

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 16-0930.01 Thomas Morris x4218

SENATE BILL 16-163

SENATE SPONSORSHIP

Johnston, Roberts, Steadman, Scheffel

HOUSE SPONSORSHIP

Kagan, Dore, Foote, McCann

Senate Committees

State, Veterans, & Military Affairs
Legislative Council
Appropriations

House Committees

Judiciary
Appropriations

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, AND, IN
104 CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
May 9, 2016

SENATE
3rd Reading Unamended
May 2, 2016

SENATE
Amended 2nd Reading
April 29, 2016

Colorado Revised Statutes. In conducting the study, the office must solicit input, including regarding the potential fiscal impacts of a recodification, from the judicial department, state agencies, local governments, and 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 committee to determine by December 31, 2017, whether to direct the office to present proposed legislation to the committee for an organizational recodification. 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 or obsolete 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

1 (III) INCLUDES NUMEROUS ARTICLES THAT DO NOT STRICTLY
2 RELATE TO THE REGULATION OF A PROFESSION OR OCCUPATION AND THAT
3 COULD BE MORE APPROPRIATELY CODIFIED ELSEWHERE IN THE COLORADO
4 REVISED STATUTES;

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

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

10 (2) (a) BEGINNING IN THE 2016 INTERIM, THE OFFICE, OVERSEEN
11 BY THE COMMITTEE, SHALL STUDY AN ORGANIZATIONAL RECODIFICATION
12 OF TITLE 12 OF THE COLORADO REVISED STATUTES. IN CONDUCTING THE
13 STUDY, THE OFFICE SHALL SOLICIT INPUT, INCLUDING INPUT REGARDING
14 UNOFFICIAL ESTIMATES OF THE FISCAL IMPACT THAT AN ORGANIZATIONAL
15 RECODIFICATION OF TITLE 12 MIGHT ENTAIL, FROM:

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

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

23 (III) REPRESENTATIVES FROM THE PROFESSIONS AND OCCUPATIONS
24 REGULATED BY TITLE 12; AND

25 (IV) THE PUBLIC.

26 (b) THE OFFICE SHALL PROVIDE PERIODIC UPDATES TO THE
27 COMMITTEE REGARDING THE STUDY AND, NO LATER THAN DECEMBER 31,

1 2017, THE COMMITTEE SHALL DETERMINE WHETHER TO DIRECT THE OFFICE
2 TO PROVIDE TO THE COMMITTEE PROPOSED LEGISLATION FOR AN
3 ORGANIZATIONAL RECODIFICATION OF TITLE 12.

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

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

11 (I) CONFORMING SIMILAR PROVISIONS TO ACHIEVE UNIFORMITY,
12 ELIMINATE REDUNDANCY, AND ALLOW FOR THE CONSOLIDATION OF
13 COMMON PROVISIONS; AND

14 (II) ELIMINATING PROVISIONS THAT ARE ARCHAIC OR OBSOLETE;

15 (b) THE OFFICE SHOULD ENDEAVOR TO USE ACTIVE VOICE,
16 AUTHORITY VERBS, GENDER-NEUTRAL LANGUAGE, AND PEOPLE-FIRST
17 LANGUAGE; AND

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

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

23 **SECTION 2. Appropriation.** For the 2016-17 state fiscal year,
24 \$26,111 is appropriated to the legislative department for use by the office
25 of legislative legal services. This appropriation is from the general fund
26 and is based on an assumption that the office will require an additional
27 0.4 FTE. To implement this act, the office may use this appropriation for

1 the study of an organizational recodification of title 12 of the Colorado
2 Revised Statutes.

3 **SECTION 3. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.