HOUSE JOURNAL

SIXTY-THIRD GENERAL ASSEMBLY

STATE OF COLORADO

Second Regular Session

Thirty-seventh Legislative Day Thursday, February 14, 2002 Prayer by Pastor Rick Long, Grace Church, Arvada. 23456789The Speaker called the House to order at 9:00 a.m. The roll was called with the following result: Present--63. Excused for Legislative Business--Representative Mace--1. Excused--Representative Paschall--1. 10 11 The Speaker declared a quorum present. 12 13 On motion of Representative Snook, the reading of the journal of February 13, 2002, was declared dispensed with and approved as 14 15 16 corrected by the Chief Clerk. 17 18 19 On motion of Representative Spence, the House resolved itself into 20 Committee of the Whole for consideration of General Orders, and she 21 was called to the Chair to act as Chairman. $\overline{22}$ 23 24 GENERAL ORDERS--SECOND READING OF BILLS 25 The Committee of the Whole having risen, the Chairman reported the 27 titles of the following bills had been read (reading at length had been 28 dispensed with by unanimous consent), the bills considered and action 29 taken thereon as follows: 30 31 (Amendments to the committee amendment are to the printed committee report which was printed and placed in the members' bill file.) 33 34 HB02-1036 by Representative(s) Plant, Mace; also Senator(s) Phillips-35 -Concerning state contributions to volunteer firefighter 36 pension plans. 37 38 Amendment No. 1, Finance Report, dated February 6, 2002, and placed

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

in member's bill file; Report also printed in House Journal, February 7,

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page 342.

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54 55 Reading and Final Passage.

HB02-1232 by Representative(s) Witwer--Concerning an increase in 23 the amounts of fees relating to inspection of machines that are sources of ionizing radiation. 4 5 Ordered engrossed and placed on the Calendar for Third Reading and 6 Final Passage. 7 9 **HB02-1123** by Representative(s) Swenson, Crane, Johnson, King, 10 Webster, Witwer; also Senator(s) Teck--Concerning 11 procedures for electing members of the board of county 12 commissioners by district in counties where the mem-13 bership of the board of county commissioners is three. 14 15 (Amended previously, see House Journal, February 4, pages 295-296.) 16 17 Amendment No. 5, Local Government Report, dated February 6, 2002, 18 and placed in member's bill file; Report also printed in House Journal, 19 February 7, page 332. 20 21 As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage. 23 24 25 SB02-031 by Senator(s) Entz; also Representative(s) Spradley--26 Concerning categorization of Custer county for purposes 27 of establishing salaries of county officers. 28 29 Amendment No. 1, Local Government Report, dated February 6, 2002, 30 and placed in member's bill file; Report also printed in House Journal, 31 February 7, page 336. 32 33 As amended, ordered revised and placed on the Calendar for Third 34 Reading and Final Passage. 35 36 HB02-1210 by Representative(s) Spradley; also Senator(s) Musgrave--37 Concerning requirements for disabled persons to obtain special license plates, and, in connection therewith, 38 39 allowing such persons to apply for such license plates for 40 a motor vehicle owned by a trust set up for the person with 41 a disability. 42 43 Amendment No. 1, Transportation & Energy Report, dated February 6, 44 2002, and placed in member's bill file; Report also printed in House 45 Journal, February 7, page 337. 46 47 <u>Amendment No. 2</u>, by Representative Spradley. 48 49 Amend printed bill, page 2, line 10, after "OF" insert "AND INCLUDES THE 50 NAME OF". 51

As amended, ordered engrossed and placed on the Calendar for Third

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Concerning fees in connection with restraining orders. Ordered engrossed and placed on the Calendar for Third Reading and

by Representative(s) Veiga; also Senator(s) Anderson--

by Representative(s) Marshall; also Senator(s) Teck--

name of the institute to which contributions are to be made

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Concerning modifications to the state income tax credit available to Colorado taxpayers who make monetary contributions to a specified higher education institute, and, 11 in connection therewith, clarifying the amount of the 12 credit that may be claimed, requiring submission of certain 13 documentation when claiming the credit, delaying the 14 applicability of the credit for one year, and correcting the

HB02-1034

Final Passage.

HB02-1059

Ordered engrossed and placed on the Calendar for Third Reading and Final Passage.

in order to qualify for the credit.

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HB02-1002 by Representative(s) Scott, Coleman, Vigil, Williams T.; Senator(s) Anderson, Takis, Taylor, Tupa--Concerning an extension of the time during which transactions involving public school fund investments are assessed to determine whether losses can be offset by corresponding gains.

