

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

---

43rd Legislative Day

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Wednesday, February 18, 2015

Prayer By the chaplain, Pastor Vern Rempel, First Mennonite Church, Denver.

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

Pledge                      By Karie Valdez.

Roll Call Present--34  
Excused--1, Martinez Humenik.  
Present later--1, Martinez Humenik.

Quorum      The President announced a quorum present.

Reading of Journal      On motion of Senator Woods, reading of the Journal of Tuesday, February 17, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.

## SENATE SERVICES REPORT

**Correctly Printed:** SB15-178, 179, 180, 181, 182 and 183.

**Correctly Engrossed:** SB15-015, 116 and 128; SJR15-004.

**Correctly Reengrossed:** SB15-080 and 142.

**Correctly Revised:** HJR15-1012.

**Correctly Rerevised:** HB15-1017 and 1052.

**Correctly Enrolled: SB15-166.**

## INTRODUCTION OF BILLS -- FIRST READING

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

**SB15-184** by Senator(s) Holbert; also Representative(s) Fields--Concerning enforcement of compulsory education requirements.  
Education

**SB15-185** by Senator(s) Johnston; also Representative(s) Fields--Concerning provisions to improve police operations.

Judiciary

Finance

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:

**SB15-128** by Senator(s) Carroll; also Representative(s) Landgraf and Primavera--Concerning reports to law enforcement by medical facilities with the consent of a victim of a sexual assault.

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	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	E	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, Baumgardner, Cadman, Cooke, Crowder, Donovan, Garcia, Grantham, Guzman, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Merrifield, Newell, Roberts, Scheffel, Scott, Steadman, Todd, Ulibarri and Woods.

**SB15-116** by Senator(s) Steadman; also Representative(s) Garnett--Concerning needle-stick prevention.

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	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	E	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, Baumgardner, Cadman, Carroll, Cooke, Garcia, Grantham, Guzman, Heath, Hill, Hodge, Jahn, Johnston, Jones, Kefalas, Marble, Merrifield, Neville T., Newell, Roberts, Todd, Ulibarri and Woods.

**SB15-015** by Senator(s) Kefalas; also Representative(s) Primavera--Concerning a clarification of benefits for autism spectrum disorders in health benefit plans issued in this state.

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	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	E	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, Baumgardner, Cadman, Carroll, Crowder, Donovan, Garcia, Grantham, Guzman, Heath, Hodge, Holbert, Jahn, Johnston, Kerr, Lambert, Lundberg, Marble, Merrifield, Neville T., Newell, Roberts, Scheffel, Scott, Steadman, Todd and Woods.

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 an expression of personal privilege.

Upon request of Majority Leader Scheffel, **SB15-097** and **SB15-119** were removed from the General Orders--Second Reading of Bills Consent Calendar of Wednesday, February 18 and were placed at the end of the General Orders--Second Reading of Bills Calendar of Wednesday, February 18.

Committee of the Whole On motion of Senator Holbert, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar, and Senator Holbert 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:

**SB15-111** by Senator(s) Lambert, Grantham, Steadman; also Representative(s) Hamner, Young, Rankin--Concerning the continuous appropriation to the department of education of moneys in the educator licensure cash fund.

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

**HB15-1039** by Representative(s) Tyler; also Senator(s) Neville T.--Concerning the donation of prescription medications by licensed health care facilities.

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

**SB15-103** by Senator(s) Lundberg; also Representative(s) Becker K.--Concerning continuation of the compliance advisory panel, and, in connection therewith, implementing the recommendations of the department of regulatory agencies as contained in the 2014 sunset report.

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 Holbert, 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	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	E	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: SB15-111, SB15-103, HB15-1039.

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 an expression of personal privilege.

Committee of the Whole
On motion of Senator Holbert, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills, and Senator Holbert 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:

SB15-008
by Senator(s) Roberts, Hodge, Jones; also Representative(s) Vigil, Coram, Mitsch Bush--Concerning the promotion of water conservation in the land use planning process.

Laid over until Friday, February 20, retaining its place on the calendar.

SB15-018
by Senator(s) Neville T.; also Representative(s) Neville P.--Concerning the repeal of the late vehicle registration fee.

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

SB15-032
by Senator(s) Marble; also Representative(s) Ransom--Concerning allowing a law-abiding person to carry a concealed handgun without a permit, and, in connection therewith, preserving current laws restricting the carrying of concealed handguns on certain property including school grounds.

