

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

Thirty-fourth Legislative Day

Monday, February 9, 2004

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by Representative Hodge.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Absent--Representative Judd--1.

11 Present after roll call--Representative Judd.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative McFadyen, the reading of the journal of  
17 February 6, 2004, was declared dispensed with and approved as corrected  
18 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 **HB04-1273** by Representative(s) Spradley, Madden, Fairbank, Larson,  
28 Berry, Briggs, Cloer, Frangas, Hefley, Johnson R.,  
29 Marshall, McCluskey, Merrifield, Paccione, Pommer,  
30 Rippy, Rose, Salazar, Tochtrop, Weissmann, Wiens,  
31 Williams S., Williams T.; also Senator(s) Kester, Phillips,  
32 Gordon, Entz, Grossman, Veiga--Concerning the  
33 establishment of an electric resource standard for  
34 renewable energy for providers of electric service.

35

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

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

40

	YES	39	NO	26	EXCUSED	00	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	N
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
4	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
5	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
6	Brophy	N	Hodge	N	Miller	N	Stengel	N
7	Butcher	N	Hoppe	N	Mitchell	N	Tochtrop	Y
8	Cadman	N	Jahn	Y	Paccione	Y	Vigil	N
9	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	N	King	N	Ragsdale	N	Welker	N
12	Cloer	Y	Larson	Y	Rhodes	N	White	N
13	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
14	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
15	Decker	N	Madden	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	N	Schultheis	N	Young	N
18							Speaker	Y

19 Co-sponsors added: Representatives Borodkin, Boyd, Carroll, Coleman, Garcia,  
20 Jahn, McFadyen, McGihon, Plant, Romanoff, Stafford.

21  
22 **HB04-1166** by Representative(s) McCluskey, Hall, Rippy,  
23 Williams T.; also Senator(s) McElhany--Concerning an  
24 increase in the amount of moneys transferred by the state  
25 board for community colleges and occupational education  
26 from the Colorado customized training program to the  
27 Colorado existing industry training program.

28  
29 The question being "Shall the bill pass?".

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

	YES	60	NO	05	EXCUSED	00	ABSENT	00
34								
35	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
36	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
37	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
38	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
39	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
40	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
41	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
42	Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
43	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
44	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
45	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
46	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
47	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
48	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
49	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
50	Frangas	Y	May	Y	Schultheis	N	Young	Y
51							Speaker	Y

52 Co-sponsors added: Representatives Boyd, Jahn, Marshall, McGihon, Paccione,  
53 Spence, Stafford, Williams S., Speaker.

54  
55

1 **HB04-1194** by Representative(s) McCluskey, Carroll, Paccione; also  
 2 Senator(s)Reeves--Concerning changes to the officers of  
 3 the board of governors of the Colorado state university  
 4 system.

5  
 6 The question being "Shall the bill pass?".  
 7 A roll call vote was taken. As shown by the following recorded vote, a  
 8 majority of those elected to the House voted in the affirmative and the bill  
 9 was declared **passed**.

10

11	YES	65	NO	00	EXCUSED	00	ABSENT	00
12	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
13	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
14	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
15	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
16	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
17	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
18	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
19	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
20	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
21	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
22	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
23	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
24	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
25	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
26	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
27	Frangas	Y	May	Y	Schultheis	Y	Young	Y
28							Speaker	Y

29 Co-sponsors added: Representatives Hoppe, Spence, Williams S., Speaker.

30

31

32 **HB04-1076** by Representative(s) Madden, Brophy, Hodge, Rose; also  
 33 Senator(s) Arnold--Concerning a prohibition on driving  
 34 motor vehicles in the passing lane except when  
 35 appropriate.

36

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

41

42	YES	51	NO	14	EXCUSED	00	ABSENT	00
43	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
44	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
45	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
46	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	Y
47	Brophy	Y	Hodge	Y	Miller	Y	Stengel	N
48	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
49	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
50	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
51	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
52	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
53	Cloer	N	Larson	Y	Rhodes	N	White	Y
54	Coleman	Y	Lee	Y	Rippy	N	Wiens	N
55	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
56	Decker	N	Madden	Y	Rose	Y	Williams T.	Y

1	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
2	Frangas	Y	May	Y	Schultheis	N	Young	N
3							Speaker	Y

4 Co-sponsors added: Representatives Berry, Borodkin, Boyd, Cadman, Carroll,  
5 Cerbo, Clapp, Garcia, Hall, Hoppe, Jahn, King, Larson, Lee, Marshall, May,  
6 McFadyen, McGihon, Miller, Mitchell, Paccione, Ragsdale, Salazar, Sinclair,  
7 Smith, Tochtrop, Vigil, Weddig, Welker, White, Williams S., Speaker.

8  
9 **HB04-1087** by Representative(s) Rhodes; also Senator(S) Johnson--  
10 Concerning the establishment of the highest degree of care  
11 in the defense of a negligence claim under the high voltage  
12 power line statutes by proof of compliance with an  
13 applicable standard of the national electrical code.

14  
15 The question being "Shall the bill pass?".

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

19	YES	64	NO	01	EXCUSED	00	ABSENT	00
20								
21	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
22	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
23	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
24	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
25	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
26	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
27	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
28	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
29	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
30	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
31	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
32	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
33	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
34	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
35	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
36	Frangas	N	May	Y	Schultheis	Y	Young	Y
37							Speaker	Y

38 Co-sponsors added: Representative McFadyen

39  
40 **HB04-1129** by Representative(s) Stafford; also Senator(s) Entz--Concerning  
41 property taken by a county for delinquent taxes.

42  
43 The question being "Shall the bill pass?".

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

47	YES	65	NO	00	EXCUSED	00	ABSENT	00
48								
49	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
50	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
51	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
52	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
53	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
54	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
55	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
56	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y

1	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
2	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
3	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
4	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
5	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
6	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
7	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
8	Frangas	Y	May	Y	Schultheis	Y	Young	Y
9							Speaker	Y

10 Co-sponsors added: Representatives Crane, Harvey, Lundberg, McFadyen,  
11 Rhodes, Schultheis.

12  
13 **HB04-1195** by Representative(s) Stengel; also Senator(s) Dyer--  
14 Concerning criminal history record checks for use in court  
15 proceedings.

16  
17 The question being "Shall the bill pass?".

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

21								
22	YES	64	NO	01	EXCUSED	00	ABSENT	00
23	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
24	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
25	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
26	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
27	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
28	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
29	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
30	Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
31	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
32	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
33	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
34	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
35	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
36	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
37	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
38	Frangas	Y	May	Y	Schultheis	Y	Young	Y
39							Speaker	Y

40 Co-sponsors added: Representatives Carroll, Garcia, Jahn, Stafford.

41  
42 **HB04-1197** by Representative(s) Weddig, Borodkin, Briggs, Cerbo,  
43 Crane, Garcia, Hodge, Lee, Madden, McGihon,  
44 Merrifield, Paccione, Pommer, Ragsdale, Sinclair, Spence,  
45 Vigil, Williams S.; also Senator(s) Evans, Takis--  
46 Concerning the use of devices on motor vehicles that  
47 interfere with the orderly regulation of traffic.

48  
49 The question being "Shall the bill pass?".

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

53  
54  
55  
56

	YES	58	NO	07	EXCUSED	00	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
5	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
8	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
9	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	N	King	Y	Ragsdale	Y	Welker	Y
12	Cloer	N	Larson	Y	Rhodes	Y	White	Y
13	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
15	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Boyd, Butcher, Frangas, McFadyen,  
20 Romanoff, Schultheis.

21  
22 **HB04-1155** by Representative(s) **Williams T.**; also Senator(s) Taylor--  
23 Concerning a limitation on the authority of a municipality  
24 to regulate that portion of newly annexed land used as a  
25 right-of-way by agricultural users.

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**.

	YES	64	NO	01	EXCUSED	00	ABSENT	00
31								
32								
33	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
34	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
35	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
36	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
37	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
38	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
39	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
40	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
41	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
42	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
43	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
44	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
45	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
46	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
47	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
48	Frangas	Y	May	Y	Schultheis	Y	Young	Y
49							Speaker	Y

50 Co-sponsors added: Representatives Carroll, Decker, Hall, Hoppe, McFadyen,  
51 Rippy, Stafford, Young, Speaker.

52  
53  
54  
55  
56

1 On motion of Representative King, **HB04-1012, 1068, 1090, 1154, 1149,**  
2 **1079, 1008, 1137, 1145** were made Special Orders on Monday, February  
3 9, 2004, at 10:48a.m.

4  
5  
6 The hour of 10:48, having arrived, on motion of Representative Hefley,  
7 the House resolved itself into Committee of the Whole for consideration  
8 of Special Orders and she was called to the Chair to act as Chairman.

