

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

5th Legislative Day Monday, July 10, 2006

Prayer	By Senator Fitz-Gerald.	10
Pledge	By Senator Veiga.	12
Call to Order	By the President at 10:00 a.m.	14
Roll Call	Present--34. Absent--1; Gordon. Present later--Gordon.	16
Quorum	The President announced a quorum present.	17
Reading of Journal	On motion of Senator Isgar, reading of the Journal of July 9, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	18

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
 ON HB06S-1014**

**THIS REPORT AMENDS THE
 REENGROSSED BILL**

To the President of the Senate and the
 Speaker of the House of Representatives:

Your first conference committee appointed on HB06S-1014, concerning the recovery of federal reimbursement for costs to the state of Colorado associated with illegal immigration, and making an appropriation therefor, has met and reports that it has agreed upon the following:

That the Senate recede from its amendments made to the bill, as the amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 2, line 10, strike "SKYROCKETED" and substitute "INCREASED";

line 11, strike "AN EXCESSIVE AND DISPROPORTIONATE" and substitute "A".

Page 3, line 15, strike "AND";

line 16, strike "REPRESENTATIVES" and substitute "REPRESENTATIVES, AND THE CHAIR OF THE JOINT BUDGET COMMITTEE".

Respectfully submitted,

House Committee:
 (signed)
 Representative Buescher, Chair
 Representative Vigil
 Representative Witwer

Senate Committee:
 (signed)
 Senator Tapia, Chair
 Senator Keller

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SENATE SERVICES REPORT

Correctly Revised: HB06S-1017, and 1023.
Correctly Rerevised: HB06S-1014, 1015, and 1022.
Correctly Enrolled: SB06S-004, 005, 006, and 007.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

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.

Senator Johnson moved that the Senate Conferees on the First Conference Committee on
HB06S-1009 be granted permission to go beyond the scope of the differences between the
 two Houses.

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

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.

Senator Keller moved that the Senate Conferees on the First Conference Committee on
HB06S-1015 be granted permission to go beyond the scope of the differences between the
 two Houses.

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

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 Consideration of Conference
 Committee Reports -- HB06S-1014.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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.

Senator Tapia moved for the adoption of the First Report of the First Conference Committee
 on **HB06S-1014**, as printed in Senate Journal, July 10, page 45. The motion was **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	Y	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	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	N	McElhany	Y	Teck	Y		

The question being "Shall the bill, as amended, 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	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.	N	Taylor	Y	President	Y
Grossman	N	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**.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB06S-1009

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB06S-1009, 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. , has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 2, line 16, strike "SUCH DIVISION, BOARD, OR AGENCY HAS NO";

strike line 17;

line 18, strike "STATUS OF THE PERSON FOR PURPOSES OF SUCH REVOCATION.".

Page 3, strike line 2, and substitute "LAW; EXCEPT THAT NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO LIMIT PUBLIC ACCESS TO RECORDS THAT ARE AVAILABLE FOR PUBLIC INSPECTION PURSUANT TO ARTICLE 72 OF THIS TITLE.";

line 24, strike "A COUNTY";

strike lines 25 and 26;

line 27, strike "REVOCATION.".

Page 4, strike line 6, and substitute "LAW; EXCEPT THAT NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO LIMIT PUBLIC ACCESS TO RECORDS THAT ARE AVAILABLE FOR PUBLIC INSPECTION PURSUANT TO ARTICLE 72 OF TITLE 24, C.R.S.".

Page 5, line 1, "A MUNICIPALITY HAS NO";

strike line 2;

line 3, strike "STATUS OF THE PERSON FOR PURPOSES OF SUCH REVOCATION.";

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line 9, strike "LAW." and substitute "LAW; EXCEPT THAT NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO LIMIT PUBLIC ACCESS TO RECORDS THAT ARE AVAILABLE FOR PUBLIC INSPECTION PURSUANT TO ARTICLE 72 OF TITLE 24, C.R.S."

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 2, line 13, strike "A PERSON" and substitute "AN INDIVIDUAL" and strike "THE PERSON" and substitute "THE INDIVIDUAL";

line 14, strike "OR REVOKE" and, after "LICENSE", insert "OR RENEWAL THEREOF";

line 15, strike "PERSON" and substitute "INDIVIDUAL";

line 18, strike "PERSON" and substitute "INDIVIDUAL".

Page 3, line 3, strike "A PERSON" and substitute "AN INDIVIDUAL";

line 4, strike "PERSON" and substitute "INDIVIDUAL";

line 21, strike "A PERSON" and substitute "AN INDIVIDUAL" and strike "THE PERSON" and substitute "THE INDIVIDUAL";

line 23, strike "OR REVOKE" and, after "AUTHORIZATION", insert "OR RENEWAL THEREOF";

line 24, strike "PERSON" and substitute "INDIVIDUAL";

line 27, strike "PERSON" and substitute "INDIVIDUAL".

Page 4, line 7, strike "A PERSON" and substitute "AN INDIVIDUAL";

line 8, strike "PERSON" and substitute "INDIVIDUAL";

line 25, strike "A PERSON" and substitute "AN INDIVIDUAL" and strike "THE PERSON" and substitute "THE INDIVIDUAL";

line 26, strike "OR REVOKE";

line 27, after "AUTHORIZATION", insert "OR RENEWAL THEREOF" and strike "PERSON" and substitute "INDIVIDUAL".

Page 5, line 3, strike "PERSON" and substitute "INDIVIDUAL";

line 10, strike "A PERSON" and substitute "AN INDIVIDUAL";

line 11, strike "PERSON" and substitute "INDIVIDUAL".

Respectfully submitted,

House Committee:
(signed)
Representative Crane, Chair
Representative McGihon
Representative Marshall

Senate Committee:
(signed)
Senator Johnson, Chair
Senator Veiga
Senator Tochtrop

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

July 10, 2006

Madame President:

The House has adopted the First Report of the First Conference Committee on

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HB06S-1014, as printed in House Journal, July 7, page 35, and has repassed the bill as amended.

The House has voted to grant the House conferees on the First Conference Committee on HB06S-1015 to consider matters not at issue between the two houses.

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 Consideration of Conference Committee Reports -- HB06S-1009.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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.

Senator Johnson moved for the adoption of the First Report of the First Conference Committee on **HB06S-1009**, as printed in Senate Journal, July 10, pages 47-48. The motion 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		

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

YES	30	NO	5	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	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	N	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: McElhany, Tochtrop and Williams.

Senate in recess. Senate reconvened.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB06S-1015

 THIS REPORT AMENDS THE
 REREVISED BILL

To the President of the Senate and the Speaker of the House of Representatives:

Your first conference committee appointed on HB06S-1015, 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, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 2, line 21, strike "A VALIDATED SOCIAL SECURITY NUMBER OR".

Page 3, strike line 27.

Page 4, strike lines 1 through 7.

Reletter succeeding paragraphs accordingly.

Page 4, line 21, strike "department of";

line 23, strike "one hundred eighteen thousand one hundred fifty-two";

line 24, strike "dollars (\$118,152) and 0.5 FTE," and substitute "ninety-three thousand seven hundred fifty dollars (\$93,750),".

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 2, line 6, strike "JANUARY 1,";

strike line 7;

line 8, strike "ENABLES" and substitute "DECEMBER 1, 2006, SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY THAT SETS FORTH AN IMPLEMENTATION PLAN FOR THE ESTABLISHMENT OF A WORK ELIGIBILITY VERIFICATION PORTAL THAT, ON AND AFTER JANUARY 1, 2008, WILL ENABLE";

line 9, after "VALID.", add "THE REPORT SHALL INCLUDE AN ANALYSIS OF THE ANTICIPATED COSTS OF ESTABLISHING AND OPERATING THE PORTAL AND DESCRIPTIONS AND ANALYSES OF DATABASES AND PROGRAMS AVAILABLE FOR USE IN VERIFYING TAXPAYER IDENTIFICATION NUMBERS INCLUDING, AT A MINIMUM, THE TAXPAYER IDENTIFICATION NUMBER MATCHING PROGRAM ADMINISTERED BY THE INTERNAL REVENUE SERVICE AND AT LEAST TWO DATABASES OR PROGRAMS ADMINISTERED BY NONGOVERNMENTAL ENTITIES.";

line 17, after "FORM", insert "1099-B, 1099-DIV, 1099-INT, 1099-MISC, 1099-OID, OR 1099-PATR, THE ISSUANCE OF ANY OF WHICH ALLOWS TAXPAYER IDENTIFICATION NUMBER VERIFICATION THROUGH THE TAXPAYER IDENTIFICATION NUMBER MATCHING PROGRAM ADMINISTERED BY THE INTERNAL REVENUE SERVICE, OR ANY OTHER VERSION OF FORM".

Page 3, line 3, after "PERSON", insert "WHO IS EIGHTEEN YEARS OF AGE OR OLDER".

Page 4, line 9, after "A", insert "SOCIAL SECURITY NUMBER OR AN INTERNAL REVENUE SERVICE INDIVIDUAL TAXPAYER IDENTIFICATION";

line 12, after "OR" insert "THROUGH";

line 14, after "BY", insert "THE SOCIAL SECURITY ADMINISTRATION OR";

line 15, strike "AND" and substitute "AND, IN THE CASE OF AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER,";

line 27, strike "January 1, 2007," and substitute "upon passage; except that section 2 of this act shall take effect January 1, 2008,".

Page 5, line 1, strike "date." and substitute "date unless the portal

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described in section 24-37.5-107, Colorado Revised Statutes, is not accessible to a person seeking to verify whether a taxpayer identification number is valid on or before said date, in which case section 2 of this act shall take effect on the January 1 that immediately follows the date on which the portal becomes accessible and shall apply to services preformed and payment obligations accrued on or after said January 1."

Respectfully submitted,

House Committee:
(signed)
Representative McGihon, Chair
Representative A. Kerr
Representative J. Kerr

Senate Committee:
(signed)
Senator Keller, Chair
Senator Tapia
Senator Owen

MESSAGE FROM THE HOUSE

July 10, 2006
Madame President:

The House has adopted the First Report of the First Conference Committee on HB06S-1009, as printed in House Journal, July 7, page 34, and has repassed the bill as amended.

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 Immediate Consideration of Conference Committee Reports -- HB06S-1015.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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.

Senator Keller moved for the adoption of the First Report of the First Conference Committee on **HB06S-1015**, as printed in Senate Journal, July 10, pages 49-51. The motion 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		

Laid over until later in the day, July 10, retaining its place on the calendar.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB06S-004, 005, 006, and 007.

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-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.

A majority of those elected to the Senate having voted in the affirmative, Senator McElhany was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.034), by Senator McElhany.

Amend revised bill, page 3, line 22, strike "WHO KNOWINGLY" and substitute "WHO, WITH RECKLESS DISREGARD,";

line 23, strike "WHO KNOWINGLY" and substitute "WHO, WITH RECKLESS DISREGARD,".

The amendment was declared **adopted** on the following roll call vote:

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

The question being "Shall the bill, as amended, 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	N	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	N	Tupa	Y
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	N	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.	N	Taylor	N	President	Y
Grossman	Y	McElhany	Y	Teck	N		

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

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Reconsideration of the First Report of the First Conference Committee Report to HB06S-1015.

**RECONSIDERATION OF THE FIRST REPORT OF
FIRST CONFERENCE COMMITTEE
ON HB06S-1015**

Having voted on the prevailing side, Senator Keller moved for reconsideration of the last Senate action, Consideration of the First Report of the First Conference Committee on HB06S-1015, on July 10. 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.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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.

Senator Keller moved that the First Report of the First Conference Committee on HB06S-1015 be rejected, that the First Conference Committee on HB06S-1015 be dissolved, that the conferees be discharged, that a Second Conference Committee be appointed, and that the members be given powers to go beyond the scope of the differences between the two Houses.

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		

APPOINTMENTS TO CONFERENCE COMMITTEE

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

Call of the Senate. Call raised.

THIRD READING OF BILLS -- FINAL PASSAGE -- cont.

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

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.

A majority of those elected to the Senate having voted in the affirmative, Senator

Fitz-gerald was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.071), by Senator Fitz-Gerald.

Amend revised bill, page 3, strike lines 17 through 20 and substitute the following:

"SHELTER SPECIFIED BY FEDERAL LAW OR REGULATION THAT:".

Page 4, after line 18, insert the following:

"(5) (a) NOTWITHSTANDING THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE MAY ISSUE EMERGENCY RULES, TO BE EFFECTIVE UNTIL MARCH 1, 2007, PROVIDING FOR ADDITIONAL FORMS OF IDENTIFICATION OR A WAIVER PROCESS TO ENSURE THAT AN INDIVIDUAL SEEKING BENEFITS PURSUANT TO THIS SECTION PROVES LAWFUL PRESENCE IN THE UNITED STATES. THE RULES ARE NECESSARY TO ENSURE THAT CERTAIN INDIVIDUALS LAWFULLY PRESENT IN THE UNITED STATES RECEIVE AUTHORIZED BENEFITS, INCLUDING BUT NOT LIMITED TO HOMELESS STATE CITIZENS.

(b) THIS SUBSECTION (5) AND ALL EMERGENCY RULES AUTHORIZED UNDER THIS SUBSECTION (5) ARE REPEALED, EFFECTIVE MARCH 1, 2007.".

Renumber succeeding sections accordingly.

Page 5, before line 16, insert the following:

"(11) IF ANY PROVISION OF THIS SECTION OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SECTION ARE DECLARED TO BE SEVERABLE.

SECTION 2. The general assembly anticipates that there may be a need for supplemental appropriations to comply with the provisions of this act that cannot be accommodated within existing resources.".

Renumber succeeding section accordingly.

The amendment was declared **adopted** on the following roll call vote:

YES	33	NO	1	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	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	A	Tapia	Y	Windels	Y
Groff	Y	May R.	Y	Taylor	Y	President	Y
Grossman	Y	McElhany	Y	Teck	N		

A majority of those elected to the Senate having voted in the affirmative, Senator Kester was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 2(L.070), by Senator Kester.

Amend revised bill, page 2, after line 5, insert the following:

"24-76.5-101. Legislative declaration. IT IS THE PUBLIC POLICY OF THE STATE OF COLORADO THAT ALL PERSONS EIGHTEEN YEARS OF AGE OR OLDER SHALL PROVIDE PROOF THAT THEY ARE LAWFULLY PRESENT IN THE UNITED STATES PRIOR TO RECEIPT OF CERTAIN PUBLIC BENEFITS.".

Renumber succeeding C.R.S. sections accordingly.

The amendment was declared **adopted** on the following roll call vote:

YES	24	NO	10	EXCUSED	0	ABSENT	1
Bacon	Y	Hagedorn	Y	Mitchell	Y	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	N	Johnson	Y	Sandoval	N	Tupa	N
Dyer	N	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	A	Tapia	N	Windels	Y
Groff	N	May R.	Y	Taylor	N	President	Y
Grossman	N	McElhany	Y	Teck	N		

A majority of those elected to the Senate having voted in the affirmative, Senator Johnson was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 3(L.072), by Senator Johnson.

Amend revised bill, page 4, before line 27, insert the following:

"(6) FOR AN APPLICANT WHO HAS EXECUTED AN AFFIDAVIT STATING THAT HE OR SHE IS AN ALIEN LAWFULLY PRESENT IN THE UNITED STATES, VERIFICATION OF LAWFUL PRESENCE FOR FEDERAL PUBLIC BENEFITS OR STATE OR LOCAL PUBLIC BENEFITS SHALL BE MADE THROUGH THE FEDERAL SYSTEMATIC ALIEN VERIFICATION OF ENTITLEMENT PROGRAM, REFERRED TO IN THIS SECTION AS THE "SAVE PROGRAM", OPERATED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY OR A SUCCESSOR PROGRAM DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY. UNTIL SUCH VERIFICATION OF LAWFUL PRESENCE IS MADE, THE AFFIDAVIT MAY BE PRESUMED TO BE PROOF OF LAWFUL PRESENCE FOR PURPOSES OF THIS SECTION."

Renumber succeeding subsections accordingly.

Page 5, after line 15, insert the following:

"(10) ERRORS AND SIGNIFICANT DELAYS BY THE SAVE PROGRAM SHALL BE REPORTED TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND TO THE SECRETARY OF STATE, BOTH OF WHICH MONITOR THE SAVE PROGRAM AND ITS VERIFICATION APPLICATION ERRORS AND SIGNIFICANT DELAYS AND REPORT YEARLY ON SUCH ERRORS AND DELAYS, TO ENSURE THAT THE APPLICATION OF THE SAVE PROGRAM IS NOT WRONGFULLY DENYING BENEFITS TO LEGAL RESIDENTS OF THE STATE."

The amendment was declared **adopted** on the following roll call vote:

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	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	Y
Evans	Y	Kester	Y	Takis	Y	Williams	Y
Gordon	Y	Lamborn	A	Tapia	N	Windels	Y
Groff	N	May R.	Y	Taylor	Y	President	Y
Grossman	N	McElhany	Y	Teck	Y		

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

YES	22	NO	13	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	N	Tupa	N
Dyer	N	Jones	Y	Shaffer	Y	Veiga	Y
Entz	Y	Keller	Y	Spence	Y	Wiens	N
Evans	N	Kester	N	Takis	Y	Williams	Y
Gordon	Y	Lamborn	Y	Tapia	Y	Windels	Y
Groff	N	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**.

MESSAGE FROM THE HOUSE

July 10, 2006
Madame President:

The House has discharged the First Conference Committee and requests a Second Conference Committee on HB06S-1015. The Speaker has appointed Representatives McGihon., chairman, Kerr A., and Kerr, J., as House conferees on the Second Conference Committee on HB06S-1015. The House voted to authorize the House conferees to consider matters not at issue between the two houses. The bill is transmitted herewith.

Senate in recess. Senate reconvened.

**FIRST REPORT OF SECOND CONFERENCE COMMITTEE
ON HB06S-1015**

**THIS REPORT AMENDS THE
REREVISED BILL**

To the President of the Senate and the
Speaker of the House of Representatives:

Your second conference committee appointed on HB06S-1015, 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, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 2, line 21, strike "A VALIDATED SOCIAL SECURITY NUMBER OR".

Page 3, strike line 27.

Page 4, strike lines 1 through 7.

Reletter succeeding paragraphs accordingly.

Page 4, line 21, strike "department of";

line 23, strike "one hundred eighteen thousand one hundred fifty-two";

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line 24, strike "dollars (\$118,152) and 0.5 FTE," and substitute "ninety-three thousand seven hundred fifty dollars (\$93,750)".

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 2, line 6, strike "JANUARY 1,";

strike line 7;

line 8, strike "ENABLES" and substitute "DECEMBER 1, 2006, SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY THAT SETS FORTH AN IMPLEMENTATION PLAN FOR THE ESTABLISHMENT OF A WORK ELIGIBILITY VERIFICATION PORTAL THAT, ON AND AFTER JANUARY 1, 2008, WILL ENABLE";

line 9, after "VALID.", add "THE REPORT SHALL INCLUDE AN ANALYSIS OF THE ANTICIPATED COSTS OF ESTABLISHING AND OPERATING THE PORTAL AND DESCRIPTIONS AND ANALYSES OF DATABASES AND PROGRAMS AVAILABLE FOR USE IN VERIFYING TAXPAYER IDENTIFICATION NUMBERS INCLUDING, AT A MINIMUM, THE TAXPAYER IDENTIFICATION NUMBER MATCHING PROGRAM ADMINISTERED BY THE INTERNAL REVENUE SERVICE AND AT LEAST TWO DATABASES OR PROGRAMS ADMINISTERED BY NONGOVERNMENTAL ENTITIES.";

line 17, after "FORM", insert "1099-B, 1099-DIV, 1099-INT, 1099-MISC, 1099-OID, OR 1099-PATR, THE ISSUANCE OF ANY OF WHICH ALLOWS TAXPAYER IDENTIFICATION NUMBER VERIFICATION THROUGH THE TAXPAYER IDENTIFICATION NUMBER MATCHING PROGRAM ADMINISTERED BY THE INTERNAL REVENUE SERVICE, OR ANY OTHER VERSION OF FORM".

Page 3, line 2, strike "AN EMPLOYER WHO" and substitute "ANY PERSON OTHER THAN A NATURAL PERSON AND ANY NATURAL PERSON WHO IN THE COURSE OF CONDUCTING A TRADE OR BUSINESS AS A SOLE PROPRIETOR".

Page 4, line 9, after "A", insert "SOCIAL SECURITY NUMBER OR AN INTERNAL REVENUE SERVICE INDIVIDUAL TAXPAYER IDENTIFICATION";

line 12, after "OR" insert "THROUGH";

line 14, after "BY", insert "THE SOCIAL SECURITY ADMINISTRATION OR";

line 15, strike "AND" and substitute "AND, IN THE CASE OF AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER,";

line 27, strike "January 1, 2007," and substitute "upon passage; except that section 2 of this act shall take effect January 1, 2008,".

Page 5, line 1, strike "date." and substitute "date unless the portal described in section 24-37.5-107, Colorado Revised Statutes, is not accessible to a person seeking to verify whether a taxpayer identification number is valid on or before said date, in which case section 2 of this act shall take effect on the January 1 that immediately follows the date on which the portal becomes accessible and shall apply to services performed and payment obligations accrued on or after said January 1.".

Respectfully submitted,

House Committee:
(signed)
Representative McGihon, Chair
Representative A. Kerr
Representative J. Kerr

Senate Committee:
(signed)
Senator Keller, Chair
Senator Tapia
Senator Owen

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COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB06S-1005** be postponed indefinitely.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB06S-1018** be postponed indefinitely.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of the First Report of the Second Conference Committee on HB06S-1015.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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.

Senator Keller moved for the adoption of the First Report of the Second Conference Committee on **HB06S-1015**, as printed in Senate Journal, July 10, pages 56-57. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	E	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	E	McElhany	Y	Teck	Y		

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	E	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	N	Windels	Y
Groff	N	May R.	N	Taylor	Y	President	Y
Grossman	E	McElhany	Y	Teck	N		

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

MESSAGE FROM THE HOUSE

July 10, 2006
Madame President:

The House has voted to concur in the Senate amendments to HB06S-1017 and has repassed the bill as so amended.

The House has adopted and transmits herewith HJR06S-1002, as printed in House Journal, July 10.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR06S-1002 by Representative(s) Madden, Romanoff, May M.; also Senator(s) Gordon, Fitz-Gerald, McElhany--Concerning congratulating and thanking the legislative staff for their outstanding efforts in successfully completing the first extraordinary session of the sixty-fifth general assembly.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	E	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	E	McElhany	Y	Teck	Y		

Co-sponsors added: Bacon, Boyd, Brophy, Dyer, Entz, Evans, Groff, Hagedorn, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May R., Owen, Sandoval, Shaffer, Spence, Takis, Tapia, Taylor, Teck, Tochtrop, Traylor, Tupa, Veiga, Wiens, Williams and Windels.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR06S-001 by Senator(s) Gordon, Fitz-Gerald, McElhany; also Representative(s) Madden, Romanoff, May M.--Concerning the appointment of a joint committee to notify the Governor that the First Extraordinary Session of the Sixty-fifth General Assembly is about to adjourn sine die.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	E	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	E
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	E
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	E	McElhany	Y	Teck	Y		

Co-sponsors added: Shaffer, Takis, Tapia, Williams and Windels.

The President appointed Senator Boyd and Senator Teck to notify the Governor that the Senate was ready to adjourn *sine die*.

SJR06S-002 by Senator(s) Gordon, Fitz-Gerald, McElhany, Grossman, Shaffer, Windels, Williams, Bacon, Entz, Isgar, Johnson, Kester, Veiga, Wiens, Spence, Teck, Owen, Evans, May R., Taylor, Brophy, Keller, Tapia, Tochtrop; also Representative(s) Madden, Romanoff, May M.--Concerning adjournment sine die of the First Extraordinary Session of the Sixty-fifth General Assembly.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Bacon	Y	Hagedorn	Y	Mitchell	E	Tochtrop	Y
Boyd	Y	Isgar	Y	Owen	Y	Traylor	Y
Brophy	Y	Johnson	Y	Sandoval	Y	Tupa	E
Dyer	Y	Jones	Y	Shaffer	Y	Veiga	E
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	E	McElhany	Y	Teck	Y		

On motion of Senator Gordon, and with the unanimous consent of those elected to the Senate having voted in the affirmative, the First Extraordinary Session of the Sixty-fifth General Assembly adjourned *sine die* at 10:50 p.m., July 10, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Kuhlmann
Acting Secretary of the Senate

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