

HOUSE JOURNAL
SIXTY-THIRD GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Fifty-second Legislative Day

Friday, March 2, 2001

1 Prayer by Father Ed Judy, Samaritan House, Denver.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 The roll was called with the following result:

6

7 Present--60.

8

9 Excused--Representatives Cadman, Chavez, Mace, White--4.

9

10 Absent--Representative Sanchez--1.

10

11 Present after roll call--Representative Sanchez.

11

12 The Speaker declared a quorum present.

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15 On motion of Representative Fritz, the reading of the journal of March 1,
16 2001, was declared dispensed with and approved as corrected by the
17 Chief Clerk.

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REPORT OF COMMITTEE OF REFERENCE

22

TRANSPORTATION & ENERGY

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24 After consideration on the merits, the Committee recommends the

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26 following:

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HB01-1351 be amended as follows, and as so amended, be referred to
the Committee of the Whole with favorable
recommendation:

Amend printed bill, page 4, strike lines 25 through 27 and substitute the
following:

"(8) WHEN A PERSON WHOSE LICENSE IS REVOKED UNDER THIS
SECTION HAS COMPLETED THE TERMS AND CONDITIONS OF THE TRIBAL
REVOCATION ORDER, THE TRIBE SHALL PROVIDE THE PERSON WITH
WRITTEN NOTIFICATION OF SUCH COMPLETION AND SHALL ALSO SEND
WRITTEN NOTICE TO THE DEPARTMENT. WHEN THE DEPARTMENT RECEIVES
THE TRIBE'S WRITTEN NOTIFICATION OF SUCH COMPLETION,".

Page 5, line 1, strike "REVOCATION ORDER,";

strike lines 20 through 26 and substitute the following:

"SECTION 2. Safety clause. The general assembly hereby finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, and safety.".

3
4 Strike page 6.

5
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7
8 On motion of Representative Spradley, **SB01-047, 058, 084, 015,**
9 **HB01-1245, SB01-036, 117, HB01-1351** shall be made Special Orders
10 on Friday, March 2, 2001, at 9:10 a.m.

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12
13 The hour of 9:10 a.m., having arrived, on motion of Representative
14 Webster, the House resolved itself into Committee of the Whole for
15 consideration of Special Orders and he was called to the Chair to act as
16 Chairman.

17
18
19 **SPECIAL ORDERS--SECOND READING OF BILLS**

20
21 The Committee of the Whole having risen, the Chairman reported the
22 titles of the following bills had been read (reading at length had been
23 dispensed with by unanimous consent), the bills considered and action
24 taken thereon as follows:

25
26 (Amendments to the committee amendment are to the printed committee
27 report which was printed and placed in the members' bill file.)

28
29 **SB01-047** by Senator(s) Hanna; also Representative(s) Stafford--
30 Concerning a requirement certain counseling professions
31 report child abuse.

32
33 Ordered revised and placed on the Calendar for Third Reading and Final
34 Passage.

35
36 **SB01-058** by Senator(s) Arnold, Matsunaka, Perlmutter; also
37 Representative(s) Coleman, Smith, Grossman--Concerning
38 the enactment of Colorado Revised Statutes 2000 as the
39 positive and statutory law of the state of Colorado.

40
41 Ordered revised and placed on the Calendar for Third Reading and Final
42 Passage.

43
44 **SB01-084** by Senator(s) Perlmutter; also Representative(s) Witwer--
45 Concerning the inmate disaster relief program.

46
47 Amendment No. 1, Civil Justice & Judiciary Report, dated February 13,
48 2001, and placed in member's bill file; Report also printed in House
49 Journal, February 15, page 406.

50
51 As amended, referred to the Committee on Appropriation.

52
53 **SB01-015** by Senator(s) Teck; also Representative(s) Hefley--
54 Concerning community supervision placement review for
55 persons in phase III of the youthful offender system.

56

- 1 Amendment No. 1, Criminal Justice Report, dated February 13, 2001, and
2 placed in member's bill file; Report also printed in House Journal,
3 February 15, page 407.
4
- 5 Amendment No. 2, by Representative Hefley.
6
- 7 Amend the reengrossed bill, page 3, line 7, after "PLACEMENT.", insert
8 "EXCEPT THAT THE LOCAL LAW ENFORCEMENT AGENCY MAY NOT APPEAL,
9 IF THE PLACEMENT IS IN THE JURISDICTION WHERE THE JUVENILE WAS
10 RESIDING AT THE TIME THE OFFENSE WAS COMMITTED."
11
- 12 As amended, ordered revised and placed on the Calendar for Third
13 Reading and Final Passage.
14
- 15 **HB01-1245** by Representative(s) Kester; also Senator(s) Arnold--
16 Concerning authorization for a person providing financing
17 to enable the purchase of a motor vehicle to recover
18 damages against a motor vehicle dealer's bond.
19
- 20 Rereferred to the Committee on Business Affairs & Labor.
21
- 22 **SB01-036** by Senator(s) Phillips; also Representative(s) Rippy--
23 Concerning the addition of the authority of certain local
24 governments to form local improvement districts to provide
25 for the conversion of existing overhead electric transmission
26 facilities to underground locations.
27
- 28 Ordered revised and placed on the Calendar for Third Reading and Final
29 Passage.
30
- 31 **SB01-117** by Senator(s) Gordon; also Representative(s) Hefley--
32 Concerning the continuation of the sex offender
33 management board, and, in connection therewith, clarifying
34 how appointments are made to the board, changing the
35 membership of the board, and requiring the board to report
36 to the general assembly.
37
- 38 Ordered revised and placed on the Calendar for Third Reading and Final
39 Passage.
40
- 41 **HB01-1351** by Representative(s) Larson; also Senator(s) Dyer
42 (Durango)--Concerning the revocation of Colorado driving
43 privileges after the revocation of tribal driving privileges
44 under tribal law.
45
- 46 Amendment No. 1, Transportation & Energy committee report dated
47 March 1, 2001, and placed in member's bill file; Report also printed in
48 House Journal, March 2, pages 661-662.
49
- 50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.
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1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **SB01-047, 058, 015 amended, 036, 117,**
4 **HB01-1351 amended.**

5
6 Referred to Committee indicated: **SB01-084 amended**--Committee on
7 Appropriations.

8
9 Rereferred to Committee indicated: **HB01-1245**--Committee on Business
10 Affairs & Labor.

11
12 The Chairman moved the adoption of the Committee of the Whole
13 Report. As shown by the following roll call vote, a majority of those
14 elected to the House voted in the affirmative, and the Report was
15 **adopted.**

16
17 YES 60 NO 0 EXCUSED 4 ABSENT 1

18								
19	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
20	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
21	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
22	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
23	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
24	Cadman	E	Jahn	Y	Ragsdale	Y	Tapia	Y
25	Chavez	E	Jameson	Y	Rhodes	Y	Tochtrop	Y
26	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
27	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
28	Coleman	Y	King	Y	Saliman	-	Webster	Y
29	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
30	Daniel	Y	Lawrence	Y	Schultheis	Y	White	E
31	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
32	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
33	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
34	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
35							Mr. Speaker	Y

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41 **REPORTS OF COMMITTEES OF REFERENCE**

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43 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

44 After consideration on the merits, the Committee recommends the
45 following:

46
47 **SJR01-004** be referred out for final action.

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50 **SJR01-005** be referred out for final action.

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1 **CIVIL JUSTICE & JUDICIARY**

2 After consideration on the merits, the Committee recommends the
3 following:

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5 **SB01-140** be amended as follows, and as so amended, be referred to
6 the Committee on Finance with favorable
7 recommendation:

8
9 Amend reengrossed bill, page 3, line 5, strike "13-6-403," and substitute
10 "13-6-403 (1),";

11
12 line, 20, strike "~~and~~" and substitute "and";

13
14 line 21, strike "REPLEVIN IF THE VALUE OF THE PROPERTY";

15
16 strike lines 22 and 23;

17
18 line 24, strike "PERFORMANCE OR";

19
20 strike lines 26 and 27.

21
22 Page 4, strike lines 1 through 20.

23

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27 **FINANCE**

28 After consideration on the merits, the Committee recommends the
29 following:

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31 **HB01-1287** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:

34

35 Amend printed bill, page 4, line 23, strike "EIGHTEEN AND FOUR" and
36 substitute "SIXTEEN AND FIFTY-SIX".

37

38 Page 5, line 3, strike "EIGHTY-ONE AND NINETY-SIX" and substitute
39 "EIGHTY-THREE AND FORTY-FOUR";

40

41 line 6, strike "NINE DOLLARS AND EIGHTY" and substitute "SEVENTEEN
42 DOLLARS AND TWENTY".

43

44 Page 6, line 6, after "(I)", insert "(A)".

45

46 Page 7, after line 5, insert the following:

47

48 "(B) NOTWITHSTANDING THE PROVISIONS OF SUB-SUBPARAGRAPH
49 (A) OF THIS SUBPARAGRAPH (I), UPON MUTUAL AGREEMENT OF THE
50 COUNTY ASSESSOR AND THE COUNTY TREASURER OF ANY COUNTY, THE
51 COUNTY TREASURER SHALL PROVIDE TO THE DEPARTMENT OF REVENUE
52 THE INFORMATION THAT WOULD ORDINARILY BE PROVIDED BY THE
53 ASSESSOR PURSUANT TO SAID SUB-SUBPARAGRAPH (A).";

54

55

1 line 9, strike "No" and substitute "EXCEPT FOR CASES IN WHICH A COUNTY
2 TREASURER IS PROVIDING INFORMATION DIRECTLY TO THE DEPARTMENT
3 OF REVENUE PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I)
4 OF THIS PARAGRAPH (b), NO".

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8 **HB01-1341** be referred favorably to the Committee on Appropriations.

9

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11 **SB01-025** be amended as follows, and as so amended, be referred to
12 the Committee of the Whole with favorable
13 recommendation:

14

15 Amend reengrossed bill, page 2, strike lines 16 through 23 and substitute
16 the following:

17

18 "of local affairs OR ANY OTHER STATE AGENCY, AND any proponent or
19 other interested person. THE FISCAL IMPACT STATEMENT PREPARED FOR
20 EVERY MEASURE SHALL BE SUBSTANTIALLY SIMILAR IN FORM AND
21 CONTENT TO THE FISCAL NOTES PROVIDED BY THE LEGISLATIVE COUNCIL
22 OF THE GENERAL ASSEMBLY FOR LEGISLATIVE MEASURES PURSUANT TO
23 SECTION 2-2-322, C.R.S. A COMPLETE COPY OF THE FISCAL IMPACT
24 STATEMENT FOR SUCH MEASURE SHALL BE AVAILABLE THROUGH THE
25 LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY. THE BALLOT
26 INFORMATION BOOKLET SHALL INDICATE WHETHER THERE IS A FISCAL
27 IMPACT FOR EACH INITIATED OR REFERRED MEASURE AND SHALL
28 ABSTRACT THE FISCAL IMPACT STATEMENT FOR SUCH MEASURE. THE".

29

30 Page 3, strike lines 1 and 2;

31

32 strike lines 7 through 14 and substitute the following:

33

34 (I) AN ESTIMATE OF THE EFFECT THE MEASURE WILL HAVE ON
35 STATE AND LOCAL GOVERNMENT REVENUES, EXPENDITURES, TAXES, AND
36 FISCAL LIABILITIES IF SUCH MEASURE IS ENACTED;

37

38 (II) AN ESTIMATE OF THE AMOUNT OF ANY STATE AND LOCAL
39 GOVERNMENT RECURRING EXPENDITURES OR FISCAL LIABILITIES IF SUCH
40 MEASURE IS ENACTED; AND

41

42 (III) FOR ANY INITIATED OR REFERRED MEASURE THAT MODIFIES
43 THE STATE TAX LAWS, AN ESTIMATE OF THE IMPACT TO THE AVERAGE
44 TAXPAYER, IF FEASIBLE, IF SUCH MEASURE IS ENACTED."

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48 **SB01-055** be referred to the Committee of the Whole with favorable
49 recommendation.

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1 **STATE, VETERANS, & MILITARY AFFAIRS**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB01-1309** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend printed bill, page 2, strike everything below the enacting clause
10 and substitute the following:

11
12 "SECTION 1. Article 21 of title 24, Colorado Revised Statutes,
13 is amended BY THE ADDITION OF A NEW SECTION to read:

14
15 **24-21-111. Elector participation study committee - creation -**
16 **report - repeal.** (1) THE GENERAL ASSEMBLY HEREBY DIRECTS THE
17 SECRETARY OF STATE TO CONVENE A COMMITTEE NO LATER THAN
18 SEPTEMBER 1, 2001, TO STUDY THE FOLLOWING MATTERS:

19
20 (a) THE LEVEL OF PARTICIPATION BY ELIGIBLE ELECTORS IN
21 STATUTORY TOWN AND SPECIAL DISTRICT ELECTIONS; AND

22
23 (b) THE EFFECTS, IF ANY, OF A LONG BALLOT ON PARTICIPATION BY
24 ELIGIBLE ELECTORS.

25
26 (2) (a) THE COMMITTEE TO BE CONVENED BY THE SECRETARY OF
27 STATE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE
28 APPOINTED BY THE SECRETARY OF STATE AND COMPRISED OF THE
29 FOLLOWING MEMBERS:

30
31 (I) ONE OR MORE PERSONS PRESENTLY SERVING AS THE CLERK AND
32 RECORDER OF A COUNTY;

33
34 (II) ONE OR MORE PERSONS PRESENTLY SERVING AS THE CLERK OF
35 A MUNICIPALITY;

36
37 (III) ONE OR MORE PERSONS KNOWLEDGEABLE ABOUT SPECIAL
38 DISTRICT ELECTIONS;

39
40 (IV) A PERSON NOT THEN EMPLOYED BY A GOVERNMENTAL ENTITY
41 KNOWLEDGEABLE ABOUT LOCAL GOVERNMENT TAX AND FISCAL ISSUES;
42 AND

43
44 (V) ONE OR MORE EMPLOYEES OF THE SECRETARY OF STATE'S
45 OFFICE.

46
47 (b) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING
48 THE SECRETARY OF STATE TO CREATE A NEW ENTITY TO PERFORM THE
49 FUNCTIONS REQUIRED OF THE COMMITTEE BY THIS SECTION. TO THE
50 GREATEST EXTENT POSSIBLE, IN SATISFYING THE REQUIREMENTS OF THIS
51 SECTION, THE SECRETARY SHALL UTILIZE ANY EXISTING BODY, WHETHER
52 OR NOT CREATED BY STATUTE, THAT IS COMPRISED IN WHOLE OR IN PART
53 OF THE MEMBERS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2)
54 AND THE MISSION OF WHICH INCLUDES STUDYING THE MATTERS SPECIFIED
55 IN SUBSECTION (1) OF THIS SECTION.
56

1 (3) NO LATER THAN JANUARY 1, 2002, THE COMMITTEE CONVENED
 2 BY THE SECRETARY PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL
 3 REPORT TO THE GENERAL ASSEMBLY ON THE RESULTS OF ITS STUDY. THE
 4 REPORT SHALL CONTAIN THE COMMITTEE'S FINDINGS AND
 5 RECOMMENDATIONS FOR LEGISLATION BASED UPON ITS REPORT, IF ANY.

6
 7 (4) THE SECTION IS REPEALED, EFFECTIVE JULY 1, 2004.

8
 9 **SECTION 2.** 32-1-103 (5) (b), Colorado Revised Statutes, is
 10 amended to read:

11
 12 **32-1-103. Definitions.** As used in this article, unless the context
 13 otherwise requires:

14
 15 (5) (b) A person who is obligated to pay taxes under a contract to
 16 purchase taxable property situated within the boundaries of the special
 17 district or the area to be included within the special district shall be
 18 considered an owner within the meaning of this subsection (5). ANY
 19 PERSON WHO IS NOT OBLIGATED TO PAY TAXES UNDER SUCH A CONTRACT
 20 SHALL NOT BE CONSIDERED AN OWNER WITHIN THE MEANING OF THIS
 21 SUBSECTION (5).

22
 23 **SECTION 3.** 32-1-806 (2), Colorado Revised Statutes, is
 24 amended to read:

25
 26 **32-1-806. Persons entitled to vote at special district elections.**

27 (2) Any person desiring to vote at any election as an eligible elector
 28 pursuant to section 32-1-103 (5) (a) (II) shall sign a self-affirmation that
 29 the person is an elector of the special district. The self-affirming oath or
 30 affirmation shall be on a form that contains in substance the following:

31
 32 "I, (printed name), who reside at (address), am an elector of
 33 this (name of special district) district and desire to vote at this
 34 election. I do solemnly swear (or affirm) that I am registered to vote in
 35 the state of Colorado and qualified to vote in this special district election
 36 as:

37
 38 A resident of the district or area to be included in the district for not
 39 less than thirty days; or

40
 41 The owner of taxable real or personal property situated within the
 42 boundaries of the special district or area to be included within the special
 43 district AND WHO IS NOT EXCUSED FROM ANY OBLIGATION TO PAY TAXES
 44 UNDER A CONTRACT TO SELL THE TAXABLE REAL OR PERSONAL PROPERTY;
 45 or

46
 47 A person who is obligated to pay taxes under a contract to purchase
 48 taxable property in the special district or the area to be included within
 49 the special district; or

50
 51 The spouse of (name of spouse) who is the owner of taxable real
 52 or personal property situated within the boundaries of the special district
 53 or area to be included within the special district.

54
 55 I have not voted previously at this election.

56

1 Date _____
 2 Signature of elector _____."

3
 4 **SECTION 4. Effective date.** This act shall take effect at 12:01
 5 a.m. on the day following the expiration of the ninety-day period after
 6 final adjournment of the general assembly that is allowed for submitting
 7 a referendum petition pursuant to article V, section 1 (3) of the state
 8 constitution; except that, if a referendum petition is filed against this act
 9 or an item, section, or part of this act within such period, then the act,
 10 item, section, or part, if approved by the people, shall take effect on the
 11 date of the official declaration of the vote thereon by proclamation of the
 12 governor."

13
 14 Page 1, strike lines 103 through 106 and substitute the following:
 15 "CONNECTION THEREWITH, DIRECTING THE SECRETARY OF STATE TO
 16 CONVENE A COMMITTEE TO STUDY CERTAIN ISSUES RELATING TO
 17 ELECTOR PARTICIPATION AND TO ISSUE A REPORT CONTAINING THE
 18 COMMITTEE'S FINDINGS AND ANY RECOMMENDATIONS FOR
 19 LEGISLATION, AND CLARIFYING THE MEANING OF OWNER IN
 20 CONNECTION WITH THE DEFINITION OF ELIGIBLE ELECTOR FOR
 21 PURPOSES OF SPECIAL DISTRICT ELECTIONS."

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 26 **TRANSPORTATION & ENERGY**

27 After consideration on the merits, the Committee recommends the
 28 following:

29
 30 **SB01-043** be amended as follows, and as so amended, be referred to
 31 the Committee of the Whole with favorable
 32 recommendation:
 33

34 Amend reengrossed bill, page 2, strike lines 9 through 15 and substitute
 35 the following:

36
 37 "SECTION 2. 24-34-104 (39) (b), Colorado Revised Statutes, is
 38 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:
 39

40 **24-34-104. General assembly review of regulatory agencies and**
 41 **functions for termination, continuation, or reestablishment.**
 42 (39) (b) The following agencies, functions, or both, shall terminate on
 43 July 1, 2008:
 44

45 (XII) THE PASSENGER TRAMWAY SAFETY BOARD, CREATED IN
 46 SECTION 25-5-703, C.R.S.";

47
 48 line 19, strike "2011." and substitute "2008."
 49
 50
 51

52 **PRINTING REPORT**

53
 54 The Chief Clerk reports the following bills have been correctly printed:
 55 **HB01-1355, 1356.**
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MESSAGE FROM THE SENATE1
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Mr. Speaker:

The Senate has adopted and returns herewith: HJR01-1015.

The Senate has postponed indefinitely and returns herewith:
HB01-1190.

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 2nd day of March, 2001, at 8:35 a.m. The original is on file in the records of the House of Representatives of the General Assembly.

Judith Rodrigue,
Chief Clerk of the House

March 1, 2001

To the Honorable
House of Representatives
Sixty-third General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

HB01-1037 Concerning The Creation Of Specific Requirements For Health Care Provider Networks That Conduct Insurance Business In The State Of Colorado.

Approved March 1, 2001 at 3:40 p.m.

Sincerely,
(signed)
Bill Owens
Governor

**INTRODUCTION OF BILL
First Reading**

The following bill was read by title and referred to the committee indicated:

HB01-1356 by Representative(s) Alexander--Concerning the reconciliation of inconsistent statutory provisions regarding irrigation districts.
Committee on Agriculture, Livestock, & Natural Resources

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LAY OVER OF CALENDAR ITEMS

On motion of Representative Spradley, the following items on the Calendar were laid over until March 5, retaining place on Calendar:

- Consideration of General Orders--**SB01-027**.
- Consideration of Resolution--**HJR01-1013**.
- Consideration of Senate Amendments--**HB01-1015, 1118**.

On motion of Representative Spradley, the House adjourned until 10:00 a.m., March 5, 2001.

Approved:

DOUG DEAN,
Speaker

Attest:
JUDITH RODRIGUE,
Chief Clerk