

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

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6th Legislative Day

Monday, January 16, 2006

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Prayer	By the chaplain, Rev. Dwight Blackstock, Presbyterian Church of the Covenant, Greenwood Village.	11
Pledge	By Senator Bacon.	14
Call to Order	By the President at 1:00 p.m.	16
Roll Call	Present--31. Excused--Kester Absent--Johnson, McElhany, Owen. Present later--Johnson, McElhany, Owen.	19
Quorum	The President announced a quorum present.	24
Reading of Journal	On motion of Senator Shaffer, reading of the Journal of January 13, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	26

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**MESSAGE FROM THE HOUSE**

Jan 13, 2006

Madame President:

The House has adopted and transmits herewith HJR06-1003, as printed in House Journal, January 13.

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**INTRODUCTION OF CONCURRENT RESOLUTIONS -- FIRST READING**

The following concurrent resolution was read by title and referred to the committee indicated:

- SCR06-001** by Senator(s) Evans; also Representative(s) Gallegos--Submitting to the registered electors of the state of Colorado an amendment to section 3.5 of article X of the constitution of the state of Colorado, concerning the extension of the existing property tax exemption for qualifying seniors to any United States military veteran who is one hundred percent permanently disabled due to a service-connected disability, and, in connection therewith, excluding payments made to compensate local governmental entities for property tax revenues lost as a result of the extension of the exemption from state fiscal year spending. State, Veterans & Military Affairs

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**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

- HJR06-1003** by Representative(s) Madden; also Senator(s) Gordon--Concerning changes to the joint rules.

Laid over one day under Senate Rule 30(e).

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**INTRODUCTION OF BILLS -- FIRST READING**

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

- SB06-078** by Senator(s) Wiens, Isgar, May R.; also Representative(s) McKinley, Green, Borodkin, Hefley, Larson, Stafford--Concerning a prohibition against the exercise of the power of eminent domain by a private corporation to condemn the private property of another person or entity for the purpose of acquiring rights-of-way for a private toll road or private toll highway.  
Transportation
- SB06-079** by Senator(s) Groff; --Concerning the post-enactment review of the implementation of bills by nonpartisan legislative staff.  
State, Veterans & Military Affairs
- SB06-080** by Senator(s) Tochtrop; also Representative(s) Soper--Concerning the creation of the support the troops special license plate for motor vehicles.  
Transportation
- SB06-081** by Senator(s) Veiga; also Representative(s) Madden--Concerning the expansion of employment nondiscrimination protections.  
Business, Labor and Technology
- SB06-082** by Senator(s) Johnson; --Concerning a refinance of the state share of districts' total program funding for the 2005-06 state fiscal year in order to make an appropriation to fund public school capital construction.  
Education
- SB06-083** by Senator(s) May R.; also Representative(s) Ragsdale--Concerning authorization for an alternate person to supervise a holder of a driver's permit issued to a minor who is under sixteen years of age.  
Transportation
- SB06-084** by Senator(s) Entz; also Representative(s) Curry--Concerning the hiring of a guide who does not possess a first aid card in the event of an emergency situation.  
Agriculture, Natural Resources & Energy
- SB06-085** by Senator(s) Teck; --Concerning the compensation of members of the board of assessment appeals.  
State, Veterans & Military Affairs
- SB06-086** by Senator(s) Teck; --Concerning policies to require a tuition refund for sessions of a higher education course that are cancelled during an academic term.  
Education
- SB06-087** by Senator(s) Jones, Groff, Johnson, Kester, Sandoval, Spence; also Representative(s) Frangas--Concerning the requirement that a person inform a patient about the duty to report certain conditions to a health department.  
Health and Human Services

**CONSIDERATION OF RESOLUTIONS**

- 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".

On motion of Senator Groff, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	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	E	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		

Co-sponsors added: Bacon, Brophy, Dyer, Entz, Evans, Gordon, Grossman, Hagedorn, Hanna, Isgar, Johnson, Jones, Keller, Lamborn, May R., McElhany, Mitchell, Owen, Sandoval, Shaffer, Spence, Takis, Tapia, Taylor, Teck, Tochtrop, Traylor, Tupa, Veiga, Wiens, Williams and Windels.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the remarks of Senator Groff, Senator Jones, Senator Mitchell, and Senator Gordon in honor of Dr. Martin Luther King, Jr., were ordered spread upon the pages of the journal.

Senator Groff's remarks:

We usually come to this sacred location in our chamber on this appointed time and speak of Dr. King in the abstract. We speak of him as if he were an idea or an ideal. Very rarely do we speak about the sheer force he was in public policy or about the very real changes he made in America and status of those changes.

I think it is now time to speak in those terms about Rev. King as we celebrate the 20<sup>th</sup> anniversary of this holiday.

Dr. King was the most politically influential person of the 20<sup>th</sup> century and arguably the most politically influential in the history of America. Not by his choice, but by the choice of fate. He was a man whose skills and talents matched the needs and challenges of the moment.

The needs and challenges of the moment were clear. America was structurally unsound and hauntingly incomplete. Our foundation as a country was cracked by racism and bigotry and the promise of a full-fledged democracy was but a distant dream for millions of Americans.

On March 7, 1965 in the state of Alabama, only 19.3% of eligible African Americans were registered to vote, in Georgia only 27.4%, and 6.7% in Mississippi. Myriad of barriers both legal and traditional blocked African Americans from participating in the most basic of democratic activities.

Many of us have seen grainy footage, some of us may have seen it when it was originally broadcast on March 7, 1965, when hundreds of Alabama State Troops brutally beat, tear gassed and stomped non-violent demonstrators at the foot of the Edmund Pettis Bridge as they prepared for the fifty mile march from Selma, Alabama to the capitol city of Montgomery to peacefully protest for full and unabridged voting rights.

That event, the subsequent successful march and other voting rights campaigns through the south engineered by Dr. King resulted in Lyndon Johnson pushing Congress to pass the Voting Rights Act of 1965. An Act, whose provisions were outlined in a March 14<sup>th</sup> article in the New York Times written by Rev. King.

The Voting Rights Act of 1965 transformed America politically. At the time of passage there were 100 African American elected officials. By 1970 there were 1,469 and now there are more than 9,000. Because of the act by 1968, 56.7% of eligible African American Alabamians were registered to vote. In Georgia 44% and in crucible of segregation and racism nearly 60% of African Americans in Mississippi were registered to vote. Today Mississippi is nearly 75% and Alabama is almost 70%.

Those numbers, the Civil Rights Act 1964, the Fair Housing Act of 1968 and many other liberating and equalizing statutes are a direct result of the anointed political genius of Dr. Martin Luther King, Jr. Working outside the traditional American political structure Rev. King thought he could influence American public policy and fill the cracks in America's foundation and force her to fulfill the promises she made at her birth.

He had the audacity to believe that African Americans could demonstrate in a non-violent manner, irk the bigots into violent action against them, touch the conscious of Americans who saw the action, who would then demand through mass pressure federal legislative intervention and have the administration buckle under that mass pressure and sign progressive legislation into law.

It was sheer political virtuosity.

But on the 20<sup>th</sup> Anniversary of this holiday we ought to look forward not look backward.

We ought to see if we have arrived in the promise land. 1  
 We ought to see if democracy has been fulfilled and America has been completed. 2  
 We ought to see if we have satisfied the mission of the man and the dream of our country. 3  
 But as we look at Colorado and America we see incompleteness and nightmares. 4  
 We see election irregularities in the past two presidential elections in pivotal states; 5  
 We see damaging disparities in education, health care and economic viability; 6  
 We see a lack of effort to end poverty in this country; 7  
 We see a Supreme Court nominee, who at best, is ambiguous about disparity; 8  
 We see portions of a culture that encourages the embracement of mediocrity and self-hate; 9  
 We see a young woman at Fruita Middle School encountering four separate racial 10  
 incidents over the last five months, including a threatened lynching; 11  
 We see racists flyers and incidents in Denver, Aurora, Boulder, Golden, Centennial, Cortez 12  
 and Ft. Collins. 13  
 We see students at the University of Colorado opening up emails threatening their lives 14  
 and calling them a nigger. 15  
 My friends I hope for Malachi sake, Moriah's sake and the rest of our children, I hope 16  
 Colorado is better than that, and America is better than that. 17  
 Dr. King said in an interview in August of 1967, "I don't allow myself to fall into the dark 18  
 chambers of pessimism." It would be easy for us to be pessimistic. But I hope that we will 19  
 spend not only the next 116 ½ days and the rest of our public service proving that 20  
 Colorado and America are indeed better than the stories above. For the sake of our 21  
 children we must find a way to the promise land and to complete the dream that will 22  
 complete America. My friends I believe we are on the brink of a better tomorrow. We are 23  
 close to the promise land and to the completeness of America. 24  
 But we can't wait until tomorrow. We need to act now. In the book of Exodus, there is a 25  
 Hebrew word, mahar, which translated into English means tomorrow, but the Hebrew 26  
 definition of mahar is quickly or right now. 27  
 It is now time for us to use our skills and talents to match the needs and challenges of this 28  
 moment and to do so right now. Current generations and generations that we'll never 29  
 know are relying on the 100 of us meet the challenges of this moment quickly. 30  
 In conclusion my favorite scripture is Isaiah 58:12. It says you shall be called the repairer 31  
 of the breach, the restorer of pathways in which to dwell. 32  
 Let's us with Dr. King in our soul, our children in our hearts with a mahar mindset use our 33  
 skills and talents to repair the breaches of our moment -- and let us restore the pathways to 34  
 dwell in by creating a thoroughfare, that is paved with promises of America, that runs from 35  
 the foot of the Edmund Pettis bridge to the promise land of Dr. King's dreams, and let us 36  
 begin mahar. 37  
 God Bless the Colorado State Senate, the memory of Martin Luther King, Jr. and great 38  
 state of Colorado. 39  
 Senator Jones' remarks: 40  
 Not long ago I was invited to present a legislative update at a city council meeting in my 41  
 district. One of the council members, a Democrat, decided to have a little fun with me 42  
 because my party had lost control of the statehouse. 43  
 He asked me how it felt to be in the minority for a change! 44  
 I pointed out to him that being in the minority was nothing new for me. 45  
 In fact, as a Republican, I know what it's like to be a minority within a minority – not only 46  
 in the legislature but also within my own race. 47  
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I know my political views aren't always popular with some of my fellow black Americans. However, I want to make clear that I feel every bit as inspired as anyone by the vision of the late Martin Luther King Jr.

Dr. King spoke to all Americans – Republican and Democrat, black and white. His message of equality is meant for anyone who is willing to listen. Every one of us, regardless of race or creed or politics, can find meaning in that message.

I am inspired by Dr. King partly because I grew up deep in the Old South – in the days when Hattiesburg, Mississippi was still segregated. I remember separate schools, separate neighborhoods, separate drinking fountains – separate everything. I remember how a whole race of people was doomed to a second-class education, second-class jobs – a second-class life.

Dr. King offered hope to those of us who lived through all of that.

Yet, he also inspired me in another way. The older I got, and the more I thought about his words, the more I realized how his vision wasn't meant just for one political movement or party, or even any one race or nation.

Shouldn't all of us – whichever side of the political aisle we stand on – be judged as King wanted: not by the color of our skin but by the content of our character?

Don't all of us want our nation, as King urged, to rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal"?

In other words, don't we all share Dr. King's dream, which, as he pointed out, is deeply rooted in the American dream?

My fellow members, it's a good thing Martin Luther King Day occurs near the beginning of the legislative session. It gives us all a chance to look past our political differences and appreciate what we have in common. The same color blood flows through all of our veins. The same potential to love our fellow humans beats in all of our hearts.

I believe we all want what's best for Colorado. We all want a colorblind and just society where there is equality of opportunity. Although our two political parties have different ways of pursuing that goal, we all share Dr. King's vision of a free society. We all share his faith in equality. We all believe in his dream of a promised land.

Senator Mitchell's remarks:

Members, I rise in support of the resolution. I also would have liked to have supported all of the words that Senator Groff expressed in support of his resolution.

It pained me that there were passages that seemed to suggest that there are those that adhere to a particular political agenda that are the heirs of the Reverend Martin Luther King and those that may not, are not. And I particularly hope that no one was suggesting that the nomination of Samuel Alito to the United States Supreme Court has any logical or factual place in a list of incidents of racial hatred and epithet in violence.

With that expression, Madame President, I direct my remarks to the resolution.

What we are doing here today, is good and right, but incomplete. The resolution and the tribute thus far speak of the Reverend Martin Luther King primarily in terms of a civil, political leader, of a political activist, or political scientist. A man of great public impact. Senator Groff, if it is true that we too rarely consider the force that he was and the changes that Martin Luther King brought about in our public policies in the United States. It is probably even more rarely that we talk about the fountain of his beliefs, of his philosophies, of his proposals, of his determination in pressing those proposals and of his courage in facing opposition that was bitter and violent and deadly.

I would like for a moment to consider the well-spring of the Reverend Martin Luther King faced and his courage and his endurance.

Like his father and grandfather before him, Martin Luther King Jr. was ordained as a Baptist minister and led a public life committed to his Christian faith. After three years of theological study, Reverend King earned his B.D. from Crozer Theological Seminary in Pennsylvania and later received his PhD in Theology from Boston University on June 5, 1955, in fact, it is his doctorate in theology that adorns Reverend King's name with the title "Doctor".

Reverend King described himself principally and most importantly as minister of the Gospel of Jesus Christ, saying "I am first and foremost a minister. I love the church, and I feel that civil rights is a part of it. For me, at least, the basis on my struggle for integration -- and I mean the full integration on Negroes into every phase of American life-is something that began with a religious motivation ... And I know that my religion has come to mean more to me than every before. I have come to believe more and more in a personal God-not a process, but a person, a creative power with infinite love who answers prayers."

Rabbi Steven Foster heard Reverend King speak on several occasions, and his reflection, reported in today's Denver Post put Martin Luther King's spiritual roots in perspective: "He had a profound effect upon my life. He took religious values, cut them across religious lines and helped people to see the essence of what religious values were about."

Reverend King's frequent quoting of scripture reveals that his vision of love, justice, and equality was deeply rooted in his understanding of his faith and his reading of the Bible.

American society is forever changed; it is better and richer because a man of faith entered the public square and fearlessly advocated his beliefs. As Gunnar Jahn, Chairman of the Nobel Committee said in his presentation speech of The Nobel Peace Prize, "Today we pay tribute to Martin Luther King, the man who has never abandoned his faith in the unarmed struggle he is waging, who has suffered for his faith, who has been imprisoned on many occasions, whose home has been subject to bomb attacks, whose life and the lives of his family have been threatened, and who nevertheless has never faltered."

Members, our tributes today confirm that our society is indebted to a man of profound personal faith, and a man of organized religion who publicly expressed his faith. He demanded to be heard in the face of one of history's great challenges. Today we cannot, at least we should not, push voices of faith into the background. It is true no one has the right to claim the public square, or the high ground of civic discourse, for any particular strain of spiritual thought. It is equally true that no one has the right to exclude from the public square any voice because of its spiritual content, especially no one who affirms to honor one of the world's great spiritual voices

Senator Gordon's remarks:

One of the things that always strikes me when considering the life of Dr. Martin Luther King, is that in some ways we're similar in that we in this body and in the House also advocate for changes to policy in the United States and in our own state. And yet, very few of us have had our lives threatened, maybe none of us have had our lives threatened and been put in jail for those efforts.

And as the previous speakers, Senator Groff, Senator Jones, and Senator Mitchell pointed out, his life was threatened on a regular basis. He had a bomb thrown at his house. His children and his wife were threatened, and eventually he was assassinated. And so that courage is something that has always struck me.

During the Civil Rights Movement, he was known for his position on nonviolence, and shortly before his death he came out against the War in Vietnam. And he received a lot of opposition for that. The Johnson administration, who thought that he ought to be grateful to them for their help with civil rights issues, shunned him after he made his position known about the Vietnam War. So other Civil Rights leaders said that he was hurting the civil rights' cause, because he was expanding his views or his public statements beyond civil rights. And yet, to Martin Luther King nonviolence meant nonviolence, and it included nonviolence not only against people who might be trying to suppress the Civil Rights Movement, but also to people in the United States who were in favor of the War in Vietnam. And he felt that the death of children and noncombatants, and even combatants in Vietnam, was something that he ought to speak out against.

He also spoke out against poverty, and he was criticized for that as well because it also was not a civil rights issue. And he died in Memphis supporting a strike by the sanitation workers against the city. But that strike was caused because two sanitation workers were crushed by a garbage truck that was malfunctioning when they were replacing garbage in it, and the city refused to pay any benefits to their families or for their funerals. And that was what caused the strike that he was in Memphis for when he was assassinated.

So, I've often thought, I said this last year, I get up and speak every year at the time of the Holocaust resolution because I'm Jewish, but other people come down and speak and I always feel that's appropriate, and I appreciate it. So, I think as Senator Groff, and Jones and Mitchell said as well, his example is not just one for African Americans but for all of

us. And I think it's appropriate that we take time to celebrate his life and his courage.  
Thank you Madam President.

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On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Tuesday, January 17,  
2006.

Approved:

Joan Fitz-Gerald  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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