

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
First Regular Session

38th Legislative Day

Friday, February 13, 2015

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Prayer	By the chaplain, Pastor Brian Henderson, First Baptist Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Presentation of Colors	Members of Boy Scout Troop 645. Everett Arnold, Andrew Junge, Joe Ort, Jon Ort, Andrew Phillips, Shiv Ghosh, and Aidan Phillips.	16
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Pledge	By Everett Arnold, Life Scout from Troop 645.	20
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Roll Call	Present--35	22
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Quorum	The President announced a quorum present.	24
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Reading of Journal	On motion of Senator Donovan, reading of the Journal of Thursday, February 12, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.	26
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COMMITTEE OF REFERENCE REPORTS

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Education	After consideration on the merits, the Committee recommends that SB15-132 be postponed indefinitely .	34
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Appropriations	After consideration on the merits, the Committee recommends that SB15-008 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	38
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	Amend printed bill, page 3, after line 17 insert:	43
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	"SECTION 2. Appropriation. For the 2015-16 state fiscal year, \$50,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121 (1) (a), C.R.S. To implement this act, the Colorado water conservation board may use this appropriation for the water conservation program."	45
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	Renumber succeeding section accordingly.	53
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	Page 1, line 102, strike "PROCESS." and substitute "PROCESS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."	55
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Appropriations	After consideration on the merits, the Committee recommends that SB15-018 be referred to the Committee of the Whole with favorable recommendation.	59
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Appropriations	After consideration on the merits, the Committee recommends that SB15-115 be referred to the Committee of the Whole with favorable recommendation.	63
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Appropriations After consideration on the merits, the Committee recommends that **SB15-111** 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 **SB15-032** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 20 insert:

"SECTION 3. Appropriation - adjustments to 2015 long bill.
 (1) To implement this act, appropriations made in the annual general appropriation act for the 2015-16 state fiscal year to the department of public safety are adjusted as follows:
 (a) The cash funds appropriation from the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, C.R.S., for identification, personal services, is decreased by \$28,520, and the related FTE is decreased by 1.0 FTE;
 (b) The cash funds appropriation from the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, C.R.S., for identification, operating expenses, is decreased by \$63,418;
 (c) The cash funds appropriation from the instant criminal background check cash fund created in section 24-33.5-424 (3.5) (b), C.R.S., for personal services, is decreased by \$21,246; and
 (d) The cash funds appropriation from the instant criminal background check cash fund created in section 24-33.5-424 (3.5) (b), C.R.S., for operating expenses, is decreased by \$404."

Renumber succeeding sections accordingly.

Page 1, line 105, strike "GROUNDS." and substitute "GROUNDS, AND, REDUCING APPROPRIATIONS."

Appropriations After consideration on the merits, the Committee recommends that **SB15-097** 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 11, after line 25 insert:

"SECTION 16. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Renumber succeeding sections accordingly.

Finance After consideration on the merits, the Committee recommends that **SB15-119** 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 **SB15-090** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend the Transportation Committee Report, dated February 10, 2015, page 2, strike lines 1 to 10 and substitute:

"of twenty-five upon payment of a fee of ~~twelve dollars and fifty~~ SIX DOLLARS AND TWENTY-FIVE cents for each block of twenty-five. ~~fifty percent thereof to be retained by the county clerk and recorder and the remainder to be remitted monthly to the department to be transmitted~~ THE DEPARTMENT SHALL TRANSMIT ANY MONEY IT RECEIVES FROM THIS

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SALE to the state treasurer for credit to the highway users tax fund and allocation and expenditure as specified in section 43-4-205 (5.5) (b), C.R.S. THE DEPARTMENT MAY PROMULGATE RULES CREATING A SYSTEM FOR THE DEALER TO:".

Page 4, line 20, strike "July" and substitute "January".

Page 4, line 36, strike "the applicable effective date of this act." and substitute "July 1, 2016.".

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Finance	After consideration on the merits, the Committee recommends that SB15-141 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	12
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Health & Human Services	After consideration on the merits, the Committee recommends that SB15-105 be referred to the Committee of the Whole with favorable recommendation.	16
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Health & Human Services	After consideration on the merits, the Committee recommends that HB15-1039 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	21
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Health & Human Services	After consideration on the merits, the Committee recommends that SB15-103 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	26
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Health & Human Services	After consideration on the merits, the Committee recommends that SB15-123 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	31
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	Amend printed bill, page 5, strike lines 26 and 27.	36
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	Strike page 6 and substitute:	38
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	"SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2017; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.	40
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	(2) This act applies to health benefit plans issued, delivered, or renewed on or after the applicable effective date of this act."	49
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB15-134 be postponed indefinitely.	53
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB15-120 be postponed indefinitely.	59
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB15-093 be referred to the Committee of the Whole with favorable recommendation.	65
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Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, & Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE

effective February 17, 2015 for a term expiring at the pleasure of the Governor:

Donald Cleo Brown of Yuma, Colorado, and occasioned by the resignation of John Salazar of Manassas, Colorado, appointed.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB15-064** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike line 16 and substitute:

"(III) A WATER RIGHT IS A PROPERTY RIGHT THAT EXISTS SEPARATE AND APART FROM ANY INTEREST IN LAND."

