

HOUSE JOURNAL
SEVENTIETH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Tenth Legislative Day

Friday, January 16, 2015

1 Prayer by Representative Daneya Esgar.

2

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

4

5 Pledge of Allegiance led by Dylan Crowder, Home Schooled, Monte
6 Vista.

7

8 The roll was called with the following result:

9

10 Present--59.

11 Excused--Representative(s) KC Becker, Lawrence, Mitsch Bush,
12 Priola, Singer, Szabo--6.

13 Present after roll call--Representative(s) Singer, Szabo.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative Arndt, the reading of the journal of January
19 15, 2015, was declared dispensed with and approved as corrected by the
20 Chief Clerk.

21

22

CONSIDERATION OF RESOLUTION(S)

23

24
25 **HJR15-1005** by Representative(s) Ransom and Melton; also Senator(s)
26 Lundberg--Concerning the commemoration of the birthday
27 of the Reverend Dr. Martin Luther King, Jr.

28

29 (Printed and placed in members' file)

30

31 On motion of Representative Ransom, the resolution was read at length
32 and **adopted** by **viva voce** vote.

33

34 Current Roll Call added as co-sponsor(s): Representative(s) Arndt, Becker J.,
35 Brown, Buck, Buckner, Carver, Conti, Coram, Court, Danielson, DelGrosso,
36 Dore, Duran, Esgar, Everett, Fields, Foote, Garnett, Ginal, Hamner, Humphrey,
37 Joshi, Kagan, Keyser, Klingenschmitt, Kraft-Tharp, Landgraf, Lebsock, Lee,
38 Lontine, Lundeen, McCann, Moreno, Navarro, Neville P., Nordberg, Pabon,
39 Pettersen, Primavera, Rankin, Rosenthal, Roupe, Ryden, Saine, Salazar, Singer,
40 Szabo, Tate, Thurlow, Tyler, Van Winkle, Vigil, Willett, Williams, Wilson,
41 Windholz, Winter, Young, Speaker.

42

43

CHANGE IN SPONSORSHIP

1
2
3 The Speaker announced the following changes in sponsorship:
4 **HJR15-1005** - Senator Aguilar to be added as dual prime sponsor with
5 Senator Lundberg.

6
7
8 House in recess for Joint Session.
9

JOINT SESSION

10
11
12
13
14 The Joint Session was called to order by the Speaker of the House,
15 Dickey Lee Hullinghorst.

16
17 On motion of Senator Scheffel, the morning roll call of the Senate was
18 made the roll call of the Joint Session.

19
20 Present--34.
21 Excused--Senator(s) Cadman--1.

22
23 On motion of Representative Duran, the current roll call of the House was
24 made the roll call of the Joint Session.

25
26 Present--59.
27 Excused--Representative(s) KC Becker, Brown, Lawrence,
28 Mitsch Bush, Priola, Williams--6.

29
30 The Speaker declared a quorum present and as is customary presented the
31 gavel to the presiding officer of the Senate to preside over the Joint
32 Session.

33
34 President Pro Tempore Roberts requested the Joint Committee, composed
35 of Senators Woods and Guzman, and Representatives Salazar, Esgar and
36 Willet to escort Chief Justice Nancy E. Rice to the rostrum.

37
38 Chief Sergeant-at-Arms John Wallin announced the arrival of the
39 Honorable Nancy E. Rice, Chief Justice of the State of Colorado.

40
41 The Joint Committee escorted the Chief Justice to the rostrum where she
42 addressed the Joint Session.

43
44
45 **ADDRESS BY THE HONORABLE**
46 **Nancy E. Rice**
47

48 President Cadman, Speaker Hullinghorst, members of the General Assembly, honored
49 guests, family, and friends:

50 I am Nancy Rice, Chief Justice of the Colorado Supreme Court. It is my great privilege
51 to speak with you today about the state of Colorado's Judicial Branch of government.

