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SUMMARY OF MEETING

COMMITTEE ON LEGAL SERVICES

January 15, 2016

The Committee on Legal Services met on Friday, January 15, 2016, at 8:05 a.m. in HCR 0112. The following members were present:

Representative Foote, Chair
Representative Dore
Representative Kagan
Representative McCann
Representative Willett
Senator Johnston (present at 8:18 a.m.)
Senator Roberts
Senator Scheffel, Vice-chair
Senator Steadman

Senator Scheffel called the meeting to order.

8:05 a.m. – Senator Scheffel addressed agenda item 1 – Election of Chair and Vice-chair.

Senator Scheffel said the first order of business is the traditional passing of the gavel. It's the House's turn to chair the Committee.

8:06 a.m.

Senator Scheffel moved the election of Representative Foote as Chair of the Committee. The motion passed on a 8-0 vote, with Representative Dore, Representative Foote, Representative Kagan, Senator Roberts, Senator Steadman, Representative Willett, Representative McCann, and Senator Scheffel voting yes.

8:07 a.m.

Representative McCann nominated Senator Scheffel as Vice-chair of the Committee. The motion passed on a 8-0 vote, with Representative Dore, Representative Foote, Representative Kagan, Senator Roberts, Senator Steadman, Representative Willett, Representative McCann, and Senator Scheffel voting yes.

8:08 a.m. – Jennifer Gilroy, Revisor of Statutes, Office of Legislative Legal Services; Christy Chase, Managing Senior Attorney, Office of Legislative Legal Services; and Thomas Morris, Managing Senior Attorney, Office of Legislative Legal Services addressed agenda item 2 – Discussion regarding the introduction of a Committee Bill to study the possibility of a recodification of Title 12 of the Colorado Revised Statutes.

Ms. Gilroy said we would like to bring to you for your consideration a study of recodification of Title 12 dealing with professions and occupations. To step back just a little bit, codification means systematic organization of the law. It's a big undertaking to recodify something. Sometimes we recodify a section of law or maybe a part or article, but to recodify an entire title is a huge undertaking, especially when it affects so many different people and agencies. In this case for Title 12 there seem to be some really compelling reasons to recodify. We have two drafters from our Office, Christy Chase and Tom Morris, who between them have 30 plus years of drafting experience and who draft in Title 12 frequently, and that have come to me independently at different times saying this title has really grown topsy-turvy, it's kind of a mess, and we'd really like to clean house a little bit. I'm going to turn it over to Ms. Chase to tell you the compelling reasons, Mr. Morris is going to follow up with some of the benefits and costs of a recodification, and then I will ask you to consider whether or not we may at least submit a bill request for your consideration at your next meeting.

Ms. Chase said first I'm going to highlight some of the problems we encounter when we're drafting in Title 12. Not only is it voluminous, it's almost 1500 pages and growing every year, it's very disorganized and while it's called Professions and Occupations, there's a lot more in Title 12 than just professions and occupations. It kind of has become the dumping ground for any new regulation or regulatory scheme regarding a business or any other enterprise, like the running of cemeteries,

medical marijuana businesses, recreational marijuana businesses, or even alcohol regulation. All of that is in Title 12 in addition to health care professionals, plumbers, electricians, and such. There's a lot going on in this title and maybe some of that doesn't belong in this title. Maybe they belong in the titles that pertain to the departments that regulate those businesses and enterprises. Since it has become this big title that everything gets dumped in, there have been a lot of things that have moved around. We have 29 articles that have been repealed, but those numbers are still basically in use. We can't use them again. That's about 28% of the volume of the title. Thirty-six of the articles have decimal points, which means we've had to use a decimal point to cram a new provision of law within a particular portion of the title. If you look at the title analysis at the beginning of the title, all of the repealed portions are listed and then it's also structured into articles under a heading of general, then there are articles under a heading of health care, and then articles under a heading of general again, and we're constantly trying to cram other professions to fit within the health care heading.

Ms. Chase said there are a lot of statistics I can give you, but I think what might be more telling are some stories that I have from drafting. A couple of years ago, in the pharmacy practice sunset bill, the pharmacists professionals were concerned that they were listed under the general category of articles as opposed to under the heading of health care, so we recodified the pharmacy practice act and relocated it to a new article 42.5 because there was no place to put it. That was a 170-plus page bill. The other compelling reason in my mind is that there's a lot of repetition in Title 12. Anytime any of you have carried a professional practice act bill or a sunset bill, you might have noticed that there are common provisions that we add to every practice act. DORA recommends through their sunset report that now a profession needs to have a particular provision added to it, and instead of having one location in statute where we can just list the profession and that this particular provision of law applies to that profession, we add the provision of law to every single practice act. That results in a nearly 1500-page title, because we are repeating the same language over and over again. In 2006 there were two bills to do just that. One of them was to standardize the penalties for unauthorized practice. That affected 28 different practice acts and professions, and it was a 50-plus page bill. There was another bill that tried to standardize some of the disciplinary procedures regarding cease-and-desist orders and the authority for the division or board to issue a cease-and-desist order. That affected 31 practice acts and was over 100 pages. These bills become voluminous when you're trying to add the same language across all the practice acts instead of having one central location with standard language that would apply across the board. A lot of those provisions could be consolidated and applied, or not applied, when necessary to all the different professions. The bottom line is that the title's a bit of a mess, and there's a lot of room for improvement and there's a lot of room for consolidation. What we would like to do is look at recodifying the title. There are over seven departments that regulate within Title 12.

There are also local governments that regulate and there are medical and dental school department heads that regulate within this title. There's a broad spectrum of folks that might be impacted, so we would want to get everyone to the table to start looking at how we could improve the title and make it more workable for everyone who uses the title, not just the drafters who are drafting in it and not just the legislators who are legislating in it, but also the regulated community and the regulators.

Mr. Morris said one of the benefits would be that the whole title would be easier to understand - you would have a rational organization. I think we'd probably think about having Article 1 be the common provisions that Ms. Chase had talked about where you can have all the common definitions, you can create a definition of what is a regulated person, whether they're licensed or certified or they just have to be registered, you can have all sort of the disciplinary authorities that the boards and directors have - all those kinds of things could exist right up front in one single article. Then as Ms. Chase mentioned there is currently the general section and the health care section and the general, and we could get away from that. We could also expand the way the articles are numbered so we wouldn't have to have decimal points, or at least, within the next few decades, we wouldn't have to have decimal points. All of those kind of benefits of reorganization would occur. Since we'd be reenacting the entire title, we could also take that opportunity to bring the language up to our current drafting manual style, so all of the things about active voice, authority verbs, gender neutral, and people first would not only comply with what the General Assembly told us to do, it would also hopefully make all the law easier to understand. It would make the law easier for the administering agencies to administer because it's a little clearer which sections of law apply to everybody. One way to do that might be to say unless otherwise provided in an article of this title other than this article, this is what applies to every article in this title, and then you could have explicit lists of exceptions as opposed to now where you have to go to each individual article and compare the language to figure out how the disciplinary authorities of the plumbers board are different from the disciplinary authorities of the electricians board. Certainly as Ms. Chase mentioned, it would be easier to maintain the structure and update changes. Instead of having to amend identical provisions in a bunch of different articles, you could do it once in the common article and that would specify very compactly how that did or did not apply in the various articles. Another aspect in the ease of administration might be that, as Ms. Chase mentioned, there are seven different departments in Title 12 that currently regulate entities. The vast majority of the articles do relate to the department of regulatory agencies, but there are these other departments that have little bits and pieces, including the Attorney General's Office, the Department of Revenue, and the Secretary of State. Some of those might be better placed in other titles where those departments have the overwhelming majority of their laws codified, and that would, I presume, make it easier for both the public and the administering agency to figure

out who's responsible for what. Then there's the issue of size. Title 12 is getting to be rather large. A few years ago Ms. Gilroy as the Revisor of Statutes made the decision, along with our publisher, that Title 24 had to be split into two volumes, just because it was physically getting to be too large. At that point it was about 1900 pages. As Ms. Chase mentioned, Title 12 is almost at 1500 pages. It's growing every year, so at some point in the future, Title 12 would probably have to be split into two volumes if we didn't take this kind of approach, which I think would have the advantage of getting rid of a fair bit of the bulk of the title, because instead of repeating this kind of boiler plate language in each article, a lot of which is the disciplinary authorities, you could state it once and then be done with it. Those are all the many benefits. Some of costs would be it's going to take a lot of time, a lot of time on staff, a lot of time from the executive agencies who help administer this title, and a commitment from the regulated entities themselves to go through and figure out what needs to be kept and what could potentially be changed. One of the things I think we would want to stick by is that this would be a nonsubstantive recodification. The goal here is not to change the law necessarily, but simply to improve its organization. However, when we have these similar authorities restated in different articles, they're not necessarily identical because, for instance, DORA would say this year we think this particular upgrade needs to be added on this sunset review to this particular article, but that little upgrade doesn't get included into all the other articles. Although some of the language is identical, some of it is slightly different, and to the extent that it might make sense to get rid of some of the inconsistencies, there may be some substantive changes through the recodification process. It's not the goal, and I think if the Committee decided to go forward with the bill we would want to include some guidance regarding that nonsubstantive aspect to this. The level of effort is one of the costs and then the other aspect of the potential cost of this effort is that there is no guarantee that it would pay off. We would need to have a bill and the bill would need to get enacted. Ms. Gilroy has regaled us with some stories of a recodification effort for Title 19 that occurred back in the 1990s that was not successful. There were several hundred page bills that died on the last day of session and so there is no guarantee that the amount of effort over multiple years would pay off, but we think it's worth looking at.

Ms. Gilroy said let me just say don't freak out, we're not looking to do a bill to recodify this year. What we're asking for you to consider is allowing us to submit a bill request on the Committee's behalf to study the possibility of a recodification - to direct the Office to solicit input from affected state agencies, the judicial branch, local governments, all professions and occupations and other organizations that are subject to regulation under Title 12, and to probably bring back at some point, maybe a year or two down the road, an actual bill to recodify. The reason we're bringing this to you is because, as the Committee on Legal Services, you do oversee the organization and publication of the Colorado Revised Statutes. That's one of your responsibilities, so that's why we're bringing it to you. At this point all we

would ask is that you consider allowing us to put in a bill request. It will be a short bill that will direct us to go forth and study a recodification of this title. We would bring you a bill draft at either your next meeting on February 5th or your following meeting on March 4th for you to look at and consider and there'd be public notice so others who might be interested in this would be able to attend the meeting and comment on it. It would have to be a delayed bill at that point and we would ask for the sponsor of the bill to get delayed bill permission, because it would be after the final House introduction deadline. We would probably include some guidelines and purposes to narrow the scope as best we can on this recodification, although I suspect there might be some need for some substantive changes, but we'd try to craft a title as narrowly as we could. At this point I would just ask that the Committee consider directing us to submit a bill request on your behalf to bring to you a bill at your next meeting or your March meeting that has the Committee overseeing a recodification of Title 12, Professions and Occupations.

Senator Steadman said if we went through this whole exercise and came up with a proposal to recodify the title, are we looking at introducing a 900-page bill to accomplish that at the end of the work? Mr. Morris said I would say one or more bills; it may make sense to break things up. For instance, you could have one bill that did nothing but the common provisions, one bill that did nothing but the things that stay in Title 12, and one bill that does nothing but move things out of Title 12 to other titles. We don't know how that might look, but yes, it's going to be a large bill or bills.

Senator Steadman said I remember the attempt to recodify the children's code, Title 19. There were three or four or five bills and ultimately, the big, thick bill failed because it had a broad title. One of my other questions is whether this would be a nonsubstantive recodification and is it really nonsubstantive to standardize the inconsistencies and to move disciplinary procedures out of a certain practice act and into an umbrella provision? How much could we control the bill title? Because to have a bill that the doctors can amend and the nurses can amend and the ophthalmologists can amend and the optometrists can amend and the acupuncturists can amend and the podiatrists can amend, you're talking about turf wars on steroids.

Mr. Morris said one other possible approach might be to put in the title that it's a nonsubstantive recodification. In that event the bills would be even larger because you wouldn't get many of the benefits of not having to restate things because you'd have to keep all of those inconsistencies. There would still be a benefit over time in the sense that at least you would have a common article where you could then get rid of a bunch of exceptions. Where it says notwithstanding the common provisions, for this article these different things apply. You could just repeal those later in time and get rid of some of the bulk, but I don't know whether that approach makes sense from this perspective yet. That's something to decide later in the process, I think.

Senator Steadman said the other question I have is around your study process. Would this be something that the legislation would direct your Office to undertake and you'd sit down with the dean of the medical school, the dean of the dental school, every association director and DORA person, and marijuana and MED at revenue? Would you be doing all that stakeholder outreach or would the bill propose that there be some sort of supervisory committee of members of this Committee that would be involved in some of that stakeholder input? That's a lot of work and it seems like a lot of vetting and handholding that your Office would be required to do that seems to go a little outside the normal role for the staff in your Office.

Ms. Gilroy said I think what we had envisioned was that this Committee would serve as an oversight committee. Back in the day of the children's code recodification that I'm familiar with, there was a six-member legislator oversight committee that was not a preexisting committee, and there was a 24-member task force that was comprised of specialists and those who worked in the various areas of dependency, neglect, juvenile delinquency, and what have you. I don't envision it being the same kind of recodification as that was. I think there was, it seemed from the bill sponsors, a real need for changing the way children's laws were handled in that day. In this situation I think we would be the heavy lifters. I think the Office would do the lion's share of the work, because this is a structural thing. This isn't like the children's code; it's really more of a structural thing. It would be my thought that it would begin with our attempts at redoing structuring, bringing it in fractured bills or whatever, and then inviting input from all of the agencies. It may be that we would give notice to different groups of professions or businesses or enterprises over a period of a year or two and have public meetings at which members of this Committee would certainly be welcomed and encouraged to attend, but that we would get that input and we would try to incorporate recommendations and suggestions that are brought to us into a recodification that we have attempted to put together. I see it different from being as substantive as the children's code. I think that it makes sense to make some substantive changes. I think the title or titles will be an issue for us to address. I really do see, in this situation, it's going to be more staff-driven. I would also say, not unlike the Revisor's Bill, if one or more bills go through the process a year or two or three from now, we would look to the bill sponsors to try to work to maintain the bill's integrity and not have substantive amendments added to it through the process.

Senator Steadman said it didn't quite work that way in 1996. Ms. Gilroy said it did not, I remember it well.

Representative Willett asked have you received any input from the practitioners or courts who deal a lot in this code? A related question is, is there a lot of unnecessary

litigation about some of the problems that you've identified with the organization or have the practitioners kind of worked their way through it with some guidance of the courts to where now it's a mess, but a working mess? Lastly if you recodify, has that ever been done, and can that create more problems than we can fix because now everything is different than it was? It makes it hard for practitioners who've become familiar with this and adds additional expense to clients to now work with a new structure. Mr. Morris said I'll take a stab at some of the beginning points. I know Ms. Chase and I have both spoken with folks at DORA, which has the lion's share of the title, and I think there is some sympathy and support and some degree of excitement, at least the levels we've spoken with. We haven't gone and spoken with the executive director and haven't coordinated with the attorneys or the actual regulated industries. I think it's more at the DORA level where I think they recognize that there could be a benefit to this. Regarding litigation due to the differences between the articles, I'm not aware of that. Overall, I don't think there's been a huge amount of litigation over most of these issues. It's relatively rare to find cases. We annotate all of the appellate cases and not that many end up in Title 12 because it's not a heavily litigated area.

