

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

Fifty-seventh Legislative Day

Wednesday, March 7, 2001

Prayer	By the chaplain, Reverend Robert Dooling, Mountain View Presbyterian Church, Loveland.	10 11 12
Call to Order	By the President at 9:00 a.m.	13 14 15
Roll Call	Present--Total, 24. Absent/Excused--Chlouber, Gordon, Hernandez, Lamborn, Linkhart, Nichol, Owen, Phillips, Reeves, Tate, Teck--Total 11. Present later--Chlouber, Gordon, Hernandez, Lamborn, Linkhart, Nichol, Owen, Phillips, Reeves, Tate, Teck.	16 17 18 19 20 21 22
Quorum	The President announced a quorum present.	23 24
Reading of Journal	On motion of Senator McElhany, reading of the Journal of Tuesday, March 6, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.	25 26 27

SENATE SERVICES REPORT

Senate Services	Correctly printed: SJR01-017, SJR01-018, SCR01-003.	28 29 30 31
	Correctly rerevised: HB01-1021, 1230, 1179, 1115, 1048, 1053, 1080, 1061, 1084, 1009, 1010, 1069, 1171, 1164, 1011, 1027, 1209, 1246.	32 33 34 35
	Correctly revised: HB01-1075.	36 37
	Correctly engrossed: SJR01-014, 015.	38 39

COMMITTEE OF REFERENCE REPORTS

	The committees recommend the following:	40 41 42 43
Education	The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed.	44 45 46 47

MEMBERS OF THE
TEACHER DEVELOPMENT ADVISORY COUNCIL

for terms expiring July 1, 2002:

Patricia Lorraine Martinez of Walsenburg, Colorado, to serve as a teacher who is a leader in education reform from a school in a rural area of the state that has demonstrated improvements in student achievement, appointed;

for terms expiring July 1, 2004:

Dr. Elliot Asp of Highlands Ranch, Colorado, to serve as member with expertise in the area of student assessments and measuring student progress, appointed;

Kelly C. Card of Littleton, Colorado, to serve as a teacher who is a leader in education reform from a school in an urban area of the state that has demonstrated improvements in student achievement, appointed;

Cynthia A. Haws of Denver, Colorado, to serve as a principal who is a leader in education reform from a school in an urban area of the state that demonstrated improvements in student achievement, appointed;

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Education After consideration on the merits, the committee recommends that **HB01-1222** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Education After consideration on the merits, the committee recommends that **HB01-1215** be referred favorably to the Committee of the Whole.

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

MEMBERS OF THE STATE BOARD OF AGRICULTURE

for terms expiring January 20, 2005:

Patrick A. Grant of Englewood, Colorado, appointed;

Paula E. Sandoval of Denver, Colorado, appointed;

Reginald Louis Washington, M.D. of Castle Rock, Colorado, reappointed.

MESSAGE FROM THE GOVERNOR

Appointments Letters of designation and appointment from Governor Owens were read and assigned to Committee as follows:

February 9, 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 have the honor to designate, appoint, and submit to your consideration, the following:

MEMBERS OF THE WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2004:

Dr. Chris J. Wiant of Aurora, Colorado, reappointed;

Martha Elizabeth Rudolph of Denver, Colorado, appointed;

Paul L. Grundemann of Castle Rock, Colorado, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 2/23/01
K. Goldman, Secretary

Committee on Agriculture and Natural Resources.

February 8, 2001

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 have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

MEMBERS OF THE
AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2004:

Robert Eugene Brady, Jr. of Lakewood, Colorado, to serve as a member with industrial experience and as a Republican, reappointed;

Stephanie A. Foote of Denver, Colorado, to serve a member with technical experience and as a Republican, reappointed;

Suzzane R. Griffin of Mead, Colorado, to serve as a member with private sector experience and as a Democrat, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 2/23/01
K. Goldman, Secretary

Committee on Health, Environment, Children and Families.

February 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 have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
STATE HOUSING BOARD

for terms expiring January 31, 2005:

Karen C. Gerard of Loveland, Colorado, to serve as a member from the Fourth Congressional District and as an Unaffiliated, appointed;

Peter H. Neukirch of Littleton, Colorado, to serve as a member from the Sixth Congressional District and as a Republican, appointed;

Janet S. Oldham of Louisville, Colorado, to serve as a member from the Second Congressional District and as a Democrat, reappointed;

Laurie L. Bower of Edwards, Colorado, to serve as a member from the Third Congressional District and as an Unaffiliated, appointed;

Rose A. Durham of Colorado Springs, to serve as a member from the Fifth Congressional District and as a Republican, reappointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 2/23/01
K. Goldman, Secretary

Committee on Agriculture and Natural Resources.

INTRODUCTION OF BILLS--FIRST READING

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

SB01-206

by Senator Hernandez--Concerning recommendations of the Senate Committee on Health, Environment, Children and Families relating to the continuation of requirements for certain reports to the general assembly from executive agencies under article 6.5 of title 25 to article 15 of title 27, Colorado Revised Statutes, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.

Health, Environment, Children & Families

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:

HB01-1075

by Representatives Mitchell, Hefley, Dean and Grossman; also Senators Perlmutter, Andrews, and Matsunaka--Concerning an increase in the number of district court judges in ten judicial districts, and making an appropriation therefor.

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 constitutional two-thirds majority of those elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Anderson, Arnold, Dyer (Durango), Dyer (Arapahoe), Epps, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Lamborn, May, McElhany, Pascoe, Phillips, Takis, Tate, Taylor, Tupa, Windels.

HB01-1001

by Representative King; also Senator McElhany--Concerning the state sales tax refund payable to qualified individuals when state revenues are in excess of the constitutional limitation on state fiscal year spending.

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: Cairns, Dennis, Epps, Evans, Hernandez, Lamborn, Matsunaka, May, Perlmutter, Taylor.

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.

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 **SJR01-016**.

CONSIDERATION OF RESOLUTIONS

SJR01-016

by Senator Gordon; also Representative Stengel--Concerning the recognition of Liberty Day and Liberty Month in Colorado.

On motion of Senator Gordon the resolution was adopted by the following roll call vote:

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		

Co sponsors added: Andrews, Arnold, Cairns, Dennis, Dyer (Durango), Dyer (Arapahoe), Epps, Evans, Hagedorn, Hanna, Hernandez, Hillman, Lamborn, Matsunaka, May, McElhany, Musgrave, Pascoe, Perlmutter, Phillips, Reeves, Tate, Taylor, Teck, Thiebaut, Tupa, Windels.

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, March 7, 2001, was laid over until Thursday, March 8, 2001, retaining its place on the calendar.

Second Reading of Bills: **HB01-1210, HB01-1265, HB01-1076, HB01-1152, HB01-1023, HB01-1095, HB01-1056, HB01-1128, SB01-035, SB01-073, HB01-1073, HB01-1030, HB01-1124.**

Consideration of Resolutions: **SJR01-012, HJR01-1014, SJR01-013.**

Consideration of House Amendments to Senate Bill: **SB01-015.**

Senate in Recess--Senate Reconvened

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Judiciary

After consideration on the merits, the committee recommends that **HB01-1227** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 9, strike "CHILD-REARING" and substitute "WORK-RELATED".

Page 4, line 10, strike "amended to read:" and substitute "amended, and the said 19-3-313 (7) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:".

Page 6, line 10, after the period, add "NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), IF THE DIRECTOR REQUESTS A HEARING PURSUANT TO THIS SUB-SUBPARAGRAPH (A), THEN THE SUBJECT'S NAME SHALL BE DESIGNATED "STATUS PENDING" PENDING THE OUTCOME OF A HEARING AND ANY JUDICIAL REVIEW, AFTER WHICH THE SUBJECT'S NAME SHALL BE REINSTATED OR EXPUNGED, AS DETERMINED AT THE HEARING AND ANY JUDICIAL REVIEW.";

after line 18, insert the following:

"(e) PRIOR TO THE DATE THAT IS SIX MONTHS AFTER THE DATE A PERSON REPORTED A SUBJECT TO THE DIRECTOR FOR PLACEMENT ON THE CENTRAL REGISTRY AS A PERPETRATOR PURSUANT TO SUBSECTIONS (1) AND (5.5) OF THIS SECTION, THE DIRECTOR SHALL DETERMINE WHETHER ANY CRIMINAL CHARGE OR PETITION IN DEPENDENCY OR NEGLECT THAT HAS BEEN FILED RELATED TO THE ACTIONS THAT SUPPORTED THE REPORT OF THE SUBJECT'S NAME TO THE CENTRAL REGISTRY."

Judiciary

After consideration on the merits, the committee recommends that **HB01-1229** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 6, after "CONVICTED", insert "AS AN ADULT";

line 15, strike "VIOLATION OF 18-6-301," and substitute "VIOLATION OF SECTION 18-6-301," and, strike "VIOLATION OF 18-6-" and substitute "VIOLATION OF SECTION 18-6-302,";

line 16, strike "302,".

Page 3, line 3, after "CONVICTED", insert "AS AN ADULT".

Page 5, line 6, strike "16-11-204 (2) (c)," and substitute "16-11-204 (2),";

strike lines 7 through 27 and substitute the following:

"amended BY THE ADDITION OF A NEW PARAGRAPH to read:".

Page 6, strike lines 1 through 3;

line 4, strike "(d) IF" and substitute the following:

"16-11-204. Conditions of probation. (2)
(d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (c) OF THIS SUBSECTION (2), IF";

line 12, strike "16-7-402 (2)," and substitute "16-7-402,";

strike lines 13 through 27 and substitute the following:

"amended BY THE ADDITION OF A NEW SUBSECTION to read:".

Page 7, strike lines 1 and 2;

line 3, strike "(3) IN" and substitute the following:

"16-7-402. Counseling or treatment for alcohol or drug abuse. (3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, IN";

line 11, strike "17-2-201 (5.7)," and substitute "(17-2-201),";

strike lines 12 through 27 and substitute the following:

"amended BY THE ADDITION OF A NEW SUBSECTION to read:".

Page 8, strike lines 1 through 9;

line 10, strike "(5.8) IF," and substitute the following:

"17-2-201. State board of parole. (5.8) NOTWITHSTANDING THE PROVISION OF SUBSECTION (5.7) OF THIS SECTION, IF,".

Judiciary

After consideration on the merits, the committee recommends that **SCR01-002** be referred to the Senate for final action.

Public Policy and Planning

After consideration on the merits, the committee recommends that **HB01-1211** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **SB01-204** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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SB01-204

Amend the Education Committee amendment, as printed in Senate Journal, March 6, page 488, strike line 49.

Page 489, after line 9, insert the following:

"Page 18, after line 13, insert the following:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for allocation to the state auditor's office, for the fiscal year beginning July 1, 2001, the sum of seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly."

Appropriations

After consideration on the merits, the committee recommends that **SB01-021** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 10, after line 4, insert the following:

"SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2001, the sum of twenty-one thousand four hundred dollars (\$21,400), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "LOBBYISTS." and substitute "LOBBYISTS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Judiciary

After consideration on the merits, the committee recommends that **HJR01-1010** be amended as follows and, as so amended be referred to the Senate for final action.

Amend joint resolution, as printed in House Journal, February 5, page 274, strike line 23 and substitute the following:

"President, the nation was facing rampant";

line 36, strike "pride in America and her values, which" and substitute "the national defense and prepared the nation's";

strike line 37;

line 41, strike "the ultimate demise of the" and substitute "improved our relationship with the former".

