

HOUSE JOURNAL
SEVENTIETH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Twenty-fourth Legislative Day

Friday, February 5, 2016

- 1 Prayer by Dr. Bryan Hynes, New Beginnings Church, Pueblo.
- 2
- 3 The Speaker called the House to order at 9:00 a.m.
- 4
- 5 Pledge of Allegiance led by Robbie Manta, Julia Jackson, Liza Hafner,
- 6 Alexander Pearson, Preserve American Youth Summit, Denver.
- 7
- 8 The roll was called with the following result:
- 9
- 10 Present--60.
- 11 Excused--Representative(s) Becker J., Danielson, Melton,
- 12 Nordberg, Priola--5.
- 13 Present after roll call--Representative(s) Priola.
- 14

15 The Speaker declared a quorum present.

16
17
18 On motion of Representative Moreno, the reading of the journal of
19 February 4, 2016, was declared dispensed with and approved as corrected
20 by the Chief Clerk.

CONSIDERATION OF MEMORIAL(S)

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25 **SJM16-002** by Senator(s) Jones and Roberts, Baumgardner, Cooke,
26 Hodge, Merrifield; also Representative(s) Coram and
27 Vigil, Arndt, Becker K., Buck, Hamner, Mitsch Bush,
28 Singer, Thurlow--Concerning the need for Congress to
29 fund catastrophic wildfire response costs outside of
30 federal forest management agencies' normal budgets.

31
32
33 (Printed and placed in members' files.)

34
35 On motion of Representative Coram, the memorial was **adopted** by **viva**
36 **voce** vote.

37
38 Current roll call added as co-sponsors: Representative(s) Brown, Buckner,
39 Carver, Conti, Court, DelGrosso, Dore, Duran, Esgar, Everett, Fields, Foote,
40 Garnett, Ginal, Humphrey, Joshi, Kagan, Klingenschmitt, Kraft-Tharp,
41 Landgraf, Lawrence, Lebsock, Lee, Leonard, Lontine, Lundeen, McCann,
42 Moreno, Navarro, Neville P., Pabon, Pettersen, Primavera, Priola, Rankin,
43 Ransom, Rosenthal, Roupe, Ryden, Saine, Salazar, Sias, Tyler, Van Winkle,
44 Willett, Williams, Wilson, Windholz, Winter, Wist, Young, Speaker.

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:

HB16-1108 be postponed indefinitely.

HB16-1119 be referred to the Committee of the Whole with favorable recommendation.

FINANCE

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

SB16-020 be referred to the Committee of the Whole with favorable recommendation.

HEALTH, INSURANCE & ENVIRONMENT

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

HB16-1004 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 9, strike "GOALS," and substitute "GOALS BASED ON THE BEST AVAILABLE SCIENCE,".

Page 2, line 10, strike "EITHER" and substitute "BOTH" and strike "OR" and substitute "AND".

HB16-1047 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

Amend printed bill, page 11, line 6, strike "FOR" and substitute "OR".

Page 30, after line 3 insert:

"SECTION 2. In Colorado Revised Statutes, 12-36-104, **add** (4) as follows:

12-36-104. Powers and duties of board. (4) TO FACILITATE THE

1 LICENSURE OF A PHYSICIAN UNDER THE "INTERSTATE MEDICAL LICENSURE
 2 COMPACT ACT", PART 36 OF ARTICLE 60 OF TITLE 24, C.R.S., THE BOARD
 3 SHALL OBTAIN A SET OF FINGERPRINTS FROM AN APPLICANT FOR
 4 LICENSURE UNDER THE COMPACT AND SHALL FORWARD THE FINGERPRINTS
 5 TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
 6 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
 7 UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR THE COSTS, THE
 8 COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
 9 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING
 10 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
 11 FEDERAL BUREAU OF INVESTIGATION. THE BOARD IS THE AUTHORIZED
 12 AGENCY TO RECEIVE INFORMATION REGARDING THE RESULT OF A
 13 NATIONAL CRIMINAL HISTORY RECORD CHECK. THE APPLICANT WHOSE
 14 FINGERPRINTS ARE CHECKED SHALL PAY THE ACTUAL COSTS OF THE STATE
 15 AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

16 **SECTION 3.** In Colorado Revised Statutes, 24-34-110, **amend**
 17 (3) (a) (VIII) as follows:

18 **24-34-110. Medical transparency act of 2010 - disclosure of**
 19 **information about health care licensees - fines - rules - short title -**
 20 **legislative declaration.** (3) (a) As used in this section, "applicant" means
 21 a person applying for a new, active license, certification, or registration
 22 or to renew, reinstate, or reactivate an active license, certification, or
 23 registration to practice:

24 (VIII) Medicine pursuant to article 36 of title 12, C.R.S., OR PART
 25 36 OF ARTICLE 60 OF THIS TITLE;"

26
 27 Renumber succeeding section accordingly.
 28
 29
 30
 31

32 JUDICIARY

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

36 **HB16-1054** 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 3, line 26, strike "TO MAKE" and substitute "TO:

41 (a) UNDERSTAND THE NATURE AND CONSEQUENCES OF A HEALTH
 42 CARE DECISION;

43 (b) UNDERSTAND THE SIGNIFICANT BENEFITS AND RISKS OF AND
 44 ALTERNATIVES TO THE HEALTH CARE DECISION; AND

45 (c) MAKE".
 46

47 Page 4, line 13, strike "(f.3)." and substitute "(f.3) AND A CONTINUING
 48 CARE RETIREMENT COMMUNITY AS DESCRIBED IN SECTION 25.5-6-203 (1)
 49 (c) (I), C.R.S.".
 50

51 Page 5, strike lines 16 and 17 and substitute "PSYCHOLOGIST LICENSED
 52 UNDER PART 3 OF ARTICLE 43 OF TITLE 12, C.R.S., TO PRACTICE
 53 PSYCHOLOGY."
 54

55 Page 5, after line 21 insert:
 56

- 1 "(11) "MENTALLY COMPETENT" OR "MENTAL COMPETENCY"
2 MEANS POSSESSING THE NECESSARY AND SUFFICIENT DECISIONAL ABILITY
3 TO BE RESPONSIBLE FOR ONE'S OWN DECISIONS AND ACTIONS REGARDING
4 MEDICAL CARE AND TREATMENT."
5
6 Renumber succeeding subsections accordingly.
7
8 Page 5, line 23, after "CAPABLE," insert "IS MENTALLY COMPETENT,".
9
10 Page 6, strike lines 11 through 14 and substitute:
11
12 "(13) "SELF-ADMINISTER" MEANS A QUALIFIED INDIVIDUAL'S
13 AFFIRMATIVE, CONSCIOUS, AND PHYSICAL ACT OF ADMINISTERING AND
14 INGESTING THE AID-IN-DYING MEDICATION TO BRING ABOUT HIS OR HER
15 OWN DEATH."
16
17 Page 6, line 20, after "CAPABLE," insert "MENTALLY COMPETENT,".
18
19 Page 7, line 17, strike "CAPABLE;" and substitute "MENTALLY
20 COMPETENT;".
21
22 Page 8, strike line 3 and substitute:
23
24 "(c) NEITHER THE INDIVIDUAL'S ATTENDING PHYSICIAN NOR A
25 PERSON DESIGNATED AS THE INDIVIDUAL'S QUALIFIED POWER OF
26 ATTORNEY OR DURABLE MEDICAL POWER OF ATTORNEY SHALL SERVE AS".
27
28 Page 8, line 17, after "DECISION," insert "IS MENTALLY COMPETENT,".
29
30 Page 8, line 21, strike "(12);" and substitute "(13);".
31
32 Page 8, line 27, strike "CAPABLE" and substitute "CAPABLE, MENTALLY
33 COMPETENT,".
34
35 Page 9, line 17, after "DECISION" insert "OR HIS OR HER MENTAL
36 COMPETENCY".
37
38 Page 11, line 14, strike "DECISION," and substitute "DECISION AND IS
39 MENTALLY COMPETENT,".
40
41 Page 11, line 17, after "**capable**" insert "**and mentally competent**".
42
43 Page 11, line 21, after "DECISION" insert "AND MENTALLY COMPETENT,".
44
45 Page 11, line 22, strike "THAT DETERMINATION IS" and substitute "THOSE
46 DETERMINATIONS ARE".
47
48 Page 11, line 23, strike "DETERMINATION" and substitute
49 "DETERMINATIONS"
50
51 Page 11, lines 25 and 26, strike "AND CONFIRMATION OF THAT
52 DETERMINATION" and substitute "AND IS MENTALLY COMPETENT, AND
53 CONFIRMATION OF THOSE DETERMINATIONS,".
54
55 Page 12, line 5, after "DECISION" insert "OR MENTAL COMPETENCY".
56

1 Page 12, line 8, strike "DECISION." and substitute "DECISION AND IS
2 MENTALLY COMPETENT."

3
4 Page 12, line 13, strike "DECISION." and substitute "DECISION AND IS
5 MENTALLY COMPETENT."

6
7 Page 12, line 15, strike "DECISION," and substitute "DECISION OR IS NOT
8 MENTALLY COMPETENT,"

9
10 Page 12, line 18, strike "MAY" and substitute "SHALL".

11
12 Page 12, strike lines 21 through 24 and substitute:

13 "(2) WHEN AN ATTENDING PHYSICIAN CERTIFIES THAT A DEATH
14 OCCURRED IN".

15
16 Page 16, after line 3 insert:

17
18 "(3) AN INSURER SHALL NOT DENY OR OTHERWISE ALTER HEALTH
19 CARE BENEFITS AVAILABLE UNDER A POLICY OF SICKNESS AND ACCIDENT
20 INSURANCE TO AN INDIVIDUAL WITH A TERMINAL ILLNESS WHO IS
21 COVERED UNDER THE POLICY.

22 (4) AN INDIVIDUAL WITH A TERMINAL ILLNESS WHO IS A RECIPIENT
23 OF MEDICAL ASSISTANCE UNDER THE "COLORADO MEDICAL ASSISTANCE
24 ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, C.R.S., SHALL NOT BE DENIED
25 BENEFITS UNDER THE MEDICAL ASSISTANCE PROGRAM OR HAVE HIS OR HER
26 BENEFITS UNDER THE PROGRAM OTHERWISE ALTERED."

27
28 Page 16, after line 25 insert:

29
30 "(4) THIS SECTION DOES NOT LIMIT CIVIL OR CRIMINAL LIABILITY
31 FOR NEGLIGENCE, RECKLESSNESS, OR INTENTIONAL MISCONDUCT."

32
33 Page 19, line 1, strike "BY LAWFUL" and substitute "EITHER BY:

34 (a) RETURNING THE UNUSED MEDICATION TO THE ATTENDING
35 PHYSICIAN WHO PRESCRIBED THE MEDICATION, WHO SHALL DISPOSE OF
36 THE UNUSED MEDICATION IN THE MANNER REQUIRED BY LAW; OR

37 (b) LAWFUL".

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42 **TRANSPORTATION & ENERGY**

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

45
46 **HB16-1061** be referred to the Committee of the Whole with favorable
47 recommendation.

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49
50 **HB16-1097** be referred favorably to the Committee on Appropriations.

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The Speaker has signed: **SJR16-006**.

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:
SB16-029.

MESSAGE(S) FROM THE REVISOR

We herewith transmit:
without comment, as amended, **SB16-029**.

INTRODUCTION OF BILLS
First Reading

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

HB16-1231 by Representative(s) Lebsack; also Senator(s) Carroll--
Concerning the limited use of automated vehicle
identification systems designed to detect disobedience to
a traffic signal.

Committee on Transportation & Energy

HB16-1232 by Representative(s) Kraft-Tharp, Wist; also Senator(s)
Tate--Concerning continuation of the authority of the
executive director of the department of revenue to issue
written responses upon the request of a taxpayer.

Committee on Business Affairs and Labor

HB16-1233 by Representative(s) Ransom--Concerning modifying the
procedure for sentencing in class 1 felonies when the death
penalty is sought.

Committee on State, Veterans, & Military Affairs

HB16-1234 by Representative(s) Klingenschmitt, Everett, Lundeen,
Wilson, Priola, Windholz; also Senator(s) Merrifield--
Concerning the consideration of methods for selecting
state assessment alternatives.

Committee on Education

HB16-1235 by Representative(s) Van Winkle; also Senator(s) Kefalas
and Lundberg--Concerning a representational state judicial
performance commission to increase the flow of

1 information between judicial performance commissions to
2 enhance the commissions' ability to make informed
3 judicial retention recommendations.

4 Committee on State, Veterans, & Military Affairs

5
6 **HB16-1236** by Representative(s) Primavera, Brown, Esgar, Ginal,
7 Joshi, Landgraf, Lontine, McCann, Ryden; also Senator(s)
8 Crowder--Concerning continuation of the infection control
9 advisory committee.

10 Committee on Health, Insurance, & Environment

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15 On motion of Representative Duran, the following bill(s) will be
16 calendared for General Orders on February 8, 2016: **HB16-1004, 1119,**
17 **SB16-020.**

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19 On motion of Representative Duran, the following bill(s) will be
20 calendared for General Orders on February 10, 2016: **HB16-1054, 1082.**

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25 On motion of Representative Duran, the House adjourned until
26 10:00 a.m., February 8, 2016.

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Approved:
DICKEY LEE HULLINGHORST,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk

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