

SENATE JOURNAL
 Seventieth General Assembly
STATE OF COLORADO
 Second Regular Session

43rd Legislative Day Wednesday, February 24, 2016

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Prayer	By the chaplain, Pastor Vern Rempel, Beloved Community Mennonite Church, Littleton.	10 11
Call to Order	By the President at 9:00 a.m.	12 13 14
Pledge	By Senator Merrifield.	15 16
Roll Call	Present--35	17 18
Quorum	The President announced a quorum present.	19 20
Reading of Journal	On motion of Senator Woods, reading of the Journal of Tuesday, February 23, 2016, was dispensed with, and the Journal was approved as corrected by the Secretary.	21 22 23 24

COMMITTEE OF REFERENCE REPORTS

Trans- portation	After consideration on the merits, the Committee recommends that SB16-122 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.	30 31 32
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Amend printed bill, page 3, strike lines 7 through 27.

Page 4, strike lines 1 through 4.

Renumber succeeding sections accordingly.

Trans- portation	The Committee on <u>Transportation</u> 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:	42 43 44
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MEMBERS OF THE
 COLORADO AERONAUTICAL BOARD

for a term expiring December 19, 2018:

William L. Thompson of Colorado Springs, Colorado, to serve as a member from the eastern slope and who represents local governments which operate airports, reappointed;

for a term expiring December 19, 2019:

Jeffrey Scott Forrest of Littleton, Colorado, to serve as a member from the eastern slope and who represents local governments which operate airports, reappointed.

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB16-099 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	63 64 65
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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB16-118** be **postponed indefinitely**.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB16-1139** be **amended** as follows and as so amended be referred to the Committee on Legislative Council with favorable recommendation.

Amend reengrossed bill, page 2, line 4, strike "**definitions.**" and substitute "**definitions - report - repeal.**".

Page 2, line 10, after the period add "SUCH ELECTRONIC PARTICIPATION IS LIMITED TO COMMITTEE MEETINGS TAKING PLACE AT THE STATE CAPITOL AND MUST BE CONDUCTED VIA VIDEO."

Page 2, after line 26 insert:

"(IV) THIS PARAGRAPH (h) IS REPEALED, EFFECTIVE JULY 1, 2018. PRIOR TO THAT REPEAL, BUT DURING THE SECOND REGULAR SESSION OF THE SEVENTY-FIRST GENERAL ASSEMBLY, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL SUBMIT TO THE MEMBERS OF THE GENERAL ASSEMBLY A REPORT SETTING FORTH HOW MANY MEMBERS ELECTRONICALLY PARTICIPATED IN COMMITTEES PURSUANT TO THIS PARAGRAPH (h), ANY TECHNOLOGICAL ISSUES IDENTIFIED, OR OTHER PROBLEMS ENCOUNTERED DURING SUCH ELECTRONIC PARTICIPATION, THE QUALITY AND EFFICIENCY OF COMMITTEE DISCUSSION, ANY COSTS INCURRED OR SAVINGS REALIZED ATTRIBUTABLE TO ELECTRONIC PARTICIPATION, AND ANY FEEDBACK RECEIVED FROM LEGISLATORS OR MEMBERS OF THE PUBLIC WITH REGARD TO ELECTRONIC PARTICIPATION."

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB16-1086** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB16-1125** be **referred** to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB16-1038** be **referred** to the Committee on Appropriations with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB16-1028** be **referred** to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Local
Government

After consideration on the merits, the Committee recommends that **HB16-1012** 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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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
STATE HOUSING BOARD

for a term expiring January 31, 2020:

Britta E.M. Fisher of Wheat Ridge, Colorado, to serve as a member from the Seventh Congressional District and as an Unaffiliated, reappointed.

SENATE SERVICES REPORT

- Correctly Engrossed:** SB16-007 and 125.
- Correctly Reengrossed:** SB16-017, 048, and 110.
- Correctly Revised:** HB16-1008, 1041, 1049, 1081, and 1095.
- Correctly Rerevised:** HB16-1240.
- Correctly Enrolled:** SB16-004, 022, and 050; SJM16-004.

**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:

HB16-1041 by Representative(s) Lebsock; also Senator(s) Holbert--Concerning the removal of unreasonably impracticable financial requirements applicable to marijuana businesses that are required to be licensed.

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	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		

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

Co-sponsor(s) added: Baumgardner, Cadman, Guzman, Hill, Jahn, Kefalas, Lundberg, Marble, Martinez Humenik, Neville T., Scheffel, Scott, Steadman, and Woods.

HB16-1049 by Representative(s) Lee; also Senator(s) Scheffel and Hill--Concerning an escrow account held by a depository institution on behalf of an issuer of an intrastate offering of securities.

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	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		

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

Co-sponsor(s) added: Baumgardner, Cooke, Grantham, Holbert, Kefalas, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Scott, Tate, and Woods.

HB16-1081 by Representative(s) Ransom and Esgar; also Senator(s) Lundberg and Newell-- Concerning removing obsolete reporting provisions in title 25.5 of the Colorado Revised Statutes.

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	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		

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, Garcia, Grantham, Guzman, Heath, Holbert, Jahn, Kefalas, Lambert, Marble, Martinez Humenik, Scheffel, Scott, Steadman, Tate, Todd, and Woods.

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:

SB16-112 by Senator(s) Tate; also Representative(s) Wist--Concerning a modification to the required quantity of voter service and polling centers.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	N	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	Tate	Y
Crowder	Y	Jahn	N	Merrifield	N	Todd	N
Donovan	N	Johnston	N	Neville T.	Y	Ulibarri	N
Garcia	N	Jones	N	Newell	N	Woods	Y
Grantham	Y	Kefalas	N	Roberts	Y	President	Y
Guzman	N	Kerr	N	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, Cadman, Cooke, Crowder, Grantham, Holbert, Lambert, Lundberg, Marble, Martinez Humenik, Roberts, Scheffel, Sonnenberg, and Woods.

SB16-007 by Senator(s) Roberts; also Representative(s) Coram--Concerning the establishment of a multiplier in the renewable energy standard for electricity generated from certain types of biomass to provide an incentive to use materials located within areas that have a high risk of wildfire.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	N	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	Y	Marble	Y	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Tate	Y
Crowder	Y	Jahn	Y	Merrifield	N	Todd	Y
Donovan	Y	Johnston	N	Neville T.	Y	Ulibarri	N
Garcia	N	Jones	N	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	N	Kerr	N	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, Cadman, Cooke, Crowder, Donovan, Grantham, Holbert, Jahn, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Scheffel, Scott, Sonnenberg, Tate, and Woods.

HB16-1008 by Representative(s) Winter and Becker J.; also Senator(s) Cooke and Heath--Concerning authorization for the department of transportation to designate an area on a roadway not otherwise laned for traffic for use by commercial vehicles designed to transport sixteen passengers or more that are operated by a governmental entity or government-owned business that transports the general public or by a contractor on behalf of such an entity or government-owned business.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	Lambert	N	Scott	Y
Baumgardner	N	Hill	N	Lundberg	Y	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	Y	Holbert	N	Martinez Humenik	Y	Tate	N
Crowder	Y	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	N	Ulibarri	Y
Garcia	Y	Jones	Y	Newell	Y	Woods	N
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: Carroll, Guzman, Jones, Kerr, Todd, and Ulibarri.

HB16-1095 by Representative(s) McCann, Ginal, Primavera; also Senator(s) Crowder--Concerning health insurance coverage for early refills of prescription eye drops.

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	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		

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

Co-sponsor(s) added: Aguilar, Grantham, Guzman, Heath, Jones, Kefalas, Merrifield, Newell, Scheffel, and Todd.

SB16-125 by Senator(s) Holbert; also Representative(s) Kraft-Tharp--Concerning the governance of credit unions, and, in connection therewith, authorizing the appointment of an audit committee in lieu of a supervisory committee and allowing the reasonable compensation of a director for his or her service to the credit union.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	N	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	N	Jahn	Y	Merrifield	Y	Todd	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Ulibarri	N
Garcia	Y	Jones	N	Newell	Y	Woods	Y
Grantham	Y	Kefalas	Y	Roberts	Y	President	Y
Guzman	N	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: Grantham, Jahn, Kerr, Lambert, Scheffel, Scott, and Woods.

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

GENERAL ORDERS -- SECOND READING OF BILLS

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:

SB16-034 by Senator(s) Sonnenberg; --Concerning tampering with a deceased human body. 1
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(Amended in general orders as printed in Senate journal, February 18, page(s) 224, and 3
February 23, page(s) 264.) 4
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As amended, ordered engrossed and placed on the calendar for third reading and final 6
passage. 7
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SB16-080 by Senator(s) Newell; --Concerning secured marijuana cultivation requirements. 10
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Amendment No. 1(L.004), by Senator Newell. 12

Amend printed bill, page 2, strike lines 6 through 8 and substitute: 14

"(I) The person is lawfully cultivating medical marijuana pursuant 15
to the authority granted in section 14 of article XVIII of the state 16
constitution ~~or~~ IN AN ENCLOSED AND LOCKED SPACE; EXCEPT THAT, IF THE 17
CULTIVATION AREA IS LOCATED IN A RESIDENCE AND: 18

(A) A PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT THE 19
RESIDENCE, THE CULTIVATION AREA ITSELF MUST BE ENCLOSED AND 20
LOCKED UNLESS THE PERSON UNDER TWENTY-ONE YEARS OF AGE IS AT 21
LEAST EIGHTEEN YEARS OF AGE AND HAS A VALID MEDICAL MARIJUANA 22
REGISTRY IDENTIFICATION CARD OR IS A PRIMARY CAREGIVER 23
REGISTERED WITH THE STATE LICENSING AUTHORITY; AND 24

(B) IF NO PERSON UNDER TWENTY-ONE YEARS OF AGE LIVES AT 25
THE RESIDENCE, THE EXTERNAL LOCKS OF THE RESIDENCE CONSTITUTE AN 26
ENCLOSED AND LOCKED SPACE. IF A PERSON UNDER TWENTY-ONE YEARS 27
OF AGE ENTERS THE RESIDENCE, THE PERSON MUST ENSURE THAT ACCESS 28
TO THE CULTIVATION SITE IS REASONABLY RESTRICTED FOR THE 29
DURATION OF THAT PERSON'S PRESENCE IN THE RESIDENCE UNLESS THE 30
PERSON UNDER TWENTY-ONE YEARS OF AGE IS AT LEAST EIGHTEEN YEARS 31
OF AGE AND HAS A VALID MEDICAL MARIJUANA REGISTRY IDENTIFICATION 32
CARD OR IS A PRIMARY CAREGIVER REGISTERED WITH THE STATE 33
LICENSING AUTHORITY." 34

Page 2, line 10, strike "SECTION 14 OR". 35
36

Amendment No. 2(L.003), by Senator Newell. 37
38

Amend printed bill, page 2, line 3, strike "(b)" and substitute "(b); and 41
add (3) (c)". 42

Page 2, line 14, strike "locked;" and substitute "locked UNLESS THE 44
PERSON UNDER TWENTY-ONE YEARS OF AGE IS AT LEAST EIGHTEEN YEARS 45
OF AGE AND HAS A VALID MEDICAL MARIJUANA REGISTRY IDENTIFICATION 46
CARD OR IS A PRIMARY CAREGIVER REGISTERED WITH THE STATE 47
LICENSING AUTHORITY;" 48

Page 2, strike line 20 and substitute "residence UNLESS THE PERSON 50
UNDER TWENTY-ONE YEARS OF AGE IS AT LEAST EIGHTEEN YEARS OF AGE 51
AND HAS A VALID MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD 52
OR IS A PRIMARY CAREGIVER REGISTERED WITH THE STATE LICENSING 53
AUTHORITY." 54

Page 2, after line 20 insert: 55
56

"(c) IF A PERSON IS LAWFULLY CULTIVATING MEDICAL MARIJUANA 58
PURSUANT TO THE AUTHORITY GRANTED IN SECTION 14 OF ARTICLE XVIII 59
OF THE STATE CONSTITUTION, THAT FACT ALONE IS NOT SUFFICIENT TO 60
REQUIRE A REFERRAL TO CHILD PROTECTION SERVICES." 61

As amended, ordered engrossed and placed on the calendar for third reading and final 64
passage. 65
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SB16-016 by Senator(s) Steadman and Cadman, Scheffel, Baumgardner, Cooke, Crowder, Grantham, Guzman, Hill, Hodge, Holbert, Jahn, Johnston, Kefalas, Kerr, Martinez Humenik, Merrifield, Roberts, Tate, Todd, Ulibarri; also Representative(s) Hullinghorst and Lawrence, Arndt, Becker K., Brown, Conti, Court, Danielson, Fields, Ginal, Kagan, Kraft-Tharp, Landgraf, Lebsock, Lee, Lontine, McCann, Melton, Mitsch Bush, Moreno, Pettersen, Primavera, Priola, Rankin, Rosenthal, Roupe, Ryden, Singer, Thurlow, Williams, Wilson, Windholz, Winter, Young--Concerning the scientific and cultural facilities district, and, in connection therewith, amending the ballot question concerning the extension of the district to be submitted to the voters and modifying statutory provisions concerning the administration of the district.

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 Roberts, 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: SB16-034 as amended, SB16-080 as amended, SB16-016.

MESSAGE FROM THE HOUSE

February 24, 2016

Mr. President:

The House has postponed indefinitely SB16-039. The bill is returned herewith.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB16-1018 and 1044; SJM16-004; SJR16-007, 008, and 009; HJR16-1008.

MESSAGE FROM THE HOUSE

February 24, 2016

Mr. President:

The House has voted to concur in the Senate amendments to HB16-1240 and has repassed the bill as so amended.

Senate in recess. Senate reconvened.

TRIBUTES

Honoring:

- Norma Hatfield -- By Senator Kevin Grantham and Representative Jim Wilson.
- Nicolle Davies -- By Senator Jack Tate.
- Makoto Ito -- By Senator Nancy Todd.
- Harold Griffith -- By Senator Jerry Sonnenberg and Representative Edward Vigil.
- Thomas Bradbury -- By Senator Jerry Sonnenberg and Representative Edward Vigil.
- Kelcey Swyers -- By Senator Jerry Sonnenberg and Representative Edward Vigil.
- Milan Rewerts -- By Senator Jerry Sonnenberg and Representative Edward Vigil.
- Steve Gabel -- By Senator Jerry Sonnenberg and Representative Edward Vigil.
- Deputy Derek Geer -- By Senator Ray Scott.

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Thursday, February 25, 2016.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Effie Ameen
Secretary of the Senate

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