

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

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3rd Legislative Day Saturday, July 8, 2006

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Prayer By Senator Fitz-Gerald.

Pledge By Senator May.

Call to Order By the President at 10:00 a.m.

Roll Call Present--34.  
Absent--1; Grossman.  
Present later--Grossman.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Isgar, reading of the Journal of July 7, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.

**THIRD READING OF BILLS -- FINAL PASSAGE**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

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

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	12	EXCUSED	0	ABSENT	1
Bacon	N	Hagedorn	N	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	N	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	N
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	Y
Groff	N	May R.	Y	Taylor	Y	President	N
Grossman	A	McElhany	Y	Teck	Y		

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

Co-sponsors added: Entz, Evans, Johnson, Jones, Kester, Lamborn, May R., Owen, Spence, Traylor and Wiens.

**HB06S-1009** by Representative(s) Crane, Schultheis, Harvey; also Senator(s) Johnson--Concerning a requirement that governmental entities issue authorizations only to persons who are lawfully present in the United States, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	4	EXCUSED	0	ABSENT	1
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	Y
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	N
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	N	Windels	Y
Groff	N	May R.	Y	Taylor	Y	President	Y
Grossman	A	McElhany	Y	Teck	Y		

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

Co-sponsors added: Evans and May R.

**HB06S-1020** by Representative(s) Benefield, Berens, Harvey, Kerr J., Penry, Schultheis; also Senator(s) Windels--Concerning the elimination of a state income tax benefit for a business that pays an unauthorized alien to perform labor services, and, in connection therewith, prohibiting certain wages or remuneration paid to an unauthorized alien for labor services from being claimed as a deductible business expense for state income tax purposes if, at the time the business hired the unauthorized alien, the business knew of the unauthorized status of the alien unless specified exceptions apply and, to the extent such a payment was claimed as a deduction in determining the business' federal income tax liability, requiring an amount equal to the prohibited deduction to be added to the business' federal taxable income for the purpose of determining state income tax liability.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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

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

**HB06S-1002** by Representative(s) Cloer, Madden; also Senator(s) Keller, Johnson--Concerning the provision of health services for all persons in the case of communicable diseases.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	N	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		

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

Co-sponsors added: Bacon, Boyd, Fitz-Gerald, Groff, Grossman, Hagedorn, Isgar, Sandoval, Shaffer, Tapia, Tupa, Veiga, Williams and Windels.

Senator Johnson asked to be removed as a sponsor of HB06S-1002.

**HB06S-1001** by Representative(s) Carroll M.; also Senator(s) Hagedorn--Concerning the requirement that an employer verify that it does not employ illegal immigrants in order to qualify for an

economic development incentive awarded by the Colorado economic development commission.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	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	N	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	N	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

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**SENATE SERVICES REPORT**

**Correctly Reengrossed:** SB06S-002, 004, 005, 006, and 007.  
**Correctly Revised:** HB06S-1001, 1002, 1009, and 1020.

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Senate in recess.                      Senate reconvened.

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**COMMITTEE OF REFERENCE REPORTS**

**CORRECTED**

Judiciary

After consideration on the merits, the Committee recommends that **HB06S-1005** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

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

strike lines 11 through 13;

line 17, strike "CLASS 3" and substitute "CLASS 6";

strike line 26 and substitute the following:

"GIVE THE PERSON MONEY OR ANOTHER ITEM OF VALUE,".

Page 3, strike lines 8 through 27 and substitute the following:

**"SECTION 3. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Strike pages 4 through 8.

Page 9, strike lines 1 through 25.

Renumber succeeding sections accordingly.

Page 1, line 101, strike "IMMIGRANTS," and substitute "IMMIGRANTS.";

strike line 102.

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- Judiciary      After consideration on the merits, the Committee recommends that **HB06S-1012** be postponed indefinitely. 1  
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- Judiciary      After consideration on the merits, the Committee recommends that **HB06S-1022** be referred to the Committee of the Whole with favorable recommendation. 6  
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- Judiciary      After consideration on the merits, the Committee recommends that **HB06S-1014** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 10  
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  - Amend reengrossed bill, page 3, line 9, strike "SHALL" and substitute "IS STRONGLY ENCOURAGED TO"; 14  
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  - line 15, strike "AND"; 16  
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  - line 16, strike "REPRESENTATIVES" and substitute "REPRESENTATIVES, AND THE CHAIRMAN OF THE JOINT BUDGET COMMITTEE". 18  
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- Appropriations      After consideration on the merits, the Committee recommends that **HB06S-1015** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 22  
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  - Amend reengrossed bill, page 4, after line 8, insert the following: 28  
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    - "SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of department of personnel and administration, for the fiscal year beginning July 1, 2006, the sum of one hundred eighteen thousand one hundred fifty-two dollars (\$118,152) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act." 30  
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    - Renumber succeeding sections accordingly. 37  
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    - Page 1, line 103, strike "PERFORMED." and substitute "PERFORMED, AND MAKING AN APPROPRIATION THEREFOR." 39  
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**MESSAGE FROM THE HOUSE**

July 8, 2006 42  
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 Madame President: 48  
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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB06S-1023. 51  
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The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB06S-004, amended as printed in House Journal, July 7, page 46. 54  
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 SB06S-005, amended as printed in House Journal, July 7, pages 46-47. 56  
 SB06S-006, amended as printed in House Journal, July 7, page 47. 57  
 SB06S-007, amended as printed in House Journal, July 7, pages 47-48. 58  
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Senate in recess.                      Senate reconvened. 60  
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MESSAGE FROM THE REVISOR OF STATUTES

July 8, 2006

We herewith transmit:

Without comment, HB06S-1023.

On motion of Senator Gordon, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Introduction of Bills.

INTRODUCTION OF BILLS -- FIRST READING

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

HB06S-1023 by Representative(s) Romanoff; also Senator(s) Fitz-Gerald--Concerning the immediate implementation of restrictions on public benefits as defined in article 8 of the United States Code for persons eighteen years of age or older effective August 1, 2006. Business, Labor and Technology

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that HB06S-1014 be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that HB06S-1017 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the State, Veterans, and Military Affairs Committee Report, dated July 7, 2006, page 1, line 1, strike "strike" and substitute "line 5, after "documents -", insert "cash fund created -";

strike";

strike lines 3 through 5 of the committee report and substitute the following:

"(2) ON AND AFTER JANUARY 1, 2007, WITHIN TWENTY DAYS AFTER HIRING A NEW EMPLOYEE, EACH EMPLOYER IN COLORADO SHALL";

line 7, strike ""EXAMINED"." and substitute ""EXAMINED" and strike "EACH" and substitute "SUCH NEWLY-HIRED".";

strike lines 11 through 14.

Page 2, line 6, strike "FRAUDULENT,." and substitute "FRAUDULENT,";

line 27, strike "CREATED." and substitute "CREATED IN THE STATE TREASURY.".

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**MESSAGE FROM THE HOUSE**

July 8, 2006

Madame President:

The House has voted not to concur in the Senate amendments to HB06S-1009 and requests that a conference committee be appointed. The Speaker has appointed Representatives Crane, chairman, Marshall, and McGihon as House conferees on the First Conference Committee on HB06S-1009. The House has voted to grant the House conferees on the First Conference Committee on HB06S-1009 to consider matters not at issue between the two houses. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HB06S-1020, 1001 and has repassed the bills as so amended.

July 8, 2006

Madame President:

The House has postponed indefinitely SB06S-001. The bill is returned herewith.

**MESSAGE FROM THE REVISOR OF STATUTES**

July 8, 2006

We herewith transmit:

Without comment, as amended, SB06S-004, 005, 006, and 007.

Senate in recess. Senate reconvened.

**COMMITTEE OF REFERENCE REPORTS**

Business,  
Labor, &  
Technology

After consideration on the merits, the Committee recommends that **HB06S-1023** be referred to the Committee of the Whole with favorable recommendation.

Call of the Senate. Call raised.

Committee  
of the  
Whole

The hour of 4:35 p.m. having arrived, Senator Gordon moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills and Senator Windels 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:

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- HB06S-1022** by Representative(s) Pommer; also Senator(s) Tochtrop--Concerning directing the state attorney general to initiate a lawsuit to demand that immigration laws be enforced at the federal level. 1  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 6  
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- HB06S-1015** by Representative(s) Kerr A., Kerr J., McGihon; also Senator(s) Keller--Concerning a requirement that a person withhold Colorado income tax from a payment to a person other than an employee for services performed, and making an appropriation therefor. 9  
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Amendment No. 1, Business, Labor, and Technology Committee Amendment. 13  
(Printed in Senate Journal, July 7, page 21 and placed in members' bill files.) 14  
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Amendment No. 2, Appropriations Committee Amendment. 16  
(Printed in Senate Journal, July 8, page 32 and placed in members' bill files.) 17  
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 19  
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- HB06S-1014** by Representative(s) Buescher; also Senator(s) Tapia--Concerning the recovery of federal reimbursement for costs to the state of Colorado associated with illegal immigration, and making an appropriation therefor. 23  
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Amendment No. 1, Judiciary Committee Amendment. 27  
(Printed in Senate Journal, July 8, page 32 and placed in members' bill files.) 28  
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Amendment No. 2(L.005), by Senator Tapia. 30  
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Amend reengrossed bill, page 2, line 10, strike "SKYROCKETED" and substitute "INCREASED"; 32  
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line 11, strike "AN EXCESSIVE AND DISPROPORTIONATE" and substitute "A". 35  
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 38  
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- ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 42  
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- On motion of Senator Windels, 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: 44  
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- Passed on Second Reading: HB06S-1022, HB06S-1015 as amended, HB06S-1014 as amended. 48  
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- 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 July 8 was laid over until Sunday, July 9, 2006, retaining its place on the calendar. 54  
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On motion of Senator Gordon, the Senate adjourned until 12:30 p.m., Sunday, July 9, 2006.

Approved:

Joan Fitz-Gerald  
President of the Senate

Attest:

Karen Kuhlmann  
Acting Secretary of the Senate

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