

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

Twenty-fourth Legislative Day

Friday, February 1, 2002

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Prayer	By Senator Nichol.	10
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Call to Order	By the President at 9:00 a.m.	12
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Roll Call	Present--Total, 31.	15
	Absent/Excused--Anderson, Andrews, Gordon, Hillman--Total, 4.	16
	Present later--Anderson, Andrews, Hillman.	17
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Quorum	The President announced a quorum present.	19
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Reading of Journal	On motion of Senator Tate, reading of the Journal of Thursday, January 31, was dispensed with and the Journal was approved as corrected by the Secretary.	21
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HB02-1005	by Representative(s) Larson; also Senator(s) Isgar--Concerning the prohibition against an insurer basing the issuance of a motor vehicle insurance policy on the suspension of a driver's license due to noncompliance with a child support order.	29
	Business, Labor, and Finance	30
	Judiciary	31
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HB02-1018	by Representative(s) Ragsdale; also Senator(s) Takis--Concerning the establishment of an exception for twenty-four-hour child care facilities to information-posting requirements.	35
	Health, Environment, Children & Families	36
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HB02-1026	by Representative(s) Boyd, Tochtrop; also Senator(s) Hernandez, Linkhart--Concerning segregated funding under the Colorado works program.	39
	Health, Environment, Children & Families	40
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HB02-1042	by Representative(s) Stafford, Boyd, Clapp, Romanoff; also Senator(s) Linkhart, Hernandez--Concerning extensions under the Colorado works program for persons who have reached the sixty-month lifetime limit for receipt of TANF assistance.	43
	Health, Environment, Children & Families	44
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HB02-1048	by Representative(s) Crane; also Senator(s) Epps--Concerning occupational therapy deceptive trade practice title protection.	48
	Health, Environment, Children & Families	49
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HB02-1053	by Representative(s) Young; also Senator(s) Taylor--Concerning school grants.	52
	Education	53
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HB02-1055	by Representative(s) Jahn; also Senator(s) Reeves--Concerning support obligations.	55
	Judiciary	56
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HB02-1056	by Representative(s) Hoppe, Miller, Tochtrop, Alexander; also Senator(s) Thiebaut--Concerning an exemption from the real property acquisition policies of the Colorado relocation assistance and land acquisition policies act.	58
	Agriculture and Natural Resources	59
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HB02-1063	by Representative(s) Berry; also Senator(s) Epps--Concerning the "Colorado Children's Trust Fund Act".	63
	Health, Environment, Children & Families	64
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HB02-1099	by Representative(s) Webster; also Senator(s) Owen--Concerning the nomenclature applicable to agencies within the department of agriculture, and, in connection therewith, changing the names of the soil conservation board and soil conservation districts to the conservation board and conservation districts, respectively.	67
	Agriculture and Natural Resources	68
	Public Policy and Planning	69
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HB02-1117	by Representative(s) Rhodes, Boyd, Cloer, Stafford, Tochtrop; also Senator(s) Hernandez--Concerning the regulation of acupuncturists by the division of registrations in the department of regulatory agencies. Health, Environment, Children & Families	1 2 3 4 5
HB02-1120	by Representative(s) White; also Senator(s) Hanna--Concerning the continuation of the licensing of massage parlors. Health, Environment, Children & Families Judiciary	6 7 8 9 10
HB02-1130	by Representative(s) Fairbank, Borodkin, Jameson, Kester, Marshall, Rhodes, White, Williams T.; also Senator(s) Reeves--Concerning the board of real estate appraisers, and, in connection therewith, continuing the board of real estate appraisers. Business, Labor, and Finance	11 12 13 14 15
HB02-1141	by Representative(s) Miller; also Senator(s) Chlouber--Concerning the public announcement by the court at sentencing of the minimum range of actual imprisonment that a defendant can be expected to serve. Judiciary Public Policy and Planning	16 17 18 19 20 21
HB02-1156	by Representative(s) Marshall, Kester, Sanchez, Sinclair; also Senator(s) Hillman--Concerning campaign finance disclosure reporting requirements relative to recall elections. Government, Veterans and Military Relations, and Transportation	22 23 24 25
HB02-1173	by Representative(s) Lee, Fairbank, Cloer, Crane, Dean, Decker, Fritz, Groff, Hefley, Johnson, King, Miller, Mitchell, Paschall, Rhodes, Rippey, Romanoff, Scott, Sinclair, Snook, Spence, Swenson, White, Williams S.; also Senator(s) Owen, Chlouber, Andrews, Arnold, Cairns, Epps, Hillman, McElhany, Taylor, Teck--Concerning persons enrolling in state-supported institutions of higher education who are convicted of crimes related to rioting. Education Judiciary	26 27 28 29 30 31 32 33 34

