

PART 2

CONSTRUCTION OF STATUTES

2-4-201. Intentions in the enactment of statutes.

(1) In enacting a statute, it is presumed that:

- (a) Compliance with the constitutions of the state of Colorado and the United States is intended;
- (b) The entire statute is intended to be effective;
- (c) A just and reasonable result is intended;
- (d) A result feasible of execution is intended;
- (e) Public interest is favored over any private interest.

Source: L. 73: R&RE, p. 1423, § 1. **C.R.S. 1963: § 135-1-201.**

2-4-202. Statutes presumed prospective.

A statute is presumed to be prospective in its operation.

Source: L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963: § 135-1-202.**

2-4-203. Ambiguous statutes - aids in construction.

(1) If a statute is ambiguous, the court, in determining the intention of the general assembly, may consider among other matters:

- (a) The object sought to be attained;
- (b) The circumstances under which the statute was enacted;
- (c) The legislative history, if any;
- (d) The common law or former statutory provisions, including laws upon the same or similar subjects;
- (e) The consequences of a particular construction;
- (f) The administrative construction of the statute;

(g) The legislative declaration or purpose.

Source: L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-203.

2-4-204. Severability of statutory provisions.

If any provision of a statute is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the statute are valid, unless it appears to the court that the valid provisions of the statute are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed the legislature would have enacted the valid provisions without the void one; or unless the court determines that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Source: L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-204.

2-4-205. Special or local provision prevails over general.

If a general provision conflicts with a special or local provision, it shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.

Source: L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-205.

2-4-206. Irreconcilable statutes passed at the same or different sessions.

If statutes enacted at the same or different sessions of the general assembly are irreconcilable, the statute prevails which is latest in its effective date. If the irreconcilable statutes have the same effective date, the statute prevails which is latest in its date of passage.

Source: L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-206.

2-4-207. Original controls over subsequent printing.

If the language of the official copy of a statute conflicts with the language of any subsequent printing or reprinting of the statute, the language of the official copy prevails.

Source: L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-207.

2-4-208. Continuation of prior law.

A statute which is reenacted, revised, or amended is intended to be a continuation of the prior statute and not a new enactment, insofar as it is the same as the prior statute.

Source: L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-208.

2-4-209. Statutory references.

A reference to any portion of a statute applies to all reenactments, revisions, or amendments thereof.

Source: L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-209.

2-4-210. References in a series. (Repealed)

Source: L. 73: R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-210. **L. 93:** Entire section repealed, p. 1771, § 20, effective June 6.

2-4-211. Common law of England.

The common law of England so far as the same is applicable and of a general nature, and all acts and statutes of the British parliament, made in aid of or to supply the defects of the common law prior to the fourth year of James the First, excepting the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth, and which are of a general nature, and not local to that kingdom, shall be the rule of decision, and shall be considered as of full force until repealed by legislative authority.

Source: L. 73: R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-211.

2-4-212. Liberal construction.

All general provisions, terms, phrases, and expressions, used in any statute, shall be liberally construed, in order that the true intent and meaning of the general assembly may be fully carried out.

Source: L. 73: R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-212.

2-4-213. Form of enacting clause.

All acts of the general assembly of the state of Colorado shall be designated, known, and acknowledged in each such act of said state as follows: "Be it enacted by the General Assembly of the State of Colorado".

Source: L. 73: R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-213.

2-4-214. Use of relative and qualifying words and phrases.

The general assembly hereby finds and declares that the rule of statutory construction expressed in the Colorado supreme court decision entitled *People v. McPherson*, 200 Colo. 429, 619 P.2d 38 (1980), which holds that ". . . relative and qualifying words and phrases, where no contrary intention appears, are construed to refer solely to the last antecedent with which they are closely connected . . ." has not been adopted by the general assembly and does not create any presumption of statutory intent.

Source: L. 81: Entire section added, p. 347, § 1, effective May 18.

2-4-215. Each general assembly a separate entity - future general assemblies not bound by acts of previous general assemblies.

(1) The general assembly finds and declares, pursuant to the constitution of the state of Colorado, that each general assembly is a separate entity, and the acts of one general assembly are not binding on future general assemblies. Accordingly, no legislation passed by one general assembly requiring an appropriation shall bind future general assemblies.

(2) Furthermore, the general assembly finds and declares that when a statute provides for the proration of amounts in the event appropriations are insufficient, the general assembly has not committed itself to any particular level of funding, does not create any rights in the ultimate recipients of such funding or in any political subdivision or agency which administers such funds, and clearly intends that the level of funding under such a statute is in the full and complete discretion of the general assembly.

Source: L. 85: Entire section added, p. 289, § 1, effective June 11.

2-4-216. Limitations on statutory programs.

(1) When the general assembly creates statutory programs which are not required by federal law and which offer and provide services or assistance or both to persons in this state, the general

assembly gives rise to a reasonable expectation that such services or assistance or both will be provided by the state in a manner consistent with the statutes which created the programs. However, the general assembly does not commit itself or the taxpayers of the state to the provision of a particular level of funding for such programs and does not create rights in the ultimate recipient to a particular level of service or assistance or both. The general assembly intends that the level of funding, and thus the level of service or assistance or both, shall be in the full and complete discretion of the general assembly, consistent with the statute which created the program.

(2) In the statutes creating some of these programs, the general assembly expressly conditions any rights arising under such programs by the use of the words "within available appropriations" or "subject to available appropriations" or similar words of limitation. The purpose of the use of these words of limitation is to reaffirm the principles set forth in subsection (1) of this section.

(3) At the time such a program is created, the general assembly appropriates funds for its implementation, taking into account many factors, including but not limited to the availability of revenues, the importance of the program, and needs of recipients when balanced with the needs of recipients under other state programs. The amount of the initial appropriation indicates a program's priority in relation to other state programs. The general assembly reasonably expects that the priority of the program will be subject to annual changes which will be reflected in the modification of the annual appropriation for the program. If the general assembly desires a substantive change in the program, or to eliminate the program, that can be accomplished by amendment of the statutory law which created the program.

(4) It is the purpose of the general assembly, through the enactment of this section, to clarify that the rights, if any, created through the enactment of statutory programs are subject to substantial modification through the annual appropriation process, so long as the modification is consistent with the statute which created the program.

Source: L. 89: Entire section added, p. 341, § 1, effective March 25.