

Presentation by Diane F. Roth  
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## WHAT IS HAPPENING IN THE COLORADO GENERAL ASSEMBLY

1. Politics: party lines  
House 41 Democrats, 25 Republicans  
Senate 19 Democrats, 16 Republicans

2. Governor's Innovation Counsel  
Statewide Broadband

3. Legislation by topic

Internet and Data-related

### HB1188

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/A5F89CCDB2B025878725736300660DBA?Open&file=1188\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/A5F89CCDB2B025878725736300660DBA?Open&file=1188_01.pdf)

Expand the requirement for sex offenders to register email addresses and internet chat-room identifiers. The bill died on a partisan vote in Judiciary committee. The Democrats said the bill was unenforceable and would give people false hope. The Republicans said the bill was a tool for law enforcement.

### HB1178

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/F37A9A906E7763FB872573680059F92C?Open&file=1178\\_ren.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/F37A9A906E7763FB872573680059F92C?Open&file=1178_ren.pdf)

Replaces the existing "Colorado Junk Email Law with provisions consistent with the federal law concerning Spam. Defines a violation of "the Spam Reduction Act of 2008" as a deceptive trade practice – that is, using email addresses without consent for sending commercial email or sending email to any person that has previously given the "do not email" directive under federal law. Having passed out of the House easily, without controversy, and press attention to the sponsor, the bill was assigned to the Senate Judiciary Committee - hearing set for 3/5/08.

### SB 125

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/E3B4DD66359F8929872573D1005F3659?Open&file=125\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/E3B4DD66359F8929872573D1005F3659?Open&file=125_01.pdf)

Prohibits access to sexually explicit material to children without unconstitutionally inhibiting access by adults. Does not prohibit municipalities from adopting ordinances. Provides affirmative defenses for parents, legal guardians and teachers. Telecom/internet lobbyists also prepared an affirmative defense amendment. SB 125 was hi-jacked on the floor, amended to duplicate state law on internet luring and passed second reading 2/22. Because of the fiscal impact, sent back to Appropriations Committee where it will likely die.

## HB 1154

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/5DD6D6BEF597EC84872573680058F733?Open&file=1154\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/5DD6D6BEF597EC84872573680058F733?Open&file=1154_01.pdf)

This is the e-fencing bill that prohibits the sale of certain items on the internet in an effort to reduce organized retail crime. Of course, E-Bay was the vocal opposition. Bill died in its first committee.

## Telecommunications/Technology

### HB 1227

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/2FEB23B80E21300B87257377006E2387?Open&file=1227\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/2FEB23B80E21300B87257377006E2387?Open&file=1227_01.pdf)

Renewal of the PUC - watching this one to make sure wireless doesn't get roped into helping pay for a subsidy fund or something else bad. The revised bill makes the Commission's fining authority somewhat symbolic, by limiting it to \$150K. Next step: House Appropriations Committee on 3/7/08.

### HB 1249

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/6B0AA59282A2E4B7872573940062B1A0?Open&file=1249\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/6B0AA59282A2E4B7872573940062B1A0?Open&file=1249_01.pdf)

Concerning the emergency telephone services charge – requiring prepaid wireless and VoIP services/providers to pay the E911 surcharge and makes the providers liable for the charge. This passed Transportation and Energy Committee in a “moved up” hearing 2/12 final passage in the House on a 44-19 vote. Bill is headed to Senate Transportation Committee. Verizon Wireless, AT&T and Tracfone oppose the sections of the bill concerning prepaid wireless on the basis that it is impossible to implement.

### SB 155

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/41722DE19CC67310872573B700808C7D?Open&file=155\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/41722DE19CC67310872573B700808C7D?Open&file=155_01.pdf)

This bill would bring together the state's decentralized information-technology management function into the Governor's existing Office of Information Technology (OIT). For businesses that have IT contracts with state government, the OIT will become a key player in overseeing the relationship between state agencies and the companies. The bill passed out of State, Veterans and Military Affairs Committee unanimously with some technical amendments on 2/20 and final passage in the Senate 2/27 without opposition.

## Tax

### Single Sales Factor for Corporate Income Tax

A second draft of the bill coming from the Governor's office was received and circulated among the interested members/lobbyists from the business community. This is part of the Governor's economic development agenda.

## HB 1091

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/3E86474FE32B8FA3872573A10002789E?Open&file=1091\\_eng.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/3E86474FE32B8FA3872573A10002789E?Open&file=1091_eng.pdf).

The bill no longer includes the new and burdensome Information Document Request process in proposed law as in the original bill. The revised bill requires companies with gross sales in excess of \$500 million to provide documents requested by the Department of Revenue, requires a rulemaking and a report to the Finance Committees of the House and Senate. The bill has passed out of the House on 2/11 and has been assigned in the Senate to the Finance Committee.

## HB 1258

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/4EEB64E3D959F025872573680058F626?Open&file=1258\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/4EEB64E3D959F025872573680058F626?Open&file=1258_01.pdf)

The bill would have allowed county assessors to hire an outside contingency-based contracting firms to audit businesses to determine whether the businesses under- or over -reported the value of their personal property on a business personal property tax return. While the bill came forward through the Assessor's Association, there was disagreement within the Association on the bill which led the sponsor to kill it in its first committee.

## SB 128

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/36283EDB104BBA63872573D0007BE2EC?Open&file=128\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/36283EDB104BBA63872573D0007BE2EC?Open&file=128_01.pdf)

Concerning the elimination of the statutory limit on the total amount of sales or use tax levied by certain governmental entities – this bill takes off the maximum rate of just under 7%. Although it allows for tax increases, a Colorado constitutional amendment requires voter approval of all tax increases. The bill came out of Local Government Committee without opposition, and passed out of the Senate on 2/27 with a 19-12-4 count.

## General Business

### HB 1180

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/D07AF44C28025DCB872573680052EB6E?Open&file=1180\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/D07AF44C28025DCB872573680052EB6E?Open&file=1180_01.pdf)

Requires payment of unemployment benefits when an individual relocates with an active duty military spouse – this bill passed Business Affairs (2/4) and Appropriations (2/22) Committees and final passage in the House on 2/27.

### HB-1020

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/F9F7EE63C2A67C75872573A7006F3Open&file=1020\\_rer.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/F9F7EE63C2A67C75872573A7006F3Open&file=1020_rer.pdf)

Costs in civil actions – this bill changes the litigation system by allowing a plaintiff to reject a settlement offer--even a reasonable one made early in the process--then to recover all costs incurred prior to the settlement offer, even if the final judgment is less than the offer of settlement. The Governor signed HB 1020 on 2/21/08.

## SB-122

[http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/D1AE3E5BDE300317872573CB005FF49A?Open&file=122\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2008A/csl.nsf/fsbillcont3/D1AE3E5BDE300317872573CB005FF49A?Open&file=122_01.pdf)

The original bill would have made it an unfair labor practice for an employer to act against a worker who discussed or inquired about his or her wages. Organized labor is pushing this bill, because the unions want to obtain wage information about workers in a company in order to pursue claims of wage discrimination against women. The bill was amended to make the language conform to that of the Federal National Labor Relations Act. The bill now states that employers shall not punish employees for disclosing their own wage information, except as expressly permitted under the NLRA, which protects other employees who have access to wage information as a function of their employment (e.g., Human Resources). The bill passed out of the Senate on 2/27 on a 18-13-4 count.

## WHAT IS NOT HAPPENING IN THE LEGISLATURE

Sales Tax Exemption for Telecommunications  
(Dead Wood from Pine Beetle Devastation and Aircraft Manufacturers  
ARE getting it this year)

Statewide Cable Franchise showdown between Comcast and Qwest

## WHAT MAY BE HAPPENING UNDER THE GOLDEN DOM

Broadband mapping – Sen. Gail Schwartz