

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

Seventy-first Legislative Day Wednesday, March 20, 2013

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 Drew Taylor Getty, Julia Taylor Getty, Gold
7 Camp Elementary School, Colorado Springs.

8

9 The roll was called with the following result:

10

11 Present--59.

12 Excused--Representative(s) Court, Fields, Hullinghorst, McCann,
13 McLachlan, Stephens--6.

14 Present after roll call--Representative(s) Court, Fields,
15 Hullinghorst, McCann, Stephens.

16

17 The Speaker declared a quorum present.

18

19

20 On motion of Representative Landgraf, the reading of the journal of
21 March 19, 2013, was declared dispensed with and approved as corrected
22 by the Chief Clerk.

23

24

25 On motion of Representative Garcia, the House resolved itself into
26 Committee of the Whole for consideration of General Orders, and he was
27 called to the Chair to act as Chairman.

28

29

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

31

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

36

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

39

40 **SB13-070** by Senator(s) Schwartz, Jones; also Representative(s)
41 Scott and Tyler, Fischer, Hamner, Young--Concerning the
42 purchase of vehicles that operate on alternative fuels for
43 the state motor vehicle fleet system.

44

1 Amendment No. 1, Transportation & Energy Report, dated March 13,
2 2013, and placed in member's bill file; Report also printed in House
3 Journal, March 14, 2013, page(s) 591-592.

4
5 As amended, ordered revised and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **HB13-1152** by Representative(s) Levy and Gerou, Duran; also
9 Senator(s) Hodge, Steadman, Lambert--Concerning the
10 general fund portion of the per diem rates paid to nursing
11 facilities.

12
13 Amendment No. 1, Appropriations Report, dated March 15, 2013, and
14 placed in member's bill file; Report also printed in House Journal, March
15 15, 2013, page(s) 608.

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

19
20 **HB13-1167** by Representative(s) Pettersen and Duran--Concerning the
21 collection of business information by the secretary of state.

22
23 Amendment No. 1, Business, Labor, Economic, & Workforce
24 Development Report, dated February 26, 2013, and placed in member's
25 bill file; Report also printed in House Journal, February 27, 2013, page(s)
26 416-417.

27
28 Amendment No. 2, Appropriations Report, dated March 15, 2013, and
29 placed in member's bill file; Report also printed in House Journal, March
30 15, 2013, page(s) 608.

31
32 As amended, ordered engrossed and placed on the Calendar for Third
33 Reading and Final Passage.

34
35 **SB13-108** by Senator(s) Steadman, Hodge, Lambert; also
36 Representative(s) Gerou, Duran, Levy--Concerning
37 adjustments in the amount of total program funding for
38 public schools for the 2012-13 budget year, and, in
39 connection therewith, making an appropriation.

40
41 Ordered revised and placed on the Calendar for Third Reading and Final
42 Passage.

43
44 **SB13-190** by Senator(s) Steadman, Hodge, Lambert; also
45 Representative(s) Gerou, Duran, Levy--Concerning the
46 implementation of the Colorado financial reporting system
47 modernization project.

48
49 Ordered revised and placed on the Calendar for Third Reading and Final
50 Passage.

51
52
53 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

54
55 Passed Second Reading: **SB13-070 amended, HB13-1152 amended,**
56 **1167 amended, SB13-108, 190.**

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

	YES	64	NO	0	EXCUSED	1	ABSENT	0
7	Buck	Y	Ginal	Y	McLachlan	E	Saine	Y
8	Buckner	Y	Hamner	Y	McNulty	Y	Salazar	Y
9	Conti	Y	Holbert	Y	Melton	Y	Schafer	Y
10	Coram	Y	Hullinghorst	Y	Mitsch Bush	Y	Scott	Y
11	Court	Y	Humphrey	Y	Moreno	Y	Singer	Y
12	DelGrosso	Y	Joshi	Y	Murray	Y	Sonnenberg	Y
13	Dore	Y	Kagan	Y	Navarro	Y	Stephens	Y
14	Duran	Y	Kraft-Tharp	Y	Nordberg	Y	Swalm	Y
15	Everett	Y	Labuda	Y	Pabon	Y	Szabo	Y
16	Exum	Y	Landgraf	Y	Peniston	Y	Tyler	Y
17	Fields	Y	Lawrence	Y	Pettersen	Y	Vigil	Y
18	Fischer	Y	Lebsock	Y	Primavera	Y	Waller	Y
19	Foote	Y	Lee	Y	Priola	Y	Williams	Y
20	Garcia	Y	Levy	Y	Rankin	Y	Wilson	Y
21	Gardner	Y	May	Y	Rosenthal	Y	Wright	Y
22	Gerou	Y	McCann	Y	Ryden	Y	Young	Y
23							Speaker	Y

24
 25
 26
 27
 28 House in recess. House reconvened.
 29
 30

31
 32
 33 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

34
 35
 36 **BUSINESS, LABOR, ECONOMIC, & WORKFORCE**
 37 **DEVELOPMENT COMMITTEE**

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

40
 41 **HB13-1227** be postponed indefinitely.
 42
 43
 44
 45

46 **FINANCE**

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

49
 50 **HB13-1246** be referred to the Committee of the Whole with favorable
 51 recommendation.
 52
 53

54 **SB13-039** be referred favorably to the Committee on Appropriations.
 55
 56

1 **HEALTH, INSURANCE & ENVIRONMENT**

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

4
5 **SB13-014** be referred favorably to the Committee on Appropriations.
6
7
8
9

10 **JUDICIARY**

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

13
14 **SB13-013** be referred to the Committee of the Whole with favorable
15 recommendation.
16
17
18
19

20 **PUBLIC HEALTH CARE & HUMAN SERVICES COMMITTEE**

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

23
24 **HB13-1238** be amended as follows, and as so amended, be referred to
25 the Committee on Appropriations with favorable
26 recommendation:
27

28 Amend printed bill, strike everything below the enacting clause and
29 substitute:

30
31 "SECTION 1. In Colorado Revised Statutes, 12-43.3-202, **add**
32 (3) as follows:

33 **12-43.3-202. Powers and duties of state licensing authority.**

34 (3) BY OCTOBER 31, 2013, THE STATE LICENSING AUTHORITY AND EACH
35 LOCAL LICENSING AUTHORITY FOR MEDICAL MARIJUANA SHALL PUBLISH
36 A REPORT ON ITS WEB SITE THAT SHOWS:

37 (a) THE NUMBER OF APPLICATIONS RECEIVED ON OR BEFORE
38 AUGUST 1, 2010, AND, OF THOSE APPLICATIONS, THE NUMBER OF LICENSES
39 GRANTED, THE NUMBER OF APPLICATIONS DENIED, THE NUMBER OF
40 APPLICATIONS PENDING, AND THE NUMBER OF APPLICATIONS WITHDRAWN;
41 AND

42 (b) THE NUMBER OF APPLICATIONS RECEIVED JULY 1, 2012,
43 THROUGH SEPTEMBER 30, 2013, AND, OF THOSE APPLICATIONS, THE
44 NUMBER OF LICENSES GRANTED, THE NUMBER OF APPLICATIONS DENIED,
45 THE NUMBER OF APPLICATIONS PENDING, AND THE NUMBER OF
46 APPLICATIONS WITHDRAWN.

47 **SECTION 2.** In Colorado Revised Statutes, 12-43.3-305, **amend**
48 (2); and **add** (2.5) as follows:

49 **12-43.3-305. State licensing authority - application and**
50 **issuance procedures.** (2) The state licensing authority shall ~~not~~ issue a
51 state license TO A MEDICAL MARIJUANA CENTER, AN OPTIONAL PREMISES
52 CULTIVATION OPERATION, OR A MEDICAL MARIJUANA-INFUSED PRODUCTS
53 MANUFACTURER pursuant to this section ~~until the local licensing authority~~
54 ~~has approved the application for a local license and issued a local license~~
55 ~~as provided for in sections 12-43.3-301 to 12-43.3-303~~ UPON COMPLETION
56 OF THE APPLICABLE CRIMINAL HISTORY BACKGROUND CHECK ASSOCIATED

