

**HOUSE JOURNAL**  
**SIXTY-SEVENTH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**First Regular Session**

Fifty-sixth Legislative Day

Tuesday, March 3, 2009

1 Prayer by Pastor Bob Davidson, St. Bartholomew's Episcopal Church,  
 2 Estes Park.

3

4 The Speaker called the House to order at 9:00 a.m.

5

6 Pledge of Allegiance led by Amy Eckert, Castle View High School,  
 7 Castle Rock.

8

9 The roll was called with the following result:

10

11 Present--65.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative McCann, the reading of the journal of  
 17 March 2, 2009, was declared dispensed with and approved as corrected  
 18 by the Chief Clerk.

19

20

21 **THIRD READING OF BILLS--FINAL PASSAGE**

22

23 The following bills were considered on Third Reading. The titles were  
 24 publicly read. Reading of the bill at length was dispensed with by  
 25 unanimous consent.

26

27 **HB09-1064** by Representative(s) Kefalas, Fischer, Frangas,  
 28 Hullinghorst, Solano, Todd; also Senator(s) Sandoval--  
 29 Concerning creating a legislative committee to study  
 30 poverty issues, and, in connection therewith, establishing  
 31 the economic opportunity poverty reduction task force for  
 32 the purpose of advancing economic opportunity while  
 33 reducing child and family poverty.

34

35 The question being "Shall the bill pass?".

36 A roll call vote was taken. As shown by the following recorded vote, a  
 37 majority of those elected to the House voted in the affirmative and the  
 38 bill was declared **passed**.

39

40

41

42

43

YES	42	NO	23	EXCUSED	0	ABSENT	0
Acree	N	Green	Y	McFadyen	Y	Roberts	Y
Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
Balmer	N	Judd	Y	McKinley	Y	Scanlan	Y

1	Baumgardner	N	Kefalas	Y	McNulty	N	Schafer S.	Y
2	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
3	Bradford	N	Kerr J.	N	Middleton	Y	Sonnenberg	N
4	Casso	Y	King S.	N	Miklosi	Y	Soper	Y
5	Court	Y	Labuda	Y	Murray	N	Stephens	N
6	Curry	Y	Lambert	N	Nikkel	N	Summers	N
7	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	N
8	Fischer	Y	Liston	N	Peniston	Y	Tipton	N
9	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
10	Gagliardi	Y	Marostica	N	Primavera	Y	Vaad	N
11	Gardner B.	N	Massey	Y	Priola	Y	Vigil	Y
12	Gardner C.	N	May	N	Rice	Y	Waller	N
13	Gerou	N	McCann	Y	Riesberg	Y	Weissmann	Y
14							Speaker	Y

15 Co-sponsor(s) added: Representative(s) Apuan, Casso, Court, Ferrandino,  
 16 Green, Kerr A., Labuda, Levy, McCann, McGihon, Merrifield, Middleton,  
 17 Miklosi, Pace, Peniston, Primavera, Ryden, Scanlan, Schafer S., Vigil, Speaker  
 18

19 **HB09-1285** by Representative(s) Benefield, Kerr A., Massey,  
 20 Middleton, Miklosi, Scanlan, Schafer S., Summers, Todd;  
 21 also Senator(s) King K.--Concerning the government data  
 22 advisory board, and, in connection therewith, creating the  
 23 education data subcommittee to make recommendations  
 24 for creation of a statewide comprehensive P-20 education  
 25 data system.  
 26

27 The question being "Shall the bill pass?".  
 28 A roll call vote was taken. As shown by the following recorded vote, a  
 29 majority of those elected to the House voted in the affirmative and the bill  
 30 was declared **passed**.  
 31

	YES	65	NO	0	EXCUSED	0	ABSENT	0
33	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
34	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
35	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
36	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
37	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
38	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
39	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
40	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
41	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
42	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
43	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
44	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
45	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
46	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
47	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
48	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
49							Speaker	Y

50 Co-sponsor(s) added: Representative(s) Acree, Apuan, Green, Kerr J.,  
 51 Merrifield, Murray, Nikkel, Ryden, Stephens, Speaker  
 52

53  
 54 **SB09-032** by Senator(s) Groff, Hudak, King K., Penry, Romer,  
 55 Spence; also Representative(s) Marostica and Todd,  
 56 Carroll T., Gardner C., Massey, McNulty, Rice, Scanlan--

1 Concerning creation of the education innovation institute  
2 at the university of northern Colorado.

3  
4 The question being "Shall the bill pass?".  
5 A roll call vote was taken. As shown by the following recorded vote, a  
6 majority of those elected to the House voted in the affirmative and the bill  
7 was declared **passed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
10 Acree	Y	Green	Y	McFadyen	Y	Roberts	Y	
11 Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y	
12 Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y	
13 Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y	
14 Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y	
15 Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y	
16 Casso	Y	King S.	Y	Miklosi	Y	Soper	Y	
17 Court	Y	Labuda	Y	Murray	Y	Stephens	Y	
18 Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y	
19 Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y	
20 Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y	
21 Frangas	Y	Looper	Y	Pommer	Y	Todd	Y	
22 Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y	
23 Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y	
24 Gardner C.	Y	May	Y	Rice	Y	Waller	Y	
25 Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y	
26						Speaker	Y	

27 Co-sponsor(s) added: Representative(s) Acree, Baumgardner, Kefalas, Kerr J.,  
28 Middleton, Primavera, Ryden, Schafer S., Solano, Stephens, Summers

29  
30  
31  
32 **SB09-055** by Senator(s) Isgar, Keller, Kester, White; also  
33 Representative(s) Judd, Roberts--Concerning the family  
34 resource center program.

35  
36 The question being "Shall the bill pass?".  
37 A roll call vote was taken. As shown by the following recorded vote, a  
38 majority of those elected to the House voted in the affirmative and the bill  
39 was declared **passed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
42 Acree	Y	Green	Y	McFadyen	Y	Roberts	Y	
43 Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y	
44 Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y	
45 Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y	
46 Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y	
47 Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y	
48 Casso	Y	King S.	Y	Miklosi	Y	Soper	Y	
49 Court	Y	Labuda	Y	Murray	Y	Stephens	Y	
50 Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y	
51 Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y	
52 Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y	
53 Frangas	Y	Looper	Y	Pommer	Y	Todd	Y	
54 Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y	
55 Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y	
56 Gardner C.	Y	May	Y	Rice	Y	Waller	Y	

1 Gerou Y McCann Y Riesberg Y Weissmann Y  
 2 Speaker Y

3 Co-sponsor(s) added: Representative(s) Casso, Court, Gerou, Green, Kefalas,  
 4 Kerr J., Looper, Massey, Nikkel, Ryden, Solano, Stephens, Summers, Todd

5  
 6 **SB09-079** by Senator(s) Newell, Boyd; also Representative(s) Acree  
 7 and Kefalas, Primavera--Concerning improving the well-  
 8 being of children in the foster care system by improving  
 9 the ability of birth siblings to maintain long-term  
 10 connections.

11  
 12 The question being "Shall the bill pass?".  
 13 A roll call vote was taken. As shown by the following recorded vote, a  
 14 majority of those elected to the House voted in the affirmative and the bill  
 15 was declared **passed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
18 Acree	Y		Green	Y	McFadyen	Y	Roberts	Y
19 Apuan	Y		Hullinghorst	Y	McGihon	Y	Ryden	Y
20 Balmer	Y		Judd	Y	McKinley	Y	Scanlan	Y
21 Baumgardner	Y		Kefalas	Y	McNulty	Y	Schafer S.	Y
22 Benefield	Y		Kerr A.	Y	Merrifield	Y	Solano	Y
23 Bradford	Y		Kerr J.	Y	Middleton	Y	Sonnenberg	Y
24 Casso	Y		King S.	Y	Miklosi	Y	Soper	Y
25 Court	Y		Labuda	Y	Murray	Y	Stephens	Y
26 Curry	Y		Lambert	Y	Nikkel	Y	Summers	Y
27 Ferrandino	Y		Levy	Y	Pace	Y	Swalm	Y
28 Fischer	Y		Liston	Y	Peniston	Y	Tipton	Y
29 Frangas	Y		Looper	Y	Pommer	Y	Todd	Y
30 Gagliardi	Y		Marostica	Y	Primavera	Y	Vaad	Y
31 Gardner B.	Y		Massey	Y	Priola	Y	Vigil	Y
32 Gardner C.	Y		May	Y	Rice	Y	Waller	Y
33 Gerou	Y		McCann	Y	Riesberg	Y	Weissmann	Y
34							Speaker	Y

35 Co-sponsor(s) added: Representative(s) Casso, Fischer, Gerou, Green,  
 36 Kerr J., Labuda, McGihon, Merrifield, Murray, Nikkel, Ryden,  
 37 Schafer S., Solano, Stephens, Summers, Todd

38  
 39  
 40  
 41  
 42 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL(S)**

43  
 44 **HB09-1021** by Representative(s) Solano; also Senator(s) Boyd--  
 45 Concerning the extension of the study of the treatment of  
 46 persons with mental illness who are involved in the  
 47 criminal and juvenile justice systems.

48  
 49 (Amended as printed in Senate Journal, February 27, page 525.)

50  
 51 Representative Solano moved that the House **concur** in Senate  
 52 amendments. The motion was declared **passed** by the following roll call  
 53 vote:

54  
 55

	YES	65	NO	0	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
3	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
4	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
5	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
6	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
7	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
8	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
9	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
10	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
11	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
12	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
13	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
14	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
15	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
16	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
17	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
18							Speaker	Y
19								

20 The question being, "Shall the bill, as amended, pass?".  
 21 A roll call vote was taken. As shown by the following recorded vote, a  
 22 majority of those elected to the House voted in the affirmative, and the  
 23 bill, as amended, was declared **repassed**.

	YES	65	NO	0	EXCUSED	0	ABSENT	0
25								
26	Acree	Y	Green	Y	McFadyen	Y	Roberts	Y
27	Apuan	Y	Hullinghorst	Y	McGihon	Y	Ryden	Y
28	Balmer	Y	Judd	Y	McKinley	Y	Scanlan	Y
29	Baumgardner	Y	Kefalas	Y	McNulty	Y	Schafer S.	Y
30	Benefield	Y	Kerr A.	Y	Merrifield	Y	Solano	Y
31	Bradford	Y	Kerr J.	Y	Middleton	Y	Sonnenberg	Y
32	Casso	Y	King S.	Y	Miklosi	Y	Soper	Y
33	Court	Y	Labuda	Y	Murray	Y	Stephens	Y
34	Curry	Y	Lambert	Y	Nikkel	Y	Summers	Y
35	Ferrandino	Y	Levy	Y	Pace	Y	Swalm	Y
36	Fischer	Y	Liston	Y	Peniston	Y	Tipton	Y
37	Frangas	Y	Looper	Y	Pommer	Y	Todd	Y
38	Gagliardi	Y	Marostica	Y	Primavera	Y	Vaad	Y
39	Gardner B.	Y	Massey	Y	Priola	Y	Vigil	Y
40	Gardner C.	Y	May	Y	Rice	Y	Waller	Y
41	Gerou	Y	McCann	Y	Riesberg	Y	Weissmann	Y
42							Speaker	Y

43 Co-sponsor(s) added: Representative(s) Acree, McFadyen, Peniston, Schafer S.,  
 44 Summers

## REPORT(S) OF COMMITTEE(S) OF REFERENCE

### EDUCATION

51 After consideration on the merits, the Committee recommends the  
 52 following:

54 **HB09-1290** be referred favorably to the Committee on Appropriations.

55  
 56

1 **SB09-033** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5  
6  
7 **HEALTH & HUMAN SERVICES**

8 After consideration on the merits, the Committee recommends the  
9 following:

10  
11 **SB09-010** be referred to the Committee of the Whole with favorable  
12 recommendation.  
13

14  
15 **SB09-044** be referred to the Committee of the Whole with favorable  
16 recommendation.  
17

18  
19  
20  
21 **JUDICIARY**

22 After consideration on the merits, the Committee recommends the  
23 following:

24  
25 **HB09-1193** be amended as follows, and as so amended, be referred to  
26 the Committee of the Whole with favorable  
27 recommendation:  
28

29 Amend printed bill, strike everything below the enacting clause and  
30 substitute the following:  
31

32 "SECTION 1. 13-21-111.5, Colorado Revised Statutes, is  
33 amended BY THE ADDITION OF A NEW SUBSECTION to read:  
34

35 **13-21-111.5. Civil liability cases - pro rata liability of**  
36 **defendants - shifting financial responsibility for negligence in**  
37 **construction agreements or motor carrier transportation contracts -**  
38 **definitions. (7) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THE**  
39 **LAW TO THE CONTRARY, ANY PROVISION, CLAUSE, COVENANT, OR**  
40 **AGREEMENT CONTAINED IN, COLLATERAL TO, OR AFFECTING A MOTOR**  
41 **CARRIER TRANSPORTATION CONTRACT THAT PURPORTS TO INDEMNIFY,**  
42 **DEFEND, OR HOLD HARMLESS, OR THAT HAS THE EFFECT OF INDEMNIFYING,**  
43 **DEFENDING, OR HOLDING HARMLESS, THE INDEMNITEE FROM OR AGAINST**  
44 **ANY LIABILITY FOR LOSS OR DAMAGE RESULTING FROM THE INDEMNITEE'S**  
45 **OWN NEGLIGENCE OR INTENTIONAL ACTS IS AGAINST THE PUBLIC POLICY OF**  
46 **THIS STATE AND IS VOID AND UNENFORCEABLE.**  
47

48 (b) AS USED IN THIS SUBSECTION (7), UNLESS THE CONTEXT  
49 OTHERWISE REQUIRES, "MOTOR CARRIER TRANSPORTATION CONTRACT"  
50 MEANS A CONTRACT, AGREEMENT, OR UNDERSTANDING REGARDING:  
51

52 (I) THE TRANSPORTATION OF PROPERTY FOR COMPENSATION OR  
53 HIRE;

54 (II) THE ENTRANCE ON PROPERTY FOR THE PURPOSE OF LOADING,  
55 UNLOADING, OR TRANSPORTING PROPERTY FOR COMPENSATION OR HIRE; OR  
56

1 (III) A SERVICE INCIDENTAL TO ANY ACTIVITY DESCRIBED IN  
2 SUBPARAGRAPHS (I) OR (II) OF THIS PARAGRAPH (b), INCLUDING BUT NOT  
3 LIMITED TO STORAGE OF PROPERTY.

4  
5 (c) THIS SUBSECTION (7) SHALL NOT APPLY TO A CONTRACT,  
6 SUBCONTRACT, OR AGREEMENT THAT CONCERNS OR AFFECTS  
7 TRANSPORTATION INVOLVING A RAILROAD.

8  
9 **SECTION 2. Effective date - applicability.** This act shall take  
10 effect July 1, 2009, and shall apply to motor carrier transportation  
11 contracts entered into or renewed on or after said date.

12  
13 **SECTION 3. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety."

16  
17  
18  
19 **HB09-1287** be amended as follows, and as so amended, be referred to  
20 the Committee of the Whole with favorable  
21 recommendation:

22  
23 Amend printed bill, page 7, after line 11, insert the following:

24  
25 "(6) THE DOLLAR AMOUNTS STATED IN THIS SECTION SHALL BE  
26 INCREASED OR DECREASED BASED ON THE COST OF LIVING ADJUSTMENT AS  
27 CALCULATED AND SPECIFIED IN SECTION 15-10-112."

28  
29 Page 8, line 8, strike "IN EQUAL SHARES;" and substitute "PER CAPITA AT  
30 EACH GENERATION;"

31  
32 line 13, strike "IN EQUAL SHARES;" and substitute "PER CAPITA AT EACH  
33 GENERATION;"

34  
35 Page 9, line 5, strike "IN EQUAL SHARES;" and substitute "PER CAPITA AT  
36 EACH GENERATION;"

37  
38 line 8, strike "IN" and substitute "PER CAPITA AT EACH GENERATION.";

39  
40 strike line 9.

41  
42 Page 12, line 27, strike "09-\_\_\_\_\_", and substitute "09-1286,"

43  
44 Page 15, after line 4, insert the following:

45  
46 "(2.5) **Child of a second-parent adoption.** A PARENT-CHILD  
47 RELATIONSHIP EXISTS BETWEEN AN INDIVIDUAL WHO IS ADOPTED BY A  
48 SECOND PARENT AND:

49  
50 (a) THE GENETIC PARENT WHO CONSENTED TO A SECOND-PARENT  
51 ADOPTION; AND

52  
53 (b) THE OTHER GENETIC PARENT, BUT ONLY FOR THE PURPOSE OF  
54 THE RIGHT OF THE ADOPTEE OR A DESCENDANT OF THE ADOPTEE TO INHERIT  
55 FROM OR THROUGH THE OTHER GENETIC PARENT."

56

1 Page 23, strike lines 14 through 27.

2

3 Strike pages 24 through 26.

4

5 Page 27, strike lines 1 and 2 and substitute the following:

6 "SECTION 9. 15-11-201 (2), Colorado Revised Statutes, is  
7 amended to read:

8

9 **15-11-201. Right to elective-share.** (2) (a) **Supplemental**  
10 **elective-share amount.** If the sum of the amounts described in sections  
11 15-11-202 (2) (d), 15-11-203 (1) (a), and that part of the elective-share  
12 amount payable from the decedent's probate estate and nonprobate  
13 transfers to others under section 15-11-203 (2) and (3) is less than fifty  
14 thousand dollars, the surviving spouse is entitled to a supplemental  
15 elective-share amount equal to fifty thousand dollars, minus the sum of the  
16 amounts described in those sections. The supplemental elective-share  
17 amount is payable from the decedent's probate estate and from recipients  
18 of the decedent's nonprobate transfers to others in the order of priority set  
19 forth in section 15-11-203 (2) and (3).

20

21 (b) THE DOLLAR AMOUNT STATED IN PARAGRAPH (a) OF THIS  
22 SUBSECTION (2) SHALL BE INCREASED OR DECREASED BASED ON THE COST  
23 OF LIVING ADJUSTMENT AS CALCULATED AND SPECIFIED IN SECTION 15-10-  
24 112.

25

26 **SECTION 10.** 15-11-403, Colorado Revised Statutes, is amended  
27 to read:

28

29 **15-11-403. Exempt property.** (1) The decedent's surviving  
30 spouse is entitled to exempt property from the estate in the form of cash  
31 in the amount of or other property of the estate in the value of twenty-six  
32 thousand dollars in excess of any security interests therein. If there is no  
33 surviving spouse, the decedent's dependent children are entitled jointly to  
34 the same exempt property. Rights to exempt property have priority over  
35 all claims against the estate, except claims for the costs and expenses of  
36 administration, and reasonable funeral and burial, interment, or cremation  
37 expenses, which shall be paid in the priority and manner set forth in  
38 section 15-12-805. The right to exempt property shall abate as necessary  
39 to permit payment of the family allowance. These rights are in addition to  
40 any benefit or share passing to the surviving spouse or dependent children  
41 by the decedent's will, unless otherwise provided, by intestate succession,  
42 or by way of elective-share.

43

44 (2) THE DOLLAR AMOUNT STATED IN SUBSECTION (1) OF THIS  
45 SECTION SHALL BE INCREASED OR DECREASED BASED ON THE COST OF  
46 LIVING ADJUSTMENT AS CALCULATED AND SPECIFIED IN SECTION 15-10-  
47 112.

48

49 **SECTION 11.** 15-11-405 (1), Colorado Revised Statutes, is  
50 amended to read:

51

52 **15-11-405. Source, determination, and documentation.**  
53 (1) (a) If the estate is otherwise sufficient, property specifically devised  
54 or disposed of by memorandum under section 15-11-513 to any person  
55 other than a person entitled to exempt property may not be used to satisfy  
56 rights to exempt property. Subject to this restriction, the surviving spouse,



1 the guardians of minor children, or dependent children who are adults may  
2 select property of the estate as their exempt property. The personal  
3 representative may make these selections if the surviving spouse, the  
4 dependent children, or the guardians of the minor children are unable or  
5 fail to do so within a reasonable time or there is no guardian of a minor  
6 child. The personal representative may execute an instrument or deed of  
7 distribution to establish the ownership of property taken as exempt  
8 property allowance. The personal representative may determine the family  
9 allowance in a lump sum not exceeding twenty-four thousand dollars or  
10 periodic installments not exceeding two thousand dollars per month for  
11 one year and may disburse funds of the estate in payment of the family  
12 allowance. The personal representative or an interested person aggrieved  
13 by any selection, determination, payment, proposed payment, or failure to  
14 act under this section may petition the court for appropriate relief, which  
15 may provide a family allowance other than that which the personal  
16 representative determined or could have determined.

17  
18 (b) THE DOLLAR AMOUNT STATED IN PARAGRAPH (a) OF THIS  
19 SUBSECTION (1) SHALL BE INCREASED OR DECREASED BASED ON THE COST  
20 OF LIVING ADJUSTMENT AS CALCULATED AND SPECIFIED IN SECTION 15-10-  
21 112."

22  
23 Renumber succeeding sections accordingly.

24  
25 Page 36, line 3, strike "January" and substitute "July".

26  
27  
28  
29 **SB09-007** be postponed indefinitely.

30  
31  
32 **SB09-034** be referred to the Committee of the Whole with favorable  
33 recommendation.

34  
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### PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed:  
**HB09-1293, 1294, 1295, 1296, 1297, 1298.**

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### MESSAGE FROM THE GOVERNOR

I certify I received the following on the 3rd day of March, 2009, at  
8:35 a.m. The original is on file in the records of the House of  
Representatives of the General Assembly.

February 26, 2009

Marilyn Eddins,  
Chief Clerk of the House

To the Honorable  
House of Representatives  
Sixty-seventh General Assembly  
First Regular Session  
State Capitol  
Denver, CO 80203

1 Ladies and Gentlemen:

2

3 I have the honor to inform you that I have approved and filed with  
4 the Secretary of State the following Acts:

5

6 **HB09-1014** CONCERNING THE PROVISION OF ADDITIONAL RESOURCES  
7 TO THE DIVISION OF REAL ESTATE TO PROVIDE  
8 OVERSIGHT OF CONSERVATION EASEMENTS FOR WHICH  
9 A STATE INCOME TAX CREDIT IS CLAIMED.

10

11 Approved February 26, 2009 at 1:57 p.m.

12

13 Sincerely,

14 (signed)

15 Bill Ritter, Jr.

16 Governor

17

18

19

20

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**ANNOUNCEMENT**

21

22 On motion of Representative Weissmann, the following bill(s) will be  
23 calendared for March 6, 2009: SB09-033, 010, 044, HB09-1193, 1287,  
24 SB09-034.

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House in recess. House reconvened.

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
on SB09-185**

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This Report Adopts the Rerevised Bill.

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Respectfully submitted,

Senate Committee:

(signed)

Abel Tapia

Moe Keller

Al White

House Committee:

(signed)

Mark Ferrandino

Jack Pommer

Don Marostica

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
on SB09-217**

This Report Adopts the Rerevised Bill.

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB09-217,  
concerning the reduction of moneys transferred to certain funds from the  
portion of limited gaming fund moneys that would otherwise be  
transferred to the general fund after the transfer to the local government  
limited gaming impact fund, has met and reports that it has agreed upon  
the following:

That the Senate accede to the House amendments made to the bill  
and that the rerevised bill be adopted without change.

Respectfully submitted,

Senate Committee:  
(signed)  
Moe Keller  
Abel Tapia  
Al White

House Committee:  
(signed)  
Mark Ferrandino  
Jack Pommer  
Don Marostica

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**MESSAGE FROM THE SENATE**

The Senate has passed on Third Reading and returns herewith HB09-  
1141, HB09-1004, HB09-1023, and HB09-1025.

The Senate has passed on Third Reading and transmitted to the Revisor  
of Statutes:

HB09-1109 amended as printed in Senate Journal, March 2, 2009,  
page 548.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:  
Without comment, as amended, HB09-1109.

On motion of Representative B. Gardner, the House adjourned until  
9:00 a.m., March 4, 2009.

Approved:  
TERRANCE D. CARROLL,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk