

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

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Forty-third Legislative Day

Wednesday, February 21, 2001

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Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge. 12

Call to Order By the President at 9:00 a.m. 14

Roll Call Present--Total, 34. 17  
Absent/Excused--Reeves--Total 1. 18  
Present later--Reeves. 19

Quorum The President announced a quorum present. 21

Reading of Journal On motion of Senator Hanna, reading of the Journal of Tuesday, February 20, 2001, was dispensed with and the Journal was approved as corrected by the Secretary. 23

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**SENATE SERVICES REPORT**

Senate Services Correctly reengrossed: SB01-059, 051, 013, 114, 043, 132. 29  
Correctly engrossed: SB01-001, 140, 172, 031. 31

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**COMMITTEE OF REFERENCE REPORTS**

The committee recommends the following: 36

Education After consideration on the merits, the committee recommends that **HB01-1196** be referred favorably to the Committee of the Whole. 38

Education The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed. 43

**MEMBERS OF THE  
STATE BOARD FOR COMMUNITY COLLEGES  
AND OCCUPATIONAL EDUCATION**

for terms expiring July 1, 2004: 50

Jeannie G. Reeser of Thornton, Colorado, to serve as a Democrat from the Fourth Congressional District, appointed. 52

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

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent: 58

**SB01-136** by Senator Gordon--Concerning campaign finance. 60

Laid over until Thursday, February 22, 2001, retaining its place on the calendar. 63

**SB01-115** by Senator Cairns; also Representative Schultheis--Concerning the release of information identifying individuals who defer the payment of property taxes pursuant to the state elderly property tax deferral program. 65

The question being "Shall the bill pass?", the roll call was taken with the following result: 69

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**SB01-115**

YES	34	NO	1	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	N
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 was declared passed.

Co-sponsors added: Andrews, Arnold, Dyer (Arapahoe), Epps, Evans, Gordon, Hanna, Hillman, May, McElhany, Musgrave, Owen, Teck.

**SB01-001**

by Senator Hernandez; also Representative Boyd--Concerning privacy protection for the medical records of persons claiming workers' compensation benefits.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	N	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	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, Linkhart, Nichol, Pascoe, Phillips, Takis, Tate, Thiebaut, Tupa, Windels.

**SB01-140**

by Senator Matsunaka; also Representative Johnson--Concerning small claims court.

The question being "Shall the bill 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 was declared passed.

Co-sponsors added: Dyer (Arapahoe), Hernandez, Lamborn.

**SB01-172**

by Senator Chlouber; also Representative Miller--Concerning the regulation of electricians by the state electrical board.

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

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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 was declared passed.

Co-sponsors added: Fitz-Gerald, Hanna, Hernandez, Nichol, Phillips.

**SB01-031**

by Senators Tate and Dyer (Durango); also Representatives Alexander and Grossman-- Concerning privately owned rent-controlled housing.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	Lamborn	N	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 was declared passed.

Co-sponsors added: Fitz-Gerald, Gordon, Hernandez, Matsunaka, Pascoe.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Second Reading--General Orders Consent calendar (**SB01-156, SB01-178, SB01-155, SB01-141**) of Wednesday, February 21, 2001, was laid over until Monday, February 26, 2001, retaining its place on the calendar.

Committee of the Whole

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

**SB01-086**

by Senator Nichol; also Representative Scott--Concerning county acquisition by eminent domain of rights-of-way to permit the uninterrupted continuation or connection of recreational trails.

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.

(Printed in Senate Journal, February 12, 2001, page 260.)

Amendment No. 2, Senator Nichol.

Amend printed bill, page 2, line 15, after "MEANS.", insert "NO SINGLE RIGHT-OF-WAY OR SERIES OF CONTIGUOUS RIGHTS-OF-WAY ACQUIRED PURSUANT TO THIS SECTION SHALL EXCEED ONE MILE IN LENGTH.";

line 17, strike "AUTHORIZED FOR CITIES AND TOWNS AS".

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

**SB01-074**

by Senator Fitz-Gerald; also Representative Berry--Concerning authorization for any election to be conducted by mail ballot.

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.

(Printed in Senate Journal, February 12, 2001, page 259-260.)

Amendment No. 2, Senator Fitz-Gerald.

Amend printed bill, page 4, strike lines 23 and 24 and substitute the following:

"(3) (a) ~~Not sooner~~ NO LATER than ~~twenty-five~~ THIRTY days before an election, and ~~no later than fifteen days before an election~~ the designated election official, OR".

