

APPENDIX C

**SAMPLE REPEAL AND AMENDING CLAUSES - AMENDMENT
SAMPLES**

I. SAMPLE REPEAL AND AMENDING CLAUSES. C-5

 A. Repeal clauses. C-5

 1. *User-friendly repeals. C-5*

 a. *To repeal a section: C-5*

 b. *To repeal two or more section divisions: C-6*

 c. *To repeal section divisions while amending others - deletion
 by amendment: C-6*

 2. *Straight repeals. C-7*

 a. *To repeal a C.R.S. section: C-7*

 b. *To repeal a part: C-7*

 c. *To repeal two or more articles: C-8*

 d. *To repeal several sections, parts, or articles: C-8*

 B. Future repeals. C-8

 1. *Alternative 1. C-8*

 2. *Alternative 2 C-9*

 C. Repeal and reenactment. C-10

 1. *To repeal and reenact two or more section divisions: C-10*

 2. *To repeal and reenact a part: C-10*

 3. *To repeal and reenact an article C-11*

 D. Adding new provisions. C-11

 1. *To add a section division: C-11*

 2. *To add a part: C-11*

 3. *To add a part or section to an article: C-11*

 4. *To add an article: C-12*

 5. *To add two or more section divisions: C-12*

 6. *To add two or more sections: C-12*

 E. Amendments to existing law. C-12

 1. *To amend several section divisions: C-12*

 2. *To amend an introductory portion: C-12*

 3. *To amend an introductory portion and a section division: . . C-12*

 4. *To amend two or more introductory portions and two or more
 section divisions: C-13*

 5. *To amend an introductory portion and two or more section
 divisions: C-13*

 F. Amending and adding new provisions. C-14

 1. *To amend two or more section divisions and add one section*

division: C-14

2. *To amend a section division and add two or more section divisions: C-14*

3. *To amend an introductory portion and one section division and add a section division: C-14*

4. *To amend two or more section divisions and an introductory portion and add two or more section divisions: C-15*

5. *To amend a section division and add a section division: . . . C-15*

G. Alphabetic provisions. C-15

1. *To repeal and reenact the entire section - option 1. C-16*

2. *To strike and relocate the prior subsection (1) - option 2. . . C-16*

H. Amending sections with future effective dates. C-16

I. Recodifying existing law. C-17

1. *To reorganize and amend an entire title, article, or part: . . . C-17*

2. *To relocate provisions from one title, article, or part to another title, article, or part (with amendments): C-17*

3. *To reorganize and amend articles or parts within a single title or article: C-17*

4. *When one or more sections in a part, article, or title are not relocated into the recodified part, article, or title: C-18*

5. *When a part, article, or title is being relocated to a different part, article, or title: C-18*

J. Recreating and reenacting. C-18

1. *To recreate and reenact an article with amendments: C-19*

2. *To recreate and reenact a section with amendments: C-19*

K. Earlier bills - prior sessions - non-C.R.S. provisions. C-19

1. *To amend a section that has already been amended in a bill previously passed during the same session: C-19*

2. *To amend a section that has been newly enacted in a bill previously passed during the same session: C-19*

3. *To recreate and reenact an article, part, section, or portion of a section that has been repealed in a previous bill: C-19*

4. *To amend a section that has already been amended in two or more bills previously passed during the same session: C-19*

5. *To amend a provision that has been newly enacted during the same session and to add another provision to the section: . . . C-20*

6. *To repeal a section or sections from a bill previously passed during the same session: C-20*

7. *To amend a C.R.S. section number that does not yet appear in the statutes but that does appear in the Session Laws: C-20*

8. *To amend a section of a bill passed in a prior session and the section did not have a C.R.S. section number: C-20*

9. *To amend a section of a bill passed in a prior session and the*

	<i>section did not have a C.R.S. section number and the section has also been previously amended:</i>	C-21
L.	<u>Rules and regulations.</u>	C-21
	1. <i>To amend a rule:</i>	C-21
	2. <i>To repeal rules:</i>	C-21
M.	<u>Concurrent resolutions.</u>	C-21
	1. <i>To amend a constitutional section:</i>	C-22
	2. <i>To repeal two or more constitutional sections:</i>	C-22
	3. <i>To repeal a constitutional section - user friendly:</i>	C-22
	4. <i>To amend a constitutional section and add a constitutional section:</i>	C-22
	5. <i>To amend two or more constitutional sections:</i>	C-22
N.	<u>Rules of the Senate and the House of Representatives and the Joint Rules.</u>	C-22
	1. <i>Rules of either house:</i>	C-23
	a. <u>To amend a rule of either house:</u>	C-23
	b. <u>To add a rule to the rules of either house:</u>	C-23
	c. <u>To repeal a rule of either house:</u>	C-23
	2. <i>The Joint Rules:</i>	C-23
	a. <u>To amend two or more joint rule divisions:</u>	C-23
	b. <u>To amend a joint rule:</u>	C-23
	c. <u>To amend a joint rule division and add a joint rule division:</u>	C-24
	d. <u>To repeal a joint rule:</u>	C-24
	e. <u>To add two or more joint rules:</u>	C-24
	3. <i>The Joint Session Rules.</i>	C-24
	a. <u>To amend a joint session rule:</u>	C-24
	b. <u>To add a joint session rule:</u>	C-24
II.	AMENDMENT SAMPLES	C-25
A.	<u>Sample committee report:</u>	C-25
B.	<u>Amendments to committee reports:</u>	C-26
	1. <i>To amend a committee of reference amendment:</i>	C-27
	2. <i>To strike a committee of reference amendment:</i>	C-27
C.	<u>Amendments to proposed committee amendments.</u>	C-27
D.	<u>Striking a previous floor amendment - in the Senate only.</u>	C-29
	1. <i>To strike a previous floor amendment:</i>	C-29
	2. <i>To strike a previous floor amendment for a bill, as amended, that was laid over to the next day in the Senate and was not adopted on second or third reading:</i>	C-29
E.	<u>Various floor amendments to bills or concurrent resolutions.</u>	C-30
F.	<u>Amending a proposed floor amendment.</u>	C-30
G.	<u>Strike everything below the enacting clause (SEBEC).</u>	C-30
H.	<u>Resolutions and memorials.</u>	C-31

1. *All resolutions and memorials being amended in the house of origin:*
..... C-31

2. *Joint resolutions and joint memorials being amended in the opposite
house:* C-31

I. SAMPLE REPEAL AND AMENDING CLAUSES.

A. Repeal clauses.

(1) Remember to check the statute data base for any internal references that will need to be amended because a section is being repealed.

(2) When using a "**Repeal.**" clause, remember that you cannot combine amendments and repeals under that section. See the "**SECTION 3.**" example for an alternative.

1. *User-friendly repeals.*

a. To repeal a section:

SECTION 1. Repeal. 25-7-120, Colorado Revised Statutes, is repealed as follows:

~~**25-7-120. Judicial review.** (1) Any final order or determination by the division or the commission shall be subject to judicial review in accordance with the provisions of this article and the provisions of article 4 of title 24, C.R.S.~~

~~(2) Any party may move the court to remand the case to the division or the commission in the interests of justice for the purpose of adducing additional specified and material evidence and findings thereon; but such party shall show reasonable grounds for the failure to adduce such evidence previously before the division or the commission.~~

~~(3) Any proceeding for judicial review of any final order or determination of the division or the commission shall be filed in the district court for the district in which is located the air pollution source affected.~~

NOTE: (1) This form of repeal clause is used when the drafter wants the entire provision to appear in the bill in stricken type. Under this type of clause ("repealed as follows:"), no other amendments can be shown to other provisions of the section.

(2) User-friendly repeals are treated the same as other amending clauses and require a separate repeal clause for each C.R.S. section number.

(3) The subsection, paragraph, etc. designation is shown in strike type only when the entire section is repealed. This assures the removal of each subsection, etc., designation during the publication process.

b. To repeal two or more section divisions:

SECTION 2. Repeal. 12-20-103 (1) (d), (1) (f), and (1.5), Colorado Revised Statutes, are repealed as follows:

12-20-103. Debt management - licensing of companies and individuals. (1) No individual, limited liability company, partnership, unincorporated association, or corporation shall engage in the business of debt management in this state, as defined in section 12-20-102, without a license therefor as provided for in this article; except that the following persons are not required to be licensed when engaged in the regular course of their respective businesses and professions:

~~(d) Employees of licensees under this article;~~

~~(f) Nonprofit religious, fraternal, or cooperative organizations offering gratuitous debt management service.~~

~~(1.5) Any individual, limited liability company, partnership, unincorporated association, or corporation claiming an exemption from licensure pursuant to subsection (1) of this section shall have the burden of proving such exemption.~~

NOTE: (1) The introductory portion to subsection (1) is included for user-friendly purposes and cannot be changed under this type of clause. In this example, the paragraph and subsection designations ((d), (f), and (1.5)) are not shown in strike type because other portions of the section still exist and a historical record of those paragraphs and subsections being repealed is necessary in order to "track" what happened to those portions no longer a part of the C.R.S. section.

(2) If you need to make a change to the introductory portion or another part of the section, use either a separate amending clause for those provisions you wish to amend or use an amending clause that amends all provisions as in the following example.

c. To repeal section divisions while amending others - deletion by amendment:

SECTION 3. 12-35-114.5 (1), the introductory portion to 12-35-114.5 (2), and 12-35-114.5 (2) (d) and (2) (h), Colorado Revised Statutes, are amended to read:

12-35-114.5. Licensure by credentials. (1) The board shall provide for licensure upon application of any person licensed in good standing to practice dentistry in another state ~~or territory of the United States~~ who

provides the credentials and meets the qualifications set forth in this section in the manner prescribed by the board.

(2) The board shall issue a license to an applicant licensed as a dentist in another state ~~or territory of the United States~~ if said applicant has submitted credentials and qualifications for licensure that include:

~~(d) Proof the applicant has not been subject to final or pending disciplinary action by any state in which the applicant is or has been previously licensed; however, if the applicant has been subject to disciplinary action, the board may review such disciplinary action to determine if it warrants grounds for refusal to issue a license;~~

~~(h) Proof the applicant has met any more stringent criteria established by the board.~~

NOTE: Subsection (2) (d) and (2) (h) are technically repealed but will be referred to as "deleted by amendment" when printed in C.R.S.

2. Straight repeals.

Straight repeals do not show the C.R.S. section in strike type but rather simply lists the sections or portions of sections that need to be repealed and is an alternative to the user-friendly repeal. The user-friendly repeal method, which requires a separate clause for each C.R.S. section number, is preferred when the section, part, or article does not exceed one page in length.

a. To repeal a C.R.S. section:

SECTION 4. Repeal. 13-1-101, Colorado Revised Statutes, is repealed.

b. To repeal a part:

SECTION 5. Repeal. Part 4 of article 6 of title 13, Colorado Revised Statutes, is repealed.

c. To repeal two or more articles:

SECTION 6. Repeal. Articles 10 and 12 of title 18, Colorado Revised Statutes, are repealed.

d. To repeal several sections, parts, or articles:

SECTION 7. Repeal. 37-41-139, 37-46-112 (2) (b), 37-46-116, and 37-46-126.5, Colorado Revised Statutes, are repealed.

