

**HOUSE JOURNAL**  
**SEVENTIETH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**Second Regular Session**

Seventy-second Legislative Day

Thursday, March 24, 2016

1 Prayer by Terry Knight, Spiritual Advisor, Ute Mountain Ute Tribe,  
2 Towaoc.

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

5  
6 Pledge of Allegiance led by Michale Landgraf, Elizabeth Pierce,  
7 Vanguard Charter K-12, Colorado Springs.

8  
9 The roll was called with the following result:

10  
11 Present--62.  
12 Excused--Representative(s) Becker J., Buckner, Dore--3.  
13 Present after roll call--Representative(s) Buckner.

14  
15 The Speaker declared a quorum present.

16  
17  
18  
19 On motion of Representative Roupe, the reading of the journal of  
20 March 22, 2016, was declared dispensed with and approved as corrected  
21 by the Chief Clerk.

22  
23  
24 Due to inclement weather the House did not convene on Wednesday,  
25 March 23, 2016.

26  
27 The calendar for Wednesday, March 23, is the calendar for Thursday,  
28 March 24, 2016.

29  
30 The following bills are on the calendar for Third reading this morning:  
31 HB16-1353, 1001

32  
33 The following bills are on the calendar for General Orders this morning:  
34 HB16-1129, 1287, SB16-125, HB16-1268, 1278, SB16-099, 110, 122,  
35 HB16-1101, 1225, 1296, 1339, 1354, 1375, 1166.

36  
37 The following bills are on the calendar for consideration of Senate  
38 Amendments this morning:  
39 HB16-1090, 1192, 1165

40  
41  
42  
43

**APPOINTMENTS**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  
55  
56

The Speaker announced the following temporary appointments for March 24, 2016:

**Health, Insurance, & Environment**

Representative Becker K. to replace Representative Ryden

**Transportation & Energy**

Representative Brown to replace Representative Becker J.

---

**MESSAGE FROM THE SENATE**

The Senate has adopted and transmits herewith: SJR16-024.

---

**INTRODUCTION AND CONSIDERATION OF RESOLUTION**

On motion of Representative Duran, the rules were suspended and the following resolution was given immediate consideration.

**SJR16-024** by Senator(s) Roberts; also Representative(s) Coram and Brown--Concerning the remembrance of Ute history in Colorado, and, in connection therewith, honoring the culture and heritage of the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe.

(Printed and placed in members' files).

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

Current Roll Call added as co-sponsor(s): Representative(s) Arndt, Becker K., Buck, Buckner, Carver, Conti, Court, Danielson, DelGrosso, Duran, Esgar, Everett, Fields, Foote, Garnett, Ginal, Hamner, Humphrey, Joshi, Kagan, Klingenschmitt, Kraft-Tharp, Landgraf, Lawrence, Lebsock, Lee, Leonard, Lontine, Lundeen, McCann, Melton, Mitsch Bush, Moreno, Navarro, Neville P., Nordberg, Pabon, Pettersen, Primavera, Priola, Rankin, Ransom, Rosenthal, Roupe, Ryden, Saine, Salazar, Sias, Singer, Thurlow, Tyler, Van Winkle, Vigil, Willett, Williams, Wilson, Windholz, Winter, Wist, Young, Speaker.

---

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

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

**HB16-1353** by Representative(s) Duran and DelGrosso, Hullinghorst; also Senator(s) Scheffel and Guzman, Cadman--Concerning payment of expenses of the legislative department.

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

24 Co-sponsor(s) added: Representative(s) Fields, Melton, Priola, Rosenthal,  
 25 Williams, Young

26  
 27 **HB16-1001** by Representative(s) Danielson and Buckner, Court,  
 28 Duran, Esgar, Foote, Hamner, Hullinghorst, Kagan,  
 29 Kraft-Tharp, Lebsock, Lee, Lontine, McCann, Melton,  
 30 Moreno, Pettersen, Salazar, Singer, Tyler, Arndt, Becker  
 31 K., Fields, Garnett, Ginal, Mitsch Bush, Pabon, Primavera,  
 32 Rosenthal, Ryden, Vigil, Williams, Winter, Young; also  
 33 Senator(s) Ulibarri--Concerning a requirement that a  
 34 business performing work for the state pursuant to a state  
 35 contract comply with equal pay standards.

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

	YES	34	NO	29	EXCUSED	2	ABSENT	0
43	Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y
44	Becker J.	E	Foote	Y	McCann	Y	Saine	N
45	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
46	Brown	N	Ginal	Y	Mitsch Bush	Y	Sias	N
47	Buck	N	Hamner	Y	Moreno	Y	Singer	Y
48	Buckner	Y	Humphrey	N	Navarro	N	Thurlow	N
49	Carver	N	Joshi	N	Neville P.	N	Tyler	Y
50	Conti	N	Kagan	Y	Nordberg	N	Van Winkle	N
51	Coram	N	Klingenschmitt	N	Pabon	Y	Vigil	Y
52	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	N
53	Danielson	Y	Landgraf	N	Primavera	Y	Williams	Y
54	DelGrosso	N	Lawrence	N	Priola	N	Wilson	N
55	Dore	E	Lebsock	Y	Rankin	N	Windholz	N
56	Duran	Y	Lee	Y	Ransom	N	Winter	Y

1	Esgar	Y	Leonard	N	Rosenthal	Y	Wist	N
2	Everett	N	Lontine	Y	Roupe	N	Young	Y
3							Speaker	Y

4  
5  
6 On motion of Representative Becker K, the House resolved itself into  
7 Committee of the Whole for consideration of General Orders, and she  
8 was called to act as Chair.