Page 5, strike lines 4 through 6 and substitute the following:

"accordance with United States postal service regulations. ~~except that with prior approval from the secretary of state, the packets shall be sent no later than ten days before election day.~~";

strike lines 8 and 9 and substitute the following;

"THIS SUBSECTION (3), NO LATER THAN THIRTY DAYS BEFORE A PRIMARY";

strike lines 19 through 21 and substitute the following:

"SERVICE REGULATIONS."

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

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

**SB01-135**

by Senator Teck; also Representative Sinclair--Concerning compensation of county officers.

Laid over until Friday, February 23, 2001, retaining its place on the calendar.

**SB01-160**

by Senator Gordon--Concerning safe storage of firearms to prevent juvenile possession of firearms.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 14, 2001, page 291-292.)

Declared **lost** on Second Reading.

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

**SB01-169**

by Senator Linkhart--Concerning work force training programs.

Laid over until Thursday, February 22, 2001, retaining its place on the calendar.

**SB01-097**

by Senators Pascoe and Matsunaka--Concerning regional planning for growth management.

Laid over until Monday, February 26, 2001, retaining its place on the calendar.

**SB01-081**

by Senator Phillips; also Representative Kester--Concerning local financing of school capital construction projects.

Laid over until Monday, February 26, 2001, retaining its place on the calendar.

**SB01-158**

by Senators Pascoe, Gordon, Takis and Windels; also Representative Smith--Concerning spousal maintenance.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 15, 2001, page 318.)

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

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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **SB01-165** was advanced on the General Orders calendar.

**SB01-165** by Senator Windels--Concerning timing issues for charter schools.

Amendment No. 1, Senator Windels.

Amend printed bill, page 2, line 2, strike "22-30.5-107" and substitute "22-30.5-107 (1)";

strike lines 16 through 27.

Strike page 3.

Page 4, strike line 1.

Renumber succeeding sections accordingly.

Page 4, line 19, strike "hearing" and substitute "hearing, IF REQUESTED, SHALL BE REQUESTED WITHIN THIRTY-FIVE DAYS OF RECEIVING THE CHARTER SCHOOL SITE DEVELOPMENT PLAN, AND SUCH HEARING".

Page 4, after line 23, insert the following:

**"SECTION 3. Effective date.** This act shall take effect July 1, 2001, except that section 1 of this act shall take effect July 1, 2002."

Renumber succeeding section accordingly.

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, **SB01-123** was advanced on the General Orders calendar.

**SB01-123** by Senators Anderson, Lamborn, Linkhart, Reeves, Taylor and Windels; also Representatives Young and Miller--Concerning the required expenditure of a portion of a school district's per pupil operating revenue for the school district's preschool program.

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, February 8, 2001, page 216.)

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, **SB01-159** was advanced on the General Orders calendar.

**SB01-159** by Senators Pascoe, Hernandez, Tate and Tupa; also Representative Grossman--Concerning probate procedures involving committed partners.

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

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

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 Bills calendar (**SB01-100, SB01-079** as amended, **SB01-034, SB01-092, SB01-104, HB01-1032, HB01-1013, SB01-038, SB01-066, SB01-144, SB01-145, SB01-120, SB01-151, SB01-201, SB01-130**) of Wednesday, February 21, 2001, was laid over until Thursday, February 22, 2001, retaining its place on the calendar.

**AMENDMENTS TO REPORT OF THE COMMITTEE OF THE WHOLE**

**SB01-074** by Senator Fitz-Gerald; also Representative Berry--Concerning authorization for any election to be conducted by mail ballot.

Senator Fitz-Gerald moved to amend the Report of the Committee of the Whole to show that **SB01-074** as amended, was laid over to Monday, February 26, 2001.

**SB01-074** A majority of those elected to the Senate having voted in the affirmative, the amendment was **adopted**.

**ROLL CALL ON SB01-160**

**SB01-160** by Senator Gordon--Concerning safe storage of firearms to prevent juvenile possession of firearms.

Senator Gordon requested a roll call vote on **SB01-160**.

As shown with the following roll call vote, less than a majority of those elected to the Senate voted in the affirmative and **SB01-160**, as amended, was declared **lost** on Second Reading.

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	N	Teck	N
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	N	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	N	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

**ROLL CALL ON SB01-159**

**SB01-159** by Senators Pascoe, Hernandez, Tate and Tupa; also Representative Grossman--Concerning probate procedures involving committed partners.

