

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

15th Legislative Day Wednesday, January 27, 2010

Prayer By the chaplain, Reverend Dr. Louise B. Barger, Retired Executive Minister, American Baptist Churches of the Rocky Mountains.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Kester.

Roll Call Present--34.
 Excused--1, Hudak.
 Present later--1, Hudak.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Whitehead, reading of the Journal of Tuesday, January 26, 2010, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of resolutions.

CONSIDERATION OF RESOLUTIONS

SJR10-007 by Senator(s) White; also Representative(s) Scanlan--Concerning the SnowSports Industries America Snow Show.

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

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
|------------|----|----------|---|------------|---|-----------|---|
| Bacon | Y | Hodge | Y | Morse | Y | Spence | Y |
| Boyd | Y | Hudak | Y | Newell | Y | Steadman | Y |
| Brophy | Y | Johnston | Y | Penry | Y | Tapia | Y |
| Cadman | Y | Keller | Y | Renfroe | Y | Tochtrop | Y |
| Carroll M. | Y | Kester | Y | Romer | Y | White | Y |
| Foster | Y | King K. | Y | Sandoval | Y | Whitehead | Y |
| Gibbs | Y | Kopp | Y | Scheffel | Y | Williams | Y |
| Harvey | Y | Lundberg | Y | Schultheis | Y | President | Y |
| Heath | Y | Mitchell | Y | Schwartz | Y | | |

Co-sponsors added: Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Harvey, Heath, Hodge, Hudak, Johnston, Keller, Kester, King K., Kopp, Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Sandoval, Scheffel, Schultheis, Schwartz, Shaffer B., Spence, Steadman, Tapia, Tochtrop, Whitehead and Williams.

MESSAGE FROM THE HOUSE

January 26, 2010

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB10-1063.

The House has adopted and returns herewith SJR10-006, and SJR10-008.

MESSAGE FROM THE REVISOR OF STATUTES

January 26, 2010

We herewith transmit:

Without comment, HB10-1063.

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that **SB10-001** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 14, line 19, strike "SCHOOL, STATE," and substitute "SCHOOL".

Page 14, line 22, strike "2017." and substitute "2015. FOR THE CALENDAR YEAR 2016, FOR EMPLOYERS IN THE SCHOOL AND DENVER PUBLIC SCHOOLS DIVISIONS, THE AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENT SHALL INCREASE BY THREE-TENTHS OF ONE PERCENT OF TOTAL PAYROLL AT THE START OF THE 2016 CALENDAR YEAR."

Page 15, after line 3 insert:

"(3.5) FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2013, FOR EMPLOYERS IN THE STATE DIVISION, THE AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENT SHALL INCREASE BY FOUR-TENTHS OF ONE PERCENT OF TOTAL PAYROLL AT THE START OF EACH OF THE CALENDAR YEARS THROUGH 2017. FOR PURPOSES OF THIS SECTION, THE EMPLOYER'S TOTAL PAYROLL SHALL BE CALCULATED BY APPLYING THE DEFINITION OF SALARY, PURSUANT TO SECTION 24-51-101 (42), TO THE PAYROLL FOR ALL EMPLOYEES WORKING FOR THE EMPLOYER WHO ARE MEMBERS OF THE ASSOCIATION, OR WHO WERE ELIGIBLE TO ELECT TO BECOME MEMBERS OF THE ASSOCIATION ON OR AFTER JANUARY 1, 2006, INCLUDING ANY AMOUNTS PAID IN CONNECTION WITH THE EMPLOYMENT OF A RETIREE BY AN EMPLOYER PURSUANT TO SECTION 24-51-1101 (2)."

Page 15, line 26, strike "SCHOOL, STATE" and substitute "SCHOOL".

Page 16, line 3, strike "2017." and substitute "2018."

Page 16, after line 10 insert:

"(6.5) FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2014, FOR EMPLOYERS IN THE STATE DIVISION, THE SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENT SHALL INCREASE

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BY ONE-HALF OF ONE PERCENT OF TOTAL PAYROLL AT THE START OF EACH OF THE CALENDAR YEARS THROUGH 2017. FOR PURPOSES OF THIS SECTION, THE EMPLOYER'S TOTAL PAYROLL SHALL BE CALCULATED BY APPLYING THE DEFINITION OF SALARY, PURSUANT TO SECTION 24-51-101 (42), TO THE PAYROLL FOR ALL EMPLOYEES WORKING FOR THE EMPLOYER WHO ARE MEMBERS OF THE ASSOCIATION, OR WHO WERE ELIGIBLE TO ELECT TO BECOME MEMBERS OF THE ASSOCIATION ON OR AFTER JANUARY 1, 2006, INCLUDING ANY AMOUNTS PAID IN CONNECTION WITH THE EMPLOYMENT OF A RETIREE BY AN EMPLOYER PURSUANT TO SECTION 24-51-1101 (2)."

Page 16, line 19, strike "(3) AND" and substitute "(3), (3.5),".

Page 16, line 20, strike "(6)" and substitute "(6), AND (6.5)".

Page 17, strike lines 19 and 20 and substitute "EQUALIZATION DISBURSEMENT FOR THE SCHOOL AND DENVER PUBLIC SCHOOLS DIVISIONS EXCEED FOUR AND ONE-HALF PERCENT OR FOR THE STATE DIVISION EXCEED FIVE PERCENT NOR SHALL THE SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT FOR THE SCHOOL AND DENVER PUBLIC SCHOOLS DIVISIONS EXCEED FIVE AND ONE-HALF PERCENT EACH OR FOR THE STATE DIVISION EXCEED FIVE PERCENT."

Page 24, line 9, after "TABLE" insert "AND WHO ARE NOT ELIGIBLE FOR SERVICE RETIREMENT BENEFITS PURSUANT TO SUBSECTION (1.8) OF THIS SECTION".

Page 25, after line 1 insert:

"(1.8) (a) MEMBERS OF THE SCHOOL DIVISION OR DENVER PUBLIC SCHOOLS DIVISION WHO WERE NOT MEMBERS, INACTIVE MEMBERS, OR RETIREES ON DECEMBER 31, 2016, WHO HAVE MET THE AGE AND SERVICE REQUIREMENTS STATED IN THE FOLLOWING TABLE SHALL, UPON WRITTEN APPLICATION AND APPROVAL OF THE BOARD, RECEIVE SERVICE RETIREMENT BENEFITS PURSUANT TO THE BENEFIT FORMULA SET FORTH IN SECTION 24-51-603, PROVIDED, HOWEVER, THAT AT LEAST THE MOST RECENT TEN YEARS OF SERVICE CREDIT USED IN MEETING THE REQUIREMENTS OF THE TABLE BELOW MUST BE EARNED IN THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISIONS IN ORDER FOR THE MEMBER TO BE ELIGIBLE PURSUANT TO THIS PARAGRAPH (a):

| SERVICE RETIREMENT ELIGIBILITY | |
|---------------------------------------|---------------------------------------|
| AGE REQUIREMENT (YEARS) | SERVICE CREDIT REQUIREMENT (YEARS) |
| ANY AGE | 35 |
| 58 | 30 |
| 65 | 5 |

(b) MEMBERS WHO ARE ELIGIBLE FOR A BENEFIT PURSUANT TO THIS SUBSECTION (1.8) AND WHO ARE FIFTY-EIGHT YEARS OF AGE OR OLDER SHALL, UPON WRITTEN APPLICATION AND APPROVAL OF THE BOARD, RECEIVE SERVICE RETIREMENT BENEFITS PURSUANT TO THE BENEFIT FORMULA SET FORTH IN SECTION 24-51-603, WITHOUT REDUCTION PURSUANT TO SECTION 24-51-604, IF THEY HAVE AT LEAST FIVE YEARS OF SERVICE CREDIT AND IF THE NUMBER OF YEARS OF THEIR AGE PLUS THE NUMBER OF YEARS OF THEIR SERVICE CREDIT EQUALS EIGHTY-EIGHT YEARS OR MORE."

Page 33, line 9, strike "FOR" and substitute "SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (b), FOR".

Page 33, after line 16 insert:

"(IV) FOR MEMBERS WHOSE MEMBERSHIP BEGAN ON OR AFTER JANUARY 1, 2017, THE RETIREE RETIRED FROM THE SCHOOL OR DENVER PUBLIC SCHOOLS DIVISIONS WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-604 AND THE RETIREE'S MOST RECENT TEN YEARS OF SERVICE CREDIT WAS EARNED IN THE SCHOOL OR

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DENVER PUBLIC SCHOOLS DIVISIONS, BUT, AS OF JANUARY 1, THE RETIREE'S AGE AND TOTAL SERVICE CREDIT TOTAL AT LEAST EIGHTY-EIGHT YEARS, OR THE RETIREE RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-604 BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE OF SIXTY."

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Page 33, strike lines 26 and 27 and substitute "BENEFITS FOR THE YEAR 2010 SHALL BE THE LESSER OF TWO PERCENT OR THE AVERAGE OF THE ANNUAL INCREASES DETERMINED FOR EACH MONTH,".

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Page 34, line 1, strike "ACTUAL INCREASE,".

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Page 34, line 4, strike "THE PERIOD OF JANUARY 2008 TO JANUARY 2009;" and substitute "EACH OF THE MONTHS IN THE 2009 CALENDAR YEAR."

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Page 34, strike lines 5 through 10.

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Page 34, line 11, strike "2012," and substitute "2011,".

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Page 37, line 4, strike "the actual increase," and substitute "the actual increase THE AVERAGE OF THE ANNUAL INCREASES DETERMINED FOR EACH MONTH, TO THE NEAREST ONE-TENTH OF A PERCENT,".

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Page 37, line 6, after "workers" insert "DURING THE CALENDAR YEAR PRECEDING THE INCREASE IN THE BENEFIT".

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Page 37, strike lines 8 through 12.

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Page 37, line 13, strike "(b)" and substitute "(4.5)", and strike "2011," and substitute "2010,".

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Page 39, line 27, strike "NOTWITHSTANDING THE PROVISIONS OF THIS".

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Page 40, strike lines 1 through 6.

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Page 52, after line 7 insert:

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SECTION 30. 24-51-1729 (1) (a) (V), Colorado Revised Statutes, is amended to read:

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24-51-1729. Benefits - deferred members. (1) In the event the employment of such member with the district terminates on or after July 1, 1962, the deferred retirement allowance, subject to the limitations set forth in section 24-51-1731, shall be computed in the following manner and paid under the following conditions:

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(a) The amount of the deferred retirement allowance under option A shall be determined in the same manner and subject to the same conditions as is set forth in section 24-51-1715, if the member was a contributing member or affiliate member at the time that employment was terminated, with the following limitations:

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(V) In making the calculation of the deferred retirement allowance for one qualified for deferred benefits, the provisions of section 24-51-1715 (1) (c) changing the reduction percentage from four percent to six percent for certain retirements and section 24-51-1732 basing the annual retirement allowance adjustment on the lesser of three percent or the actual increase, as calculated by the United States department of labor, in the national consumer price index for urban wage earners and clerical workers during the calendar year preceding the increase, but in no case less than zero, shall not apply if the retiree terminated employment on or before June 30, 2005."

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Renumber succeeding sections accordingly.

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Page 57, line 5, strike "30, 33, and 34." and substitute "31, 34, and 35".

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- Finance After consideration on the merits, the Committee recommends that **SB10-059** be referred to the Committee on Appropriations with favorable recommendation. 1
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- Trans- After consideration on the merits, the Committee recommends that **SB10-015** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 6
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 - Amend printed bill, page 2, line 20, strike "AND". 10
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 - Page 2, line 21, strike "ONE-HALF YEARS" and substitute "YEARS AND SIX MONTHS". 12
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- Trans- After consideration on the merits, the Committee recommends that **SB10-016** be referred to the Committee of the Whole with favorable recommendation. 16
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- Trans- After consideration on the merits, the Committee recommends that **SB10-055** be referred to the Committee of the Whole with favorable recommendation. 19
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- Trans- After consideration on the merits, the Committee recommends that **SB10-103** be referred to the Committee on Appropriations with favorable recommendation. 22
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SENATE SERVICES REPORT

- Correctly Printed:** SJR10-008. 26
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- Correctly Engrossed:** SB10-010, 014, 018, 037, 038, 043, 047, 049, 052 and 053; SJR10-008. 30
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- Correctly Reengrossed:** SB10-035. 32
- Correctly Revised:** HJR10-1004, 1005, 1006, 1007 and 1008. 33
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SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: **HJR10-1003**. 36
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On motion of Senator Morse, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, January 27, 2010, was laid over until Thursday, January 28, 2010, retaining its place on the calendar. 41
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- Third Reading of Bills -- Final Passage -- Consent Calendar: SB10-031, SB10-014, SB10-010, SB10-018, SB10-047, SB10-037, SB10-038, SB10-053. 47
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- Third Reading of Bills -- Final Passage: SB10-049, SB10-043, SB10-052. 49
- General Orders -- Second Reading of Bills: SB10-019. 50
51

TRIBUTES

Honoring: 52
53
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- Gloria Stultz -- by Senator Kester 57
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- Heritage High School 4A Football Team -- by Senators Spence and Newell and Representative Rice 59
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- Charlie Monfort -- by Senator Penry 61
- Helen Krey -- by Senator Penry 62
- Jamie Hamilton -- by Senator Penry 63
- Geno and Virginia Saccomanno -- by Senator Penry 64
- El Pomar Foundation -- by Senator Penry 65
- Dr. Larry Copeland -- by Senator Penry 66
- Walter and Pres Walker -- by Senator Penry 67
- St. Mary's Hospital -- by Senator Penry 68
- Hashim Khan -- by Senator Penry 69

Katie and Carl Bergman -- by Senator Schwartz
Dwight Shellman -- by Senator Schwartz



On motion of Senator Morse, the Senate adjourned until 9:00 a.m., Thursday, January 29, 2010.

Approved:

Brandon C. Shaffer
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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