

HOUSE JOURNAL
SEVENTIETH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Sixty-second Legislative Day

Monday, March 14, 2016

1 Prayer by Chaplain Lieutenant Colonel Jeff Williams, U.S. Air Force
2 Auxiliary, Arvada.

3
4 The Speaker called the House to order at 10:00 a.m.

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6 Pledge of Allegiance led by Cadet 2nd Lieutenant Nathanael Leavitt,
7 Mustang Cadet Squadron, Civil Air Patrol, Centennial.

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9 The roll was called with the following result:

10

11 Present--65.

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13 The Speaker declared a quorum present.

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16 On motion of Representative Ransom, the reading of the journal of
17 March 11, 2016, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

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APPOINTMENT

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25 The Speaker announced the following temporary appointment for March

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GENERAL ORDERS--SECOND READING OF BILLS

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

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

HB16-1306 by Representative(s) Williams, Arndt; also Senator(s) Holbert--Concerning revision of the state statutes governing mortgage loan originators to conform more closely to applicable federal law, and, in connection therewith, amending, relocating, and repealing provisions in accordance with the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008".

Amendment No. 1, Business Affairs and Labor Report, dated March 8, 2016, and placed in member's bill file; Report also printed in House Journal, March 9, 2016

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

SB16-094 by Senator(s) Crowder; also Representative(s) Vigil, Brown--Concerning the shared costs of a district public health agency by the counties in the district.

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

HB16-1285 by Representative(s) Pabon; also Senator(s) Crowder--Concerning a procedure by which an applicant for a driver's license may use a private vendor to readminister the driving test after the applicant fails on the first attempt.

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

HB16-1257 by Representative(s) McCann, Foote, Kagan; also Senator(s) Scheffel, Johnston, Steadman--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Laid over until March 16, retaining place on Calendar.

HB16-1210 by Representative(s) Rosenthal, Esgar, Ginal, Moreno; also Senator(s) Steadman, Guzman, Ulibarri--Concerning a prohibition on conversion therapy by a licensed mental health provider.

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

1 [HB16-1224](#) by Representative(s) Lundeen, Becker J., Carver,
2 Nordberg; also Senator(s) Woods--Concerning child
3 abuse involving human trafficking of minors.
4

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

9 Amendment No. 2, by Representative(s) Lundeen.
10

11 Amend the Public Health Care & Human Services Committee Report,
12 dated March 8, 2016, page 2, line 3, strike "INVESTIGATOR" and
13 substitute "COUNTY DEPARTMENT".
14

15 Page 2, after line 12 insert:
16

17 "Page 4, strike lines 2 through 11 and substitute:
18

19 **"SECTION 4. Act subject to petition - effective date.** This act
20 takes effect January 1, 2017; except that, if a referendum petition is filed
21 pursuant to section 1 (3) of article V of the state constitution against this
22 act or an item, section, or part of this act within the ninety-day period
23 after final adjournment of the general assembly, then the act, item,
24 section, or part will not take effect unless approved by the people at the
25 general election to be held in November 2016 and, in such case, will take
26 effect on January 1, 2017, or on the date of the official declaration of the
27 vote thereon by the governor, whichever is later."."
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29 As amended, ordered engrossed and placed on the Calendar for Third
30 Reading and Final Passage.
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35 On motion of Representative Duran, the remainder of the General Orders
36 Calendar (**HB16-1100, 1198, 1187, 1281, 1297, SB16-121, HB16-1155,**
37 **1230, SB16-012, HB16-1271, 1323, 1310, SB16-127, 010, HB16-1164**)
38 was laid over until March 16, retaining place on Calendar.
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43 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**
44

45 Representative Klingenschmitt moved to amend the Report of the
46 Committee of the Whole to reverse the action taken by the Committee in
47 not adopting the following Klingenschmitt amendment, to HB 16-1210,
48 to show that said amendment passed, and that HB 16-1210, as amended,
49 passed.
50

51 Amend printed bill, page 2, line 9, before "INCLUDING" insert "NOT
52 INCLUDING A VOLUNTARY RELIGIOUS CONVERSION,".
53

54 Page 2, line 11, strike "SEX." and substitute "SEX, EXCEPT FOR UNWANTED
55 SEXUAL OR ROMANTIC ATTRACTION."
56

1 Page 3, line 13, before "INCLUDING" insert "NOT INCLUDING A
2 VOLUNTARY RELIGIOUS CONVERSION,".

3
4 Page 3, line 16, strike "SEX." and substitute "SEX, EXCEPT FOR UNWANTED
5 SEXUAL OR ROMANTIC ATTRACTION.".

