

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

One-hundred-first Legislative Day Friday, April 19, 2002

Prayer By the chaplain, Reverend James Peters, New Hope Baptist Church.

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

Roll Call Present--Total, 31.
 Absent/Excused--Epps, Evans, Nichol, Pascoe--Total, 4.
 Present later--Evans, Nichol, Pascoe.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tupa, reading of the Journal of Thursday, April 18, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE GOVERNOR

April 18, 2002

To the Honorable
 Senate
 Sixty-third General Assembly
 Second 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 acts:

S.B. 02-011 – Concerning The Regulation Of Motor Carrier Safety.

Approved April 18, 2002 at 9:03 a.m.

S.B. 02-021 – Concerning Child Support Guidelines.

Approved April 18, 2002 at 9:04 a.m.

S.B. 02-036 – Concerning The Assessment Of Public Service Fees.

Approved April 18, 2002 at 9:05 a.m.

S.B. 02-146 – Concerning Refunding Prepaid Premiums For Medicare Supplement Insurance Policies.

Approved April 18, 2002 at 9:07 a.m.

Sincerely,

(Signed)
 Bill Owens
 Governor

Rec'd: 04/18/02
 K. Goldman, Secretary

SENATE SERVICES REPORT

Senate Services Correctly printed: SCR02-004, 005; SJR02-036, 037, 038, 039, 040, 041, 042, 043,044; SR02-013, 014.

Correctly engrossed: SB02-009, 162, 177, 183, 201.

Correctly revised: HB02-1413, 1420.

Correctly reengrossed: SB02-010, 081, 094, 115, 119, 134, 198.

Correctly rerevised: HB02-1066, 1176, 1219, 1246, 1284, 1316, 1330, 1352.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1163 by Representative(s) Stafford, Mitchell; also Senator Hernandez-- Concerning health insurance for employers with fewer than fifty-one employees.

Laid over until Friday, April 26, retaining its place on the calendar.

SB02-176 by Senator(s) Matsunaka, Perlmutter, Reeves--Concerning limitations on the authority of the Colorado commission on higher education.

Laid over until Wednesday, April 24, retaining its place on the calendar.

SB02-162 by Senator Tate--Concerning the provision of prescription drug coverage, and, in connection therewith, creating a prescription card program that relies on negotiated prices and creating uniform prescription information cards.

Laid over until the end of the Third Reading--Final Passage of Bills Calendar.

SB02-009 by Senator Tate; also Representative Larson--Concerning the expansion of the crime of ethnic intimidation, and, in connection therewith, providing for training, changing the name of the crime to a bias-motivated crime, and making an appropriation.

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

YES	19	NO	15	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Fitz-Gerald, Gordon, Hanna, Hernandez, Linkhart, Pascoe, Phillips, Thiebaut, Tupa, Windels.

SB02-074 by Senator Linkhart; also Representative Veiga--Concerning the expansion of employment nondiscrimination protections.

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

YES	19	NO	15	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Gordon, Hanna, Hernandez, Pascoe, Phillips, Tate, Thiebaut, Tupa, Windels.

HB02-1413

by Representative(s) Sinclair, Dean, Johnson, Kester, Miller, Tochtrop, White, Williams T., Witwer; also Senator(s) Nichol, Entz--Concerning the state administration of veterans programs, and, in connection therewith, transferring certain functions related to veterans programs to the department of military and veterans affairs, renaming a department, and making a transfer of appropriation.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

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

SB02-177

by Senator Gordon; also Representative Mitchell--Concerning substitute service of process upon the secretary of state due to defendant's absence from the state.

A majority of those elected to the Senate having voted in the affirmative, Senator Gordon was given permission to offer a Third Reading amendment.

Third Reading Amendment, by Senator Gordon.

Amend engrossed bill, page 4, line 7, strike "\$50,631" and substitute "\$50,361".

A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	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	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Lamborn.

SB02-183

by Senator Thiebaut; also Representative Tochtrop--Concerning the requirement of a pretermination meeting prior to the termination of certain deputy sheriffs.

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

YES	20	NO	14	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

SB02-183

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

SB02-201

by Senator Teck; also Representative Stengel--Concerning the Colorado commission on taxation.

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	N	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	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Matsunaka, Taylor.

HB02-1420

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2002, except as otherwise noted.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-162

by Senator Tate; also Representative Madden--Concerning the provision of prescription drug coverage, and, in connection therewith, creating a prescription card program that relies on negotiated prices and creating uniform prescription information cards.

