~~fine~~ MONETARY AMOUNT be MADE a condition of
34 probation.

35 (b) A COURT'S DESIGNATED OFFICIAL SHALL REPORT TO THE COURT
36 ON ANY FAILURE TO PAY.

37 (c) AS USED IN THIS SECTION, "COURT'S DESIGNATED OFFICIAL"
38 INCLUDES, BUT IS NOT LIMITED TO, A "COLLECTIONS INVESTIGATOR" AS
39 DEFINED IN SECTION 18-1.3-602 (1).

40 (2) ~~Where~~ WHEN the court imposes a ~~fine~~ SENTENCE THAT
41 INCLUDES PAYMENT OF ANY MONETARY AMOUNT, the ~~sentence~~ COURT
42 shall ~~provide that, except in the case of a corporation~~ INSTRUCT THE
43 DEFENDANT AS FOLLOWS:

44 (a) If AT ANY TIME the defendant ~~fails~~ IS UNABLE to pay the ~~fine in~~
45 ~~accordance with the direction of the court,~~ MONETARY AMOUNT DUE, the
46 defendant shall be imprisoned until the fine is satisfied or the defendant
47 is released as provided in subsections (3) and (6) of this section. This
48 provision shall be added at the time sentence is pronounced. If the
49 defendant fails to pay a fine as directed, the court may issue a warrant for
50 his or her arrest MUST CONTACT THE COURT'S DESIGNATED OFFICIAL OR
51 APPEAR BEFORE THE COURT TO EXPLAIN WHY HE OR SHE IS UNABLE TO PAY
52 THE MONETARY AMOUNT; AND

53 (b) IF THE DEFENDANT HAS THE ABILITY TO PAY THE MONETARY
54 AMOUNT AS DIRECTED BY THE COURT OR THE COURT'S DESIGNEE BUT
55 WILLFULLY FAILS TO PAY, THE DEFENDANT MAY BE IMPRISONED FOR
56 FAILURE TO COMPLY WITH THE COURT'S LAWFUL ORDER TO PAY PURSUANT

1 TO THE TERMS OF THIS SECTION.

2 (3) INCARCERATION FOR FAILURE TO PAY IS PROHIBITED ABSENT
3 PROVISION OF THE FOLLOWING PROCEDURAL PROTECTIONS:

4 (a) WHEN A DEFENDANT IS UNABLE TO PAY A MONETARY AMOUNT
5 DUE WITHOUT UNDUE HARDSHIP TO HIMSELF OR HERSELF OR HIS OR HER
6 DEPENDENTS, THE COURT SHALL NOT IMPRISON THE DEFENDANT FOR HIS
7 OR HER FAILURE TO PAY;

8 (b) EXCEPT IN THE CASE OF A CORPORATION, IF THE DEFENDANT
9 FAILED TO PAY A MONETARY AMOUNT DUE, THE COURT, WHEN
10 APPROPRIATE, MAY CONSIDER A MOTION TO IMPOSE PART OR ALL OF A
11 SUSPENDED SENTENCE, MAY CONSIDER A MOTION TO REVOKE PROBATION,
12 OR MAY INSTITUTE PROCEEDINGS FOR CONTEMPT OF COURT. WHEN
13 INSTITUTING CONTEMPT OF COURT PROCEEDINGS, THE COURT, INCLUDING
14 A MUNICIPAL COURT, SHALL PROVIDE ALL PROCEDURAL PROTECTIONS
15 MANDATED IN RULE 107 OF COLORADO RULES OF CIVIL PROCEDURE OR
16 RULE 407 OF COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE.

17 (c) THE COURT SHALL NOT FIND THE DEFENDANT IN CONTEMPT OF
18 COURT, NOR IMPOSE A SUSPENDED SENTENCE, NOR REVOKE PROBATION,
19 NOR ORDER THE DEFENDANT TO JAIL FOR FAILURE TO PAY UNLESS THE
20 COURT HAS MADE FINDINGS ON THE RECORD, AFTER PROVIDING NOTICE TO
21 THE DEFENDANT AND A HEARING, THAT THE DEFENDANT HAS THE ABILITY
22 TO COMPLY WITH THE COURT'S ORDER TO PAY A MONETARY AMOUNT DUE
23 WITHOUT UNDUE HARDSHIP TO THE DEFENDANT OR THE DEFENDANT'S
24 DEPENDENTS AND THAT THE DEFENDANT HAS NOT MADE A GOOD FAITH
25 EFFORT TO COMPLY WITH THE ORDER. IF THE DEFENDANT FAILS TO APPEAR
26 AT THE HEARING REFERENCED IN THIS PARAGRAPH (c) AFTER RECEIVING
27 NOTICE, THE COURT MAY ISSUE A WARRANT FOR HIS OR HER ARREST FOR
28 FAILURE TO APPEAR. IN NO EVENT SHALL THE COURT ISSUE A WARRANT
29 FOR FAILURE TO PAY MONEY.

30 ~~(3)~~ (4) ~~When the court directs that the defendant be imprisoned~~
31 ~~until the fine is satisfied;~~ IF THE COURT FINDS A DEFENDANT IN CONTEMPT
32 OF COURT FOR WILLFUL FAILURE TO PAY, THE COURT MAY DIRECT THAT
33 THE DEFENDANT BE IMPRISONED UNTIL THE MONETARY PAYMENT
34 ORDERED BY THE COURT IS MADE, BUT the court shall specify a maximum
35 period of imprisonment subject to the following limits:

36 (a) ~~Where~~ WHEN the ~~fine~~ MONETARY AMOUNT was imposed for
37 a felony, the period shall not exceed one year;

38 (b) ~~Where~~ WHEN the ~~fine~~ MONETARY AMOUNT was imposed for
39 a misdemeanor, the period shall not exceed one-third of the maximum
40 term of imprisonment authorized for the misdemeanor;

41 (c) ~~Where~~ WHEN the ~~fine~~ MONETARY AMOUNT was imposed for
42 a petty offense, a traffic violation, or a violation of a municipal ordinance,
43 any of which is punishable by a possible jail sentence, the period shall not
44 exceed fifteen days;

45 ~~(e.5)~~ (d) There shall be no imprisonment in those cases ~~where~~
46 WHEN no imprisonment is provided for in the possible sentence; and

47 ~~(d)~~ (e) ~~Where~~ WHEN a sentence of imprisonment ~~as well as~~ AND
48 a ~~fine~~ MONETARY AMOUNT was imposed, the aggregate of the period and
49 the term of the sentence shall not exceed the maximum term of
50 imprisonment authorized for the offense.

51 ~~(4)~~ ~~Where the defendant is unable to pay a fine imposed by the~~
52 ~~court, the defendant may at any time apply to the court for resentencing. If~~
53 ~~the court is satisfied that the defendant is unable to pay the fine, the court~~
54 ~~shall:~~

55 (a) ~~Adjust the terms of payment; or~~

56 (b) ~~Lower the amount of the fine; or~~

1 ~~(e) Where the sentence consists of probation or imprisonment and~~
 2 ~~a fine, revoke the portion of the sentence imposing the fine; or~~

3 ~~(d) Revoke the entire sentence imposed and resentence the~~
 4 ~~defendant. Upon a resentence, the court may impose any sentence it~~
 5 ~~originally could have imposed, except that the amount of any fine~~
 6 ~~imposed shall not be in excess of the amount the defendant is able to pay.~~

7 (5) Notwithstanding that the defendant was imprisoned for failure
 8 to pay a fine or that he or she has served the period of imprisonment
 9 imposed, a fine may be collected in the same manner as a judgment in a
 10 civil action. The district attorney may, in his or her discretion, and shall,
 11 upon order of the court, institute proceedings to collect such fine. THIS
 12 SECTION APPLIES TO ALL COURTS OF RECORD IN COLORADO, INCLUDING
 13 BUT NOT LIMITED TO MUNICIPAL COURTS.

14 (6) If it satisfactorily appears to the district court of the judicial
 15 district in which a person is confined that such person is confined in jail
 16 or in a correctional facility or other place of confinement, for any fine or
 17 costs of prosecution for any criminal offense, including any violation of
 18 a municipal ordinance, and has no estate whatever with which to pay such
 19 fine and costs, or costs only, it is the duty of the court to discharge such
 20 person from further imprisonment for the fine and costs. Nothing in this
 21 subsection (6) shall authorize any person to be discharged from
 22 imprisonment before the expiration of the time for which he or she may
 23 be sentenced to be imprisoned as part of his or her punishment. The court
 24 shall hear without delay any application made under this subsection (6).
 25 NOTHING IN THIS SECTION PREVENTS THE COLLECTION OF A MONETARY
 26 AMOUNT IN THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION.

27 **SECTION 2. Applicability.** This act applies to sentences entered
 28 and to hearings for failure to make monetary payments conducted on or
 29 after the effective date of this act.

30 **SECTION 3. Safety clause.** The general assembly hereby finds,
 31 determines, and declares that this act is necessary for the immediate
 32 preservation of the public peace, health, and safety."
 33
 34
 35

36 **HB14-1171** be referred to the Committee of the Whole with favorable
 37 recommendation.
 38
 39

40 **SB14-027** be amended as follows, and as so amended, be referred to
 41 the Committee on Finance with favorable
 42 recommendation:
 43

44 Amend reengrossed bill, page 3, strike line 21 and substitute
 45 "INVESTIGATOR. THE".
 46
 47
 48

49 **SB14-048** be referred to the Committee of the Whole with favorable
 50 recommendation.
 51
 52
 53
 54
 55

1 **PUBLIC HEALTH CARE & HUMAN SERVICES COMMITTEE**

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

4
5 **HB14-1276** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend printed bill, page 5, line 5, strike "AND".

10
11 Page 5, after line 5 insert:

12
13 "(c) THE PROCESS FOR ACHIEVING A BALANCED DISTRIBUTION OF
14 GRANT MONEYS TO APPLICANTS INCLUDING RURAL, URBAN, AND
15 SUBURBAN LOCAL EDUCATION PROVIDERS; AND".

16
17 Reletter succeeding paragraph accordingly.

18
19
20
21 **SB14-109** be referred favorably to the Committee on Appropriations.

22
23
24
25
26 **PRINTING REPORT**

27
28 The Chief Clerk reports the following bills have been correctly printed:
29 **HB14-1292, 1293.**

30
31
32
33
34 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

35
36 The Speaker has signed: **HB14-1024, 1059, 1111.**

37
38
39
40
41 **DELIVERY OF BILLS TO GOVERNOR**

42
43 The Chief Clerk of the House of Representatives reports the following
44 bills have been delivered to the Office of the Governor: **HB14-1035,**
45 **1086** at 1:39 p.m. on February 26, 2014.

46
47
48
49
50 **MESSAGE(S) FROM THE SENATE**

51
52 Mr. Speaker:

53
54 The Senate has passed on Third Reading and transmitted to the Revisor
55 of Statutes: SB14-142.

56

1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes:
3 SB14-049 amended in General Orders as printed in Senate Journal,
4 February 25, 2014, page 358.
5 SB14-114 amended in General Orders as printed in Senate Journal,
6 February 25, 2014, page 360.
7 SB14-129 amended in General Orders as printed in Senate Journal,
8 February 25, 2014, pages 359-360.
9
10 The Senate has passed on Third Reading and returns herewith: HB14-
11 1005, HB 14-1008, HB14-1050, HB14-1083, and HB 14-1099.
12
13
14
15

16 The Senate voted to concur in House amendments to SB14-052 and
17 repassed the bill as so amended.
18
19
20

21 MESSAGE(S) FROM THE REVISOR

22 We herewith transmit:
23 without comment, **SB14-142**.
24 without comment, as amended, **SB14-049, 114 amd 129**.
25
26
27
28

29 INTRODUCTION OF BILLS

30 First Reading

31 The following bills were read by title and referred to the committees
32 indicated:
33

34 **HB14-1294** by Representative(s) Murray, Court; also Senator(s)
35 Steadman and Jahn--Concerning student data collection
36 privacy protections administered by the department of
37 education.
38

39 Committee on Education
40

41 **HB14-1295** by Representative(s) McCann, Williams, Exum, Fields,
42 Labuda, Lebsock, Lee, Rosenthal, Ryden, Salazar; also
43 Senator(s) Ulibarri--Concerning residential mortgage
44 foreclosures, and, in connection therewith, requiring a
45 single point of contact and prohibiting dual tracking.
46

47 Committee on Business, Labor, Economic, & Workforce Development
48

49 **SB14-049** by Senator(s) Heath; also Representative(s) Priola--
50 Concerning endangering public utility transmission, and,
51 in connection therewith, making an appropriation.
52

53 Committee on Judiciary
54
55

1 **SB14-114** by Senator(s) Todd, Newell, Kefalas, Kerr; also
 2 Representative(s) Hamner and Holbert--Concerning
 3 expanding access for all students to Colorado state
 4 university - global campus.

5 Committee on Education
 6 Committee on Appropriations
 7

8 **SB14-129** by Senator(s) Steadman; also Representative(s) May--
 9 Concerning changes to criminal provisions related to
 10 marijuana, and, in connection therewith, making an
 11 appropriation.

12 Committee on Judiciary
 13

14 **SB14-142** by Senator(s) Schwartz, Guzman, Harvey, Hodge, Jones,
 15 Roberts, Tochtrop; also Representative(s) Fischer--
 16 Concerning an exception for certain water system facilities
 17 from the facilities that the commissioner of agriculture has
 18 a duty to inspect regarding pesticide storage.

19 Committee on Agriculture, Livestock, & Natural Resources
 20
 21

INTRODUCTION OF RESOLUTION

22
 23
 24
 25
 26 The following resolution was read by title and laid over one day under the
 27 rules:

28
 29 **HJR14-1009** by Representative(s) Williams, Buckner, Exum, Fields,
 30 Melton, Salazar, Becker, Court, Duran, Ferrandino,
 31 Fischer, Foote, Garcia, Ginal, Hamner, Hullinghorst,
 32 Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, May,
 33 McCann, McLachlan, Mitsch Bush, Moreno, Pabon,
 34 Peniston, Pettersen, Primavera, Rosenthal, Ryden, Schafer,
 35 Singer, Tyler, Vigil, Young; also Senator(s) Ulibarri--
 36 Concerning a request that Congress restore the federal
 37 "Voting Rights Act of 1965", as amended.
 38
 39

40
 41
 42 On motion of Representative Hullinghorst, the following bill(s)
 43 calendared for General Orders, February 27, will be placed at the end of
 44 the calendar: **HB14-1261**.

LAY OVER OF CALENDAR ITEM(S)

45
 46
 47
 48
 49
 50 On motion of Representative Hullinghorst, the following item(s) on the
 51 Calendar were laid over until February 27, retaining place on Calendar:

52
 53 Consideration of General Orders--**HB14-1042 laid over until end of
 54 calendar** .

55 Consideration of Resolution(s)--**SJR14-006, 011**.
 56

1 On motion of Representative Hullinghorst, the following item(s) on the
2 Calendar were laid over until March 3, retaining place on Calendar:

3

4 Consideration of General Orders--**HB14-1186**

5

6

7

8 On motion of Representative Hullinghorst, the House adjourned until
9 9:00 a.m., February 27, 2014.

10

11

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Approved:
MARK FERRANDINO,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk