

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

Thirty-fifth Legislative Day

Tuesday, February 10, 2004

1 Prayer by Reverend Greg Dawson, United Methodist, Fort Collins.

2

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

4

5 Pledge of Allegiance led by Representative Cloer.

6

7 The roll was called with the following result:

8

9 Present--60.

10 Excused--Representatives Fairbank, Stafford, Mitchell, Wiens--4.

11 Absent--Representative Young--1.

12 Present after roll call--Representatives Stafford, Wiens, Young.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative McFadyen, the reading of the journal of  
 18 February 9, 2004, was declared dispensed with and approved as corrected  
 19 by the Chief Clerk.

20

21

22

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

24

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

28

29 **HB04-1182** by Representative(s) Cloer, Boyd, Clapp, Coleman,  
 30 Frangas, Jahn, Stafford, Tochtrop, White, Wiens; also  
 31 Senator(s) Hillman, Sandoval--Concerning standards for  
 32 the cleanup of illegal drug laboratories.

33

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

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

38

39	YES	55	NO	08	EXCUSED	02	ABSENT	00
40	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
41	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
42	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
43	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y

1	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
2	Butcher	Y	Hoppe	Y	Mitchell	E	Tochtrop	Y
3	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
4	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
5	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
6	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
7	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
8	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
9	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
10	Decker	N	Madden	Y	Rose	Y	Williams T.	Y
11	Fairbank	E	Marshall	Y	Salazar	Y	Witwer	Y
12	Frangas	Y	May	Y	Schultheis	N	Young	N
13							Speaker	Y

14 Co-sponsors added: Representatives Butcher, Merrifield, Weddig, Williams S.

15  
16 **HB04-1068** by Representative(s) Marshall; also Senator(s) Veiga--  
17 Concerning actions for damages on behalf of an employee  
18 for injuries that arise from the negligent conduct of a  
19 stranger.  
20

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

22 A roll call vote was taken. As shown by the following recorded vote, a  
23 majority of those elected to the House voted in the affirmative and the bill  
24 was declared **passed**.  
25

26	YES	63	NO	00	EXCUSED	02	ABSENT	00
27	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
28	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
29	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
30	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
31	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
32	Butcher	Y	Hoppe	Y	Mitchell	E	Tochtrop	Y
33	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
34	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
35	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
36	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
37	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
38	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
39	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
40	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
41	Fairbank	E	Marshall	Y	Salazar	Y	Witwer	Y
42	Frangas	Y	May	Y	Schultheis	Y	Young	Y
43							Speaker	Y

44 Co-sponsors added: Representatives Borodkin, Boyd, Carroll, Coleman,  
45 Frangas, Jahn, Madden, McGihon, Merrifield, Miller, Paccione, Salazar,  
46 Tochtrop, Williams S.  
47

48 **HB04-1154** by Representative(s) Jahn; also Senator(s) McElhany--  
49 Concerning the authority of the division of insurance to  
50 retain certain professionals for purposes of market conduct  
51 examinations.  
52

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

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

	YES	59	NO	04	EXCUSED	02	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	Y	McGihon	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Mitchell	E	Tochtrop	Y
8	Cadman	Y	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	Y	King	Y	Ragsdale	Y	Welker	Y
12	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
13	Coleman	Y	Lee	Y	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	E	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	N	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Borodkin, Vigil, Williams S.

20  
21  
22 **HB04-1079** by Representative(s) Cadman; also Senator(s) Dyer--  
23 Concerning standard nonforfeiture regulation for  
24 individual deferred annuities offered by insurers.

25  
26 The question being "Shall the bill pass?".

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

	YES	56	NO	07	EXCUSED	02	ABSENT	00
31								
32	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
33	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
34	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
35	Briggs	N	Hefley	Y	Merrifield	Y	Stafford	Y
36	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
37	Butcher	Y	Hoppe	Y	Mitchell	E	Tochtrop	Y
38	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
39	Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
40	Cerbo	N	Judd	Y	Pommer	N	Weissmann	Y
41	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
42	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
43	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
44	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
45	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
46	Fairbank	E	Marshall	Y	Salazar	Y	Witwer	Y
47	Frangas	Y	May	Y	Schultheis	Y	Young	Y
48							Speaker	N

49 Co-sponsors added: Representatives Briggs, Frangas.

50  
51 **HB04-1008** by Representative(s) Cloer; also Senator(s) Lamborn--  
52 Concerning assignment of benefits offered under a motor  
53 vehicle insurance policy.

54  
55 The question being "Shall the bill pass?".

56 A roll call vote was taken. As shown by the following recorded vote, a

majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

YES	62	NO	01	EXCUSED	02	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	N	Mitchell	E	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	E	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Borodkin, Coleman, Weddig.

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

The question being "Shall the bill pass?".

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

YES	63	NO	00	EXCUSED	02	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	E	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	E	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Borodkin, Boyd, Cadman, Carroll, Clapp, Coleman, Crane, Hefley, Lee, Madden, May, McFadyen, McGihon, Romanoff, Spence, Stafford, Stengel, Williams T., Speaker.

1 On motion of Representative King, Consideration of **HB04-1090, 1149**  
2 was laid over until February 11, retaining place on Calendar.

---

3  
4  
5 **APPOINTMENTS**

6  
7 The Speaker announced the following temporary changes in committee  
8 assignments:

9  
10 Committee on Appropriations

11 Representative Lee temporarily to replace Representative Fairbank

12  
13 Committee on State, Veterans & Military Affairs

14 Representative Briggs temporarily to replace Representative  
15 Fairbank

---

16  
17  
18 House in recess. House reconvened.  
19  
20

---

21  
22 **REPORTS OF COMMITTEES OF REFERENCE**

23  
24 **LOCAL GOVERNMENT**

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

27  
28 **HB04-1250** be postponed indefinitely.

29  
30  
31 **HB04-1288** be postponed indefinitely.

32  
33  
34  
35  
36 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

39  
40 **HB04-1216** be referred to the Committee of the Whole with favorable  
41 recommendation.

42  
43  
44 **HB04-1219** be referred favorably to the Committee on Appropriations.

45  
46  
47 **HB04-1220** be referred to the Committee of the Whole with favorable  
48 recommendation.

49  
50  
51 **HB04-1271** be amended as follows, and as so amended, be referred to  
52 the Committee of the Whole with favorable  
53 recommendation:

54  
55 Amend printed bill, page 4, line 22, after "DESIGNATE", insert "ON A  
56 VOLUNTARY BASIS".

1 Page 5, line 6, strike "WHICH";  
2  
3 strike lines 7 through 12 and substitute the following:  
4  
5 "AGES OF SIX AND EIGHTEEN WHO ARE MOST LIKELY TO BENEFIT FROM  
6 PLACEMENT IN A DEDICATED FAMILY HOME. THE ASSIGNMENT OF";  
7  
8 line 23, strike "AN" and, substitute "ANY" and, strike "WAS" and substitute  
9 "IS".

10  
11 Page 7, after line 13, insert the following:  
12

13 "(6) NO PERSON SHALL BE DISCOURAGED OR PROHIBITED FROM  
14 ADOPTING A CHILD PLACED PURSUANT TO THIS PILOT PROGRAM, SOLELY ON  
15 THE BASIS OF THE PERSON SERVING AS A HOUSE PARENT FOR THE CHILD.  
16

17 (7) NOTWITHSTANDING A CHILD'S PLACEMENT IN A DEDICATED  
18 FAMILY HOME, THE DEPARTMENT SHALL CONTINUE IMPLEMENTATION OF  
19 A PLANNED AND SYSTEMATIC PROCESS TO ACHIEVE PERMANENCY FOR THE  
20 CHILD."  
21

22 Renumber succeeding subsection accordingly.  
23

24 Page 7, line 18, after "**established.**", insert "(1)".  
25

26 Page 8, after line 5, insert the following:  
27

28 "(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO  
29 GENERAL FUND MONEYS BE APPROPRIATED FOR THE PURPOSES OF  
30 IMPLEMENTING THIS PART 4.";  
31

32 line 13, strike "JANUARY 31, 2008." and substitute "DECEMBER 31,  
33 2007."  
34

---

## 35 36 37 PRINTING REPORT

38  
39 The Chief Clerk reports the following bill has been correctly printed:  
40 **HB04-1358.**  
41

---

## 42 43 44 INTRODUCTION OF BILLS

### 45 First Reading

46  
47 The following bills were read by title and referred to the committees  
48 indicated:  
49

50 **HB04-1358** by Representative(s) Spradley, Hoppe, Paccione, Salazar,  
51 Wiens; also Senator(s) Kester--Concerning an income tax  
52 checkoff for the Colorado state fair and industrial  
53 exposition.  
54 Committee on Agriculture, Livestock, & Natural Resources  
55  
56

- 1 **HB04-1359** by Representative(s) Johnson R., Borodkin, Carroll,  
2 Cerbo, Coleman, Crane, Fairbank, Hodge, Marshall,  
3 McFadyen, McCluskey, Weddig, White--Concerning the  
4 relocation of the Colorado geological survey from the  
5 department of natural resources to the Colorado school of  
6 mines.  
7 Committee on Agriculture, Livestock, & Natural Resources  
8  
9 **SB04-045** by Senator(s) Johnson S.; also Representative(s) Vigil--  
10 Concerning a prohibition against toughperson fighting.  
11 Committee on Local Government  
12  
13 **SB04-047** by Senator(s) May R.; also Representative(s) Rippy--  
14 Concerning documents filed with a county official.  
15 Committee on Local Government  
16  
17 **SB04-116** by Senator(s) Jones; also Representative(s) McCluskey--  
18 Concerning rate-making in workers' compensation cases,  
19 and, in connection therewith, setting the effective date of  
20 workers' compensation insurance and medical benefit  
21 rates.  
22 Committee on Business Affairs & Labor  
23  
24 **SB04-123** by Senator(s) Anderson; also Representative(s) Spradley--  
25 Concerning the authority for the youthful offender system.  
26 Committee on Judiciary  
27  
28 **SB04-128** by Senator(s) Nichol; also Representative(s) Sinclair--  
29 Concerning administration of the laws regulating persons  
30 who sell interests in motor vehicles.  
31 Committee on Transportation & Energy  
32  
33  
34

### INTRODUCTION OF RESOLUTION

35  
36  
37 The following resolution was read by title and laid over one day under the  
38 rules:  
39

- 40 **HJR04-1013** by Representative(s) Lundberg, Schultheis, Brophy, Cloer,  
41 Harvey, King, Lee, May M., Rose, Smith, Welker,  
42 Cadman, Clapp, Crane, Decker, Hall, Hefley, Mitchell,  
43 Rhodes, Sinclair, Stafford, Wiens; also Senator(s) Johnson  
44 S., May R., Andrews, Arnold, Cairns, Chlouber, Dyer,  
45 Evans, Hillman, Jones, Lamborn, McElhany, Teck--  
46 Concerning support for the Federal Marriage Amendment.  
47  
48

49 House in recess. House reconvened.  
50  
51  
52

53 On motion of Representative King, **SB04-005, 061, 106, HB04-1130,**  
54 **1035, 1006, 1022, 1020, 1060, 1095, 1009, 1280, 1039, 1026** were added  
55 to Special Orders on Tuesday, February 11, 2004, at 2:47 p.m.  
56

1 The hour of 2:47 p.m., having arrived, on motion of Representative May,  
2 the House resolved itself into Committee of the Whole for consideration  
3 of Special Orders and he was called to the Chair to act as Chairman.

---

4  
5  
6 **SPECIAL ORDERS--SECOND READING OF BILLS**  
7

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

12  
13 (Amendments to the committee amendment are to the printed committee  
14 report which was printed and placed in the members' bill file.)  
15

16 **HB04-1145** by Representative(s) Larson, Brophy, Hodge, Rippy,  
17 Rose, Briggs, Miller, Harvey; also Senator(s) Hillman,  
18 Teck, Chlouber, Entz, Johnson S., Kester, Owen, Takis--  
19 Concerning a limitation of liability for persons other than  
20 consumers who work with liquefied petroleum gas.  
21

22 Amendment No. 1, Information & Technology Report, dated February 4,  
23 2004, and placed in member's bill file; Report also printed in House  
24 Journal, February 5, pages 325-326.  
25

26 Amendment No. 2, by Representative Larson.

27 Amend the Information and Technology Committee Report, dated  
28 February 4, 2004, page 2, line 5, strike the second "OR" and substitute  
29 "AND" and, after the period, add "A PERSON WHO FOLLOWS THE  
30 APPLICABLE PROCEDURES ESTABLISHED BY THE STANDARDS OF THE  
31 NATIONAL FIRE CODE PURSUANT TO SECTION 8-20-405 AS ADOPTED BY THE  
32 DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY AND RULES  
33 PROMULGATED PURSUANT TO SECTION 8-20-402 SHALL NOT BE DEEMED TO  
34 BE GROSSLY NEGLIGENT OR WILLFUL AND WANTON."  
35

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

39 **SB04-005** by Senator(s) Reeves; also Representative(s) Witwer,  
40 King, Romanoff, Spradley, Young--Concerning the  
41 presentation of information by each principal department  
42 of the executive branch of state government to legislative  
43 committees of reference at the beginning of every regular  
44 session of the general assembly.  
45

46 Ordered revised and placed on the Calendar for Third Reading and Final  
47 Passage.  
48

49 **SB04-061** by Senator(s) Evans, Dyer, Gordon, Grossman, Jones; also  
50 Representative(s) Lee, Hefley, Judd, Marshall, Smith--  
51 Concerning the enactment of Colorado Revised Statutes  
52 2003 as the positive and statutory law of the state of  
53 Colorado.  
54

55 Ordered revised and placed on the Calendar for Third Reading and Final  
56 Passage.



- 1 **SB04-106** by Senator(s) Teck; also Representative(s) Stengel--  
2 Concerning a repeal of the second pool of premium tax  
3 credits available under the "Certified Capital Company  
4 Act", and, in connection therewith, creating tax credits for  
5 contributions to a venture capital program.  
6
- 7 Amendment No. 1, Finance Report, dated February 4, 2004, and placed  
8 in member's bill file; Report also printed in House Journal, February 6,  
9 pages 364-365.  
10
- 11 Amendment No. 2, by Representatives Stengel, Spradley.  
12
- 13 Amend reengrossed bill, page 18, line 15, strike "MEMBERS APPOINTED BY  
14 THE" and substitute "MEMBERS, OF WHOM FIVE SHALL BE APPOINTED BY  
15 THE GOVERNOR, TWO SHALL BE APPOINTED BY THE PRESIDENT OF THE  
16 SENATE, AND TWO SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF  
17 REPRESENTATIVES. BOARD MEMBERS SHALL BE RESIDENTS OF THIS  
18 STATE.";  
19
- 20 line 16, strike "GOVERNOR WITH THE CONSENT OF THE SENATE.";  
21
- 22 line 21, strike "THE GOVERNOR" and substitute "THE PERSON MAKING THE  
23 ORIGINAL APPOINTMENT";  
24
- 25 strike lines 26 and 27.  
26
- 27 Page 19, strike lines 1 through 5 and substitute the following:  
28
- 29 "(B) THE SPEAKER AND THE PRESIDENT SHALL EACH APPOINT ONE  
30 MEMBER WITH AN INITIAL TERM OF TWO YEARS AND ONE MEMBER WITH AN  
31 INITIAL TERM OF THREE YEARS. OF THE MEMBERS APPOINTED BY THE  
32 GOVERNOR, TWO SHALL HAVE INITIAL TERMS OF ONE YEAR, TWO SHALL  
33 HAVE INITIAL TERMS OF TWO YEARS, AND ONE SHALL HAVE AN INITIAL  
34 TERM OF THREE YEARS."  
35
- 36 As amended, ordered revised and placed on the Calendar for Third  
37 Reading and Final Passage.  
38 (For change in action, see Amendments to Report, page 401.)  
39  
40
- 41 **HB04-1130** by Representative(s) Brophy; also Senator(s) Tapia--  
42 Concerning health insurance issued to members of a  
43 foreign valid multistate association.  
44
- 45 Laid over until May 6. Deemed Lost.  
46
- 47 **HB04-1035** by Representative(s) Hoppe, Miller, Rippy, Salazar,  
48 White; also Senator(s) Entz, Dyer, Isgar, Tapia, Taylor--  
49 Concerning a prohibition on proxy voting by members of  
50 the Colorado water conservation board.  
51
- 52 Ordered engrossed and placed on the Calendar for Third Reading and  
53 Final Passage.  
54
- 55 **HB04-1006** by Representative(s) Hefley; also Senator(s) McElhany--  
56 Concerning the classification of a dependent of a member

1 of the armed forces for purposes of determining tuition at  
2 public institutions of higher education.  
3

4 Amendment No. 1, Education Report, dated January 21, 2004, and placed  
5 in member's bill file; Report also printed in House Journal, January 22,  
6 page 125.  
7

8 As amended, ordered engrossed and placed on the Calendar for Third  
9 Reading and Final Passage.  
10

11 **HB04-1022** by Representative(s) Vigil, Coleman, Rhodes, Williams  
12 T.; also Senator(s) Anderson, Takis, Taylor, Tupa--  
13 Concerning the duties of the division of central services in  
14 the department of personnel.  
15

16 Amendment No. 1, Finance Report, dated January 14, 2004, and placed  
17 in member's bill file; Report also printed in House Journal, January 15,  
18 page 76.  
19

20 As amended, ordered engrossed and placed on the Calendar for Third  
21 Reading and Final Passage.  
22

23 **HB04-1060** by Representative(s) Lundberg; also Senator Johnson--  
24 Concerning modifications to the "Colorado Children's  
25 Code" to comply with the federal "Keeping Children and  
26 Families Safe Act of 2003".  
27

28 Amendment No. 1, by Representative Weissmann.  
29

30 Amend printed bill, page 2, line 14, strike "ALLEGATIONS." and substitute  
31 "ALLEGATIONS, IN A MANNER CONSISTENT WITH LAWS PROTECTING THE  
32 RIGHTS OF THE INFORMANT."  
33

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

37 **HB04-1095** by Representative(s) Witwer; also Senator(s) Gordon--  
38 Concerning the prospective applicability of certain  
39 amendments to the "Colorado Governmental Immunity  
40 Act".  
41

42 Amendment No. 1, by Representative Witwer.  
43

44 Amend printed bill, page 2, line 7, strike "and";  
45  
46 line 13, strike "03-1288." and substitute "03-1288; and";  
47  
48 after line 13, insert the following:  
49

50 "(c) While the legislative declaration of House Bill 03-1288 states  
51 that the bill is intended to clarify the general assembly's intent regarding  
52 the waiver of governmental immunity as construed by two  
53 particularly-identified Colorado supreme court cases, the actual effect of  
54 the bill was to overrule the substantive results reached in those cases and  
55 in a line of court of appeals cases dating to 1991.";  
56

line 21, strike "that" and substitute "that, because House Bill 03-1288 did not simply clarify ambiguities but actually legislatively overruled case law and thereby changed the substantive law upon which the people of the state of Colorado reasonably relied,".

As amended, laid over until February 11, retaining place on calendar.

On motion of Representative King, the remainder of the Special Orders Calendar (**HB04-1020, 1009, 1280, 1039, 1026**) was laid over until February 11, retaining place on Calendar.

### AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

Representative Wiens moved to amend the Report of the Committee of the Whole to show that the following Wiens amendment, (L.020) to SB 04-106, did pass, and that SB 04-106, as amended, did pass.

Amend reengrossed bill, page 34, after line 4, insert the following:

**"24-46-207. Conflict of interest.** NO MEMBER OR EMPLOYEE OF THE EXECUTIVE BRANCH SHALL BECOME AN OFFICER, DIRECTOR, EMPLOYEE, OR CONSULTANT OF OR RECEIVE ANY COMPENSATION FROM THE AUTHORITY OR A FUND MANAGER EITHER DURING THE TERM OF THE MEMBER OR EMPLOYEE'S EMPLOYMENT WITH THE EXECUTIVE BRANCH OR FOR SIX YEARS AFTER SUCH TERM ENDS."

The amendment was declared **passed** by the following roll call vote:

YES	44	NO	15	EXCUSED	06	ABSENT	00
Berry	N	Garcia	E	McCluskey	Y	Sinclair	N
Borodkin	Y	Hall	Y	McFadyen	N	Smith	Y
Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	N	Miller	N	Stengel	Y
Butcher	E	Hoppe	Y	Mitchell	E	Tochtrop	Y
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
Cerbo	N	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	N	Larson	Y	Rhodes	Y	White	Y
Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	E	Madden	E	Rose	Y	Williams T.	N
Fairbank	E	Marshall	N	Salazar	N	Witwer	Y
Frangas	Y	May	N	Schultheis	Y	Young	Y
						Speaker	Y

### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1145 amended, SB04-005, 061, 106 amended, 1035, 1006 amended, 1022 amended, 1060 amended, .**

Laid over until date indicated: **HB04-1130--May 6, 2004.**

**HB04-1020, 1095 amended, 1009, 1280, 1039, 1026--February 11, 2004.**

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

YES	59	NO	00	EXCUSED	06	ABSENT	00
Berry	Y	Garcia	E	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	E	Hoppe	Y	Mitchell	E	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	E	Madden	E	Rose	Y	Williams T.	Y
Fairbank	E	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

### LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until February 11, retaining place on Calendar:

Consideration of Third Reading--**HB04-1090, 1149.**

Consideration of General Orders--**HB04-1054, 1175, 1108, 1073, 1208, SB04-096, 067, HB04-1114, 1210, 1125, 1191, 1196, SB04-004, HB04-1040, 1089, 1093, 1017, 1058, 1121, 1094, 1187, 1257, 1159, 1218, 1173, 1225.**

Consideration of Resolutions--**HJR04-1007, 1008, 1009, 1012, SJR04-009.**

Consideration of Senate Amendments--**HB04-1112.**

On motion of Representative King, the House adjourned until 9:00 a.m., February 11, 2004.

Approved:

LOLA SPRADLEY,  
Speaker

Attest:

JUDITH RODRIGUE,  
Chief Clerk