

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

Eighty-sixth Legislative Day

Thursday, April 3, 2014

1 Prayer by Dr. David Conner, Wheatridge Congregation of the United
2 Church of Christ, Wheatridge.

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

5
6 Pledge of Allegiance led by Samantha Guyer, Daisy Guyer, Hamilton
7 Middle School, Denver.

8
9 The roll was called with the following result:

10
11 Present--59.
12 Excused--Representative(s) Duran, McNulty, Stephens, Swalm,
13 Waller, Williams--6.
14 Present after roll call--Representative(s) Duran, McNulty,
15 Stephens, Swalm, Waller, Williams.

16
17 The Speaker declared a quorum present.

18
19
20
21 On motion of Representative Wilson, the reading of the journal of April
22 2, 2014, was declared dispensed with and approved as corrected by the
23 Chief Clerk.

24
25
26
27 **THIRD READING OF BILL(S)--FINAL PASSAGE**

28
29 The following bill(s) were considered on Third Reading. The title(s)
30 were publicly read. Reading of the bill at length was dispensed with by
31 unanimous consent.

32
33 **SB14-135** by Senator(s) Brophy, Grantham, Harvey, Renfro,
34 Lambert, Herpin, Scheffel, Rivera, Baumgardner,
35 Cadman, Crowder, King, Lundberg; also Representative(s)
36 Wright, Nordberg, Humphrey, Priola, Dore, Everett,
37 Gardner, Holbert, McNulty, Rankin, Saine, Scott,
38 Sonnenberg, Szabo--Concerning the repeal of certain
39 provisions concerning the purchasing of firearms in states
40 that are contiguous to Colorado.

41
42 The question being "Shall the bill pass?".
43 A roll call vote was taken. As shown by the following recorded vote, a

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

	YES	61	NO	1	EXCUSED	3	ABSENT	0
5	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
6	Buck	Y	Ginal	Y	McNulty	E	Salazar	Y
7	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
8	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
9	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
10	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
11	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	E
12	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	E
13	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
14	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
15	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
16	Fields	N	Lawrence	Y	Primavera	Y	Waller	Y
17	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
18	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
19	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
20	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
21							Speaker	Y

22 Co-sponsor(s) added: Representative(s) Conti, Coram, Garcia, Lawrence,
23 Lebsock, Mitsch Bush, Murray, Navarro, Pettersen, Salazar, Vigil

24
25
26 **HB14-1345** by Representative(s) Gerou, Duran, May; also Senator(s)
27 Lambert, Hodge, Steadman--Concerning authority for the
28 department of higher education to transfer moneys
29 allocated to the governing board of an institution of higher
30 education between the governing board's appropriation for
31 its fee-for-service contracts and the governing board's
32 spending authority for college opportunity stipends as a
33 result of increases or decreases in student enrollment at the
34 institution of higher education.

35
36 The question being "Shall the bill pass?".
37 A roll call vote was taken. As shown by the following recorded vote, a
38 majority of those elected to the House voted in the affirmative and the bill
39 was declared **passed**.

	YES	63	NO	0	EXCUSED	2	ABSENT	0
42	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
43	Buck	Y	Ginal	Y	McNulty	E	Salazar	Y
44	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
45	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
46	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
47	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
48	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	E
49	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
50	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
51	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
52	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
53	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
54	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
55	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
56	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y

1	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
2							Speaker	Y

3 Co-sponsor(s) added: Representative(s) Conti, Ginal, Melton, Pettersen,
4 Rosenthal, Salazar, Schafer, Vigil, Young

5
6
7
8 On motion of Representative Becker, the House resolved itself into
9 Committee of the Whole for consideration of General Orders, and she
10 was called to the Chair to act as Chairman.

11
12
13 **GENERAL ORDERS--SECOND READING OF BILLS**

14
15 The Committee of the Whole having risen, the Chairman reported the
16 titles of the following bills had been read (reading at length had been
17 dispensed with by unanimous consent), the bills considered and action
18 taken thereon as follows:

19
20 (Amendments to the committee amendment are to the printed committee
21 report which was printed and placed in the members' bill file.)

22
23 **SB14-103** by Senator(s) Guzman; also Representative(s) Fischer--
24 Concerning the phase-out of the sale of certain low-
25 efficiency plumbing fixtures.

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

29
30 **HB14-1001** by Representative(s) Singer, Buck, Young; also Senator(s)
31 Nicholson, Jones, Kefalas--Concerning the creation of an
32 income tax credit for a taxpayer that owes property tax on
33 property that has been destroyed by a natural cause.

34
35 Amendment No. 1, Finance Report, dated March 12, 2014, and placed in
36 member's bill file; Report also printed in House Journal, March 14, 2014,
37 page(s) 581-583

38
39 Amendment No. 2, Appropriations Report, dated April 2, 2014, and
40 placed in member's bill file; Report also printed in House Journal, April
41 2, 2014, page(s) 769.

42
43 Amendment No. 3, by Representative(s) Gardner and Labuda.