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, February 13, page(s) 258 and placed in members' bill files.)

Amendment No. 2(L.001), by Senator Marble.

Amend the Appropriations Committee Report, dated February 13, 2015,  
page 1, line 20, strike ""**GROUND**S, **AND**," and substitute ""**GROUND**S  
**AND**".

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

**SB15-105** by Senator(s) Martinez Humenik, Aguilar, Newell; also Representative(s) Primavera--  
Concerning the continuation of the regulation of respiratory therapists by the director of the  
division of professions and occupations in the department of regulatory agencies, and, in  
connection therewith, implementing the recommendations of the department in its sunset  
review of and report on the profession.

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

**SB15-123** by Senator(s) Crowder; also Representative(s) Primavera--Concerning the ability of a  
person eligible for prescription drug benefits under a health benefit plan to choose the  
pharmacy at which to fill a prescription drug order for certain medications.

Laid over until Friday, February 20, retaining its place on the calendar.

**SB15-093** by Senator(s) Sonnenberg; --Concerning compensation to be awarded to owners of mineral  
interests for a diminution in the value of their property rights caused by regulatory  
restrictions on mineral extraction operations.

Laid over until Friday, February 20, retaining its place on the calendar.

**SB15-064** by Senator(s) Sonnenberg; also Representative(s) Becker J.--Concerning limits that the  
basic tenets of Colorado water law place on the ability of certain federal agencies to impose  
conditions on a water right owner in exchange for permission to use federal land.

Amendment No. 1, Agriculture, Natural Resources, & Energy Committee Amendment.  
(Printed in Senate Journal, February 13, page(s) 260 and placed in members' bill files.)

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

**SB15-097** by Senator(s) Aguilar; also Representative(s) Landgraf--Concerning the eligibility of a  
supplemental needs trust to receive certain public employees' retirement association  
benefits.

Laid over until Thursday, February 19, retaining its place on the calendar.

**SB15-119** by Senator(s) Sonnenberg, Baumgardner; also Representative(s) Becker K.--Concerning  
continuation of the regulation of pesticide applicators by the department of agriculture, and,  
in connection therewith, implementing the recommendations of the 2014 sunset report by  
the department of regulatory agencies.

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

**SB15-115** by Senator(s) Hill, Holbert; also Representative(s) Pabon--Concerning the sunset review of  
the medical marijuana programs.

Amendment No. 1, Finance Committee Amendment.  
(Printed in Senate Journal, February 4, page(s) 159-163 and placed in members' bill files.)

Amendment No. 2(L.023), by Senator Holbert.

Amend printed bill, page 2, after line 15 insert:

"**SECTION 3.** In Colorado Revised Statutes, 12-43.3-201, **add**  
(4) and (5) as follows:

**12-43.3-201. State licensing authority - creation.** (4) A STATE LICENSING AUTHORITY EMPLOYEE SHALL NOT WORK IN THE MARIJUANA INDUSTRY, OR REPRESENT THE MARIJUANA INDUSTRY, FOR A PERIOD OF SIX MONTHS FOLLOWING HIS OR HER LAST DAY OF EMPLOYMENT WITH THE STATE LICENSING AUTHORITY.

(5) ANY PERSON WHO DISCLOSES CONFIDENTIAL RECORDS OR INFORMATION IN VIOLATION OF THE PROVISIONS OF THIS ARTICLE COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S. ANY CRIMINAL PROSECUTION PURSUANT TO THE PROVISIONS OF THIS SECTION MUST BE BROUGHT WITHIN FIVE YEARS FROM THE DATE THE VIOLATION OCCURRED."

Renumber succeeding section accordingly.

Amendment No. 3(L.014), by Senator Hill.

Amend the Finance Committee Report, dated February 3, 2015, page 1, line 21, strike "authority." and substitute "authority AND THOSE VISITORS ESCORTED BY A PERSON LICENSED BY THE STATE LICENSING AUTHORITY."

Page 1, strike lines 23 and 24 and substitute "authority."

Amendment No. 4(L.024), by Senator Steadman.

Amend the Finance Committee Report, dated February 3, 2015, page 7, line 33, strike "**repeal**" and substitute "**amend**".

Page 7, strike lines 37 and 38 and substitute:

"(l) To sell, serve, or distribute medical marijuana at any time other than between the hours of 8 a.m. and 7 p.m. Monday through Sunday UNLESS THE LOCAL LICENSING AUTHORITY ESTABLISHES ADDITIONAL HOURS THAT DO NOT EXCEED THE HOURS AUTHORIZED FOR RETAIL MARIJUANA STORES;"

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

On motion of Senator Holbert, 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: SB15-018, SB15-032 as amended, SB15-105, SB15-064 as amended, SB15-119, SB15-115 as amended.

Laid over until Thursday, February 19: SB15-097.

Laid over until Friday, February 20: SB15-008, SB15-123, SB15-093.

MESSAGE FROM THE HOUSE

February 18, 2015

Mr. President:

The House has adopted and transmits herewith HJR15-1014.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR15-1014 by Representative(s) Young and Landgraf; also Senator(s) Lambert and Newell-- Concerning Awareness Day for Individuals with Intellectual and Developmental Disabilities.

On motion of Senator Lambert, the resolution was read at length and 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		

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

SENATE ADHERENCE ON SB15-159

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

Senator Lambert moved that the Senate reject House amendments to SB15-159, as printed in House journal, February 11, page(s) 220, and that the Senate adhere to its position.

On a substitute motion, Senator Carroll moved that the Senate concur in House amendments to SB15-159, as printed in House journal, February 11, page(s) 220. The motion lost on the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	N
Balmer	N	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	N	Holbert	N	Martinez Humenik	N	Todd	Y
Crowder	N	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	Woods	N
Garcia	Y	Jones	Y	Newell	Y	President	N
Grantham	N	Kefalas	Y	Roberts	N		

On a substitute motion, Senator Steadman moved that the Senate reject House amendments to SB15-159, as printed in House journal, February 11, page(s) 220, and that a conference committee be appointed. The motion lost by the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	N
Balmer	N	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	N	Holbert	N	Martinez Humenik	N	Todd	Y
Crowder	N	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	Woods	N
Garcia	Y	Jones	Y	Newell	Y	President	N
Grantham	N	Kefalas	Y	Roberts	N		

The motion to reject House amendments and to adhere to the Senate's position on **SB15-159** was **adopted** by the following roll call vote:

YES	18	NO	17	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	N
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		

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Sonnenberg, the following Governor's appointment was confirmed by a roll call vote:

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.

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		

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, February 17, 2015, at 1:43 p.m.:  
SB15-035 and 098.

COMMITTEE OF REFERENCE REPORTS

Local Government The Committee on Local Government 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  
ENERGY IMPACT ASSISTANCE  
ADVISORY COMMITTEE

for a term expiring August 24, 2017:

Daniel Fernandez of Dove Creek, Colorado, and occasioned by the resignation of Vicki L. Spencer of Gunnison, Colorado, appointed.

Local Government After consideration on the merits, the Committee recommends that **SB15-114** be **postponed indefinitely**.

Local Government After consideration on the merits, the Committee recommends that **HB15-1074** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 2, strike "30-11-105" and substitute "1-45-117 (4)".

Page 2, strike lines 4 through 18 and substitute:

**"1-45-117. State and political subdivisions - limitations on contributions.** (4) (a) Any violation of this section shall be subject to the provisions of sections 9 (2) and 10 (1) of article XXVIII of the state constitution or any appropriate order or relief, including an order directing the person making a contribution or expenditure in violation of this section to reimburse the fund of the state or political subdivision, as applicable, from which such moneys were diverted for the amount of the contribution or expenditure, injunctive relief, or a restraining order to enjoin the continuance of the violation.

(b) IF A BOARD OF COUNTY COMMISSIONERS IS FOUND TO HAVE MADE A CONTRIBUTION OR EXPENDITURE IN VIOLATION OF THIS SECTION, AN INDIVIDUAL MEMBER OF THE BOARD WHO VOTED IN FAVOR OF OR OTHERWISE AUTHORIZED THE CONTRIBUTION OR EXPENDITURE MAY BE ORDERED TO REIMBURSE AN AMOUNT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) AS LONG AT THE AMOUNT DOES NOT EXCEED THE AMOUNT ORDERED TO BE REIMBURSED BY ANY OTHER INDIVIDUAL OF THE BOARD WHO VOTED IN FAVOR OR OTHERWISE AUTHORIZED THE CONTRIBUTION OR EXPENDITURE."

TRIBUTES

Honoring:

Arnold and Phyllis Gallegos -- By Senator Leroy Garcia.  
The Custer County Chamber of Commerce and The Custer County Economic Development Corporation -- By Senator Larry Crowder.

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Thursday,  
February 19, 2015.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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