COMMITTEE OF REFERENCE REPORTS

Business Labor, and Finance	After consideration on the merits, the committee recommends that SB02-066 be postponed indefinitely.	35 36 37 38 39 40 41 42 43
Business Labor, and Finance	After consideration on the merits, the committee recommends that SB02-091 be referred favorably to the Committee of the Whole.	44 45 46 47 48 49
Business Labor, and Finance	After consideration on the merits, the committee recommends that SB02-043 be referred favorably to the Committee of the Whole.	50 51 52 53 54 55
Business Labor, and Finance	After consideration on the merits, the committee recommends that SB02-107 be referred favorably to the Committee of the Whole with a recommendation that it be placed on the Consent Calendar.	56 57 58 59

MESSAGE FROM THE GOVERNOR

January 28, 2002

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
STATE BOARD OF AGRICULTURE

for terms expiring January 21, 2006:

A. Fred Kerst, Ph.D. of Fort Collins, Colorado, appointed;
Charles W. Smith of Pueblo, Colorado, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 11/30/02
K. Goldman, Secretary of the Senate

Committees on Agriculture and Natural Resources and Education.

SENATE SERVICES REPORT

Senate
Services

Correctly printed: SJR02-003.

Correctly revised: HJR02-1007.

MESSAGE FROM THE HOUSE

February 1, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1010, as printed in House Journal, January 29, pages 218-219.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the committee recommends that **SB02-144** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1010 by Representative Fritz; also Senator Hernandez--Concerning Colorado's Olympic torchbearers.

Senator Hernandez moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and Immediate Consideration granted.

On motion of Senator Hernandez, the Resolution was read at length and **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	E	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The morning roll call of the Senate.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders--Second Reading of Bill--Consent Calendar (**SB02-037**) of Friday, February 1, was laid over until Monday, February 4, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-101** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 2 and 3 and substitute the following:

"SECTION 1. 24-46-105 (2.5), Colorado Revised Statutes, is amended **BY THE"**.

Page 3, line 3, strike "(a) The moneys in the fund may be";

strike lines 4 through 27.

Page 4, strike lines 1 through 17 and substitute the following:

"(a.5) GRANT OR LOAN APPLICATIONS SUBMITTED TO THE COMMISSION, THE AMOUNT OF ANY GRANT OR LOAN AWARDED BY THE COMMISSION, AND THE IDENTITY OF THE RECIPIENT OF ANY GRANT OR LOAN AWARDED BY THE COMMISSION SHALL BE CONSIDERED PUBLIC RECORDS AS";

line 19, strike "REPORTS" and substitute "INFORMATION";

line 21, strike "REPORTS" and substitute "INFORMATION";

line 25, strike "**direct**";

line 26, strike "IF ANY PERSON OR ENTITY IS";

strike line 27.

Page 5, strike lines 1 through 20 and substitute the following:

"APPLICATIONS FOR FINANCIAL ASSISTANCE SUBMITTED BY OR ON BEHALF OF ANY PERSON OR ENTITY TO THE OFFICE OF ECONOMIC DEVELOPMENT OR ANY SUBDIVISION OF THE OFFICE FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE THROUGH ANY PROGRAM ESTABLISHED OR IMPLEMENTED BY THE OFFICE OR SUCH A SUBDIVISION SHALL BE CONSIDERED";

line 23, strike "AND REPORTS";

line 25, strike "AND REPORTS";

strike line 27.

Page 6, strike lines 1 through 14.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-061** be postponed indefinitely.

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

- SB02-108** by Senator Reeves; also Representative Young--Concerning an increase in the transfer of moneys from the general fund to the capital construction fund for the 2001-2002 fiscal year necessary to achieve the amount of reductions in the funding of capital projects prescribed by Senate Bill 012S-023 enacted during the second extraordinary session of the sixty-third general assembly to address the anticipated revenue shortfall for said fiscal year. 1
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- Amendment No. 1, Appropriations Committee Amendment. 8
(Printed in Senate Journal, January 28, page 95 and placed in members' bill file.) 9
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- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 11
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- SB02-072** by Senator Hernandez; also Representative Larson--Concerning the authority of the department of revenue to identify fleet motor vehicles by means of special license plates. 14
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- Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment. 17
(Printed in Senate Journal, January 25, pages 86-87 and placed in members' bill file.) 18
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- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 21
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- SB02-032** by Senator Teck; also Representative Berry--Concerning the extension of the period that a portion of municipal taxes may be allocated to a special fund to pay indebtedness related to a downtown development authority. 24
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- Laid over until Monday, February 4, retaining its place on the calendar. 28
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- SB02-002** by Senator Matsunaka--Concerning stimulation of Colorado's rural economy, and, in connection therewith, creating a state procurement preference for Colorado producers of agricultural products, requiring new enterprise zones to be located in rural areas, and creating an interim committee to study potential new markets for agricultural products. 30
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- Amendment No. 1, Agriculture and Natural Resources Committee Amendment. 35
(Printed in Senate Journal, January 17, page 33 and placed in members' bill file.) 36
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- Amendment No. 2(L.007), by Senator Linkhart. 38
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- Amend printed bill, page 3, after line 7, insert the following: 40
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- "(c) NOTHING IN THIS SUBSECTION (7) SHALL PROHIBIT ANY EXISTING ENTERPRISE ZONE FROM SUBMITTING TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS FOR APPROVAL PURSUANT TO THIS SECTION A PROPOSED BOUNDARY CHANGE. 42
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- SECTION 3.** The introductory portion to 39-30-103 (1), Colorado Revised Statutes, is amended to read: 47
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- 39-30-103. Zones established - termination.** (1) Any municipality, county, or group of contiguous municipalities or counties may propose an area of such municipality, county, or group of municipalities or counties to be designated as an enterprise zone if the area has a population of no more than eighty thousand persons, OR, IN THE CASE OF AN ENTERPRISE ZONE LOCATED IN A RURAL AREA, ONE HUNDRED THOUSAND PERSONS, and meets at least one of the following additional criteria: 50
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- SECTION 4.** 39-30-103.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read: 59
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- 39-30-103.5. Credit against tax - contributions to enterprise zone administrators to implement economic development plans.** (3.5) FOR INCOME TAX YEARS COMMENCING ON AND AFTER JANUARY 1, 2003, MONETARY OR IN-KIND CONTRIBUTIONS TO PROMOTE NONPROFIT OR GOVERNMENT-FUNDED COMMUNITY DEVELOPMENT PROJECTS IN ENTERPRISE ZONES SHALL BE DEEMED TO BE FOR THE PURPOSE OF IMPLEMENTING THE ECONOMIC DEVELOPMENT PLAN FOR THE ENTERPRISE ZONE." 62
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- Renumber succeeding sections accordingly. 71
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SB02-002 Amendment No. 3(L.008), by Senator Lamborn. 1
 Amend printed bill, page 2, line 7, after "PRODUCERS", insert "AND 2
 PROCESSORS". 3
 As amended, ordered engrossed and placed on the calendar for Third Reading and Final 4
 Passage. 5
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SB02-028 by Senator Windels; also Representative Fairbank--Concerning the appointment of county 9
 surveyors when a vacancy occurs. 10
Amendment No. 1, Government, Veterans and Military Relations, and Transportation 11
 Committee Amendment. 12
 (Printed in Senate Journal, January 18, page 35 and placed in members' bill file.) 13
 As amended, ordered engrossed and placed on the calendar for Third Reading and Final 14
 Passage. 15
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SB02-044 by Senator Entz; also Representative Snook--Concerning the limits on the time when a 19
 black bear may be taken. 20
 Laid over until Monday, February 4, retaining its place on the calendar. 21
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SB02-030 by Senator Teck; also Representative Sinclair--Concerning compensation of county 24
 officers. 25
 Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 26
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SB02-074 by Senator Linkhart; also Representative Veiga--Concerning the expansion of employment 29
 nondiscrimination protections. 30
 On motion of Senator Linkhart, **SB02-074** was referred to the Committee on 31
 Appropriations. 32
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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having 35
 voted in the affirmative, the balance of the General Orders--Second Reading of Bills 36
 calendar (**SB02-004, SB02-040, SB02-069, SB02-006, SB02-041, SCR02-002, SB02-** 37
095, SCR02-001, SB02-055, SB02-102, SB02-049, SB02-007, SB02-036) of Friday, 38
 February 1, was laid over until Monday, February 4, retaining its place on the calendar. 39
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 42
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On motion of Senator Tate, the Report of the Committee of the Whole was adopted and, a 44
 majority of all members elected having voted in the affirmative, the following action was 45
 taken: 46
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Passed on Second Reading: **SB02-108** as amended, **SB02-072** as amended, **SB02-002** as 49
 amended, **SB02-028** as amended, **SB02-030**. 50
 Referred to Committee on Appropriations: **SB02-074**. 51
 Laid over until Monday, February 4: **SB02-032, SB02-044, SB02-004, SB02-040, SB02-** 52
069, SB02-006, SB02-041, SCR02-002, SB02-095, SCR02-001, SB02-055, SB02-102, 53
SB02-049, SB02-007, SB02-036. 54
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COMMITTEE OF REFERENCE REPORTS 56
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Agriculture and Natural Resources After consideration on the merits, the committee recommends that **SB02-092** be referred 58
 favorably to the Committee of the Whole. 59
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Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB02-1033** be referred 63
 favorably to the Committee of the Whole. 64
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MESSAGE FROM THE HOUSE