Senator Lamborn requested a roll call vote on **SB01-159**.

As shown with the following roll call vote, less than a majority of those elected to the Senate voted in the affirmative and **SB01-159**, was declared **lost** on Second Reading.

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	N	Teck	N
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	N	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Linkhart, 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:

Passed on Second Reading: **SB01-086** as amended, **SB01-158** as amended, **SB01-165** as amended, **SB01-123** as amended.

Lost on Second Reading: **SB01-160** as amended, **SB01-159**.

Laid over till Thursday, February 22, 2001: **SB01-169**, **SB01-100**, **SB01-079** as amended, **SB01-034**, **SB01-092**, **SB01-104**, **HB01-1032**, **HB01-1013**, **SB01-038**, **SB01-066**, **SB01-144**, **SB01-145**, **SB01-120**, **SB01-151**, **SB01-201**, **SB01-130**.

Laid over till Friday, February 23, 2001: **SB01-135**.

Laid over till Monday, February 26, 2001: **SB01-074** as amended, **SB01-097**, **SB01-081**.

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 Wednesday, February 21, 2001, was laid over until Thursday, February 22, 2001, retaining its place on the calendar:

Consideration of Resolution--**SR01-009**.

Consideration of House Amendments to Senate Bills--**SB01-183**, **SB01-185**, **SB01-194**.

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that HB01-1250 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 4, strike "MADE." and substitute "MADE PURSUANT TO ARTICLE 18.5 OF TITLE 16, C.R.S."

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that HB01-1136 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 17, after "ENTRY.", add "ALL DATA ENTERED INTO THE DATABASE SHALL BE VERIFIABLE BY THE DEPARTMENT. THE DATA SHALL BE UPDATED BY THE STATE AND LOCAL FIREFIGHTING AGENCIES AS NECESSARY."

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that HB01-1024 be referred favorably to the Committee of the Whole.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that HB01-1063 be referred favorably to the Committee of the Whole.

Judiciary

After consideration on the merits, the committee recommends that HB01-1118 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 10 through 15 and substitute the following:

"SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of 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; except that, if 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.

(2) The provisions of this act shall apply to offenses committed on or after the applicable effective date of this act."

Judiciary

After consideration on the merits, the committee recommends that HB01-1040 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, strike lines 12 and 13; line 14, after "(1)", insert "(a)";

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**HB01-1040**

line 18, strike "(a)" and substitute "(b)";  
 line 23, after the semicolon, add "AND";  
 line 27, strike "BOTH;" and substitute "BOTH."  
 Page 6, line 1, strike "(b)" and substitute "(c)";  
 line 13, strike "(a)" and substitute "(b)";  
 line 14, strike "(b)" and substitute "(c)".

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Judiciary

After consideration on the merits, the committee recommends that **HB01-1185** be referred favorably to the Committee of the Whole.

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Judiciary

After consideration on the merits, the committee recommends that **HB01-1241** be referred favorably to the Committee of the Whole.

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**SENATE SERVICES REPORT**

Senate Services

Correctly printed: SR01-009.

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**INTRODUCTION OF BILLS--FIRST READING**

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

**HB01-1209**

by Representatives Fairbank, Cadman, Hoppe, Kester, Lee, Paschall, Scott, Spence and Stengel; also Senator Phillips--Concerning the authorization of alcohol tastings on licensed premises.  
 Business, Labor, and Finance

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**MESSAGE FROM THE GOVERNOR**

Appointments

Governor Owens withdrew the following designations and appointments:

June 27, 2000

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

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Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw from your consideration the following:

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MEMBER OF THE  
COLORADO HEALTH FACILITIES  
AUTHORITY

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for a term expiring June 30, 2001:

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George Gray III of Denver, Colorado and as a Democrat, appointed.

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Sincerely,  
 (Signed)  
 Bill Owens  
 Governor

Rec'd 7/10/00  
 G. Aberle, Asst. Secretary

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January 8, 2001

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following:

MEMBER OF THE  
COLORADO BOARD OF VETERANS AFFAIRS

effective January 8, 2001:

Rio G. Lucas of Englewood, Colorado.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd 1/12/01  
H. Horvath, Asst. to the Secretary

On motion of Senator Linkhart, the Senate adjourned until 9:00 a.m., Thursday, February 22, 2001.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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