

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0439.01 Christy Chase x2008

HOUSE BILL 16-1360

HOUSE SPONSORSHIP

Landgraf and Lontine, Esgar, Ginal

SENATE SPONSORSHIP

Lundberg,

House Committees
Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF**
102 **DIRECT-ENTRY MIDWIVES BY THE DIRECTOR OF THE DIVISION OF**
103 **PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF**
104 **REGULATORY AGENCIES, AND, IN CONNECTION THEREWITH,**
105 **IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE**
106 **SUNSET REPORT PREPARED BY THE DEPARTMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sunset Process - House Health, Insurance, and Environment

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

Committee. The bill implements the recommendations of the department of regulatory agencies (department) contained in the sunset review of direct-entry midwives, with some modifications, as follows:

- ! Continues the regulation of direct-entry midwives by the director of the division of professions and occupations (division) in the department for 7 years, through September 1, 2023;
- ! Authorizes direct-entry midwives to perform sutures of first- and second-degree perineal tears and to obtain and administer local anesthetics in connection with the sutures procedure after demonstrating to the director that the registrant has received approved education and training in suturing within the previous 6 months;
- ! Requires direct-entry midwives to inform parents of the importance of and perform, if appropriately trained and equipped, or refer to another provider to perform, newborn pulse oximetry screenings to detect critical congenital heart disease in newborns under their care;
- ! Repeals the requirement that the director send letters of admonition to direct-entry midwives via certified mail;
- ! Establishes failure to properly address a physical or mental illness or condition that affects one's ability to practice direct-entry midwifery with reasonable skill and safety to clients as a grounds for disciplining a direct-entry midwife and authorizes the director to enter into a confidential agreement with the direct-entry midwife to limit his or her practice;
- ! Requires a direct-entry midwife to sign a disclosure statement acknowledging his or her lack of coverage under a liability insurance policy and also include in the disclosure a statement indicating that, by signing the disclosure, the client is not waiving any rights against the direct-entry midwife for negligent acts;
- ! Requires the executive director of the department to convene a working group to investigate ways to manage risks in the practice of midwifery and report its findings to the executive director by October 1, 2016; and
- ! Requires the director of the division to convene a task force to review direct-entry midwives' data reporting requirements and report its findings to specified legislative committees by January 21, 2017.

1 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-37-110 as
2 follows:

3 **12-37-110. Repeal of article.** (1) This article is repealed,
4 effective September 1, 2016 2023.

5 (2) Prior to ~~such~~ THE repeal, THE DEPARTMENT OF REGULATORY
6 AGENCIES SHALL REVIEW the registering of direct-entry midwives by the
7 division of professions and occupations ~~shall be reviewed~~ as provided in
8 section 24-34-104, C.R.S.

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
10 (47.5) (h); and **add** (54) (b) as follows:

11 **24-34-104. General assembly review of regulatory agencies**
12 **and functions for termination, continuation, or reestablishment.**

13 (47.5) The following agencies, functions, or both, shall terminate on
14 September 1, 2016:

15 (h) ~~The registration of direct-entry midwives by the division of~~
16 ~~registrations in accordance with article 37 of title 12, C.R.S.~~

17 (54) The following agencies, functions, or both, terminate on
18 September 1, 2023:

19 (b) THE REGISTRATION OF DIRECT-ENTRY MIDWIVES BY THE
20 DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH
21 ARTICLE 37 OF TITLE 12, C.R.S.

22 **SECTION 3.** In Colorado Revised Statutes, 12-37-105, **amend**
23 (2), (3), (5) (a) (IV), (9), and (14) as follows:

24 **12-37-105. Prohibited acts - practice standards - informed**
25 **consent - emergency plan - risk assessment - referral - rules.** (2) A
26 direct-entry midwife shall not perform any operative or surgical
27 procedure; EXCEPT THAT A DIRECT-ENTRY MIDWIFE MAY PERFORM

1 SUTURES OF PERINEAL TEARS IN ACCORDANCE WITH SECTION 12-37-105.5.

2 (3) A direct-entry midwife shall not provide care to a pregnant
3 woman who HAS HAD A PREVIOUS DELIVERY BY CESAREAN SECTION OR
4 WHO, according to generally accepted medical standards, exhibits signs
5 or symptoms of increased risk of medical or obstetric or neonatal
6 complications or problems during the completion of her pregnancy, labor,
7 delivery, or the postpartum period. Such conditions include but are not
8 limited to signs or symptoms of diabetes, multiple gestation, hypertensive
9 disorder, or abnormal presentation of the fetus.

10 (5) (a) A direct-entry midwife shall keep appropriate records of
11 midwifery-related activity, including but not limited to the following:

12 (IV) (A) Until the liability insurance required pursuant to section
13 12-37-109 (3) is available, each direct-entry midwife shall, before
14 accepting a client for care, provide ~~such~~ THE client with a disclosure
15 statement indicating that the midwife does not have liability insurance.
16 ~~Such statement, To comply with this section, must be printed~~ THE
17 DIRECT-ENTRY MIDWIFE SHALL ENSURE THAT THE DISCLOSURE STATEMENT
18 IS PRINTED in at least twelve-point bold-faced type and shall ~~be~~ read THE
19 STATEMENT to the client in a language ~~she~~ THE CLIENT understands. Each
20 client shall sign the disclosure statement acknowledging that ~~she~~ THE
21 CLIENT understands the effect of its provisions. THE DIRECT-ENTRY
22 MIDWIFE SHALL ALSO SIGN THE DISCLOSURE STATEMENT AND PROVIDE a
23 copy of the signed disclosure statement ~~shall be given~~ to the client.

24 (B) IN ADDITION TO THE INFORMATION REQUIRED IN
25 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV), THE DIRECT-ENTRY
26 MIDWIFE SHALL INCLUDE THE FOLLOWING STATEMENT IN THE DISCLOSURE
27 STATEMENT AND SHALL DISPLAY THE STATEMENT PROMINENTLY AND

1 DELIVER THE STATEMENT ORALLY TO THE CLIENT BEFORE THE CLIENT
2 SIGNS THE DISCLOSURE STATEMENT: "SIGNING THIS DISCLOSURE
3 STATEMENT DOES NOT CONSTITUTE A WAIVER OF ANY RIGHT (INSERT
4 CLIENT'S NAME) HAS TO SEEK DAMAGES OR REDRESS FROM THE
5 UNDERSIGNED DIRECT-ENTRY MIDWIFE FOR ANY ACT OF NEGLIGENCE OR
6 ANY INJURY (INSERT CLIENT'S NAME) MAY SUSTAIN IN THE COURSE OF
7 CARE ADMINISTERED BY THE UNDERSIGNED DIRECT-ENTRY MIDWIFE."

8 (9) (a) A direct-entry midwife shall provide eye prophylactic
9 therapy to all newborn children in ~~such~~ THE direct-entry midwife's care
10 in accordance with section 25-4-301, C.R.S.

11 (b) A DIRECT-ENTRY MIDWIFE SHALL INFORM THE PARENTS OF ALL
12 NEWBORN CHILDREN IN THE DIRECT-ENTRY MIDWIFE'S CARE OF THE
13 IMPORTANCE OF CRITICAL CONGENITAL HEART DEFECT SCREENING USING
14 PULSE OXIMETRY IN ACCORDANCE WITH SECTION 25-4-1004.3, C.R.S. IF
15 A DIRECT-ENTRY MIDWIFE IS NOT PROPERLY TRAINED IN THE USE OF PULSE
16 OXIMETRY OR DOES NOT HAVE THE USE OF OR OWN A PULSE OXIMETER,
17 THE DIRECT-ENTRY MIDWIFE SHALL REFER THE PARENTS TO A HEALTH
18 CARE PROVIDER WHO CAN PERFORM THE SCREENING. IF A DIRECT-ENTRY
19 MIDWIFE IS PROPERLY TRAINED IN THE USE OF PULSE OXIMETRY AND HAS
20 THE USE OF OR OWNS A PULSE OXIMETER, THE DIRECT-ENTRY MIDWIFE
21 SHALL PERFORM THE CRITICAL CONGENITAL HEART DEFECT SCREENING ON
22 NEWBORN CHILDREN IN HIS OR HER CARE IN ACCORDANCE WITH SECTION
23 25-4-1004.3, C.R.S.

24 (14) A registrant shall not practice beyond the scope of his or her
25 education and training. ~~or with a mental or physical impairment sufficient~~
26 ~~to render the registrant unable to perform midwifery services with~~
27 ~~reasonable skill and with safety to the client.~~

1 **SECTION 4.** In Colorado Revised Statutes, **add** 12-37-105.3 as
2 follows:

3 **12-37-105.3. Reporting requirements task force - director to**
4 **convene - report - repeal.** (1) THE DIRECTOR SHALL CONVENE A TASK
5 FORCE OF STAKEHOLDERS FROM THE MEDICAL COMMUNITY, INCLUDING AN
6 OBSTETRICIAN AND A CERTIFIED NURSE MIDWIFE, THE DIRECT-ENTRY
7 MIDWIFE PROFESSION, OTHER STATE DEPARTMENTS OR AGENCIES THAT
8 MIGHT BE AFFECTED, AND THE PUBLIC TO REVIEW THE DATA REPORTING
9 REQUIREMENTS SET FORTH IN SECTION 12-37-105 (12). THE TASK FORCE
10 SHALL:

11 (a) DETERMINE WHETHER THE INFORMATION REQUIRED TO BE
12 REPORTED UNDER SECTION 12-37-105 (12) SHOULD BE MODIFIED;

13 (b) IDENTIFY WAYS TO ENHANCE THE QUALITY AND USEFULNESS
14 OF THE DATA COLLECTED;

15 (c) CONSIDER WHETHER DIRECT-ENTRY MIDWIVES SHOULD REPORT
16 THE DATA TO DIFFERENT OR ADDITIONAL AGENCIES;

17 (d) CONSIDER WHETHER THE DIRECTOR SHOULD USE THE DATA
18 WHEN DETERMINING WHETHER TO RENEW AN APPLICANT'S REGISTRATION;
19 AND

20 (e) DEVELOP LEGISLATIVE AND REGULATORY RECOMMENDATIONS
21 AS NECESSARY TO IMPLEMENT THE TASK FORCE'S FINDINGS REGARDING
22 DATA COLLECTION AND USE.

23 (2) THE DIRECTOR SHALL REPORT THE TASK FORCE'S FINDINGS AND
24 RECOMMENDATIONS TO THE HEALTH, INSURANCE, AND ENVIRONMENT AND
25 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEES OF THE HOUSE
26 OF REPRESENTATIVES OR THEIR SUCCESSOR COMMITTEES AND THE HEALTH
27 AND HUMAN SERVICES COMMITTEE OF THE SENATE OR ITS SUCCESSOR

1 COMMITTEE BY JANUARY 31, 2017.

2 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2017.

3 **SECTION 5.** In Colorado Revised Statutes, 12-37-105.5, **amend**
4 (2) (c) and (2) (d); **add** (2) (e); and **recreate and reenact, with**
5 **amendments,** (6) as follows:

6 **12-37-105.5. Limited use of certain medications - limited use**
7 **of sutures - limited administration of intravenous fluids - emergency**
8 **medical procedures - rules.** (2) Except as otherwise provided in
9 subsection (3) of this section, a registrant may obtain and administer:

10 (c) Postpartum antihemorrhagic drugs to mothers; **and**

11 (d) Eye prophylaxis; **AND**

12 (e) LOCAL ANESTHETICS, AS SPECIFIED BY THE DIRECTOR BY RULE,

13 TO USE IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION;

14 (6) (a) SUBJECT TO PARAGRAPH (b) OF THIS SUBSECTION (6), A
15 REGISTRANT MAY PERFORM SUTURES OF FIRST-DEGREE AND
16 SECOND-DEGREE PERINEAL TEARS, AS DEFINED BY THE DIRECTOR BY RULE,
17 ON A CLIENT AND MAY ADMINISTER LOCAL ANESTHETICS TO THE CLIENT
18 IN CONNECTION WITH SUTURING PERINEAL TEARS.

19 (b) IN ORDER TO PERFORM SUTURES OF FIRST-DEGREE AND
20 SECOND-DEGREE PERINEAL TEARS, THE REGISTRANT SHALL APPLY TO THE
21 DIRECTOR, IN THE FORM AND MANNER REQUIRED BY THE DIRECTOR, AND
22 PAY ANY APPLICATION FEE THE DIRECTOR MAY IMPOSE, FOR AN
23 AUTHORIZATION TO PERFORM SUTURES OF FIRST-DEGREE AND
24 SECOND-DEGREE PERINEAL TEARS. AS PART OF THE APPLICATION, THE
25 REGISTRANT SHALL DEMONSTRATE TO THE DIRECTOR THAT THE
26 REGISTRANT HAS RECEIVED EDUCATION AND TRAINING APPROVED BY THE
27 DIRECTOR ON SUTURING OF PERINEAL TEARS WITHIN THE SIX MONTHS

1 IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION. THE DIRECTOR
2 MAY GRANT THE AUTHORIZATION TO THE REGISTRANT ONLY IF THE
3 REGISTRANT HAS COMPLIED WITH THE EDUCATION AND TRAINING
4 REQUIREMENT SPECIFIED IN THIS PARAGRAPH (b). AN AUTHORIZATION
5 ISSUED UNDER THIS PARAGRAPH (b) IS VALID, AND NEED NOT BE RENEWED,
6 IF THE DIRECT-ENTRY MIDWIFE HOLDS A VALID REGISTRATION UNDER THIS
7 ARTICLE.

8 **SECTION 6.** In Colorado Revised Statutes, 12-37-107, **amend**
9 (3) (l), (3) (m), (7) (a), and (7) (b); and **add** (3) (n) as follows:

10 **12-37-107. Disciplinary action authorized - grounds for**
11 **discipline - injunctions - rules.** (3) The director may deny, revoke, or
12 suspend a registration or issue a letter of admonition or place a registrant
13 on probation for any of the following acts or omissions:

14 (l) Aiding or knowingly permitting any person to violate any
15 provision of this article; **or**

16 (m) Advertising through newspapers, magazines, circulars, direct
17 mail, directories, radio, television, website, e-mail, text message, or
18 otherwise that the registrant will perform any act prohibited by this
19 article; **OR**

20 (n) (I) FAILING TO NOTIFY THE DIRECTOR, AS REQUIRED BY
21 SECTION 12-37-108.5 (1), OF A PHYSICAL OR MENTAL ILLNESS OR
22 CONDITION THAT RENDERS THE REGISTRANT UNABLE, OR LIMITS THE
23 REGISTRANT'S ABILITY, TO PRACTICE DIRECT-ENTRY MIDWIFERY WITH
24 REASONABLE SKILL AND SAFETY TO THE CLIENT;

25 (II) FAILING TO ACT WITHIN THE LIMITATIONS CREATED BY A
26 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE
27 REGISTRANT UNABLE TO PRACTICE DIRECT-ENTRY MIDWIFERY WITH

1 REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR
2 SAFETY OF PERSONS UNDER HIS OR HER CARE; OR

3 (III) FAILING TO COMPLY WITH THE LIMITATIONS AGREED TO
4 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION
5 12-37-108.5.

6 (7) (a) When a complaint or investigation discloses an instance of
7 misconduct that, in the opinion of the director, does not warrant formal
8 action by the director but that should not be dismissed as being without
9 merit, THE DIRECTOR MAY ISSUE AND SEND a letter of admonition ~~may be~~
10 issued and sent by certified mail; to the registrant.

11 (b) When THE DIRECTOR SENDS a letter of admonition ~~is sent by~~
12 ~~the director, by certified mail;~~ to a registrant, ~~such~~ THE DIRECTOR SHALL
13 INFORM THE registrant ~~shall be advised~~ that he or she has the right to
14 request in writing, within twenty days after receipt of the letter, that THE
15 DIRECTOR INITIATE formal disciplinary proceedings ~~be initiated~~ to
16 adjudicate the propriety of the conduct upon which the letter of
17 admonition is based.

18 **SECTION 7.** In Colorado Revised Statutes, **add** 12-37-108.5 as
19 follows:

20 **12-37-108.5. Confidential agreement to limit practice -**
21 **violation - grounds for discipline.** (1) IF A REGISTERED DIRECT-ENTRY
22 MIDWIFE HAS A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT
23 RENDERS HIM OR HER UNABLE TO PRACTICE DIRECT-ENTRY MIDWIFERY
24 WITH REASONABLE SKILL AND SAFETY TO CLIENTS, THE REGISTRANT SHALL
25 NOTIFY THE DIRECTOR OF THE ILLNESS OR CONDITION IN A MANNER AND
26 WITHIN A PERIOD DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY
27 REQUIRE THE REGISTRANT TO SUBMIT TO AN EXAMINATION TO EVALUATE

1 THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON THE
2 REGISTRANT'S ABILITY TO PRACTICE DIRECT-ENTRY MIDWIFERY WITH
3 REASONABLE SKILL AND SAFETY TO CLIENTS.

4 (2) (a) UPON DETERMINING THAT A REGISTRANT WITH A PHYSICAL
5 OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED SERVICES
6 WITH REASONABLE SKILL AND SAFETY TO CLIENTS, THE DIRECTOR MAY
7 ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE REGISTRANT IN WHICH
8 THE REGISTRANT AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE
9 RESTRICTIONS IMPOSED BY THE ILLNESS OR CONDITION, AS DETERMINED
10 BY THE DIRECTOR.

11 (b) AS PART OF THE AGREEMENT, THE REGISTRANT IS SUBJECT TO
12 PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED APPROPRIATE
13 BY THE DIRECTOR.

14 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS
15 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR MONITORING.

16 (3) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR
17 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, A REGISTRANT
18 IS NOT ENGAGING IN ACTIVITIES THAT ARE GROUNDS FOR DISCIPLINE
19 UNDER SECTION 12-37-107 (3). THE AGREEMENT DOES NOT CONSTITUTE
20 A RESTRICTION OR DISCIPLINE BY THE DIRECTOR. HOWEVER, IF THE
21 REGISTRANT FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT
22 ENTERED INTO PURSUANT TO THIS SECTION, THE FAILURE CONSTITUTES A
23 GROUND FOR DISCIPLINE PURSUANT TO SECTION 12-37-107 (3) (n), AND
24 THE REGISTRANT IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION
25 12-37-107.

26 (4) THIS SECTION DOES NOT APPLY TO A REGISTRANT WHO IS
27 SUBJECT TO DISCIPLINE FOR ENGAGING IN ACTIVITIES AS DESCRIBED IN

1 SECTION 12-37-107 (3) (f).

2 **SECTION 8.** In Colorado Revised Statutes, 12-37-109, **amend**
3 (3) as follows:

4 **12-37-109. Assumption of risk - no vicarious liability -**
5 **legislative declaration - professional liability insurance required -**
6 **repeal.** (3) (a) If the director finds that liability insurance is available at
7 an affordable price, registrants shall be required to carry such insurance.

8 (b) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
9 REGULATORY AGENCIES SHALL CONVENE A WORKING GROUP TO
10 INVESTIGATE WAYS OF MANAGING RISKS IN THE PRACTICE OF MIDWIFERY.
11 THE WORKING GROUP SHALL CONSIST OF INDIVIDUALS WITH EXPERTISE IN
12 RISK MANAGEMENT AND KNOWLEDGE OF THE PRACTICE OF MIDWIFERY.
13 THE WORKING GROUP SHALL ASSESS POTENTIAL MECHANISMS FOR
14 MANAGING RISKS, INCLUDING METHODS FOR MITIGATING LIABILITY;
15 PROFESSIONAL LIABILITY INSURANCE; THE CREATION AND OPERATION OF
16 A JOINT UNDERWRITING AUTHORITY; A RISK RETENTION GROUP; LETTERS
17 OF CREDIT; AND POSTING SURETY BONDS OR OTHER FINANCIAL
18 INSTRUMENTS OR ARRANGEMENTS THAT COULD BE USED TO SATISFY A
19 CLAIM BASED ON PROFESSIONAL NEGLIGENCE.

20 (II) THE WORKING GROUP SHALL REPORT ITS FINDINGS TO THE
21 EXECUTIVE DIRECTOR BY OCTOBER 1, 2016. THE EXECUTIVE DIRECTOR
22 SHALL PROVIDE THE REPORT AND ANY RECOMMENDATIONS FOR
23 LEGISLATION TO THE HEALTH, INSURANCE, AND ENVIRONMENT
24 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
25 HUMAN SERVICES COMMITTEE OF THE SENATE BY NOVEMBER 1, 2016.

26 (III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE DECEMBER 1,
27 2016.

1 **SECTION 9.** In Colorado Revised Statutes, 12-36-106, **recreate**
2 **and reenact, with amendments, (1) (f) (II)** as follows:

3 **12-36-106. Practice of medicine defined - exemptions from**
4 **licensing requirements - unauthorized practice by physician**
5 **assistants and anesthesiologist assistants - penalties - rules - repeal.**

6 (1) For the purpose of this article, "practice of medicine" means:

7 (f) The practice of midwifery, except:

8 (II) (A) SERVICES RENDERED BY A PERSON PROPERLY REGISTERED
9 AS A DIRECT-ENTRY MIDWIFE AND PRACTICING IN ACCORDANCE WITH
10 ARTICLE 37 OF THIS TITLE.

11 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE SEPTEMBER
12 1, 2023.

13 **SECTION 10. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2016 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.