

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

Sixteenth Legislative Day

Thursday, January 24, 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--65.

8

9 The Speaker declared a quorum present.

10

11

12 On motion of Representative White, the reading of the journal of
 13 January 23, 2002, was declared dispensed with and approved as corrected
 14 by the Chief Clerk.

15

16

17

THIRD READING OF BILL--FINAL PASSAGE

19

20 The following bill was considered on Third Reading. The title was
 21 publicly read. Reading of the bill at length was dispensed with by
 22 unanimous consent.

23

24 **HB02-1072** by Representative(s) King; also Senator Hillman--
 25 Concerning the congressional redistricting of Colorado.

26

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

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

31

32 YES 38 NO 27 EXCUSED 0 ABSENT 0

33

34 Alexander	Y	Groff	N	Marshall	N	Spence	Y
35 Bacon	N	Grossman	N	Miller	Y	Spradley	Y
36 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
37 Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
38 Boyd	N	Hodge	N	Plant	N	Swenson	Y
39 Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
40 Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
41 Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
42 Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
43 Coleman	N	Kester	Y	Saliman	N	Webster	Y

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

8
9 Co-sponsors added: Representatives Fairbank, Kester, Lee, Stengel, Swenson,
10 Mr. Speaker.

11
12
13
14 **REPORT OF COMMITTEE OF REFERENCE**

15
16 **FINANCE**

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

19
20 **HJR02-1007** be referred out for final action.

21
22
23
24 **CONSIDERATION OF RESOLUTION**

25
26 **HJR02-1007** by Representative(s) Stengel, Young, Berry, Saliman; also
27 Senator(s) Fitz-Gerald, Reeves, Tate, Owen--Concerning
28 the certification by the general assembly of its estimate of
29 state general fund revenues and allowable state general
30 fund appropriations for the 2002-03 budget year.

31
32 (Printed and placed in member's file; also printed in House Journal,
33 January 22, 2002, pages 138-140.)

34
35 On motion of Representative Spradley, the rules were suspended and the
36 resolution was given immediate consideration.

37
38 On motion of Representative Stengel, the resolution was **adopted** by the
39 following roll call vote:

40
41 YES 64 NO 0 EXCUSED 1 ABSENT 0

42								
43	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
44	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
45	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
46	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
47	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
48	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
49	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
50	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
51	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
52	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
53	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
54	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
55	Decker	Y	Lawrence	E	Scott	Y	Williams S.	Y
56	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y

1	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
2	Garcia	Y	Madden	Y	Snook	Y	Young	Y
3							Mr. Speaker	Y

5 Co-sponsors added: Representatives Larson, Rippy.

9 **REPORTS OF COMMITTEES OF REFERENCE**

10 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

11 After consideration on the merits, the Committee recommends the
12 following:
13

14
15 **HB02-1056** be referred to the Committee of the Whole with favorable
16 recommendation.

17
18 **HB02-1087** be referred favorably to the Committee on Appropriations.

19
20 **HB02-1099** be referred to the Committee of the Whole with favorable
21 recommendation.

22
23 **HJR02-1004** be referred out for final action.

24
25 **HJR02-1005** be referred out for final action.

26 27 28 29 **BUSINESS AFFAIRS & LABOR**

30 After consideration on the merits, the Committee recommends the
31 following:
32

33
34 **HB02-1014** be referred favorably to the Committee on Appropriations.

35
36 **HB02-1117** be referred to the Committee of the Whole with favorable
37 recommendation.

38
39 **HB02-1120** be referred to the Committee of the Whole with favorable
40 recommendation.

41
42 **HB02-1130** be referred to the Committee of the Whole with favorable
43 recommendation.

44
45
46 **HB02-1135** be amended as follows, and as so amended, be referred to
47 the Committee on Finance with favorable
48 recommendation:

49
1 Amend printed bill, page 4, strike lines 6 through 11 and substitute the
2 following:
3

4 "(b) The six members of the board who were serving as of
5 January 1, 1989 2002, shall continue to serve until July 1, 1989. On or
6 before July 1, 1989, the governor shall appoint, with the consent of the
7 senate, seven persons who meet the qualifications specified in paragraph

1 ~~(a) of this subsection (2) to serve as the members of the board effective~~
 2 ~~July 1, 1989~~ UNTIL THE COMPLETION OF EACH MEMBER'S TERM. NEW
 3 MEMBERS OF THE BOARD SHALL BE APPOINTED PURSUANT TO PARAGRAPH
 4 (a) OF THIS SUBSECTION (2).".

5
 6 Page 5, strike lines 10 through 12 and substitute the following:

7
 8 "~~(d) Promulgate reasonable rules and regulations pertaining to the~~
 9 ~~operation of the Colorado compensation insurance authority fund;~~";
 10
 11 line 13, strike "rules" and substitute "rules POLICIES AND PROCEDURES".

12
 13 Page 6, strike lines 10 and 11 and substitute the following:
 14 "job safety; and ~~submit recommendations to the board for consideration~~
 15 ~~in setting and approving rates; and~~";

16
 17 line 16, strike "policies, procedures, and OR rules and regulations" and
 18 substitute "policies OR procedures ~~and rules and regulations~~".

19
 20 Page 9, line 4, strike "AND FOR AS LONG AS SUCH SURPLUS";

21
 22 line 5, strike "EXISTS,".

23
 24 Page 15, line 12, strike "shall" and substitute "~~shall~~ MAY";

25
 26 line 22, strike "SELF-SUPPORTING," and substitute "SELF-SUPPORTING,
 27 WHICH INCLUDES THE ATTAINMENT AND MAINTENANCE OF AN ADEQUATE
 28 SURPLUS AS DETERMINED IN ACCORDANCE WITH SECTION 8-45-111,".

29
 30 Page 20, line 22, before "rates", insert "PURE PREMIUM";

31
 32 line 26, before "rates", insert "PURE PREMIUM".

33
 34 Page 21, line 23, strike "8-45-107 (1)," and substitute "8-45-111 AND
 35 VERIFIED BY AUDIT AND EXAMINATION PERFORMED IN ACCORDANCE WITH
 36 SECTION 8-45-121,".

37
 38 Page 22, line 16, strike "SHALL" and substitute "MAY".

39
 40
 41
 42
 43 **CIVIL JUSTICE & JUDICIARY**

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

46
 47 **HB02-1018** be referred to the Committee of the Whole with favorable
 48 recommendation.

49
 50 **HB02-1055** be referred to the Committee of the Whole with favorable
 51 recommendation.

52
 53
 54 **HB02-1064** be amended as follows, and as so amended, be referred to
 55 the Committee of the Whole with favorable
 56 recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3

4 **"SECTION 1. Legislative declaration.** (1) The general
5 assembly hereby finds that:

6

7 (a) Historically, an alarmingly high percentage of Indian families
8 were disrupted by the removal, often unwarranted, of their children by
9 non-tribal public and private agencies, and that a disturbingly high
10 percentage of those children were placed in non-Indian foster and
11 adoptive homes and institutions;

12

13 (b) As a result of these actions, thousands of Indian families,
14 tribal nations, and entire cultures were devastated;

15

16 (c) The states, in exercising their recognized jurisdiction over
17 Indian child custody proceedings through administrative and judicial
18 bodies, historically failed to recognize the essential tribal relations of
19 Indian people and the cultural and social standards prevailing in Indian
20 communities and cultures;

21

22 (d) In response to these circumstances, the United States congress
23 passed the federal "Indian Child Welfare Act", 25 U.S.C. sec. 1901, et
24 seq., in 1978, to protect the best interests of Indian children and to
25 promote the stability and security of Indian tribes and families by the
26 establishment of minimum federal standards for the removal of Indian
27 children from their families and for the placement of such children in
28 foster or adoptive homes that would reflect the unique values of Indian
29 culture by providing for assistance to Indian tribes in the operation of
30 child and family service programs;

31

32 (e) A critical element of the "Indian Child Welfare Act" includes
33 the provision of notice to an Indian child's tribe when a state court
34 proceeding is commenced that could result in the placement of the Indian
35 child out of his or her home so that the child's tribe may be given the
36 opportunity to transfer the case to a tribal court or otherwise participate
37 in the state court proceeding;

38

39 (f) In order to achieve these goals it is crucial to determine,
40 consistently and faithfully, whether children who are the subject of such
41 types of state court proceedings are Indian children and to insure that, if
42 so, appropriate and timely notice is provided;

43

44 (g) The state of Colorado has previously recognized that Indian
45 tribes have a compelling interest in promoting and maintaining their
46 integrity and culture by entering into "Indian Child Welfare Act"
47 agreements with the Southern Ute Indian tribe and the Ute Mountain Ute
48 Indian tribe, which agreements, among other things, place stringent notice
49 requirements on the state in proceedings involving Indian children and
50 provide for the delay of proceedings until the required notice has been
51 provided to the tribe;

52

53 (h) The state of Colorado is committed to consistent application
54 of and compliance with the provisions of the federal "Indian Child
55 Welfare Act" throughout the state to ensure that proper notice is provided
56 and procedures followed as specified by the act when state court actions

1 brought pursuant to the "Colorado Children's Code", title 19, Colorado
2 Revised Statutes, involve Indian children; and

3

4 (i) There is nothing more vital to the continued existence and
5 integrity of Indian tribes than their children.

6

7 (2) Accordingly, the general assembly hereby determines and
8 declares that it is appropriate and in the best interests of the Indian
9 families intended to be protected by the terms of the federal "Indian Child
10 Welfare Act", and the Indian children represented thereby, that the
11 "Indian Child Welfare Act" agreements entered into between the state of
12 Colorado and the Southern Ute Indian tribe and the Ute Mountain Ute
13 Indian tribe be reaffirmed and that certain provisions be added to the
14 "Colorado Children's Code" to ensure consistent and reliable compliance
15 with the federal act for the protection of Indian children within the state
16 of Colorado.

17

18 **SECTION 2.** 19-1-103, Colorado Revised Statutes, is amended
19 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
20 read:

21

22 **19-1-103. Definitions.** As used in this title or in the specified
23 portion of this title, unless the context otherwise requires:

24

25 (65.3) "INDIAN CHILD" MEANS AN UNMARRIED PERSON WHO IS
26 YOUNGER THAN EIGHTEEN YEARS OF AGE AND WHO IS EITHER:

27

28 (a) A MEMBER OF AN INDIAN TRIBE; OR

29

30 (b) ELIGIBLE FOR MEMBERSHIP IN AN INDIAN TRIBE AND WHO IS
31 THE BIOLOGICAL CHILD OF A MEMBER OF AN INDIAN TRIBE.

32

33 (65.5) "INDIAN CHILD'S TRIBE" MEANS:

34

35 (a) THE INDIAN TRIBE IN WHICH AN INDIAN CHILD IS A MEMBER OR
36 ELIGIBLE FOR MEMBERSHIP; OR

37

38 (b) IN THE CASE OF AN INDIAN CHILD WHO IS A MEMBER OF OR
39 ELIGIBLE FOR MEMBERSHIP IN MORE THAN ONE TRIBE, THE INDIAN TRIBE
40 WITH WHICH THE INDIAN CHILD HAS THE MOST SIGNIFICANT CONTACTS.

41

42 (65.7) "INDIAN TRIBE" MEANS AN INDIAN TRIBE, BAND, NATION, OR
43 OTHER ORGANIZED GROUP OR COMMUNITY OF INDIANS RECOGNIZED AS
44 ELIGIBLE FOR THE FEDERAL GOVERNMENTAL SERVICES PROVIDED TO
45 INDIANS BECAUSE OF THEIR STATUS AS INDIANS.

46

47 **SECTION 3.** Part 1 of article 1 of title 19, Colorado Revised
48 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
49 read:

50

51 **19-1-126. Compliance with the federal "Indian Child Welfare**
52 **Act".** (1) COMMENCING THIRTY DAYS AFTER THE EFFECTIVE DATE OF
53 THIS SECTION, IN EACH CASE FILED PURSUANT TO THIS TITLE TO WHICH THE
54 TERMS OF THE FEDERAL "INDIAN CHILD WELFARE ACT", 25 U.S.C. SEC.
55 1901, ET SEQ., APPLY, INCLUDING BUT NOT LIMITED TO CERTAIN JUVENILE
56 DELINQUENCY PROCEEDINGS, DEPENDENCY OR NEGLECT PROCEEDINGS,

1 TERMINATION OF PARENTAL RIGHTS PROCEEDINGS, AND PRE-ADOPTIVE
2 AND ADOPTION PROCEEDINGS, THE PETITIONING OR FILING PARTY SHALL:

3
4 (a) MAKE CONTINUING INQUIRIES TO DETERMINE WHETHER THE
5 CHILD WHO IS THE SUBJECT OF THE PROCEEDING IS AN INDIAN CHILD AND,
6 IF SO, SHALL DETERMINE THE IDENTITY OF THE INDIAN CHILD'S TRIBE;

7
8 (b) IF THE PETITIONING OR FILING PARTY KNOWS OR HAS REASON
9 TO BELIEVE THAT THE CHILD WHO IS THE SUBJECT OF THE PROCEEDING IS
10 AN INDIAN CHILD, SEND NOTICE BY REGISTERED MAIL, RETURN RECEIPT
11 REQUESTED, TO THE PARENT OR INDIAN CUSTODIAN OF SUCH CHILD, TO THE
12 TRIBAL AGENT OF THE INDIAN CHILD'S TRIBE AS DESIGNATED IN TITLE 25
13 OF THE CODE OF FEDERAL REGULATIONS, PART 23, OR, IF SUCH AGENT HAS
14 NOT BEEN DESIGNATED, TO THE HIGHEST-ELECTED OR HIGHEST-APPOINTED
15 OFFICIAL OF THE INDIAN CHILD'S TRIBE, TO THE HIGHEST-ELECTED OR
16 HIGHEST-APPOINTED TRIBAL JUDGE OF THE INDIAN CHILD'S TRIBE, AND TO
17 THE SOCIAL SERVICE DEPARTMENT OF THE INDIAN CHILD'S TRIBE; AND

18
19 (c) DISCLOSE IN THE COMPLAINT, PETITION, OR OTHER
20 COMMENCING PLEADING FILED WITH THE COURT THAT THE CHILD WHO IS
21 THE SUBJECT OF THE PROCEEDING IS AN INDIAN CHILD AND THE IDENTITY
22 OF THE INDIAN CHILD'S TRIBE OR WHAT EFFORTS THE PETITIONING OR
23 FILING PARTY HAS MADE IN DETERMINING WHETHER THE CHILD IS AN
24 INDIAN CHILD. THE POSTAL RECEIPTS INDICATING THAT NOTICE WAS
25 PROPERLY SENT BY SUCH PETITIONING OR FILING PARTY TO THE PARENT OR
26 INDIAN CUSTODIAN OF THE INDIAN CHILD AND TO THE INDIAN CHILD'S
27 TRIBE SHALL BE ATTACHED TO SUCH PLEADING.

28
29 (2) IN ANY OF THE CASES IDENTIFIED IN SUBSECTION (1) OF THIS
30 SECTION IN WHICH THE INITIAL COMPLAINT, PETITION, OR OTHER
31 COMMENCING PLEADING DOES NOT DISCLOSE WHETHER THE CHILD WHO IS
32 THE SUBJECT OF THE PROCEEDING IS AN INDIAN CHILD, THE COURT SHALL
33 INQUIRE OF THE PARTIES AT THE FIRST HEARING WHETHER THE CHILD IS AN
34 INDIAN CHILD AND, IF SO, WHETHER THE PARTIES HAVE COMPLIED WITH
35 THE PROCEDURAL REQUIREMENTS SET FORTH IN THE FEDERAL "INDIAN
36 CHILD WELFARE ACT", 25 U.S.C. SEC. 1901, ET SEQ.

37
38 (3) THE STATE DEPARTMENT OF HUMAN SERVICES AND THE
39 COUNTY DEPARTMENTS OF SOCIAL SERVICES ARE ENCOURAGED TO WORK
40 COOPERATIVELY IN THE SHARING OF INFORMATION THAT ANY OF SUCH
41 AGENCIES OBTAINS OR RECEIVES CONCERNING ANY FEDERALLY
42 RECOGNIZED TRIBAL ENTITIES EXISTING OUTSIDE THE STATE OF
43 COLORADO, INCLUDING BUT NOT LIMITED TO INFORMATION ABOUT THE
44 APPROPRIATE PERSON FROM ANY SUCH TRIBAL ENTITY TO CONTACT WITH
45 THE NOTICE PRESCRIBED BY THIS SECTION.

46
47 (4) IN ANY OF THE CASES IDENTIFIED IN SUBSECTION (1) OF THIS
48 SECTION INVOLVING AN INDIAN CHILD, IN DETERMINING WHETHER TO
49 TRANSFER SUCH A CASE TO A TRIBAL COURT THE COURT IS ENCOURAGED
50 TO CONSIDER THE FOLLOWING GUIDELINES:

51
52 (a) THE COURT MAY FIND THAT GOOD CAUSE DOES NOT EXIST TO
53 TRANSFER THE PROCEEDING TO THE TRIBAL COURT IF THE INDIAN CHILD'S
54 TRIBE DOES NOT HAVE A TRIBAL COURT; OR

55
56 (b) THE COURT MAY FIND THAT GOOD CAUSE DOES NOT EXIST TO

1 TRANSFER THE PROCEEDING TO THE TRIBAL COURT IF:

2

3 (I) EITHER OF THE INDIAN CHILD'S PARENTS OBJECTS TO SUCH A
4 TRANSFER; OR

5

6 (II) THE PROCEEDING WAS AT AN ADVANCED STAGE WHEN THE
7 PETITION TO TRANSFER THE PROCEEDING TO THE TRIBAL COURT WAS
8 RECEIVED FROM THE INDIAN CHILD'S TRIBE AND THE PETITIONING PARTY
9 DID NOT FILE THE PETITION TO TRANSFER TO THE TRIBAL COURT PROMPTLY
10 AFTER RECEIVING THE NOTICE OF HEARING.