6
7 The amendment was declared **lost** by the following roll call vote:

	YES	30	NO	35	EXCUSED	0	ABSENT	0
10 Arndt	N		Fields	N	Lundeen	Y	Ryden	N
11 Becker J.	Y		Foote	N	McCann	Y	Saine	Y
12 Becker K.	N		Garnett	N	Melton	N	Salazar	N
13 Brown	Y		Ginal	N	Mitsch Bush	N	Sias	Y
14 Buck	Y		Hamner	N	Moreno	N	Singer	N
15 Buckner	N		Humphrey	Y	Navarro	Y	Thurlow	N
16 Carver	Y		Joshi	Y	Neville P.	Y	Tyler	N
17 Conti	Y		Kagan	N	Nordberg	Y	Van Winkle	Y
18 Coram	Y		Klingenschmitt	Y	Pabon	N	Vigil	N
19 Court	N		Kraft-Tharp	N	Pettersen	N	Willett	Y
20 Danielson	N		Landgraf	Y	Primavera	N	Williams	N
21 DelGrosso	Y		Lawrence	Y	Priola	Y	Wilson	Y
22 Dore	Y		Lebsock	N	Rankin	Y	Windholz	Y
23 Duran	N		Lee	N	Ransom	Y	Winter	N
24 Esgar	N		Leonard	Y	Rosenthal	N	Wist	N
25 Everett	Y		Lontine	N	Roupe	Y	Young	N
26							Speaker	N

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31 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

32
33 Passed Second Reading: **HB16-1306 amended, SB16-094, HB16-1285,**
34 **1210, 1224 amended.**

35
36 Laid over until date indicated retaining place on Calendar:
37 **HB16-1257--March 16, 2016.**

38
39 The Chairman moved the adoption of the Committee of the Whole
40 Report. As shown by the following roll call vote, a majority of those
41 elected to the House voted in the affirmative, and the Report was
42 **adopted.**

	YES	65	NO	0	EXCUSED	0	ABSENT	0
45 Arndt	Y		Fields	Y	Lundeen	Y	Ryden	Y
46 Becker J.	Y		Foote	Y	McCann	Y	Saine	Y
47 Becker K.	Y		Garnett	Y	Melton	Y	Salazar	Y
48 Brown	Y		Ginal	Y	Mitsch Bush	Y	Sias	Y
49 Buck	Y		Hamner	Y	Moreno	Y	Singer	Y
50 Buckner	Y		Humphrey	Y	Navarro	Y	Thurlow	Y
51 Carver	Y		Joshi	Y	Neville P.	Y	Tyler	Y
52 Conti	Y		Kagan	Y	Nordberg	Y	Van Winkle	Y
53 Coram	Y		Klingenschmitt	Y	Pabon	Y	Vigil	Y
54 Court	Y		Kraft-Tharp	Y	Pettersen	Y	Willett	Y
55 Danielson	Y		Landgraf	Y	Primavera	Y	Williams	Y
56 DelGrosso	Y		Lawrence	Y	Priola	Y	Wilson	Y

1	Dore	Y	Lebsock	Y	Rankin	Y	Windholz	Y
2	Duran	Y	Lee	Y	Ransom	Y	Winter	Y
3	Esgar	Y	Leonard	Y	Rosenthal	Y	Wist	Y
4	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
5							Speaker	Y

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MESSAGE FROM THE SENATE

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The Senate has adopted and transmits herewith: SJR16-015.

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INTRODUCTION AND CONSIDERATION OF RESOLUTION

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

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SJR16-015 by Senator(s) Lambert; also Representative(s) Ryden--
Concerning seventy-five years of the Civil Air Patrol in
Colorado.

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(Printed and placed in members' files).

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

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Current Roll Call added as co-sponsor(s): Representative(s) Arndt, Becker J.,
Becker K., Brown, Buck, Buckner, Carver, Conti, Coram, Court, Danielson,
DelGrosso, Dore, 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, Saine, Salazar, Sias, Singer, Thurlow,
Tyler, Van Winkle, Vigil, Willett, Williams, Wilson, Windholz, Winter, Wist,
Young, Speaker.

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LAY OVER OF CALENDAR ITEM(S)

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On motion of Representative Duran, the following item(s) on the
Calendar was laid over until March 15, retaining place on Calendar:

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48

Consideration of Senate Amendment(s)--**HB16-1151**

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52

House in recess. House reconvened.

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REPORT(S) OF COMMITTEE(S) OF REFERENCE**JUDICIARY**

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

HB16-1262 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 8, strike "PRIVATE SECURITY COMPANY" and substitute "GOVERNMENTAL AGENCY".

Page 2, line 10, strike "PRIVATE SECURITY COMPANY" and substitute "GOVERNMENTAL AGENCY".

Page 3, line 1, strike "ALL FILES PERTAINING TO THE APPLICANT," and substitute "THE APPLICANT'S FILES,".

Page 3, line 4, strike "PRIVATE SECURITY COMPANY" and substitute "GOVERNMENTAL AGENCY".

Page 3, line 8, strike "SHALL" and substitute "SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION,".

Page 3, lines 9 and 10, strike "PRIVATE SECURITY COMPANY" and substitute "GOVERNMENTAL AGENCY".

Page 3, line 10, strike "CANDIDATE AT LEAST TEN DAYS" and substitute "CANDIDATE.".

Page 3, line 11, strike "PRIOR TO MAKING THE HIRING DECISION.".

Page 3, line 12, strike "PRIVATE SECURITY COMPANY" and substitute "GOVERNMENTAL AGENCY".

Page 3, line 14, strike "SEVEN" and substitute "TWENTY-ONE".

Page 3, after line 15 insert:

"(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS SECTION."

Renumber succeeding subsections accordingly.

Page 3, lines 16 and 17, strike "PRIVATE SECURITY COMPANY" and substitute "GOVERNMENTAL AGENCY".

Page 3, line 18, strike "SECTION." and substitute "SECTION OR PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.".

Page 3, strike line 20 and substitute "REQUIRES:

(a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES

1 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
2 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
3 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
4 CONDEMNATIONS.

5 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:"

6
7 Page 3, line 21, strike "(a)" and substitute "(I)".

8
9 Page 3, line 23, strike "(b)" and substitute "(II)".

10
11 Page 3, line 25, strike "(c)" and substitute "(III)".

12
13 Page 3, line 26, strike "(d)" and substitute "(IV)".

14
15 Page 3, line 27, strike "(e)" and substitute "(V)".

16
17 Page 4, line 3, strike "(f)" and substitute "(VI)".

18
19 Page 4, after line 3 insert:

20 "SECTION 2. In Colorado Revised Statutes, add 24-35-120 as
21 follows:

22 **24-35-120. Peace officer hiring - required use of waiver -**
23 **definitions.** (1) THE DEPARTMENT OF REVENUE SHALL REQUIRE EACH
24 CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS
25 BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR
26 GOVERNMENTAL AGENCY TO EXECUTE A WRITTEN WAIVER THAT
27 EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR
28 GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE TO
29 DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO
30 THE DEPARTMENT AND RELEASES THE DEPARTMENT AND EACH LAW
31 ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT EMPLOYED THE
32 CANDIDATE FROM ANY LIABILITY RELATED TO THE USE AND DISCLOSURE
33 OF THE FILES. A CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER
34 SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE DEPARTMENT OF
35 REVENUE. THE DEPARTMENT OF REVENUE SHALL, AT LEAST TWENTY-ONE
36 DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO
37 EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS
38 EMPLOYED THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT
39 AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER
40 SHALL PROVIDE THE DISCLOSURE TO THE DEPARTMENT OF REVENUE NOT
41 MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

42 (2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
43 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
44 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
45 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
46 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
47 BEFORE THE EFFECTIVE DATE OF THIS SECTION, OR PARTICIPATING IN AN
48 OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR REGARDING THE
49 CANDIDATE.

50 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR
51 GOVERNMENTAL ENTITY IS NOT LIABLE FOR COMPLYING WITH THE
52 PROVISIONS OF THIS SECTION.

53 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
54 REQUIRES:

55 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
56 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,

1 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL-RELATED CLAIMS,
2 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
3 CONDEMNATIONS.

4 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:
5 (I) THE COLORADO STATE PATROL CREATED PURSUANT TO
6 SECTION 24-33.5-201;
7 (II) THE COLORADO BUREAU OF INVESTIGATION CREATED
8 PURSUANT TO SECTION 24-33.5-401;
9 (III) A COUNTY SHERIFF'S OFFICE;
10 (IV) A MUNICIPAL POLICE DEPARTMENT;
11 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
12 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
13 24-1-124; OR
14 (VI) A TOWN MARSHAL'S OFFICE."
15

16 Renumber succeeding sections accordingly.
17

18 Page 4, lines 9 and 10, strike "PRIVATE SECURITY COMPANY" and
19 substitute "GOVERNMENTAL AGENCY".
20

21 Page 4, lines 11 and 12, strike "PRIVATE SECURITY COMPANY" and
22 substitute "GOVERNMENTAL AGENCY".
23

24 Page 4, lines 12 and 13, strike "ALL FILES PERTAINING TO THE APPLICANT,"
25 and substitute "THE APPLICANT'S FILES,".
26

27 Page 4, lines 15 and 16, strike "PRIVATE SECURITY COMPANY" and
28 substitute "GOVERNMENTAL AGENCY".
29

30 Page 4, line 20, strike "SHALL" and substitute "SHALL, AT LEAST
31 TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION,".
32

33 Page 4, line 21, strike "PRIVATE SECURITY COMPANY" and substitute
34 "GOVERNMENTAL AGENCY".
35

36 Page 4, line 22, strike "CANDIDATE AT LEAST TEN DAYS PRIOR TO MAKING"
37 and substitute "CANDIDATE.".
38

39 Page 4, line 23, strike "THE HIRING DECISION.".
40

41 Page 4, line 24, strike "PRIVATE SECURITY COMPANY" and substitute
42 "GOVERNMENTAL AGENCY".
43

44 Page 4, line 26, strike "SEVEN" and substitute "TWENTY-ONE".
45

46 Page 4, after line 26 insert:

47 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
48 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
49 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
50 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
51 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
52 BEFORE THE EFFECTIVE DATE OF THIS SECTION."
53

54 Renumber succeeding subsections accordingly.
55

56 Page 4, line 27, strike "PRIVATE" and substitute "GOVERNMENTAL

- 1 AGENCY".
2
3 Page 5, line 1, strike "SECURITY COMPANY".
4
5 Page 5, line 2, strike "SECTION." and substitute "SECTION OR
6 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
7 REGARDING THE CANDIDATE."
8
9 Page 5, strike line 4 and substitute "REQUIRES:
10 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
11 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
12 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
13 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
14 CONDEMNATIONS.
15 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:".
16
17 Page 5, line 5, strike "(a)" and substitute "(I)".
18
19 Page 5, line 7, strike "(b)" and substitute "(II)".
20
21 Page 5, line 9, strike "(c)" and substitute "(III)".
22
23 Page 5, line 10, strike "(d)" and substitute "(IV)".
24
25 Page 5, line 11, strike "(e)" and substitute "(V)".
26
27 Page 5, line 14, strike "(f)" and substitute "(VI)".
28
29 Page 5, line 21, strike "PRIVATE SECURITY COMPANY" and substitute
30 "GOVERNMENTAL AGENCY".
31
32 Page 5, line 23, strike "PRIVATE SECURITY COMPANY" and substitute
33 "GOVERNMENTAL AGENCY".
34
35 Page 5, line 24, strike "ALL FILES PERTAINING TO THE APPLICANT," and
36 substitute "THE APPLICANT'S FILES,".
37
38 Page 6, line 1, strike "PRIVATE SECURITY COMPANY" and substitute
39 "GOVERNMENTAL AGENCY".
40
41 Page 6, line 6, strike "SHALL" and substitute "SHALL, AT LEAST
42 TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION,".
43
44 Page 6, line 7, strike "PRIVATE SECURITY COMPANY" and substitute
45 "GOVERNMENTAL AGENCY" and strike "CANDIDATE AT" and substitute
46 "CANDIDATE."
47
48 Page 6, line 8, strike "LEAST TEN DAYS PRIOR TO MAKING THE HIRING
49 DECISION."
50
51 Page 6, line 9, strike "PRIVATE SECURITY COMPANY" and substitute
52 "GOVERNMENTAL AGENCY".
53
54 Page 6, line 12, strike "SEVEN" and substitute "TWENTY-ONE".
55
56 Page 6, after line 13 insert:

- 1 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
2 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
3 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
4 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
5 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
6 BEFORE THE EFFECTIVE DATE OF THIS SECTION."
7
8 Renumber succeeding subsections accordingly.
9
10 Page 6, line 14 and 15, strike "PRIVATE SECURITY COMPANY" and
11 substitute "GOVERNMENTAL AGENCY".
12
13 Page 6, line 16, strike "SECTION." and substitute "SECTION OR
14 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
15 REGARDING THE CANDIDATE."
16
17 Page 6, strike line 18, and substitute "REQUIRES:
18 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
19 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
20 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
21 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
22 CONDEMNATIONS.
23 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:"
24
25 Page 6, line 19, strike "(a)" and substitute "(I)".
26
27 Page 6, line 21, strike "(b)" and substitute "(II)".
28
29 Page 6, line 23, strike "(c)" and substitute "(III)".
30
31 Page 6, line 24, strike "(d)" and substitute "(IV)".
32
33 Page 6, line 25, strike "(e)" and substitute "(V)".
34
35 Page 7, line 1, strike "(f)" and substitute "(VI)".
36
37 Page 7, line 7, strike "PRIVATE SECURITY COMPANY" and substitute
38 "GOVERNMENTAL AGENCY".
39
40 Page 7, line 9, strike "PRIVATE SECURITY COMPANY" and substitute
41 "GOVERNMENTAL AGENCY".
42
43 Page 7, line 10 and 11, strike "ALL FILES PERTAINING TO THE APPLICANT,"
44 and substitute "THE APPLICANT'S FILES,".
45
46 Page 7, line 13, strike "PRIVATE SECURITY COMPANY" and substitute
47 "GOVERNMENTAL AGENCY".
48
49 Page 7, line 16, strike "SHALL" and substitute "SHALL, AT LEAST
50 TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION,".
51
52 Page 7, line 17 and 18, strike "PRIVATE SECURITY COMPANY" and
53 substitute "GOVERNMENTAL AGENCY".
54
55 Page 7, line 18, strike "CANDIDATE AT LEAST TEN" and substitute
56 "CANDIDATE".

- 1 Page 7, line 19, strike "DAYS PRIOR TO MAKING THE HIRING DECISION."
2
- 3 Page 7, line 20, strike "PRIVATE SECURITY COMPANY" and substitute
4 "GOVERNMENTAL AGENCY".
5
- 6 Page 7, line 22, strike "SEVEN" and substitute "TWENTY-ONE".
7
- 8 Page 7, after line 22 insert:
9 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
10 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
11 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
12 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
13 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
14 BEFORE THE EFFECTIVE DATE OF THIS SECTION."
15
- 16 Renumber succeeding subsections accordingly.
17
- 18 Page 7, lines 23 and 24, strike "PRIVATE SECURITY COMPANY" and
19 substitute "GOVERNMENTAL AGENCY".
20
- 21 Page 7, line 25, strike "SECTION." and substitute "SECTION OR
22 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
23 REGARDING THE CANDIDATE."
24
- 25 Page 7, strike line 27 and substitute "REQUIRES:
26 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
27 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
28 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
29 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
30 CONDEMNATIONS.
31 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:"
32
- 33 Page 8, line 1, strike "(a)" and substitute "(I)".
34
- 35 Page 8, line 3, strike "(b)" and substitute "(II)".
36
- 37 Page 8, line 5, strike "(c)" and substitute "(III)".
38
- 39 Page 8, line 6, strike "(d)" and substitute "(IV)".
40
- 41 Page 8, line 7, strike "(e)" and substitute "(V)".
42
- 43 Page 8, line 10, strike "(f)" and substitute "(VI)".
44
- 45 Page 8, strike line 12 and substitute "(1.5) as follows:".
46
- 47 Page 8, strike lines 14 through 27.
48
- 49 Page 9, line 22, strike "MAY" and substitute "MUST".
50
- 51 Page 10, line 3, after the semi-colon, add "OR".
52
- 53 Page 10, line 5, strike "COMPLETED;" and substitute "COMPLETED".
54
- 55 Page 10, strike lines 6 through 9.
56

1 **HB16-1263** be amended as follows, and as so amended, be referred to
 2 the Committee of the Whole with favorable
 3 recommendation:
 4

5 Amend printed bill, page 2, strike lines 21 through 25 and substitute:
 6

7 "(a) DETERMINING THE EXISTENCE OF PROBABLE CAUSE TO PLACE
 8 IN CUSTODY OR ARREST AN INDIVIDUAL OR IN CONSTITUTING A
 9 REASONABLE AND ARTICULABLE SUSPICION THAT AN OFFENSE HAS BEEN
 10 OR IS BEING COMMITTED SO AS TO JUSTIFY THE DETENTION OF AN
 11 INDIVIDUAL OR THE INVESTIGATORY STOP OF A VEHICLE; OR".
 12

13 page 3, strike lines 2 through 17 and substitute:
 14

15 "**(3) Profiling practices prohibited.** ~~Any peace officer certified~~
 16 ~~pursuant to this part 3 shall not engage in~~ Profiling AS DEFINED IN
 17 SUBSECTION (2) OF THIS SECTION IS PROHIBITED."
 18
 19

20 **HB16-1264** be amended as follows, and as so amended, be referred to
 21 the Committee of the Whole with favorable
 22 recommendation:
 23

24 Amend printed bill, page 2, strike lines 2 through 17 and substitute:
 25

26 "**SECTION 1.** In Colorado Revised Statutes, 18-1-707, **add** (2.5)
 27 as follows:
 28

