

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
First Regular Session

Fifty-eighth Legislative Day

Thursday, March 8, 2001

Prayer By the chaplain, Reverend Robert Dooling, Mountain View Presbyterian Church, Loveland.

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

Roll Call Present--Total, 34.
Absent/Excused--Phillips--Total 1.
Present later--Phillips.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator McElhany, reading of the Journal of Wednesday, March 7, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed SB01-206.
Correctly engrossed: SJR01-016.
Correctly rerevised: HB01-1075, 1001.

COMMITTEE OF REFERENCE REPORT

The committee recommends the following:

Appropriations After consideration on the merits, the committee recommends that **SB01-129** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee amendment, as printed in Senate Journal, March 2, page 458, line 38, strike "AS PARTIALLY PROFICIENT OR" and substitute "AT THE UNSATISFACTORY PROFICIENCY LEVEL";

line 39, strike "LOWER";

line 43, strike "AS PARTIALLY PROFICIENT OR LOWER" and substitute "AT THE UNSATISFACTORY PROFICIENCY LEVEL".

Page 462, line 40, strike "EMPLOYEES." and substitute "EMPLOYEES.";

after line 40, insert the following:

"SECTION 13. Appropriation - adjustments to the 2001 long bill. (1) (a) In addition to any other appropriation, there is hereby appropriated to the department of education, for the fiscal year beginning July 1, 2001, the sum of two million four hundred seventy-two thousand six hundred forty-four dollars (\$2,472,644), or so much thereof as may be necessary, for the implementation of section 22-54-123, Colorado Revised Statutes. Said sum shall be from the general fund.

(b) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of nine hundred forty-five thousand eight hundred dollars (\$945,800), or so much thereof as may be necessary, for the implementation of section 22-7-801, Colorado Revised Statutes. Said sum shall be from the general fund.

(2) For the implementation of this act, appropriations made in the

SB01-129

annual general appropriation act for the fiscal year beginning July 1, 2001, shall be adjusted as follows:

(a) The appropriation to the department of education for the state share of districts' total program funding is increased by five million seven hundred eight thousand four hundred forty-seven dollars (\$5,708,447). Said sum shall be from the general fund."."

Page 1, line 101, strike "SCHOOLS." and substitute "SCHOOLS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders, Second Reading Consent Calendar (**HB01-1251, HB01-1304, HB01-1335, HB01-1228**) of Thursday, March 8, 2001, was laid over until Monday, March 12, 2001, retaining its place on the Calendar.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01-129, SB01-021, SB01-035, SB01-073** were made Special Orders at 9:30 a.m.

Committee of the Whole

The hour of 9:30 a.m. having arrived, Senator Hagedorn moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Hagedorn was called to the Chair to act as Chairman.

SPECIAL 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:

SB01-129

by Senator Thiebaut; also Representative Dean--Concerning the financing of public schools.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 1, 2001, pages 454-462.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 8, page 503-504.)

Amendment No. 3(L.031), by Senator Owen.

Amend printed bill, page 2, after line 6, insert the following:

"SECTION 2. 22-30.5-112 (2) (a) (III), Colorado Revised Statutes, is amended to read:

22-30.5-112. Charter schools - financing - guidelines.
(2) (a) (III) For budget year 2000-2001 and budget years thereafter, except as otherwise provided in paragraph (a.3) of this subsection (2), each charter school and the authorizing school district shall negotiate funding under the contract at a minimum of ninety-five percent of the district per pupil revenues for each pupil enrolled in the charter school. The school district may choose to retain ~~up to~~ THE ACTUAL AMOUNT OF THE CHARTER SCHOOL'S PER PUPIL SHARE OF THE CENTRAL ADMINISTRATIVE OVERHEAD COSTS FOR SERVICES ACTUALLY PROVIDED TO THE CHARTER SCHOOL; EXCEPT THAT SUCH AMOUNT SHALL NOT EXCEED five percent of the district per pupil revenues for each pupil enrolled in the charter school. ~~as payment for the charter school's portion of central administrative overhead costs incurred by the school district."~~

Renumber succeeding section accordingly.

Amendment No. 4(L.032), by Senators Windels and Thiebaut.

Amend the Education Committee amendment, as printed in Senate Journal, March 2, page 454, line 58, after "(III)", insert "(A)";

after line 66, insert the following:

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"(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUB-SUBPARAGRAPH (B), THE NUMBER OF ELIGIBLE CHILDREN SERVED BY ANY DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM IN A GIVEN BUDGET YEAR SHALL NOT EXCEED FIFTY PERCENT OF THE NUMBER OF CHILDREN THAT MAY PARTICIPATE IN THAT DISTRICT'S PRESCHOOL PROGRAM FOR THAT BUDGET YEAR. IF ANY DISTRICT IN WHICH THE NUMBER OF ELIGIBLE CHILDREN SERVED BY THE DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM FOR THE 2000-01 BUDGET YEAR EXCEEDED FIFTY PERCENT OF THE NUMBER OF CHILDREN THAT COULD PARTICIPATE IN THAT DISTRICT'S PRESCHOOL PROGRAM FOR THE 2000-01 BUDGET YEAR IS AUTHORIZED BY THE DEPARTMENT TO SERVE ELIGIBLE CHILDREN THROUGH A FULL-DAY KINDERGARTEN COMPONENT OF THE DISTRICT'S PRESCHOOL PROGRAM FOR THE 2001-02 BUDGET YEAR OR ANY BUDGET YEAR THEREAFTER, THE NUMBER OF ELIGIBLE CHILDREN SERVED BY THAT DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM FOR THAT BUDGET YEAR SHALL NOT EXCEED THE NUMBER OF CHILDREN SERVED BY THAT DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM FOR THE 2000-01 BUDGET YEAR, AND ANY INCREASE IN THE NUMBER OF CHILDREN THAT MAY PARTICIPATE IN THAT DISTRICT'S PRESCHOOL PROGRAM FOR THAT BUDGET YEAR SHALL BE UTILIZED FOR THAT DISTRICT'S PRESCHOOL PROGRAM UNTIL THE NUMBER OF ELIGIBLE CHILDREN SERVED BY THAT DISTRICT'S FULL-DAY KINDERGARTEN PROGRAM FOR A GIVEN BUDGET YEAR DOES NOT EXCEED FIFTY PERCENT OF THE NUMBER OF CHILDREN THAT MAY PARTICIPATE IN THAT DISTRICT'S PRESCHOOL PROGRAM FOR THAT BUDGET YEAR."

Amendment No. 5(L.034), by Senator Dennis.

Amend the Education committee amendment, as printed in Senate Journal, March 2, page 462, after line 22, insert the following:

"SECTION 12. 22-20-109 (2), Colorado Revised Statutes, is amended to read:

22-20-109. Tuition. (2) The state board shall promulgate rules and regulations to define the contract approval process, to define the types and amounts of costs in excess of the state average per pupil operating revenues, as defined in section 22-54-103 (12), and to define other applicable revenues that a school district of residence of a child with a disability shall pay as tuition to educate that child elsewhere at a community centered board or a facility approved by the state board pursuant to section 22-2-107 (1) (p). These rules and regulations shall include, but shall not be limited to, the limitations on the number of staff members per number of students, the amount of equipment necessary for classroom instruction of the child, the number of days of school, and any other expenses involved in the provision of educational services as determined by the child's individual educational program. HOWEVER, THESE RULES SHALL NOT REQUIRE THAT, IN CALCULATING THE AMOUNT OF THE TUITION CHARGE FOR EDUCATING A CHILD WITH A DISABILITY IN ANY COMMUNITY CENTERED BOARD OR FACILITY, THAT THE COSTS INCURRED BY A COMMUNITY CENTERED BOARD OR FACILITY IN PROVIDING SUCH SPECIAL EDUCATION PROGRAM BE REDUCED BY THE AMOUNT OF REVENUES, IF ANY, RECEIVED BY SUCH COMMUNITY CENTERED BOARD OR FACILITY AS DONATIONS OR SPECIAL EDUCATION GRANTS. The school district of residence shall be responsible for paying as tuition any excess costs above the state average per pupil operating revenues to provide these services."

Renumber succeeding sections accordingly.

Amendment No. 6(L.028), by Senator Thiebaut.

Amend the Education Committee amendment, as printed in Senate Journal, March 2, page 455, line 20, after the period, add "IN ANY PARTICIPATING SCHOOL DISTRICT THAT, PRIOR TO THE ENACTMENT OF THIS SECTION, SUBSIDIZED SCHOOL LUNCH SERVICE WITH MONEYS FROM THE SCHOOL DISTRICT'S GENERAL FUND, MONEYS RECEIVED BY SUCH SCHOOL DISTRICT PURSUANT TO THIS SECTION SHALL BE APPLIED IN LIEU OF, AND NOT IN ADDITION TO, THE AMOUNT OF THE SCHOOL DISTRICT'S SUBSIDY."

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Amendment No. 7(L.035), by Senator Thiebaut.

Amend the Education Committee amendment, as printed in Senate Journal, March 2, page 462, line 40, strike "EMPLOYEES." and substitute "EMPLOYEES.";

after line 40, insert the following:

SECTION 13. 22-32-110 (1) (d), Colorado Revised Statutes, is amended to read:

22-32-110. Board of education - specific powers. (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(d) To construct, purchase, or remodel teacherages for the employees, or any classification thereof, of the district. MAINTENANCE AND OPERATION OF SUCH TEACHERAGES SHALL BE PAID FOR SOLELY FROM MONEYS DEPOSITED IN THE SCHOOL DISTRICT'S TEACHER HOUSING FUND CREATED IN SECTION 22-45-103 (1) (g).

SECTION 14. 22-45-103 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-45-103. Funds - repeal. (1) The following funds are created for each school district for purposes specified in this article:

(g) **Teacher housing fund.** ANY RENTAL REVENUES RECEIVED BY A SCHOOL DISTRICT THAT MAINTAINS EMPLOYEE RENTAL HOUSING, REFERRED TO AS A TEACHERAGE, SHALL BE DEPOSITED IN THE TEACHER HOUSING FUND OF THE DISTRICT. EXPENDITURES FROM THE FUND SHALL BE MADE ONLY TO PAY THE COSTS INCURRED BY THE DISTRICT IN OPERATING AND MAINTAINING THE TEACHERAGE, AND SHALL NOT BE USED FOR THE REPAYMENT OF ANY BONDS ISSUED TO CONSTRUCT, IMPROVE, ACQUIRE, OR PURCHASE THE TEACHERAGE. ANY MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND.".

Amendment No. 8(L.036), by Senator Thiebaut.

Amend the Education Committee amendment, as printed in Senate Journal, March 2, page 459, line 71, strike "date." and substitute "date IF, BY THE FIRST DAY OF FEBRUARY IMMEDIATELY FOLLOWING THE ENROLLMENT COUNT DATE, THE PUPIL ENROLLMENT OF THE DISTRICT HAS INCREASED BY AT LEAST THREE HUNDRED FIFTY PUPILS OR AN AMOUNT EQUAL TO THREE PERCENT OF THE DISTRICT'S FUNDED PUPIL COUNT AS OF SAID PUPIL ENROLLMENT COUNT DATE, WHICHEVER IS LESS.".

Page 460, line 2, strike "The" and substitute "The";

strike lines 3 and 4, and substitute the following:

~~"provisions of this paragraph (c) shall only be available to districts with a funded pupil count of two thousand or less."~~

Amendment No. 9(L.037), by Senator Thiebaut.

