

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
Second Regular Session

17th Legislative Day Friday, January 29, 2016

Prayer By the chaplain, Pastor David Almanzar, Cañon Community Baptist Church, Cañon City.

Call to Order By the President *pro tem* at 9:00 a.m.

Pledge By Senator Neville.

Roll Call Present--31
Excused--4, Cadman, Scott, Sonnenberg, Ulibarri.

Quorum The President *pro tem* announced a quorum present.

Reading of Journal On motion of Senator Tate, reading of the Journal of Thursday, January 28, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SJR16-003** be referred to the Senate for final action.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB16-015** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **SB16-001** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 13 through 15 and substitute "SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) FOR AN AMOUNT RECEIVED AS A PENSION OR ANNUITY THAT ARISES FROM AN INDIVIDUAL'S SERVICE IN THE UNIFORMED SERVICES OF THE UNITED STATES. AMOUNTS RECEIVED FROM ALL OTHER TYPES OF PENSIONS OR ANNUITIES ARE SUBJECT TO THE OTHER LIMITS SET FORTH IN THIS SUBPARAGRAPH (III) WITHOUT REGARD TO THE AMOUNT SUBTRACTED UNDER THIS SUB-SUBPARAGRAPH (B).".

SENATE SERVICES REPORT

Correctly Reengrossed: SB16-066.

MESSAGE FROM THE HOUSE

January 28, 2016

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1051.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1032, amended as printed in House Journal, January 27, 2016.
HB16-1057, amended as printed in House Journal, January 27, 2016.

MESSAGE FROM THE REVISOR OF STATUTES

January 28, 2016

We herewith transmit:

Without comment, HB16-1051.
Without comment, as amended, HB16-1032 and 1057.

Committee of the Whole On motion of Senator Tate, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills -- Consent Calendar, and Senator Tate was called to act as Chair.

GENERAL ORDERS -- SECOND READING OF BILLS --
CONSENT CALENDAR

The Committee of the Whole having risen, the Chair reported that the following bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB16-010 by Senator(s) Baumgardner; --Concerning the purchase of an off-highway vehicle by a dealer.

Ordered engrossed and placed on the calendar for third reading and final passage.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR

On motion of Senator Tate, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	E
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	E
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Ulibarri	E
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	E
Guzman	Y	Kerr	Y	Scheffel	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB16-010.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills Calendar (SB16-011) of Friday, January 29 was laid over until Monday, February 1, retaining its place on the calendar.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services

After consideration on the merits, the Committee recommends that SB16-009 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 2, strike lines 7 to 26 and substitute:

"(v) Sharing any professional fees with anyone except those with whom the dentist or dental hygienist is lawfully associated in the practice of dentistry or dental hygiene; except that:
(I) A licensed dentist or dental hygienist may pay an independent advertising or marketing agent compensation for advertising or marketing services rendered by the agent for the benefit of the licensed dentist or dental hygienist, including compensation that is based on the results or performance of the services on a per-patient basis; AND
(II) NOTHING IN THIS SECTION PROHIBITS A DENTIST OR DENTAL HYGIENIST PRACTICE OWNED OR OPERATED BY A PROPRIETOR AUTHORIZED UNDER SECTION 12-35-116.5 FROM CONTRACTING WITH ANY PERSON OR ENTITY FOR BUSINESS MANAGEMENT SERVICES OR PAYING A ROYALTY IN ACCORDANCE WITH A FRANCHISE AGREEMENT IF THE TERMS OF THE CONTRACT OR FRANCHISE AGREEMENT DO NOT AFFECT THE EXERCISE OF THE INDEPENDENT PROFESSIONAL JUDGMENT OF THE DENTIST OR DENTAL HYGIENIST."

Health & Human Services

After consideration on the merits, the Committee recommends that SB16-002 be referred to the Committee on Appropriations with favorable recommendation.

Health & Human Services

After consideration on the merits, the Committee recommends that SB16-069 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 2, strike line 9 and substitute:

"(4.5) (a) "COMMUNITY INTEGRATED HEALTH CARE SERVICE" MEANS THE PROVISION OF".

Page 2, line 13, strike "PARAMEDICINE" and substitute "INTEGRATED HEALTH CARE SERVICE".

Page 3, line 6, strike "PARAMEDICINE" and substitute "INTEGRATED

HEALTH CARE SERVICE".	1
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Page 3, line 8, strike "PARAMEDICINE" and substitute "INTEGRATED	3
HEALTH CARE SERVICE".	4
	5
Page 3, line 19, strike "PERFORM," and substitute "PERFORM WITHIN HIS	6
OR HER SCOPE OF PRACTICE,".	7
	8
Page 4, line 2, strike "INVENTORY" and substitute "INVENTORY,	9
COMPLIANCE,".	10
	11
Page 4, strike lines 11 through 14 and substitute "SCORE ON AN	12
EXAMINATION OFFERED NATIONALLY AND RECOGNIZED IN COLORADO	13
FOR CERTIFYING COMPETENCY TO SERVE AS A".	14
	15
Page 5, strike line 5.	16
	17
Page 5, line 7, strike "C.R.S." and substitute "C.R.S.;	18
(d) A FIRE PROTECTION OR OTHER SPECIAL DISTRICT AUTHORITY;	19
(e) A HEALTH CARE BUSINESS ENTITY, INCLUDING A LICENSED OR	20
CERTIFIED HEALTH CARE FACILITY THAT IS SUBJECT TO REGULATION	21
UNDER ARTICLE 3 OF THIS TITLE; OR	22
(f) A COMMUNITY INTEGRATED HEALTH CARE SERVICE AGENCY	23
LICENSED PURSUANT TO PART 12 OF THIS ARTICLE.".	24
	25
Page 5, strike lines 8 through 14 and substitute:	26
	27
"(2) "MEDICAL DIRECTION" MEANS THE SUPERVISION OVER AND	28
DIRECTION OF INDIVIDUALS WHO PERFORM ACTS ON BEHALF OF A CARES	29
PROGRAM BY A HEALTH CARE PROFESSIONAL WHO IS IDENTIFIED AS BEING	30
RESPONSIBLE FOR ASSURING THE COMPETENCY OF THOSE INDIVIDUALS IN	31
THE PERFORMANCE OF ACTS ON BEHALF OF THE CARES PROGRAM.".	32
	33
Page 6, strike line 1 and substitute:	34
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"(2) SUBJECT TO MEDICAL DIRECTION, AN".	36
	37
Page 6, line 11, strike "PARAMEDICINE" and substitute "INTEGRATED	38
HEALTH CARE SERVICE".	39
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Page 6, strike line 18 and substitute:	41
	42
"(I) COMMUNITY PARAMEDIC, AS DEFINED IN SECTION 25-3.5-103	43
(4.3);	44
(II) MENTAL HEALTH PROFESSIONAL;".	45
	46
Renumber succeeding subparagraphs accordingly.	47
	48
Page 6, line 20, after "PRACTICE" insert "REGISTERED".	49
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Page 6, strike lines 25 and 26 and substitute:	51
	52
"(b) PROVIDE SERVICES BY DISPATCHING ONE OR MORE	53
INDIVIDUALS, ACCOMPANIED OR SUPERVISED BY A".	54
	55
Page 7, line 7, strike "COUNCIL" and substitute "BOARD".	56
	57
Page 7, line 25, strike "COUNCIL" and substitute "BOARD".	58
	59
Page 8, strike line 4 and substitute:	60
	61
"COMMUNITY INTEGRATED	62
HEALTH CARE SERVICE AGENCIES".	63
	64
Page 8, line 7, strike "PARAMEDICINE" and substitute "INTEGRATED	65
HEALTH CARE SERVICE".	66
	67

Page 8, strike line 8 and substitute "A PARTNERSHIP; CORPORATION;
NONPROFIT ENTITY; SPECIAL DISTRICT; HEALTHCARE BUSINESS ENTITY,
INCLUDING A LICENSED OR CERTIFIED HEALTH CARE FACILITY THAT IS
SUBJECT TO REGULATION UNDER ARTICLE 3 OF THIS TITLE; OR".

Page 8, line 10, strike "PARAMEDICINE" and substitute "INTEGRATED
HEALTH CARE".

Page 8, line 14, strike "PARAMEDICINE" and substitute "INTEGRATED
HEALTH CARE SERVICE".

Page 8, strike lines 15 through 21 and substitute:

"(3) "MEDICAL DIRECTION" MEANS THE SUPERVISION OVER AND
DIRECTION OF INDIVIDUALS WHO PERFORM ACTS ON BEHALF OF AN
AGENCY BY A HEALTH CARE PROFESSIONAL WHO IS IDENTIFIED AS BEING
RESPONSIBLE FOR ASSURING THE COMPETENCY OF THOSE INDIVIDUALS IN
THE PERFORMANCE OF ACTS ON BEHALF OF THE AGENCY."

Page 8, line 25, strike "**paramedicine**" and substitute "**integrated health
care service**".

Page 9, line 1, strike "PARAMEDICINE" and substitute "INTEGRATED
HEALTH CARE SERVICE".

Page 9, line 3, strike "PARAMEDICINE" and substitute "INTEGRATED
HEALTH CARE SERVICE".

Page 9, line 5, strike "PARAMEDICINE" and substitute "INTEGRATED
HEALTH CARE SERVICE".

Page 9, line 26, strike "**paramedicine**" and substitute "**integrated health
care service**".

Page 9, line 27, strike "PARAMEDICINE" and substitute "INTEGRATED
HEALTH CARE SERVICE".

Page 10, line 3, strike "(2)." and substitute "(2) AND THE TASKS AND
PROCEDURES THAT A COMMUNITY PARAMEDIC IS AUTHORIZED TO
PERFORM WITHIN HIS OR HER SCOPE OF PRACTICE IN ACCORDANCE WITH
SECTION 25-3.5-203.5 (2) (a) AND RULES PROMULGATED PURSUANT TO
THAT SECTION."

Page 10, strike lines 8 and 9 and substitute:

"(a) A REQUIREMENT THAT THE AGENCY HAVE MEDICAL
DIRECTION;"

Page 10, line 20, strike "PARAMEDICINE" and substitute "INTEGRATED
HEALTH CARE SERVICE".

Page 11, strike lines 4 and 5.

Reletter succeeding paragraphs accordingly.

Page 11, line 11, strike "**paramedicine**" and substitute "**integrated
health care service**".

Page 11, line 12, strike "PARAMEDICINE" and substitute "INTEGRATED
HEALTH CARE SERVICE".

Page 11, line 23, strike "PARAMEDICINE" and substitute "INTEGRATED
HEALTH CARE SERVICE".

Page 13, line 12, strike "PARAMEDICINE" and substitute "INTEGRATED
HEALTH CARE SERVICE".

Page 14, line 10, strike "PARAMEDICINE" and substitute "INTEGRATED HEALTH CARE SERVICE".

Page 15, after line 16 insert:

"25-3.5-1207. Repeal of article - review of functions. THIS PART 12 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021. BEFORE THE REPEAL, THE DEPARTMENT'S FUNCTIONS UNDER THIS PART 12 SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

SECTION 4. In Colorado Revised Statutes, 24-34-104, add (52.5) (f) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.

(52.5) The following agencies, functions, or both, terminate on September 1, 2021:

(f) THE FUNCTIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT REGARDING COMMUNITY INTEGRATED HEALTH CARE SERVICE AGENCIES PURSUANT TO PART 12 OF ARTICLE 3.5 OF TITLE 25, C.R.S."

Renumber succeeding section accordingly.

MESSAGE FROM THE HOUSE

January 29, 2016

Mr. President:

The House has adopted and transmits herewith HJR16-1003, HJR16-1004, HJR16-1005, HJR16-1006, HJR16-1007.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by:

HJR16-1003 by Representative(s) Lontine and Roupe, Buckner, Danielson, Esgar, Fields, Foote, Garnett, Ginal, Humphrey, Kraft-Tharp, Lebsock, Lee, McCann, Melton, Moreno, Neville P., Primavera, Thurlow, Wist; also Senator(s) Lambert and Carroll, Hill, Jones, Scott, Sonnenberg, Ulibarri--Concerning recognition of Military, Veterans, and MIA/POW Appreciation Day.

Laid over one day under Senate Rule 30(e).

HJR16-1004 by Representative(s) Esgar and Navarro, Buckner, Danielson, Fields, Foote, Garnett, Ginal, Humphrey, Kraft-Tharp, Lee, Lontine, McCann, Melton, Moreno, Neville P., Primavera, Roupe, Wist; also Senator(s) Crowder and Garcia, Jones, Scott, Sonnenberg, Ulibarri--Concerning the U.S.S. Pueblo.

Laid over one day under Senate Rule 30(e).

HJR16-1005 by Representative(s) Williams and Humphrey, Buckner, Danielson, Esgar, Fields, Foote, Garnett, Ginal, Kraft-Tharp, Lee, Lontine, McCann, Melton, Moreno, Primavera, Roupe, Thurlow, Wist; also Senator(s) Sonnenberg and Ulibarri, Hill, Jones, Scott--Concerning the U.S.S. Colorado.

Laid over one day under Senate Rule 30(e).

HJR16-1006	by Representative(s) Ryden and Thurlow, Buckner, Danielson, Fields, Foote, Garnett, Ginal, Humphrey, Kraft-Tharp, Lee, Lontine, McCann, Melton, Moreno, Primavera, Roupe, Wist; also Senator(s) Todd and Martinez Humenik, Scott--Concerning the designation of a portion of East Sixth Avenue in Aurora as the "Colorado Freedom Memorial Highway".	1 2 3 4 5 6 7 8 9
	Laid over one day under Senate Rule 30(e).	10 11 12
HJR16-1007	by Representative(s) Melton and Landgraf, Buckner, Danielson, Esgar, Fields, Foote, Garnett, Ginal, Humphrey, Kraft-Tharp, Lee, Lontine, McCann, Moreno, Neville P., Primavera, Roupe, Thurlow, Wist; also Senator(s) Hill and Heath, Cooke, Jones, Scott, Sonnenberg, Ulibarri--Concerning recognition of military personnel from Colorado who have served in Operation Enduring Freedom, Operation Freedom's Sentinel, Operation New Dawn, Operation Inherent Resolve, and in the Global War on Terrorism and honoring those who have died while serving the cause of freedom around the world.	13 14 15 16 17 18 19 20 21 22
	Laid over one day under Senate Rule 30(e).	23 24 25 26 27
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INTRODUCTION OF BILLS -- FIRST READING		34 35 36 37 38 39 40 41 42
The following bills were read by title and referred to the committees indicated:		43 44 45 46 47 48 49 50 51 52 53
SB16-083	by Senator(s) Baumgardner; also Representative(s) Joshi--Concerning a requirement that an elector establish identification for voting purposes by showing a government-issued form of identification that shows a photograph of the eligible elector. State, Veterans, & Military Affairs	54 55 56 57 58 59 60 61 62 63 64 65 66 67
SB16-084	by Senator(s) Steadman; --Concerning the "Colorado Uniform Recognition of Substitute Health Care Decision-making Documents Act". Judiciary	
SB16-085	by Senator(s) Steadman; --Concerning the "Colorado Uniform Trust Decanting Act". Judiciary	
SB16-086	by Senator(s) Neville T.; also Representative(s) Neville P.--Concerning the elimination of the cap on the state income tax deduction for retirement benefits. Finance Appropriations	
SB16-087	by Senator(s) Baumgardner; --Concerning public utility fee funding for the highway-rail crossing signalization fund. Transportation	
SB16-088	by Senator(s) Steadman; --Concerning the "Revised Uniform Fiduciary Access to Digital Assets Act". Judiciary	
SB16-089	by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning the establishment of an alternative maximum reserve for the department of state cash fund. Appropriations	

SB16-090	by Senator(s) Steadman, Grantham, Lambert; also Representative(s) Young, Hamner, Rankin--Concerning the ability of the department of public health and environment to collect data on marijuana health effects at a regional level. Appropriations	1 2 3 4 5 6
SB16-091	by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning timing of the statewide discovery sharing system. Appropriations	7 8 9 10 11
SB16-092	by Senator(s) Grantham, Lambert, Steadman; also Representative(s) Rankin, Hamner, Young--Concerning the authorization of the state to act pursuant to the federal "Oil Pollution Act of 1990". Appropriations	12 13 14 15 16 17
SB16-093	by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Young, Hamner, Rankin--Concerning transfer of the oversight of independent living services from the department of human services to the department of labor and employment. Appropriations	18 19 20 21 22 23
SB16-094	by Senator(s) Crowder; also Representative(s) Vigil--Concerning the shared costs of a district public health agency by the counties in the district. Health & Human Services	24 25 26 27 28
SB16-095	by Senator(s) Steadman, Grantham, Lambert; also Representative(s) Young, Hamner, Rankin--Concerning the five-year appropriations requirement for bills that change the periods of incarceration in state correctional facilities. Appropriations	29 30 31 32 33 34
SB16-096	by Senator(s) Heath; --Concerning the recreation of the pay equity commission within the department of labor and employment. Business, Labor, & Technology	35 36 37 38 39
SB16-097	by Senator(s) Scott; --Concerning measures to ensure that revenue related to the severance of minerals in the state is used in areas most impacted by the severance. Agriculture, Natural Resources, & Energy	40 41 42 43 44
SB16-098	by Senator(s) Steadman; --Concerning restoring judicial discretion in criminal sentencing. Judiciary	45 46 47 48
SB16-099	by Senator(s) Jahn; also Representative(s) Primavera, Nordberg, Ryden--Concerning implementing recommendations of the state auditor's office by establishing the authority of the correctional education program to sell inmate-produced products to specified persons. State, Veterans, & Military Affairs	49 50 51 52 53 54
SB16-100	by Senator(s) Jahn; also Representative(s) Pabon--Concerning requirements that a county must meet before reducing the mill levy for its road and bridge fund. Transportation	55 56 57 58 59
SB16-101	by Senator(s) Kerr; also Representative(s) Kraft-Tharp--Concerning the creation of a school board ethics commission. State, Veterans, & Military Affairs	60 61 62 63 64
SB16-102	by Senator(s) Kerr, Aguilar, Guzman, Heath, Lundberg, Marble, Merrifield; --Concerning the elimination of mandatory sentences to incarceration for certain crimes. Judiciary	65 66 67

- SB16-103** by Senator(s) Merrifield; also Representative(s) Sias--Concerning creation of the "Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act".
Judiciary
- SB16-104** by Senator(s) Todd, Garcia, Johnston, Kerr, Merrifield, Newell; also Representative(s) Becker J., Rankin--Concerning incentives to become a teacher in a rural school district of Colorado.
Education
- SB16-105** by Senator(s) Merrifield and Marble, Kerr, Martinez Humenik, Todd, Woods; --Concerning the requirement that fifty percent of an educator's performance evaluation be determined by student academic growth.
Education
- SB16-106** by Senator(s) Holbert; also Representative(s) Salazar--Concerning measures to facilitate the efficient administration of Colorado laws governing campaign finance.
State, Veterans, & Military Affairs
- SB16-107** by Senator(s) Cooke; also Representative(s) Pabon--Concerning the regulation of voter registration drive circulators, and, in connection therewith, requiring circulators to complete mandatory training.
State, Veterans, & Military Affairs
- SB16-108** by Senator(s) Carroll; also Representative(s) Singer--Concerning making certain public administrators employees of the state judicial system, and, in connection therewith, prohibiting such public administrators from collecting additional compensation for the performance of their duties.
State, Veterans, & Military Affairs
- SB16-109** by Senator(s) Garcia; --Concerning a state patrol facility in Pueblo, Colorado.
Transportation
- SB16-110** by Senator(s) Woods; also Representative(s) Lundeen--Concerning protecting the privacy of child victims when releasing criminal justice records.
Judiciary
- SB16-111** by Senator(s) Lambert, Baumgardner, Grantham, Cooke, Newell, Garcia, Neville T., Scheffel, Carroll; also Representative(s) Lundeen, Fields, Klingenschmitt, Saine, Joshi--Concerning authorizing the Colorado mounted rangers as certified reserve peace officers.
Judiciary
- SB16-112** by Senator(s) Tate; --Concerning a modification to the required quantity of voter service and polling centers.
State, Veterans, & Military Affairs
- SB16-113** by Senator(s) Marble; also Representative(s) Saine and Humphrey--Concerning the repeal of certain provisions concerning ammunition magazines.
State, Veterans, & Military Affairs

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On motion of Majority Leader Scheffel, the Senate adjourned until 10:00 a.m., Monday,
February 1, 2016.

Approved:

Ellen Roberts
President *pro tem* of the Senate

Attest:

Effie Ameen
Secretary of the Senate

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