SECTION 8. Repeal. 18-1-101, 18-18-111, 22-1-102, 32-1-104, and 39-1-109, Colorado Revised Statutes, are repealed.

SECTION 9. Repeal. 16-11-102.5, part 3 of article 22.5 of title 17, part 10 of article 2 of title 19, 19-2-1203, and 19-2-1205, Colorado Revised Statutes, are repealed.

NOTE: When sections from different titles are to be repealed, all sections should be listed numerically.

B. Future repeals.

There are two alternatives to provide for the repeal of a provision at some point in the future:

(1) One alternative is to have a repeal bill section in which all of the sections or portions of sections that are to be repealed in the future are listed and then to have an effective date bill section specifying the date the repeal bill section becomes effective. This alternative is somewhat cumbersome and can lead to problems in the publication of the statutes.

(2) The second alternative is to provide for the future repeal in the individual section. *Alternative 2 is the preferred method* because keeping track of the future repeal is simplified by having it within the section.

1. *Alternative 1.*

SECTION 10. Repeal. 18-5-210, part 3 of article 5 of title 18, 18-6-102, and 22-5-115, Colorado Revised Statutes, are repealed.

SECTION 11. Effective date. This act shall take effect July 1, 2000; except that section 10 of this act shall take effect January 1, 2004.

2. Alternative 2.

Alternative 2 provides for the future repeal in each section - making it simple to extend, shorten, or terminate the effective date of the repeal provision.

SECTION 12. 18-5-210, Colorado Revised Statutes, is amended to read:

18-5-210. Receiving deposits in a failing financial institution - repeal. (1) A person commits a class 6 felony if, as an officer, manager, or other person participating in the direction of a financial institution, he knowingly receives or permits the receipt of a deposit or investment, knowing that the institution is insolvent. A financial institution is insolvent within the meaning of this section when from any cause it is unable to pay its obligations in the ordinary or usual course of business or its liabilities exceed its assets.

(2) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2004.

NOTE: The section is not "amended by the addition of a new subsection" because the original section never contained subsection designations. The first amendment to the section is the insertion of "(1)" after the headnote.

SECTION 13. Part 3 of article 5 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-5-308. Repeal of part. THIS PART 3 IS REPEALED, EFFECTIVE JANUARY 1, 2004.

SECTION 14. 18-6-102, Colorado Revised Statutes, is amended to read:

18-6-102. Criminal abortion - repeal. (1) Any person who intentionally ends or causes to be ended the pregnancy of a woman by any means other than justified medical termination or birth commits criminal abortion.

(2) Criminal abortion is a class 4 felony, but if the woman dies as a

result of the criminal abortion, it is a class 2 felony.

(3) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2004.

NOTE: Subsections (1) and (2) are included for user-friendly purposes.

SECTION 15. 22-5-115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-5-115. Financing boards of cooperative services - repeal.

(5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2004.

C. Repeal and reenactment.

All repealed and reenacted parts, sections, subsections, etc. appear in caps. The amending clause uses "WITH AMENDMENTS," to inform the reader that there are differences between the current provision and the repealed and reenacted provision. Not using "WITH AMENDMENTS," implies there is no change to the section. The standard format is to include "WITH AMENDMENTS,". Internal references need to be checked.

1. *To repeal and reenact two or more section divisions:*

SECTION 16. 36-1-137 (1) and (2), Colorado Revised Statutes, are REPEALED AND REENACTED, WITH AMENDMENTS, to read:

NOTE: Just as in repeal clauses, you cannot combine amendments and repeal and reenactments in the same amending clause. In this example, you could not repeal and reenact subsections (1) and (2) and also amend subsection (3). Any amendment to subsection (3) would have to be made in a separate amending clause.

2. *To repeal and reenact a part:*

SECTION 17. Part 2 of article 16 of title 10, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

3. To repeal and reenact an article:

SECTION 18. Article 2 of title 31, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

D. Adding new provisions.

When adding one or more provisions to an existing section, the amending clause indicates that the provision to be added is a breakdown to one level below the provision that is mentioned at the beginning of the amending clause. For example, if you are adding a new subparagraph to a section, you must specify the subsection and the paragraph to which the new subparagraph is added. In other words, you cannot add a subparagraph to a subsection, it must be added to a paragraph.

1. To add a section division:

SECTION 19. 13-1-118 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

NOTE: Use this format ("A NEW. . .") when adding *one* article, part, section, etc.

2. To add a part:

SECTION 20. Article 53 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

NOTE: When adding a new part to an existing article, all existing references to "this article" or "article ___ of title ___" should be checked to ascertain whether or not they should be changed to refer to a specific part or should be left "article", which would then include the newly added part. This is accomplished by performing computer checks of the statute data base.

3. To add a part or section to an article:

SECTION 21. Article 49 of title 34, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

4. To add an article:

SECTION 22. Title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

5. To add two or more section divisions:

SECTION 23. 13-1-113, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

NOTE: Use this format ("THE FOLLOWING NEW . . .") when adding two or more articles, parts, sections, etc.

6. To add two or more sections:

SECTION 24. Part 1 of article 1 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

E. Amendments to existing law.

1. To amend several section divisions:

SECTION 25. 18-1-410 (1) (a), (1) (c), (1) (d), (1) (e), (1) (f), (1) (g), and (2), Colorado Revised Statutes, are amended to read:

SECTION 26. 42-4-1101 (1), (2) (a), (2) (f), (6), (7), (8) (a), (8) (c), (8) (f), and (9) (b), Colorado Revised Statutes, are amended to read:

2. To amend an introductory portion:

SECTION 27. The introductory portion to 29-4-710.5 (1), Colorado Revised Statutes, is amended to read:

3. To amend an introductory portion and a section division:

SECTION 28. The introductory portion to 1-9-203 (2) and 1-9-203 (5)

(b), Colorado Revised Statutes, are amended to read:

NOTE: In amending clauses where amendments are to be made to an "introductory portion" followed by amendments to other provisions, the entire section number is repeated so that it is clear that the subsequent amendments are not also being made to the "introductory portion" of the subsequently listed divisions. In this example, "1-9-203" is repeated after "and" to make it clear that the introductory portion to 1-9-203 (2) is amended but that "(5) (b)" is the next amendment and not "the introductory portion to (5) (b)".

SECTION 29. 18-1-408 (1) and (2), the introductory portion to 18-1-408 (5), and 18-1-408 (6), Colorado Revised Statutes, are amended to read:

SECTION 30. 18-1-408, Colorado Revised Statutes, is amended to read:

NOTE: This is an example of a "user-friendly" alternative to the amending clause in "SECTION 29." To aid in the understanding of amendments, the drafter may decide to include the text of an entire section or subsection rather than amending only the smallest subdivisions. Use of entire sections or subsections is allowed except where the length of the section or subsection makes this impractical or inappropriate (such as where the length of the additional material exceeds one page).

4. To amend two or more introductory portions and two or more section divisions:

SECTION 31. The introductory portions to 16-16-103 (1) and (2), 16-16-103 (2) (a) (I), (2) (a) (II), (2) (a) (III), and (3) (a), the introductory portion to 16-16-103 (3) (b), and 16-16-103 (3) (b) (I) and (4), Colorado Revised Statutes, are amended to read:

NOTE: In this example, both the introductory portion to subsection (1) and the introductory portion to subsection (2) are to be amended; therefore, the section number "16-16-103" is not repeated until after "(2)",.

5. To amend an introductory portion and two or more section divisions:

SECTION 32. 18-5-403 (1) (a), the introductory portion to 18-5-403 (2), and 18-5-403 (2) (b), (2) (c), (2) (d), and (2) (e), Colorado Revised Statutes, are amended to read:

F. Amending and adding new provisions.

When amending and adding in the same amending clause, the second half of the amending clause provides for the addition of language (even if the subdivision to be added appears numerically before the subdivision being amended) and must be an addition to a subdivision mentioned in the first half of the amending clause.

In the example below, you could not use "and the said 28-3.1-209 (4) is further ..." because subsection (4) was not amended in the first half of the amending clause.

1. *To amend two or more section divisions and add one section division:*

SECTION 33. 28-3.1-209 (1) and (3) (b), Colorado Revised Statutes, are amended, and the said 28-3.1-209 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

SECTION 34. 18-1-105 (6) and (7), Colorado Revised Statutes, are amended, and the said 18-1-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

SECTION 35. 37-87-102 (2) (b), (2) (c), (3) (e), and (5), Colorado Revised Statutes, are amended, and the said 37-87-102 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

2. *To amend a section division and add two or more section divisions:*

SECTION 36. 28-3.1-409 (2), Colorado Revised Statutes, is amended, and the said 28-3.1-409 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

3. *To amend an introductory portion and one section division and add a section division:*

SECTION 37. The introductory portion to 11-2-119 (1) and 11-2-119 (2), Colorado Revised Statutes, are amended, and the said 11-2-119 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

4. To amend two or more section divisions and an introductory portion and add two or more section divisions:

SECTION 38. 42-4-1204 (1), the introductory portion to 42-4-1204 (2), and 42-4-1204 (4) (a) and (4) (c), Colorado Revised Statutes, are amended, and the said 42-4-1204 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

5. To amend a section division and add a section division:

SECTION 39. 31-31-402 (4), Colorado Revised Statutes, is amended, and the said 31-31-402 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

31-31-402. Employer and member contributions. (2.5) NEW LANGUAGE IS ADDED HERE.

(4) The payments required by this section are subject to penalties if not submitted when due. Payments are due no later than ~~ten~~ FIFTEEN days following the date of payment of salary to the member, unless the salary is paid more than once monthly, in which event such payments are due no later than the ~~tenth~~ FIFTEENTH day of the month following the month the salary is paid to the member. An interest charge of one-half of one percent per month shall be levied against any unpaid amount and added to the employer payments required pursuant to this section.

NOTE: Even though the addition of subsection (2.5) is the second item in the amending clause ("THE ADDITION OF A NEW SUBSECTION,"), it is placed in the proper numerical sequence in the section being amended, i.e., it precedes the amendment to 31-31-402 (4).

G. Alphabetic provisions.

When the addition of a new word to a *definitions section* requires the alphabetical placement of the word before the existing subsection (1) of the section, you should utilize one of the following:

- (1) Repeal and reenact the entire section (see "**SECTION 40.**"); or
- (2) Amend subsection (1) by striking through existing language and substituting the new language you want in its place in caps and add the language that was in the subsection (1) (before you struck it) in caps as a new subsection (1.5) (see "**SECTION 41.**").

1. To repeal and reenact the entire section - option 1.

SECTION 40. 18-5-201, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

18-5-201. Definitions. AS USED IN SECTIONS 18-5-202 TO 18-5-204, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADULT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER.

(2) "CREDIT CARD" MEANS A WRITING OR OTHER EVIDENCE OF AN UNDERTAKING TO PAY FOR PROPERTY OR SERVICES DELIVERED OR RENDERED TO OR UPON THE ORDER OF A DESIGNATED PERSON OR THE BEARER.

(3) "CREDIT DEVICE" INCLUDES ANY CREDIT NUMBER, TELEPHONE NUMBER, OR OTHER NUMBER OR DESIGNATION AND ANY LETTER, CERTIFICATE, FORM, PLATE, OR OTHER TANGIBLE THING DESIGNED FOR USE, OR COMMONLY USED, AS A MEANS OF OBTAINING CREDIT OR OF OBTAINING GOODS OR SERVICES ON CREDIT.

2. To strike and relocate the prior subsection (1) - option 2.

SECTION 41. 32-1-802 (1), Colorado Revised Statutes, is amended, and the said 32-1-802 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

32-1-802. Definitions. (1) ~~"Board" means the board of directors of a special district~~ "ADULT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER.

(1.5) "BOARD" MEANS THE BOARD OF DIRECTORS OF A SPECIAL DISTRICT.

NOTE: Most likely you will have to use decimals in locating such provisions.

H. Amending sections with future effective dates.

SECTION 42. 19-2-1602 (1) (a), Colorado Revised Statutes, as it exists until July 1, 2001, is amended to read:

SECTION 43. 19-2-1602 (1) (a), Colorado Revised Statutes, as it will

become effective July 1, 2001, is amended to read:

NOTE: (1) The intent of these amending clauses is to provide the reader an explanation for why the same provision appears twice in a bill and are used solely for sections or parts of sections that show two versions of the same provision in the statutes with different effective dates. These amending clauses make "tracking" the sections in an effective date section unnecessary because the amending clause specifies the effective date.

(2) If only one version of a section with a future effective date is being amended, the drafter does not necessarily need to use one of these amending clauses, but rather "track" it by use of an effective date section.

(3) A provision that is effective at some point in the future because a bill from a previous session had a future effective date *cannot* take effect at an earlier time, and so that provision must be accounted for either in an effective date clause at the end of the bill specifying the future effective date for that provision or by using the samples above.

I. Recodifying existing law.

When using these types of amending clauses, *it is important that a section being relocated is relocated in its entirety.* If the drafter needs to divide the section into two or more sections, it is recommended that those portions requiring a different section number are shown in strike type under the section where the majority of the "old" section is to be relocated (including the subsection, paragraph, etc. designation) and shown in small caps with the new section number.

1. To reorganize and amend an entire title, article, part, or section:

SECTION 44. Title 42, Colorado Revised Statutes, is amended, WITH THE RELOCATION OF PROVISIONS, to read:

2. To relocate provisions from one title, article, part, or section to another title, article, part, or section (with amendments):

SECTION 45. Article 5 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

43-5-101. [Formerly 43-5-206 (1) (c)] General provisions. The provisions of this section

3. *To reorganize and amend articles or parts within a single title or article:*

SECTION 46. Articles 22, 23, 24, and 25 of title 40, Colorado Revised Statutes, are amended, WITH THE RELOCATION OF PROVISIONS, to read:

NOTE: If the drafter is not relocating all sections within the section, part, article, or title or the drafter is moving the section, part, article, or title to a different section, part, article, or title, one of the following repeal clauses is necessary:

4. *When one or more sections in a part, article, or title are not relocated into the recodified section, part, article, or title:*

SECTION 47. Repeal of provisions not being relocated in this act. 35-57-103 and 35-57-119, Colorado Revised Statutes, are repealed.

NOTE: This clause is for informational purposes and any section listed will not be accounted for in the statutes because the numerical sequence of the prior section, part, article, or title is changed making it impossible to account for sections not relocated.

5. *When a section, part, article, or title is being relocated to a different part, article, or title:*

SECTION 48. Repeal of provisions being relocated in this act. Part 2 of article 8 of title 10, Colorado Revised Statutes, is repealed.

NOTE: This type of repeal will *need* to be accounted for in the statutes where the section, part, article, or title was originally contained.

J. Recreating and reenacting.

(1) This amending clause is used to recreate a provision that has been previously repealed. When recreating and reenacting old law, the text of the new material is shown in capital letters regardless of length.

(2) When recreating and reenacting, the subject matter to be added should be similar to the subject matter that was repealed in a prior session. If the subject matter is not similar, select a different C.R.S. section number for the new material to be added.

(3) The amending clause uses "WITH AMENDMENTS," to inform the reader that there are differences between the previously repealed provision and the recreated and reenacted provision. Not using "WITH AMENDMENTS," implies there is no difference between the newly recreated provision and the previously repealed provision.

1. *To recreate and reenact an article with amendments:*

SECTION 49. Article 14 of title 1, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

2. *To recreate and reenact a section with amendments:*

SECTION 50. 12-47.1-502, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

K. Earlier bills - prior sessions - non-C.R.S. provisions.

1. *To amend a section that has already been amended in a bill previously passed during the same session:*

SECTION 51. 12-22-113.5, Colorado Revised Statutes, as amended by Senate Bill 96-89, enacted at the Second Regular Session of the Sixtieth General Assembly, is amended to read:

2. *To amend a section that has been newly enacted in a bill previously passed during the same session:*

SECTION 52. 18-1-110, Colorado Revised Statutes, as enacted by House Bill 91-1009, enacted at the First Regular Session of the Fifty-eighth General Assembly, is amended to read:

3. *To recreate and reenact an article, part, section, or portion of a section that has been repealed in a previous bill:*

SECTION 53. 26-4-528 (1) (b), as repealed by House Bill 96-1167, enacted at the Second Regular Session of the Sixtieth General Assembly, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

4. *To amend a section that has already been amended in two or more bills previously passed during the same session:*

SECTION 54. 18-1-101, Colorado Revised Statutes, as amended by Senate Bill 91-21 and House Bill 91-1011, enacted at the First Regular Session

of the Fifty-eighth General Assembly, is amended to read:

5. *To amend a provision that has been newly enacted during the same session and to add another provision to the section:*

SECTION 55. 22-53-107.4 (5) (d), Colorado Revised Statutes, as enacted by House Bill 94-1001, enacted at the Second Regular Session of the Fifty-ninth General Assembly, is amended, and the said 22-53-107.4 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

NOTE: Note that subsection (5) (d) which was "enacted" in the earlier bill will appear in lower case type with current language stricken and new language in caps. Even though subsection (5) (d) has not yet appeared in the statutes, it has become law.

6. *To repeal a section or sections from a bill previously passed during the same session:*

SECTION 56. Repeal. Sections 6 and 7 of House Bill 94-1001, enacted at the Second Regular Session of the Fifty-ninth General Assembly, are repealed.

7. *To amend a C.R.S. section number that does not yet appear in the statutes but that does appear in the Session Laws:*

SECTION 57. 22-44-103.5, Colorado Revised Statutes, as amended by section 1 of chapter 83, Session Laws of Colorado 1991, is amended to read:

NOTE: Generally, the need for this clause will only happen during a special session of the same year.

8. *To amend a section of a bill passed in a prior session and the section did not have a C.R.S. section number:*

SECTION 58. Section 3 of chapter 24, Session Laws of Colorado 1991, is amended to read:

Section 3. **El Paso county water master plan - appropriation.**

NOTE: An effective date section would be an example of a section without a C.R.S. section number that may need to be amended.

9. To amend a section of a bill passed in a prior session and the section did not have a C.R.S. section number and the section has also been previously amended:

SECTION 59. Section 25 of chapter 340, Session Laws of Colorado 1973, as amended by section 2 of chapter 82, Session Laws of Colorado 1974, and section 4 of chapter 241, Session Laws of Colorado 1975, is amended to read:

L. Rules and regulations.

The amending clauses for rules and regulations should contain a statement of the subject matter of the rule (which statement should be more specific for a repeal) and a reference to the Code of Colorado Regulations citation for the rule.

1. To amend a rule:

SECTION 60. Regulation No. 11 of the Rules Governing Bingo and Raffles Games of the Department of State (8 CCR 1505-2), concerning participation by those sixteen years of age or under in the operation of a bingo game, is amended to read:

2. To repeal rules:

SECTION 61. Repeal. Rules 100.7.2.2 and 100.12 of the Regulations for Certification of Water Treatment Plant and Wastewater Treatment Plant Operators of the Department of Health (5 CCR 1003-2), concerning revocation of certificates and violations of the regulations, are repealed.

M. Concurrent resolutions.

SECTION 62. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

1. *To amend a constitutional section:*

Section 12 of article IV of the constitution of the state of Colorado is amended to read:

2. *To repeal two or more constitutional sections:*

Sections 14, 15, 17, and 21 of article IV of the constitution of the state of Colorado are repealed.

NOTE: The only time more than one section is included in the same clause is when the sections are being repealed. A user-friendly repeal may be used as an alternative.

3. *To repeal a constitutional section - user friendly:*

Section 3 of article V of the constitution of the state of Colorado is repealed as follows:

4. *To amend a constitutional section and add a constitutional section:*

Section 49 (1) of article V of the constitution of the state of Colorado is amended, and the said section 49 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

5. *To amend two or more constitutional sections:*

Section 9 (1), (4) (b), and (5) (b) (I) of article XVIII of the constitution of the state of Colorado are amended to read:

N. Rules of the Senate and the House of Representatives and the Joint Rules.

Amending the rules of the Senate and the House of Representatives and the Joint Rules of the Senate and House of Representatives is similar to amending the statutes. The breakdown of a rule is as follows:

XX. Sample Rule

- (a) subsection
 - (1) paragraph

- (2) paragraph
 - (A) subparagraph
 - (B) subparagraph
 - (b) subsection
-

1. *Rules of either house:*

a. *To amend a rule of either house:*

That Rule No. 21 (a) (9) of the Rules of the Senate is amended to read:

b. *To add a rule to the rules of either house:*

That the Rules of the House of Representatives are amended BY THE ADDITION OF A NEW RULE to read:

c. *To repeal a rule of either house:*

That Rule No. 42 of the Rules of the Senate is repealed as follows:

2. *The Joint Rules:*

a. *To amend two or more joint rule divisions:*

That Joint Rule No. 25 (a), 25 (b), and 25 (c) of the Joint Rules of the Senate and the House of Representatives are amended to read:

That Joint Rule No. 24 (b) (1) (A), 24 (b) (1) (D), and 24 (c) of the Joint Rules of the Senate and the House of Representatives are amended to read:

b. *To amend a joint rule:*

That Joint Rule No. 21 of the Joint Rules of the Senate and the House of Representatives is amended to read:

c. To amend a joint rule division and add a joint rule division:

That Joint Rule No. 23 (a) (1) of the Joint Rules of the Senate and the House of Representatives is amended, and the said Joint Rule No. 23 (a) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

d. To repeal a joint rule:

That Joint Rule No. 24 (b) (1) (B) of the Joint Rules of the Senate and the House of Representatives is repealed as follows:

e. To add two or more joint rules:

That the Joint Rules of the Senate and the House of Representatives are amended BY THE ADDITION OF THE FOLLOWING NEW RULES to read:

3. The Joint Session Rules.

In order to distinguish between the **Joint Rules** and the **Joint Session Rules** use "Joint Session Rules" when amending those rules.

a. To amend a joint session rule:

That Joint Rule No. 1 of the Joint Session Rules of the Senate and the House of Representatives is amended to read:

b. To add a joint session rule:

That the Joint Session Rules of the Senate and the House of Representatives are amended BY THE ADDITION OF A NEW RULE to read:

II. AMENDMENT SAMPLES

A. Sample committee report:

Amend printed (or reengrossed) bill, page 1, line 8, strike "commission who shall provide for the issuance of" and substitute "~~commission who shall provide for the issuance of~~ SERVICE PROVIDERS WHO SHALL ISSUE".

Page 2, after line 10, insert the following:

"(4) THIS IS AN ENTIRE SUBSECTION INSERTED AFTER A LINE.";

line 13, strike "(4)" and substitute "(5)".

Page 3, line 3, after "TWENTY", insert "DOLLARS, THE";

line 4, strike "OR LESS THAN THIRTY-FIVE DOLLARS. THE";

line 14, after the period, add "THIS IS AN ENTIRE SENTENCE ADDED AT THE END OF THE LAST LINE OF A PARAGRAPH.";

line 15, strike everything after "BUT";

line 17, strike "NINE";

line 19, after the period, insert "THIS IS ONE OR MORE SENTENCES INSERTED ON A LINE BETWEEN TWO SENTENCES.".

Page 9, line 7, strike "or counties," and substitute "~~or counties,~~";

line 10, strike "~~annually~~ SEMIANNUALLY" and substitute "annually".

Page 11, line 18, strike "ONE, TWO, THREE, FOUR, FIVE,";

strike lines 19 through 26 and substitute the following:

"THIS IS A SUBSTITUTION FOR SEVERAL LINES OF A BILL.".

Page 15, line 7, after "(1) (b),", insert "(2) (b) (I) (C),";

line 12, strike everything after the period;

strike lines 13 and 14;

line 15, strike everything through the period.

Page 19, strike lines 4 through 13.

Renumber succeeding sections accordingly.

Page 19, line 17, strike "TEN".

Page 21, strike lines 6 through 15.

Renumber succeeding C.R.S. sections accordingly.

Page 21, line 23, before "COUNTIES", insert "CITIES OR".

Page 23, strike lines 7 through 17.

Reletter succeeding paragraphs accordingly.

Page 23, line 21, after "ANY", insert "REASONABLE" and, before the period, insert "ONLY".

Strike page 27.

Strike pages 29 through 36.

Page 37, strike lines 1 through 3.

Renumber succeeding sections accordingly.

Page 38, before line 1, insert the following:

"SECTION 25. Effective date. This act shall take effect July 1, 2000."

Renumber succeeding section accordingly.

Page 1, line 102, strike "NUMBERS" and substitute "LETTERS".

B. Amendments to committee reports:

Procedurally in the Senate, a committee amendment is adopted by the Committee of the Whole, and then it is amended.

Procedurally in the House, a committee amendment is offered, amended, and then adopted by the Committee of the Whole. A committee report *cannot* be amended once it has been adopted on the floor.

1. *To amend a committee of reference amendment:*

Amend the Judiciary Committee Report, dated January 13, 2000, page 1, line 25, strike "ONE HUNDRED TWENTY-FIVE" and substitute "SIXTY";

line 26, strike "ONE HUNDRED";

line 27, strike "TWENTY-FIVE" and substitute "SIXTY".

Page 2, line 7, strike "one hundred";

line 8, strike "twenty-five" and substitute "~~one hundred twenty-five~~ SIXTY".

2. *To strike a committee of reference amendment:*

NOTE: When striking more than one committee amendment, strike the most recent amendment first.

To strike a committee report in the House, the sponsor must offer the amendment striking the report before the committee report is adopted on the floor; once adopted, the report is considered a settled question and cannot be amended or stricken.

Strike the Finance Committee Report, dated January 14, 2000, and substitute the following:

"Amend printed bill, page 1, line 5, strike "TEN" and substitute "FIVE".".

C. Amendments to proposed committee amendments.

Amendments to proposed committee amendments are prepared in the same manner for either house and are drafted for debate while the bill is in committee. The purpose of this type of amendment is to provide committee members a means by which to debate various aspects of long, complicated proposed committee amendments by presenting alternatives to the language provided in the proposed amendment. If the proposed committee amendment is several pages long, the drafter may want to include "of the proposed committee amendment" after each page number so as to remind the reader that the proposed committee amendment is what is being amended rather than the bill. This approach is also

recommended when amending both the proposed committee amendment and the bill.

Amend proposed committee amendment, (SB0005_L.004), page 5, line 13, strike "director" and substitute "~~director~~ BOARD".

Page 6 of proposed committee amendment, line 3, strike "director" and substitute "~~director~~ BOARD";

line 7, strike "director" and substitute "~~director~~ BOARD";

line 18, strike "director" and substitute "~~director~~ BOARD";

line 22, strike "DIRECTOR" and substitute "BOARD".

Page 8 of proposed committee amendment, line 4, strike "director" and substitute "~~director~~ BOARD";

line 15, strike "director" and substitute "~~director~~ BOARD OF MEDICAL EXAMINERS".

Page 9 of proposed committee amendment, line 4, strike "director" and substitute "~~director~~ BOARD OF MEDICAL EXAMINERS".

Amend proposed committee amendment, (HB1011_L.012), page 1, line 14, strike "commissioner," and substitute "~~commissioner~~ DIRECTOR,".

Page 3, strike lines 3 through 15, and substitute the following:

"(c) NEW LANGUAGE ADDED HERE.";

line 17, strike "commissioner," and substitute "~~commissioner~~ DIRECTOR,".

Amend proposed committee amendment, (HB1013_L.015), page 2, after line 16, insert the following:

"Page 20 of printed bill, line 3, strike "FIVE" and substitute "SEVEN";

line 11, strike "FIVE" and substitute "SEVEN".";

strike line 21 of proposed committee amendment and substitute "YEARS.".";

line 23 of proposed committee amendment, after "commissioner", insert "OF

INSURANCE".

Page 3 of proposed committee amendment, after line 2, insert the following:

"Page 21 of printed bill, after line 5, insert the following:

"SECTION 5. Effective date - applicability. This act shall take effect July 1, 2002, and shall apply to offenses committed on or after said date."

Renumber succeeding sections accordingly."

D. Striking a previous floor amendment - in the Senate only.

A previous floor amendment may be stricken in the Senate *only* if the bill has *not* been adopted by the Senate on second or third reading. A House floor amendment is considered a settled question once it is adopted and, as with House committee of reference reports, cannot be amended or stricken once it is adopted. To strike a House floor amendment, the amendment to strike it would have to be offered before the floor amendment at issue was adopted and would follow the format of the first example.

1. To strike a previous floor amendment:

Strike the Brown floor amendment, (SB100_L.002), and substitute the following:

"Amend printed bill, page 3, line 9, after "only", insert "OR UPON APPROVAL OF THE DIRECTOR"."

2. To strike a previous floor amendment for a bill, as amended, that was laid over to the next day in the Senate and was not adopted on second or third reading:

Strike the Brown amendment, as printed in Senate Journal, January 26, page 64, lines 51 through 56, and page 65, lines 1 through 12.

Amend printed bill, page 2, line 12, after the comma, insert "WITHIN TWELVE MONTHS".

Strike the Brown amendment, as printed in Senate Journal, February 23, page

264, lines 51 through 56, and page 265, lines 1 through 12, and substitute the following:

"Amend printed bill, page 2, line 12, after the comma, insert "WITHIN TWELVE MONTHS".".

E. Various floor amendments to bills or concurrent resolutions.

Amend printed bill, page 1, line 12, after the period, add "ANY MUNICIPALITY OR GROUP OF MUNICIPALITIES MAY, IN LIEU OF ESTABLISHING SUCH A PLAN OF RETIREMENT BENEFITS, JOIN IN A PLAN ESTABLISHED AND MAINTAINED UNDER THIS ARTICLE.".

Amend printed concurrent resolution, page 2, line 7, strike "~~or counties,~~" and substitute "or counties,".

Amend revised bill, page 1, line 7, strike "COMMISSIONED AND NONCOMMISSIONED OFFICERS,";

line 19, after "salaries,", insert "FEES,".

Page 2, line 12, strike "ANNUALLY" and substitute "SEMIANNUALLY";

line 15, strike "ANNUALLY" and substitute "SEMIANNUALLY";

line 16, strike everything after "ANNUALLY";

line 17, strike everything before "SALARIES";

line 18, strike "fees. The" and substitute "fees; EXCEPT THAT the".

F. Amending a proposed floor amendment.

Amend proposed Smith floor amendment, (HB 1131_L.005), page 2, line 15,

G. Strike everything below the enacting clause (SEBEC).

Any amendment to the title of the bill is made after the amendments to the body of the

bill. When writing a SEBEC amendment, *do not* specify page or line numbers.

Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. Repeal. Article 1 of title 18, Colorado Revised Statutes, is repealed.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Page 1, line 102, strike "PENALTIES".

H. Resolutions and memorials.

Concurrent resolutions are amended in the same manner as bills. Refer to section II. E. of this Appendix C above.

1. *All resolutions and memorials being amended in the house of origin:*

The House and Senate print all resolutions and memorials like bills. All amendments should be written to the printed version.

Amend printed resolution (or memorial), page 1, line 10, strike "expeditiously; and" and substitute "expeditiously as possible; and".

Amend printed joint memorial (or joint resolution), page 3, strike line 4 and substitute the following:

"who served his state well and faithfully."

2. *Joint resolutions and joint memorials being amended in the opposite house:*

The House and Senate prepare copies of all joint resolutions and joint memorials, including the engrossed version if the measure was amended in the house of origin. Amendments should be written to the "hard copy" rather than to the journal. Since resolutions and memorials have only two readings in each house, amendments should be written to amend the engrossed version rather than a reengrossed version of the resolution

or memorial.

Amend engrossed joint resolution (or joint memorial), page 3, line 7, strike "rules and".

Page 4, after line 26 (if line 26 is the last line of the resolution or memorial), add the following:

"Be It Further Resolved, That a copy of this resolution (or memorial) be displayed at an appropriate location in the Senate chamber."

Amend engrossed joint memorial, page 2, after line 15, insert the following:

"WHEREAS, It is fitting that we, the members of the Colorado General Assembly, pay tribute to a former member who served his state proudly; and".