

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

Seventieth Legislative Day

Tuesday, March 17, 2009

1 Prayer by Representative Summers.

2

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

4

5 Pledge of Allegiance led by Bryant Elrick, Flagler High School.

6

7 The roll was called with the following result:

8

9 Present--62.

10 Excused--Representative(s) B. Gardner, Swalm, Weissmann--3.

11 Present after roll call--Representative(s) Swalm.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Murray, the reading of the journal of  
17 March 16, 2009, was declared dispensed with and approved as corrected  
18 by the Chief Clerk.

19

20

21

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

23

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

27

28 **HB09-1295** by Representative(s) Todd and Massey, Carroll T.,  
29 Benefield, Merrifield, Middleton, Casso, Frangas,  
30 Hullinghorst, Kerr A., Labuda, McGihon, Miklosi,  
31 Murray, Scanlan; also Senator(s) Heath, Bacon, King K.,  
32 Veiga, Spence--Concerning authorizing Metropolitan state  
33 college of Denver to offer master's degree programs.

34

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

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

39

40

41

42

43

	YES	63	NO	0	EXCUSED	2	ABSENT	0
Acree	Y	Green	Y	McFadyen	Y	Roberts	Y	
Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y	
Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y	

1	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
2	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
3	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
4	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
5	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
6	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
7	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
8	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
9	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
10	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
11	Gardner B.	E	Massey	Y	Priola	Y	Vigil	Y
12	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
13	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
14							Speaker	Y

15 Co-sponsor(s) added: Representative(s) Curry, Ferrandino, Green, Kerr J.,  
 16 King S., Nikkel, Pace, Priola, Rice, Ryden, Schafer S., Solano, Stephens,  
 17 Summers, Vigil

18  
 19 **HB09-1299** by Representative(s) Kerr A., Benefield, Carroll T., Casso,  
 20 Court, Curry, Ferrandino, Frangas, Green, Hullinghorst,  
 21 Kefalas, McCann, Middleton, Miklosi, Pommer, Rice,  
 22 Scanlan, Schafer S., Solano, Todd, Vigil; also Senator(s)  
 23 Romer, Bacon, Groff, Veiga--Concerning adoption of an  
 24 agreement among the states to elect the president of the  
 25 United States by national popular vote.

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	YES	34	NO	29	EXCUSED	2	ABSENT	0
33	Acree	N	Green	Y	McFadyen	Y	Roberts	N
34	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
35	Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y
36	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y
37	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
38	Bradford	N	Kerr J.	N	Middleton	Y	Sonnenberg	N
39	Casso	Y	King S.	N	Miklosi	Y	Soper	N
40	Court	Y	Labuda	N	Murray	N	Stephens	N
41	Curry	Y	Lambert	N	Nikkel	N	Summers	N
42	Ferrandino	Y	Levy	Y	Pace	N	Swalm	N
43	Fischer	Y	Liston	N	Peniston	Y	Tipton	N
44	Frangas	Y	Looper	N	Pommer	Y	Todd	Y
45	Gagliardi	Y	Marostica	N	Primavera	Y	Vaad	N
46	Gardner B.	E	Massey	N	Priola	N	Vigil	Y
47	Gardner C.	N	May	N	Rice	Y	Waller	N
48	Gerou	N	McCann	Y	Riesberg	Y	Weissmann	E
49							Speaker	Y

50 Co-sponsor(s) added: Representative(s) Apuan, Fischer, Levy, McGihon, Ryden

51  
 52  
 53  
 54  
 55

**CONSIDERATION OF RESOLUTION(S)**

1  
2  
3 **HJR09-1012** by Representative(s) Carroll T. and May, Todd; also  
4 Senator(s) Groff and Penry--Concerning the construction  
5 of a stand-alone veterans hospital at the Fitzsimons  
6 medical campus.

7  
8 (Printed and placed in member's file)

9  
10 Representative Carroll T., moved that the resolution be adopted and  
11 requested that it be read at length.

12  
13 Amendment No. 1, moved by Representative Marostica.

14  
15 Amend printed joint resolution, page 2, after line 13, insert the following:

16  
17 "WHEREAS, Veterans from previous conflicts such as Vietnam,  
18 Korea, and World War II continue to require VA care; and".

19  
20 The amendment was declared **passed** by **viva voce** vote.

21  
22 On motion of Representative Carroll T., the resolution as amended was  
23 **adopted** by **viva voce** vote.

24  
25 Current Roll Call added as Co-sponsor(s): Representative(s) Acree, Apuan,  
26 Balmer, Baumgardner, Benefield, Bradford, Casso, Court, Curry, Ferrandino,  
27 Fischer, Frangas, Gagliardi, Gardner C., Gerou, Green, Hullinghorst, Judd,  
28 Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper,  
29 Marostica, Massey, McCann, McFadyen, McGihon, McKinley, McNulty,  
30 Merrifield, Middleton, Miklosi, Murray, Nikkel, Pace, Peniston, Pommer,  
31 Primavera, Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano,  
32 Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Vaad, Vigil, Waller

33  
34  
35  
36 On motion of Representative Scanlan, the House resolved itself into  
37 Committee of the Whole for consideration of General Orders, and she  
38 was called to the Chair to act as Chairman.

**GENERAL ORDERS--SECOND READING OF BILLS**

39  
40  
41  
42  
43 The Committee of the Whole having risen, the Chairman reported the  
44 titles of the following bills had been read (reading at length had been  
45 dispensed with by unanimous consent), the bills considered and action  
46 taken thereon as follows:

47  
48 (Amendments to the committee amendment are to the printed committee  
49 report which was printed and placed in the members' bill file.)

50  
51 **HB09-1015** by Representative(s) Murray, Marostica; also Senator(s)  
52 Hodge--Concerning certain actions taken by the  
53 designated election official in conducting primary  
54 elections.

55  
56 Laid over until March 20, retaining place on Calendar.

1 **HB09-1086** by Representative(s) McGihon, Green, Frangas; also  
2 Senator(s) Boyd--Concerning continuing professional  
3 competency of certain mental health professionals.  
4

5 Laid over until March 20, retaining place on Calendar.  
6

7 **HB09-1026** by Representative(s) Marostica, Fischer, McFadyen, Rice,  
8 Vaad; also Senator(s) Williams, Spence--Concerning the  
9 application of vehicle laws to low-power vehicles that  
10 operate with less than four wheels in contact with the  
11 ground, and, in connection therewith, defining "low-power  
12 scooter".  
13

14 Amendment No. 1, Transportation & Energy Report, dated  
15 January 29, 2009, and placed in member's bill file; Report also printed in  
16 House Journal, January 30, pages 191-193.  
17

18 Amendment No. 2, by Representative(s) Marostica.  
19

20 Amend the Transportation and Energy Committee Report, dated January  
21 29, 2009, page 3, line 8, strike "PERSONAL MOBILITY DEVICE" and  
22 substitute "EPAMD";  
23

24 line 11, strike "(IV)" and substitute "(III)".  
25

26 Amendment No. 3, by Representative(s) Marostica.  
27

28 Amend printed bill, page 3, strike lines 9 through 18 and substitute the  
29 following:  
30

31 **"SECTION 3.** 12-6-102 (12), Colorado Revised Statutes, is  
32 amended to read:  
33

34 **12-6-102. Definitions.** As used in this part 1 and in part 5 of this  
35 article, unless the context or section 12-6-502 otherwise requires:  
36

37 (12) "Motor vehicle" means every vehicle intended primarily for  
38 use and operation on the public highways which is self-propelled and  
39 every vehicle intended primarily for operation on the public highways  
40 which is not driven or propelled by its own power but which is designed  
41 to be attached to or become a part of or to be drawn by a self-propelled  
42 vehicle, not including farm tractors and other machines and tools used in  
43 the production, harvesting, and care of farm products. "MOTOR VEHICLE"  
44 INCLUDES, WITHOUT LIMITATION, A LOW-POWER SCOOTER, AS DEFINED IN  
45 SECTION 42-1-102, C.R.S.  
46

47 **SECTION 4.** 12-6-502, Colorado Revised Statutes, is amended  
48 BY THE ADDITION OF A NEW SUBSECTION to read:  
49

50 **12-6-502. Definitions.** As used in this part 5, unless the context  
51 otherwise requires:  
52

53 (20) "WHOLESALE" MEANS A PERSON WHO, FOR COMMISSION OR  
54 WITH INTENT TO MAKE A PROFIT OR GAIN OF MONEY OR OTHER THING OF  
55 VALUE, SELLS, EXCHANGES, OR OFFERS OR ATTEMPTS TO NEGOTIATE A  
56 SALE, LEASE, OR EXCHANGE OF AN INTEREST IN A NEW OR NEW AND USED

1 POWERSPORTS VEHICLE SOLELY TO POWERSPORTS VEHICLE DEALERS OR  
2 USED POWERSPORTS VEHICLE DEALERS.

3

4 **SECTION 5.** 12-6-504 (1) (a), (1) (f) (I), and (1) (k), Colorado  
5 Revised Statutes, are amended to read:

6

7 **12-6-504. Board - oath - meetings - powers and duties - rules.**

8 (1) In addition to the duties and powers of the board under section  
9 12-6-104, the board may:

10

11 (a) Promulgate, amend, and repeal rules reasonably necessary to  
12 implement this part 5, including, without limitation, the administration,  
13 enforcement, issuance, and denial of licenses to WHOLESALERS,  
14 powersports vehicle dealers, powersports vehicle salespersons, and used  
15 powersports vehicle dealers;

16

17 (f) (I) Investigate, with the assistance of the executive director, on  
18 its own motion or upon a written and signed complaint from any person,  
19 a suspected or alleged violation by a WHOLESALER, powersports vehicle  
20 dealer, used powersports vehicle dealer, or powersports vehicle  
21 salesperson of this part 5 or a rule promulgated by the board;

22

23 (k) Cause to be conducted written examinations, as prescribed by  
24 the board, to test the competency of all first-time applicants for a  
25 WHOLESALER'S LICENSE, powersports vehicle dealer's license, used  
26 powersports vehicle dealer's license, or powersports vehicle salesperson's  
27 license;

28

29 **SECTION 6.** The introductory portion to 12-6-508 (1), Colorado  
30 Revised Statutes, is amended, and the said 12-6-508 (1) is further  
31 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

32

33 **12-6-508. Classes of licenses.** (1) Licenses issued under ~~the~~  
34 ~~provisions of~~ this part 5 shall be of the following classes:

35

36 (f) A WHOLESALER'S LICENSE SHALL PERMIT THE LICENSEE TO  
37 ENGAGE IN THE ACTIVITIES OF A WHOLESALER.

38

39 **SECTION 7.** 12-6-510, Colorado Revised Statutes, is amended  
40 to read:

41

42 **12-6-510. Display, form, custody, and use of licenses.** The  
43 board and the executive director shall prescribe the form of the license to  
44 be issued by the executive director, and each license shall have imprinted  
45 thereon the seal of their offices. The license of each powersports vehicle  
46 salesperson shall be mailed to the business address where the salesperson  
47 is licensed and shall be kept by the salesperson at such salesperson's place  
48 of employment for inspection by employers, consumers, the executive  
49 director, or the board. A powersports vehicle dealer OR WHOLESALER  
50 shall display conspicuously the person's license in the person's place of  
51 business. Each license issued pursuant to this part 5 is separate and  
52 distinct. It shall be a violation of this part 5 for a person to exercise any  
53 of the privileges granted under a license that such person does not hold,  
54 or for a licensee to knowingly allow such an exercise of privileges.

55

56 **SECTION 8.** 12-6-511 (1), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2

3 **12-6-511. Fees - disposition - expenses - expiration of licenses.**

4 (1) The fee established pursuant to subsection (5) of this section shall be  
5 collected with each application for each of the following:

6

7 (f) WHOLESALER'S LICENSE.

8

9 **SECTION 9.** 12-6-511 (3) and (4) (c), Colorado Revised Statutes,  
10 are amended to read:

11

12 **12-6-511. Fees - disposition - expenses - expiration of licenses.**

13 (3) If an application for a WHOLESALER'S LICENSE, powersports vehicle  
14 dealer's, used powersports vehicle dealer's, or powersports salesperson's  
15 license is withdrawn by the applicant prior to issuance of the license,  
16 one-half of the license fee shall be refunded.

17

18 (4) (c) Upon the expiration of a license, unless suspended or  
19 revoked, it may be renewed upon the payment of the application fees  
20 specified in this section and renewal shall be made from year to year as  
21 a matter of right; except that, if a WHOLESALER OR powersports vehicle  
22 dealer voluntarily surrenders its license or abandons its place of business  
23 for a period of more than thirty days, the licensee is required to file a new  
24 application to renew its license.

25

26 **SECTION 10.** 12-6-512 (1) and (2) (a), Colorado Revised  
27 Statutes, are amended to read:

28

29 **12-6-512. Bond of licensee.** (1) A WHOLESALER'S LICENSE,  
30 powersports vehicle dealer's license, or used powersports vehicle dealer's  
31 license shall not be issued to any applicant unless the applicant procures  
32 and files with the board evidence of a savings account, deposit, or  
33 certificate of deposit meeting the requirements of section 11-35-101,  
34 C.R.S., or a good and sufficient bond with corporate surety thereon duly  
35 licensed to do business within the state, approved as to form by the  
36 attorney general, and conditioned that the applicant shall not make any  
37 fraudulent representation or violate any of the provisions of this part 5 or  
38 any rule promulgated by the board under this part 5. A powersports  
39 vehicle dealer or used powersports vehicle dealer shall not be required to  
40 furnish an additional bond, savings account, deposit, or certificate of  
41 deposit under this section if such dealer furnishes a bond, savings  
42 account, deposit, or certificate of deposit under section 12-6-111.

43

44 (2) (a) The purpose of the bond procured by the applicant pursuant  
45 to subsection (1) of this section and section 12-6-513 is to provide for the  
46 reimbursement for any loss or damage suffered by any retail consumer  
47 caused by violation of this part 5 by a WHOLESALER, powersports vehicle  
48 dealer, or used powersports vehicle dealer. For a wholesale transaction,  
49 the bond is available to each party to the transaction; except that, if a  
50 retail consumer is involved, such consumer shall have priority to recover  
51 from the bond. The amount of the bond shall be fifty thousand dollars for  
52 each WHOLESALER APPLICANT, powersports vehicle dealer applicant, and  
53 used powersports vehicle dealer applicant. The aggregate liability of the  
54 surety for all transactions shall not exceed the amount of the bond,  
55 regardless of the number of claims or claimants.

56

1           **SECTION 11.** 12-6-515, Colorado Revised Statutes, is amended  
2 to read:

3  
4           **12-6-515. Testing licensees.** All persons applying for a  
5 WHOLESALER'S, powersports vehicle dealer's, used powersports vehicle  
6 dealer's, or powersports vehicle salesperson's license under this part 5  
7 shall be examined for their knowledge of the powersports vehicle laws of  
8 the state of Colorado and the rules promulgated pursuant to this part 5.  
9 If the applicant is a corporation, the managing officer shall take the  
10 examination, and, if the applicant is a partnership, all the general partners  
11 shall take such examination. No license shall be issued except upon  
12 successful passing of the examination. This section shall not apply to a  
13 motor vehicle dealer, used motor vehicle dealer, or motor vehicle  
14 salesperson licensed pursuant to part 1 of this article.

15  
16           **SECTION 12.** 12-6-517 (1), (6), (7) (a), and the introductory  
17 portion to 12-6-517 (7) (b), Colorado Revised Statutes, are amended to  
18 read:

19  
20           **12-6-517. Application - rules.** (1) An application for a  
21 WHOLESALER'S LICENSE, powersports vehicle dealer's license, used  
22 powersports vehicle dealer's license, or powersports salesperson's license  
23 shall be submitted to the board.

24  
25           (6) Persons applying for a WHOLESALER'S, powersports vehicle  
26 dealer's, used powersports vehicle dealer's, or a powersports vehicle  
27 salesperson's license shall file with the board a written instrument in  
28 which the applicant shall appoint the secretary of the board as the agent  
29 of the applicant upon whom all process may be served in any action  
30 against the applicant arising out of a claim for damages suffered by a  
31 violation of this part 5, rules promulgated under this part 5, or any  
32 condition of the applicant's bond.

33  
34           (7) (a) A person applying for a WHOLESALER'S LICENSE OR used  
35 powersports vehicle dealer's license shall file with the board a  
36 certification that the applicant has met the educational requirements for  
37 licensure under this subsection (7), unless the applicant is licensed as a  
38 motor vehicle dealer or a used motor vehicle dealer. This subsection (7)  
39 shall not apply to a person who has held a license, within the last three  
40 years, as a motor vehicle dealer, used motor vehicle dealer, wholesaler,  
41 wholesale motor vehicle auction dealer, powersports vehicle dealer, or  
42 used powersports vehicle dealer under this part 5 or part 1 of this article.

43  
44           (b) An applicant for a WHOLESALER'S LICENSE OR used  
45 powersports vehicle dealer's license shall not be licensed unless one of the  
46 following persons has completed an eight-hour prelicensing education  
47 program:

48  
49           **SECTION 13.** 12-6-518, Colorado Revised Statutes, is amended  
50 BY THE ADDITION OF A NEW SUBSECTION to read:

51  
52           **12-6-518. Notice of change of address or status.** (4) UPON A  
53 CHANGE OF PLACE OF BUSINESS OR BUSINESS ADDRESS, A WHOLESALER  
54 SHALL IMMEDIATELY NOTIFY THE BOARD OF THE CHANGE.

55  
56           **SECTION 14.** The introductory portion to 12-6-520 (3), Colorado

1 Revised Statutes, is amended, and the said 12-6-520 is further amended  
2 BY THE ADDITION OF A NEW SUBSECTION, to read:

3  
4 **12-6-520. Licenses - grounds for denial, suspension, or  
5 revocation.** (3) A WHOLESALER'S LICENSE, powersports vehicle dealer's  
6 license, or a used powersports vehicle dealer's license may be denied,  
7 suspended, or revoked on the following grounds:

8  
9 (3.5) A WHOLESALER'S LICENSE MAY BE DENIED, SUSPENDED, OR  
10 REVOKED FOR THE SELLING, LEASING, OR OFFERING OR ATTEMPTING TO  
11 NEGOTIATE THE SALE, LEASE, OR EXCHANGE OF AN INTEREST IN MOTOR  
12 VEHICLES TO PERSONS OTHER THAN POWERSPORTS VEHICLE DEALERS,  
13 USED POWERSPORTS VEHICLE DEALERS, OR OTHER WHOLESALERS.

14  
15 **SECTION 15.** 12-6-521 (2), Colorado Revised Statutes, is  
16 amended to read:

17  
18 **12-6-521. Procedure for denial, suspension, or revocation of  
19 license - judicial review.** (2) The board shall appoint an administrative  
20 law judge pursuant to part 10 of article 30 of title 24, C.R.S., to conduct  
21 any hearing concerning the licensing or discipline of a WHOLESALER  
22 powersports vehicle dealer, used powersports vehicle dealer, powersports  
23 vehicle manufacturer, powersports vehicle manufacturer representative,  
24 or powersports vehicle distributor; except that the board may, upon a  
25 unanimous vote of the members present when the vote is taken, conduct  
26 the hearing in lieu of appointing an administrative law judge.

27  
28 **SECTION 16.** 12-6-522 (1) (a) and (1) (c) (II), Colorado Revised  
29 Statutes, are amended to read:

30  
31 **12-6-522. Sales activity following license denial, suspension, or  
32 revocation - unlawful act - penalty.** (1) (a) It shall be unlawful and a  
33 violation of this part 5 for any person whose WHOLESALER'S, powersports  
34 vehicle dealer's, used powersports vehicle dealer's, or powersports vehicle  
35 salesperson's license has been denied, suspended, or revoked to exercise  
36 the privileges of the license that was denied, suspended, or revoked.

37  
38 (c) In any trial for a violation of paragraph (a) of this subsection  
39 (1):

40  
41 (II) A duly authenticated invoice, buyer's order, or other  
42 customary, written sales or purchase document or instrument proven to  
43 be signed by the defendant and indicating the defendant's role in the  
44 purchase or sale of a powersports vehicle at a retail OR WHOLESALE  
45 powersports vehicle sales location shall constitute prima facie evidence  
46 of the defendant's exercise of a privilege of licensure;

47  
48 **SECTION 17.** 12-6-523 (2), Colorado Revised Statutes, is  
49 amended to read:

50  
51 **12-6-523. Unlawful acts.** (2) It is unlawful for a person to act as  
52 a WHOLESALER, powersports vehicle dealer, used powersports vehicle  
53 dealer, powersports vehicle manufacturer, powersports vehicle  
54 distributor, powersports vehicle manufacturer representative, or  
55 powersports vehicle salesperson unless the person has been duly licensed  
56 under the provisions of this part 5.



1           **SECTION 18.** 12-6-529, Colorado Revised Statutes, is amended  
2 to read:

3  
4           **12-6-529. Drafts or checks not honored for payment -**  
5 **penalties.** (1) If a WHOLESALER, powersports vehicle dealer, or used  
6 powersports vehicle dealer issues a draft or check to a WHOLESALER,  
7 powersports vehicle dealer, or used powersports vehicle dealer and fails  
8 to honor the draft or check, then the license of the licensee shall be  
9 subject to suspension pursuant to section 12-6-520. The license  
10 suspension shall be effective upon the date of a final decision against the  
11 licensee. A licensee whose license has been suspended pursuant to this  
12 subsection (1) shall not be eligible for reinstatement of the license and  
13 shall not be eligible to apply for another license issued under this part 5  
14 unless it is demonstrated to the board that the unpaid draft or check has  
15 been paid in full and that any fine imposed on the licensee pursuant to  
16 subsection (2) of this section has been paid in full.

17  
18           (2) A WHOLESALER, powersports vehicle dealer, or used  
19 powersports vehicle dealer that issues a draft or check to a WHOLESALER,  
20 powersports vehicle dealer, or used powersports vehicle dealer and who  
21 fails to honor the draft or check, causing loss to a third party, commits a  
22 misdemeanor and shall be punished by a fine of two thousand five  
23 hundred dollars. Any fine collected for a violation of this subsection (2)  
24 shall be awarded to the law enforcement agency that investigated and  
25 issued the citation for the violation."

26  
27 Renumber succeeding sections accordingly.

28  
29 Page 6, line 4, after "VEHICLE", insert "DESIGNED PRIMARILY FOR USE ON  
30 THE ROADWAYS";

31  
32 line 11, strike "OR PERSONAL MOBILITY DEVICE." and substitute "OR ANY  
33 DEVICE DESIGNED TO ASSIST MOBILITY IMPAIRED PEOPLE USE PEDESTRIAN  
34 RIGHTS-OF-WAY".

