

OFFICE OF LEGISLATIVE LEGAL SERVICES
COLORADO GENERAL ASSEMBLY

DIRECTOR
Dan L. Cartin

DEPUTY DIRECTOR
Sharon L. Eubanks

REVISOR OF STATUTES
Jennifer G. Gilroy

ASSISTANT DIRECTORS
Deborah F. Haskins
Bart W. Miller
Julie A. Pelegrin

PUBLICATIONS COORDINATOR
Kathy Zambrano



COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE
091
DENVER, COLORADO 80203-1716
TEL: 303-866-2045 FAX: 303-866-4157
EMAIL: OLLS.GA@STATE.CO.US

MANAGING SENIOR ATTORNEYS
Jeremiah B. Barry Duane H. Gall
Christine B. Chase Jason Gelender
Michael J. Dohr Robert S. Lackner
Gregg W. Fraser Thomas Morris

SENIOR ATTORNEYS
Brita Darling Jery Payne
Edward A. DeCecco Jane M. Ritter
Kristen J. Forrestal Richard Sweetman
Kate Meyer Esther van Mourik
Nicole H. Myers

SENIOR ATTORNEY FOR ANNOTATIONS
Michele D. Brown

STAFF ATTORNEYS
Jennifer A. Berman Yelana Love

AGENDA

Committee on Legal Services

February 5, 2016

12:00 noon

SCR 354

(Lunch will be provided for the Committee members)

1. Update and Discussion of COLS-Sponsored Bill, SB 16-049, concerning the administrative duty of the office of legislative legal services to maintain files relating to bill drafts as the official custodian of those files, and, in connection therewith, permitting the transfer of those files for purposes of storage.
2. Consideration of Draft Bill authorizing the study of a recodification of Title 12 of the Colorado Revised Statutes.
Staff: Jennifer Gilroy, Revisor of Statutes
Christy Chase, Managing Senior Attorney
Thomas Morris, Managing Senior Attorney
3. Update on the status of rulemaking by the Secretary of State, Department of State, of Rule 7.2.6, concerning third party delivery of mail ballots, and a recommendation by staff that the Committee approve the Rule Review Bill for introduction.
Staff: Debbie Haskins, Assistant Director

4. Presentation of Year Two Report from the Legislative Digital Policy Advisory Committee.
Staff: Jennifer Gilroy, Revisor of Statutes
Dan Cordova, Colorado Supreme Court Librarian and Chair of LDPAC
5. Approval of the OLLS Budget for FY 2016-17.
Staff: Dan Cartin, Director
Sharon Eubanks, Deputy Director
6. Appointment of a legislator to fill a vacancy on the Colorado Commission on Uniform State Laws.
Staff: Thomas Morris, Managing Senior Attorney
7. Scheduled Meetings During the Session:
First Friday of the Month during Session from Noon to 2:00 p.m.: March 4, April 1, and May 6
8. Other.

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
1.27.16

DRAFT

LLS NO. 16-0930.01 Thomas Morris x4218

COMMITTEE BILL

Committee on Legal Services

BILL TOPIC: "COLS OLLS Study Organizational Recodify Title 12"

DEADLINES: Finalize by: FEB 1, 2016 File by: FEB 3, 2016

A BILL FOR AN ACT

101 CONCERNING A STUDY OF AN ORGANIZATIONAL RECODIFICATION OF
102 TITLE 12 OF THE COLORADO REVISED STATUTES GOVERNING
103 THE REGULATION OF PROFESSIONS AND OCCUPATIONS.

Bill Summary

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

Committee on Legal Services. The bill directs the office of legislative legal services, overseen by the committee on legal services, to conduct a study of an organizational recodification of title 12 of the Colorado Revised Statutes. In conducting the study, the office must solicit input from the judicial department, state agencies, local governments, and

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

other entities with regulation and enforcement responsibilities established by provisions of the title as well as from representatives of the regulated professions and occupations and from the public. The office must periodically report to the committee about the status of the study.

The bill requires the office to present proposed legislation to the committee that would affect an organizational recodification for introduction in the 2018 regular session. The proposed recodification should be largely organizational and nonsubstantive, including only those substantive provisions necessary to promote the public purposes of an organizational recodification, such as changes that will make similar but repetitive provisions uniform and capable of consolidation and changes that will eliminate archaic, obsolete, and fundamentally unnecessary provisions.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-3-510 as
3 follows:

4 **2-3-510. Study regarding an organizational recodification of**
5 **title 12 of the Colorado Revised Statutes - legislative declaration -**
6 **repeal.** (1) THE GENERAL ASSEMBLY HEREBY:

7 (a) FINDS THAT TITLE 12 OF THE COLORADO REVISED STATUTES,
8 ENTITLED "PROFESSIONS AND OCCUPATIONS":

9 (I) LACKS A COHERENT STRUCTURE AMONG ITS ARTICLES,
10 INCLUDING TWO GROUPINGS OF ARTICLES ENTITLED "GENERAL" THAT ARE
11 SEPARATED BY A GROUPING OF "HEALTH CARE" ARTICLES, AND A LARGE
12 PERCENTAGE OF ARTICLES THAT HAVE EITHER BEEN REPEALED OR BEEN
13 CODIFIED WITH A DECIMAL NUMBER;

14 (II) LACKS A TRUE "COMMON PROVISIONS" ARTICLE RESULTING IN
15 THE RECURRENCE OF IDENTICAL OR NEARLY IDENTICAL PROVISIONS
16 THROUGHOUT THE TITLE; AND

17 (III) INCLUDES NUMEROUS ARTICLES THAT DO NOT STRICTLY
18 RELATE TO THE REGULATION OF A PROFESSION OR OCCUPATION AND THAT

1 COULDBE MORE APPROPRIATELY CODIFIED ELSEWHERE IN THE COLORADO
2 REVISED STATUTES;

3 (b) DETERMINES THAT THESE SHORTCOMINGS MAKE THE TITLE
4 UNNECESSARILY VOLUMINOUS, REPETITIVE, AND DIFFICULT TO AMEND,
5 UNDERSTAND, AND ADMINISTER; AND

6 (c) DECLARES THAT IT IS IN THE PUBLIC INTEREST TO STUDY AN
7 ORGANIZATIONAL RECODIFICATION OF TITLE 12.

8 (2) (a) BEGINNING IN THE 2016 INTERIM, THE OFFICE, OVERSEEN
9 BY THE COMMITTEE, SHALL STUDY AN ORGANIZATIONAL RECODIFICATION
10 OF TITLE 12 OF THE COLORADO REVISED STATUTES. IN CONDUCTING THE
11 STUDY, THE OFFICE SHALL SOLICIT INPUT FROM:

12 (I) THE JUDICIAL BRANCH AND THE FOLLOWING STATE AGENCIES
13 THAT HAVE REGULATORY AUTHORITY ESTABLISHED IN TITLE 12:
14 AGRICULTURE, HIGHER EDUCATION, LAW, PUBLIC HEALTH AND
15 ENVIRONMENT, REGULATORY AGENCIES, REVENUE, STATE, AND ANY
16 OTHER INTERESTED STATE AGENCY OR OFFICE;

17 (II) LOCAL GOVERNMENTS AND ANY OTHER ENTITY THAT HAS
18 REGULATORY AUTHORITY ESTABLISHED IN TITLE 12;

19 (III) REPRESENTATIVES FROM THE PROFESSIONS AND OCCUPATIONS
20 REGULATED BY TITLE 12; AND

21 (IV) THE PUBLIC.

22 (b) THE OFFICE SHALL PROVIDE PERIODIC UPDATES TO THE
23 COMMITTEE REGARDING THE STUDY AND, NO LATER THAN DECEMBER 31,
24 2017, THE OFFICE SHALL PROVIDE PROPOSED LEGISLATION TO THE
25 COMMITTEE FOR INTRODUCTION IN THE 2018 REGULAR SESSION THAT
26 WOULD EFFECT AN ORGANIZATIONAL RECODIFICATION OF TITLE 12.

27 (3) THE STUDY IS SUBJECT TO THE FOLLOWING GUIDELINES:

1 (a) FUNDAMENTALLY, THE RECODIFICATION SHOULD BE
2 ORGANIZATIONAL AND NONSUBSTANTIVE, AND ANY SUBSTANTIVE
3 PROVISIONS THAT MAY BE INCLUDED IN THE PROPOSED LEGISLATION
4 SHOULD BE STRICTLY LIMITED TO THOSE THAT ARE NECESSARY TO
5 PROMOTE THE PUBLIC PURPOSES OF AN ORGANIZATIONAL RECODIFICATION
6 AS SPECIFIED IN THIS SECTION, SUCH AS:

7 (I) CONFORMING SIMILAR PROVISIONS TO ACHIEVE UNIFORMITY,
8 ELIMINATE REDUNDANCY, AND ALLOW FOR THE CONSOLIDATION OF
9 COMMON PROVISIONS; AND

10 (II) ELIMINATING ARCHAIC, OBSOLETE, AND FUNDAMENTALLY
11 UNNECESSARY PROVISIONS;

12 (b) THE OFFICE SHOULD ENDEAVOR TO USE ACTIVE VOICE,
13 AUTHORITY VERBS, GENDER-NEUTRAL LANGUAGE, AND PEOPLE-FIRST
14 LANGUAGE; AND

15 (c) THE EXECUTIVE AND JUDICIAL BRANCHES OF COLORADO STATE
16 GOVERNMENT AND THE LOCAL GOVERNMENTS AND OTHER ENTITIES WITH
17 REGULATORY AUTHORITY ESTABLISHED IN TITLE 12 ARE ENCOURAGED TO
18 PARTICIPATE IN THE STUDY AND COOPERATE WITH THE OFFICE.

19 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2018.

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