

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

EMAIL: OLLS.GA@STATE.CO.US

Statutory Revision Committee (SRC)

Friday, January 19, 2018

State Capitol, 1:00 PM, HCR 0112

1. Chair/vice-chair designation
2. Revisit sponsorship of bills
3. Discussion/vote on bill drafts authorized at prior SRC meetings¹
 - a. Clarify language in the "Colorado Mental Health Act" concerning "generally accepted" standards of practice (*Approved for introduction on 10/19*)
Proposed by: *Dr. Reo Leslie, Colorado Mental Health Professionals*
Drafter: *Jane Ritter*
 - b. Align § 24-50-134, C.R.S., moving and relocation expenses, with federal law (*Approved for introduction on 10/19*) ***Drafter:*** *Nicole Myers*
 - c. "Husband and wife"/ "father and mother" terminology relating to same-sex marriage (*Bill draft discussed at 11/17 meeting*) ***Drafter:*** *Jane Ritter*
 - d. Examine permanently enjoined laws on ballot issue petition circulators (*Memo discussed at 8/21 meeting*) ***Drafter:*** *Nicole Myers*
4. Presentation of memoranda describing potential SRC legislation
 - a. Eliminate antiquated reference to state fiscal rules
Proposed by: *Department of Personnel* ***Drafter:*** *Nicole Myers*
 - b. Annual disclosure to individual taxpayers of average taxes paid
Proposed by: *Department of Revenue* ***Drafter:*** *Esther van Mourik*
 - c. Requirement to publish an historical explanation of income tax rate modifications
Proposed by: *Department of Revenue* ***Drafter:*** *Esther van Mourik*
5. Other business
 - a. Meeting again this session?
 - b. Supplemental Report

¹ Pursuant to § 2-3-902 (1)(d), C.R.S., legislation recommended by the Statutory Revision Committee must be made by an affirmative vote from at least five legislative members of the Committee.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL 3a

LLS NO. 18-0418.01 Jane Ritter x4342

SENATE BILL

SENATE SPONSORSHIP

Zenzinger, Martinez Humenik, Moreno, Tate

HOUSE SPONSORSHIP

(None),

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING LANGUAGE IN THE MENTAL HEALTH**
102 **PRACTICE ACT CONCERNING GENERALLY ACCEPTED STANDARDS**
103 **OF PRACTICE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill adds clarifying language to a section in the mental health practice act, article 43 of title 12, Colorado Revised Statutes, concerning prohibited activities. Specifically, the bill clarifies what is included in the phrase "generally accepted standards of practice".

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of Senate Bill 18-___, enacted in 2018, is to
4 effect a nonsubstantive change in statute to clarify language in section
5 12-43-222, Colorado Revised Statutes, concerning "generally accepted
6 standards of practice". The general assembly further declares that the
7 addition of such clarifying language to the section does not in any way
8 alter the scope or applicability of the statutory section involved.

9 **SECTION 2.** In Colorado Revised Statutes, 12-43-222, **amend**
10 (1)(g)(I) as follows:

11 **12-43-222. Prohibited activities - related provisions.** (1) A
12 person licensed, registered, or certified under this article 43 violates this
13 article 43 if he or she:

14 (g) (I) Has acted or failed to act in a manner that does not meet the
15 generally accepted standards of the professional discipline under which
16 the person practices. Generally accepted standards may include, at the
17 board's discretion, ~~the standards of practice generally recognized by state~~
18 ~~and national associations of practitioners~~ A MALPRACTICE JUDGMENT OF
19 A COURT OF COMPETENT JURISDICTION OR THE ETHICS CODE OF AN
20 ASSOCIATION WHERE THE PRACTITIONER HOLDS MEMBERSHIP in the field
21 of the person's professional discipline.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2018 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REDRAFT

1.12.18

Double underlining
denotes changes from
prior draft

Bill 3b

LLS NO. 18-0288.02 Nicole Myers x4326

SENATE BILL

SENATE SPONSORSHIP

Tate, Martinez Humenik, Moreno, Zenzinger

HOUSE SPONSORSHIP

Arndt, Hooton, Nordberg, Thurlow

BILL TOPIC: "State Employee Moving And Relocation Expenses"

A BILL FOR AN ACT

101 CONCERNING CERTAIN EXPENSES ALLOWED TO A STATE EMPLOYEE
102 WHEN THE EMPLOYEE IS REQUIRED TO CHANGE HIS OR HER
103 PLACE OF RESIDENCE IN CONNECTION WITH A CHANGE IN JOB
104 DUTIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. Current law allows an employee in the state personnel system his or her moving and relocation expenses if an appointing authority requires the employee to change his or her place of residence due to a change in job duties. _____ The bill specifies _____

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

that moving expenses, including the reasonable expenses of moving household goods and personal effects and the reasonable costs of traveling to a new residence, are reimbursable in accordance with rules promulgated by the state controller and in compliance with the regulations of the federal internal revenue service. The bill also specifies that relocation expenses that are provided in the form of a per diem allowance for a certain number of days are reimbursable in accordance with rules promulgated by the state controller and in compliance with the regulations of the federal internal revenue service.

In addition, the bill removes administrative details and requires the state controller to promulgate rules for the administration of moving and relocation deductions and reimbursements in compliance with the regulations of the federal internal revenue service.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of Senate Bill 18-___, enacted in 2018, is to
4 correct a defect in the law by clarifying section 24-50-134, Colorado
5 Revised Statutes, concerning moving and relocation expenses for certain
6 employees in the state personnel system. The general assembly further
7 declares that the addition of such clarifying language to section
8 24-50-134, Colorado Revised Statutes, ensures that such moving and
9 relocation expense provisions are administered in compliance with federal
10 law.

11 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
12 **with amendments,** 24-50-134 as follows:

13 **24-50-134. Moving and relocation expenses.** (1) WHEN AN
14 EMPLOYEE IN THE STATE PERSONNEL SYSTEM IS REQUIRED BY ANY
15 APPOINTING AUTHORITY, BECAUSE OF A CHANGE IN ASSIGNMENT OR A
16 PROMOTION OR FOR ANY OTHER REASON RELATED TO HIS OR HER DUTIES,
17 TO CHANGE HIS OR HER PLACE OF RESIDENCE, SUCH EMPLOYEE SHALL BE
18 ALLOWED HIS OR HER MOVING EXPENSES INCURRED BY REASON OF SUCH

1 CHANGE OF RESIDENCE. MOVING EXPENSES MAY INCLUDE THE
2 REASONABLE EXPENSES OF MOVING HOUSEHOLD GOODS AND PERSONAL
3 EFFECTS AND THE REASONABLE COSTS OF TRAVELING TO THE EMPLOYEE'S
4 NEW RESIDENCE. ANY REIMBURSEMENT PURSUANT TO THIS
5 SUBSECTION (1) SHALL BE MADE IN ACCORDANCE WITH RULES
6 PROMULGATED BY THE STATE CONTROLLER AND IN COMPLIANCE WITH THE
7 REGULATIONS OF THE FEDERAL INTERNAL REVENUE SERVICE.

8 (2) WHEN AN EMPLOYEE IS REQUIRED BY ANY APPOINTING
9 AUTHORITY, BECAUSE OF A CHANGE IN ASSIGNMENT OR A PROMOTION OR
10 FOR ANY OTHER REASON RELATED TO HIS OR HER DUTIES, TO CHANGE HIS
11 OR HER PLACE OF RESIDENCE, SUCH EMPLOYEE SHALL BE ALLOWED
12 RELOCATION EXPENSES IN THE FORM OF A PER DIEM ALLOWANCE UP TO A
13 MAXIMUM OF THIRTY DAYS FOR NECESSARY EXPENSES INCURRED WHILE
14 RELOCATING A PERMANENT RESIDENCE. THE EMPLOYEE MAY CHOOSE TO
15 EXCLUDE INTERRUPTIONS CAUSED BY SICK LEAVE, VACATION, OTHER
16 AUTHORIZED LEAVE OF ABSENCE, OR ORDERED TRAVEL. THE RATES
17 OF REIMBURSEMENT FOR RELOCATION EXPENSES SHALL NOT EXCEED THE
18 RATES FIXED BY EXECUTIVE ORDER. ANY PER DIEM PAYMENTS MADE
19 PURSUANT TO THIS SUBSECTION (2) SHALL BE IN ACCORDANCE WITH RULES
20 PROMULGATED BY THE STATE CONTROLLER AND IN COMPLIANCE WITH THE
21 REGULATIONS OF THE FEDERAL INTERNAL REVENUE SERVICE.

22 (3) THE STATE CONTROLLER SHALL PROMULGATE RULES IN
23 ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",
24 ARTICLE 4 OF THIS TITLE 24, FOR THE IMPLEMENTATION OF THIS SECTION.
25 SUCH RULES SHALL BE IN ACCORDANCE WITH THE REGULATIONS OF THE
26 FEDERAL INTERNAL REVENUE SERVICE AND SHALL INCLUDE THE
27 FOLLOWING:

1 (a) THE CIRCUMSTANCES UNDER WHICH AN EMPLOYEE IS ELIGIBLE
2 TO CLAIM MOVING EXPENSES AND RELOCATION EXPENSES PURSUANT TO
3 THIS SECTION;

4 (b) THE NATURE OF MOVING EXPENSES AND RELOCATION
5 EXPENSES THAT A STATE EMPLOYEE MAY CLAIM PURSUANT TO THIS
6 SECTION;

7 (c) THE MAXIMUM AMOUNT OF MOVING EXPENSES AN EMPLOYEE
8 MAY CLAIM PURSUANT TO THIS SECTION; AND

9 (d) ANY OTHER RULES DEEMED NECESSARY BY THE STATE
10 CONTROLLER FOR THE ADMINISTRATION OF THIS SECTION IN COMPLIANCE
11 WITH THE REGULATIONS OF THE FEDERAL INTERNAL REVENUE SERVICE.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2018 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

Bill 3c

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LLS NO. 18-####.## Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING AMENDING STATUTORY PROVISIONS THAT CONTAIN**
102 **TERMINOLOGY DESCRIBING INDIVIDUALS BY THEIR MARITAL**
103 **STATUS THAT CAN BE AMBIGUOUSLY CONSTRUED IN THE**
104 **CONTEXT OF A SAME-SEX MARRIAGE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill amends statutory provisions that contain terms such as "husband", "wife", "father", and

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Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

"mother" that have unclear meaning or can be ambiguously construed when placed in the context of same-sex marriages.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of House Bill/Senate Bill 18-___, enacted in
4 2018, is to effect a nonsubstantive change in statute to modernize and
5 clarify the use of the terms "married woman", "wife", "husband",
6 "husband and wife", "mother and father", and similar terms, where
7 appropriate, to reflect the existence of same-sex marriages in Colorado.
8 The terms "spouse" and "parent", and similar terms, are used whenever
9 possible for clarity.

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 5-3-205 as
11 follows:

12 **5-3-205. Use of multiple agreements.** A creditor may not use
13 multiple agreements with respect to a single consumer credit transaction
14 for the purpose of obtaining a higher finance charge than would otherwise
15 be permitted by this code or to avoid disclosure of an annual percentage
16 rate pursuant to the provisions on disclosure and advertising. Dividing a
17 single consumer credit transaction between ~~a husband and wife shall be~~
18 MARRIED SPOUSES IS presumed to be a violation of this section. The
19 excess amount of finance charge provided for in agreements in violation
20 of this section is an excess charge for the purposes of the provisions on
21 the effect of violations on rights of parties contained in section 5-5-201
22 and the provisions on civil actions by the administrator contained in
23 section 5-6-114.

24 **SECTION 3.** In Colorado Revised Statutes, **amend** 8-2-202 as
25 follows:

1 **8-2-202. Damages in case of death - limit.** ~~If the death of a~~
2 ~~person~~ A PERSON'S DEATH is caused by an act of carelessness, omission of
3 duty, or negligence as provided in section 8-2-201, the corporation or
4 individual who would have been liable if the death had not ensued ~~shall~~
5 ~~be~~ IS liable to an action for damages regardless of the death of the party
6 injured. In each such case the jury may award such damages as it deems
7 fair and just, with reference to the necessary injury resulting from ~~such~~
8 THE death, to the parties who may be entitled to sue under this part 2;
9 except that, if the decedent ~~left neither~~ DID NOT LEAVE a ~~widow, widower,~~
10 ~~or~~ SURVIVING SPOUSE, minor children, ~~nor~~ OR a dependent ~~father or~~
11 ~~mother~~ PARENT, the damages recoverable in any such action shall not
12 exceed forty-five thousand dollars.

13 **SECTION 4.** In Colorado Revised Statutes, 8-2-203, **amend** (1)
14 introductory portion, (1)(a), (1)(b), and (1)(c) as follows:

15 **8-2-203. Who may sue - consolidation of actions.** (1) Every
16 ~~such action shall~~ ACTION in case of death SHALL be maintained:

- 17 (a) By the ~~husband or wife~~ SURVIVING SPOUSE of the deceased;
- 18 (b) If there is no ~~husband or wife~~ SURVIVING SPOUSE or if ~~he or~~
19 ~~she~~ THE SURVIVING SPOUSE fails to sue within one year after such death,
20 by the children of the deceased or their descendants;
- 21 (c) If ~~such~~ THE deceased is a minor or unmarried, without issue,
22 by ~~the father or mother~~ A PARENT or by both PARENTS jointly; or

23 **SECTION 5.** In Colorado Revised Statutes, **amend** 8-9-104 as
24 follows:

25 **8-9-104. Joinder of spouses in assignment - acknowledgment.**
26 ~~No~~ AN assignment of wages, except for child support, not already earned
27 at the time of the assignment or any sum to become due the assignor after

1 the date of ~~such~~ THE assignment ~~shall be~~ IS NOT valid unless, if the
2 assignor is married and residing with his OR HER spouse, ~~such~~ THE spouse
3 joins in and signs ~~such~~ THE assignment and ~~such~~ THE assignment is duly
4 acknowledged before a notary public or some other officer authorized by
5 the laws of Colorado to take acknowledgments.

6 **SECTION 6.** In Colorado Revised Statutes, **amend** 8-70-129 as
7 follows:

8 **8-70-129. Employment does not include - spouse - minor.**
9 "Employment" does not include services performed by an individual in
10 the employ of his OR HER spouse and service performed by a child under
11 the age of twenty-one in the employ of ~~his father or mother~~ ONE OR BOTH
12 OF HIS OR HER PARENTS.

13 **SECTION 7.** In Colorado Revised Statutes, **amend** 8-80-103 as
14 follows:

15 **8-80-103. Assignment of benefits void - exemptions.** Any
16 assignment, pledge, or encumbrance of any right to benefits which are or
17 may become due or payable under articles 70 to 82 of this ~~title shall be~~
18 TITLE 8 IS void. Except as provided in the "Colorado Child Support
19 Enforcement Procedures Act", article 14 of title 14, ~~C.R.S.~~, such rights to
20 benefits ~~shall be~~ ARE exempt from levy, execution, attachment, or any
21 other remedy provided for the collection of debt. Benefits received by any
22 individual, so long as they are not mingled with other funds of the
23 recipient, ~~shall be~~ ARE exempt from any remedy for the collection of all
24 debts except debts incurred for necessities furnished to ~~such~~ THE
25 individual, his OR HER spouse, or HIS OR HER dependents during the time
26 when ~~such~~ THE individual was unemployed, or child support debt or
27 arrearages as specified in article 14 of title 14. ~~C.R.S.~~ Any waiver of any

1 exemption provided for in this section ~~shall be~~ IS void.

2 **SECTION 8.** In Colorado Revised Statutes, 10-4-601, **amend**
3 (10) introductory portion as follows:

4 **10-4-601. Definitions.** As used in this part 6, unless the context
5 otherwise requires:

6 (10) "Policy" means an automobile insurance policy providing
7 coverage for all or any of the following coverages: Collision,
8 comprehensive, bodily injury liability, property damage liability, medical
9 payments, and uninsured motorist coverage, or a combination automobile
10 policy providing bodily injury liability, property damage liability, medical
11 payments, uninsured motorist, and physical damage coverage, delivered
12 or issued for delivery in this state, insuring a single individual, or ~~husband~~
13 ~~and wife~~ EITHER SPOUSE OF A MARRIAGE, or family members residing in
14 the same household, as named insured, and under which the insured
15 vehicles ~~therein~~ designated are of the following types only:

16 **SECTION 9.** In Colorado Revised Statutes, 10-16-201, **amend**
17 (1) introductory portion and (1)(c) as follows:

18 **10-16-201. Form and content of individual sickness and**
19 **accident insurance policies.** (1) ~~No such~~ A policy ~~shall~~ MUST NOT be
20 delivered or issued for delivery in this state unless:

21 (c) It purports to insure only one person, except as provided in
22 sections 10-16-214 and 10-16-215, and except that a policy or contract
23 may be issued upon the application of an adult member of a family, who
24 ~~shall be~~ IS deemed the policyholder, covering members of any one family,
25 including ~~husband, wife~~ A SPOUSE, dependent children or any children
26 under the age of nineteen, and other dependents living with the family;
27 and

1 **SECTION 10.** In Colorado Revised Statutes, 12-36-133, **amend**
2 (2) as follows:

3 **12-36-133. Postmortem examinations by licensee - definition**
4 **- application of this section.** (2) Consent for a licensee to conduct a
5 postmortem examination of the body of a deceased person ~~shall be~~ IS
6 deemed sufficient when given by whichever one of the following assumes
7 custody of the body for purposes of burial: ~~Father, mother, husband, wife~~
8 A PARENT, SPOUSE, child, guardian, next of kin, or, in the absence of any
9 of the foregoing, a friend or a person charged by law with the
10 responsibility for burial. If two or more such persons assume custody of
11 the body, the consent of one of them ~~shall be deemed~~ IS sufficient.

12 **SECTION 11.** In Colorado Revised Statutes, 12-37.5-103,
13 **amend** the introductory portion and (2) as follows:

14 **12-37.5-103. Definitions.** As used in this ~~article~~ ARTICLE 37.5,
15 unless the context otherwise requires:

16 (2) "Parent" means the natural or adoptive ~~mother and father~~
17 PARENT OR PARENTS of the minor who is pregnant, if they are both living;
18 one parent of the minor if only one is living, or if the other parent cannot
19 be served with notice, as hereinafter provided; or the court-appointed
20 guardian of ~~such~~ THE minor if she has one or any foster parent to whom
21 ~~the~~ HER care and custody of ~~such minor shall have~~ HAS been assigned by
22 any agency of the state or county making ~~such~~ THE placement.

23 **SECTION 12.** In Colorado Revised Statutes, 12-47-303, **amend**
24 (1)(b) as follows:

25 **12-47-303. Transfer of ownership and temporary permits.**
26 (1) (b) When a license has been issued to a ~~husband and wife~~ SPOUSE IN
27 A MARRIAGE, or to general or limited partners, the death of a spouse or

1 partner ~~shall~~ DOES not require the surviving spouse or partner to obtain a
2 new license. All rights and privileges granted under the original license
3 ~~shall~~ continue in full force and effect as to such survivors for the balance
4 of the license period.

5 **SECTION 13.** In Colorado Revised Statutes, **amend** 13-21-103
6 as follows:

7 **13-21-103. Damages for selling liquor to intoxicated person.**

8 ~~Every husband, wife, child, parent~~ A PARENT, CHILD, SPOUSE, guardian,
9 employer, or other person who is injured in person, or property, or means
10 of support by ~~any~~ AN intoxicated person, or in consequence of ~~the~~ A
11 PERSON'S intoxication, ~~of any person,~~ has a right of action, in his OR HER
12 name, against any person who, by selling or giving away intoxicating
13 liquors to ~~any habitual drunkard~~ A PERSON WHO IS HABITUALLY
14 INTOXICATED OR WHO HAS AN ALCOHOL USE DISORDER, causes the
15 intoxication, in whole or in part, of ~~such habitual drunkard and~~ THE
16 INTOXICATED PERSON. All damages recovered by a minor under this
17 section ~~shall~~ MUST be paid either to the minor or to his OR HER parent,
18 guardian, or next friend, as the court directs. The unlawful sale or giving
19 away of intoxicating liquors works a forfeiture of all rights of the lessee
20 or tenant under any lease or contract of rent upon the premises. ~~No~~
21 Liability ~~shall~~ DOES NOT accrue against any such person as provided
22 unless the ~~husband, wife, child,~~ parent, CHILD, SPOUSE, guardian, ~~or~~
23 employer, OR OTHER PERSON first, by written or printed notice, has
24 notified ~~such~~ THE person, or his OR HER agents or employees, not to sell
25 or give away any intoxicating liquors to ~~any habitual drunkard~~ A PERSON
26 WHO IS HABITUALLY INTOXICATED OR HAS AN ALCOHOL USE DISORDER.

27 **SECTION 14.** In Colorado Revised Statutes, 13-21-201, **amend**

1 (1) introductory portion, (1)(c)(I), (1)(c)(II), and (1)(d) as follows:

2 **13-21-201. Damages for death - definition.** (1) When any A
3 person dies from any injury resulting from or occasioned by the
4 negligence, unskillfulness, or criminal intent of any officer, agent,
5 servant, or employee while running, conducting, or managing any
6 locomotive, car, or train of cars, or of any driver of any coach or other
7 conveyance operated for the purpose of carrying either freight or
8 passengers for hire while in charge of the same as a driver, and when any
9 passenger dies from an injury resulting from or occasioned by any defect
10 or insufficiency in any railroad or any part ~~thereof~~ OF THE RAILROAD, or
11 in any locomotive or car, or other conveyance operated for the purpose of
12 carrying either freight or passengers for hire, the corporation or
13 individuals in whose employ ~~any such~~ THE officer, agent, servant,
14 employee, master, pilot, engineer, or driver is at the time ~~such~~ THE injury
15 is committed, or who owns any such railroad, locomotive, car, or other
16 conveyance operated for the purpose of carrying either freight or
17 passengers for hire at the time ~~any such~~ OF THE injury, ~~is received~~, and
18 resulting from or occasioned by the defect or insufficiency ~~above~~
19 described ~~shall forfeit and pay~~ IN SUBSECTION (1)(c) OF THIS SECTION
20 FORFEITS AND PAYS for every person and passenger ~~so injured the~~ A sum
21 ~~of~~ not exceeding ten thousand dollars and not less than three thousand
22 dollars, which may be sued for and recovered:

23 (c) (I) If the deceased is an unmarried minor without descendants
24 or an unmarried adult without descendants and without a designated
25 beneficiary pursuant to article 22 of title 15, ~~C.R.S.~~, by ~~the father or~~
26 ~~mother who~~ ONE OR BOTH OF THE DECEASED'S PARENTS may join in the
27 suit. Except as provided in ~~subparagraphs (II) and (III) of this paragraph~~

1 ~~(c), the father and mother shall~~ SUBSECTION (1)(c)(II) AND (1)(c)(III) OF
2 THIS SECTION, THE PARENT OR PARENTS OF THE DECEASED have an equal
3 interest in the judgment, or if either of them is dead, then the surviving
4 parent ~~shall have~~ HAS an exclusive interest in the judgment.

5 (II) For cases in which the ~~father and mother~~ DECEASED'S PARENTS
6 are divorced, separated, or living apart, a motion may be filed by either
7 ~~the father or the mother~~ PARENT prior to trial requesting the court to
8 apportion fairly any judgment awarded in the case. Where such a motion
9 is filed, the court shall conduct a post-judgment hearing at which the
10 ~~father and the mother shall~~ DECEASED'S PARENTS have the opportunity to
11 be heard and to produce evidence regarding each parent's relationship
12 with the deceased child.

13 (d) For purposes of this section, ~~"father or mother"~~ "PARENT"
14 means a natural parent of the deceased or a parent of the deceased by
15 adoption. ~~"Father or mother"~~ "PARENT" does not include a person whose
16 parental rights concerning the deceased were terminated pursuant to the
17 provisions of title 19. ~~C.R.S.~~

18 **SECTION 15.** In Colorado Revised Statutes, 13-21-203, **amend**
19 (1)(a) as follows:

20 **13-21-203. Limitation on damages.** (1) (a) All damages
21 accruing under section 13-21-202 ~~shall~~ MUST be sued for and recovered
22 by the same parties and in the same manner as provided in section
23 13-21-201. ~~and~~ In every such action, the jury may give such damages as
24 they ~~may~~ deem fair and just, with reference to the necessary injury
25 resulting from such death, including damages for noneconomic loss or
26 injury, as defined in section 13-21-102.5, and subject to the limitations of
27 this section. ~~and including~~ THE JURY MAY INCLUDE within noneconomic

1 loss or injury damages for grief, loss of companionship, pain and
2 suffering, and emotional stress, to the surviving parties who may be
3 entitled to sue. ~~and also having regard to the~~ THE JURY MAY INCLUDE
4 mitigating or aggravating circumstances attending any such wrongful act,
5 neglect, or default; except that, if the decedent ~~left neither a widow, a~~
6 ~~widower, minor children, nor a dependent father or mother~~ WAS NOT
7 SURVIVED BY A SPOUSE, MINOR CHILDREN, OR A DEPENDENT PARENT, the
8 damages recoverable in any such action ~~shall~~ MUST not exceed the
9 limitations for noneconomic loss or injury set forth in section
10 13-21-102.5, unless the wrongful act, neglect, or default causing death
11 constitutes a felonious killing, as defined in section 15-11-803 (1)(b)
12 ~~Č.R.S.~~, and as determined in the manner described in section 15-11-803
13 (7), ~~Č.R.S.~~, in which case there ~~shall be~~ IS no limitation on the damages
14 for noneconomic loss or injury recoverable in such action. ~~No action shall~~
15 AN ACTION MUST NOT be brought, and ~~no recovery shall~~ MUST NOT be had
16 under ~~both section~~ sections 13-21-201 and ~~section~~ 13-21-202. ~~and~~ In all
17 cases, the plaintiff is required to elect under which section he or she will
18 proceed. There ~~shall~~ MUST be only one civil action under this part 2 for
19 recovery of damages for the wrongful death of any one decedent.
20 Notwithstanding anything in this section or in section 13-21-102.5 to the
21 contrary, there ~~shall be~~ IS no recovery under this part 2 for noneconomic
22 loss or injury in excess of two hundred fifty thousand dollars, unless the
23 wrongful act, neglect, or default causing death constitutes a felonious
24 killing, as defined in section 15-11-803 (1)(b) ~~Č.R.S.~~, and as determined
25 in the manner described in section 15-11-803 (7). ~~Č.R.S.~~

26 **SECTION 16.** In Colorado Revised Statutes, 13-54-104, **amend**
27 (3)(b)(I) introductory portion and (3)(b)(I)(A) as follows:

1 **13-54-104. Restrictions on garnishment and levy under**
2 **execution or attachment - definitions.** (3) (b) (I) The maximum part of
3 the aggregate disposable earnings of an individual for any workweek
4 ~~which is~~ subject to garnishment or levy under execution or attachment to
5 enforce any order for the support of any person ~~shall~~ MUST not exceed:

6 (A) Where such individual is supporting his OR HER spouse or
7 dependent child, other than a spouse or child with respect to whose
8 support such order is used, fifty percent of ~~such~~ THE individual's
9 disposable earnings for that week; and

10 **SECTION 17.** In Colorado Revised Statutes, 13-90-107, **amend**
11 (1)(a) and (1)(a.5) as follows:

12 **13-90-107. Who may not testify without consent - privileges -**
13 **definitions.** (1) There are particular relations in which it is the policy of
14 the law to encourage confidence and to preserve it inviolate; therefore, a
15 person shall not be examined as a witness in the following cases:

16 (a) (I) Except as otherwise provided in section 14-13-310 (4),
17 ~~C.R.S., a husband~~ A SPOUSE shall not be examined for or against his wife
18 OR HER SPOUSE without ~~her~~ THE SPOUSE'S consent. ~~nor a wife for or~~
19 ~~against her husband without his consent; nor~~ During the marriage or
20 afterward, NEITHER SPOUSE shall ~~either~~ be examined without the consent
21 of the other as to any communications made by one to the other during the
22 marriage. ~~but~~ This exception does not apply to a civil action or
23 proceeding by one SPOUSE against the other SPOUSE, a criminal action or
24 proceeding for a crime committed by one SPOUSE against the other
25 SPOUSE, or a criminal action or proceeding against one or both spouses
26 when the alleged offense occurred prior to the date of the parties'
27 marriage. However, this exception ~~shall~~ DOES not attach if the otherwise

1 privileged information is communicated after the marriage.

2 (II) The privilege described in this ~~paragraph (a)~~ SUBSECTION
3 (1)(a) does not apply to class 1, CLASS 2, or CLASS 3 felonies as described
4 in section 18-1.3-401 (1)(a)(IV) and (1)(a)(V), ~~€R.S.~~, or to level 1 or
5 LEVEL 2 drug felonies as described in section 18-1.3-401.5 (2)(a). ~~€R.S.~~
6 In this instance, during the marriage or afterward, a ~~husband~~ SPOUSE shall
7 not be examined for or against his ~~wife~~ OR HER SPOUSE as to any
8 communications intended to be made in confidence and made by one
9 SPOUSE to the other SPOUSE during the marriage without ~~his~~ THE SPOUSE'S
10 consent. ~~and a wife shall not be examined for or against her husband as~~
11 ~~to any communications intended to be made in confidence and made by~~
12 ~~one to the other without her consent.~~

13 (III) Communications between a ~~husband and wife~~ SPOUSES are
14 not privileged pursuant to this ~~paragraph (a)~~ SUBSECTION (1)(a) if ~~such~~
15 THE communications are made for the purpose of aiding the commission
16 of a future crime or of a present continuing crime.

17 (IV) The burden of proving the existence of a marriage for the
18 purposes of this ~~paragraph (a)~~ ~~shall be~~ SUBSECTION (1)(a) IS on the party
19 asserting the claim.

20 (V) Notice of the assertion of the ~~marital~~ SPOUSAL privilege shall
21 be given as soon as practicable but not less than ten days prior to assertion
22 at any hearing.

23 (VI) FOR THE PURPOSES OF THIS SUBSECTION (1)(a), "SPOUSE"
24 MEANS A PERSON WHO HAS ENTERED INTO A LEGAL MARRIAGE.

25 (a.5) (I) Except as otherwise provided in section 14-13-310 (5),
26 ~~€R.S.~~, a partner in a civil union shall not be examined for or against the
27 other partner in the civil union without the other partner's consent. ~~nor~~

1 During the civil union or afterward, NEITHER PARTNER shall either be
2 examined without the consent of the other as to any communications
3 made by one to the other during the civil union. ~~except that~~ This
4 exception does not apply to a civil action or proceeding by one against the
5 other, a criminal action or proceeding for a crime committed by one
6 against the other, or a criminal action or proceeding against one or both
7 partners when the alleged offense occurred prior to the date of the parties'
8 certification of the civil union. However, this exception shall DOES not
9 attach if the otherwise privileged information is communicated after the
10 certification of the civil union.

11 (II) The privilege described in this ~~paragraph (a.5)~~ SUBSECTION
12 (1)(a.5) does not apply to class 1, CLASS 2, or CLASS 3 felonies as
13 described in section 18-1.3-401 (1)(a)(IV) and (1)(a)(V), ~~C.R.S.~~, or to
14 level 1 or LEVEL 2 drug felonies as described in section 18-1.3-401.5
15 (2)(a). ~~C.R.S.~~ In this instance, during the civil union or afterward, a
16 partner in a civil union shall not be examined for or against the other
17 partner in the civil union as to any communications intended to be made
18 in confidence and made by one to the other during the civil union without
19 the other partner's consent.

20 (III) Communications between partners in a civil union are not
21 privileged pursuant to this ~~paragraph (a.5) if such~~ SUBSECTION (1)(a.5) IF
22 THE communications are made for the purpose of aiding the commission
23 of a future crime or of a present continuing crime.

24 (IV) The burden of proving the existence of a civil union for the
25 purposes of this ~~paragraph (a.5) shall be~~ SUBSECTION (1)(a.5) IS on the
26 party asserting the claim.

27 (V) Notice of the assertion of the privilege described in this

1 ~~paragraph (a.5)~~ SUBSECTION (1)(a.5) shall be given as soon as practicable
2 but not less than ten days prior to assertion at any hearing.

3 (VI) For the purposes of this ~~paragraph (a.5)~~ SUBSECTION (1)(a.5),
4 "partner in a civil union" means a person who has entered into a civil
5 union established in accordance with the requirements of article 15 of title
6 14. C.R.S.

7 **SECTION 18.** In Colorado Revised Statutes, **amend** 13-90-108
8 as follows:

9 **13-90-108. Offer taken as consent.** The offer of a person of
10 himself OR HERSELF as a witness ~~shall be~~ IS deemed a consent to the
11 examination. The offer of a ~~wife, husband~~ SPOUSE, attorney, ~~clergyman~~
12 MEMBER OF THE CLERGY, physician, surgeon, certified public accountant,
13 or certified psychologist as a witness ~~shall be~~ IS deemed a consent to the
14 examination, within the meaning of section 13-90-107 (1)(a) to (1)(d),
15 (1)(f), and (1)(g).

16 **SECTION 19.** In Colorado Revised Statutes, 14-6-101, **amend**
17 (1) as follows:

18 **14-6-101. Nonsupport of spouse and children - penalty.**
19 (1) ~~Any~~ A person who willfully neglects, fails, or refuses to provide
20 reasonable support and maintenance for his OR HER spouse or for his OR
21 HER children under eighteen years of age, whether natural, adopted, or
22 whose parentage has been judicially determined, or who willfully fails,
23 refuses, or neglects to provide proper care, food, and clothing in case of
24 sickness for his OR HER spouse or ~~such~~ HIS OR HER children or any ~~such~~
25 OF HIS OR HER children being legally the inmates of a state or county home
26 or school for children in this state, or who willfully fails or refuses to pay
27 to a trustee, who may be appointed by the court to receive such payment,

1 or to the board of control of such home or school the reasonable cost of
2 keeping ~~such~~ HIS OR HER children in said home, or any person, being the
3 ~~father or mother of children~~ PARENT OF CHILDREN under eighteen years
4 of age, who leaves ~~such~~ HIS OR HER children with intent to abandon ~~such~~
5 THOSE children, or any ~~man~~ PERSON who willfully neglects, fails, or
6 refuses to provide proper care, food, and clothing to the ~~mother of his~~
7 PERSON'S child during childbirth and attendant illness is guilty of a class
8 5 felony. It ~~shall be~~ IS an affirmative defense, as defined in section
9 18-1-407, ~~C.R.S.~~, to a prosecution under this section that owing to
10 physical incapacity or other good cause the defendant is unable to furnish
11 the support, care, and maintenance required by this section. ~~No~~ A child
12 ~~shall be~~ IS NOT deemed to lack proper care for the sole reason that he OR
13 SHE is being provided remedial treatment in accordance with section
14 19-3-103. ~~C.R.S.~~

15 **SECTION 20.** In Colorado Revised Statutes, **amend** 14-6-105 as
16 follows:

17 **14-6-105. Spouse is competent witness.** In all proceedings or
18 prosecutions ~~under~~ PURSUANT TO this article, ~~a wife or husband shall be~~
19 ARTICLE 6, A SPOUSE IS a competent witness against his OR HER spouse
20 with or without ~~his~~ THE SPOUSE'S consent.

21 **SECTION 21.** In Colorado Revised Statutes, **amend** 14-6-110 as
22 follows:

23 **14-6-110. Joint liability for family expenses.** The expenses of
24 the family and the education of the children are chargeable upon the
25 property of both ~~husband and wife~~ SPOUSES, or either ~~of them~~ SPOUSE
26 SEPARATELY, and in relation ~~thereto~~ they may be sued jointly or
27 separately.

1 **SECTION 22.** In Colorado Revised Statutes, 14-10-106, **amend**
2 (1)(c) introductory portion, (1)(c)(I), and (1)(c)(II) as follows:

3 **14-10-106. Dissolution of marriage - legal separation.** (1) (c) In
4 a proceeding to dissolve a marriage, ~~or in~~ a proceeding for legal
5 separation, or ~~in~~ a proceeding for declaration of invalidity, the court is
6 deemed to have made an adjudication of the parentage of a child of the
7 marriage if the court acts under circumstances that satisfy the
8 jurisdictional requirements of section 14-5-201 and the final order:

9 (I) Expressly identifies a child as a "child of the marriage", "issue
10 of the marriage", or similar words indicating that ~~the husband is the father~~
11 BOTH SPOUSES ARE THE PARENTS of the child; or

12 (II) Provides for support of the child by ~~the husband~~ ONE OF THE
13 SPOUSES, unless paternity is specifically disclaimed in the order.

14 **SECTION 23.** In Colorado Revised Statutes, 14-10-107, **amend**
15 (2) introductory portion and (2)(d) as follows:

16 **14-10-107. Commencement - pleadings - abolition of existing**
17 **defenses - automatic, temporary injunction - enforcement.** (2) The
18 petition in a proceeding for dissolution of marriage or legal separation
19 ~~shall~~ MUST allege that the marriage is irretrievably broken and ~~shall~~ set
20 forth:

21 (d) The names, ages, and addresses of any living children of the
22 marriage and whether ~~the wife~~ ONE OF THE SPOUSES is pregnant;

23 **SECTION 24.** In Colorado Revised Statutes, 14-10-120.3,
24 **amend** (1)(a) as follows:

25 **14-10-120.3. Dissolution of marriage or legal separation upon**
26 **affidavit - requirements.** (1) Final orders in a proceeding for dissolution
27 of marriage or legal separation may be entered upon the affidavit of either

1 or both parties when:

2 (a) There are no minor children of the ~~husband and wife~~
3 MARRIAGE and ~~the wife is not~~ NEITHER SPOUSE IS pregnant or ~~the husband~~
4 ~~and wife are both~~ BOTH SPOUSES ARE represented by counsel and have
5 entered into a separation agreement that provides for the allocation of
6 parental responsibilities concerning the children of the marriage and
7 setting out the amount of child support to be provided by ~~the husband or~~
8 ~~wife~~ ONE SPOUSE SEPARATELY or both SPOUSES COMBINED; and

9 **SECTION 25.** In Colorado Revised Statutes, **amend** 14-12-104
10 as follows:

11 **14-12-104. Duties of domestic relations counselors.**

12 (1) Domestic relations counselors shall, under the supervision of and as
13 directed by the judge of the district court in which they are serving,
14 perform the following duties:

15 (a) Promptly consider all requests for counseling for the purpose
16 of disposing of such requests pursuant to this ~~article~~ ARTICLE 12;

17 (b) Counsel ~~husband or wife or both~~ ONE OR BOTH SPOUSES under
18 a schedule of fees set by the judge of the district court wherein the case
19 is heard. ~~said~~ THE fee IS to be paid by either ~~the husband or wife~~ SPOUSE
20 or jointly by ~~the husband and wife~~ BOTH SPOUSES, as determined by the
21 court, whether or not a petition for dissolution of marriage, declaration of
22 invalidity of marriage, or legal separation has been filed, if the spouses
23 have marital difficulties which may lead to a termination of the marriage
24 relationship;

25 (c) If, in the judgment of the counselor, prolonged counseling is
26 necessary or if it appears that medical, psychiatric, or religious assistance
27 is indicated, refer ~~the husband or wife~~ ONE or both SPOUSES to a

1 physician, psychiatrist, psychologist, social service agency, or ~~clergyman~~
2 MEMBER OF THE CLERGY of any religious denomination to which the
3 parties may belong.

4 **SECTION 26.** In Colorado Revised Statutes, 14-13-310, **amend**
5 (4) as follows:

6 **14-13-310. Hearing and order.** (4) A privilege against
7 disclosure of communications between spouses and a defense of
8 immunity based on the relationship of ~~husband and wife~~ THE SPOUSES or
9 parent and child may not be invoked in a proceeding under this part 3.

10 **SECTION 27.** In Colorado Revised Statutes, 15-1.5-106, **amend**
11 (1) as follows:

12 **15-1.5-106. Multiple beneficiaries - separate custodial trusts**
13 **- survivorship.** (1) Beneficial interests in a custodial trust created for
14 multiple beneficiaries are deemed to be separate custodial trusts of equal
15 undivided interests for each beneficiary. Except in a transfer or
16 declaration for use and benefit of ~~husband and wife~~ SPOUSES, for whom
17 survivorship is presumed, a right of survivorship does not exist unless the
18 instrument creating the custodial trust specifically provides for
19 survivorship.

20 **SECTION 28.** In Colorado Revised Statutes, 15-11-712, **amend**
21 (4) as follows:

22 **15-11-712. Simultaneous death - disposition of property.**
23 (4) Where a ~~husband and wife~~ TWO SPOUSES have died leaving
24 community property and there is no clear and convincing evidence that
25 they have died otherwise than simultaneously, one-half of all the
26 community property shall pass as if the ~~husband~~ FIRST SPOUSE had
27 survived, and as if said one-half were his OR HER separate property, and

1 the other one-half thereof shall pass as if the ~~wife~~ SECOND SPOUSE had
2 survived, and as if said other one-half were HIS OR her separate property.

3 **SECTION 29.** In Colorado Revised Statutes, 15-11-802, **amend**
4 (1) as follows:

5 **15-11-802. Effect of divorce, annulment, and decree of**
6 **separation.** (1) An individual who is divorced from the decedent or
7 whose marriage to the decedent has been annulled is not a surviving
8 spouse unless, by virtue of a subsequent marriage, he or she is married to
9 the decedent at the time of death. A decree of separation that does not
10 terminate the MARITAL status of ~~husband and wife~~ SPOUSES is not a
11 divorce for purposes of this section.

12 **SECTION 30.** In Colorado Revised Statutes, 15-11-804, **amend**
13 (1)(b) as follows:

14 **15-11-804. Revocation of probate and nonprobate transfers by**
15 **divorce - no revocation by other changes of circumstances -**
16 **definitions.** (1) **Definitions.** As used in this section, unless the context
17 otherwise requires:

18 (b) "Divorce or annulment" means any divorce or annulment, or
19 any dissolution or declaration of invalidity of a marriage, that would
20 exclude the spouse as a surviving spouse within the meaning of section
21 15-11-802. A decree of separation that does not terminate the MARITAL
22 status of ~~husband and wife~~ SPOUSES is not a divorce for purposes of this
23 section.

24 **SECTION 31.** In Colorado Revised Statutes, 15-12-713, **amend**
25 (1) introductory portion as follows:

26 **15-12-713. Sale, encumbrance, or transaction involving**
27 **conflict of interest - voidable - exceptions.** (1) Any sale or

1 encumbrance to the personal representative, his OR HER spouse, agent, or
2 attorney, or any corporation or trust in which he OR SHE has a beneficial
3 interest, or any transaction which is affected by a conflict of interest on
4 the part of the personal representative, is voidable by any person
5 interested in the estate except one who has consented, unless:

6 **SECTION 32.** In Colorado Revised Statutes, 18-3-102, **amend**
7 (4) as follows:

8 **18-3-102. Murder in the first degree.** (4) The statutory privilege
9 between patient and physician and between ~~husband and wife shall not be~~
10 SPOUSES IS NOT available for excluding or refusing testimony in any
11 prosecution for the crime of murder in the first degree as described in
12 ~~paragraph (f) of subsection (1)~~ SUBSECTION (1)(f) of this section.

13 **SECTION 33.** In Colorado Revised Statutes, 18-3-411, **amend**
14 (5) as follows:

15 **18-3-411. Sex offenses against children - "unlawful sexual**
16 **offense" defined - limitation for commencing proceedings - evidence**
17 **- statutory privilege.** (5) The statutory privilege between ~~the husband~~
18 ~~and the wife shall not be~~ SPOUSES IS NOT available for excluding or
19 refusing testimony in any prosecution of an unlawful sexual offense.

20 **SECTION 34.** In Colorado Revised Statutes, 18-6-401, **amend**
21 (3) as follows:

22 **18-6-401. Child abuse - definition - statutory privilege.** (3) The
23 statutory privilege between patient and physician and between ~~husband~~
24 ~~and wife shall not be~~ SPOUSES IS NOT available for excluding or refusing
25 testimony in any prosecution for a violation of this section.

26 **SECTION 35.** In Colorado Revised Statutes, 18-6-401.1, **amend**
27 (5) as follows:

1 **18-6-401.1. Child abuse - limitation for commencing**
2 **proceedings - evidence - definition - statutory privilege.** (5) The
3 statutory privilege between the victim-patient and his OR HER physician
4 and between ~~the husband and the wife shall not be~~ SPOUSES IS NOT
5 available for excluding or refusing testimony in any prosecution of an act
6 of child abuse.

7 **SECTION 36.** In Colorado Revised Statutes, 18-7-201, **amend**
8 (1) as follows:

9 **18-7-201. Prostitution prohibited - definitions.** (1) ~~Any~~ A
10 person who performs or offers or agrees to perform any act of sexual
11 intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with
12 any person WHO IS not his OR HER spouse in exchange for money or other
13 thing of value commits prostitution.

14 **SECTION 37.** In Colorado Revised Statutes, 18-7-205, **amend**
15 (1) introductory portion as follows:

16 **18-7-205. Patronizing a prostitute.** (1) ~~Any~~ A person who
17 performs any of the following with a person WHO IS not his OR HER
18 spouse commits patronizing a prostitute:

19 **SECTION 38.** In Colorado Revised Statutes, 18-7-406, **amend**
20 (1) introductory portion as follows:

21 **18-7-406. Patronizing a prostituted child.** (1) ~~Any~~ A person
22 who performs any of the following with a child not his OR HER spouse
23 commits patronizing a prostituted child:

24 **SECTION 39.** In Colorado Revised Statutes, 19-1-103, **amend**
25 (44.5), (56), and (56.5) as follows:

26 **19-1-103. Definitions.** As used in this title 19 or in the specified
27 portion of this title 19, unless the context otherwise requires:

1 (44.5) "Donor", as used in section 19-4-106, means an individual
2 who produces eggs or sperm used for assisted reproduction, whether or
3 not for consideration. "Donor" does not include a ~~husband~~ SPOUSE who
4 provides sperm, or a ~~wife~~ SPOUSE who provides eggs, to be used for
5 assisted reproduction by the ~~wife~~ SPOUSE.

6 (56) (a) "Grandparent" means a person who is the parent of ONE
7 OF a child's ~~father or mother~~ PARENTS, who is related to the child by
8 blood, in whole or by half, adoption, or marriage.

9 (b) "Grandparent", as used in sections 19-1-117 and 19-1-117.5,
10 has the same meaning as set forth in ~~paragraph (a) of this subsection (56)~~
11 SUBSECTION (56)(a) OF THIS SECTION; except that "grandparent" does not
12 include the parent of ONE OF a child's legal ~~father or mother~~ PARENTS
13 whose parental rights have been terminated in accordance with sections
14 19-5-101 and 19-1-104 (1)(d).

15 (56.5) "Great-grandparent", as used in sections 19-1-117 and
16 19-1-117.5, means a person who is the grandparent of ONE OF a child's
17 ~~father or mother~~ PARENTS, who is related to the child by blood, in whole
18 or by half, adoption, or marriage. "Great-grandparent" does not include
19 the grandparent of ONE OF a child's legal ~~father or mother~~ PARENTS whose
20 parental rights have been terminated in accordance with sections
21 19-5-101 and 19-1-104 (1)(d).

22 **SECTION 40.** In Colorado Revised Statutes, 19-3-311, **amend**
23 (2) as follows:

24 **19-3-311. Evidence not privileged.** (2) The privileged
25 communication between ~~husband and wife shall not be a ground~~ SPOUSES
26 IS NOT GROUNDS for excluding evidence in any judicial proceeding
27 resulting from a report pursuant to this part 3.

1 **SECTION 41.** In Colorado Revised Statutes, 19-4-106, **amend**
2 (1), (3), and (5) as follows:

3 **19-4-106. Assisted reproduction.** (1) If, under the supervision
4 of a licensed physician or advanced practice nurse and with the consent
5 of her ~~husband, a wife~~ SPOUSE, A SPOUSE consents to assisted
6 reproduction with sperm donated by a man not her ~~husband, the husband~~
7 SPOUSE, THE SPOUSE is treated in law as if ~~he were the natural father~~ THE
8 SPOUSE WERE THE NATURAL PARENT of a child thereby conceived. If,
9 under the supervision of a licensed physician or advanced practice nurse
10 and with the consent of her ~~husband, a wife~~ SPOUSE, A SPOUSE consents
11 to assisted reproduction with an egg donated by another woman, to
12 conceive a child for herself, not as a surrogate, the ~~wife~~ SPOUSE is treated
13 in law as if she were the natural ~~mother~~ PARENT of a child thereby
14 conceived. ~~Both the husband's and the wife's~~ THE consent OF BOTH
15 SPOUSES must be in writing and signed by each of them. The physician or
16 advanced practice nurse shall certify their signatures and the date of the
17 assisted reproduction and shall file the consents with the department of
18 public health and environment, where they shall be kept confidential and
19 in a sealed file; however, the physician's failure to do so does not affect
20 the father and child relationship or the mother and child relationship. All
21 papers and records pertaining to the assisted reproduction, whether part
22 of the permanent record of a court or of a file held by the supervising
23 physician or advanced practice nurse or elsewhere, are subject to
24 inspection only upon an order of the court for good cause shown.

25 (3) If a ~~husband~~ SPOUSE provides sperm for, or consents to,
26 assisted reproduction by his ~~wife~~ SPOUSE as provided in subsection (1) of
27 this section, he is the ~~father~~ PARENT of the resulting child.

1 (5) Failure of ~~the husband~~ A SPOUSE to sign a consent required by
2 subsection (1) of this section before or after the birth of the child does not
3 preclude a finding that the ~~husband is the father~~ SPOUSE IS THE PARENT of
4 a child born to his ~~wife~~ SPOUSE pursuant to section 19-4-105 (2)(a).

5 **SECTION 42.** In Colorado Revised Statutes, **amend** 19-4-108 as
6 follows:

7 **19-4-108. Statute of limitations.** An action to determine the
8 existence of the father and child relationship may be brought at any time
9 prior to the child's eighteenth birthday by ~~the mother or father of said~~
10 EITHER PARENT OF THE child, by the child, or by the delegate child support
11 enforcement agency. If, however, the statute of limitations in effect at the
12 time of the child's birth was less than eighteen years, the delegate child
13 support enforcement agency may bring an action on behalf of the ~~said~~
14 THE child at any time prior to the child's twenty-first birthday. An action
15 brought by a child whose paternity has not been determined may be
16 brought at any time prior to the child's twenty-first birthday. This section
17 and section 19-4-107 do not extend the time within which a right of
18 inheritance or a right to a succession may be asserted beyond the time
19 provided by law relating to distribution and closing of decedents' estates
20 or to the determination of heirship, or otherwise.

21 **SECTION 43.** In Colorado Revised Statutes, **amend** 19-4-110 as
22 follows:

23 **19-4-110. Parties.** The child may be made a party to the action.
24 If the child is a minor, the court may appoint a guardian ad litem.
25 NEITHER OF the child's ~~mother or father~~ PARENTS may ~~not~~ represent the
26 child as guardian or otherwise. The court shall make the natural mother,
27 each man presumed to be the father under section 19-4-105, and each

1 man alleged to be the natural father parties or, if not subject to the
2 jurisdiction of the court, provide notice of the action in a manner
3 prescribed by the court and an opportunity to be heard. If a man who is
4 alleged to be the natural father is deceased, the court shall make the
5 personal representative of his estate, if one has been appointed, a party.
6 If a personal representative has not been appointed, the court shall make
7 the deceased man's spouse or an immediate blood relative a party. If a
8 spouse or immediate blood relative is not known or does not exist, the
9 court shall appoint a representative for the alleged natural father who is
10 deceased. The court may align the parties. When the person to be served
11 has no residence within Colorado and his or her place of residence is not
12 known or when he or she cannot be found within the state after due
13 diligence, service must be by publication pursuant to rule 4 (g) of the
14 Colorado rules of civil procedure; except that service must be by a single
15 publication and must be completed not less than five days prior to the
16 time set for hearing on paternity adjudication.

17 **SECTION 44.** In Colorado Revised Statutes, 22-1-102, **amend**
18 (2) introductory portion and (2)(f) as follows:

19 **22-1-102. Residence of child.** (2) A child ~~shall be~~ IS deemed to
20 reside in a school district if:

21 (f) ~~If One of the child's parents or the HIS OR HER guardian of his~~
22 ~~person~~ is a public officer or employee living temporarily for the
23 performance of his OR HER duties in a school district other than that of his
24 OR HER residence. ~~Unless the parents of a child are permanently~~
25 ~~separated,~~ The residence of the ~~husband shall be deemed to be~~ PARENT
26 WITH WHOM THE CHILD RESIDES A MAJORITY OF THE TIME IS the residence
27 of the child. ~~but, if the parents have permanently separated, the residence~~

1 of the child shall be that of the parent with whom the child actually lives.

2 **SECTION 45.** In Colorado Revised Statutes, 22-1-127, **amend**
3 (1)(c) as follows:

4 **22-1-127. Incentives for school enrollment or attendance -**
5 **prohibited - exceptions - definitions.** (1) As used in this section, unless
6 the context otherwise requires:

7 (c) "Parent" means the biological or adoptive ~~mother or father or~~
8 ~~stepmother or stepfather~~ PARENT OR STEPPARENT of a child or any other
9 person having legal or physical custody of a child.

10 **SECTION 46.** In Colorado Revised Statutes, 22-33-102, **amend**
11 the introductory portion and (10) as follows:

12 **22-33-102. Definitions.** As used in this ~~article~~ ARTICLE 33, unless
13 the context otherwise requires:

14 (10) "Parent" means the ~~mother or father~~ NATURAL OR ADOPTIVE
15 PARENT of a child or any other person having custody of a child.

16 **SECTION 47.** In Colorado Revised Statutes, 24-6-202, **amend**
17 (2) introductory portion, (2)(a), (2)(b), (2)(c), (2)(d), (2)(f), (2)(g), and (6)
18 as follows:

19 **24-6-202. Disclosure - contents - filing - false or incomplete**
20 **filing - penalty.** (2) Disclosure ~~shall include~~ INCLUDES:

21 (a) The names of any source or sources of any income, including
22 capital gains, whether or not taxable, of the person making disclosure, his
23 OR HER spouse, and minor children residing with ~~him~~ THE PERSON
24 MAKING DISCLOSURE;

25 (b) The name of each business, insurance policy, or trust in which
26 ~~he, his spouse~~ THE PERSON MAKING DISCLOSURE, HIS OR HER SPOUSE, or
27 minor children residing with ~~him~~ THE PERSON MAKING DISCLOSURE has

1 a financial interest in excess of five thousand dollars;

2 (c) The legal description of any interest in real property, including
3 an option to buy, in the state in which the person making disclosure, his
4 OR HER spouse, or minor children residing with ~~him~~ THE PERSON MAKING
5 DISCLOSURE have any interest, direct or indirect, the market value of
6 which is in excess of five thousand dollars;

7 (d) The identity, by name, of all offices, directorships, and
8 fiduciary relationships held by the person making disclosure, his OR HER
9 spouse, and minor children residing with ~~him~~ THE PERSON MAKING
10 DISCLOSURE;

11 (f) The name of each creditor to whom the person making
12 disclosure, his OR HER spouse, or minor children RESIDING WITH THE
13 PERSON MAKING DISCLOSURE owe money in excess of one thousand
14 dollars and the interest rate;

15 (g) A list of businesses with which the person making disclosure
16 or his OR HER spouse are associated that do business with or are regulated
17 by the state and the nature of such business or regulation;

18 (6) Any person subject to the provisions of this section may elect
19 to file ANNUALLY with the secretary of state ~~annually~~ a copy of his OR HER
20 federal income tax return and any separate federal income tax return filed
21 by his OR HER spouse or minor children residing with ~~him~~ THE PERSON
22 MAKING DISCLOSURE, together with a certified statement of any
23 investments held by ~~him, his~~ THE PERSON MAKING DISCLOSURE, HIS OR
24 HER spouse, or minor children residing with ~~him~~ THE PERSON MAKING
25 DISCLOSURE which are not reflected by the income tax returns in lieu of
26 complying with the provisions of subsections (1) to (4) of this section.
27 ~~which~~ THE tax return and any statement filed under the provisions of this

1 subsection (6) ~~shall be~~ ARE public information.

2 **SECTION 48.** In Colorado Revised Statutes, 25-2-112, **amend**
3 (2), (3)(a) introductory portion, (3)(a)(II), (3)(a)(III), and (3)(a)(IV) as
4 follows:

5 **25-2-112. Certificates of birth - filing - establishment of**
6 **paternity.** (2) When a birth occurs in an institution, or upon order of any
7 court with proper jurisdiction, the person in charge of the institution or
8 ~~such person's~~ HIS OR HER designated representative shall obtain the
9 personal data, prepare the certificate, certify the authenticity of the birth
10 registration either by signature or by an approved electronic process, and
11 file it with the state registrar or as otherwise directed by the state registrar
12 within the required ten days. The physician in attendance shall provide the
13 medical information required by the certificate within five days after the
14 birth. When the birth occurs outside an institution, ~~THE PHYSICIAN IN~~
15 ~~ATTENDANCE SHALL PREPARE AND FILE~~ the certificate ~~shall be prepared~~
16 ~~and filed by the physician in attendance~~ at or immediately after birth, or
17 in the absence of such a physician, by any person witnessing the birth, or
18 in the absence of any such witness by ~~the father or mother~~ ONE OR BOTH
19 OF THE PARENTS, or in the absence ~~of the father and the inability of the~~
20 ~~mother~~ OR INABILITY OF BOTH PARENTS by the person in charge of the
21 premises where the birth occurred. The person who completes and files
22 the certificate shall also be responsible for obtaining the social security
23 account numbers of the parents and delivering those numbers to the state
24 registrar along with the certificate.

25 (3) (a) If the mother was married either at the time of conception
26 or birth, the name of ~~the husband~~ HER SPOUSE shall be entered on the
27 certificate as the ~~father~~ PARENT of the child unless:

1 (II) The mother and ~~the mother's husband~~ HER SPOUSE execute
2 joint or separate forms prescribed and furnished by the state registrar
3 reflecting the mother's and ~~the husband's~~ HER SPOUSE'S signatures
4 individually witnessed and attesting that ~~the husband~~ HER SPOUSE is not
5 ~~the father~~ A PARENT of the child, in which case, information about the
6 ~~father shall~~ CHILD'S PARENT MUST be omitted from the certificate; or

7 (III) The mother executes a form prescribed and furnished by the
8 state registrar attesting that the ~~husband is not the father~~ SPOUSE IS NOT
9 THE PARENT and that the putative father is the father, the putative father
10 executes a form prescribed and furnished by the state registrar attesting
11 that he is the father, and the ~~husband~~ SPOUSE executes a form prescribed
12 and furnished by the state registrar attesting that ~~he~~ THE SPOUSE is not the
13 father. Such forms may be joint or individual or a combination thereof,
14 and each signature shall be individually witnessed. In such event, the
15 putative father shall be shown as the father on the certificate.

16 (IV) A court of competent jurisdiction has determined the ~~husband~~
17 SPOUSE is not the presumed father and the putative father executes a form
18 prescribed and furnished by the state registrar ~~which~~ THAT is individually
19 witnessed attesting that he is the father and the mother executes a form
20 prescribed and furnished by the state registrar ~~which~~ THAT is individually
21 witnessed that the putative father is the father. In such event the putative
22 father ~~shall~~ MUST be shown as the father on the birth certificate.

23 **SECTION 49.** In Colorado Revised Statutes, 29-11.8-105,
24 **amend** (6) as follows:

25 **29-11.8-105. Licensing - general provisions.** (6) When a license
26 has been issued to a ~~husband and wife~~ MARRIED SPOUSE, the death of a
27 spouse ~~shall~~ DOES not require the surviving spouse to obtain a new

1 license. All rights and privileges granted under the original license ~~shall~~
2 continue in full force and effect as to the survivor for the balance of the
3 license.

4 **SECTION 50.** In Colorado Revised Statutes, 30-28-101, **amend**
5 (10)(c) introductory portion and (10)(c)(VII) as follows:

6 **30-28-101. Definitions.** As used in this part 1, unless the context
7 otherwise requires:

8 (10) (c) Unless the method of disposition is adopted for the
9 purpose of evading this part 1, the terms "subdivision" and "subdivided
10 land", as defined in ~~paragraph (a) of this subsection (10), shall~~
11 SUBSECTION (10)(a) OF THIS SECTION, DO not apply to any division of
12 land:

13 (VII) Which is created by the acquisition of an interest in land in
14 the name of a ~~husband and wife~~ MARRIED SPOUSES or other persons in
15 joint tenancy or as tenants in common, and any such interest ~~shall be~~ IS
16 deemed for purposes of this subsection (10) as only one interest;

17 **SECTION 51.** In Colorado Revised Statutes, 38-35-118, **amend**
18 (1) as follows:

19 **38-35-118. Homestead, how conveyed - claimant insane.**

20 (1) Except as provided in section 38-41-202 (3), to convey or encumber
21 homesteaded property, ~~the husband and wife~~ MARRIED SPOUSES, if the
22 owner ~~thereof~~ is married, shall execute the conveyance or encumbrance.
23 ~~Such~~ THE conveyance or encumbrance may be by one instrument or
24 separate instruments which may be acknowledged in the manner provided
25 by articles 30 to 44 of this ~~title~~ TITLE 38. A recital in any recorded
26 conveyance or encumbrance of real property of the marital status of the
27 party executing the same or that the property is or is not occupied as a

1 home by the owner ~~thereof~~ or his OR HER family shall be prima facie
2 evidence of the facts. ~~therein stated~~. If the owner of the homesteaded
3 property and a person of the opposite sex, both bearing the same surname,
4 join in the conveyance or encumbrance, ~~thereof~~, the identity of surnames
5 shall be prima facie evidence that such parties are husband and wife for
6 the purposes of this ~~article~~ ARTICLE 35.

7 **SECTION 52.** In Colorado Revised Statutes, 38-36-104, **amend**
8 (1) introductory portion and (1)(b) as follows:

9 **38-36-104. Contents of application.** (1) The application ~~shall~~
10 MUST be in writing and ~~shall~~ MUST be signed and verified by the oath of
11 the applicant or the person acting ~~in~~ ON his OR HER behalf. It ~~shall~~ MUST
12 set forth substantially:

13 (b) Whether the applicant (except in the case of a corporation) is
14 married or not, and if married, the name and residence of the ~~husband or~~
15 ~~wife~~ APPLICANT'S SPOUSE, and the age of the applicant;

16 **SECTION 53.** In Colorado Revised Statutes, **amend** 38-36-134
17 as follows:

18 **38-36-134. Contents of decree - certified copy filed.** (1) Every
19 decree of registration ~~shall~~ MUST bear the year, day, hour, and minute of
20 its entry and ~~shall~~ MUST be signed by one of the judges of the district
21 court. ~~It shall~~ THE DECREE OF REGISTRATION MUST ALSO:

22 (a) State whether the owner is married or unmarried and, if
23 married, the name of the ~~husband or wife~~ OWNER'S SPOUSE;

24 (b) If the owner is under disability, ~~it shall~~ state the nature of the
25 disability, and, if a minor, ~~shall~~ state his OR HER age;

26 (c) ~~It shall~~ Contain a description of the land as finally determined
27 by the court and ~~shall~~ set forth the estate of the owner, and also, in such

1 manner as to show their relative priority, all particular estates, mortgages,
2 easements, liens, attachments, homesteads, and other encumbrances,
3 including rights of ~~husband and wife~~ EACH SPOUSE, if any, to which the
4 land or the owner's estate is subject and ~~shall~~ contain any other matter or
5 information properly to be determined by the court in pursuance of this
6 ~~article. The decree shall~~ ARTICLE 36; AND

7 (d) Be stated in a convenient form for transcription upon the
8 certificate of title, to be made as provided in section 38-36-139 by the
9 registrar of titles.

10 (2) Immediately upon the filing of the decree of registration, the
11 clerk shall file a certified copy thereof in the office of the registrar of
12 titles.

13 **SECTION 54.** In Colorado Revised Statutes, **amend** 38-36-139
14 as follows:

15 **38-36-139. Contents and form of certificate of registration.**

16 (1) The certificate of registration ~~shall~~ MUST contain the name of the
17 owner, a description of the land and of the estate of the owner, and ~~shall~~
18 MUST by memorial or notation contain a description of all encumbrances,
19 liens, and interest to which the estate of the owner is subject. ~~It shall~~ THE
20 CERTIFICATE OF REGISTRATION MUST ALSO:

21 (a) State the residence of the owner and, if a minor, give his OR
22 HER age;

23 (b) If THE OWNER IS under disability, ~~it shall~~ state the nature of the
24 disability;

25 (c) ~~it shall~~ State whether married or not, and, if married, the name
26 of the ~~husband or wife~~ OWNER'S SPOUSE;

27 (d) In case of a trust, condition, or limitation, ~~it shall~~ state the

1 trust, condition, or limitation, as the case may be;

2 (e) ~~It shall~~ Contain and conform in respect to all statements in the
3 certified copy of the decree of registration filed with the registrar of titles
4 as provided in section 38-36-134; and

5 (f) ~~shall~~ Be in a form substantially as follows:

6 FIRST CERTIFICATE OF TITLE.

7 Pursuant to order of district court of county.

8 STATE OF COLORADO)

9) ss.

10 County of

11 This is to certify that A B of, county of
12, state of is now the owner of an estate (describe the
13 estate) of, and in (describe the land), subject to the encumbrances, liens,
14 and interests noted by the memorial underwritten or endorsed thereon,
15 subject to the exceptions and qualifications mentioned in section
16 38-36-133. (Here note all statements provided herein to appear upon the
17 certificate.)

18 In witness whereof, I have hereunto set my hand and affixed the
19 official seal of my office this day of, A.D. 20.... .

20 (Seal)
21

22 Registrar of Titles.

23 **SECTION 55.** In Colorado Revised Statutes, **amend** 38-36-157
24 as follows:

25 **38-36-157. Registered land subject to same laws as**
26 **unregistered land.** Registered land and ownership ~~therein shall~~ MUST in
27 all respects be subject to the same burdens and incidents which attach by

1 law to unregistered land. Nothing in this ~~article shall~~ ARTICLE 36 in any
2 way ~~be construed to relieve~~ RELIEVES registered land or the owners
3 ~~thereof~~ from any rights incident to the relation of ~~husband and wife~~
4 MARRIED SPOUSES, or from liability to attachment on mesne process, or
5 levy on execution, or from liability of any lien of any description
6 established by law on land and the improvements thereon, or the interest
7 of the owner in ~~such~~ THE land or improvements, or to change the laws of
8 descent, or the rights of partition between cotenants, or the right to take
9 the same by eminent domain, or to relieve ~~such~~ THE land from liability to
10 be recovered by an assignee in insolvency or trustee in bankruptcy under
11 the provisions of law relating thereto, or to change or affect in any way
12 any other rights or liabilities created by law and applicable to unregistered
13 land, except as otherwise expressly provided in this ~~article~~ ARTICLE 36.

14 **SECTION 56.** In Colorado Revised Statutes, **amend** 38-41-208
15 as follows:

16 **38-41-208. Survival of exemption.** (1) If the property qualifies
17 as a homestead for a joint tenant who is the ~~husband or wife~~ SPOUSE of
18 the other joint tenant or one of the other joint tenants, then, upon the
19 death of either spouse, the homestead ~~shall continue~~ CONTINUES in effect
20 on the interest in ~~such~~ THE property of the surviving spouse. If the
21 property qualifies as a homestead for a joint tenant who is the parent of
22 one or more of the other joint tenants who are minors, then, upon the
23 death of such parent leaving no spouse surviving, the homestead ~~shall~~
24 ~~continue~~ CONTINUES in effect on the interest in ~~such~~ THE property of the
25 surviving minor children.

26 (2) If the property qualifies as a homestead for a joint tenant who
27 is not related to any other joint tenant as ~~husband or wife~~ A SPOUSE or

1 parent and minor child, then, upon the death of ~~such~~ THE joint tenant, his
2 OR HER homestead ~~shall cease and terminate~~ CEASES AND TERMINATES,
3 and THE SURVIVING TENANTS SHALL HOLD the property ~~shall be held by~~
4 ~~the surviving tenants~~ free of any homestead interest of ~~such~~ THE decedent,
5 his OR HER spouse, or his OR HER minor children.

6 **SECTION 57.** In Colorado Revised Statutes, 39-29-114, **amend**
7 (3) as follows:

8 **39-29-114. Component members of a controlled group treated**
9 **as one taxpayer - definition.** (3) In the case of individuals who are
10 members of the same family, the exemptions allowed under this ~~article~~
11 ~~shall~~ ARTICLE 29 MUST be allocated among ~~such~~ THE individuals in
12 proportion to their respective quantities of production from the property
13 of ~~such~~ THE individuals. For the purposes of this ~~article~~ ARTICLE 29, the
14 family of an individual ~~shall be deemed to include~~ INCLUDES only his OR
15 HER spouse and children.

16 **SECTION 58.** In Colorado Revised Statutes, **amend** 40-33-101
17 as follows:

18 **40-33-101. Damages for injury of employee.** Every common
19 carrier by railroad in the state of Colorado ~~shall be~~ IS liable in damages
20 to any person suffering injury while he OR SHE is employed by ~~such~~ THE
21 carrier in or about the transporting or handling of any freight, property,
22 passengers, engine, locomotive, or other vehicle upon the tracks of ~~such~~
23 THE carrier, or in case of the death of ~~such~~ THE employee, to his OR HER
24 personal representative for the benefit of the surviving ~~widow, or husband~~
25 SPOUSE, children, parents, or dependents of ~~such~~ THE employee, for such
26 injury or death resulting in whole or in part from the negligence of any of
27 the officers, agents, or employees of ~~such~~ THE employer, or by reason of

1 any defect or insufficiency due to the employer's negligence.

2 **SECTION 59.** In Colorado Revised Statutes, **amend** 40-33-108
3 as follows:

4 **40-33-108. Right of action survives.** Any right of action given
5 by this ~~article~~ ARTICLE 33, to a person suffering injury ~~shall survive~~
6 SURVIVES to his OR HER personal representative, for the benefit of the
7 surviving ~~widow or husband~~ SPOUSE and children of ~~such~~ THE employee;
8 and, if none, then of ~~such~~ THE employee's parents; and, if none, then of
9 the next of kin dependent upon ~~such~~ THE employee, but in such cases
10 there ~~shall~~ MUST be only one recovery for the same injury.

11 **SECTION 60. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

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12.12.17

Double underlining
denotes changes from
prior draft

Bill 3d

LLS NO. 18-0431.01 Nicole Myers x4326

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Enjoined Laws On Ballot Issue Petition Circulators"

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF LAWS REGULATING BALLOT ISSUE
102 PETITION CIRCULATORS THAT HAVE BEEN PERMANENTLY
103 ENJOINED FROM ENFORCEMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill repeals laws ordered permanently enjoined from enforcement in *Independence Inst. v. Gessler*, 936 F. Supp. 2d 1256 (D. Colo. 2013). The laws:

- Require ballot issue petition circulators to be Colorado residents; and

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- Limit the amount of per-signature compensation that ballot issue petition circulators may be paid.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds and declares that the purpose of this legislation is to repeal
4 laws regulating ballot issue petition circulators that were permanently
5 enjoined from enforcement in *Independence Inst. v. Gessler*, 936 F. Supp.
6 2d 1256 (D. Colo. 2013).

7 **SECTION 2.** In Colorado Revised Statutes, 1-40-111, **amend**
8 (2)(a) as follows:

9 **1-40-111. Signatures - affidavits - notarization - list of**
10 **circulators and notaries.** (2) (a) To each petition section shall be
11 attached a signed, notarized, and dated affidavit executed by the person
12 who circulated the petition section, which shall include his or her printed
13 name, the address at which he or she resides, including the street name
14 and number, the city or town, the county, and the date he or she signed the
15 affidavit; that he or she has read and understands the laws governing the
16 circulation of petitions; that he or she was ~~a resident of the state~~, a citizen
17 of the United States and at least eighteen years of age at the time the
18 section of the petition was circulated and signed by the listed electors;
19 that he or she circulated the section of the petition; that each signature
20 thereon was affixed in the circulator's presence; that each signature
21 thereon is the signature of the person whose name it purports to be; that
22 to the best of the circulator's knowledge and belief each of the persons
23 signing the petition section was, at the time of signing, a registered
24 elector; that he or she has not paid or will not in the future pay and that
25 he or she believes that no other person has paid or will pay, directly or

1 indirectly, any money or other thing of value to any signer for the purpose
2 of inducing or causing such signer to affix his or her signature to the
3 petition; that he or she understands that he or she can be prosecuted for
4 violating the laws governing the circulation of petitions, including the
5 requirement that a circulator truthfully completed the affidavit and that
6 each signature thereon was affixed in the circulator's presence; and that
7 he or she understands that failing to make himself or herself available to
8 be deposed and to provide testimony in the event of a protest shall
9 invalidate the petition section if it is challenged on the grounds of
10 circulator fraud.

11 **SECTION 3.** In Colorado Revised Statutes, 1-40-112, **amend** (1);
12 **and repeal** (4) as follows:

13 **1-40-112. Circulators - requirements - training.** (1) No person
14 shall circulate a petition for an initiative or referendum measure unless
15 the person is ~~a resident of the state~~, a citizen of the United States and at
16 least eighteen years of age at the time the petition is circulated.

17 ~~(4) It shall be unlawful for any person to pay a circulator more~~
18 ~~than twenty percent of his or her compensation for circulating petitions~~
19 ~~on a per signature or petition section basis.~~

20 **SECTION 4.** In Colorado Revised Statutes, 1-40-118, **amend** (5)
21 **introductory portion and (5)(a) as follows:**

22 **1-40-118. Protest.** (5) Written entries that are made by petition
23 signers, circulators, and notaries public on a petition section that
24 substantially comply with the requirements of this article ARTICLE 40 shall
25 be deemed valid by the secretary of state or any court, unless:

26 (a) Fraud, as specified in section 1-40-135 (2)(c), excluding
27 subparagraph (V) of said paragraph (c), is established by a preponderance

1 of the evidence;

2 **SECTION 5.** In Colorado Revised Statutes, 1-40-135, **amend**
3 (2)(c) introductory portion and (2)(c)(IV); and **repeal** (2)(b) and (2)(c)(V)
4 as follows:

5 **1-40-135. Petition entities - requirements - definition.**

6 (2) (b) ~~The secretary of state may at any time request the petition entity~~
7 ~~to provide documentation that demonstrates compliance with section~~
8 ~~1-40-112 (4).~~

9 (c) The secretary of state shall revoke the petition entity license
10 if, at any time after receiving a license, a petition entity is determined to
11 no longer be in compliance with the requirements set forth in ~~paragraph~~
12 ~~(a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION or if the
13 petition entity authorized or knowingly permitted:

14 (IV) Payment of money or other things of value to any person for
15 the purpose of inducing the person to sign or withdraw his or her name
16 from the petition; OR

17 (V) ~~Payment to a circulator of more than twenty percent of his or~~
18 ~~her compensation on a per signature or per petition section basis; or~~

19 **SECTION 6. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

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prior draft

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

EMAIL: OLLS.GA@STATE.CO.US

MEMORANDUM 4a¹

TO: Statutory Revision Committee

FROM: Nicole Myers, Office of Legislative Legal Services

DATE: January 12, 2018

SUBJECT: A reference to state fiscal rules in effect on April 30, 1979, in the law designating state legal holidays

Summary

Section 24-11-101 (3), C.R.S. specifies that executive branch employees who are in the state personnel system and who are required to work on a legal holiday shall have an alternate day off or be "paid in accordance with the state personnel system or state fiscal rules in effect on April 30, 1979." However, the state fiscal rules in effect almost 40 years ago are no longer applicable or relevant.

This issue was brought to staff's attention by the Department of Personnel (Department).

Based on information provided by the Department, staff at the Office of Legislative Legal Services (OLLS) recommends legislation to eliminate the reference to April 30, 1979, in section 24-11-101 (3), C.R.S., to bring that section into harmony with modern conditions.

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

Analysis

Section 24-11-101 (1), C.R.S., specifies which holidays are legal holidays for purposes of state government.² Section 24-11-101 (3), C.R.S., states that the executive branch of state government is not prohibited from doing business on any of the legal holidays specified in subsection (1) of that section. Section 24-11-101 (3), C.R.S., further states that executive branch employees who are in the state personnel system and who are required to work on any legal holiday shall either receive an alternate day off or be "paid in accordance with the state personnel system or state fiscal rules in effect on April 30, 1979."

The Department does not have a record of the provisions that were included in the fiscal rules from 1979, and is unable to locate a copy of those rules. Even if the Department could locate the fiscal rules in effect in 1979, such rules have been amended numerous times in the nearly 40 years since and are no longer applicable or relevant in 2018. In addition, neither the Department nor the OLLS can determine why the General Assembly enshrined in statute then-existing state fiscal rules. Removing the reference to April 30, 1979, in section 24-11-101 (3), C.R.S., would allow the Department to use the state fiscal rules in effect when the statute is being applied and would eliminate an antiquated statutory provision.

Statutory Charge³

The Statutory Revision Committee is tasked with recommending legislation necessary to modify or eliminate antiquated rules of law and to bring the law of this state into harmony with modern conditions. The reference to state fiscal rules in effect on April 30, 1979, is antiquated and eliminating it would bring the law into harmony with modern conditions.

² **Addendum A** includes the provisions of § 24-11-101, C.R.S.

³ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

Proposed Bill

The attached bill draft strikes the reference to state fiscal rules "in effect on April 30, 1979."

ADDENDUM A

24-11-101. Legal holidays - effect. (1) The following days, viz: The first day of January, commonly called New Year's day; the third Monday in January, which shall be observed as the birthday of Dr. Martin Luther King, Jr.; the third Monday in February, commonly called Washington-Lincoln day; the last Monday in May, commonly called Memorial day; the fourth day of July, commonly called Independence day; the first Monday in September, commonly called Labor day; the second Monday in October, commonly called Columbus day; the eleventh day of November, commonly called Veterans' day; the fourth Thursday in November, commonly called Thanksgiving day; the twenty-fifth day of December, commonly called Christmas day; and any day appointed or recommended by the governor of this state or the president of the United States as a day of fasting or prayer or thanksgiving, are hereby declared to be legal holidays and shall, for all purposes whatsoever, as regards the presenting for payment or acceptance and the protesting and giving notice of the dishonor of bills of exchange, drafts, bank checks, promissory notes, or other negotiable instruments and also for the holding of courts, be treated and considered as is the first day of the week commonly called Sunday.

(2) In case any of said holidays or any other legal holiday so designated falls upon a Sunday, then the Monday following shall be considered as the holiday, and all notes, bills, drafts, checks, or other negotiable instruments falling due or maturing on either of said days shall be deemed to be payable on the next succeeding business day. In case the return or adjourned day in any suit, matter, or hearing before any court comes on any day referred to in this section, such suit, matter, or proceeding, commenced or adjourned as aforesaid, shall not, by reason of coming on any such day, abate, but the same shall stand continued to the next succeeding day at the same time and place, unless the next day is Sunday, when in such case the same shall stand continued to the next succeeding secular or business day at the same time and place. Nothing in this section shall prevent the issuing or serving of process on any of the days mentioned in this section or on Sunday.

(3) The provisions of this section shall not operate to prohibit agencies in the executive branch of state government from doing business on any of the legal holidays named in this article. Employees under the jurisdiction of the state personnel system who are required to work on any of the legal holidays named in this article shall be granted an alternate day off in the same fiscal year or be paid in accordance with the state personnel system or state fiscal rules in effect on April 30, 1979.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
1.4.18

Bill 4a

LLS NO. 18-0766.01 Nicole Myers x4326

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Remove Obsolete Date From State Legal Holiday Law"

A BILL FOR AN ACT

101 **CONCERNING THE REMOVAL OF AN OBSOLETE DATE IN THE LAW THAT**
102 **DESIGNATES STATE LEGAL HOLIDAYS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. Current law specifies that if executive branch employees who are in the state personnel system are required to work on a state legal holiday, the employees shall receive an alternate day off or be paid in accordance with the state personnel system or state fiscal rules in effect on April 30, 1979. The state fiscal rules in effect in 1979 have been amended numerous times since that time and are

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

no longer applicable or relevant. The bill removes the reference to April 30, 1979.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of _____ Bill 18-____, enacted in 2018, is to
4 remove an obsolete date in section 24-11-101 (3), Colorado Revised
5 Statutes, concerning state legal holidays and thereby bring said section
6 into harmony with modern conditions.

7 **SECTION 2.** In Colorado Revised Statutes, 24-11-101, **amend**
8 (3) as follows:

9 **24-11-101. Legal holidays - effect.** (3) The provisions of this
10 section shall not operate to prohibit agencies in the executive branch of
11 state government from doing business on any of the legal holidays named
12 in this article. Employees under the jurisdiction of the state personnel
13 system who are required to work on any of the legal holidays named in
14 this article shall be granted an alternate day off in the same fiscal year or
15 be paid in accordance with the state personnel system or state fiscal rules.
16 ~~in effect on April 30, 1979.~~

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

EMAIL: OLLS.GA@STATE.CO.US

MEMORANDUM 4b¹

TO: Statutory Revision Committee

FROM: Esther van Mourik, Office of Legislative Legal Services

DATE: January 12, 2018

SUBJECT: Section 24-35-108.5, C.R.S., annual disclosure to individual taxpayers of average taxes paid

Summary

Section 24-35-108.5, C.R.S., tasks the Department of Revenue (department) with annually publishing, in several locations, a table titled "Disclosure of Average Taxes Paid" that shows the average amount of taxes paid by individual taxpayers based on taxpayers' average income. Subsection (5) of that section requires the department to print the table in the annual income tax booklet "that the department mails to taxpayers on an annual basis," as well as to make the table available "through the 'NetFile' link on the department's website." However, the department no longer mails the income tax booklet to taxpayers on an annual basis, and there is no longer a "NetFile" link on the department's website.

The potential legislation to amend section 24-35-108.5 (5), C.R.S., to remove references to outdated department processes and website links was recommended by the department.

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

Analysis

Section 24-35-108.5, C.R.S., requires the department to annually publish, in several locations, a table titled "Disclosure of Average Taxes Paid" that shows the average amount of taxes paid by individual taxpayers based on taxpayers' average income. Subsection (5) of that section requires the department to print the table in the annual income tax booklet "that the department mails to taxpayers on an annual basis," as well as to make the table available "through the 'NetFile' link on the department's website." However, the department no longer mails the annual income tax booklet to taxpayers. Instead, the department provides a physical copy of the income tax booklet to all public libraries and makes the booklet available for download on the department's website. This particular part of subsection (5) could be updated to reflect current department practices by changing the words "mails to" to "provides for."

Subsection (5) also requires the department to make the table available through the "NetFile" link on the department's website. "NetFile" is an outdated reference to a system that no longer exists. Instead, the website requirement should apply generally. In order to ensure that the table is available to taxpayers as originally intended, the department also suggests including the table on the department's software platform that it makes available to taxpayers for filing income tax returns.

Statutory Charge²

The Statutory Revision Committee may effect changes in the law as it deems necessary in order to bring the laws into harmony with modern conditions. Amending section 24-35-108.5 (5), C.R.S., to modernize the statute to refer to current administrative practices falls squarely within that prong of the Committee's charge.

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

Proposed Bill

The attached bill draft amends section 24-35-108.5 (5), C.R.S., as described above.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
1.12.18

Bill 4b

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LLS NO. 18-####.## Esther van Mourik x4215

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 CONCERNING CERTAIN PUBLISHING REQUIREMENTS FOR THE
102 DEPARTMENT OF REVENUE'S "DISCLOSURE OF AVERAGE TAXES
103 PAID" TABLE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. Current law requires the department of revenue (department) to provide the "Disclosure of Average Taxes Paid" table to taxpayers in the income tax booklet that the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

department mails to the taxpayer. However, the department no longer mails the income tax booklet to each individual taxpayer, instead making a physical copy available a local libraries and allowing the booklet to be downloaded from the department's website. The bill changes the reference of "mails to" to "provides for" in order to reflect current practices.

Current law also requires the department to make the table available through the "NetFile" link on the department's website. Since that link is no longer available, the bill removes the reference to that specific link and instead refers in general to the department's website and also requires the department to provide the table on the software platform that the department makes available to taxpayers to file individual income taxes.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of _____ Bill 18-___, enacted in 2018, is to
4 amend section 24-35-108.5 (5), Colorado Revised Statutes, concerning
5 certain publishing requirements for the department of revenue's
6 "Disclosure of Average Taxes Paid" table, in order to bring the law into
7 harmony with modern conditions.

8 **SECTION 2.** In Colorado Revised Statutes, 24-35-108.5, **amend**
9 (5) as follows:

10 **24-35-108.5. Annual disclosure to individual taxpayers of**
11 **average taxes paid.** (5) The department of revenue shall print the table
12 prepared pursuant to subsection (4) of this section in the income tax
13 booklet that the department ~~mails to~~ PROVIDES FOR taxpayers on an annual
14 basis. The department shall print the table in a clear and noticeable
15 location in the income tax booklet and shall indicate the location of such
16 table in the table of contents for the income tax booklet. The department
17 shall also make the table available ~~through the "NetFile" link on the~~
18 ~~department's website and shall ensure that the table is clearly accessible~~

1 ~~through a noticeable link on the "NetFile" website~~ ON THE DEPARTMENT'S
2 WEBSITE AND SHALL PROVIDE THE TABLE TO THE TAXPAYER ON THE
3 SOFTWARE PLATFORM THAT THE DEPARTMENT MAKES AVAILABLE TO
4 TAXPAYERS TO FILE INDIVIDUAL INCOME TAXES.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2018 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor. <{Ask
15 committee}>

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

EMAIL: OLLS.GA@STATE.CO.US

MEMORANDUM 4c¹

TO: Statutory Revision Committee

FROM: Esther van Mourik, Office of Legislative Legal Services

DATE: January 12, 2018

SUBJECT: Section 39-22-601 (10), C.R.S., requirement to publish an historical explanation of income tax rate modifications

Summary

Section 39-22-601 (10), C.R.S., requires the executive director of the Department of Revenue to include a statement on every income tax return form setting forth the income tax rate prior to January 1, 1999; the rate between January 1, 1999, and January 1, 2000; and the rate after January 1, 2000. This statutory requirement has existed for 18 years and should be repealed.

This issue was brought to staff's attention by the Department of Revenue.

Analysis

Section 39-22-601 (10), C.R.S., requires the executive director to publish a statement on every income tax return form providing the income tax rate prior to January 1, 1999; between January 1, 1999, and January 1, 2000; and after January 1, 2000. When enacted, providing the differing income tax rates to taxpayers was important to ensure that taxpayers filed their taxes appropriately. However, the income tax rate has been

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

4.63% for 18 years now. Thus, this statutory requirement is antiquated and should be repealed.

Statutory Charge²

The Statutory Revision Committee is explicitly tasked with recommending legislation to eliminate antiquated rules of law; thus the repeal of section 39-22-601 (10), C.R.S., appears to fall squarely within that prong of the Committee's charge. In addition, such repeal will shorten the length of the statutes.

Proposed Bill

The attached bill draft repeals section 39-22-601 (10), C.R.S., and relieves the executive director of the duty to publish an historical explanation of income tax rate modifications on every income tax return form.

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
1.12.18

Bill 4c

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LLS NO. 18-####.## Esther van Mourik x4215

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE DEPARTMENT OF REVENUE'S
102 REQUIREMENT TO PUBLISH AN HISTORICAL EXPLANATION OF
103 INCOME TAX RATE MODIFICATIONS ENACTED IN THE STATE ON
104 EVERY INCOME TAX RETURN FORM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill repeals the requirement that the executive director of the department of revenue publish an

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Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

historical explanation of income tax rate modifications enacted in the state on every income tax return form.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of _____ Bill 18-___, enacted in 2018, is to
4 repeal section 39-22-601 (10), Colorado Revised Statutes, concerning the
5 department of revenue's requirement to publish an historical explanation
6 of income tax rate modifications enacted in the state on every income tax
7 return form, in order to eliminate an antiquated rule of law.

8 **SECTION 2.** In Colorado Revised Statutes, 39-22-601, **repeal**
9 (10) as follows:

10 **39-22-601. Returns.** (10) ~~For income tax years commencing on~~
11 ~~or after January 1, 1999, the executive director shall include on every~~
12 ~~income tax return form a statement explaining that prior to January 1,~~
13 ~~1999, the income tax rate for an individual, estate, and trust was five~~
14 ~~percent of federal taxable income and the income tax rate for corporations~~
15 ~~was five percent of net income. The statement shall also explain that the~~
16 ~~income tax rate was reduced for income tax years commencing on or after~~
17 ~~January 1, 1999, but prior to January 1, 2000, to four and three-quarters~~
18 ~~percent and that the income tax rate was reduced for income tax years~~
19 ~~commencing on or after January 1, 2000, to four and sixty-three one~~
20 ~~hundredths percent.~~

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2018 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.