9  
10  
11  
12 **SPECIAL ORDERS--SECOND READING OF BILLS**  
13

14 The Committee of the Whole having risen, the Chairman reported the  
15 titles of the following bills had been read (reading at length had been  
16 dispensed with by unanimous consent), the bills considered and action  
17 taken thereon as follows:

18  
19 (Amendments to the committee amendment are to the printed committee  
20 report which was printed and placed in the members' bill file.)

21  
22 **HB04-1182** by Representative(s) Cloer, Boyd, Clapp, Coleman,  
23 Frangas, Jahn, Stafford, Tochtrop, White, Wiens; also  
24 Senator(s) Hillman, Sandoval--Concerning standards for  
25 the cleanup of illegal drug laboratories.

26  
27 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,  
28 dated February 2, 2004, and placed in member's bill file; Report also  
29 printed in House Journal, February 4, page 299.

30  
31 Amendment No. 2, by Representative Cloer. (Passed in the Committee of  
32 the Whole on February 6, 2004).

33  
34 Amend the Health, Environment, Welfare, and Institutions Committee  
35 Report, dated February 2, 2004, page 1, strike lines 8 through 11.

36  
37 Amendment No. 3, by Representative Cloer.

38  
39 Amend the Health, Environment, Welfare, and Institutions Committee,  
40 dated February 2, 2004, page 2, line 19, strike "METHAMPHETAMINE."."  
41 and substitute "METHAMPHETAMINE; EXCEPT THAT IMMUNITY FROM A  
42 CIVIL SUIT IS NOT ESTABLISHED FOR THE PERSON CONVICTED FOR THE  
43 PRODUCTION OF METHAMPHETAMINE."."

44  
45 Amendment No. 4, by Representative Larson.

46  
47 Amend printed bill, page 2, line 20, after the period, add ""PROPERTY  
48 OWNER" ALSO MEANS THE PERSON HOLDING THE TITLE TO A  
49 MANUFACTURED HOME."."

50  
51 As amended, ordered engrossed and placed on the Calendar for Third  
52 Reading and Final Passage.

- 1 **HB04-1012** by Representative(s) Rose; also Senator(s) Jones--  
2 Concerning clarifications to the requirement of obtaining  
3 a criminal background check prior to the transfer of a  
4 firearm at a gun show.  
5
- 6 Laid over until May 6, 2004. Bill deemed lost.  
7
- 8 **HB04-1068** by Representative(s) Marshall; also Senator(s) Veiga--  
9 Concerning actions for damages on behalf of an employee  
10 for injuries that arise from the negligent conduct of a  
11 stranger.  
12
- 13 Amendment No. 1, Business Affairs & Labor Report, dated January 29,  
14 2004, and placed in member's bill file; Report also printed in House  
15 Journal, February 2, pages 259-261.  
16
- 17 Amendment No. 2, by Representative Marshall.  
18
- 19 Amend the Business Affairs and Labor Committee Report, dated January  
20 29, 2004, page 3, line 15, strike "TO THE EMPLOYEE OR, IF THE";  
21  
22 strike line 16 and substitute the following:  
23  
24 "WITHIN".  
25
- 26 As amended, ordered engrossed and placed on the Calendar for Third  
27 Reading and Final Passage.  
28
- 29 **HB04-1090** by Representative(s) Rhodes--Concerning criteria for  
30 independent contractors for purposes of workers'  
31 compensation coverage.  
32
- 33 Amendment No. 1, Business Affairs & Labor Report, dated January 29,  
34 2004, and placed in member's bill file; Report also printed in House  
35 Journal, February 2, page 261.  
36
- 37 As amended, ordered engrossed and placed on the Calendar for Third  
38 Reading and Final Passage.  
39
- 40 **HB04-1154** by Representative(s) Jahn; also Senator(s) McElhany--  
41 Concerning the authority of the division of insurance to  
42 retain certain professionals for purposes of market conduct  
43 examinations.  
44
- 45 Amendment No. 1, by Representative Jahn.  
46
- 47 Amend printed bill, page 2, line 5, strike "**Professional services.**" and  
48 substitute "**Informal investigations.**";  
49
- 50 line 7, strike "FOR THE PURPOSE OF" and substitute "HAVING TECHNICAL  
51 OR SUBJECT MATTER EXPERTISE OR SKILL AND EXPERIENCE IN  
52 INVESTIGATIVE TECHNIQUES TO ASSIST THE DIVISION IN";  
53
- 54 line 8, strike "MARKET CONDUCT EXAMINATIONS OR";  
55
- 56 line 11, strike "EXAMINATION." and substitute "INVESTIGATION.



1 INFORMAL INVESTIGATIONS CONDUCTED PURSUANT TO THIS SECTION  
2 SHALL NOT INCLUDE FORMAL FINANCIAL EXAMINATIONS OR MARKET  
3 CONDUCT EXAMINATIONS. THE COMMISSIONER SHALL, BY RULE,  
4 ESTABLISH WHEN CONTRACT INVESTIGATORS MAY BE USED FOR INFORMAL  
5 INVESTIGATIONS. THE RULES SHALL INCLUDE, BUT NOT BE LIMITED TO,  
6 OUT-OF-STATE TRAVEL REQUIREMENTS, SPECIAL EXPERTISE REQUIRED FOR  
7 THE INVESTIGATION, AND A SIGNIFICANT PATTERN OF COMPLAINTS OR A  
8 WELL DOCUMENTED ALLEGATION AGAINST A CARRIER THAT WARRANTS AN  
9 INFORMAL INVESTIGATION."

10

11 line 24, strike "EXAMINATION" and substitute "INVESTIGATION".

12

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

15

16 **HB04-1149** by Representative(s) Jahn, Boyd, Carroll, Clapp, Cloer,  
17 Frangas, Hefley, Lee, McGihon, Williams S.--Concerning  
18 the use of criminal history records information in adoption  
19 proceedings.

20

21 Amendment No. 1, Judiciary Report, dated February 3, 2004, and placed  
22 in member's bill file; Report also printed in House Journal, February 4,  
23 page 300.

24

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

27

28 **HB04-1079** by Representative(s) Cadman; also Senator(s) Dyer--  
29 Concerning standard nonforfeiture regulation for  
30 individual deferred annuities offered by insurers.

31

32 Amendment No. 1, Business Affairs & Labor Report, dated February 3,  
33 2004, and placed in member's bill file; Report also printed in House  
34 Journal, February 4, page 302.

35

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

38

39 **HB04-1008** by Representative(s) Cloer; also Senator(s) Lamborn--  
40 Concerning assignment of benefits offered under a motor  
41 vehicle insurance policy.

42

43 Amendment No. 1, Business Affairs & Labor Report, dated February 3,  
44 2004, and placed in member's bill file; Report also printed in House  
45 Journal, February 5, pages 321-322.

46

47 Amendment No. 2, by Representative Mitchell.

48

49 Amend the Business Affairs and Labor Committee Report, dated  
50 February 3, 2004, page 1, strike lines 4 and 5 and substitute the  
51 following:

52

53 "SECTION 10-4-902 (3), AN OCCUPATIONAL THERAPIST AS DESCRIBED IN  
54 SECTION 6-1-707 (1) (c), C.R.S., OR A MESSAGE THERAPIST";";

55

56

1 strike lines 7 through 12 of the committee report and substitute the  
2 following:

3  
4 "line 23, strike "PROVIDER" and substitute "PROVIDER, OCCUPATIONAL  
5 THERAPIST, OR MASSAGE THERAPIST".

6  
7 Page 3, line 15, strike "PROVIDER." and substitute "PROVIDER,  
8 OCCUPATIONAL THERAPIST, OR MASSAGE THERAPIST.";

9  
10 line 20, strike "PROVIDER." and substitute "PROVIDER, OCCUPATIONAL  
11 THERAPIST, OR MASSAGE THERAPIST.";

12  
13 line 22, strike "PROVIDER" and substitute "PROVIDER, OCCUPATIONAL  
14 THERAPIST, OR MASSAGE THERAPIST";".

15  
16 As amended, ordered engrossed and placed on the Calendar for Third  
17 Reading and Final Passage.

18  
19 **HB04-1137** by Representative(s) Frangas, Cloer, Jahn, King, Paccione,  
20 Pommer, Vigil, White; also Senator(s) Groff--Concerning  
21 the creation of a public school student's right to have a  
22 guardian present when the student signs a statement that  
23 could result in expulsion.

24  
25 Amendment No. 1, Education Report, dated February 4, 2004, and placed  
26 in member's bill file; Report also printed in House Journal, February 5,  
27 page 322.

28  
29 Amendment No. 2, by Representative Frangas.

30  
31 Amend the House Education Committee Report, dated February 4, 2004,  
32 page 1, line 5, strike "22-103 (1) (d)," and substitute "22-33-106 (1) (d),".

33  
34 As amended, ordered engrossed and placed on the Calendar for Third  
35 Reading and Final Passage.

36  
37 On motion of Representative King, the remainder of the Special Orders  
38 Calendar (**HB04-1145**) was laid over until February 10, retaining place  
39 on Calendar.

40  
41  
42  
43 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

44  
45 Representative Cerbo moved to amend the Report of the Committee of  
46 the Whole to show that the following Cerbo amendment, (L.001) to  
47 HB 04-1079, did pass, and that HB 04-1079, as amended, did pass.

48  
49 Amend printed bill, page 5, strike lines 9 through 11 and substitute the  
50 following:

51  
52 "(B) AN ANNUAL CONTRACT CHARGE THAT SHALL BE THE LESSER  
53 OF EITHER THIRTY DOLLARS OR TEN PERCENT OF THE GROSS ANNUAL  
54 CONSIDERATION;".

55  
56 The amendment was declared **lost** by the following roll call vote:



**REPORT OF COMMITTEE OF REFERENCE****STATE, VETERANS, & MILITARY AFFAIRS**

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

**HB04-1024** The Committee returns herewith HB04-1024 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with House Rules, that the deadline applicable to committees under Joint Rule 23 (a)(1) has passed, that final action has not been taken by this Committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a)(3)(A), said bill is deemed to be postponed indefinitely.

**PRINTING REPORT**

The Chief Clerk reports the following bills have been correctly printed:  
**HB04-1354, 1355, 1356, 1357.**

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **HJR04-1011; SJR04-012.**

**MESSAGE FROM THE SENATE**

Madam Speaker:

The Senate has passed on Third Reading and returns herewith HB04-1007, 1065, 1033.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB04-128, 123,

SB04-116, amended as printed in Senate Journal, February 6, page 202,  
SB04-047, amended as printed in Senate Journal, February 6, page 203,  
SB04-045, amended as printed in Senate Journal, February 6, pages 203-204,

HB04-1038, amended as printed in Senate Journal, February 6, page 204.

**MESSAGE FROM THE REVISOR**

We herewith transmit: Without comment, SB04-123 and 128.  
Without comment, as amended, SB04-116, 047, and 045.  
Without comment, as amended, HB04-1038.

**INTRODUCTION OF BILLS**  
**First Reading**

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

**HB04-1354** by Representative(s) Hefley, Clapp, Stafford, Tochtrop, Witwer; also Senator(s) Johnson S., Hanna--Concerning enactment of the "Health Care Credentials Uniform Application Act".

Committee on Judiciary

**HB04-1355** by Representative(s) White, Hoppe, King, McCluskey, Williams T.; also Senator(s) McElhany, Andrews, Johnson S., Jones, Kester--Concerning exclusions from uninsured motor vehicle coverage that limit recovery.

Committee on Business Affairs & Labor

**HB04-1356** by Representative(s) Smith--Concerning an increase in the amount of income that an owner of certain tax exempt property may earn from the rental of the property.

Committee on Local Government

**HB04-1357** by Representative(s) Rose--Concerning authorization for a winery to own a restaurant licensed to sell alcohol beverages, and, in connection therewith, allowing a winery to sell beverages of its own manufacture in such restaurant.

Committee on Local Government

**SB04-127** by Senator(s) Veiga; also Representative(s) Carroll--Concerning prohibited conduct of notaries public.

Committee on Judiciary

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**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

The following resolutions were read by title and laid over one day under the rules:

**HJR04-1012** by Representative(s) Weissmann, Paccione, Plant, Pommer, Spradley; also Senator(s) Reeves--Concerning Jeremy Bloom's efforts to compete in collegiate football while accepting endorsements to fund his training in freestyle skiing for the United States Ski Team despite the NCAA rules prohibiting such endorsements.

**SJR04-009** by Senator(s) Taylor; also Representative(s) Rippy, White--Concerning the designation of Steamboat Springs as a Preserve America Community .

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**LAY OVER OF CALENDAR ITEMS**

1  
2  
3 On motion of Representative King, the following items on the Calendar  
4 were laid over until February 10, retaining place on Calendar:  
5  
6 Consideration of General Orders--**HB04-1054, 1130, 1175, 1108, 1073,**  
7 **1208, SB04-005, 096, 061, 067, HB04-1026, 1114, 1210, 1035, 1125,**  
8 **1191, 1196, SB04-004.**  
9 Consideration of Resolutions--**HJR04-1007, 1008, 1009.**  
10 Consideration of Senate Amendments--**HB04-1112.**

11

12

13

14 On motion of Representative King, the House adjourned until 9:00 a.m.,  
15 February 10, 2004.

16

17

Approved:

18

19

20

21

LOLA SPRADLEY,  
Speaker

22

23 Attest:

24

25 JUDITH RODRIGUE,  
26 Chief Clerk

27

28

29

30

31