Amendment No. 1, by Representative Scott.

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Amend printed bill, page 2, strike lines 15 through 20 and substitute the following:

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"SECTION 2. Effective date - applicability. (1) This act shall take effect July 1, 2002, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

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(2) The provisions of this act shall apply to transactions involving public school fund investments effected on or after the applicable effective date of this act.".

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

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HB02-1087 by Representative(s) Johnson--Concerning the provision of temporary veterinary services at racing operations.

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Ordered engrossed and placed on the Calendar for Third Reading and Final Passage.

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SB02-108 by Senator(s) Reeves, Tate, Owen; also Representative(s) 2345678 Young, Berry, Saliman--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 01S2-023 enacted during the second extraordinary session of the sixty-third general assembly to address the anticipated 9 revenue shortfall for said fiscal year. 10 11 Ordered revised and placed on the Calendar for Third Reading and Final 12 Passage. 13 14 HB02-1103 by Representative(s) Mitchell--Concerning the assertion of 15 claims for exemplary damages. 16 17 Ordered engrossed and placed on the Calendar for Third Reading and 18 Final Passage. 19 20 HB02-1104 by Representative(s) Veiga, Hoppe, Snook; also Senator(s) 21 Anderson, Takis, Windels--Concerning outpatient treatment certification under specified conditions to provide 23 continued treatment for previously certified persons. 24 25 Ordered engrossed and placed on the Calendar for Third Reading and 26 Final Passage. 27 28 HB02-1168 by Representative(s) Williams S., Coleman, Jahn, Mace, 29 Stafford; also Senator(s) Epps--Concerning the availability 30 of a notation indicating adoption when a new birth 31 certificate is issued. 32 33 Amendment No. 1, Civil Justice & Judiciary Report, dated January 29, 2002, and placed in member's bill file; Report also printed in House 34 35 Journal, January 30, pages 230-231. 36 37 <u>Amendment No. 2</u>, by Representative S. Williams. 38 39 Amend the Civil Justice and Judiciary Committee Report, dated January 29, 2002, line 4, strike "SUBSECTION" and substitute "PARAGRAPH"; 40 41 42 line 6, strike "OFFICE OF VITAL RECORDS IN THE DEPARTMENT OF HEALTH" 43 and substitute "STATE REGISTRAR"; 44 45 line 8, strike "SUBSECTION (b) OF THIS SECTION," and substitute 46 "PARAGRAPH (b) OF THIS SUBSECTION (2),". 47 48 As amended, ordered engrossed and placed on the Calendar for Third 49 Reading and Final Passage. 50 51 HB02-1171 by Representative(s) Spradley, Jahn; also Senator(s) Phillips--Concerning the designation of enterprise status 52

for the canteen fund for the inmates of state correctional

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facilities.

1 2 3		No. 1, Finance Report, dated February 7, 2002, and placed oill file; Report also printed in House Journal, February 8, 9.			
2 3 4 5 6 7 8	Amendment No. 2, by Representative Spradley.				
	Amend printed bill, page 4, line 9, strike "USED TO PURCHASE";				
9 10	strike line 10 and substitute the following:				
11 12 13 14 15 16 17 18 19 20 21 22 23 24	"EXPENDED FOOF THE".	OR THE EDUCATIONAL, RECREATIONAL, AND SOCIAL BENEFIT			
		ordered engrossed and placed on the Calendar for Third Final Passage.			
	HB02-1308	by Representative(s) Hefley, Berry, Alexander, Williams S.; also Senator(s) HernandezConcerning administration of the provision of youth services.			
	Amendment No. 1, Health, Environment, Welfare, & Institutions Report, dated February 11, 2002, and placed in member's bill file; Report also printed in House Journal, February 12, page 381.				
25 26	Amendment No. 2, by Representative Hefley.				
27 28 29 30	Amend the Health, Environment, Welfare, & Institutions Committee Report, dated February 11, 2002, page 1, strike lines 1 through 3 and substitute the following:				
31 32	"Amend printed bill, page 2, strike lines 2 through 15.				
33 34	Renumber su	cceeding sections accordingly.".			
35 36 37	As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage.				
38 39 40 41 42 43 44	Orders Caler 1070 , 1246 , 1	f Representative Spradley, the remainder of the General dar (HB02-1051, 1151, 1091, 1074, 1185, 1158, 1162, 1206, 1230, 1282, SB02-028) was laid over until February place on Calendar.			
45 46	ADOPTIO	ON OF COMMITTEE OF THE WHOLE REPORT			
47 48 49 50 51	SB02-031 am	d Reading: HB02-1036 amended , 1232, 1123 amended, nended, HB02-1210 amended, 1034, 1059, 1002 amended, 108, HB02-1103, 1104, 1168 amended, 1171 amended, ed.			
52 53 54 55 56	1151, 1091,	il date indicated retaining place on Calendar: HB02-1051 , 1074 , 1185 , 1158 , 1162 , 1070 , 1246 , 1206 , 1230 , 1282 , ebruary 15, 2002.			

1	The Chairman moved the adoption of the Committee of the Whole
	Report. As shown by the following roll call vote, a majority of those
	elected to the House voted in the affirmative, and the Report was
4	adopted.
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6	YES 60	NO	0	EXCUS	SED 5	ABS	SENT 0	
7	_							
8	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
9	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
10	Berry	Y	Harvey	Y	Mitchell	E	Stafford	Y
11	Borodkin	Y	Hefley	Y	Paschall	\mathbf{E}	Stengel	Y
12	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
13	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
14	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
15	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
16	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
17	Coleman	Y	Kester	E	Saliman	Y	Webster	Y
18	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
19	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
20	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
21	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
22	Fritz	Y	Mace	E	Smith	Y	Witwer	Y
23	Garcia	Y	Madden	Y	Snook	E	Young	Y
24							Mr. Speaker	Y
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REPORTS OF COMMITTEES OF REFERENCE

EDUCATION

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

be amended as follows, and as so amended, be referred to HB02-1303 the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 10, strike lines 25 through 27.

Page 11, strike lines 1 through 5.

HB02-1316 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 2, strike "(2) (a) and (2) (b) (I)," and substitute "(2) (a),";

52 line 3, strike "are" and substitute "is";

strike lines 15 through 23.

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FINANCE After consideration on the merits, the Committee recommends the following: 5 be referred to the Committee of the Whole with favorable HB02-1211 6 recommendation. 7 8 9 HB02-1217 be amended as follows, and as so amended, be referred to 10 Committee of the Whole with favorable 11 recommendation: 12 13 Amend printed bill, page 2, strike lines 9 and 10 and substitute the 14 following: 15 "SECTION 2. 24-75-601.1 (1) (d) (II), Colorado Revised 16 17 Statutes, is amended to read:"; 18 19 strike lines 11 through 27 and substitute the following: 20 21 "24-75-601.1. Legal investments of public funds. (1)(d)(II) No security may be purchased pursuant to this paragraph (d) unless: 23 (A) At the time of purchase, the security is rated in one of its three 24 25 highest rating categories by one or more nationally recognized organizations which regularly rate such obligations; OR 27 28 (B) AT THE TIME OF PURCHASE, THE SECURITY IS ISSUED BY THE STATE OF COLORADO OR ANY POLITICAL SUBDIVISION, INSTITUTION, 30 DEPARTMENT, AGENCY, INSTRUMENTALITY, OR AUTHORITY OF THE STATE OF COLORADO; THE ISSUER IS RATED IN ONE OF ITS THREE HIGHEST RATING 32 CATEGORIES BY ONE OR MORE NATIONALLY RECOGNIZED ORGANIZATIONS 33 THAT RATE SUCH ISSUERS; AND THE SECURITY IS SECURED BY A PLEDGE OF 34 LOANS, LOAN PARTICIPATIONS, OR OTHER ASSETS THAT ARE INSURED OR 35 GUARANTEED BY THE UNITED STATES OR OTHER ENTITY IDENTIFIED IN 36 PARAGRAPH (a) OF THIS SUBSECTION (1) OR FOR WHICH THE CREDIT OF THE 37 UNITED STATES OR ANY SUCH ENTITY IS PLEDGED.". 38 39 Page 3, strike lines 1 through 3; 40 41 line 10, strike "PARAGRAPH (o)" and substitute "SUB-SUBPARAGRAPH (B) 42 OF SUBPARAGRAPH (II) OF PARAGRAPH (d)". 43 44 45 46 HB02-1219 be amended as follows, and as so amended, be referred to 47 the Committee of the Whole with favorable 48 recommendation: 49 50 Amend printed bill, page 2, line 12, strike "SECTION," and substitute 51 "PART 6,". 52 53

HB02-1250 be referred to the Committee of the Whole with favorable recommendation.

