

**SENATE JOURNAL**  
Sixty-fifth General Assembly  
**STATE OF COLORADO**  
Second Regular Session

---

1st Legislative Day Wednesday, January 11, 2006

---

Prayer By the chaplain, Father Michael J. Sheeran, President of Regis University.

Presentation of Colors By American GI Forum, Mile High Chapter.

Pledge of Allegiance President Fitz-Gerald.

Musical Presentation By Choral Images, Evergreen High School, directed by Bill Loper.

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

---

**LETTER OF RESIGNATION**

June 9, 2005

Joan Fitz-Gerald, President of the Senate  
Colorado State Capitol  
200 East Colfax Avenue  
Denver, CO 80203

Dear Madam President:

Please accept this letter as my resignation as State Senator For Senate District 1, effective today, June 9, 2005. I am resigning because Governor Owens has asked me to serve as the Acting Incumbent Treasurer for the State of Colorado. I am honored to accept this appointment.

It has been a pleasure and honor to serve the people of Colorado as State Senator.

Thank you.

Sincerely,  
(signed)  
Mark Hillman

---

**COMMUNICATIONS FROM THE 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 of the Resignation from Office as filed in this office on the 13th day of June, 2005, by State Senator Mark Hillman.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this 14th day of June, 2005.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67

(Signed)  
William A. Hobbs  
Deputy Secretary of State  
for  
Donetta Davidson  
Secretary of State

1  
2  
3  
4  
5  
6  
7  
8  
9

State of Colorado  
Department of  
State

10  
11  
12  
13

United States of America, ss. Certificate  
State of Colorado

14  
15  
16  
17

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 by Vacancy Committee as filed in this office on the 20th day of June, 2005, by the Republican 1st Senate District Vacancy Committee, designating the appointment of Greg Brophy to fill the vacancy in the office of the Colorado State Senate, District 1, for the Sixty-Fifth General Assembly of the State of Colorado, caused by the resignation of the Honorable Mark Hillman.

18  
19  
20  
21  
22  
23  
24

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this 22nd day of June, 2005.

25  
26  
27  
28

(Signed)  
Donetta Davidson  
Secretary of State

29  
30  
31  
32

State of Colorado  
Department of  
State

33  
34  
35  
36

United States of America, ss. Certificate  
State of Colorado

37  
38  
39  
40  
41

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 Acceptance of Designation by Vacancy Committee as filed in this office on the twentieth day of June, 2005, by Greg Brophy, accepting the appointment of the Republican 1st Senate District Vacancy Committee, to fill the vacancy in the office of Colorado State Senate, District 1, for the Sixty-Fifth General Assembly of the State of Colorado, caused by the resignation of the Honorable Mark Hillman.

42  
43  
44  
45  
46  
47  
48  
49

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this twenty seventh day of June, 2005.

50  
51  
52  
53

(Signed)  
Donetta Davidson  
Secretary of State

54  
55  
56  
57

(NOTE: On June 23, 2005, at 11:30 a.m., Greg Brophy, 1038 West 7th St. Wray 80758, was sworn in to the Sixty-Fifth General Assembly as Senator for District 1 to fill the vacancy created by the resignation of Senator Mark Hillman. Justice Rebecca Love Kourlis administered the oath of office in the Chamber of the Senate.)

58  
59  
60  
61  
62

**LETTER OF RESIGNATION**

January 2, 2006

63  
64  
65  
66  
67

Gigi Dennis, Secretary of State  
Colorado Department of State  
1700 Broadway, Suite 250  
Denver, CO 80290

68  
69  
70  
71  
72

Dear Secretary Dennis:

This letter is to inform you of my resignation to the office of Senator in Senate District 22, effective January 3, 2006 at 8:00 A.M.

Sincerely,  
(signed)  
Norma V. Anderson  
2622 South Iris Street  
Lakewood, CO 80227

---

**COMMUNICATIONS FROM THE SECRETARY OF STATE**

State of Colorado  
Department of  
State

United States of America, ss. Certificate  
State of Colorado

I, Gigi Dennis, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Resignation from Office as filed in this office on the 3rd day of January, 2006, by State Senator Norma Anderson.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this 11th day of January, 2006.

(Signed)  
Gigi Dennis  
Secretary of State

---

State of Colorado  
Department of  
State

United States of America, ss. Certificate  
State of Colorado

I, Gigi Dennis, 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 by Vacancy Committee as filed in this office on the 9th day of January, 2006, by the Republican 22nd Senate District Vacancy Committee, designating the appointment of Kathleen K. Traylor to fill the vacancy in the office of the Colorado State Senate, District 2, for the Sixty-Fifth General Assembly of the State of Colorado, caused by the resignation of the Honorable Norma Anderson.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this 11th day of January, 2006.

(Signed)  
Gigi Dennis  
Secretary of State

---

State of Colorado  
Department of  
State

United States of America, ss. Certificate  
State of Colorado

I, Gigi Dennis, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Acceptance of Designation/Nomination by Vacancy Committee and Declaration of Qualification as filed in this office on the 9th day

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72

of January, 2006, by Kathleen (Kiki) Traylor, accepting the appointment of the Republican 22nd Senate District Vacancy Committee, to fill the vacancy in the office of Colorado State Senate, District 22, for the Sixty-Fifth General Assembly of the State of Colorado, caused by the resignation of the Honorable Norma Anderson.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this 11th day of January, 2006.

(Signed)  
Gigi Dennis  
Secretary of State

On motion of Senator Gordon, and with the unanimous consent of the Senate, the President appointed a committee composed of Senators Takis, Keller, and Spence to wait upon Chief Justice Mullarkey of the Supreme Court and request her to administer the oath of office to the Senator-elect Kiki Traylor.

The President announced that the Senate would be in recess until the return of the Committee with the Chief Justice Mullarkey.

Senate in recess. Senate reconvened.

Chief Sergeant-at-Arms Philip Brown announced the arrival of the Committee and Chief Justice Mullarkey.

Oath of Office The Chief Justice administered the Oath of Office to Senator-elect Kiki Traylor.

Roll Call Present--35.

Quorum The President announced a quorum present.

Temporary Rules On motion of Senator Gordon, and with the unanimous consent of the Senate, the Rules of the Senate of the First Regular Session of the Sixty-fifth General Assembly were made the Temporary Rules of the Second Regular Session of the Sixty-fifth General Assembly.

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

Election of Secretary On motion of Senator Gordon, Karen Goldman was elected to serve as Secretary of the Senate during the Second Regular Session of the Sixty-fifth General Assembly.

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

Oath of Office The President administered the oath of office to Karen Goldman as Secretary of the Senate.

On motion of Senator Gordon, and with the unanimous consent of the Senate, the President appointed Senators Shaffer, Sandoval, and Owen as members of the committee to notify the House of Representatives that the Senate was organized and ready for business.

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

Senate in recess. Senate reconvened.

MESSAGE FROM THE HOUSE

Jan 11, 2006  
Madame President:

The House has adopted and transmits herewith HJR06-1001, as printed in House Journal, January 11.

Pursuant to the resolution, the Speaker has appointed Representatives Soper, chairman, Green, and Crane.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

**HJR06-1001** by Representative(s) Madden, Romanoff, Stengel; also Senator(s) Gordon, Fitz-Gerald, McElhany--Concerning the appointment of a Joint Committee to notify the Governor that the Second Regular Session of the Sixty-fifth General Assembly is organized and ready to transact business.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

The President appointed Senators Bacon and Taylor to serve on the committee to notify the Governor.

**SJR06-001** by Senator(s) Gordon, Fitz-Gerald, McElhany; also Representative(s) Jahn, Gallegos, Cloer, Kerr--Concerning employee salary ranges for the Second Regular Session of the Sixty-fifth General Assembly.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Bacon	E	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	E	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

On motion of Senator Gordon, and with the unanimous consent of those elected to the Senate, the Senate stood in recess to hear the opening day remarks of Senate President Joan Fitz-Gerald and Minority Leader Andy McElhany. The text of their remarks follows.

Senate in recess.

**President Fitz-Gerald's remarks:**

Good morning and welcome honored guests, family, friends and my fellow Senators. I am

pleased to welcome you to the opening 2nd session of the 65th Colorado General Assembly. 1  
2

Let us pause to remember our soldiers, past and present, who have served their nation honorably. We appreciate their service and sacrifice. 3  
4  
5  
6

Last weekend, three soldiers, Captain Michael Martinez, Major Douglas Labouff, and 1st Lt. Joseph D. deMoors, from the Third Armored Calvary Regiment at Fort Carson were killed while serving in Iraq. They paid the ultimate price – and this morning our thoughts and prayers are with their families. 7  
8  
9  
10

I ask for a moment of silence. 11  
12

We are here today because there is much work ahead of us. 13  
14

We must begin repairing the foundation of our state. 15  
16

And so this morning let me talk about where we have been; where we are now and where we should be going. 17  
18  
19  
20

I borrow from Charles Dickens in a "Tale of Two Cities" when I describe 2005 as – "It was the best of times, and it was the worst of times." 21  
22  
23

Last year, our state's government stood at the brink of a financial crisis: 24  
25

Colorado had lost 150,000 jobs, 26  
27

Our state faced millions of dollars in additional budget cuts to programs that affected families across the state, 28  
29  
30

Thousands of low income men and women lost their Medicaid benefits, 31  
32

And from Ft. Collins to Durango, college students faced double digit tuition increases at the same time that our schools were forced to cut back on classes and professors. 33  
34  
35

Across the state, many of us heard from people from all walks of life, young workers, retirees, middle class parents, and the elderly. Many of them with the same fears – telling us they stay awake at night, worrying that they're just one paycheck away from financial disaster. 36  
37  
38  
39  
40

That was the worst of times. 41  
42

We looked around and said, "Colorado can do better." 43  
44

So we laid out a vision - to help find a paycheck for every family, a schoolbook for every child and, a doctor for every patient. 45  
46  
47

Because, in spite of our differences – there are things we can all agree on. From the Western Slope to the Eastern plains - families need access to affordable health care, quality schools for their children, and a growing economy that helps them provide for a brighter future. 48  
49  
50  
51  
52

And so we began the journey toward better days, a journey toward a better Colorado. 53  
54

Working together, this Legislative body strengthened the enforcement of securities law to protect our pensions and savings. We helped provide more energy assistance for low-income households. And, we developed an appeals process for patients who were denied coverage by their insurers. 55  
56  
57  
58  
59

And, most importantly, we held ourselves fiscally accountable. We made deep and painful cuts to our state budget. Long hours were spent finding solutions that didn't drastically compromise the welfare of Coloradans, but enabled the state to function. This disciplined process allowed us to tread water until a more permanent solution could be found. 60  
61  
62  
63  
64

That is where we were. 65  
66

Today we are in a different place. 67  
68

With the passage of Referendum C, Colorado voters affirmed our legislative priorities, and gave us a mandate to continue work on strengthening our schools, to continue to find ways for Coloradans to have quality health care, to continue our financial support of our institutions of higher education, and to make sure that we have safe roads taking us where 69  
70  
71  
72

we need to go.

Referendum C gives us the opportunity to look ahead; the luxury of making plans that will enable us to secure our future.

We have taken the first step.

So let me talk about the most important issues for this legislative session: A Colorado full of opportunity, security and accountability.

With these priorities in place, we will go to work:

**Healthcare** - We will work to lower the cost of healthcare. This means lowering the cost of prescription drugs and increasing access to health clinics in our rural and urban communities. We will also challenge ourselves to guarantee that over the next five years every child in Colorado will have access to basic healthcare. No parent should have to decide between what's best for their child's health and it's affordability. Our children deserve a healthy start in life.

**Education** - Every child - no matter where they live, no matter who their parents are, no matter what their economic status - every child deserves a chance at school readiness. The history of a child should not be written before the age of six.

One day, we will all look back on this General Assembly. So let us remember we are in competition with the whole world and let us academically prepare our children better than any other place in any other country at any other time.

**Higher Education** - Our colleges and universities should be a beacon attracting brilliant scholars that craft life-changing improvements in all of our lives through research and innovation.

President John F. Kennedy once said, "Our progress as a nation can be no swifter than our progress in education."

This means going beyond just restoring cuts made in previous years. Investing in colleges and universities is just good business sense. Higher paying jobs demand higher learning.

**Immigration** - Let's talk for a moment about illegal immigration.

Let's face facts. Our borders are not secure. There is no one simple answer to this problem - and it is a problem.

We must continue working to protect the jobs and wages of Coloradans. This must be done, however, with respect for human dignity and without violating or diminishing civil rights.

But we cannot do it alone. Today, I challenge the federal government to enforce our nation's immigration laws, to examine our nation's needs for workers, to enforce wage and hour laws, to prevent exploitation of any human being and to protect our standard of living.

Let's get away from the rhetoric and find solutions by working together with respect and civility. We need to work with our neighboring states and our federal government to create legislation that is realistic, enforceable and responsible.

Finally, a word about accountability: In changing over from old, cumbersome computer systems, the State of Colorado has again and again failed to manage contracts responsibly. To that end I am appointing a Select Committee on Government Accountability.

The failures of these contracts and the procedures that got us there must be examined and corrected.

Colorado's taxpayers deserve answers.

As we move forward in 2006, let us make progress on the issues that affect all Coloradans.

This session we will revisit good ideas that were put on the back burner. We will continue to pass legislation that is meaningful and good for Colorado.

Some ideas are worth fighting for.

We are guided by the vision of what President Clinton called "a government for tomorrow

- not our yesterdays." 1

The Colorado our children will inherit will depend upon what we do today. Can we look 2  
to the future and have the determination to do what is right and not what is "right now"? 3  
Or will we stop at today and think only of our limited time in this body? 4  
5  
6  
Let us continue down this path we have started - focusing on progress. 7  
8  
My fellow Senators, as elected representatives, we must believe in our mission to serve our 9  
neighbor. It means being accountable for the work we do here and the policies we enact. 10  
11  
Join me in a commitment to a responsible and responsive government that protects the 12  
well being and safety of our communities and promotes economic vitality for all our 13  
citizens. 14  
15  
We would do well to heed the lessons from Hurricane Katrina. Government has a function 16  
and a role to play. When we are not prepared - not just for natural disasters -but to deliver 17  
services - that is a failure. 18  
19  
It is a new day in Colorado. Last year, we were a sleeping giant full of potential. This year 20  
we are waking to find a better Colorado. We stand on the cusp of a new day and a new era, 21  
but make no mistake about it the passage of Referendum C was only the first step of many. 22  
23  
As we consider our limited time in this body, I want to digress and acknowledge that at the 24  
end of this session several senators will be taking their leave because of term limits. 25  
Senators Evans, Lamborn, Owen and Teck will be taking with them the invaluable 26  
experience and wisdom that comes from serving in this body. 27  
28  
While we understand that term limits fulfill the legacy of citizen legislators, they also 29  
impact the institutional memory and leadership of this body. Each of these senators has 30  
served this state with loyalty and dedication. 31  
32  
No one embodied that quite like Senator Norma Anderson. Today would have marked the 33  
beginning of her 20th and final session. Senator Anderson was either a loyal ally or a 34  
tough adversary depending on where you stood. Though we were adversaries at times, at 35  
the end of the day we put aside our differences and traveled across the state in support of 36  
Referendum C. She will be missed. 37  
38  
Senator Kathleen Traylor has been selected to replace Senator Anderson. Senator, your 39  
predecessor set the bar very high and we look forward to seeing you thrive and grow as a 40  
legislator. 41  
42  
Today, right now, this body must grow and thrive as well. The residents of this great state 43  
deserve policies that are relevant to their daily lives. We must work on issues that affect all 44  
of us - for there are things we can all agree on. 45  
46  
As we embark on a new Legislative session, citizens will be watching us closely - making 47  
sure we are faithful to their vision. 48  
49  
My fellow Senators, as elected representatives -it is our chance to make 2006 the best of 50  
times. 51  
52  
I look forward to each of us using our individual talents to lay the foundation for what kind 53  
of state we want Colorado to be. 54  
55  
Thank you. So let the session begin 56  
57  
58  
59  
President Fitz-Gerald recognized Minority Leader, Senator Andy McElhany to address the 60  
Senate. 61  
62  
63  
**Senator McElhany's remarks:** 64  
65  
Our caucus wants to make sure that the revenue raised by Referendum C, enacted by the 66  
voters state-wide in November is used to bridge the basic budgetary gaps as the public was 67  
promised. K-12 education as well as our state's institutions of higher learning will get 68  
some budgetary breathing room as well our state's overburdened medicaid budget. 69  
70  
However, we must not use Referendum C's money to create new programs with new 71  
entitlements that establish boundless expectations of adding more and more beneficiaries 72



each year. We will keep a watchful eye on any attempts to expand government instead of doing what the voters charged us with doing. That means plugging the holes in existing government services. We'll be especially wary of any attempts to create new spending programs in the guise of improving existing ones.

There are, of course, legal limits, topping off the state's operating budget with new funding. Those limits will require a lot of "C"'s new money, at first to be spent on backlogged capital needs. That's long overdue, especially when it comes to Colorado's underfunded transportation infrastructure.

While the legislative leadership in the majority party generally has acknowledged this reality, at least some folks across the aisle have been wavering on this point. Our highways need money now. Voter approval of Referendum C explicitly authorized transportation funding. And especially in this 1st year after "C"'s passage, we must do all we can to begin restoring our state's sagging transportation infrastructure.

Our role as a watchdog also means that we stand ready to head off attempts by some lawmakers to increase burdens on Colorado's investors, entrepreneurs, and other business owners. That includes "Mom & Pop" businesses which are the backbone of the economy in so many communities across Colorado.

Our party long has recognized that our jobs and prosperity overall depend on the people who risk their own capital to provide all of us goods and services. They are the ones who truly drive economic development.

That's why we must insure that they are not hounded by frivolous personal injury lawsuits or unwarranted irresponsible workers compensation costs. Working closely with our Governor, we, Republicans, helped turn back a raft of bills during the 2005 Session that could have sent workers compensation insurance costs through the roof for employers. Those employers are the job creators in Colorado, and we do not want to penalize job creators.

In general, we want to look out for the interest of the individual against the fiscal follies, micro- meddling, and social engineering of big government. We can be counted on to stand up for private property rights against the abuse of the government's power of eminent domain, and you can expect legislation along those lines this session.

You also can look to us to try to ease the burden that illegal immigration places on taxpayers in drawing down public services. In other words, we're here to make sure that state government takes care of business basics like roads and education while staying on a strict budgetary diet. We want the state to attend to its business without telling our citizens how to run theirs.

As we go into the next 120 days there will be a challenge. We face a skeptical public. During the end of the last session, I was out at Health Sciences having a small skin cancer removed from my lower leg. I made the mistake of thinking that during the middle of the procedure that I would look and see how it was coming. I took one look and laid back down and said "I can't look at that." The doctor, with missing a beat, said, "That's alright, Senator, we can't bear to watch while you work either."

If the public is skeptical, it tends to be even schizophrenic at times. We've got the same people complaining that oil prices are too high and that Wal-Mart sells things too cheaply.

Several weeks ago, Senator Gordon and I met to talk about some of the rules and procedures of the upcoming session. Senator Gordon mentioned to me that we spend a lot of time each session with one party trying to embarrass the other, and one party trying to put the other on record on various votes, and wondering if we couldn't stay away from those things this session.

I said, "Senator Gordon, we're in the minority and we have little else to do."

Senator Gordon said, "I will try to find some more constructive channels for your energies." or something to that regard. Well, as you know, where there's a need, nature provides a solution.

Some of us were very fortunate recently to hear an address by former Israeli Prime Minister, Shimon Peres, when he was talking about the majority setting policy and doing things like that. He said, "When you are in the minority you can write poetry and compose music. So Senator Gordon, I will instruct my caucus, that when we offer amendments to put you on record that we will do it in either iambic pentameter or set to music. That will solve both of our issues.

Also, as we move forward into the Session, the next 120 days, I think this is always in my mind at time for great optimism and anticipation of the Session and an appreciation of being able to participate in the democratic process. What a special institution this is. Not only the democratic process, but to do it in Colorado. Because Colorado politics are squeaky clean. We don't have many of the problems that we see in other states.

As many of us attend legislative conferences, we hear stories that a good many of the Tennessee legislature was recently led away in a sting operation for taking bribes. We don't have that sort of thing in Colorado.

When we were in the House of Representatives, I think now the rule has been changed, it was the Speaker's prerogative to appoint all members of the committees of reference, even the minority members. But as a courtesy, the Speaker let the Minority Leader make those appointments to the committees of reference. There are many other states where that same power exists, but either the President or the Speaker makes all the appointments. And they do it in a way to cripple the minority party. So that, for example, there is somebody who has expertise in education the Speaker would stick that person on the ag. committee. Yes, it cripples the minority party, but it also cripples the process. I'm delighted to say that we do not have that sort of thing going on in Colorado.

It is a time to look forward with optimism and anticipation for what is coming. For me, it's also a time to remember some of the memories and instructions that we've had in the past.

I think in closing, I would talk a little bit about coming in as a freshman in the House of Representatives. Tim Foster was the Majority Leader and Carl Hillard was a 30 year+ reporter for the Associated Press. He came into the freshmen caucus to give us a little advice. I remember Rep. Foster saying that this a very formal place. It is intentionally a very formal place. It needs to be that way to preserve the decorum and the process.

As we go forward there will be spirited debate in this "well". There will be emotional debate. But we continue to address each other as "Senator" and respect the constituents that each of us represents.

And finally, Carl Hillard's parting advice, when he retired was, "Respect this institution, take it seriously, take what you do seriously, take your job seriously, but for heaven's sake, don't take yourself seriously."

Congratulations to all of you, and I look forward to the work of the next 120 days.

---

Senate reconvened.

---

On motion of Senator Gordon, and with the unanimous consent of those elected to the Senate, the remarks of Senate President Joan Fitz-Gerald and Minority Leader Andy McElhany were ordered spread upon the pages of the journal.

### MESSAGE FROM THE HOUSE

Jan 11, 2006

Madame President:

The House has adopted and transmits herewith HJR06-1002, as printed in House Journal, January 11.

Pursuant to the resolution, the Speaker has appointed Representatives Solano, chairman, Riesberg, and Knoedler.

---

### INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

**HJR06-1002** by Representative(s) Madden, Romanoff, Stengel; also Senator(s) Gordon, Fitz-Gerald, McElhany--Concerning a Joint Session of the House of Representatives and the Senate for the purpose of hearing a message from His Excellency, Governor Bill Owens, and appointing a committee to escort the Governor.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Bacon	Y	Hanna	Y	Mitchell	Y	Tochtrop	Y
Brophy	Y	Isgar	Y	Owen	Y	Traylor	Y
Dyer	Y	Johnson	Y	Sandoval	Y	Tupa	Y
Entz	Y	Jones	Y	Shaffer	Y	Veiga	Y
Evans	Y	Keller	Y	Spence	Y	Wiens	Y
Gordon	Y	Kester	Y	Takis	Y	Williams	Y
Groff	Y	Lamborn	Y	Tapia	Y	Windels	Y
Grossman	Y	May R.	Y	Taylor	Y	President	Y
Hagedorn	Y	McElhany	Y	Teck	Y		

The President appointed Senators Groff and Johnson to serve on the committee to escort the Governor to the joint session.

Senate in recess. Senate reconvened.

### MESSAGE FROM THE HOUSE

Jan 11, 2006

Madame President:

The House has adopted and returns herewith SJR06-001.

### INTRODUCTION OF RESOLUTIONS

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

- SJR06-002** by Senator(s) Isgar; also Representative(s) Curry--Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.  
Agriculture, Natural Resources & Energy
- SJR06-003** by Senator(s) Groff; also Representative(s) Carroll T.--Concerning the commemoration of the birthday of the Reverend Dr. Martin Luther King, Jr., and the extension of the "Voting Rights Act of 1965".  
Laid over one day under Senate Rule 30(b).
- ### INTRODUCTION OF BILLS -- FIRST READING
- The following bills were read by title and referred to the committees indicated:
- SB06-001** by Senator(s) Hagedorn; also Representative(s) Madden--Concerning a reduction in the cost of prescription drugs.  
Health and Human Services
- SB06-002** by Senator(s) Shaffer; --Concerning mandatory disclosure in connection with the purchase of residential real property of whether the property has been used as a methamphetamine laboratory.  
Business, Labor and Technology
- SB06-003** by Senator(s) Kester, Entz, Fitz-Gerald, Isgar, Shaffer; also Representative(s) Rose, Gallegos, Gardner, Hodge--Concerning the use of biofuels in state buildings.  
State, Veterans & Military Affairs
- SB06-004** by Senator(s) Mitchell, Gordon, Keller, Tochtrop; also Representative(s) Butcher, Frangas, McCluskey, Todd--Concerning a report by the department of corrections regarding the provision of medical services to state inmates through the use of telemedicine.  
Judiciary
- SB06-005** by Senator(s) Windels, Kester, Takis; also Representative(s) Solano, Jahn--Concerning mental health services coverage under health benefit plans.  
Health and Human Services

