

## CHAPTER 226

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**STATUTES**

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**SENATE BILL 98-190**

BY SENATORS Matsunaka, Perlmutter, Wattenberg, Wells, Wham, Bishop, Martinez, Pascoe, and Tebedo;  
also REPRESENTATIVES Kreutz, Adkins, Grossman, Kaufman, and Nichol.

**AN ACT**

CONCERNING THE REVISION OF STATUTES IN THE COLORADO REVISED STATUTES, AS AMENDED,  
AMENDING OR REPEALING OBSOLETE, INCONSISTENT, AND CONFLICTING PROVISIONS OF LAW AND  
CLARIFYING THE LANGUAGE TO REFLECT THE LEGISLATIVE INTENT OF THE LAWS.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 1-3-103 (9), Colorado Revised Statutes, is amended to read:

**1-3-103. Party committees.** (9) Within ninety days after the organization of the state central committees of the two major political parties in each odd-numbered year, each committee shall adopt in its bylaws or rules its general guidelines and regulations for all county party matters. Such bylaws or rules shall establish a procedure for the selection of delegates to any party assembly that is consistent with party practice. Any method under such procedure for choosing or allocating delegates in a county based on the number of votes cast at an election for a particular candidate shall be uniform among the counties so that all types of ballots are counted or not counted for purposes of determining the number of votes cast. Any county central committee may adopt its own rules and regulations in conformance with those of the state central committee. In the absence of county rules pertaining to specific items, the party's state central committee's guidelines, rules, and regulations shall apply. Each state central committee shall file its party's bylaws or rules with the secretary of state no later than the first Monday in February in each even-numbered year and, if filed prior to that date, the bylaws or rules may be amended until that date. No bylaw or rule may be filed or amended after the first Monday in February in each even-numbered year. ~~except that such bylaws and rules may be amended as required solely to accommodate changes in the precinct caucus day or other action taken by the secretary of state pursuant to section 2-2-506 (1) (c) (IV), C.R.S.~~ Where the bylaws or rules are not filed in accordance with this section, the party's state central

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

committee, as well as the party's county central committee, shall be subject to the code through the general election of the same year.

**SECTION 2.** 1-40-121 (1), Colorado Revised Statutes, is amended to read:

**1-40-121. Receiving money to circulate petitions - filing.** (1) The proponents of the petition shall file with the official who receives filings under the "~~Campaign Reform Act of 1974~~" "FAIR CAMPAIGN PRACTICES ACT", article 45 of this title, for the election the name, address, and county of voter registration of all circulators who were paid to circulate any section of the petition, the amount paid per signature, and the total amount paid to each circulator. The filing shall be made at the same time the petition is filed with the secretary of state. Any payment made to circulators is an expenditure under article 45 of this title.

**SECTION 3.** 2-2-307 (1), Colorado Revised Statutes, is amended to read:

**2-2-307. Compensation of members - reimbursement of expenses.** (1) Commencing ~~January 2, 1999~~, ON THE FIRST DAY OF THE LEGISLATIVE SESSION BEGINNING IN JANUARY OF 1999, all members of the general assembly elected at the 1998 general election and thereafter and members appointed to fill vacancies for unexpired terms of those members shall receive as base compensation for their services the sum of thirty thousand dollars per annum, payable at the rate of two thousand five hundred dollars per month.

**SECTION 4.** 2-2-307, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**2-2-307. Compensation of members - reimbursement of expenses - repeal.** (1.5) (a) COMMENCING JANUARY 2, 1985, ALL MEMBERS OF THE GENERAL ASSEMBLY ELECTED AT THE 1984 GENERAL ELECTION AND THEREAFTER AND MEMBERS APPOINTED TO FILL VACANCIES FOR UNEXPIRED TERMS OF SUCH MEMBERS SHALL RECEIVE AS BASE COMPENSATION FOR THEIR SERVICES THE SUM OF SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS PER ANNUM, PAYABLE AS FOLLOWS:

(I) IN THE MONTHS OF JANUARY, FEBRUARY, MARCH, AND APRIL, A MEMBER SHALL BE COMPENSATED AT THE RATE OF TWO THOUSAND ONE HUNDRED EIGHTY-SEVEN DOLLARS AND FIFTY CENTS PER MONTH.

(II) FOR THE REMAINING EIGHT MONTHS OF THE YEAR, A MEMBER SHALL BE COMPENSATED AT THE RATE OF ONE THOUSAND NINETY-THREE DOLLARS AND SEVENTY-FIVE CENTS PER MONTH.

(b) (I) THIS SUBSECTION (1.5) SHALL NOT APPLY TO MEMBERS OF THE GENERAL ASSEMBLY ELECTED AT THE 1998 GENERAL ELECTION AND THEREAFTER AND MEMBERS APPOINTED TO FILL VACANCIES FOR UNEXPIRED TERMS OF SUCH MEMBERS.

(II) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JANUARY 15, 2001.

**SECTION 5.** 2-3-203 (1) (b.1), Colorado Revised Statutes, is amended to read:

**2-3-203. Powers and duties of the joint budget committee - repeal.** (1) The

committee has the following power and duties:

(b.1) (I) Effective July 1, 2004, to hold hearings as required and to review the executive budget and the budget requests of each state agency and institution, including proposals for construction of capital improvements, and to make appropriation recommendations to the appropriation committees of each house.

(II) (A) EFFECTIVE JULY 1, 1994, TO HOLD HEARINGS AS REQUIRED AND TO REVIEW THE EXECUTIVE BUDGET AND THE BUDGET REQUESTS OF EACH STATE AGENCY AND INSTITUTION, EXCEPT FOR PROPOSALS FOR CONSTRUCTION OF CAPITAL IMPROVEMENTS PURSUANT TO THE PROVISIONS OF PART 13 OF THIS ARTICLE, AND TO MAKE APPROPRIATION RECOMMENDATIONS TO THE APPROPRIATION COMMITTEES OF EACH HOUSE.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2004.

**SECTION 6.** 5-6-104 (5), Colorado Revised Statutes, is amended to read:

**5-6-104. Powers of administrator - harmony with federal regulations - reliance on rules - duty to report.** (5) The administrator shall report to the commission annually on or before December 1 on the operation of ~~his~~ THE ADMINISTRATOR'S office, ~~on his recommendations on adjustment of dollar amounts (section 5-1-106);~~ on the use of consumer credit in the state, and on the problems of persons of small means obtaining credit from persons regularly engaged in extending sales or loan credit. For the purpose of making the report, the administrator is authorized to conduct research and make appropriate studies. The report shall include a description of the examination and investigation procedures and policies of ~~his~~ THE ADMINISTRATOR'S office, a statement of policies followed in deciding whether to investigate or examine the offices of credit suppliers subject to this code, a statement of the number and percentages of offices ~~which~~ THAT are periodically investigated or examined, a statement of the types of consumer credit problems of both creditors and debtors ~~which~~ THAT have come to ~~his~~ THE ADMINISTRATOR'S attention through his OR HER examinations and investigations and the disposition of them under existing law, a statement of the extent to which the rules of the administrator pursuant to this code are not in harmony with the regulations prescribed by the board of governors of the federal reserve system pursuant to the "Federal Consumer Credit Protection Act" or the rules of administrators in other jurisdictions which enact the "Uniform Consumer Credit Code" (~~including any adjustment of dollar amounts~~) and the reasons for such variations, and a general statement of the activities of his OR HER office and of others to promote the purposes of this code. The report shall not identify the creditors against whom action is taken by the administrator.

**SECTION 7.** 7-64-907 (5), Colorado Revised Statutes, is amended to read:

**7-64-907. Statement of merger.** (5) A filed and, if appropriate, recorded statement of merger, executed ~~and declared to be accurate~~ pursuant to section 7-64-105 (3), stating the name of a partnership or limited partnership that is a party to the merger in whose name property was held before the merger and the name of the surviving entity, but not containing all of the other information required by subsection (2) of this section, operates with respect to the partnerships or limited partnerships named to the extent provided in subsections (3) and (4) of this section.

**SECTION 8.** 10-3-1104 (4) (a), Colorado Revised Statutes, is amended to read:

**10-3-1104. Unfair methods of competition and unfair or deceptive acts or practices.** (4) The following is defined as an unfair practice in the business of insurance: For an insurer to deny, refuse to issue, refuse to renew, refuse to reissue, cancel, or otherwise terminate a motor vehicle insurance policy, to restrict motor vehicle insurance coverage on any person, or to add any surcharge or rating factor to a premium of a motor vehicle insurance policy solely because of:

(a) A conviction under section ~~12-46-112 (1) (c), C.R.S., section 12-47-128 (1) (b)~~ 12-47-901 (1) (b), C.R.S., or section 18-13-122 (2), C.R.S., or any counterpart municipal charter or ordinance offense or because of any driver's license revocation resulting from such conviction. This paragraph (a) includes, but is not limited to, a driver's license revocation imposed under section 42-2-125 (1) (m), C.R.S.

**SECTION 9.** 10-8-503 (17.5), Colorado Revised Statutes, is amended to read:

**10-8-503. Definitions.** As used in this part 5, unless the context otherwise requires:

(17.5) "Qualifying previous coverage" has the same meaning as "~~credible coverage~~" "CREDITABLE COVERAGE" as set forth in section 10-16-102 (13.7).

**SECTION 10.** 12-23-116 (3), Colorado Revised Statutes, is amended to read:

**12-23-116. Inspection - application - standards.** (3) A state electrical inspector shall inspect the work performed, and, if such work meets the minimum standards set forth in the national electrical code referred to in section ~~12-23-104 (3) (a)~~ 12-23-104 (2) (a), a certificate of approval shall be issued by the inspector. If such installation is disapproved, written notice thereof together with the reasons for such disapproval shall be given by the inspector to the applicant. If such installation is hazardous to life or property, the inspector disapproving it may order the electrical service thereto discontinued until such installation is rendered safe and shall send a copy of the notice of disapproval and order for discontinuance of service to the supplier of electricity. The applicant may appeal such disapproval to the board and shall be granted a hearing by the board within seven days after notice of appeal is filed with the board. After removal of the cause of such disapproval, the applicant shall make application for reinspection in the same manner as for the original inspection and pay the required reinspection fee.

**SECTION 11.** 12-47-901 (1) (h) (II), Colorado Revised Statutes, is amended to read:

**12-47-901. Unlawful acts - exceptions.** (1) Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:

(h) (II) Notwithstanding subparagraph (I) of this paragraph (h), it shall not be unlawful for a person who is at least twenty-one years of age to consume malt, vinous, or spirituous liquors while such person is a passenger aboard a luxury limousine, as defined in section 40-16-101 (3), C.R.S., or a charter or scenic bus, as defined in section 40-16-101 (1), C.R.S. Nothing in this subparagraph (II) shall be

construed to authorize an owner or operator of a luxury limousine or charter or scenic bus to sell or distribute malt, vinous, or spirituous liquors without obtaining a public transportation system license pursuant to section ~~12-47-122~~ 12-47-419.

**SECTION 12.** 12-47.1-1502, Colorado Revised Statutes, is amended to read:

**12-47.1-1502. Repeal of part.** This part 15 is repealed, effective July 1, ~~2001~~ 2002.

**SECTION 13. Repeal.** 13-1-135 (2), Colorado Revised Statutes, is repealed as follows:

**13-1-135. Family courts - implementation report.** (2) ~~In reviewing the current structure of the courts and the need to implement a family court system pursuant to subsection (1) of this section, the state court administrator is urged to consider the following:~~

~~(a) The one judge-one family concept for families involved in domestic matters;~~

~~(b) The use of mediation and arbitration in domestic matters; and~~

~~(c) The obligation of professionals involved in actions concerning families and children to inform the court of other actions involving that family and child.~~

**SECTION 14.** 13-4-102 (2) (o) and (2) (aa), Colorado Revised Statutes, are amended to read:

**13-4-102. Jurisdiction.** (2) The court of appeals shall have initial jurisdiction to:

(o) Review all final actions and orders appropriate for judicial review of the passenger tramway safety board, as provided in section ~~25-5-715~~ 25-5-708, C.R.S.;

~~(aa) Review final actions and orders of the state inspector of oils that are appropriate for judicial review, as provided in part 4 of article 20.5 of title 8, C.R.S.;~~

**SECTION 15.** 13-40-104 (1) (c), (1) (f), and (1) (g), Colorado Revised Statutes, are amended to read:

**13-40-104. Unlawful detention defined.** (1) Any person is guilty of an unlawful detention of real property in the following cases:

(c) When any lessee or tenant at will, or by sufferance, or for any part of a year, or for one or more years, of any real property, including a specific or undivided portion of a building or dwelling, holds over and continues in possession of the demised premises, or any portion thereof, after the expiration of the term for which the same were leased, or after such tenancy, at will or sufferance, has been terminated by either party; ~~except as provided in subsection (2) of this section;~~

(f) When the property has been duly sold under any power of sale, contained in any mortgage or trust deed ~~which~~ THAT was executed by such person, or any person under whom ~~he~~ SUCH PERSON claims by title subsequent to date of the recording of such

mortgage or trust deed, and the title under such sale has been duly perfected and the purchaser at such sale, or his OR HER assigns, has duly demanded the possession thereof; ~~except as provided in subsection (2) of this section;~~

(g) When the property has been duly sold under the judgment or decree of any court of competent jurisdiction and the party or privies to such judgment or decree, after the expiration of the time of redemption when redemption is allowed by law, refuses or neglects to surrender possession thereof after demand therefor has been duly made by the purchaser at such sale, or his OR HER assigns; ~~except as provided in subsection (2) of this section;~~

**SECTION 16.** 13-90-107 (1) (i), Colorado Revised Statutes, is amended to read:

**13-90-107. Who may not testify without consent.** (1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

(i) A confidential intermediary, as defined in section ~~19-5-302 (7)~~ 19-1-103 (26), C.R.S., shall not be examined as to communications made to him OR HER in official confidence when the public interests, in the judgment of the court, would suffer by the disclosure of such communications.

**SECTION 17.** 16-5-401 (10), Colorado Revised Statutes, is amended to read:

**16-5-401. Limitation for commencing criminal proceedings.** (10) Notwithstanding the provisions of paragraph (a) of subsection (1) of this section, the period of time during which a person may be prosecuted shall be three years after the date of the affected election as to a charge of any violation of any provision of the ~~"Campaign Reform Act of 1974"~~ "FAIR CAMPAIGN PRACTICES ACT", article 45 of title 1, C.R.S., or any criminal attempt, conspiracy, or solicitation to violate any provision of the ~~"Campaign Reform Act of 1974"~~ "FAIR CAMPAIGN PRACTICES ACT". This subsection (10) shall apply to offenses committed on or after July 1, 1991.

**SECTION 18.** 17-22.5-404 (2) (a) (I), Colorado Revised Statutes, is amended to read:

**17-22.5-404. Parole guidelines.** (2) (a) In considering offenders for parole, the board shall consider, but need not be limited to, the following factors:

(I) The testimony of the victim of the crime or a relative of the victim, if the victim has died, pursuant to section ~~17-2-214 (2) (a)~~ 17-2-214;

**SECTION 19.** 17-24-106.6 (5), Colorado Revised Statutes, is amended to read:

**17-24-106.6. Surplus and excess equipment and supplies.** (5) Any moneys in any accounts or funds administered by the department of administration ~~which~~ THAT are derived from the administration of part 4 of article 82 of title 24, ~~or article 108 of title 24~~, C.R.S., shall be transferred to the surplus property fund.

**SECTION 20.** 17-27.1-101 (2), Colorado Revised Statutes, is amended to read:

**17-27.1-101. Nongovernmental facilities for offenders - notice requirements.**

(2) When a person is placed or proposed for placement in any nongovernmental community corrections type facility as described in subsection (1) of this section where inmates are not incarcerated twenty-four hours per day and within the last five years the person has been convicted of a class 1, class 2, or class 3 violent felony, or the equivalent in another jurisdiction, as defined in section ~~16-11-309 (2) (a) (I), (2) (a) (II), and (2) (a) (III)~~; 16-11-309 (2) (a) AND (2) (b), C.R.S., notwithstanding whether a separate sentencing enhancement count is charged or otherwise invoked, then the local community corrections board shall have the authority to reject such placement.

**SECTION 21.** 19-1-104 (1) (a), Colorado Revised Statutes, is amended to read:

**19-1-104. Jurisdiction.** (1) Except as otherwise provided by law, the juvenile court shall have exclusive original jurisdiction in proceedings:

(a) Concerning any child committing a delinquent act, as defined in section ~~19-2-101~~ 19-1-103 (36);

**SECTION 22.** 19-1-115 (1), Colorado Revised Statutes, is amended to read:

**19-1-115. Legal custody - guardianship - placement out of the home.**

(1) (a) In awarding legal custody of a child pursuant to the provisions of this title, the court may, if in the best interests of the child, give preference to the child's grandparent who is appropriate, capable, willing, and available to care for the child, if the court finds that there is no suitable natural or adoptive parent available, with due diligence having been exercised in attempting to locate any such natural or adoptive parent. Any individual, agency, or institution vested by the court with legal custody of a child shall have the rights and duties defined in section ~~19-1-103 (18)~~ 19-1-103 (73).

(b) Any individual, agency, or institution vested by the court with the guardianship of the person of a child shall have the rights and duties defined in section ~~19-1-103 (15)~~ 19-1-103 (60); except that no guardian of the person may consent to the adoption of a child unless that authority is expressly given ~~him~~ by the court.

**SECTION 23.** 19-1-116 (4) (a), Colorado Revised Statutes, is amended to read:

**19-1-116. Funding - alternatives to placement out of the home.** (4) (a) The departments of human services and education and the judicial department shall jointly develop guidelines for the content and submission of plans as described in paragraph (b) of subsection (2) of this section. Said guidelines shall include but not be limited to the information ~~which~~ THAT is gathered by the commission, the goals to be addressed by the plan, the form of the budget for expenditures ~~which~~ THAT are to be made under the plan, the services ~~which~~ THAT are to be provided which are intended to prevent or minimize placement out of the home and to reunite children with their families and to what extent, and the method by which the plan may be amended during the year to meet the changing local conditions; except that amendments to the plan on and after July 1, 1994, shall be in accordance with subparagraph (II) of

paragraph (b) of subsection (2) of this section. On and after July 1, 1993, any amendments to the guidelines shall be developed by the department of ~~social~~ HUMAN services. Said guidelines shall then be submitted to the state board of human services, which shall promulgate rules for the submission of plans.

**SECTION 24.** 19-1-208 (1) (b), Colorado Revised Statutes, is amended to read:

**19-1-208. Duties of CASA volunteer. (1) Independent case investigation.** Upon appointment in an action, a CASA volunteer may have the duty to:

(b) Determine if an appropriate treatment plan, as described in section ~~19-3-508~~ 19-1-103 (10), has been created for the child, whether appropriate services are being provided to the child and family, and whether the treatment plan is progressing in a timely manner.

**SECTION 25.** The introductory portion to 19-1-307 (2) and 19-1-307 (2) (p), Colorado Revised Statutes, are amended to read:

**19-1-307. Dependency and neglect records and information. (2) Records and reports - access to certain persons - agencies.** Except as otherwise provided in section ~~19-1-203~~ 19-1-303, only the following persons or agencies shall be given access to child abuse or neglect records and reports:

(p) The governing body as defined in section 19-1-103 (54) and the citizen review panels created pursuant to section ~~19-3-209~~ 19-3-211, for the purposes of carrying out their conflict resolution duties as set forth in section ~~19-3-209~~ 19-3-211 and rules promulgated by the state department of human services;

**SECTION 26.** 19-1-309, Colorado Revised Statutes, is amended to read:

**19-1-309. Relinquishments and adoption information.** Except as provided in parts 3 and 4 of article 5 of this title and section 19-1-303, all records and proceedings in relinquishment or adoption shall be confidential and open to inspection only upon order of the court for good cause shown. The court shall act to preserve the anonymity of the biological parents, the adoptive parents, and the child, except to the extent disclosure is made pursuant to a designated adoption or pursuant to section ~~19-4-106(2)~~ 19-5-104 (2) or part 3 or 4 of article 4 of this title. A separate docket shall be maintained for relinquishment proceedings and for adoption proceedings.

**SECTION 27.** 19-3-307 (4), Colorado Revised Statutes, is amended to read:

**19-3-307. Reporting procedures. (4)** A written report from persons or officials required by this part 3 to report known or suspected child abuse or neglect shall be admissible as evidence in any proceeding relating to child abuse, subject to the limitations of section ~~19-1-120~~ 19-1-307.

**SECTION 28.** 19-3-703, Colorado Revised Statutes, is amended to read:

**19-3-703. Permanent home.** In a county designated pursuant to section 19-1-123, if a child is under six years of age at the time a petition is filed in

accordance with section 19-3-501 (2), the child shall be placed in a permanent home no later than twelve months after the original placement out of the home unless the court determines that a placement in a permanent home is not in the best interests of the child at that time. In determining whether such a placement delay is in the best interests of the child, the court must be shown clear and convincing evidence that reasonable efforts, as defined in section ~~19-3-101~~ 19-1-103 (89), were made to find the child an appropriate permanent home and such a home is not currently available or that the child's mental or physical needs or conditions deem it improbable that such child would have a successful permanent placement. The caseworker and the child's guardian ad litem shall provide the court with a report specifying which services are being given the child in order to remedy the child's problems. The case shall be reviewed at least every six months until the child is permanently placed. Clear and convincing standards of evidence shall be applicable at any such review. For the purposes of this section, a permanent home shall include, but not be limited to, the child's reunification with the child's parents; placement with a relative, with a potential adoptive parent, or permanent custody granted to another; or, if the child cannot be returned home, placement in the least restrictive level of care.

**SECTION 29.** 19-5-203 (1) (f), Colorado Revised Statutes, is amended to read:

**19-5-203. Availability for adoption.** (1) A child may be available for adoption only upon:

(f) Written and verified consent of the parent or parents as defined in section ~~19-1-103~~ 19-1-103 (82) in a stepparent adoption where the child is conceived and born out of wedlock;

**SECTION 30.** 22-1-120 (8), Colorado Revised Statutes, is amended to read:

**22-1-120. Rights of free expression for public school students.** (8) Nothing in this section shall be construed to limit the promulgation or enforcement of lawful school regulations designed to control gangs. For the purposes of this section, the definition of "gang" shall be the definition found in section ~~19-2-1111~~ 19-1-103 (52), C.R.S.

**SECTION 31.** 22-30.5-109 (1), Colorado Revised Statutes, is amended to read:

**22-30.5-109. Charter schools - restrictions - establishment - number.** (1) ~~School districts may, but shall not be obligated to, establish charter schools prior to the 1994-95 school year.~~ A local board of education may reasonably limit the number of charter schools in the school district.

**SECTION 32.** 22-32-110 (2) (b) (IV), Colorado Revised Statutes, is amended to read:

**22-32-110. Board of education - specific powers.** (2) (b) The board of education of each school district shall adopt a written conduct and discipline code as required by section 22-32-109 (1) (w) which shall include, but need not be limited to:

(IV) Policies and procedures for the use of acts of reasonable and appropriate

physical intervention or force in dealing with disruptive students; however, no board shall adopt a discipline code ~~which~~ THAT includes provisions ~~which~~ THAT are in conflict with the definition of child abuse in sections 18-6-401 (1) and ~~19-3-303 (1)~~ 19-1-103 (1), C.R.S.;

**SECTION 33.** 24-4.1-110 (3), Colorado Revised Statutes, is amended to read:

**24-4.1-110. Recovery from collateral source.** (3) If a defendant is ordered to pay restitution under section 16-11-204.5, 17-28-102, ~~18-4-304~~ or 18-4-401, C.R.S., to a person who has received compensation awarded under this part 1, an amount equal to the compensation awarded shall be transmitted from such restitution to the board for allocation to the fund.

**SECTION 34.** 24-6-203 (1), Colorado Revised Statutes, is amended to read:

**24-6-203. Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - penalty.** (1) (a) As used in this section, the terms "appropriate officer" AND "candidate" and ~~"public office"~~ shall have the meanings ascribed to them in section 1-45-103, C.R.S., of the ~~"Campaign Reform Act of 1974"~~ "FAIR CAMPAIGN PRACTICES ACT".

(b) (I) AS USED IN THIS SECTION, THE TERM "PUBLIC OFFICE" MEANS ANY OFFICE VOTED FOR IN THIS STATE AT ANY ELECTION.

(II) "PUBLIC OFFICE" DOES NOT INCLUDE:

(A) THE OFFICE OF PRESIDENT OR VICE PRESIDENT OF THE UNITED STATES;

(B) THE OFFICE OF SENATOR OR REPRESENTATIVE IN THE CONGRESS OF THE UNITED STATES;

(C) ANY OFFICE IN A POLITICAL PARTY CHOSEN PURSUANT TO SECTIONS 1-3-103, 1-4-403, AND 1-4-701, C.R.S.;

(D) ANY POLITICAL PARTY OFFICE IN AN ASSEMBLY OR CONVENTION, INCLUDING DELEGATES THERETO; OR

(E) ANY ELECTIVE OFFICE WITHIN A SPECIAL DISTRICT FOR WHICH THE ANNUAL COMPENSATION IS LESS THAN TWELVE HUNDRED DOLLARS.

(III) "PUBLIC OFFICE" INCLUDES THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, ATTORNEY GENERAL, STATE TREASURER, STATE BOARD OF EDUCATION, REGENTS OF THE UNIVERSITY OF COLORADO, THE COLORADO COURT OF APPEALS, OR THE SUPREME COURT OF COLORADO.

**SECTION 35.** 24-9-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-9-101. Salaries of elected state officials.** (3) (a) COMMENCING ON AND AFTER THE SECOND TUESDAY IN JANUARY, 1987, BUT PRIOR TO THE SECOND TUESDAY IN JANUARY, 1999, THE FOLLOWING STATE OFFICIALS SHALL RECEIVE ANNUAL

SALARIES AND ALLOWANCES, PAYABLE MONTHLY, AS FOLLOWS:

(I) GOVERNOR, SEVENTY THOUSAND DOLLARS;

(II) LIEUTENANT GOVERNOR, FORTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS;

(III) PRESIDENT OF THE SENATE, SPEAKER OF THE HOUSE OF REPRESENTATIVES, MINORITY LEADER OF THE SENATE, OR MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, WHILE FOR ANY REASON ACTING AS GOVERNOR, THE SUM OF TWENTY DOLLARS PER DAY AS EXPENSES;

(IV) ATTORNEY GENERAL, SIXTY THOUSAND DOLLARS;

(V) SECRETARY OF STATE, FORTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS;

(VI) STATE TREASURER, FORTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE THE SECOND TUESDAY IN JANUARY, 1999.

**SECTION 36. Repeal.** 24-34-104 (19.1) (b), Colorado Revised Statutes, is repealed as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.**

(19.1) The following boards and the functions of the specified agencies shall terminate on July 1, 1990:

(b) ~~The certification functions of the division of administration in the department of health relating to asbestos control performed in accordance with part 5 of article 7 of title 25, C.R.S.;~~

**SECTION 37.** 24-34-507 (4), Colorado Revised Statutes, is amended to read:

**24-34-507. Injunctive relief.** (4) If, upon all the evidence at a hearing, the commission finds that a respondent has not engaged in any such unfair housing practice, the district court which has granted temporary relief or restraining orders pursuant to the petition filed by the commission or commissioner shall dismiss such temporary relief or restraining orders. Any person filing a charge alleging an unfair housing practice with the commission, a commissioner, or the attorney general may not thereafter apply, by himself OR HERSELF or by his OR HER attorney-at-law, directly to the district court for any further relief under this part 5, except as provided in ~~sections SECTION 24-34-307. and 24-34-510.~~

**SECTION 38.** 24-103-207 (1), Colorado Revised Statutes, is amended to read:

**24-103-207. State purchases of recycled paper and recycled products.**

(1) When purchasing paper and paper products, the executive director or any purchasing agent shall, whenever the price is competitive and the quality adequate for the purpose intended, purchase recycled paper, as defined in section ~~8-19-7-102 (3)~~ 13-1-133 (4) (d), C.R.S.

**SECTION 39.** 26-13-112 (2) (c), Colorado Revised Statutes, is amended to read:

**26-13-112. Child support incentive payments.** (2) (c) In federal fiscal year 1988 and each federal fiscal year thereafter, the child support incentives to be distributed to county departments of social services shall be the amount of the federal incentives paid to the state plus one hundred percent of the state incentives paid to county departments of social services pursuant to section 26-13-108. ~~except as otherwise provided in section 26-13-108 (2).~~

**SECTION 40. Repeal.** 30-11-107 (1) (ee), Colorado Revised Statutes, is repealed as follows:

**30-11-107. Powers of the board.** (1) The board of county commissioners of each county has power at any meeting:

(ee) ~~To establish by resolution a nongaming property tax deferral program pursuant to the provisions of article 3.9 of title 39, C.R.S., including the power to establish and collect a filing fee to be paid by persons filing a claim for a nongaming property tax deferral pursuant to such program;~~

**SECTION 41.** 30-15-401 (1) (d.5), Colorado Revised Statutes, is amended to read:

**30-15-401. General regulations.** (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article, the board of county commissioners has the power to adopt ordinances for control or licensing of those matters of purely local concern which are described in the following enumerated powers:

(d.5) To discourage juvenile delinquency through the imposition of curfews applicable to juveniles, the restraint and punishment of loitering by juveniles, and the restraint and punishment of defacement of, including the affixing of graffiti to, buildings and other public or private property by juveniles. For purposes of this paragraph (d.5), "juvenile" means a juvenile as defined in section ~~19-2-101 (7)~~ 19-2-103 (10), C.R.S.

**SECTION 42. Repeal.** 31-15-901 (1) (d), Colorado Revised Statutes, is repealed as follows:

**31-15-901. Miscellaneous powers.** (1) The governing body of each municipality has the power:

(d) ~~To establish by ordinance a nongaming property tax deferral program pursuant to the provisions of article 3.9 of title 39, C.R.S., including the power to establish and collect a filing fee to be paid by persons filing a claim for a nongaming property tax deferral pursuant to such program;~~

**SECTION 43.** 31-30.5-307 (1) (b) (I), Colorado Revised Statutes, is amended to read:

**31-30.5-307. State contribution.** (1) (b) (I) Each employer having rank

escalation and having old hire members, who have made the irrevocable election to remain covered under the local plan, as provided in section 31-31-701 (2), shall determine for each such employee the percentage that such employee's years served as of January 1, 1980, bear to the total number of years required for retirement. At retirement, the retirement pension shall be divided into that percentage and the remainder. The portion of the retirement pension equal to that percentage earned as of January 1, 1980, shall be subject to rank escalation as provided under the old hire pension plan, and the remainder of the retirement pension shall be subject to the same adjustment as that determined by the fire and police pension association board of directors pursuant to section ~~31-31-307~~ 31-31-407.

**SECTION 44.** 31-31-202 (2) (a) (II), Colorado Revised Statutes, is amended to read:

**31-31-202. Powers and duties of the board.** (2) (a) The board has the sole power to determine eligibility for retirement for disability, whether total or occupational, for any police officer or firefighter in this state whether or not such member is covered by the provisions of this article, except for the following:

(II) Those police officers and firefighters whose employers have established exempt alternative pension plans, including exempt alternative defined benefit plans that are administered on an actuarially sound basis, based upon assumptions and methodology adopted by the board for statewide use, on or before December 1, 1978, in accordance with the provisions of part 8 of article 30.5 of this title, unless such plans have elected to become covered under the statewide death and disability plan pursuant to section ~~31-31-801(2)~~ 31-31-802 (1).

**SECTION 45.** 32-7-109 (1) (b), Colorado Revised Statutes, is amended to read:

**32-7-109. Election for formation, selection of services, and initial board of directors.** (1) (b) The court shall direct the election committee to publish notice thereof within seven days of the directive according to the provisions of section ~~1-5-204~~ 1-5-205, C.R.S., setting forth the list of proposed services and the requirements for nomination to the board. Independent candidates for a district office may be nominated by filing with the election committee, on forms supplied by the committee, a nomination petition signed by at least twenty-five eligible electors of the district in which the candidate resides. Nothing in this article shall be construed to restrict a political party from making nominations to the board of directors of the service authority by conventions of delegates or by primary election or by both.

**SECTION 46.** 32-8-107 (1) (j), Colorado Revised Statutes, is amended to read:

**32-8-107. Powers of board.** (1) The board has power on behalf of said district:

(j) To deposit moneys of the district that are not required to be transferred to each of the counties of the district or to the city and county of Denver pursuant to section 32-8-124 (~~3~~) and that are not needed in the conduct of district affairs in any depository authorized in section 24-75-603, C.R.S. For the purpose of making such deposits, the board may appoint, by written resolution, one or more persons to act as custodians of the moneys of the district. Such persons shall give surety bonds in such amounts and form and for such purposes as the board requires.

**SECTION 47.** 32-12-108 (1) (b), Colorado Revised Statutes, is amended to read:

**32-12-108. Election for formation - acquisitions - services - mill levy limit - board.** (1) (b) The court shall direct the election committee to publish notice of the election setting forth the list of proposed railroad facilities acquisitions, proposed services, and maximum mill levy ~~and the requirements for nomination to the board as determined by the organizational commission in conformity with the provisions of section 32-10-113 to the degree applicable~~ and to conduct the election pursuant to articles 1 to 13 of title 1, C.R.S.

**SECTION 48.** The introductory portion to 35-57.5-105 (2), Colorado Revised Statutes, is amended to read:

**35-57.5-105. Colorado sheep and wool board - creation.** (2) The board members and alternates shall be appointed ~~from the following districts~~ AS FOLLOWS:

**SECTION 49.** 36-1-107.5 (2) (c), Colorado Revised Statutes, is amended to read:

**36-1-107.5. Long-term stewardship trust - nomination.** (2) (c) In the notification, the state board of land commissioners shall also request that the local governing body or bodies may also include in its assessment and response any other factors the local governing body or bodies determine are relevant for the consideration of lands for the long-term stewardship trust, including the criteria set forth in ~~section 36-1-105.7~~ THIS SECTION and in sections 9 and 10 of article IX of the state constitution.

**SECTION 50.** 36-1-136, Colorado Revised Statutes, is amended to read:

**36-1-136. Rights-of-way granted - reversion.** The state board of land commissioners may grant rights-of-way across or upon any portion of state land for any ditch, reservoir, railroad, communication system, electric power line, pipeline, or other installation necessary for the operation of said services or utilities and may grant rights-of-way on any tracts of state land to any person, public agency or instrumentality of the United States, or to this state, or to any of the institutions, agencies, counties, municipalities, districts, or other political subdivisions of this state for the purpose of building schoolhouses or public roads or highways or for any lawful use or purpose. Any right-of-way so granted shall be on such terms as the board shall determine and shall be subject to the filing fee specified in section 36-1-112. ~~(†)(q):~~ Said board may execute and sign, as provided by this article, on behalf of this state, an instrument in writing for such right-of-way or grant. This section shall not be construed to grant authority to said board to convey title to any such land by a grant of right-of-way. Whenever rights-of-way granted for any purposes mentioned in this section cease to be used for such purposes, the rights-of-way shall terminate, and all rights shall revert to this state or its successors in interest.

**SECTION 51.** 39-1-119 (1), Colorado Revised Statutes, is amended to read:

**39-1-119. Funds held for payment of taxes - refund - reduction and increase**

**of amounts - penalty.** (1) Each year, subject to the provisions of ~~sections~~ SECTION 39-3.5-105 (2), ~~and 39-3.9-103 (9)~~, all funds held in escrow for the payment of ad valorem taxes on property pursuant to the terms of any deed of trust, mortgage, or other agreement creating a security interest in the property on May 20 of that year for payment of such year's ad valorem taxes, in excess of three-twelfths of the ad valorem taxes paid in such year, shall be refunded on or before May 30 of the year in which such taxes were paid.

**SECTION 52. Repeal.** 39-10-104.5 (11), Colorado Revised Statutes, is repealed as follows:

**39-10-104.5. Payment dates - optional payment dates - failure to pay - delinquency.** (11) ~~For real property for which a nongaming property tax deferral has been granted pursuant to article 3.9 of this title, the treasurer shall be authorized to accept the amount of property taxes to be paid by the taxpayer in equal installments and the amount of deferred property taxes paid by the local government granting the nongaming property tax deferral in a single payment. If more than one local government grants a nongaming property tax deferral for the same parcel of real property, each local government granting such deferral shall pay the amount of deferred property taxes in a single payment. For purposes of this subsection (11), if the local government granting the nongaming property tax deferral is a county, the amount of deferred property taxes transferred by the county treasurer pursuant to section 39-3.9-104 (1) shall be deemed to constitute payment of such deferred property taxes. Property taxes paid by the taxpayer and by the local government shall be paid in accordance with the deadlines established in subsection (2) of this section.~~

**SECTION 53.** 39-22-1803 (1), Colorado Revised Statutes, is amended to read:

**39-22-1803. Contributions credited to the Colorado special olympics fund - appropriation.** (1) The department of revenue shall determine annually the total amount designated pursuant to section 39-22-1802 and shall report such amount to the state treasurer and to the general assembly. The state treasurer shall credit such amount to the Colorado special olympic fund, which fund is hereby created in the state treasury. At the end of each fiscal year, the state treasurer shall ~~after appropriations are made to the department of revenue pursuant to subsection (2) of this section;~~ transfer all designated moneys in the fund and all interest derived from the deposit and investment of such moneys to the Colorado special olympics. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund.

**SECTION 54.** 39-29-110 (1) (a) (II), Colorado Revised Statutes, is amended to read:

**39-29-110. Local government severance tax fund - creation - administration - energy impact assistance advisory committee created.** (1) (a) (II) On or before December 31 in the calendar year in which the state treasurer receives notification of the election by the county pursuant to section 34-63-102 (3) (c) (II) (A), C.R.S., the executive director of the department of local affairs shall distribute to each county making such election an amount equal to the amount attributable to that county that was transferred to the local government mineral impact fund pursuant to section 34-63-102 ~~(3) (c) (II) (B)~~ ~~(3) (c) (II) (B)~~ (3) (c) (II) (B), C.R.S.

**SECTION 55.** 40-16-104 (1) (e) and (1) (f), Colorado Revised Statutes, are amended to read:

**40-16-104. Insurance requirements.** (1) Each motor vehicle carrier exempt from regulation as a public utility shall maintain a general liability insurance policy, or, if such carrier is a public entity, a certificate of self-insurance in lieu thereof, issued pursuant to section 42-7-501, C.R.S., at the option of the public entity. Such an insurance policy shall be issued by some insurance carrier or insurer authorized to do business in Colorado for each motor vehicle of such carrier, and such certificate of self-insurance shall be issued by the executive director of the department of revenue. For those motor vehicle carriers exempt from regulation as public utilities specified in paragraphs (a) to (f) of this subsection (1), such liability insurance shall be in the following minimum amounts:

(e) For property carriers by motor vehicle that are not required to obtain a hazardous material permit under section ~~43-6-201~~ 42-20-201, C.R.S., amounts and types of coverage required by 49 C.F.R. part 1043; except that such carriers using only vehicles weighing ten thousand pounds or less gross vehicle weight rating shall maintain insurance in the amount of at least three hundred thousand dollars combined single limit liability;

(f) For property carriers by motor vehicle that are required to obtain a hazardous material permit under section ~~43-6-201~~ 42-20-201, C.R.S., amounts and types of coverage required by section ~~43-6-202 (2) (a)~~ 42-20-202 (2) (a), C.R.S.

**SECTION 56.** 42-4-1706 (2), Colorado Revised Statutes, is amended to read:

**42-4-1706. Juveniles - convicted - arrested and incarcerated - provisions for confinement.** (2) Notwithstanding any other provision of law, a child, as defined in section ~~19-1-103 (4)~~ 19-1-103 (18), C.R.S., arrested and incarcerated for an alleged misdemeanor traffic offense under this article, and not released on bond, shall be taken before a county judge who has jurisdiction of such offense within forty-eight hours for fixing of bail and conditions of bond pursuant to section ~~19-2-204 (3)~~ 19-2-508 (4) (d), C.R.S. Such child shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders for longer than seventy-two hours, after which the child may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time under this subsection (2), Saturdays, Sundays, and court holidays shall be included.

**SECTION 57.** 18-4-702 (1) (g), (1) (h), and (3) (d), Colorado Revised Statutes, as amended by House Bill 98-1041, enacted at the Second Regular Session of the Sixty-first General Assembly, are amended to read:

**18-4-702. Civil action - damages.** (1) (g) There shall be a rebuttable presumption that a violation of section 18-4-701 (2) (d) has occurred if a person possesses ten or more devices or printed circuit boards. If such rebuttable presumption is not overcome, the court shall find that such person committed civil theft of cable service willfully and for purposes of commercial advantage or private financial gain and shall increase the damages award in accordance with paragraph (a) of subsection (3) of this section.

(h) There shall be a rebuttable presumption that a violation of section 18-4-701 (2) (e) has occurred if the person, while engaging in any of the prohibited acts, made apparent to the buyer that the product would enable the buyer to obtain cable service without payment to a cable operator. If such rebuttable presumption is not overcome, the court shall find that such person committed civil theft of cable service willfully and for purposes of commercial advantage or private financial gain and shall increase the damages award in accordance with paragraph (a) of subsection (3) of this section.

(3) (d) ~~For purposes of this subsection (3), "private financial gain" shall not include the monetary gain realized by an individual avoiding monthly cable service bills as a result of the individual's private use of unauthorized programming.~~

**SECTION 58.** 23-7-103 (1) (a), Colorado Revised Statutes, is amended to read:

**23-7-103. Presumptions and rules for determination of status.** (1) Unless the contrary appears to the satisfaction of the registering authority of the institution at which a student is registering, it shall be presumed that:

(a) The domicile of an unemancipated minor is that of the parent with whom he OR SHE resides or, if there is a guardian of his OR HER person, that of such guardian, but only if the court appointing such guardian (who has legal custody of the minor child as defined in ~~section 19-1-103 (18), C.R.S.~~ SECTION 19-1-103 (73), C.R.S.) certifies that the primary purpose of such appointment is not to qualify such unemancipated minor as a resident of this state and that his OR HER parents, if living, do not provide substantial support to the minor child;

**SECTION 59.** 24-90-107 (3) (c) (III) (A), Colorado Revised Statutes, is amended to read:

**24-90-107. Method of establishment.** (3) (c) (III) (A) Subject to the provisions of sub-subparagraphs (B) and (C) of this subparagraph (III), the board of county commissioners of each county having territory within the library service area of the proposed library district shall pay no less than fifty percent of the costs of the election for such library district if the petition submitted pursuant to subsection (1) of this section contains signatures by registered electors residing in the proposed library district in an amount equal to at least five percent of the total number of votes cast ~~of any~~ IN EVERY precinct in the proposed library district for all candidates for the office of secretary of state at the previous general election.

**SECTION 60.** 26-6-108 (2) (1), Colorado Revised Statutes, is amended to read:

**26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license.** (2) The department may deny, suspend, revoke, or make probationary the license of any facility regulated and licensed under this part 1 should the licensee, person employed by the licensee, or person who resides with the licensee:

(1) Admit to an act of child abuse or if substantial evidence is found that the licensee, person employed by the licensee, or person who resides with the licensee in the licensed facility has committed an act of child abuse. For the purposes of this paragraph (1), "child abuse" has the same meaning as that ascribed to ~~it in section~~

~~19-3-303 (1), C.R.S.~~ THE TERM "ABUSE" OR "CHILD ABUSE OR NEGLECT" IN SECTION 19-1-103 (1), C.R.S.

**SECTION 61. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 26, 1998

## APPENDIX

C.R.S. Section	Section in bill	Reason
1-3-103 (9)	1	In a provision concerning the filing of bylaws by state central committees, deletes a reference to an exception to the date by which these bylaws must be filed because the referenced provision (2-2-506 (1) (c) (IV)) was repealed by SB94-206, chapter 276, page 1623.
1-40-121 (1)	2	Substitutes "Fair Campaign Practices Act" for "Campaign Reform Act of 1974" to reflect changes made to article 45 of title 1 by the 1996 initiative on campaign finance.
2-2-307 (1)	3	Makes the new legislative salaries start on the first day of the legislative session following the 1998 general election to conform to the intent of SB97-201, chapter 231, page 1176.
2-2-307 (1.5)	4	To clarify salaries in effect until new terms begin following the 1998 general election, reinserts language that was deleted when this section was amended by SB97-201, chapter 231, page 1176, to increase the salaries of the members of the general assembly and elected state officials, effective in January of 1999.
2-3-203 (1)(b.1)	5	Reinserts language relating to the JBC that was inadvertently repealed in 1994 when the Capital Development Committee was extended to July 1, 2004.
5-6-104 (5)	6	Deletes a reference to section 5-1-106 concerning adjustments of dollar amounts by the administrator of the "Uniform Consumer Credit Code", which was repealed by SB97-220, chapter 257, page 1472.

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|------------------------|----|--|
| 7-64-907 (5)           | 7  | Deletes language requiring a statement of merger to be declared accurate to correct an error made in a strike everything below the enacting clause amendment to HB97-1237 in House Committee on Business Affairs and Labor. The amendment deleted the requirement, but the conforming amendment in this section was not made.          |
| 10-3-1104 (4) (a)      | 8  | Deletes a reference to section 12-46-112 (1) (c) because it was eliminated by HB97-1076, chapter 80, page 217, which recodified the Colorado Beer Code and the Colorado Liquor Code. In addition, changes a reference from 12-47-128 (1) (b) to 12-47-901 (1) (b) to correspond with the relocation of provisions in the liquor code.  |
| 10-8-503 (17.5)        | 9  | In SB97-041, chapter 153, page 613, a floor amendment in the second house inadvertently used the word "credible" instead of "creditable" in a definition added to the Colorado Uninsurable Health Insurance Plan that referenced a definition in the Colorado Health Care Coverage Act. (See House Journal, page 958, March 21, 1997.) |
| 12-23-116 (3)          | 10 | Changes an internal reference to correspond with the relocation of provisions made by HB88-1031, chapter 83, page 491, which repealed and reenacted the referenced section, resulting in the relocation of the requirement that electrical work meet minimum standards.  |
| 12-47-901 (1) (h) (II) | 11 | Changes an internal reference to correspond with the relocation of provisions made by HB97-1076, chapter 80, page 272, which recodified the Colorado Beer Code and the Colorado Liquor Code.   |
| 12-47.1-1502           | 12 | Changes the termination date of the municipal limited gaming impact fund from July 1, 2001, to July 1, 2002, to correspond with the amendments made in the first house by the Committee on Local Government to SB97-027, chapter 243, page 1377.   |

13-1-135 (2)	13	Repeals as obsolete subsection (2) since subsection (1), which is referenced in subsection (2), was repealed, effective August 7, 1996, by HB96-1167, chapter 237, page 1264.
13-4-102 (2) (o) and (2) (aa)	14	In subsection (2)(o), changes an internal reference to correspond with the relocation of provisions made by SB93-019, chapter 267, page 1538, which repealed and reenacted sections 25-5-705 to 25-5-719. Deletes subsection (2)(aa) as obsolete since it refers to part 4 of article 20.5 of title 8, concerning underground storage tank installers, which was repealed, effective July 1, 1996, by HB95-1183, chapter 119, page 418.
13-40-104 (1) (c), (1) (f), and (1) (g)	15	HB86-1284, chapter 59, page 435, added subsection (2) to section 13-40-104 as a measure to ease the effects of the economy on the agricultural community. This provision permitted qualified farm owner-tenants to retain possession of property under certain conditions. SB87-123, chapter 280, page 1356, changed the original repeal date of 13-40-104 (2) from January 31, 1990, to January 31, 1989. Since this measure has been repealed, references to the exceptions in (1) (c), (1) (f), and (1) (g) are deleted.
13-90-107 (1) (i)	16	Changes an internal reference to correspond with the relocation of definitions affecting children made by HB96-1019, chapter 19, page 85.
16-5-401 (10)	17	Same as 1-40-121.
17-22.5-404 (2) (a) (I)	18	Corrects an internal reference from 17-2-214 (2) (a) to 17-2-214 to correspond to the fact that the right of the victim to attend parole hearings is contained in subsection (1) rather than subsection (2).
17-24-106.6 (5)	19	In a section added by HB86-1277, chapter 131, page 757, deletes a reference to article 108 of title 24, which was repealed by this same bill.

17-27.1-101 (2)	20	Changes an internal reference to correspond with the relocation of provisions made by HB94-1126, chapter 287, page 1715, which repealed and reenacted section 16-11-309 (2).
19-1-104 (1) (a)	21	Same as 13-90-107.
19-1-115 (1)	22	Same as 13-90-107.
19-1-116 (4) (a)	23	Substitutes "department of human services" for "department of social services" to conform to HB93-1317, chapter 230, page 1108, and HB94-1029, chapter 345, page 2603, both of which pertained to the restructuring of the health and human services delivery systems in Colorado.
19-1-208 (1) (b)	24	Same as 13-90-107.
19-1-307 IP (2) and (2) (p)	25	In the introductory portion to subsection (2), changes an internal reference to correct a typographical error in which the reference to 19-1-203 should have been to 19-1-303 where the exchange of information regarding delinquency or dependency and neglect matters is located. In subsection (2)(p), corrects an internal reference to the creation of citizen review panels from 19-3-209 to 19-3-211 where such process is provided for.
19-1-309	26	Corrects an error in the drafting of HB96-1017, chapter 230, page 1169, in which an internal reference concerning disclosure of final order of relinquishment was cited as 19-4-106 instead of 19-5-104 where that provision is located.
19-3-307 (4)	27	Corrects an internal reference to dependency and neglect records which was relocated to 19-1-307 by HB96-1017, chapter 230, page 1166.
19-3-703	28	Same as 13-90-107.
19-5-203 (1) (f)	29	Same as 13-90-107.
22-1-120 (8)	30	Same as 13-90-107.
22-30.5-109 (1)	31	In the "Charter Schools Act", deletes language regarding the period of time by which school districts may establish charter schools.

22-32-110 (2) (b) (IV)	32	Same as 13-90-107.
24-4.1-110 (3)	33	Deletes a reference to section 18-4-304 which was repealed effective July 1, 1993, by HB93-1088, chapter 292, page 1742.
24-6-203 (1)	34	Same as 1-40-121 for the change to "Fair Campaign Practices Act." In addition, inserts the definition for "public office" previously contained in section 1-45-103 because the term is no longer included in the amended version of section 1-45-103.
24-9-101 (3)	35	Same as 2-2-307.
24-34-104 (19.1) (b)	36	Repeals a provision in the statute that provides for the sunset review of agencies by the general assembly in which the certification functions relating to asbestos control pursuant to part 5 of article 7 of title 25 was scheduled for termination on July 1, 1990. The provision is repealed to correspond to the extension of the termination date to July 1, 2001, in section 24-34-104 (30)(a)(IV).
24-34-507 (4)	37	Deletes a reference to section 24-34-510 which was repealed by HB92-1315, chapter 173, page 1127, concerning the modification of Colorado fair housing laws.
24-103-207 (1)	38	Deletes a reference to section 8-19.7-102 (3) because HB90-1140, chapter 60, page 464, provided for the repeal of article 19.7 of title 8, effective July 1, 1995. Replaces the deleted reference with section 13-1-133 (4) (d) which contains a definition of "recycled paper" identical to the one set forth previously in section 8-19.7-102 (3).
26-13-112 (2) (c)	39	Deletes a reference to section 26-13-108 (2) which was repealed by HB97-1205, chapter 236, page 1294.
30-11-107 (1) (ee)	40	Repeals as obsolete a section referring to article 3.9 of title 39 because SB93-90, chapter 97, page 346, provided for the repeal of that article, effective December 31, 1996.

30-15-401 (1) (d.5)	41	Changes an internal reference to correspond with the relocation of provisions made by HB96-1005, chapter 283, page 1595.
31-15-901 (1) (d)	42	Same as 30-11-107.
31-30.5-307 (1) (b) (I)	43	Corrects an erroneous citation made in the drafting of SB96-011, chapter 183, page 856, in which the section referenced was subsequently renumbered as 31-31-407 in later drafts of the bill that recodified the fire and police pension law.
31-31-202 (2) (a) (II)	44	Same as 31-30.5-307.
32-7-109 (1) (b)	45	Changes an internal reference from 1-5-204 to 1-5-205 because the former section was cited erroneously when HB92-1333, chapter 118, page 624, recodified the "Colorado Election Code of 1980" as the "Uniform Election Code of 1992".
32-8-107 (1) (j)	46	Changes a citation from 32-8-124 (3) to 32-8-124 to correct an error made in the drafting of SB96-233, chapter 213, page 1051, in which the section referenced was enacted in the same act without subsection designations and the conforming amendment was not made.
32-12-108 (1) (b)	47	Deletes language regarding nomination to a board of directors pursuant to section 32-10-113 because that section was repealed by SB97-216, chapter 212, page 1095.
35-57.5-105 IP(2)	48	Modifies language in the introductory portion to subsection (2) so that all of the succeeding paragraphs follow correctly.
36-1-107.5 (2) (c)	49	Deletes a reference to section 36-1-105.7 and substitutes "this section". A typographical error was made in the drafting of SB97-206, chapter 169, page 836. Reference was made to section 36-1-105.7 which does not exist. The correct citation is section 36-1-107.5, but because this provision is contained within the same section, the reference is changed to "this section".

36-1-136	50	In a provision concerning the granting of rights-of-way by the state board of land commissioners, deletes a reference to section 36-1-112 (1) (q) where the filing fee for such grants was specified. The referenced subsection (1)(q) was amended in HB92-1126, chapter 258, page 1910, resulting in the elimination of paragraph (q).
39-1-119 (1)	51	Deletes a reference to section 39-3.9-103 (9) because SB93-90, chapter 97, page 346, provided for the repeal of article 3.9 of title 39, effective December 31, 1996.
39-10-104.5 (11)	52	Same as 30-11-107.
39-22-1803 (1)	53	In HB97-1260, chapter 224, page 1143, a Senate Committee on Appropriations Report amended the reengrossed bill by striking a subsection regarding annual appropriations from the Colorado special olympic fund to the department of revenue, but the cross-reference in subsection (1) was not changed. (See Senate Journal, page 955, April 24, 1997.)
39-29-110 (1) (a) (II)	54	Corrects an erroneous citation made in the drafting of HB97-1123, chapter 225, page 1147, in which the requirement that the state treasurer transfer moneys to the local government mineral impact fund was cited incorrectly.
40-16-104 (1) (e) and (1) (f)	55	Changes several internal references to correspond with the relocation of provisions made by SB94-001, chapter 337, page 2522, which recodified title 42.
42-4-1706 (2)	56	Same as 13-90-107. In addition, changes a second internal reference from 19-2-204 (3) to 19-2-508 (4) (d) because the provisions of article 2 of title 19 were relocated by HB96-1005, chapter 283, page 1630.
18-4-702 (1)(g), (1)(h), and (3)(d)	57	Deletes reference to "private financial gain" in provisions enacted in H.B. 98-1041 concerning the theft of cable services to conform to the deletion of that term in paragraph (a) of subsection (3) by a Second Reading amendment in the Senate.

23-7-103 (1)(a)	58	Same as 13-90-107.
24-90-107 (3)(c)(III)(A)	59	Changes the phrase "of any precinct" to "in every precinct" to conform to the legislative intent of an amendment made to H.B. 97-1055 in Senate Local Government Committee. The provision states that the number of signatures needed on a petition to require counties to pay fifty percent of the costs of an election for the establishment of a library district shall be equal to a specified percentage of the votes cast in the previous general election in the district. The phrase "of any precinct" was added to address testimony that indicated that the boundaries of certain library districts could split voting precincts. The phrase was intended to require that the number of signatures equal a percentage of all of the votes cast in any precinct which was included in the district. However, a literal reading of the phrase could alternatively be interpreted as allowing the counting of only the votes in one precinct (i.e., by selecting <b>any</b> precinct). The phrase is changed to make it clear that all votes in all precincts included in the district are counted.
26-6-108 (2)(1)	60	Same as 13-90-107.