

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 06-0032.01 Esther van Mourik

SENATE BILL 06-033

SENATE SPONSORSHIP

Owen,

HOUSE SPONSORSHIP

Coleman,

Senate Committees
State, Veterans & Military Affairs

House Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 CONCERNING THE ELIMINATION OF OBSOLETE STATUTORY LANGUAGE.

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Repeals or amends outdated provisions in the Colorado revised statutes regarding:

- The subsequent injury fund for employees;
- The legislative council study of the subsequent injury fund for employees;
- The portfolio transfer proposal for the subsequent injury fund;
- The transfer of real and personal property from the division of labor to the division of workers' compensation;

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
2nd Reading Unamended
March 9, 2006

SENATE
3rd Reading Unamended
January 30, 2006

SENATE
2nd Reading Unamended
January 27, 2006

The payment of benefits under the "Colorado Employment Security Act";
The state funding of courts;
The maintenance of court facilities;
The number of judges of the court of appeals;
The qualifications, appointment, and duties of the state solicitor;
The transfer of employees to the division of the state solicitor general;
The transfer and appropriation of funds to the division of the state solicitor general;
The statewide program for identification of matters of state interest as part of local land use planning;
Any contracts implicated in the transfer of the state planning office to the division of planning;
The short term loans under the home investment trust fund;
The transfer of real and personal property from the Colorado rural development commission to the department of local affairs;
The disaster emergency fund;
The merit system established by the state personnel board;
The reporting requirements under the community-based access grant program;
The transfer of real and personal property from the department of local affairs, department of military affairs, and the department of highways pertaining to the duties and functions transferred to the department of public safety;
The reporting requirements of the division of criminal justice related to use of no-knock search warrants;
The timing of rule promulgation regarding the victims assistance and law enforcement fund;
The registration requirements for fire suppression contractors;
The timing of rule promulgation regarding safety and security to protect state personnel and property owned or leased by the state;
The timing of rule promulgation regarding the continuity of state government operations;
The Colorado state veterans trust fund;
Farmers' chemist for sugar factories;
Predatory animals;
State highway access code; and
The law enforcement assistance fund for the prevention of drunken driving.

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

2 **SECTION 1. Repeal.** 8-46-102 (2) (a) (II), Colorado Revised
3 Statutes, is repealed as follows:

4 **8-46-102. Funding for subsequent injury fund and major**
5 **medical insurance fund.** (2) (a) (II) ~~In addition to the tax paid pursuant~~
6 ~~to subparagraph (I) of this paragraph (a), on and after July 1, 1992, until~~
7 ~~the subsequent injury fund assessment made in January, 1995,~~
8 ~~notwithstanding the provisions of sections 10-3-209 (1) (c) and 10-6-128~~
9 ~~(3), C.R.S., for the purpose of repaying advances to the subsequent injury~~
10 ~~fund from the general fund in the amount of seven hundred thousand~~
11 ~~dollars in February, 1992, and three million dollars in March, 1992, to be~~
12 ~~repaid in four equal installments over a period not to exceed thirty~~
13 ~~months, with interest at a rate not to exceed three percent per annum,~~
14 ~~every person, partnership, association, and corporation, whether~~
15 ~~organized under the laws of this state or of any other state or country,~~
16 ~~every mutual company or association, every captive insurance company,~~
17 ~~and every other insurance carrier, including Pinnacol Assurance, insuring~~
18 ~~employers in this state against liability for personal injury to their~~
19 ~~employees or death caused thereby under the provisions of articles 40 to~~
20 ~~47 of this title shall, as provided in this subsection (2), pay a subsequent~~
21 ~~injury fund solvency surcharge upon the premiums received in this state,~~
22 ~~whether or not in cash, or on account of business done in this state for~~
23 ~~such insurance in this state at a rate not to exceed twenty-three~~
24 ~~one-hundredths of one percent. Such insurance carriers shall be credited~~
25 ~~with all cancelled or returned premiums actually refunded during the year~~
26 ~~of such insurance.~~

1 **SECTION 2. Repeal.** 8-46-108, Colorado Revised Statutes, is
2 repealed as follows:

3 **8-46-108. Legislative council study of subsequent injury fund.**

4 ~~The legislative council shall, through a request for proposals, contract for~~
5 ~~an independent study of the subsequent injury fund to be paid for from~~
6 ~~moneys in the subsequent injury fund not to exceed fifty thousand dollars.~~
7 ~~Such study shall include, but not be limited to, the actuarial condition of~~
8 ~~the subsequent injury fund. Additionally, the study shall provide for~~
9 ~~evaluating alternative mechanisms for effective management of the~~
10 ~~subsequent injury fund. The results of the study required by this section~~
11 ~~shall be reported to the general assembly no later than February 10, 1993.~~

12 **SECTION 3. Repeal.** 8-46-109 (3), Colorado Revised Statutes,
13 is repealed as follows:

14 **8-46-109. Legislative declaration - claims management.**

15 ~~(3) On or before January 1, 1995, the executive director of the~~
16 ~~department of labor and employment shall submit a detailed proposal to~~
17 ~~the members of the house and senate business affairs and labor~~
18 ~~committees regarding a request for proposals to effectuate a portfolio~~
19 ~~transfer of present and future claims of the subsequent injury fund and its~~
20 ~~future liability to a private insurance carrier. Following review by said~~
21 ~~committees and the incorporation of any changes required thereby, the~~
22 ~~executive director shall proceed to accept proposals for such transfer~~
23 ~~subject to all applicable laws and rules governing state bids and~~
24 ~~procurements.~~

25 **SECTION 4. Repeal.** 8-47-101 (3) (b), Colorado Revised
26 Statutes, is repealed as follows:

27 **8-47-101. Division of workers' compensation - creation -**

1 **powers, duties, and functions - transfer of functions - change of**
2 **statutory references.** (3) (b) ~~On July 1, 1991, all items of property, real~~
3 ~~and personal, including office furniture and fixtures, books, documents,~~
4 ~~and records of the division of labor pertaining to the duties and functions~~
5 ~~transferred to the division of workers' compensation pursuant to section~~
6 ~~24-1-121 (3), C.R.S., are transferred to the division of workers'~~
7 ~~compensation and shall become the property thereof.~~

8 **SECTION 5.** 8-73-101 (2), Colorado Revised Statutes, is
9 amended to read:

10 **8-73-101. Payment of benefits.** (2) An individual's eligibility
11 and benefit amounts shall be determined weekly. Unemployment
12 insurance benefit checks shall be issued once every two weeks; except
13 that the division, when it determines it to be necessary for proper
14 administration of articles 70 to 82 of this title, including the effecting of
15 administrative economies, may issue benefit checks on a weekly basis.
16 Under no circumstance shall benefit checks be issued less frequently than
17 once every two weeks. ~~This subsection (2) shall be implemented by the~~
18 ~~division no later than July 1, 1985.~~

19 **SECTION 6.** 13-3-104 (1), Colorado Revised Statutes, is
20 amended to read:

21 **13-3-104. State shall fund courts.** (1) ~~On and after January 1,~~
22 ~~1970,~~ The state of Colorado shall provide funds by annual appropriation
23 for the operations, salaries, and other expenses of all courts of record
24 within the state, except for county courts in the city and county of Denver
25 and municipal courts. ~~On January 1, 1970, all supplies and equipment~~
26 ~~assigned or belonging to courts of record, except motor vehicles, shall be~~
27 ~~transferred to and become the property of the judicial department of the~~

1 ~~state. Such transfer of supplies and equipment shall not apply to the~~
2 ~~county court of the city and county of Denver or to municipal courts.~~

3 **SECTION 7.** 13-3-108 (5), Colorado Revised Statutes, is
4 amended to read:

5 **13-3-108. Maintenance of court facilities - capital**
6 **improvements.** (5) ~~On and after July 1, 1975,~~ Construction or
7 remodeling of any court or court-related facility shall be commenced only
8 with prior approval of the chief justice of the Colorado supreme court
9 after consultation with the board of county commissioners; except that a
10 board of county commissioners, at its discretion, may take such actions.

11 **SECTION 8.** 13-4-103 (1), Colorado Revised Statutes, is
12 amended to read:

13 **13-4-103. Number of judges - qualifications.** (1) Effective
14 ~~January 1, 1988, the number of judges of the court of appeals shall be~~
15 ~~thirteen. Effective July 1, 1988,~~ The number of judges of the court of
16 appeals shall be sixteen.

17 **SECTION 9.** 24-31-203 (2), Colorado Revised Statutes, is
18 amended to read:

19 **24-31-203. State solicitor - qualifications - appointment -**
20 **duties.** (2) The state solicitor shall be the head of the division of state
21 solicitor general and shall provide such legal services for each state
22 agency as may be designated by the attorney general. ~~On and after July~~
23 ~~1, 1973,~~ No state agency shall appoint or employ any person to perform
24 legal services except in accordance with the provisions of this part 2.

25 **SECTION 10. Repeal.** 24-31-205, Colorado Revised Statutes,
26 is repealed as follows:

27 **24-31-205. Transfer of personnel and appropriations.**

1 ~~Effective July 1, 1973, any person employed at that time to provide legal~~
2 ~~services shall automatically become assistant state solicitors general~~
3 ~~within the division of state solicitor general. Such personnel shall retain~~
4 ~~all rights under the state personnel system and retirement benefits under~~
5 ~~the laws of this state, and their services shall be deemed to have been~~
6 ~~continuous.~~

7 **SECTION 11. Repeal.** 24-31-206, Colorado Revised Statutes,
8 is repealed as follows:

9 **24-31-206. Transfer and appropriation of funds.** ~~All moneys~~
10 ~~appropriated for expenditure by any state agency for the fiscal year~~
11 ~~beginning July 1, 1973, or remaining to the credit thereof and not~~
12 ~~revertible by law to the general fund on July 1, 1973, for those activities~~
13 ~~transferred to the department of law are hereby transferred and~~
14 ~~appropriated for expenditure by the division of state solicitor general on~~
15 ~~and after July 1, 1973.~~

16 **SECTION 12. Repeal.** 24-32-111, Colorado Revised Statutes,
17 is repealed as follows:

18 **24-32-111. Statewide program for identification of matters of**
19 **state interest as part of local land use planning.** ~~(1) The department~~
20 ~~of local affairs shall conduct a statewide program encouraging counties~~
21 ~~and municipalities to prepare, as a part of the comprehensive plan~~
22 ~~provided for in section 30-28-106 and part 2 of article 23 of title 31,~~
23 ~~C.R.S., a complete and detailed identification and designation of all~~
24 ~~matters of state interest within each county by June 30, 1976. The general~~
25 ~~assembly shall appropriate funds for this purpose to the department of~~
26 ~~local affairs for distribution to participating counties. Each county~~
27 ~~desiring to participate in the identification and designation of matters of~~

1 ~~state interest program established by this section shall be allocated an~~
2 ~~equal amount by the department of local affairs from the funds so~~
3 ~~appropriated, to be expended by each county separately or through an~~
4 ~~organized group of counties or counties and municipalities. The~~
5 ~~department of local affairs, in cooperation with applicable state agencies,~~
6 ~~shall establish reasonable standards relative to the scope, detail, and~~
7 ~~accuracy of the program and shall insure that all information is~~
8 ~~comparable for each county. Each county shall, after consultation with~~
9 ~~the municipality, prepare such identification and designation for territory~~
10 ~~located within these municipalities which request such preparation and in~~
11 ~~any municipality which fails to undertake an identification and~~
12 ~~designation of matters of state interest program. Each county shall, upon~~
13 ~~request of the municipality, assist the municipality in such program.~~

14 (2) ~~The general assembly shall appropriate to the department of~~
15 ~~local affairs funds to assist counties and municipalities participating in the~~
16 ~~identification and designation of matters of state interest program, where~~
17 ~~additional assistance is deemed by the department of local affairs to be~~
18 ~~necessary. The department of local affairs shall also allocate such funds~~
19 ~~upon request of any county participating in the identification and~~
20 ~~designation of matters of state interest program under subsection (1) of~~
21 ~~this section for implementation of supplemental planning in that county,~~
22 ~~or to any municipality, based upon priorities established by the~~
23 ~~department of local affairs and on the need and capabilities of each~~
24 ~~county and municipality.~~

25 **SECTION 13.** 24-32-207, Colorado Revised Statutes, is amended
26 to read:

27 **24-32-207. Reference in contracts, documents.** Whenever the

1 state planning office is referred to or designated by any contract or other
2 document in connection with the duties and functions transferred by this
3 part 2 to the division of planning, such reference or designation shall be
4 deemed to apply to the division of planning. ~~All contracts entered into by~~
5 ~~the state planning office prior to July 1, 1971, in connection with the~~
6 ~~duties and functions transferred to the division of planning by this part 2~~
7 ~~are hereby validated, with the division of planning succeeding to all the~~
8 ~~rights and obligations of such contracts. Any appropriation of funds from~~
9 ~~prior fiscal years open to satisfy obligations incurred under such contracts~~
10 ~~are hereby transferred and appropriated to the division of planning for the~~
11 ~~payment of such obligations.~~

12 **SECTION 14. Repeal.** 24-32-717 (5), Colorado Revised
13 Statutes, is repealed as follows:

14 **24-32-717. Home investment trust fund - short-term loans.**
15 (5) ~~Effective July 1, 1992, all moneys remaining in the revolving fund~~
16 ~~created pursuant to this section, as this section existed prior to said date,~~
17 ~~shall be transferred to the home investment trust fund created by this~~
18 ~~section.~~

19 **SECTION 15. Repeal.** 24-32-804, Colorado Revised Statutes,
20 is repealed as follows:

21 **24-32-804. Transfer of property and records.** ~~The Colorado~~
22 ~~rural development commission shall be abolished effective July 1, 1973.~~
23 ~~All of the books, records, reports, equipment, property, accounts,~~
24 ~~liabilities, and funds of the Colorado rural development commission~~
25 ~~which pertain to the powers, duties, and functions vested by this part 8 in~~
26 ~~the office shall be transferred to the department of local affairs on July 1,~~
27 ~~1973.~~

1 **SECTION 16. Repeal.** 24-32-2106 (2) (b), Colorado Revised
2 Statutes, is repealed as follows:

3 **24-32-2106. Financing.** (2) (b) ~~Any moneys remaining in the~~
4 ~~disaster emergency fund, as such fund existed prior to March 12, 1992,~~
5 ~~shall be transferred on March 12, 1992, to the disaster emergency fund~~
6 ~~created by paragraph (a) of this subsection (2).~~

7 **SECTION 17.** 24-32-2115, Colorado Revised Statutes, is
8 amended to read:

9 **24-32-2115. Merit system.** ~~On and after January 1, 2000,~~ In
10 accordance with section 13 (4) of article XII of the state constitution, the
11 state personnel board may provide personnel services pursuant to contract
12 to civil defense employees of the political subdivisions of the state, except
13 where such employees are covered by another federally approved merit
14 system.

15 **SECTION 18.** 24-32-3001 (9), Colorado Revised Statutes, is
16 amended to read:

17 **24-32-3001. Community-based access grant program - powers**
18 **and duties of department of local affairs - definitions - legislative**
19 **declaration.** (9) ~~On or before April 1, 2000, the department shall report~~
20 ~~to and make an appearance before the business affairs and labor and~~
21 ~~capital development committees of the House and Senate. Thereafter,~~
22 The department shall report to and make an appearance before the capital
23 development committee at the conclusion of each fiscal year of operation
24 of this program.

25 **SECTION 19. Repeal.** 24-33.5-105 (2), Colorado Revised
26 Statutes, is repealed as follows:

27 **24-33.5-105. Transfer of functions.** (2) ~~On July 1, 1984, all~~

1 ~~items of property, real and personal, including office furniture and~~
2 ~~fixtures, books, documents, and records of the department of local affairs,~~
3 ~~the department of military affairs, and the state department of highways,~~
4 ~~pertaining to the duties and functions transferred to the department~~
5 ~~pursuant to section 24-1-128.6, are transferred to the department of public~~
6 ~~safety and become the property thereof.~~

7 **SECTION 20.** 24-33.5-503 (1) (q), Colorado Revised Statutes,
8 is amended to read:

9 **24-33.5-503. Duties of division.** (1) The division has the
10 following duties:

11 (q) To review existing policies relating to the issuance and use of
12 no-knock search warrants pursuant to part 3 of article 3 of title 16, C.R.S.
13 ~~The division shall submit to the governor and the general assembly by~~
14 ~~January 1, 2001, a report concerning model policies pertaining to the~~
15 ~~issuance and use of no-knock search warrants. In compiling information~~
16 ~~for such report, the division shall contact heads of law enforcement~~
17 ~~agencies across the state, the state court administrator, the elected district~~
18 ~~attorney in each judicial district, the chief district court judge in each~~
19 ~~judicial district, the chief county court judge in each county, and any other~~
20 ~~person or agency the division deems helpful.~~

21 **SECTION 21.** 24-33.5-507 (2), Colorado Revised Statutes, is
22 amended to read:

23 **24-33.5-507. Application for grants - disbursements from fund**
24 **- regulations.** (2) The executive director shall promulgate rules and
25 regulations prescribing the procedures to be followed in the making,
26 filing, and evaluation of grant applications, criteria for evaluation, and
27 any other regulations necessary for administering the fund. ~~The~~

1 ~~regulations specified in this subsection (2) shall be promulgated on or~~
2 ~~before January 1, 1985.~~

3 **SECTION 22.** 24-33.5-1206.1 (1), Colorado Revised Statutes, is
4 amended to read:

5 **24-33.5-1206.1. Registration required.** (1) ~~On or after January~~
6 ~~1, 1991,~~ No person shall act, assume to act, or advertise as a fire
7 suppression contractor who is not registered as a fire suppression
8 contractor with the administrator.

9 **SECTION 23.** 24-33.5-1608 (1), Colorado Revised Statutes, is
10 amended to read:

11 **24-33.5-1608. Building security and occupant protection.**
12 (1) ~~Within twelve months after June 3, 2002,~~ The director shall adopt
13 rules concerning safety and security to protect state personnel and
14 property owned or leased by the state, including, but not limited to,
15 facilities, buildings, and grounds. Unless under a state of emergency or
16 alert as defined by the rules, such facilities, buildings, and grounds shall
17 remain open to the public.

18 **SECTION 24.** 24-33.5-1609 (1), Colorado Revised Statutes, is
19 amended to read:

20 **24-33.5-1609. Continuity of state government operations.**
21 (1) ~~Within twelve months after June 3, 2002,~~ The director shall adopt
22 rules concerning the continuity of state government operations to provide
23 guidance to state departments and agencies in developing viable and
24 executable contingency plans for continuity of operations.

25 **SECTION 25.** 28-5-709 (1) (a), Colorado Revised Statutes, is
26 amended to read:

27 **28-5-709. Colorado state veterans trust fund - created - report**

1 - **repeal.** (1) (a) There is hereby created in the state treasury the
2 Colorado state veterans trust fund that shall consist of the moneys
3 appropriated thereto pursuant to subsection (2) of this section. In
4 addition, the state treasurer may credit to the trust fund any public or
5 private gifts, grants, or donations received prior to July 1, 2002, by the
6 department of human services or, on or after July 1, 2002, by the
7 department of military and veterans affairs for implementation of the
8 purposes specified in this subsection (1). ~~and any moneys transferred to~~
9 ~~the trust fund pursuant to section 28-5-710 (1).~~

10 **SECTION 26. Repeal.** Article 32 of title 35, Colorado Revised
11 Statutes, is repealed as follows:

12 **ARTICLE 32**

13 **Farmer' Chemist for Sugar Factories**

14 **35-32-101. Definitions.** ~~As used in this article, unless the context~~
15 ~~otherwise requires:~~

16 (1) ~~"Farmer" means the person in whose name the contract for the~~
17 ~~growing of beets is made with the sugar factory, in the event that there is~~
18 ~~a contract, and, in the event that there is no contract, it shall include the~~
19 ~~person actually farming the land upon which said beets were grown,~~
20 ~~whether said person is owner or tenant; but, in determining a majority of~~
21 ~~the farmers, only one vote shall be given to all persons having a joint~~
22 ~~interest in any specific acreage of beets, but such persons having such~~
23 ~~joint interest shall count as one farmer for such purpose.~~

24 (2) ~~"Sugar factory" includes all persons, corporations, or~~
25 ~~associations operating any plant for the manufacture of beet sugar and, for~~
26 ~~the proper construction of this article, includes the officers, agents, and~~
27 ~~employees of any such person, corporation, or association.~~

1 **35-32-102. Farmers' chemist.** ~~A majority of the farmers raising~~
2 ~~sugar beets under contract or otherwise, for any sugar factory within the~~
3 ~~state of Colorado, are authorized to select a thorough and competent~~
4 ~~chemist, examined and certified by the department of chemistry at~~
5 ~~Colorado state university, to be paid by the farmers employing him. The~~
6 ~~duties of such chemist shall be to observe the weighing, docking, taking~~
7 ~~of samples, and analyzing of all beets delivered to the factory for which~~
8 ~~he is designated and to observe and investigate all other matters necessary~~
9 ~~to determine the quantity, quality, and value of the beets. Said chemist~~
10 ~~shall make and keep such records as he deems necessary for the purpose~~
11 ~~of comparing his readings and observations with the records of the sugar~~
12 ~~factory and for such other purposes as he may be directed by the farmers.~~
13 ~~Such chemist shall possess all the powers of an inspector of weights and~~
14 ~~measures for the purpose of testing all scales used at such sugar factory~~
15 ~~for weighing sugar beets or any materials used in making analyses of~~
16 ~~sugar beets.~~

17 **35-32-103. Sugar factory to post list.** ~~Every sugar factory in the~~
18 ~~state of Colorado, not later than the first day of July of each year, shall~~
19 ~~post in its local office in a conspicuous and public place, for the~~
20 ~~inspection of the public, a list of the names of all farmers raising beets for~~
21 ~~delivery to such factory, either by contract or otherwise, giving, in~~
22 ~~connection with the name, the number of acres devoted to beets and the~~
23 ~~location of the farm upon which said beets are growing or to be grown.~~

24 **35-32-104. Chemist has access to scales.** ~~Whenever a majority~~
25 ~~of the farmers growing beets for said factory, either by contract or~~
26 ~~otherwise, certify in writing to any beet sugar factory the name of the~~
27 ~~chemist chosen by them, the sugar factory, through its proper officers,~~

1 ~~agents, and employees, shall permit such chemist access to all scales,~~
2 ~~dumps, beet sheets, bins, chemical laboratories, apparatus, and all other~~
3 ~~buildings or structures forming a part of or pertaining to the sugar factory;~~
4 ~~and shall permit said chemist to secure samples of beets from each lot~~
5 ~~delivered by each farmer employing him; and shall permit said chemist~~
6 ~~to inspect all matters pertaining to the deductions made by said factory~~
7 ~~from the gross weight of said beets and the system whereby the tare on~~
8 ~~said beets is measured and adjusted; and shall permit said chemist to have~~
9 ~~full and complete access to all of the chemical laboratories pertaining to~~
10 ~~said factory where the chemical analysis of beets is made; and shall~~
11 ~~permit said chemist to inspect the analysis of said beets as made by the~~
12 ~~sugar factory and to check or compare therewith any analysis of the same~~
13 ~~lot or lots of beets made by him; but nothing contained in this article shall~~
14 ~~be construed as giving said chemist any right, privilege, or authority to~~
15 ~~make an inspection of any sugar factory further than to determine the~~
16 ~~matters set forth in this article.~~

17 **35-32-105. Inspector of laboratory apparatus.** ~~The head of the~~
18 ~~department of chemistry at Colorado state university is hereby made state~~
19 ~~inspector of laboratory apparatus used in sugar beet analyses. It is his~~
20 ~~duty, or that of his designee, to test any instrument used in sugar beet~~
21 ~~analyses in any sugar factory of this state when requested to do so by any~~
22 ~~of the farmers selling beets to such a factory. The expense of making~~
23 ~~such tests shall be borne by the farmers making such request except when~~
24 ~~any of the apparatus so tested is found at fault, in which case the expense~~
25 ~~shall be borne by the sugar factory at fault. Such expense may be~~
26 ~~collected, as any debt, in the name of the people of the state of Colorado~~
27 ~~for the benefit of said state inspector, together with the cost of collection;~~

1 and the district attorney of the district in which such test was made shall
2 bring the action in any court of competent jurisdiction. In no case shall
3 said inspector receive more than ten dollars per day for time actually and
4 necessarily spent in making such test and his necessary traveling
5 expenses. Every owner or lessee, without previous notice, shall give said
6 inspector free and unobstructed access to all apparatus to be tested. No
7 instrument found defective or incorrect shall thereafter be used until
8 corrected.

9 **35-32-106. Sugar solution.** Whenever any local chemist desires
10 to test any polariscope used in testing sugar beets in the factory where he
11 is stationed, Colorado state university, through said state inspector of
12 laboratory apparatus, shall furnish to said local chemist at cost a sufficient
13 quantity of a standardized pure sugar solution. Said chemist shall possess
14 all the powers of the state inspector for testing such apparatus by means
15 of said solution.

16 **35-32-107. Organization voluntary - violations - penalties.** The
17 organization of the farmers for the purpose of selecting a chemist shall be
18 voluntary, and all persons participating in the selection of such chemist
19 shall contribute to the costs and expenses, including salary, of
20 maintaining such chemist, and no sugar factory shall be required to accept
21 or receive more than one chemist for each operating shift of said factory.
22 Each sugar factory violating the terms of this article shall suffer a penalty
23 of one hundred dollars for each day of such violation, said penalty to be
24 recovered in the name of the people of the state of Colorado upon relation
25 of any farmers included within the majority employing the chemist
26 designated pursuant to the terms of this article for such factory, and any
27 such penalty shall be paid into the road fund of the county wherein such

1 ~~sugar factory is located. The district attorney of the district in which such~~
2 ~~sugar factory is located is directed to prosecute all violations of this~~
3 ~~article.~~

4 **SECTION 27. Repeal.** 35-40-103, Colorado Revised Statutes,
5 is repealed as follows:

6 **35-40-103. Disbursements from fund.** ~~All disbursements from~~
7 ~~the predatory animal fund shall be by warrants issued according to law,~~
8 ~~upon itemized vouchers drawn by the department for all lawful expenses~~
9 ~~incurred in carrying out the provisions of this part 1.~~

10 **SECTION 28. Repeal.** 35-40-104 (3), Colorado Revised
11 Statutes, is repealed as follows:

12 **35-40-104. Predatory animal control license fee on sheep -**
13 **predatory animal fund.** (3) ~~Any moneys collected and credited~~
14 ~~pursuant to this section shall be transmitted to the state treasurer, who~~
15 ~~shall credit the same to a separate fund known as the predatory animal~~
16 ~~fund, which fund is hereby created. Such fund shall be administered by~~
17 ~~the department of agriculture for the purposes set forth in sections~~
18 ~~35-40-101 to 35-40-106 until exhausted.~~

19 **SECTION 29.** 35-40-104, Colorado Revised Statutes, is amended
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21 **35-40-104. Predatory animal control license fee on sheep -**
22 **predatory animal fund.** (5) ANY UNEXPENDED AND UNENCUMBERED
23 MONEYS REMAINING IN THE PREDATORY ANIMAL FUND ON THE EFFECTIVE
24 DATE OF THIS SUBSECTION (5) SHALL BE TRANSFERRED TO THE GENERAL
25 FUND.

26 **SECTION 30. Repeal.** 35-40-105, Colorado Revised Statutes,
27 is repealed as follows:

1 **35-40-105. Furs, specimens to be sold.** ~~All furs, skins, and~~
2 ~~specimens taken by hunters whose salaries may be paid out of the fund~~
3 ~~provided for in section 35-40-104, shall be sold, after advertisement of~~
4 ~~such sale as may be prescribed by said department upon sealed bids. The~~
5 ~~proceeds of all such sales shall be paid to the state treasurer to be credited~~
6 ~~by him to the predatory animal fund which said predatory animal fund~~
7 ~~shall be used for and made permanently available for the purpose of~~
8 ~~carrying out the provisions of sections 35-40-101 to 35-40-106 until~~
9 ~~exhausted.~~

10 **SECTION 31. Repeal.** 35-40-107, Colorado Revised Statutes,
11 is repealed as follows:

12 **35-40-107. Bounty on coyote, wolf.** ~~Any person who kills any~~
13 ~~wolf, coyote, or any number of such animals within this state, shall~~
14 ~~receive a premium of one dollar for each coyote killed, and for each wolf~~
15 ~~killed two dollars, to be paid as provided in sections 35-40-107 to~~
16 ~~35-40-112.~~

17 **SECTION 32. Repeal.** 35-40-108, Colorado Revised Statutes,
18 is repealed as follows:

19 **35-40-108. Scalps produced, claimant.** ~~(1) Any person claiming~~
20 ~~any premium shall produce the scalps, including the entire ears, to the~~
21 ~~county treasurer of the county in which the wolf or coyote was killed,~~
22 ~~within three months after the killing, and shall take or subscribe the~~
23 ~~following oath (or affirmation) before the treasurer:~~

24 ~~"I do solemnly swear (or affirm) that the scalp (or scalps) here~~
25 ~~produced by me this day is (or are) of a wolf, or coyote (as the case may~~
26 ~~be, giving number), within the county of and that the said~~
27 ~~animal (or animals) was (or were) killed by within the~~

1 boundaries of the state of Colorado."

2 ~~(2) The treasurer shall append the usual jurat to such oath,~~
3 ~~subscribed by him as such officer.~~

4 **SECTION 33. Repeal.** 35-40-109, Colorado Revised Statutes,
5 is repealed as follows:

6 **35-40-109. Bounties paid by state.** ~~All such bounties shall be~~
7 ~~paid by the state treasurer in the manner as provided in sections~~
8 ~~35-40-107 to 35-40-112.~~

9 **SECTION 34. Repeal.** 35-40-110, Colorado Revised Statutes,
10 is repealed as follows:

11 **35-40-110. Record of scalps delivered - warrant for payment.**
12 ~~It is the duty of the county treasurer of each county wherein the wolf or~~
13 ~~coyote was killed to keep a suitable and separate book for recording the~~
14 ~~killings. He shall keep an accurate account of all scalps delivered~~
15 ~~together with the day and date of their receipt and the name of the person~~
16 ~~delivering the same and issue to the person delivering the scalps and~~
17 ~~complying with the provisions of sections 35-40-107 to 35-40-112 an~~
18 ~~order upon the controller for the amount due to such person. Upon~~
19 ~~receipt of said order the controller shall draw his warrant in favor of such~~
20 ~~person upon the treasurer of the state who shall pay the same out of~~
21 ~~moneys in the treasury not otherwise appropriated.~~

22 **SECTION 35. Repeal.** 35-40-111, Colorado Revised Statutes,
23 is repealed as follows:

24 **35-40-111. Scalp taken out of state - penalty.** ~~Any person~~
25 ~~offering, for the purpose of obtaining said bounty, the scalp of any coyote~~
26 ~~or wolf that was killed outside of the boundaries of the state of Colorado,~~
27 ~~is guilty of a misdemeanor and, upon conviction thereof, shall be~~

1 ~~punished by a fine of not less than ten dollars nor more than fifty dollars~~
2 ~~for each such offense, together with all costs attending such suit.~~

3 **SECTION 36. Repeal.** 35-40-112, Colorado Revised Statutes,
4 is repealed as follows:

5 **35-40-112. County treasurer to administer oath.** Any county
6 ~~treasurer shall be authorized to administer oaths for the purposes of~~
7 ~~sections 35-40-107 to 35-40-112.~~

8 **SECTION 37.** 35-40-115 (5) (e), Colorado Revised Statutes, is
9 amended to read:

10 **35-40-115. Enforcement.** (5) (e) Moneys collected from any
11 civil penalties under the provisions of this section shall be paid to the
12 state treasurer, who shall credit the same to the ~~predatory animal~~ GENERAL
13 fund.

14 **SECTION 38. Repeal.** 43-2-147 (2) and (3), Colorado Revised
15 Statutes, are repealed as follows:

16 **43-2-147. Access to public highways.** (2) ~~After consultation~~
17 ~~with units of local government, the commission, on or before November~~
18 ~~15, 1979, shall submit a state highway access code to the legislative~~
19 ~~council. The legislative council may appoint a committee to review the~~
20 ~~code and it shall transmit the code and any findings thereon to the senate~~
21 ~~committee on transportation and the house of representatives committee~~
22 ~~on transportation and energy at the beginning of the 1980 session of the~~
23 ~~general assembly.~~

24 (3) ~~In reviewing the state highway access code, the legislative~~
25 ~~committees of reference may approve, approve with modifications, or~~
26 ~~reject the code. Failure of either or both committees to act on or before~~
27 ~~March 15, 1980, shall be deemed approval thereof. Should, however,~~

1 either or both committees specifically reject the code, the committee shall
2 make necessary changes in the access code and resubmit it to the
3 committee of reference at the next regular session of the general
4 assembly.

5 **SECTION 39. Repeal.** 43-4-402 (2) (b), Colorado Revised
6 Statutes, is repealed as follows:

7 **43-4-402. Source of revenues - allocation of moneys.**
8 (2) (b) Notwithstanding any provision of paragraph (a) of this subsection
9 (2) to the contrary, on March 5, 2003, the state treasurer shall deduct three
10 hundred fifty-seven thousand dollars from the portion of the fund that
11 would otherwise be allocated to the division of alcohol and drug abuse in
12 the department of human services and transfer such sum to the general
13 fund.

14 **SECTION 40. Effective date.** This act shall take effect at 12:01
15 a.m. on the day following the expiration of the ninety-day period after
16 final adjournment of the general assembly that is allowed for submitting
17 a referendum petition pursuant to article V, section 1 (3) of the state
18 constitution (August 9, 2006, if adjournment sine die is on May 10,
19 2006); except that, if a referendum petition is filed against this act or an
20 item, section, or part of this act within such period, then the act, item,
21 section, or part, if approved by the people, shall take effect on the date of
22 the official declaration of the vote thereon by proclamation of the
23 governor.