<b>SB06-006</b>	by Senator(s) Takis, Hanna, Taylor; also Representative(s) White, Coleman, Schultheis, Vigil-- Concerning the authority of the public employees' retirement association to deny employment to individuals convicted of specified offenses. Judiciary	1 2 3 4 5
<b>SB06-007</b>	by Senator(s) Windels, Bacon, Spence, Tupa; also Representative(s) Penry, Benefield, King, Merrifield, Pommer--Concerning state school lands. Education	6 7 8 9
<b>SB06-008</b>	by Senator(s) May R., Williams; also Representative(s) Pommer, Green, Hefley, Knoedler, Larson, Ragsdale--Concerning the regulation of commercial motor vehicles that transport hazardous materials over the public highways. Transportation	10 11 12 13 14
<b>SB06-009</b>	by Senator(s) Mitchell, Grossman; also Representative(s) McGihon, Carroll T., Witwer-- Concerning a requirement that discussions occurring in executive sessions of public bodies be electronically recorded. State, Veterans & Military Affairs	15 16 17 18 19
<b>SB06-010</b>	by Senator(s) Isgar; also Representative(s) Ragsdale, Larson, McFadyen, Pommer--Concerning the appearance of a commercial vehicle's owner in a court hearing concerning a permit or documentation violation. Transportation	20 21 22 23 24
<b>SB06-011</b>	by Senator(s) Tapia, Hagedorn, Keller, Shaffer; also Representative(s) Butcher, Boyd, Green-- Concerning a study to analyze factors that drive the cost of health care within Pueblo county. Health and Human Services	25 26 27 28
<b>SB06-012</b>	by Senator(s) Isgar, Kester, Bacon, Entz, Fitz-Gerald, Keller, Williams, Windels; also Representative(s) Curry, Vigil, Witwer, Gallegos--Concerning the voluntary contribution designation benefiting the family resource centers fund that appears on the state individual income tax return forms, and, in connection therewith, extending the period for the contribution designation. State, Veterans & Military Affairs	29 30 31 32 33 34 35
<b>SB06-013</b>	by Senator(s) Spence; also Representative(s) Benefield--Concerning extension of the surcharge associated with the security features found on drivers' licenses. Transportation	36 37 38 39
<b>SB06-014</b>	by Senator(s) Taylor, Hanna; also Representative(s) White, Coleman, Schultheis, Vigil--Concerning the regulation of entities subject to the real estate commission. Business, Labor and Technology	40 41 42 43
<b>SB06-015</b>	by Senator(s) Taylor, Hanna, Takis; also Representative(s) Coleman, Schultheis, Vigil, White-- Concerning a clarification of the types of motor vehicles included in the centralized fleet of state vehicles. Transportation	44 45 46 47 48
<b>SB06-016</b>	by Senator(s) Entz, Fitz-Gerald, Kester, Shaffer; also Representative(s) Rose, Gallegos, Gardner, Hodge--Concerning the use of biodiesel fuel for all state-owned diesel vehicles. Transportation	49 50 51 52
<b>SB06-017</b>	by Senator(s) Keller, Shaffer; also Representative(s) Green, Boyd--Concerning the expansion of the availability of affordable health care coverage for Coloradans, and, in connection therewith, creating the healthy business healthy people program and making an appropriation therefor. Health and Human Services	53 54 55 56 57
<b>SB06-018</b>	by Senator(s) Bacon; also Representative(s) Buescher--Concerning a modification to the period that tax increment revenue may be allocated to a downtown development authority. Finance	58 59 60 61
<b>SB06-019</b>	by Senator(s) Tochtrop; also Representative(s) Carroll M., Cerbo, Coleman--Concerning a requirement that emergency medical care coverage be included in automobile insurance policies. Health and Human Services	62 63 64 65
<b>SB06-020</b>	by Senator(s) Hanna; also Representative(s) Green--Concerning the creation of a nurse licensure compact. Health and Human Services	66 67 68 69
<b>SB06-021</b>	by Senator(s) Sandoval; also Representative(s) Marshall--Concerning identification cards issued by the state department of revenue to certain individuals. State, Veterans & Military Affairs	70 71 72

		1
		2
<b>SB06-022</b>	by Senator(s) Kester; also Representative(s) Penry--Concerning sexually violent predators. Judiciary	3 4 5
<b>SB06-023</b>	by Senator(s) Hanna, Takis, Taylor; also Representative(s) Vigil, Coleman, White--Concerning the placement of inmates classified higher than medium custody in private prisons. Judiciary	6 7 8 9
<b>SB06-024</b>	by Senator(s) Spence; --Concerning student data from the elementary to secondary education system through the postsecondary education system. Education	10 11 12 13
<b>SB06-025</b>	by Senator(s) Owen; also Representative(s) Coleman--Concerning modifications to the statute governing unlawful ownership of a dangerous dog. Local Government	14 15 16 17
<b>SB06-026</b>	by Senator(s) Brophy; also Representative(s) Merrifield--Concerning prohibitions on admission standards adopted by the Colorado commission on higher education. Education	18 19 20 21
<b>SB06-027</b>	by Senator(s) Hanna, Takis, Taylor; also Representative(s) Coleman, Vigil--Concerning penalties for retail food establishment violations. Health and Human Services	22 23 24 25
<b>SB06-028</b>	by Senator(s) Lamborn; also Representative(s) Frangas--Concerning the creation of a bronze star special license plate. Transportation	26 27 28 29
<b>SB06-029</b>	by Senator(s) Williams; also Representative(s) Garcia--Concerning a disclosure requirement in the private sale of a motor vehicle that may not qualify for a certification of emissions control. Transportation	30 31 32 33
<b>SB06-030</b>	by Senator(s) Evans; also Representative(s) Merrifield--Concerning the school leadership academy. Education	34 35 36
<b>SB06-031</b>	by Senator(s) Jones; also Representative(s) Merrifield--Concerning authorizing payment of college opportunity fund stipends for education programs on military bases. State, Veterans & Military Affairs Education	37 38 39 40 41
<b>SB06-032</b>	by Senator(s) Jones; also Representative(s) Balmer--Concerning in-state tuition for dependents of members of the military. Education	42 43 44 45
<b>SB06-033</b>	by Senator(s) Owen; also Representative(s) Coleman--Concerning the elimination of obsolete statutory language. State, Veterans & Military Affairs	46 47 48 49
<b>SB06-034</b>	by Senator(s) Entz, Fitz-Gerald, Grossman, Isgar, Taylor; also Representative(s) Hodge, Butcher, Curry, Hoppe, White--Concerning the appointment to the Colorado water resources and power development authority board of directors of a director who is experienced in water quality matters. Agriculture, Natural Resources & Energy	50 51 52 53 54
<b>SB06-035</b>	by Senator(s) Hagedorn; also Representative(s) Boyd--Concerning the creation of a program to provide premium subsidies to certain individuals enrolled in a qualifying health benefit plan. Health and Human Services	55 56 57 58
<b>SB06-036</b>	by Senator(s) Hagedorn; --Concerning the types of health benefit plans required to be offered by small employer carriers to small employers in the state. Health and Human Services	59 60 61 62
<b>SB06-037</b>	by Senator(s) Isgar; also Representative(s) Curry--Concerning the adjudication of recreational in-channel diversions. Agriculture, Natural Resources & Energy	63 64 65 66
<b>SB06-038</b>	by Senator(s) Tapia; also Representative(s) Knoedler--Concerning investigation of insurance fraud. Business, Labor and Technology	67 68 69
<b>SB06-039</b>	by Senator(s) Tochtrop, Entz, Taylor, Williams; also Representative(s) McGihon, Berens, Cerbo, McCluskey, Ragsdale, Vigil--Concerning the partial entry into the fire and police pension association defined benefit system by members of money purchase plans where all future eligible	70 71 72

	employees are required to participate in the defined benefit system.	1
	Finance	2
<b>SB06-040</b>	by Senator(s) Teck; --Concerning increased consumer protections with regard to negative option plans.	3
	Business, Labor and Technology	4
<b>SB06-041</b>	by Senator(s) Veiga; also Representative(s) Coleman, Cadman, Carroll M.--Concerning the application of the health insurance prompt pay provisions to claims made as a result of a motor vehicle accident.	5
	Business, Labor and Technology	6
<b>SB06-042</b>	by Senator(s) Windels, Bacon; also Representative(s) King, Benefield, Penry--Concerning technical revisions to provisions affecting funding for certain charter schools.	7
	Education	8
<b>SB06-043</b>	by Senator(s) Tochtrop, Gordon, Keller, Mitchell; also Representative(s) Todd, Butcher, McCluskey--Concerning the provision of health care services through the use of telemedicine under the Colorado medical assistance program.	9
	Health and Human Services	10
<b>SB06-044</b>	by Senator(s) Hagedorn, Shaffer; also Representative(s) Boyd, Green--Concerning the provision of health care services to specified low-income adults.	11
	Health and Human Services	12
<b>SB06-045</b>	by Senator(s) Williams, Jones; also Representative(s) Solano, Hefley, Merrifield--Concerning the investigation of child care providers.	13
	Judiciary	14
<b>SB06-046</b>	by Senator(s) Tupa, Bacon, Windels, Williams; also Representative(s) Merrifield, Benefield, Pommer--Concerning the study of an education system ranging from pre-kindergarten through higher education, and, in connection therewith, creating a legislative oversight committee and special council.	15
	Education	16
<b>SB06-047</b>	by Senator(s) Hanna, Hagedorn, Keller, Shaffer; also Representative(s) Riesberg, Boyd, Green, McCluskey--Concerning the provision of health care services by local governmental entities, and, in connection therewith, allowing such districts to be created in any part of the state authorizing such districts to levy a sales tax and authorizing counties to impose a sales tax for the purpose of providing health care services.	17
	Local Government	18
<b>SB06-048</b>	by Senator(s) Tapia, Bacon, Evans; also Representative(s) Massey, Borodkin--Concerning the pilot program for the director of research of the legislative council to use a dynamic model to analyze the economic impact of bills that make a tax policy change.	19
	Finance	20
<b>SB06-049</b>	by Senator(s) Bacon, Evans, Tapia; also Representative(s) Lindstrom, Borodkin, Massey--Concerning the transfer of the state council on the arts from the department of higher education to the Colorado office of economic development.	21
	State, Veterans & Military Affairs	22
<b>SB06-050</b>	by Senator(s) Johnson; --Concerning professional review of health care providers.	23
	Business, Labor and Technology	24
<b>SB06-051</b>	by Senator(s) Tupa; also Representative(s) Weissmann--Concerning benefits that may be accepted by certain public officials, and, in connection therewith, prohibiting certain public officials from accepting monetary gifts.	25
	State, Veterans & Military Affairs	26
<b>SB06-052</b>	by Senator(s) Grossman; --Concerning exemption from the statutory limitation on the total sales and use tax that may be imposed for a county tax to fund open space and park land.	27
	Local Government	28
<b>SB06-053</b>	by Senator(s) Takis; --Concerning an expansion in the residential lot size for which county governments are authorized to provide for the removal of overgrown vegetation.	29
	Local Government	30
<b>SB06-054</b>	by Senator(s) Entz; also Representative(s) Cerbo--Concerning the repeal of provisions that prohibit the local regulation of dangerous dogs in a manner that is specific to breed.	31
	Local Government	32

<b>SB06-055</b>	by Senator(s) Jones; also Representative(s) Garcia--Concerning reports of assaults in schools. Education	1 2 3
<b>SB06-056</b>	by Senator(s) Bacon, McElhany, Windels; also Representative(s) McFadyen, Berens, Riesberg-- Concerning authority over proposals for construction of capital improvements. Finance	4 5 6 7
<b>SB06-057</b>	by Senator(s) Groff; --Concerning creation of the missing senior citizen alert program. State, Veterans & Military Affairs	8 9 10
<b>SB06-058</b>	by Senator(s) May R.; also Representative(s) Larson--Concerning an increase in the period for which a certification of emissions control for newer diesel motor vehicles is valid. Transportation	11 12 13 14
<b>SB06-059</b>	by Senator(s) Tapia, Hanna; also Representative(s) Frangas, Marshall, McGihon--Concerning children's dental programs. Health and Human Services	15 16 17 18
<b>SB06-060</b>	by Senator(s) Tochtrop; also Representative(s) Carroll T.--Concerning the assertion by a garnishee of an exemption on behalf of a judgment debtor. Business, Labor and Technology	19 20 21 22
<b>SB06-061</b>	by Senator(s) Keller; also Representative(s) Larson--Concerning providing interpretation in legal situations for persons with hearing loss, and making an appropriation in connection therewith. Judiciary	23 24 25 26
<b>SB06-062</b>	by Senator(s) Taylor; also Representative(s) McKinley--Concerning electronic voting by certain electors who are absent from the state on election day. State, Veterans & Military Affairs	27 28 29 30
<b>SB06-063</b>	by Senator(s) Teck, Groff, Hanna; also Representative(s) Weissmann, Liston, Marshall-- Concerning the procurement of information technology systems. State, Veterans & Military Affairs	31 32 33 34
<b>SB06-064</b>	by Senator(s) Groff, Hanna; also Representative(s) Garcia, Marshall, Weissmann--Concerning the monitoring of vendor performance on state contracts, and, in connection therewith, requiring the submission of information on the use of personal services and sole-source contracts by state agencies, requiring the existing state database of prospective vendors to include information concerning vendor performance, requiring the disclosure of state contract work to be performed outside the state, establishing procedures for monitoring vendor performance, and authorizing the state to pursue specified remedies for vendor nonperformance. State, Veterans & Military Affairs	35 36 37 38 39 40 41 42 43
<b>SB06-065</b>	by Senator(s) Windels; also Representative(s) McKinley--Concerning the capital construction needs of Colorado public schools. Education	44 45 46 47
<b>SB06-066</b>	by Senator(s) Groff; --Concerning parental involvement in kindergarten through twelfth grade education. Education	48 49 50 51
<b>SB06-067</b>	by Senator(s) Hanna; also Representative(s) Kerr--Concerning suicidal behavior among students in higher education. Education	52 53 54 55
<b>SB06-068</b>	by Senator(s) Sandoval; also Representative(s) Frangas--Concerning additional authority of a local licensing authority over alcohol beverage licenses. Local Government	56 57 58 59
<b>SB06-069</b>	by Senator(s) Windels; also Representative(s) Merrifield--Concerning school accountability. Education	60 61 62
<b>SB06-070</b>	by Senator(s) Shaffer; --Concerning moneys paid by a lessee of personal property for the payment of personal property tax. Finance	63 64 65 66
<b>SB06-071</b>	by Senator(s) Veiga; also Representative(s) Massey--Concerning the increased regulation of agreements offered to a home owner in connection with foreclosure of the home owner's residence. Finance	67 68 69 70
<b>SB06-072</b>	by Senator(s) Tochtrop; --Concerning increasing penalties for careless driving. Judiciary	71 72

**SB06-073** by Senator(s) Tapia; --Concerning the age specifications relating to compulsory school attendance. Education 1  
2

**SB06-074** by Senator(s) Shaffer; --Concerning the enforcement of county code requirements pertaining to land use. 4  
Local Government 5  
6  
7

---

**TRIBUTES**  
**Interim -- 2005**

Honoring: 12

- Kerry Korsvold -- by Senator Hillman. 13
- Amber Knopp -- by Senator Tochtrop. 14
- Erin Anne Roberts -- by Senator Tochtrop. 15
- City of Wheat Ridge -- by Senator Keller. 16
- Tyler Schelpat -- by Senator Tochtrop. 17
- Ken Bueche -- by Senator Entz. 18
- Jared McDaniel -- by Senator Brophy. 19
- Mason K. Lillich -- by Senator Brophy. 20
- Ed Wiltfang -- by Senator Brophy. 21
- Evan Colburn Stratton -- by Senator Dyer. 22
- Christopher Norman Penny -- by Senator Brophy. 23
- Brian James Visoili -- by Senator Brophy. 24
- Maple Grove Elementary School -- by Senator Keller. 25

---

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Thursday, January 12, 2006. 26  
27  
28

Approved: 29

Joan Fitz-Gerald 30  
President of the Senate 31

Attest: 32

Karen Goldman 33  
Secretary of the Senate 34

3  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47