9  
10  
11 **GENERAL ORDERS--SECOND READING OF BILLS**

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

17  
18 (Amendments to the committee amendment are to the printed committee  
19 report which was printed and placed in the members' bill file.)

20  
21 **HB16-1166** by Representative(s) Pettersen and Winter, Arndt,  
22 Danielson, Esgar, Fields, Garnett, Ginal, Hamner,  
23 Lebsock, Melton, Pabon, Primavera, Tyler; also  
24 Senator(s) Donovan, Todd--Concerning making it an  
25 unfair employment practice for an employer to seek salary  
26 history about an applicant for employment.

27  
28 Amendment No. 1, Business Affairs and Labor Report, dated March 17,  
29 2016, and placed in member's bill file; Report also printed in House  
30 Journal, March 18, 2016.

31  
32 As amended, ordered engrossed and placed on the Calendar for Third  
33 Reading and Final Passage.

34  
35 **HB16-1129** by Representative(s) Lawrence and McCann; also  
36 Senator(s) Crowder and Heath--Concerning measures for  
37 enhanced enforcement against acts of charitable fraud.

38  
39 Amendment No. 1, Judiciary Report, dated February 18, 2016, and  
40 placed in member's bill file; Report also printed in House Journal,  
41 February 19, 2016.

42  
43 Amendment No. 2, Appropriations Report, dated March 18, 2016, and  
44 placed in member's bill file; Report also printed in House Journal, March  
45 18, 2016.

46  
47 Amendment No. 3, by Representative(s) Lawrence and McCann.

48  
49 Amend printed bill, page 2, strike lines 7 through 10 and substitute:

50  
51 "(f) (I) ANY PERSON WHO VIOLATES SECTION 6-16-111 (1) (a) TO  
52 (1) (g) SHALL FORFEIT AND PAY A CIVIL PENALTY OF UP TO TEN  
53 THOUSAND DOLLARS FOR EACH VIOLATION, WITH A CAP OF THREE  
54 MILLION DOLLARS FOR A RELATED SERIES OF VIOLATIONS. IN  
55 DETERMINING A CIVIL PENALTY UNDER THIS PARAGRAPH (f), THE COURT  
56 SHALL ADJUST THE LIMITATIONS CAP FOR INFLATION BASED ON THE

1 CUMULATIVE ANNUAL ADJUSTMENT FOR INFLATION FOR EACH FULL YEAR  
2 SINCE THE EFFECTIVE DATE OF THIS PARAGRAPH (f), AS AMENDED. THE  
3 ADJUSTMENTS MADE UNDER THIS SUBPARAGRAPH (I) ARE ROUNDED  
4 UPWARD OR DOWNWARD TO THE NEAREST TEN-DOLLAR INCREMENT. AS  
5 USED IN THIS SUBPARAGRAPH (I), "INFLATION" MEANS THE ANNUAL  
6 PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S  
7 BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR THE  
8 DENVER-BOULDER-GREELEY METROPOLITAN STATISTICAL AREA FOR THE  
9 PRICE OF ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS SUCCESSOR  
10 INDEX.

11 (II) ANY CIVIL PENALTY RECOVERED UNDER THIS PARAGRAPH (f)  
12 IS PAID TO THE ATTORNEY GENERAL AND HELD AS CUSTODIAL MONEY.  
13 THE ATTORNEY GENERAL SHALL GRANT THE CUSTODIAL MONEY TO A  
14 CHARITY IN ACCORDANCE WITH THE CY PRES DOCTRINE WITHIN TWO  
15 YEARS AFTER RECEIPT BY THE ATTORNEY GENERAL."

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

19  
20 [HB16-1287](#) by Representative(s) Rosenthal and Wilson; also  
21 Senator(s) Cooke and Kefalas--Concerning a requirement  
22 that the department of labor and employment study the  
23 integration of alternative training by Colorado businesses.

24  
25 Amendment No. 1, Business Affairs and Labor Report, dated March 17,  
26 2016, and placed in member's bill file; Report also printed in House  
27 Journal, March 18, 2016

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

31  
32 [SB16-125](#) by Senator(s) Holbert; also Representative(s)  
33 Kraft-Tharp--Concerning the governance of credit unions,  
34 and, in connection therewith, authorizing the appointment  
35 of an audit committee in lieu of a supervisory committee  
36 and allowing the reasonable compensation of a director  
37 for his or her service to the credit union.

38  
39 Ordered revised and placed on the Calendar for Third Reading and Final  
40 Passage.

41  
42 [HB16-1268](#) by Representative(s) Foote; also Senator(s) Cooke--  
43 Concerning district attorneys representation in certain  
44 hearings arising from interstate supervision compacts.

45  
46 Ordered engrossed and placed on the Calendar for Third Reading and  
47 Final Passage.

48  
49 [HB16-1278](#) by Representative(s) Lee, Buckner, Court, Esgar, Foote,  
50 Hamner, Kagan, Lundeen, McCann, Moreno, Singer,  
51 Thurlow, Willett, Young; also Senator(s) Cooke--  
52 Concerning residential drug treatment for persons on  
53 probation.

54  
55 Ordered engrossed and placed on the Calendar for Third Reading and  
56 Final Passage.

- 1 [SB16-099](#) by Senator(s) Jahn, Holbert, Neville T., Carroll, Guzman;  
2 also Representative(s) Primavera, Nordberg, Ryden--  
3 Concerning implementing recommendations of the state  
4 auditor's office by establishing the authority of the  
5 correctional education program to sell inmate-produced  
6 products to specified persons.  
7  
8 Ordered revised and placed on the Calendar for Third Reading and Final  
9 Passage.  
10  
11 [SB16-110](#) by Senator(s) Woods, Marble, Tate, Holbert, Cooke,  
12 Martinez Humenik, Neville T., Lundberg; also  
13 Representative(s) Lundeen, Nordberg, Ransom, Dore,  
14 Becker J., Rankin, Willett--Concerning protecting the  
15 privacy of child victims when releasing criminal justice  
16 records.  
17  
18 Amendment No. 1, Judiciary Report, dated March 17, 2016, and placed  
19 in member's bill file; Report also printed in House Journal, March 18,  
20 2016  
21  
22 As amended, ordered revised and placed on the Calendar for Third  
23 Reading and Final Passage.  
24  
25 [SB16-122](#) by Senator(s) Baumgardner; also Representative(s)  
26 Nordberg and Brown--Concerning additional oversight of  
27 the activities of the department of transportation.  
28  
29 Amendment No. 1, Transportation & Energy Report, dated March 17,  
30 2016, and placed in member's bill file; Report also printed in House  
31 Journal, March 18, 2016  
32  
33 As amended, ordered revised and placed on the Calendar for Third  
34 Reading and Final Passage.  
35  
36 [HB16-1225](#) by Representative(s) Priola; also Senator(s) Tate--  
37 Concerning a requirement that school districts with a  
38 certain minimum number of enrolled pupils post  
39 information online that is submitted by director candidates  
40 prior to the election.  
41  
42 Amendment No. 1, Education Report, dated March 16, 2016, and placed  
43 in member's bill file; Report also printed in House Journal, March 17,  
44 2016  
45  
46 Amendment No. 2, by Representative(s) Priola.  
47  
48 Amend printed bill, page 2, line 11, strike "increasing" and substitute "it  
49 intends to increase".  
50  
51 As amended, ordered engrossed and placed on the Calendar for Third  
52 Reading and Final Passage.  
53  
54 [HB16-1296](#) by Representative(s) Melton; also Senator(s) Tate--  
55 Concerning the unlicensed selling of automobiles.  
56

1 Amendment No. 1, by Representative(s) Melton.

2

3 Amend printed bill page 2, after line 17 insert:

4

5 "SECTION 1. In Colorado Revised Statutes, **amend** 12-6-121.5  
6 as follows:

7 **12-6-121.5. Fines - disposition - unlicensed sales.** ~~Any~~ OF ANY  
8 fine collected for a violation of section 12-6-120 (2) HALF shall be  
9 awarded to the law enforcement agency which investigated and issued  
10 the citation for ~~said~~ THE violation AND THE OTHER HALF SHALL BE  
11 CREDITED TO THE AUTO DEALERS LICENSE FUND CREATED IN 12-6-123."

12

13 Renumber succeeding section accordingly.

14

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

17

18 [HB16-1339](#) by Representative(s) Buck and Ginal, Danielson, Mitsch  
19 Bush; also Senator(s) Baumgardner--Concerning  
20 agricultural property foreclosures.

21

22 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,  
23 dated March 21, 2016, and placed in member's bill file; Report also  
24 printed in House Journal, March 22, 2016

25

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

28

29 [HB16-1354](#) by Representative(s) Mitsch Bush and Becker J., Moreno,  
30 Becker K., Fields, Wilson--Concerning authorization for  
31 a school district to impose an additional mill levy for the  
32 sole purpose of funding capital construction and  
33 maintenance needs of the district without borrowing  
34 money.

35

36 Laid over until March 28, retaining place on Calendar.

37

38 [HB16-1375](#) by Representative(s) Arndt and Wilson; also Senator(s)  
39 Todd--Concerning changes to dates for submitting reports  
40 that involve the department of higher education.

41

42 Ordered engrossed and placed on the Calendar for Third Reading and  
43 Final Passage.

44

45 [HB16-1101](#) by Representative(s) Young--Concerning medical  
46 decisions for unrepresented patients.

47

48 Amendment No. 1, Health, Insurance, & Environment Report, dated  
49 March 3, 2016, and placed in member's bill file; Report also printed in  
50 House Journal, March 4, 2016

51

52 Amendment No. 2, by Representative(s) Young.

53

54 Amend the Health, Insurance, & Environment Committee Report, dated  
55 March 3, 2016, page 1, strike lines 1 through 4 and substitute:

56

1 "Amend printed bill, page 2, line 3, after "(4)," insert "(6),".

2

3 Page 2, strike lines 5 and 6 and substitute:

4 **"authorized - definitions.** (1.5) AS USED IN THIS SECTION:

5 (a) "INTERESTED PERSON" MEANS A PATIENT'S SPOUSE, EITHER  
6 PARENT OF THE PATIENT, ANY ADULT".

7

8 Page 2, after line 8, insert:

9 "(b) "PROXY DECISION-MAKER" DOES NOT MEAN THE ATTENDING  
10 PHYSICIAN."

11

12 Page 4, strike line 4 and substitute:

13 "(c) (I) AN ATTENDING PHYSICIAN MAY DESIGNATE ANOTHER  
14 WILLING PHYSICIAN TO".

15

16 Page 4, strike line 13 and substitute "PROVIDER CONFIRMING THE  
17 PATIENT'S LACK OF DECISIONAL CAPACITY; AND".

18

19 Page 4, line 15, strike "AN AGREEMENT" and substitute "A CONSENSUS ON  
20 THE PROXY DESIGNATION".

21

22 Page 4, strike lines 18 and 19 and substitute:

23 "(II) FOR THE PURPOSES OF SUB-SUBPARAGRAPH (C) OF  
24 SUBPARAGRAPH (I) AND SUB-SUBPARAGRAPHS (B) AND (C) OF  
25 SUBPARAGRAPH (IV) OF THIS PARAGRAPH (c), IF THE HEALTH CARE  
26 FACILITY".

27

28 Page 4, strike lines 23 through 26 and substitute:

29 "(III) THE AUTHORITY OF THE PROXY DECISION-MAKER  
30 TERMINATES IN THE EVENT THAT:

31 (A) AN INTERESTED PERSON IS WILLING TO SERVE AS PROXY  
32 DECISION-MAKER;

33 (B) A GUARDIAN IS APPOINTED;

34 (C) THE PATIENT REGAINS DECISIONAL CAPACITY;

35 (D) THE PROXY DECISION-MAKER DECIDES TO NO LONGER SERVE  
36 AS THE PATIENT'S PROXY DECISION-MAKER; OR

37 (E) THE PATIENT IS TRANSFERRED OR DISCHARGED FROM THE  
38 FACILITY, IF ANY, WHERE THE PATIENT IS RECEIVING CARE, UNLESS THE  
39 PROXY DECISION-MAKER EXPRESSES HIS OR HER INTENTION TO CONTINUE  
40 TO SERVE AS PROXY DECISION-MAKER.

41 (IV) IF THE AUTHORITY OF A PROXY DECISION-MAKER TERMINATES  
42 FOR ONE OF THE REASONS DESCRIBED IN SUBPARAGRAPH (III) OF THIS  
43 PARAGRAPH (c), THE ATTENDING PHYSICIAN SHALL DOCUMENT THE  
44 REASON IN THE PATIENT'S MEDICAL RECORD.

45 (V) THE ATTENDING PHYSICIAN AND THE PROXY DECISION-MAKER  
46 SHALL ADHERE TO THE FOLLOWING GUIDELINES FOR PROXY DECISION  
47 MAKING:

48 (A) FOR ROUTINE TREATMENTS AND PROCEDURES THAT ARE  
49 LOW-RISK AND WITHIN BROADLY ACCEPTED STANDARDS OF MEDICAL  
50 PRACTICE, THE ATTENDING PHYSICIAN MAY MAKE HEALTH CARE  
51 TREATMENT DECISIONS;

52 (B) FOR TREATMENTS THAT OTHERWISE REQUIRE A WRITTEN,  
53 INFORMED CONSENT, SUCH AS TREATMENTS INVOLVING ANESTHESIA,  
54 TREATMENTS INVOLVING A SIGNIFICANT RISK OF COMPLICATION, OR  
55 INVASIVE PROCEDURES, THE ATTENDING PHYSICIAN SHALL OBTAIN THE  
56 WRITTEN CONSENT OF THE PROXY DECISION-MAKER AND A CONSENSUS



1 WITH THE MEDICAL ETHICS COMMITTEE;  
2 (C) FOR END-OF-LIFE TREATMENT THAT IS NONBENEFICIAL AND  
3 INVOLVES WITHHOLDING OR WITHDRAWING SPECIFIC MEDICAL  
4 TREATMENTS, THE ATTENDING PHYSICIAN SHALL OBTAIN AN INDEPENDENT  
5 CONCURRING OPINION FROM A PHYSICIAN OTHER THAN THE  
6 PROXY-DECISION-MAKER, AND OBTAIN A CONSENSUS WITH THE MEDICAL  
7 ETHICS COMMITTEE.

8 (6) (a) Artificial nourishment and hydration may be withheld or  
9 withdrawn from a patient upon a decision of a proxy only when the  
10 attending physician and a second independent physician trained in  
11 neurology or neurosurgery certify in the patient's medical record that the  
12 provision or continuation of artificial nourishment or hydration is merely  
13 prolonging the act of dying and is unlikely to result in the restoration of  
14 the patient to independent neurological functioning.

15 (b) (I) NOTHING IN THIS ARTICLE MAY BE CONSTRUED AS  
16 CONDONING, AUTHORIZING, OR APPROVING EUTHANASIA OR MERCY  
17 KILLING.

18 (II) NOTHING IN THIS ARTICLE MAY BE CONSTRUED AS PERMITTING  
19 ANY AFFIRMATIVE OR DELIBERATE ACT TO END A PERSON'S LIFE, EXCEPT  
20 TO PERMIT NATURAL DEATH AS PROVIDED BY THIS ARTICLE."."

21

22 Page 1 of the committee report, strike line 8 and substitute:

23

24 "Page 5, strike lines 15 through 24 and substitute:

25 "(9) (a) Any attending physician, health care provider, or health  
26 care facility that makes reasonable attempts to locate and communicate  
27 with a proxy decision-maker shall not be subject to civil or criminal  
28 liability or regulatory sanction therefor.