MESSAGE FROM THE HOUSE

March 7, 2001

Mr. President:

The House has adopted and returns herewith SJR01-014.

MESSAGE FROM THE GOVERNOR

Appointments

Letters of designation and appointment from Governor Owens were read and assigned to Committee as follows:

June 27, 2000

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 have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
READ-TO-ACHIEVE BOARD

for terms expiring July 1, 2002:

Darlene H. Medina of Alamosa, Colorado, to serve as a third-grade teacher in a rural elementary school and as a Democrat, appointed;

Shirley Ann Squier of Canon City, Colorado, to serve as a principal of a rural elementary school and as a Democrat, appointed;

John R. Youngquist of Denver, Colorado, to serve as a principal of an elementary school and as a Democrat, appointed;

for terms expiring July 1, 2003:

Karen M. Brown of Pueblo West, Colorado, to serve as a member with knowledge of the best practices in reading and reading instruction and as an Unaffiliated, appointed;

Karen J. Durica of Littleton, Colorado, to serve as a member with knowledge of and experience in public education in elementary grades and as a Republican, appointed;

Laura "Gail" Coleman of Lakewood, Colorado, to serve as a third-grade elementary school teacher and as a Republican, appointed;

Terri Rayburn of Littleton, Colorado, to serve as a parent of a child in third grade and as a Republican, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 7/31/00
G. Aberle, Ass't. Secretary

Committee on Education.

January 16, 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
READ-TO-ACHIEVE BOARD

effective January 16, 2001:

Shirley A. Squire of Canon City, Colorado.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd 1/23/01
K. Goldman, Secretary

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Committee on Education.

February 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 have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
READ-TO-ACHIEVE BOARD

for a term expiring July 1, 2002:

Sheryl Lynn Weitzel of Greeley, Colorado, to fill the vacancy occasioned by the withdrawal of Shirley Ann Squier and to serve as a principal of a rural elementary school and as an Unaffiliated, appointed;

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 2/23/01
K. Goldman, Secretary

Committee on Education.

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: 11/13/00
P. Dicks, Secretary

Committee on Government, Veterans and Military Relation and Transportation.

February 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

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Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE COLORADO BOARD OF VETERANS AFFAIRS

for a term expiring June 30, 2004:

Ralph P. Bozella of Longmont, Colorado, to serve as a veteran and as an Unaffiliated, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 2/23/01
K. Goldman, Secretary

Committee on Government, Veterans and Military Relations and Transportation.

February 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 have the honor to designate, appoint, reappoint, and submit to your consideration, the following:

MEMBERS OF THE MINED LAND RECLAMATION BOARD

for a term expiring March 1, 2003:

Charles B. McCulloh of Craig, Colorado, to fill the vacancy occasioned by the resignation of Jack Starner and to serve as a member with experience in the mining industry, appointed;

for a term expiring March 1, 2005:

Harry J. Javernick of Lakewood, Colorado, to serve as a member with experience in the mining industry, reappointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 2/23/01
K. Goldman, Secretary

Committee on Agriculture and Natural Resources.

February 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 have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE WILDLIFE COMMISSION

effective March 1, 2001 for terms expiring March 1, 2005:

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Bernard L. Black, Jr. of Denver, Colorado, to serve as a sportsman from Wildlife District 5 and as an Unaffiliated, reappointed;

Brad W. Phelps of Parlin, Colorado, to serve as a livestock producer from Wildlife District 2 and as an Unaffiliated, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 2/23/01
K. Goldman, Secretary

Committee on Agriculture and Natural Resources.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1013, 1015, 1063, 1085, 1118.**

The President has signed: **SJR 01-004, 005.**

TRIBUTES--A POINT OF INTEREST

Memorializing William Norton Baird by Senator Teck and Representatives Berry and Smith.

On motion of Senator Phillips, the Senate adjourned until 9:00 a.m., Thursday, March 8, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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