44
45 Amend the Appropriations committee report, dated April 2, 2014, page
46 1, after line 12, strike ""SECTION 2." and substitute:

47 ""(6) **Review.** DURING THE FIRST REGULAR SESSION OF THE
48 SEVENTY-FIRST GENERAL ASSEMBLY, THE FINANCE COMMITTEES OF THE
49 HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
50 COMMITTEES, SHALL REVIEW THE PROVISIONS OF THIS SECTION AND MAKE
51 RECOMMENDATIONS REGARDING WHETHER THE PROVISIONS SHOULD BE
52 CONTINUED, REPEALED, OR CONTINUED WITH MODIFICATIONS.

53 **SECTION 2."**

54
55

1 Amendment No. 4, by Representative(s) Gerou.
 2
 3 Amend the Appropriations committee report, dated April 2, 2014, page
 4 1, strike line 2 and substitute "line 24, strike "**treasurer**. WITHIN SIXTY"
 5 and substitute "**treasurer**. "
 6
 7 Page 1 of the Appropriations committee report, after line 2, insert:
 8 "Page 3 of the Finance committee report, strike lines 25 and 26 and
 9 substitute "AFTER RECEIVING A REPORT FROM A COUNTY TREASURER
 10 PURSUANT TO SUBSECTION (3) OF THIS SECTION, AND SUBJECT TO
 11 APPROPRIATION, THE STATE TREASURER".
 12
 13 Page 1 of the Appropriations committee report, strike lines 5 through 11.
 14
 15 Amendment No. 5, by Representative(s) Singer.
 16
 17 Amend the Finance Committee Report, dated March 12, 2014, page 1,
 18 line 7, after "PROPERTY" insert "LISTED ON A SINGLE SCHEDULE".
 19
 20 Page 1, line 15, afer "2014," insert "OR ON OR BEFORE OCTOBER 1, 2014,
 21 FOR PUBLIC UTILITIES IDENTIFIED IN ARTICLE 4 OF THIS TITLE,".
 22
 23 Page 2, line 19, strike "JULY 1" and substitute "JULY 1, OR FOR PUBLIC
 24 UTILITIES IDENTIFIED IN ARTICLE 4 OF THIS TITLE, ON OR BEFORE OCTOBER
 25 1".
 26
 27 As amended, ordered engrossed and placed on the Calendar for Third
 28 Reading and Final Passage.
 29

30
 31
 32 **AMENDMENT(S) TO THE COMMITTEE OF THE WHOLE REPORT**
 33

34 Representatives Saine and Humphrey moved to amend the Report of the
 35 Committee of the Whole to reverse the action taken by the Committee in
 36 not adopting the following Saine and Humphrey amendment, to
 37 SB 14-103, to show that said amendment passed, and that SB 14-103, as
 38 amended, passed.
 39

40 Amend reengrossed bill, page 3, after line 20 insert:

41
 42 "(3) THIS SECTION DOES NOT PROHIBIT THE SALE OF A NEW
 43 LOW-EFFICIENCY PLUMBING FIXTURE TO A PERSON WHO WILL INSTALL THE
 44 FIXTURE IN A BUILDING THAT IS SERVED BY A WELL EXEMPTED PURSUANT
 45 TO SECTION 37-92-602 (1) (b), C.R.S."
 46

47 The amendment was declared **lost** by the following roll call vote:
 48

	YES	28	NO	37	EXCUSED	0	ABSENT	0
50	Becker	N	Gerou	Y	McLachlan	N	Saine	Y
51	Buck	Y	Ginal	N	McNulty	Y	Salazar	N
52	Buckner	N	Hamner	N	Melton	N	Schafer	N
53	Conti	Y	Holbert	Y	Mitsch Bush	N	Scott	Y
54	Coram	Y	Hullinghorst	N	Moreno	N	Singer	N
55	Court	N	Humphrey	Y	Murray	Y	Sonnenberg	Y
56	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y

1	Dore	Y	Kagan	N	Nordberg	Y	Swalm	Y
2	Duran	N	Kraft-Tharp	N	Pabon	N	Szabo	Y
3	Everett	Y	Labuda	N	Peniston	N	Tyler	N
4	Exum	N	Landgraf	Y	Pettersen	N	Vigil	N
5	Fields	N	Lawrence	Y	Primavera	N	Waller	Y
6	Fischer	N	Lebsock	N	Priola	Y	Williams	N
7	Foote	N	Lee	N	Rankin	Y	Wilson	Y
8	Garcia	N	May	N	Rosenthal	N	Wright	Y
9	Gardner	Y	McCann	N	Ryden	N	Young	N
10							Speaker	N

11

12

13 Representative Saine moved to amend the Report of the Committee of the
14 Whole to reverse the action taken by the Committee in not adopting the
15 following Saine amendment, to SB 14-103, to show that said amendment
16 passed, and that SB 14-103, as amended, passed.

17

18 Amend engrossed bill, page , after line 20 insert:

19 "(3) THIS SECTION APPLIES WITHIN A PARTICULAR MUNICIPALITY
20 ONLY IF THE GOVERNING BOARD OF THE MUNICIPALITY ELECTS TO BE
21 COVERED BY THIS SECTION."

22

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

24

25	YES	29	NO	36	EXCUSED	0	ABSENT	0
26	Becker	N	Gerou	Y	McLachlan	N	Saine	Y
27	Buck	Y	Ginal	N	McNulty	Y	Salazar	N
28	Buckner	N	Hamner	N	Melton	N	Schafer	N
29	Conti	Y	Holbert	Y	Mitsch Bush	N	Scott	Y
30	Coram	Y	Hullinghorst	N	Moreno	N	Singer	Y
31	Court	N	Humphrey	Y	Murray	Y	Sonnenberg	Y
32	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
33	Dore	Y	Kagan	N	Nordberg	Y	Swalm	Y
34	Duran	N	Kraft-Tharp	N	Pabon	N	Szabo	Y
35	Everett	Y	Labuda	N	Peniston	N	Tyler	N
36	Exum	N	Landgraf	Y	Pettersen	N	Vigil	N
37	Fields	N	Lawrence	Y	Primavera	N	Waller	Y
38	Fischer	N	Lebsock	N	Priola	Y	Williams	N
39	Foote	N	Lee	N	Rankin	Y	Wilson	Y
40	Garcia	N	May	N	Rosenthal	N	Wright	Y
41	Gardner	Y	McCann	N	Ryden	N	Young	N
42							Speaker	N

43

44

45 Representative Sonnenberg moved to amend the Report of the Committee
46 of the Whole to reverse the action taken by the Committee in not adopting
47 the following Sonnenberg amendment, to SB 14-103, to show that said
48 amendment passed, and that SB 14-103, as amended, passed.

49

50 Amend reengrossed bill, page 3, after line 20 insert:

51

52 "(3) THIS SECTION APPLIES ONLY WITHIN THOSE AREAS OF THE
53 STATE THAT ARE SUPPLIED WITH WATER BY THE DENVER WATER
54 DEPARTMENT."

55

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

	YES	28	NO	37	EXCUSED	0	ABSENT	0
4	Becker	N	Gerou	Y	McLachlan	N	Saine	Y
5	Buck	Y	Ginal	N	McNulty	Y	Salazar	N
6	Buckner	N	Hamner	N	Melton	N	Schafer	N
7	Conti	Y	Holbert	Y	Mitsch Bush	N	Scott	Y
8	Coram	Y	Hullinghorst	N	Moreno	N	Singer	N
9	Court	N	Humphrey	Y	Murray	Y	Sonnenberg	Y
10	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
11	Dore	Y	Kagan	N	Nordberg	Y	Swalm	Y
12	Duran	N	Kraft-Tharp	N	Pabon	N	Szabo	Y
13	Everett	Y	Labuda	N	Peniston	N	Tyler	N
14	Exum	N	Landgraf	Y	Pettersen	N	Vigil	N
15	Fields	N	Lawrence	Y	Primavera	N	Waller	Y
16	Fischer	N	Lebsock	N	Priola	Y	Williams	N
17	Foote	N	Lee	N	Rankin	Y	Wilson	Y
18	Garcia	N	May	N	Rosenthal	N	Wright	Y
19	Gardner	Y	McCann	N	Ryden	N	Young	N
20							Speaker	N

21
22
23 Representative Sonnenberg moved to amend the Report of the Committee
24 of the Whole to reverse the action taken by the Committee in not adopting
25 the following Sonnenberg amendment, to SB 14-103, to show that said
26 amendment passed, and that SB 14-103, as amended, passed.

27
28 Amend reengrossed bill, page 3, after line 20 insert:

29
30 "(3) THIS SECTION DOES NOT PROHIBIT THE SALE OF A NEW
31 LOW-EFFICIENCY PLUMBING FIXTURE TO A PERSON WHO WILL INSTALL THE
32 FIXTURE IN A BUILDING BUILT PRIOR TO 1984."

33
34 The amendment was declared **lost** by the following roll call vote:

	YES	30	NO	35	EXCUSED	0	ABSENT	0
37	Becker	N	Gerou	Y	McLachlan	N	Saine	Y
38	Buck	Y	Ginal	N	McNulty	Y	Salazar	N
39	Buckner	N	Hamner	N	Melton	N	Schafer	N
40	Conti	Y	Holbert	Y	Mitsch Bush	N	Scott	Y
41	Coram	Y	Hullinghorst	N	Moreno	N	Singer	Y
42	Court	N	Humphrey	Y	Murray	Y	Sonnenberg	Y
43	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
44	Dore	Y	Kagan	N	Nordberg	Y	Swalm	Y
45	Duran	N	Kraft-Tharp	N	Pabon	N	Szabo	Y
46	Everett	Y	Labuda	N	Peniston	N	Tyler	N
47	Exum	N	Landgraf	Y	Pettersen	N	Vigil	N
48	Fields	Y	Lawrence	Y	Primavera	N	Waller	Y
49	Fischer	N	Lebsock	N	Priola	Y	Williams	N
50	Foote	N	Lee	N	Rankin	Y	Wilson	Y
51	Garcia	N	May	N	Rosenthal	N	Wright	Y
52	Gardner	Y	McCann	N	Ryden	N	Young	N
53							Speaker	N

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **SB14-103, HB14-1001 amended.**

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

9
10

	YES	65	NO	0	EXCUSED	0	ABSENT	0
11	Becker	Y	Gerou	Y	McLachlan	Y	Saine	Y
12	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
13	Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y
14	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
15	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
16	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
17	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
18	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
19	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
20	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
21	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
22	Fields	Y	Lawrence	Y	Primavera	Y	Waller	Y
23	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
24	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
25	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
26	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
27							Speaker	Y

28
29
30 House in recess. House reconvened.