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HB02-1310 be amended as follows, and as so amended, be referred to 23 the Committee on Appropriations with favorable recommendation: 5 Amend the Transportation and Energy Committee Report, dated February 6, 2002, page 2, line 5, strike "BE FROM THE PRIVATE"; 8 strike line 6; 9 10 line 7, strike "FINANCE" and substitute "HAVE". 11 12 Amend printed bill, page 11, line 24, strike "board." and substitute 13 "board - annual report.". 14 15 Page 14, after line 24, insert the following: 16 17 "(2) THE AUTHORITY SHALL ENSURE UNRESTRICTED ACCESS BY 18 ALL VEHICLES TO ANY TOLL HIGHWAY AND SHALL NOT REQUIRE THAT A 19 PARTICULAR CLASS OF VEHICLES TRAVEL UPON ANY TOLL HIGHWAY, 20 INCLUDING A TOLL HIGHWAY THAT PROVIDES ADDITIONAL CAPACITY ON 21 AN EXISTING HIGHWAY. 23 (3) No later than February 15, 2003, and no later than FEBRUARY 15 OF EACH YEAR THEREAFTER, THE BOARD SHALL PRESENT A 25 REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE 26 OF REPRESENTATIVES AND THE GOVERNMENT, VETERANS AND MILITARY 27 RELATIONS, AND TRANSPORTATION COMMITTEE OF THE SENATE THAT 28 SHALL INCLUDE A SUMMARY OF THE AUTHORITY'S ACTIVITIES FOR THE 29 PREVIOUS YEAR, A STATEMENT OF CURRENT TOLL RATES AND ANY 30 EXPECTED CHANGES, A SUMMARY OF THE STATUS OF ANY CURRENT TOLL PROJECTS, A STATEMENT OF THE AUTHORITY'S REVENUES, EXPENSES OF THE AUTHORITY, AND ANY RECOMMENDATIONS FOR CHANGE IN THE STATUTES THAT THE BOARD DEEMS NECESSARY OR DESIRABLE. THE 34 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND 35 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEBSITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE 37 YEAR IN WHICH THE REPORT IS PRESENTED.". 38 39 40 **HB02-1327** be amended as follows, and as so amended, be referred to 41 the Committee on Appropriations with favorable 42 recommendation: 43 44 Amend printed bill, page 2, line 6, strike "House Bill 02-," and 45 substitute "House Bill 02-1327,". 46 47 Page 4, line 11, strike "BILL 02-____," and substitute "BILL 02-1327,"; 48 49 line 17, strike "House Bill 02-___," and substitute "House Bill 02-1327,"; 50 line 26, strike "BILL 02-___," and substitute "BILL 02-1327,". 52 53 54

56 **HB02-1328** be referred favorably to the Committee on Appropriations.

HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS After consideration on the merits, the Committee recommends the following: 5 **HB02-1279** be referred to the Committee of the Whole with favorable 6 recommendation. 7 8 9 **HB02-1291** be amended as follows, and as so amended, be referred to 10 Committee of the Whole with favorable 11 recommendation: 12 13 Amend printed bill, page 2, line 13, strike "ACTIONS." and substitute "ACTIONS WITH RESPECT TO PSYCHOTROPIC DRUGS."; 14 15 16 line 16, after the period, insert "NOTHING IN THE PROVISIONS OF THIS 17 PARAGRAPH (dd) SHALL BE CONSTRUED TO REQUIRE SUCH DESIGNATED 18 HEALTH CARE PROFESSIONALS TO BE EMPLOYEES OF THE SCHOOL 19 DISTRICT."; 20 21 line 18, strike the last "A" and substitute "ANY"; 23 line 19, strike "PERSON" and substitute "PERSON, INCLUDING ANOTHER 24 HEALTH CARE PROFESSIONAL,"; 25 line 20, strike "BEHAVIOR OR ACTIONS." and substitute "USE OF OR NEED 27 FOR PSYCHOTROPIC DRUGS.". 28 29 30 **HB02-1293** be amended as follows, and as so amended, be referred to 32 the Committee on Appropriations with favorable 33 recommendation: 34 35 Amend printed bill, page 2, line 10, after the period, add "THE GENERAL ASSEMBLY DECLARES IN ADDITION THAT THE GOAL OF THIS STUDY IS TO 37 ASSIST FAMILIES IN MOVING FROM RELYING ON PUBLIC PROGRAMS TO 38 OBTAINING PRIVATE INSURANCE TO COVER THE HEALTH CARE COVERAGE 39 FOR THEIR CHILDREN.". 40 41 Page 3, strike line 15 and substitute "PROGRAM AND THE CHILDREN'S 42 BASIC HEALTH PLAN": 43 44 line 16, strike "INDIGENT PROGRAM". 45 46 Page 4, line 5, strike "WHERE RELEVANT, FOR" and substitute "FOR"; 47 48 line 16, strike "OCTOBER 1, 2002," and substitute "JULY 1, 2003,"; 49 50 line 17, strike "OCTOBER 1, 2003," and substitute "JULY 1, 2004,"; 51 strike line 18 and substitute "LEGISLATION, SPECIFICALLY ADDRESSING 52 53 HOW TO MOVE MORE CHILDREN FROM PUBLIC PROGRAMS INTO PRIVATE 54 INSURANCE."; 55 56 line 21, strike "OR PUBLIC";

1 2 3 4 5	line 22, strike "SECTION." and substitute "SECTION; EXCEPT THAT THE STUDY DESCRIBED IN THIS SECTION SHALL NOT BE CONDUCTED UNTIL SUFFICIENT GRANTS OR DONATIONS ARE OBTAINED TO SUPPORT THE COSTS OF CONDUCTING THE STUDY.";					
6 7	line 23, strike	"JULY 1, 2004." and substitute "JULY 1, 2005.".				
8 9 10 11 12 13 14	HB02-1325	be referred to the Committee of the Whole with favorable recommendation.				
15 16 17 18	VERNMENT eration on the merits, the Committee recommends the					
19 20 21 22	<u>HB02-1240</u>	be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:				
23 24	Amend printe	ed bill, page 2, line 15, strike "OR";				
25 26	line 16, strike "TO CONSTRUCT A NEW COURTHOUSE";					
27 28 29	line 19, stri "REMODELING	ke "REMODELING OR CONSTRUCTION." and substitute				
30 31	Page 3, line 1	, strike "OR THE";				
32 33 34	line 2, strike '	'CONSTRUCTION OF A NEW COURTHOUSE";				
35 36	after line 13,	insert the following:				
37 38 39 40 41 42	THE REMODEL A NEW COURT	F ANY FURNISHINGS ARE PURCHASED IN CONNECTION WITH ING OF AN EXISTING COURTHOUSE OR THE CONSTRUCTION OF THOUSE, THE JUDICIAL DEPARTMENT SHALL FOLLOW THE F SECTION 17-24-111 (1) (a), C.R.S.".				
43 44 45 46 47	HB02-1318	be postponed indefinitely.				
48 49 50 51	TRANSPORTATION & ENERGY After consideration on the merits, the Committee recommends the following:					
52 53 54 55 56	SB02-014	be referred to the Committee of the Whole with favorable recommendation.				

1 2 3 4 5	SB02-072	be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:						
6 7	Amend reengt "MARCH".	rossed bill, page 3, line 11, strike "JANUARY" and substitute						
8 9 10		PRINTING REPORT						
11 12 13	The Chief Clerk reports the following bills have been correctly printe HB02-1332, 1333.							
14 15 16 17		INTRODUCTION OF BILLS First Reading						
18 19 20	The following indicated:	g bills were read by title and referred to the committees						
21 22 23	HB02-1334	by Representative(s) Kester; also Senator(s) Nichol-Concerning notice of dishonor of negotiable instruments by mail.						
24 25	Committee on Business Affairs & Labor							
26 27 28 29 30 31 32 33	HB02-1335 Committee or	by Representative(s) Williams T.; also Senator(s) Fitz-GeraldConcerning recommendations of the house committee on business affairs and labor relating to the continuation of requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete. a Business Affairs & Labor						
34 35	HB02-1336	by Representative(s) Scott; also Senator(s) Nichol						
36 37 38 39 40 41 42 43		Concerning recommendations of the house committee on local government relating to the continuation of requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete. a Local Government						
44 45								
46 47		APPOINTMENTS						
48 49 50 51 52 53 54 55 56	assignments: On Thursday, replace Repre Labor On Friday, F	February 14, 2002, Representative Spradley to temporarily sentative Paschall on the Committee on Business Affairs & February 15, 2002, Representative Crane to temporarily esentative Paschall on the Committee on Appropriations						

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JUDITH RODRIGUE, Chief Clerk

House Journal--37th Day--February 14, 2002