

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

Forty-fourth Legislative Day

Thursday, February 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--61.

8

9 Excused--Representatives Hefley, Hoppe, Scott, Witwer--4.

10

11 Present after roll call--Representative Witwer.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Schultheis, the reading of the journal of  
17 February 20, 2002, was declared dispensed with and approved as  
18 corrected by the Chief Clerk.

19

20

21

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

22

23 The following bills were considered on Third Reading. The titles were  
24 publicly read. Reading of the bill at length was dispensed with by  
25 unanimous consent.

26

27 **HB02-1103** by Representative(s) Mitchell--Concerning the assertion of  
28 claims for exemplary damages.

29

30 Laid over until February 22, retaining place on Calendar.

31

32 **HB02-1327** by Representative(s) Young, Berry, Saliman; also Sen-  
33 ator(s) Reeves, Tate, Owen--Concerning modifications to  
34 the sources of funding of state capital construction projects  
35 for the 2001-02 state fiscal year in order to increase the  
36 amount of general fund appropriations made during said  
37 fiscal year used to calculate the statutory limitation on  
38 general fund appropriations for the 2002-03 state fiscal  
39 year, and making appropriations in connection therewith.

40

41 The question being "Shall the bill pass?".

42 A roll call vote was taken. As shown by the following recorded vote, a  
43 majority of those elected to the House voted in the affirmative and the bill  
was declared **passed**.

	YES 41	NO 20	EXCUSED 4	ABSENT 0				
1	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
2	Bacon	Y	Grossman	Y	Miller	N	Spradley	N
3	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
4	Borodkin	Y	Hefley	E	Paschall	N	Stengel	Y
5	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
6	Cadman	N	Hoppe	E	Ragsdale	Y	Tapia	Y
7	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
8	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
9	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
10	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
11	Crane	N	King	N	Sanchez	Y	Weddig	Y
12	Daniel	Y	Larson	Y	Schultheis	N	White	Y
13	Decker	N	Lawrence	Y	Scott	E	Williams S.	Y
14	Fairbank	N	Lee	N	Sinclair	Y	Williams T.	N
15	Fritz	Y	Mace	Y	Smith	N	Witwer	E
16	Garcia	Y	Madden	Y	Snook	N	Young	Y
17							Mr. Speaker	N

18  
19  
20 Co-sponsors added: Representatives Decker, Plant.

21  
22 **HB02-1328** by Representative(s) Young, Berry, Saliman; also Sen-  
23 ator(s) Reeves, Tate, Owen--Concerning modifications to  
24 the source of funding for the older Coloradans program for  
25 the 2001-02 state fiscal year in order to increase the  
26 amount of general fund appropriations made during said  
27 fiscal year used to calculate the statutory limitation on  
28 general fund appropriations for the 2002-03 state fiscal  
29 year and making an appropriation in connection therewith.

30  
31 The question being "Shall the bill pass?".

32 A roll call vote was taken. As shown by the following recorded vote, a  
33 majority of those elected to the House voted in the affirmative and the bill  
34 was declared **passed**.

	YES 45	NO 16	EXCUSED 4	ABSENT 0				
36	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
37	Bacon	Y	Grossman	Y	Miller	N	Spradley	Y
38	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
39	Borodkin	Y	Hefley	E	Paschall	N	Stengel	Y
40	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
41	Cadman	N	Hoppe	E	Ragsdale	Y	Tapia	Y
42	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
43	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
44	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
45	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
46	Crane	N	King	N	Sanchez	Y	Weddig	Y
47	Daniel	Y	Larson	Y	Schultheis	N	White	Y
48	Decker	Y	Lawrence	Y	Scott	E	Williams S.	Y
49	Fairbank	N	Lee	N	Sinclair	Y	Williams T.	N
50	Fritz	Y	Mace	Y	Smith	N	Witwer	E
51	Garcia	Y	Madden	Y	Snook	N	Young	Y
52							Mr. Speaker	Y

53  
54  
55 Co-sponsors added: Representatives Plant, Tapia.

56



1 strike lines 24 through 27.

