

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

Fifteenth Legislative Day

Wednesday, January 27, 2010

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian  
2 Church, Denver.

3

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

5

6 Pledge of Allegiance led by Alyssa Robertson, Steele Elementary and  
7 Zach Robertson, Polaris at Ebert Elementary, Denver.

8

9 The roll was called with the following result:

10

11 Present--50.

12 Excused--Representative(s) Curry, Ferrandino, Fischer,  
13 B. Gardner, Judd, Kefalas, J. Kerr, Lambert, McFadyen, Pace,  
14 Pommer, Riesberg, Sonnenberg, Stephens, Vaad--15.

15 Present after roll call--Representative(s) McFadyen, Stephens.

16

17 The Speaker declared a quorum present.

18

19

20 On motion of Representative Apuan, the reading of the journal of  
21 January 26, 2010, was declared dispensed with and approved as corrected  
22 by the Chief Clerk.

23

24

25

26 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

27

28 **BUSINESS AFFAIRS & LABOR**

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

31

32 **HB10-1049** be amended as follows, and as so amended, be referred to  
33 the Committee of the Whole with favorable  
34 recommendation:

35

36 Amend printed bill, page 4, after line 2 insert:

37

38 "SECTION 2. 12-6-102, Colorado Revised Statutes, is amended  
39 BY THE ADDITION OF A NEW SUBSECTION to read:

40

41 **12-6-102. Definitions.** As used in this part 1 and in part 5 of this  
42 article, unless the context or section 12-6-502 otherwise requires:

43

1 (9.7) "FRANCHISE" MEANS THE AUTHORITY TO SELL OR SERVICE  
2 AND REPAIR MOTOR VEHICLES OF A DESIGNATED LINE-MAKE GRANTED  
3 THROUGH A SALES, SERVICE, AND PARTS AGREEMENT WITH A  
4 MANUFACTURER, DISTRIBUTOR, OR MANUFACTURER REPRESENTATIVE."

5

6 Renumber succeeding sections accordingly.

7

8 Page 5, line 24, after "AREA" insert "DUE TO THE INSOLVENCY OF THE  
9 MANUFACTURER OR DISTRIBUTOR".

10

11 Page 6, line 19, strike "amended" and substitute "amended, and the said  
12 12-6-120.5 (2) is further amended BY THE ADDITION OF A NEW  
13 PARAGRAPH,".

14

15 Page 6, after line 24 insert:

16

17 "(f) OPERATION OF A MOTOR VEHICLE DEALER IF THE  
18 MANUFACTURER WAS OPERATING THE DEALER ON JANUARY 1, 2009, SO  
19 LONG AS THE DEALER IS IN CONTINUOUS OPERATION AFTER JANUARY 1,  
20 2009.

21

22 **SECTION 6.** 12-6-126 (1) and (2), Colorado Revised Statutes,  
23 are amended to read:

24

25 **12-6-126. Audit reimbursement limitations - dealer claims.**

26 (1) (a) A manufacturer, distributor, or manufacturer representative shall  
27 have the right to audit warranty, sales, or incentive claims of a motor  
28 vehicle dealer for ~~fifteen months~~ ONE HUNDRED EIGHTY DAYS after the  
29 date the claim was submitted.

30

31 (b) A manufacturer, distributor, or manufacturer representative  
32 shall not require documentation for warranty, sales, or incentive claims  
33 or audit warranty, sales, or incentive claims of a motor vehicle dealer  
34 more than ~~twenty-four~~ TWELVE months after the date the claim was  
35 submitted, nor shall the manufacturer require a charge back,  
36 reimbursement, or credit against a future transaction arising out of an  
37 audit or request for documentation arising more than ~~fifteen months~~ ONE  
38 HUNDRED EIGHTY DAYS after the date the claim was submitted.

39

40 (2) The motor vehicle dealer shall have ~~fifteen months~~ ONE  
41 HUNDRED EIGHTY DAYS after making a sale or providing service to  
42 submit warranty, sales, or incentive claims to the manufacturer,  
43 distributor, or manufacturer representative."

44

45 Renumber succeeding sections accordingly.

46

47 Page 7, strike lines 1 through 6 and substitute the following:

48

49 **"12-6-128. Payout exemption to execution.** A MOTOR VEHICLE  
50 DEALER'S RIGHT TO RECEIVE PAYMENTS FROM A MANUFACTURER OR  
51 DISTRIBUTOR REQUIRED BY SECTION 12-6-120 (1) (l) AND (1) (r) IS NOT  
52 LIABLE TO ATTACHMENT OR EXECUTION AND MAY NOT OTHERWISE BE  
53 SEIZED, TAKEN, APPROPRIATED, OR APPLIED IN A LEGAL OR EQUITABLE  
54 PROCESS OR BY OPERATION OF LAW TO PAY THE DEBTS OR LIABILITIES OF  
55 THE MANUFACTURER OR DISTRIBUTOR. THIS SECTION SHALL NOT".

56

1 **LOCAL GOVERNMENT**

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

4  
5 **HB10-1080** be referred to the Committee of the Whole with favorable  
6 recommendation.

7  
8  
9 **HB10-1095** be referred to the Committee of the Whole with favorable  
10 recommendation.

11 \_\_\_\_\_  
12  
13  
14 **PRINTING REPORT**

15  
16 The Chief Clerk reports the following bills have been correctly printed:  
17 **HB10-1203, 1204, 1205, 1206, 1207.**

18 \_\_\_\_\_  
19  
20  
21 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

22  
23 The Speaker has signed: **HJR10-1004, 1005, 1006, 1007, 1008.**

24 \_\_\_\_\_  
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26  
27 **MESSAGE(S) FROM THE SENATE**

28  
29 The Senate has adopted and transmits herewith: **SJR10-007.**

30 \_\_\_\_\_  
31  
32 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

33  
34 On motion of Representative Weissmann, the rules were suspended and  
35 the following resolution was given immediate consideration.

36  
37 **SJR10-007** by Senator(s) White; also Representative(s) Scanlan--  
38 Concerning the SnowSports Industries America Snow  
39 Show.

40  
41 (Printed and placed in member's file).

42  
43 On motion of Representative Scanlan, the resolution was **adopted** by  
44 **viva voce** vote.

45  
46 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,  
47 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, DelGrosso, Frangas,  
48 Gagliardi, Gardner C., Gerou, Hullinghorst, Kagan, Kerr A., King S., Labuda,  
49 Levy, Liston, Looper, Massey, May, McCann, McFadyen, McKinley, McNulty,  
50 Merrifield, Middleton, Miklosi, Murray, Nikkel, Peniston, Primavera, Priola,  
51 Rice, Roberts, Ryden, Schafer S., Solano, Soper, Stephens, Summers, Swalm,  
52 Tipton, Todd, Tyler, Vigil, Waller, Weissmann, Speaker.

53 \_\_\_\_\_  
54  
55 House in recess. House reconvened.  
56 \_\_\_\_\_

1           **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

2  
3           **APPROPRIATIONS**

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

6  
7           **HB10-1110**   be referred to the Committee of the Whole with favorable  
8           recommendation.

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10  
11          **HB10-1189**   be amended as follows, and as so amended, be referred to  
12          the Committee on Finance with favorable  
13          recommendation:

14  
15          Amend printed bill, page 3, after line 7 insert:

16  
17                **"SECTION 2. Appropriation.** In addition to any other  
18                appropriation, there is hereby appropriated, out of any moneys in the  
19                general fund not otherwise appropriated, to the department of revenue, for  
20                allocation to the taxation business group, taxation and compliance  
21                division, for the fiscal year beginning July 1, 2009, the sum of ninety-four  
22                thousand three hundred twenty-two dollars (\$94,322) and 0.9 FTE, or so  
23                much thereof as may be necessary, for the implementation of this act."

24  
25          Renumber succeeding section accordingly.

26  
27          Page 1, line 102, strike "**MATERIALS.**" and substitute "**MATERIALS, AND**  
28          **MAKING AN APPROPRIATION THEREFOR.**"

29  
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32          **HB10-1190**   be amended as follows, and as so amended, be referred to  
33          the Committee on Finance with favorable  
34          recommendation:

35  
36          Amend printed bill, page 4, after line 10 insert:

37  
38                **"SECTION 3. Appropriation.** In addition to any other  
39                appropriation, there is hereby appropriated, out of any moneys in the  
40                general fund not otherwise appropriated, to the department of revenue, for  
41                allocation to the taxation business group, taxation and compliance  
42                division, for the fiscal year beginning July 1, 2009, the sum of ninety-four  
43                thousand three hundred twenty-two dollars (\$94,322) and 0.9 FTE, or so  
44                much thereof as may be necessary, for the implementation of this act."

45  
46          Renumber succeeding section accordingly.

47  
48          Page 1, line 103, strike "**PURPOSES.**" and substitute "**PURPOSES, AND**  
49          **MAKING AN APPROPRIATION THEREFOR.**"

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53          **HB10-1191**   be amended as follows, and as so amended, be referred to  
54          the Committee on Finance with favorable  
55          recommendation:

56

1 Amend printed bill, page 6, after line 5 insert:

2

3 **"SECTION 3. Appropriation.** In addition to any other  
4 appropriation, there is hereby appropriated, out of any moneys in the  
5 general fund not otherwise appropriated, to the department of revenue, for  
6 allocation to the taxation business group, taxation and compliance  
7 division, for the fiscal year beginning July 1, 2009, the sum of ninety-four  
8 thousand three hundred twenty-two dollars (\$94,322) and 0.9 FTE, or so  
9 much thereof as may be necessary, for the implementation of this act."

10

11 Renumber succeeding section accordingly.

12

13 Page 1, line 104, strike "TAXES." and substitute "TAXES, AND MAKING AN  
14 APPROPRIATION THEREFOR."

15

16

17

18 **HB10-1192** be amended as follows, and as so amended, be referred to  
19 the Committee on Finance with favorable  
20 recommendation:

21

22 Amend printed bill, page 4, after line 6 insert:

23

24 **"SECTION 3. Appropriation.** In addition to any other  
25 appropriation, there is hereby appropriated, out of any moneys in the  
26 general fund not otherwise appropriated, to the department of revenue, for  
27 allocation to the taxation business group, taxation and compliance  
28 division, for the fiscal year beginning July 1, 2009, the sum of ninety-four  
29 thousand three hundred twenty-two dollars (\$94,322) and 0.9 FTE, or so  
30 much thereof as may be necessary, for the implementation of this act."

31

32 Renumber succeeding sections accordingly.

33

34 Page 1, line 102, strike "SOFTWARE." and substitute "SOFTWARE, AND  
35 MAKING AN APPROPRIATION THEREFOR."

36

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39 **HB10-1193** be amended as follows, and as so amended, be referred to  
40 the Committee on Finance with favorable  
41 recommendation:

42

43 Amend printed bill, page 4, after line 23 insert:

44

45 **"SECTION 3. Appropriation.** In addition to any other  
46 appropriation, there is hereby appropriated, out of any moneys in the  
47 general fund not otherwise appropriated, to the department of revenue, for  
48 allocation to the taxation business group, taxation and compliance  
49 division, for the fiscal year beginning July 1, 2009, the sum of ninety-four  
50 thousand three hundred twenty-two dollars (\$94,322) and 0.9 FTE, or so  
51 much thereof as may be necessary, for the implementation of this act."

52

53 Renumber succeeding section accordingly.

54

55 Page 1, line 102, strike "RETAILERS." and substitute "RETAILERS, AND  
56 MAKING AN APPROPRIATION THEREFOR."

1 **HB10-1194** be amended as follows, and as so amended, be referred to  
2 the Committee on Finance with favorable  
3 recommendation:  
4

5 Amend printed bill, page 4, after line 26 insert:  
6

7 **"SECTION 2. Appropriation.** In addition to any other  
8 appropriation, there is hereby appropriated, out of any moneys in the  
9 general fund not otherwise appropriated, to the department of revenue, for  
10 allocation to the taxation business group, taxation and compliance  
11 division, for the fiscal year beginning July 1, 2009, the sum of ninety-four  
12 thousand three hundred twenty-two dollars (\$94,322) and 0.9 FTE, or so  
13 much thereof as may be necessary, for the implementation of this act."  
14

15 Renumber succeeding section accordingly.  
16

17 Page 1, line 105, strike "CHARGE." and substitute "CHARGE, AND MAKING  
18 AN APPROPRIATION THEREFOR."  
19  
20  
21

22 **HB10-1195** be amended as follows, and as so amended, be referred to  
23 the Committee on Finance with favorable  
24 recommendation:  
25

26 Amend printed bill, page 4, after line 4 insert:  
27

28 **"SECTION 2. Appropriation.** In addition to any other  
29 appropriation, there is hereby appropriated, out of any moneys in the  
30 general fund not otherwise appropriated, to the department of revenue, for  
31 allocation to the taxation business group, taxation and compliance  
32 division, for the fiscal year beginning July 1, 2009, the sum of ninety-four  
33 thousand three hundred twenty-two dollars (\$94,322) and 0.9 FTE, or so  
34 much thereof as may be necessary, for the implementation of this act."  
35

36 Renumber succeeding section accordingly.  
37

38 Page 1, line 103, strike "PRODUCTION." and substitute "PRODUCTION,  
39 AND MAKING AN APPROPRIATION THEREFOR."  
40  
41  
42

43 **HB10-1196** be referred favorably to the Committee on Finance.  
44

45  
46 **HB10-1197** be referred favorably to the Committee on Finance.  
47

48  
49 **HB10-1198** be referred favorably to the Committee on Finance.  
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51  
52 **HB10-1199** be referred favorably to the Committee on Finance.  
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**FINANCE**

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

**HB10-1093** be referred favorably to the Committee on Local Government.

**SJR10-003** be referred out for final action.

**STATE, VETERANS, & MILITARY AFFAIRS**

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

**HB10-1047** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 7, line 3, strike ""YES, FOR THE (AMENDMENT/PROPOSITION)"" and substitute ""YES/FOR"".

Page 7, line 4, strike ""NO, AGAINST THE (AMENDMENT/PROPOSITION)"" and substitute ""NO/AGAINST"".

Page 7, strike lines 8 and 9 and substitute:

    "YES/FOR \_\_\_\_\_  
    NO/AGAINST \_\_\_\_\_".

**HB10-1092** be postponed indefinitely.

**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The Speaker has signed: SJR10-001, 002, 005.

House in recess. House reconvened.

**REPORT(S) OF COMMITTEE(S) OF REFERENCE**

**AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

**HB10-1006** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 2, strike "(e)" and substitute "(c)".

2

3 Page 2, strike lines 17 through 23 and substitute:

4

5 "(c) For programs within the division of reclamation, mining, and  
6 safety, ~~up to thirty percent of the moneys in the operational account for~~  
7 ~~fiscal years commencing before July 1, 2008, and up to twenty-five~~  
8 percent of the moneys in the operational account for fiscal years  
9 commencing on ~~or after~~ July 1, 2008, AND JULY 1, 2009, AND UP TO  
10 TWENTY PERCENT OF THE MONEYS IN THE OPERATIONAL ACCOUNT FOR  
11 FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2010. As part of any  
12 appropriation made, five hundred thousand dollars, or so much as may be  
13 available, shall be transferred to the abandoned mine reclamation fund  
14 created in section 34-34-102 (1), C.R.S."

15

16 Page 3, after line 1 insert:

17

18 **"SECTION 2. Appropriation - adjustments in long bill.**

19 (1) The appropriations made in the annual general appropriation act to  
20 the department of natural resources, division of wildlife, division  
21 operations, for wildlife management, for the fiscal year beginning July 1,  
22 2010, shall be decreased by four hundred thirteen thousand one hundred  
23 seventy-nine dollars (\$413,179) cash funds. Said sum shall be from the  
24 operational account of the severance tax trust fund created in section  
25 39-29-109, Colorado Revised Statutes.

26

27 (2) In addition to any other appropriation, there is hereby  
28 appropriated, to the department of natural resources, division of water  
29 resources, for the fiscal year beginning July 1, 2010, three hundred forty  
30 thousand sixty-one dollars (\$340,061) and 5.3 FTE for personal services,  
31 and twenty-two thousand fifty dollars (\$22,050) for operating expenses.  
32 Said sums shall be from the operational account of the severance tax trust  
33 fund created in section 39-29-109, Colorado Revised Statutes.

34

35 (3) In addition to any other appropriation, there is hereby  
36 appropriated, to the department of natural resources, executive director's  
37 office, for the fiscal year beginning July 1, 2010, forty thousand six  
38 hundred ninety-three dollars (\$40,693) for health, life, dental, four  
39 hundred seventy-two dollars (\$472) for short-term disability, six thousand  
40 ninety-four dollars (\$6,094) for amortization equalization disbursement,  
41 and three thousand eight hundred nine dollars (\$3,809) for supplemental  
42 amortization equalization disbursement. Said sums shall be from the  
43 operational account of the severance tax trust fund created in section  
44 39-29-109, Colorado Revised Statutes."

45

46 Renumber succeeding section accordingly.

47

48 Page 1, line 103, strike "FUND." and substitute "FUND, AND MAKING AN  
49 APPROPRIATION THEREFOR."

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

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

**HB10-1208** by Representative(s) Todd and Murray, Massey, Baumgardner, Benefield, Carroll T., Casso, Frangas, Gardner C., Looper, May, McFadyen, McKinley, McNulty, Merrifield, Middleton, Peniston, Priola, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Summers, Tipton; also Senator(s) Shaffer B. and King K., Cadman, Carroll M., Foster, Hodge, Johnston, Keller, Kester, Kopp, Lundberg, Newell, Penry, Renfroe, Romer, Scheffel, Schultheis, Spence, Steadman, White, Whitehead, Williams--Concerning requiring statewide agreements for the transfer of two-year degrees among all state institutions of higher education in Colorado.

Committee on Education

**HB10-1209** by Representative(s) Balmer--Concerning authorization to place voluntarily an identifier of a branch of the United States armed forces on certain identification documents issued by the department of revenue.

Committee on State, Veterans, & Military Affairs

Committee on Finance

**HB10-1210** by Representative(s) Weissmann, Carroll T., May; also Senator(s) Morse, Shaffer B., Penry--Concerning the redistricting process.

Committee on State, Veterans, & Military Affairs

**SB10-035** by Senator(s) Newell; also Representative(s) Bradford--Concerning automatic enrollment in employee retirement plans.

Committee on Business Affairs and Labor

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**LAY OVER OF CALENDAR ITEM(S)**

On motion of Representative Weissmann, the following item(s) on the Calendar were (was) laid over until January 28, retaining place on Calendar:

Consideration of Third Reading--**SB10-065, HB10-1055, 1046, 1069, 1028.**

Consideration of General Orders--**HB10-1034, 1036, 1037, 1071, 1039, 1062, 1010, 1014, 1052.**

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1 On motion of Representative Weissmann, the House adjourned until  
2 9:00 a.m., January 28, 2010.

3

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5

6

7 Attest:

8 MARILYN EDDINS,

9 Chief Clerk

Approved:  
TERRANCE D. CARROLL,  
Speaker