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

YES	19	NO	15	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hanna, Pascoe, Tupa, Windels.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions; **SJR02-027**.

CONSIDERATION OF RESOLUTIONS

SJR02-027

by Senator(s) Teck, Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, Matsunaka, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tate, Taylor, Thiebaut, Tupa, Windels; also Representative(s) Berry, Smith, Crane, Hefley, Hoppe, Johnson, Kester, Lawrence, Lee, Mitchell, Snook, Spence, Stafford, White--Concerning honoring Ryan Patterson for his astounding achievement in the field of science technology.

On motion of Senator Teck, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB02-208, SB02-193, SB02-195, SB02-191, SB02-171, SB02-204, SB02-184, SB02-089, SB02-157, SB02-080, SB02-042, HB02-1300, HB02-1313, HB02-1152, HB02-1306, HB02-1036, HB02-1090, HB02-1119, HB02-1159, HB02-1160, HB02-1321, HB02-1353, HB02-1101, HB02-1310, HB02-1338, HB02-1165, HB02-1180, HB02-1232, HB02-1098, HB02-1129, HB02-1186, HB02-1084, HB02-1324, HB02-1339, HB02-1173** were made Special Orders at 10:05 a.m.

Committee of the Whole

The hour of 10:05 a.m. having arrived, Senator Tupa moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Tupa 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:

SB02-191

by Senator(s) Thiebaut; also Representative(s) Garcia--Concerning unemployment insurance benefits.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 16, page 866 and placed in members' bill file.)

Amendment No. 2(L.002), by Senator Thiebaut.

Amend printed bill, page 8, line 27, after "(a)", insert "OF SUBSECTION (11)".

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

SB02-208

by Senator(s) Hernandez--Concerning the regulation of home inspectors.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 18, page 910 and placed in members' bill file.)

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

HB02-1300

by Representative(s) Spence; also Senator(s) Evans--Concerning the preparation of teachers for licensure.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 8, page 679-680 and placed in members' bill file.)

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- HB02-1300** As amended, laid over to follow **SB02-042**.1
- HB02-1152** by Representative(s) Hoppe, Alexander, Johnson, Kester, Lawrence, Rippey, Snook, Spradley, Stengel, Webster, White; also Senator(s) Isgar, Entz--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.2
- Amendment No. 1, Agriculture and Natural Resources Committee Amendment.
(Printed in Senate Journal, March 20, page 529 and placed in members' bill file.)3
- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.4
- HB02-1306** by Representative(s) Spence; also Senator(s) Windels--Concerning programs related to the federal "No Child Left Behind Act of 2001".5
- Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 13, page 462 and placed in members' bill file.)6
- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.7
- HB02-1036** by Representative(s) Plant, Mace; also Senator(s) Phillips--Concerning state contributions to volunteer firefighter pension plans.8
- Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.
(Printed in Senate Journal, March 4, page 385 and placed in members' bill file.)9
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 16, page 866-867 and placed in members' bill file.)10
- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.11
- HB02-1090** by Representative(s) Tochtrop, Miller, Spradley, Williams T.; also Senator(s) Fitz-Gerald, Hagedorn, Isgar, Owen--Concerning the creation of an advisory committee to study the administration of medications by certified nurse aides.12
- Amendment No. 1(L.013), by Senator FitzGerald.13
- Amend reengrossed bill, page 3, strike lines 2 and 3 and substitute the following:14
- "(a) THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES OR THE DIRECTOR'S DESIGNEE WHO IS A MEMBER OF OR A STAFF PERSON FOR THE STATE BOARD OF NURSING;"15
- line 13, after "ONE" insert "PROFESSIONAL NURSE WHO IS A";16
- line 15, after "ONE" insert "PROFESSIONAL NURSE WHO IS A".17
- Page 4, strike lines 8 and 9 and substitute the following:18
- "(a) THE BENEFITS AND RISKS ASSOCIATED WITH CERTIFIED NURSE AIDES SERVING AS MEDICATION AIDES;"19
- line 15, strike "AND";20
- strike line 18 and substitute the following:21
- "AIDE; AND22
- (f) THE REQUIREMENTS FOR SUPERVISION FOR MEDICATION AIDES."23
- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.24

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- HB02-1119** by Representative(s) Berry; also Senator(s) Takis--Concerning electronic documents, and making an appropriation in connection therewith. 1
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Amendment No. 1, Government, Veterans and Military Relations, and Transportation 4
Committee Amendment. 5
(Printed in Senate Journal, March 8, page 691-693 and placed in members' bill file.) 6
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Amendment No. 2, Appropriations Committee Amendment. 8
(Printed in Senate Journal, April 16, page 867 and placed in members' bill file.) 9
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As amended, ordered revised and placed on the calendar for Third Reading and Final 11
Passage. 12
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- HB02-1159** by Representative(s) Berry, Stafford; also Senator(s) Reeves--Concerning the creation of 14
the office of homeless youth services, and making an appropriation in connection 15
therewith. 16
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 18
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- HB02-1160** by Representative(s) Dean; also Senator(s) Taylor--Concerning the reestablishment of the 20
requirement that Colorado state individual income tax return forms contain a line whereby 21
individual taxpayers may make a voluntary contribution to the United States olympic 22
committee, and making an appropriation in connection therewith. 23
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Declared **lost** on second reading. 25
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(For further action, see Amendments to the Committee of the Whole Report.) 27
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On motion of Senator Theibaut, and with a majority of those elected to the Senate having 29
voted in the affirmative, the balance of the Special Orders--Second Reading of Bills 30
Calendar (**SB02-193, SB02-195, SB02-171, SB02-204, SB02-184, SB02-089, SB02-157,** 31
SB02-080, SB02-042, HB02-1300 as amended, **HB02-1313, HB02-1321, HB02-1353,** 32
HB02-1101, HB02-1310, HB02-1338, HB02-1165, HB02-1180, HB02-1232, HB02- 33
1098, HB02-1129, HB02-1186, HB02-1084, HB02-1324, HB02-1339, HB02-1173)of 34
Friday, April 19, was laid over until Monday, April 22, retaining its place on the General 35
Orders--Second Reading of Bills Calendar. 36
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- AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT** 39
- HB02-1160** by Representative(s) Dean; also Senator(s) Taylor--Concerning the reestablishment of the 41
requirement that Colorado state individual income tax return forms contain a line whereby 42
individual taxpayers may make a voluntary contribution to the United States olympic 43
committee, and making an appropriation in connection therewith. 44
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Senator Taylor moved to amend the Report of the Committee of the Whole to show that 46
HB 02-1160 was laid over to the general orders calendar of Monday, April 22, 2002, 47
retaining its place on the calendar. 48
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A majority of all members elected to the Senate having voted in the affirmative, the 50
amendment was declared **adopted**. 51
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- ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 54
- On motion of Senator Tupa, the Report of the Committee of the Whole was adopted and, a 56
majority of all members elected to the Senate having voted in the affirmative, the 57
following action was taken: 58
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- Passed on Second Reading: **SB02-191** as amended, **SB02-208** as amended, **HB02-1152** as 60
amended, **HB02-1306** as amended, **HB02-1036** as amended, **HB02-1090** as amended, 61
HB02-1119 as amended, **HB02-1159**. 62
Laid over until Monday, April 22: **SB02-193, SB02-195, SB02-171, SB02-204, SB02-** 63
184, SB02-089, SB02-157, SB02-080, SB02-042, HB02-1160, HB02-1300 as amended, 64
HB02-1313, HB02-1321, HB02-1353, HB02-1101, HB02-1310, HB02-1338, HB02- 65
1165, HB02-1180, HB02-1232, HB02-1098, HB02-1129, HB02-1186, HB02-1084, 66
HB02-1324, HB02-1339, HB02-1173. 67
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MESSAGE FROM THE HOUSE

April 19, 2002

Mr. President:

The House has postponed indefinitely SB02-130. The bill is returned herewith.

The House has voted to concur in the Senate amendments to HB02-1413 and has repassed the bill as so amended.

On motion of Senator Theibaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Friday, April 19, was laid over until Monday, April 22, retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-025, SJR02-026, SR02-010, SR02-011, SJR02-035, SR02-013, SR02-014, SJR02-036, SJR02-037, SJR02-038, SJR02-040, SJR02-041.**

Consideration of House Amendments to Senate Bills: **SB02-141, SB02-136, SB02-161.**
Consideration of Governor's Veto: **SB02-108.**

Consideration of Governor's Appointments:

- State Board of Parole
- Transportation Commission
- Examining Board of Plumbers

Consideration of Conference Committee Reports: **HB02-1131, HB02-1061, HB02-1019.**

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, April 22, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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