2

3 Reletter succeeding paragraphs accordingly.

4

5 Page 15, line 11, after "AMOUNT.", add "ANY ADMINISTRATIVE COSTS  
6 WITHHELD BY THE STATE TREASURER PURSUANT TO THIS PARAGRAPH (c)  
7 SHALL BE CREDITED TO THE CHARTER SCHOOL FINANCING ADMINISTRATIVE  
8 CASH FUND, WHICH FUND IS HEREBY CREATED. MONEYS IN THE FUND  
9 SHALL BE CONTINUOUSLY APPROPRIATED TO THE STATE TREASURER FOR  
10 THE DIRECT AND INDIRECT COSTS OF THE ADMINISTRATION OF THIS  
11 SECTION. MONEYS IN THE CHARTER SCHOOL FINANCING ADMINISTRATIVE  
12 CASH FUND SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE  
13 GENERAL FUND AT THE END OF ANY FISCAL YEAR.";

14

15 line 23, strike "LEASE AGREEMENT OR INSTALLMENT";

16

17 line 24, strike "PURCHASE AGREEMENT ENTERED INTO BY A CHARTER  
18 SCHOOL" and substitute "BONDS ISSUED ON BEHALF OF A CHARTER SCHOOL  
19 BY A GOVERNMENTAL ENTITY OTHER THAN A SCHOOL DISTRICT FOR THE  
20 PURPOSE OF FINANCING CHARTER SCHOOL CAPITAL CONSTRUCTION";

21

22 strike line 27.

23

24 Page 16, strike lines 1 through 19 and substitute the following:

25

26 "(2) (a) IF THE STATE TREASURER DOES NOT AGREE TO MAKE  
27 DIRECT PAYMENTS OF PRINCIPAL AND INTEREST ON BONDS ON BEHALF OF  
28 A CHARTER SCHOOL PURSUANT TO SUBSECTION (1) OF THIS SECTION  
29 BECAUSE THE CHARTER SCHOOL IS NOT ENTITLED TO RECEIVE MONEYS  
30 FROM THE STATE PUBLIC SCHOOL FUND PURSUANT TO PART 1 OF THIS  
31 ARTICLE OR BECAUSE THE STATE TREASURER HAS CONCLUDED THAT THE  
32 AMOUNT OF MONEYS FROM THE STATE PUBLIC SCHOOL FUND THAT THE  
33 CHARTER SCHOOL WILL RECEIVE PURSUANT TO PART 1 OF THIS ARTICLE  
34 FOR ANY GIVEN BUDGET YEAR WILL BE LESS THAN THE AMOUNT OF THE  
35 DIRECT PAYMENT SPECIFIED BY THE CHARTER SCHOOL THAT WILL BE DUE  
36 DURING THE BUDGET YEAR, THE CHARTER SCHOOL MAY REQUEST THAT ITS  
37 CHARTERING DISTRICT MAKE DIRECT PAYMENTS OF PRINCIPAL AND  
38 INTEREST ON THE BONDS ON BEHALF OF THE CHARTER SCHOOL. THE  
39 CHARTER SCHOOL SHALL SPECIFY THE AMOUNT OF EACH PAYMENT TO BE  
40 MADE.";

41

42 line 25, strike "PRINCIPAL AND";

43

44 strike lines 26 and 27.

45

46 Page 17, strike line 1 and substitute the following:

47 "PAYMENTS SPECIFIED BY THE CHARTER SCHOOL PURSUANT TO  
48 PARAGRAPH (a) OF THIS SUBSECTION (2) THAT WILL BE DUE DURING THE  
49 BUDGET YEAR, THE CHARTERING DISTRICT";

50

51 line 2, strike "CONTRACT" and substitute "AGREE";

52

53 strike lines 4 through 8.

54

55 Reletter succeeding paragraphs accordingly.

56

1 Page 17, strike lines 15 and 16.

2

3 Page 22, line 10, strike "NOT";

4

5 line 15, strike "TEN" and substitute "FIFTY";

6

7 strike lines 16 through 24 and substitute the following:

8

9       "(II) IF, IN ANY GIVEN FISCAL YEAR, THE STATE TREASURER  
10 DETERMINES THAT AFTER WITHHOLDING OF THE MAXIMUM AMOUNT OF  
11 CHARTER SCHOOL PER PUPIL FACILITIES AID PROGRAM MONEYS THAT MAY  
12 BE WITHHELD PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d)  
13 THE PORTION OF THE CHARTER SCHOOL DEBT RESERVE FUND THAT IS NOT  
14 THE CHARTER SCHOOL INTEREST SAVINGS ACCOUNT WILL NOT BE  
15 RESTORED TO A TWO MILLION DOLLAR BALANCE, EACH CHARTER SCHOOL  
16 THAT HAS NOT RELIED UPON THE EXISTENCE OF THE CHARTER SCHOOL  
17 DEBT RESERVE FUND TO OBTAIN MORE FAVORABLE FINANCING TERMS FOR  
18 BONDS ISSUED ON ITS BEHALF BY A GOVERNMENTAL ENTITY OTHER THAN  
19 A SCHOOL DISTRICT SHALL HAVE ITS PAYMENT REDUCED BY THE SAME  
20 PERCENTAGE AND BY A MAXIMUM OF TEN PERCENT."

21

22 Page 27, line 17, strike "(I)";

23

24 strike lines 18 through 27.

25

26 Page 28, strike lines 1 and 2 and substitute the following:

27 "AND IN ACCORDANCE WITH SECTION 22-30.5-406, THE FUNDING";

28

29 line 5, strike "IN";

30

31 strike lines 6 and 7 and substitute the following:

32

33 "ON BONDS ISSUED ON BEHALF OF A CHARTER SCHOOL BY A  
34 GOVERNMENTAL ENTITY OTHER THAN A SCHOOL DISTRICT FOR THE  
35 PURPOSE OF FINANCING CHARTER SCHOOL CAPITAL CONSTRUCTION THAT  
36 WERE MADE BY THE STATE TREASURER OR THE CHARTERING SCHOOL".

37

38 Page 29, line 7, strike "FOR" and substitute "IN THE CASE OF UNIMPROVED  
39 REAL PROPERTY LEASED TO";

40

41 line 8, strike "(3)" and substitute "(3),".

42

43 Page 30, after line 4, insert the following:

44

45       "**SECTION 9.** 22-54-117 (1.7) (a), Colorado Revised Statutes, is  
46 amended to read:

47

48       **22-54-117. Contingency reserve - capital construction**  
49 **expenditures reserve.** (1.7) (a) In addition to any amount annually  
50 appropriated by the general assembly to the state public school fund as  
51 a contingency reserve and any amount appropriated from the general fund  
52 to the state public school fund as a school capital construction  
53 expenditures reserve in accordance with section 24-75-201.1 (4) (b),  
54 C.R.S., and subsection (1.5) of this section, for the 2001-02 budget year  
55 and budget years thereafter, an amount equal to the amount appropriated  
56 for the budget year from the state education fund to the department of

1 education pursuant to section 22-54-124 (4) shall be appropriated from  
2 the state education fund created in section 17 (4) of article IX of the state  
3 constitution to the school capital construction expenditures reserve  
4 created in said subsection (1.5) to be used only as provided in said  
5 subsection (1.5); EXCEPT THAT, FOR THE 2002-03 BUDGET YEAR THROUGH  
6 THE 2010-11 BUDGET YEAR, AN AMOUNT EQUAL TO SEVENTY PERCENT OF  
7 THE AMOUNT APPROPRIATED FOR THE BUDGET YEAR FROM THE STATE  
8 EDUCATION FUND TO THE DEPARTMENT OF EDUCATION PURSUANT TO  
9 SECTION 22-54-124 (4) SHALL BE APPROPRIATED FROM THE STATE  
10 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE  
11 CONSTITUTION TO THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES  
12 RESERVE CREATED IN SAID SUBSECTION (1.5) TO BE USED ONLY AS  
13 PROVIDED IN SAID SUBSECTION (1.5).".

