

SENATE JOURNAL
Sixty-fifth General Assembly
STATE OF COLORADO
First Extraordinary Session

1st Legislative Day Thursday, July 6, 2006

Prayer	By Senator Fitz-Gerald.	10
Pledge	By Senator Veiga.	12
Call to Order	The hour of 10:00 a.m. having arrived, the Senate of the First Extraordinary Session of the Sixty-fifth General Assembly of the State of Colorado, pursuant to call, was called to order by Senator Fitz-Gerald, President of the Senate.	14
Roll Call	Present--33. Absent--2; Entz, Mitchell. Present later--Entz, Mitchell.	18
Quorum	The President announced a quorum present.	22

COMMUNICATION FROM THE SECRETARY OF STATE

State of Colorado
Department of
State

United States of America, ss. Certificate
State of Colorado

I, Gigi Dennis, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Executive Order D 015 06 for the First Extraordinary Session of the Sixty-fifth General Assembly as filed in this office on June 29, 2006.

In Testimony Whereof I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 3rd day of July A.D. 2006.

(Signed)
Gigi Dennis
Secretary of State

D 015 06
EXECUTIVE ORDER

PROCLAMATION
CALL FOR THE FIRST EXTRAORDINARY SESSION
OF THE SIXTY-FIFTH GENERAL ASSEMBLY

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular vested in the Governor pursuant to Article IV, Section 9 of the Colorado Constitution, and as provided for in Article V, Section 7, I, Bill Owens, Governor of the State of Colorado, hereby find that the following extraordinary occasions exist to convene the Sixty-Fifth General Assembly to meet in special session.

I. Background and Need

A. Immigration

Colorado, like every state in the nation, must confront the increasing challenges related to illegal immigration. Illegal immigration has an economic, social and demographic impact on Colorado. It is estimated that approximately 250,000 undocumented aliens reside and

work in the State of Colorado, while approximately ten to fifteen million undocumented aliens presently live and work in the United States. Illegal immigration is an issue that crosses state lines and must be addressed by the federal government, however, the State of Colorado must take measures to respond to Colorado's dramatically increasing illegal immigrant population.

1. Prohibiting State Funds for Illegal Immigrants

Federal law prohibits illegal immigrants from receiving tax-funded services, with some specific exceptions. However, the increasing number of illegal immigrants in Colorado, along with the increased costs to the State of Colorado, necessitates further legislation to address the issue. The State of Colorado should ensure that only those persons eligible are able to receive state funded services. Colorado must enact a law which prohibits the use of state funds for illegal immigrants at both the state and local level, except as necessary for emergency services, including pre-natal care, and K-12 public education, as mandated by federal law.

2. Employer Verification

Employers currently have a financial incentive to hire undocumented illegal immigrants as these workers traditionally accept lower wages. At the same time, employers currently have little legal incentive to ensure the employees they hire may lawfully work in this country. Employers who hire undocumented illegal immigrants perpetuate the flow of illegal immigrants to this state while the vast majority of employers who act according to the law are therefore at a disadvantage.

Employers now have effective tools readily available to validate an employee's status. For instance, several federal databases allow employers to verify the validity of identifying information used to gain employment. These services are free of charge or are available at a minimal fee. With these new tools, employers should be held to a higher standard of accountability by being required to take reasonable measures to validate the lawful work status of its employees.

I believe that significant fines should be levied against these employers who submit false or fraudulent documentation to the state, including I-9 forms and social security numbers, without taking reasonable measures to validate such information prior to submission. I believe that employers should accept this relatively simple step of taking reasonable measures to validate the lawful work status of its employees.

To ensure employers abide by this law, the state must have resources necessary to investigate and issue fines on violating employers. Such a measure would greatly reduce the use of fraudulent documents to illegally obtain employment within the State of Colorado.

3. Prohibiting Tax Benefits for Employers Hiring Illegal Immigrants

Additional state measures can be taken to ensure private employers do not employ undocumented illegal immigrants. In that regard, the State of Colorado should not allow employers who hire illegal immigrants to use any of the unauthorized employees' wages as a deductible business expense. The State of Colorado should require a six percent withholding tax on compensation paid to an employee whose compensation is reported on a Form 1099 where that employee has failed to provide a valid taxpayer identification number. Both laws should be effective July 1, 2007. These measures are similar to the recently enacted Georgia Security and Immigration Compliance Act, Georgia Senate Bill 529.

4. Proof of Citizenship to Register to Vote and to Vote

Verifiable identification is required of citizens to drive a vehicle, board an airplane, or cash a check. These are privileges in which it is critical to confirm the individual's identity through a verifiable identification process. Voting is the most valuable privilege we have as U.S. citizens and yet our state law invites fraudulent activity by allowing people to vote without presenting a basic form of identification. Currently, an individual can present a utility bill, a bank statement, a government check, or even a paycheck to register to vote and to vote. The State of Colorado lends itself to such fraudulent voting by not requiring actual verifiable identification to ensure the individual is a citizen of this state and this country.

The State of Colorado has developed a comprehensive system for ensuring driver's license and government issued identification are only granted to persons who can prove their identity and citizenship through verifiable identification. C.R.S. § 42-2-108 and C.R.S. § 42-2-302 requires applicants to present two forms of identification in order to be issued a

state drivers license or identification. While the list of documentation that can be presented is extensive, this process confirms the individual's identity and citizenship.

Colorado has developed a proven system for confirming identity and citizenship through the process of issuing driver's licenses and government identifications. This same system should be adopted as a requirement to register to vote and to vote. In order to register to vote and to vote, Colorado should require each individual to present a state issued driver's license or require the same form of identification required to obtain a driver's license. This simple measure would confirm that only lawful citizens vote.

5. Strengthening Human Trafficking laws

The human trafficking legislation the General Assembly passed in 2006 was a good first step. However, more can be done to protect vulnerable people from involuntary servitude. Recently, a case went to trial in Colorado where a couple allegedly kept an immigrant woman as a prisoner in their home, forcing her to work for them without compensation. Strengthening our laws against such inhumane practice will help prevent future occurrences and ensure perpetrators are severely punished.

The state legislature should consider measures to strengthen human trafficking laws by criminalizing involuntary servitude, forbidding forced labor or services by threatening the destruction of immigration documents, and making the act of threatening an individual with reporting illegal status to officials for the purpose of extorting money a felony.

6. Referred Measure for Statewide Vote of the People

One important step in this debate was a citizen proposed ballot initiative ("Initiative #55") to be placed on the November 2006 ballot that would have asked voters to decide whether state and local governments should provide non-emergency services to illegal immigrants. However, the Colorado Supreme Court precluded the citizens from deciding on this issue by issuing an unprecedented ruling that Initiative #55 violated the single subject requirement of the Colorado Constitution. The Supreme Court unilaterally prohibited Colorado citizens from having this debate and precluded the proponents from fixing the alleged technical deficiency.

If the state legislature fails to pass substantive illegal immigration reform statutes, the legislature should pass a referred measure that prohibits state and local governments from providing services to illegal immigrants, except as mandated by federal law. If the people's representatives cannot act on this issue, they must allow the people of Colorado to have this debate. While Colorado citizens may ultimately determine that this law is unnecessary this issue itself deserves public debate and a public vote this November.

B. Colorado Supreme Court Timeline

Colorado Revised Statute §1-40-107, governs the appeal process arising when there is a challenge to a citizen proposed ballot initiative. The law requires the Supreme Court to "promptly" rule on the matter "consistent with the rights of the parties." In the action pertaining to Initiative #55, the Supreme Court took an unprecedented amount of time to render their ruling. Petitioners in this matter first filed their appeal with the Supreme Court in January 2006. The matter was fully briefed and before the Supreme Court on March 17, 2006. However, the Supreme Court did not issue an opinion on this matter until June 13, 2006, well after the deadline for the proponents of the initiative to attempt to remedy the alleged defects found by the Supreme Court.

Matters concerning citizen proposed ballot initiatives are of significant importance in Colorado. The legislative declaration concerning referendums and initiatives states that the purpose of the statutes is to "properly safeguard, protect, and preserve...these modern instrumentalities of democratic government." By placing a specific timeline on the Supreme Court, citizens can work with an objective and predictable timeline and plan for time to cure adverse technical rulings on an initiative. I suggest amending C.R.S. §1-40-107(2) by changing the word "promptly" to "within thirty days."

The public has a right to a predictable timeline on these matters.

C. Common Law Marriage

Colorado is one of ten states that recognizes the validity of common law marriage. Common law marriage is a term used to describe a marriage which has not complied with statutory requirements necessary for a ceremonial marriage. A common law marriage may be established in Colorado as long as the persons are free to enter into a marriage, each person consents to the marriage, and the parties cohabit.

The Colorado Court of Appeals recently issued a decision concerning common law marriage in Colorado. In In re Marriage of J.M.H., (Colo. App. 2006), the Court of Appeals concluded that the age of consent for a common law marriage is age fourteen for males and age twelve for females.

Colorado must change its statutes regarding this issue. This ruling could be used as a defense for adult perpetrators who violate young children. In addition, this ruling creates conflicts in Colorado law. For instance, in Colorado a person can be convicted of statutory rape if the victim is fourteen years of age and the perpetrator is four years older. Consent is not a defense to statutory rape. Furthermore, in Colorado the Uniform Marriage Act establishes that the statutory age of consent for marriage is eighteen. C.R.S. §14-2-106. Persons between sixteen and eighteen years of age may marry if they obtain parental consent or judicial approval. C.R.S. §14-2-106, 108. This issue must be resolved for public safety and uniformity within state law.

The legislature should consider whether Colorado law should continue to acknowledge common law marriage. At a minimum, the age requirements for a valid common law marriage should mirror the age requirements contained in the Uniform Marriage Act.

II. Proclamation

I, Bill Owens, Governor of the State of Colorado, with this proclamation find extraordinary occasions exist to convene the Sixty-Fifth General Assembly of this state and summon the members of the Sixty-Fifth General Assembly to meet in Special Session at the State Capitol, in the City and County of Denver, on July 6, 2006, at 10:00 a.m. and designate the following specific subjects for your consideration and appropriate legislative action:

A. Concerning a statutory measure prohibiting state and local governments from expending state funds on services to illegal immigrants, except emergency services including prenatal care and K-12 education, as required by federal law.

B. Concerning a statutory measure implementing significant fines for employers in the State of Colorado that submit false or fraudulent documentation to the state pertaining to the identification of its employees without taking reasonable measures to confirm such information as legally valid.

C. Concerning a statutory measure exempting any wages earned by undocumented employees as a deductible business expense for state income tax purposes. The statutory measure shall allow the Department of Revenue to promulgate rules and regulations necessary for the enforcement of this provision.

D. Concerning a statutory measure requiring a six percent withholding tax on compensation paid to an employee whose compensation is reported on a Form 1099 where that employee has failed to provide a valid taxpayer identification number.

E. Concerning a statutory measure requiring a person to provide verifiable identification to register to vote and to vote that is no less restrictive than current state requirements to issue driver's license and state identification.

F. Concerning a statutory measure to criminalize involuntary servitude, forbid forced labor or services by threatening the destruction of immigration documents, and making the act of threatening an individual with reporting illegal status to officials for the purpose of extorting money a felony.

G. Concerning implementing a referred measure to a statewide vote of the people banning state and local government services to illegal immigrants, except as mandated by federal law.

H. Concerning a measure to ensure a timely resolution from the Colorado Supreme Court concerning proposed ballot initiatives pursuant to C.R.S. §1-40-107, by replacing the term "promptly" with an objective and numeric timeline, not to exceed 30 days.

I. Concerning raising the age of consent in common law marriage, at a minimum, to conform with the statutory age requirements contained in the Uniform Marriage Act.

GIVEN under my hand and the Executive Seal of the State of Colorado this 28th day of June, 2006.

(signed)
Bill Owens
Governor

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Temporary Rules

On motion of Senator Gordon, and with the unanimous consent of the Senate, the Rules of the Senate of the Second Regular Session of the Sixty-fifth General Assembly were made the Temporary Rules of the First Extraordinary Session of the Sixty-fifth General Assembly.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

President Fitz-Gerald announced that Karen Kuhlmann has been designated as acting Secretary for the duration of this Extraordinary Session by Secretary of the Senate, Karen Goldman.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SR06S-001 by Senator(s) Gordon; --Concerning changes to the membership of a Senate Committee of Reference.

On motion of Senator Gordon, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

Co-sponsors added: Fitz-Gerald.

On motion of Senator Gordon, and with the unanimous consent of the Senate, the President appointed Senators Sandoval, Tapia and Jones as members of the committee to notify the House of Representatives that the Senate was organized and ready for business.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared **adopted**.

INTRODUCTION OF BILLS -- FIRST READING

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

SB06S-001 by Senator(s) Hagedorn; --Concerning restrictions on public benefits for persons eighteen years of age or older.
Health and Human Services

SB06S-002 by Senator(s) Veiga; --Concerning the time within which the Colorado supreme court is required to act on an appeal of a ruling of the title board relating to an initiative petition.
Judiciary

SB06S-003 by Senator(s) Mitchell, Traylor; also Representative(s) Penry--Concerning procedures that the Colorado supreme court is required to follow when acting on an appeal of a ruling of the title board relating to an initiative petition, and, in connection therewith, specifying that the court must act on such appeals in fewer than thirty-one days, requiring the court to identify language that constitutes more than one subject under certain circumstances, and specifying the sources that the court may consider when identifying an additional subject.
Judiciary

- SB06S-004** by Senator(s) Shaffer; also Representative(s) Borodkin--Concerning a prohibition against the extortion of immigrants, and making an appropriation in connection therewith. Judiciary 1
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- SB06S-005** by Senator(s) Williams; --Concerning a prohibition against coercion of immigrants, and making an appropriation in connection therewith. Judiciary 5
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- SB06S-006** by Senator(s) Boyd; also Representative(s) Green, McGihon--Concerning age restrictions for common law marriage. Judiciary 9
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- SB06S-007** by Senator(s) Gordon; also Representative(s) Buescher--Concerning voting by persons who are not entitled to vote in an election, and making an appropriation in connection therewith. Judiciary 13
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- SB06S-008** by Senator(s) Traylor; also Representative(s) Knoedler--Concerning the documentation necessary for the identification of electors in connection with elections in the state. Judiciary 17
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MESSAGE FROM THE HOUSE

July 6, 2006
Madame President:

The House has adopted and transmits herewith HJR06S-1001, as printed in House Journal, July 6.

Pursuant to the resolution, the Speaker has appointed Representatives Plant, chairman, Paccione, and Hefley.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

- HJR06S-1001** by Representative(s) Madden, Romanoff, May M.; also Senator(s) Gordon, Fitz-Gerald, McElhany--Concerning the appointment of a joint committee to notify the Governor that the First Extraordinary Session of the Sixty-fifth General Assembly is organized and ready for business. 38
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On motion of Senator Gordon, the resolution was **adopted** by the following roll call vote: 43
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YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

The President appointed Senators Windels and Brophy to serve on the committee to notify the Governor. 57
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Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

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Judiciary	After consideration on the merits, the Committee recommends that SB06S-006 be referred to the Committee of the Whole with favorable recommendation.	4
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Judiciary	After consideration on the merits, the Committee recommends that SB06S-002 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	8
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Judiciary	After consideration on the merits, the Committee recommends that SB06S-007 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	12
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	Amend printed bill, page 1, line 101, after " CONCERNING ", insert " PENALTIES FOR ".	16
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Judiciary	After consideration on the merits, the Committee recommends that SB06S-003 be postponed indefinitely.	20
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Judiciary	After consideration on the merits, the Committee recommends that SB06S-005 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	24
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Judiciary	After consideration on the merits, the Committee recommends that SB06S-008 be postponed indefinitely.	28
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Judiciary	After consideration on the merits, the Committee recommends that SB06S-004 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	31
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Health & Human Services	After consideration on the merits, the Committee recommends that SB06S-001 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	34
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	Amend printed bill, page 2, strike lines 17 through 20 and substitute the following:	38
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	"OR POLITICAL SUBDIVISION OF THE STATE, PRIOR TO PROVIDING STATE OR LOCAL PUBLIC BENEFITS OR FEDERAL BENEFITS TO ANY INDIVIDUAL EIGHTEEN YEARS OF AGE OR OLDER, SHALL VERIFY THAT THE INDIVIDUAL IS LAWFULLY PRESENT IN THE UNITED STATES."	41
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	Page 3, strike lines 25 through 27 and substitute the following:	46
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	"(g) FOR SERVICES PROVIDED BY THE COLORADO WOMEN'S CANCER CONTROL INITIATIVE PURSUANT TO PART 15 OF ARTICLE 4 OF TITLE 25, C.R.S."	48
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	Page 4, strike lines 1 and 2;	52
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	after line 12, insert the following:	54
		55
	"(4.5) IN ADDITION TO THE VERIFICATION REQUIREMENTS SPECIFIED IN SUBSECTION (4) OF THIS SECTION, ON AND AFTER THE DATE THE WORK ELIGIBILITY VERIFICATION PORTAL CREATED AND OPERATED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-22-628, C.R.S., BECOMES OPERATIONAL AND AVAILABLE FOR USE BY EMPLOYERS, AN AGENCY OR POLITICAL SUBDIVISION SHALL FURTHER VERIFY THE LAWFUL PRESENCE IN THE UNITED STATES OF EACH APPLICANT EIGHTEEN YEARS OF AGE OR OLDER FOR FEDERAL PUBLIC BENEFITS OR STATE OR LOCAL PUBLIC BENEFITS BY USING SAID VERIFICATION PORTAL."	56
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	Page 5, line 9, strike "SECTION." and substitute "SECTION, EXCEPT AS NECESSARY TO PROTECT THE LIFE, HEALTH, OR SAFETY OF THE PUBLIC.";	66
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	line 12, strike "SECTION" and substitute "SECTION, ITS COSTS TO COMPLY	69

WITH THIS SECTION, AND AN ESTIMATE OF THE COSTS SAVED BY COMPLYING WITH THIS SECTION";

after line 27, insert the following:

"SECTION 2. Part 6 of article 22 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-22-628. Work eligibility verification portal. ON OR BEFORE JANUARY 1, 2008, THE DEPARTMENT OF REVENUE SHALL ESTABLISH AND MAKE AVAILABLE FOR ACCESS TO EMPLOYERS A WORK ELIGIBILITY VERIFICATION PORTAL THAT ENABLES AN EMPLOYER TO ACCESS A DATABASE TO VERIFY WHETHER A TAXPAYER IDENTIFICATION NUMBER IS VALID AND THAT COMPLIES WITH ALL REQUIREMENTS OF THE FEDERAL "REAL ID ACT."."

Renumber succeeding section accordingly.

INTRODUCTION OF MEMORIALS

The following memorial was read by title and referred to the committee indicated:

- SJM06S-001 by Senator(s) Teck; also Representative(s) White--Concerning memorializing Congress to adopt legislation to deny citizenship at birth to children born in the United States to parents who are not legally present in the United States. State, Veterans & Military Affairs

INTRODUCTION OF BILLS -- FIRST READING

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

- SB06S-009 by Senator(s) Jones; --Concerning enforcement of immigration laws by law enforcement agencies in Colorado. State, Veterans & Military Affairs
SB06S-010 by Senator(s) Brophy; --Concerning a requirement that the registered agent of a small donor committee certify that all contributions received in the form of membership dues transferred by a membership organization are from permissible sources. State, Veterans & Military Affairs
SB06S-011 by Senator(s) Owen; also Representative(s) Hall--Concerning a prohibition against bail bonding agents furnishing bail bonds for defendants who may be illegally present within the United States. State, Veterans & Military Affairs
SB06S-012 by Senator(s) Entz; also Representative(s) Massey--Concerning the restriction of public benefits to persons who are lawfully present in the United States. State, Veterans & Military Affairs
SB06S-013 by Senator(s) Kester; also Representative(s) Gardner--Concerning the restriction of nonemergency government services to persons who are lawfully present in the United States. State, Veterans & Military Affairs

INTRODUCTION OF CONCURRENT RESOLUTIONS -- FIRST READING

The following concurrent resolutions were read by title and referred to the committees indicated:

- SCR06S-001 by Senator(s) Wiens; also Representative(s) Clapp--Submitting to the registered electors of the state of Colorado an amendment to article V of the constitution of the state of Colorado

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concerning the restriction of the expenditure of taxpayer money on services benefitting the welfare of individuals to services provided to persons who are lawfully present in the United States, and, in connection therewith, restricting the expenditure of taxpayer money by the state and local governments on services benefitting the welfare of individuals to those services provided to United States citizens or aliens lawfully present in the United States, except as otherwise mandated by federal law, and providing for the implementation and enforcement of this restriction.

State, Veterans & Military Affairs

SCR06S-002 by Senator(s) Evans, Lamborn; --Submitting to the registered electors of the state of Colorado an amendment to article V of the constitution of the state of Colorado concerning the restriction of nonemergency government services to persons who are lawfully present in the United States, and, in connection therewith, restricting the provision of nonemergency services by the state and local governments to United States citizens or aliens lawfully present in the United States, except as otherwise mandated by federal law, and providing for the implementation and enforcement of this restriction.

State, Veterans & Military Affairs

SCR06S-003 by Senator(s) Dyer; also Representative(s) Clapp--Submitting to the registered electors of the state of Colorado an amendment to article V of the constitution of the state of Colorado concerning the restriction of the provision of administrative services to persons who are lawfully present in the United States, and, in connection therewith, restricting the provision of administrative services by the state and local governments to United States citizens or aliens lawfully present in the United States, except as otherwise mandated by federal law, and providing for the implementation and enforcement of this restriction.

State, Veterans & Military Affairs

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SR06S-001.

CHANGE IN SPONSORSHIP

Upon announcement of President Fitz-Gerald, Representative McFadyen replaces Representative Borodkin as the prime sponsor on SB06S-004.

Senate in recess. Senate reconvened.

On motion of Senator Gordon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB06S-006 and SB06S-001 were made Special Orders at 6:35 p.m.

Committee of the Whole The hour of 6:35 p.m. having arrived, Senator Shaffer moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Shaffer was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB06S-006 by Senator(s) Boyd; also Representative(s) Green, McGihon--Concerning age restrictions for common law marriage.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06S-001 by Senator(s) Hagedorn; --Concerning restrictions on public benefits for persons eighteen years of age or older.

Amendment No. 1, Health and Human Services Committee Amendment.
(Printed in Senate Journal, July 6, pages 7-8, was declared LOST.)

Amendment No. 2(L.012), by Senator Hagedorn.

Amend printed bill, page 2, line 16, strike "ON AND AFTER JULY 1, 2007,".

Amendment No. 3(L.013), by Senator Hagedorn.

Amend printed bill, page 4, line 15, strike "ELIGIBILITY" and substitute "LAWFUL PRESENCE";

line 21, strike "ELIGIBILITY VERIFICATION" and substitute "VERIFICATION OF LAWFUL PRESENCE".

Amendment No. 4(L.014), by Senator Hagedorn.

Amend printed bill, page 3, line 23, after "SAFETY;" , insert "OR";

line 24, strike "CARE; OR" and substitute "CARE.";

strike lines 25 through 27.

Page 4, strike lines 1 and 2.

Amendment No. 5(L.015), by Senator Hagedorn.

Amend printed bill, page 2, line 19, strike "APPLIES FOR" and substitute "RECEIVES".

Amendment No. 6(L.020), by Senator Owen.

Amend printed bill, page 4, after line 12, insert the following:

"(4.5) IN ADDITION TO THE VERIFICATION REQUIREMENTS SPECIFIED IN SUBSECTION (4) OF THIS SECTION, ON AND AFTER THE DATE THE WORK ELIGIBILITY VERIFICATION PORTAL CREATED AND OPERATED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-22-628, C.R.S., BECOMES OPERATIONAL AND AVAILABLE FOR USE BY EMPLOYERS, AN AGENCY OR POLITICAL SUBDIVISION SHALL FURTHER VERIFY THE LAWFUL PRESENCE IN THE UNITED STATES OF EACH APPLICANT EIGHTEEN YEARS OF AGE OR OLDER FOR FEDERAL PUBLIC BENEFITS OR STATE OR LOCAL PUBLIC BENEFITS BY USING SAID VERIFICATION PORTAL."

Page 5, after line 27, insert the following:

"**SECTION 2.** Part 6 of article 22 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-22-628. Work eligibility verification portal. ON OR BEFORE JANUARY 1, 2008, THE DEPARTMENT OF REVENUE SHALL ESTABLISH AND MAKE AVAILABLE FOR ACCESS TO EMPLOYERS A WORK ELIGIBILITY VERIFICATION PORTAL THAT ENABLES AN EMPLOYER TO ACCESS A DATABASE TO VERIFY WHETHER A TAXPAYER IDENTIFICATION NUMBER IS VALID AND THAT COMPLIES WITH ALL REQUIREMENTS OF THE FEDERAL "REAL ID ACT".

Renumber succeeding section accordingly.

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Amendment No. 7(L.021), by Senators Lamborn and Hagedorn.

Amend printed bill, page 5, strike lines 22 through 27.

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

(For further action, see Amendments to the Report of the Committee of the Whole.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB06S-001 by Senator(s) Hagedorn; --Concerning restrictions on public benefits for persons eighteen years of age or older.

Senator Kester moved to amend the Report of the Committee of the Whole to show that the following amendment (COW.001) to SB06S-001 did pass.

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

"SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 76.5
Restrictions on Nonemergency Services**

24-76.5-101. Restrictions on nonemergency services.

(1) EXCEPT AS OTHERWISE MANDATED BY FEDERAL LAW, THE PROVISION OF NONEMERGENCY SERVICES TO PERSONS EIGHTEEN YEARS OF AGE OR OLDER BY THE STATE OF COLORADO, OR ANY CITY, COUNTY, CITY AND COUNTY, OR OTHER POLITICAL SUBDIVISION THEREOF, IS RESTRICTED TO CITIZENS OF OR ALIENS LAWFULLY PRESENT IN THE UNITED STATES.

(2) (a) A PERSON LAWFULLY RESIDING IN THE STATE OF COLORADO SHALL HAVE STANDING TO SUE THE STATE OF COLORADO, OR ANY CITY, COUNTY, CITY AND COUNTY, OR OTHER POLITICAL SUBDIVISION THEREOF, TO ENFORCE THIS SECTION.

(b) COURTS OF RECORD OF THE STATE OF COLORADO SHALL HAVE JURISDICTION TO HEAR CASES BROUGHT TO ENFORCE THIS SECTION.

SECTION 2. Refer to people under referendum. This act shall be submitted to a vote of the registered electors of the state of Colorado at the next biennial regular general election, for their approval or rejection, under the provisions of the referendum as provided for in section 1 of article V of the state constitution, and in article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting for or against said act shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL THERE BE AN AMENDMENT TO THE COLORADO REVISED STATUTES CONCERNING THE RESTRICTION ON NONEMERGENCY GOVERNMENT SERVICES TO PERSONS WHO ARE LAWFULLY PRESENT IN THE UNITED STATES, AND, IN CONNECTION THEREWITH, RESTRICTING THE PROVISION OF NONEMERGENCY SERVICES TO PERSONS EIGHTEEN YEARS OF AGE OR OLDER BY THE STATE AND LOCAL GOVERNMENTS TO UNITED STATES CITIZENS OR ALIENS LAWFULLY PRESENT IN THE UNITED STATES, EXCEPT AS OTHERWISE MANDATED BY FEDERAL LAW?". The votes cast for the adoption or rejection of said act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress."

The amendment to the Report of the Committee of the Whole was declared PASSED on the following roll call vote:

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YES	22	NO	13	EXCUSED	0	ABSENT	0
Bacon	N	Hagedorn	N	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	N	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	N	Veiga	N
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	N	Williams	N
Gordon	Y	Lamborn	Y	Tapia	N	Windels	N
Groff	N	May R.	Y	Taylor	Y	President	N
Grossman	N	McElhany	Y	Teck	Y		

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF THE KESTER AMENDMENT TO THE COMMITTEE OF THE WHOLE REPORT FOR SB06S-001

Having voted on the prevailing side, Senator Gordon gave notice of intent to move for reconsideration of the Kester amendment to the Committee of the Whole Report for **SB06S-001**.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Shaffer, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: SB06S-006, SB06S-001 as amended.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **SB06S-005** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 22, strike "**06S-####.**" and substitute "**06S-005.**";

line 24, strike "S.B. 06S-____," and substitute "S.B. 06S-005,".

Page 3, line 4, strike "_____ DOLLARS (\$)." and substitute "EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS (\$87,194).";

line 9, strike "_____ DOLLARS (\$)." and substitute "EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS (\$87,194).";

line 13, strike "_____ DOLLARS (\$)." and substitute "TWENTY-SIX THOUSAND EIGHT HUNDRED THIRTEEN DOLLARS (\$26,813).";

line 18, strike "_____ DOLLARS (\$)." and substitute "EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS (\$87,194).";

line 22, strike "_____ DOLLARS (\$)." and substitute "FIFTY-THREE THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS (\$53,626).";

line 27, strike "_____ DOLLARS (\$)." and substitute "EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS (\$87,194).";

Page 4, line 4, strike "_____ DOLLARS (\$)." and substitute "EIGHTY THOUSAND FOUR HUNDRED THIRTY-NINE DOLLARS (\$80,439).";

line 9, strike "_____ DOLLARS (\$)." and substitute "EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS (\$87,194).";

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line 13, strike "_____ DOLLARS (\$)." and substitute "ONE HUNDRED SEVEN THOUSAND TWO HUNDRED FIFTY-TWO DOLLARS (\$107,252).".

Page 6, line 7, strike "_____ DOLLARS" and substitute "EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS";

line 8, strike "S.B. 06S-____," and substitute "S.B. 06S-005,".

Page 7, line 4, strike "_____ DOLLARS PURSUANT TO S.B. 06S-____," and substitute "EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS PURSUANT TO S.B. 06S-005,";

line 20, strike "_____ DOLLARS" and substitute "EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS";

line 21, strike "06S-____," and substitute "06S-005,".

Page 8, line 5, strike "PLUS _____" and substitute "PLUS EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS";

line 6, strike "S.B. 06S-____," and substitute "S.B. 06S-005,";

line 17, strike "PLUS _____" and substitute "PLUS EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS";

line 18, strike "S.B. 06S-____," and substitute "S.B. 06S-005,".

Appropriations

After consideration on the merits, the Committee recommends that **SB06S-002** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB06S-007** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 14, strike "06S-____." and substitute "06S-007.";

line 16, strike "S.B. 06S-____," and substitute "S.B. 06S-007,";

line 23, strike "_____ DOLLARS (\$_____)." and substitute "EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS (\$87,194).";

strike lines 24 through 27.

Page 3, strike line 1;

line 2, strike "(II)" and substitute "(b)";

line 5, strike "_____ DOLLARS (\$_____)." and substitute "TWENTY-SIX THOUSAND EIGHT HUNDRED THIRTEEN DOLLARS (\$26,813).";

strike lines 6 through 10;

line 11, strike "(II)" and substitute "(c)";

line 14, strike "_____ DOLLARS (\$_____)." and substitute "TWENTY-ONE THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$21,450).";

strike lines 15 through 27.

Page 4, strike lines 1 through 5;

line 6, strike "(2) (s), (2) (t), (2) (u), (2) (v), and (2) (w)," and substitute "(2) (s),";

line 7, strike "are" and substitute "is".

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Page 5, line 26, strike "_____ DOLLARS" and substitute "EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS";

line 27, strike "S.B. 06S-____," and substitute "S.B. 06S-007,".

Page 6, strike lines 2 through 27.

Strike page 7.

Page 8, strike lines 1 through 11.

Appropriations

After consideration on the merits, the Committee recommends that **SB06S-004** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 14 through 27.

Strike pages 3 through 7.

Page 8, strike lines 1 through 15, and substitute the following:

"SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriation, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 3. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendments to section 18-3-207, Colorado Revised Statutes, enacted in this act will result in the minor fiscal impact of three additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes. The general assembly makes this finding as an exception to section 2-2-703, Colorado Revised Statutes."

Renumber succeeding sections accordingly.

Page 1, strike lines 102 and 103 and substitute, "IMMIGRANTS."

On motion of Senator Gordon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB06S-005, SB06S-002, SB06S-007, SB06S-004 were made Special Orders at 8:55 p.m.

Committee of the Whole

The hour of 8:55 p.m. having arrived, Senator Shaffer moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Shaffer was called to the Chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB06S-005 by Senator(s) Williams; also Representative(s) Hodge--Concerning a prohibition against coercion of immigrants, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, July 6, pages 12-13 and placed in members' bill files.)

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Amendment No. 2(L.001), by Senator Williams.

Amend printed bill, page 2, line 7, strike "STATUS;" and substitute "STATUS; OR";

line 10, strike "LAWS; OR" and substitute "LAWS.";

strike lines 11 through 13.

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06S-002 by Senator(s) Veiga; --Concerning the time within which the Colorado supreme court is required to act on an appeal of a ruling of the title board relating to an initiative petition.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB06S-004 by Senator(s) Shaffer; also Representative(s) McFadyen--Concerning a prohibition against the extortion of immigrants, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, July 6, page 14 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

(For further action, see Amendments to the Report of the Committee of the Whole.)

SB06S-007 by Senator(s) Gordon; also Representative(s) Buescher--Concerning voting by persons who are not entitled to vote in an election, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, July 6, page 7 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, July 6, pages 13-14 and placed in members' bill files.)

Amendment No. 3(L.001), by Senator Gordon.

Strike the Judiciary Committee report, dated July 6, 2006, and substitute the following:

"Amend printed bill, page 1, strike lines 101 and 102 and substitute the following:

"CONCERNING THE CREATION OF A CLASS 5 FELONY OFFENSE FOR ANY PERSON WHO VOTES IN ANY ELECTION PROVIDED BY LAW KNOWING THAT THE PERSON IS NOT ENTITLED TO VOTE IN SUCH ELECTION, AND MAKING AN APPROPRIATION IN".

Amendment No. 4(L.005), by Senator Wiens.

Amend printed bill, page 2, line 9, after "C.R.S.", add "ANY PERSON FOUND TO HAVE VIOLATED THE REQUIREMENTS OF THIS SECTION WHO IS NOT A CITIZEN OF THE UNITED STATES SHALL BE REMANDED TO THE CUSTODY OF THE SHERIFF OF THE COUNTY IN WHICH THE PERSON HAS VOTED.".

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB06S-004 by Senator(s) Shaffer; also Representative(s) McFadyen--Concerning a prohibition against the extortion of immigrants.

Senator Evans moved to amend the Report of the Committee of the Whole to show that the

following amendment (COW.001) to SB06S-004 did pass.

Amend printed bill, page 2, line 8, strike "ACT OR REFRAIN FROM PERFORMING A LAWFUL".

The amendment to the Report of the Committee of the Whole was declared LOST on the following roll call vote:

YES	12	NO	23	EXCUSED	0	ABSENT	0
Bacon	N	Hagedorn	N	Mitchell	Y	Tochtrop	N
Boyd	N	Isgar	N	Owen	Y	Traylor	N
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	N
Dyer	N	Jones	Y	Shaffer	N	Veiga	N
Entz	Y	Keller	N	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	N	Williams	N
Gordon	N	Lamborn	Y	Tapia	N	Windels	N
Groff	N	May R.	N	Taylor	N	President	N
Grossman	N	McElhany	Y	Teck	N		

WITHDRAWAL --

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF THE KESTER AMENDMENT TO THE COMMITTEE OF THE WHOLE REPORT FOR SB06S-001

Senator Gordon withdrew notice of intent to move for reconsideration of the Kester amendment to the Committee of the Whole Report for **SB06S-001**.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Shaffer, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: SB06S-005 as amended, SB06S-002, SB06S-004 as amended, SB06S-007 as amended.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, July 6 was laid over until Friday, July 7, 2006, retaining its place on the calendar.

On motion of Senator Gordon, the Senate adjourned until 10:00 a.m., Friday, July 7, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Kuhlmann
Acting Secretary of the Senate

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