

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

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Thirteenth Legislative Day Monday, January 19, 2004

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Prayer	By the chaplain, Father Chris Misuira.	1
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Pledge	By Senator Lamborn.	3
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Call to Order	By the President at 1:30 p.m.	5
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Roll Call	Present--34. Absent/Excused--1; McElhany.	7
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Quorum	The President announced a quorum present.	9
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Reading of Journal	On motion of Senator Johnson, reading of the Journal of January 16, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	11
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<b>SB04-117</b>	by Senator(s) Sandoval, Andrews; also Representative(s) Cloer--Concerning removal of a newborn child from the custody of the child's parents. Health, Environment, Welfare & Institutions	56
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**MESSAGE FROM THE HOUSE**

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1065, 1111.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1042, amended as printed in House Journal, January 16, page 86.  
HB04-1110, amended as printed in House Journal, January 16, pages 86-87.

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**MESSAGE FROM THE REVISOR OF STATUTES**

January 19, 2004

We herewith transmit:

Without comment, HB04-1065 and 1111.  
Without comment, as amended, HB04-1042 and 1110.

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**INTRODUCTION OF BILL--FIRST READING**

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

**SB04-117** by Senator(s) Sandoval, Andrews; also Representative(s) Cloer--Concerning removal of a newborn child from the custody of the child's parents.  
Health, Environment, Welfare & Institutions

On motion of Senator Hillman, and with the unanimous consent of those elected to the Senate, the Senate stood in recess to hear remarks in honor of Dr. Martin Luther King, Jr., by Senator Groff and Senator Jones.

Senator Groff's remarks:

Thank you Mr. President. First let me thank my colleagues who joined me this morning at our celebration in City Park, Senators Grossman, Gordon, Tapia, the Democratic Leader and the Senate President. It is much appreciated in our community when you take time out and visit with us.

93 years ago in a small town in southern Georgia there lived a minister named Rev. Willie Clark. Family lore has it that Rev. Clark became active in trying to extend the school year for African American students, he was warned one day by a white friend that the Ku Klux Klan were planning to come and attack him and his family and he would let him know when the attack was to come. Knowing that the warning was probably accurate he would visit the country store owned by his white friend and buy ammunition in preparation for the attack. Rev. Clark also began to make holes in each side of his house to get ready for the Klan's ominous visit.

One day his white friend told him that tonight was the night. True to the warning of his friend the Klan did come that night. As they approached, he sent his wife, whose parents were born into slavery, and his infant son to a neighbor's house. Rev. Clark and his young daughter named Sally who was about 5 at the time stayed behind.

As the Klan approached gun fire erupted. Rev. Clark and his daughter moved from hole to hole and from side to side in the house to hold off the Klan. With Rev. Clark shooting and young Sally clearing spent shells and leaving ammunition for her father they were able to hold off the Klan that night, but that event changed their lives. To prevent another attack Rev. Clark and the family had to escape to the north and left for Chicago.

Wanting to leave the memories of the south behind and for safety reasons, the Clarks changed their names. Rev. Willie Clark became Rev. C.Z. Williams and young Sally became Daisy.

Daisy died last January, but her 4th grandchild stands before you as the 6th African American to serve in the Colorado State Senate.

I share that story with you to show you how far America has come. From a slave plantation in southern Georgia to the well of the Colorado State Senate is quite a journey. There are Americans all across our great country today measuring how far we have come as a country in that journey toward equality and equity. And measuring how close we are to the promise land.

There is no doubt that America has come a long way in the area of race relations. We are indeed close to the promise land that Dr. King saw in his sanctified imagination in April of 1968. The mountain top is indeed within our grasp.

We have outlawed legal segregation and discrimination. And we now have equality under the law. If Dr. King were to appear here today and have a general and panoramic view of the 21st century, he would be heartened to a degree. He would see:

- \* 39 African Americans in Congress;
- \* That the Secretary of State and the man who is only 4 heartbeats from the presidency is an African American;
- \* That there is an African American Lt. Gov.'s in Ohio and Maryland and an African American Secretary of State in Ohio;
- \* That there are countless African American business owners and 4 African American CEO's of Fortune 500 companies; and
- \* He would see vast and varied levels of the success that he dreamed of 40 years ago;

Unfortunately, his journey wouldn't end there. Dr. King would say that's fine, but "[t]he ultimate measure of a man, is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." America still has challenges and controversies. Dr. King would see that we haven't reached the

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mountain top yet. We are not standing on the summit of racial harmony and equity. Dr. King would still see that inequity and racism still exist.

Dr. King would be saddened to see:

\* The study released by the Harvard Civil Rights Project on Friday that shows a disturbing re-segregation of American schools. According to the report "[a]lmost half of all public school students in the west and south are minority students. After nearly 30 years of desegregation from the 1950's until the 1980' s America now has segregation levels that are about the same as when Dr. King was assassinated;

\* A recent study by the University of Denver says Denver, a city that bills itself as a city of tolerance, is one of the most segregated cities in America;

\* Last year we saw a race riot in Benton Harbor, MI, racist flyers distributed in mailboxes, dropped on driveways and children's trick or treat bags in Arizona, New Jersey, New York, Connecticut, Virginia, and Colorado;

\* When I was in Arizona this past November attending a health disparities conference, that same weekend white supremacists held a meeting and rally in the mountains that surround Phoenix;

\* According to numbers prepared by Franklin Raines, one of the four African American Fortune 500 CEO's, Dr. King would see that if we had true equity in America;

\* The average African American household would receive a 56% pay increase, earn a \$190 billion more and our household wealth would rise by \$1 trillion;

\* Nearly two million more African Americans would have college degrees, 1/2 a million more would have masters degrees and 180,000 more would have doctorates - that's 250% more than today;

\* Equity would transform the business world; African Americans would own 600,000 more businesses with \$2.7 trillion in revenues.

My father, who was the Senate sponsor of the bill to make this day a holiday, said from this mike 10 years ago to his colleagues, that they "... could not accept the conditions of their time and that there is no problem in America that doesn't belong to all of us." I echo those words to the present members of the Senate.

While we have outlawed segregation, we have learned we can't outlaw racism yet racism still pervades our country. The ultimate measure of this Senate and our General Assembly will be how we deal with the racism and the inequity that still exist in America.

The clarion call for equity, justice and equality still rings out from the valley of the promise land - and descends on the shoulders of the 35 of us sitting in this august chamber. Just as it descended on the shoulders of our predecessors.

For you see as King observed in his "Letter from a Birmingham Jail" we are "tied in a single garment of destiny." A garment that links us from our bitter past to a better tomorrow - to a better America and to a better Colorado. A garment that runs from those 19 Africans that first arrived on America's shores in late August of 1619, to that 5 year old little girl in southern Georgia 93 years ago, to Hooper and Hesperus, to Colorado Springs and Commerce City to Denver and Durango, that garment ties us all together on our continued journey to a dream that will save the soul of our nation.

Mr. Majority Leader and Mr. President, thank you for allowing me this extended time.

God bless the memory of Dr. Martin Luther King and God bless the great state of Colorado.

Senator Jones's remarks:

Thank you very much Mr. President.

Members, growing up as a little black boy in the state of Mississippi in the 40's and the 50's, and as I can appreciate Senator Groff's father, and the things he tried to do. To live in that hell in Mississippi in the 40's, as a little boy in subsidized housing in the projects. My father died when I was 5. So my parent, my mother was the only thing that I had and I was the only thing that she had. She never remarried again, and as I grew up following my

mother around, and even though my mother was a qualified, educated person, she still lives. She's 95 years old now today, God bless that.

My mother still, as a teacher, in segregated schools in the state of Mississippi, not making any money that a lot of them are making now, she never made, after 50 years, more than \$15,000 in her life. But she believed so much in the education of kids in the state of Mississippi in the segregated schools.

I remember going to segregated schools; my elementary school and my high school where we were given hand me down books from the white school, so our education probably was not on par with the rest of society in Hattiesburg, Mississippi. And also growing up as a little black boy in Mississippi, and reading Dr. King's letter from the Birmingham jail he said those same things that happened to me and other blacks in the state of Mississippi. That no black in the state of Mississippi, no matter what your name was, if it was Ed Jones or John Smith, your first name to whites in the segregations of Mississippi was "nigger", your middle name was "boy" no matter if you were 8 years old or 75 years old. And God bless the black women of Mississippi, because your wife was never Mrs. and your mother was never Mrs. They were always referred to as "Auntie" or called by their first names.

I can remember the time that the KKK in Hattiesburg, Mississippi would have their meetings on Saturdays. They were so blatant about what they stood for. They would march down Main Street on Saturdays with their sheets on but not their hoods. That was the intimidating factor to let all blacks know who they were.

I remember as a little boy going into the "Kress" store in Hattiesburg and seeing a sign at the water fountain that says "colored". I always was tempted to go over to the "white only" sign and drink some of their water because I knew it had to be cooler than the water I was drinking out of the "colored" fountain.

I also remember, I always thought there were 3 bathrooms in restaurants and stores. You had a "white" bathroom, men and women, and you had a "colored" bathroom where both men and women were.

Those are the times in my life that were very tiring to me.

But thank God for that mother. That black mother, who never gave up. Who told me, "Son", after being called the word "nigger" lots of time, I would come home and cry. She would say, "Don't you come here crying, don't let them get you down. One day you can make a difference in somebody's life. Do the things that are right and you will prevail in this society. After all this is a great country. After all even though we are segregated, we still believe that this is the greatest country in the world."

I found that out a few years ago as I went on a trip to Bosnia. For four days I have never seen so much hate in my life. Not even in Mississippi. There are things that the people did to the people over there and it is all in ethnic cleansing. I came back and I got off the airplane and kissed the tarmac in Colorado Springs and said "Thank God for America".

Thank God for a man like Dr. Martin Luther King who said "Stop complaining about the white man being on your back. The only way to get the white man off your back is walk up straight. He can't get on your back unless you are bent over."

I took those words to my heart. I always said that whatever I do, I will always do the best I can for all people, for all races. I firmly believe, right now, that as we read about that most elegant speech, that you can still hear ringing on the Mall in Washington, D.C., in 1963, when this man threw away the speech he was supposed to give and spoke about "I have a dream".

There were about 18 or 20 words in that dream that he said "I have a dream that my little black children will be judged, not by the hue of their skin, but by the content of their character". That's why today, I know that if Martin Luther King was alive and well today he would look at us and say "We don't want anybody to give us anything, except an opportunity to move ahead and be great citizens like our white counterparts."

That's why today I think that Martin Luther King would probably look at affirmative action and say "It's the wrong time. Start thinking about another way so we will create what racism in all about. Racism is about race." I believe in my heart that affirmative action is about race. And that's racism.

Two years ago, I got invited January 2002 on this day to the White House, to meet the King family, the three siblings, one could not make it, Mrs. Coretta King and her family, and Martin's sister. Sitting in the Rose Room were hundreds of dignitaries from all across the world. Sitting there when I heard the voice, after the 3 children had gotten up and

spoke, I heard the voice of the President of the United States of America. I had tears in my eyes. There walked 2 true Americans, walking arm and arm in solidarity, Dr. King's widow, Coretta, and our President, to sign that proclamation.

I was a little disturbed on last Thursday in Atlanta, Georgia, right at the crypt where the President intended to lay the wreath for Dr. King. I can imagine Dr. King in that crypt was rolling over because right across the street there were insults being hurled at the President of the United States for even coming down there.

Dr. King heard all those insults when he walked for nonviolence across this country. He gave the ultimate sacrifice for all men are created equal. And I say today, in fact I am so happy, that Dr. King did live, and he did die for a reason, that we all one day would put down everything we have. Put down hatred in our hearts about one another, and live the life that he thought we should be living.

I want to thank the Majority Leader and the President for giving me this time. I want to thank Senator Groff. Even though we might have disagreements, we are joined at the hip because we are black.

And to my other two members over in the House, there are only four of us in this state, which is a sad commentary there. We just have to keep moving on. We got to do the right thing.

Thank you very much.

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Senate reconvened.

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On motion of Senator Hillman, the remarks of Senator Groff and Senator Jones were ordered spread upon the pages of the journal.

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### SENATE SERVICES REPORT

**Correctly Engrossed:** SB04-003, 005, 007, 009, 016, 026, 030, 044, 061, and 063.

**Correctly Reengrossed:** SB04-004, 012, and 021.

**Correctly Enrolled:** SB04-011

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On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of January 19, 2004, was laid over until Tuesday, January 20, 2004, retaining its place on the calendar.

Third Reading -- Final Passage: SB04-026, SB04-030, SB04-061, SB04-016, SB04-009, SB04-003, SB04-063, SB04-005, SB04-044, SB04-007.

Second Reading -- General Orders: SB04-042, SB04-020, SB04-040, SB04-013, SB04-024.

Consideration of Resolutions: HJR04-1002.

Consideration of Governor's Appointments:

Members of the Special Funds Board for Workers' Compensation Self Insurers;

Member of the State Electrical Board;

Members of the Securities Board;

Members of the Colorado Limited Gaming Control Commission;

Member of the Examining Board of Plumbers;

Member of the Colorado Lottery Commission;

Members of the Colorado Banking Board.

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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Tuesday, January 20, 2004.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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