

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

Forty-fifth Legislative Day

Friday, February 21, 2014

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

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

5
 6 Pledge of Allegiance led by Max Salmon, Shining Mountain Waldorf
 7 School, Mira Salmon, Whittier Elementary, Boulder.

8
 9 The roll was called with the following result:

10
 11 Present--62.
 12 Excused--Representative(s) Everett, McNulty, Sonnenberg--3.
 13 Present after roll call--Representative(s) Everett.

14
 15 The Speaker declared a quorum present.

16
 17
 18 On motion of Representative Kraft-Tharp, the reading of the journal of
 19 February 20, 2014, was declared dispensed with and approved as
 20 corrected by the Chief Clerk.

21
 22
 23
 24 **THIRD READING OF BILL(S)--FINAL PASSAGE**

25
 26 The following bill(s) were considered on Third Reading. The title(s)
 27 were publicly read. Reading of the bill at length was dispensed with by
 28 unanimous consent.

29
 30 **HB14-1229** by Representative(s) Kagan and Wright, Buckner, Conti,
 31 Gardner, Lawrence, Salazar, Swalm; also Senator(s)
 32 Johnston and King--Concerning authorizing sharing
 33 information between state and local government agencies
 34 related to legal marijuana.

35
 36 The question being "Shall the bill pass?".
 37 A roll call vote was taken. As shown by the following recorded vote, a
 38 majority of those elected to the House voted in the affirmative and the bill
 39 was declared **passed**.

40
 41

	YES	63	NO	0	EXCUSED	2	ABSENT	0
42	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
43	Buck	Y	Ginal	Y	McNulty	E	Salazar	Y

1	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
2	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
3	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
4	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	E
5	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
6	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
7	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
8	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
9	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
10	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
11	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
12	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
13	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
14	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
15							Speaker	Y

16 Co-sponsor(s) added: Representative(s) Becker, Exum, Fields, Foote, Ginal,
17 Hullinghorst, Labuda, Lee, Melton, Mitsch Bush, Murray, Pabon, Schafer,
18 Scott, Stephens, Williams

19

20 **SB14-047** by Senator(s) Tochtrop, Roberts; also Representative(s)
21 Dore--Concerning the payment of death benefits for
22 seasonal wildland firefighters killed in the line of duty.

23

24 As shown by the following roll call vote, a majority of all members
25 elected to the House voted in the affirmative, and Representative Dore
26 was given permission to offer a Third Reading amendment:

27

28	YES	63	NO	0	EXCUSED	2	ABSENT	0
29	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
30	Buck	Y	Ginal	Y	McNulty	E	Salazar	Y
31	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
32	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
33	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
34	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	E
35	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
36	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
37	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
38	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
39	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
40	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
41	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
42	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
43	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
44	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
45							Speaker	Y

46

47 **Third Reading amendment No. 1**, by Representative Dore.

48

49 Amend revised bill, page 5, strike lines 8 through 10 and substitute
50 ""SWIFT" CREW MEMBER SHALL BE THE EXCLUSIVE REMEDY FROM THE
51 STATE, ANY STATE ENTITY, OR ANY STATE EMPLOYEE FOR THE DEATH.".

52

53 The amendment was declared **passed** by the following roll call vote:

54

55

	YES	63	NO	0	EXCUSED	2	ABSENT	0
1								
2	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
3	Buck	Y	Ginal	Y	McNulty	E	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	E
8	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
9	Dore	Y	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	Y	Rosenthal	Y	Wright	Y
17	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
18							Speaker	Y
19								

20 The question being, "Shall the bill, as amended, pass?".

21 A roll call vote was taken. As shown by the following recorded vote, a
 22 majority of those elected to the House voted in the affirmative, and the
 23 bill, as amended, was declared **passed**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
25								
26	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
27	Buck	Y	Ginal	Y	McNulty	E	Salazar	Y
28	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
29	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
30	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
31	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	E
32	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
33	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
34	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
35	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
36	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
37	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
38	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
39	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
40	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
41	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Buckner, Court, Duran, Exum, Fields,
 44 Fischer, Foote, Garcia, Gerou, Ginal, Hamner, Holbert, Hullinghorst, Joshi,
 45 Labuda, Lawrence, Lebsock, May, Mitsch Bush, Moreno, Murray, Pettersen,
 46 Primavera, Rosenthal, Ryden, Saine, Salazar, Schafer, Singer, Stephens, Vigil,
 47 Williams, Wilson, Young

48
 49 **HB14-1208** by Representative(s) Wright and Hamner, Ferrandino; also
 50 Senator(s) Zenzinger, King--Concerning authorizing the
 51 department of education to recognize as administrative
 52 units for purposes of the "Exceptional Children's
 53 Educational Act" groups of school districts that were
 54 parties to joint agreements existing on January 1, 2011, to
 55 provide special education services without forming a
 56 board of cooperative services.

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

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

23 Co-sponsor(s) added: Representative(s) Fields, Fischer, Ginal, Holbert,
 24 Hullinghorst, Labuda, Mitsch Bush, Rosenthal, Vigil, Wilson, Young

25
 26 **HB14-1224** by Representative(s) Gardner; also Senator(s) Herpin--
 27 Concerning a set aside goal in state procurement for
 28 service-disabled veteran owned small businesses.

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

	YES	56	NO	7	EXCUSED	2	ABSENT	0
35	Becker	Y	Gerou	Y	McLachlan	Y	Saine	N
36	Buck	N	Ginal	Y	McNulty	E	Salazar	Y
37	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
38	Conti	Y	Holbert	N	Mitsch Bush	Y	Scott	Y
39	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
40	Court	Y	Humphrey	N	Murray	N	Sonnenberg	E
41	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
42	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
43	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
44	Everett	N	Labuda	Y	Peniston	Y	Tyler	Y
45	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
46	Fields	Y	Lawrence	N	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	Y	Rosenthal	Y	Wright	Y
50	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
51							Speaker	Y

52 Co-sponsor(s) added: Representative(s) Duran, Exum, Fields, Fischer, Foote,
 53 Garcia, Gerou, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Lebsock,
 54 Lee, Mitsch Bush, Priola, Rankin, Rosenthal, Ryden, Salazar, Schafer, Tyler,
 55 Waller, Williams, Wright, Young, Speaker

56

1 On motion of Representative Williams, the House resolved itself into
2 Committee of the Whole for consideration of General Orders, and she
3 was called to the Chair to act as Chairman.
4

5

6

7

GENERAL ORDERS--SECOND READING OF BILLS

8

9 The Committee of the Whole having risen, the Chairman reported the
10 titles of the following bills had been read (reading at length had been
11 dispensed with by unanimous consent), the bills considered and action
12 taken thereon as follows:
13

14 (Amendments to the committee amendment are to the printed committee
15 report which was printed and placed in the members' bill file.)
16

17 **HB14-1152** by Representative(s) Lawrence, Dore, Holbert, Joshi,
18 Landgraf, Navarro, Rankin, Scott, Stephens, Waller,
19 Wilson; also Senator(s) Scheffel--Concerning passive
20 surveillance records of governmental entities.
21

22 Amendment No. 1, Judiciary Report, dated February 18, 2014, and placed
23 in member's bill file; Report also printed in House Journal, February 19,
24 2014, page(s) 332
25

26 As amended, ordered engrossed and placed on the Calendar for Third
27 Reading and Final Passage.
28

29

30

31 **SB14-067** by Senator(s) Aguilar; also Representative(s) Singer--
32 Concerning aligning certain state medical assistance
33 programs' eligibility laws with the federal "Patient
34 Protection and Affordable Care Act".

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

38

39

40 **HB14-1184** by Representative(s) Vigil; also Senator(s) Grantham--
41 Concerning conservancy districts.

42 Amendment No. 1, Local Government Report, dated February 19, 2014,
43 and placed in member's bill file; Report also printed in House Journal,
44 February 20, 2014, page(s) 347
45

46 As amended, ordered engrossed and placed on the Calendar for Third
47 Reading and Final Passage.
48

49

50

51 **HB14-1193** by Representative(s) Salazar; also Senator(s) Kefalas--
52 Concerning requirements governing the imposition of a
53 fee for the research and retrieval of public records under
54 the "Colorado Open Records Act".
55

1 Amendment No. 1, Local Government Report, dated February 19, 2014,
2 and placed in member's bill file; Report also printed in House Journal,
3 February 20, 2014, page(s) 348

4
5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **HB14-1223** by Representative(s) Coram; also Senator(s) Crowder--
9 Concerning the reclassification of Dolores county for the
10 purpose of statutory provisions fixing the salaries of
11 county officers.

12
13 Amendment No. 1, Local Government Report, dated February 19, 2014,
14 and placed in member's bill file; Report also printed in House Journal,
15 February 20, 2014, page(s) 348

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

19
20 **HB14-1265** by Representative(s) Moreno--Concerning the regulation
21 of games of chance.

22
23 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
24 February 19, 2014, and placed in member's bill file; Report also printed
25 in House Journal, February 20, 2014, page(s) 348

26
27 As amended, ordered engrossed and placed on the Calendar for Third
28 Reading and Final Passage.

29
30 **HB14-1222** by Representative(s) McLachlan; also Senator(s) Schwartz
31 and Roberts--Concerning modification of the terms under
32 which a county may issue tax-exempt private activity
33 bonds on behalf of an eligible applicant for the purpose of
34 financing an eligible clean energy project on the
35 applicant's property.

36
37 Amendment No. 1, by Representative(s) Coram.

38
39 Amend printed bill, page 2, line 13, strike "~~one million~~ FIVE HUNDRED
40 THOUSAND dollars" and substitute "FIVE HUNDRED THOUSAND DOLLARS
41 FOR A GEOTHERMAL ENERGY PROJECT AND one million dollars FOR ANY
42 OTHER TYPE OF ELIGIBLE CLEAN ENERGY PROJECT".

43
44 Page 2, lines 18 and 19, strike "~~ten~~ FIFTEEN years AND MAY" and
45 substitute "FIFTEEN YEARS FOR A GEOTHERMAL ENERGY PROJECT AND ten
46 years FOR ANY OTHER TYPE OF ELIGIBLE CLEAN ENERGY PROJECT AND
47 MAY, FOR A GEOTHERMAL ENERGY PROJECT ONLY,".

48
49 Page 1, lines 103 and 104, strike "AN ELIGIBLE CLEAN" and substitute "A
50 GEOTHERMAL".

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

54
55

1 **HB14-1228** by Representative(s) Peniston and Szabo; also Senator(s)
 2 Tochtrop, King--Concerning the repeal of certain
 3 requirements for defensive driving schools attended in
 4 accordance with a court order resulting from a violation of
 5 a law regulating the operation of a motor vehicle.
 6

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

10
 11
 12 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
 13

14 Passed Second Reading: **HB14-1152 amended, SB14-067, HB14-1184**
 15 **amended, 1193 amended, 1223 amended, 1265 amended, 1222**
 16 **amended, 1228.**
 17

18 The Chairman moved the adoption of the Committee of the Whole
 19 Report. As shown by the following roll call vote, a majority of those
 20 elected to the House voted in the affirmative, and the Report was
 21 **adopted.**
 22

	YES	62	NO	0	EXCUSED	3	ABSENT	0
24	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
25	Buck	Y	Ginal	Y	McNulty	E	Salazar	Y
26	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
27	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	E
28	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
29	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	E
30	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
31	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
32	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
33	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
34	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
35	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
36	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
37	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
38	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
39	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
40							Speaker	Y

41
 42
 43 **CONSIDERATION OF RESOLUTION(S)**
 44

45 **SJR14-004** by Senator(s) Schwartz; also Representative(s) **Fischer--**
 46 Concerning approval of water project revolving fund
 47 eligibility lists administered by the Colorado water
 48 resources and power development authority.
 49

50 (Printed and placed in members' file)
 51

52 On motion of Representative Fischer, the resolution was **adopted by viva**
 53 **voce** vote.
 54

55 Co-sponsor(s) added: Representative(s) Becker, Buckner, Coram, Court, Exum,
 56 Fields, Garcia, Gardner, Ginal, Hamner, Hullinghorst, Kagan, Labuda,

1 Landgraf, Lawrence, Lebsock, Lee, McLachlan, Melton, Mitsch Bush,
2 Pettersen, Primavera, Rankin, Rosenthal, Ryden, Saine, Salazar, Schafer,
3 Singer, Swalm, Tyler, Vigil, Williams, Wilson, Young, Speaker
4
5

6
7 House in recess. House reconvened.
8
9

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

12
13 **APPROPRIATIONS**

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

16
17 **HB14-1034** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:
20

21 Amend printed bill, page 4, after line 18 insert:

22
23 **"SECTION 5. Appropriation.** (1) In addition to any other
24 appropriation, there is hereby appropriated, out of any moneys in the
25 liquor enforcement division and state licensing authority cash fund
26 created in section 24-35-401, Colorado Revised Statutes, not otherwise
27 appropriated, to the department of revenue, for the fiscal year beginning
28 July 1, 2014, the sum of \$5,202, or so much thereof as may be necessary,
29 to be allocated for the implementation of this act as follows:

30 (a) \$1,082 to the liquor and tobacco enforcement division for
31 personal services; and

32 (b) \$4,120 for the purchase of computer center services.

33 (2) In addition to any other appropriation, there is hereby
34 appropriated to the governor - lieutenant governor - state planning and
35 budgeting, for the fiscal year beginning July 1, 2014, the sum of \$4,120,
36 or so much thereof as may be necessary, for allocation to the office of
37 information technology, for the provision of computer center services for
38 the department of revenue related to the implementation of this act. Said
39 sum is from reappropriated funds received from the department of
40 revenue out of the appropriation made in paragraph (b) of subsection (1)
41 of this section."
42

43 Renumber succeeding section accordingly.
44

45 Page 1, line 103, strike "MANUFACTURER." and substitute
46 "MANUFACTURER, AND, IN CONNECTION THEREWITH, MAKING AN
47 APPROPRIATION."
48

49
50
51 **HB14-1042** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:
54

55 Amend printed bill, page 3, after line 22 insert:
56

1 **"SECTION 3. Appropriation.** In addition to any other
2 appropriation, there is hereby appropriated, out of any moneys in the vital
3 statistics records cash fund created in section 25-2-121 (2) (b) (I),
4 Colorado Revised Statutes, not otherwise appropriated, to the department
5 of public health and environment, for the fiscal year beginning July 1,
6 2014, the sum of \$14,423 and 0.3 FTE, or so much thereof as may be
7 necessary, for allocation to health statistics and vital records for personal
8 services related to the implementation of this act."

9
10 Renumber succeeding section accordingly.

11
12 Page 1, line 102, strike "**RIGHTS.**" and substitute "**RIGHTS, AND, IN**
13 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**"

14
15
16
17 **HB14-1054** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:

20
21 Amend printed bill, page 3, after line 3 insert:

22
23 **"SECTION 2. Appropriation.** (1) In addition to any other
24 appropriation, there is hereby appropriated, out of any moneys in the
25 artificial tanning device education fund created in section 25-5-1004 (3),
26 Colorado Revised Statutes, not otherwise appropriated, to the department
27 of public health and environment, for the fiscal year beginning July 1,
28 2014, the sum of \$8,822 and 0.1 FTE, or so much thereof as may be
29 necessary, to be allocated to division of environmental health and
30 sustainability for the implementation of this act as follows:

- 31 (a) \$7,982 and 0.1 FTE for personal services; and
32 (b) \$840 for operating expenses."

33
34 Renumber succeeding section accordingly.

35
36 Page 1, line 102, strike "**DEVICES.**" and substitute "**DEVICES, AND, IN**
37 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**"

38
39
40
41 **HB14-1100** be amended as follows, and as so amended, be referred to
42 the Committee of the Whole with favorable
43 recommendation:

44
45 Amend printed bill, page 11, after line 11 insert:

46
47 **"SECTION 7. Appropriation.** (1) In addition to any other
48 appropriation, there is hereby appropriated, out of any moneys in the
49 Colorado state titling and registration account of the highway users tax
50 fund created in section 42-1-211 (2), Colorado Revised Statutes, not
51 otherwise appropriated, to the department of revenue, for the fiscal year
52 beginning July 1, 2014, the sum of \$97,850, or so much thereof as may
53 be necessary, to be allocated to the information technology division for
54 the purchase of computer programming services related to the
55 implementation of this act.

56 (2) In addition to any other appropriation, there is hereby

1 appropriated to the governor - lieutenant governor - state planning and
2 budgeting, for the fiscal year beginning July 1, 2014, the sum of \$97,850,
3 or so much thereof as may be necessary, for allocation to the office of
4 information technology, for the provision of computer center services for
5 the department of revenue related to the implementation of this act. Said
6 sum is from reappropriated funds received from the department of
7 revenue out of the appropriation made in subsection (1) of this section."
8

9 Renumber succeeding section accordingly.
10

11 Page 1, line 103, strike "VALUE." and substitute "VALUE, AND, IN
12 CONNECTION THEREWITH, MAKING AN APPROPRIATION."
13

14

15

16

17 **HB14-1101** be re-referred favorably to the Committee on
18 Transportation & Energy.
19

20

21

22 **HB14-1150** be postponed indefinitely.
23

24

25

26

27

28 **BUSINESS, LABOR, ECONOMIC, & WORKFORCE DEVELOPMENT**

29 **COMMITTEE**

30 After consideration on the merits, the Committee recommends the
31 following:
32

33

34 **HB14-1082** be amended as follows, and as so amended, be referred to
35 the Committee of the Whole with favorable
36 recommendation:
37

38

39 Amend printed bill, strike everything below the enacting clause and
40 substitute:
41

42 "SECTION 1. In Colorado Revised Statutes, add 10-7-105.5 as
43 follows:
44

45 **10-7-105.5. Lapse of life insurance policy - notice - affidavit of**

46 **mailing or electronic transmission - legislative declaration.** (1) THE

47 GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT IT IS

48 BENEFICIAL TO CITIZENS OF THIS STATE FOR LIFE INSURERS, PRIOR TO THE

49 LAPSE OF INDIVIDUAL LIFE INSURANCE POLICIES FOR NONPAYMENT OF

50 PREMIUM, TO PROVIDE WRITTEN NOTICE IN A UNIFORM MANNER TO POLICY

51 OWNERS.
52

53 (2) A NOTICE OF LAPSE OF AN INDIVIDUAL LIFE INSURANCE POLICY
54 FOR NONPAYMENT OF PREMIUM IS EFFECTIVE ONLY IF:

55 (a) THE INFORMATION IS MAILED ALONG WITH THE REASON FOR
56 THE LAPSE BY FIRST-CLASS UNITED STATES MAIL TO THE LAST-KNOWN
ADDRESS OF THE POLICY OWNER AT LEAST TWENTY-FIVE DAYS BEFORE
THE EFFECTIVE DATE OF LAPSE; OR

(b) THE INFORMATION IS TRANSMITTED ALONG WITH THE REASON
FOR THE LAPSE BY ELECTRONIC MAIL, IF THE POLICY OWNER CONSENTS TO
RECEIVE INFORMATION RELATED TO AN INDIVIDUAL LIFE INSURANCE
POLICY IN ELECTRONIC FORM, TO THE LAST-KNOWN ELECTRONIC MAIL
ADDRESS OF THE POLICY OWNER ON FILE WITH THE INSURER AT LEAST
TWENTY-FIVE DAYS BEFORE THE EFFECTIVE DATE OF LAPSE OF THE

1 INDIVIDUAL LIFE INSURANCE POLICY.

2 (3) THE AFFIDAVIT, EXECUTED UNDER PENALTY OF PERJURY, OF
3 ANY OFFICER, CLERK, OR AGENT OF THE INSURER OR OF ANYONE
4 AUTHORIZED TO MAIL OR ELECTRONICALLY TRANSMIT NOTICES REQUIRED
5 BY SUBSECTION (2) OF THIS SECTION, CONSTITUTES PROOF OF NOTICE
6 UNDER THIS SECTION.

7 (4) THIS SECTION DOES NOT APPLY TO INDIVIDUAL LIFE INSURANCE
8 POLICIES UPON WHICH PREMIUMS ARE PAID MONTHLY OR AT MORE
9 FREQUENT INTERVALS.

10 (5) THE COMMISSIONER MAY ADOPT RULES NECESSARY FOR THE
11 ADMINISTRATION OF THIS SECTION.

12 **SECTION 2. Act subject to petition - effective date -**
13 **applicability.** (1) This act takes effect January 1, 2015; except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within the ninety-day period after final adjournment of the general
17 assembly, then the act, item, section, or part will not take effect unless
18 approved by the people at the general election to be held in November
19 2014 and, in such case, will take effect on January 1, 2015, or on the date
20 of the official declaration of the vote thereon by the governor, whichever
21 is later.

22 (2) This act applies to notices of lapse of individual life insurance
23 policies on or after the applicable effective date of this act."

24
25 Page 1, line 102, change the period to a comma and add "AND IN
26 CONNECTION THEREWITH, REQUIRING WRITTEN NOTICE PRIOR TO THE
27 LAPSE OF INDIVIDUAL LIFE INSURANCE POLICIES."

28
29

30

31 **HB14-1187** be referred favorably to the Committee on Judiciary.

32

33

34 **HB14-1199** be amended as follows, and as so amended, be referred to
35 the Committee on Appropriations with favorable
36 recommendation:

37

38 Amend printed bill, page 7, line 18, after "INSURER;" add "OR".

39

40 Page 7, strike lines 19 through 22.

41

42 Renumber succeeding subparagraph accordingly.

43

44 Page 7, strike lines 26 and 27.

45

46 Page 8, strike lines 1 through 18.

47

48 Reletter succeeding paragraphs accordingly.

49

50 Page 8, line 19, strike "(III)" and substitute "(II)".

51

52 Page 10, line 26, strike "(I)".

53

54 Page 11, strike lines 4 through 6.

55

56 Page 12, after line 7 insert:

1 "(4) AN INSURER THAT ISSUED A REIMBURSEMENT INSURANCE
2 POLICY TO A PROVIDER SHALL NOT TERMINATE THE POLICY UNTIL A
3 NOTICE OF TERMINATION HAS BEEN MAILED OR DELIVERED TO THE
4 INSURED PROVIDER AS REQUIRED BY APPLICABLE LAW WITH A COPY OF THE
5 NOTICE PROVIDED TO THE COMMISSIONER. THE TERMINATION OF A
6 REIMBURSEMENT INSURANCE POLICY DOES NOT REDUCE THE ISSUER'S
7 RESPONSIBILITY FOR SERVICE CONTRACTS ISSUED BY PROVIDERS PRIOR TO
8 THE DATE OF THE TERMINATION."
9

10 Page 15, strike lines 16 through 19 and substitute:
11

12 "(3) A MANUFACTURER OR SELLER OF ANY PRODUCT SHALL NOT
13 REQUIRE THE PURCHASE OF A SERVICE CONTRACT AS A CONDITION FOR THE
14 SALE OF ANY PROPERTY.
15

16 (4) NOTHING IN THIS SECTION LIMITS OR PROHIBITS A PERSON FROM
17 PURSUING ANY CLAIM, CAUSE OF ACTION, OR RIGHT AVAILABLE UNDER
18 COLORADO LAW."
19

20 Page 16, line 19, strike "**provisions.**" and substitute "**provisions - rules.**".
21

22 Page 16, strike lines 20 and 21 and substitute "MAY CONDUCT MARKET
23 EXAMINATIONS OR FINANCIAL EXAMINATIONS OF PROVIDERS UNDER
24 SECTIONS 10-1-201 TO 10-1-205 TO ENFORCE THIS PART 16."
25

26 Page 17, after line 1 insert:
27

28 "(2) THE PROVIDER EXAMINED IN ANY FINANCIAL OR MARKET
29 CONDUCT EXAMINATION SHALL BEAR THE COST OF THE EXAMINATION IN
30 ACCORDANCE WITH SECTION 10-1-205 (4)."
31

32 Renumber succeeding subsections accordingly.
33

34 Page 17, strike lines 3 and 4 and substitute "MAY TAKE THE FOLLOWING
35 DISCIPLINARY ACTIONS:".
36

37 Page 17, after line 21 insert:
38

39 "(c) A PERSON AGGRIEVED BY ANY ACTION TAKEN OR PENALTY
40 ASSESSED UNDER THIS SUBSECTION (3) MAY REQUEST A REVIEW IN
41 ACCORDANCE WITH SECTION 10-1-205 (4)."
42

43 Page 17, line 26, strike "(3)" and substitute "(4)".
44

45 Page 18, strike lines 2 through 16 and substitute:
46

47 "(5) THE COMMISSIONER MAY PROMULGATE RULES TO IMPLEMENT
48 THE PROVISIONS OF THIS PART 16.
49

50 **SECTION 3.** In Colorado Revised Statutes, 42-11-101, **amend**
51 (2) as follows:
52

53 **42-11-101. Definitions.** As used in this article, unless the context
54 otherwise requires:
55

56 (2) "Motor vehicle" means any vehicle subject to registration
57 under section 42-1-102 (58) OR ANY POWERSPORTS VEHICLE AS DEFINED
58 IN SECTION 12-6-502 (10), C.R.S.
59

60 **SECTION 4. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect January 1, 2015; except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within the ninety-day period after final adjournment of the general
5 assembly, then the act, item, section, or part will not take effect unless
6 approved by the people at the general election to be held in November
7 2014 and, in such case, will take effect on January 1, 2015, or on the date
8 of the official declaration of the vote thereon by the governor, whichever
9 is later."

10

11

12

13 **HB14-1254** be referred to the Committee of the Whole with favorable
14 recommendation.

15

16

17

18

19 **FINANCE**

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

22

23 **HB14-1029** be amended as follows, and as so amended, be referred to
24 the Committee on Appropriations with favorable
25 recommendation:

26

27 Amend the Transportation and Energy Committee Report, dated February
28 5, 2014, page 1, strike line 11 and substitute:

29

30 "Page 5 of the printed bill, line 13, strike "OFFICER'S" and substitute
31 "OFFICIAL'S".

32

33 Page 2 of the report, strike line 16 and substitute:

34

35 "Page 10 of the bill, line 21, strike "**Temporary**" and substitute
36 "**Ninety-day**".

37

38 Page 3 of the report, after line 2 insert:

39

40 "Page 12 of the bill, line 17, strike "AN" and substitute "A".

41

42 Page 3 of the report, line 5, strike ""BY MAIL"" and substitute ""BY MAIL
43 OR"".

44

45

46

47 **HB14-1046** be amended as follows, and as so amended, be referred to
48 the Committee on Appropriations with favorable
49 recommendation:

50

51 Amend printed bill, page 3, line 1, strike "AMOUNT" and substitute
52 "AMOUNT, NOT LESS THAN FIFTEEN DOLLARS,".

53

54

55

56

1 **HEALTH, INSURANCE & ENVIRONMENT**

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

4
5 **HB14-1186** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

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

11
12 **"SECTION 1. Legislative declaration.** (1) The general
13 assembly finds that:

14 (a) The state board of health recently repealed a rule that set the
15 fees that may be charged to third parties for patient medical records;

16 (b) Having clearly established fees creates a stable and predictable
17 business environment that allows for the provision of medical records at
18 a reasonable price;

19 (c) The task of providing medical records is complex due to state
20 and federal privacy laws that require the careful review of each record in
21 order to protect patient privacy;

22 (d) The "Health Insurance Portability and Accountability Act of
23 1996", Pub.L. 104-191, as amended ("HIPAA"), has had a significant
24 impact on the provision of medical records and patient privacy.

25 (2) Therefore, it is the intent of the general assembly to establish
26 in statute maximum reasonable fees that may be charged to third parties,
27 other than patients and their personal representatives, that were previously
28 set by rule of the state board of health. These maximum fees are intended
29 to apply only to third parties and not, under any circumstances, to patients
30 or their personal representatives, because HIPAA governs those fees.

31 **SECTION 2.** In Colorado Revised Statutes, 25-1-801, **amend**
32 (1) (a), (1) (b) (I), and (2); and **add** (5) as follows:

33 **25-1-801. Patient records in custody of health care facility -**
34 **definitions.** (1) (a) Every patient record in the custody of a health facility
35 licensed or certified pursuant to section 25-1.5-103 (1) or article 3 of this
36 title, or both, or any entity regulated under title 10, C.R.S., providing
37 health care services, as defined in section 10-16-102 (33), C.R.S., directly
38 or indirectly through a managed care plan, as defined in section
39 10-16-102 (43), C.R.S., or otherwise shall be available for inspection to
40 the patient or the patient's ~~designated~~ PERSONAL representative through
41 the attending health care provider or ~~such~~ THE provider's designated
42 representative at reasonable times and upon reasonable notice, except
43 records pertaining to ~~mental health problems or notes by a physician that,~~
44 ~~in the opinion of a licensed physician who practices psychiatry and is an~~
45 ~~independent third party, would have significant negative psychological~~
46 ~~impact upon the patient. Such independent third-party physician shall~~
47 ~~consult with the attending physician prior to making a determination with~~
48 ~~regard to the availability for inspection of any patient record and shall~~
49 ~~report in writing findings to the attending physician and to the custodian~~
50 ~~of said record~~ PSYCHOTHERAPY NOTES. A summary of records pertaining
51 to a patient's mental health problems may, upon written request and
52 signed and dated authorization, be made available to the patient or the
53 patient's ~~designated~~ PERSONAL representative following termination of the
54 treatment program.

55 (b) (I) (A) ~~Following any treatment, procedure, or health care~~
56 ~~service rendered by~~ A health facility licensed or certified pursuant to

1 section 25-1.5-103 (1) or article 3 of this title, or both, or by an entity
2 regulated under title 10, C.R.S., providing health care services, as defined
3 in section 10-16-102 (33), C.R.S., directly or indirectly through a
4 managed care plan, as defined in section 10-16-102 (43), C.R.S., or
5 otherwise, MUST PROVIDE copies of ~~said~~ A PATIENT'S MEDICAL records,
6 including X rays, ~~shall be furnished~~ to the patient OR THE PATIENT'S
7 PERSONAL REPRESENTATIVE UPON REQUEST AND PAYMENT OF THE FEE A
8 COVERED ENTITY MAY IMPOSE IN ACCORDANCE WITH THE "HEALTH
9 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L.
10 104-191, AS AMENDED, AND ANY RULES PROMULGATED PURSUANT TO THE
11 ACT, OR TO A THIRD PERSON WHO REQUESTS THE RECORDS upon
12 submission of a ~~written authorization request for records, dated and~~
13 ~~signed by the patient~~ HIPAA-COMPLIANT AUTHORIZATION, VALID
14 SUBPOENA, WRITTEN AUTHORIZATION SIGNED BY THE PATIENT, OR COURT
15 ORDER and upon the payment of the reasonable ~~costs~~ FEES.

16 (B) THE HEALTH CARE FACILITY MUST DELIVER THE MEDICAL
17 RECORDS IN ELECTRONIC FORMAT IF THE PERSON REQUESTS ELECTRONIC
18 FORMAT, THE ORIGINAL MEDICAL RECORDS ARE STORED IN ELECTRONIC
19 FORMAT, AND THE MEDICAL RECORDS ARE READILY PRODUCIBLE IN
20 ELECTRONIC FORMAT.

21 (2) All requests by ~~patients~~ A PATIENT OR THE PATIENT'S PERSONAL
22 REPRESENTATIVE for inspection of ~~their~~ THE PATIENT'S medical records
23 made under this section shall be noted with the time and date of the
24 ~~patient's~~ request and the time and date of inspection noted by the
25 attending health care provider or his OR HER designated representative.
26 The patient OR PERSONAL REPRESENTATIVE shall acknowledge the fact of
27 ~~his~~ THE inspection by dating and signing ~~his~~ THE record file. A HEALTH
28 CARE FACILITY SHALL NOT CHARGE A FEE FOR THE INSPECTION OF
29 MEDICAL RECORDS.

30 (5) AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE
31 REQUIRES:

32 (a) "HIPAA-COMPLIANT" MEANS IN COMPLIANCE WITH THE
33 "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996",
34 PUB.L. 104-191, AS AMENDED.

35 (b) "PERSONAL REPRESENTATIVE" HAS THE MEANING SET FORTH
36 IN 45 CFR 164.502.

37 (c) "PSYCHOTHERAPY NOTES" HAS THE MEANING SET FORTH IN 45
38 CFR 164.501.

39 (d) (I) "REASONABLE FEES" MEANS AN AMOUNT NOT TO EXCEED:

40 (A) SIXTEEN DOLLARS AND FIFTY CENTS FOR THE FIRST TEN PAGES,
41 SEVENTY-FIVE CENTS PER PAGE FOR THE NEXT THIRTY PAGES, AND FIFTY
42 CENTS PER PAGE FOR EACH ADDITIONAL PAGE; EXCEPT THAT, IF THE
43 MEDICAL RECORDS ARE STORED ON MICROFILM, ONE DOLLAR AND FIFTY
44 CENTS PER PAGE;

45 (B) FOR RADIOGRAPHIC STUDIES, ACTUAL REPRODUCTION COSTS
46 FOR EACH COPY OF A RADIOGRAPH;

47 (C) IF THE AUTHORIZED PERSON REQUESTS CERTIFICATION OF THE
48 MEDICAL RECORDS, A FEE OF TEN DOLLARS;

49 (D) ACTUAL POSTAGE AND ELECTRONIC MEDIA COSTS, IF
50 APPLICABLE; AND

51 (E) APPLICABLE TAXES.

52 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 8, IF
53 A PATIENT RECORD IS REQUESTED FOR THE PURPOSE OF MAKING AN
54 ELIGIBILITY DETERMINATION FOR DISABILITY BENEFITS, AS THAT TERM IS
55 DEFINED IN SECTION 24-30-2202 (2), C.R.S., THE CUSTODIAN OF THE
56 RECORD SHALL PROVIDE ONE COPY OF THE RECORD FREE OF CHARGE.

1 (III) BEGINNING IN 2019 AND EVERY FIVE YEARS THEREAFTER, THE
 2 EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL CALCULATE NEW
 3 REASONABLE FEES BASED ON THE CONSUMER PRICE INDEX FOR
 4 DENVER-BOULDER-GREELEY, PUBLISHED BY THE UNITED STATES
 5 DEPARTMENT OF LABOR, IN EFFECT ON OCTOBER 1 OF THE CALENDAR
 6 YEAR IMMEDIATELY PRECEDING THE YEAR IN WHICH THE REQUEST IS
 7 MADE. THE NEW FEES REPLACE THE REASONABLE FEES LISTED IN
 8 SUBPARAGRAH (I) OF THIS PARAGRAPH (d). THE EXECUTIVE DIRECTOR
 9 SHALL POST THE FEES ON THE DEPARTMENT'S WEB SITE.

10 **SECTION 3.** In Colorado Revised Statutes, 25-1-802, **amend** (1)
 11 and (4) as follows:

12 **25-1-802. Patient records in custody of individual health care**
 13 **providers.** (1) (a) Every patient record in the custody of a podiatrist,
 14 chiropractor, dentist, doctor of medicine, doctor of osteopathy, nurse,
 15 optometrist, audiologist, acupuncturist, direct-entry midwife, or physical
 16 therapist required to be licensed under title 12, C.R.S., A NATUROPATHIC
 17 DOCTOR REQUIRED TO BE REGISTERED PURSUANT TO ARTICLE 37.3 OF
 18 TITLE 12, C.R.S., or a person practicing psychotherapy under ~~the~~
 19 ~~provisions of article 43 of title 12, C.R.S., except records pertaining to~~
 20 ~~mental health problems, shall~~ PSYCHOTHERAPY NOTES, MUST be available
 21 to the patient OR THE PATIENT'S PERSONAL REPRESENTATIVE upon
 22 submission of a ~~written authorization request~~ VALID AUTHORIZATION for
 23 inspection of records, dated and signed by the patient, at reasonable times
 24 and upon reasonable notice. A summary of records pertaining to a
 25 patient's mental health problems may, upon written request ~~and~~
 26 ACCOMPANIED BY A signed and dated authorization, be made available to
 27 the patient or the patient's ~~designated~~ PERSONAL representative following
 28 termination of the treatment program.

29 (b) (I) (A) A copy of ~~such~~ THE records, including ~~X-rays, shall~~
 30 RADIOGRAPHIC STUDIES, MUST be made available to the patient or the
 31 patient's ~~designated~~ PERSONAL representative, upon ~~written~~
 32 ~~authorization request for a copy of such records, dated and signed by the~~
 33 ~~patient, upon reasonable notice~~ REQUEST and payment of the FEE A
 34 COVERED ENTITY MAY IMPOSE IN ACCORDANCE WITH THE "HEALTH
 35 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L.
 36 104-191, AS AMENDED, OR TO A THIRD PERSON WHO REQUESTS THE
 37 MEDICAL RECORDS UPON SUBMISSION OF A HIPAA-COMPLIANT
 38 AUTHORIZATION, A VALID SUBPOENA, OR A COURT ORDER, AND PAYMENT
 39 OF reasonable ~~costs~~ FEES.

40 (B) THE HEALTH CARE PROVIDER MUST PROVIDE THE MEDICAL
 41 RECORDS IN ELECTRONIC FORMAT IF THE PERSON REQUESTS ELECTRONIC
 42 FORMAT, THE ORIGINAL MEDICAL RECORDS ARE STORED IN ELECTRONIC
 43 FORMAT, AND THE MEDICAL RECORDS ARE READILY PRODUCIBLE IN
 44 ELECTRONIC FORMAT.

45 (II) ~~In the event that~~ IF a licensed health care professional
 46 determines that a copy of ~~any~~ A RADIOGRAPHIC STUDY, INCLUDING AN X
 47 ray, mammogram, CT SCAN, MRI, or other film is not sufficient for
 48 diagnostic or other treatment purposes, the podiatrist, chiropractor,
 49 dentist, doctor of medicine, doctor of osteopathy, nurse, optometrist,
 50 audiologist, acupuncturist, direct-entry midwife, or physical therapist
 51 required to be licensed under title 12, C.R.S., or, subject to the provisions
 52 of section 25-1-801 (1) (a) and paragraph (a) of this subsection (1), the
 53 person practicing psychotherapy under ~~the provisions of article 43 of title~~
 54 ~~12, C.R.S., shall~~ make the original of any ~~such film~~ RADIOGRAPHIC STUDY
 55 available to the patient, THE PATIENT'S PERSONAL REPRESENTATIVE, A
 56 PERSON AUTHORIZED BY THE PATIENT, or another health care professional

1 or facility as specifically directed by the patient, PERSONAL
 2 REPRESENTATIVE, AUTHORIZED PERSON, OR HEALTH CARE PROFESSIONAL
 3 OR FACILITY pursuant to a written authorization-request for films and
 4 upon the payment of the reasonable costs FEES for ~~such film~~ THE
 5 RADIOGRAPHIC STUDY. If a practitioner releases an original ~~film~~
 6 RADIOGRAPHIC STUDY pursuant to this subparagraph (II), the practitioner
 7 ~~shall~~ IS not be responsible for any loss, damage, or other consequences as
 8 a result of ~~such~~ THE release. Any original ~~X ray, mammogram, CT SCAN,~~
 9 ~~MRI, or other film~~ RADIOGRAPHIC STUDY made available pursuant to this
 10 subparagraph (II) ~~shall~~ MUST be returned upon request to the lending
 11 practitioner within thirty days.

12 (4) All requests by ~~patients~~ A PATIENT OR THE PATIENT'S PERSONAL
 13 REPRESENTATIVE for inspection of ~~their~~ HIS OR HER medical records made
 14 under this section shall be noted with the time and date of the ~~patient's~~
 15 request and the time and date of inspection noted by the health care
 16 provider or his OR HER designated representative. The patient OR THE
 17 PATIENT'S PERSONAL REPRESENTATIVE shall acknowledge ~~the fact of his~~
 18 THE inspection by dating and signing ~~his~~ THE record file. A HEALTH CARE
 19 PROVIDER SHALL NOT CHARGE A FEE FOR THE INSPECTION OF MEDICAL
 20 RECORDS.

21 **SECTION 4.** In Colorado Revised Statutes, **amend** 25-1-803 as
 22 follows:

23 **25-1-803. Effect of this part 8 on similar rights of a patient.**

24 (1) Nothing in this part 8: ~~shall be construed so as to:~~

25 (a) ~~Limit~~ LIMITS the right of a patient, ~~or~~ the patient's ~~designated~~
 26 PERSONAL representative, OR A PERSON WHO REQUESTS THE MEDICAL
 27 RECORDS UPON SUBMISSION OF A HIPAA-COMPLIANT AUTHORIZATION, A
 28 VALID SUBPOENA, A WRITTEN AUTHORIZATION SIGNED BY THE PATIENT, OR
 29 A COURT ORDER to inspect the patient's medical or mental health data
 30 pursuant to section 24-72-204 (3) (a) (I), C.R.S.; ~~or~~

31 (b) ~~Limit~~ LIMITS OR EXPANDS a right to inspect the patient's
 32 records ~~which~~ THAT is otherwise granted by state statute to the patient, ~~or~~
 33 ~~his designated~~ THE PATIENT'S PERSONAL representative, OR A PERSON WHO
 34 REQUESTS THE MEDICAL RECORDS UPON SUBMISSION OF A
 35 HIPAA-COMPLIANT AUTHORIZATION, A VALID SUBPOENA, A WRITTEN
 36 AUTHORIZATION SIGNED BY THE PATIENT, OR A COURT ORDER; OR

37 (c) LIMITS, PROHIBITS, OR REQUIRES THE CUSTOMARY PRACTICE
 38 FOR PHYSICIANS TO PROVIDE COPIES OF RECORDS TO ANOTHER PHYSICIAN'S
 39 OFFICE FREE OF CHARGE WHEN A PATIENT IS TRANSFERRING CARE.

40 **SECTION 5. Safety clause.** The general assembly hereby finds,
 41 determines, and declares that this act is necessary for the immediate
 42 preservation of the public peace, health, and safety."
 43
 44
 45

46 **HB14-1209** be amended as follows, and as so amended, be referred to
 47 the Committee on Appropriations with favorable
 48 recommendation:
 49

50 Amend printed bill, page 2, strike line 3 and substitute "(1) (b)
 51 introductory portion and (1) (b) (IV); and **add** (1) (b)".

52
 53 Page 2, line 4, after "(VI)" insert "and (1) (b) (VII)".

54
 55 Page 2, strike lines 10 and 11.
 56

1 Page 2, line 12, strike "STATE CONTROLLER" and substitute "DIVISION OF
2 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY".

3
4 Page 3, line 2, strike "ONE MILLION" and substitute "FIVE HUNDRED
5 THOUSAND".

6
7 Page 3, after line 4, insert:

8
9 "(VII) (A) THE CORRECTIONAL TREATMENT CASH FUND CREATED
10 IN SECTION 18-19-103 (4) (a), C.R.S., FOR DRUG AND ALCOHOL
11 TREATMENT PROGRAMS AND ORGANIZATIONS THAT PROVIDE RECOVERY
12 SUPPORT SERVICES, IF THE FUND HAS A SURPLUS.

13 (B) THE APPROPRIATION UNDER THIS SUBPARAGRAPH (VII) MUST
14 NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS DURING EITHER THE
15 2014-15 OR 2015-16 FISCAL YEARS. THIS SUB-SUBPARAGRAPH (B) IS
16 REPEALED, EFFECTIVE JULY 1, 2016."

17
18 Page 3, strike lines 5 through 8 and substitute:

19
20 "SECTION 2. In Colorado Revised Statutes, add 24-33.5-517 as
21 follows:

22 **24-33.5-517. Marijuana diversion prevention grants -**
23 **committee.** (1) (a) THERE IS CREATED A".

24
25 Page 3, line 11, strike "STATE CONTROLLER." and substitute "DIVISION OF
26 CRIMINAL JUSTICE.".

27
28 Page 3, line 12, strike "PATROL" and substitute "PATROL, LOCAL LAW
29 ENFORCEMENT AGENCIES,".

30
31 Page 3, line 13, after "COLORADO" insert "THAT ARE COORDINATING WITH
32 THE COLORADO STATE PATROL OR A LOCAL LAW ENFORCEMENT AGENCY".

33
34 Page 3, line 18, strike "STATE CONTROLLER," and substitute " DIRECTOR
35 OF THE DIVISION OF CRIMINAL JUSTICE,".

36
37 Page 3, line 25, strike "STATE CONTROLLER" and substitute "DIVISION OF
38 CRIMINAL JUSTICE".

39
40 Page 4, line 1, strike "RETAIL", and after "FROM" insert "OR INTO".

41
42 Page 4, line 2, strike "RETAIL", and after "OF" insert "OR INTO".

43
44 Page 4, line 14, strike "CONTROLLER" and substitute "DIRECTOR OF THE
45 DIVISION OF CRIMINAL JUSTICE".

46

47

48

49 **HB14-1213** be amended as follows, and as so amended, be referred to
50 the Committee on Appropriations with favorable
51 recommendation:

52

53 Amend printed bill, page 2, line 18, strike "BENEFIT MANAGER SHALL
54 INCLUDE" and substitute "SHALL BE GIVEN THE RIGHT TO OBTAIN FROM
55 THE PHARMACY BENEFIT MANAGER, WITHIN TEN DAYS AFTER ANY
56 REQUEST, A CURRENT LIST OF".

1 **HB14-1263** be amended as follows, and as so amended, be referred to
2 the Committee on Finance with favorable
3 recommendation:
4

5 Amend printed bill, page 2, line 9, strike "JUNE 30," and substitute
6 "DECEMBER 31,".
7

8 Page 2, line 14, strike "JUNE 30," and substitute "DECEMBER 31,".
9

10 Page 2, line 22, strike "JUNE 30," and substitute "DECEMBER 31,".
11

12 Page 2, line 24, strike "JUNE 30," and substitute "DECEMBER 31,".
13

14 Page 4, line 10, strike "JUNE 30," and substitute "DECEMBER 31,".
15

16 Page 4, line 22, strike "JUNE 30," and substitute "DECEMBER 31,".
17

18 Page 5, line 17, strike "JUNE 30," and substitute "DECEMBER 31,".
19

20 Page 5, line 21, strike "JUNE 30," and substitute "DECEMBER 31,".
21

22 Page 6, line 2, strike "JUNE 30," and substitute "DECEMBER 31,".
23

24 Page 6, line 13, strike "July 1, 2014." and substitute "January 1, 2015.".
25
26
27
28

29 **JUDICIARY**

30 After consideration on the merits, the Committee recommends the
31 following:
32

33 **HB14-1191** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:
36

37 Amend printed bill, page 2, line 6, strike "LIFE-THREATENING" and
38 substitute "SERIOUS BODILY".
39

40 Page 2, line 10, strike "LIFE-THREATENING" and substitute "SERIOUS
41 BODILY".
42
43
44

45 **HB14-1230** be postponed indefinitely.
46
47

48 **HB14-1261** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:
51

52 Amend printed bill, strike everything below the enacting clause and
53 substitute:
54

55 "SECTION 1. In Colorado Revised Statutes, 16-4-103, **amend**
56 (1) as follows:

1 **16-4-103. Setting and selection type of bond - criteria.** (1) At
2 the first appearance of a person in custody before ~~a court of record~~ ANY
3 COURT OR ANY PERSON DESIGNATED BY THE COURT TO SET BOND, the
4 court OR PERSON shall determine the type of bond and conditions of
5 release unless the person is subject to the provisions of section 16-4-101.

6 **SECTION 2.** In Colorado Revised Statutes, 16-4-104, **amend** (1)
7 (c) introductory portion as follows:

8 **16-4-104. Types of bond set by the court.** (1) The court shall
9 determine, after consideration of all relevant criteria, which of the
10 following types of bond is appropriate for the pretrial release of a person
11 in custody, subject to the relevant statutory conditions of release listed in
12 section 16-4-105. The person may be released upon execution of:

13 (c) A bond with secured monetary conditions when reasonable
14 and necessary to ensure the appearance of the person in court or the safety
15 of any person or persons or the community. The financial conditions shall
16 state an amount of money that the person must post with the court in
17 order for the person to be released. The person may be released from
18 custody upon execution of bond in the full amount of money to be
19 secured ~~in~~ BY any one of the following ~~ways~~ METHODS, AS SELECTED BY
20 THE PERSON TO BE RELEASED, UNLESS THE COURT SPECIFICALLY FINDS
21 THAT A CERTAIN METHOD IS REASONABLE AND NECESSARY TO ENSURE THE
22 APPEARANCE OF THE PERSON IN COURT OR THE SAFETY OF ANY PERSON,
23 PERSONS, OR THE COMMUNITY:

24 **SECTION 3.** In Colorado Revised Statutes, 16-4-106, **amend** (4)
25 (c); and **add** (8) as follows:

26 **16-4-106. Pretrial services programs.** (4) Any pretrial services
27 program approved pursuant to this section must meet the following
28 criteria:

29 (c) The program, in conjunction with the community advisory
30 board, must make all reasonable efforts to implement an empirically
31 developed pretrial risk assessment tool, TO BE USED BY THE PROGRAM,
32 THE COURT, AND THE PARTIES TO THE CASE SOLELY FOR THE PURPOSE OF
33 ASSESSING PRETRIAL RISK, and a structured decision-making design based
34 upon the person's charge and the risk assessment score; AND

35 (8) THE PROGRAM SHALL NOTIFY THE DEFENSE COUNSEL OF
36 RECORD, IF ANY, IF THE PROGRAM FILES A REPORT OR REQUEST WITH THE
37 COURT OR THE DISTRICT ATTORNEY TO REVOKE OR IMPOSE ADDITIONAL
38 CONDITIONS OF BOND OR RELEASE FOR A SUPERVISED DEFENDANT.

39 **SECTION 4.** In Colorado Revised Statutes, 16-4-109, **amend** (4)
40 (a) as follows:

41 **16-4-109. Reduction or increase of monetary conditions of**
42 **bond - change in type of bond or conditions of bond - definitions.**

43 (4) (a) Upon verified application by the district attorney or a bonding
44 commissioner stating facts or circumstances constituting a breach or a
45 threatened breach of any of the conditions of the bond, the court may
46 issue a warrant commanding any peace officer to bring the defendant
47 without unnecessary delay before the court for a hearing on the matters
48 set forth in the application. Upon issuance of the warrant, the bonding
49 commissioner, OR THE COURT IF THERE IS NO BONDING COMMISSIONER
50 APPOINTED IN THE JURISDICTION, shall notify the bail bond agent of record
51 by electronic mail to the agent if available within twenty-four hours or by
52 certified mail not more than fourteen days after the warrant is issued. At
53 the conclusion of the hearing, the court may enter an order authorized by
54 subsection (1) of this section. If a bonding commissioner files an
55 application for a hearing pursuant to this subsection (4), the bonding
56 commissioner shall notify the district attorney, for the jurisdiction in

1 which the application is made, of the application within twenty-four hours
2 following the filing of the application.

3 **SECTION 5.** In Colorado Revised Statutes, 16-4-110, **amend** (2)
4 as follows:

5 **16-4-110. Exoneration from bond liability.** (2) If, within
6 fourteen days after the posting of a bond by a defendant, the terms and
7 conditions of said bond are changed or altered either by order of court or
8 upon the motion of the district attorney or the defendant, the court, after
9 a hearing, may order a compensated surety to refund a portion of the
10 premium paid by the defendant, if necessary, to prevent unjust
11 enrichment. THE COMPENSATED SURETY MAY FILE WITH THE COURT, IN
12 WRITING, AT LEAST SEVEN DAYS PRIOR TO THE HEARING A STATEMENT OF
13 TIME, EXPOSURE TO RISK, EXPENSES, OR OTHER COSTS INCURRED BY THE
14 COMPENSATED SURETY WITH RESPECT TO THE POSTING OF THE BOND. If
15 more than fourteen days have elapsed after posting of a bond by a
16 defendant, the court shall not order the refund of any premium.

17 **SECTION 6.** In Colorado Revised Statutes, 16-4-111, **amend** (1)
18 (b) (I) and (3) as follows:

19 **16-4-111. Disposition of security deposits upon forfeiture or**
20 **termination of bond.** (1) (b) (I) Notwithstanding the provisions of
21 paragraph (a) of this subsection (1), if the depositor of the cash bond is
22 the defendant and the defendant owes court costs, fees, fines, restitution,
23 or surcharges at the time the defendant is discharged from all liability
24 under the terms of the bond, the court may apply the deposit toward any
25 amount owed by the defendant in court costs, fees, fines, restitution, or
26 surcharges, IF THE DEFENDANT AGREES IN WRITING TO THE USE OF THE
27 DEPOSIT FOR THAT PURPOSE. If any amount of the deposit remains after
28 paying the defendant's outstanding court costs, fees, fines, restitution, or
29 surcharges, the court shall return the remainder of the deposit to the
30 defendant.

31 (3) ~~Where~~ WHEN the defendant has been released upon deposit of
32 cash ~~stocks, bonds,~~ or property, UPON AN UNSECURED PERSONAL
33 RECOGNIZANCE BOND WITH A MONETARY CONDITION PURSUANT TO
34 SECTION 16-4-104 (1) (a) OR (1) (b), or upon a surety bond secured by
35 property, if the defendant fails to appear in accordance with the primary
36 condition of the bond, the court shall declare a forfeiture. Notice of the
37 order of forfeiture shall be mailed by the court to the defendant, all
38 sureties, and all depositors or assignees of any deposits of cash or
39 property if such sureties, depositors, or assignees have direct contact with
40 the court, at their last-known addresses. Such notice shall be sent within
41 fourteen days after the entry of the order of forfeiture. If the defendant
42 does not appear and surrender to the court having jurisdiction within
43 thirty-five days from the date of the forfeiture or within that period satisfy
44 the court that appearance and surrender by the defendant is impossible
45 and without fault by such defendant, the court may enter judgment for the
46 state against the defendant for the amount of the bond and costs of the
47 court proceedings. Any cash deposits made with the clerk of the court
48 shall be applied to the payment of costs. If any amount of such cash
49 deposit remains after the payment of costs, it shall be applied to payment
50 of the judgment.

51 **SECTION 7. Effective date - applicability.** This act takes effect
52 July 1, 2014, and applies to arrests made or charges filed on or after said
53 date.

54 **SECTION 8. Safety clause.** The general assembly hereby finds,
55 determines, and declares that this act is necessary for the immediate
56 preservation of the public peace, health, and safety."

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LOCAL GOVERNMENT

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

HB14-1210 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, line 9, strike "THE CONTIGUOUS".

Page 4, line 12, strike "CONTIGUOUS".

Page 5, after line 7 insert:

"(E) IDENTIFICATION OF THE PARTY OR PARTIES RESPONSIBLE FOR PAYING THE COSTS OF SUPPRESSION OF WILDFIRES OCCURRING ON STATE-OWNED LANDS;"

Reletter succeeding sub-subparagraphs accordingly.

HB14-1219 be postponed indefinitely.

TRANSPORTATION & ENERGY

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

HB14-1176 be referred favorably to the Committee on Appropriations.

HB14-1188 be referred to the Committee of the Whole with favorable recommendation.

PRINTING REPORT

The Chief Clerk reports the following bill has been correctly printed:
HB-14-1288.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The Speaker has signed: **HB14-1031; SJR14-005, 008, 013 and 014.**

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB14-1004, 1081** at 1:40 p.m. on February 21, 2014.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed on Third Reading and returns herewith: HB14-1035, HB14-1086, and HB14-1146.

**INTRODUCTION OF BILLS
First Reading**

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

HB14-1289 by Representative(s) McNulty, Holbert, McLachlan, Moreno, Pabon, Williams; also Senator(s) Johnston, Hodge, Scheffel--Concerning the reinvestment of unused governmental moneys held by a financial institution that are in excess of the amount insured by the federal deposit insurance corporation in accounts of other financial institutions.

Committee on Business, Labor, Economic, & Workforce Development

HB14-1290 by Representative(s) Becker, Coram, Court, Sonnenberg, Vigil; also Senator(s) Roberts--Concerning an addition to the definition of "other outlet" to enable the operation of a remotely located telepharmacy outlet.

Committee on Public Health Care & Human Services

HB14-1291 by Representative(s) McLachlan and Humphrey, Sonnenberg, Holbert, Gardner, Buck, Conti, DelGrosso, Dore, Everett, Landgraf, Lawrence, Murray, Navarro, Rankin, Saine, Scott, Stephens, Waller, Wilson, Buckner, Court, Kagan, Lee, Pettersen, Salazar, Young--Concerning authorizing a charter school to employ a school security officer by contract to carry a concealed handgun if the person has a valid concealed carry permit.

Committee on Education

SB14-043 by Senator(s) Grantham, Tochtrop; also Representative(s) Priola--Concerning the inclusion of certain land areas used to grow products that originate above the ground within the classification of "all other agricultural property" for property tax purposes.

Committee on Agriculture, Livestock, & Natural Resources

- 1 **SB14-103** by Senator(s) Guzman; also Representative(s) Fischer--
- 2 Concerning the phase-out of the sale of certain low-
- 3 efficiency plumbing fixtures.
- 4 Committee on Transportation & Energy
- 5
- 6 **SB14-126** by Senator(s) King; also Representative(s) Sonnenberg--
- 7 Concerning the reclassification of the state lottery division
- 8 as a type 1 agency.
- 9 Committee on Finance
- 10
- 11 **SB14-135** by Senator(s) Brophy, Grantham, Harvey, Renfro,
- 12 Lambert, Herpin, Scheffel, Rivera, Baumgardner,
- 13 Cadman, Crowder, King, Lundberg; also Representative(s)
- 14 Wright, Nordberg, Humphrey, Priola, Dore, Everett,
- 15 Gardner, Holbert, McNulty, Rankin, Saine, Scott,
- 16 Sonnenberg, Szabo--Concerning the repeal of certain
- 17 provisions concerning the purchasing of firearms in states
- 18 that are contiguous to Colorado.
- 19 Committee on Judiciary
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LAY OVER OF CALENDAR ITEM(S)

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- 27 On motion of Representative Duran, the following item(s) on the
- 28 Calendar were laid over until February 24, retaining place on Calendar:
- 29
- 30 Consideration of Third Reading--**HB14-1114, SB14-052.**
- 31 Consideration of General Orders--**HB14-1142, 1163, 1028.**
- 32 Consideration of Resolution(s)--**SJR14-006, 011.**
- 33
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36 On motion of Representative Duran, the House adjourned until

37 10:00 a.m., February 24, 2014.

Approved:
 MARK FERRANDINO,
 Speaker

42 Attest:
 43 MARILYN EDDINS,
 44 Chief Clerk

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