

**Final**  
**STAFF SUMMARY OF MEETING**

**COMMITTEE ON STATUTORY REVISION COMMITTEE**

Date: 08/21/2017

ATTENDANCE

Time: **09:36 AM to 01:22 PM**

Place:

This Meeting was called to order by  
Senator Martinez Humenik

This Report was prepared by  
Jessica Wigent

	Arndt	X
	Hooton	X
	Nordberg	E
	Tate	X
	Thurlow	X
	Zenzinger	X
	Brad Ramming, Esq.	E
	Patrice Bernadette Collins, Esq.	X
	Moreno	X
	Martinez Humenik	X

X = Present, E = Excused, A = Absent, \* = Present after roll call, R = Remote Participation

Bills Addressed:	Action Taken:
1a. Vote on bill draft 1A, nonsubstantive clean up of section 39-26-717	Recommendation(s) Approved
1b. Vote on bill draft 1B, repealing duplicative odometer reading rqmts	Recommendation(s) Approved
2a. Presentation of memo aligning CDOT reports with section 24-1-136	Recommendation(s) Approved
2b. Presentation of memo regarding noncertified deputy sheriffs	Recommendation(s) Approved
2c. Presentation of memo re: state officials' bonds & oaths rqmts	Recommendation(s) Approved
2d. Presentation of memo re: replacing the word "pauper" in C.R.S.	Recommendation(s) Approved
2e. Presentation of memo eliminating duplicative definitions in title 27	Witness Testimony and/or Committee Discussion Only
2f. Repeal unfunded and obsolete DHS funds and programs	Recommendation(s) Approved
2g. Remove unconstitutional provision relating to interest on damages	Recommendation(s) Approved
2h. Part 5 of article 7 of title 18, C.R.S.	Recommendation(s) Approved
2li. Addressing terminology related to "legitimacy" of children.	Witness Testimony and/or Committee Discussion Only
2liii. Unconstitutional provisions relating to same-sex marriage.	Witness Testimony and/or Committee Discussion Only
2lii. "Rights of Married Women", part 2 of article 2 of title 14, C.R.S.	Witness Testimony and/or Committee Discussion Only
2liiv. Addressing terminology related to same-sex marriage	Witness Testimony and/or Committee Discussion Only
2j. Permanently enjoined laws on ballot issue petition circulators	Witness Testimony and/or Committee Discussion Only
3. Discuss October meeting.	

**09:36 AM -- 1a. Vote on bill draft 1a, nonsubstantive clean up of section 39-26-717, C.R.S.**

**09:36 AM --** Kate Meyer, Office of Legislative Legal Services (OLLS), testified before the committee regarding Bill Draft 1a, which was discussed at the previous meeting. Representative Thurlow suggested that including a nonstatutory legislative declaration, as the first section of the bill, could help the committee of reference understand the goal of the bill. Ms. Meyer agreed to include the new section and added that drafters working on SRC



bills would begin adding nonstatutory declarations. [02 18-0069.pdf](#)

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<b>BILL:</b>	<b>1a. Vote on bill draft 1a, nonsubstantive clean up of section 39-26-717</b>	
<b>TIME:</b>	<b>09:45:39 AM</b>	
<b>MOVED:</b>	Moreno	
<b>MOTION:</b>	Senator Moreno moved to introduce LLS 18-0069 as drafted, with a nonstatutory legislative declaration added as the first section of the bill. The motion passed on a vote of 7-0.	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Arndt	Yes
	Hooton	Yes
	Nordberg	Excused
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	Excused
	Patrice Bernadette Collins, Esq.	
	Moreno	Yes
	Martinez Humenik	Yes
<b>YES: 7 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS</b>		

**09:47 AM -- 1b. Vote on bill draft 1b, repealing duplicative odometer reading requirements**

Jery Payne, OLLS, testified before the committee regarding redundant odometer reading requirements, which issue was presented to the Committee in the previous meeting. Senator Tate said that the towing companies supported this issue, which was previously introduced as an amendment to a bill in 2017 legislative session.



03 18-0066.pdf

<b>BILL:</b>	<b>1b. Vote on bill draft 1b, repealing duplicative odometer reading reqmts</b>	
<b>TIME:</b>	<b>09:52:59 AM</b>	
<b>MOVED:</b>	Tate	
<b>MOTION:</b>	Senator Tate moved to introduce LLS 18-0066 as drafted. The motion passed on a vote of 7-0.	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Arndt	Yes
	Hooton	Yes
	Nordberg	Excused
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	Excused
	Patrice Bernadette Collins, Esq.	
	Moreno	Yes
	Martinez Humenik	Yes

**YES: 7 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS**

**09:55 AM -- 2a. Presentation of memo aligning CDOT reports with section 24-1-136, C.R.S.**

Kristen Forrestal, OLLS, testified before the Committee concerning CDOT reports that were inadvertently missing from the 2017 bill aligning CDOT reports with the requirements of section 24-1-136, C.R.S. Senator



Martinez Humenik asked that both reports be continued indefinitely. 04 SRC\_Memo2A.pdf

<b>BILL:</b>	<b>2a. Presentation of memo aligning CDOT reports with section 24-1-136, C.R.S.</b>	
<b>TIME:</b>	<b>09:59:15 AM</b>	
<b>MOVED:</b>	Thurlow	
<b>MOTION:</b>	Representative Thurlow moved to draft a bill to continue the CDOT reports in memo 2a indefinitely. The motion passed on a vote of 6-0.	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Arndt	Yes
	Hooton	Yes
	Nordberg	Excused
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	Excused
	Patrice Bernadette Collins, Esq.	
	Moreno	Excused
	Martinez Humenik	Yes
<b>YES: 6 NO: 0 EXC: 3 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS</b>		

**10:00 AM -- 2b. Presentation of memo regarding deputy sheriffs noncertified by the P.O.S.T. Board**

Richard Sweetman, OLLS, testified before the Committee regarding Memo 2b. He explained that issue, brought to his attention by Legislative Council staff, concerned conflicting provisions regarding whether deputy sheriffs must be certified by the P.O.S.T. Board. The Committee also received a response to the memo from the County Sheriffs of Colorado. Senator Martinez Humenik remarked that she believed that it was in the state's best



interest to continue the provision that noncertified sheriffs may serve when needed. 05 SRC\_Memo2B.pdf



MemofromCountySheriffs.pdf

<b>BILL:</b>	<b>2b. Presentation of memo regarding noncertified deputy sheriffs</b>
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<b>TIME:</b>	<b>10:02:22 AM</b>
<b>MOVED:</b>	Arndt
<b>MOTION:</b>	Representative Arndt moved that a bill be drafted that clarifies that noncertified deputy sheriffs may serve. The motion passed on a vote of 6-0.
<b>SECONDED:</b>	
	<b>VOTE</b>
Arndt	Yes
Hooton	Yes
Nordberg	Excused
Tate	Yes
Thurlow	Yes
Zenzinger	Yes
Brad Ramming, Esq.	Excused
Patrice Bernadette Collins, Esq.	
Moreno	Excused
Martinez Humenik	Yes
<b>YES: 6 NO: 0 EXC: 3 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS</b>	

**10:03 AM -- 2c. Presentation of memo concerning state officials' bonds and oaths requirements**

Kip Kolkmeier, OLLS, testified before the Committee regarding public employment-related oaths of office and personal surety bonds, and potential issues with anachronistic provisions regarding these in statute. The Committee asked Mr. Kolkmeier to prepare a specific bill just for "low-hanging fruit"; a second bill, after receiving stakeholder feedback, to address the issue of oaths and affirmations; and a third to address substituting insurance for



surety bonds. 06 SRC\_Memo2C.pdf

<b>BILL:</b>	<b>2c. Presentation of memo concerning state officials' bonds and oaths rqmts</b>	
<b>TIME:</b>	<b>10:40:51 AM</b>	
<b>MOVED:</b>	Arndt	
<b>MOTION:</b>	Representative Arndt moved to draft three bills concerning the issue presented in memo 2c. The motion passed on a vote of 7-0.	
<b>SECONDED:</b>		
	<b>VOTE</b>	
Arndt	Yes	
Hooton	Yes	
Nordberg	Excused	
Tate	Yes	
Thurlow	Yes	
Zenzinger	Yes	
Brad Ramming, Esq.	Excused	
Patrice Bernadette Collins, Esq.		
Moreno	Yes	
Martinez Humenik	Yes	

**YES: 7 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS**

**10:42 AM -- 2d. Presentation of memo regarding replacing the word "pauper" in C.R.S.**

Brita Darling, OLLS, testified before the Committee. The memo and bill she presented nonsubstantively amends three sections of statute to replace the word "pauper" with "indigent person", thereby bringing the language



in these sections into the 21st century. 07 SRC\_Memo2D.pdf

<b>BILL:</b>	<b>2d. Presentation of memo re: replacing the word "pauper" in C.R.S.</b>	
<b>TIME:</b>	<b>10:48:55 AM</b>	
<b>MOVED:</b>	Zenzinger	
<b>MOTION:</b>	Senator Zenzinger moved to introduce bill 2d as drafted. The motion passed on a vote of 6-1.	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Arndt	Yes
	Hooton	Yes
	Nordberg	Excused
	Tate	No
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	Excused
	Patrice Bernadette Collins, Esq.	
	Moreno	Yes
	Martinez Humenik	Yes
<b>YES: 6 NO: 1 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS</b>		