29 (b) A PHYSICIAN ACTING IN GOOD FAITH AS A PROXY  
30 DECISION-MAKER IN ACCORDANCE WITH PARAGRAPH (c) OF SUBSECTION  
31 (4) OF THIS SECTION IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR  
32 REGULATORY SANCTION FOR CHOOSING TO ACT AS PROXY  
33 DECISION-MAKER OR FOR ADHERING TO THE GUIDELINES UNDER  
34 SUBPARAGRAPH (IV) OF SAID PARAGRAPH (c). AN ATTENDING PHYSICIAN  
35 OR HIS OR HER DESIGNEE REMAINS RESPONSIBLE FOR HIS OR HER  
36 NEGLIGENT ACTS OR OMISSIONS IN RENDERING CARE TO AN  
37 UNREPRESENTED PATIENT."."

38

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

41

42

#### 43 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

44

45 Passed Second Reading: **HB16-1166 amended, 1129 amended, 1287**  
46 **amended, SB16-125, HB16-1268, 1278, SB16-099, 110 amended, 122**  
47 **amended, HB16-1225 amended, 1296 amended, 1339 amended, 1375,**  
48 **1101 amended.**

49

50 Laid over until date indicated retaining place on Calendar:

51 **HB16-1354--March 28, 2016.**

52

53 The Chairman moved the adoption of the Committee of the Whole  
54 Report. As shown by the following roll call vote, a majority of those  
55 elected to the House voted in the affirmative, and the Report was  
56 **adopted.**

	YES	62	NO	1	EXCUSED	2	ABSENT	0
1								
2	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
3	Becker J.	E	Foote	Y	McCann	Y	Saine	Y
4	Becker K.	Y	Garnett	Y	Melton	N	Salazar	Y
5	Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	Y
6	Buck	Y	Hamner	Y	Moreno	Y	Singer	Y
7	Buckner	Y	Humphrey	Y	Navarro	Y	Thurlow	Y
8	Carver	Y	Joshi	Y	Neville P.	Y	Tyler	Y
9	Conti	Y	Kagan	Y	Nordberg	Y	Van Winkle	Y
10	Coram	Y	Klingenschmitt	Y	Pabon	Y	Vigil	Y
11	Court	Y	Kraft-Tharp	Y	Pettersen	Y	Willett	Y
12	Danielson	Y	Landgraf	Y	Primavera	Y	Williams	Y
13	DelGrosso	Y	Lawrence	Y	Priola	Y	Wilson	Y
14	Dore	E	Lebsock	Y	Rankin	Y	Windholz	Y
15	Duran	Y	Lee	Y	Ransom	Y	Winter	Y
16	Esgar	Y	Leonard	Y	Rosenthal	Y	Wist	Y
17	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
18							Speaker	Y
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								
55								
56								

---

### LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Duran, the following item(s) on the Calendar were laid over until March 28, retaining place on Calendar:

Consideration of Senate Amendment(s)--**HB16-1090, 1192, 1165.**

---

House in recess. House reconvened.

---

### REPORT(S) OF COMMITTEE(S) OF REFERENCE

#### **BUSINESS AFFAIRS & LABOR**

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

**HB16-1114** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 19, strike "**repeal**" and substitute "**amend**".

Page 3, line 2, strike "~~(1) As~~" and substitute "(1) As".

Page 3, strike lines 3 and 4 and substitute "used in this section, unless the context otherwise requires:

(a) "Director" means the director of the division."

Page 3, line 5, strike "~~(b)~~" and substitute (b)".

1 Page 3, strike lines 7 through 13 and substitute:  
2

3 "(c) "Employer" means a person or entity that:

4 (I) Transacts business in Colorado;

5 (II) At any time, employs another person to perform services of  
6 any nature; and

7 (III) Has control of the payment of wages for such services or is  
8 the officer, agent, or employee of the person or entity having control of  
9 the payment of wages.".

10

11 Page 3, line 14, strike "(d)" and substitute "(d)".

12

13 Page 3, line 16, strike "(2)" and substitute "(2)".

14

15 Page 3, strike lines 25 through 27 and substitute:

16

17 "(3) Upon the request of the director, an employer shall submit  
18 documentation to the director that demonstrates that the employer is in  
19 compliance with the employment verification requirements specified in  
20 8 U.S.C. sec. 1324a (b). ~~and documentation that the employer has~~  
21 ~~complied with the requirements of subsection (2) of this section.~~ The  
22 director or the director's designee may conduct random audits of  
23 employers in Colorado to obtain the documentation. When the director  
24 has reason to believe that an employer has not complied with the  
25 employment verification and examination requirements, the director shall  
26 request the employer to submit the documentation.".

27

28 Page 4, strike lines 1 through 7.

29

30 Page 4, line 8, strike "(4)" and substitute "(4)".

31

32 Page 4, strike lines 20 through 22 and substitute:

33

34 "(5) It is the public policy of Colorado that this section shall be  
35 enforced without regard to race, religion, gender, ethnicity, national  
36 origin, or disability.".

37

38

39

40 **HB16-1156** be referred to the Committee of the Whole with favorable  
41 recommendation.

42

43

44 **HB16-1317** be amended as follows, and as so amended, be referred to  
45 the Committee of the Whole with favorable  
46 recommendation:

47

48 Amend printed bill, page 3, strike lines 4 through 6 and substitute:

49

50 "(V) OTHER SERVICES THAT ARE SIMILAR TO THE SERVICES LISTED  
51 IN THIS PARAGRAPH (a).".

52

53 Page 3, after line 12 insert:

54

55 "**SECTION 2.** In Colorado Revised Statutes, **amend** 42-11-105  
56 as follows:

1           **42-11-105. Manufacturers' express warranties and service**  
 2 **contracts excluded.** This article does not apply to motor vehicle  
 3 manufacturers' express warranties and service contracts as defined in  
 4 section 42-10-101 (3). FOR PURPOSES OF THIS SECTION, THE TERM  
 5 "MANUFACTURER" INCLUDES THE MANUFACTURER OR DISTRIBUTOR OF  
 6 THE COVERED VEHICLE OR A SUBSIDIARY OR AFFILIATE OF A  
 7 MANUFACTURER OR DISTRIBUTOR IF FIFTY-ONE PERCENT OR MORE OF THE  
 8 SUBSIDIARY OR AFFILIATE IS OWNED DIRECTLY OR INDIRECTLY BY THE  
 9 MANUFACTURER, DISTRIBUTOR, OR COMMON OWNER OF FIFTY-ONE  
 10 PERCENT OR MORE OF THE MANUFACTURER OR DISTRIBUTOR.

11           **SECTION 3.** In Colorado Revised Statutes, **add** 42-11-109 as  
 12 follows:

13           **42-11-109. Maintenance agreement excluded.** A PREPAID  
 14 AGREEMENT THAT PROVIDES ONLY ROUTINE MAINTENANCE IS NOT A  
 15 SERVICE CONTRACT NOR A CONTRACT OF INSURANCE."

16  
 17 Renumber succeeding section accordingly.  
 18  
 19  
 20

21 **SB16-126** be amended as follows, and as so amended, be referred to  
 22 the Committee of the Whole with favorable  
 23 recommendation:  
 24

25 Amend reengrossed bill, page 2, strike line 7 and substitute "ON A MORE  
 26 FREQUENT BASIS, OR A LESS FREQUENT BASIS IN THE CASE OF DISASTER OR  
 27 EMERGENCY. The banking board, the".  
 28  
 29  
 30  
 31

### 32 **HEALTH, INSURANCE & ENVIRONMENT**

33 After consideration on the merits, the Committee recommends the  
 34 following:  
 35

36 **HB16-1327** be referred to the Committee of the Whole with favorable  
 37 recommendation.  
 38  
 39  
 40  
 41

### 42 **JUDICIARY**

43 After consideration on the merits, the Committee recommends the  
 44 following:  
 45

46 **HB16-1308** be amended as follows, and as so amended, be referred to  
 47 the Committee of the Whole with favorable  
 48 recommendation:  
 49

50 Amend printed bill, page 2, line 22, strike "service animal in training,"  
 51 and substitute "service-animal-in-training".  
 52

53 Page 3, line 12, strike "service animal in training" and substitute  
 54 "service-animal-in-training".  
 55

56 Page 3, line 14, strike "fraudulently" and substitute "intentionally".

- 1 Page 3, line 15, strike "service animal in training." and substitute  
2 "service-animal-in-training."  
3
- 4 Page 4, lines 2 and 3, strike "service animal in training," and substitute  
5 "service-animal-in-training."  
6
- 7 Page 4, line 5, strike "service animal in training" and substitute  
8 "service-animal-in-training".  
9
- 10 Page 4, line 6, strike "service animal in training." and substitute  
11 "service-animal-in-training."  
12
- 13 Page 4, line 11, strike "fraudulent" and substitute "intentional".  
14
- 15 Page 4, line 13, strike "18-13-131" and substitute "18-13-107.5".  
16
- 17 Page 4, line 15, strike "**18-13-131. Fraudulent**" and substitute  
18 "**18-13-107.5. Intentional**".
- 19 Page 4, line 17, strike "FRAUDULENT" and substitute "INTENTIONAL".  
20
- 21 Page 4, line 19, strike "(I)" and strike "FRAUDULENTLY".  
22
- 23 Page 4, line 21, after "ANIMAL" insert "OR  
24 SERVICE-ANIMAL-IN-TRAINING".  
25
- 26 Page 4, line 22, strike "C.R.S., FOR INDIVIDUALS" and substitute "C.R.S.;  
27 AND".  
28
- 29 Page 4, strike line 23.  
30
- 31 Page 4, line 24, strike "(II)" and substitute "(b)".  
32
- 33 Page 4, strike line 25 and substitute "SERVICE ANIMAL OR  
34 SERVICE-ANIMAL-IN-TRAINING".  
35
- 36 Page 4, strike lines 26 and 27.  
37
- 38 Page 5, strike lines 1 through 9.  
39
- 40 Page 5, line 24, strike "FRAUDULENT" and substitute "INTENTIONAL".  
41
- 42 Page 6, line 3, strike "FRAUDULENT" and substitute "INTENTIONAL".  
43
- 44 Page 6, line 7, strike "FRAUDULENT" and substitute "INTENTIONAL".  
45
- 46 Page 6, line 11, strike "FRAUDULENT" and substitute "INTENTIONAL".  
47
- 48 Page 7, after line 6 insert:  
49
- 50 "(c) "SERVICE-ANIMAL-IN-TRAINING" MEANS AN ANIMAL  
51 ACCOMPANYING A TRAINER OF A SERVICE ANIMAL WHILE THE ANIMAL IS  
52 BEING TRAINED AS A SERVICE ANIMAL."  
53
- 54 Reletter succeeding paragraph accordingly.  
55
- 56 Page 1, line 101, strike "FRAUDULENT" and substitute "INTENTIONAL".

