

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0538.01 Christy Chase x2008

HOUSE BILL 18-1026

HOUSE SPONSORSHIP

Herod,

SENATE SPONSORSHIP

Cooke and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE NONSUBSTANTIVE RELOCATION OF THE LAW**
102 **CREATING THE LIQUOR ENFORCEMENT DIVISION AND STATE**
103 **LICENSING AUTHORITY CASH FUND FROM TITLE 24, COLORADO**
104 **REVISED STATUTES, TO A NEW TITLE 44 AS PART OF THE**
105 **ORGANIZATIONAL RECODIFICATION OF TITLE 12.**

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. Current law directs the office of legislative legal services to study the organizational recodification of title

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

12 of the Colorado Revised Statutes, which relates to professions and occupations. One recommendation of the study is to relocate laws located in title 12 that are administered by the department of revenue, as well as other isolated laws administered by the department of revenue, to a new title 44, which will consist solely of laws administered by the department of revenue that regulate a variety of activities.

To implement this recommendation, **section 1** of the bill creates title 44 and **section 2** relocates a law that creates the liquor enforcement division and state licensing authority cash fund from title 24 to the new title. **Section 3** repeals the relocated law from its current location. **Sections 4 and 5** make conforming amendments necessitated by the relocation of the law.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** title 44 as
3 follows:

4 **TITLE 44**

5 **ACTIVITIES REGULATED BY THE**
6 **DEPARTMENT OF REVENUE**

7 **ARTICLE 1**

8 **Common Provisions**

9 **44-1-101. Short title.** THE SHORT TITLE OF THIS TITLE 44 IS THE
10 "DEPARTMENT OF REVENUE ACTIVITIES REGULATION ACT".

11 **44-1-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
12 HEREBY FINDS AND DECLARES THAT:

13 (a) BEFORE THE ENACTMENT OF THIS TITLE 44, LAWS
14 ADMINISTERED BY THE DEPARTMENT OF REVENUE THAT REGULATE A
15 VARIETY OF ACTIVITIES WERE CODIFIED IN TWO TITLES OF THE COLORADO
16 REVISED STATUTES, MOST PROMINENTLY IN TITLE 12, WHICH GOVERNS
17 PROFESSIONS AND OCCUPATIONS;

18 (b) MOST PROFESSIONS AND OCCUPATIONS ARE REGULATED BY
19 THE DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO TITLE 12, BUT

1 PRIOR TO THE 2017 LEGISLATIVE SESSION, TITLE 12 CONTAINED NUMEROUS
2 LAWS THAT DID NOT PERTAIN TO THE REGULATION OF PROFESSIONS AND
3 OCCUPATIONS AND WERE NOT ADMINISTERED BY THE DEPARTMENT OF
4 REGULATORY AGENCIES;

5 (c) WITH THE ENACTMENT OF SECTION 2-3-510 IN 2016, THE
6 GENERAL ASSEMBLY DIRECTED THE OFFICE OF LEGISLATIVE LEGAL
7 SERVICES TO STUDY AN ORGANIZATIONAL RECODIFICATION OF TITLE 12 OF
8 THE COLORADO REVISED STATUTES, INCLUDING RELOCATING LAWS THAT
9 DO NOT PERTAIN TO PROFESSIONS AND OCCUPATIONS AND ARE NOT
10 ADMINISTERED BY THE DEPARTMENT OF REGULATORY AGENCIES;

11 (d) BASED ON RECOMMENDATIONS FROM THE TITLE 12
12 RECODIFICATION STUDY, THE GENERAL ASSEMBLY ENACTED SEVERAL
13 BILLS IN THE 2017 LEGISLATIVE SESSION TO RELOCATE OUT OF TITLE 12
14 MANY LAWS THAT ARE ADMINISTERED BY ENTITIES OTHER THAN THE
15 DEPARTMENT OF REGULATORY AGENCIES;

16 (e) THE STUDY ALSO RECOMMENDED CREATING A NEW TITLE 44
17 FOR PURPOSES OF CONSOLIDATING LAWS ADMINISTERED BY THE
18 DEPARTMENT OF REVENUE THAT REGULATE ACTIVITIES INTO A SINGLE
19 TITLE IN ORDER TO FACILITATE BOTH:

20 (I) THE PUBLIC'S AND REGULATED ENTITIES' UNDERSTANDING OF
21 THE LAWS THAT APPLY TO THEM; AND

22 (II) THE DEPARTMENT OF REVENUE'S ADMINISTRATION OF THESE
23 LAWS; AND

24 (f) CREATING A NEW TITLE 44 CONSISTING OF LAWS ADMINISTERED
25 BY THE DEPARTMENT OF REVENUE THAT REGULATE VARIOUS ACTIVITIES
26 IS NECESSARY TO IMPLEMENT THE RECOMMENDATIONS OF THE TITLE 12
27 RECODIFICATION STUDY AND FACILITATE THE REORGANIZATION OF TITLE

1 12 PERTAINING TO THE REGULATION OF PROFESSIONS AND OCCUPATIONS.

2 **44-1-103. Definitions.** AS USED IN THIS TITLE 44, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE
5 CREATED IN SECTION 24-1-117.

6 (2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
7 THE DEPARTMENT.

8 **SECTION 2.** In Colorado Revised Statutes, **add with amended**
9 **and relocated provisions** article 6 to title 44 as follows:

10 **ARTICLE 6**

11 **Liquor Enforcement Division and**

12 **State Licensing Authority Cash Fund**

13 **44-6-101. [Formerly 24-35-401] Liquor enforcement division**
14 **and state licensing authority cash fund.** There is hereby created in the
15 state treasury the liquor enforcement division and state licensing authority
16 cash fund. The fund shall consist of ~~moneys~~ MONEY transferred ~~thereto~~
17 in accordance with sections 12-46-105 (2) and 12-47-502 (1). ~~C.R.S.~~ The
18 general assembly shall make annual appropriations from the fund for a
19 portion of the direct and indirect costs of the liquor enforcement division
20 and the state licensing authority in the administration and enforcement of
21 articles 46, 47, and 48 of title 12. ~~C.R.S.~~ Any money remaining in the
22 fund at the end of each fiscal year shall remain in the fund and shall not
23 revert to the general fund or any other fund. The fund shall be maintained
24 in accordance with section 24-75-402.

25 **SECTION 3. Repeal of relocated provision in this act.** In
26 Colorado Revised Statutes, **repeal** part 4 of article 35 of title 24.

27 **SECTION 4.** In Colorado Revised Statutes, 12-46-105, **amend**

1 (2)(c) as follows:

2 **12-46-105. Fees and taxes - allocation.** (2) (c) The expenditures
3 of the state licensing authority and the liquor enforcement division shall
4 be paid out of appropriations from the liquor enforcement division and
5 state licensing authority cash fund as provided in ~~section 24-35-401,~~
6 ~~C.R.S.~~ SECTION 44-6-101.

7 **SECTION 5.** In Colorado Revised Statutes, 12-47-502, **amend**
8 (1)(c) as follows:

9 **12-47-502. Fees and taxes - allocation.** (1) (c) The expenditures
10 of the state licensing authority and the liquor enforcement division shall
11 be paid out of appropriations from the liquor enforcement division and
12 state licensing authority cash fund as provided in ~~section 24-35-401,~~
13 ~~C.R.S.~~ SECTION 44-6-101.

14 **SECTION 6. Act subject to petition - effective date.** This act
15 takes effect October 1, 2018; except that, if a referendum petition is filed
16 pursuant to section 1 (3) of article V of the state constitution against this
17 act or an item, section, or part of this act within the ninety-day period
18 after final adjournment of the general assembly, then the act, item,
19 section, or part will not take effect unless approved by the people at the
20 general election to be held in November 2018 and, in such case, will take
21 effect on the date of the official declaration of the vote thereon by the
22 governor.