14

15 Renumber succeeding sections accordingly.

16

17 Page 31, line 11, strike "THE" and substitute "EXCEPT AS OTHERWISE  
18 PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), THE";

19

20 after line 24, insert the following:

21

22 "(B) FOR BUDGET YEARS 2002-03 THROUGH 2010-11, ADDITIONAL  
23 STATE EDUCATION FUND MONEYS IN AN AMOUNT EQUAL TO THIRTY  
24 PERCENT OF THE TOTAL AMOUNT OF STATE EDUCATION FUND MONEYS TO  
25 BE DISTRIBUTED TO ELIGIBLE DISTRICTS PURSUANT TO SUB-SUBPARAGRAPH  
26 (A) OF THIS SUBPARAGRAPH (II) SHALL BE DISTRIBUTED TO ALL ELIGIBLE  
27 DISTRICTS.".

28

29 Reletter succeeding sub-subparagraph accordingly.

30

31 Page 32, line 6, strike "SUB-SUBPARAGRAPH (A)" and substitute  
32 "SUB-SUBPARAGRAPHS (A) AND (B)".

33

34

35

36 **HB02-1304** be amended as follows, and as so amended, be referred to  
37 the Committee on Appropriations with favorable  
38 recommendation:

39

40 Amend printed bill, page 3, line 17, strike "amended" and substitute  
41 "amended, and the said 22-7-803 is further amended BY THE  
42 ADDITION OF THE FOLLOWING NEW SUBSECTIONS,";

43

44 line 19, strike "**rules.**" and substitute "**rules - repeal.**";

45

46 after line 26, insert the following:

47

48 "(5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO  
49 THE CONTRARY, GRANT MONEYS FOR THE ELIGIBLE STUDENTS DESCRIBED  
50 IN SECTION 22-7-802 (2) (c) SHALL ONLY BE AVAILABLE TO SCHOOLS THAT  
51 ARE PARTICIPATING IN A FULL-DAY KINDERGARTEN EDUCATIONAL  
52 PROGRAM PURSUANT TO SECTION 22-32-119 (2).

53

54 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2006.

55

1 (6) ANY SCHOOL DISTRICT THAT SUBMITS AN APPLICATION TO THE  
2 DEPARTMENT TO OPERATE A SUMMER SCHOOL GRANT PROGRAM PURSUANT  
3 TO THIS SECTION IS ENCOURAGED TO APPLY FOR FEDERAL MONEYS  
4 RECEIVED FROM THE FEDERAL GOVERNMENT THROUGH THE FEDERAL "NO  
5 CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110, TO ASSIST IN  
6 FUNDING THE GRANT PROGRAM."

7  
8  
9  
10 **HB02-1306** be amended as follows, and as so amended, be referred to  
11 the Committee of the Whole with favorable  
12 recommendation:  
13

14 Amend printed bill, page 2, before line 1, insert the following:  
15

16 "SECTION 1. Part 1 of article 2 of title 22, Colorado Revised  
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
18 read:  
19

20 **22-2-122. State plan - paraprofessionals.** (1) THE DEPARTMENT  
21 SHALL PREPARE AND SUBMIT TO THE FEDERAL DEPARTMENT OF  
22 EDUCATION A STATE PLAN PURSUANT TO THE FEDERAL "NO CHILD LEFT  
23 BEHIND ACT OF 2001", PUBLIC LAW 107-110, REFERRED TO IN THIS  
24 SECTION AS THE "FEDERAL ACT".  
25

26 (2) (a) SUCH STATE PLAN, AT A MINIMUM, SHALL INCLUDE A  
27 REQUIREMENT THAT ANY PARAPROFESSIONAL HIRED AFTER JANUARY 8,  
28 2002, BY A SCHOOL DISTRICT OR PUBLIC SCHOOL THAT RECEIVES MONEYS  
29 PURSUANT TO PART A OF THE FEDERAL ACT HAS:  
30

31 (I) COMPLETED AT LEAST TWO YEARS OF STUDY AT AN  
32 INSTITUTION OF HIGHER EDUCATION;  
33

34 (II) RECEIVED AN ASSOCIATES DEGREE OR A HIGHER DEGREE; OR  
35

36 (III) PASSED AN ASSESSMENT SHOWING KNOWLEDGE OF AND  
37 ABILITY TO ASSIST IN THE INSTRUCTION OF ELEMENTARY AND SECONDARY  
38 STUDENTS.  
39

40 (b) SUCH STATE PLAN SHALL ALSO INCLUDE A REQUIREMENT THAT,  
41 ON OR BEFORE JANUARY 8, 2006, ANY PARAPROFESSIONAL EMPLOYED AS  
42 OF JANUARY 8, 2002, BY A SCHOOL DISTRICT OR PUBLIC SCHOOL THAT  
43 RECEIVES MONEYS PURSUANT TO PART A OF THE FEDERAL ACT BE ABLE TO  
44 DEMONSTRATE THAT THE PARAPROFESSIONAL HAS MET AT LEAST ONE OF  
45 THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2).  
46

47 (c) THE REQUIREMENTS OF THIS SUBSECTION (2) SHALL NOT APPLY  
48 TO A PARAPROFESSIONAL:  
49

50 (I) WHO IS PROFICIENT IN ENGLISH AND A LANGUAGE OTHER THAN  
51 ENGLISH AND WHO PROVIDES SERVICES PRIMARILY TO ENHANCE  
52 PARTICIPATION OF CHILDREN IN AN EDUCATIONAL PROGRAM BY ACTING AS  
53 A TRANSLATOR; OR  
54

55 (II) WHOSE DUTIES CONSIST SOLELY OF CONDUCTING PARENTAL  
56 INVOLVEMENT ACTIVITIES."

1 Renumber succeeding sections accordingly.

2

3 Page 2, line 21, strike "2006," and substitute "2006 AT THE LATEST,";

4

5 line 22, after "ASSESSMENT", insert "FIRST IN MATHEMATICS TO ALL  
6 STUDENTS ENROLLED IN THE THIRD AND FOURTH GRADES AND";

7

8 after line 24, insert the following:

9

10 **"SECTION 3.** Part 3 of article 60 of title 23, Colorado Revised  
11 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
12 read:

13

14 **23-60-308. Education paraprofessionals - associate degree -**  
15 **statewide assessment.** (1) WHEN SUFFICIENT MONEYS ARE RECEIVED  
16 FROM THE FEDERAL GOVERNMENT THROUGH THE FEDERAL "NO CHILD  
17 LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110:

18

19 (a) WHEN MONEYS ARE RECEIVED FROM SUCH FEDERAL ACT, THE  
20 BOARD SHALL DESIGN A STATEWIDE PROGRAM PURSUANT TO WHICH  
21 ELEMENTARY AND SECONDARY EDUCATION PARAPROFESSIONALS MAY  
22 OBTAIN AN ASSOCIATE DEGREE. THE PROGRAM MAY BE OFFERED AT ANY  
23 STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION THAT AWARDS  
24 ASSOCIATE DEGREES THROUGH A TRADITIONAL ON-CAMPUS PROGRAM, AN  
25 ONLINE PROGRAM, OR BOTH. THE PROGRAM SHALL BE IMPLEMENTED ON  
26 OR BEFORE JANUARY 1, 2003.

27

28 (b) (I) ON OR BEFORE JUNE 1, 2003, THE BOARD, IN CONSULTATION  
29 WITH THE DEPARTMENT OF EDUCATION, SHALL DESIGN A FORMAL  
30 ASSESSMENT OF ELEMENTARY AND SECONDARY EDUCATION  
31 PARAPROFESSIONALS THAT MEASURES, AS APPROPRIATE TO THE STUDIES  
32 OR EMPLOYMENT OF A PARAPROFESSIONAL, THE PARAPROFESSIONAL'S:

33

34 (A) KNOWLEDGE OF AND ABILITY TO ASSIST IN THE INSTRUCTION  
35 OF READING, WRITING, AND MATHEMATICS; OR

36

37 (B) KNOWLEDGE OF AND ABILITY TO ASSIST IN THE INSTRUCTION  
38 OF READING READINESS, WRITING READINESS, AND MATHEMATICS  
39 READINESS.

40

41 (II) THE BOARD SHALL BE RESPONSIBLE FOR ADMINISTERING THE  
42 STATEWIDE ASSESSMENT OF ELEMENTARY AND SECONDARY EDUCATION  
43 PARAPROFESSIONALS AND FOR CERTIFYING THAT SUCH  
44 PARAPROFESSIONALS ARE QUALIFIED TO BE EMPLOYED BY A SCHOOL  
45 DISTRICT OR PUBLIC SCHOOL THAT RECEIVES MONEYS PURSUANT TO THE  
46 FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110."

47

48 Renumber succeeding section accordingly.

49

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1 **FINANCE**

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

4  
5 **HB02-1254** be referred favorably to the Committee on Appropriations.

6  
7 **HB02-1271** be postponed indefinitely.  
8  
9

10

11

12 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

15  
16 **HB02-1209** be amended as follows, and as so amended, be referred to  
17 the Committee on Appropriations with favorable  
18 recommendation:  
19

20 Amend printed bill, page 3, line 2, strike "program," and substitute  
21 "program FOR THE PREVIOUS FISCAL YEAR,";

22

23 line 8, after "report" insert "FOR THE PREVIOUS FISCAL YEAR".  
24  
25

26 **HB02-1262** be referred favorably to the Committee on Appropriations.  
27  
28

29 **HB02-1263** be amended as follows, and as so amended, be referred to  
30 the Committee on Appropriations with favorable  
31 recommendation:  
32

33 Amend printed bill, page 3, line 20, strike "PLAN" and substitute "PLAN,  
34 CONDITIONED ON THE RECEIPT OF GIFTS, GRANTS, OR DONATIONS  
35 SUFFICIENT TO PROVIDE FOR THE STATE'S ADMINISTRATIVE COSTS OF  
36 PREPARING AND SUBMITTING THE STATE PLAN AMENDMENT,";

37

38 after line 22, insert the following:  
39

40 **"26-4-424. Acceptance of gifts, grants, and donations - Native**  
41 **American substance abuse treatment cash fund.** THE EXECUTIVE  
42 DIRECTOR MAY ACCEPT AND EXPEND MONEYS FROM GIFTS, GRANTS, AND  
43 DONATIONS FOR PURPOSES OF PROVIDING FOR THE ADMINISTRATIVE COSTS  
44 OF PREPARING, SUBMITTING, AND ADMINISTERING THE STATE PLAN  
45 AMENDMENT TO PROVIDE SUBSTANCE ABUSE TREATMENT SERVICES TO  
46 NATIVE AMERICANS AS PROVIDED FOR IN SECTION 26-4-423. ALL SUCH  
47 GIFTS, GRANTS, AND DONATIONS SHALL BE TRANSMITTED TO THE STATE  
48 TREASURER WHO SHALL CREDIT THE SAME TO THE NATIVE AMERICAN  
49 SUBSTANCE ABUSE TREATMENT CASH FUND, WHICH FUND IS HEREBY  
50 CREATED. THE MONEYS IN THE NATIVE AMERICAN SUBSTANCE ABUSE  
51 TREATMENT CASH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY  
52 THE GENERAL ASSEMBLY. ALL INVESTMENT EARNINGS DERIVED FROM THE  
53 DEPOSIT AND INVESTMENT OF MONEYS IN THE NATIVE AMERICAN  
54 SUBSTANCE ABUSE TREATMENT CASH FUND SHALL REMAIN IN THE FUND  
55 AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF  
56 THE STATE AT THE END OF ANY FISCAL YEAR."

1 **HB02-1275** be postponed indefinitely.

2  
3

4 **HB02-1312** be amended as follows, and as so amended, be referred to  
5 the Committee on Appropriations with favorable  
6 recommendation:

7  
8 Amend printed bill, page 2, line 3, strike "**priority.**" and substitute  
9 "**priority - exceptions.** (1)";

10  
11 after line 8, insert the following:

12  
13 "(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF  
14 THIS SECTION, NOTHING IN THIS SECTION SHALL AFFECT THE PRIORITY OF  
15 A HEARING CONCERNING THE ISSUANCE OF A TEMPORARY RESTRAINING  
16 ORDER PURSUANT TO SECTION 13-14-102, C.R.S., SECTION 14-4-103,  
17 C.R.S., OR SECTION 14-10-108, C.R.S.

18  
19 (3) THE PROVISIONS OF THIS SECTION SHALL BE IMPLEMENTED  
20 WITHIN EXISTING APPROPRIATIONS.

21  
22 **SECTION 2. No appropriation.** The general assembly has  
23 determined that this act can be implemented within existing  
24 appropriations, and therefore no separate appropriation of state moneys  
25 is necessary to carry out the purposes of this act."

26  
27 Renumber succeeding sections accordingly.

28  
29  
30  
31

32 **INFORMATION & TECHNOLOGY**

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

35

36 **HB02-1258** be amended as follows, and as so amended, be referred to  
37 the Committee of the Whole with favorable  
38 recommendation:

39

40 Amend printed bill, page 2, line 11, after "WITH", insert "PROOF OF THE  
41 CONSUMER'S IDENTIFICATION AND";

42

43 line 13, strike "SECTION 18-5-113 OR 18-5-205," and substitute "ANY  
44 PROVISION OF PART 2, 3, OR 4 OF ARTICLE 4, PART 1, 2, 3, OR 7 OF ARTICLE  
45 5, OR ARTICLE 5.5 OF TITLE 18,";

46

47 line 23, strike "BLOCKED".

48

49 Page 3, strike lines 1 through 13 and substitute the following:

50

51 "(2) (a) A CONSUMER REPORTING AGENCY MAY DECLINE TO BLOCK  
52 OR MAY RESCIND ANY BLOCK OF CONSUMER INFORMATION IF, IN THE  
53 EXERCISE OF GOOD FAITH AND REASONABLE JUDGMENT, THE CONSUMER  
54 REPORTING AGENCY BELIEVES:

55

56 (I) THE INFORMATION WAS BLOCKED DUE TO A

1 MISREPRESENTATION OF FACT BY THE CONSUMER RELEVANT TO THE  
2 REQUEST TO BLOCK UNDER THIS SECTION;

3

4 (II) THE CONSUMER AGREES THAT THE BLOCKED INFORMATION OR  
5 PORTIONS OF THE BLOCKED INFORMATION WERE BLOCKED IN ERROR;

6

7 (III) THE CONSUMER KNOWINGLY OBTAINED POSSESSION OF  
8 GOODS, SERVICES, OR MONEYS AS A RESULT OF THE BLOCKED  
9 TRANSACTION OR TRANSACTIONS OR THE CONSUMER SHOULD HAVE  
10 KNOWN THAT HE OR SHE OBTAINED POSSESSION OF GOODS, SERVICES, OR  
11 MONEYS AS A RESULT OF THE BLOCKED TRANSACTION OR TRANSACTIONS;  
12 OR

13

14 (IV) THE CONSUMER SO REQUESTS IN WRITING.";

15

16 strike lines 26 and 27 and substitute the following:

17 "GOODS, SERVICES, OR MONEYS."

18

19 Page 5, line 9, after "UNAUTHORIZED", insert "IN ACCORDANCE WITH  
20 SECTION 12-14.3-106.5";

21

22 line 15, after "UNAUTHORIZED", insert "IN ACCORDANCE WITH SECTION  
23 12-14.3-106.5".

24

25 Page 6, line 5, after "UNAUTHORIZED", insert "IN ACCORDANCE WITH  
26 SECTION 12-14.3-106.5";

27

28 strike lines 25 through 27.

29

30 Strike page 7.

31

32 Page 8, strike lines 1 through 13.

33

34 Renumber succeeding section accordingly.

35

36

37

38 **HB02-1331** be referred to the Committee of the Whole with favorable  
39 recommendation.

40

41

42

43

44 **TRANSPORTATION & ENERGY**

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

47

48 **HB02-1222** be amended as follows, and as so amended, be referred to  
49 the Committee of the Whole with favorable  
50 recommendation:

51

52 Amend printed bill, page 2, line 22, strike "ARTICLE 4" and substitute  
53 "ARTICLE 5".

54

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56

**PRINTING REPORT**1  
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The Chief Clerk reports the following bills have been correctly printed:  
**HB02-1346, 1347, 1348.**

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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate voted to concur in House amendments to SB02-072 and repassed the bill as amended.

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**INTRODUCTION OF BILLS  
First Reading**

The following bills were read by title and referred to the committees indicated:

**HB02-1347** by Representative(s) Snook; also Senator(s) Hernandez--  
Concerning the exclusion of certain workers' compensation cash funds from the limitation on the amount of uncommitted moneys that may be retained in a cash fund.  
Committee on Finance

**HB02-1348** by Representative(s) Harvey--Concerning the transfer of the poison control program from the department of health care policy and financing to the department of public health and environment, and, in connection therewith, making a transfer of appropriation.  
Committee on Health, Environment, Welfare, & Institutions  
Committee on Appropriations

**HB02-1349** by Representative(s) King; also Senator(s) Thiebaut--  
Concerning the financing of public schools, and making an appropriation therefor.  
Committee on Education  
Committee on Appropriations

**SB02-054** by Senator(s) Phillips; also Representative(s) Spence--  
Concerning sources of information for the master juror list.  
Committee on Civil Justice & Judiciary

**SB02-100** by Senator(s) Thiebaut, Entz, May, Nichol, Takis, Teck, Cairns; also Representative(s) Tapia--Concerning the interment of deceased veterans.  
Committee on State, Veterans, & Military Affairs

**SB02-105** by Senator(s) Entz; also Representative(s) Borodkin--  
Concerning aviation in the state of Colorado.  
Committee on Local Government

- 1 **SB02-117** by Senator(s) Taylor; also Representative(s) Vigil--  
 2 Concerning the control of destructive rodent pests by  
 3 governmental entities.  
 4 Committee on Agriculture, Livestock, & Natural Resources  
 5
- 6 **SB02-127** by Senator(s) Tupa, Anderson, Takis; also  
 7 Representative(s) Vigil, Coleman, Scott--Concerning  
 8 criminal history record checks for educators.  
 9 Committee on Criminal Justice  
 10
- 11 **SB02-143** by Senator(s) Owen; also Representative(s) Webster--  
 12 Concerning the duties of a county treasurer, and, in  
 13 connection therewith, requiring a county treasurer to  
 14 address any recommendation or finding contained in an  
 15 audit of the treasurer's office and to report to the board of  
 16 county commissioners regarding the disposition of the  
 17 recommendation or finding, subjecting a county treasurer  
 18 to contempt for failure to comply with these requirements,  
 19 and specifying the penalty for failure to perform the duties  
 20 of a county treasurer.  
 21 Committee on Local Government  
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- 23 **SB02-159** by Senator(s) Evans, Epps, Gordon, Linkhart, Perlmutter;  
 24 also Representative(s) Plant, Groff, Hefley, Lee, Mitchell--  
 25 -Concerning the revision of statutes in the Colorado  
 26 Revised Statutes, as amended, amending or repealing  
 27 obsolete, inconsistent, and conflicting provisions of law  
 28 and clarifying the language to reflect the legislative intent  
 29 of the laws.  
 30 Committee on Civil Justice & Judiciary  
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### LAY OVER OF CALENDAR ITEMS

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 36 On motion of Representative Spradley, the following items on the  
 37 Calendar were laid over until February 22, retaining place on Calendar:  
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39 Consideration of General Orders--**HB02-1192, 1261, 1250, 1291, 1325,**  
 40 **1051, 1151, 1091, 1074, 1070, 1221, SB02-045, HB02-1079, 1084,**  
 41 **1167, 1225, 1199, 1218, 1286, 1220, 1203, 1300, 1305, 1311, 1214.**  
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43  
 44 On motion of Representative Spradley, the House adjourned until  
 45 9:00 a.m., February 22, 2002.  
 46

47 Approved:  
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49  
 50  
 51 DOUG DEAN,  
 52 Speaker

53 Attest:

54  
 55 JUDITH RODRIGUE,  
 56 Chief Clerk