1 **HB16-1318** be referred favorably to the Committee on Appropriations.

2

3

4 **HB16-1331** be referred to the Committee of the Whole with favorable  
5 recommendation.

6

7

8

9

10 **PUBLIC HEALTH CARE & HUMAN SERVICES**

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

13

14 **HB16-1326** be amended as follows, and as so amended, be referred to  
15 the Committee of the Whole with favorable  
16 recommendation:

17

18 Amend printed bill, page 3, after line 17 insert:

19

20 "(d) DISCLOSURE TO A CARRIER'S POLICYHOLDERS AND PROVIDERS  
21 OF THE SCOPE OF COVERAGE AND COST-SHARING RESPONSIBILITIES FOR  
22 COMPLEX DECONGESTIVE THERAPY AS A COVERED PHYSICAL  
23 REHABILITATION SERVICE, INCLUDING FITTING FOR, REPLACEMENT OF, AND  
24 COVERAGE COSTS OF COMPRESSION BANDAGES, SLEEVES, OR OTHER  
25 GARMENTS; EXERCISES; MANUAL LYMPHATIC DRAINAGE; AND OTHER  
26 THERAPIES;"

27

28 Reletter succeeding paragraphs accordingly.

29

30 Page 3, strike lines 20 through 23 and substitute "LICENSED IN THE SAME  
31 HEALTH FIELD AS THE REQUESTING PROVIDER AND WHOSE LICENSE IS IN  
32 GOOD STANDING;"

33

34 Page 3, line 26, strike "DAYS" and substitute "DAYS; AND"

35

36 Page 3, after line 26 insert:

37 "(g) A REQUIREMENT THAT THERE IS A MECHANISM IN PLACE  
38 WHERE THE HEALTH CARE PROVIDER WHO PROVIDES THE PHYSICAL  
39 REHABILITATION SERVICES COMMUNICATES TO THE PRESCRIBING HEALTH  
40 CARE PROVIDER THE SERVICES THAT ARE ACTUALLY PROVIDED TO THE  
41 POLICYHOLDER."

42 Page 4, strike lines 2 through 4.

43

44 Reletter succeeding paragraphs accordingly.

45

46 Page 4, line 7, after "NETWORK;" add "OR"

47

48 Page 4, strike lines 9 through 24 and substitute:

49 "EVALUATION AND MANAGEMENT FOR THE INITIAL VISIT.

50 (3) THE CARRIER DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
51 SHALL NOT COMPENSATE AN INTERMEDIARY WHO HAS A CONTRACT IN  
52 ACCORDANCE WITH SUBSECTIONS (1) AND (2) OF THIS SECTION BASED ON  
53 THE INTERMEDIARY'S DETERMINATIONS FOR SERVICES PROVIDED TO A  
54 POLICYHOLDER.

55 (4) THE COMMISSIONER MAY ENFORCE THE REQUIREMENTS OF THIS  
56 SECTION BY ADOPTING RULES AS AUTHORIZED BY SECTION 10-1-109 AND

1 BY EXERCISING ALL OTHER POWERS CONFERRED UPON THE COMMISSIONER  
2 UNDER THIS ARTICLE.

3 (5) FOR THE PURPOSES OF THIS SECTION, "PHYSICAL  
4 REHABILITATION SERVICES" HAS THE SAME MEANING AS SET FORTH IN  
5 SECTION 10-16-142."

6

7

8

9 **HB16-1377** be referred to the Committee of the Whole with favorable  
10 recommendation.

11

12

13 **SB16-013** be referred to the Committee of the Whole with favorable  
14 recommendation.

15

16

17

---

**PRINTING REPORT**

18

19 The Chief Clerk reports the following bill has been correctly printed:  
20 **HB16-1399.**

21

22

23

---

**MESSAGE(S) FROM THE SENATE**

24

25 The Senate has adopted and transmits herewith: SJR16-002.

26

27

28 The Senate has passed on Third Reading and transmitted to the Revisor  
29 of Statutes:

30 SB16-145 amended in General Orders as printed in Senate Journal  
31 March 22, 2016.

32 SB16-100 amended in General Orders as printed in Senate Journal,  
33 March 22, 2016.

34 SB16-151 amended in General Orders as printed in Senate Journal,  
35 March 22, 2016.

36 SB16-133 amended in General Orders as printed in Senate Journal,  
37 March 22, 2016.

38

39 The Senate has passed on Third Reading and transmitted to the Revisor  
40 of Statutes:

41 HB16-1184 amended in General Orders as printed in Senate Journal,  
42 March 22, 2016.

43 HB16-1149 amended in General Orders as printed in Senate Journal,  
44 March 18, 2016.

45

46 The Senate has passed on Third Reading and returns herewith:  
47 HB16-1103, 1030, 1229, 1098, and 1247.

48

49

50

---

**MESSAGE(S) FROM THE REVISOR**

51

52 We herewith transmit:  
53 without comment, **HB16-1149, and 1184.**  
54 without comment, as amended, **SB16-100, 133, 145 and 151.**

55

56

**MESSAGE(S) FROM THE GOVERNOR**

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  
55  
56

I certify I received the following on the 24th day of March, 2016, at 9:10 a.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,  
Chief Clerk of the House

March 23, 2016

House of Representatives  
Seventieth General Assembly  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

HB 16-1051: CONCERNING THE ISSUANCE OF BENEFICIARY DESIGNATION FORMS TO FACILITATE THE TRANSFER OF OWNERSHIP OF A VEHICLE UPON THE DEATH OF AN OWNER.

Approved March 23, 2016 at 1:00 pm.

HB 16-1064: CONCERNING LOCAL LICENSING OF MEDICAL MARIJUANA TESTING FACILITIES.

Approved March 23, 2016 at 1:01 pm.

HB 16-1091: CONCERNING A CHANGE TO THE BIENNIAL FILING DATE FOR RATE-REGULATED ELECTRIC UTILITIES TO SUBMIT THEIR PLANS FOR TRANSMISSION FACILITIES TO THE PUBLIC UTILITIES COMMISSION, AND, IN CONNECTION THEREWITH, DELETING THE REQUIREMENT THAT THE COMMISSION ISSUE A FINAL ORDER WITHIN ONE HUNDRED EIGHTY DAYS AFTER AN APPLICATION FOR THE CONSTRUCTION OR EXPANSION OF TRANSMISSION FACILITIES IS FILED.

Approved March 23, 2016 at 1:00 pm.

HB 16-1119: CONCERNING A MODIFICATION TO THE NUMBER OF DAYS THAT AN AIRCRAFT MAY REMAIN IN THE STATE AFTER IT IS PURCHASED FOR PURPOSES OF THE SALES AND USE TAX EXEMPTION ON THE PURCHASE OF CERTAIN AIRCRAFT.

Approved March 23, 2016 at 1:01 pm.

Sincerely,  
(Signed)  
John W. Hickenlooper  
Governor





**INTRODUCTION OF BILLS**  
**First Reading**

- 1  
2  
3  
4 The following bills were read by title and referred to the committees  
5 indicated:  
6  
7 **HB16-1400** by Representative(s) Ryden--Concerning the prohibition  
8 of retaliatory action against a homeowner in relation to the  
9 homeowners' association to which the homeowner  
10 belongs.  
11 Committee on State, Veterans, & Military Affairs  
12  
13  
14 **HB16-1401** by Representative(s) Becker K. and Priola; also Senator(s)  
15 Woods and Hodge--Concerning the regulation of retail  
16 food establishments.  
17 Committee on Business Affairs and Labor  
18  
19  
20 **HB16-1402** by Representative(s) Becker K. and Lawrence, Nordberg,  
21 Joshi, Klingenschmitt, Wilson, Dore, Lundeen,  
22 Van Winkle, Rankin, Melton, Arndt, Conti, Esgar, Roupe,  
23 Thurlow; also Senator(s) Holbert and Garcia, Steadman,  
24 Scott, Tate--Concerning a prohibition on the use of a  
25 device to allow a person to place a wager on a previously  
26 run sporting event.  
27 Committee on Finance  
28  
29  
30 **HB16-1403** by Representative(s) Pettersen and Buckner, Danielson,  
31 Duran, Esgar, Winter; also Senator(s) Todd and  
32 Donovan--Concerning the creation of the Colorado secure  
33 savings plan.  
34 Committee on Finance  
35  
36  
37 **HB16-1404** by Representative(s) Duran and Wist; also Senator(s)  
38 Cooke and Guzman--Concerning the regulation of fantasy  
39 contests.  
40 Committee on Business Affairs and Labor  
41  
42  
43 **SB16-100** by Senator(s) Jahn; also Representative(s) Pabon--  
44 Concerning requirements that a county must meet before  
45 reducing the mill levy for its road and bridge fund.  
46 Committee on State, Veterans, & Military Affairs  
47  
48  
49 **SB16-133** by Senator(s) Tate, Johnston; also Representative(s) Pabon  
50 and Willett--Concerning the transfer of property rights  
51 upon the death of a person, and, in connection therewith,  
52 clarifying determination-of-heirship proceedings in  
53 probate.  
54 Committee on Judiciary  
55

1 **SB16-145** by Senator(s) Baumgardner and Donovan, Roberts, Scott;  
 2 also Representative(s) Mitsch Bush and Willett, Becker  
 3 K., Brown, Coram, Hamner, Rankin, Thurlow--  
 4 Concerning an alternative mechanism for creating a  
 5 subdistrict of the Colorado river water conservation  
 6 district.  
 7 Committee on Agriculture, Livestock, & Natural Resources

---

10 **INTRODUCTION OF RESOLUTION**

11  
 12  
 13 The following resolution was read by title and laid over one day under the  
 14 rules:

15  
 16 **SJR16-002** by Senator(s) Baumgardner and Merrifield, Cooke, Jones,  
 17 Roberts; also Representative(s) Hamner and Thurlow,  
 18 Becker K., Buck, Singer--Concerning the recognition of  
 19 Colorado firefighters killed in the line of duty.  
 20

---

21  
 22  
 23  
 24 On motion of Representative Duran, the House adjourned until  
 25 10:00 a.m., March 28, 2016.

26  
 27 Approved:  
 28 DICKY LEE HULLINGHORST,  
 29 Speaker

30 Attest:  
 31 MARILYN EDDINS,  
 32 Chief Clerk

33  
 34