52 Before I begin, I would like to introduce my fellow Justices:

53 Justice Gregory Hobbs,
54 Justice Ben Coats,
55 Justice Allison Eid,
56 Justice Monica Márquez,

1 Justice Brian Boatright, and
2 Justice Will Hood.
3 Thank you all for coming. I would also like to introduce Judge Gerald (“Jerry”)
4 Marroney, our State Court Administrator, and Judge Daniel Taubman, representing
5 the Colorado Court of Appeals. In addition, Chief Judge Mick O’Hara from
6 Steamboat, Chief Judge Michael Martinez from Denver, and Chief Judge Jim
7 Hartmann from Greeley are here representing the trial courts.
8 As some of you may know, this is my first time delivering the State of the Judiciary
9 address to a joint session of the General Assembly. Thank you for having me.
10 Since many of you probably do not know much about me, I will give you a quick
11 summary of my background before turning to the state of the Judiciary. I was born in
12 Colorado, grew up primarily in Cheyenne, Wyoming, and spent summers with my
13 grandparents in Trinidad, Colorado. During those summers as a child, I accompanied
14 my grandfather when he worked as a bailiff in the Trinidad courthouse. Watching
15 court proceedings and helping my grandfather made it clear to me that I wanted to
16 someday become a judge.
17 After law school, I clerked for a Federal District Court Judge and became an Assistant
18 United States Attorney here in Colorado. I was appointed as a Denver District Court
19 Judge in 1989 and sat as a trial judge for eleven years before Governor Roy Romer
20 appointed me to the Supreme Court in 1998. My colleagues on the Supreme Court
21 selected me to serve as Chief Justice in 2013, and I officially assumed that role just
22 over one year ago.
23 Having trial court judge experience has helped me immensely during my first year as
24 Chief Justice because I understand the work that trial judges do in our twenty-two
25 judicial districts. This understanding allows me, as Chief, to help those judges do their
26 jobs as best they can. I should also note that, with Judge Marroney as our State Court
27 Administrator, it is likely the first time in state history that the Judicial Branch has had
28 two former trial judges in its top two leadership positions. As we have for the past
29 year, Jerry and I will continue to use our experiences as trial judges to enhance the
30 services only our Branch can deliver.
31 Turning to the state of the Judiciary, I am pleased to report that the Courts and
32 Probation are, with your financial assistance, effectively delivering justice to the
33 people of Colorado.
34 We provide safe, accessible courthouse facilities in which our judicial and non-
35 judicial personnel treat people fairly and help Coloradans resolve their disputes
36 efficiently. The two new judges the General Assembly voted to add in our 18th Judicial
37 District in Arapahoe and Douglas Counties, and the legislation that started an
38 Underfunded Facilities grant program in 2014, help us carry out our core business.
39 Thank you to those of you here today who helped those bills become law last session.
40 With your financial help over the last few years, we have also increased our
41 commitment to evidence-based probation services. The resources allocated for
42 probation, and the programs put in place, have allowed judges to reduce the number
43 of offenders sentenced to prison for technical violations from a high of 1,729 in Fiscal
44 Year 2005 to 585 in Fiscal Year 2013. At an annual average cost of approximately
45 \$32,000 per year, this eight-year reduction in prison sentences has resulted in a cost
46 avoidance of \$36.6 million.
47 We also have seventy-eight problem-solving courts across the state in which the
48 courts, probation, and therapeutic service providers coordinate efforts to address the
49 root causes of certain offenders’ criminal behavior. In one successful example,
50 eighteen veterans who might have otherwise continued down a criminal path worked
51 with probation officers, a judge, and various service providers to graduate from our
52 veteran’s trauma court in Colorado Springs in November.
53 In addition, we continue to respond to the growing demands of those who come to
54 court without a lawyer. As they have for over a decade, Family Court Facilitators help
55 divorcing families organize their cases prior to appearing before a judge. We now also
56 have Self-Represented Litigant Coordinators (“Sherlocks”) in every judicial district.

1 These professionals provide valuable procedural advice to people who want to
2 represent themselves in small claims, domestic, and landlord/tenant disputes, among
3 other case types. In 2014, the Sherlocks had about 100,000 contacts with people who
4 came to the courts seeking assistance.
5 On the technology front, we now have e-filing capabilities in civil cases statewide. We
6 also rolled out criminal e-filing in Pueblo last October. Despite a few minor bumps in
7 the road, that rollout went very smoothly thanks to the collaborative efforts of our IT
8 Team, Pueblo courthouse staff, and local District Attorney and Public Defenders'
9 offices.
10 On the whole, we are successfully providing necessary Judicial services to the people
11 of Colorado. Feedback from 15,000 members of the public who responded to "Access
12 and Fairness Surveys" handed to them as they left courthouses around the state last
13 year confirm this assertion. Of the survey respondents, 75% reported that they
14 accomplished court business in a reasonable amount of time, and about 70% believed
15 their judge or magistrate listened to them and handled their cases fairly. Thank you to
16 the 3,200 employees and 322 judges who make these necessary and important services
17 available and effective.
18 Although the Judicial Branch is doing a good job overall, we can always improve.
19 This year, and in the future, we will focus on defining and doing our core business
20 better in light of evolving public demands.
21 With respect to technological improvements, we plan to increase bandwidth to help
22 our staff do their jobs more quickly and efficiently. We also plan to improve wireless
23 access and security in courthouses and will complete the criminal e-filing rollout in
24 every district by early next year.
25 In an effort to respond to the growing demand for court services in the San Luis
26 Valley, we are asking the General Assembly to fund a new judgeship in the 12th
27 Judicial District this session. Adding this judge will make our operations more
28 efficient by reducing the great distances our existing judicial personnel must drive to
29 serve a district the size of New Jersey. A bill to create this judgeship, co-sponsored by
30 Senator Crowder and Representative Vigil, will make its way to the floor soon. Chief
31 Judge Pattie Swift from Alamosa and I hope you see as much merit in this bill as we
32 do.
33 To keep up with an increasing demand for legal and procedural services by self-
34 represented people, we have requested additional Sherlocks and Family Court
35 Facilitators in this year's budget. We are also working closely with the Bar, our
36 Supreme Court library and resource center, local access to justice groups, and other
37 outside stakeholders to coordinate efforts to provide resources to people who either
38 cannot afford a lawyer or might be able to afford some legal services, just not "big
39 firm" hourly rates. The evolving demand for legal services is perhaps one of the
40 greatest variables influencing the legal profession and the courts today. We will do our
41 best to adapt as necessary in this changing environment.
42 All in all, the Judicial Branch continues to provide court and probation services to
43 meet the needs of the people of Colorado. I have appreciated the opportunity to share
44 a bit about our business with you this morning and look forward to working with the
45 General Assembly this session.
46 Thank you.

47
48
49 The Joint Committee escorted the Chief Justice from the Chamber.

50
51
52 On motion of Senator Scheffel, the Joint Session was dissolved.

53
54
55 House reconvened.

56

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

REPORT(S) OF COMMITTEE(S) OF REFERENCE

JUDICIARY

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

HB15-1034 be referred favorably to the Committee on Appropriations.

PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed:
HB15-1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120.

**INTRODUCTION OF BILLS
First Reading**

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

HB15-1121 by Representative(s) Becker J.; also Senator(s) Sonnenberg--Concerning agreements between landowners and wind energy developers, and, in connection therewith, clarifying the rights and duties of parties to those agreements and the effects of recording an agreement in county land records.
Committee on Transportation & Energy

HB15-1122 by Representative(s) Fields--Concerning limiting eligibility for parole, and, in connection therewith, amending certain provisions concerning the revocation of parole for certain inmates.
Committee on Judiciary

HB15-1123 by Representative(s) Tate--Concerning allowing a local education governing board flexibility in administering state-required measures of student performance in the public schools operated by the governing board.
Committee on Education

HB15-1124 by Representative(s) Buck--Concerning flexibility regarding the requirements imposed on certain rural school districts.
Committee on Education

1 **HB15-1125** by Representative(s) Lundeen and Carver, Landgraf,
2 Klingenschmitt, Everett, Joshi, Neville P., Nordberg,
3 Ransom, Roupe, Szabo, Tate; also Senator(s) Holbert--
4 Concerning accountability measures in the elementary and
5 secondary public education system.

6 Committee on Education
7 Committee on Appropriations
8

9 **HB15-1126** by Representative(s) Rosenthal, Lebsock,
10 Klingenschmitt--Concerning authorization for a civilian
11 United States government employee who is domiciled in
12 Colorado but employed outside of the United States to
13 elect treatment as a nonresident individual for state income
14 tax filing purposes.

15 Committee on State, Veterans, & Military Affairs
16 Committee on Finance
17

18 **HB15-1127** by Representative(s) Klingenschmitt, Becker J., Brown,
19 Dore, Joshi, Lebsock, Lundeen, Navarro, Ransom, Tate,
20 Thurlow, Van Winkle, Vigil; also Senator(s) Garcia, Jahn,
21 Lambert, Lundberg--Concerning reducing civil liability for
22 businesses that permit the carrying of concealed handguns.

23 Committee on State, Veterans, & Military Affairs
24

25 **HB15-1128** by Representative(s) Neville P., Humphrey, Saine, Everett,
26 Joshi, Nordberg, Ransom, Van Winkle; also Senator(s)
27 Neville T., Lundberg, Woods, Baumgardner, Marble--
28 Concerning the adoption of the "Women's Health
29 Protection Act".

30 Committee on Health, Insurance, & Environment
31 Committee on Appropriations
32
33

34
35
36 On motion of Representative Duran, the House adjourned until
37 10:00 a.m., January 20, 2015.
38

39
40 Approved:
41 DICKY LEE HULLINGHORST,
42 Speaker

42 Attest:
43 MARILYN EDDINS,
44 Chief Clerk