11

12 **SECTION 4.** 19-2-513, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14

15 **19-2-513. Petition form and content.** (3) (a) PURSUANT TO THE
16 PROVISIONS OF SECTION 19-1-126, IN THOSE DELINQUENCY PROCEEDINGS
17 TO WHICH THE FEDERAL "INDIAN CHILD WELFARE ACT", 25 U.S.C. SEC.
18 1901, ET SEQ., APPLIES, INCLUDING BUT NOT LIMITED TO STATUS OFFENSES
19 SUCH AS THE ILLEGAL POSSESSION OR CONSUMPTION OF ETHYL ALCOHOL
20 BY AN UNDERAGE PERSON, AS DESCRIBED IN SECTION 18-13-122, C.R.S.,
21 PURCHASE OR ATTEMPTED PURCHASE OF CIGARETTES OR TOBACCO
22 PRODUCTS BY A PERSON UNDER EIGHTEEN YEARS OF AGE, AS DESCRIBED
23 IN SECTION 18-13-121, C.R.S., AND POSSESSION OF HANDGUNS BY
24 JUVENILES, AS DESCRIBED IN SECTION 18-12-108.5, C.R.S., THE PETITION
25 SHALL:

26

27 (I) INCLUDE A STATEMENT INDICATING WHAT CONTINUING
28 INQUIRIES THE DISTRICT ATTORNEY OR THE DISTRICT ATTORNEY'S
29 REPRESENTATIVE HAS MADE IN DETERMINING WHETHER THE JUVENILE IS
30 AN INDIAN CHILD;

31

32 (II) IDENTIFY WHETHER THE JUVENILE IS AN INDIAN CHILD; AND

33

34 (III) INCLUDE THE IDENTITY OF THE INDIAN CHILD'S TRIBE, IF THE
35 CHILD IS IDENTIFIED AS AN INDIAN CHILD.

36

37 (b) IF NOTICES WERE SENT TO THE PARENT OR INDIAN CUSTODIAN
38 OF THE CHILD AND TO THE INDIAN CHILD'S TRIBE, PURSUANT TO SECTION
39 19-1-126, THE POSTAL RECEIPTS SHALL BE ATTACHED TO THE PETITION
40 AND FILED WITH THE COURT.

41

42 **SECTION 5.** 19-3-212 (1) and (2), Colorado Revised Statutes,
43 are amended to read:

44

45 **19-3-212. Notice of rights and remedies for families.** (1) The
46 state department shall prepare, with the assistance of the attorney general,
47 on a standardized WRITTEN form, a detailed informational notice of rights
48 and remedies for families subject to the provisions of this article.

49

50 (2) The notice prepared pursuant to subsection (1) of this section
51 shall be supplied to all social service and law enforcement agencies in the
52 state and shall be delivered to all parents and families from whom
53 children are removed under court order or by law enforcement personnel,
54 along with a copy of the court order directing removal of the child or
55 children from the home. In addition to the notification on the court order,
56 the informational notice shall contain a statement as to the cause of the

1 removal of the child or children. The notice shall also contain disclosure
2 of the availability of the conflict resolution process to persons who are
3 the subject of any child abuse or neglect report and to the parents, INDIAN
4 CUSTODIANS, guardian, or legal custodian of a child who is the subject of
5 any child abuse or neglect report. THE STANDARDIZED WRITTEN NOTICE
6 FORM PREPARED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL
7 ALSO INCLUDE A NOTIFICATION OF RIGHTS OF THE PARENTS, INDIAN
8 CUSTODIANS, GUARDIANS, OR LEGAL CUSTODIANS OF INDIAN CHILDREN
9 UNDER THE FEDERAL "INDIAN CHILD WELFARE ACT", 25 U.S.C. SEC. 1901,
10 ET SEQ.

11
12 **SECTION 6.** 19-3-502, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14
15 **19-3-502. Petition form and content - limitations on claims in**
16 **dependency or neglect actions.** (2.7) (a) PURSUANT TO THE PROVISIONS
17 OF SECTION 19-1-126, THE PETITION SHALL:

18
19 (I) INCLUDE A STATEMENT INDICATING WHAT CONTINUING
20 INQUIRIES THE COUNTY DEPARTMENT OF SOCIAL SERVICES HAS MADE IN
21 DETERMINING WHETHER THE CHILD WHO IS THE SUBJECT OF THE
22 PROCEEDING IS AN INDIAN CHILD;

23
24 (II) IDENTIFY WHETHER THE CHILD IS AN INDIAN CHILD; AND

25
26 (III) INCLUDE THE IDENTITY OF THE INDIAN CHILD'S TRIBE, IF THE
27 CHILD IS IDENTIFIED AS AN INDIAN CHILD.

28
29 (b) IF NOTICES WERE SENT TO THE PARENT OR INDIAN CUSTODIAN
30 OF THE CHILD AND TO THE INDIAN CHILD'S TRIBE, PURSUANT TO SECTION
31 19-1-126, THE POSTAL RECEIPTS SHALL BE ATTACHED TO THE PETITION
32 AND FILED WITH THE COURT.

33
34 **SECTION 7.** 19-3-602, Colorado Revised Statutes, is amended
35 BY THE ADDITION OF A NEW SUBSECTION to read:

36
37 **19-3-602. Motion for termination - separate hearing - right to**
38 **counsel - no jury trial.** (1.5) (a) PURSUANT TO THE PROVISIONS OF
39 SECTION 19-1-126, THE MOTION FOR TERMINATION SHALL:

40
41 (I) INCLUDE A STATEMENT INDICATING WHAT CONTINUING
42 INQUIRIES THE COUNTY DEPARTMENT OF SOCIAL SERVICES HAS MADE IN
43 DETERMINING WHETHER THE CHILD WHO IS THE SUBJECT OF THE
44 TERMINATION PROCEEDING IS AN INDIAN CHILD;

45
46 (II) IDENTIFY WHETHER THE CHILD IS AN INDIAN CHILD; AND

47
48 (III) INCLUDE THE IDENTITY OF THE INDIAN CHILD'S TRIBE, IF THE
49 CHILD IS IDENTIFIED AS AN INDIAN CHILD.

50
51 (b) IF NOTICES WERE SENT TO THE PARENT OR INDIAN CUSTODIAN
52 OF THE CHILD AND TO THE INDIAN CHILD'S TRIBE, PURSUANT TO SECTION
53 19-1-126, THE POSTAL RECEIPTS, OR COPIES THEREOF, SHALL BE ATTACHED
54 TO THE MOTION FOR TERMINATION AND FILED WITH THE COURT.

55
56 **SECTION 8.** 19-5-103, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

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19-5-103. Relinquishment procedure - petition - hearings.

(1.5) (a) PURSUANT TO THE PROVISIONS OF SECTION 19-1-126, THE PETITION FOR RELINQUISHMENT SHALL:

(I) INCLUDE A STATEMENT INDICATING WHETHER THE CHILD IS AN INDIAN CHILD; AND

(II) INCLUDE THE IDENTITY OF THE INDIAN CHILD'S TRIBE, IF THE CHILD IS IDENTIFIED AS AN INDIAN CHILD.

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16

(b) IF NOTICES WERE SENT TO THE PARENT OR INDIAN CUSTODIAN OF THE CHILD AND TO THE INDIAN CHILD'S TRIBE, PURSUANT TO SECTION 19-1-126, THE POSTAL RECEIPTS SHALL BE ATTACHED TO THE PETITION AND FILED WITH THE COURT.

17
18
19

SECTION 9. 19-5-208, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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21
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23

19-5-208. Petition for adoption. (2.5) (a) PURSUANT TO THE PROVISIONS OF SECTION 19-1-126, THE PETITION FOR ADOPTION SHALL:

24
25
26
27
28

(I) INCLUDE A STATEMENT INDICATING WHAT CONTINUING INQUIRIES THE COUNTY DEPARTMENT OF SOCIAL SERVICES OR CHILD PLACEMENT AGENCY HAS MADE IN DETERMINING WHETHER THE CHILD WHO IS THE SUBJECT OF THE PROCEEDING IS AN INDIAN CHILD;

29
30

(II) IDENTIFY WHETHER THE CHILD IS AN INDIAN CHILD; AND

31
32

(III) INCLUDE THE IDENTITY OF THE INDIAN CHILD'S TRIBE, IF THE CHILD IS IDENTIFIED AS AN INDIAN CHILD.

33
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37

(b) IF NOTICES WERE SENT TO THE PARENT OR INDIAN CUSTODIAN OF THE CHILD AND TO THE INDIAN CHILD'S TRIBE, PURSUANT TO SECTION 19-1-126, THE POSTAL RECEIPTS, OR COPIES THEREOF, SHALL BE ATTACHED TO THE PETITION FOR ADOPTION AND FILED WITH THE COURT.

38

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

42
43
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45

EDUCATION

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

49

HB02-1079 be amended as follows, and as so amended, be referred to the Committee on Criminal Justice with favorable recommendation:

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56

Amend printed bill, page 2, line 14, strike "IN ADDITION TO OR IN LIEU OF THE TREATMENT PLAN, the" and substitute "The";

1 strike line 15 and substitute "may ~~not~~ impose ~~any~~ ON THE CHILD AS A
2 sanction ~~of~~ FOR CONTEMPT OF COURT A SENTENCE TO incarceration to a
3 jail";

4

5 line 18, strike "AFTER THE COURT:" and substitute "PURSUANT TO SECTION
6 19-2-402, C.R.S., AND ANY RULES PROMULGATED BY THE COLORADO
7 SUPREME COURT.";

8

9 strike lines 19 through 24.

10

11 Page 3, strike lines 1 through 3.

12

13

14

15 **HB02-1173** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:

18

19 Amend printed bill, page 2, line 18, strike "OUT-OF-STATE" and substitute
20 "AN AMOUNT EQUAL TO OUT-OF-STATE".

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25 **LOCAL GOVERNMENT**

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

28

29 **HB02-1025** 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, strike everything below the enacting clause, and
34 substitute the following:

35

36 "SECTION 1. Part 7 of article 2 of title 26, Colorado Revised
37 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
38 read:

39

40 **26-2-724. Colorado works - screening for substance abuse and**
41 **mental health problems.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
42 THAT A SIGNIFICANT PERCENTAGE OF COLORADO WORKS PARTICIPANTS
43 ENCOUNTER BARRIERS TO ACHIEVING SELF-SUFFICIENCY DUE TO
44 SUBSTANCE ABUSE PROBLEMS OR MENTAL ILLNESS. THE GENERAL
45 ASSEMBLY ALSO FINDS THAT THE IDENTIFICATION OF THOSE PERSONS WHO
46 HAVE SUBSTANCE ABUSE PROBLEMS OR MENTAL ILLNESS DOES NOT
47 ALWAYS OCCUR IN A TIMELY FASHION. THE GENERAL ASSEMBLY FINDS
48 THAT THE USE OF SCREENING INSTRUMENTS TO SCREEN FOR THESE
49 PROBLEMS AND TO REFER PARTICIPANTS FOR SERVICES, IF APPROPRIATE,
50 WOULD BE BENEFICIAL TO THE COLORADO WORKS PROGRAM.

51

52 (2) ON OR BEFORE JULY 1, 2002, THE STATE DEPARTMENT SHALL
53 DESIGNATE A NATIONALLY RECOGNIZED SCREENING INSTRUMENT TO BE
54 USED TO SCREEN COLORADO WORKS PARTICIPANTS FOR SUBSTANCE ABUSE
55 OR MENTAL ILLNESS. THE STATE DEPARTMENT SHALL PROVIDE TRAINING
56 ON THE USE OF THE SCREENING INSTRUMENT. FOR ASSESSMENTS OF NEW

1 WORKS PARTICIPANTS CONDUCTED ON AND AFTER JULY 1, 2002, EACH
 2 COUNTY DEPARTMENT SHALL EITHER USE THE SCREENING INSTRUMENT
 3 DESIGNATED BY THE STATE DEPARTMENT OR SHALL DESIGNATE ITS OWN
 4 MECHANISM TO BE USED IN THAT COUNTY TO SCREEN WORKS
 5 PARTICIPANTS FOR SUBSTANCE ABUSE OR MENTAL ILLNESS. BASED UPON
 6 THE RESULTS OF THE SCREENING, THE COUNTY DEPARTMENTS SHALL MAKE
 7 REFERRALS FOR SERVICES, IF APPROPRIATE.

8
 9 **SECTION 2.** 26-2-723 (4) (a), Colorado Revised Statutes, is
 10 amended to read:

11
 12 **26-2-723. Evaluation - audit committee - repeal.** (4) (a) The
 13 goals of the evaluation shall be to obtain an objective analysis of the
 14 outcomes realized as a result of the implementation of the works program.
 15 Such outcomes shall include but not be limited to:

16
 17 (I) The number of adults who leave the works program for
 18 employment;

19
 20 (II) The extent to which job placements result in job retention;

21
 22 (III) The rate at which participants return to the program after
 23 periods of employment;

24
 25 (IV) The extent to which job placements are leading participants
 26 to long-term self-sufficiency;

27
 28 (V) The number of adults who leave the works program for other
 29 reasons;

30
 31 (VI) The impact of the implementation of the works program on
 32 the medicaid, child care, and child welfare programs operated in the state;

33
 34 (VII) THE COST-EFFECTIVENESS OF PROVIDING MENTAL HEALTH
 35 AND SUBSTANCE ABUSE SCREENING, REFERRAL, AND ASSESSMENT.

36
 37 **SECTION 3. Safety clause.** The general assembly hereby finds,
 38 determines, and declares that this act is necessary for the immediate
 39 preservation of the public peace, health, and safety."

40
 41 Page 1, line 102, strike "PARTICIPANTS, AND MAKING AN" and substitute
 42 "PARTICIPANTS.";

43
 44 strike line 103.

45
 46
 47
 48 **HB02-1026** 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, strike everything below the enacting clause and
 53 substitute the following:

54
 55 **"SECTION 1.** 26-2-714, Colorado Revised Statutes, is amended
 56 BY THE ADDITION OF A NEW SUBSECTION to read:

1 **26-2-714. County block grants formula - use of moneys.**
2 (5.5) (a) THE STATE DEPARTMENT IS AUTHORIZED TO SEGREGATE COUNTY
3 BLOCK GRANT FUNDS ALLOCATED UNDER THIS SECTION.

4
5 (b) IF THE STATE DEPARTMENT SEGREGATES COUNTY BLOCK GRANT
6 FUNDS AS AUTHORIZED UNDER THIS SUBSECTION (5.5):

7
8 (I) COUNTY DEPARTMENTS SHALL REPORT TO THE STATE
9 EXPENDITURES THEY HAVE MADE IN A SEGREGATED MANNER, ACCORDING
10 TO RULES PROMULGATED BY THE STATE BOARD IN ACCORDANCE WITH
11 APPLICABLE FEDERAL LAW;

12
13 (II) THE COUNTIES SHALL DEVELOP POLICIES REGARDING THE USE
14 OF SEGREGATED FUNDS UNDER THIS SUBSECTION (5.5);

15
16 (III) FUNDS SHALL BE SEGREGATED IN ORDER TO ENSURE MAXIMUM
17 FLEXIBILITY AND TO ALLOW COUNTIES TO PROVIDE ADDITIONAL
18 ASSISTANCE OR SERVICES, IN ACCORDANCE WITH FEDERAL LAW.

19
20 (c) THROUGH ONGOING EVALUATION OF THE COLORADO WORKS
21 PROGRAM PURSUANT TO SECTION 26-2-723, C.R.S., THE STATE AUDITOR'S
22 OFFICE SHALL REPORT THE COUNTY EXPENDITURES THAT HAVE BEEN MADE
23 IN A SEGREGATED MANNER AND THE EFFECTIVENESS OF THE PROGRAMS
24 FOR WHICH THE EXPENDITURES WERE MADE AND SHALL INCLUDE ITS
25 FINDINGS IN A REPORT TO THE LEGISLATIVE OVERSIGHT COMMITTEE.

26
27 (d) THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY
28 TO IMPLEMENT THIS SUBSECTION (5.5).

29
30 **SECTION 2. Safety clause.** The general assembly hereby finds,
31 determines, and declares that this act is necessary for the immediate
32 preservation of the public peace, health, and safety."

33
34
35
36 **HB02-1080** 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 9, strike lines 24 through 26 and substitute the
41 following:

42
43 **"SECTION 4. Effective date.** This act shall take effect at 12:01
44 a.m. on the day following the expiration of the ninety-day period after
45 final adjournment of the general assembly that is allowed for submitting
46 a referendum petition pursuant to article V, section 1 (3) of the state
47 constitution; except that, if a referendum petition is filed against this act
48 or an item, section, or part of this act within such period, then the act,
49 item, section, or part, if approved by the people, shall take effect on the
50 date of the official declaration of the vote thereon by proclamation of the
51 governor."

52
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54
55 **HB02-1096** be postponed indefinitely.

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INTRODUCTION OF BILLS

First Reading

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

HB02-1211 by Representative(s) Williams T., Coleman, Scott, Vigil; also Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the timely issuance of a final determination by the executive director of the department of revenue following a hearing on a dispute between a taxpayer and the state involving a state tax deficiency.

Committee on Finance

HB02-1212 by Representative(s) Fairbank--Concerning the sales and use tax imposed on aviation fuel used in certain types of aircraft, and, in connection therewith, reducing the sales and use tax rate imposed on aviation fuel and modifying the disbursal of sales and use tax revenues collected on aviation fuel.

Committee on Finance

HB02-1213 by Representative(s) Hodge--Concerning a preference for the purchase of Colorado agricultural products by government entities.

Committee on State, Veterans, & Military Affairs

Committee on Appropriations

PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed: **HB02-1211 and 1212.**

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HR02-1005.**

LAY OVER OF CALENDAR ITEMS

On motion of Representative Spradley, the following items on the Calendar were laid over until January 25, retaining place on Calendar:

Consideration of General Orders--**HB02-1016, 1043, 1042, 1005, 1013, 1048, 1022, 1063.**

On motion of Representative Spradley, the House adjourned until 9:00 a.m., January 25, 2002.

Attest:

JUDITH RODRIGUE,
Chief Clerk

Approved:

DOUG DEAN,
Speaker