

**HOUSE JOURNAL**  
**SIXTY-THIRD GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**Second Regular Session**

Seventy-second Legislative Day

Thursday, March 21, 2002

1 Prayer by Pastor Rick Long, Grace Church, Arvada.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 The roll was called with the following result:

6

7 Present--63.

8

9 Excused--Representatives Boyd, Chavez--2.

9

10 Present after roll call--Representatives Chavez.

10

11 The Speaker declared a quorum present.

12

13

14 On motion of Representative Madden, the reading of the journal of  
15 March 20, 2002, was declared dispensed with and approved as corrected  
16 by the Chief Clerk.

17

18

19

20

**CONSIDERATION OF RESOLUTIONS**

21

22 **HJR02-1029** by Representative(s) Larson, Alexander, Bacon, Berry,  
23 Cloer, Daniel, Dean, Fritz, Garcia, Hefley, Hoppe,  
24 Johnson, Kester, King, Lawrence, Mace, Miller, Mitchell,  
25 Paschall, Rhodes, Rippy, Sanchez, Sinclair, Smith, Snook,  
26 Spence, Spradley, Stafford, Swenson, Vigil, Webster,  
27 Weddig, Williams S., Witwer; also Senator(s) Isgar, Entz--  
28 Concerning the 25<sup>th</sup> anniversary of the Colorado  
29 Commission of Indian Affairs.

30

31 (Printed and placed in member's file; also printed in House Journal,  
32 March 15, page 897.)

33

34 On motion of Representative Larson, the resolution was read at length  
35 and **adopted** by **viva voce** vote.

36

37 Co-sponsors added: Roll call of the House.

38

39 **SJR02-012** by Senator(s) Thiebaut; also Representative(s) Spradley--  
40 Concerning authorization for adjournment for more than  
41 three days during the 2002 regular session of the general  
42 assembly and setting the convening date for the 2003  
43 regular session of the general assembly.

1 (Printed and placed in member's file.)  
2

3 On motion of Representative Spradley, the resolution was **adopted** by the  
4 following roll call vote:  
5

6	YES 64	NO 0	EXCUSED 1	ABSENT 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	Y	Stafford	Y
11	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
12	Boyd	E	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	Y	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	Y	Smith	Y	Witwer	Y
23	Garcia	Y	Madden	Y	Snook	Y	Young	Y
24							Mr. Speaker	Y

25  
26 Co-sponsors added: Representatives Chavez, Cloer, Lawrence, Smith,  
27 Mr. Speaker.  
28

29 **HJR02-1031** by Representative(s) Spradley; also Senator(s) Thiebaut --  
30 Concerning Single Parents' Day.  
31

32 (Printed and placed in member's file; also printed in House Journal,  
33 March 20, page 941.)  
34

35 On motion of Representative Spradley, the resolution was read at length  
36 and **adopted** by **viva voce** vote.  
37

38 Co-sponsors added: Representatives Alexander, Bacon, Berry, Cadman, Chavez,  
39 Cloer, Coleman, Daniel, Decker, Fairbank, Fritz, Garcia, Groff, Grossman,  
40 Harvey, Hefley, Hodge, Hoppe, Jahn, Jameson, Kester, King, Larson,  
41 Lawrence, Lee, Mace, Madden, Marshall, Miller, Plant, Ragsdale, Rhodes,  
42 Rippy, Romanoff, Saliman, Sanchez, Scott, Smith, Snook, Stafford, Stengel,  
43 Tapia, Tochtrop, Veiga, Vigil, Weddig, White, Williams S., Williams T.,  
44 Witwer.  
45

### 46 47 48 **THIRD READING OF BILLS--FINAL PASSAGE** 49

50 The following bills were considered on Third Reading. The titles were  
51 publicly read. Reading of the bill at length was dispensed with by  
52 unanimous consent.  
53

54 **SB02-141** by Senator(s) Perlmutter, Andrews, Dyer, Fitz-Gerald,  
55 Lamborn, Matsunaka, May, Nichol, Takis, Teck; also  
56 Representative(s) Williams T., Daniel, Dean, Hoppe, Jahn,

1 Kester, Rippy, Spence, Spradley, Veiga, Vigil, White--  
 2 Concerning the determination of royalty payments from  
 3 oil and gas leases, and, in connection therewith,  
 4 establishing a special ad-hoc task force to address issues  
 5 relating to such royalty interests.  
 6

7 The question being "Shall the bill pass?".  
 8 A roll call vote was taken. As shown by the following recorded vote, a  
 9 majority of those elected to the House voted in the affirmative and the bill  
 10 was declared **passed**.

	YES 51	NO 13	EXCUSED 1	ABSENT 0			
14 Alexander	N	Groff	N	Marshall	Y	Spence	Y
15 Bacon	Y	Grossman	N	Miller	N	Spradley	Y
16 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
17 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
18 Boyd	E	Hodge	N	Plant	N	Swenson	Y
19 Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
20 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	N
21 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
22 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
23 Coleman	Y	Kester	Y	Saliman	N	Webster	Y
24 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
25 Daniel	Y	Larson	N	Schultheis	Y	White	Y
26 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
27 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
28 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
29 Garcia	N	Madden	N	Snook	Y	Young	N
30						Mr. Speaker	Y

31  
 32 Co-sponsors added: Representatives Coleman, Stengel, Weddig.

33  
 34 **SB02-041** by Senator(s) Thiebaut; also Representative(s) Lawrence--  
 35 Concerning local regulation of hazardous waste sites, and,  
 36 in connection therewith, expanding the "State Hazardous  
 37 Waste Incinerator Siting Act" to include all hazardous  
 38 waste processors.  
 39

40 The question being "Shall the bill pass?".  
 41 A roll call vote was taken. As shown by the following recorded vote, a  
 42 majority of those elected to the House voted in the affirmative and the bill  
 43 was declared **passed**.

	YES 64	NO 0	EXCUSED 1	ABSENT 0			
47 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
48 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
49 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
50 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
51 Boyd	E	Hodge	Y	Plant	Y	Swenson	Y
52 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
53 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
54 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
55 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
56 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y

1	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
2	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
3	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
4	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
5	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
6	Garcia	Y	Madden	Y	Snook	Y	Young	Y
7							Mr. Speaker	Y

8  
9 Co-sponsors added: Representatives Chavez, Clapp, Coleman, Groff, Miller,  
10 Romanoff, Sanchez, Scott, Snook, Tapia, Tochtrop, Vigil, Williams S.

11  
12  
13  
14 On motion of Representative Cloer, the House resolved itself into  
15 Committee of the Whole for consideration of General Orders, and he was  
16 called to the Chair to act as Chairman.

17  
18  
19 **GENERAL ORDERS--SECOND READING OF BILLS**

20  
21 The Committee of the Whole having risen, the Chairman reported the  
22 titles of the following bills had been read (reading at length had been  
23 dispensed with by unanimous consent), the bills considered and action  
24 taken thereon as follows:

25  
26 (Amendments to the committee amendment are to the printed committee  
27 report which was printed and placed in the members' bill file.)

28  
29 **SB02-038** by Senator(s) Nichol; also Representative(s) Miller--  
30 Concerning the display of United States flags by public  
31 institutions.

32  
33 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
34 March 7, 2002, and placed in member's bill file; Report also printed in  
35 House Journal, March 8, page 771.

36  
37 As amended, ordered revised and placed on the Calendar for Third  
38 Reading and Final Passage.

39  
40 **SB02-139** by Senator(s) Taylor; also Representative(s) Miller--  
41 Concerning procedures for voting by absentee ballot by  
42 members of the United States armed forces stationed  
43 outside of the United States.

44  
45 Ordered revised and placed on the Calendar for Third Reading and Final  
46 Passage.

47  
48 **SB02-158** by Senator(s) Isgar, Entz, Hillman, Musgrave, Nichol,  
49 Taylor; also Representative(s) Larson, Kester, Miller,  
50 Rippy, White--Concerning limitations on the size of  
51 certain vehicles.

52  
53 Amendment No. 1, by Representative Larson.

54  
55 Amend reengrossed bill, page 2, line 26, strike "BUT NOT LIMITED TO".

56

1 Amendment No. 2, by Representative Smith.

2

3 Amend reengrossed bill, page 2, line 5, strike "small" and substitute  
4 "smatt".

5

6 As amended, ordered revised and placed on the Calendar for Third  
7 Reading and Final Passage.

8

9 **HB02-1119** by Representative(s) Berry; also Senator(s) Takis--  
10 Concerning electronic documents.

11

12 Amendment No. 1, Information & Technology Report, dated January 28,  
13 2002, and placed in member's bill file; Report also printed in House  
14 Journal, January 30, pages 240-241.

15

16 Amendment No. 2, Appropriations Report, dated March 1, 2002, and  
17 placed in member's bill file; Report also printed in House Journal,  
18 March 4, pages 653-654.

19

20 Amendment No. 1, Appropriations Report, dated March 8, 2002, and  
21 placed in member's bill file; Report also printed in House Journal,  
22 March 11, pages 781-782.

23

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

26

27 **HB02-1296** by Representative(s) Stafford, Alexander, Berry, Groff,  
28 Harvey, Johnson, King, Mace, Mitchell, Rhodes,  
29 Schultheis, Spradley; also Senator(s) Perlmutter--  
30 Concerning the creation of an office of community and  
31 faith-based initiatives within the department of human  
32 services.

33

34 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,  
35 dated February 18, 2002, and placed in member's bill file; Report also  
36 printed in House Journal, February 19, page 453.

37

38 Amendment No. 2, Appropriations Report, dated March 8, 2002, and  
39 placed in member's bill file; Report also printed in House Journal,  
40 March 11, page 782.

41

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

44

45 **SB02-124** by Senator(s) Windels; also Representative(s) Hefley--  
46 Concerning the resolution of disputes arising from a  
47 charter school contract, and, in connection therewith,  
48 specifying procedures for the use of forms of alternative  
49 dispute resolution and modifying the process of appeals to  
50 the state board of education.

51

52 Amendment No. 1, Education Report, dated March 11, 2002, and placed  
53 in member's bill file; Report also printed in House Journal, March 12,  
54 pages 792-794.

55

56

1 Amendment No. 2, by Representative Hefley.

2  
3 Amend the Education Committee Report, dated March 11, 2002, page 2,  
4 strike lines 8 through 13 and substitute the following:

5  
6 "(c) THE COSTS INCURRED BY THE CHARTER SCHOOL AND THE  
7 SCHOOL DISTRICT FOR ENGAGING IN ALTERNATIVE DISPUTE RESOLUTION  
8 PURSUANT TO THIS SECTION, INCLUDING BUT NOT LIMITED TO THE DIRECT  
9 COSTS OF SERVICES OF THE NEUTRAL THIRD PARTY, SHALL BE  
10 APPORTIONED BY THE NEUTRAL THIRD PARTY."."

11  
12 As amended, ordered revised and placed on the Calendar for Third  
13 Reading and Final Passage.

14  
15 **HB02-1359** by Representative(s) Stafford, Coleman, Harvey, Mace,  
16 Paschall, Sanchez; also Senator(s) Linkhart--Concerning  
17 child placement in dependency or neglect actions.

18  
19 Amendment No. 1, by Representatives Stafford, Boyd, Mace, Clapp.

20  
21 Amend printed bill, page 2, line 10, strike "placed" and substitute  
22 "placed, AS A FIRST PRIORITY," strike "the", and substitute "the";

23  
24 strike line 11 and substitute the following:  
25 "child's grandparent, aunt, uncle, brother, or sister OR, AS A SECOND  
26 PRIORITY, WITH SUCH OTHER PERSON IDENTIFIED AS KIN TO THE".

27  
28 Page 3, strike line 1;

29  
30 line 5, strike "PERSONS" and substitute "GRANDPARENT, AUNT, UNCLE,  
31 BROTHER, SISTER, OR OTHER PERSON";

32  
33 line 10, after "CHILD'S", insert "GRANDPARENT, AUNT, UNCLE, BROTHER,  
34 SISTER, OR OTHER";

35  
36 line 12, after "relatives", insert "GRANDPARENTS, AUNTS, UNCLES,  
37 BROTHERS, SISTERS, AND OTHER";

38  
39 line 19, after "relatives", insert "GRANDPARENTS, AUNTS, UNCLES,  
40 BROTHERS, SISTERS, AND OTHER";

41  
42 line 20, strike "custody" and substitute "custody, AS A FIRST PRIORITY,";  
43 strike line 21 and substitute the following:

44  
45 "to the child's grandparent, AUNT, UNCLE, BROTHER, OR SISTER or, AS A  
46 SECOND PRIORITY, TO such other ~~relative~~ KIN who is appropriate,".

47  
48 Page 4, line 12, strike "a grandparent," and substitute "a grandparent,";

49  
50 strike line 13 and substitute the following:

51 "aunt, uncle, brother, or sister of OR OTHER PERSON IDENTIFIED AS KIN";

52  
53 line 14, strike "TERM IS DEFINED BY THE STATE BOARD,";

54  
55 strike line 17 and substitute the following:

56 "court shall give preference, AS A FIRST PRIORITY, to a grandparent, aunt,

1 uncle, brother, or sister OR, AS A SECOND PRIORITY, TO SUCH OTHER".

2

3 Page 6, after line 10, insert the following:

4

5 "SECTION 5. 19-1-103, Colorado Revised Statutes, is amended  
6 BY THE ADDITION OF A NEW SUBSECTION to read:

7

8 **19-1-103. Definitions.** As used in this title or in the specified  
9 portion of this title, unless the context otherwise requires:

10

11 (71.3) "KIN", AS USED IN SECTIONS 19-3-403 AND 19-3-605, MEANS  
12 RELATIVES OR PERSONS WHO, AS ASCRIBED BY THE PARENTS, HAVE A  
13 FAMILY-LIKE RELATIONSHIP, TAKING INTO ACCOUNT CULTURAL VALUES OF  
14 THE FAMILY AND THE SIGNIFICANCE TO THE FAMILY OF CONTINUING  
15 RELATIONSHIPS WITH SUCH PERSONS."

16

17 Renumber succeeding section accordingly.

18

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

21

22 **SB02-021** by Senator(s) Reeves; also Representative(s) Stafford--  
23 Concerning child support guidelines.

24

25 Ordered revised and placed on the Calendar for Third Reading and Final  
26 Passage.

27

28 **SB02-036** by Senator(s) Fitz-Gerald; also Representative(s) Lee--  
29 Concerning the assessment of public service fees.

30

31 Amendment No. 1, Civil Justice & Judiciary Report, dated March 12,  
32 2002, and placed in member's bill file; Report also printed in House  
33 Journal, March 13, pages 835-836.

34

35 As amended, ordered revised and placed on the Calendar for Third  
36 Reading and Final Passage.

37

38 **SB02-112** by Senator(s) Teck; also Representative(s) Harvey--  
39 Concerning the requirement that certain persons provide  
40 proof of lawful presence in the United States in order to  
41 obtain documents from the division of motor vehicles.

42

43 Ordered revised and placed on the Calendar for Third Reading and Final  
44 Passage.

45

46 **SB02-165** by Senator(s) Andrews; also Representative(s) Snook--  
47 Concerning an exception to the requirement that the state  
48 treasurer sell all unclaimed property for certain military  
49 awards that have not been claimed by the owner.

50

51 Amendment No. 1, Finance Report, dated March 13, 2002, and placed in  
52 member's bill file; Report also printed in House Journal, March 14,  
53 page 853.

54

55 As amended, ordered revised and placed on the Calendar for Third  
56 Reading and Final Passage.

1 **HB02-1341** by Representative(s) Swenson; also Senator(s) Nichol--  
 2 Concerning recommendations of the house committee on  
 3 transportation and energy relating to the continuation of  
 4 requirements for certain reports to the general assembly  
 5 from executive agencies, and, in connection therewith,  
 6 repealing reporting requirements to the general assembly  
 7 that are obsolete.

8  
 9 Amendment No. 1, Transportation & Energy Report, dated March 13,  
 10 2002, and placed in member's bill file; Report also printed in House  
 11 Journal, March 14, page 853.

12  
 13 As amended, ordered engrossed and placed on the Calendar for Third  
 14 Reading and Final Passage.

15  
 16 **SB02-069** by Senator(s) Hillman, Entz, Isgar, Chlouber, Hanna,  
 17 Musgrave, Taylor, Teck; also Representative(s) Hoppe,  
 18 Miller, Tochtrop--Concerning the protection of products  
 19 of agriculture.

20  
 21 Ordered revised and placed on the Calendar for Third Reading and Final  
 22 Passage.

23  
 24  
 25 On motion of Representative Spradley, the remainder of the General  
 26 Orders Calendar (**SB02-104, HB02-1025, 1101, 1159, 1300, 1309, 1348,**  
 27 **1339, 1353, SB02-004, 013, 146, 023, SCR02-002, HB02-1338, 1090,**  
 28 **SB02-103, HB02-1015, 1343, 1010, SB02-136, 166, 020, 064**) was laid  
 29 over until March 22, retaining place on Calendar.

30  
 31  
 32  
 33 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

34  
 35 Passed Second Reading: **SB02-038 amended, 139, 158 amended,**  
 36 **HB02-1119 amended, 1296 amended, SB02-124 amended,**  
 37 **HB02-1359 amended, SB02-021, 036 amended, 112, 165 amended,**  
 38 **HB02-1341 amended, SB02-069.**

39  
 40 Laid over until date indicated retaining place on Calendar: **HB02-1015,**  
 41 **1343, 1010, SB02-136, 166, 020, 064, 104, HB02-1025, 1101, 1159,**  
 42 **1300, 1309, 1348, 1339, 1353, SB02-004, 013, 146, 023, SCR02-002,**  
 43 **HB02-1338, 1090, SB02-103--March 22, 2002.**

44  
 45 The Chairman moved the adoption of the Committee of the Whole  
 46 Report. As shown by the following roll call vote, a majority of those  
 47 elected to the House voted in the affirmative, and the Report was  
 48 **adopted.**

49  
 50 YES 60            NO 0            EXCUSED 5            ABSENT 0

51								
52	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
53	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
54	Berry	Y	Harvey	Y	Mitchell	E	Stafford	Y
55	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
56	Boyd	E	Hodge	Y	Plant	Y	Swenson	Y



1	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
2	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
3	Clapp	Y	Jameson	Y	Rippy	E	Veiga	E
4	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
5	Coleman	Y	Kester	Y	Saliman	Y	Webster	E
6	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
7	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
8	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
9	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
10	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
11	Garcia	Y	Madden	Y	Snook	Y	Young	Y
12							Mr. Speaker	Y

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## REPORTS OF COMMITTEES OF REFERENCE

### FINANCE

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

**HB02-1364** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 6, line 10, strike the second "OR";

line 11, strike "THAT DOES NOT INVOLVE" and substitute "OTHER THAN";

line 12, strike "STATE." and substitute "STATE; OR";

after line 12, insert the following:

"(I) ANY OTHER USE THAT ENTITLES A PERSON TO A REFUND UNDER THE PROVISIONS OF THIS PART 1 OR FEDERAL LAW."

### HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

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

**HB02-1362** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 23, strike "IS" and substitute "ARE";

line 25, strike "APPROPRIATIONS" and substitute "APPROPRIATION".

Page 4, line 11, strike "2005," and substitute "2006," and strike "2006," and substitute "2007,";

line 13, strike "2006." and substitute "2007.";

1 line 16, strike "2006," and substitute "2007," and strike "AT" and  
2 substitute "ON";

3

4 line 17, strike "2007." and substitute "2008."

