

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

Fifty-sixth Legislative Day

Tuesday, March 5, 2002

Prayer By the chaplain, Pastor David Meek, Glad Tidings Assembly of God Church, Greeley

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

Roll Call Present--Total, 32.
Absent/Excused--Chlouber, Evans, Musgrave--Total, 3.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hanna, reading of the Journal of Monday, March 4, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF BILLS--FIRST READING

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

SB02-180 by Senator(s) Phillips--Concerning the use of renewable energy sources, and, in connection therewith, requiring providers of electric service to comply with an electric resource standard for renewable energy, authorizing the Colorado public utilities commission to impose administrative fines against noncomplying providers under certain circumstances, providing an exemption from the standard in specified circumstances, and specifying reporting requirements relating to the standard.
Business, Labor, and Finance

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR02-1022 by Representative(s) Spence; also Senator(s) Pascoe--Concerning encouragement to school districts to recycle surplus educational materials.

Laid over one day under Senate Rule 30(e).

**CHANGES TO THE THIRD READING--FINAL PASSAGE OF BILLS--
CONSENT CALENDAR**

HB02-1110 by Representative(s) Scott, Ragsdale, Swenson, Webster, Weddig; also Senator(s) Tate, Phillips--Concerning bonded indebtedness of metropolitan sewage disposal districts.

Upon request of Senator Lamborn, **HB02-1110** was removed from the March 5, Third Reading--Final Passage of Bills Consent Calendar and placed at the end of the Third Reading--Final Passage of Bills Calendar of March 5.

**THIRD READING--FINAL PASSAGE OF BILLS--
CONSENT CALENDAR**

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

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.

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

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HB02-1018

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	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: Hernandez.

HB02-1085

by Representative(s) Cloer; also Senator(s) Phillips--Concerning changes in the deadlines for taxpayers to give notice of objection to valuation of real property by assessors.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	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, Hernandez, Isgar, Nichol, Tupa.

HB02-1086

by Representative(s) Plant; also Senator(s) Fitz-Gerald--Concerning the use of moneys collected as a result of emergency 9-1-1 charges to fund the provision of emergency notification service.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	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: Isgar, Windels.

HB02-1048

by Representative(s) Crane; also Senator(s) Epps--Concerning occupational therapy deceptive trade practice title protection.

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

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HB02-1048

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	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, Hernandez, Nichol.

HB02-1120

by Representative(s) White; also Senator(s) Hanna--Concerning the continuation of the licensing of massage parlors.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	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: Hernandez.

HB02-1063

by Representative(s) Berry; also Senator(s) Epps--Concerning the "Colorado Children's Trust Fund Act".

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	Linkhart	Y	Reeves	Y		

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

HB02-1031

by Representative(s) Tochtrop; also Senator(s) Hanna--Concerning the elimination of the requirement that a nurse be retired within the past four years to receive a retired volunteer nursing license.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	Linkhart	Y	Reeves	Y		

HB02-1031

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

Co-sponsors added: Epps, Fitz-Gerald, Gordon, Hernandez, Isgar, Pascoe, Tate, Windels.

HB02-1021

by Representative(s) Hefley, Rhodes; also Senator(s) Hernandez--Concerning the waiver of parole consideration by inmates.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	Linkhart	Y	Reeves	Y		

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

HB02-1088

by Representative(s) Mace; also Senator(s) Hernandez--Concerning the limitations on the duties of notaries public who are not licensed to practice law.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	Linkhart	Y	Reeves	Y		

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

SB02-165

by Senator(s) Andrews; also Representative Snook--Concerning an exception to the requirement that the state treasurer sell all unclaimed property for certain military awards that have not been claimed by the owner.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	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: Cairns, Entz, Epps, Fitz-Gerald, Hagedorn, Hernandez, Isgar, Lamborn, Matsuanaka, Nichol, Owen, Pascoe, Phillips, Taylor, Teck, Tupa.

SB02-166

by Senator(s) Teck; also Representative(s) Sinclair--Concerning compensation of county coroners.

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

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SB02-166

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	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: Entz, Epps, Pascoe, Taylor.

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:

SB02-001

by Senator(s) Tupa--Concerning the one-time authority of the board of directors of the regional transportation district upon approval of the eligible electors of the district to increase the rate of sales tax levied by the district to a rate not to exceed one percent.

Laid over until Wednesday, March 6, retaining its place on the calendar.

SB02-132

by Senator(s) Nichol; also Representative(s) Larson--Concerning the reformation of the regulation of persons who tow abandoned motor vehicles, and, in connection therewith, recodifying the laws regulating towing abandoned vehicles.

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

YES	31	NO	1	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	Linkhart	N	Reeves	Y		

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

HB02-1110

by Representative(s) Scott, Ragsdale, Swenson, Webster, Weddig; also Senator(s) Tate, Phillips--Concerning bonded indebtedness of metropolitan sewage disposal districts.

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

YES	28	NO	4	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	N	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

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 of Bills Consent Calendar of Tuesday, March 5, (HB02-1056, HB02-1208, HB02-1032, HB02-1092, HB02-1093, HB02-1050, HB02-1154, HB02-1121, HB02-1177) was laid over until Monday, March 11, retaining its place on the calendar.

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 Governor's Appointments Consent Calendar.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS--
CONSENT CALENDAR**

On motion of Senator Theibaut, the following Governor's appointments were confirmed by a roll call vote:

BOARD OF DIRECTORS OF THE COLORADO COMPENSATION
INSURANCE AUTHORITY

for terms expiring January 1, 2007:

Diedra A. Garcia of Lakewood, Colorado, to serve as an employer whose liability is insured by the Colorado Compensation Insurance Authority, reappointed;

Joel J. Berrian of Littleton, Colorado, to serve as a representative with experience in the management and operation of insurance companies, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	Linkhart	Y	Reeves	Y		

COLORADO RACING COMMISSION

for a term expiring July 1, 2005:

David Lynn Hoffman of Westminster, Colorado, to serve as a Democrat from the Second Congressional District, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	Linkhart	Y	Reeves	Y		

COLORADO EDUCATIONAL AND CULTURAL
FACILITIES AUTHORITY BOARD OF DIRECTORS

for a term expiring June 30, 2003:

Forrest M. Cason of Lafayette, Colorado, to fill the vacancy occasioned by the resignation of Jerry F. Wartgow and to serve as a Republican, appointed;

for terms effective June 30, 2001 and expiring June 30, 2005:

Marvin W. Buckels of Denver, Colorado, to serve as a Democrat, reappointed;

Loretta P. Martinez of Denver, Colorado, to serve as a Democrat, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	Linkhart	Y	Reeves	Y		

GROUND WATER COMMISSION

for terms expiring May 1, 2005:

Ernest L. Mikita of Calhan, Colorado, to serve as a resident agriculturist of the Upper Big Sandy ground water basin, reappointed;

Eugene A. Bauerle of Julesburg, Colorado, to serve as a resident agriculturist of the Northern High Plains ground water basin, reappointed;

Richard F. Huwa of Keenesburg, Colorado, to serve as a resident agriculturist of the Lost Creek ground water basin reappointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	E	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	E	Linkhart	Y	Reeves	Y		

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the committee recommends that **HB02-1231** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the committee recommends that **HB02-1077** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the committee recommends that **HB02-1167** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

SENATE SERVICES REPORT

Senate Correctly printed: SB02-173, 174, 175, 176, 177, 178, 179.

Services Correctly engrossed: SB02-001, 132,165, 166.

Correctly reengrossed: SB02-018, 059.

Correctly revised: HB02-1018, 1019, 1021, 1031, 1048, 1063, 1088, 1085, 1086, 1110, 1120.

Correctly rerevised: HB02-1005, 1006, 1033, 1117.

Correctly enrolled: SJR-010.

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB02-1040, 1055; HJR02-1014, 1016, 1018, 1020.**

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 Tuesday, March 5, was laid over until Wednesday, March 6, retaining its place on the calendar.

General Orders--Second Reading of Bills--**HB02-1022, HB02-1168, HB02-1132, HB02-1083, HB02-1061, HB02-1087, HB02-1153, HB02-1026, HB02-1118, HB02-1041, HB02-1053, HB02-1019.**

Consideration of Resolutions: **HJR02-1003, HJR02-1008, SJR02-004, HJR02-1005, SJR02-006, HJR02-1015.**

Consideration of House Amendments to Senate Bills: **SB02-028, SB02-005.**

Consideration of Governor's Veto: **SB02-108.**

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, March 6, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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