

# 2006S

# DIGEST OF BILLS

Enacted by The Sixty-third  
General Assembly  
First Extraordinary Session

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and concurrent resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Sixty-third General Assembly at its First Extraordinary Session ending July 10, 2006. The summaries include the dates bills are approved and the effective dates of the bills. The Digest is not a substitute for the text of the bills or for provisions of Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

**August 2006**  
Prepared by  
the Office of Legislative Legal Services

## CHILDREN AND DOMESTIC MATTERS

**S.B. 06S-6** Common law marriage - age restriction. Specifies that a common law marriage entered into on or after September 1, 2006, shall not be recognized as valid in Colorado unless each party to the common law marriage is 18 years of age or older and the marriage is not otherwise prohibited.

**APPROVED** by Governor July 18, 2006

**EFFECTIVE** July 18, 2006

## CRIMINAL LAW AND PROCEDURE

**S.B. 06S-4** Criminal extortion - threatening to report immigration status - appropriation. Prohibits extortion based on threats relating to a person's immigration status.

Makes a 5-year statutory appropriation as follows: for the 2006-07 fiscal year, appropriates \$87,194 from the capital construction fund to the corrections expansion reserve fund and transfers \$87,194 from the general fund to the capital construction fund; for the 2007-08 fiscal year, appropriates \$26,813 from the general fund to the department of corrections; for the 2008-09 fiscal year, appropriates \$69,755 from the capital construction fund to the corrections expansion reserve fund, transfers \$69,755 from the general fund to the capital construction fund, and appropriates \$26,813 from the general fund to the department of corrections; for the 2009-10 fiscal year, appropriates \$48,263 from the general fund to the department of corrections; for the 2010-11 fiscal year, appropriates \$69,755 from the capital construction fund to the corrections expansion reserve fund, transfers \$69,755 from the general fund to the capital construction fund, and appropriates \$26,813 from the general fund to the department of corrections.

**APPROVED** by Governor July 31, 2006

**EFFECTIVE** July 31, 2006

**S.B. 06S-5** Coercion of involuntary servitude - withholding or threatening to destroy immigration documents - threatening to report immigration status - appropriation. Prohibits coercing an individual to perform involuntary labor or services by the use of threats relating to a person's immigration status.

Makes a 5-year statutory appropriation as follows: for the 2006-07 fiscal year, appropriates \$174,388 from the capital construction fund to the corrections expansion reserve fund and transfers \$174,388 from the general fund to the capital construction fund; for the 2007-08 fiscal year, appropriates \$17,439 from the capital construction fund to the corrections expansion reserve fund, transfers \$17,439 from the general fund to the capital construction fund, and appropriates \$53,626 from the general fund to the department of corrections; for the 2008-09 fiscal year, appropriates \$58,989 from the general fund to the department of corrections; for the 2009-10 fiscal year, appropriates \$58,989 from the general fund to the department of corrections; for the 2010-11 fiscal year, appropriates \$58,989 from the general fund to the department of corrections.

**APPROVED** by Governor July 31, 2006

**EFFECTIVE** July 31, 2006

## ELECTIONS

**S.B. 06S-7** Voting by persons not entitled to vote - class 5 felony. Makes voting by a person in an election in which that person knows he or she is not entitled to vote a class 5 felony.

Appropriates the sum of \$87,194 for the fiscal year beginning July 1, 2006, from the capital construction fund to the corrections expansion reserve fund for the implementation of the act. Appropriates the sum of \$26,813 for the fiscal year beginning July 1, 2007, from the general fund to the department of corrections for the implementation of the act. Appropriates the sum of \$21,450 for the fiscal year beginning July 1, 2008, from the general fund to the department of corrections for the implementation of the act.

**APPROVED** by Governor July 31, 2006

**EFFECTIVE** July 31, 2006

## GOVERNMENT - STATE

**H.B. 06S-1001** Colorado economic development commission - economic development incentives - employers in compliance with federal law. Specifies that in addition to the requirements specified for any employer to receive a grant, loan, performance-based incentive, or other economic development incentive from the Colorado economic development commission (commission), an employer shall prove that the employer does not employ any person who is in the United States illegally in order to be eligible to receive such economic development incentive. Directs the commission to develop a procedure by which an employer that receives an economic development incentive shall provide proof that each employee employed by the employer in the United States is a United States citizen or, if not a United States citizen, is lawfully present in the state and authorized to work.

During the process of awarding an economic development incentive to an employer, authorizes the commission to determine when to verify that the employer does not employ anyone who is in the United States illegally.

States that if the commission determines that an employer that has already been awarded an economic development incentive does employ a person who is in the United States illegally, the employer shall be required to repay the total amount of money awarded as an economic development incentive and that the employer shall be ineligible to qualify for an economic development incentive awarded by the commission for 5 years.

Upon determination that an employer is ineligible to receive an economic development incentive because the employer employs people who are in the United States illegally, requires the commission to allow the employer to appear at a hearing before the commission and to establish proof that the employer's employees are United States citizens or, if not United States citizens, are lawfully present in the state and authorized to work.

Specifies that the act applies to grants, loans, performance-based incentives, or other economic development incentives awarded by the Colorado economic development commission on or after October 1, 2006.

**APPROVED** by Governor July 31, 2006

**EFFECTIVE** July 31, 2006

**H.B. 06S-1002** Infectious disease treatment - discrimination - immigration status. Requires a state agency to provide to a person any program or service for the investigation, identification, testing, preventive care, or treatment of epidemic or communicable diseases, including but not limited to tuberculosis, HIV infection, AIDS, and venereal diseases regardless, of the person's race, religion, gender, ethnicity, national origin, or immigration status.

**APPROVED** by Governor July 31, 2006

**EFFECTIVE** July 31, 2006

**H.B. 06S-1009** Immigration - denial of state and local benefits - professional and commercial licenses - appropriation. Subject to exemptions and definitions found in federal law, requires local governments and divisions, boards, and agencies of the department of regulatory agencies to issue and renew licenses, permits, registrations, certificates, charters, memberships, or similar authorizations to a person only if the person is lawfully present in

the United States and to deny any such authorization, including a renewal thereof, upon determining that the person is unlawfully present in the United States. Requires the person to prove his or her identity with a secure and verifiable document.

Appropriates \$24,800 to the executive director's office of the department of regulatory agencies for the implementation of the act.

**APPROVED** by Governor July 31, 2006

**EFFECTIVE** January 1, 2007

**H.B. 06S-1014** Illegal immigration - state costs - federal reimbursement - recovery by attorney general - status reports - appropriation. Directs the attorney general to pursue all available remedies to recover moneys owing from the federal government to the state of Colorado for the reimbursement of costs incurred by the state of Colorado in dealing with illegal immigration. Requires the attorney general, on or before the end of the 2006 and 2007 calendar years, to file written reports with specified persons detailing the status of the pursuit of remedies.

For the 2006-007 fiscal year, appropriates \$45,822 and 0.5 FTE from the general fund to the department of law for the implementation of the act.

**APPROVED** by Governor July 31, 2006

**EFFECTIVE** July 31, 2006

**H.B. 06S-1022** Immigration enforcement - directive to attorney general - referred measure. Declares that the failure of the federal government to enforce immigration laws places an undue burden on state governments. Refers to the voters a measure to direct the state attorney general to initiate a lawsuit to demand the enforcement of immigration laws at the federal level.

**REFERRED MEASURE** November 2006

**NOTE:** This act will be submitted to a vote of the people at the November 2006 general election.

**H.B. 06S-1023** Verification of lawful presence - required for public benefits. On and after August 1, 2006, requires each state agency or political subdivision to verify the lawful presence in the United States of each person 18 years of age or older who applies for public benefits, as defined in federal law, for the applicant. Excludes specified public benefits. Specifies the manner of verification, including requiring a specified form of identification, an affidavit, and verification through a federal program. Specifies criminal penalties for falsifying a required affidavit. Authorizes variations of the affidavit requirement. Prohibits state agencies or political subdivisions from providing benefits in violation of the act. Establishes reporting requirements.

**APPROVED** by Governor July 31, 2006

**EFFECTIVE** July 31, 2006

## LABOR AND INDUSTRY

**H.B. 06S-1017** Employee verification requirements - audits - penalty - appropriations. Requires each employer in Colorado to attest that the employer has verified the legal work status of each employee and retained file copies of the appropriate federally-required documentation, that the employer has not altered or falsified the employee's identification documents, and that the employer has not knowingly hired an unauthorized alien.

When requested, requires each employer in Colorado to submit documentation to the director of the division of labor within the department of labor and employment that demonstrates that the employer is in compliance with federal employment verification requirements. Authorizes the director to conduct random audits of employers to ensure compliance with the federal laws. Subjects an employer to a fine of up to \$5,000 for the first offense and up to \$25,000 for the second or subsequent offense for the failure to provide documentation or for the provision of fraudulent documentation.

States that the act applies to employees hired on or after January 1, 2007.

Appropriates \$110,447 to the department of labor and employment for allocation to the division of labor for the implementation of the act. Appropriates \$3,223 to the department of labor and employment for allocation to the executive director's office for legal services.

**APPROVED** by Governor July 31, 2006

**EFFECTIVE** July 31, 2006

## TAXATION

**H.B. 06S-1015** Required income tax withholding - payments for services to natural persons without validated taxpayer identification numbers - work eligibility verification portal. Requires the office of innovation and technology, within existing resources and no later than December 1, 2006, to submit a report to the joint budget committee of the general assembly that sets forth an implementation plan for the establishment of a work eligibility verification portal that, on and after January 1, 2008, will enable a person to access a database to verify whether a taxpayer identification number is valid. Requires the report to include an analysis of costs and descriptions and analyses of databases and programs available for use in verifying taxpayer identification numbers.

With an exception for persons exempt from federal withholding pursuant to a properly filed internal revenue service form 8233, requires a person that makes a payment to any natural person for services performed that is not otherwise subject to state income tax withholding but that requires the filing of an information return to deduct and withhold state income tax at the rate of 4.63% if the person who performed the services:

- Fails to provide a validated taxpayer identification number; or
- Provides an internal revenue service-issued taxpayer identification number issued for nonresident aliens.

Requires any business entity or sole proprietor who makes a payment to any natural person for services performed that is not reported on an information return to deduct and withhold state income tax at the rate of 4.63% unless the business entity or sole proprietor has a validated taxpayer identification number from the person to whom payment is made. Authorizes the executive director of the department of revenue to promulgate rules to authorize the payment to the department as part of the state income tax return of any amounts deducted and withheld pursuant to the act.

Defines the term "validated taxpayer identification number". Requires enforcement of the provisions of the bill without regard to race, religion, gender, ethnicity, or national origin.

Makes an appropriation of \$93,750 to the department of personnel and administration.

**APPROVED** by Governor July 31, 2006

**EFFECTIVE** July 31, 2006

**H.B. 06S-1020** Business use of known unauthorized alien to perform labor services - wages or remuneration not deductible business expense - referred measure. Refers to the voters of the state at the November 2006 general election a measure that:

- On or after January 1, 2008, prohibits a taxpayer from claiming as a deductible business expense for state income tax purposes wages or remuneration for labor services paid to an unauthorized alien of \$600 or more in any single year if the taxpayer knew of the unauthorized status of the alien at the time of hiring.
- Specifies that the prohibition does not apply if:
  - The taxpayer is a Colorado business that is exempt from compliance



- with specified federal employment verification procedures;
  - The taxpayer hired the individual being paid before the effective date of the measure;
  - The taxpayer does not directly compensate or employ the individual being paid; or
  - The individual being paid presented to the taxpayer a valid license or identification card issued by the department of revenue.
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- Requires a disallowed business expense that was claimed as a deduction in determining a taxpayer's federal income tax liability to be added to the taxpayer's federal taxable income for purposes of determining the taxpayer's state income tax liability.
  - Authorizes the executive director of the department of revenue to prescribe necessary forms and promulgate necessary administrative rules.
  - Defines the terms "labor services" and "unauthorized alien".

**REFERRED MEASURE** November 2006

**NOTE:** This act will be submitted to a vote of the people at the November 2006 general election.

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