

CHAPTER 120

**GOVERNMENT - STATE**

SENATE BILL 03-135

BY SENATOR(S) Lamborn and May R.;  
also REPRESENTATIVE(S) Smith, Cadman, Cloer, Romanoff, Schultheis, Weddig, and Weissmann.

**AN ACT**

**CONCERNING THE ELIMINATION OF OUTDATED PROVISIONS OF LAW RESULTING FROM THE LAW'S OBSOLESCENCE, INFREQUENCY OF USE, OR INAPPLICABILITY TO CURRENT SOCIETY, AND, IN CONNECTION THEREWITH, REPEALING OR AMENDING VARIOUS PROVISIONS OF LAW.**

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

**SECTION 1.** 3-1-105, Colorado Revised Statutes, is amended to read:

**3-1-105. Jurisdiction over Denver public building site ceded.** Exclusive jurisdiction for all purposes, except such as are in ~~sections 3-1-105 to~~ THIS SECTION AND SECTION 3-1-107 expressly reserved, over all that tract, piece, or parcel of land situate, lying, and being in the city AND COUNTY of Denver, in the ~~county of Arapahoe~~ and state of Colorado, known and distinguished as and being lots numbered one, two, three, four, five, six, seven, eight, in block ninety-eight, in the east division of the city AND COUNTY of Denver, bounded on the northwest by Arapahoe street, on the northeast by Sixteenth street, on the southeast by an alley running from Fifteenth street to Sixteenth street, between Arapahoe and Curtis streets, and on the southwest by the line dividing said lot eight from lot nine in said block, be and hereby is ceded, granted, transferred, conferred, and confirmed unto the United States of America, as a proper site for the erection thereon of a suitable building for the accommodation of the United States district and circuit courts ~~post office, land office,~~ and other government offices, in the manner and form in ~~sections 3-1-105 to~~ THIS SECTION AND SECTION 3-1-107 prescribed, from and after the time when the United States shall become the owner of said tract, and for and during the time the United States shall remain the owner thereof; but, nevertheless, jurisdiction to serve the civil process of state, county, and municipal courts and tribunals within said tract, and also to serve and execute thereon, process in criminal cases by state, county, and municipal officers, in respect of offenses, misdemeanors, crimes, and felonies committed outside of said tract is reserved to the state of Colorado.

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

**SECTION 2. Repeal.** 12-5-111, Colorado Revised Statutes, is repealed as follows:

~~12-5-111. Penalty.~~ For any violation of section 12-5-110, the party so offending shall pay a fine of not less than twenty nor more than one hundred dollars, to be recovered in an action before any court of competent jurisdiction in the name of the people of the state of Colorado, subject to appeal as in other cases.

**SECTION 3. Repeal.** 12-5-115, Colorado Revised Statutes, is repealed as follows:

~~12-5-115. Recovery of fees from unlicensed person.~~ If any unlicensed person receives any money or any species of property as a fee or compensation for services rendered or to be rendered by him as an attorney or counselor-at-law within this state, all money so received by him shall be considered as money received to the use of the person paying the same and may be recovered, with costs of suit, by an action for money had and received. All property conveyed or delivered for such purpose or the value thereof may be recovered with costs of suit by the person conveying or delivering the same by appropriate legal action. The person receiving such money or property shall forfeit threefold the amount or value thereof, to be recovered with costs of suit in a municipal court if within the municipal court's jurisdiction but if not, in any court of record within the state, by appropriate action, one-half to the use of the person who sues for and recovers the same and the other half to the use of the county in which such suit is brought.

**SECTION 4.** 12-5-116, Colorado Revised Statutes, is amended to read:

~~12-5-116. Legal aid dispensaries - law students practice.~~ Students of any law school which has been continuously in existence for at least ten years prior to April 23, 1909, and which THAT maintains a legal-aid dispensary where poor persons receive legal advice and services shall, when representing said dispensary and its clients, be authorized to appear in court as if licensed to practice.

**SECTION 5.** 12-23-102, Colorado Revised Statutes, is amended to read:

~~12-23-102. State electrical board.~~ There is hereby established a state electrical board, which shall consist of nine members appointed by the governor, with the consent of the senate, who shall be residents of the state of Colorado. Two of said members shall be electrical contractors who have masters' licenses, two shall be master or journeymen electricians who are not electrical contractors, two shall be representatives of private, municipal, or cooperative electric utilities rendering electric service to the ultimate public, one shall be a building official from a political subdivision of the state performing electrical inspections, one shall be a general contractor actively engaged in the building industry, and one shall be appointed from the public at large. Effective July 1, 1975, All members shall serve for three-year terms. but, of the appointments to be made effective July 1, 1975, one master or journeyman electrician shall be appointed for a three-year term, one electric utility member shall be appointed for a three-year term and one for a two-year term, and one new at-large member shall be appointed for a three-year term. All other present members shall serve the terms for which originally appointed, but their successors

~~shall be appointed for three-year terms.~~ All appointees shall be limited to two full terms each. Any vacancy occurring in the membership of the board shall be filled by the governor by appointment for the unexpired term of such member. The governor may remove any member of the board for misconduct, incompetence, or neglect of duty.

**SECTION 6. Repeal.** 12-28-102 (7) (b) and (8) (b), Colorado Revised Statutes, are repealed as follows:

**12-28-102. Unlawful use or sale of fireworks - exceptions.** (7) (b) ~~This subsection (7) shall take effect July 15, 1991.~~

(8) (b) ~~This subsection (8) shall take effect July 15, 1991.~~

**SECTION 7. Repeal.** 12-28-104 (9), Colorado Revised Statutes, is repealed as follows:

**12-28-104. Licensing - creation of fireworks licensing cash fund.** (9) ~~Any licenses issued prior to July 15, 1991, by the secretary of state shall remain valid through September 1, 1991.~~

**SECTION 8.** 12-32-103 (1), Colorado Revised Statutes, is amended to read:

**12-32-103. Appointment of members of podiatry board - terms - repeal of article.** (1) The governor shall appoint ~~five podiatrists to act as~~ THE MEMBERS OF the Colorado podiatry board. ~~The three members serving on the board on July 1, 1973, shall continue to serve the terms for which they were appointed, and the governor shall appoint two new members to take office on July 1, 1973, of which one shall serve for a term to expire on March 17, 1977, and one shall serve for a term to expire on March 17, 1978. With respect to persons appointed prior to June 15, 1987, the governor shall annually appoint one member to serve for a term of five years. Except as otherwise provided in this subsection (1), the five members serving on the board on July 1, 1985, shall continue to serve the terms for which they were appointed. Upon the expiration of the term of office of the podiatrist member whose term first expires, the membership of the board shall change from five podiatrist members to~~ THE BOARD SHALL CONSIST OF four podiatrist members and one member from the public at large. ~~and, upon such first expiration date, the governor shall appoint a new member from the public at large to replace the member whose term has expired on said date. The new member shall be appointed for a term of five years. Persons who are holding office on June 15, 1987, are subject to the provisions of section 24-1-137, C.R.S. Thereafter,~~ The terms of the members of the board shall be four years. The governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

**SECTION 9.** 12-32-105 (1) (c), Colorado Revised Statutes, is amended to read:

**12-32-105. Examination as to qualifications.** (1) Every person desiring to practice podiatry in this state shall be examined as to his or her qualifications, except as otherwise provided in this article. Each applicant, at least thirty days before the date of his or her examination, shall present to the secretary of the Colorado podiatry board a written application upon the form provided by said board, which application

shall contain satisfactory proof that said applicant:

(c) ~~Effective October 1, 2001~~; Has completed an approved residency pursuant to subsection (3) of this section.

**SECTION 10.** 12-33-103 (1), Colorado Revised Statutes, is amended to read:

**12-33-103. State board of chiropractic examiners - subject to termination - repeal of article.** (1) There is hereby created a Colorado state board of chiropractic examiners, referred to in this article as the "board", consisting of five members who are citizens of the United States, four of whom shall have practiced chiropractic in the state of Colorado for five years prior to their appointment and one of whom shall be appointed from the public at large. The governor shall appoint members of the board as follows: One for a five-year term, one for a four-year term, one for a three-year term, one for a two-year term, and one for a one-year term. At the expiration of the term of each board member, a member shall be appointed by the governor for a term of four years. ~~Persons holding office on June 15, 1987, are subject to the provisions of section 24-1-137, C.R.S.~~ Any board member may be removed by the governor for misconduct, incompetence, or neglect of duty. No member shall serve more than two consecutive terms.

**SECTION 11. Repeal.** 12-36-102 (2), Colorado Revised Statutes, is repealed as follows:

**12-36-102. Legislative declaration.** (2) ~~The general assembly further finds, determines, and declares that effective July 1, 1994, the physicians' peer health assistance fund shall be terminated, the balance of moneys in the fund shall be transferred prior to June 30, 1994, to an administering entity selected by the board, which entity shall administer the programs of board selected designated providers, and that the fiscal year beginning July 1, 1993, shall be used by the department of regulatory agencies as a transition year to plan for the transfer of responsibilities for such program.~~

**SECTION 12.** 12-36-103 (1), Colorado Revised Statutes, is amended to read:

**12-36-103. State board of medical examiners - immunity - subject to termination - repeal of article.** (1) (a) There is hereby created the Colorado state board of medical examiners, referred to in this article as the "board", which shall consist of nine physician members and four members from the public at large, who have no financial or professional association with the medical profession, to be appointed by the governor and to have the qualifications provided in this article. ~~Members who are holding office on June 15, 1987, are subject to the provisions of section 24-1-137, C.R.S.~~ The terms of the members of the board shall be four years. For the two public member appointees added to the board during the calendar year beginning January 1, 2000, the term for one public member appointee shall expire May 3, 2002, and the other shall expire May 3, 2003. Thereafter, the terms of the members of the board shall be four years.

(b) ~~Notwithstanding paragraph (a) of this subsection (1), of the members of the board whose terms are to expire on May 3, 1991, the terms of three of the members shall expire on May 3, 1991, the terms of three of the members shall be extended~~

~~until May 3, 1992, and the terms of two of the members shall be extended until May 3, 1994. Thereafter, the terms of the members of the board shall be four years.~~

**SECTION 13. Repeal.** 12-38-104 (2) (a), Colorado Revised Statutes, is repealed as follows:

~~**12-38-104. State board of nursing created.** (2) (a) Two members of the former state board of practical nursing and four members of the former state board of nursing, existing immediately prior to July 1, 1980, shall serve as members of the board created by this section. The terms of said members shall automatically be extended to July 1 of the year following the year in which their terms would have expired; and, as the terms of the respective members of the former boards expire, the governor shall make the required appointments pursuant to this section.~~

**SECTION 14. Repeal.** 12-38-111.5 (4) (a), Colorado Revised Statutes, is repealed as follows:

~~**12-38-111.5. Requirements for advanced practice nurse registration - legislative declaration - definition - advanced practice registry.** (4) (a) A nurse who is an advanced practice nurse, as defined in subsection (2) of this section, may register with the board on or before June 30, 1995, without meeting the additional requirements set forth in paragraph (b) or (c) of this subsection (4). Not later than December 31, 1994, the board shall establish reasonable standards for registration pursuant to this paragraph (a). Such standards shall be based on currently accepted professional standards. The board may recognize specialized education or experience obtained by persons seeking to register pursuant to this paragraph (a) if such education or experience is directly relevant to advanced practice although not part of a nationally accredited program.~~

**SECTION 15.** 12-38-131 (2) (a), (2) (b), (2) (c) (I), (2) (c) (IV), and (8) (c), Colorado Revised Statutes, are amended to read:

**12-38-131. Impaired professional diversion program - committee.** (2) (a) The board shall create a corporate entity for the purposes of administering an impaired professional diversion program. The board shall appoint a committee to direct the program through the entity that shall be composed of seven individuals, appointed as follows:

(I) One member shall be a licensed professional nurse specializing in the treatment of chemical dependency; ~~with the first appointee serving until December 31, 1997;~~

(II) Two members shall be licensed professional nurses specializing in psychiatric nursing; ~~with one of the first appointees serving until December 31, 1996, and the other of the first appointees serving until December 31, 1998;~~

(III) Two members shall be licensed practical or professional nurses who are recovering from an addiction to drugs or alcohol; ~~with one of the first appointees serving until December 31, 1996, and the other of the first appointees serving until December 31, 1997;~~

(IV) One member shall be a licensed physician who specializes in the diagnosis

and treatment of addictive diseases; ~~with the first appointee serving until December 31, 1998;~~ and

(V) One member shall be from the public and shall be knowledgeable in the field of chemical dependency. ~~with the first appointee serving until December 31, 1998.~~

(b) ~~The members of the rehabilitation evaluation committee created in subsection (7) of this section, as said subsection existed prior to July 1, 1995, shall serve with its same powers and duties, as an interim committee, if the board determines an interim committee is necessary, until appointments made pursuant to paragraph (a) of this subsection (2) are finalized.~~

(c) (I) The board shall appoint members to the committee by a majority vote for terms of three years. ~~except for the first committee that shall be appointed for terms as set forth in paragraph (a) of this subsection (2).~~

(IV) ~~Before September 1, 1995, the board shall appoint the members who shall comprise the first impaired professional diversion committee.~~

(8) (c) ~~Effective July 1, 1995,~~ As a condition of licensure in this state, every applicant shall pay to the administering entity that has been selected by the board pursuant to the provisions of paragraph (a) of subsection (9) of this section, an amount set by the board not to exceed twenty-eight dollars per nursing licensee for each renewal, which amount shall be used to support the PROFESSIONAL DIVERSION committee and the impaired professional diversion program to provide assistance to nurses needing help in dealing with psychiatric, psychological, or emotional problems or excessive alcohol or drug use or addiction that may be detrimental to their ability to practice nursing.

**SECTION 16. Repeal.** 12-39-104 (7), Colorado Revised Statutes, is repealed as follows:

**12-39-104. Board of examiners of nursing home administrators - creation - subject to termination.** (7) ~~Members serving on the board of examiners of nursing home administrators as it existed prior to July 1, 1993, shall continue to serve until their successors are appointed.~~

**SECTION 17.** 23-3.3-102 (6), Colorado Revised Statutes, is amended to read:

**23-3.3-102. Assistance program authorized - procedure - audits.** (6) In determining the amount allocated to each institution that is not a state institution or a nonpublic institution of higher education, the commission shall consider only that portion of financial need which would have existed were the institution's tuition no greater than the highest in-state tuition rate charged by a comparable state institution. In determining the amount allocated to each nonpublic institution of higher education, the commission shall base its determination upon the cost of attendance at a nonpublic institution of higher education. ~~The change in the manner of calculating financial assistance to nonpublic institutions of higher education shall not result in a dollar decrease in the allocation of financial assistance to any institution from the dollar allocation made to such institution for the 1989-90 fiscal year. The allocation for need-based financial aid to nonpublic institutions shall be phased in over three years,~~

as follows:

~~(a) For fiscal year 1990-91, ninety percent of the need as determined by the cost of attendance at a nonpublic institution;~~

~~(b) For fiscal year 1991-92, ninety-five percent of the need as determined by the cost of attendance at a nonpublic institution; and~~

~~(c) For fiscal year 1992-93 and fiscal years thereafter, one hundred percent of the need as determined by the cost of attendance at a nonpublic institution.~~

**SECTION 18.** 24-60-2206 (2), Colorado Revised Statutes, is amended to read:

**24-60-2206. Site recommendation by counties.** (2) In making such recommendation, the board of county commissioners shall also consider comments from the department AND the Rocky Mountain low-level radioactive waste board; ~~and the advisory committee established in section 24-60-2210;~~ except that the board of county commissioners shall make the final determination as to the designation of a facility site pursuant to part 1 of article 20 of title 30, C.R.S.

**SECTION 19. Repeal.** 24-60-2210, Colorado Revised Statutes, is repealed.

**SECTION 20.** 29-4-402, Colorado Revised Statutes, is amended to read:

**29-4-402. Cities and towns empowered to create housing authorities.** All cities and towns, however organized, by ordinance may create veterans' housing authorities and provide their duties and powers and give preferences to veterans ~~of world war II~~ as to all housing constructed, purchased, or leased by or under the direction of such veterans' housing authorities.

**SECTION 21. Repeal.** 29-4-403, Colorado Revised Statutes, is repealed as follows:

~~**29-4-403. Veterans of world war II defined.** The words "veterans of world war II", as used in this part 4, mean persons who served for at least ninety days of active service between December 7, 1941, and September 2, 1945, both dates inclusive, in the military or naval forces or the coast guard of the United States and were honorably discharged therefrom.~~

**SECTION 22. Repeal.** 30-11-202, Colorado Revised Statutes, is repealed as follows:

~~**30-11-202. Laws applicable.** All laws enacted in which the words "Denver", "city of Denver", or equivalent words occur, or the words "Arapahoe county", "county of Arapahoe", or equivalent words occur, and there is nothing in the context or in the constitutional amendment creating the city and county of Denver to make them inapplicable, the same shall be held to apply to the city and county of Denver.~~

**SECTION 23. Repeal.** 30-17-106, Colorado Revised Statutes, is repealed as follows:

**30-17-106. Establishment of poorhouse.** ~~(1) The board of county commissioners in each county in this state, whenever deemed proper, may establish a poorhouse and for that purpose purchase or lease a building upon such terms as deemed best.~~

~~(2) The board of county commissioners may acquire, in the name of the county, by grant, devise, or purchase, any tract of land, not exceeding six hundred forty acres, for the purposes of such poorhouse.~~

~~(3) The board of county commissioners may employ such workmen, agents, and other persons as may be necessary to establish and put into operation such poorhouse and provide and appoint a physician to attend those who may become sick.~~

~~(4) The title to all property acquired under this part 1 for the purpose of such poorhouse shall be vested in the county.~~

**SECTION 24. Repeal.** 34-45-102, Colorado Revised Statutes, is repealed as follows:

~~**34-45-102. Conspiracy - threats - evidence - penalty.** Any two or more persons who associate themselves together for the purpose of obtaining the possession of any lode, gulch, or placer claim, then in the actual possession of another, by force and violence or threats of violence or by stealth and proceed to carry out such purpose by making threats against the party in possession, or who enter upon such lode or mining claim for said purpose, or who enter upon or into any lode, gulch, placer claim, quartz mill, or other mining property or, not being upon such property but within hearing distance of the same, make any threats or make use of any language, signs, or gestures calculated to intimidate any persons at work on said property from continuing to work thereon or therein or to intimidate others from engaging to work thereon or therein, are each guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two hundred fifty dollars and by imprisonment in the county jail for not less than thirty days nor more than six months. The fine shall be discharged either by payment or by confinement in said jail until such fine is discharged at the rate of two dollars and fifty cents per day. On trials under this section, proof of a common purpose of two or more persons to obtain possession of property, or to intimidate laborers as above set forth, accompanied or followed by any of the acts specified in this section by any of them, shall be sufficient evidence to convict anyone committing such acts, although the parties may not be associated together at the time of committing the same.~~

**SECTION 25.** 38-41-114, Colorado Revised Statutes, is amended to read:

**38-41-114. When limitations apply.** The limitations established in this part 1 shall apply to causes of action ~~which~~ THAT have accrued prior to March 28, 1927, as well as to all causes of action accruing thereafter. ~~All persons against whom any new limitation created in this part 1 has expired on March 28, 1927, or shall expire within two years thereafter and against whom the previous limitation provided for by law has not expired or to whom the previous limitation did not apply may commence an action within two years from March 28, 1927, and not thereafter.~~ This part 1 shall not be construed as reviving any action barred by any former or other statute.

**SECTION 26.** 38-41-118 (2), Colorado Revised Statutes, is amended to read:

**38-41-118. Construction of sections.** (2) The limitations imposed by sections 38-41-116 to 38-41-118 shall not apply to any action or proceeding ~~which~~ THAT has been commenced prior to June 1, 1953. ~~Any right to bring or maintain any action or proceeding which would be barred or limited on March 31, 1953, or which will be barred or limited at any time during the one-year period immediately following June 1, 1953, shall be commenced within the one-year period following June 1, 1953, but not thereafter.~~

**SECTION 27. 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: April 7, 2003