

**SENATE JOURNAL**  
Seventieth General Assembly  
**STATE OF COLORADO**  
Second Regular Session

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23rd Legislative Day

Thursday, February 4, 2016

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Prayer	By the chaplain, Rabbi Eliot Baskin, Jewish Family Services of Colorado, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Cooke.	15
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Roll Call	Present--30	17
	Absent--1, Marble.	18
	Excused-- 4, Aguilar, Holbert, Johnston, Martinez Humenik.	19
	Present later--5, Aguilar, Holbert, Johnston, Marble, Martinez Humenik.	20
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Merrifield, reading of the Journal of Wednesday, February 3, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.	25
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**COMMITTEE OF REFERENCE REPORTS**

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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>SB16-033</b> be <b>postponed indefinitely</b> .	33
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State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>SB16-025</b> be <b>postponed indefinitely</b> .	39
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State, Veterans, & Military Affairs	The Committee on <u>State, Veterans, &amp; Military Affairs</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed:	45
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MEMBER OF THE  
BOARD OF COMMISSIONERS OF  
VETERANS COMMUNITY LIVING CENTERS

for a term expiring July 1, 2019:

Anne Kerr Meier of Evergreen, Colorado, the state long-term care ombudsman, and occasioned by the resignation of Nancy Lee Ferrier of Wheat Ridge, Colorado, appointed.

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State,  
Veterans, &  
Military  
Affairs

The Committee on State, Veterans, & Military Affairs has had under consideration and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed:

MEMBER OF THE  
BOARD OF COMMISSIONERS OF  
VETERANS COMMUNITY LIVING CENTERS

for a term expiring July 1, 2017:

Cheryl Ann Kruschke, Ed.D, MS, RN, CNE, of Wheat Ridge, Colorado, who has expertise in nursing home operations and who has experience in multi-facility management of nursing homes, and occasioned by the resignation of Mary Ann Terry, RN, BSN, of Aurora, Colorado, appointed.

Health &  
Human  
Services

After consideration on the merits, the Committee recommends that **SB16-027** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike line 3 and substitute "(1); and **add** (1.5) as follows:".

Page 3, after line 24 insert:

"(1.5) THE STATE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE AND INCLUDE IN ITS ENROLLMENT PACKET THE FOLLOWING INFORMATION FOR RECIPIENTS ENROLLED IN FEE-FOR-SERVICE MEDICAL ASSISTANCE PROGRAMS:

(a) THAT A MEDICAL ASSISTANCE RECIPIENT MAY USE THE PHARMACY OF HIS OR HER CHOICE;

(b) THAT A MEDICAL ASSISTANCE RECIPIENT MAY USE A LOCAL RETAIL PHARMACY FOR MAIL DELIVERY OF MAINTENANCE MEDICATIONS, IF OFFERED; AND

(c) THAT THE COPAYMENT AMOUNT FOR PRESCRIPTION MEDICATIONS IS THE SAME AT ANY PHARMACY ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM."

Health &  
Human  
Services

After consideration on the merits, the Committee recommends that **SB16-006** 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 6, strike "SYSTEM" and substitute "PROTOCOL".

Page 2, line 8, after "PLANS." insert "UPON A CONSUMER'S INITIAL CONTACT WITH THE EXCHANGE, WHETHER ONLINE, BY TELEPHONE, OR ON THE INTERNET, THE EXCHANGE SHALL INFORM THE CONSUMER THAT HE OR SHE HAS THE OPTION OF SELECTING COVERAGE ONLINE OR WITH THE ASSISTANCE OF A NAVIGATOR OR WITH THE ASSISTANCE OF A QUALIFIED INSURANCE BROKER. THE EXCHANGE SHALL INFORM THE CONSUMER THAT A NAVIGATOR MAY ASSIST WITH A HEALTH BENEFIT PLAN SELECTION, BUT MAY NOT OFFER ADVICE ON A HEALTH BENEFIT PLAN BASED ON THE CONSUMER'S INDIVIDUAL SITUATION, WHEREAS A QUALIFIED BROKER MAY OFFER ADVICE BASED ON THE CONSUMER'S PERSONAL AND FAMILY SITUATION AT NO ADDITIONAL COST TO THE CONSUMER. THE EXCHANGE SHALL MAINTAIN WEB-BASED TOOLS THAT ALLOW INSURANCE BROKERS TO DEVELOP AND MAINTAIN CLIENT RELATIONSHIPS FOR CUSTOMERS WHO ARE ELIGIBLE TO ENROLL IN PRIVATE HEALTH BENEFIT PLANS IF THE CLIENT REQUESTS THIS OPTION."