Amend the Education Committee amendment, as printed in Senate Journal, March 2, page 462, after line 22, insert the following:

SECTION 12. Article 54 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-54-104.1. General fund appropriations requirements - maintenance of effort base - general fund appropriation for 2001-02 fiscal year. (1) IN ACCORDANCE WITH SECTION 17 (5) OF ARTICLE IX OF THE STATE CONSTITUTION, FOR STATE FISCAL YEARS 2001-02 THROUGH 2010-11, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE FROM THE GENERAL FUND FOR TOTAL PROGRAM UNDER THE PROVISIONS OF THIS ARTICLE 54 AN AMOUNT EQUAL TO THE MAINTENANCE OF EFFORT BASE PLUS AN AMOUNT AS DETERMINED ANNUALLY BY THE GENERAL ASSEMBLY

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THAT IS EQUAL TO AT LEAST FIVE PERCENT OF THE MAINTENANCE OF EFFORT BASE.

(2) FOR PURPOSES OF THIS SECTION, "MAINTENANCE OF EFFORT BASE" MEANS THE AGGREGATE AMOUNT OF GENERAL FUND APPROPRIATIONS FOR TOTAL PROGRAM PURSUANT TO THE PROVISIONS OF THIS ARTICLE 54 FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, INCLUDING:

(a) ANY INCREASES OR DECREASES MADE TO SAID APPROPRIATIONS THROUGH THE ENACTMENT OF A SUPPLEMENTAL APPROPRIATION BILL OR BILLS FOR THAT STATE FISCAL YEAR; AND

(b) ANY GENERAL FUND APPROPRIATION FOR THE STATE'S SHARE OF THE DISTRICT'S TOTAL PROGRAM AS DETERMINED PURSUANT TO SECTION 22-54-106 (8).

(3) FOR THE 2001-02 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO BILLION ONE HUNDRED ONE MILLION FIVE HUNDRED NINETY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS FROM THE GENERAL FUND FOR TOTAL PROGRAM PURSUANT TO THE PROVISIONS OF THIS ARTICLE 54, WHICH IS AN AMOUNT EQUAL TO THE MAINTENANCE OF EFFORT BASE PLUS AN AMOUNT EQUAL TO SIX PERCENT OF THE MAINTENANCE OF EFFORT BASE."

Renumber succeeding sections accordingly.

Amendment No. 10(L.038), by Senator Evans.

Amend the Education Committee amendment, as printed in Senate Journal, March 2, page 455, line 20, after the period, add "IN ANY PARTICIPATING SCHOOL DISTRICT THAT, PRIOR TO THE ENACTMENT OF THIS SECTION, SUBSIDIZED SCHOOL LUNCH SERVICE WITH MONEYS FROM THE SCHOOL DISTRICT'S GENERAL FUND, MONEYS RECEIVED BY SUCH SCHOOL DISTRICT PURSUANT TO THIS SECTION SHALL BE APPLIED IN ADDITION TO, AND NOT IN LIEU OF, THE AMOUNT OF THE SCHOOL DISTRICT'S SUBSIDY. ANY MONEYS RECEIVED PURSUANT TO THIS SECTION SHALL BE USED ONLY FOR THE PROVISION OF THE DISTRICT'S SCHOOL LUNCH PROGRAM."

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

(For further action, see Amendment to the Committee of the Whole Report.)

SB01-021

by Senators Anderson, Andrews, Hagedorn, Hernandez, Owen, Pascoe, Tate and Thiebaut; also Representatives Dean, Coleman, Keller, King, Smith and Williams T.-- Concerning disclosure of information relating to the regulation of lobbyists.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, January 29, 2001, page 65.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 7, 2001, page 499.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders Calendar (**SB01-035, SB01-073**) of Thursday, March 8, 2001, was laid over until Friday, March 9, 2001, retaining its place on the calendar.

AMENDMENT TO THE COMMITTEE OF THE WHOLE

SB01-129

by Senator Thiebaut; also Representative Dean--Concerning the financing of public schools.

Senator Evans moved to amend the Report of the Committee of the Whole to show that the following Thiebaut floor amendment, (L.028) to **SB 01-129**, did not pass.

SB01-129

Amend the Education Committee amendment, as printed in Senate Journal, March 2, page 455, line 20, after the period, add "IN ANY PARTICIPATING SCHOOL DISTRICT THAT, PRIOR TO THE ENACTMENT OF THIS SECTION, SUBSIDIZED SCHOOL LUNCH SERVICE WITH MONEYS FROM THE SCHOOL DISTRICT'S GENERAL FUND, MONEYS RECEIVED BY SUCH SCHOOL DISTRICT PURSUANT TO THIS SECTION SHALL BE APPLIED IN LIEU OF, AND NOT IN ADDITION TO, THE AMOUNT OF THE SCHOOL DISTRICT'S SUBSIDY."

The amendment was **adopted** by a viva voce vote.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hagedorn, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

Second Reading of Bills: **SB01-129** as amended, **SB01-021** as amended. Laid over until Friday, March 9, 2001: **SB01-035**, **SB01-073**.

MESSAGE FROM THE HOUSE

March 8, 2001
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01-048, amended as printed in House Journal, March 7, pages 694-695.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, SB01-048.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB01-048

by Senator Arnold; also Representative Mitchell--Concerning officials for the city and county of Broomfield, and making an appropriation therefor.

Senator Arnold moved that the Senate concur in House amendments to **SB01-048**, as printed in House Journal, March 7, 2001, pages 694-695. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	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
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

MESSAGES FROM THE HOUSE

March 8, 2001

Mr. President:

The House has voted to concur in the Senate amendments to HB01-1136, 1138, 1154, 1004, 1035, 1168, 1084, 1171, 1027, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB01-1250 and requests that a conference committee be appointed. The Speaker has appointed Representatives T. Williams, chairman, Rippey, and Madden as House conferees on the First Conference Committee on HB01-1250. The bill is transmitted herewith.

March 8, 2001

Mr. President:

The House has postponed indefinitely SB01-101. The bill is returned herewith.

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill 01-129, Concerning the Financing of Public Schools and Making an Appropriation Therewith:

The Friday, March 16 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, is extended until Monday, March 26, 2001 (the 76th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)
Representative Dean
Speaker of the House of Representatives

(signed)
Senator Matsunaka
President of the Senate

(signed)
Representative Spradley
House Majority Leader

(signed)
Senator Thiebaut
Senate Majority Leader

(signed)
Representative Grossman
House Minority Leader

(signed)
Senator Andrews
Senate Minority Leader

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, March 8, 2001, was laid over until Friday, March 9, 2001, retaining its place on the calendar.

General Orders, Second Reading of Bills: **HB01-1210, HB01-1265, HB01-1076, HB01-1152, HB01-1023, HB01-1095, HB01-1056, HB01-1128, HB01-1073, HB01-1030, HB01-1124, HB01-1034.**

Consideration of Resolutions: **SJR01-012, HJR01-1014, SJR01-013.**

Consideration of House Amendments to Senate Bills: **SB01-015, SB01-090.**

Consideration of Governor's Appointments.

TRIBUTES--A POINT OF INTEREST

Honoring Dorothy Boretz by Senator Matsunaka

Honoring Maurice Stephens by Senator Matsunaka

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Honoring Ken and Elaine Howe by Senator Matsunaka

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Honoring John Gebauer by Senator Musgrave

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Honoring Harold and Jeanne McCormick by Senator Chlouber

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Honoring Jack A. Weil by Senator Chlouber

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On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, March 9, 2001.

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Approved:

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Stan Matsunaka
President of the Senate

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Attest:

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Karen Goldman
Secretary of the Senate

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