

CHAPTER 283

PROFESSIONS AND OCCUPATIONS

SENATE BILL 16-163

BY SENATOR(S) Johnston, Roberts, Steadman, Scheffel, Guzman, Heath, Jones, Newell;
also REPRESENTATIVE(S) Kagan, Dore, Foote, McCann, Court, Moreno.

AN ACT

CONCERNING A STUDY OF AN ORGANIZATIONAL RECODIFICATION OF TITLE 12 OF THE COLORADO REVISED STATUTES GOVERNING THE REGULATION OF PROFESSIONS AND OCCUPATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

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

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THAT ARE SEPARATED BY A GROUPING OF "HEALTH CARE" ARTICLES, AND A LARGE PERCENTAGE OF ARTICLES THAT HAVE EITHER BEEN REPEALED OR BEEN CODIFIED WITH A DECIMAL NUMBER;

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

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

(b) DETERMINES THAT THESE SHORTCOMINGS MAKE THE TITLE UNNECESSARILY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

VOLUMINOUS, REPETITIVE, AND DIFFICULT TO AMEND, UNDERSTAND, AND ADMINISTER; AND

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

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

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

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

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

(IV) THE PUBLIC.

(b) THE OFFICE SHALL PROVIDE PERIODIC UPDATES TO THE COMMITTEE REGARDING THE STUDY AND, NO LATER THAN DECEMBER 31, 2017, THE COMMITTEE SHALL DETERMINE WHETHER TO DIRECT THE OFFICE TO PROVIDE TO THE COMMITTEE PROPOSED LEGISLATION FOR AN ORGANIZATIONAL RECODIFICATION OF TITLE 12.

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

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

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

(II) ELIMINATING PROVISIONS THAT ARE ARCHAIC OR OBSOLETE;

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

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

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

SECTION 2. Appropriation. For the 2016-17 state fiscal year, \$26,111 is appropriated to the legislative department for use by the office of legislative legal services. This appropriation is from the general fund and is based on an assumption that the office will require an additional 0.4 FTE. To implement this act, the office may use this appropriation for the study of an organizational recodification of title 12 of the Colorado Revised Statutes.

SECTION 3. 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.

Approved: June 10, 2016