5

6

7

8 **SB02-128** be amended as follows, and as so amended, be referred to  
9 the Committee of the Whole with favorable  
10 recommendation:

11

12 Amend reengrossed bill, page 2, line 4, after "(1)", insert "(a)";

13

14 strike lines 16 and 17 and substitute the following:

15

16 "of liability for such minor. IF THE PARENT OR THE FOSTER PARENT, IF THE  
17 MINOR IS IN THE CARE OF A FOSTER PARENT, IS UNWILLING OR UNABLE TO  
18 SIGN THE AFFIDAVIT OF";

19

20 line 22, strike "A MINOR DRIVER'S LICENSE OR".

21

22 Page 3, strike lines 1 through 16 and substitute the following:

23

24 "FOR SUCH MINOR IF THE REQUIREMENTS OF PARAGRAPH (b) OF THIS  
25 SUBSECTION (1) ARE MET; EXCEPT THAT PRIOR TO SIGNING THE  
26 APPLICATION FOR AN INSTRUCTION PERMIT, THE GUARDIAN AD LITEM OR  
27 OTHER DESIGNATED OFFICIAL SHALL NOTIFY THE COURT OF HIS OR HER  
28 INTENT TO SIGN THE APPLICATION AND EXCEPT THAT THE GUARDIAN AD  
29 LITEM OR DESIGNATED OFFICIAL SHALL NOT SIGN THE APPLICATION FOR AN  
30 INSTRUCTION PERMIT FOR A MINOR WHO IS PLACED IN A FOSTER CARE  
31 HOME AND WHO IS UNDER SEVENTEEN AND ONE-HALF YEARS OF AGE  
32 WITHOUT FIRST OBTAINING THE CONSENT OF THE FOSTER PARENT. IF THE  
33 MINOR IS SEVENTEEN AND ONE-HALF YEARS OF AGE OR OLDER AND IS IN  
34 THE CARE OF A FOSTER PARENT, IN ORDER TO PREPARE THE MINOR FOR  
35 EMANCIPATION FROM FOSTER CARE AND TO ASSIST THE MINOR IN  
36 OBTAINING IMPORTANT LIFE SKILLS, THE GUARDIAN AD LITEM OR  
37 DESIGNATED OFFICIAL SHALL CONSULT WITH THE FOSTER PARENT OF SUCH  
38 MINOR ABOUT THE OPPORTUNITY FOR SUCH MINOR TO LEARN DRIVING  
39 SKILLS UNDER THE RESTRICTIONS PROVIDED IN PARAGRAPH (b) OF THIS  
40 SUBSECTION (1) PRIOR TO SIGNING AN APPLICATION FOR AN INSTRUCTION  
41 PERMIT. THE GUARDIAN AD LITEM OR DESIGNATED OFFICIAL SHALL  
42 SOLICIT THE OPINION OF THE MINOR'S FOSTER PARENT, IF THE MINOR IS IN  
43 FOSTER CARE, CONCERNING THE MINOR'S ABILITY TO EXERCISE GOOD  
44 JUDGMENT AND MAKE DECISIONS AS WELL AS THE MINOR'S OVERALL  
45 CAPACITY TO DRIVE. When any minor to whom an instruction permit or  
46 minor driver's license has been issued is required to appear before the  
47 department for a hearing pursuant to any provision of this article, such  
48 minor shall be accompanied by the person who signed the affidavit of  
49 liability for such minor OR BY THE GUARDIAN AD LITEM OR DESIGNATED  
50 OFFICIAL WHO SIGNED THE APPLICATION FOR AN INSTRUCTION PERMIT FOR  
51 SUCH MINOR. If such person is unable to attend the hearing, such person  
52 shall submit to the department a verified signed statement certifying  
53 under oath that such person is aware of the purpose of the hearing but  
54 cannot attend.

55

56 (b) THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO AN

1 APPLICANT UNDER THE AGE OF EIGHTEEN YEARS WHO IS OTHERWISE  
 2 ELIGIBLE TO OBTAIN AN INSTRUCTION PERMIT AND WHO HAS BEEN MADE  
 3 A WARD OF THE COURT AND WHO IS IN OUT-OF-HOME PLACEMENT WITHOUT  
 4 THE REQUIREMENT OF A PARENT, GUARDIAN, OR FOSTER PARENT SIGNING  
 5 AN AFFIDAVIT OF LIABILITY IF THE FOLLOWING REQUIREMENTS ARE MET:

6  
 7 (I) THE GUARDIAN AD LITEM, A DESIGNATED OFFICIAL OF THE  
 8 COUNTY DEPARTMENT OF SOCIAL SERVICES HAVING CUSTODY OF SUCH  
 9 APPLICANT, OR A DESIGNATED OFFICIAL OF THE DIVISION OF YOUTH  
 10 CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES HAVING CUSTODY  
 11 OF SUCH APPLICANT SIGNS THE APPLICATION FOR AN INSTRUCTION PERMIT;

12  
 13 (II) (A) IF THE MINOR IS IN THE CARE OF A FOSTER PARENT AND IS  
 14 UNDER SEVENTEEN AND ONE-HALF YEARS OF AGE, THE FOSTER PARENT  
 15 CONSENTS TO THE MINOR LEARNING DRIVING SKILLS UNDER THE  
 16 RESTRICTIONS PROVIDED IN THIS SUBSECTION (1); OR

17  
 18 (B) IF THE MINOR IS IN THE CARE OF A FOSTER PARENT AND IS AT  
 19 LEAST SEVENTEEN AND ONE-HALF YEARS OF AGE, THE GUARDIAN AD LITEM  
 20 OR THE DESIGNATED OFFICIAL HAS CONSULTED WITH THE FOSTER PARENT  
 21 PRIOR TO SIGNING THE APPLICATION FOR AN INSTRUCTION PERMIT;

22  
 23 (III) THE APPLICANT IS ENROLLED IN OR WILL BE ENROLLED IN A  
 24 COMMERCIAL DRIVING COURSE THAT INSURES THE MOTOR VEHICLES IN  
 25 WHICH THE APPLICANT WILL BE DRIVING AS A STUDENT; AND

26  
 27 (IV) THE COMMERCIAL DRIVING COURSE MAINTAINS POSSESSION  
 28 OF THE APPLICANT'S INSTRUCTION PERMIT AT ALL TIMES."

29  
 30 Page 4, line 24, strike "IN THE CASE OF A MINOR";

31  
 32 strike lines 25 through 27.

33  
 34 Page 5, strike lines 1 through 7;

35  
 36 line 8, strike "HOWEVER, NOTHING" and substitute "NOTHING".

37  
 38  
 39  
 40 **SB02-131** be postponed indefinitely.

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 45 **TRANSPORTATION & ENERGY**

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

48  
 49 **SB02-011** be referred favorably to the Committee on Finance.

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 51  
 52 **PRINTING REPORT**

53  
 54 The Chief Clerk reports the following bills have been correctly printed:  
 55 **HB02-1405, 1406, 1407.**

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**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **HB02-1008, 1020, 1026, 1048, 1076, 1120, 1132, 1311.**

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**INTRODUCTION OF BILL  
First Reading**

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

**HB02-1407** by Representative(s) Kester, Spence; also Senator(s) Chlouber--Concerning authorization of the use of state lottery moneys transferred to the state public school fund as a contingency reserve for construction of new school facilities to address safety issues in existing school facilities.  
Committee on Education

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**LAY OVER OF CALENDAR ITEMS**

On motion of Representative Spradley, the following items on the Calendar were laid over until March 22, retaining place on Calendar:

Consideration of Resolutions--**HJR02-1027, SJR02-008.**  
Consideration of Senate Amendments--**HB02-1041, 1153, 1061, 1050, 1168, 1053, 1111, 1071, 1305, 1057, 1374, 1380, 1386, 1391.**

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On motion of Representative Spradley, the House adjourned until 9:00 a.m., March 22, 2002.

Approved:

DOUG DEAN,  
Speaker

Attest:

JUDITH RODRIGUE,  
Chief Clerk