

HOUSE JOURNAL
SEVENTIETH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Ninety-ninth Legislative Day

Wednesday, April 20, 2016

1 Prayer by the Reverend Dr. 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 Elsa Dean Kendall, Crestview Elementary,
7 Boulder.

8
9 The roll was called with the following result:

10
11 Present--63.
12 Excused--Representative(s) Moreno, Singer--2.
13 Present after roll call--Representative(s) Moreno, Singer.

14
15 The Speaker declared a quorum present.

16
17
18 On motion of Representative Willett, the reading of the journal of
19 April 19, 2016, was declared dispensed with and approved as corrected
20 by the Chief Clerk.

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

24
25 The following bill(s) were considered on Third Reading. The title(s)
26 were publicly read. Reading of the bill at length was dispensed with by
27 unanimous consent.

28
29 [**HB16-1368**](#) by Representative(s) Tyler--Concerning the codification
30 of current practice for the management of records of
31 governmental agencies.

32
33 Laid over until April 21, retaining place on Calendar.

34
35 [**HB16-1313**](#) by Representative(s) Arndt and Coram; also Senator(s)
36 Donovan--Concerning the authority of local government
37 master plans to include policies to implement water
38 plan goals.

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

	YES	44	NO	21	EXCUSED	0	ABSENT	0
1								
2	Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y
3	Becker J.	Y	Foote	Y	McCann	Y	Saine	N
4	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
5	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	N
6	Buck	N	Hamner	Y	Moreno	Y	Singer	Y
7	Buckner	Y	Humphrey	N	Navarro	N	Thurlow	Y
8	Carver	N	Joshi	N	Neville P.	N	Tyler	Y
9	Conti	N	Kagan	Y	Nordberg	N	Van Winkle	N
10	Coram	Y	Klingenschmitt	N	Pabon	Y	Vigil	Y
11	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	N
12	Danielson	Y	Landgraf	Y	Primavera	Y	Williams	Y
13	DelGrosso	Y	Lawrence	N	Priola	Y	Wilson	N
14	Dore	Y	Lebsock	Y	Rankin	Y	Windholz	N
15	Duran	Y	Lee	Y	Ransom	N	Winter	Y
16	Esgar	Y	Leonard	N	Rosenthal	Y	Wist	N
17	Everett	N	Lontine	Y	Roupe	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Ginal, Mitsch Bush, Moreno,
20 Rosenthal, Vigil, Winter

21
22 **HB16-1363** by Representative(s) Singer; also Senator(s) Newell and
23 Tate--Concerning rule-making authority for medical
24 marijuana advertising directed at underage persons.

25
26 The question being "Shall the bill pass?"

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

	YES	40	NO	25	EXCUSED	0	ABSENT	0
31								
32	Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y
33	Becker J.	N	Foote	Y	McCann	Y	Saine	N
34	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
35	Brown	N	Ginal	Y	Mitsch Bush	Y	Sias	N
36	Buck	N	Hamner	Y	Moreno	Y	Singer	Y
37	Buckner	Y	Humphrey	N	Navarro	N	Thurlow	Y
38	Carver	N	Joshi	N	Neville P.	N	Tyler	Y
39	Conti	Y	Kagan	Y	Nordberg	N	Van Winkle	N
40	Coram	Y	Klingenschmitt	Y	Pabon	Y	Vigil	Y
41	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	Y
42	Danielson	Y	Landgraf	N	Primavera	Y	Williams	Y
43	DelGrosso	N	Lawrence	N	Priola	Y	Wilson	Y
44	Dore	N	Lebsock	N	Rankin	N	Windholz	N
45	Duran	Y	Lee	Y	Ransom	N	Winter	Y
46	Esgar	Y	Leonard	N	Rosenthal	Y	Wist	N
47	Everett	N	Lontine	Y	Roupe	N	Young	Y
48							Speaker	Y

49 Co-sponsor(s) added: Representative(s) Esgar, Ginal, Klingenschmitt,
50 Rosenthal

51
52 **HB16-1273** by Representative(s) Arndt; also Senator(s) Todd--
53 Concerning limited authority for the department of
54 transportation to enforce parking fines for violations of
55 rule governing parking at department parking facilities.

56

1 As shown by the following roll call vote, a majority of all members
 2 elected to the House voted in the affirmative, and Representative Arndt
 3 was given permission to offer a Third Reading amendment:
 4

	YES	47	NO	18	EXCUSED	0	ABSENT	0
6	Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y
7	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
8	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
9	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	Y
10	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
11	Buckner	Y	Humphrey	N	Navarro	N	Thurlow	Y
12	Carver	N	Joshi	N	Neville P.	N	Tyler	Y
13	Conti	N	Kagan	Y	Nordberg	N	Van Winkle	N
14	Coram	Y	Klingenschmitt	N	Pabon	Y	Vigil	Y
15	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	Y
16	Danielson	Y	Landgraf	N	Primavera	Y	Williams	Y
17	DelGrosso	N	Lawrence	N	Priola	Y	Wilson	Y
18	Dore	Y	Lebsock	Y	Rankin	Y	Windholz	N
19	Duran	Y	Lee	Y	Ransom	N	Winter	Y
20	Esgar	Y	Leonard	N	Rosenthal	Y	Wist	N
21	Everett	N	Lontine	Y	Roupe	Y	Young	Y
22							Speaker	Y

23
 24 **Third Reading amendment No. 1**, by Representative Arndt.

25
 26 Amend engrossed bill, page 2, strike lines 8 and 9 and substitute "THE
 27 FACILITY FOR MORE THAN TWENTY-FOUR HOURS.

28 (b) THE DEPARTMENT SHALL NOT PROMULGATE A RULE TO
 29 PROHIBIT PARKING AT A FACILITY PURSUANT TO SUBSECTION".

30
 31 Page 2, line 10, after "PENALTY" insert "IMPOSED".

32
 33 Page 2, line 11, strike "(4)" and substitute "(3)".

34
 35 Page 3, line 11, strike "ADOPTED" and substitute "PROMULGATED".

36
 37 Page 3, line 22, strike "(4)" and substitute "(3)".

38
 39 Page 1, line 103, strike "RULE" and substitute "RULES".

40
 41 The amendment was declared **passed** by the following roll call vote:
 42

	YES	40	NO	25	EXCUSED	0	ABSENT	0
44	Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y
45	Becker J.	N	Foote	Y	McCann	Y	Saine	N
46	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
47	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	N
48	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
49	Buckner	Y	Humphrey	N	Navarro	N	Thurlow	Y
50	Carver	N	Joshi	N	Neville P.	N	Tyler	Y
51	Conti	N	Kagan	Y	Nordberg	N	Van Winkle	N
52	Coram	Y	Klingenschmitt	N	Pabon	Y	Vigil	Y
53	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	Y
54	Danielson	Y	Landgraf	N	Primavera	Y	Williams	Y
55	DelGrosso	N	Lawrence	N	Priola	N	Wilson	N
56	Dore	N	Lebsock	Y	Rankin	Y	Windholz	N

1	Duran	Y	Lee	Y	Ransom	N	Winter	Y
2	Esgar	Y	Leonard	N	Rosenthal	Y	Wist	N
3	Everett	N	Lontine	Y	Roupe	N	Young	Y
4							Speaker	Y

5
6 The question being, "Shall the bill, as amended, 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
9 bill, as amended, was declared **passed**.

10

11	YES	36	NO	29	EXCUSED	0	ABSENT	0
12	Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y
13	Becker J.	N	Foote	Y	McCann	Y	Saine	N
14	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
15	Brown	N	Ginal	Y	Mitsch Bush	Y	Sias	N
16	Buck	N	Hamner	Y	Moreno	Y	Singer	Y
17	Buckner	Y	Humphrey	N	Navarro	N	Thurlow	Y
18	Carver	N	Joshi	N	Neville P.	N	Tyler	Y
19	Conti	N	Kagan	Y	Nordberg	N	Van Winkle	N
20	Coram	N	Klingenschmitt	N	Pabon	Y	Vigil	Y
21	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	N
22	Danielson	Y	Landgraf	N	Primavera	Y	Williams	Y
23	DelGrosso	N	Lawrence	N	Priola	Y	Wilson	N
24	Dore	N	Lebsock	Y	Rankin	N	Windholz	N
25	Duran	Y	Lee	Y	Ransom	N	Winter	Y
26	Esgar	Y	Leonard	N	Rosenthal	Y	Wist	N
27	Everett	N	Lontine	Y	Roupe	N	Young	Y
28							Speaker	Y

29

Co-sponsor(s) added: Representative(s) Kraft-Tharp, Lontine, Speaker

30

31

32

33 On motion of Representative Esgar, the House resolved itself into
34 Committee of the Whole for consideration of General Orders, and she
35 was called to act as Chair.

36

37

38

39

GENERAL ORDERS--SECOND READING OF BILLS

40

41 The Committee of the Whole having risen, the Chair reported the titles of
42 the following bills had been read (reading at length had been dispensed
43 with by unanimous consent), the bills considered and action taken thereon
44 as follows:

45

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

48

49 **HB16-1366** by Representative(s) Primavera; also Senator(s)
50 Steadman--Concerning enhanced protections for
51 purchasers of hearing aids, and, in connection therewith,
52 requiring the director of the division of professions and
53 occupations in the department of regulatory agencies to
54 adopt rules that require the disclosure of hearing aid
55 pricing by hearing aid providers and audiologists and that
56 require the explanation of different communication

1 options available to hearing aid users via technological
2 advances for different environments used by hearing aid
3 users and making the violation of these rules a deceptive
4 trade practice under the "Colorado Consumer Protection
5 Act".
6

7 Amendment No. 1, Public Health Care & Human Services Report, dated
8 April 13, 2016, and placed in member's bill file; Report also printed in
9 House Journal, April 14, 2016

10
11 As amended, ordered engrossed and placed on the Calendar for Third
12 Reading and Final Passage.
13

14
15 **HB16-1348** by Representative(s) Ryden; also Senator(s) Todd--
16 Concerning a specific crime of cruelty to law enforcement
17 service animals.
18

19 Amendment No. 1, Judiciary Report, dated April 14, 2016, and placed in
20 member's bill file; Report also printed in House Journal, April 15, 2016
21

22 Amendment No. 2, by Representative(s) Ryden.
23

24 Amend the Judiciary Committee Report, dated April 14, 2016, page 3,
25 strike lines 7 through 9 and substitute "FOR ALL EXPENSES, INCLUDING
26 ANY IMMEDIATE AND ONGOING VETERINARY EXPENSES RELATED TO THE".
27

28 Page 3, line 12, after the period add "IF THE COURT FINDS THAT THE
29 PERSON WHO IS CONVICTED OF CRUELTY TO A CERTIFIED POLICE WORKING
30 DOG PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS SECTION
31 DID SO WITH MALICIOUS INTENT, THE PERSON SHALL ADDITIONALLY MAKE
32 RESTITUTION TO THE AGENCY OR INDIVIDUAL OWNING THE CERTIFIED
33 WORKING DOG FOR ALL TRAINING AND CERTIFICATION COSTS RELATED TO
34 THE CERTIFIED POLICE WORKING DOG."
35

36 Amendment No. 3, by Representative(s) Ryden.
37

38 Amend Judiciary Committee report, dated April 14, 2016, page 3, after
39 line 24 insert:
40

41 "Page 1, lines 101 and 102 strike "LAW ENFORCEMENT SERVICE
42 ANIMALS." and substitute "A CERTIFIED POLICE WORKING DOG."."
43

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

47 **HB16-1373** by Representative(s) Singer; also Senator(s) Holbert--
48 Concerning requiring school districts to adopt a policy
49 permitting the use of medical marijuana by students
50 authorized to use medical marijuana.
51

52 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
53 dated April 11, 2016, and placed in member's bill file; Report also
54 printed in House Journal, April 12, 2016
55

1 Amendment No. 2, by Representative(s) Singer.

2

3 Amend the Agriculture, Livestock, & Natural Resources committee
4 report, dated April 11, 2016, page 2, line 6, after the period add "THE
5 PRIMARY CAREGIVER SHALL NOT ADMINISTER THE NONSMOKEABLE
6 MEDICAL MARIJUANA IN A MANNER THAT CREATES DISRUPTION TO THE
7 EDUCATIONAL ENVIRONMENT OR CAUSES EXPOSURE TO OTHER
8 STUDENTS."

9

10 Page 2, line 9, after "EDUCATION" insert "OR CHARTER SCHOOL".

11

12 Page 2, after line 15 insert:

13

14 "(IV) THIS PARAGRAPH (d) DOES NOT APPLY TO A SCHOOL
15 DISTRICT OR CHARTER SCHOOL IF:

16 (A) THE SCHOOL DISTRICT OR CHARTER SCHOOL LOSES FEDERAL
17 FUNDING AS A RESULT OF IMPLEMENTING THIS PARAGRAPH (d);

18 (B) THE SCHOOL DISTRICT OR CHARTER SCHOOL CAN
19 REASONABLY DEMONSTRATE THAT IT LOST FEDERAL FUNDING AS A
20 RESULT OF IMPLEMENTING THIS PARAGRAPH (d); AND

21 (C) THE SCHOOL DISTRICT OR CHARTER SCHOOL POSTS ON ITS
22 WEBSITE IN A CONSPICUOUS PLACE A STATEMENT REGARDING ITS
23 DECISION NOT TO COMPLY WITH THIS PARAGRAPH (d)."

24

25 Amendment No. 3, by Representative(s) Klingenschmitt.

26

27 Amend the Agriculture, Livestock, & Natural Resources committee
28 report, dated April 12, 2016, page 2, line 1, after "(I)", insert "(A)".

29

30 Page 2 of the committee report, after line 6, insert:

31 "(B) AFTER THE PRIMARY CAREGIVER ADMINISTERS THE MEDICAL
32 MARIJUANA IN A NONSMOKEABLE FORM, THE PRIMARY CAREGIVER SHALL
33 REMOVE ANY REMAINING MEDICAL MARIJUANA IN A NONSMOKEABLE
34 FORM FROM THE GROUNDS OF THE PRESCHOOL OR PRIMARY OR
35 SECONDARY SCHOOL, THE SCHOOL BUS, OR SCHOOL SPONSORED EVENT."

36

37 Page 2 of the committee report, before line 16, insert:

38 "(IV) STUDENT POSSESSION, USE, DISTRIBUTION, OR SALE OR BEING
39 UNDER THE INFLUENCE OF A CANNABINOID PRODUCT INCONSISTENT WITH
40 THIS PARAGRAPH (d) IS NOT PERMITTED."

41

42 Amendment No. 4, by Representative(s) Singer.

43

44 Amend Agriculture, Livestock, & Natural Resources committee report,
45 dated April 11, 2016, page 2, before line 16 insert:

46 "(IV) THIS PARAGRAPH (d) SHALL BE KNOWN AS "JACK'S LAW"."

47

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

50

51 HB16-1430 by Representative(s) Lebsock; also Senator(s) Hodge--
52 Concerning the implementation of a recommendation of
53 the oil and gas task force regarding the sharing of oil and
54 gas operators' development plans with affected local
55 governments.

1 Amendment No. 1, Transportation & Energy Report, dated April 13,
2 2016, and placed in member's bill file; Report also printed in House
3 Journal, April 14, 2016

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

7
8 **HB16-1381** by Representative(s) Primavera, Esgar, Melton, Williams;
9 also Senator(s) Todd--Concerning health insurance
10 coverage for the early detection of cancer.

11
12 Laid over until April 21, retaining place on Calendar.

13
14 **HB16-1387** by Representative(s) Primavera--Concerning health
15 insurance coverage for severe protein allergic conditions.

16
17 Laid over until April 21, retaining place on Calendar.

18
19
20
21 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

22
23 Passed Second Reading: **HB16-1366 amended, 1348 amended, 1373**
24 **amended, 1430 amended.**

25
26 Laid over until date indicated retaining place on Calendar:
27 **HB16-1381, 1387--April 21, 2016.**

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

	YES	62	NO	3	EXCUSED	0	ABSENT	0
35	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
36	Becker J.	Y	Foote	Y	McCann	Y	Saine	Y
37	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
38	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	Y
39	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
40	Buckner	Y	Humphrey	N	Navarro	Y	Thurlow	Y
41	Carver	Y	Joshi	Y	Neville P.	N	Tyler	Y
42	Conti	Y	Kagan	Y	Nordberg	N	Van Winkle	Y
43	Coram	Y	Klingenschmitt	Y	Pabon	Y	Vigil	Y
44	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	Y
45	Danielson	Y	Landgraf	Y	Primavera	Y	Williams	Y
46	DelGrosso	Y	Lawrence	Y	Priola	Y	Wilson	Y
47	Dore	Y	Lebsock	Y	Rankin	Y	Windholz	Y
48	Duran	Y	Lee	Y	Ransom	Y	Winter	Y
49	Esgar	Y	Leonard	Y	Rosenthal	Y	Wist	Y
50	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
51							Speaker	Y

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

REPORT(S) OF COMMITTEE(S) OF REFERENCE**BUSINESS AFFAIRS & LABOR**

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

HB16-1431 be postponed indefinitely.

HB16-1436 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 7, after "(II)" insert "(A)".

Page 2, lines 8 and 9, strike "RESEMBLE THE FORM OF A HUMAN, ANIMAL, OR FRUIT." and substitute "ARE IN THE DISTINCT SHAPE OF A HUMAN, ANIMAL, OR FRUIT. GEOMETRIC SHAPES AND PRODUCTS THAT ARE SIMPLY FRUIT FLAVORED ARE NOT CONSIDERED FRUIT. PRODUCTS IN THE SHAPE OF A MARIJUANA LEAF ARE PERMISSIBLE. NOTHING IN THIS SUBPARAGRAPH (II) APPLIES TO A COMPANY LOGO."

Page 2, after line 9 insert:

"(B) THE RULES PROMULGATED PURSUANT TO THIS SUBPARAGRAPH (II) SHALL TAKE EFFECT ON OCTOBER 1, 2017."

Page 2, line 24, after "(IX)" insert "(A)".

Page 2, lines 25 and 26, strike "RESEMBLE THE FORM OF A HUMAN, ANIMAL, OR FRUIT." and substitute "ARE IN THE DISTINCT SHAPE OF A HUMAN, ANIMAL, OR FRUIT. GEOMETRIC SHAPES AND PRODUCTS THAT ARE SIMPLY FRUIT FLAVORED ARE NOT CONSIDERED FRUIT. PRODUCTS IN THE SHAPE OF A MARIJUANA LEAF ARE PERMISSIBLE. NOTHING IN THIS SUBPARAGRAPH (IX) APPLIES TO A COMPANY LOGO."

Page 2, after line 26 insert:

"(B) THE RULES PROMULGATED PURSUANT TO THIS SUBPARAGRAPH (IX) SHALL TAKE EFFECT ON OCTOBER 1, 2017."

SB16-134 be referred to the Committee of the Whole with favorable recommendation.

HEALTH, INSURANCE & ENVIRONMENT

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

HB16-1394 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 17, strike lines 4 through 8 and substitute

2
3 "(XXIII) PERSONNEL OF BANKS, SAVINGS AND LOAN
4 ASSOCIATIONS, CREDIT UNIONS, AND OTHER LENDING OR FINANCIAL
5 INSTITUTIONS; EXCEPT THAT THE REPORTING REQUIREMENT DESCRIBED IN
6 PARAGRAPH (a) OF THIS SUBSECTION (1) ONLY APPLIES TO A PERSON
7 DESCRIBED IN THIS SUBPARAGRAPH (XXIII) WHO DIRECTLY OBSERVES IN
8 PERSON THE ABUSE OR EXPLOITATION OF AN AT-RISK ADULT WITH AN
9 INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR WHO HAS
10 REASONABLE CAUSE TO BELIEVE THAT AN AT-RISK ADULT WITH AN
11 INTELLECTUAL AND DEVELOPMENTAL DISABILITY HAS BEEN ABUSED OR
12 HAS BEEN EXPLOITED OR IS AT IMMINENT RISK OF ABUSE OR EXPLOITATION
13 BY REASON OF ACTUAL KNOWLEDGE OF FACTS OR CIRCUMSTANCES
14 INDICATING THE ABUSE OR EXPLOITATION."

15
16 Page 27, line 13, strike "~~forty-eight~~ TWENTY-FOUR" and substitute
17 "forty-eight".

18
19 Page 28, lines 26 and 27 strike " shall ~~arrange for~~ CONDUCT an
20 investigation and" and substitute "~~shall arrange for an investigation and~~
21 IS RESPONSIBLE FOR ENSURING AN INVESTIGATION IS CONDUCTED AND
22 ARRANGING FOR THE".

23
24 Page 34, lines 15 and 16, strike "ensuring the investigation" and substitute
25 "~~ensuring the investigation~~ REVIEWING INVESTIGATIONS".

26
27
28
29
30 **JUDICIARY**

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

33
34 **HB16-1432** be amended as follows, and as so amended, be referred to
35 the Committee of the Whole with favorable
36 recommendation:

37
38 Amend printed bill, page 2, line 8, after the period insert "The general
39 assembly recognizes that this act does not cover public employees
40 because they have access to their personnel files under the "Colorado
41 Open Records Act", part 2 of article 72 of title 24, Colorado Revised
42 Statutes."

43
44 Page 2, line 11, strike "**definition.**" and substitute "**definition -
45 exemptions.**".

46
47 Page 2, line 13, strike "EMPLOYEE OR FORMER EMPLOYEE," and substitute
48 "EMPLOYEE," and strike the second "OR".

49
50 Page 2, line 14, strike "FORMER EMPLOYEE".

51
52 Page 2, line 16, strike "EMPLOYEE OR" and substitute "EMPLOYEE."

53
54 Page 2, line 17, strike "FORMER EMPLOYEE." and substitute "A FORMER
55 EMPLOYEE MAY MAKE ONE INSPECTION OF HIS OR HER PERSONNEL FILE

1 AFTER TERMINATION OF EMPLOYMENT.".

2

3 Page 2, after line 23 insert:

4

5 "(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "EMPLOYEE" DOES NOT INCLUDE A PERSON EMPLOYED BY AN
8 ENTITY SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF
9 ARTICLE 72 OF TITLE 24, C.R.S.

10 (b) "EMPLOYER" DOES NOT INCLUDE ANY ENTITY SUBJECT TO THE
11 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24,
12 C.R.S."

13

14 Renumber succeeding C.R.S. subsections accordingly.

15

16 Page 3, line 14, strike "ACCUSATION" and substitute "ACCUSATION, AS
17 DETERMINED BY THE EMPLOYER,".

18

19 Page 3, strike lines 17 through 19 and substitute:

20

21 "(4) NOTHING IN THIS SECTION:

22 (a) CREATES OR AUTHORIZES A PRIVATE CAUSE OF ACTION BY A
23 PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION;

24 (b) REQUIRES AN EMPLOYER TO CREATE, MAINTAIN, OR RETAIN A
25 PERSONNEL FILE ON AN EMPLOYEE OR FORMER EMPLOYEE; OR

26 (c) REQUIRES AN EMPLOYER TO RETAIN ANY DOCUMENTS THAT
27 ARE OR WERE CONTAINED IN AN EMPLOYEE'S OR FORMER EMPLOYEE'S
28 PERSONNEL FILE FOR ANY SPECIFIED PERIOD OF TIME.

29 (5) THIS SECTION DOES NOT APPLY TO A FINANCIAL INSTITUTION
30 CHARTERED AND SUPERVISED UNDER STATE OR FEDERAL LAW, INCLUDING
31 WITHOUT LIMITATION:

32 (a) A BANK;

33 (b) A TRUST COMPANY;

34 (c) A SAVINGS INSTITUTION; AND

35 (d) A CREDIT UNION."

36

37 Page 1, line 101, after "OF" insert "PRIVATE SECTOR".

38

39

40

41 **HB16-1344** be postponed indefinitely.

42

43

44 **HB16-1345** be amended as follows, and as so amended, be referred to
45 the Committee on Appropriations with favorable
46 recommendation:

47

48 Amend printed bill, page 2, strike line 3, and substitute "(4) (a), (4) (b),
49 (4) (h), (4) (i), (4) (j), and (6) (a) as follows:".

50

51 Page 2, after line 6 insert:

52

53 "(a) **Standards for identification and evaluation of adult sex**
54 **offenders.** (I) The board shall develop, prescribe, and revise, as
55 appropriate, a standard procedure to evaluate and identify adult sex

1 offenders, including adult sex offenders with developmental disabilities.
2 The procedures shall provide for an evaluation and identification of the
3 adult sex offender and recommend management, monitoring, and
4 treatment based upon existing research ~~demonstrating that sexually~~
5 ~~offending behavior is often repetitive and that~~ AND SHALL INCORPORATE
6 THE CONCEPTS OF THE RISK-NEED-RESPONSIVITY OR ANOTHER
7 EVIDENCE-BASED CORRECTIONAL MODEL. There is currently no way to
8 ensure that adult sex offenders with the propensity to commit sexual
9 offenses will not reoffend. Because there are adult sex offenders who can
10 learn to manage unhealthy patterns and learn behaviors that can lessen
11 their risk to society in the course of ongoing treatment, management, and
12 monitoring, the board shall develop a procedure for evaluating and
13 identifying, on a case-by-case basis, reliably lower-risk sex offenders
14 WHOSE RISK TO SEXUALLY REOFFEND MAY NOT BE FURTHER REDUCED BY
15 PARTICIPATION IN TREATMENT AS DESCRIBED IN PARAGRAPH (b) OF THIS
16 SUBSECTION (4). The board shall develop and implement methods of
17 intervention for adult sex offenders, which methods have as a priority the
18 physical and psychological safety of victims and potential victims and
19 which are appropriate to the assessed needs of the particular offender, so
20 long as there is no reduction in the safety of victims and potential victims.

21 (II) (A) ONCE THE BOARD HAS APPROVED REVISED PORTIONS OF
22 THE STANDARDS, THE BOARD SHALL MAKE EVERY EFFORT TO PUBLISH THE
23 APPROVED PORTIONS. THE BOARD SHALL COMPLETE A REVISION OF THE
24 STANDARDS TO IDENTIFY AND EVALUATE ADULT SEX OFFENDERS BY JULY
25 1, 2017. IF THE BOARD DETERMINES THAT IT WILL BE UNABLE TO
26 COMPLETE THE REVISION OF THE STANDARDS BY JULY 1, 2017, THE BOARD
27 SHALL REPORT TO THE JUDICIARY COMMITTEES OF THE GENERAL
28 ASSEMBLY, OR ANY SUCCESSOR COMMITTEES, A PROJECTED COMPLETION
29 DATE AS PART OF ITS ANNUAL REPORT PRESENTED PURSUANT TO SECTION
30 16-11.7-109 (2) IN JANUARY 2017. THE REVISED STANDARDS MUST BE
31 CONSISTENT WITH THE RECOMMENDATIONS PROVIDED TO THE BOARD IN
32 THE 2014 INDEPENDENT EVALUATION OF THE BOARD'S STANDARDS AND
33 GUIDELINES FUNDED BY THE GENERAL ASSEMBLY IN 2013; EXCEPT THAT,
34 IF THE STANDARDS ARE NOT CONSISTENT WITH THE 2014 INDEPENDENT
35 EVALUATION, IN ITS ANNUAL REPORT TO THE JUDICIARY COMMITTEES OF
36 THE GENERAL ASSEMBLY, OR ANY SUCCESSOR COMMITTEES, PURSUANT TO
37 SECTION 16-11.7-109 (2), THE BOARD SHALL DESCRIBE ANY
38 INCONSISTENCIES AND EXPLAIN THE EVIDENCE-BASED REASONS FOR THE
39 INCONSISTENCIES.

40 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,
41 2018.

42 (b) **Guidelines and standards for treatment of adult offenders.**
43 (I) The board shall develop, implement, and revise, as appropriate,
44 guidelines and standards to treat adult sex offenders, including adult sex
45 offenders with developmental disabilities, INCORPORATING IN THE
46 GUIDELINES AND STANDARDS THE CONCEPTS OF THE
47 RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED CORRECTIONAL
48 MODEL, which guidelines and standards can be used in the treatment of
49 offenders who are placed on probation, incarcerated with the department
50 of corrections, placed on parole, or placed in community corrections.
51 Programs implemented pursuant to the guidelines and standards
52 developed pursuant to this paragraph (b) shall be as flexible as possible
53 so that the programs may be accessed by each adult sex offender to
54 prevent the offender from harming victims and potential victims.
55 Programs shall include a continuing monitoring process and a continuum

1 of treatment options available to an adult sex offender as he or she
2 proceeds through the criminal justice system. Treatment options shall be
3 determined by a current risk assessment and evaluation and may include,
4 but need not be limited to, group counseling, individual counseling,
5 family counseling, outpatient treatment, inpatient treatment, shared living
6 arrangements, or treatment in a therapeutic community. Programs
7 implemented pursuant to the guidelines and standards developed pursuant
8 to this paragraph (b) shall, to the extent possible, be accessible to all adult
9 sex offenders in the criminal justice system, including those offenders
10 with mental illness and co-occurring disorders. The procedures for
11 evaluation, identification, treatment, and monitoring developed pursuant
12 to this subsection (4) shall be implemented only to the extent that moneys
13 are available in the sex offender surcharge fund created in section
14 18-21-103 (3), C.R.S.

15 (II) (A) ONCE THE BOARD HAS APPROVED REVISED PORTIONS OF
16 THE STANDARDS, THE BOARD SHALL MAKE EVERY EFFORT TO PUBLISH THE
17 APPROVED PORTIONS. THE BOARD SHALL COMPLETE A REVISION OF THE
18 GUIDELINES AND STANDARDS TO TREAT ADULT SEX OFFENDERS BY JULY
19 1, 2017. IF THE BOARD DETERMINES THAT IT WILL BE UNABLE TO
20 COMPLETE THE REVISION OF THE STANDARDS BY JULY 1, 2017, THE BOARD
21 SHALL REPORT TO THE JUDICIARY COMMITTEES OF THE GENERAL
22 ASSEMBLY, OR ANY SUCCESSOR COMMITTEES, A PROJECTED COMPLETION
23 DATE AS PART OF ITS ANNUAL REPORT PRESENTED PURSUANT TO SECTION
24 16-11.7-109 (2) IN JANUARY 2017. THE REVISED GUIDELINES AND
25 STANDARDS MUST BE CONSISTENT WITH THE RECOMMENDATIONS
26 PROVIDED TO THE BOARD IN THE 2014 INDEPENDENT EVALUATION OF THE
27 BOARD'S STANDARDS AND GUIDELINES FUNDED BY THE GENERAL
28 ASSEMBLY IN 2013; EXCEPT THAT, IF THE STANDARDS ARE NOT
29 CONSISTENT WITH THE 2014 INDEPENDENT EVALUATION, IN ITS ANNUAL
30 REPORT TO THE GENERAL ASSEMBLY PURSUANT TO SECTION 16-11.7-109
31 (2), THE BOARD SHALL DESCRIBE ANY INCONSISTENCIES AND EXPLAIN THE
32 EVIDENCE-BASED REASONS FOR THE INCONSISTENCIES.

33 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,
34 2018."
35

36 Page 2, strike lines 7 through 19 and substitute:
37

38 "(h) **Data collection from treatment providers.** (I) If the
39 department of public safety acquires sufficient funding, the board may
40 request that individuals or entities providing sex-offender-specific
41 evaluation, treatment, or polygraph services that conform with standards
42 developed by the board pursuant to paragraph (b) of this subsection (4)
43 submit to the board data and information as determined by the board at
44 the time that funding becomes available. This data and information may
45 be used by the board to evaluate the effectiveness of the guidelines and
46 standards developed pursuant to this article; to evaluate the effectiveness
47 of individuals or entities providing sex-offender-specific evaluation,
48 treatment, or polygraph services; or for any other purposes consistent with
49 the provisions of this article.

50 (II) THE BOARD SHALL DEVELOP A DATA COLLECTION PLAN,
51 INCLUDING ASSOCIATED COSTS, IN CONSULTATION WITH THE RESEARCH
52 AND EVALUATION PROFESSIONALS ON THE BOARD AND WITHIN THE
53 DEPARTMENT OF PUBLIC SAFETY. THE BOARD SHALL REPORT ON THE DATA
54 COLLECTION PLAN TO THE JUDICIARY COMMITTEES OF THE GENERAL
55 ASSEMBLY, OR ANY SUCCESSOR COMMITTEES, AS PART OF ITS ANNUAL

1 REPORT PRESENTED PURSUANT TO SECTION 16-11.7-109 (2) IN JANUARY
2 2017. BY JULY 1, 2017, THE BOARD SHALL REVISE THE GUIDELINES AND
3 STANDARDS FOR APPROVED PROVIDERS DEVELOPED PURSUANT TO
4 PARAGRAPHS (b) AND (j) OF THIS SUBSECTION (4) TO REQUIRE
5 EVALUATORS, TREATMENT PROVIDERS, AND POLYGRAPH EXAMINERS TO
6 COLLECT DATA PURSUANT TO THE DATA COLLECTION PLAN. IF THE BOARD
7 DETERMINES THAT IT WILL BE UNABLE TO COMPLETE THE REVISION OF THE
8 GUIDELINES AND STANDARDS BY JULY 1, 2017, THE BOARD SHALL REPORT
9 TO THE JUDICIARY COMMITTEES OF THE GENERAL ASSEMBLY, OR ANY
10 SUCCESSOR COMMITTEES, A PROJECTED COMPLETION DATE AS PART OF ITS
11 ANNUAL REPORT PRESENTED PURSUANT TO SECTION 16-11.7-109 (2) IN
12 JANUARY 2017.

13 (i) **Standards for identification and evaluation of juvenile**
14 **offenders.** The board shall develop, prescribe, and revise, as appropriate,
15 a standard procedure to evaluate and identify juveniles who have
16 committed sexual offenses, including juveniles with developmental
17 disabilities. The procedure shall provide for an evaluation and
18 identification of the juvenile offender and recommend behavior
19 management, monitoring, treatment, and compliance AND SHALL
20 INCORPORATE THE CONCEPTS OF THE RISK-NEED-RESPONSIVITY OR
21 ANOTHER EVIDENCE-BASED CORRECTIONAL MODEL based upon the
22 knowledge that all unlawful sexual behavior poses a risk to the
23 community and that certain juveniles may have the capacity to change
24 their behavior with appropriate intervention and treatment. The board
25 shall develop and implement methods of intervention for juveniles who
26 have committed sexual offenses, which methods have as a priority the
27 physical and psychological safety of victims and potential victims and
28 that are appropriate to the needs of the particular juvenile offender, so
29 long as there is no reduction in the safety of victims and potential victims.

30 (j) **Guidelines and standards for treatment of juvenile**
31 **offenders.** The board shall develop, implement, and revise, as
32 appropriate, guidelines and standards to treat juveniles who have
33 committed sexual offenses, including juveniles with developmental
34 disabilities, INCORPORATING IN THE GUIDELINES AND STANDARDS THE
35 CONCEPTS OF THE RISK-NEED-RESPONSIVITY OR ANOTHER
36 EVIDENCE-BASED CORRECTIONAL MODEL, which guidelines and standards
37 may be used for juvenile offenders who are placed on probation,
38 committed to the department of human services, placed on parole, or
39 placed in out-of-home placement. Programs implemented pursuant to the
40 guidelines and standards developed pursuant to this paragraph (j) shall be
41 as flexible as possible so that the programs may be accessed by each
42 juvenile offender to prevent him or her from harming victims and
43 potential victims. Programs shall provide a continuing monitoring process
44 and a continuum of treatment options available to a juvenile offender as
45 he or she proceeds through the juvenile justice system. Treatment options
46 may include, but need not be limited to, group counseling, individual
47 counseling, family counseling, outpatient treatment, inpatient treatment,
48 shared living arrangements, and treatment in a therapeutic community.
49 Programs implemented pursuant to the guidelines and standards
50 developed pursuant to this paragraph (j) shall be, to the extent possible,
51 accessible to all juveniles who have committed sexual offenses and who
52 are in the juvenile justice system, including juveniles with mental illness
53 or co-occurring disorders."

54

55 Page 3, line 2, strike "2021." and substitute "2019."

1 Page 3, after line 2 insert:

2

3 "SECTION 2. In Colorado Revised Statutes, **amend** 16-11.7-105
4 as follows:

5 **16-11.7-105. Sentencing of sex offenders - treatment based**
6 **upon evaluation and identification required.** (1) Each adult sex
7 offender and juvenile who has committed a sexual offense sentenced by
8 the court for an offense committed on or after January 1, 1994, shall be
9 required, as a part of any sentence to probation, commitment to the
10 department of human services, sentence to community corrections,
11 incarceration with the department of corrections, placement on parole, or
12 out-of-home placement to undergo treatment to the extent appropriate to
13 such offender based upon the recommendations of the evaluation and
14 identification made pursuant to section 16-11.7-104 or based upon any
15 subsequent recommendations by the department of corrections, the
16 judicial department, the department of human services, or the division of
17 criminal justice in the department of public safety, whichever is
18 appropriate. The treatment and monitoring shall be provided by an
19 approved provider pursuant to section 16-11.7-106, and the offender shall
20 pay for the treatment to the extent the offender is financially able to do so.

21 (2) THE SUPERVISING AGENCY OF EACH ADULT SEX OFFENDER AND
22 JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE SHALL GIVE AN
23 OFFENDER A CHOICE OF AT LEAST TWO APPROPRIATE AGENCIES STAFFED
24 BY APPROVED PROVIDERS, UNLESS THE SUPERVISING AGENCY DOCUMENTS
25 IN THE FILE THAT, BASED UPON THE NATURE OF THE PROGRAM OFFERED
26 AND THE NEEDS OF THE OFFENDER, FEWER THAN TWO AGENCIES CAN MEET
27 THE SPECIFIC NEEDS OF THE OFFENDER AND ENSURE THE SAFETY OF THE
28 PUBLIC. ONCE SELECTED, NEITHER THE TREATMENT AGENCY NOR THE
29 POLYGRAPH EXAMINER MAY BE CHANGED BY THE OFFENDER WITHOUT THE
30 APPROVAL OF THE COMMUNITY SUPERVISION TEAM, THE
31 MULTIDISCIPLINARY TEAM, OR THE COURT."
32

33 Renumber succeeding sections accordingly.

34

35 Page 4, line 18, strike "(52.5) (f)" and substitute "(50.5) (o)".

36

37 Page 4, line 25, strike "(52.5)" and substitute "(50.5)".

38

39 Page 4, line 26, strike "2021:" and substitute "2019:"

40

41 Page 4, line 27, strike "(f)" and substitute "(o)".

42

43

44

45 **SB16-065** be amended as follows, and as so amended, be referred to
46 the Committee of the Whole with favorable
47 recommendation:
48

49 Amend reengrossed bill, page 2, line 12, strike "adjudication." and
50 substitute "adjudication, THE ENTRY OF AN ORDER OF EXPUNGEMENT
51 PURSUANT TO SECTION 19-1-306, C.R.S., OR AN ORDER TO SEAL ENTERED
52 PURSUANT TO PART 7 OF ARTICLE 72 OF TITLE 24, C.R.S."
53

54

54 Page 4, after line 12, insert:

55

"SECTION 4. In Colorado Revised Statutes, **amend** 16-18.5-111

1 as follows:

2 **16-18.5-111. Effect of termination of deferred judgment and**
3 **sentence or deferred adjudication, expungement, or sealing.** The
4 provisions of this article apply notwithstanding the termination of a
5 deferred judgment and sentence or a deferred adjudication, THE ENTRY OF
6 AN ORDER OF EXPUNGEMENT PURSUANT TO SECTION 19-1-306, C.R.S., OR
7 AN ORDER TO SEAL ENTERED PURSUANT TO PART 7 OF ARTICLE 72 OF TITLE
8 24, C.R.S."

9
10 Renumber succeeding sections accordingly.

11
12 Page 4, line 14, strike "date." and substitute "date and to existing
13 instances or future instances in which an offender's death certificate has
14 been presented to the clerk of the court or the court collections
15 investigator."

16
17
18
19
20 **LEGAL SERVICES**

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

23
24 **HB16-1257** be referred to the Committee of the Whole with favorable
25 recommendation.
26

27
28
29
30 **PUBLIC HEALTH CARE & HUMAN SERVICES**

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

33
34 **HB16-1383** 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 2, line 16, strike "NEGLECT." and substitute
39 "NEGLECT;".

40
41 Page 2, strike lines 17 through 22.

42
43 Page 3, strike lines 1 through 3.

44
45 Reletter succeeding paragraphs accordingly.

46
47 Page 4, strike lines 2 through 9 and substitute "**welfare pilot program -
48 steering committee - requirements - independent vendor - reporting.**

49 (1) (a) ON OR BEFORE DECEMBER 15, 2016, USING THE
50 RECOMMENDATIONS OF THE STEERING COMMITTEE FORMED IN PARAGRAPH
51 (b) OF THIS SUBSECTION (1), THE STATE DEPARTMENT SHALL RELEASE A
52 REQUEST FOR PROPOSALS FOR A TECHNOLOGY VENDOR FOR A PREDICTIVE
53 DATA ANALYTIC TECHNOLOGY FOR CHILD WELFARE PILOT PROGRAM,
54 REFERRED TO IN THIS ARTICLE AS THE "PILOT PROGRAM". THE PURPOSE OF
55 THE PILOT PROGRAM IS TO IMPLEMENT A STATE-OF-THE ART DATA

1 ANALYTICS TECHNOLOGY SYSTEM TO ACCESS, INTEGRATE, AND ANALYZE
2 DATA SOURCES TO CALCULATE A CHILD'S RISK SCORES FOR ABUSE OR
3 NEGLECT.

4 (b) THE STATE DEPARTMENT SHALL CONVENE A STEERING
5 COMMITTEE THAT INCLUDES APPROPRIATE STAKEHOLDER
6 REPRESENTATION FROM CHILD WELFARE SERVICES AT THE STATE AND
7 COUNTY LEVELS. THE PURPOSE OF THE STEERING COMMITTEE IS TO:

8 (I) CONSIDER AND RECOMMEND, AT A MINIMUM, THE APPROPRIATE
9 NUMBER AND TYPES OF COUNTIES TO PARTICIPATE IN THE PILOT PROGRAM
10 TO ENSURE ADEQUATE DATA AVAILABILITY AND REPRESENTATION OF
11 DIVERSE POPULATIONS THAT WILL RESULT IN A MEANINGFUL PILOT
12 PROGRAM;

13 (II) ASSIST THE STATE DEPARTMENT IN THE DEVELOPMENT OF THE
14 REQUEST FOR PROPOSALS FOR A TECHNOLOGY VENDOR, AS DESCRIBED IN
15 SUBSECTION (3) OF THIS SECTION, UTILIZING THE REQUIREMENTS OF
16 SUBSECTION (2) OF THIS SECTION; AND

17 (III) RECOMMEND AN INDEPENDENT THIRD-PARTY EVALUATOR TO
18 PERFORM THE OBLIGATIONS SPECIFIED IN SECTION 26-5.1-103 (2)."

19
20 Page 5, line 7, strike "ON OR BEFORE NOVEMBER 1, 2016," and substitute
21 "AT THE CONCLUSION OF THE REQUEST FOR PROPOSALS PROCESS
22 DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS SECTION,".

23
24 Page 5, line 13, after the period add "THE TECHNOLOGY VENDOR
25 SELECTED SHALL ENSURE AND CERTIFY ITS COMPLIANCE WITH ALL
26 RELEVANT STATE AND FEDERAL PRIVACY LAWS AND POLICIES.".

27
28 Page 5, line 21, strike "NOVEMBER 1, 2016," and substitute "MARCH 31,
29 2017,".

30
31 Page 6, line 14, after "SECTION," insert "AND AFTER REVIEW BY AN
32 INDEPENDENT THIRD-PARTY EVALUATOR,".

33
34
35
36 **HB16-1425** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:

39
40 Amend printed bill, page 2, line 15, strike "CENTER" and substitute
41 "CENTER,"

42
43 Page 2, line 16, before "FOR" insert "WHICH IS LOCATED AT A SKI AREA,".

44
45
46
47 **HB16-1426** be amended as follows, and as so amended, be referred to
48 the Committee of the Whole with favorable
49 recommendation:

50
51 Amend printed bill, page 2, after line 1, insert:

52
53 "SECTION 1. **Legislative declaration.** (1) The general
54 assembly finds and declares that:

55 (a) Service animals that are properly trained to assist persons with

- 1 disabilities play a vital role in establishing independence for such persons;
- 2 (b) The term "service animal" has a distinct meaning in the law.
- 3 A service animal means a dog or miniature horse trained to do work or
- 4 perform tasks for the benefit of an individual with a disability and whose
- 5 work or task is directly related to the individual's disability. Under the
- 6 law, the provision of emotional support, well-being, comfort, or
- 7 companionship does not constitute the work or tasks of a service animal.
- 8 (c) No vest, other marking, or documentation is required for an
- 9 animal to qualify as a service animal, nor are such vests, markings, or
- 10 documentation a reliable indication of whether an animal is, by law, a
- 11 service animal. People sometimes erroneously think that a therapy animal,
- 12 an emotional support animal, or any animal wearing a vest or having any
- 13 other type of marking is a service animal as defined by law.
- 14 (d) There are an increasing number of occurrences where people
- 15 exploit the confusion related to service animals and attempt to bring an
- 16 animal into a place that it would otherwise not be allowed to enter by
- 17 passing off a pet, therapy animal, or emotional support animal as a service
- 18 animal or a service-animal-in-training, either by oral misrepresentation,
- 19 placing a vest or other marking on the animal, or presenting a
- 20 "certificate", despite knowing that it is not a service animal;
- 21 (e) Some companies mislead individuals into believing that they
- 22 will be entitled to the rights or privileges for individuals with disabilities
- 23 with service animals if only they buy the company's vests or obtain some
- 24 type of certificate. These misrepresentations, in some cases, are unlawful
- 25 deceptive trade practices and compound the confusion around service
- 26 animals.
- 27 (f) Commendably, federal and state laws require places of public
- 28 accommodation, including restaurants, theaters, stores, hospitals, and
- 29 more, to allow any animal that is presented as a service animal or a
- 30 service-animal-in-training into the place of public accommodation. These
- 31 same places of public accommodation face a dilemma when someone
- 32 enters the premises and intentionally misrepresents his or her animal as
- 33 a service animal or service-animal-in-training.
- 34 (g) To respect the privacy of individuals with disabilities,
- 35 regulations sensibly allow businesses and other places of public
- 36 accommodation to ask only two questions of a person who is being
- 37 assisted by an animal in such a place:
- 38 (I) Is the dog [or miniature horse] a service animal required
- 39 because of a disability?
- 40 (II) What work or task has the dog [or miniature horse] been
- 41 trained to perform?
- 42 (h) False answers to these two questions harm not only the place
- 43 of public accommodation and its patrons, but also individuals with
- 44 disabilities who legitimately rely on service animals. If an animal is not
- 45 properly trained, the place of public accommodation and its clientele may
- 46 suffer damages, health issues, injury, or other problems. When people try
- 47 to falsely represent a non-service animal as a service animal or a
- 48 service-animal-in-training, business owners and other places of public
- 49 accommodation become increasingly distrustful that an animal being
- 50 represented to them as a service animal or service-animal-in-training is,
- 51 in fact, a service animal or service-animal-in-training. Misrepresentation
- 52 of service animals delegitimizes the program and makes it harder for
- 53 persons with disabilities to gain unquestioned acceptance of their
- 54 legitimate, properly trained, and essential service animals.
- 55 (2) Therefore, the general assembly finds that the state of

- 1 Colorado needs to enact a crime of intentional misrepresentation of a
2 service animal for a person with a disability."
3
4 Renumber succeeding sections accordingly.
5
6 Page 2, line 13, strike "DISABILITY." and substitute "DISABILITY OR THE
7 DISABILITY-RELATED NEED FOR THE ANIMAL."
8
9 Page 4, line 12, strike "DISABILITY." and substitute "DISABILITY OR THE
10 DISABILITY-RELATED NEED FOR THE ANIMAL."
11
12 Page 5, line 27, strike "DISABILITY." and substitute "DISABILITY OR THE
13 DISABILITY-RELATED NEED FOR THE ANIMAL."
14
15 Page 7, line 4, strike "18-13-107.5" and substitute "18-13-107.3 and
16 18-13-107.7".
17
18 Page 7, line 6, strike "**18-13-107.5.**" and substitute "**18-13-107.3.**".
19
20 Page 7, lines 19 and 20, strike "SECTION COMMITS A CLASS 1 PETTY
21 OFFENSE AND," and substitute "SECTION,".
22
23 Page 7, line 22, strike the second "A" and substitute "THE PERSON
24 COMMITS A CLASS 2 PETTY OFFENSE WITH A CORRESPONDING FINE OF FIFTY
25 DOLLARS UNLESS THE VIOLATION ENDANGERED ONE OR MORE THIRD
26 PARTIES, IN WHICH CASE THE PERSON IS GUILTY OF A MISDEMEANOR WITH
27 A CORRESPONDING".
28
29 Page 7, line 24, after "OFFENSE," insert "THE PERSON IS GUILTY OF A
30 MISDEMEANOR WITH".
31
32 Page 7, line 26, after "OFFENSE," insert "THE PERSON IS GUILTY OF A CLASS
33 3 MISDEMEANOR WITH".
34
35 Page 8, line 15, strike "PAID;" and substitute "PAID OR THE DEFENDANT
36 HAS FILED A MOTION TO FILE WITHOUT PAYMENT WITH A SUPPORTING
37 FINANCIAL AFFIDAVIT AND THE COURT HAS GRANTED THE MOTION;".
38
39 Page 9, line 4, strike "BUREAU." and substitute "BUREAU UNLESS THE
40 COURT HAS GRANTED THE MOTION SPECIFIED IN SUBPARAGRAPH (II) OF
41 PARAGRAPH (b) OF THIS SUBSECTION (3).".
42
43 Page 10, after line 9 insert:
44
45 **"18-13-107.7. Intentional misrepresentation of a service**
46 **animal for a person with a disability - penalty - sealing of conviction**
47 **records - definitions.** (1) A PERSON COMMITS INTENTIONAL
48 MISREPRESENTATION OF A SERVICE ANIMAL IF:
49 (a) THE PERSON INTENTIONALLY MISREPRESENTS AN ANIMAL IN HIS
50 OR HER POSSESSION AS HIS OR HER SERVICE ANIMAL OR
51 SERVICE-ANIMAL-IN-TRAINING FOR THE PURPOSE OF OBTAINING ANY OF
52 THE RIGHTS OR PRIVILEGES SET FORTH IN SECTION 24-34-803, C.R.S.; AND
53 (b) THE PERSON KNOWS THAT THE ANIMAL IN QUESTION IS NOT A
54 SERVICE ANIMAL OR SERVICE-ANIMAL-IN-TRAINING.
55 (2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION,

1 UPON CONVICTION, SHALL BE PUNISHED AS FOLLOWS:

2 (a) FOR A FIRST OFFENSE, THE PERSON COMMITS A CLASS 2 PETTY
3 OFFENSE WITH A CORRESPONDING FINE OF FIFTY DOLLARS UNLESS THE
4 VIOLATION ENDANGERED ONE OR MORE THIRD PARTIES, IN WHICH CASE
5 THE PERSON IS GUILTY OF A MISDEMEANOR WITH A CORRESPONDING FINE
6 OF NOT LESS THAN THREE HUNDRED FIFTY DOLLARS BUT NOT MORE THAN
7 ONE THOUSAND DOLLARS;

8 (b) FOR A SECOND OFFENSE, THE PERSON IS GUILTY OF A
9 MISDEMEANOR WITH A CORRESPONDING FINE OF NOT LESS THAN SIX
10 HUNDRED DOLLARS BUT NOT MORE THAN ONE THOUSAND DOLLARS; AND

11 (c) FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON IS GUILTY
12 OF A MISDEMEANOR WITH A CORRESPONDING FINE OF NOT LESS THAN ONE
13 THOUSAND DOLLARS BUT NOT MORE THAN FIVE THOUSAND DOLLARS, IN
14 ADDITION TO NOT MORE THAN TEN HOURS OF COMMUNITY SERVICE.

15 (3) (a) A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE
16 DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE
17 DEFENDANT'S FIRST CONVICTION FOR INTENTIONAL MISREPRESENTATION
18 OF A SERVICE ANIMAL, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION,
19 ARE LOCATED FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT
20 FOR BASIC IDENTIFYING INFORMATION.

21 (b) IF A PETITION IS FILED PURSUANT TO PARAGRAPH (a) OF THIS
22 SUBSECTION (3) FOR THE SEALING OF A RECORD OF CONVICTION FOR
23 INTENTIONAL MISREPRESENTATION OF A SERVICE ANIMAL, THE COURT
24 SHALL ORDER THE RECORD SEALED IF THE FOLLOWING CRITERIA ARE MET:

25 (I) THE PETITION IS FILED;

26 (II) THE FILING FEE IS PAID OR THE DEFENDANT HAS FILED A
27 MOTION TO FILE WITHOUT PAYMENT WITH A SUPPORTING FINANCIAL
28 AFFIDAVIT AND THE COURT HAS GRANTED THE MOTION;

29 (III) THE DEFENDANT'S FIRST CONVICTION FOR INTENTIONAL
30 MISREPRESENTATION OF A SERVICE ANIMAL WAS AT LEAST THREE YEARS
31 PRIOR TO THE DATE OF THE FILING OF THE PETITION; AND

32 (IV) THE DEFENDANT HAS NOT HAD A SUBSEQUENT CONVICTION
33 FOR INTENTIONAL MISREPRESENTATION OF A SERVICE ANIMAL.

34 (c) AN ORDER ENTERED PURSUANT TO THIS SUBSECTION (3) MUST
35 BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART
36 OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.
37 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS
38 PURSUANT TO THIS SUBSECTION (3), THE DEFENDANT SHALL PROVIDE THE
39 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE
40 CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE
41 BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL
42 CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU UNLESS
43 THE COURT HAS GRANTED THE MOTION SPECIFIED IN SUBPARAGRAPH (II)
44 OF PARAGRAPH (b) OF THIS SUBSECTION (3). THEREAFTER, THE
45 DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER
46 SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE
47 SEALED.

48 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
49 REQUIRES:

50 (a) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
51 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
52 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING
53 REGULATIONS.

54 (b) "QUALIFIED INDIVIDUAL WITH A DISABILITY" HAS THE SAME
55 MEANING AS SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES

1 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED
2 AMENDMENTS AND IMPLEMENTING REGULATIONS.

3 (c) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN
4 THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE
5 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
6 12101 ET SEQ.

7 (d) "SERVICE-ANIMAL-IN-TRAINING" MEANS A DOG OR MINIATURE
8 HORSE THAT IS BEING INDIVIDUALLY TRAINED TO DO WORK OR PERFORM
9 TASKS FOR THE BENEFIT OF A QUALIFIED INDIVIDUAL WITH A DISABILITY.

10 (e) "TRAINER OF A SERVICE ANIMAL" MEANS A PERSON WHO IS
11 INDIVIDUALLY TRAINING A SERVICE ANIMAL TO DO WORK OR PERFORM
12 TASKS FOR THE BENEFIT OF A QUALIFIED INDIVIDUAL WITH A DISABILITY.

13 **SECTION 6.** In Colorado Revised Statutes, **add** 24-34-606 as
14 follows:

15 **24-34-606. Public education - service and assistance animals**
16 **- form used in housing.** (1) THE DIVISION IS AUTHORIZED TO EDUCATE

17 THE PUBLIC ABOUT THE DEFINITIONS OF ASSISTANCE AND SERVICE
18 ANIMALS, AS THOSE TERMS ARE DEFINED IN SECTIONS 18-13-107.3 AND
19 18-13-107.7, C.R.S., AND THE RIGHTS THAT ACCOMPANY PEOPLE WITH
20 DISABILITIES WHO USE THOSE ANIMALS. THE DIVISION MAY:

21 (a) USE ITS WEB SITE TO INCLUDE INFORMATION ON HOW A PERSON
22 WITH A DISABILITY CAN COMPLAIN ABOUT DISCRIMINATION ENCOUNTERED
23 IN PLACES OF PUBLIC ACCOMMODATION AND INFORMATION ON THE
24 CRIMINAL PENALTIES FOR MISREPRESENTATION OF A SERVICE OR
25 ASSISTANCE ANIMAL CONTAINED IN SECTIONS 18-13-107.3 AND
26 18-13-107.7, C.R.S.;

27 (b) CREATE AND PUBLICIZE PUBLIC SERVICE ANNOUNCEMENTS
28 ABOUT THE CRIMINAL PENALTIES CONTAINED IN SECTIONS 18-13-107.3
29 AND 18-13-107.7, C.R.S., AND LINKS TO THE DIVISION'S WEBSITE TO
30 ALLOW THE PUBLIC TO ACCESS MORE INFORMATION;

31 (c) CREATE AND PUBLICIZE UNIFORM SIGNAGE FOR ALL PLACES OF
32 PUBLIC ACCOMMODATION TO DISPLAY TO INFORM THE PUBLIC OF THE
33 RULES SURROUNDING ANIMALS IN PUBLIC AND THE CRIMINAL PENALTIES
34 FOR MISREPRESENTATION OF A SERVICE ANIMAL CONTAINED IN SECTIONS
35 18-13-107.3 AND 18-13-107.7, C.R.S.;

36 (d) CREATE AND PUBLICIZE ONE OR MORE FORMS THAT
37 LANDLORDS, QUALIFIED INDIVIDUALS WITH A DISABILITY, AND HEALTH
38 CARE PROVIDERS MAY USE IN MAKING A DETERMINATION CONTEMPLATED
39 BY SECTION 12-36-142, 12-38-132.5, OR 12-43-226.5, C.R.S.; AND

40 (e) ESTABLISH A TRAINING PROGRAM FOR ALL LAW ENFORCEMENT
41 OFFICERS IN COLORADO TO INFORM THEM ON THE CRIMINAL PENALTIES
42 CONTAINED IN SECTIONS 18-13-107.3 AND 18-13-107.7, C.R.S., AND HOW
43 TO PROVIDE EFFECTIVE COMMUNICATION TO PEOPLE WITH DISABILITIES
44 WHEN MAKING INQUIRIES UNDER APPLICABLE LAW.

45 (2) IF A LANDLORD REQUIRES A TENANT TO PROVIDE
46 DOCUMENTATION IN CONNECTION WITH THE TENANT'S ASSISTANCE
47 ANIMAL, AS THAT TERM IS DEFINED IN SECTION 18-13-107.3, C.R.S., THE
48 LANDLORD SHALL PROVIDE THE TENANT WITH THE FORM SPECIFIED IN
49 PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION IF THE DIVISION HAS
50 POSTED THE FORM ON ITS WEBSITE."

51
52 Renumber succeeding section accordingly.

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55

1 **SB16-158** be amended as follows, and as so amended, be referred to
 2 the Committee of the Whole with favorable
 3 recommendation:
 4

5 Amend reengrossed bill, page 10, line 14, strike "DESCRIBED IN SECTION
 6 18-18-204," and substitute "DEFINED IN SECTION 18-18-102 (5)".

7
 8 Page 11, line 21, strike "DESCRIBED IN SECTION 18-18-204," and substitute
 9 "DEFINED IN SECTION 18-18-102 (5)".

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 12
 13 **PRINTING REPORT**

14
 15 The Chief Clerk reports the following bills and Concurrent Resolution
 16 have been correctly printed: **HB16-1445, 1446, 1447, 1448; HCR16-**
 17 **1003.**

18
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 20
 21 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

22
 23 The Speaker has signed: **HB16-1158, 1159, 1405, 1406, 1407, 1408,**
 24 **1409, 1410, 1411, 1413, 1414, 1417, 1418, 1419; HJR16-1011, 1012,**
 25 **1016, 1017; HM16-1003, 1004.**

26
 27
 28 **MESSAGE(S) FROM THE SENATE**

29
 30 Upon announcement of President Cadman, Representative Sias will be
 31 added as a joint prime sponsor with Senators Neville T. and Jahn, and
 32 Representative Kraft-Tharp on SB16-036.
 33

34
 35 The Senate has passed on Third Reading and transmitted to the Revisor
 36 of Statutes:
 37 SB16-038 amended in General Orders as printed in Senate Journal
 38 April 19, 2016.
 39

40 The Senate has passed on Third Reading and returns herewith:
 41 HB16-1225, 1171, and 1375.
 42

43 The Senate has passed on Third Reading and transmitted to the Revisor
 44 of Statutes:
 45 HB16-1336 amended in General Orders as printed in Senate Journal,
 46 April 19, 2016.
 47

48
 49 The Senate has concurred with House Amendments to SB16-126, 058,
 50 145, 080, 027, and 131 and the bills have been repassed as amended.
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MESSAGE(S) FROM THE REVISOR

We herewith transmit:
without comment, as amended, **HB16-1336**.
without comment, as amended, **SB16-038**.

INTRODUCTION OF BILLS
First Reading

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

HB16-1449 by Representative(s) Danielson, Esgar, Ryden, Young, Kagan, Buckner, Moreno, Kraft-Tharp--Concerning safe contracting for school district services.
Committee on Education

SB16-038 by Senator(s) Aguilar, Newell, Guzman, Heath, Hodge, Kerr, Merrifield, Steadman, Todd, Kefalas, Ulibarri; also Representative(s) Young, Esgar, Ginal, Landgraf, Lontine, McCann, Tyler--Concerning measures to promote the transparency of community-centered boards, and, in connection therewith, making certain community-centered boards subject to performance audits undertaken by the state auditor and making all community-centered boards subject to the "Colorado Local Government Audit Law".
Committee on Health, Insurance, & Environment

On motion of Representative Duran, the following bill(s) calendared for Consideration of Senate Amendments, April 20, will be calendared for April 27: **HB16-1260**.

On motion of Representative Duran, the following resolution(s) calendared for Consideration of Resolutions, April 20, will be calendared for May 2: **HJR16-1020, 1021, HR16-1006**.

On motion of Representative Duran, the following memorial(s) calendared for Consideration of Memorial, April 20, will be calendared for May 2: **SJM16-005**.

On motion of Representative Duran, the House adjourned until 9:00 a.m., April 21, 2016.

Approved:
DICKEY LEE HULLINGHORST,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk