

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

One-hundred-twelfth Legislative Day Tuesday, April 29, 2014

1 Prayer by Father Drew Kirschman, Arrupe Jesuit High School, Denver.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Ben Spicer, Nick Spicer, Southeast Christian
6 School, Parker.
7

8 The roll was called with the following result:
9
10 Present--65.

11
12 The Speaker declared a quorum present.
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15 On motion of Representative Dore, the reading of the journal of April 28,
16 2014, was declared dispensed with and approved as corrected by the
17 Chief Clerk.
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19

REPORT(S) OF COMMITTEE(S) OF REFERENCE

STATE, VETERANS, & MILITARY AFFAIRS

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

26
27 **HB14-1364** be postponed indefinitely.

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30 **HB14-1396** be referred to the Committee of the Whole with favorable
31 recommendation.
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34 **SB14-133** be referred favorably to the Committee on Appropriations.
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39 On motion of Representative Hullinghorst, **HB14-1343, SB14-144,**
40 **HB14-1367, 1369, 1394, 1377, 1396, SB14-021, 046, 050, 073, 088,**
41 **115, 153, 166, 174, 182** were added to top of the Special Orders
42 Calendar on April 29, 2014.
43

1 On motion of Representative Buckner, the House resolved itself into
2 Committee of the Whole for consideration of Special Orders and he was
3 called to the Chair to act as Chairman.

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SPECIAL ORDERS--SECOND READING OF BILLS

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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:

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

HB14-1343 by Representative(s) Singer and Wright, Exum, Foote, Garcia, Melton, Salazar; also Senator(s) Tochtrop-- Concerning workers' compensation coverage for post-traumatic stress disorder for peace officers.

Amendment No. 1, State, Veterans, & Military Affairs Report, dated April 23, 2014, and placed in member's bill file; Report also printed in House Journal, April 23, 2014, page(s) 1167-169

Amendment No. 2, Legislative Council Report, dated April 25, 2014, and placed in member's bill file; Report also printed in House Journal, April 25, 2014, page(s) 1219-1220.

Amendment No. 3, by Representative(s) Singer.

Amend the State, Veterans, and Military Affairs Committee Report, dated April 23, 2014, page 2, strike lines 41 and 42.

Page 3, strike lines 1 through 3 and substitute:

"(3) THE GOVERNOR SHALL APPOINT A TASK FORCE MEMBER WHO IS A REPRESENTATIVE OF AN EXECUTIVE DEPARTMENT TO SERVE AS A CO-CHAIR OF THE TASK FORCE, AND THE TASK FORCE MEMBER APPOINTED BY THE PRESIDENT OF THE FRATERNAL ORDER OF POLICE SHALL SERVE AS A CO-CHAIR OF THE TASK FORCE."

Amendment No. 4, by Representative(s) Singer.

Amend the State, Veterans, and Military Affairs Committee Report, dated April 23, 2014, page 3, line 10, after the period insert "THE TASK FORCE SHALL GIVE FULL AND TIMELY NOTICE TO THE PUBLIC BY POSTING A NOTICE OF THE DATE AND TIME OF THE MEETING IN A DESIGNATED PUBLIC PLACE PRIOR TO HOLDING THE MEETING. THE NOTICE MUST INCLUDE SPECIFIC AGENDA INFORMATION WHERE POSSIBLE."

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

1 **SB14-144** by Senator(s) Aguilar and Nicholson, Crowder, Kefalas,
2 Newell, Schwartz, Tochtrop, Todd; also Representative(s)
3 Ginal--Concerning extending the commission on family
4 medicine's support for the development of family medicine
5 residency programs in underserved areas of the state, and,
6 in connection therewith, making and reducing
7 appropriations.
8

9 Amendment No. 1, by Representative(s) Ginal.
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11 Amend revised bill, page 6, lines 7 through 9 strike "controlled
12 maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado
13 Revised Statutes," and substitute "department of health care policy and
14 financing for the commission on family medicine residency training
15 programs,".
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17 As amended, ordered revised and placed on the Calendar for Third
18 Reading and Final Passage.
19

20 **HB14-1367** by Representative(s) Tyler; also Brophy--Concerning the
21 exemption of autocycles from regulation as motorcycles,
22 and, in connection therewith, defining autocycle,
23 exempting autocycles from motorcycle statutes, and
24 requiring autocycles be issued license plates similar to
25 motorcycle license plates.
26

27 Amendment No. 1, Transportation & Energy Report, dated April 24,
28 2014, and placed in member's bill file; Report also printed in House
29 Journal, April 24, 2014, page(s) 1193-1194
30

31 Amendment No. 2, Appropriations Report, dated April 28, 2014, and
32 placed in member's bill file; Report also printed in House Journal, April
33 28, 2014, page(s) 1253-1254.
34

35 As amended, ordered engrossed and placed on the Calendar for Third
36 Reading and Final Passage.
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38 **HB14-1369** by Representative(s) Young, Pabon; also Senator(s)
39 Crowder and Jahn--Concerning required licensure for
40 durable medical equipment suppliers.
41

42 Amendment No. 1, Public Health Care & Human Services Report, dated
43 April 23, 2014, and placed in member's bill file; Report also printed in
44 House Journal, April 23, 2014, page(s) 1154-155
45

46 Amendment No. 2, Appropriations Report, dated April 28, 2014, and
47 placed in member's bill file; Report also printed in House Journal, April
48 28, 2014, page(s) 1254.
49

50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.
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1 **HB14-1394** by Representative(s) Duran, May, Gerou; also Senator(s)
2 Lambert, Hodge, Steadman--Concerning the use of
3 disputed payments of tobacco litigation settlement moneys
4 received by the state to reduce the annual amount of
5 accelerated payments allocated from the tobacco litigation
6 settlement cash fund.

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8 Ordered engrossed and placed on the Calendar for Third Reading and
9 Final Passage.

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11 **HB14-1377** by Representative(s) Ferrandino and Buckner; also
12 Senator(s) Steadman and Tochtrop--Concerning the
13 creation of the Colorado retirement security task force.

14

15 Amendment No. 1, Appropriations Report, dated April 23, 2014, and
16 placed in member's bill file; Report also printed in House Journal, April
17 23, 2014, page(s) 1153

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19 As amended, laid over until April 30, retaining place on Calendar.

20

21 **HB14-1396** by Representative(s) Ryden; also Senator(s) King--
22 Concerning clarification of the authority of persons acting
23 on behalf of the department of public health and
24 environment to administer the medical marijuana registry.

25

26 Ordered engrossed and placed on the Calendar for Third Reading and
27 Final Passage.

28

29 **SB14-021** by Senator(s) Tochtrop and King, Newell; also
30 Representative(s) Wright, Rosenthal--Concerning the
31 treatment of persons with mental illness who are involved
32 in the criminal justice systems, and, in connection
33 therewith, making an appropriation.

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35 Amendment No. 1, Health, Insurance, & Environment Report, dated
36 February 28, 2014, and placed in member's bill file; Report also printed
37 in House Journal, February 28, 2014, page(s) 443

38

39 Amendment No. 2, Appropriations Report, dated April 28, 2014, and
40 placed in member's bill file; Report also printed in House Journal, April
41 28, 2014, page(s) 1254.

42

43 Amendment No. 3, by Representative(s) Wright.

44

45 Amend reengrossed bill, page 5, line 19, after "PROVIDERS;" add "AND".

46

47 Page 5, strike lines 20 through 22.

48

49 Renumber succeeding subparagraphs accordingly.

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

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1 ECONOMY;

2 (II) AS A COMPONENT OF THAT INDUSTRY, DATA CENTERS ARE AN
3 IMPORTANT ASSET AND CREATE A SIGNIFICANT AMOUNT OF ECONOMIC
4 BENEFIT TO THE STATE, INCLUDING HIGH-END INFORMATION
5 TECHNOLOGY, CONSULTING, AND CONSTRUCTION EMPLOYMENT;

6 (III) THESE ASSETS, ONCE BUILT, ARE A KEY COMPONENT OF A
7 COMPANY'S OVERALL OPERATING ENVIRONMENT AND CAN CREATE A
8 LONG-TERM INVESTMENT IN A COMMUNITY;

9 (IV) STUDIES INDICATE THAT THE STATE WOULD BENEFIT
10 SIGNIFICANTLY FROM STATE-IMPLEMENTED INCENTIVES DESIGNED TO
11 STIMULATE PRIVATE-SECTOR INDUSTRY GROWTH;

12 (V) DATA CENTERS CAN BE A SIGNIFICANT SOURCE OF NEW
13 REVENUE, EVEN MORE SO THAN TYPICAL ECONOMIC GROWTH SUCH AS
14 MANUFACTURING, HEADQUARTERS, AND DISTRIBUTION CENTERS; AND

15 (VI) SINCE 2005, APPROXIMATELY SEVENTEEN STATES HAVE
16 PASSED LEGISLATION TO PROVIDE CUSTOMIZED INCENTIVES FOR DATA
17 CENTERS, AND THOSE STATES ARE ACTIVELY RECRUITING DATA CENTER
18 INVESTMENTS.

19 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
20 ENACTING A TAX INCENTIVE TO ENCOURAGE THE EXPANSION OF CURRENT
21 DATA CENTER BUSINESSES, ENCOURAGE NEW DATA CENTER BUSINESSES
22 TO LOCATE TO THE STATE, AND INVIGORATE THE STATE'S CURRENT
23 ADVANCED TECHNOLOGY INDUSTRY'S BUSINESS ACTIVITIES IS SOUND
24 PUBLIC POLICY.

25 (2) AS USED IN THIS SECTION:

26 (a) "FACILITY" MEANS A FACILITY AND THE RELATED PREMISES
27 THAT IS PRIMARILY USED TO HOUSE INFORMATION TECHNOLOGY
28 EQUIPMENT IN A DATA CENTER AND THAT HAS ALL OF THE FOLLOWING
29 CHARACTERISTICS:

30 (I) SOPHISTICATED FIRE SUPPRESSION AND PREVENTION SYSTEMS
31 AND ENHANCED SYSTEMS TO CONTROL THE CLIMATE WITHIN THE
32 FACILITY; AND

33 (II) ENHANCED SECURITY MEASURES. A FACILITY IS CONSIDERED
34 TO HAVE ENHANCED SECURITY IF IT HAS RESTRICTED ACCESS TO
35 SELECTED PERSONNEL, PERMANENT SECURITY GUARDS, VIDEO CAMERA
36 SURVEILLANCE, AN ELECTRONIC SYSTEM REQUIRING PASS CODES,
37 KEYCARDS, OR BIOMETRIC SCANS, SUCH AS HAND SCANS OR RETINAL OR
38 FINGERPRINT RECOGNITION, OR SIMILAR ENHANCED SECURITY FEATURES.

39 (b) (I) "INFORMATION TECHNOLOGY EQUIPMENT" MEANS
40 EQUIPMENT NECESSARY FOR THE MAINTENANCE AND OPERATION OF A
41 QUALIFIED DATA CENTER OR QUALIFIED REFURBISHED DATA CENTER,
42 INCLUDING:

43 (A) COMPUTERS AND EQUIPMENT SUPPORTING COMPUTING,
44 NETWORKING, OR DATA STORAGE, INCLUDING SERVERS, TABLETS,
45 SWITCHES, CROSS-CONNECTS, ROUTERS, AND THE APPLICATION SYSTEMS
46 AND OPERATING SYSTEMS THAT ENABLE THE INFORMATION TECHNOLOGY
47 EQUIPMENT;

48 (B) COOLING SYSTEMS, COOLING TOWERS, AND OTHER
49 TEMPERATURE CONTROL INFRASTRUCTURE;

50 (C) POWER INFRASTRUCTURE FOR TRANSFORMATION,
51 DISTRIBUTION, OR MANAGEMENT OF ELECTRICITY USED FOR THE
52 MAINTENANCE AND OPERATION OF A QUALIFIED DATA CENTER OR
53 QUALIFIED REFURBISHED DATA CENTER, INCLUDING BUT NOT LIMITED TO
54 EXTERIOR DEDICATED BUSINESS-OWNED SUBSTATIONS, ON-SITE POWER
55 GENERATION SYSTEMS, BACKUP POWER GENERATION SYSTEMS, BATTERY
56 SYSTEMS, UNINTERRUPTIBLE POWER SUPPLIES, STRUCTURES ERECTED TO

1 PROTECT ALL INFORMATION TECHNOLOGY EQUIPMENT FROM ANY
2 ENVIRONMENTAL CONDITIONS, AND OTHER RELATED INFRASTRUCTURE;
3 AND

4 (D) RACKING SYSTEMS, CABLING, AND TRAYS, WHICH ARE
5 NECESSARY FOR THE MAINTENANCE AND OPERATION OF THE QUALIFIED
6 DATA CENTER OR QUALIFIED REFURBISHED DATA CENTER.

7 (II) "INFORMATION TECHNOLOGY EQUIPMENT" INCLUDES ANY
8 EQUIPMENT THAT HAS THE CAPABILITY TO REPLACE THE FUNCTIONALITY
9 OF ANY OF THE EQUIPMENT SPECIFIED IN SUBPARAGRAPH (I) OF THIS
10 PARAGRAPH (b).

11 (c) "QUALIFIED DATA CENTER" MEANS A FACILITY THAT IS
12 LOCATED IN THE STATE THAT SATISFIES THE FOLLOWING CRITERIA:

13 (I) THE FACILITY IS COMPRISED OF ONE OR MORE BUILDINGS THAT
14 CONSIST IN THE AGGREGATE OF AT LEAST TWENTY-FIVE THOUSAND
15 SQUARE FEET. IN DETERMINING WHETHER THE FACILITY HAS THE
16 REQUIRED SQUARE FOOTAGE, THE SQUARE FOOTAGE OF OFFICE SPACE,
17 MEETING SPACE, AND MECHANICAL AND OTHER SUPPORT FACILITIES
18 SHALL BE INCLUDED IF THE SPACES ARE IN DIRECT SUPPORT OF THE
19 OPERATION OF INFORMATION TECHNOLOGY EQUIPMENT LOCATED AT THE
20 FACILITY.

21 (II) THE FACILITY IS LOCATED ON A SINGLE PARCEL OR ON
22 CONTIGUOUS OR ADJACENT PARCELS;

23 (III) INVESTMENT IN THE FACILITY COMMENCED ON OR AFTER
24 JUNE 30, 2010; AND

25 (IV) THE TOTAL COST OF CONSTRUCTION OF THE FACILITY AND
26 INVESTMENT IN INFORMATION TECHNOLOGY EQUIPMENT FOR THE
27 FACILITY IS AT LEAST THIRTY MILLION DOLLARS WITHIN A FIVE-YEAR
28 PERIOD. THE TOTAL COST OF CONSTRUCTION AND INVESTMENT INCLUDES
29 THE INVESTMENTS BY THE OWNER OF THE FACILITY AND ALL OTHER
30 TAXPAYERS THAT OWN INFORMATION TECHNOLOGY EQUIPMENT LOCATED
31 AT THE FACILITY.

32 (d) "QUALIFIED REFURBISHED DATA CENTER" MEANS A FACILITY
33 THAT IS LOCATED IN THE STATE THAT SATISFIES THE FOLLOWING
34 CRITERIA:

35 (I) THE FACILITY IS COMPRISED OF ONE OR MORE BUILDINGS THAT
36 CONSIST IN THE AGGREGATE OF AT LEAST TWENTY-FIVE THOUSAND
37 SQUARE FEET. IN DETERMINING WHETHER THE FACILITY HAS THE
38 REQUIRED SQUARE FOOTAGE, THE SQUARE FOOTAGE OF OFFICE SPACE,
39 MEETING SPACE, AND MECHANICAL AND OTHER SUPPORT FACILITIES
40 SHALL BE INCLUDED IF THE SPACES ARE IN DIRECT SUPPORT OF THE
41 OPERATION OF INFORMATION TECHNOLOGY EQUIPMENT LOCATED AT THE
42 FACILITY.

43 (II) THE FACILITY IS LOCATED ON A SINGLE PARCEL OR ON
44 CONTIGUOUS OR ADJACENT PARCELS;

45 (III) THE FACILITY IS SUBSTANTIALLY REFURBISHED AFTER JUNE
46 30, 2013. A FACILITY WILL BE CONSIDERED SUBSTANTIALLY REFURBISHED
47 IF AT LEAST TWENTY-FIVE THOUSAND SQUARE FEET IN THE FACILITY HAS
48 BEEN REBUILT OR MODIFIED, INCLUDING THE INSTALLATION OF
49 INFORMATION TECHNOLOGY EQUIPMENT, ENVIRONMENTAL CONTROL,
50 ENERGY EFFICIENCY IMPROVEMENTS, AND OTHER BUILDING
51 IMPROVEMENTS.

52 (IV) THE TOTAL COST OF REFURBISHMENT OF THE FACILITY AND
53 INVESTMENT IN INFORMATION TECHNOLOGY EQUIPMENT IS AT LEAST
54 FIFTEEN MILLION DOLLARS WITHIN A TWO-YEAR PERIOD. THE TOTAL COST
55 OF REFURBISHMENT AND INVESTMENT INCLUDES THE INVESTMENTS BY
56 THE OWNER OF THE FACILITY AND ALL OTHER TAXPAYERS THAT OWN

1 INFORMATION TECHNOLOGY EQUIPMENT LOCATED AT THE FACILITY.
2 (3) (a) SUBJECT TO THE LIMITATIONS IN PARAGRAPHS (b) AND (c)
3 OF THIS SUBSECTION (3), ON AND AFTER JULY 1, 2015, ALL SALES,
4 STORAGE, AND USE OF INFORMATION TECHNOLOGY EQUIPMENT THAT IS
5 USED IN A QUALIFIED DATA CENTER OR QUALIFIED REFURBISHED DATA
6 CENTER, INCLUDING INFORMATION TECHNOLOGY EQUIPMENT THAT IS
7 PURCHASED TO REPLACE OR UPGRADE INFORMATION TECHNOLOGY
8 EQUIPMENT IN A QUALIFIED DATA CENTER OR QUALIFIED REFURBISHED
9 DATA CENTER AND INFORMATION TECHNOLOGY EQUIPMENT THAT IS
10 RELOCATED TO A QUALIFIED DATA CENTER OR QUALIFIED REFURBISHED
11 DATA CENTER FROM OUTSIDE OF THE STATE, ARE EXEMPT FROM TAXATION
12 UNDER THE PROVISIONS OF PARTS 1 AND 2 OF THIS ARTICLE. THE
13 EXEMPTION APPLIES TO ALL INFORMATION TECHNOLOGY EQUIPMENT
14 THAT IS USED AND MAINTAINED AT THE QUALIFIED DATA CENTER OR
15 QUALIFIED REFURBISHED DATA CENTER, REGARDLESS OF WHETHER THE
16 OWNER OF THE INFORMATION TECHNOLOGY EQUIPMENT IS THE OWNER OF
17 THE QUALIFIED DATA CENTER OR QUALIFIED REFURBISHED DATA CENTER.
18 (b) THE EXEMPTION ALLOWED IN PARAGRAPH (a) OF THIS
19 SUBSECTION (3) APPLIES TO ANY INFORMATION TECHNOLOGY EQUIPMENT
20 THAT IS SOLD, STORED, USED, OR RELOCATED TO THE STATE TO BE USED
21 IN A QUALIFIED DATA CENTER OR A QUALIFIED REFURBISHED DATA
22 CENTER WITHIN TWENTY YEARS AFTER THE DATE OF THE FIRST
23 INVESTMENT IN THE FACILITY FOR THE PURPOSE OF BECOMING A
24 QUALIFIED DATA CENTER OR A QUALIFIED REFURBISHED DATA CENTER.
25 (c) INFORMATION TECHNOLOGY EQUIPMENT MUST BE USED IN A
26 QUALIFIED DATA CENTER OR A QUALIFIED REFURBISHED DATA CENTER
27 FOR AT LEAST ONE YEAR DURING THE PERIOD THAT THE FACILITY IS A
28 QUALIFIED DATA CENTER OR QUALIFIED REFURBISHED DATA CENTER.
29 (4) (a) FOR PURPOSES OF THE EXEMPTION SPECIFIED IN
30 SUBSECTION (3) OF THIS SECTION, THE OWNER OF A FACILITY SHALL
31 CERTIFY ON A FORM PRESCRIBED BY THE COLORADO OFFICE OF ECONOMIC
32 DEVELOPMENT THAT THE FACILITY MEETS THE CRITERIA TO BE A
33 QUALIFIED DATA CENTER OR A QUALIFIED REFURBISHED DATA CENTER.
34 THE OWNER SHALL INCLUDE DETAILED INFORMATION REGARDING:
35 (I) THE COST TO CONSTRUCT OR REFURBISH THE FACILITY, AS
36 APPLICABLE, AND THE AMOUNT OF THE INVESTMENT IN INFORMATION
37 TECHNOLOGY EQUIPMENT; AND
38 (II) WHEN THE COSTS TO CONSTRUCT OR REFURBISH THE FACILITY
39 WERE INCURRED AND WHEN THE INVESTMENT COSTS IN INFORMATION
40 TECHNOLOGY WERE INCURRED.
41 (b) IN SUBMITTING THE INFORMATION REQUIRED BY PARAGRAPH
42 (a) OF THIS SUBSECTION (4), IF THE OWNER IS NOT ABLE TO OBTAIN
43 ORIGINAL PURCHASE DOCUMENTATION FROM THIRD PARTIES THAT
44 MAINTAIN EQUIPMENT WITHIN THE FACILITY, THE OWNER MAY USE
45 REASONABLE ESTIMATION METHODS TO PROJECT THE INVESTMENT COSTS.
46 (c) DURING THE CERTIFICATION PROCESS PURSUANT TO THIS
47 SUBSECTION (4), THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
48 MAY REQUIRE THAT THE OWNER OF A FACILITY OR THE OWNER OF
49 INFORMATION TECHNOLOGY EQUIPMENT THAT IS HOUSED IN A FACILITY
50 SUBMIT CERTAIN INFORMATION TO THE OFFICE REGARDING THE IMPACT
51 THAT THE EXEMPTION ALLOWED IN THIS SECTION HAD ON THE OWNER'S
52 DECISION TO LOCATE OR EXPAND A BUSINESS, MAKE INVESTMENTS, AND
53 HIRE EMPLOYEES IN THE STATE.
54 (5) (a) BASED ON THE INFORMATION PROVIDED PURSUANT TO
55 SUBSECTION (4) OF THIS SECTION, THE COLORADO OFFICE OF ECONOMIC
56 DEVELOPMENT SHALL DETERMINE WHETHER A FACILITY IS A QUALIFIED

1 DATA CENTER OR A QUALIFIED REFURBISHED DATA CENTER FOR PURPOSES
2 OF THIS SECTION. PRIOR TO FINALIZING THE CERTIFICATION OF A
3 QUALIFIED DATA CENTER OR A QUALIFIED REFURBISHED DATA CENTER,
4 THE OFFICE SHALL CONSULT WITH THE ECONOMIC DEVELOPMENT
5 COMMISSION CREATED IN SECTION 24-46-102, C.R.S., REGARDING
6 WHETHER THE FACILITY SATISFIES THE CRITERIA TO BE A QUALIFIED DATA
7 CENTER OR A QUALIFIED REFURBISHED DATA CENTER.

8 (b) IF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
9 DETERMINES THAT A FACILITY IS A QUALIFIED DATA CENTER OR A
10 QUALIFIED REFURBISHED DATA CENTER, THE FACILITY SHALL RETAIN ITS
11 QUALIFIED STATUS FOR TWENTY YEARS FROM THE DATE OF THE FIRST
12 EXEMPTION ALLOWED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

13 (c) AFTER MAKING A DETERMINATION THAT A FACILITY IS A
14 QUALIFIED DATA CENTER OR A QUALIFIED REFURBISHED DATA CENTER,
15 THE OFFICE SHALL NOTIFY THE DEPARTMENT OF REVENUE AND ISSUE A
16 CERTIFICATION TO THE OWNER OF THE QUALIFIED DATA CENTER OR
17 QUALIFIED REFURBISHED DATA CENTER STATING THAT INFORMATION
18 TECHNOLOGY EQUIPMENT THAT IS STORED IN THE QUALIFIED DATA
19 CENTER OR QUALIFIED REFURBISHED DATA CENTER IS ELIGIBLE FOR THE
20 EXEMPTION ALLOWED PURSUANT TO SUBSECTION (3) OF THIS SECTION FOR
21 TWENTY YEARS AFTER THE DATE OF THE FIRST INVESTMENT IN THE
22 FACILITY FOR THE PURPOSE OF BECOMING A QUALIFIED DATA CENTER OR
23 A QUALIFIED REFURBISHED DATA CENTER.

24 (6) (a) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
25 SHALL DEVELOP A PROCEDURE BY WHICH A TAXPAYER THAT USES AND
26 MAINTAINS INFORMATION TECHNOLOGY EQUIPMENT AT A QUALIFIED
27 DATA CENTER OR A QUALIFIED REFURBISHED DATA CENTER BUT IS NOT
28 THE OWNER OF THE FACILITY MAY OBTAIN CERTIFICATION THAT THE
29 TAXPAYER IS A QUALIFIED TENANT OF THE FACILITY AND IS ELIGIBLE TO
30 CLAIM THE EXEMPTION ALLOWED IN SUBSECTION (3) OF THIS SECTION.

31 (b) A TAXPAYER THAT SEEKS TO OBTAIN CERTIFICATION AS A
32 QUALIFIED TENANT OF A FACILITY SHALL APPLY TO THE COLORADO
33 OFFICE OF ECONOMIC DEVELOPMENT USING THE PROCEDURE ESTABLISHED
34 BY THE OFFICE. THE OFFICE SHALL VERIFY THAT THE TAXPAYER IS USING
35 AND MAINTAINING INFORMATION TECHNOLOGY EQUIPMENT IN A
36 QUALIFIED DATA CENTER OR A QUALIFIED REFURBISHED DATA CENTER
37 AND IS A QUALIFIED TENANT OF THE FACILITY.

38 (c) AFTER MAKING A DETERMINATION THAT A TAXPAYER IS A
39 QUALIFIED TENANT OF A FACILITY, THE OFFICE SHALL NOTIFY THE
40 DEPARTMENT OF REVENUE AND ISSUE A CERTIFICATION TO THE TAXPAYER
41 AND THE APPLICABLE QUALIFIED DATA CENTER OR QUALIFIED
42 REFURBISHED DATA CENTER STATING THAT INFORMATION TECHNOLOGY
43 EQUIPMENT THAT IS STORED IN THE QUALIFIED DATA CENTER OR
44 QUALIFIED REFURBISHED DATA CENTER BY THE QUALIFIED TENANT IS
45 ELIGIBLE FOR THE EXEMPTION ALLOWED PURSUANT TO SUBSECTION (3) OF
46 THIS SECTION FOR THE REMAINDER OF THE PERIOD THAT THE FACILITY
47 RETAINS ITS QUALIFIED STATUS AS DETERMINED PURSUANT TO
48 PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION.

49 (7) NOTWITHSTANDING THE PROVISIONS OF SECTION 39-26-703
50 (2) (d), ALL SALES, STORAGE, AND USE OF INFORMATION TECHNOLOGY
51 EQUIPMENT THAT IS USED IN A QUALIFIED DATA CENTER IS ELIGIBLE FOR
52 THE EXEMPTION ALLOWED PURSUANT TO SUBSECTION (3) OF THIS SECTION
53 FOR FIVE YEARS AFTER THE DATE OF THE SALE, STORAGE, OR USE OF SUCH
54 INFORMATION TECHNOLOGY EQUIPMENT. UNDER NO CIRCUMSTANCES
55 SHALL THE EXEMPTION ALLOWED PURSUANT TO SUBSECTION (3) OF THIS
56 SECTION BE ALLOWED FOR THE SALE, STORAGE, OR USE OF INFORMATION

1 TECHNOLOGY EQUIPMENT PRIOR TO JANUARY 1, 2015.
2 (8) (a) ON OR BEFORE NOVEMBER 1, 2021, AND ON OR BEFORE
3 NOVEMBER 1 EVERY SIX YEARS THEREAFTER, THE COLORADO OFFICE OF
4 ECONOMIC DEVELOPMENT SHALL SUBMIT A REPORT TO THE MEMBERS OF
5 THE GENERAL ASSEMBLY THAT ANALYZES AND ESTIMATES THE ECONOMIC
6 BENEFITS OF THE EXEMPTION ALLOWED IN THIS SECTION.

7 (b) ANY QUALIFIED DATA CENTER OR QUALIFIED REFURBISHED
8 DATA CENTER SHALL SUBMIT TO THE COLORADO OFFICE OF ECONOMIC
9 DEVELOPMENT INFORMATION REQUESTED BY THE OFFICE FOR THE
10 PURPOSE OF TRACKING AND MONITORING QUALIFIED DATA CENTERS AND
11 QUALIFIED REFURBISHED DATA CENTERS AND FOR THE PURPOSE OF THE
12 REPORT REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (8).

13 **SECTION 2.** In Colorado Revised Statutes, 29-2-105, **add** (1)

14 (d) (I) (M) as follows:

15 **29-2-105. Contents of sales tax ordinances and proposals.**

16 (1) The sales tax ordinance or proposal of any incorporated town, city,
17 or county adopted pursuant to this article shall be imposed on the sale of
18 tangible personal property at retail or the furnishing of services, as
19 provided in paragraph (d) of this subsection (1). Any countywide or
20 incorporated town or city sales tax ordinance or proposal shall include
21 the following provisions:

22 (d) (I) A provision that the sale of tangible personal property and
23 services taxable pursuant to this article shall be the same as the sale of
24 tangible personal property and services taxable pursuant to section
25 39-26-104, C.R.S., except as otherwise provided in this paragraph (d).
26 The sale of tangible personal property and services taxable pursuant to
27 this article shall be subject to the same sales tax exemptions as those
28 specified in part 7 of article 26 of title 39, C.R.S.; except that the sale of
29 the following may be exempted from a town, city, or county sales tax
30 only by the express inclusion of the exemption either at the time of
31 adoption of the initial sales tax ordinance or resolution or by amendment
32 thereto:

33 (M) THE EXEMPTION FOR SALES, STORAGE, AND USE OF
34 INFORMATION TECHNOLOGY EQUIPMENT USED IN A QUALIFIED DATA
35 CENTER OR QUALIFIED REFURBISHED DATA CENTER AS SPECIFIED IN
36 SECTION 39-26-727, C.R.S.

37 **SECTION 3. Act subject to petition - effective date.** This act
38 takes effect at 12:01 a.m. on the day following the expiration of the
39 ninety-day period after final adjournment of the general assembly
40 (August 6, 2014, if adjournment sine die is on May 7, 2014); except that,
41 if a referendum petition is filed pursuant to section 1 (3) of article V of
42 the state constitution against this act or an item, section, or part of this act
43 within such period, then the act, item, section, or part will not take effect
44 unless approved by the people at the general election to be held in
45 November 2014 and, in such case, will take effect on the date of the
46 official declaration of the vote thereon by the governor."
47
48
49

50 **HB14-1392** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:
53

54 Amend printed bill, page 5, line 1, strike "SECTION 2" and substitute
55 "SECTIONS 2 AND 9".
56

1 Page 5, strike line 7.
2
3 Page 6, strike lines 22 through 24.
4
5 Renumber succeeding subsections accordingly.
6
7 Page 7, strike line 7 and substitute "DEVICE THAT".
8
9 Page 10, line 21, strike "OR".
10
11 Page 10, line 24, strike "STATE." and substitute "STATE; OR
12 (c) PROHIBITS ANY ACTIVITY AUTHORIZED UNDER ARTICLE 35 OF
13 TITLE 24 OR ARTICLE 9, 47.1, OR 60 OF TITLE 12, C.R.S."
14
15 page 11, after line 11 insert:
16
17 **"SECTION 2. Effective date.** This act takes effect July 1, 2014."
18
19 Renumber succeeding section accordingly.
20
21
22
23 **SB14-005** be amended as follows, and as so amended, be referred to
24 the Committee on Appropriations with favorable
25 recommendation:
26
27 Amend reengrossed bill, page 17, line 4, strike "SECTIONS 24-4-105 AND
28 24-4-106," and substitute "SECTION 24-4-105,".
29
30 Page 17, line 5, strike "AND COURT REVIEW".
31
32 Page 18, strike lines 5 through 13 and substitute:
33 "(5) ANY PARTY TO THE ADMINISTRATIVE PROCEEDING MAY
34 COMMENCE AN ACTION FOR JUDICIAL REVIEW IN THE DISTRICT COURT OF
35 COMPETENT JURISDICTION WITHIN THIRTY-FIVE DAYS AFTER THE DATE OF
36 MAILING OF THE DECISION BY THE DIVISION. THE HEARING OFFICER'S
37 DECISION CONSTITUTES A FINAL AGENCY ACTION PURSUANT TO SECTION
38 24-4-106, C.R.S. JUDICIAL REVIEW IS LIMITED TO APPEAL BRIEFS AND
39 THE RECORD DESIGNATED ON APPEAL."
40
41
42
43
44 **HEALTH, INSURANCE & ENVIRONMENT**
45 After consideration on the merits, the Committee recommends the
46 following:
47
48 **SB14-162** be referred to the Committee of the Whole with favorable
49 recommendation.
50
51
52 **SB14-187** be referred favorably to the Committee on Appropriations.
53
54
55
56

1 **JUDICIARY**

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

4
5 **SB14-002** be referred favorably to the Committee on Finance.

6
7
8 **SB14-127** be referred favorably to the Committee on Appropriations.

9
10
11 **SB14-176** be referred favorably to the Committee on Appropriations.

12
13
14
15
16 **PUBLIC HEALTH CARE & HUMAN SERVICES**

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

19
20 **SB14-013** be postponed indefinitely.

21
22
23 **SB14-014** be referred favorably to the Committee on Appropriations.

24
25
26 **SB14-185** be referred favorably to the Committee on Education.

27
28
29
30 **MESSAGE(S) FROM THE SENATE**

31
32 Mr. Speaker:

33
34 The Senate has postponed indefinitely HB 14-1187. The bill is returned
35 herewith.

36
37 Upon announcement of President Carroll, Senator Hill will be removed
38 as a joint prime sponsor with Senator Johnston and Representatives
39 Kraft-Tharp and Gardner on HB 14-1386.

40
41
42 The Senate has passed on Third Reading and transmitted to the Revisor
43 of Statutes:

44 SB14-155 amended in Special Orders as printed in Senate Journal,
45 April 28, 2014, page 973.

46
47 The Senate has passed on Third Reading and returns herewith:
48 HB14-1095, HB 14-1194, and HB 14-1323.

49
50 The Senate has passed on Third Reading and transmitted to the Revisor
51 of Statutes:

52 HB14-1159 amended in Special Orders as printed in Senate Journal,
53 April 28, 2014, page 973.

54 HB14-1322 amended in Special Orders as printed in Senate Journal,
55 April 28, 2014, page 973.

56

1 The Senate voted to concur in House amendments to SB14-011, SB14-
2 015, SB14-064, SB14-125, SB14-129, and SB14-150 and repassed the
3 bills as so amended.

4
5 The Senate has postponed indefinitely HB14-1124 and HB14-1297. The
6 bills are returned herewith.

7
8
9 **MESSAGE(S) FROM THE REVISOR**

10
11 We herewith transmit:
12 without comment, as amended **HB14-1159, 1322.**
13 without comment, as amended, **SB14-155.**

14
15
16
17 **INTRODUCTION OF BILL**
18 **First Reading**

19
20 The following bill was read by title and referred to the committee
21 indicated:

22
23 **SB14-155** by Senator(s) Steadman, Hodge, Lambert; also
24 Representative(s) May and Duran, Gerou--Concerning
25 grant funding for medical marijuana health effects studies.
26 Committee on Health, Insurance, & Environment

27
28
29
30
31 **LAY OVER OF CALENDAR ITEM(S)**

32
33 On motion of Representative Hullinghorst, the following item(s) on the
34 Calendar were laid over until April 30, retaining place on Calendar:

35
36 Consideration of Special Orders--**HB14-1139, SB14-046, 050, 073, 088,**
37 **115, 153, 166, 174, 182.**

38 Consideration of Resolution(s)--**SJR14-010, 037.**

39 Consideration of Senate Amendment(s)--**HB14-1011, 1014, 1072, 1170,**
40 **1205, 1216, 1327, 1331, 1199, 1228, 1321, 1339, 1260, 1288, 1003,**
41 **1123, 1280.**

42 Consideration of Adherence--**SJR14-027.**

43 Consideration of Governor's Veto--**HB14-1108.**

44
45
46
47 On motion of Representative Hullinghorst, the House adjourned until
48 9:00 a.m., April 30, 2014.

49
50
51 Approved:
52 MARK FERRANDINO,
53 Speaker

53 Attest:
54 MARILYN EDDINS,
55 Chief Clerk

56