February 1, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1022,1118.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1064, amended as printed in House Journal, January 31, page 252. HB02-1050, amended as printed in House Journal, January 31, page 253. HB02-1121, amended as printed in House Journal, January 31, page 253. HB02-1083, amended as printed in House Journal, January 31, page 253. HB02-1076, amended as printed in House Journal, January 31, page 253. HB02-1040, amended as printed in House Journal, January 31, pages 253-254. HB02-1071, amended as printed in House Journal, January 31, page 254.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1022 and 1118.

Without comment, as amended, HB02-1064, 1050, 1121, 1083, 1076, 1040, and 1071.

COMMITTEE OF REFERENCE REPORTS

Health, Environment, Children & Families

After consideration on the merits, the committee recommends that HB02-1008 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 1, line 102, strike "PROGRAM.", and substitute "PROGRAM FUND OVERSIGHT COMMITTEE.".

Health Environment, Children & Families

After consideration on the merits, the committee recommends that SB02-071 be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 21, after "facility.", insert "THE DEPARTMENT SHALL ASSURE CONFIDENTIALITY FOR RESIDENTS DURING THE SURVEY PROCESS.";

line 27, before "THE", insert "THE PILOT SURVEY SHALL BE USED EXCLUSIVELY FOR THE DEVELOPMENT OF THE CONSUMER SATISFACTION SURVEY TO BE IMPLEMENTED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (1) AND SHALL NOT BE USED TO PENALIZE ANY PARTICIPATING FACILITY.".

Page 4, line 19, after "FACILITIES.", insert "FACILITIES THAT VOLUNTEER TO PARTICIPATE IN THE PILOT SURVEY SHALL BE GIVEN PRIORITY IN THE SELECTION PROCESS SO LONG AS THE REQUIRED CHARACTERISTICS ARE MET.".

Page 5, line 10, strike "INITIAL" and substitute "PILOT";

line 11, after "SHALL" insert "EVALUATE THE EFFECTIVENESS OF THE PILOT SURVEY INSTRUMENTS, ADOPT ANY RECOMMENDATIONS, AND" .

Page 6, strike lines 16 through 19 and substitute the following:

"SECTION 25-3-102.5, C.R.S. THE CONSUMER SATISFACTION SURVEY CONDUCTED PURSUANT TO SECTION 25-3-102.5, C.R.S., SHALL NOT BE USED AS A BASIS FOR AWARDED INCENTIVE PAYMENTS UNTIL ALL REQUIRED LICENSED NURSING FACILITIES HAVE COMPLETED SUCH CONSUMER SATISFACTION SURVEY. The sum of all" .

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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 Friday, February 1, was laid over until Monday, February 4 (Karen Goldman's Birthday), retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003, SR02-005, HJR02-1009, HJR02-1006.**

Consideration of Governor's Appointments:

Colorado Water Resources and Power Development Authority

Financial Services Board

State Board of Equalization

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, February 4, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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