

**Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 02-0260.01 John Hershey

SENATE BILL 02-133

SENATE SPONSORSHIP

Thiebaut,

HOUSE SPONSORSHIP

Tapia,

Senate Committees

Judiciary

House Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF OUTDATED PROVISIONS OF LAW**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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Repeals or amends outdated provisions in the Colorado revised statutes regarding:

- References to the city of Denver as a part of Arapahoe county;

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.

HOUSE
Amended 3rd Reading
May 3, 2002

HOUSE
Amended 2nd Reading
May 2, 2002

SENATE
3rd Reading Unamended
April 4, 2002

SENATE
Amended 2nd Reading
April 3, 2002

- Law schools that maintain legal aid dispensaries;
 - Range of fee for merchant licenses;
 - Prejudgment interest on damages in personal injury cases;
 - Housing preferences for world war II veterans;
 - Wagering on elections;
 - Penalty for judges unlawfully acting as attorneys;
 - Recovery of attorney fees from unlicensed persons;
 - Establishment of poorhouses by counties;
 - Salaries of mayors and council members in territorial towns incorporated before 1877;
 - Fines on claim jumpers; and
 - General assignments for the benefit of creditors.
- Makes conforming amendments.

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

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

4 **3-1-105. Jurisdiction over Denver public building site**
 5 **ceded.** Exclusive jurisdiction for all purposes, except such as are in
 6 ~~sections 3-1-105 to~~ THIS SECTION AND SECTION 3-1-107 expressly
 7 reserved, over all that tract, piece, or parcel of land situate, lying, and
 8 being in the city AND COUNTY of Denver, in the ~~county of Arapahoe and~~
 9 state of Colorado, known and distinguished as and being lots numbered
 10 one, two, three, four, five, six, seven, eight, in block ninety-eight, in the
 11 east division of the city AND COUNTY of Denver, bounded on the
 12 northwest by Arapahoe street, on the northeast by Sixteenth street, on the
 13 southeast by an alley running from Fifteenth street to Sixteenth street,
 14 between Arapahoe and Curtis streets, and on the southwest by the line
 15 dividing said lot eight from lot nine in said block, be and hereby is ceded,
 16 granted, transferred, conferred, and confirmed unto the United States of
 17 America, as a proper site for the erection thereon of a suitable building
 18 for the accommodation of the United States district and circuit courts ~~post~~

1 ~~office, land office,~~ and other government offices, in the manner and form
2 in ~~sections 3-1-105 to~~ THIS SECTION AND SECTION 3-1-107 prescribed,
3 from and after the time when the United States shall become the owner
4 of said tract, and for and during the time the United States shall remain
5 the owner thereof; but, nevertheless, jurisdiction to serve the civil process
6 of state, county, and municipal courts and tribunals within said tract, and
7 also to serve and execute thereon, process in criminal cases by state,
8 county, and municipal officers, in respect of offenses, misdemeanors,
9 crimes, and felonies committed outside of said tract is reserved to the
10 state of Colorado.

11 **SECTION 2.** 12-5-116, Colorado Revised Statutes, is amended
12 to read:

13 **12-5-116. Legal aid dispensaries - law students**
14 **practice.** Students of any law school ~~which has been continuously in~~
15 ~~existence for at least ten years prior to April 23, 1909, and which~~ THAT
16 maintains a legal-aid dispensary where poor persons receive legal advice
17 and services shall, when representing said dispensary and its clients, be
18 authorized to appear in court as if licensed to practice.

19 **SECTION 3.** 12-51-102, Colorado Revised Statutes, is amended
20 to read:

21 **12-51-102. County commissioners grant licenses.** The board of
22 county commissioners of the respective counties in this state have power
23 to grant such licenses on the payment into the county treasury by the
24 applicant for such license of a sum, to be assessed by said commissioners.
25 ~~of not less than five nor more than one hundred dollars.~~

26 _____
27 _____

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

3 **29-4-402. Cities and towns empowered to create housing**
4 **authorities.** All cities and towns, however organized, by ordinance may
5 create veterans' housing authorities and provide their duties and powers
6 and give preferences to veterans of world war II as to all housing
7 constructed, purchased, or leased by or under the direction of such
8 veterans' housing authorities.

9 **SECTION 5.** 32-16-109 (1), Colorado Revised Statutes, is
10 amended to read:

11 **32-16-109. Repeal of article.** (1) This article is repealed,
12 effective January 1, 2004 SEPTEMBER 1, 2002.

13 **SECTION 6.** 43-2-145 (1.3) (a) (II), Colorado Revised Statutes,
14 is amended to read:

15 **43-2-145. Transportation legislation review - committee.**
16 (1.3) (a) (II) The term "agency" includes, without limitation, the
17 department of transportation, the regional transportation district, the
18 Colorado intermountain fixed guideway authority, and the Denver
19 regional council of governments.

20
21 **SECTION 7. Repeal.** 12-5-111, Colorado Revised Statutes, is
22 repealed as follows:

23 **12-5-111. Penalty.** For any violation of section 12-5-110, the
24 party so offending shall pay a fine of not less than twenty nor more than
25 one hundred dollars, to be recovered in an action before any court of
26 competent jurisdiction in the name of the people of the state of Colorado,
27 subject to appeal as in other cases.

1 **SECTION 8. Repeal.** 12-5-115, Colorado Revised Statutes, is
2 repealed as follows:

3 **12-5-115. Recovery of fees from unlicensed person.** ~~If any~~
4 ~~unlicensed person receives any money or any species of property as a fee~~
5 ~~or compensation for services rendered or to be rendered by him as an~~
6 ~~attorney or counselor-at-law within this state, all money so received by~~
7 ~~him shall be considered as money received to the use of the person~~
8 ~~paying the same and may be recovered, with costs of suit, by an action~~
9 ~~for money had and received. All property conveyed or delivered for such~~
10 ~~purpose or the value thereof may be recovered with costs of suit by the~~
11 ~~person conveying or delivering the same by appropriate legal action. The~~
12 ~~person receiving such money or property shall forfeit threefold the~~
13 ~~amount or value thereof, to be recovered with costs of suit in a municipal~~
14 ~~court if within the municipal court's jurisdiction but if not, in any court~~
15 ~~of record within the state, by appropriate action, one-half to the use of the~~
16 ~~person who sues for and recovers the same and the other half to the use~~
17 ~~of the county in which such suit is brought.~~

18 **SECTION 9. Repeal.** 29-4-403, Colorado Revised Statutes, is
19 repealed as follows:

20 **29-4-403. Veterans of world war II defined.** ~~The words~~
21 ~~"veterans of world war II", as used in this part 4, mean persons who~~
22 ~~served for at least ninety days of active service between December 7,~~
23 ~~1941, and September 2, 1945, both dates inclusive, in the military or~~
24 ~~naval forces or the coast guard of the United States and were honorably~~
25 ~~discharged therefrom.~~

26 **SECTION 10. Repeal.** 30-11-202, Colorado Revised Statutes,
27 is repealed as follows:

1 **30-11-202. Laws applicable.** ~~All laws enacted in which the~~
2 ~~words "Denver", "city of Denver", or equivalent words occur, or the~~
3 ~~words "Arapahoe county", "county of Arapahoe", or equivalent words~~
4 ~~occur, and there is nothing in the context or in the constitutional~~
5 ~~amendment creating the city and county of Denver to make them~~
6 ~~inapplicable, the same shall be held to apply to the city and county of~~
7 ~~Denver.~~

8 **SECTION 11. Repeal.** 30-17-106, Colorado Revised Statutes,
9 is repealed as follows:

10 **30-17-106. Establishment of poorhouse.** ~~(1) The board of~~
11 ~~county commissioners in each county in this state, whenever deemed~~
12 ~~proper, may establish a poorhouse and for that purpose purchase or lease~~
13 ~~a building upon such terms as deemed best.~~

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

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

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

23 **SECTION 12. Repeal.** 31-4-406, Colorado Revised Statutes, is
24 repealed as follows:

25 **31-4-406. Territorial corporations - compensation fixed by**
26 **electors.** ~~In cities and towns of not more than five thousand inhabitants~~
27 ~~incorporated prior to July 3, 1877, the mayor and members of the~~

1 governing body shall not receive any compensation for services rendered
2 by them as such mayor or members unless the question of paying such
3 mayor or members for their services is first submitted to the registered
4 electors of such city or town and unless a majority of those voting thereon
5 vote in favor thereof. All ordinances, resolutions, and other acts of the
6 governing body of any such city or town authorizing or directing the
7 payment of any compensation to any such officer shall be and remain
8 void. Nothing in this section shall apply to any municipal judge who acts
9 or officiates as president of any governing body.

10 **SECTION 13. Repeal.** 31-4-407, Colorado Revised Statutes, is
11 repealed as follows:

12 **31-4-407. Penalty for receiving illegal compensation.** Any
13 mayor or member of the governing body of any city or town who takes
14 or receives payment for any services rendered by him contrary to the
15 provisions of section 31-4-406 commits a misdemeanor and, upon
16 conviction thereof, shall be punished by a fine of not less than
17 twenty-five dollars nor more than one hundred dollars. Said fines, when
18 collected, shall be paid into the general fund of said city or town.

19 **SECTION 14. Repeal.** 31-10-1531, Colorado Revised Statutes,
20 is repealed as follows:

21 **31-10-1531. Wagers with electors.** It is unlawful for any person,
22 including any candidate for public office, before or during any municipal
23 election, to make any bet or wager with a qualified elector or take a share
24 or interest in, or in any manner become a party to, any such bet or wager
25 or provide or agree to provide any money to be used by another in making
26 such bet or wager upon any event or contingency whatever arising out of
27 such election. For each such offense, the offender commits a

1 misdemeanor and, upon conviction thereof, shall be punished as provided
2 in section 31-10-1504.

3 **SECTION 15. Repeal.** 34-45-102, Colorado Revised Statutes,
4 is repealed as follows:

5 **34-45-102. Conspiracy - threats - evidence - penalty.** Any two
6 or more persons who associate themselves together for the purpose of
7 obtaining the possession of any lode, gulch, or placer claim, then in the
8 actual possession of another, by force and violence or threats of violence
9 or by stealth and proceed to carry out such purpose by making threats
10 against the party in possession, or who enter upon such lode or mining
11 claim for said purpose, or who enter upon or into any lode, gulch, placer
12 claim, quartz mill, or other mining property or, not being upon such
13 property but within hearing distance of the same, make any threats or
14 make use of any language, signs, or gestures calculated to intimidate any
15 persons at work on said property from continuing to work thereon or
16 therein or to intimidate others from engaging to work thereon or therein,
17 are each guilty of a misdemeanor and, upon conviction thereof, shall be
18 punished by a fine of not more than two hundred fifty dollars and by
19 imprisonment in the county jail for not less than thirty days nor more than
20 six months. The fine shall be discharged either by payment or by
21 confinement in said jail until such fine is discharged at the rate of two
22 dollars and fifty cents per day. On trials under this section, proof of a
23 common purpose of two or more persons to obtain possession of
24 property, or to intimidate laborers as above set forth, accompanied or
25 followed by any of the acts specified in this section by any of them, shall
26 be sufficient evidence to convict anyone committing such acts, although
27 the parties may not be associated together at the time of committing the

1 same:

2 **SECTION 16. Repeal.** Article 10 of title 6, Colorado Revised
3 Statutes, is repealed.

4 **SECTION 17. Effective date.** This act shall take effect at 12:01
5 a.m. on the day following the expiration of the ninety-day period after
6 final adjournment of the general assembly that is allowed for submitting
7 a referendum petition pursuant to article V, section 1 (3) of the state
8 constitution; except that, if a referendum petition is filed against this act
9 or an item, section, or part of this act within such period, then the act,
10 item, section, or part, if approved by the people, shall take effect on the
11 date of the official declaration of the vote thereon by proclamation of the
12 governor.