

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
First Regular Session

Sixth Legislative Day

Monday, January 15, 2001

Prayer By the chaplain, Mohamed Jodeh.

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

Roll Call Present--Total, 32.
Absent/Excused--Dennis, Linkhart, Tupa; Total 3.
Present later--Tupa, Dennis.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Cairns, reading of the Journal of January 12, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

CONSIDERATION OF RESOLUTIONS

SJR01-003 by Senators Thiebaut and Matsunaka; also Representatives Spradley and Dean--
Concerning oversight responsibilities of committees of reference.

Laid over until January 16, 2001, retaining its place on the calendar.

On motion of Senator Thiebaut, the Senate stood in Recess to hear remarks by Senator Tate on the Martin Luther King holiday.

Thirty-two years ago in Memphis, Tennessee, Doctor Martin Luther King was murdered. He was not committing a crime, he was not eluding the police or evading capture. He was not involved in a drug deal that had gone bad and he was not driving through someone else's turf. He was only trying to obey the law of this land. Because as a young boy, he grew up hearing that "We hold these truths to be self-evident that all men are created equal." But he grew up in county where and when equality was not the rule, but rather the exception. He saw signs that said 'Whites Only' or 'Colored Entrance'. He attended predominately black schools and dedicated his life to seeing that the promises of this country were kept and that they were made real.

In his professional life he was a preacher. He worked to save the souls of his congregation and by following his call to preach he fought to save the souls of this nation by awakening its conscience. In following the law and traditions of this country, he became a revolutionary fighting for change. A general in a war whose tactics were first negotiation and then, only then, civil disobedience. For this approach, some branded him a traitor, some branded him a firebrand, some branded him a criminal. But he was neither, he was a patriot in the true sense and tradition of this county. Or as he described himself, he was a "drum major for righteousness".

You see because, when he read the declaration and some of the documents of this country he not only read about these truths being self-evident, but he saw another passage that said "that to secure these rights government are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government comes destructive of these ends it is the right of the people to alter or abolish it." His task was to alter the course of this nation based on what he had seen.

He knew that for blacks to obtain equality, a war would have to be waged and he was willing to be a warrior in the best tradition of this country. Like Washington, Jefferson, Hancock, Madison and others. After all, this county gained its independence by way of the Revolutionary War, not the polite chat, or the congenial dinner, or the power lunch. Although requiring different tactics and weapons, he knew African-Americans would have to go to war for their equal place in society. He knew this would be a long and hard-fought battle and a bitter struggle, not because the goal was difficult to understand, but because our county had strayed so far from its original historic revolutionary roots. He knew that in a sense this nation had "forgotten where it had come from". In one of his last writings *Testament of Hope*, published in 1969, after his murder, he wrote the following

and I quote "It is time that we stop our lip service to the guarantees of life, liberty and the pursuit of happiness. These fine sentiments are embodied in the Declaration of Independence but that document was always a declaration of intent rather than reality. There were slaves when it was written. There were slaves when it was enacted. And, to this day, black Americans have not life, liberty, nor the privilege of pursuing happiness."

He was clear about the enormity of this task, he was fighting to secure rights for people from a nation that promised those rights to all, but denied them systematically and legally to many. A nation that had long forgotten its own struggles and the sacrifices that the forefathers and foremothers made to establish this country. As I said, the road would be long, he knew there would be challenges. He knew that some along the way would lose faith, some would become dispirited and some might lose their lives. And I suppose, his greatest fear was that many would settle for less than equality and the promises of our nation. From the first bus boycott in 1955 through the marches and rallies he saw progress, but was not content. He knew that the real goal as he observed it was economic independence. Again in *Testament of Hope* he writes "the changes are basically in the social and political areas, the problems we now face providing jobs, better housing and a better education for the poor throughout the county will require money for their solution. A fact that makes those solutions all the more difficult." Doesn't seem like 1969 when those words were shared. The real goal then was providing a foundation for economic self-determination.

Doctor King's life ended after thirty-eight years. Thirty-eight years that were used to combat and defeat 244 years of slavery in this county, 102 years of Jim Crow legislation and segregation. His work remains undone, for many of us here in this body and in the broader society, to take up and move forward. We are all charged to take up the struggle as he left it to us and to do what is right and lawful before man and God. Having faith in the justice of the cause and in Doctor King's faith in us. And I would close with this last passage again from *Testament of Hope*: "Man has the capacity to do right as well as wrong and his history is a path upwards not downwards." Thank you Mr. President.

Senate Reconvened.

On motion of Senator Thiebaut, the remarks of Senator Tate were ordered spread upon the pages of the journal.

MESSAGE FROM THE HOUSE

January 15, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1107.

MESSAGE FROM THE REVISOR

January 15, 2001

We herewith transmit: without comment, HB01-1107.

INTRODUCTION OF BILLS--FIRST READING

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

SB01-076 by Senators Andrews, Arnold, Cairns, May and McElhany; also Representative Spence--
Concerning public disclosure of school district collective bargaining agreements.
Education

SB01-077 by Senator Perlmutter; also Representative Veiga--Concerning the length of juvenile
parole.
Judiciary

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| SB01-078 | by Senators Windels, Linkhart and Gordon; also Representative Jahn--Concerning improving quality of care in nursing facilities, and, in connection therewith, creating deadlines for responses to complaints, developing a consumer satisfaction survey, creating a program to recognize the highest-quality nursing facilities, and improving grants received by nursing facilities from the department of health care policy and financing. Health, Environment, Children & Families | 1 2 3 4 5 6 7 |
| SB01-079 | by Senators Windels and Phillips--Concerning grandparent visitation time with grandchildren. Judiciary | 8 9 10 11 |
| SB01-080 | by Senator Tate; --Concerning the prevention of bullying. Education | 12 13 14 |
| SB01-081 | by Senator Phillips; also Representative Kester--Concerning local financing of school capital construction projects. Education | 15 16 17 18 |
| SB01-082 | by Senators Matsunaka, Fitz-Gerald, Tupa and Windels--Concerning the implementation of section 17 of article IX of the state constitution. Education | 19 20 21 22 |
| SB01-083 | by Senator Chlouber--Concerning permits to carry concealed handguns, and, in connection therewith, identifying the carrying of concealed handguns as an issue of statewide interest, creating statewide standards for issuance of permits to carry concealed handguns, and making an appropriation therefor. Judiciary | 23 24 25 26 27 28 |
| SB01-084 | by Senator Perlmutter; also Representative Witwer--Concerning the inmate disaster relief program. Judiciary | 29 30 31 32 |
| SB01-085 | by Senators Dennis, Taylor and Teck; also Representative Lawrence--Concerning the process of placing an initiated or referred measure on the ballot for voter approval. Government, Veterans and Military Relations, and Transportation | 33 34 35 36 |
| SB01-086 | by Senator Nichol; also Representative Scott--Concerning county acquisition by eminent domain of rights-of-way to permit the uninterrupted continuation or connection of recreational trails. Government, Veterans and Military Relations, and Transportation | 37 38 39 40 41 |
| SB01-087 | by Senators Lamborn, Cairns, Hillman, May, Teck, Andrews, Arnold and Musgrave; also Representatives Nunez, Crane, Fairbank, Johnson, Lee, Mitchell, Rhodes and Schultheis--Concerning the regulation of post-viability abortions. Judiciary | 42 43 44 45 46 |
| SB01-088 | by Senators Tupa, Linkhart, Arnold, Hernandez and Nichol; also Representatives Mitchell, Alexander, Hefley and Lee--Concerning criminal history record checks on behalf of entities engaged in care for vulnerable persons. Health, Environment, Children & Families | 47 48 49 50 51 |
| SB01-089 | by Senators Tupa, Fitz-Gerald, Hernandez and Windels; also Representatives Williams S. and Bacon--Concerning class sizes in kindergarten through twelfth grade public schools. Education | 52 53 54 55 |
| SB01-090 | by Senator May--Concerning state highway projects funded from moneys allocated to the capital construction fund. Public Policy and Planning | 56 57 58 59 |
| SB01-091 | by Senator Hernandez--Concerning the authorization for school districts to offer full-day kindergarten educational programs. Education | 60 61 62 63 |
| SB01-092 | by Senators Anderson and Gordon; also Representative Decker--Concerning the fair campaign practices act. Judiciary | 64 65 66 67 |
| SB01-093 | by Senator Chlouber; also Representative Larson--Concerning the creation of the Colorado telemarketing no-call list for residential telephone subscribers who wish to avoid all unwanted commercial telephone solicitation. Business, Labor, and Finance | 68 69 70 71 72 |

- SB01-094** by Senator Andrews--Concerning a refund of taxes paid on fuel to persons who pay tolls to a qualified toll authority for the privilege of traveling on a public highway that is under the purview of that authority. 1
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- SB01-095** by Senators Linkhart and Owen; also Representative Lee--Concerning appropriations from the offender services fund for adult and juvenile probation services. 6
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- SB01-096** by Senator Linkhart--Concerning the provision of health care to persons in the aid to the needy disabled program. 10
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- SB01-097** by Senators Pascoe and Matsunaka--Concerning regional planning for growth management. 14
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- SB01-098** by Senators Pascoe, Thiebaut and Matsunaka--Concerning school improvement. 18
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- HB01-1107** By Senator Hernandez; also Representatives Snook, Choer, Rhodes, Dean, Stengel and Spence--Concerning the provision of additional funding for the low-income energy assistance program, and making an appropriation therefor. 21
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- SB01-099** by Senator Dyer (Littleton)--Concerning prohibitions on trademark counterfeiting. 27
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- SB01-100** by Senator Gordon--Concerning the requirement for additional disclosures by persons making charitable solicitations, and, in connection therewith, prohibiting certain practices. 30
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- SB01-101** by Senator Owen--Concerning the vaccination of persons pursuant to certain state programs. 34
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- SB01-102** by Senator Arnold; also Representative Mitchell--Concerning the modification of certain statutory provisions in preparation for the operation of the city and county of Broomfield. 38
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On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., January 16, 2001. 42
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Stan Matsunaka 50
President of the Senate 51
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Attest: 53
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Karen Goldman 57
Secretary of the Senate 58
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