

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
Second Regular Session

59th Legislative Day Friday, March 11, 2016

Prayer By the chaplain, Pastor Eugene Downing, New Hope Baptist Church, Denver.

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

Pledge By Senator Garcia.

Roll Call Present--34
Excused--1, Scott.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tate, reading of the Journal of Thursday, March 10, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB16-1159** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 18 through 24.

Page 3, strike lines 1 through 13.

Renumber succeeding section accordingly.

Finance After consideration on the merits, the Committee recommends that **HB16-1158** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 18 through 24.

Page 3, strike lines 1 through 13.

Renumber succeeding section accordingly.

Finance After consideration on the merits, the Committee recommends that **SB16-044** be **postponed indefinitely**.

Appropriations After consideration on the merits, the Committee recommends that **HB16-1163** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the Committee recommends that **HB16-1193** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the Committee recommends that **SB16-083** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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Amend printed bill, page 4, after line 4 insert:

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"SECTION 3. Appropriation. For the 2016-17 state fiscal year, \$28,355 is appropriated to the department of state for use by the elections division. This appropriation is from the department of state cash fund created in section 24-21-104 (3) (b), C.R.S. To implement this act, the division may use this appropriation for operating expenses."

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Renumber succeeding section accordingly.

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Page 1, line 104, strike "ELECTOR." and substitute "ELECTOR, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

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Appropriations

After consideration on the merits, the Committee recommends that **SB16-124** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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Amend printed bill, page 2, after line 22 insert:

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"SECTION 2. In Colorado Revised Statutes, 29-2-105, amend (1) (d) (I) (A); and add (1) (d) (I) (A.5) as follows:

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29-2-105. Contents of sales tax ordinances and proposals - repeal. (1) The sales tax ordinance or proposal of any incorporated town, city, or county adopted pursuant to this article shall be imposed on the sale of tangible personal property at retail or the furnishing of services, as provided in paragraph (d) of this subsection (1). Any countywide or incorporated town or city sales tax ordinance or proposal shall include the following provisions:

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(d) (I) A provision that the sale of tangible personal property and services taxable pursuant to this article shall be the same as the sale of tangible personal property and services taxable pursuant to section 39-26-104, C.R.S., except as otherwise provided in this paragraph (d). The sale of tangible personal property and services taxable pursuant to this article shall be subject to the same sales tax exemptions as those specified in part 7 of article 26 of title 39, C.R.S.; except that the sale of the following may be exempted from a town, city, or county sales tax only by the express inclusion of the exemption either at the time of adoption of the initial sales tax ordinance or resolution or by amendment thereto:

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(A) The exemption for sales of machinery or machine tools specified in section 39-26-709 (1), C.R.S., OTHER THAN MACHINERY OR MACHINE TOOLS USED IN THE PROCESSING OF RECOVERED MATERIALS BY A BUSINESS LISTED IN THE INVENTORY PREPARED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 30-20-122 (1) (a) (V), C.R.S.;

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(A.5) THE EXEMPTION FOR SALES OF MACHINERY OR MACHINE TOOLS SPECIFIED IN SECTION 39-26-709 (1), C.R.S., USED IN THE PROCESSING OF RECOVERED MATERIALS BY A BUSINESS LISTED IN THE INVENTORY PREPARED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 30-20-122 (1) (a) (V), C.R.S.;"

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Renumber succeeding sections accordingly.

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Appropriations

After consideration on the merits, the Committee recommends that **SB16-106** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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Amend printed bill, page 6, after line 3 insert:

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"SECTION 4. Appropriation - adjustments to 2016 long bill. (1) To implement this act, the cash funds appropriation made in the annual general appropriation act for the 2016-17 state fiscal year to the department of state for administrative law judge services is decreased by

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\$122,805. This appropriation is from the department of state cash fund created in section 24-21-104 (3) (b), C.R.S.

(2) For the 2016-17 state fiscal year, \$122,765 is appropriated to the department of state for use by the administration division. This appropriation is from the department of state cash fund created in section 24-21-104 (3) (b), C.R.S. To implement this act, the division may use this appropriation as follows:

- (a) \$116,387 for personal services, which amount is based on an assumption that the division will require an additional 0.5 FTE; and
- (b) \$6,378 for operating expenses."

Renumber succeeding section accordingly.

Page 1, line 103, strike "FINANCE." and substitute "FINANCE, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION."

Health &
Human
Services

The Committee on Health & Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be placed on the consent calendar and confirmed:

MEMBERS OF THE
MEDICAL SERVICES BOARD

for terms expiring July 1, 2017:

Paul Melinkovich, MD, of Denver, Colorado, to serve as a Democrat from the First Congressional District, and as a person with knowledge of medical assistance programs, reappointed;

J. Michael Stahl of Grand Junction, Colorado, to serve as an Unaffiliated from the Third Congressional District, and as a person with knowledge of the delivery of health care, reappointed.

Jessica Lynne Kuhns of Loveland, Colorado, to serve as a Democrat from the Second Congressional District and as a person with knowledge of medical assistance programs, and occasioned by the resignation of Timothy P. Fox of Denver, Colorado, a Democrat from the First Congressional District, appointed;

for a term expiring July 1, 2019:

David Norris Potts of Salida, Colorado, to serve as a Republican from the Fifth Congressional District, and as a person with knowledge of medical assistance programs, appointed.

Health &
Human
Services

The Committee on Health & Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be placed on the consent calendar and confirmed:

MEMBERS OF THE
COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2018:

Laura Jean Hazen of Centennial, Colorado, to serve as a member with knowledge of child abuse prevention, reappointed;

Erika M. McElroy, PhD, of Aurora, Colorado, to serve as a member with knowledge of child abuse prevention, appointed.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SB16-061** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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Amend printed bill, page 2, after line 14 insert:

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"(II) ON FEBRUARY 9, 2016, THE SUPREME COURT OF THE UNITED STATES GRANTED A STAY OF EPA'S 111 (d) RULES BASED ON A FINDING THAT IRREPARABLE HARM WOULD RESULT IF THE STAY WAS NOT GRANTED. THE COURT MADE IT CLEAR THAT THE STAY WILL BE EFFECTIVE THROUGH THE COMPLETION OF ANY PROCEEDINGS IN THE SUPREME COURT.".

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Renumber succeeding subparagraphs accordingly.

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Page 4, line 1, strike "40-8.7-205" and substitute "24-38.5-110, C.R.S.".

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Page 5, line 12, strike everything after "THE" and substitute "STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE FUND ENOUGH MONEY TO FULLY REMIT ALL AMOUNTS.".

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Page 5, strike lines 13 through 27.

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Page 6, strike lines 1 through 4.

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Renumber succeeding C.R.S. section accordingly.

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Page 6, line 16, strike "APPROPRIATE" and substitute "TRANSFER".

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Page 6, lines 17 and 18, strike "STATIONARY SOURCES CONTROL FUND CREATED IN SECTION 25-7-114.7 (2) (b) (I), C.R.S.," and substitute "GENERAL FUND".

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Page 6, strike lines 20 through 27.

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Page 7, strike lines 1 through 14 and substitute:

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"**SECTION 2.** In Colorado Revised Statutes, **add** 24-38.5-110 as follows:

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24-38.5-110. Ratepayer protection fund. (1) THE RATEPAYER PROTECTION FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED TO THE FUND PURSUANT TO SECTION 40-8.7-205 (2), C.R.S. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

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(2) THE PUBLIC UTILITIES COMMISSION SHALL USE THE FUND ONLY TO:

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(a) REMIT TO UTILITIES THE AMOUNTS REPORTED TO THE COMMISSION AS SPECIFIED IN SECTION 40-8.7-204 (1) (b), C.R.S.; AND

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(b) COVER ITS DIRECT COSTS IN ADMINISTERING THE RATEPAYER PROTECTION PROGRAM CREATED IN PART 2 OF ARTICLE 8.7 OF TITLE 40, C.R.S., WHICH MUST NOT EXCEED THREE PERCENT OF THE AVERAGE ANNUAL BALANCE OF THE FUND.

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(3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE COMMISSION FOR THESE PURPOSES.".

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Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB16-1170** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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SENATE SERVICES REPORT

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Correctly Reengrossed: SB16-062, 115, and 116.
Correctly Revised: HB16-1011, 1085, and 1151.
Correctly Rerevised: HB16-1046, 1082, 1083, and 1144.
Correctly Enrolled: SJR16-013; SR16-002.

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MESSAGE FROM THE HOUSE

March 10, 2016

Mr. President

The House has postponed indefinitely SB16-007. The bill is returned herewith.

INTRODUCTION OF BILLS -- FIRST READING

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

SB16-153 by Senator(s) Crowder; also Representative(s) Wilson--Concerning nominees for county court judges.
Judiciary

SB16-154 by Senator(s) Lundberg, Marble, Neville T., Baumgardner, Grantham, Scheffel, Woods; -- Concerning the creation of income tax credits for nonpublic education.
Education

HB16-1027 by Representative(s) Danielson; also Senator(s) Todd and Sonnenberg--Concerning depositions in criminal cases in which an at-risk person may not be available for trial.
Judiciary

HB16-1184 by Representative(s) Rankin, Hamner, Young; also Senator(s) Grantham, Lambert, Steadman--Concerning the administration of money that is required under existing law to be transferred from the high cost support mechanism to the broadband fund.
Appropriations

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB16-1085 by Representative(s) Thurlow, Brown, Conti, Danielson, Landgraf, Lontine, Pabon, Roupe, Windholz; also Senator(s) Tate--Concerning simplifying the process for returning to a prior name after a decree of dissolution or legal separation has been entered.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	E
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		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Aguilar, Baumgardner, Cadman, Crowder, Garcia, Grantham, Heath, Holbert, Jahn, Johnston, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Steadman, Todd, and Woods.

HB16-1011 by Representative(s) Vigil; also Senator(s) Garcia and Grantham--Concerning the removal of restrictions on the authority of a board of a metropolitan district to provide activities in support of business development within the district.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	E
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		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Baumgardner, Cooke, Heath, Hill, Hodge, Holbert, Jahn, Kefalas, Merrifield, Newell, Scheffel, Sonnenberg, and Todd.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB16-1151 by Representative(s) Pabon, Nordberg, Rosenthal, Singer; also Senator(s) Holbert, Jahn--Concerning the expansion of penalty mitigation under the alcohol beverage laws for vendors meeting the definition of a "responsible vendor" as provided by law.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	E
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		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Crowder, Garcia, Grantham, Heath, Merrifield, Scheffel, Sonnenberg, and Woods.

RECONSIDERATION OF HB16-1011

HB16-1011 by Representative(s) Vigil; also Senator(s) Garcia and Grantham--Concerning the removal of restrictions on the authority of a board of a metropolitan district to provide activities in support of business development within the district.

Having voted on the prevailing side, Majority Leader Scheffel moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage -- Consent Calendar, on HB16-1011.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING OF BILLS -- FINAL PASSAGE --
CONSENT CALENDAR (cont'd)

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB16-1011 by Representative(s) Vigil; also Senator(s) Garcia and Grantham--Concerning the removal of restrictions on the authority of a board of a metropolitan district to provide activities in support of business development within the district.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	2	EXCUSED	1	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	E
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	N	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.	N	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	Y	Kerr	Y	Scheffel	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Roberts.

Committee of the Whole On motion of Senator Lambert, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar, and Senator Lambert 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 bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB16-1061 by Representative(s) Carver and Nordberg; also Senator(s) Todd--Concerning a requirement that the transportation infrastructure needs of federal military installations be given full consideration during the preparation of the comprehensive statewide transportation plan.

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

HB16-1122 by Representative(s) Everett, Humphrey, Joshi, Klingenschmitt, Neville P., Priola, Ransom, Saine, Van Winkle; also Senator(s) Hill and Marble, Grantham--Concerning the use of remote starter systems on unattended vehicles.

Ordered revised 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 Lambert, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	E
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: HB16-1061, HB16-1122.

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 (SB16-123) of Friday, March 11 was laid over until Monday, March 14, retaining its place on the calendar.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS --
CONSENT CALENDAR**

On motion of Majority Leader Scheffel, the following Governor's appointment was confirmed by the following roll call vote:

**MEMBER OF THE
COLORADO AERONAUTICAL BOARD**

for a term expiring December 19, 2018:

John William Reams of Naturita, Colorado, to serve as a member from the western slope and who represents local governments which operate airports, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	Y	Scott	E
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		

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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

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

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB16-008, 014, 022, 029, 031, 050, 066; HB16-1012, 1025, 1028, 1057, 1076, 1081, 1084, 1086.

On motion of Majority Leader Scheffel, the Senate adjourned until 10:00 a.m., Monday, March 14, 2016.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Effie Ameen
Secretary of the Senate

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