1 WITH THE APPLICATION, AND THE STATE LICENSE IS CONDITIONED UPON
2 LOCAL LICENSING AUTHORITY APPROVAL. A LICENSE APPLICANT IS
3 PROHIBITED FROM OPERATING A LICENSED MEDICAL MARIJUANA BUSINESS
4 WITHOUT BOTH STATE AND LOCAL LICENSING AUTHORITY APPROVAL. IF
5 THE APPLICANT DOES NOT RECEIVE LOCAL LICENSING AUTHORITY
6 APPROVAL WITHIN ONE YEAR FROM THE DATE OF STATE LICENSING
7 AUTHORITY APPROVAL, THE STATE LICENSE SHALL EXPIRE AND MAY NOT
8 BE RENEWED. THE DENIAL OF AN APPLICATION BY THE LOCAL LICENSING
9 AUTHORITY MAY BE CONSIDERED AS A BASIS FOR THE STATE LICENSING
10 AUTHORITY TO REVOKE THE STATE-ISSUED LICENSE.

11 (2.5) AN APPLICANT THAT HAS BEEN PERMITTED TO OPERATE A
12 MEDICAL MARIJUANA BUSINESS UNDER THE PROVISIONS OF SECTION
13 12-43.3-103 (1) (b) AND HAS BEEN ISSUED A CONDITIONAL LICENSE BY THE
14 STATE LICENSING AUTHORITY PURSUANT TO SUBSECTION (2) OF THIS
15 SECTION MAY CONTINUE TO OPERATE THE BUSINESS WHILE AN
16 APPLICATION IS PENDING WITH THE LOCAL LICENSING AUTHORITY. IF THE
17 LOCAL LICENSING AUTHORITY DENIES THE LICENSE APPLICATION, THE
18 MEDICAL MARIJUANA BUSINESS SHALL CEASE OPERATIONS UPON
19 RECEIVING THE DENIAL. IF THE APPLICANT DOES NOT RECEIVE LOCAL
20 LICENSING AUTHORITY APPROVAL WITHIN ONE YEAR FROM THE DATE OF
21 STATE LICENSING AUTHORITY APPROVAL, THE STATE LICENSE SHALL
22 EXPIRE AND SHALL NOT BE RENEWED. THE DENIAL OF AN APPLICATION BY
23 THE LOCAL LICENSING AUTHORITY MAY BE CONSIDERED AS A BASIS FOR
24 THE STATE LICENSING AUTHORITY TO REVOKE THE STATE-ISSUED LICENSE.

25 **SECTION 3.** In Colorado Revised Statutes, 12-43.3-310, **amend**
26 (2), (3), (4), (6), (9) (b), and (12) as follows:

27 **12-43.3-310. Licensing in general.** (2) A medical marijuana
28 center, optional premises cultivation operation, or medical
29 marijuana-infused products manufacturer may not operate until it has
30 been licensed by ~~the local licensing authority and~~ the state licensing
31 authority pursuant to this article. IF THE STATE LICENSING AUTHORITY
32 ISSUES THE APPLICANT A STATE LICENSE AND THE LOCAL LICENSING
33 AUTHORITY SUBSEQUENTLY DENIES THE APPLICANT A LICENSE, THE STATE
34 LICENSING AUTHORITY MAY CONSIDER THE LOCAL LICENSING AUTHORITY
35 DENIAL AS A BASIS FOR THE REVOCATION OF THE STATE-ISSUED LICENSE.
36 In connection with a license, the applicant shall provide a complete and
37 accurate list of all owners, officers, and employees who ~~work at~~, manage,
38 own, or are otherwise SUBSTANTIALLY associated with the operation and
39 shall provide a complete and accurate application as required by the state
40 licensing authority.

41 (3) A medical marijuana center, optional premises cultivation
42 operation, or medical marijuana-infused products manufacturer shall
43 notify the state licensing authority in writing within ten days after an
44 owner, officer, MANAGER, or employee ceases to work at, manage, own,
45 or otherwise be associated with the operation. The owner, officer,
46 MANAGER, or employee shall surrender ~~his or her~~ TO THE STATE
47 LICENSING AUTHORITY ANY identification card ~~to~~ THAT MAY HAVE BEEN
48 ISSUED BY the state licensing authority on or before the date of the
49 notification.

50 (4) A medical marijuana center, optional premises cultivation
51 operation, or medical marijuana-infused products manufacturer shall
52 notify the state licensing authority in writing of the name, address, and
53 date of birth of an owner, officer, OR manager ~~or employee~~ before the
54 new owner, officer, MANAGER, or employee, begins ~~working at~~,
55 managing, owning, or ~~being associated~~ ASSOCIATING with the operation.
56 The owner, officer, manager or employee shall pass a fingerprint-based

1 criminal history record check as required by the state licensing authority
2 and obtain the required identification prior to being associated with,
3 managing, owning, or working at the operation.

4 (6) All officers AND managers and employees of a medical
5 marijuana center, optional premises cultivation operation, or medical
6 marijuana-infused products manufacturer shall be residents of Colorado
7 upon the date of their license application. An owner shall meet the
8 residency requirements in section 12-43.3-307 (1) (m). ~~A local licensing
9 authority shall not issue a license provided for in this article until that
10 share of the license application fee due to the state has been received by
11 the department of revenue.~~ All licenses granted pursuant to this article
12 shall be valid for a period not to exceed two years after the date of
13 issuance unless revoked or suspended pursuant to this article or the rules
14 promulgated pursuant to this article.

15 (9) (b) A local licensing authority shall not transfer location of or
16 renew a license to sell medical marijuana until the applicant for the
17 license ~~produces~~ PROVIDES VERIFICATION THAT a license WAS issued and
18 granted by the state licensing authority ~~covering the whole period for
19 which a license or license renewal is sought~~ FOR THE PREVIOUS LICENSE
20 TERM. THE STATE LICENSING AUTHORITY SHALL NOT TRANSFER LOCATION
21 OF OR RENEW A STATE LICENSE UNTIL THE APPLICANT PROVIDES
22 VERIFICATION THAT A LICENSE WAS ISSUED AND GRANTED BY THE LOCAL
23 LICENSING AUTHORITY FOR THE PREVIOUS LICENSE TERM.

24 (12) Each licensee shall manage the licensed premises himself or
25 herself or employ a separate and distinct manager on the premises and
26 shall report the name of the manager to the state and local licensing
27 authorities. The licensee shall report any change in manager to the state
28 and local licensing authorities ~~thirty days~~ prior to the change pursuant to
29 ~~section 12-43.3-309~~ SUBSECTION (4) OF THIS SECTION.

30 **SECTION 4. Safety clause.** The general assembly hereby finds,
31 determines, and declares that this act is necessary for the immediate
32 preservation of the public peace, health, and safety."
33
34
35

36 **SB13-149** be referred to the Committee of the Whole with favorable
37 recommendation.
38
39

40 **SB13-167** be referred favorably to the Committee on Appropriations.
41
42

43 **SB13-194** be referred favorably to the Committee on Appropriations.
44
45

46
47 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**
48

49 The Speaker has signed: **HB13-1027, 1083, 1104; HJR13-1015, 1018.**
50
51

52
53 The Speaker has signed: **HB13-1118, 1198.**
54
55
56

1 **MESSAGE(S) FROM THE SENATE**

2
3 The Senate has passed on Third Reading and transmitted to the Revisor
4 of Statutes:
5 SB13-019, amended in General Orders as printed in Senate Journal,
6 March 19, 2013, page 545.
7 SB13-071, amended in General Orders as printed in Senate Journal,
8 March 19, 2013, page 546.
9 SB13-159, amended in General Orders as printed in Senate Journal,
10 March 19, 2013, page 545.
11 SB13-165, amended in General Orders as printed in Senate Journal,
12 March 19, 2013, pages 546-547.
13 SB13-188, amended in General Orders as printed in Senate Journal,
14 March 19, 2013, page 546.

15
16 The Senate has passed on Third Reading and transmitted to the Revisor
17 of Statutes:
18 HB13-1058, amended in General Orders as printed in Senate Journal,
19 March 19, 2013, pages 545-546, and amended on Third
20 Reading as printed in Senate Journal, March 20, 2013.
21
22 HB13-1219, amended as printed in Senate Journal, March 19, 2013,
23 page 544.

24
25 The Senate has passed on Third Reading and transmits herewith:
26 HB13-1012 and HB13-1054.

27
28 Upon announcement of President Morse, Representative Sonnenberg will
29 be added as joint prime sponsor with Representative Williams and
30 Senator Hodge on SB13-191.

31

32

33 **MESSAGE(S) FROM THE REVISOR**

34

35 We herewith transmit:
36 without comment, as amended, HB13-1058 and 1219.
37 without comment, as amended, SB13-019, 071, 159, 165, and 188.

38

39

40 **MESSAGE(S) FROM THE GOVERNOR**

41

42 I certify I received the following on the 20th day of March, 2013, at 2:55
43 p.m. The original is on file in the records of the House of Representatives
44 of the General Assembly.

45

46

47

48

49

50 March 20, 2013

51

52 To the Honorable House of Representatives
53 Sixty-Ninth General Assembly
54 First Regular Session
55 State Capitol
56 Denver, CO 80203

Marilyn Eddins,
Chief Clerk of the House

1 Ladies and Gentlemen:
2

3 I have the honor to inform you that I have approved and filed with the
4 Secretary of State the following Acts:
5

6 **HB13-1224** Concerning prohibiting large-capacity ammunition magazines.
7

8 Approved March 20, 2013 at 9:11 a.m.
9

10 **HB13-1228** Concerning requiring the colorado bureau of investigation to
11 recoup the cost of performing an instant criminal background
12 check prior to the transfer of a firearm, and, in connection
13 therewith, making and reducing an appropriation.
14

15 Approved March 20, 2013 at 9:07 a.m.
16

17 **HB13-1229** Concerning criminal background checks performed pursuant to
18 the transfer of a firearm, and, in connection therewith, making
19 an appropriation.
20

21 Approved March 20, 2013 at 9:08 a.m.
22

23 Sincerely,
24 (signed)
25 John W. Hickenlooper
26 Governor
27

28
29 **INTRODUCTION OF BILLS**
30 **First Reading**
31

32 The following bills were read by title and referred to the committees
33 indicated:
34

35 **HB13-1272** by Representative(s) Hullinghorst; also Senator(s)
36 Steadman--Concerning the modification of a special
37 district's sales and use tax base to make it the same as the
38 state's sales and use tax base.

39 Committee on Finance
40

41 **HB13-1273** by Representative(s) Fischer, Foote, Ginal, Hullinghorst,
42 Lebsock, Levy, May, Mitsch Bush, Pabon, Primavera,
43 Ryden, Singer; also Senator(s) Kefalas, Jones--Concerning
44 additional financial resources for local governments to
45 address impacts caused by new oil and gas development.

46 Committee on Health, Insurance & Environment
47

48 **SB13-019** by Senator(s) Schwartz; also Representative(s) Fischer--
49 Concerning the promotion of water conservation
50 measures.

51 Committee on Agriculture, Livestock, & Natural Resources
52

53 **SB13-071** by Senator(s) Hudak; also Representative(s) Fields--
54 Concerning uniquely identifying student numbers for
55 persons enrolled in adult education programs.

56 Committee on Education

1 **SB13-159** by Senator(s) Jahn; also Representative(s) Court--
2 Concerning continuation of the division of financial
3 services.
4 Committee on Finance

5
6 **SB13-165** by Senator(s) Todd, Jahn, Marble; also Representative(s)
7 Wilson, May--Concerning authorizing a limited number of
8 baccalaureate degrees that may be offered in the
9 community college system.
10 Committee on Education

11
12 **SB13-188** by Senator(s) Tochtrop and Schwartz; also
13 Representative(s) Vigil and Rankin--Concerning a
14 program to give landowners a preference for hunting
15 licenses to encourage hunting on private property, and, in
16 connection therewith, making an appropriation.
17 Committee on Agriculture, Livestock, & Natural Resources

18
19
20
21 **LAY OVER OF CALENDAR ITEM(S)**

22
23 On motion of Representative Hullinghorst, the following item(s) on the
24 Calendar were laid over until March 21, retaining place on Calendar:

25
26 Consideration of Third Reading--**HB13-1110, 1236.**

27 Consideration of General Orders--**HB13-1258, SB13-018, HB13-1222,**
28 **SB13-058, HB13-1111, 1105, SB13-043, HB13-1215, 1231, SB13-042,**
29 **023, 116, 005, 126.**

30 Consideration of Resolution(s)--**HR13-1008, HJR13-1017.**

31 Consideration of Senate Amendment(s)--**HB13-1144, 1081, 1097, 1158,**
32 **1186, 1209.**

33
34
35 On motion of Representative Salazar, the House adjourned until 9:00
36 a.m., March 21, 2013.

37
38 Approved:
39 MARK FERRANDINO,
40 Speaker

41 Attest:
42 MARILYN EDDINS,
43 Chief Clerk

