

T R A N S C R I P T

Minority Leader Chris Holbert's Opening Day Speech

J A N U A R Y 4, 2 0 1 9

Thank you, Mr. President.

Mr. President, Mr. Majority Leader, members, family, and guests. Welcome.

To the people of Colorado:

Your state Senate has convened for the first regular session of the Seventy-Second General Assembly. Today, we begin the 143rd legislative year of the great state of Colorado.

Each General Assembly is seated for a two-year term. Seventy-two times two equals one hundred and forty-four. That will take us through next year, 2020, the 144th year since statehood in 1876.

There is great history here at our state Capitol, much of which points to a time fifteen years before statehood, to 1861. Colorado became a United States Territory on February 28 of that year. Four days later, Abraham Lincoln, known as a "Man of the West," was inaugurated as the fourteenth President of the United States and, the first President inaugurated during the existence of the new Colorado Territory. Just a few weeks after that, on April 12, 1861, the first shots rang out at Fort Sumter in the harbor of Charleston South Carolina and the Civil War began.

If you visit the west steps of the Capitol, you'll find a Civil War Memorial. The figure of a Union soldier stands atop that memorial. Upon close inspection, you will find an inscription that explains that, while the population of the new Colorado Territory was relatively small, a higher percentage of that newly established Territory went to fight in the Civil War than of any state of that time.

Since the beginning, Colorado has been a place to which people are drawn and from which people are willing to give.

Imagine if you will, the struggle of one person, one man or woman, let alone a family, to cross the Great Plains. Whether by wagon or horseback, some by foot, to cross Missouri or Iowa, then Kansas or Nebraska, then all the way across Senate District One, which stretches from Kansas and Nebraska to the eastern suburbs of Metro Denver. And, for those courageous individuals to finally reach the foothills and to see the majestic Rocky Mountains for the first time.

Those risk takers began to establish new homes, roads, industry, and schools. Then, upon hearing that war had broken out, many turned back and made that journey again by wagon, horseback, or foot.

Again, since the beginning, Colorado has been a place to which people are drawn and from which people are willing to give.

Ultimately, that Great Civil War was won and the Union preserved. One great General of that time led the Union Army straight down the middle of the south, burned Atlanta, and drove all the way to Savannah Georgia. That General was William Tecumseh Sherman.

Another great General of that time later became the 18th President of the United States. On August 1, 1876, one hundred years and twenty-eight days after the Declaration of Independence, President Ulysses S. Grant signed the Proclamation that admitted Colorado into the Union as the thirty-eighth state, the Centennial State.

Now, to treasures hidden in plain sight.

Note the street that borders our state Capitol to the west. It is, of course, Lincoln Street. To the east, Grant Street borders the Capitol. And, for those of us blessed to serve here in the Colorado Senate, when we come here to the well to speak, we stand above what would be the centerline of Sherman Street, which intersects the Capitol Building north-to-south.

So many have struggled and died to defend this nation and the Constitution upon which it is founded. Most know the Constitution of these United States. “We the People of the United States, in order to form a more perfect union...” But, some people never consider the fact that each state has its own Constitution. And, few have likely read their state Constitution. Here in Colorado, ours is more an evolving book than a lasting foundational document as is the US Constitution.

The People of Colorado have, over time, amended our state Constitution many times in many ways. Just this past year, we the People of Colorado amended our state Constitution to provide for more transparent redistricting of Congressional and state legislative districts. We, finally, removed reference to slavery. And, we shed a state-specific definition of hemp.

Ours is a complex and unique constitution. For example, here in Colorado, our state Constitution protects your right to keep and bear arms and your right to grow up to six marijuana plants. Like I said, it's an evolving book.

Over the years, the People of Colorado have also amended our state constitution to create a rather unique legislature. One that offers some points of certainty that are rare among the states and, which in culmination, have established a truly unique state legislature.

Starting on Wednesday, November 1, 1876 until 1950, the Colorado General Assembly met every-other-year. Since 1951, the General Assembly has met every year. As you can learn in the Hall of Presidents, located just outside the office of the Senate President, from 1876 until 1974, the Lieutenant Governor served as President of the Senate in a role similar to how the Vice President of the United States serves as President of the United States Senate. Then, in November 1974, the People of Colorado voted to amend Article V, Section 10, of our state Constitution. That amendment, as we witnessed here this morning, allows us, the thirty-five Senators, to elect one of our own to serve as Senate President.

In 1988, the People of Colorado voted to amend our state constitution to limit the amount of time that we, the members of the General Assembly, may meet each year in general session to no more than 120 days. While it is common for states to limit general session length, many states allow their Governor, legislature, or some combination of the two, to extend session time. Not so here in Colorado.

One thing that is certain is that this general session will end at or before midnight, Friday, May third, the one hundred and twentieth day of this session. Nothing we might do past that moment would be constitutional. There cannot be a one hundred and twenty-first day of this session. Even via a special session, there can be no additional time added to a Colorado general session.

As I like to share with school kids who tour our Capitol, at or before midnight of the one hundred and twentieth day, our crystal carriage of law-making authority will turn back into a pumpkin and we citizen legislators will be citizens again, just like everyone else. Why? Because, the People of Colorado wanted it that way.

The People of Colorado also voted in 1988 to approve a Constitutional amendment known as “GAVEL,” an acronym for “Give a Vote to Every Legislator.” Seventy-two percent of the people who voted that year did so in support of GAVEL. So, what did that amendment do? It removed pocket veto from our legislative process. Here in Colorado, no one legislator can kill a bill. Not the Speaker of the House or the President of the Senate, neither of the Majority Leaders, nor any committee chairperson.

No, here in Colorado, either a simple majority of committee members present at the time of a vote or a simple majority of all members elected to a chamber is required to pass or kill a bill. In Congress and probably in some other state legislatures, if a committee chairperson does not agree with a bill, then he or she can simply not schedule that bill for a hearing. Thus, an issue, a bill, that is important to a member, probably one of a Minority Caucus, would never be heard. There would be no contentious hearing or divisive press resulting from such a bill. It simply wouldn't happen and the bill would be quietly dismissed.

Here in Colorado, GAVEL requires that every bill that is introduced must receive a hearing. In Colorado, hearings before House or Senate Committees of Reference are public events where anyone can offer his or her perspective, for or against, a bill. Thus, this General Assembly is sometimes described as being one of or possibly the most contentious of all state legislatures. I say, no to such observations.

Yes, our committee hearings can last many hours, occasionally through an entire night, with significant numbers of people voicing their support or opposition. In Congress one must be invited, summoned, or even subject to subpoena in order to testify before a committee. Not so here in Colorado. Whether one is a member of the Majority or the Minority, his or her bills must be heard. And, whether a constituent agrees or disagrees with that bill, he or she will also be heard.

It isn't a matter of Coloradans being more contentious, it's that our state constitution requires us to have those conversations and to allow the People their say on each and every bill. Why? Because the People of Colorado wanted it that way.

Another constitutional certainty is that we will, once again, pass a budget this year. It's the one bill that our state constitution requires of us. Mr. President, if it's acceptable to you, might we take up the Long Bill today, pass it quickly, and adjourn sine die before month end?

Not only will we pass a budget again this year, given the make up of the Joint Budget Committee, we will pass that budget with bi-partisan support. And, that budget will be balanced because, again, our state constitution requires it. Why? Because the People of Colorado wanted it that way.

In November 1992, the People of Colorado voted to amend our state Constitution to include the Taxpayer's Bill of Rights or "TABOR." Thus, unlike Congress in Washington, DC, this legislative body does not have the authority to create a new tax without a vote of the People. We cannot raise an existing tax rate without a vote of the People. Why? Because the majority of People who voted in 1992, 54% actually, wanted it that way. They amended our state constitution to take such power away from elected officials throughout Colorado and reserve it to them, the People.

Mr. President that fact gives me confidence. Looking back to the elections last November, it is clear that the People of Colorado voted with you when it came to candidates and they voted with me when it came to issues.

The People have given you and your Party majority control of both chambers of our state legislature for the next two years and that of the Governor's office for the next four years. They also said "No" to tax increases, unequal taxation, and to government taking and redistributing a larger portion of their success.

The message that I hear is that the People of Colorado expect us, their state legislature, to be more accountable, to provide greater return to them, for the already increasing number of dollars we currently take from them. Once again, the People of Colorado have said "No" to higher rates of taxation until we provide better return for their current tax payments.

Again, Mr. President, this gives me confidence. As has been stated annually by prior Minority Leaders, we will have our say, but not our way. We have the voice, but not the votes.

Mr. President, I believe that we here in the Senate, have a unique opportunity over the next two hundred and thirty-nine session days to demonstrate effective leadership, to honor the will of the People in both who and what they supported last November.

For example, fifty-five percent of those who voted last November agreed with their neighbors, family, and friends who work in the Colorado oil and gas industry. They recognized the irreplaceable value of severance taxes to their schools. They embraced the importance of a well-regulated industry that accounts for, by some estimates, over \$30 billion dollars of positive

annual economic impact here in Colorado.

Mr. President, a majority of those voters supported your candidates. And, a majority of those same voters said “No” to Proposition 112. Once again, we have witnessed a fascinating outcome in a Colorado election. Moving forward, will we work together this session and next to prove them right on their policy positions or will we prove them wrong on their support of candidates?

Mr. President, seeing you take that gavel this morning gives me confidence that the “adults in the room” as referenced by former capitol reporter Peter Marcus, will continue to be found here in the upper chamber, the Senate.

Mr. President, you know better than any other current member of this body the risk of alienating constituents, of pushing too far. Not that you have done those things yourself. No, like me you were a witness to the events of 2013 and you deserve credit for the time and effort you have devoted to healing relationships and to restore trust among constituents. Mr. President, you accomplished that by the way you have represented the People of Senate District three since your election to the Senate in 2014.

Mr. President, the Minority Caucus looks to you, your even hand, and your experience, to be the gauge for how far left or right we might journey over the next two years. For the past four sessions, Senate Republicans served to balance House Democrats and vice a versa. Most bills, a high point of 62% of all bills introduced in 2017, passed through both chambers. Governor Hickenlooper vetoed just two bills that year. Nothing too far left or right

made it to his desk. And, it was that way for six of the eight years that he served as our Governor.

Now, Mr. President, that balance rests with you and I'm grateful that you hold that gavel.

Mr. Majority Leader, congratulations on achieving what is in my opinion, the best position in this chamber and having done so after only two years in the Senate. With term limits, it is more common to see members serve in that capacity during their final two years in this chamber, which makes you and I rather rare exceptions.

As we have discussed previously, I stand ready to work with you to keep the Senate on track, within the rules, and for our work here to be accomplished by midnight of the one hundred and twentieth day.

Yours is a fascinating job that requires you to juggle the demands of thirty-four other members, a Calendar controlled by Rule, a clock that never stops ticking, and an army of critics who think that you have far more power than you actually do. Make good motions, Mr. Majority Leader, and know that I'm here to help if you need me.

Mr. Majority Leader, I take confidence in your leadership too. I'm not offended when someone disagrees with me. Over the past two years, I've witnessed you return that same courtesy to me and to others.

This process is not about demanding compliance to some particular ideology. We are not just allowed to disagree here in this chamber. No, we

are sent here, each of us, to represent one thirty-fifth of the population of Colorado. To represent their differing views - or at least the majority of those in each district - on hundreds of issues each year.

Our constitution establishes that we come here as thirty-five co-equal members. We aren't just allowed to disagree; it's not just something to be tolerated. No, the unique perspectives of the people who live in diverse communities throughout Colorado deserve equal consideration here in this place. Why? Because the People of Colorado wanted it that way.

Last session, the General Assembly conducted a survey of the Members of the Legislative Workplace. Participants included legislators, partisan and non-partisan staff, security officers, lobbyists, and others who regularly work and conduct business in the Capitol complex. Of those participants, eighty-three percent responded that they would recommend to a family member or friend the Capitol complex as a place to work. Eighty-seven percent responded that they feel respected here in the Capitol complex. Ninety-three percent responded that they feel comfortable working here and ninety-five percent responded that they feel safe working here.

But, Mr. President, we agree that ninety-five percent isn't good enough. We agree with your call for higher standards. We offer thanks to Senators Moreno, Gardner, Winter, and former Senator Martinez-Humenik, along with former Speaker Duran and Representative Ransom for their work on the Legislative Workplace Interim Study Committee. That committee produced a list of policy recommendations that had received their unanimous support. Those recommendations were delivered to the prior

Executive Committee, which approved those policy changes unanimously. Moving forward, now that the President and the Speaker have been elected and our current Executive Committee is seated, we will move forward to address those recommendations made by the Interim Committee that did not receive unanimous support during the Interim.

Mr. President, Mr. Majority Leader, I look forward with working with you and our House counterparts to finalize the policy and, ultimately, Rule changes necessary to improve the process by which complaints are handled. Ultimately, Mr. President, that we provide a workplace where all who participate here in the Capitol complex are respected and included.

Colleagues, I look forward to hearing your perspectives and learning how the constituents who you represent see the world, how they view the hundreds of issues, the bills, that we will consider over the next 119 days.

What will Republicans do over the next two years? We will stand for this Constitution and we will stand with the People who gave it to us.

We will continue our efforts to fund roads and bridges with existing revenues. We have heard from Governor-elect Polis that he does not support new proposals for a sales tax increase. We agree with him. He has stated that he does not support further bonding proposals. On that, we disagree.

Last year, Senate Bill One proposed bonding as a solution to an estimated nine billion dollars of transportation infrastructure need.

Initially, Senate Bill One received zero bi-partisan support here in the

Senate. Ultimately, however, the amended version of Senate Bill One received unanimous support in this very chamber.

When we gathered with Governor Hickenlooper in the Big Thompson Canyon for the signing of Senate Bill One into law, we celebrated that significant bi-partisan accomplishment. We continue to credit the good Senator from District 19 for her tenacity, leadership, and patience in her effort to amend Senate Bill 18-001.

The amended version of the bonding proposal from Senate Bill One is now law and we support the opportunity for the People of Colorado to consider that option on their ballot this November. No, it is not a duplication of Proposition 109, which failed last November. It is disappointing to hear that the Majority may intend to remove that bonding opportunity from statute with new legislation this session while Senate Republicans support the opportunity for voters to answer that different bonding question.

Senate Republicans will continue to support additional funding for roads and bridges. For the past two years, we have called on at least three hundred million dollars of General Fund revenue for roads and bridges. We have advocated that using that amount from the General Fund as the revenue source to pay for bonding. And, we have invited feedback by asking those who disagree with our proposal, if not \$300 million per year for bonding, then how much for how long?

This session, like the last, it appears that tax revenues will exceed the prior year by over one billion dollars. Some estimates put that additional, new,

revenue amount at one point two billion dollars.

To that point, Senators Scott and Cooke will introduce a bill to add three hundred thirty-six million dollars for roads and bridges. That funding would enhance the amount already provided by Senate Bill One from last session.

To K-12 education, we propose allocating that same amount, three hundred and thirty-six million dollars to buy down the so-called budget stabilization factor, previously known as the negative factor. That IOU was written to Colorado's 178 school districts in 2009. The amount of that IOU currently rests at six hundred seventy-two million dollars. Our proposal for three hundred and thirty-six million would cut that in half this year.

It's time that we take a bold step in allocating equal portions of that 1.2 billion dollars additional revenue to buy down the negative factor and improve Colorado roads and bridges.

To address another chronic K-12 education issue, Senator Hill will bring legislation to reduce compliance requirements for the 147 Colorado rural school districts. How many times have members of the House or Senate Education Committees heard from a rural school principal who drives a school bus, shovels the sidewalks, plows the parking lot, and coaches the team before he or she sits down to write a grant request and complete the numerous reports that we require of him or her? Colleagues, with every dollar strained to meet the growing needs of Colorado students and their teachers, it's time for us to get government out of the way by allowing them to teach more and administer less.

During my first session working here at the Colorado Capitol, I became familiar with the Sunrise Application process then used by the Department of Regulatory Agencies (“DORA”). That process was developed by the late Representative Jerry Kopel, a Denver Democrat, as a means to limit the growth of government. That application was required of any group of previously unregulated businesspersons seeking to be regulated through registration or licensing.

Back in 2002, the Sunrise Application started by asking the “what is the problem that you’re trying to solve. And, second, should government be involved in solving that problem? Too often, in my opinion, the second question defaults to how government will be involved in solving that problem. For Senate Republicans, we remain open to the possibility that government should not, in certain cases, presume to be the solution; that sometimes, the private sector deserves space to be the solution.

Such is the case when we consider an expensive and inflexible requirement that employers provide paid family leave. Such a benefit when provided on a voluntary basis could make certain employers more competitive and attractive to potential employees. However, requiring Colorado employers to provide such a benefit will, by default, make the cost of employing a person more expensive.

We understand the desire to help, but this is an example of where requiring such expense is not the answer. Yes, encourage employers to offer such a benefit, allow them to be unique and competitive in the marketplace, provide

some incentive to employers for offering such a benefit. But, we urge you colleagues, don't require conditions that will ultimately lead to government forcing one company after another out of business, one job after another to no longer exist.

We also respect the desire to help those caught up in the opioid crisis. We are grateful to those members who have given their time to interim committee consideration of how government can best be involved in addressing this painful scar on our culture. I respect the personal experiences of the good Senator from District 22. I too have dealt with a parent who has struggled with addiction. But, we hear the concerns of constituents who recognize the danger of government-sanctioned injection sites. Constituents who rightly recognize the dangers of facilitating heroin use in their communities and who reject the notion that such is somehow safe.

Senate Republicans will also honor the Fourth Amendment of the United States Constitution which states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

We urge you, colleagues, to consider those words. Rather than empower government to search for things that our courts or law enforcement may not know actually exist in one or more locations known or unknown, let's work together to provide greater mental health resources to those in need. Rather

than empower government to seize property, let's focus on securing help for those persons who need our help the most.

For opioid addiction, red flag scenarios, and other instances when people cry out for help, let us avoid rewarding bad behavior or trampling on the Constitution. Rather, let us work together to provide more and better mental health resources including beds, mental and physical health care, and healing for those who need our help the most.

Mr. President, the Senate Minority Caucus understands that bills are made of words and numbers on paper. We understand that if you are seeking one hundred something's, and we are advocating fifty something's, then maybe seventy-five something's would be a reasonable place to compromise.

We also understand that when dealing in the medium of words, that bills have dozens, hundreds, or even thousands of them... words. If we agree on the problem to be solved and if we agree that a given bill is generally a good way to solve that problem, then the discussion turns to which word or words cause our disagreement? Is it a word, a sentence, paragraph, section, page, or pages? How might we edit, amend, those words to a point where we can agree on the proposed solution?

This is a fascinating process of listening, learning, and negotiating that we launch into today. Mr. President, Mr. Majority Leader, colleagues, we Senate Republicans welcome the opportunity to serve with you here in the Colorado Senate. Why? Because the People of Colorado wanted it this way.

May God bless each of you, your family, friends, and those who helped bring you to this chamber. May God bless the state of Colorado. And, may God bless America.

And now, Mr. President, let's get to work.

Thank you, Mr. President.