29 **18-1-707. Use of physical force in making an arrest or in**
 30 **preventing an escape - definitions.** (2.5) (a) A PEACE OFFICER IS
 31 JUSTIFIED IN USING A CHOKEHOLD UPON ANOTHER PERSON FOR THE
 32 PURPOSES SPECIFIED IN SUBSECTION (1) OF THIS SECTION ONLY WHEN HE
 33 OR SHE REASONABLY BELIEVES THAT IT IS NECESSARY:
 34

35 (I) TO DEFEND HIMSELF OR HERSELF OR A THIRD PERSON FROM
 36 WHAT HE OR SHE REASONABLY BELIEVES TO BE THE USE OR IMMINENT USE
 37 OF DEADLY PHYSICAL FORCE OR INFLICTION OF SERIOUS BODILY INJURY;
 38 OR

39 (II) TO EFFECT AN ARREST, OR TO PREVENT THE ESCAPE FROM
 40 CUSTODY, OF A PERSON WHOM HE OR SHE REASONABLY BELIEVES:
 41

42 (A) HAS COMMITTED OR ATTEMPTED TO COMMIT A FELONY
 43 INVOLVING OR THREATENING THE USE OF A DEADLY WEAPON; OR

44 (B) IS ATTEMPTING TO ESCAPE BY THE USE OF DEADLY FORCE; OR

45 (C) INDICATES, EXCEPT THROUGH A MOTOR VEHICLE, THAT HE OR
 46 SHE IS LIKELY TO ENDANGER HUMAN LIFE OR TO INFLICT SERIOUS BODILY
 47 INJURY TO ANOTHER UNLESS HE OR SHE IS APPREHENDED WITHOUT DELAY.
 48

49 (b) FOR THE PURPOSES OF THIS SUBSECTION, "CHOKEHOLD" MEANS
 50 A METHOD BY WHICH A PERSON HOLDS ANOTHER PERSON BY PUTTING HIS
 51 OR HER ARM AROUND THE OTHER PERSON'S NECK WITH SUFFICIENT
 52 PRESSURE TO MAKE BREATHING DIFFICULT OR IMPOSSIBLE AND INCLUDES,
 53 BUT IS NOT LIMITED TO, ANY PRESSURE TO THE THROAT OR WINDPIPE,
 54 WHICH MAY PREVENT OR HINDER BREATHING OR REDUCE INTAKE OF AIR."
 55
 56

54 **HB16-1265** be amended as follows, and as so amended, be referred to
 55 the Committee of the Whole with favorable
 56 recommendation:

1 Amend printed bill, page 2, line 17, after the period add "A PETITION
2 FILED PURSUANT TO THIS PARAGRAPH (b) SHALL NOT BE SUBJECT TO A
3 FILING FEE."

4
5 Page 4, strike lines 4 through 6 and substitute:

6
7 "(5) FOR PURPOSES OF THIS SECTION:
8 (a) "LAW ENFORCEMENT AGENCY" MEANS THE COLORADO STATE
9 PATROL OR THE AGENCY OF A STATE OR LOCAL GOVERNMENT AUTHORIZED
10 TO ENFORCE THE LAWS OF COLORADO.

11 (b) "MISTAKEN IDENTITY" MEANS THE MISIDENTIFICATION BY A
12 WITNESS OR LAW ENFORCEMENT, CONFUSION ON THE PART OF A WITNESS
13 OR LAW ENFORCEMENT AS TO THE IDENTITY OF THE PERSON WHO
14 COMMITTED THE CRIME, MISINFORMATION PROVIDED TO LAW
15 ENFORCEMENT AS TO THE IDENTITY OF THE PERSON WHO COMMITTED THE
16 CRIME, OR SOME OTHER MISTAKE ON THE PART OF A WITNESS OR LAW
17 ENFORCEMENT AS TO THE IDENTITY OF THE PERSON WHO COMMITTED THE
18 CRIME."

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23 PUBLIC HEALTH CARE & HUMAN SERVICES

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

26
27 HB16-1277 be amended as follows, and as so amended, be referred to
28 the Committee on Appropriations with favorable
29 recommendation:

30
31 Amend printed bill, page 2, line 4, strike "**Appeals.**" and substitute
32 "**Appeals - rules.**"

33
34 Page 2, line 10, strike "STATE" and substitute "EXCEPT AS PERMITTED
35 UNDER FEDERAL LAW, STATE".

36
37 Page 2, line 11, strike "A TWENTY-DAY" and substitute "AT LEAST A
38 TEN-DAY".

39
40 Page 2, strike lines 13 and 14 and substitute "ASSISTANCE."

41
42 Page 3, strike line 1 and substitute "THE".

43
44 Page 3, line 2, after "COUNTY" insert "OR DESIGNATED SERVICE AGENCY".

45
46 Page 3, line 4, after "COUNTY" insert "OR SERVICE AGENCY".

47
48 Page 3, strike line 9 and substitute "DATE OF THE NOTICE".

49
50 Page 3, line 10, strike "MODIFICATION".

51
52 Page 3, line 20, after the period add "THE STATE DEPARTMENT SHALL
53 PROMULGATE RULES CONSISTENT WITH FEDERAL LAW THAT PRESCRIBE
54 THE CIRCUMSTANCES UNDER WHICH THE COUNTY OR DESIGNATED SERVICE
55 AGENCY MAY CONTINUE BENEFITS IF AN APPEAL IS FILED AFTER THE
56 EFFECTIVE DATE OF THE INTENDED ACTION. AT A MINIMUM, THE RULES

1 MUST ALLOW FOR CONTINUING BENEFITS WHEN THE RECIPIENT'S HEALTH
 2 OR SAFETY IS IMPACTED, THE RECIPIENT WAS NOT ABLE TO TIMELY
 3 RESPOND DUE TO THE RECIPIENT'S DISABILITY OR EMPLOYMENT, THE
 4 RECIPIENT'S CAREGIVER WAS UNAVAILABLE DUE TO THE CAREGIVER'S
 5 HEALTH OR EMPLOYMENT, OR THE RECIPIENT DID NOT RECEIVE THE
 6 COUNTY'S OR DESIGNATED SERVICE AGENCY'S NOTICE PRIOR TO THE
 7 EFFECTIVE DATE OF THE INTENDED ACTION."

8
 9 Page 4, strike lines 21 through 25 and substitute "~~appeal~~ IF THE DISPUTE
 10 IS RESOLVED THROUGH THE COUNTY OR SERVICE".

11
 12 Page 5, line 13, strike "state department" and substitute "~~state department~~
 13 OFFICE OF ADMINISTRATIVE COURTS".

14
 15
 16

17 **HB16-1321** be amended as follows, and as so amended, be referred to
 18 the Committee on Finance with favorable
 19 recommendation:
 20

21 Amend printed bill, page 2, line 8, strike "WAIVER. THE STATE
 22 DEPARTMENT SHALL" and substitute "WAIVER; THE PERSONS WITH BRAIN
 23 INJURY WAIVER, PART 7 OF THIS ARTICLE; AND THE SPINAL CORD INJURY
 24 WAIVER PILOT PROGRAM, PART 13 OF THIS ARTICLE. THE STATE
 25 DEPARTMENT SHALL PREPARE AND SUBMIT ANY REQUESTS NECESSARY FOR
 26 FEDERAL APPROVAL NOT LATER THAN JANUARY 1, 2017, AND SHALL".

27
 28
 29

PRINTING REPORT

30
 31
 32 The Chief Clerk reports the following bills have been correctly printed:
 33 **HB16-1354, 1355, 1356, 1357, 1358, 1359.**

34
 35
 36

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

37
 38
 39

The Speaker has signed: **HB16-1284.**

40
 41
 42

DELIVERY OF BILLS TO GOVERNOR

43
 44
 45 The Chief Clerk of the House of Representatives reports the following
 46 bills have been delivered to the Office of the Governor: **HB16-1013,**
 47 **1017, 1019, 1026, 1032, 1042, 1043, 1125, 1130, 1148, 1161, 1241** at
 48 2:02 p.m. on March 14, 2016.

49
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 51

MESSAGE FROM THE SENATE

52
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 54

The Senate has passed on Third Reading and returns herewith:
 55 HB16-1061 and 1122.

56

MESSAGE(S) FROM THE GOVERNOR

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I certify I received the following on the 11th day of March, 2016, at 3:45 p.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 11, 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 16-1041: CONCERNING THE REMOVAL OF UNREASONABLY IMPRACTICABLE FINANCIAL REQUIREMENTS APPLICABLE TO MARIJUANA BUSINESSES THAT ARE REQUIRED TO BE LICENSED.

Approved March 11, 2016 at 2:44 pm

HB 16-1237: CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE.

Approved March 11, 2016 at 2:44 pm

HB 16-1238: CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS.

Approved March 11, 2016 at 2:44 pm

HB 16-1239: CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE OFFICES OF THE GOVERNOR, LIEUTENANT GOVERNOR, AND STATE PLANNING AND BUDGETING.

Approved March 11, 2016 at 2:43 pm

HB 16-1240: CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

Approved March 11, 2016 at 2:43 pm

HB 16-1242: CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES.

Approved March 11, 2016 at 2:43 pm

- 1 HB 16-1243: CONCERNING A SUPPLEMENTAL APPROPRIATION TO
2 THE JUDICIAL DEPARTMENT.
3
4 Approved March 11, 2016 at 2:43 pm
5
- 6 HB 16-1244: CONCERNING A SUPPLEMENTAL APPROPRIATION TO
7 THE DEPARTMENT OF LAW.
8
9 Approved March 11, 2016 at 2:42 pm
10
- 11 HB 16-1245: CONCERNING A SUPPLEMENTAL APPROPRIATION TO
12 THE DEPARTMENT OF MILITARY AND VETERANS
13 AFFAIRS.
14
15 Approved March 11, 2016 at 2:42 pm
16
- 17 HB 16-1246: CONCERNING A SUPPLEMENTAL APPROPRIATION TO
18 THE DEPARTMENT OF PERSONNEL.
19
20 Approved March 11, 2016 at 2:42 pm
21
- 22 HB 16-1248: CONCERNING A SUPPLEMENTAL APPROPRIATION TO
23 THE DEPARTMENT OF PUBLIC SAFETY.
24
25 Approved March 11, 2016 at 2:41 pm
26
- 27 HB 16-1249: CONCERNING A SUPPLEMENTAL APPROPRIATION TO
28 THE DEPARTMENT OF REGULATORY AGENCIES.
29
30 Approved March 11, 2016 at 2:41 pm
31
- 32 HB 16-1250: CONCERNING A SUPPLEMENTAL APPROPRIATION TO
33 THE DEPARTMENT OF REVENUE.
34
35 Approved March 11, 2016 at 2:41 pm
36
- 37 HB 16-1251: CONCERNING A SUPPLEMENTAL APPROPRIATION TO
38 THE DEPARTMENT OF THE TREASURY.
39
40 Approved March 11, 2016 at 2:40 pm
41
- 42 HB 16-1252: CONCERNING FUNDING FOR CAPITAL
43 CONSTRUCTION, AND MAKING SUPPLEMENTAL
44 APPROPRIATIONS IN CONNECTION THEREWITH.
45
46 Approved March 11, 2016 at 2:45 pm
47

48 Sincerely,
49 (Signed)
50 John W. Hickenlooper
51 Governor

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INTRODUCTION OF BILLS
First Reading

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

HB16-1360 by Representative(s) Landgraf and Lontine, Esgar, Ginal; also Senator(s) Lundberg--Concerning the continuation of the regulation of direct-entry midwives by the director of the division of professions and occupations in the department of regulatory agencies, and, in connection therewith, implementing the recommendations contained in the sunset report prepared by the department.

Committee on Health, Insurance, & Environment

SB16-058 by Senator(s) Hill; also Representative(s) Becker K.--Concerning the regulation of certain foods, and, in connection therewith, exempting certain food producers from licensure, inspection, and other regulation, and making an appropriation.

Committee on Business Affairs and Labor

SB16-115 by Senator(s) Martinez Humenik; also Representative(s) Moreno and Conti--Concerning an electronic filing system for documents recorded with a county clerk and recorder, and, in connection therewith, creating the electronic recording technology board, which is an enterprise; authorizing the board to set an additional filing surcharge for a five-year period; requiring counties to transmit the proceeds of the board's surcharge to the state for deposit in a cash fund administered by the board; requiring the board to make grants from the fund to counties to create, maintain, improve, or replace electronic filing systems; establishing reporting requirements for the board; increasing a local filing surcharge; and making an appropriation.

Committee on Local Government

SB16-116 by Senator(s) Johnston; also Representative(s) Lee and Lebsock--Concerning the creation of a deceptive trade practice under the "Colorado Consumer Protection Act" for a private custodian of criminal justice records to fail to remove a sealed criminal justice record from the custodian's database after receiving notice of a court order sealing that criminal justice record.

Committee on Judiciary

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INTRODUCTION OF RESOLUTION

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

HR16-1005 by Representative(s) Klingenschmitt--Concerning the official motto of the state of Colorado, and, in connection therewith, designating March 15, 2016, as "State Motto Day".

On motion of Representative Duran, the following bill(s) will be calendared for March 15, 2016: **HB16-1100, 1198, 1187, 1297, SB16-121, 012, HB16-1271, 1323, SB16-127, 010.**

On motion of Representative Duran, the House adjourned until 9:00 a.m., March 15, 2016.

Approved:
DICKY LEE HULLINGHORST,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk