

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

First Legislative Day

Wednesday, January 11, 2006

1 Prayer by Terry Knight, Spiritual Leader of the Ute Mountain Utes,
2 Towaoc.

3

4 The Speaker called the House to order at 10:00 a.m.

5

6 Pledge of Allegiance led by John Witwer.

7

8 The Speaker appointed Marilyn Eddins Temporary Chief Clerk.

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COMMUNICATIONS FROM THE SECRETARY OF STATE

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STATE OF COLORADO

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17 **Department of**

18 **State**

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20 **UNITED STATES OF AMERICA SS. Certificate**

21 **STATE OF COLORADO**

22

23 I, **Donetta Davidson**, Secretary of State of the State of Colorado, do

24 hereby certify that the attached is a true and exact copy of the

25 Resignation from Office as filed in this office on the 27th day of May,

26 2005 by State Representative John P. Witwer.

27

28 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed

29 the Great Seal of the State of Colorado, at the City of Denver this 31st

30 day of May, 2005.

31

32 (Signed)

33 Donetta Davidson

34 Secretary of State

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STATE OF COLORADO

**Department of
State**

**UNITED STATES OF AMERICA) SS. Certificate
STATE OF COLORADO)**

I, **Donetta Davidson**, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Designation of Nomination to Fill a Vacancy as filed in this office on the 3rd day of June, 2005, by the Republican 25th House District Vacancy Committee, designating the appointment of Robert E. Witwer to fill the vacancy in the office of the Colorado State House of Representatives District 25, for the Sixty-fifth General Assembly of the State of Colorado, caused by the resignation of the Honorable John P. Witwer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 6th day of June.

(Signed)
Donetta Davidson
Secretary of State



STATE OF COLORADO

**Department of
State**

**UNITED STATES OF AMERICA) SS. Certificate
STATE OF COLORADO)**

I, **Donetta Davidson**, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy Candidate of Acceptance of Designation and Declaration of Qualification as filed in this office on the 3rd day of June, 2005 by Robert E. Witwer, accepting the appointment of the Republican 25th House District Vacancy Committee, to fill the vacancy in the office of Colorado State House of Representatives District 25, for the Sixty-fifth General Assembly of the State of Colorado, caused by the resignation of the Honorable John P. Witwer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 6th day of June.

(Signed)
Donetta Davidson
Secretary of State

1 (Note: On June 9, 2005, at 11:15 a.m., Robert E. Witwer of 1149
2 Genesee Vista Road, Golden, Colorado 80401, was sworn in as
3 Representative for District 25. Speaker of the House Romanoff
4 administered the oath of office in the Chamber of the House of
5 Representatives.)

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STATE OF COLORADO

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**Department of
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**UNITED STATES OF AMERICA SS. Certificate
STATE OF COLORADO**

17 I, **Donetta Davidson**, Secretary of State of the State of Colorado, do
18 hereby certify that the attached is a true and exact copy of the
19 Resignation from office as filed in this office on the 21st day of
20 June, 2005, by State Representative Greg Brophy.

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24

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the Great Seal of the State of Colorado, at the City of Denver this 22nd
day of June.

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(Signed)
Donetta Davidson
Secretary of State

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STATE OF COLORADO

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**Department of
State**

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**UNITED STATES OF AMERICA SS. Certificate
STATE OF COLORADO**

40 I, **Donetta Davidson**, Secretary of State of the State of Colorado, do
41 hereby certify that the attached is a true and exact copy of the
42 Designation of Nomination to Fill a Vacancy as filed in this office the
43 29th day of June, 2005, by the Republican 63rd House District Vacancy
44 Committee, designating the appointment of Cory Gardner to fill the
45 vacancy in the office of the Colorado State House of Representatives,
46 District 63, for the Sixty-Fifth General Assembly of the State of
47 Colorado, caused by the resignation of the Honorable Greg Brophy.

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the Great Seal of the State of Colorado, at the City of Denver this 1st day
of July, 2005.

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(Signed)
Donetta Davidson
Secretary of State

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STATE OF COLORADO

**Department of
State**

**UNITED STATES OF AMERICA SS. Certificate
STATE OF COLORADO**

I, **Donetta Davidson**, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Candidate Acceptance of Designation as filed in this office on the 28th day of June, 2005 by Cory S. Gardner, accepting the appointment of the Republican 63rd House District Vacancy Committee, to fill the vacancy in the office of Colorado State House of Representatives, District 63, for the Sixty-Fifth General Assembly of the State of Colorado, caused by the resignation of the Honorable Greg Brophy..

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 1st day of July, 2005.

(Signed)
Donetta Davidson
Secretary of State

(Note: On July 18, 2005, at 10:30 a.m., Cory S. Gardner of 514 South Ash, Yuma, Colorado 80759, was sworn in as Representative for District 63. Justice Rebecca Love Kourlis administered the oath of office in the Chamber of the House of Representatives.)

The roll was called with the following result:

Present--65.

The Speaker declared a quorum present.

On motion of Representative Madden, the Speaker appointed Representatives Lindstrom, Chairman, Todd, and McCluskey to notify the Senate that the House was organized and ready for business.

House in recess. House reconvened

Representative Lindstrom, Chairman of the Committee to Notify the Senate, reported that the Senate had been notified that the House was organized and ready for business.

1 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

2
3 **HJR06-1001** by Representatives Madden, Romanoff, Stengel; also
4 Senators Gordon, Fitz-Gerald, McElhany--Concerning the
5 appointment of a joint committee to notify the Governor
6 that the Second Regular Session of the Sixty-fifth General
7 Assembly is organized and ready to transact business.

8
9 On motion of Representative Madden, the rules were suspended and the
10 resolution given immediate consideration.

11
12 On motion of Representative Madden, the resolution was **adopted** by
13 **viva voce** vote.

14
15 The Speaker appointed Representatives Soper, Green, Crane pursuant to
16 the resolution.

17
18
19 _____
20 House in recess.
21 _____

22
23 The Speaker recognized a committee from the Senate. Senators Shaffer,
24 Sandoval, and Owen reported that the Senate was organized and ready for
25 business.

26
27 _____
28 House reconvened.
29 _____

30
31 Representative Soper, Chairman of the Committee to Notify the
32 Governor, reported that the Governor had been notified that the House
33 was organized and ready for business.

34
35
36 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

37
38 **HJR06-1002** by Representatives Madden, Garcia, Stengel, May; also
39 Senators Gordon, Fitz-Gerald, McElhany--Concerning a
40 Joint Session of the House of Representatives and the
41 Senate for the purpose of hearing a message from His
42 Excellency, Governor Bill Owens, and appointing a
43 committee to escort the governor.

44
45 On motion of Representative Madden, the rules were suspended and the
46 resolution given immediate consideration.

47
48 On motion of Representative Madden, the resolution was **adopted** by
49 **viva voce** vote.

50
51 The Speaker appointed Representatives Solano, Riesberg, Knoedler
52 pursuant to the resolution.

53
54
55 Speaker Romanoff addressed the members of the House of
56 Representatives.

1 *Before I begin, I would like to ask you to join me in observing a moment of*
2 *silence to honor the men and women who defend our country – the members*
3 *and veterans of the United States Armed Forces, their families, and those we*
4 *have lost.*

5
6 Madame Majority Leader, Mister Minority Leader, colleagues, friends:

7
8 *Please welcome to the House of Representatives my father, Judge Marvin*
9 *Romanoff.*

10
11 *You will notice that he is seated, appropriately enough, on the Republican side*
12 *of the aisle. I owe my father many things, including a commitment to public*
13 *service and a deep love of learning – even if his teachings are not reflected in*
14 *my political affiliation.*

15
16 *The truth is, I would not be where I am today without my father.*

17
18 Two years ago, as the 2004 legislative session began, a reporter called to ask for
19 my predictions. Wasn't it true, he said, that the divisive politics of an election
20 year, and lingering bitterness from the redistricting battle the year before, would
21 make it impossible to get anything done?

22
23 I said no. The voters sent us here to solve problems, not to point fingers or to
24 pick fights. If we focused on bread-and-butter issues – like jobs and schools and
25 health care – we could find common ground.

26
27 There was a long silence on the other end of the phone line. I assumed the
28 reporter was busy taking notes, trying to capture my words of wisdom. Instead,
29 he said, "Do you think there's someone else I could talk to?"

30
31 In ten months, the people of Colorado will hold us accountable for our
32 performance. In the meantime, we're going to have to do that ourselves.

33
34 Accountability forces us to make choices. That is exactly what you and I have
35 to do right now. We can choose to spend the next 120 days criticizing one
36 another. But let me say this: If you choose that course, you will get no help
37 from me.

38
39 Here's a better idea. Let's work together. Let's make our state the safest,
40 healthiest, and best educated in America. Let's keep faith with the citizens who
41 hired us and redeem the promise of representative democracy.

42
43 Those goals are within our reach – but only if we put statesmanship above
44 partisanship.

45
46 Alexander Hamilton, an American statesman whose 251st birthday we celebrate
47 today, warned of the dangers of "factionalism." "The spirit of party," he wrote
48 in Federalist 26, "must be expected to infect all political bodies."

49
50 Ironically, Mr. Hamilton expressed greater hope for federal lawmakers, believing
51 they would be less susceptible than state or local officials to "occasional ill
52 humors or temporary prejudices." Mr. Hamilton might be disappointed if he
53 were to visit our nation's capital today.

54
55 Colorado is a far cry from D.C. Let's lead by example; let's show Washington
56 the way.

1 We're already on the right track.

2

3 Last year we completed one of the most productive legislative sessions in recent
4 memory. It was also one of the most efficient, with two days to spare. That is
5 a credit to our floor leaders, to our exceptionally talented staff, and to each of
6 you.

7

8 We produced an Economy Recovery Plan – a plan that will enable this state to
9 balance its budget and meet the needs of a growing population for years to
10 come. The success of Referendum C is a tribute to our governor. It is a tribute
11 to a vast coalition of hard-working volunteers. And above all, it is a tribute to
12 the best tradition of Colorado politics, a tradition of bipartisanship.

13

14 Whether or not you supported Referendum C, we are all accountable for its
15 results. More on that point in a moment.

16

17 First, let me discuss three specific goals for which we will and should be held
18 accountable – improving public education, cutting the cost of health care, and
19 strengthening our economy.

20

21 These goals are closely connected. Colorado's economy cannot flourish without
22 a skilled and healthy workforce.

23

24 To improve public education, we should:

25

26 **Invest in early childhood education.** Every child should be able to start first
27 grade ready to learn. There's no doubt about it: high-quality preschool and full-
28 day kindergarten improve student performance, reduce dropout rates, and make
29 it much more likely for children to fulfill their potential.

30

31 **Help school districts recruit, train, and retain effective principals.** I've
32 visited each of the schools in my district; I'm sure you have, too. The most
33 successful all have strong leaders – principals who put a premium on teaching
34 and learning, who engage parents and encourage community involvement, who
35 spark innovation.

36

37 **Make college a reality – not just a dream – for more Coloradans.** We can
38 do that in several ways. We can increase the value of the College Opportunity
39 Fund. And, most exciting of all, we can offer a five-year path to a high-school
40 diploma and an associate's degree.

41

42 We're joined today by a participant in just such a program: Meca Delgado.
43 Meca is a graduate of Skyline High School in Longmont and a student at the
44 University of Colorado. She is the first person in her family to attend college
45 and a proud role model for her seven nieces and nephews. Please welcome
46 Meca to the House of Representatives.

47

48 To cut the cost of health care, we should:

49

50 **Reduce the price of prescription drugs. We can pool our purchasing power
51 with other states and create a pharmaceutical clearinghouse for Colorado
52 consumers. That would be a real blessing to Coloradans like Dennis and
53 Jeannie Roe, who have also joined us today.**

54

55 Dee is a retired pressman and mineworker and a community volunteer. He and
56 Jeannie are the grandparents of 16. Please welcome them to the chamber.

1 Dee and Jeannie live on a fixed income. That makes it hard for them to afford
2 the prescription drugs they need to stay healthy and out of the hospital. No one
3 in this state – no one – should have to choose between food and medicine. We
4 can do better.

5
6 **Support community health centers.** As you know, nearly 800,000 Coloradans
7 are uninsured – that’s more than one out of every six people in this state. The
8 emergency room should not be their primary source of treatment. A
9 neighborhood clinic can fill the gap. Let’s invest in community health centers
10 throughout Colorado. That’s a proven, cost-effective approach.

11
12 **Expand access to telemedicine.** Many Coloradans live too far away to see a
13 specialist or even a primary care provider on a regular basis. We can save
14 money through telemedicine. We can literally save lives. Let’s bring
15 telemedicine to more counties. Let’s use technology to improve care in rural
16 Colorado.

17
18 To strengthen our economy, we should:

19
20 **Repair our infrastructure. The voters sent at least one clear message when**
21 **they defeated Referendum D – and it was not “to heck with**
22 **transportation.” It was “pay as you go.” Over the next five years, we can**
23 **and should dedicate \$1 billion toward specific road and bridge projects**
24 **throughout Colorado. The math works – and, under this plan, the law**
25 **does, too.**

26
27 **Reduce our reliance on foreign oil.** This state should seize the initiative in the
28 development of renewable energy. Colorado has both the natural and the
29 intellectual resources to lead the world in this field.

30
31 With gas prices rising, we ought to explore bio-fuels, solar power, and clean-
32 coal technologies. I can’t think of a better way simultaneously to strengthen our
33 economy, protect our environment, and defend our national security.

34
35 Mike Bowman understands that. He is a nationally recognized leader in rural
36 development. Mike’s family has farmed corn and wheat in Wray for five
37 generations. Now they’ve added one more crop to the mix: wind.

38
39 Mike and his grandmother Eva, who passed away last spring, were instrumental
40 in establishing the Wray School Wind Turbine Project. That is Colorado’s first
41 school-owned wind energy project. Please welcome Mike Bowman to the
42 House of Representatives.

43
44 **Develop a sustainable, long-term solution to our state’s water shortage.**
45 This is perhaps our toughest challenge. We have to work not just across the
46 aisle but across the Continental Divide. I believe we can find a way to balance
47 urban suburban, and rural needs. We’re not there yet, but we know where to
48 start – by maximizing existing water supplies, by promoting conservation, and
49 by preserving our agricultural heritage.

50
51 Our aspirations are unlimited. Our means are not. Our agenda begins,
52 therefore, with a balanced budget.

53
54 Let me be crystal clear on this point: Referendum C did not lift the lid on
55 government spending. The citizens of this state expect and deserve fiscal
56 accountability.

1 That means, first and foremost, upholding both the letter and the spirit of the
2 law. A narrow majority of Coloradans gave us permission to invest their hard-
3 earned dollars. We will account for every single dime.
4

5 Accountability also means making government more efficient – by improving the
6 oversight of state contracting and computer systems, by protecting the long-term
7 health of our pension plan, and by saving enough for a rainy day.
8

9 Above all, accountability means delivering results. The test of our success is not
10 whether the law books grow thicker on our watch. It's not whether a state
11 agency gets bigger, either.
12

13 No, the best way to evaluate our decisions – the best way to hold us accountable
14 – is to ask whether the citizens we serve are any better off as a result.
15

16 That's a good way to tackle every challenge we face. Let me give you two
17 more examples before closing: public safety and illegal immigration.
18

19 Protecting the public is the most important thing any government can do. We're
20 going to achieve real progress on that front this year. We're going to make
21 identity theft a felony. We're going to help local law-enforcement leaders
22 eradicate the scourge of methamphetamine. And we're going to make sure that
23 sexually violent predators can no longer slip through the legal cracks.
24

25 We are accountable not just for getting tough on crime but also for being
26 smarter in preventing it. That means reducing the recidivism rate in our criminal
27 justice system. And it means keeping kids on the right track. That's the most
28 cost-effective strategy of all.
29

30 Finally, let me share a few thoughts on illegal immigration. We will take action
31 on that issue this year, and I hope the federal government will, too. I believe we
32 should hold public agencies accountable for enforcing the law, and hold
33 employers accountable when they break it. Those who engage in human
34 smuggling, for sexual exploitation or other purposes, should have nowhere to
35 hide.
36

37 As we begin a rational debate over immigration policy, let's remember that we
38 are accountable for the consequences of our decisions. Let's make sure not to
39 jeopardize the rights of law-abiding citizens and other legal residents.
40

41 Let's put the same set of questions to every proposal we face: Does it make the
42 problem better or worse? How much does it cost? And how are we going to
43 pay for it?
44

45 In the end, each of us is accountable to our constituents and to our conscience.
46 We ran for office, you and I, because we wanted to improve the lives of the
47 people we represent. If we remember that – if we remember why we ran, and
48 whom we serve – we cannot fail.
49

50 _____

51 Minority Leader Stengel addressed the members of the House of
52 Representatives.
53 _____

54

55

1 Mr. Speaker, Madame Majority Leader, fellow representatives, staff, family and
2 honored guests:

3

4 The top issues before us in 2006 include:

5

6 -- Whether the legislature will keep faith with the voters and spend
7 Referendum C revenues as promised,

8

9 -- Whether we will abandon sound fiscal principles and go on a spending
10 spree the likes of which this state has not seen before,

11

12 -- Whether we will continue to make Colorado a business-friendly state
13 or hamper the economic recovery with job-costing laws and regulations,

14

15 -- Whether we will enact true immigration reform,

16

17 -- Whether we will protect private property rights, and

18

19 -- Whether we will reform PERA (Public Employees' Retirement
20 Association), or allow the \$13 billion in current unfunded liability to continue to
21 grow, making it more and more difficult for future legislatures to fix.

22

23 Some, including our friends in the media, are predicting that the 2006 session
24 may be one of the most contentious in recent memory. They may be right. Only
25 time will tell. It depends on us.

26

27 Actually, there is quite a bit on which Republicans and Democrats can agree.

28

29 For example, in the run-up to session the Speaker has suggested that the General
30 Assembly should keep faith with the voters, both the 52 percent who voted for
31 Referendum C and the 48 percent who voted against it. During the campaign it
32 was estimated that Referendum C would bring in an additional \$3.7 billion in
33 revenue. In recent days, however, we have learned that the amount of revenue
34 the state will retain is \$3.96 billion. Regardless of the amount, House
35 Republicans agree that we should keep faith with the voters and honor the
36 promises made.

37

38 Moreover, the Speaker and others have said Referendum C money should be
39 used to "restore" budget cuts that occurred over the last couple years, not create
40 new programs. Again, we agree.

41

42 In the past, the Speaker has been fond of quoting President Reagan. Those of
43 us on my side of the aisle view President Reagan as a courageous and truly
44 inspirational leader. We just hope, that in quoting President Reagan, the Speaker
45 will, as President Reagan did, endeavor to reach across the isle more frequently.

46

47 In the spirit of bipartisanship, let me in turn quote a Democrat. Sen. Joseph
48 Lieberman said, "Our parties and Presidential candidates must find ways to differ
49 without being destructive, to debate without demonizing, to put our national
50 interest ahead of special interests, to take the long view rather than the most
51 politically expedient short-term view, to rise above partisan politics to put
52 America first."

53

54 He was speaking of the national level. However, Colorado citizens expect no
55 less of us. Which road we take is up to us during the next 120 days.

56

1 The Speaker can count on my side of the aisle to keep faith with the voters on
2 Referendum C. We will honor our promise to them by opposing new programs
3 or significantly expanding current programs under the guise of efficiency.

4
5 It won't be easy. Special interest groups are already lining up at the trough,
6 wanting to know what goodies 2006 has in store for them. Many think this
7 should be their payoff not only for supporting Referendum C but also for helping
8 a year ago to elect a new majority in the legislature.

9
10 Thus, while I applaud the Speaker for trying to lower the expectations of special
11 interest groups, I suspect he may be standing on the tracks trying to stop a
12 freight train that is headed his way.

13
14 Last year, for example, the organized labor had 20 priority bills before the
15 legislature. Of these, 18 were defeated in the General Assembly or vetoed by the
16 governor. And, the two that became law had Republican sponsors. Organized
17 labor has vowed that 2006 will not be a repeat of last year. We can expect to see
18 a laundry list of anti-business legislation over the next 120 days, including:

19
20 - Bills undoing workers' compensation reform, which was implemented
21 20 years ago by a Democratic governor,

22
23 - Bills making it easier for unions to organize, and

24
25 - Bills driving up the cost of health insurance at the expense of some of
26 our most truly needy citizens, such as the severely disabled and those least able
27 to afford coverage.

28
29 And organized labor is just one special interest group; there are many others.

30
31 For some, it seems there will never be enough money. The additional \$3.96
32 billion in revenue from Referendum C will not even begin to curb their spending
33 appetite. Already, they have their sights set on other ways to generate more
34 money to spend:

35
36 -- Even though we are more than half-way through the current fiscal year, there
37 will be an attempt to go back and redo this year's budget. This would be done
38 by using "negative supplementals." In addition to increasing spending in '05-'06,
39 this would reset the base, thus allowing even higher spending next year and
40 every year into the future. I do not think this is what the voters thought would
41 happen when they voted for Referendum C.

42
43 -- In addition, we can expect to see a sharp increase in various fees and licenses
44 since they are not subject to the 6 percent spending limit. And it doesn't stop
45 there. By raising more cash funds, we also allow greater spending on the
46 General Fund side of the budget.

47
48 -- If that weren't enough, I'm told there may even be legislation to get rid of the
49 6 percent statutory limit all together.

50
51 -- Meanwhile, consumers have been hit hard in recent months by a sharp
52 increase in oil and natural gas prices. In a perverse way, this will actually work
53 to the advantage of state government. Because severance taxes are tied to the
54 price of oil and natural gas, the state is expected to take in an additional \$1.6
55 billion in severance taxes over the next two years. You can bet it won't be very
56 long before legislators eye this additional windfall and come up with new ways

1 to spend it.

2

3 -- In 2004, voters approved Amendment 35, which raised the state tax on a pack
4 of cigarettes from 20 cents to 84 cents. This is projected to raise \$171 million
5 during the current fiscal year and \$167 million next year.

6

7 -- Then there's the question of tobacco securitization. It makes good sense to
8 securitize, yielding approximately \$1.5 billion now rather than watching the
9 value of the court settlement go down over time. However, we should resist the
10 temptation to view this as "free money" that can be spent on new programs
11 which we would be hard-pressed to sustain later. My preference is to create a
12 "rainy day" fund that can be used to buffer the state from future recessions.

13

14 The citizens of Colorado need to beware. These sources of additional revenue,
15 when combined with Referendum C money and pressure from special interest
16 groups, could trigger a spending spree the likes of which this state has never seen
17 before, greatly expanding the size of government. As I said before, for some
18 there never seems to be enough.

19

20 In this debate, it is important for us to define "restoration" and what constitutes
21 a "new program." Some from the other side of the aisle have suggested it's okay
22 to spend 10 times as much on a particular program under the premise of
23 efficiency, or that it's acceptable to fund a proposal that someone, at some time,
24 might once have suggested, citing the rationale that it is an "investment" in
25 Colorado. Clearly, that, too, is not what the voters agreed to on November 1.

26

27 My side of the aisle does not think it smart to become like New York or
28 California. We will oppose huge increases in spending. But we recognize that
29 we do not have the votes in either the House or Senate to set policy. Thus, I
30 would urge the Governor to get his veto pen ready.

31

32 Though in the minority, House Republicans do not intend to simply react to
33 Democratic proposals. There are a number of important issues before us this
34 year, and you can count on House Republicans to take the lead in proposing
35 realistic, cost-effective solutions to problems facing our state. Let me mention
36 a few:

37

38 -- Rep. May will introduce a bill creating a uniform statewide ban on indoor
39 smoking in most public places, including restaurants. The bill, which will provide
40 certain reasonable exemptions, is aimed at protecting the rights of small business
41 owners as well as non-smokers.

42

43 -- Rep. White will introduce a constitutional amendment banning eminent
44 domain for economic development. Private property rights have been part of the
45 foundation upon which this country was founded. However, the U.S. Supreme
46 Court, through its decision in *Kelo v. City of New London*, have put these rights
47 in jeopardy unless we set limits. Rep. White's legislation would protect the
48 property rights of citizens and small businesses in Colorado.

49

50 -- Several Republican representatives will introduce bills regarding illegal
51 immigration. These include:

52

53 * Rep. Harvey's bill will prohibit the state and other
54 governmental agencies from employing illegal immigrants.

55

56 * Rep. Schultheis's bill will expand training for police so they can

1 do a better job of identifying and detaining illegal aliens when stopping them for
2 other infractions.

3

4 -- Likewise, several House Republicans will sponsor bills to protect our citizens
5 from sexual predators. These include:

6

7 * Rep Berens' bill to require a minimum of 24 years in prison for
8 first-time offenders.

9

10 * Rep. McCluskey's bill to protect children by criminalizing the
11 use of the Internet to solicit children for sex.

12

13 * Rep. Penry's bill requiring the mandatory arrest of sexually
14 violent predators who fail to register with local law enforcement every three
15 months and requiring incarcerated sex offenders to register before they can post
16 bail.

17

18 -- Rep. Cloer will introduce a bill to address the severe nursing shortage in
19 Colorado by establishing a loan forgiveness program for nursing students and
20 instructors.

21

22 -- Rep. Crane will sponsor a bill to increase the senior homestead exemption of
23 50 percent on the first \$200,000 value of their home to 75 percent of the first
24 \$200,000 value. Our seniors were among those hit hardest by the recent
25 recession. Now they face record-high bills to heat their homes. Raising the
26 senior homestead exemption to help to restore the tax break they have had to
27 forgo the last couple years.

28

29 -- And, Rep. Gardner has a bill to clarify the "make my day" law. In this country,
30 we believe that a person is innocent until proven guilty and that they have the
31 right to protect themselves in their own home. But as it now stands, that is not
32 the case under the Colorado "make my day" law. Currently, a person must prove
33 that they are in fear of their life and that they are not guilty of murder in order
34 to claim this form of self-defense. Rep. Gardner's bill would switch the
35 presumption, ensuring that a person truly is innocent until proven guilty.

36

37 Bipartisanship is not a one-way street. Thus, I would invite my Democratic
38 friends to support these and other bills we will be proposing.

39

40 A few weeks ago I received a disturbing report. A lobbyist told a Republican
41 member that the House Majority Leadership said it intended to kill all his bills.
42 Particularly, they want to prevent him from carrying the same identity theft bill
43 he has introduced in the past. Actions often speak louder than words, so I hope
44 that this is not a precursor of what we're going to see this session.

45

46 Similarly, there has been an escalation of personal attacks on our members.
47 Rather than debating honest differences of opinion, we have seen members of
48 the majority party engaging in name-calling, using words like "demagogues" to
49 describe our members on issues such as illegal immigration. We should be able
50 to agree to disagree without name-calling.

51

52 Not long ago, the Majority Leader was quoted in the newspaper saying that if
53 she were to say the sky is blue, I would maintain that it is green. In the spirit of
54 bipartisanship, for today, at least, I will resist the temptation to ask what she has
55 against the color green. Or to ask which shade of blue she has in mind. Rather,
56 I am willing to meet her half-way.

1 Hopefully the same will be true the other way around. Civility and not taking
2 ourselves too seriously will go a long way in making the 120 days more pleasant
3 as well as more productive. President Kennedy once said, "Let us not seek the
4 Republican answer or the Democratic answer but the right answer." That's what
5 Colorado citizens expect. That's what they deserve.

6
7

8 Representative Madden moved that the remarks of Speaker Romanoff and
9 Representative Stengel be printed in the House Journal. There being no
10 objection the remarks were printed.

11
12

APPOINTMENTS

13

14
15 Representative Stengel announced changes in the following committees:

16

17 Agriculture, Livestock, & Natural Resources:

18 Representative White to replace Representative Penry

19 Representative Gardner to replace Representative Brophy

20

21 Appropriations:

22 Representative Penry to replace Representative Stafford

23 Representative Gardner to replace former Representative John

24 Witwer

25

26 Business Affairs & Labor:

27 Representative Penry to replace Representative White

28 Representative Welker to replace Representative Massey

29

30 Education:

31 Representative Massey to replace Representative Balmer

32

33 Finance:

34 Representative Kerr to replace former Representative John Witwer

35 Representative Harvey to replace Representative May

36

37 Judiciary:

38 Representative Gardner to replace former Representative Brophy

39 Representative Rob Witwer to replace Representative Kerr

40 Representative Clapp to replace Representative Harvey

41

42 Local Government:

43 Representative Massey to replace Representative Welker

44 Representative Stafford to replace Representative Sullivan

45

46 Transportation & Energy:

47 Representative Sullivan to replace Representative Cadman

48

49

MESSAGE FROM THE SENATE

50

51
52 The Senate has adopted and transmits herewith: SJR06-001

53

54

55

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

56

1 **SJR06-001** by Senators Gordon, Fitz-Gerald, McElhany; also
2 Representatives Jahn, Gallegos, Cloer, Kerr--Concerning
3 employee salary ranges for the Second Regular Session of
4 the Sixty-fifth General Assembly.
5

6 On motion of Representative Madden, the rules were suspended and the
7 resolution given immediate consideration.
8

9 On motion of Representative Jahn, the resolution was **adopted** by **viva**
10 **voce** vote.
11

12
13 **HR06-1001** by Representatives Jahn, Gallegos, Cloer, Kerr--
14 Concerning employees and positions for the House of
15 Representatives convened in the Second Regular Session
16 of the Sixty-fifth General Assembly.
17

18 On motion of Representative Madden, the rules were suspended and the
19 resolution given immediate consideration.
20

21 On motion of Representative Jahn, the resolution was **adopted** by **viva**
22 **voce** vote.
23

24
25 **HR06-1002** by Representatives Jahn, Gallegos, Cloer, Kerr--
26 Concerning pre-payment work for the House of
27 Representatives convened in the Second Regular Session
28 of the Sixty-fifth General Assembly.
29

30 On motion of Representative Madden, the rules were suspended and the
31 resolution given immediate consideration.
32

33 On motion of Representative Jahn the resolution was **adopted** by **viva**
34 **voce** vote.
35

36
37 **HR06-1003** by Representatives Jahn, Gallegos, Cloer, Kerr--
38 Concerning the Chaplain position in the House of
39 Representatives.
40

41 On motion of Representative Madden, the rules were suspended and the
42 resolution given immediate consideration.
43

44 On motion of Representative Jahn, the resolution was **adopted** by **viva**
45 **voce** vote.
46

47
48 House in recess. House reconvened.
49
50
51
52

PRINTING REPORT

The Chief Clerk reports the following bills have been correctly pre-printed: **HB06-1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049.**

MESSAGE FROM THE SENATE

The Senate has adopted and returns herewith: HJR06-1001.
Pursuant to the resolution, the President has appointed Senator Bacon and Senator Taylor.

The Senate has adopted and returns herewith: HJR06-1002.
Pursuant to the resolution, the President has appointed Senator Groff and Senator Johnson.

INTRODUCTION OF BILLS First Reading

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

HB06-1001 by Representative(s) Merrifield--Concerning principals in public schools.
Committee on Education

HB06-1002 by Representative(s) Carroll M., Borodkin, Butcher, Cerbo, Coleman, McCluskey, Paccione; also Senator(s) Isgar--Concerning the continuation of the office of consumer counsel for the purpose of representing the public interest in matters concerning utilities regulated by the public utilities commission.
Committee on Business Affairs and Labor

HB06-1003 by Representative(s) Pommer, Borodkin, Green, Hefley, Larson, McFadyen; also Senator(s) Williams, Isgar, Wiens--Concerning private toll roads and toll highways, and, in connection therewith, specifying requirements that must be met before a corporation can construct a private toll road or toll highway.
Committee on Transportation & Energy

HB06-1004 by Representative(s) Green; also Senator(s) Windels--Concerning the creation of a grant program to provide funding for organizations that supply accessible educational materials for students with print disabilities, and making an appropriation therefor.
Committee on Education

- 1 **HB06-1005** by Representative(s) Pommer, Benefield, King, Merrifield;
2 also Senator(s) Bacon, Tupa, Windels, Williams--
3 Concerning the authorization of additional school district
4 revenues to fund costs associated with full-day
5 kindergarten programs.
6 Committee on Education
7
- 8 **HB06-1006** by Representative(s) Butcher--Concerning referral by an
9 insurance company of an insured to a personal property
10 repair business.
11 Committee on Business Affairs and Labor
12
- 13 **HB06-1007** by Representative(s) Decker--Concerning the transfer of
14 a motor vehicle to a person not licensed as a motor vehicle
15 dealer for the purpose of scrapping the motor vehicle, and,
16 in connection therewith, establishing requirements for
17 such person to purchase or otherwise receive a motor
18 vehicle, or parts thereof, and requiring a waiting period
19 before scrapping an abandoned motor vehicle.
20 Committee on Transportation & Energy
21
- 22 **HB06-1008** by Representative(s) Massey--Concerning reimbursement
23 for supplemental on-line education courses.
24 Committee on Education
25
- 26 **HB06-1009** by Representative(s) Liston; also Senator(s) Spence--
27 Concerning an increase in the limit on the amount of
28 money to be collected as penalties for delinquent property
29 tax payments that the county treasurer is authorized to
30 refrain from collecting.
31 Committee on Finance
32
- 33 **HB06-1010** by Representative(s) Weissmann, Penry, Benefield, Curry,
34 Garcia, Hodge, Marshall, McFadyen, Merrifield, Plant,
35 Todd; also Senator(s) Hanna--Concerning state
36 participation in government procurement rules of an
37 international trade agreement.
38 Committee on State, Veterans, & Military Affairs
39
- 40 **HB06-1011** by Representative(s) McCluskey; also Senator(s)
41 Sandoval--Concerning child exploitation offenses, and
42 making an appropriation in connection therewith.
43 Committee on Judiciary
44 Committee on Appropriations
45
- 46 **HB06-1012** by Representative(s) Ragsdale; also Senator(s) Johnson--
47 Concerning absentee ballots.
48 Committee on State, Veterans, & Military Affairs
49
- 50 **HB06-1013** by Representative(s) Gallegos--Concerning assistance
51 grants for elderly and disabled persons.
52 Committee on Finance
53
54

- 1 **HB06-1014** by Representative(s) Hoppe; also Senator(s) Isgar--
2 Concerning the authority of the department of agriculture
3 over the disposition of moneys received from other
4 sources.
5 Committee on Agriculture, Livestock, & Natural Resources
6
- 7 **HB06-1015** by Representative(s) Carroll T., Hefley, King, Marshall,
8 McGihon; also Senator(s) Dyer, Groff, Grossman,
9 Mitchell, Veiga--Concerning the enactment of Colorado
10 Revised Statutes 2005 as the positive and statutory law of
11 the state of Colorado.
12 Committee on Judiciary
13
- 14 **HB06-1016** by Representative(s) Lindstrom, Larson--Concerning the
15 issuance of a temporary registration for commercial
16 movers of household goods.
17 Committee on Transportation & Energy
18
- 19 **HB06-1017** by Representative(s) Hall; also Senator(s) Spence--
20 Concerning the creation of a performance-based incentive
21 for employers that create high quality new jobs in the
22 state.
23 Committee on Business Affairs and Labor
24
- 25 **HB06-1018** by Representative(s) Riesberg; also Senator(s) Hagedorn,
26 Bacon--Concerning an increase in the funding to the older
27 Coloradans cash fund from the receipts collected from the
28 state sales and use tax.
29 Committee on Finance
30
- 31 **HB06-1019** by Representative(s) Soper--Concerning the addition of a
32 line to Colorado state individual income tax return forms
33 whereby individual taxpayers may make a voluntary
34 contribution to the Colorado easter seals fund.
35 Committee on Finance
36
- 37 **HB06-1020** by Representative(s) Rose--Concerning the issuance of
38 special license plates for motor vehicles valued by
39 collectors due to their early date of manufacture.
40 Committee on Transportation & Energy
41
- 42 **HB06-1021** by Representative(s) Benefield; also Senator(s) Tupa--
43 Concerning physical education teachers employed by
44 school districts.
45 Committee on Education
46
- 47 **HB06-1022** by Representative(s) Clapp--Concerning the ninety-day
48 waiting period preceding dissolution of a marriage.
49 Committee on Judiciary
50
- 51 **HB06-1023** by Representative(s) King--Concerning educator licensure.
52 Committee on Education
53
- 54 **HB06-1024** by Representative(s) Frangas; also Senator(s) Tapia--
55 Concerning underserved students at institutions of higher
56 education.

- 1 Committee on Education
2
- 3 **HB06-1025** by Representative(s) Carroll M.; also Senator(s)
4 Hagedorn--Concerning concurrent legislative jurisdiction
5 over the real property constituting the Buckley Air Force
6 base.
7 Committee on State, Veterans, & Military Affairs
8
- 9 **HB06-1026** by Representative(s) Berens; also Senator(s) Mitchell--
10 Concerning increasing the penalty for certain sexual
11 assault offenses when the victim is twelve years of age or
12 younger.
13 Committee on Judiciary
14
- 15 **HB06-1027** by Representative(s) Lindstrom; also Senator(s) Johnson--
16 Concerning persons authorized as peace officers in
17 Colorado.
18 Committee on Judiciary
19
- 20 **HB06-1028** by Representative(s) Carroll T.--Concerning an increase in
21 the number of judges in certain courts within the state
22 judicial department, and making an appropriation therefor.
23 Committee on Judiciary
24 Committee on Appropriations
25
- 26 **HB06-1029** by Representative(s) Lundberg--Concerning reforms to the
27 state's medical assistance program.
28 Committee on Health and Human Services
29
- 30 **HB06-1030** by Representative(s) Coleman, Carroll M., Cerbo; also
31 Senator(s) Veiga--Concerning the requirement that an
32 insurer make certain disclosures to consumers regarding
33 the content of automobile insurance policies.
34 Committee on Business Affairs and Labor
35
- 36 **HB06-1031** by Representative(s) Larson; also Senator(s) Isgar--
37 Concerning the reimbursement allowed to directors of the
38 southwestern water conservation district for nontravel
39 expenses.
40 Committee on Agriculture, Livestock, & Natural Resources
41
- 42 **HB06-1032** by Representative(s) Hodge; also Senator(s) Brophy--
43 Concerning inflation adjustments for irrigation districts.
44 Committee on Agriculture, Livestock, & Natural Resources
45
- 46 **HB06-1033** by Representative(s) Coleman, Vigil, White; also
47 Senator(s) Takis, Hanna, Taylor--Concerning the
48 modification of the manner in which the state controller
49 makes required allocations of two-thirds of the general
50 fund surplus for any state fiscal year commencing on or
51 after July 1, 2006, to the highway users tax fund and one-
52 third of such general fund surplus to the capital
53 construction fund to require the state controller to make
54 ninety percent of the estimated annual allocations on
55 September 20 of each year and the remaining amounts of
56 the allocations on the date the state controller issues the

- 1 comprehensive annual report of the state.
2 Committee on Finance
3
- 4 **HB06-1034** by Representative(s) King, Benefield; also Senator(s)
5 Bacon, Windels, Williams--Concerning special education
6 funding.
7 Committee on Education
8
- 9 **HB06-1035** by Representative(s) Ragsdale, Green, Larson; also
10 Senator(s) May R., Williams--Concerning motor vehicles
11 required to stop before crossing at grade railroad tracks.
12 Committee on Transportation & Energy
13
- 14 **HB06-1036** by Representative(s) Carroll M., Coleman; also Senator(s)
15 Tochtrop--Concerning the requirement that automobile
16 insurance carriers offer medical payments coverage in
17 connection with an automobile insurance policy issued in
18 Colorado.
19 Committee on Business Affairs and Labor
20
- 21 **HB06-1037** by Representative(s) Merrifield; also Senator(s) Jones--
22 Concerning collection of data on children five years of
23 age and younger who have been disenrolled as a result of
24 challenging behavior.
25 Committee on Education
26
- 27 **HB06-1038** by Representative(s) Borodkin; also Senator(s) Bacon--
28 Concerning the Colorado economic development
29 commission, and, in connection therewith, establishing
30 minimum standards for recipients of moneys from the
31 Colorado economic development fund, establishing
32 reporting requirements for the recipients, and extending
33 the statutory repeal date for the commission.
34 Committee on Business Affairs and Labor
35
- 36 **HB06-1039** by Representative(s) McFadyen, Larson, Pommer,
37 Ragsdale; also Senator(s) Hagedorn, May R.--Concerning
38 the placement of on-premise advertising devices at
39 comprehensive developments.
40 Committee on Transportation & Energy
41
- 42 **HB06-1040** by Representative(s) Marshall, Coleman, Paccione; also
43 Senator(s) Veiga--Concerning the sunset review of the
44 functions of the division of insurance, and, in connection
45 therewith, continuing the functions of the division relating
46 to the issuance of certificates of authority for health and
47 life insurers, adding the sunset review of the division's
48 regulation of life insurance and health care coverage,
49 broadening the sunset review of the regulation of property
50 and casualty insurance, and requiring the division to track
51 information pertaining to its compliance with the uniform
52 certificate of authority application process.
53 Committee on Business Affairs and Labor
54
- 55 **HB06-1041** by Representative(s) Borodkin, Butcher, Carroll M.,
56 Knoedler, Liston, Massey, Paccione; also Senator(s)

- 1 Groff--Concerning continuation of the cost-benefit
2 analysis of proposed rules.
3 Committee on Business Affairs and Labor
4
- 5 **HB06-1042** by Representative(s) Kerr; also Senator(s) Jones--
6 Concerning the repeal of certain provisions of the "Bank
7 Electronic Funds Act".
8 Committee on Business Affairs and Labor
9
- 10 **HB06-1043** by Representative(s) Coleman; also Senator(s) Tochtrop--
11 Concerning the creation of the Colorado consumer
12 insurance board for the purpose of providing counsel to
13 the division of insurance.
14 Committee on Business Affairs and Labor
15
- 16 **HB06-1044** by Representative(s) Cloer; also Senator(s) Tochtrop--
17 Concerning claims practices for bodily injury to a third-
18 party claimant arising out of the use of a motor vehicle.
19 Committee on Business Affairs and Labor
20
- 21 **HB06-1045** by Representative(s) McCluskey, Butcher, Frangas, Todd;
22 also Senator(s) Keller, Gordon, Tochtrop--Concerning
23 public reporting of hospital-acquired infections.
24 Committee on Health and Human Services
25
- 26 **HB06-1046** by Representative(s) Vigil, Coleman, White; also
27 Senator(s) Hanna, Takis, Taylor--Concerning regulation of
28 private occupational schools.
29 Committee on Education
30
- 31 **HB06-1047** by Representative(s) Vigil, Coleman, Schultheis, White;
32 also Senator(s) Takis, Hanna, Taylor--Concerning the
33 inclusion of performance awards in salaries for purposes
34 of making annual adjustments to the compensation of state
35 employees.
36 Committee on State, Veterans, & Military Affairs
37
- 38 **HB06-1048** by Representative(s) Vigil, Coleman, Schultheis, White;
39 also Senator(s) **None**, Hanna, Taylor--Concerning the
40 discipline of persons engaged in an occupation regulated
41 by the division of registrations in the department of
42 regulatory agencies.
43 Committee on Business Affairs and Labor
44
- 45 **HB06-1049** by Representative(s) Witwer; also Senator(s) Grossman--
46 Concerning limitations on liability for owners of
47 abandoned mining operations on land made available for
48 public recreational purposes.
49 Committee on Agriculture, Livestock, & Natural Resources
50
- 51 **HB06-1050** by Representative(s) Buescher--Concerning the creation of
52 a budget stabilization fund, and, in connection therewith,
53 requiring the appropriation of general fund moneys and
54 the crediting of portions of general fund surplus and state
55 severance tax revenues to the budget stabilization fund
56 under specified circumstances and allowing appropriations

- 1 from the budget stabilization fund under other specified
2 circumstances.
3 Committee on Finance
4
- 5 **HB06-1051** by Representative(s) Witwer; also Senator(s) Sandoval--
6 Concerning elections to recall elected officials.
7 Committee on State, Veterans, & Military Affairs
8
- 9 **HB06-1052** by Representative(s) Paccione--Concerning a state income
10 tax modification for bad debts owed by individuals for
11 medical services rendered by medical professionals that
12 are not deducted from federal taxable income under the
13 federal internal revenue code.
14 Committee on Finance
15
- 16 **HB06-1053** by Representative(s) Pommer--Concerning local
17 government master plans for land use management.
18 Committee on Local Government
19
- 20 **HB06-1054** by Representative(s) Plant--Concerning AIDS prevention.
21 Committee on Health and Human Services
22
- 23 **HB06-1055** by Representative(s) Coleman; also Senator(s) Shaffer--
24 Concerning a modification to the exception to the
25 limitation on medical impairment benefits for workers'
26 compensation claims based on mental impairment.
27 Committee on Business Affairs and Labor
28
- 29 **HB06-1056** by Representative(s) Madden; also Senator(s) Hanna--
30 Concerning the provision of healthy nutrition alternatives
31 in public schools.
32 Committee on Education
33
- 34 **HB06-1057** by Representative(s) Stafford--Concerning criminal acts
35 involving animals, and making an appropriation in
36 connection therewith.
37 Committee on Judiciary
38 Committee on Appropriations
39
- 40 **HB06-1058** by Representative(s) Pommer; also Senator(s) Williams--
41 Concerning creation of a surcharge to be paid by persons
42 convicted of certain crimes against children.
43 Committee on Judiciary
44
- 45 **HB06-1059** by Representative(s) Riesberg, Berens, Cerbo, Lindstrom,
46 McCluskey, McGihon, Ragsdale, Vigil; also Senator(s)
47 Williams, Entz, Taylor, Tochtrop--Concerning the
48 structure of trust funds and investment funds in the
49 administration of assets for the benefit of firefighters and
50 police officers.
51 Committee on Local Government
52
- 53 **HB06-1060** by Representative(s) Rose, Larson, Penry; also Senator(s)
54 Entz, Brophy--Concerning the agriculture and livestock
55 exemption from the sales and use tax.
56 Committee on Finance

1

- 1 **HB06-1061** by Representative(s) Coleman, Schultheis, Vigil, White;
2 also Senator(s) Takis, Hanna, Taylor--Concerning
3 complaints by state employees alleging retaliation for
4 disclosure of information.
5 Committee on State, Veterans, & Military Affairs
6
- 7 **HB06-1062** by Representative(s) Welker, Schultheis--Concerning
8 collection of citizenship data for public school students
9 enrolled in kindergarten through twelfth grade.
10 Committee on State, Veterans, & Military Affairs
11
- 12 **HB06-1063** by Representative(s) Cadman--Concerning clarifying a
13 court's ability to impose global position monitoring on
14 persons involved in criminal matters.
15 Committee on Judiciary
16
- 17 **HB06-1064** by Representative(s) Butcher; also Senator(s) Tapia--
18 Concerning reporting of student performance on
19 assessments administered under the Colorado student
20 assessment program.
21 Committee on Education
22
- 23 **HB06-1065** by Representative(s) King--Concerning creation of the
24 statewide data-sharing system.
25 Committee on Education
26

27
28
29 On motion of Representative Frangas, the House adjourned until
30 9:00 a.m., January 12, 2006.
31

32
33
34
35 Attest:
36 MARILYN EDDINS,
37 Chief Clerk

Approved:
ANDREW ROMANOFF,
Speaker