

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0687.01 Kate Meyer x4348

HOUSE BILL 16-1077

HOUSE SPONSORSHIP

Moreno,

SENATE SPONSORSHIP

Martinez Humenik,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE RECREATION OF THE STATUTORY REVISION
102 COMMITTEE.

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>.)

The statutory revision committee (committee), created in 1977 and repealed in 1985, was a standing body tasked with making an ongoing investigation into statutory defects and anachronisms. The bill recreates the committee.

The recreated committee is comprised of 8 members, with the majority and minority party leaders of each chamber of the general

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.

assembly appointing 2 members of those bodies. The committee is staffed by the office of legislative legal services, and is charged with:

- ! Making an ongoing examination of the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms;
- ! Receiving, soliciting, and considering proposed changes in the law from legal organizations, public officials, lawyers, and the public generally as to defects and anachronisms in the law;
- ! Recommending legislation, from time to time, to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory laws; and
- ! Reporting its findings and recommendations from time to time to the committee on legal services and annually to the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **recreate and**
3 **reenact, with amendments,** part 9 of article 3 of title 2 as follows:

4 **PART 9**

5 **STATUTORY REVISION COMMITTEE**

6 **2-3-901. Statutory revision committee - creation - repeal.**

7 (1) THERE IS HEREBY CREATED IN THE LEGISLATIVE DEPARTMENT THE
8 STATUTORY REVISION COMMITTEE, REFERRED TO IN THIS PART 9 AS THE
9 "COMMITTEE". THE COMMITTEE CONSISTS OF EIGHT MEMBERS, APPOINTED
10 AS FOLLOWS:

11 (a) THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF
12 REPRESENTATIVES SHALL EACH APPOINT TWO MEMBERS FROM THE HOUSE
13 OF REPRESENTATIVES; AND

14 (b) THE PRESIDENT AND MINORITY LEADER OF THE SENATE SHALL
15 EACH APPOINT TWO MEMBERS FROM THE SENATE.

16 (2) EXCEPT AS PROVIDED IN SUBSECTION (9) OF THIS SECTION, THE

1 MEMBERS OF THE COMMITTEE MUST BE APPOINTED NO LATER THAN TEN
2 DAYS AFTER THE CONVENING OF THE FIRST REGULAR SESSION OF EACH
3 GENERAL ASSEMBLY. MEMBERSHIP ON THE COMMITTEE OF EACH SUCH
4 APPOINTIVE MEMBER TERMINATES UPON THE APPOINTMENT OF HIS OR HER
5 SUCCESSOR OR UPON TERMINATION OF HIS OR HER OFFICE IN THE GENERAL
6 ASSEMBLY, WHICHEVER OCCURS FIRST.

7 (3) A VACANCY IN THE OFFICE OF A MEMBER MUST BE
8 IMMEDIATELY FILLED BY THE ORIGINAL APPOINTING AUTHORITY.

9 (4) ANY MEMBER OF THE COMMITTEE MAY SERVE FOR SUCCEEDING
10 TERMS ON THE COMMITTEE.

11 (5) THE COMMITTEE SHALL SELECT FROM AMONG ITS MEMBERS A
12 CHAIRPERSON AND A VICE-CHAIRPERSON. THE CHAIRPERSON AND
13 VICE-CHAIRPERSON SHALL NOT BE AFFILIATED WITH THE SAME POLITICAL
14 PARTY. EXCEPT AS PROVIDED IN SUBSECTION (9) OF THIS SECTION, THE
15 CHAIR SERVES AS CHAIR FOR THE FIRST REGULAR SESSION OF THE GENERAL
16 ASSEMBLY THROUGH THE LEGISLATIVE INTERIM IMMEDIATELY
17 FOLLOWING, AND AS VICE-CHAIR WHEN THE SECOND REGULAR SESSION
18 COMMENCES; THE VICE-CHAIR SERVES AS CHAIR FROM THE
19 COMMENCEMENT OF THE SECOND REGULAR SESSION THROUGH THE
20 LEGISLATIVE INTERIM IMMEDIATELY FOLLOWING.