35  
36 Page 7, line 6, strike "42-4-1301, and 42-4-1401" and substitute  
37 "~~42-4-1301, and 42-4-1401~~ 42-4-1301, 42-4-1301.1, AND 42-4-1401".

38  
39 line 10, after the period, add "FOR THE PURPOSES OF SECTIONS 42-2-127,  
40 42-2-127.7, 42-2-128, 42-2-138, AND 42-2-206, "MOTOR VEHICLE"  
41 INCLUDES A LOW-POWER SCOOTER."

42  
43 Page 33, line 13, strike "LOW-POWER SCOOTER";

44  
45 line 23, strike "LOW-POWER SCOOTER".

46  
47 Page 34, after line 24, insert the following:

48           **"SECTION 50.** The introductory portion to 42-4-1502 (4.5) (a)  
49 and 42-4-1502 (4.5) (a) (I), Colorado Revised Statutes, are amended to  
50 read:

51  
52           **42-4-1502. Riding on motorcycles - protective helmet.**  
53 (4.5) (a) A person ~~under eighteen years of age may~~ SHALL not operate or  
54 ~~carry~~ RIDE AS a passenger ~~who is under eighteen years of age~~ on a  
55 motorcycle OR LOW-POWER SCOOTER on a ~~highway in this state~~ ROADWAY  
56 unless:

1 (I) ~~The EACH person and the passenger are~~ UNDER EIGHTEEN  
2 YEARS OF AGE IS wearing A protective ~~helmets~~ HELMET of a type and  
3 design manufactured for use by operators of motorcycles;".  
4

5 Renumber succeeding sections accordingly.  
6

7 Page 37, line 21, strike "34" and substitute "49".  
8

9 Amendment No. 4, by Representative(s) Marostica.  
10

11 Amend printed bill, page 5, line 25, before "(55),", insert "(10),";  
12

13 line 27, strike "A NEW SUBSECTION," and substitute "THE  
14 FOLLOWING NEW SUBSECTIONS,".  
15

16 Page 6, after line 2, insert the following:  
17

18 "(10) "Bicycle" means ~~every~~ A vehicle propelled ~~solely~~ by human  
19 power applied to pedals upon which ~~any~~ A person may ride having two  
20 tandem wheels or two parallel wheels and one forward wheel, all of  
21 which are more than fourteen inches in diameter. "BICYCLE" INCLUDES  
22 AN ELECTRICAL ASSISTED BICYCLE OR A VEHICLE POWERED SOLELY BY  
23 HUMAN POWER.  
24

25 (28.5) "ELECTRICAL ASSISTED BICYCLE" MEANS A VEHICLE HAVING  
26 TWO TANDEM WHEELS OR TWO PARALLEL WHEELS AND ONE FORWARD  
27 WHEEL, FULLY OPERABLE PEDALS, AN ELECTRIC MOTOR NOT EXCEEDING  
28 SEVEN HUNDRED AND FIFTY WATTS OF POWER, AND A TOP  
29 MOTOR-POWERED SPEED OF TWENTY MILES PER HOUR.";  
30

31 line 10, after "TOY VEHICLE,", insert "BICYCLE, ELECTRICAL ASSISTED  
32 BICYCLE,".  
33

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

37 **HB09-1294** by Representative(s) Vigil; also Senator(s) Schwartz--  
38 Concerning the voluntary contribution designation  
39 benefiting the nongame and endangered wildlife fund that  
40 appears on the state individual income tax return forms,  
41 and, in connection therewith, extending the period for the  
42 contribution designation.  
43

44 Ordered engrossed and placed on the Calendar for Third Reading and  
45 Final Passage.  
46

47 **HB09-1170** by Representative(s) Casso, Pace; also Senator(s)  
48 Tochtrop--Concerning unemployment insurance benefits  
49 for locked-out employees.  
50

51 Amendment No. 1, Business Affairs & Labor Report, dated  
52 March 11, 2009, and placed in member's bill file; Report also printed in  
53 House Journal, March 12, pages 701-702.  
54

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

1 On motion of Representative Kerr A., the remainder of the General  
2 Orders Calendar (**HB09-1063, 1130, 1133, 1137, 1160, 1175, 1205, 1222,**  
3 **1244**) was laid over until March 20, retaining place on Calendar.

4  
5  
6  
7 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

8  
9 Passed Second Reading: **HB09-1026 amended, 1294, 1170 amended.**

10  
11 Laid over until date indicated retaining place on Calendar: **HB09-1015,**  
12 **1086, 1063, 1130, 1133, 1137, 1160, 1175, 1205, 1222, 1244--**  
13 **March 20, 2009.**

14  
15 The Chairman moved the adoption of the Committee of the Whole  
16 Report. As shown by the following roll call vote, a majority of those  
17 elected to the House voted in the affirmative, and the Report was  
18 **adopted.**

	YES	61	NO	2	EXCUSED	2	ABSENT	0
21	Acree	N	Green	Y	McFadyen	Y	Roberts	Y
22	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
23	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
24	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
25	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
26	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
27	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
28	Court	Y	Labuda	Y	Murray	Y	Stephens	N
29	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
30	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
31	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
32	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
33	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
34	Gardner B.	E	Massey	Y	Priola	Y	Vigil	Y
35	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
36	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
37							Speaker	Y

38  
39  
40  
41  
42 **CONSIDERATION OF SENATE AMENDMENTS**  
43 **TO HOUSE RESOLUTION**

44  
45 **HJR09-1002** by Representative(s) Fischer; also Senator(s) Hodge--  
46 Concerning approval of water project revolving fund  
47 eligibility lists administered by the Colorado water  
48 resources and power development authority.

49  
50 (Amended as printed in Senate Journal, March 12, pages 687-700.)

51  
52 Representative Fischer moved that the House **concur** in Senate  
53 amendments. The motion was declared **passed** by the following roll call  
54 vote:

55

	YES	62	NO	1	EXCUSED	2	ABSENT	0
1								
2	Acree	Y	Green	N	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
9	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
10	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
15	Gardner B.	E	Massey	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
18							Speaker	Y
19								

20 The question being, "Shall the resolution, as amended, pass?".  
 21 A roll call vote was taken. As shown by the following recorded vote, a  
 22 majority of those elected to the House voted in the affirmative, and the  
 23 resolution, as amended, was declared **repassed**.

	YES	62	NO	1	EXCUSED	2	ABSENT	0
26	Acree	Y	Green	N	McFadyen	Y	Roberts	Y
27	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
28	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
29	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
30	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
31	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
32	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
33	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
34	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
35	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
36	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
37	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
38	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
39	Gardner B.	E	Massey	Y	Priola	Y	Vigil	Y
40	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
41	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	E
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Hullinghorst, Priola, Sonnenberg

## REPORT(S) OF COMMITTEE(S) OF REFERENCE

### HEALTH & HUMAN SERVICES

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

54 **SB09-030** be referred to the Committee of the Whole with favorable  
 55 recommendation.  
 56

1 **SB09-179** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5 **SB09-225** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:  
8

9 Amend reengrossed bill, page 2, strike lines 5 through 7 and substitute the  
10 following:  
11 "PREGNANCY.  
12

13 **SECTION 2.** 25-3-110 (1) (a), Colorado Revised Statutes, is  
14 amended to read:  
15

16 **25-3-110. Emergency contraception - definitions.** (1) For  
17 purposes of this section, unless the context otherwise requires:  
18

19 (a) "Emergency contraception" means a drug approved by the  
20 federal food and drug administration that prevents pregnancy after sexual  
21 intercourse, including but not limited to oral contraceptive pills; except  
22 that "emergency contraception" shall not include RU-486, mifepristone,  
23 or any other drug or device that induces a medical abortion. NOTHING IN  
24 SECTION 2-4-401 (1.5), C.R.S., SHALL BE CONSTRUED TO AMEND OR ALTER  
25 THE DEFINITION OF "EMERGENCY CONTRACEPTION".  
26

27 Renumber succeeding section accordingly.  
28  
29  
30  
31

## 32 **JUDICIARY**

33 After consideration on the merits, the Committee recommends the  
34 following:  
35

36 **HB09-1235** be postponed indefinitely.  
37  
38

39 **SB09-035** be referred to the Committee of the Whole with favorable  
40 recommendation.  
41  
42

43 **SB09-069** be amended as follows, and as so amended, be referred to  
44 the Committee of the Whole with favorable  
45 recommendation:  
46

47 Amend reengrossed bill, Page 2, strike lines 10 and 11 and substitute the  
48 following:  
49 "DURING THE PERFORMANCE OF ANY ACT THAT A REASONABLE PARENTING  
50 COORDINATOR WOULD BELIEVE WAS WITHIN THE SCOPE OF HIS OR".  
51  
52  
53

54 **SB09-097** be referred to the Committee of the Whole with favorable  
55 recommendation.  
56

---

**PRINTING REPORT**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

The Chief Clerk reports the following bills have been correctly printed:  
**HB09-1313, 1314.**

---

**MESSAGE(S) FROM THE GOVERNOR**

I certify I received the following on the 17th day of March, 2009, at 8:30 a.m. The original is on file in the records of the House of Representatives of the General Assembly.

Marilyn Eddins,  
Chief Clerk of the House

March 14, 2009

To the Honorable  
House of Representatives  
Sixty-seventh General Assembly  
First Regular Session  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Acts:

**HB09-1083** CONCERNING THE AUTHORITY OF THE STATE TO ENTER INTO LEASE-PURCHASE AGREEMENTS FOR COMMERCIAL SPACE FOR THE DEPARTMENT OF PERSONNEL IN PUEBLO COUNTY, COLORADO.

Approved March 14, 2009 at 9:20 a.m.

Sincerely,  
(signed)  
Bill Ritter, Jr.  
Governor

---

House in recess. House reconvened.

---

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

**LOCAL GOVERNMENT**

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

**SB09-105** be referred favorably to the Committee on Finance.

---

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **HB09-1052, 1054, 1079, 1082, 1091, 1101, 1174, 1215, 1219.**

---

**MESSAGE(S) FROM THE SENATE**

The Senate has passed on Third Reading and returns herewith HB09-1191.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

SB09-228 amended as printed in Senate Journal, March 2, 2009, pages 550-565.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

HB09-1118 amended as printed in Senate Journal, March 16, 2009, page 753.

In response to the request of the House for a Conference Committee on HB09-1058, the President appoints Senators Morse-Chair, Bacon, Cadman as conferees on the First Conference Committee on HB09-1058.

---

**MESSAGE(S) FROM THE REVISOR**

We herewith transmit:

Without comment, as amended, HB09-1118.

With comment, as amended, SB09-228.

---

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

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

**HB09-1315** by Representative(s) Todd--Concerning clarifying restrictions on public employee leave for purposes of public service.

Committee on State, Veterans, & Military Affairs

**HB09-1316** by Representative(s) Solano, King S.; also Senator(s) Shaffer B.--Concerning public dissemination of personal information of a person working in the criminal justice system.

Committee on Judiciary

- 1 **HB09-1317** by Representative(s) Pace and McKinley, McFadyen,  
2 Curry, Gagliardi, Hulinghorst, Massey, Merrifield,  
3 Miklosi, Scanlan, Sonnenberg, Tipton, Vigil, Weissmann;  
4 also Senator(s) Kester, Isgar--Concerning state lands  
5 sought to be acquired by the federal government  
6 associated with the expansion of the Pinon Canyon  
7 maneuver site.  
8 Committee on Agriculture, Livestock, & Natural Resources  
9
- 10 **SB09-056** by Senator(s) Kester; also Representative(s) Riesberg--  
11 Concerning the Trinidad state nursing home.  
12 Committee on Health and Human Services  
13
- 14 **SB09-128** by Senator(s) Carroll M., Newell, Tochtrop; also  
15 Representative(s) Green--Concerning continuation of the  
16 regulation of administration of medication by unlicensed  
17 persons, and making an appropriation in connection  
18 therewith.  
19 Committee on Health and Human Services  
20
- 21 **SB09-144** by Senator(s) Kester; also Representative(s) Gagliardi--  
22 Concerning the Colorado commission for the deaf and  
23 hard of hearing and programs administered in connection  
24 therewith, and making an appropriation therefor.  
25 Committee on Health and Human Services  
26
- 27 **SB09-158** by Senator(s) Isgar; also Representative(s) Baumgardner--  
28 Concerning analysis by the department of natural  
29 resources of conservation programs implemented on  
30 private lands.  
31 Committee on Agriculture, Livestock, & Natural Resources  
32
- 33 **SB09-161** by Senator(s) Gibbs; also Representative(s) Scanlan--  
34 Concerning the issuance of Colorado ski country special  
35 license plates, and making an appropriation in connection  
36 therewith.  
37 Committee on Transportation & Energy  
38
- 39 **SB09-174** by Senator(s) Kester, Isgar, Spence, Tochtrop, White; also  
40 Representative(s) Casso--Concerning pari-mutuel racing.  
41 Committee on Agriculture, Livestock, & Natural Resources  
42
- 43 **SB09-178** by Senator(s) Heath, Schwartz, Veiga; also  
44 Representative(s) Liston, McFadyen, Rice, Solano--  
45 Concerning the waiver of certain eligibility conditions for  
46 unemployment insurance benefits for unemployed  
47 individuals attached to regular jobs.  
48 Committee on Business Affairs and Labor  
49  
50  
51  
52  
53  
54  
55
-



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

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

On motion of Representative Kerr A., the following item(s) on the Calendar were laid over until March 18, retaining place on Calendar:

- Consideration of Conference Committee Report(s)--**SB09-208, 215.**
- Consideration of Senate Amendment(s)--**HB09-1198, 1197, 1272, 1162, 1207.**



On motion of Representative Scanlan, the House adjourned until 9:00 a.m., March 18, 2009.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk

