

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

4th Legislative Day Sunday, July 9, 2006

- Prayer By Senator Fitz-Gerald.
- Pledge By Senator Johnson.
- Call to Order By the President at 12:30 p.m.
- Roll Call Present--35.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Isgar, reading of the Journal of July 8, 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:

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.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	N	Keller	Y	Spence	N	Wiens	Y
Evans	Y	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	Taylor	N	President	Y
Grossman	N	McElhany	Y	Teck	N		

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

Co-sponsors added: Bacon, Fitz-Gerald, Gordon, Sandoval, Shaffer, Tapia, Tupa, Williams and Windels.

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.

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

YES	27	NO	8	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	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	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**.

Co-sponsors added: Boyd, Fitz-Gerald, Gordon, Shaffer, Tochtrop, Williams and Windels.

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.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	N	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	N	Johnson	Y	Sandoval	Y	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	N	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	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, Fitz-Gerald, Gordon, Grossman, Isgar, Sandoval, Shaffer, Tochtrop, Tupa, Williams and Windels.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Johnson, Chairman, Veiga, and Tochtrop as Senate Conferees on the First Conference Committee on **HB06S-1009**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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.

Senator Shaffer moved that the Senate concur in House amendments to **SB06S-004**, as printed in House Journal, July 7, page 46. The motion was **passed** 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		

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

YES	31	NO	4	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	N
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	N
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	Y	May R.	N	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, as amended, was declared **repassed**.

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

Senator Williams moved that the Senate concur in House amendments to **SB06S-005**, as printed in House Journal, July 7, pages 46-47. The motion was **passed** 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		

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

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		

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

Co-sponsors added: Tapia.

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

Senator Boyd moved that the Senate concur in House amendments to **SB06S-006**, as printed in House Journal, July 7, page 47. The motion was **passed** 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		

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

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		

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

SB06S-007 by Senator(s) Gordon; also Representative(s) Buescher--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 connection therewith.

Senator Gordon moved that the Senate concur in House amendments to **SB06S-007**, as printed in House Journal, July 7, pages 47-48. The motion was **passed** by the following roll call vote:

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	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	N	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	Y		

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Bacon	N	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	N
Dyer	N	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	N	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, as amended, was declared **repassed**.

Co-sponsors added: Entz and Evans.

MESSAGE FROM THE HOUSE

July 9, 2006

Madame President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB06S-002, amended as printed in House Journal, July 7, page 48.

SENATE SERVICES REPORT

Correctly Reengrossed: SB06S-001.
Correctly Revised: HB06S-1014, 1015, and 1022.
Correctly Rerevised: HB06S-1001, 1002, 1009, and 1020.

IMMEDIATE RECONSIDERATION OF SB06S-007

SB06S-007 by Senator(s) Gordon; also Representative(s) Buescher--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 connection therewith.

Having voted on the prevailing side, Senator Gordon moved for immediate reconsideration of the last Senate action, Repassage of **SB06S-007**. The roll call was taken with the following result:

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		

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

REPASSAGE OF SB06S-007

SB06S-007 by Senator(s) Gordon; also Representative(s) Buescher--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 connection therewith.

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

YES	31	NO	4	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	N
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	N	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, as amended, was declared **repassed**.

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, HB06S-1017, HB06S-1023 were made Special Orders at 3:15 p.m.

Committee of the Whole

The hour of 3:15 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 Veiga 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:

HB06S-1017 by Representative(s) Solano, Paccione; also Senator(s) Bacon--Concerning documentation by an employer that demonstrates compliance with federal employment verification requirements, and making an appropriation in connection therewith.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, July 7, page 26 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, July 8, page 33 and placed in members' bill files.)

Amendment No. 3(L.030), by Senator Bacon.

Amend reengrossed bill, page 3, line 17, after "VERIFICATION", insert "AND EXAMINATION".

Amendment No. 4(L.031), by Senator Tapia.

Amend reengrossed bill, page 4, after line 25, insert the following:

"(6) IT IS THE PUBLIC POLICY OF COLORADO THAT THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY, NATIONAL ORIGIN, OR DISABILITY."

Amendment No. 5(L.033), by Senators Bacon and Taylor.

Amend reengrossed bill page 2, line 4, strike "quarterly";

line 5, strike "report - ".

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

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.

Amendment No. 1(L.053), by Senator Fitz-Gerald.

Amend reengrossed bill, page 2, line 20, strike "BENEFITS." and substitute "BENEFITS FOR THE APPLICANT."

Amendment No. 2(L.055), by Senator Fitz-Gerald.

Amend reengrossed bill, page 4, line 3, strike "TO EXECUTE AN";

strike line 4 and substitute the following;

"TO:

(a) PRODUCE:

(I) A VALID COLORADO DRIVER'S LICENSE OR A COLORADO IDENTIFICATION CARD, ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42,

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C.R.S.;

(II) A UNITED STATES MILITARY CARD OR A MILITARY DEPENDENT'S IDENTIFICATION CARD;

(III) A UNITED STATES COAST GUARD MERCHANT MARINER CARD; OR

(IV) A NATIVE AMERICAN TRIBAL DOCUMENT; AND

(b) EXECUTE AN AFFIDAVIT STATING:";

line 5, strike "(a)" and substitute "(I)";

line 7, strike "(b)" and substitute "(II)";

strike lines 9 through 19.

Renumber succeeding subsections accordingly.

Line 25, after "REQUIREMENTS OF", insert "PARAGRAPH (b) OF SUBSECTION (4)".

Page 5, line 2, strike "STATE." and substitute "STATE; EXCEPT THAT THE VARIATIONS SHALL BE NO LESS STRINGENT THAN THE REQUIREMENTS OF THIS SECTION."

Page 5, strike lines 11 through 17.

Amendment No. 3(L.057), by Senator Fitz-Gerald.

Amend the Fitz-Gerald floor amendment, (HB1023_L.055), page 1, line 7, after the semicolon, add "OR";

line 9, after the semicolon, add "OR";

Amendment No. 4(L.058), by Senator Fitz-Gerald.

Amend reengrossed bill, page 4, line 23, after the period, add "IT SHALL CONSTITUTE A SEPARATE VIOLATION OF SECTION 18-8-503, C.R.S., EACH TIME THAT A PERSON RECEIVES A PUBLIC BENEFIT BASED UPON SUCH A STATEMENT OR REPRESENTATION."

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Veiga, 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: HB06S-1017 as amended, HB06S-1023 as amended.

MESSAGE FROM THE HOUSE

July 9, 2006

Madame President:

The House has voted not to concur in the Senate amendments to HB06S-1014 and requests that a conference committee be appointed. The Speaker has appointed Representatives Buescher, chairman, Vigil, and Witwer as House conferees on the First Conference Committee on HB06S-1014. The bill is transmitted herewith.

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The House has voted not to concur in the Senate amendments to HB06S-1015 and requests that a conference committee be appointed. The Speaker has appointed Representatives McGihon, chairman, A. Kerr, and J. Kerr as House conferees on the First Conference Committee on HB06S-1015. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

July 9, 2006

We herewith transmit:

Without comment, as amended, SB06S-002.

SENATE ADHERE ON SB06S-002

SB06S-002 by Senator(s) Veiga; also Representative(s) McCluskey--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.

Senator Veiga moved that the Senate not concur in House amendments to **SB06S-002**, as printed in House Journal, July 7, page 48, and that the Senate adhere to its position on **SB06S-002**. The motion was declared **adopted** by the following roll call vote:

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	Y	May R.	Y	Taylor	Y	President	Y
Grossman	N	McElhany	Y	Teck	Y		

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Tapia, Chairman, Keller, and Owen as Senate Conferees on the First Conference Committee on **HB06S-1014**.

The President appointed Senators Keller, Chairman, Tapia, and Owen as Senate Conferees on the First Conference Committee on **HB06S-1015**.

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 9 was laid over until Monday, July 10, 2006, retaining its place on the calendar.

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

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Kuhlmann
Acting Secretary of the Senate