Page 3, line 1, after "DIRECTIVES" insert "OF THE UNITED STATES FOREST SERVICE OR THE FEDERAL BUREAU OF LAND MANAGEMENT".

Page 3, line 9, strike "A" and substitute "THE".

Page 4, line 20, strike "PARTIAL" and substitute "FULL, PARTIAL,".

Page 4, line 24, after "RIGHT;" add "OR".

Page 4, strike lines 25 and 26.

Renumber succeeding subparagraph accordingly.

SENATE SERVICES REPORT

Correctly Engrossed: SB15-058, 099, 100 and 161.

Correctly Reengrossed: SB15-077.

Correctly Enrolled: SB15-010, 108, 112, 167, 168, 169 and 170.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR15-009 by Senator(s) Newell; --Concerning the establishment of February as fibroid awareness month.

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

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THIRD READING OF BILLS -- FINAL PASSAGE

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

SB15-061 by Senator(s) Holbert; --Concerning the nonapplicability of disclosure requirements under Colorado law governing campaign finance in the case of certain issue committees that raise relatively small amounts of money.

Laid over until Tuesday, February 17, retaining its place on the calendar.

SB15-161 by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of revenue.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kerr	N	Scheffel	Y
Balmer	Y	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	N	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	N	Merrifield	N	Ulibarri	N
Donovan	N	Johnston	N	Neville T.	Y	Woods	Y
Garcia	N	Jones	N	Newell	N	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

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

Co-sponsor(s) added: Baumgardner, Cadman, Crowder, Lundberg, Marble, Neville T., Scheffel and Woods.

SB15-100 by Senator(s) Steadman, Guzman, Johnston; also Representative(s) Foote and McCann, Kagan--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 Tuesday, February 17, retaining its place on the calendar.

SB15-058 by Senator(s) Guzman; also Representative(s) Kagan--Concerning statewide policies and procedures for law enforcement agencies that conduct eyewitness identifications.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

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

Co-sponsor(s) added: Aguilar, Carroll, Cooke, Donovan, Garcia, Heath, Hodge, Jahn, Johnston, Kefalas, Kerr, Merrifield, Newell, Roberts, Steadman, Todd and Ulibarri.

SB15-099 by Senator(s) Cooke; also Representative(s) Lawrence--Concerning eliminating certain duties for probation officers.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

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

Co-sponsor(s) added: Grantham, Guzman, Jahn, Martinez Humenik and Roberts.

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

SB15-142 by Senator(s) Roberts; also Representative(s) Pabon--Concerning a change in state law to make requirements for moneys held in escrow for the payment of ad valorem property taxes the same as the requirements of the federal "Real Estate Settlement Procedures Act of 1974".

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

HB15-1017 by Representative(s) Hamner and Buck; also Senator(s) Roberts--Concerning nongovernmental volunteer fire departments in Colorado, and, in connection therewith, enacting the "Volunteer Fire Department Organization Act".

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 Neville, 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	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB15-142, HB15-1017.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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

SB15-122 by Senator(s) Newell, Aguilar; also Representative(s) Moreno--Concerning the continuation of the regulation of massage parlors, and, in connection therewith, repealing the regulation of massage parlors.

Laid over until Tuesday, February 17, retaining its place on the calendar.

SB15-139 by Senator(s) Hill, Todd; also Representative(s) Lee--Concerning allowing the safe2tell program to reveal the identity of a person who makes a fraudulent report, and, in connection therewith, requiring a post-enactment review of the implementation of this act.

Laid over until Tuesday, February 17, retaining its place on the calendar.

HB15-1052 by Representative(s) Carver and Melton; also Senator(s) Todd--Concerning eligibility to receive a grant from the military family relief fund.

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

SB15-080 by Senator(s) Hill; --Concerning the choice of public employees' retirement association members to participate in the defined contribution plan established by the association.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, February 11, page(s) 237 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB15-135 by Senator(s) Martinez Humenik and Jahn, Hodge, Holbert, Todd; --Concerning modifications to statutory provisions governing urban redevelopment affecting public bodies in connection with urban renewal projects.

Laid over until Tuesday, February 17, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Neville, 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	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: SB15-080 as amended, HB15-1052.

Laid over until Tuesday, February 17: SB15-122, SB15-139, SB15-135.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB15-159 by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning a supplemental appropriation to the department of public safety.

Laid over until Tuesday, February 17, retaining its place on the calendar.

SB15-165 by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning funding for capital construction, and making supplemental appropriations in connection therewith.

Senator Lambert moved that the Senate concur in House amendments to **SB15-165**, as printed in House journal, February 11, page(s) 221. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

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

Co-sponsor(s) added: Kefalas.

SB15-166 by Senator(s) Steadman, Grantham, Lambert; also Representative(s) Hamner, Young, Rankin--Concerning adjustments in the amount of total program funding for public schools for the 2014-15 budget year, and, in connection therewith, reducing an appropriation.

Senator Steadman moved that the Senate concur in House amendments to **SB15-166**, as printed in House journal, February 11, page(s) 222. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	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	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

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

Co-sponsor(s) added: Neville T., Sonnenberg and Ulibarri.

On motion of Majority Leader Scheffel, the Senate adjourned until 10:00 a.m., Tuesday, February 17, 2015.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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