Reported May 3

The 2013 legislative session ends Wednesday, May 8, and that means more long hours and late nights for the General Assembly's 100 members.

It also hasn't stopped legislators from continuing to introduce bills that will have to fly through the process in the session's waning days.

Case in point: Senate Bill 13-287, co-sponsored by Sen. Greg Brophy (R-Wray) and Sen. Jeanne Nicholson (D-Blackhawk). Brophy told this reporter the bill, which addresses a telecommunications subsidy in rural areas, has been on his list for 11 years. It was introduced April 29.

The bill went through the Senate State, Veterans and Military Affairs Committee on May 1, passing on a 4-1 vote and headed to the Senate for further action.

Brophy told the state affairs committee that the bill's premise is to use some of the money that currently funds high-cost phone access to fund broadband Internet service in unserved and underserved areas. The fund would go to a capital construction grant program administered by the Public Utilities Commission.

The bill also exempts voice-over-Internet-protocol service (VoIP) and Internet-protocol-enabled service from PUC regulation and exempts certain kinds of equipment used to install broadband service from state sales tax.

As defined in SB 287, unserved and underserved areas include rural areas, cities with less than 5,000 people and major highway corridors that have wireless phone service gaps.

Funding for SB 287 comes from the High Cost Support Mechanism (HCSM), a fee assessed to telecommunications providers to pay for universal phone access in underserved areas, primarily rural ones.

The PUC collects about $60 million per year for the HCSM. According to the SB 287 fiscal note, about half of that would be used for the purposes outlined in the bill; the rest would be returned to the telecommunications companies and on to their customers.

CenturyLink gets approximately $50 million of the $60 million subsidy; the company has opposed telecommunications reform in the past.

The bill drew lots of opposition in its May 1 hearing, including the American Association of Retired Persons and the Coalition for a Connected West; Executive Director Michael Price told the committee that he fears SB 287 will direct funds to build broadband access where it already exists.

Stephen Morrow of AARP said his organization opposes SB 287 because of its language on lack of regulation for VoIP, a method for making phone calls through a computer instead of a landline or cell phone. Both Morrow and Bill Levis, general counsel for the state's Office of Consumer Counsel, said the PUC needs to maintain its regulatory authority over voice communications, regardless of type of technology.

The committee later adopted an amendment to clarify that authority as it applies to 911 emergency phone services.

SB 287 is supported by Colorado Farm Bureau, rural emergency services providers and law enforcement, as well as several telecommunications companies.

Brophy said this week that the people who oppose telecommunications reform have been stalling for years. "It's time to get this done as PUC takes some areas out of high-cost support," he said. Many areas deemed high-cost no longer fit that definition, he explained.

It's more important to get broadband service into underserved areas than to be concerned about creating competition for existing providers, Brophy said. In addition, Brophy said some providers would prefer to keep potential customers “in the dark” rather than allow competition that would provide service to those areas.

Brophy also spoke to the need to fill in the gaps in service along state and interstate federal highways. He explained that when people have accidents along the highways, it’s often difficult to call for emergency services because of service holes.

“It’s time to do this. It’s a matter of statewide concern,” he said. SB 287 provides both a sales tax credit for capital construction and an incentive for telecomm providers to service those areas, he said.

Also in the race to the finish: A bill to improve pay and accountability for the state’s correctional officers, which has cleared the House and is attempting to clear the Senate before the May 8 adjournment.

SB 210 would change how the Department of Corrections tracks its staff working hours. According to the bill as amended, work periods would change from four weeks to two weeks, and officers would work no more than 85 hours in a two-week period. Pay periods, however, would stay the same due to the costs associated with a 2003 payday shift.

The bill centers on the state’s obligation to compensate its employees fairly for their work, according to sponsor Sen. Angela Giron (D-Pueblo). Giron said she has hundreds of correctional staff in her district and believes DOC compensation practices are not working.

Currently, Giron told the Senate Judiciary Committee, correctional officers can work up to 171 hours in a four-week period without overtime. In many cases, however, paychecks don’t match the hours worked.

SB 210 requires DOC to accurately report to its employees their hours worked, rate of standard and overtime pay and comp time earned. In addition, the bill would provide overtime pay, at time-and-a-half, for officers who work more than 12 hours in a 24-hour period.

Alex Barnes, an eight-year veteran of DOC, said work periods don't align with monthly calendars and results in 13 four-week work periods with 12 paychecks. "I could work 196 hours in a month and not get any overtime," and in another month work the same number of hours and get overtime pay.

"When I try to figure this out, I can't. It makes my head spin and it's too confusing," Barnes told the committee.

The bill had to wait until it got to the House before it picked up any Republican support. It passed through two Senate committee hearings and the Senate strictly along party lines. Senate Republicans objected to what they called providing a pay increase for corrections officers outside the normal state compensation system.

Sen. Kent Lambert (R-Colorado Springs), a member of the Joint Budget Committee, said DOC instead needs a thorough review, to include an objective comparison of DOC salaries to the private marketplace.

SB 210 is awaiting final action from one more House committee before it moves to the House floor.

In other action at the Capitol:

SB 252, the bill to require certain rural electric co-ops to increase their use of renewable energy resources from 10 percent to 20 percent by 2020, received final approval from the Senate on May 1. The House amended the bill on April 26 to reduce the target in the bill from 25 percent to 20 percent, but it wasn't enough to gain even one Republican vote.

Governor Hickenlooper has 30 days to sign SB 252. Under legislative rules, the governor has 30 days to sign any bills sent to him within the last 10 days of the legislative session.

That also applies to the two school finance bills: SB 213, which creates a new public school finance act, and SB 260, which funds Colorado public schools for 2013-14. Both bills got final approval on May 1.

Holyoke Enterprise May 9, 2013