21 (6) THE COMMITTEE MAY MEET AS OFTEN AS NECESSARY, BUT IT
22 SHALL MEET AT LEAST TWICE IN EACH CALENDAR YEAR. THE COMMITTEE
23 MAY MEET DURING THE LEGISLATIVE SESSIONS AND DURING THE INTERIM
24 BETWEEN SESSIONS.

25 (7) MEMBERS OF THE COMMITTEE SHALL BE REIMBURSED FOR
26 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
27 AND PAID THE SAME PER DIEM COMPENSATION AS PROVIDED BY LAW FOR

1 MEMBERS OF INTERIM LEGISLATIVE COMMITTEES FOR EACH DAY OF
2 ATTENDANCE.

3 (8) THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE
4 STAFF ASSISTANCE TO THE COMMITTEE.

5 (9) (a) IN ORDER FOR THE COMMITTEE TO BEGIN ITS WORK DURING
6 THE 2016 LEGISLATIVE INTERIM, INITIAL APPOINTMENTS TO THE
7 COMMITTEE MUST BE MADE AS EXPEDITIOUSLY AS POSSIBLE FOLLOWING
8 THE EFFECTIVE DATE OF HOUSE BILL 16-____, ENACTED IN 2016. A CHAIR
9 AND VICE-CHAIR MUST BE SELECTED AT THE FIRST COMMITTEE MEETING
10 DURING THAT INTERIM. THE CHAIR AND VICE-CHAIR HOLD THOSE
11 POSITIONS THROUGH THE COMMENCEMENT OF THE FIRST REGULAR SESSION
12 OF THE SEVENTY-FIRST GENERAL ASSEMBLY.

13 (b) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JANUARY 1,
14 2018.

15 **2-3-902. Duties of committee.** (1) THE COMMITTEE SHALL:

16 (a) MAKE AN ONGOING EXAMINATION OF THE COMMON LAW AND
17 STATUTES OF THE STATE AND CURRENT JUDICIAL DECISIONS FOR THE
18 PURPOSE OF DISCOVERING DEFECTS AND ANACHRONISMS IN THE LAW AND
19 RECOMMENDING NEEDED REFORMS;

20 (b) RECEIVE, SOLICIT, AND CONSIDER PROPOSED CHANGES IN THE
21 LAW RECOMMENDED BY THE AMERICAN LAW INSTITUTE, ANY BAR
22 ASSOCIATION, OR OTHER LEARNED BODIES;

23 (c) RECEIVE, SOLICIT, AND CONSIDER SUGGESTIONS FROM
24 JUSTICES, JUDGES, LEGISLATORS, AND OTHER PUBLIC OFFICIALS, LAWYERS,
25 AND THE PUBLIC GENERALLY AS TO DEFECTS AND ANACHRONISMS IN THE
26 LAW;

27 (d) RECOMMEND LEGISLATION, FROM TIME TO TIME, TO EFFECT

1 SUCH CHANGES IN THE LAW AS IT DEEMS NECESSARY IN ORDER TO MODIFY
2 OR ELIMINATE ANTIQUATED, REDUNDANT, OR CONTRADICTORY RULES OF
3 LAW AND TO BRING THE LAW OF THIS STATE INTO HARMONY WITH MODERN
4 CONDITIONS; AND

5 (e) REPORT ITS FINDINGS AND RECOMMENDATIONS FROM TIME TO
6 TIME TO THE COMMITTEE ON LEGAL SERVICES AND ANNUALLY, ON OR
7 BEFORE JANUARY 15 OF EACH YEAR, TO THE LEGISLATURE AND, IF IT
8 DEEMS ADVISABLE, ATTACH TO ITS REPORT COPIES OF ANY PROPOSED
9 BILLS INTENDED TO CARRY OUT ANY OF ITS RECOMMENDATIONS.

10 (2) ANY LEGISLATION PROPOSED BY THE COMMITTEE UNDER
11 PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION IS EXEMPT FROM THE
12 FIVE-BILL LIMITATION SPECIFIED IN RULE 24 OF THE JOINT RULES OF THE
13 SENATE AND THE HOUSE OF REPRESENTATIVES.

14 **SECTION 2. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2016 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.