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

35
36 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

39
40 **HB14-1275** be amended as follows, and as so amended, be referred to
41 the Committee of the Whole with favorable
42 recommendation:

43
44 Amend printed bill, page 2, strike lines 6 through 9 and substitute:

45
46 "(i) (I) PURCHASE, WITHOUT USING THE BID PROCESS REQUIRED BY
47 SECTION 33-1-105.5, NO MORE THAN TWO THOUSAND ACRES OF REAL
48 PROPERTY IN MESA COUNTY TO BUILD A MULTI-USE SHOOTING FACILITY
49 USING MONEYS RECEIVED FROM:".

50
51 Page 2, after line 12 insert:

52
53 "(II) THE COMMISSION MAY CONTRACT WITH AN INDEPENDENT
54 CONTRACTOR TO BUILD OR OPERATE THE MULTI-USE SHOOTING FACILITY
55 AUTHORIZED BY THIS PARAGRAPH (i).".

56

1 Renumber succeeding subparagraph accordingly.

2

3 Page 2, after line 13 insert:

4

5 "SECTION 2. In Colorado Revised Statutes, 2-3-1304, **amend**

6 (1) (a.3) (III) as follows:

7 **2-3-1304. Powers and duties of capital development**

8 **committee.** (1) The capital development committee has the following
9 powers and duties:

10 (a.3) To review and make required recommendations on reports
11 from state agencies, including reports from:

12 (III) The parks and wildlife commission in the department of
13 natural resources on the acquisition of certain real property interests
14 ~~pursuant to~~ UNDER section 33-1-105 (1) (i) OR (3) (a), C.R.S., and the
15 acquisition of certain interest in real property or water pursuant to section
16 33-1-105.5 (9), C.R.S.; and".

17

18 Renumber succeeding section accordingly.

19

20

21

22 **HB14-1333** be referred favorably to the Committee on Appropriations.

23

24

25

26

27 **FINANCE**

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

30

31 **HB14-1269** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:

34

35 Amend printed bill, strike everything below the enacting clause and
36 substitute:

37

38 "SECTION 1. **Short title.** This act shall be known and may be
39 cited as the "Marketplace Fairness and Small Business Protection Act".

40 **SECTION 2.** In Colorado Revised Statutes, 39-26-102, **amend**

41 (3) as follows:

42 **39-26-102. Definitions.** As used in this article, unless the context
43 otherwise requires:

44 (3) "Doing business in this state" means the selling, leasing, or
45 delivering in this state, or any activity in this state in connection with the
46 selling, leasing, or delivering in this state, of tangible personal property
47 OR TAXABLE SERVICES by a retail sale as defined in this section, for use,
48 storage, distribution, or consumption within this state. This ~~term~~
49 SUBSECTION (3) AFFECTS THE IMPOSITION, APPLICATION, OR COLLECTION
50 OF SALES AND USE TAXES ONLY. "DOING BUSINESS IN THIS STATE"
51 includes, but shall not be limited to, the following acts or methods of
52 transacting business:

53 (a) The maintaining within this state, directly or indirectly or by
54 a subsidiary, of an office, ~~distributing house~~ DISTRIBUTION FACILITY,
55 salesroom, ~~or house~~, warehouse, STORAGE PLACE, or other SIMILAR place
56 of business, INCLUDING THE EMPLOYMENT OF A RESIDENT OF THIS STATE

1 WHO WORKS FROM A HOME OFFICE IN THIS STATE.

2 (b) (⊕) The soliciting, either by direct representatives, indirect
3 representatives, manufacturers' agents, or by distribution of catalogues or
4 other advertising, or by use of any communication media, or by use of the
5 newspaper, radio, or television advertising media, or by any other means
6 whatsoever, of business from persons residing in this state and by reason
7 thereof receiving orders from, or selling or leasing tangible personal
8 property to, such persons residing in this state for use, consumption,
9 distribution, and storage for use or consumption in this state.

10 (c) A REMOTE SELLER DOING BUSINESS IN THIS STATE WITH
11 RESPECT TO ANY REMOTE SALE SUBJECT TO TAX IN ACCORDANCE WITH
12 SECTION 39-26-104 (2).

13 (H) (d) **Presumptive physical presence - component member**
14 **with physical presence.** (I) ~~Commencing March 1, 2010, if a retailer~~
15 ~~that does not collect Colorado sales tax~~ A PERSON IS PRESUMED TO BE
16 DOING BUSINESS IN THIS STATE IF SUCH PERSON is part of a controlled
17 group of corporations, and that controlled group has a component
18 member, OTHER THAN A COMMON CARRIER ACTING IN ITS CAPACITY AS
19 SUCH, that is a retailer with HAS physical presence in this state the retailer
20 that does not collect Colorado sales tax is presumed to be doing business
21 in this state. For purposes of this subparagraph (H), "controlled group of
22 corporations" has the same meaning as set forth in section 1563 (a) of the
23 federal "Internal Revenue Code of 1986", as amended, and "component
24 member" has the same meaning as set forth in section 1563 (b) of the
25 federal "Internal Revenue Code of 1986", as amended. This presumption
26 may be rebutted by proof that during the calendar year in question, the
27 component member that is a retailer with physical presence in this state
28 did not engage in any constitutionally sufficient solicitation in this state
29 on behalf of the retailer that does not collect Colorado sales tax AND SUCH
30 COMPONENT MEMBER WITH PHYSICAL PRESENCE:

31 (A) SELLS UNDER THE SAME OR A SIMILAR BUSINESS NAME
32 TANGIBLE PERSONAL PROPERTY OR TAXABLE SERVICES SIMILAR TO THAT
33 SOLD BY THE PERSON AGAINST WHOM THE PRESUMPTION IS ASSERTED;

34 (B) MAINTAINS AN OFFICE, DISTRIBUTION FACILITY, SALESROOM,
35 WAREHOUSE, STORAGE PLACE, OR OTHER SIMILAR PLACE OF BUSINESS IN
36 THIS STATE TO FACILITATE THE DELIVERY OF TANGIBLE PERSONAL
37 PROPERTY OR TAXABLE SERVICES SOLD BY THE PERSON AGAINST WHOM
38 THE PRESUMPTION IS ASSERTED TO SUCH PERSON'S IN-STATE CUSTOMERS;

39 (C) USES TRADEMARKS, SERVICE MARKS, OR TRADE NAMES IN THIS
40 STATE THAT ARE THE SAME OR SUBSTANTIALLY SIMILAR TO THOSE USED
41 BY THE PERSON AGAINST WHOM THE PRESUMPTION IS ASSERTED;

42 (D) DELIVERS, INSTALLS, OR ASSEMBLES TANGIBLE PERSONAL
43 PROPERTY IN THIS STATE, OR PERFORMS MAINTENANCE OR REPAIR
44 SERVICES ON TANGIBLE PERSONAL PROPERTY IN THIS STATE, WHICH
45 TANGIBLE PERSONAL PROPERTY IS SOLD TO IN-STATE CUSTOMERS BY THE
46 PERSON AGAINST WHOM THE PRESUMPTION IS ASSERTED; OR

47 (E) FACILITATES THE DELIVERY OF TANGIBLE PERSONAL PROPERTY
48 TO IN-STATE CUSTOMERS OF THE PERSON AGAINST WHOM THE
49 PRESUMPTION IS ASSERTED BY ALLOWING SUCH CUSTOMERS TO PICK UP
50 TANGIBLE PERSONAL PROPERTY SOLD BY SUCH PERSON AT AN OFFICE,
51 DISTRIBUTION FACILITY, SALESROOM, WAREHOUSE, STORAGE PLACE, OR
52 OTHER SIMILAR PLACE OF BUSINESS MAINTAINED IN THIS STATE.

53 (II) FOR PURPOSES OF THIS PARAGRAPH (d), "CONTROLLED GROUP
54 OF CORPORATIONS" HAS THE SAME MEANING AS SET FORTH IN SECTION
55 1563 (a) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS
56 AMENDED, AND "COMPONENT MEMBER" HAS THE SAME MEANING AS SET

1 FORTH IN SECTION 1563 (b) OF THE FEDERAL "INTERNAL REVENUE CODE
2 OF 1986", AS AMENDED. "CONTROLLED GROUP OF CORPORATIONS" AND
3 "COMPONENT MEMBER" ALSO INCLUDE ANY ENTITY THAT,
4 NOTWITHSTANDING ITS FORM OF ORGANIZATION, BEARS THE SAME
5 OWNERSHIP RELATIONSHIP TO THE PERSON AGAINST WHOM THE
6 PRESUMPTION IS ASSERTED AS A CORPORATION THAT WOULD QUALIFY AS
7 A COMPONENT MEMBER OF THE SAME CONTROLLED GROUP OF
8 CORPORATIONS AS THE PERSON AGAINST WHOM THE PRESUMPTION IS
9 ASSERTED.

10 (III) THE PRESUMPTION SET FORTH IN SUBPARAGRAPH (I) OF THIS
11 PARAGRAPH (d) MAY BE REBUTTED BY PROOF THAT, DURING THE
12 CALENDAR YEAR IN QUESTION, THE COMPONENT MEMBER WITH PHYSICAL
13 PRESENCE DID NOT ENGAGE IN ANY ACTIVITIES IN THIS STATE THAT ARE
14 SUFFICIENT UNDER UNITED STATES CONSTITUTIONAL STANDARDS TO
15 ESTABLISH NEXUS IN THIS STATE ON BEHALF OF THE PERSON AGAINST
16 WHOM THE PRESUMPTION IS ASSERTED.

17 (e) **Presumptive physical presence - agreement or**
18 **arrangement with a person with physical presence.** (I) EXCEPT AS
19 PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (e), A PERSON IS
20 PRESUMED TO BE DOING BUSINESS IN THIS STATE IF SUCH PERSON AGAINST
21 WHOM THE PRESUMPTION IS ASSERTED ENTERS INTO AN AGREEMENT OR
22 ARRANGEMENT WITH A PERSON WHO HAS PHYSICAL PRESENCE IN THIS
23 STATE, OTHER THAN A COMMON CARRIER ACTING IN ITS CAPACITY AS
24 SUCH, FOR THAT PERSON WHO HAS PHYSICAL PRESENCE TO:

25 (A) SELL UNDER THE SAME OR A SIMILAR BUSINESS NAME
26 TANGIBLE PERSONAL PROPERTY OR TAXABLE SERVICES SIMILAR TO THAT
27 SOLD BY THE PERSON AGAINST WHOM THE PRESUMPTION IS ASSERTED;

28 (B) MAINTAIN AN OFFICE, DISTRIBUTION FACILITY, SALESROOM,
29 WAREHOUSE, STORAGE PLACE, OR OTHER SIMILAR PLACE OF BUSINESS IN
30 THIS STATE TO FACILITATE THE DELIVERY OF TANGIBLE PERSONAL
31 PROPERTY OR TAXABLE SERVICES SOLD BY THE PERSON AGAINST WHOM
32 THE PRESUMPTION IS ASSERTED TO SUCH PERSON'S IN-STATE CUSTOMERS;

33 (C) DELIVER, INSTALL, OR ASSEMBLE TANGIBLE PERSONAL
34 PROPERTY IN THIS STATE, OR PERFORM MAINTENANCE OR REPAIR SERVICES
35 ON TANGIBLE PERSONAL PROPERTY IN THIS STATE, WHICH TANGIBLE
36 PERSONAL PROPERTY IS SOLD TO IN-STATE CUSTOMERS BY THE PERSON
37 AGAINST WHOM THE PRESUMPTION IS ASSERTED; OR

38 (D) FACILITATE THE DELIVERY OF TANGIBLE PERSONAL PROPERTY
39 TO IN-STATE CUSTOMERS OF THE PERSON AGAINST WHOM THE
40 PRESUMPTION IS ASSERTED BY ALLOWING SUCH CUSTOMERS TO PICK UP
41 TANGIBLE PERSONAL PROPERTY SOLD BY SUCH PERSON AT AN OFFICE,
42 DISTRIBUTION FACILITY, SALESROOM, WAREHOUSE, STORAGE PLACE, OR
43 OTHER SIMILAR PLACE OF BUSINESS MAINTAINED IN THIS STATE.

44 (II) THE PRESUMPTION SET FORTH IN SUBPARAGRAPH (I) OF THIS
45 PARAGRAPH (e) MAY BE REBUTTED BY PROOF THAT, DURING THE
46 CALENDAR YEAR IN QUESTION, THE PERSON WHO HAS PHYSICAL PRESENCE
47 IN THIS STATE DID NOT ENGAGE IN ANY ACTIVITIES IN THIS STATE THAT
48 ARE SUFFICIENT UNDER UNITED STATES CONSTITUTIONAL STANDARDS TO
49 ESTABLISH NEXUS IN THIS STATE ON BEHALF OF THE PERSON AGAINST
50 WHOM THE PRESUMPTION IS ASSERTED.

51 (III) **Activity to which presumption does not apply.** THE
52 PRESUMPTION ESTABLISHED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e)
53 DOES NOT APPLY TO THE FOLLOWING AGREEMENTS OR ARRANGEMENTS:

54 (A) **Advertising.** AN AGREEMENT OR ARRANGEMENT UNDER
55 WHICH A PERSON WITHOUT DIRECT IN-STATE PHYSICAL PRESENCE
56 PURCHASES ADVERTISEMENTS FROM A PERSON TO BE DELIVERED IN THIS

1 STATE ON TELEVISION, RADIO, NEWSPAPERS, MAGAZINES, THE INTERNET,
2 OR ANY OTHER MASS-MARKET MEDIUM;

3 (B) **Affiliate marketing agreements.** AN AGREEMENT OR
4 ARRANGEMENT BETWEEN AN IN-STATE INDEPENDENT CONTRACTOR OR
5 OTHER REPRESENTATIVE AND A PERSON WITHOUT DIRECT IN-STATE
6 PHYSICAL PRESENCE UNDER WHICH SUCH INDEPENDENT CONTRACTOR OR
7 OTHER REPRESENTATIVE, FOR A COST PER ACTION, INCLUDING BUT NOT
8 LIMITED TO A COMMISSION OR OTHER CONSIDERATION BASED ON
9 COMPLETED SALES, DIRECTLY OR INDIRECTLY REFERS POTENTIAL
10 CUSTOMERS THROUGH INTERNET PROMOTIONAL METHODS TO THE PERSON
11 WITHOUT DIRECT IN-STATE PHYSICAL PRESENCE; OR

12 (C) **Small businesses.** AN AGREEMENT OR ARRANGEMENT
13 BETWEEN AN IN-STATE PERSON AND A PERSON WITHOUT DIRECT IN-STATE
14 PHYSICAL PRESENCE IF THE CUMULATIVE GROSS RECEIPTS FROM SALES BY
15 THE PERSON WITHOUT DIRECT IN-STATE PHYSICAL PRESENCE TO IN-STATE
16 CUSTOMERS IN THE PRIOR CALENDAR YEAR IS LESS THAN FIFTY THOUSAND
17 DOLLARS.

18 **SECTION 3. Severability.** If any provision of this act or the
19 application thereof to any person or circumstance is held invalid, such
20 invalidity does not affect other provisions or applications of the act that
21 can be given effect without the invalid provision or application, and to
22 this end the provisions of this act are declared to be severable.

23 **SECTION 4. Effective date.** This act takes effect July 1, 2014.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety."

27

28

29

30 **HB14-1325** be postponed indefinitely.

31

32

33 **HB14-1327** be amended as follows, and as so amended, be referred to
34 the Committee on Appropriations with favorable
35 recommendation:

36

37 Amend printed bill, page 2, strike lines 4 through 7.

38

39 Strike page 3.

40

41 Page 4, strike lines 1 through 9.

42

43 Renumber succeeding sections accordingly.

44

45 Amend the Business, Labor, Economic, & Workforce Development
46 Committee Report, dated March 25, 2014, page 1, after line 4 insert:

47

48 "Page 9 of the bill, line 18, after "(5)" insert "and (6)".

49

50 Page 11 of the bill, after line 17 insert:

51

52 "(6) AS USED IN THIS SECTION, "PUBLIC HIGHWAY" OR "HIGHWAY"
53 AS OTHERWISE DEFINED IN SECTION 38-5.5-102 (2), DOES NOT INCLUDE
54 EXCESS AND REMAINDER RIGHTS-OF-WAY UNDER THE DEPARTMENT OF
55 TRANSPORTATION'S JURISDICTION.'".

56

1 Page 1 of the report, after line 6 insert:

2

3 "Page 11 of the bill, line 24, after "NOTICE" insert "A MINIMUM OF".

4

5 Page 11 of the bill, line 25, strike "PROJECT." and insert "PROJECT
6 INVOLVING TRENCHING."."

7

8 Page 1 of the report, after line 13 insert:

9

10 "Page 13 of the bill, after line 1 insert:

11

12 "(d) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT
13 OR DELAY COMMENCEMENT OR PROGRESS OF A CONSTRUCTION,
14 MAINTENANCE, OR TRENCHING PROJECT.

15 (4) AS USED IN THIS SECTION, "TRENCHING" MEANS A
16 CONSTRUCTION PROJECT IN WHICH A HIGHWAY RIGHT-OF-WAY SURFACE
17 IS OPENED OR REMOVED FOR THE PURPOSE OF LAYING OR INSTALLING
18 CONDUIT, FIBER, OR SIMILAR INFRASTRUCTURE IN EXCESS OF ONE MILE IN
19 LENGTH. "TRENCHING" DOES NOT MEAN ANY OTHER ACTIVITY OR PROJECT
20 FOR THE CONSTRUCTION OR MAINTENANCE, INCLUDING DRAINAGE OR
21 CULVERT WORK, OF A HIGHWAY FACILITY."."

22

23 Page 13 of the bill, strike lines 2 through 27.

24

25 Page 14, strike lines 1 and 2.

26

27 Renumber succeeding section accordingly.

28

29

30

31 **SB14-051** be referred favorably to the Committee on Appropriations.

32

33

34 **SB14-123** be referred favorably to the Committee on Appropriations.

35

36

37

38

39 **TRANSPORTATION & ENERGY**

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

42

43 **HB14-1326** be amended as follows, and as so amended, be referred to
44 the Committee on Finance with favorable
45 recommendation:

46

47 Amend printed bill, page 3, line 26, strike "(A)".

48

49 Page 3, line 27, before "USED" insert "NEW OR".

50

51 Page 4, strike lines 7 through 12.

52

53 Page 5, line 5, strike "TRAILER." and substitute "TRAILER; EXCEPT THAT
54 "AERODYNAMIC TECHNOLOGIES" DO NOT INCLUDE TIRES."."

55

56 Page 5, line 22, strike "FUEL." and substitute "FUEL, OR A DUAL-FUEL

1 TRUCK WITH A MULTI-FUEL ENGINE CAPABLE OF RUNNING ON BOTH
2 COMPRESSED NATURAL GAS AND TRADITIONAL FUEL, OR ON BOTH
3 LIQUEFIED PETROLEUM GAS AND TRADITIONAL FUEL."

4
5 Page 6, line 5, strike "FUEL." and substitute "FUEL, OR A DUAL-FUEL
6 TRUCK WITH A MULTI-FUEL ENGINE CAPABLE OF RUNNING ON BOTH
7 COMPRESSED NATURAL GAS AND TRADITIONAL FUEL, OR ON BOTH
8 LIQUEFIED PETROLEUM GAS AND TRADITIONAL FUEL."

9
10 Page 6, line 13, strike "FUEL." and substitute "FUEL, OR A DUAL-FUEL
11 TRUCK WITH A MULTI-FUEL ENGINE CAPABLE OF RUNNING ON BOTH
12 LIQUIFIED NATURAL GAS AND TRADITIONAL FUEL, OR ON BOTH HYDROGEN
13 AND TRADITIONAL FUEL."

14
15 Page 6, line 22, strike "FUEL." and substitute "FUEL, OR A DUAL-FUEL
16 TRUCK WITH A MULTI-FUEL ENGINE CAPABLE OF RUNNING ON BOTH
17 LIQUIFIED NATURAL GAS AND TRADITIONAL FUEL, OR ON BOTH HYDROGEN
18 AND TRADITIONAL FUEL."

19
20 Page 7, after line 6 insert:

21
22 "(p) "CATEGORY 9" MEANS A HYDRAULIC HYBRID TRUCK."

23
24 Reletter succeeding paragraphs accordingly.

25
26 Page 8, after line 10 insert:

27
28 "(v) "HYDRAULIC HYBRID TRUCK" MEANS THE CONVERSION OF A
29 TRUCK WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN FOURTEEN
30 THOUSAND POUNDS TO A TRUCK WITH A HYBRID PROPULSION SYSTEM
31 THAT OPERATES ON BOTH PRESSURIZED FLUID AND EITHER COMPRESSED
32 NATURAL GAS, LIQUIFIED NATURAL GAS, LIQUIFIED PETROLEUM GAS,
33 HYDROGEN, ELECTRICITY, OR A TRADITIONAL FUEL; EXCEPT THAT THE
34 CONVERTED HYDRAULIC HYBRID TRUCK MUST INCREASE THE FUEL
35 ECONOMY OF THE ORIGINAL TRUCK."

36
37 Reletter succeeding paragraphs accordingly.

38
39 Page 13, line 26, strike "DOLLARS." and substitute "DOLLARS FOR EACH
40 INSTALLED DEVICE AND NOT TO EXCEED FIFTY THOUSAND DOLLARS
41 DURING A TAX YEAR FOR THE INSTALLATION OF MULTIPLE DEVICES."

42
43 Page 17, after line 12 insert:

44
45 "(11.5) **Category 9.** (a) EXCEPT AS OTHERWISE PROVIDED IN
46 SUBSECTION (14) OF THIS SECTION, WITH RESPECT TO THE INCOME TAX
47 YEARS COMMENCING ON OR AFTER JANUARY 1, 2014, BUT BEFORE
48 JANUARY 1, 2022, THERE IS ALLOWED TO ANY PERSON A CREDIT AGAINST
49 THE TAX IMPOSED BY THIS ARTICLE AS A PERCENTAGE SET FORTH IN
50 PARAGRAPH (b) OF THIS SUBSECTION (11.5) OF THE ACTUAL COST
51 INCURRED BY THE TAXPAYER DURING THE TAX YEAR FOR THE CONVERSION
52 OF A CATEGORY 9 TRUCK, NOT TO EXCEED THE AMOUNT SET FORTH IN
53 PARAGRAPH (b) OF THIS SUBSECTION (11.5).

1 (b)

INCOME TAX YEAR COMMENCING:								
	1/1/2014	1/1/2015	1/1/2017	1/1/2018	1/1/2019	1/1/2020	1/1/2021 BUT BEFORE 1/1/2022	CAP PER INCOME TAX YEAR
2								
3								
4								
5								
6	CATEGORY 9	55%	45%	33.75%	22.5%	11.25%	\$6,000".	

- 7
- 8 Page 17, lines 25 and 26, strike "7, OR 7 A" and substitute "7, 7 A, OR 9".
- 9
- 10 Page 18, line 15, strike "7, OR 7 A" and substitute "7, 7 A, OR 9".
- 11
- 12 Page 18, line 23, strike "7, OR 7 A" and substitute "7, 7 A, OR 9".
- 13
- 14 Page 19, line 2, strike "7, OR 7 A" and substitute "7, 7 A, OR 9".
- 15
- 16 Page 19, line 12, strike "7, OR 7 A" and substitute "7, 7 A, OR 9".
- 17
- 18 Page 25, lines 6 and 7, strike "MOTOR VEHICLE, POWER SOURCE," and
- 19 substitute "POWER SOURCE".
- 20
- 21 Page 26, lines 7 and 8, strike "MOTOR VEHICLE, POWER SOURCE," and
- 22 substitute "POWER SOURCE".
- 23
- 24

25

26

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

28

29 The Speaker has signed: **SJR14-021 and 024.**

30

31

32

33

34 **DELIVERY OF BILLS TO GOVERNOR**

35

36 The Chief Clerk of the House of Representatives reports the following

37 bills have been delivered to the Office of the Governor: **HB14-1047,**

38 **1142, 1195, 1206, 1210** at 9:52 a.m. on April 3, 2014.

39

40

41

42

43 **INTRODUCTION OF BILLS**

44 **First Reading**

45

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

47 indicated:

48

49 **HB14-1354** by Representative(s) Buckner and Gardner--Concerning

50 the ability of a county clerk and recorder to seek judicial

51 review of final action by the secretary of state relating to

52 elections.

53 Committee on State, Veterans, & Military Affairs

54

1 **HB14-1355** by Representative(s) Kagan and Gardner; also Senator(s)
2 Guzman and King--Concerning department of corrections
3 reentry initiatives for successful reintegration of adult
4 offenders into the community.
5 Committee on Judiciary
6 Committee on Appropriations
7

8
9 **INTRODUCTION OF RESOLUTION**

10
11 The following resolution was read by title and laid over until Monday,
12 April 7, 2014:
13

14 **HJR14-1015** by Representative(s) Rosenthal and Gardner; also
15 Senator(s) Crowder and Ulibarri--Concerning the
16 declaration of April 28, 2014, through May 4, 2014, as
17 Holocaust Awareness Week.
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 April 4, retaining place on Calendar:
25

26 Consideration of General Orders--**HB14-1338**.
27 Consideration of Senate Amendment(s)--**HB14-1149, 1141**.
28 Consideration of Governor's Veto--**HB14-1108**.
29

30
31
32 On motion of Representative Hullinghorst, the House adjourned until
33 9:00 a.m., April 4, 2014.
34

35 Approved:
36 MARK FERRANDINO,
37 Speaker

38 Attest:
39 MARILYN EDDINS,
40 Chief Clerk
41