Representative Willett asked has there ever been a recodification that was successful and does that cause havoc for the practitioners because now we have all different numbers and structures, and courts might miscite something? Mr. Morris said if you look at any of the legislative history notes at the end of any section they talk about old versions of the statutes. There was a process back I think in 1953, 1963, and 1973 for a total recodification of the entire C.R.S. Then in 1973 we hit upon a formula that seemed to work for numbering the statutes and there hasn't been a recodification since 1973 of the entire C.R.S., because of the idea of having titles, articles, and parts that can be expanded almost indefinitely. A lot of other states have actually adopted similar approaches. So, there have been major recodification efforts in the past.

Representative Willett said if we were to authorize this study approach, would the study itself have any fiscal impact, any additional FTEs, or can that be done in-house? Ms. Gilroy said I don't know what the departments might put a fiscal note on because the bill that we're contemplating would ask for input, for folks to attend meetings to give their input and ideas on recodification. Our staff prepares the fiscal note portion of bills that impact our staff. Typically if there's anything, it's a 0.1 FTE and we rarely, in fact probably never, see that. I think we're anticipating doing it within our existing appropriation. Going back to your earlier question, there have been smaller recodifications over time. There have been recodifications of the banking code, the traffic code, and insurance with the children's code that Senator Steadman was mentioning; I think there were five bills, all but one of which passed. The largest one had the title "concerning the recodification of the children's code, which was broad enough for anything and it did fail on Sine Die, but the other ones

passed, and so we recodified the juvenile delinquency code, the uniform parentage act, and other portions of Title 19. It's a much smaller title of course, but maybe far more controversial. So, there have been other recodifications and as Mr. Morris mentioned, it used to be about every 10 years that the entire Colorado Revised Statutes was recodified. They finally came upon this numbering system that we have today in 1973 with the spoken intent we would never have to go through a complete recodification again because that was an incredible undertaking.

Representative Dore asked what's the timeline on something like this? That's a big volume of laws and I'm assuming that not only are we going to be dealing with, whenever it starts and whenever it ends, a different makeup of the Committee, but also different members of the legislative body. I don't see any way that this doesn't become a substantive fight on the floor, because people are going to see opportunities to make hay with 1500 pages of regulations and departments. Some of those departments are ones that are already being looked at as do we need them and do we need them the way they are. Is there a timeline? Ms. Gilroy said we anticipated at least a two-year time frame to be able to hold public hearings and get input from folks and prepare possible bills for consideration. At the very earliest I would anticipate 2017 or 2018 for legislation.

Representative Dore said is it a bunch of bills that end up recodifying it or is it one big recodification bill? Ms. Gilroy said as Mr. Morris mentioned earlier we don't know yet how it will all come down, but I think it might be advisable to have more than one bill as Mr. Morris is proposing - maybe one that creates that uniform section at the beginning and one that moves out areas of Title 12 that need to belong in other titles - but fracture it as best we can to create separate bills. It was easier with the children's code because it is so distinct in terms of juvenile delinquency, dependency, neglect, and the uniform parentage act. This title isn't quite like that but it could be divided up and that's something we intend to put our heads into following the legislative session.

Senator Steadman said I wanted to come back to the question about fiscal impact. One of the things I would recommend that we include in the bill this year that sets up the study is to ask the stakeholders what the fiscal impact might be to state agencies, because just changing the section numbers means that every real estate form has to be reprinted and repromulgated and you're setting in motion an awful lot of minor housekeeping citation changes. It makes me wonder how extensive the rule-making process would have to be where agency rules cross reference their statutory sections or how much letterhead or standard forms would have to be revised and updated. I think there's a lot of downstream consequences that are small but would still drive a fiscal impact to agencies, and so I'd want that to be part of the study that we set in motion this year. Ms. Gilroy said we'll take that under advisement.

Senator Roberts said I'm trying to bridge the gap between my generation and younger generations in terms of, I like the hard copy of the statute books, but I notice that many people don't ever even pick up their statute books anymore - they just go straight online. If this is done in a technological savvy world by people now younger than me, I'm not sure the sense of bulk weighs as heavily on them as it would on me. I kind of hate where we're headed in terms of thinking through all the downsides because obviously we want the statutes to be clean and up-to-date and easy to use, so by staying bogged down, it's almost like the weight of the past is so big that you can't clean it up. I guess I'm wondering from a technological standpoint, is the burden that we're talking about as difficult for the next generations to come who are just going to be searching the statutes on their computers or iPads? Ms. Chase said I think one of the things that might make it easier searching technologically is if you don't get 500 hits when you search for "cease-and-desist order" or a particular term that is used hundreds or thousands of times throughout Title 12. It might help make your electronic search easier and more pinpointed if you don't have such duplication throughout the whole title. You're right that if you're searching electronically you're not aware of how thick and voluminous this is and how much repetition there is, but when you do your search and you don't get 500 hits but you get five hits, it's a lot easier to work through that and find what you're looking for. So I think recodification can help electronic searches as well.

Senator Roberts said someone my age might type in "cease and desist" but I think someone my daughter's age would type in "cease and desist in domestic violence cases". Would that not take the thousand hits down to whatever kind of case they're working on, or am I missing something in that? Again, I would like to think that we could clean things up as we move forward into the future, but I'm just wondering about all the unintended consequences. From 10 years here of watching people fight over professions and occupations and the turf wars, I think this would consume an entire session, or five, by occupations and professions fighting each other.

Ms. Gilroy said I would just add one more observation to Ms. Chase's response to Senator Roberts and that is that currently the only official version of the Colorado Revised Statutes are these books, the printed version. Now that's a dated thing to say, but it's still the fact and it would take a change in the statutes to make an electronic version an official version. Meaning, this is what a court of law in the state of Colorado can take as evidence of the law and only this. We're working on changing that to include an electronic version. We're not there yet because we have to comply with the "Uniform Electronic Legal Material Act" before we can do that and that requires a lot of technology that we're not quite at yet. So for now, no matter what your age, the bulk is important if you're going to court or you're a judge. If you're a citizen who isn't going to court or just wants to quickly look at the law, it would be irrelevant. If I'm a hairdresser who wants to know what my requirements are, I'm

going to look at it online and maybe I'm young and I'm a savvy internet user and I can narrow that search. It could be that Ms. Chase's right that recodification helps with the search. It could be that folks become more and more savvy using the internet and it's not a problem leaving it as it is. I don't really know, but for now I know that the book is the official law and will be for a few more years at least.

Senator Roberts said I'm happy to make a motion that you look into it further. It sounds like what you're asking for is the Committee to give you permission to start the process. I think it makes sense to look further into it than what we can do here and if you get hit with a tsunami you may come back and say never mind, but I think it's a worthy discussion to sink your teeth into. Unless there are other questions to be covered, I'd be happy to make a motion, and can you remind me exactly what you want the motion to say? Ms. Gilroy said we're seeking the Committee's authority to submit a bill request to draft a bill directing our office to undertake a study of a possible recodification of the statutes, soliciting input from affected state agencies, local governments, and others regulated by Title 12.

8:48 a.m.

Hearing no further discussion or testimony, Senator Roberts said so moved. Senator Steadman seconded the motion. The motion passed on a 9-0 vote, with Representative Dore, Senator Johnston, Representative Kagan, Senator Roberts, Senator Steadman, Representative Willett, Representative McCann, Senator Scheffel, and Representative Foote voting yes.

Due to time constraints the committee decided to lay over agenda item 3 and move on to agenda item 4.

8:49 a.m. – Thomas Morris addressed agenda item 4 – Other.

Mr. Morris said as most of you probably know Representative Keyser has announced his intention to resign from the General Assembly. He is also a member of the Colorado Commission on Uniform State Laws and he has also announced his intention to resign from that body. Section 2-3-601 (2), C.R.S., vests the authority to fill that vacancy with this Committee. The last sentence of that subsection (2) says "appointments to fill vacancies shall be made by the Committee on Legal Services for the unexpired term of the vacant office". So there are two things that you need to know. Everybody on this commission has to be an attorney and at least two of the commissioners have to be appointed from the General Assembly. Senator Steadman is the other person on the commission who has been appointed from the General Assembly, so with Representative Keyser's resignation from the commission, there is a vacancy of a member of the General Assembly who is also an attorney.

Everybody has to be an attorney and the new person has to also be a legislator. At some point, hopefully this Committee will take it upon itself to fill that vacancy.

Representative Dore said can you tell us outside of it being a committee, how many times it meets, what you have to do, and does it go to Hawaii? Mr. Morris said we do occasionally get sent to Hawaii. I'm on the commission as well, which is why I'm here today. The commission just met earlier this week and will not be meeting again until its national annual meeting in July. One of the things that the commission does is recommend the introduction of proposed uniform laws and having a legislator on the commission could help Senator Steadman in his efforts in sponsoring some of those bills. We had five bills that were approved for introduction and Senator Steadman has graciously agreed to carry some of those, but there are still one or two that need sponsorship. It doesn't have to be a commissioner that sponsors one of those bills, but it is helpful to the commission to have a full load of commissioners in the legislature to assist in that effort.

Senator Steadman said I want to just speak in favor of this opportunity for whoever wants to step up and avail themselves of it. I've really enjoyed the uniform law commission. This was just my first year, but I found it fascinating going to the national conference. This year the national conference will be in Stowe, Vermont, and it's a seven-day conference. You spend seven days on the floor of a huge ballroom where all 50 states are present debating uniform acts and there's lots of other activities as well, but it's quite intellectually stimulating. Much of the work of the uniform law commission is in rather dry areas of the law, like the uniform probate code and uniform parentage act. There are certain areas of law that are sort of predominant, but there's also a great variety and you meet some amazing people. Our state commission meets after we get back from the July national conference. We give it a couple months for all the things to be drafted and amended that got voted on in July, and then we meet in the fall to consider which of those things we might recommend for Colorado this year. I think we've met either four or five times since July and then as Mr. Morris said, now that we've got our agenda set and the bills planned for this session, we won't have another meeting until we all attend the national conference in Vermont this summer. I think it's a fascinating and really important process. One of the things we're going to do this year during the Joint Rule 25 meetings that are taking place, where the JBC comes and briefs the committees of reference, the uniform law commission is also getting on the agenda for those meetings to help other members of the General Assembly understand the role and mission of the uniform law commission and the importance of uniform state laws. It actually hadn't really occurred to me in all the years I've been involved in this work what the role of the uniform law commission was in helping standardize certain areas of law across state boundaries. For those that have an interest in uniformity, consistency, and predictability in the law, were it not for the uniform law commission and its ability to try to make things as seamless as possible

across state lines, those interest groups' other option would be to go to Congress and get Congress to legislate and preempt state law. In the areas of domestic relations or probate it really isn't the role of the Congress and the federal government to be the primary source of law, and yet uniformity and consistency across jurisdictions is important and it's something that we should preserve as the role of the states in our federal system. The uniform law commission helps maintain that balance and that role. I've just found it fascinating and I would really encourage anyone who's interested in doing it. I would hope that as we're filling this vacancy we would be mindful of maintaining some of the bipartisan nature of the commission. Representative Keyser is from the House Republican caucus. The statute only says two members from the General Assembly, so I guess they could be from the same chamber, but if we could find another member of the House Republicans caucus who meets the qualifications, I think that would be the place to start looking.

Representative Foote asked what is it that we need to do to keep this process going or get this process going at this point? Mr. Morris said talk amongst yourselves and decide when you're ready to make an appointment.

Representative Foote said and then we would need to have this Committee support a Joint Resolution in order to do so? Mr. Morris said actually I don't think that is necessary. That is how it is normally done in the beginning of a new general assembly, but I think if you made a motion and it passed that would do it.

8:58 a.m.

The Committee adjourned.