

HOUSE JOURNAL
SIXTY-FIFTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Second Legislative Day

Thursday, January 12, 2006

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 Pledge of Allegiance led by Representative Butcher.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Absent--Representatives Crane, Paccione--2.

11 Present after roll call--Representatives Crane, Paccione.

12

13 The Speaker declared a quorum present.

14

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16 On motion of Representative Gardner, the reading of the journal of
17 January 11, 2006, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

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INTRODUCTION OF BILLS
First Reading

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

HB06-1066 by Representative(s) Boyd--Concerning consumer protection for clients of private child support collection agencies.

Committee on Judiciary

HB06-1067 by Representative(s) Cerbo--Concerning fireworks.

Committee on Local Government

HB06-1068 by Representative(s) Lindstrom, Berens, Cerbo, McCluskey, McGihon, Ragsdale, Riesberg, Vigil; also Senator(s) Grossman, Entz, Taylor, Tochtrop--Concerning the creation of a social security supplemental plan by the board of directors of the fire and police pension association that will allow employers that cover employees under the federal "Social Security Act" to provide a defined benefit retirement plan to employees.

Committee on Local Government

- 1 **HB06-1069** by Representative(s) Crane; also Senator(s) Hanna--
2 Concerning an exemption from the prohibition against the
3 corporate practice of podiatry for a podiatrist employed by
4 a health care entity.
5 Committee on Health and Human Services
6
- 7 **HB06-1070** by Representative(s) Stafford, Jahn, Solano; also
8 Senator(s) Windels, Kester--Concerning demonstration
9 programs for juvenile justice mental health family
10 advocates.
11 Committee on Judiciary
12
- 13 **HB06-1071** by Representative(s) Massey; also Senator(s) Kester--
14 Concerning juvenile court proceedings, and, in connection
15 therewith, eliminating jury trials in dependency and
16 neglect proceedings and clarifying the role and rights of
17 county departments of human services.
18 Committee on Judiciary
19
- 20 **HB06-1072** by Representative(s) Vigil--Concerning the issuance of
21 special license plates honoring service in the armed forces
22 of the United States, and, in connection therewith,
23 authorizing family members of a person who has died
24 serving in the United States armed forces to be issued a
25 fallen service member special license plate.
26 Committee on State, Veterans, & Military Affairs
27
- 28 **HB06-1073** by Representative(s) Knoedler--Concerning the repeal of
29 the requirement that a luxury limousine have certain
30 features, and, in connection therewith, repealing the
31 requirement that a luxury limousine have a television, a
32 telephone, and beverages.
33 Committee on Transportation & Energy
34
- 35 **HB06-1074** by Representative(s) Solano, Madden; also Senator(s)
36 Johnson--Concerning the waste tire recycling development
37 fee.
38 Committee on Finance
39
- 40 **HB06-1075** by Representative(s) Todd--Concerning the sale of surplus
41 state property.
42 Committee on State, Veterans, & Military Affairs
43
- 44 **HB06-1076** by Representative(s) Penry--Concerning immunity from
45 civil liability under the "Volunteer Service Act".
46 Committee on Judiciary
47
- 48 **HB06-1077** by Representative(s) Garcia, Balmer, Penry; also
49 Senator(s) Veiga, May R., Brophy, Mitchell, Spence,
50 Williams--Concerning risk-shifting provisions in a private
51 construction contract that address the indemnification of
52 a person against liability for damages caused by the sole
53 negligence of the indemnified person.
54 Committee on Judiciary
55

1 **HB06-1078** by Representative(s) Boyd; also Senator(s) Bacon--
2 Concerning the authority of a local board of health to set
3 annual license fees for retail food establishments to cover
4 actual costs.
5 Committee on Health and Human Services
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9 House in recess for Joint Session.
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13 **JOINT SESSION**
14

15 The Joint Session was called to order by the Speaker of the House,
16 Romanoff.
17

18 On motion of Senator Gordon, the morning roll call of the Senate was
19 made the roll call of the Joint Session.
20

21 Present--35.
22

23 On motion of Representative Madden, the morning roll call of the House
24 was made the roll call of the Joint Session.
25

26 Present--65.
27

28 The Speaker declared a quorum present and as is customary presented the
29 gavel to the President of the Senate to preside over the joint session.
30

31 President Fitz-Gerald requested the Joint Committee, composed of
32 Senators Groff and Johnson, and Representatives Solano, Riesberg, and
33 Knoedler to escort the Governor from the Governor's Chambers to the
34 rostrum.
35

36 Chief Sergeant-at-Arms Suman announced the arrival of the Honorable
37 Bill Owens, Governor of the State of Colorado.
38

39 The Joint Committee escorted the Governor to the rostrum where he
40 addressed the Joint Session.
41

42
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44
45 **ADDRESS BY THE HONORABLE**
46 **Bill Owens**
47

48 Lieutenant Governor Norton, President Fitz-Gerald, Speaker Romanoff,
49 Secretary of State Dennis, Treasurer Hillman, Senator Salazar, Mayor
50 Hickenlooper, Members of the Cabinet, Honorable Senators and
51 Representatives, my fellow Coloradans:
52

53 I am proud to stand before you this eighth time as Colorado's Governor—and
54 I am looking forward to this year just as much as I was way back in 1999.
55

1 You remember 1999? When I spoke to you on January 14th of that year, John
2 Elway was the starting quarterback for the Denver Broncos and we were just 17
3 days away from winning Super Bowl XXXIII.

4
5 Well, the Denver Broncos are back and so is the State of Colorado.

6
7 You know, we've been through a lot these last seven years.

8
9 Who would have thought that, less than 100 days from when I spoke in 1999,
10 the word "Columbine" would be etched forever in our nation's memory? That,
11 and the recession, and the worst drought in more than 300 years, followed by
12 the summer of 2002 with more than 4,000 forest fires, and then the technology
13 bust...

14
15 There's no doubt that the challenges have been many. But our accomplishments
16 have been even more. And we're not finished.

17
18 Anyone who came here expecting a farewell address will be sorely disappointed.
19 There will be a time and a place for that, but not here, not now.

20
21 My agenda is ambitious—and, in the words of my favorite president, Ronald
22 Reagan, the message to you today is: "Put on your work shoes—we're still on
23 the job."

24
25 I know that you'll agree that we have a lot of work to do, especially when it
26 comes to protecting the progress we've made since 1999.

27
28 We passed landmark education reform, creating a system that policymakers
29 around the nation point to as a model. Public-school choice, charter schools,
30 and a strong accountability program are making a big difference for the more
31 than 750,000 students in our public schools.

32
33 We created the nation's first tuition voucher for college. The College
34 Opportunity Fund has transformed the way the state funds higher education,
35 making it more student-oriented and more accessible.

36
37 We passed the largest tax-reform package in Colorado history. We eliminated
38 the marriage penalty. We reduced the income tax twice, as well as the sales tax.
39 Over seven years, this has translated into almost \$3 billion of savings for
40 Colorado taxpayers.

41
42 We worked to modernize our transportation system, giving our economy the
43 infrastructure it needs to sustain its strong growth. And this fall, we will be
44 celebrating the completion of TREX, the largest transportation project in our
45 state's history. TREX is just one of many projects statewide that we were able
46 to fund and move forward because of TRANS—the bonding package approved
47 by voters in 1999.

48
49 We've also worked together to bring health care to our most vulnerable citizens.
50 Through Child Health Plan Plus—or CHIP—more than 100,000 low-income
51 Colorado children have had access to quality health care.

52
53 We've added more open space. Through Great Outdoors Colorado, we've
54 invested more than \$72 million, increasing open space by more than 400,000
55 acres since 1999. We've preserved more land and wildlife habitat for future
56 generations than at any time in our history.

1 And just last year, we enacted legislation that's transforming the nature of the
2 water debate in Colorado. The *Denver Post* called the creation of the Interbasin
3 Compact Process "the most significant step toward a rational statewide water
4 policy in the past 50 years." This is thanks to the leadership of Russ
5 George—Director of the Department of Natural Resources—as well as the
6 citizens who are serving on the nine basin roundtables.

7
8 Also last year, we took a critical step with the passage of Referendum C to
9 stabilize Colorado's budget. The result is that Colorado will be able to recover
10 from years of recession while keeping our taxes among the lowest in the
11 country.

12
13 We can be proud that in good times and bad we stood together, shoulder to
14 shoulder, as Coloradans.

15
16 This was brought home to me in the aftermath of Hurricane Katrina, when
17 Coloradans opened up their hearts and their homes to families who traveled
18 from the Gulf Coast to Colorado. They arrived with only the clothes they had
19 on their backs and the memories, still fresh, of the destruction they had just
20 escaped.

21
22 They were greeted by volunteers who welcomed them to our state. Hundreds
23 of Coloradans sorted clothing, food, and supplies. They prepared beds, offered
24 medical expertise, held hands and prayed with their new neighbors.

25
26 I particularly appreciate the work of Representative Debbie Stafford and
27 Representative Jerry Frangas, Community College President Nancy McCallin,
28 and—from my administration—Marva Hammons, Paul Cooke, Dan Hopkins,
29 Chris Castilian, Rachel Nance, Barb Kirkmeyer, and scores from my Policy,
30 Budget, and executive staff. And let me especially recognize the contributions
31 of our great Lieutenant Governor, Jane Norton. Jane, thank you for all of your
32 help.

33
34 Ladies and gentlemen, this morning I'd like to introduce three outstanding
35 Coloradans—pastors whose churches worked day and night to prepare housing
36 for the evacuees, arrange transportation, and offer counseling. These churches
37 opened their doors, making families feel right at home here in Denver. We're
38 honored to welcome pastors Del Phillips, Larry Brown, and Robin Holland.

39
40 Colorado's First Lady, Frances Owens, also helped with the Katrina effort. And
41 she has spent the past seven years as a tireless advocate for Colorado's children,
42 focusing her talent on promoting literacy and keeping children free of drugs and
43 alcohol. Frances would have been with us today, but—as many of you
44 know—her mother, Grace Westbrook, passed away Monday after a long illness.
45 The services are being held on Saturday in Texas. Frances is already there, and
46 I'll be leaving soon. I will let her know of your many expressions of sympathy.

47
48 And also, yesterday we lost a dear friend, Sergeant-at-Arms Tommy Thompson.
49 Tommy was a friend of mine for over two decades. I know that I speak for
50 everyone when I say that he will be greatly missed.

51
52 Tommy's spirit of service is an example to us all. So is the Colorado National
53 Guard.

54
55 After Katrina, more than eleven hundred Guard members were deployed to the
56 Gulf Coast to help with the massive clean-up effort. These men and

1 women—some of whom arrived just 24 hours after the hurricane hit—brought
2 relief to the victims of our nation’s worst natural disaster.

3
4 Several Guard members who made that trip are with us today. Please join me
5 in thanking Chief Master Sergeant Golden Sherman and Sergeant Ian Zahn.
6 Thank you for your service.

7
8 The National Guard is always there for Colorado. And they’re also part of our
9 nation’s War on Terror.

10
11 Last year, more than 400 members of Colorado’s Army and Air Guard were
12 deployed in support of that effort. They are truly examples of our own
13 “Greatest Generation,” defending our country in the toughest of circumstances.
14 Ladies and gentlemen, as Commander in Chief of Colorado’s National Guard,
15 I am proud to introduce three of Colorado’s finest: Lieutenant Colonel Tom
16 Shetter and Sergeant Sebastian Nunez, who were deployed to Iraq last year; and
17 Staff Sergeant Jeffrey Hilton, who served last year in Guantanamo Bay, Cuba.

18
19 On behalf of the State of Colorado, I’d like to thank you and your families for
20 your service to our state and nation.

21
22 Finally, two more introductions... Joining us in the gallery is former U.S.
23 Senator Hank Brown—who is doing an outstanding job as President of the
24 University of Colorado—and Dr. Larry Penley, President of our daughter’s alma
25 mater, Colorado State University. Would you please join me in thanking them
26 for all they do for us.

27
28 Colorado’s Economy

29
30 As we look forward to a year filled with hope and opportunity, I can tell you
31 without hesitation that Colorado’s economy is strong, and getting stronger.

32
33 As President John F. Kennedy said in a speech delivered in Pueblo, Colorado:
34 “A rising tide lifts all boats.” We see that truth at work today.

35
36 Colorado’s labor market is improving, and with more employment has come
37 rising personal income. As income has increased, we’ve seen retail sales grow
38 6 percent, while employment this year is expected to set a Colorado record.

39
40 Even San Diego knows we’re good—its Regional Economic Development
41 Corporation ranked the Denver metro area second in the nation for economic
42 competitiveness.

43
44 Colorado’s jobs-friendly policies have made us a national leader in so many
45 ways. We’re first in the nation in concentration of high-tech workers and fourth
46 in aerospace employment. Denver is the fifth-largest financial-services center.
47 And for five years running, the Boulder-Longmont area has had the highest
48 concentration of software employment of anywhere in the U.S.

49
50 And we found out just last year that Fort Carson will become the headquarters
51 for the 4th Infantry Division of the U.S. Army, doubling its troop base from
52 14,500 to nearly 30,000, with an economic impact of over half a billion dollars
53 per year.

54
55 Friends, the state of our state is indeed strong.

56

1 And it's no coincidence. It's a direct result of jobs-friendly policies that make
2 Colorado a state where people want to live and work.

3

4 State Budget

5

6 Of all the issues discussed here at the Capitol, there is little that is more
7 important—and, on occasion—more contentious, than the state budget.

8

9 However, one thing is clear. Without Referendum C, I would have been
10 outlining proposals for more than \$500 million in cuts next year. Fortunately for
11 the citizens of Colorado, that's not the case.

12

13 The voters gave us the revenue we need so that Colorado can recover from
14 recession. It's now our duty to use these funds wisely.

15

16 While Referendum C allows us to restore cuts to programs and services, we
17 can't forget what we've learned since the recession. Those difficult budget
18 years forced state government to get leaner and smarter. Referendum C isn't an
19 excuse to reverse any of that progress. It's an opportunity to make prudent
20 investments in priorities—not to rebuild government bureaucracy.

21

22 Years of recession drained the state budget, and it'll take a lot longer than a year
23 to fill it. I believe the voters understood that. And I also believe they
24 understood what the funds could be used for. Let me remind you of the clear
25 language contained in the title of Referendum C: "Without raising taxes, in
26 order to pay for education, health care, roads, bridges and other strategic
27 transportation projects..."

28

29 Clearly two of the areas that suffered the most during the recession were higher
30 education and transportation. Both are vital to the future of our state.

31

32 My budget plan allows higher education to make a faster, fuller recovery than
33 any other major area of state government. We'll restore 40 percent of the cuts
34 to higher education from the General Fund in just two years.

35

36 My recommendation is to raise the per-student stipend to \$2,580, increase
37 financial aid by 6 percent, with a total higher education appropriation of \$658
38 million. This would be the largest total budget for higher education in our
39 state's history.

40

41 Together, we need to work to keep college affordable for Colorado's families.
42 That's why I strongly believe that we should limit tuition increases to no more
43 than 2.5 percent.

44

45 The Department of Transportation also suffered massive cuts in recent years.
46 In fact, its budget was reduced by almost 40 percent. Which is why I've
47 proposed an additional \$80 million from the General Fund for transportation.

48

49 We should allocate this additional funding immediately so that we can jump-start
50 transportation. Let's get this new revenue into the budget pipeline for CDOT
51 right away, so we can begin funding badly needed projects statewide.

52

53 We're continuing our commitment to K-12 education. We estimate that General
54 Fund appropriations to K-12 will increase by \$126 million next year. This
55 results in a \$2.8 billion appropriation for education—more than 43 percent of
56 the General Fund.

1 We also must meet our Medicaid mandate, which now comprises 22 percent of
2 the General Fund. To meet federal requirements, the total General Fund
3 appropriation to Medicaid will be over \$1.4 billion.

4
5 Skyrocketing Medicaid costs have challenged us to find ways to make the
6 system work better, and we have a chance to do exactly that this year with
7 Colorado Family Care. Currently, children are bounced back and forth between
8 CHIP and Medicaid, often disrupting their care. It's a process that's confusing
9 and frustrating for families, and it's difficult on our doctors and nurses.

10
11 We need to give these children a medical home. Let's create Colorado Family
12 Care this year. I hope you'll join me in supporting common-sense legislation
13 that combines two separate programs into one streamlined system, making it
14 more cost-effective for the taxpayer while providing better care for our children.

15
16 My budget proposes an 8 percent increase to the Department of Public Health
17 and Environment, which will provide additional funding for the Tony Grampas
18 Youth Services Program, among many others. While 8 percent may seem like
19 a large increase, for perspective this department's General Fund budget was cut
20 by over 50 percent in the last four years.

21
22 I'd also like to briefly highlight two more budget proposals. First, the Low-
23 income Energy Assistance Program. I believe we have an obligation to help
24 low-income families through the cold winter months, especially as they face
25 record heating costs. I propose transferring \$20 million from state severance tax
26 collections to LEAP—and please do so as soon as possible, so that we can
27 quickly make a difference for tens of thousands of Colorado families.

28
29 I'd also ask you to transfer \$10 million from severance taxes to the state's
30 tourism budget. We know that if we invest in tourism, we'll get much more
31 than our investment back in economic growth. More than 200,000 Coloradans
32 work in the tourism industry, and they deserve our support.

33
34 I look forward to working with you on these critical budget items. And I have
35 a message today for my many friends who could not support Referendum C: I
36 want to benefit from your views as we shape this budget. I know that the
37 budget will be stronger and better for Colorado with your participation.

38
39 Public Safety

40
41 Government's first priority is the protection of its citizens. That's why I
42 established a task force, chaired by Attorney General John Suthers, to examine
43 how our state handles sexually violent predators.

44
45 The task force offered several recommendations to make our communities
46 safer—one of the most important of which is to ensure that communities are
47 notified automatically in the event that a sexual predator moves in.

48
49 Also, any predator who fails to register should be subject to mandatory arrest.
50 And we need to change Colorado's definition of a sexually violent predator to
51 include those who are convicted of such crimes in other states.

52
53 I appreciate the efforts of the Attorney General's task force, and I'm looking
54 forward to working with the bill sponsors, Representative Josh Penry and
55 Senator Ken Kester, to pass these reforms.

56

1 Colorado's Office of Innovation and Technology is currently spearheading
2 several efforts that are vital to Colorado's security. Most importantly, we're
3 strengthening cyber security for state government to better protect sensitive
4 information and infrastructure.

5
6 We must be responsible stewards of citizen information. That's why I've
7 established the position of Chief Information Security Officer and directed \$4.2
8 million in federal funds to establish a statewide information-security initiative.

9
10 My office is working with Representative Fran Coleman and Senator Ron May
11 on these and other technology issues, and I appreciate their leadership.

12
13 PERA

14
15 One of the biggest challenges facing us this session is reforming the Colorado
16 Public Employees' Retirement Association—or PERA. With current unfunded
17 liabilities of more than \$11 billion, PERA will simply not be able to fulfill its
18 future obligations unless we make changes now.

19
20 We must tackle this problem this year. I appreciate Treasurer Hillman's strong
21 leadership on this issue, and I look forward to finding a solution that's
22 fair—both to state employees as well as to Colorado taxpayers.

23
24 Almost everyone agrees that reform is necessary, and most largely agree on
25 what those reforms should look like.

26
27 First, we do need to restructure PERA's board, which the *Rocky Mountain*
28 *News* described as “unwieldy,” with no representation from the “tax paying
29 public.” The *Pueblo Chieftain* also has called for a reorganized board “with
30 independent trustees who have no skin in the game.”

31
32 Clearly, the new board should include members who are not part of the pension
33 plan, and who have some investment experience.

34
35 I support an 11-member board comprised of five people elected by PERA
36 members and four appointed by the Governor and confirmed by the Senate, with
37 the State Auditor and Treasurer completing the board.

38
39 Second, we need to modernize our pension system to reduce current and future
40 unfunded liabilities. This will require a separate tier for newly-hired employees
41 that is stable, sustainable, and less expensive to the taxpayer. This reform will
42 significantly reduce the future burden on government while at the same time
43 attracting quality workers to state government.

44
45 We also need to take the politically tough step of examining benefit levels for
46 our current employees. We can help make the system more sustainable by
47 changing the age at which retirees receive full benefits and—if
48 necessary—reducing benefits in the “out” years for those furthest from
49 retirement. These changes should not affect those closest to retirement, but
50 could be phased in for those who have years to go.

51
52 And I believe that before any change in benefits can occur, the Legislature
53 should be required to obtain an independent actuarial review to determine the
54 impact of the change.

55

1 Finally, we should expand the defined contribution plan to give workers more
2 freedom over their money and reduce future unfunded liabilities.

3

4 I appreciate the work Senator Dave Owen has done to address this important
5 issue.

6

7 Immigration

8

9 There is also growing concern across our state—and across the nation—about
10 illegal immigration. Here at the Capitol, several bills have emerged from both
11 sides of the aisle to deal with immigration.

12

13 This is an important issue. The number of illegal immigrants in Colorado and
14 the nation has increased exponentially over the years. In fact, one-third of all
15 foreign-born Colorado residents are here illegally, and for every person who
16 moves here from another state, two arrive from other countries, many illegally.

17

18 But we also need to note that regardless of what we do here in Colorado, the
19 ultimate solution lies at the national level. And that solution will have to include
20 strengthening border security and enforcing immigration laws on employers.

21

22 In recent months, I've been working with a Colorado-based foundation on a
23 plan that would accomplish these objectives. My plan is simple. First, secure
24 the border... with a barrier, technology—whatever it takes, because no solution
25 is possible to immigration without a secure border.

26

27 Second, separate those who want to come to the United States into two distinct
28 and different groups: those who want citizenship, and those who are simply here
29 to work. For those who want citizenship, make our requirements tough, and
30 dependent on the skills we need as a country—much as Australia does today.

31

32 And for those who simply want to work, make them pass a rigorous background
33 check, pay all taxes, and work only in those jobs that aren't being filled by
34 Americans.

35

36 I will work with this legislature on Colorado-oriented immigration issues,
37 though the real heavy lifting must be done at our nation's Capitol.

38

39 Health Care

40

41 Another national issue—but one on which we can have a great impact at the
42 state level—is health care.

43

44 We need to make sure that Colorado welcomes good doctors and encourages
45 them to practice here. Every year, millions of dollars are wasted on groundless
46 medical-malpractice suits. Although these cases barely see the light of day, since
47 they're either dismissed or withdrawn immediately, they still waste valuable time
48 and resources.

49

50 Part of the problem is that Colorado has no system for meaningful review of
51 malpractice claims before they go to court.

52

53 Let's make the system work better for all parties and pass a law this year
54 requiring an expert in the field to sign off on a case before it can move forward.

55

56 Of course, we all know that our health-care system depends on hard-working

1 professionals—particularly nurses. Unfortunately, Colorado faces a nursing
2 shortage that is almost twice the national average—a shortage of both nurses
3 and nursing faculty.

4
5 I'll be using a charitable grant from United Health Care to train nurses through
6 the Rural Health Care Initiative. In addition, I'd like to use telemedicine for a
7 pilot program to help our chronically ill Medicaid population with disease
8 management. If we can make the system more efficient, the result will be better
9 health care for our poorest citizens and a more sustainable system going
10 forward.

11
12 Many of our citizens simply aren't aware of the low-cost prescription drug
13 programs made possible by drug companies and our pharmacies. That's why I
14 look forward to working with Representative Jerry Frangas to create a
15 prescription-drug clearinghouse administered by the University of Colorado
16 Health Sciences Center.

17
18 This clearinghouse will centralize pharmaceutical information and link people
19 with the drugs they need.

20
21 Education

22
23 Let me now turn to a subject that—going back to my days in the
24 Legislature—has been of critical importance to me and, I know, to you. The
25 most recent School Accountability Reports contained encouraging news, but
26 also pointed out where we need to improve.

27
28 When we created a rigorous system of standards and accountability, we knew
29 that change wouldn't come overnight. But we also knew that change was
30 necessary.

31
32 So—together—we started to do something about it. The idea was this: That
33 which you can measure, you can improve.

34
35 Well, let's take a look at the numbers. Today there are 60 more schools rated
36 "excellent" than there were just four years ago. There are 110 more "high"-
37 rated schools. And there are 103 fewer schools rated "low" and
38 "unsatisfactory."

39
40 While those numbers are powerful in themselves, we need to focus on what they
41 mean in terms of actual children. Over 71,000 more students attended
42 "excellent"- or "high"-rated schools than four years ago. And 32,000 children
43 no longer struggle to learn in "low" or "unsatisfactory" schools.

44
45 I'm proud of everyone who helped make it happen—especially hard-working
46 Colorado parents, teachers, and administrators.

47
48 Last year, I stood here and vowed to oppose any effort to weaken our reforms.
49 And while I know that none of you are thinking of doing such a thing, I'm
50 renewing that pledge today. There will be no going back.

51
52 As we continue to focus on reforming our K-12 system, we must address an
53 important problem: Far too many Colorado students who go on to college need
54 to take remedial classes before they're ready for college-level coursework.

55
56 That's why this fall I established the Colorado Education Alignment

1 Council. The Council, which includes members of the General Assembly, brings
2 together the business community, higher education, and K-12. They will report
3 to all of us later this year on how we can strengthen high-school standards to
4 ensure that every Colorado student graduates with a diploma that is meaningful.

5

6 Higher Education

7

8 It's also clear that not enough of our high-school graduates are going on to
9 college.

10

11 That's why we need to address a problem I call the "Colorado Paradox." While
12 we rank second in the nation in college degrees per capita, we lag far behind in
13 the percentage of our own students who go on to pursue a college education.

14

15 The Colorado Commission on Higher Education—led by Rick O'Donnell—is
16 working to expand college opportunities for students across our state. A
17 cornerstone of that effort is College In Colorado, a comprehensive initiative that
18 is removing barriers to college and making higher education a reality for more
19 low-income students.

20

21 The College In Colorado scholarship will provide financial aid to low-income
22 students who take responsibility for preparing for college while in high school.
23 And just last year, we endowed the scholarship with \$75 million that we realized
24 through savings in our student loan operations.

25

26 Of course, we must continue to ensure that college stays affordable, which is
27 why I believe that we should strictly limit tuition increases and boost state
28 funding of financial aid.

29

30 We should also give back to our military families just a little bit of what they've
31 given us. Let's make sure that children whose parents are reassigned out of
32 state in the middle of their schooling remain eligible for in-state tuition at our
33 colleges and universities. We owe them at least this.

34

35 We also need to make sure that we have outstanding faculty at our taxpayer-
36 funded institutions of higher education. There are currently no statewide
37 standards for the college tenure process—not even recognized minimum
38 standards.

39

40 Let's see to it that tenure is given only to those truly qualified professors who
41 deserve such recognition. I plan to work with the Commission on Higher
42 Education to establish a basic threshold for tenure common to all state schools.

43

44 Environment

45

46

47 As we've seen even this week, wildfires are an unfortunate fact of life in
48 Colorado—both in summer and winter. Every year, we have to mobilize
49 resources: emergency responders, air tankers, and helicopters. Fighting wildfires
50 requires finding substantial funds—over \$3 million every year.

51

52 I believe that we should create a dedicated funding source for wildfire
53 preparedness. This will ensure the continued success of efforts to minimize the
54 impact of fires before they burn out of control. And it will assure our citizens
55 that Colorado is committed to helping them battle this problem. I look forward
56 to working with Senator Jack Taylor on this vital issue.

1 Every year, half a million people climb at least one of Colorado's fourteeners.
2 Unfortunately, six of those 54 mountains are off-limits to the public, because
3 they contain abandoned mines that lie on private land. The people who own this
4 land are understandably fearful of potential lawsuits in the event of an injury on
5 their property.

6
7 In the interest of Coloradans—as well as the many people who come from out
8 of state to enjoy the outdoors—let's pass legislation protecting landowners from
9 lawsuit so that these lands remain accessible to all. I'd like to thank
10 Representative Rob Witwer and Senator Dan Grossman for taking the lead on
11 this legislation.

12
13 Today, it's a fact: Colorado's environment is better off in almost every area
14 than it was seven years ago, particularly in air quality.

15
16 Part of the reason for this progress is the Vehicle Inspection and Maintenance
17 Program—a program that was beneficial for many years but which has clearly
18 outlived its usefulness. We need to terminate this unnecessary program, which
19 costs motorists \$26 million a year.

20
21 The *Denver Post* called the test a “needless hassle for ... car owners.” The
22 *Rocky Mountain News* agreed, saying, “The emissions test is no longer merely
23 dubious; it's a scandal.... It's long past time for that program to disappear.”

24
25 Friends, this is a test for government: Is there a program that, having fulfilled
26 its purpose, can ever be ended? I say, “Yes”—and I'm calling on the Air Quality
27 Control Commission to start the ball rolling.

28
29 Conclusion

30
31 Last year, I pledged to work closely with the leaders of both parties to craft
32 policies that would move Colorado forward. We knew we'd sometimes be on
33 different sides of issues, but we were usually able to disagree without being
34 disagreeable—and we did work well together.

35
36 But I also vowed not to compromise on principle. I didn't, and that's why I was
37 forced to take out the veto pen 47 times.

38
39 This year, I know that in most cases we'll work out our differences and I'll sign
40 your proposals. But if you send me a bill that weakens Colorado families, puts
41 our jobs-friendly climate at risk, or reverses any of the great progress we've
42 made in education, I'll take that pen out again.

43
44 I've enjoyed working with President Joan Fitz-Gerald and Speaker Andrew
45 Romanoff, as well as the leaders of my own party, Representative Joe Stengel
46 and Senator Andy McElhany.

47
48 Let's work together again this year. Let's continue to move forward, not
49 backward, on education. Forward, not backward, on taxes. Forward, not
50 backward, on transportation, our environment, and our quality of life.

51

1 It's been the greatest honor of my life to serve as Governor of this great state.
2 Thank you for your service.

3
4 God bless you and God bless Colorado.

5
6 The Joint Committee escorted the Governor from the Chambers.

7
8 On motion of Representative Madden, the Governor's message was
9 ordered printed in the House Journal.

10
11 On motion of Senator Gordon, the Joint Session was dissolved.

14 PRINTING REPORT

15
16 The Chief Clerk reports the following bills have been correctly printed:
17 **HB06-1011, 1016, 1028, 1050, 1051, 1052, 1053, 1054, 1055, 1056,**
18 **1057, 1058, 1060, 1061, 1062, 1063, 1064, 1065.**

21 INTRODUCTION OF BILLS

22 First Reading

23
24 The following bills were read by title and referred to the committees
25 indicated:

26
27 **HB06-1079** by Representative(s) Frangas, Coleman, Green, Penry;
28 also Senator(s) Johnson--Concerning penalties against
29 medical providers for the unlawful receipt of payment
30 from medicaid recipients.
31 Committee on Health and Human Services

32
33 **HB06-1080** by Representative(s) Carroll T.; also Senator(s) Grossman--
34 -Concerning authorizing forensically trained doctoral level
35 mental health professionals to conduct competency
36 examinations for adults charged with crimes.
37 Committee on Judiciary

38
39 **HB06-1081** by Representative(s) Ragsdale; also Senator(s) Fitz-
40 Gerald--Concerning a prohibition on the inspection of
41 certain records maintained by designated election officials
42 that relate to the identification of electors.
43 Committee on State, Veterans, & Military Affairs

44
45 **HB06-1082** by Representative(s) Stengel; also Senator(s) McElhany--
46 Concerning actions against the employer of an
47 unauthorized alien for the tortious conduct of the
48 unauthorized alien employee.
49 Committee on State, Veterans, & Military Affairs

50
51 **HB06-1083** by Representative(s) Stengel--Concerning the public
52 employees' retirement association, and, in connection
53 therewith, creating a new board to administer the
54 association and creating a defined contribution plan for
55 public employees.
56 Committee on Business Affairs and Labor

1 **HB06-1084** by Representative(s) Liston; also Senator(s) Kester--
2 Concerning illegal speeding activities involving motor
3 vehicles.

4 Committee on Transportation & Energy
5

6 **HB06-1085** by Representative(s) Garcia--Concerning expansion of the
7 purposes for which moneys in the building regulation fund
8 may be expended.

9 Committee on Local Government
10

11 **HB06-1086** by Representative(s) Crane; also Senator(s) Johnson--
12 Concerning the regulation of games of chance by the
13 secretary of state.

14 Committee on State, Veterans, & Military Affairs
15
16
17

18 On motion of Representative McFadyen, the House adjourned until
19 9:00 a.m., January 13, 2006.
20

21 Approved:
22 ANDREW ROMANOFF,
23 Speaker

24 Attest:
25 MARILYN EDDINS,
26 Chief Clerk