

INSIDE BUSINESS

An update on the evolution of committed, same-sex relationships in state of Colorado

In February, this column described the perils that same-sex couples face when they fail to plan their estates. At the time, same-sex couples could not avail themselves of the benefits and protections of marriage. I suggested that, as a consequence, same-sex couples should make appropriate legal arrangements, thoughtfully designed to approximate marriage because a failure to do so could end in tragedy.

A lot has changed since February. Same-sex couples in Colorado can now form a civil union, which gives them substantially all of the rights and obligations of marriage under state law. Meanwhile, the U.S. Supreme Court decision in *United States v. Windsor* struck down certain portions of the Defense of Marriage Act (DOMA), paving the way for the federal government to recognize same-sex marriages.

But any reports of DOMA's demise are somewhat premature. *Windsor* made no ruling on the DOMA provisions that allow states to refuse to recognize same-sex marriage. The tide of public opinion in our state may have swung decisively in favor of enfranchising committed, same-sex relationships, but our constitution still says

that "Only a union of one man and one woman shall be valid or recognized as a marriage in this state."



Matthew Trinidad
Pro Bono Publico

The Colorado civil union legislation basically says that any state law that applies to marriage applies equally to civil unions, so some may ask, aren't civil unions enough? Why does it matter that our constitution won't permit same-sex marriage?

Here's why: The IRS will not extend the rights associated with marriage to those whose only legal relationship is a civil union. To the extent that other federal agencies so limit what they consider to be a marriage under federal law, this development could have broad implications for those whose only legal relationship is a civil union. If other federal agencies so limit what they consider to be a marriage under federal law this development could have broad implications for those whose only available option is a civil union.

Here's another reason: A civil union disappears at the state line. A hospital in Gulf Shores, for instance, may look to blood relatives instead of a civil partner for the end-of-life decisions concerning the life and death of a civil partner who was critically injured while

visiting family. The siblings of a deceased civil partner who lived in Glenwood but who returned to Topeka for hospice care might successfully argue in court that Kansas law applies when it comes time to distribute her estate, effectively nullifying the civil union.

Solutions exist that can mitigate these risks, so despite the recent and historic changes to the law, same-sex couples still may pay a high price for a failure to carefully plan their estate.

The question of whether to recognize same-sex marriage will likely be on the general ballot in 2014, so voters here will soon have an opportunity to resolve some of these issues by constitutional amendment. Other developments will continue to occur at both the state and federal levels.

It's impossible to capture the nuances of this complex and evolving area of the law in a monthly column, so I'm teaching a class on estate planning for same-sex couples at CMC in Glenwood Springs on Sept. 19. The cost is minimal. I invite you to attend if this topic matters to you.

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MARKET

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But the rate has been falling, in part, for a bad reason: People are dropping out of the labor force. Once people without a job stop looking for one, the government no longer counts them as unemployed.

Some are retiring. Some are young adults who have chosen to go to college rather than brave a tough job market. Some have gone on disability. And some have given up the job search, discouraged by repeated rejections.

The percentage of people either working or looking for work — the so-called labor force participation rate — fell last month to a 35-year low: 63.2 percent. If the participation rate were at the pre-recession level of 66 percent, up to 6.8 million more people could be counted as unemployed. And the unemployment rate could be as high as 11.2 percent.

The 4 million-plus Americans who have been unemployed for six months or more are down from a peak of 6.7 million in April 2010. Yet before 2009, the United States had never seen long-term unemployment surpass 2.9 million, even during the deep recessions of the mid-1970s and early 1980s.

JOB CREATION

Since the Great Recession officially ended in June 2009, the American economy has added nearly 5.6 million jobs. Yet that hasn't been nearly enough to fill the hole left by the recession. The United States still has 1.9 million fewer jobs than the 138 million it had when the recession officially began in December 2007.

If hiring continued at August's 169,000-job monthly pace, the job market wouldn't return to pre-recession levels for almost another year.

And that's before taking population growth into account. Heidi Shierholz, an economist at the liberal Economic Policy Institute, calculates that the U.S. job market is 8.3 million jobs short of where it needs to be to keep up with a growing population and reduce unemployment to pre-recession levels.

But job creation seems to be slowing. From January through April this year, employers added a robust 205,000 jobs a month. In the four months since, they've added only 155,000.

Phone and Internet Discounts Available to CenturyLink Customers

The Colorado Public Utilities Commission designated CenturyLink as an Eligible Telecommunications Carrier within its service area for universal service purposes. CenturyLink's basic local service rates for residential voice lines are \$15.40-\$17.00 per month and business services are \$30.60-\$35.02 per month. Specific rates will be provided upon request.

CenturyLink participates in a government benefit program (Lifeline) to make residential telephone service more affordable to eligible low-income individuals and families. Eligible customers are those that meet eligibility standards as defined by the FCC and state commissions. Residents who live on federally recognized Tribal Lands may qualify for additional Tribal benefits if they participate in certain additional federal eligibility programs. The Lifeline discount is available for only one telephone per household, which can be either a wireline or wireless telephone. A household is defined for the purposes of the Lifeline program as any individual or group of individuals who live together at the same address and share income and expenses. Lifeline service is not transferable, and only eligible consumers may enroll in the program. Consumers who willfully make false statements in order to obtain Lifeline telephone service can be punished by fine or imprisonment and can be barred from the program.

Lifeline eligible subscribers may also qualify for reliable home High-Speed Internet service up to 1.5 Mbps for \$9.95* per month for the first 12 months of service. Further details are available at centurylink.com/internetbasics.

If you live in a CenturyLink service area, please call 1-888-833-9522 or visit centurylink.com/lifeline with questions or to request an application for the Lifeline program.



*CenturyLink® Internet Basics Program – Residential customers who qualify based on meeting income level or program participation eligibility requirements, and whose income/eligibility for the service after period. First bill will include charges for the first 12 months of service billed in advance. Standard charges for service from the time of installation to 1st bill, and new line charges and fees described above. Qualifying customers may have this program for a maximum of 12 months. Other service activation promotion/offer may apply during that time. Limited High-Speed Internet service of 1.5 Mbps, applies for first 12 months of service after which rate reverts to \$14.95/mo. for the next 60 months of service, and requires a 12-month term agreement. Customer must either make a non-payment from CenturyLink for an additional monthly charge or independently purchase a modem/router, and a one-time High-Speed Internet activation fee applies. A one-time professional installation charge of \$100 is selected by customer and a one-time shipping and handling fee applies to customer's modem/router. **Special** – Service not available everywhere. Contact us for more details on special services or subscribe service services at its toll-free number without penalty. Offer plans, and related rates are subject to change and may vary by service area. Details may be required. Additional restrictions apply. **Terms and Conditions** – All products and services listed are governed by tariffs, terms of service, or terms and conditions posted at centurylink.com. **Taxes, Fees, and Surcharges** – Activities taxes, fees, and surcharges include in-CenturyLink Service charge, center and recovery surcharges, state and toll fees that vary by area and certain in-state surcharges. Credit necessary there are not taxes or government required charges for sale. Taxes, fees, and surcharges apply based on standard monthly air plan/contract rates. ©2013 CenturyLink. All Rights Reserved. The name CenturyLink and the sunburst logo are trademarks of CenturyLink. All other marks are the property of their respective owners.

SnowHauling Request for Qualifications

The City of Aspen Street Department is accepting qualifying statements from Vendors/Contractors for 2013/2014 winter snow hauling season. The City contracts with multiple vendor/contractors for on-call snow removal services from October 24, 2013 through April 15, 2014. The City does not guarantee number of hours per vendor. The pay rate is \$80 per hour. The following requirements must be met in order to be considered for on-call snow removal services.



THE CITY OF ASPEN

Requirements –

- Must be a tandem dump truck
- Able to respond to call outs within 1 hour of call, 24/7
- Season runs from October 24, 2013 thru approximately April 15, 2014
- Trucks must be DOT approved
- Bed vibrator, tire chains, tow strap and push bar on tail gate
- Spreader lip must be removed. We are not responsible for damage, if the spreader lip is not removed.
- City of Aspen Business license
- Copy of certificate of insurance
- Copy of Workman's Compensation Insurance

Packet documents can be picked up at the City of Aspen Street Department, 1080 Power Plant Road, between the hours of 7:00 AM and 4:00 PM. Monday thru Friday.

Vendor/Contractor notification will occur by October 7, 2013. Multiple vendors will be selected to ensure an adequate fleet for snow removal. Selection will be based on the Vendor/Contractor's demonstration of meeting all the requirements, acceptance of the hourly rate, and related work experience and history.

Qualification Statements are due by 10:00am MST September 27, 2013, at 1080 Power Plant Road, Aspen, Colorado 81611. Late Statements will not be accepted. Statements must address all the requirements outlined above and clearly state on the envelope "STATEMENT OF QUALIFICATIONS FOR SNOW REMOVAL ON-CALL SERVICES". Failure to do so may result in disqualification. Questions should be addressed to the Street Department at 970-920-5131 or 970-920-5133.