**10:51 AM -- 2e. Presentation of memo eliminating duplicative definitions in title 27, C.R.S.**

Jane Ritter, OLLS, testified before the Committee regarding the issue in memo 2e. Two bills were drafted during the 2017 legislative session, each creating a definitions section. Because they are duplicative, Ms. Ritter proposed repealing one section and keeping another to clean up the statute, especially considering that the change



would have no substantive effect on the statute. 08 SRC\_Memo2E.pdf

<b>BILL:</b>	<b>2e. Presentation of memo eliminating duplicative definitions in title 27, C.R.S.</b>
<b>TIME:</b>	<b>10:54:11 AM</b>
<b>MOVED:</b>	Martinez Humenik
<b>MOTION:</b>	Senator Martinez Humenik moved to introduce bill 2e with the change suggested by Ms. Ritter and with the addition of a nonstatutory legislative declaration. The motion passed on a vote of 6-0.

<b>SECONDED:</b>	
	<b>VOTE</b>
	Arndt
	Yes
	Hooton
	Yes
	Nordberg
	Excused
	Tate
	Yes
	Thurlow
	Yes
	Zenzinger
	Yes
	Brad Ramming, Esq.
	Excused
	Patrice Bernadette Collins, Esq.
	Moreno
	Excused
	Martinez Humenik
	Yes
<b>YES: 6 NO: 0 EXC: 3 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS</b>	

**11:04 AM -- 2f. Concerning removing unfunded and obsolete Department of Human Services funds and programs**

Jane Ritter, OLLS, testified before the Committee regarding unfunded DHS programs and funds in statute. After a discussion among Committee members, the decision was made to gather more stakeholder feedback,



including feedback from the staff of the Joint Budget Committee. 09 SRC\_Memo2F.pdf

<b>BILL:</b>	<b>2f. Concerning removing unfunded and obsolete DHS funds and programs</b>	
<b>TIME:</b>	<b>11:25:12 AM</b>	
<b>MOVED:</b>	Arndt	
<b>MOTION:</b>	Representative Arndt moved for a bill draft that included stakeholder feedback. The motion passed on a vote of 6-1.	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Arndt	Yes
	Hooton	Yes
	Nordberg	Excused
	Tate	Yes
	Thurlow	No
	Zenzinger	Yes
	Brad Ramming, Esq.	Excused
	Patrice Bernadette Collins, Esq.	
	Moreno	Yes
	Martinez Humenik	Yes
<b>YES: 6 NO: 1 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS</b>		

**11:28 AM -- 2g. Remove unconstitutional provision relating to interest on damages.**

Jane Ritter, OLLS, testified before the Committee regarding the interest on damages provision of section 13-21-101 (1), C.R.S., which was found unconstitutional by the Colorado Supreme Court. The change suggested in the bill draft reflects the Court's suggested change in its opinion--which can be found in Addendum A of memo 2g.



10 SRC\_Memo2G.pdf

<b>BILL:</b>	<b>2g. Remove unconstitutional provision relating to interest on damages.</b>	
<b>TIME:</b>	<b>11:30:12 AM</b>	
<b>MOVED:</b>	Thurlow	
<b>MOTION:</b>	Representative Thurlow moved to introduce bill 2g as drafted. The motion passed on a vote of 7-0.	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Arndt	Yes
	Hooton	Yes
	Nordberg	Excused
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	Excused
	Patrice Bernadette Collins, Esq.	
	Moreno	Yes
	Martinez Humenik	Yes
<b>YES: 7 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS</b>		

The Committee members and staff took a short break to view the eclipse. After returning, they took up the next agenda item, 2h.

12:16 PM -- 2h. Part 5 of article 7 of title 18, C.R.S.

12:17 PM -- Jane Ritter, OLLS, testified before the Committee regarding part 5 of article 7 of title 18, C.R.S., which was found unconstitutional in 1983. Senator Martinez Humenik believed that a straight repeal was appropriate for the Committee's charge and Representative Thurlow asked that a nonlegislative declaration be added



to the bill. 11SRC\_Memo2H.pdf

<b>BILL:</b>	<b>2h. Part 5 of article 7 of title 18, C.R.S.</b>	
<b>TIME:</b>	<b>12:26:36 PM</b>	
<b>MOVED:</b>	Zenzinger	
<b>MOTION:</b>	Senator Zenzinger moved to introduce bill 2h as drafted, with the addition of a nonlegislative declaration added as the first section of the bill. The motion passed on a vote of 7-0.	
<b>SECONDED:</b>		
		<b>VOTE</b>

Arndt	Yes
Hooton	Yes
Nordberg	Excused
Tate	Yes
Thurlow	Yes
Zenzinger	Yes
Brad Ramming, Esq.	Excused
Patrice Bernadette Collins, Esq.	
Moreno	Yes
Martinez Humenik	Yes
<b>YES: 7 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS</b>	

**12:31 PM -- 2Ii. Addressing terminology related to "legitimacy" of children**

**12:31 PM --** Jane Ritter, OLLS, testified before the Committee concerning provisions in statute that refer to children who are born out of wedlock as "illegitimate". She explained that in the past 30 years, the state has



gradually ceased labeling children based on the marital status of their parents. [12 SRC\\_Memo2Ii.pdf](#)

<b>BILL:</b>	<b>2Ii. Addressing terminology related to "legitimacy" of children.</b>	
<b>TIME:</b>	<b>12:37:40 PM</b>	
<b>MOVED:</b>	Moreno	
<b>MOTION:</b>	Senator Moreno moved to introduce bill 2Ii as drafted. The motion passed on a vote of 7-0.	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Arndt	Yes
	Hooton	Yes
	Nordberg	Excused
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	Excused
	Patrice Bernadette Collins, Esq.	
	Moreno	Yes
	Martinez Humenik	Yes
<b>YES: 7 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS</b>		

**12:40 PM -- 2Iiii. Unconstitutional provisions relating to same-sex marriage**

**12:41 PM --** Jane Ritter, OLLS, testified concerning unconstitutional provisions in the Colorado



Revised Statutes relating to same-sex marriage. 14 SRC\_Memo2liii.pdf

<b>BILL:</b>	<b>2liii. Unconstitutional provisions relating to same-sex marriage.</b>	
<b>TIME:</b>	<b>12:44:19 PM</b>	
<b>MOVED:</b>	Thurlow	
<b>MOTION:</b>	Representative Thurlow moved to introduce bill 2liii as drafted, with the addition of a legislative declaration. This motion was withdrawn.	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Arndt	
	Hooton	
	Nordberg	Excused
	Tate	
	Thurlow	
	Zenzinger	
	Brad Ramming, Esq.	Excused
	Patrice Bernadette Collins, Esq.	
	Moreno	
	Martinez Humenik	
<b>YES: 0 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: <span style="color: red;">Withdrawn</span></b>		

After a discussion among the members, the Committee decided to request that Ms. Ritter redraft the bill to refer to "two consenting adults".

<b>BILL:</b>	<b>2liii. Unconstitutional provisions relating to same-sex marriage.</b>	
<b>TIME:</b>	<b>12:51:57 PM</b>	
<b>MOVED:</b>	Thurlow	
<b>MOTION:</b>	Representative Thurlow moved to redraft bill 2liii with the language change and the nonlegislative declaration. The motion passed on a vote of 7-0.	
<b>SECONDED:</b>		
		<b>VOTE</b>
	Arndt	Yes
	Hooton	Yes
	Nordberg	Excused
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	Excused
	Patrice Bernadette Collins, Esq.	
	Moreno	Yes
	Martinez Humenik	Yes
<b>YES: 7 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: <span style="color: red;">PASS</span></b>		

**12:52 PM -- 2Iii. "Rights of Married Women", part 2 of article 2 of title 14, C.R.S.**

**12:53 PM --** Jane Ritter, OLLS, testified before the Committee, explaining that part of article 2 of title 14, C.R.S., was already well-established legal doctrine how the Committee might reflect this in statute. After a discussion concerning how changes to this section of law might affect other areas of law, Ms. Ritter offered to consult with the Colorado Bar Association regarding the changes and to bring back the information she received at a



later date. The Committee agreed to table the discussion until a later date. 13 SRC\_Memo2Iii.pdf

**01:01 PM -- 2Iiv. Addressing terminology related to same-sex marriage**

**01:02 PM --** Jane Ritter, OLLS, discussed memo 2Iiv, concerning the words "husband" and "wife" in statute, and whether they were limiting in relation to same-sex marriages, in light of the *Obergefell* decision. Senator Moreno suggested tabling discussion of draft bill 2Iiv pending consultation with family law attorneys with the Colorado Bar Association, the Department of Corrections, and other executive branch agencies.



15 SRC\_Memo2Iiv.pdf

**01:11 PM -- 2j. Permanently enjoined laws on ballot issue petition circulators**

**01:11 PM --** Kate Meyer, OLLS, testified before the Committee concerning the state's hybrid compensation scheme regarding ballot issue petition circulators. She explained there is a split in the Circuit courts on this issue and that, at present, Colorado's law cannot be enforced. Ms. Meyer and the Committee agreed that the issue warrants more examination, including consideration of whether the Committee wanted to only take up issues that the Supreme Court has decided are constitutional or unconstitutional. The issue was tabled until the next meeting.



16 SRC\_Memo2J.pdf

**01:18 PM -- 3. Discuss October meeting**