Page 2, line 18, strike "CERTIFIED" and substitute "AUTHORIZED".

Page 2, line 20, strike "SYSTEM" and substitute "PROTOCOL".

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Judiciary After consideration on the merits, the Committee recommends that **SB16-041** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB16-034** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 8 and 9 and substitute "AUTHORITY THE PERSON WILLFULLY DESTROYS, MUTILATES, CONCEALS, REMOVES, OR".

Page 2, line 12, strike "PROCEEDING; OR" and substitute "PROCEEDINGS."

Page 2, strike lines 13 through 20.

Page 3, strike line 1.

Business, Labor, & Technology The Committee on Business, Labor, & Technology has had under consideration and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES

effective June 1, 2015, for a term expiring at the pleasure of the Governor:

Joseph Neguse of Broomfield, Colorado, and occasioned by the resignation of Barbara Kelley of Denver, Colorado, appointed.

**SENATE SERVICES REPORT**

**Correctly Reengrossed:** SB16-009, 011, and 015.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

**CONSIDERATION OF RESOLUTIONS**

**SJR16-006** by Senator(s) Sonnenberg; also Representative(s) Fields and Lawrence--Concerning the designation of February 4 as "Missing Persons Day" in Colorado.

On motion of Senator Sonnenberg, the resolution was read at length and adopted by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
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	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	Y		

Co-sponsor(s) added: Aguilar, Baumgardner, Cadman, Carroll, Cooke, Crowder, Donovan, Garcia, Grantham, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Roberts, Scheffel, Scott, Steadman, Tate, Todd, Ulibarri, and Woods.

Senate in recess. Senate reconvened.

**MESSAGE FROM THE HOUSE**

February 4, 2016

Mr. President:

The House has adopted and transmits herewith HJR16-1002 and amended as printed in House Journal.

Committee of the Whole

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

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

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

**SB16-029**

by Senator(s) Scheffel and Heath; also Representative(s) Duran and Lawrence--Concerning changes to Colorado insurance laws necessary to maintain accreditation with the national association of insurance commissioners (NAIC), and, in connection therewith, adopting a new own risk and solvency assessment law (ORSA) in a form substantially similar to the NAIC model and enhancing Colorado's insurance holding company system law by adding a required NAIC model provision specifying the insurance commissioner's power to issue subpoenas and examine witnesses.

Amendment No. 1, Business, Labor, & Technology Committee Amendment.

(Printed in Senate Journal, February 2, page(s) 99-100, and placed in members' bill files.)

As amended, 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 Baumgardner, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
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	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB16-029 as amended.

**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: HJR16-1004, 1005, 1006, 1007.

**MESSAGE FROM THE HOUSE**

February 4, 2016

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1012, 1086.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB16-1002, amended as printed in House Journal, February 3.  
HB16-1073, amended as printed in House Journal, February 3.  
HB16-1130, amended as printed in House Journal, February 3.

**MESSAGE FROM THE REVISOR OF STATUTES**

February 4, 2016

We herewith transmit:

Without comment, HB16-1012 and 1086.  
Without comment, as amended, HB16-1002, 1073, and 1130.

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On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Friday, February 5, 2016.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Effie Ameen  
Secretary of the Senate

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