

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 17-0223.03 Thomas Morris x4218

HOUSE BILL 17-1006

HOUSE SPONSORSHIP

Foote,

SENATE SPONSORSHIP

Kagan,

House Committees
Judiciary

Senate Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORIZATION OF A PROCESS TO CORRECT**
102 **STATUTORY CITATIONS CONTAINED IN EXECUTIVE BRANCH**
103 **AGENCY RULES PUBLISHED IN THE CODE OF COLORADO**
104 **REGULATIONS WITHOUT THE REQUIREMENT TO FOLLOW**
105 **RULE-MAKING PROCEDURES.**

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://leg.colorado.gov/>.)

Committee on Legal Services. Under current law, if an executive branch agency rule, including a form incorporated into a rule, contains a

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.

SENATE
3rd Reading Unamended
March 3, 2017

SENATE
2nd Reading Unamended
March 2, 2017

HOUSE
3rd Reading Unamended
January 31, 2017

HOUSE
2nd Reading Unamended
January 30, 2017

citation to statute and the general assembly later relocates the statute in a way that renders the rule's citation to the statute inaccurate, to update the statutory citation the agency must conduct a rule-making hearing, including issuing a notice and receiving comments. The bill allows agencies to correct statutory citations in the code of Colorado regulations without notice, comment, or a hearing by submitting to the secretary of state a specific, written determination by the attorney general.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-4-102, **amend**
3 (16) as follows:

4 **24-4-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (16) "Rule-making" means agency process for the formulation,
7 amendment, or repeal of a rule. "RULE-MAKING" DOES NOT INCLUDE A
8 STATUTORY CITATION CORRECTION AUTHORIZED BY SECTION 24-4-103
9 (11)(I).

10 **SECTION 2.** In Colorado Revised Statutes, 24-4-103, **add** (11)(I)
11 as follows:

12 **24-4-103. Rule-making - procedure - definitions - statutory**
13 **citation correction - repeal.** (11) (I) (I) AN AGENCY MAY REQUEST THE
14 SECRETARY OF STATE TO CORRECT A STATUTORY CITATION CONTAINED IN
15 A RULE, INCLUDING A FORM INCORPORATED INTO A RULE, AS PUBLISHED
16 IN THE CODE OF COLORADO REGULATIONS IF:

17 (A) THE GENERAL ASSEMBLY HAS RELOCATED THE STATUTE IN A
18 MANNER THAT RENDERS THE RULE'S CITATION TO THE STATUTE
19 INACCURATE; AND

20 (B) THE AGENCY SUBMITS TO THE SECRETARY A WRITTEN
21 DETERMINATION BY THE ATTORNEY GENERAL THAT FINDS THAT THE
22 CONDITION SPECIFIED IN SUBSECTION (11)(I)(I)(A) OF THIS SECTION

1 APPLIES, SPECIFIES WHAT THE CORRECT CITATION IS, AND IDENTIFIES EACH
2 CITATION THAT SHOULD BE CORRECTED.

3 (II) UPON RECEIPT OF A REQUEST THAT COMPLIES WITH
4 SUBSECTION (11)(I)(I) OF THIS SECTION, THE SECRETARY OF STATE SHALL
5 CORRECT IN THE CODE OF COLORADO REGULATIONS EACH STATUTORY
6 CITATION LISTED IN THE DETERMINATION SPECIFIED IN SUBSECTION
7 (11)(I)(I)(B) OF THIS SECTION.

8 (III) A STATUTORY CITATION CORRECTION AUTHORIZED BY THIS
9 SUBSECTION (11)(I) IS NOT RULE-MAKING AND NEED NOT COMPLY WITH
10 ANY REQUIREMENTS OF THIS SECTION OTHER THAN THOSE SPECIFIED IN
11 THIS SUBSECTION (11)(I).

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