

AGENDA
Statutory Revision Committee (SRC)
February 11, 2022
HCR 112 7:30 a.m.

Chair and vice-chair to switch roles

Discussion of memos and bill drafts:

1. Repeal municipal bond supervision advisory board
Drafter: Kristen Forrestal / LLS 22-0783
2. Proposed update to references to the FDA
Drafter: Christy Chase / LLS 22-0786
3. Proposed update to common provisions referencing licensing boards
Drafter: Christy Chase / LLS 22-0785
4. Nonsubstantive modifications to title 7 of the Colorado Revised Statutes
Drafter: Sarah Lozano / LLS 22-0784
5. Nonsubstantive modifications to title 43 of the Colorado Revised Statutes
Drafter: Jessica Herrera / LLS 22-0787

Schedule next meeting

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

EMAIL: OLLS.GA@STATE.CO.US

MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Kristen Forrestal, Office of Legislative Legal Services

DATE: February 3, 2022

SUBJECT: Proposed repeal of Colorado municipal bond supervision advisory board

Summary

The department of regulatory agencies (department) proposes that the Statutory Revision Committee (SRC) introduce legislation to repeal the Colorado municipal bond supervision advisory board, as it no longer meets or performs its duties and is now obsolete. The proposed draft bill repeals the advisory board.

Analysis

The General Assembly created the Colorado municipal bond supervision advisory board (advisory board) in 1991 in section 11-59-105, C.R.S.². The purpose of the advisory board was to aid and advise the securities commissioner, who is the head of the division of securities within the department, with:

- The development of policies, rules, orders, standards, guidelines, criteria, and procedures regarding the registration of bond issues, ordinances, and resolutions;
- Applications for authorization to file federal bankruptcy petitions; and
- Assuring impartiality and freedom from political influence in these activities.

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

² See **Addendum A**

The department brought this issue to the attention of the SRC staff to advise the SRC that the advisory board no longer serves its functions and should be repealed. Representatives of the department will speak to the functions of the advisory board and answer any questions the members of the SRC may have at the meeting on February 11, 2022.

Statutory Charge³

Section 2-3-902, C.R.S., authorizes the SRC to repeal provisions of statute to eliminate antiquated rules of law. If the SRC finds that the Colorado municipal bond supervision advisory board is obsolete, the repeal of this advisory board fits within the charge of the SRC.

Proposed Bill

If the SRC wishes to introduce legislation to address this issue, the proposed draft bill to repeal the Colorado municipal bond supervision advisory board is attached for review.

³ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

ADDENDUM A

11-59-105. Colorado municipal bond supervision advisory board - creation. (1) (a) There is hereby created the Colorado municipal bond supervision advisory board, to be composed of three members of the general assembly, one municipal securities broker-dealer representative, one representative of a county, one representative of a municipality, one representative of a special district, one representative of banks that act as indenture trustees for municipal bond offerings, one bond counsel representative, one real estate developer representative, three members of the general public with experience in municipal financing as investors who are not associated with any of the other members or interests, and four owners of residential real property located in special districts who are not associated with any of the other members or interests. Except for the legislative members, members of the board shall be appointed by the governor, who shall take into account the extent to which the board represents the geographic areas, population concentrations, and ethnic communities of this state. Appointments by the governor shall be for a period of four years. The three members of the general assembly shall be appointed one each by the governor, the speaker of the house of representatives, and the president of the senate. No more than two of said legislative members may be from the same major political party, and, except as provided in paragraph (b) of this subsection (1), each such legislative member shall be appointed for a term of two years or for the same term to which they were elected, whichever is less. Successors shall be appointed in the same manner as the original members. Vacancies of all other members shall be filled by appointment by the governor for unexpired terms. In the case of a vacancy, the remaining members of the board shall exercise all the powers and authority of the board until such vacancy is filled. The board shall choose its own chairperson by majority vote of the quorum present at a meeting called for the purpose of electing a chairperson. The board shall meet not less than annually. Except as otherwise provided in section [2-2-326](#), C.R.S., members of the board shall receive no compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties, and such expenses shall be paid from the appropriations from the division of securities cash fund created in section [11-51-707](#). A majority of the board shall constitute a quorum to transact business and for the exercise of any of the powers or authority conferred.

(b) The terms of the members appointed by the speaker of the house of representatives and the president of the senate and who are serving on March 22, 2007, shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after such convening date, the speaker and the president shall each

appoint or reappoint one member in the same manner as provided in paragraph (a) of this subsection (1). Thereafter, the terms of members appointed or reappointed by the speaker and the president shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the speaker and the president shall be made as soon as practicable after such convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members appointed or reappointed by the speaker and the president shall serve at the pleasure of the appointing authority and shall continue in office until the members successor is appointed.

(2) The board shall aid and advise the securities commissioner in connection with the commissioners duties under this article including, but not limited to, development of policies, rules, orders, standards, guidelines, criteria and procedures regarding the registration of bond issues, ordinances, and resolutions and applications for authorization to file federal bankruptcy petitions and assuring impartiality and freedom from political influence in such activities.

(3) Repealed.

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
1.21.22

DRAFT

LLS NO. 22-0783.01 Kristen Forrestal x4217

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Repeal Municipal Bond Supervision Advisory Board"

DEADLINES: Finalize by: JAN 26, 2022 File by: JAN 28, 2022

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE MUNICIPAL BOND SUPERVISION**
102 **ADVISORY BOARD.**

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/>.)

Statutory Revision Committee. The bill repeals the municipal bond supervision advisory board.

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

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 **SECTION 1.** In Colorado Revised Statutes, **repeal** 11-59-105 as
2 follows:

3 **11-59-105. Colorado municipal bond supervision advisory**
4 **board - creation.** ~~(1)(a) There is hereby created the Colorado municipal~~
5 ~~bond supervision advisory board, to be composed of three members of the~~
6 ~~general assembly, one municipal securities broker-dealer representative,~~
7 ~~one representative of a county, one representative of a municipality, one~~
8 ~~representative of a special district, one representative of banks that act as~~
9 ~~indenture trustees for municipal bond offerings, one bond counsel~~
10 ~~representative, one real estate developer representative, three members of~~
11 ~~the general public with experience in municipal financing as investors~~
12 ~~who are not associated with any of the other members or interests, and~~
13 ~~four owners of residential real property located in special districts who~~
14 ~~are not associated with any of the other members or interests. Except for~~
15 ~~the legislative members, members of the board shall be appointed by the~~
16 ~~governor, who shall take into account the extent to which the board~~
17 ~~represents the geographic areas, population concentrations, and ethnic~~
18 ~~communities of this state. Appointments by the governor shall be for a~~
19 ~~period of four years. The three members of the general assembly shall be~~
20 ~~appointed one each by the governor, the speaker of the house of~~
21 ~~representatives, and the president of the senate. No more than two of said~~
22 ~~legislative members may be from the same major political party, and,~~
23 ~~except as provided in paragraph (b) of this subsection (1), each such~~
24 ~~legislative member shall be appointed for a term of two years or for the~~
25 ~~same term to which they were elected, whichever is less. Successors shall~~
26 ~~be appointed in the same manner as the original members. Vacancies of~~
27 ~~all other members shall be filled by appointment by the governor for~~

1 unexpired terms. In the case of a vacancy, the remaining members of the
2 board shall exercise all the powers and authority of the board until such
3 vacancy is filled. The board shall choose its own chairperson by majority
4 vote of the quorum present at a meeting called for the purpose of electing
5 a chairperson. The board shall meet not less than annually. Except as
6 otherwise provided in section 2-2-326, C.R.S., members of the board
7 shall receive no compensation but shall be reimbursed for all actual and
8 necessary expenses incurred in the performance of their duties, and such
9 expenses shall be paid from the appropriations from the division of
10 securities cash fund created in section 11-51-707. A majority of the board
11 shall constitute a quorum to transact business and for the exercise of any
12 of the powers or authority conferred.

13 (b) The terms of the members appointed by the speaker of the
14 house of representatives and the president of the senate and who are
15 serving on March 22, 2007, shall be extended to and expire on or shall
16 terminate on the convening date of the first regular session of the
17 sixty-seventh general assembly. As soon as practicable after such
18 convening date, the speaker and the president shall each appoint or
19 reappoint one member in the same manner as provided in paragraph (a)
20 of this subsection (1). Thereafter, the terms of members appointed or
21 reappointed by the speaker and the president shall expire on the
22 convening date of the first regular session of each general assembly, and
23 all subsequent appointments and reappointments by the speaker and the
24 president shall be made as soon as practicable after such convening date.
25 The person making the original appointment or reappointment shall fill
26 any vacancy by appointment for the remainder of an unexpired term.
27 Members appointed or reappointed by the speaker and the president shall

1 ~~serve at the pleasure of the appointing authority and shall continue in~~
2 ~~office until the member's successor is appointed.~~

3 ~~(2) The board shall aid and advise the securities commissioner in~~
4 ~~connection with the commissioner's duties under this article including, but~~
5 ~~not limited to, development of policies, rules, orders, standards,~~
6 ~~guidelines, criteria and procedures regarding the registration of bond~~
7 ~~issues, ordinances, and resolutions and applications for authorization to~~
8 ~~file federal bankruptcy petitions and assuring impartiality and freedom~~
9 ~~from political influence in such activities.~~

10 ~~(3) Repealed.~~

11 **SECTION 2.** In Colorado Revised Statutes, **amend** 11-59-120 as
12 follows:

13 **11-59-120. Effective date.** The rule-making authority of the
14 securities commissioner and the provisions of section 11-59-104 (1) ~~and~~
15 ~~section 11-59-105 shall take effect July 1, 1991, and, unless otherwise~~
16 ~~provided, all other provisions of this article shall~~ ARTICLE 59 take effect
17 January 1, 1992.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2022 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

EMAIL: OLLS.GA@STATE.CO.US

MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Christy Chase, Office of Legislative Legal Services

DATE: February 3, 2022

SUBJECT: Proposed update to references to the "federal food and drug administration" in article 16 of title 10, C.R.S.

Summary

The Office of Legislative Legal Services (OLLS) proposes that the Statutory Revision Committee (SRC) introduce legislation to update references to "food and drug administration" in article 16 of title 10, C.R.S., to use the defined term "FDA."

Analysis

In 2020, the Colorado General Assembly enacted H.B. 20-1061, which included a new defined term, "FDA," that applies to all of article 16 of title 10, C.R.S. The term "FDA" is defined in section 10-16-102 (27.5) as follows:

10-16-102. Definitions. As used in this article 16, unless the context otherwise requires:

(27.5) "FDA" means the food and drug administration in the United States department of health and human services, or any successor entity.

There are five references to the full name of the federal agency remaining in article 16 of title 10, C.R.S., and one statute in article 16 defines "FDA" for that statute only.

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

In order to correct these defects in the statutes in article 16 of title 10, C.R.S., OLLS staff is proposing a bill to:

- Change all references to the "food and drug administration" in article 16 of title 10, C.R.S., to the defined term "FDA"; and
- Repeal the definition of "FDA" within and applicable to one statute in article 16 of title 10, C.R.S.

Statutory Charge²

Section 2-3-902, C.R.S., authorizes the SRC to correct provisions of statute that are defective. If the SRC finds that, given the newly defined term "FDA" that is applicable to all of article 16 of title 10, C.R.S., the references to "food and drug administration" and the inclusion of a duplicative definition of "FDA" in one statute in article 16 of title 10, C.R.S., are defective, correcting those references and repealing the duplicative definition fit within the charge of the SRC.

Proposed Bill

If the SRC wishes to introduce legislation to address this issue, the proposed draft bill to strike references to "food and drug administration" in article 16 of title 10, C.R.S., and replace with "FDA" and to repeal the definition of "FDA" within and specific to one statute in article 16 of title 10, C.R.S., is attached for review.

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
1.24.22

DRAFT

LLS NO. 22-0786.01 Christy Chase x2008

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Change Food And Drug Administration To FDA"

A BILL FOR AN ACT

101 **CONCERNING UPDATING REFERENCES TO THE FEDERAL FOOD AND**
102 **DRUG ADMINISTRATION IN THE HEALTH INSURANCE LAW.**

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/>.)

Statutory Revision Committee. The bill strikes references to the federal food and drug administration in the health insurance code and replaces the references with the term "FDA", which is defined for the entire code to mean the federal food and drug administration.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend**
3 (5.5)(a)(III)(B) and (21)(a) as follows:

4 **10-16-104. Mandatory coverage provisions - definitions -**
5 **rules. (5.5) Behavioral, mental health, and substance use disorders**
6 **- rules. (a) (III) (B)** A health benefit plan subject to this subsection (5.5)
7 must provide coverage without prior authorization for a five-day supply
8 of at least one of the ~~federal food and drug administration-approved~~
9 FDA-APPROVED drugs for the treatment of opioid dependence; except that
10 this requirement is limited to a first request within a twelve-month period.

11 **(21) Oral anticancer medication.** (a) Any health benefit plan
12 that provides coverage for cancer chemotherapy treatment shall provide
13 coverage for prescribed, orally administered anticancer medication that
14 has been approved by the ~~federal food and drug administration~~ FDA and
15 is used to kill or slow the growth of cancerous cells. The orally
16 administered medication shall be provided at a cost to the covered person
17 not to exceed the coinsurance percentage or the copayment amount as is
18 applied to an intravenously administered or an injected cancer medication
19 prescribed for the same purpose. A medication provided pursuant to this
20 subsection (21) shall be prescribed only upon a finding that it is medically
21 necessary by the treating physician for the purpose of killing or slowing
22 the growth of cancerous cells in a manner that is in accordance with
23 nationally accepted standards of medical practice, clinically appropriate
24 in terms of type, frequency, extent site, and duration, and not primarily for
25 the convenience of the patient, physician, or other health-care provider.
26 This subsection (21) does not require the use of orally administered
27 medications as a replacement for other cancer medications. Nothing in

1 this subsection (21) prohibits coverage for oral generic medications in a
2 health benefit plan. Nothing in this subsection (21) prohibits a carrier
3 from applying an appropriate formulary or other clinical management to
4 any medication described in this subsection (21). For the purposes of this
5 subsection (21), the treating physician for a patient covered under a health
6 maintenance organization's health benefit plan shall be a physician who
7 is designated by and affiliated with the health maintenance organization.

8 **SECTION 2.** In Colorado Revised Statutes, 10-16-104.6, **amend**
9 (1) introductory portion as follows:

10 **10-16-104.6. Off-label use of cancer drugs.** (1) A health benefit
11 plan that provides coverage for prescription drugs shall not limit or
12 exclude coverage for any drug approved by the ~~United States food and~~
13 ~~drug administration~~ FDA for use in the treatment of cancer on the basis
14 that the drug has not been approved by the ~~United States food and drug~~
15 ~~administration~~ FDA for the treatment of the specific type of cancer for
16 which the drug is prescribed if:

17 **SECTION 3.** In Colorado Revised Statutes, 10-16-112.5, **amend**
18 (7)(c)(I) as follows:

19 **10-16-112.5. Prior authorization for health-care services -**
20 **disclosures and notice - determination deadlines - criteria - limits and**
21 **exceptions - definitions - rules.** (7) **Definitions.** As used in this section:

22 (c) "Medical necessity" means a determination by the carrier that
23 a prudent provider would provide a particular covered health-care service
24 to a patient for the purpose of preventing, diagnosing, or treating an
25 illness, injury, disease, or symptom in a manner that is:

26 (I) In accordance with generally accepted standards of medical
27 practice and approved by the ~~federal food and drug administration~~ FDA

1 or other required agency;

2 **SECTION 4.** In Colorado Revised Statutes, 10-16-124.7, **amend**
3 (3)(a) as follows:

4 **10-16-124.7. Opioid analgesics with abuse-deterrent**
5 **properties - study - definitions.** (3) As used in this section:

6 (a) "Abuse-deterrent opioid analgesic drug product" means a
7 brand or generic opioid analgesic drug product approved by the ~~United~~
8 ~~States food and drug administration~~ FDA with abuse-deterrence labeling
9 claims that indicate that the drug product is expected to result in a
10 meaningful reduction in abuse.

11 **SECTION 5.** In Colorado Revised Statutes, 10-16-148, **repeal** (2)
12 as follows:

13 **10-16-148. Medication-assisted treatment - limitations on**
14 **carriers - rules.** (2) ~~As used in this section, "FDA" means the food and~~
15 ~~drug administration in the United States department of health and human~~
16 ~~services.~~

17 **SECTION 6. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2022 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

EMAIL: OLLS.GA@STATE.CO.US

MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Christy Chase, Office of Legislative Legal Services

DATE: February 3, 2022

SUBJECT: Proposed update to title 12 common provision reference to licensing boards

Summary

The Office of Legislative Legal Services (OLLS) proposes that the Statutory Revision Committee (SRC) introduce legislation to update references to "licensing board" in section 12-30-114, C.R.S., to use the defined term "regulator."

Analysis

In 2019, the Colorado General Assembly enacted H.B. 19-1172, which was the culmination of a three-year project to recodify title 12 of the Colorado Revised Statutes pertaining to the regulation of professions and occupations. One purpose of the recodification project was to eliminate duplication throughout the various professional practice acts regulated by the Division of Professions and Occupations in the Department of Regulatory Agencies and consolidate duplicative provisions into common provisions applicable throughout the title. Among the common provisions established in the recodified title 12 is a common definitions provision, section 12-20-

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

102, C.R.S. One of the terms defined in that section is "regulator," which is defined for all of title 12 except articles 10 and 15² as follows:

12-20-102. Definitions. As used in this title 12, unless the context otherwise requires:

(14) "Regulator" means, within a particular part or article of this title 12, the director or a board or commission, as appropriate, that has regulatory authority concerning the practice of a profession or occupation regulated by that part or article.

The term "regulator," as defined, is intended as a generic reference to either the Director of the Division of Professions and Occupations or to any particular board within the division that regulates a particular profession or occupation. So, as part of the recodification of the title, if a statute in title 12 previously referred to multiple boards in the context of specifying the board that regulates a given profession, the term "regulator" was substituted for the list of boards.

During the same legislative session that the title 12 recodification bill was enacted, the Colorado General Assembly enacted S.B. 19-228, which created a new common provision in article 30 of title 12, section 12-30-114, C.R.S.³ That statute imposes certain requirements on seven different types of health-care providers regulated under title 12. Rather than enact duplicate requirements in the practice acts for each of the seven health-care providers, the bill created a single common provision applicable to those providers, consistent with the structure of title 12 after the recodification. However, in that new common provision, rather than using the commonly defined term "regulator" when referring to the boards that regulate the affected health-care providers, the statute refers to "applicable licensing board," "board," and "appropriate board."

In order to correct this defect in the statute, OLLS staff is proposing a bill to change the references to "applicable licensing board," "board," and "appropriate board" in section 12-30-114, C.R.S., to the defined term "regulator."

² Title 12, as recodified, includes professions, occupations, and businesses regulated by the Department of Regulatory Agencies through the Division of Real Estate, pursuant to article 10 of title 12, C.R.S., the Division of Conservation, pursuant to article 15 of title 12, C.R.S., and the Division of Professions and Occupations, pursuant to articles 20 to 315 of title 12, C.R.S. While article 1 of title 12 includes common provisions applicable to the entire title, the bulk of the common provisions created by the recodification are in articles 20 and 30 and apply only to professions and occupations regulated by the Division of Professions and Occupations and the various regulatory boards established in that division.

³ **ADDENDUM A**

Statutory Charge⁴

Section 2-3-902, C.R.S., authorizes the SRC to correct provisions of statute that are defective. If the SRC finds that the references to "applicable licensing board," "board," and "appropriate board" are defective, correcting that reference fits within the charge of the SRC.

Proposed Bill

If the SRC wishes to introduce legislation to address this issue, the proposed draft bill to strike references to "applicable licensing board," "board," and "appropriate board" and replace with "regulator" is attached for review.

⁴ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

ADDENDUM A

12-30-114. Demonstrated competency - opiate prescribers - rules - definition.

(1) (a) The **applicable licensing board** for each licensed health-care provider, in consultation with the center for research into substance use disorder prevention, treatment, and recovery support strategies created in section 27-80-118, shall promulgate rules that require each licensed health-care provider, as a condition of renewing, reactivating, or reinstating a license on or after October 1, 2022, to complete up to four credit hours of training per licensing cycle in order to demonstrate competency regarding: Best practices for opioid prescribing, according to the most recent version of the division's guidelines for the safe prescribing and dispensing of opioids; the potential harm of inappropriately limiting prescriptions to chronic pain patients; best practices for prescribing benzodiazepines; recognition of substance use disorders; referral of patients with substance use disorders for treatment; and the use of the electronic prescription drug monitoring program created in part 4 of article 280 of this title 12.

(b) The rules promulgated by each **board** shall exempt a licensed health-care provider who:

(I) Maintains a national board certification that requires equivalent substance use prevention training; or

(II) Attests to the **appropriate board** that the health-care provider does not prescribe opioids.

(2) For the purposes of this section, "licensed health-care provider" includes a physician, physician assistant, podiatrist, dentist, advanced practice nurse with prescriptive authority, optometrist, and veterinarian licensed pursuant to this title 12.

[Emphasis added]

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
1.24.22

DRAFT

LLS NO. 22-0785.01 Christy Chase x2008

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Update Common Provision Term Regulator Title 12"

A BILL FOR AN ACT

101 **CONCERNING AN UPDATE TO TERMINOLOGY USED TO REFER TO THE**
102 **REGULATORY ENTITY WITHIN THE DEPARTMENT OF**
103 **REGULATORY AGENCIES THAT REGULATES PARTICULAR**
104 **HEALTH-CARE PROFESSIONS.**

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/>.)

Statutory Revision Committee. The bill strikes references in a common health-care provision in title 12 of the Colorado Revised Statutes to "applicable licensing board" and "board" and replaces those references

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

with the term "regulator", which is defined, for purposes of the regulation of professions and occupations under title 12, as the entity with regulatory authority concerning a particular profession or occupation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-30-114, **amend**
3 (1) as follows:

4 **12-30-114. Demonstrated competency - opiate prescribers -**
5 **rules - definition.** (1) (a) The ~~applicable licensing board~~ REGULATOR for
6 each licensed health-care provider, in consultation with the center for
7 research into substance use disorder prevention, treatment, and recovery
8 support strategies created in section 27-80-118, shall promulgate rules
9 that require each licensed health-care provider, as a condition of
10 renewing, reactivating, or reinstating a license on or after October 1,
11 2022, to complete up to four credit hours of training per licensing cycle
12 in order to demonstrate competency regarding:

13 (I) Best practices for opioid prescribing, according to the most
14 recent version of the division's guidelines for the safe prescribing and
15 dispensing of opioids;

16 (II) The potential harm of inappropriately limiting prescriptions
17 to chronic pain patients;

18 (III) Best practices for prescribing benzodiazepines;

19 (IV) Recognition of substance use disorders;

20 (V) Referral of patients with substance use disorders for
21 treatment; and

22 (VI) The use of the electronic prescription drug monitoring
23 program created in part 4 of article 280 of this title 12.

24 (b) The rules promulgated by each ~~board~~ REGULATOR shall exempt

1 a licensed health-care provider who:

2 (I) Maintains a national board certification that requires equivalent
3 substance use prevention training; or

4 (II) Attests to the ~~appropriate board~~ REGULATOR that the
5 health-care provider does not prescribe opioids.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2022 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

EMAIL: OLLS.GA@STATE.CO.US

MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Sarah Lozano, Office of Legislative Legal Services

DATE: February 3, 2022

SUBJECT: Nonsubstantive modifications to title 7 of the Colorado Revised Statutes

Summary

The Colorado Bar Association proposes that the Statutory Revision Committee (SRC) introduce legislation to revise references in title 7 of the Colorado Revised Statutes from "owners' interest" to "owner's interest", repeal an outdated provision in section 7-90-1002, C.R.S., and make certain clarifying changes to a provision in section 7-103-106, C.R.S.

Analysis

1. Modifications to certain references to "owners' interest."

Section 7-90-102 (44), C.R.S., defines "owner's interest" as:

"The shares of stock in a corporation, a membership in a nonprofit corporation, a membership interest in a limited liability company, the interest of a member in a cooperative or in a limited cooperative association, a partnership interest in a limited partnership, a partnership interest in a partnership, and the interest of a member in a limited partnership association."

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

Section 7-90-102, C.R.S., states that the defined terms in that section apply to the entirety of title 7 "except as otherwise defined for the purpose of any section, subpart, part, or article" of title 7. Sections 7-90-201.3 (1)(c), 7-90-203.1 (1), 7-90-203.1 (3), 7-90-203.3 (1)(c), 7-90-203.3 (2)(a)(III), 7-90-203.8 (1)(a), 7-90-204.3, 7-90-205.5 (1)(b)(I), and 7-111-102, C.R.S., include references to "owners' interest" and do not have a defined term for "owners' interest". Therefore, the references to "owners' interest" in those sections should be changed to "owner's interest" to be consistent with the defined term in section 7-90-102 (44), C.R.S.

2. Repeal of a provision concerning administrative dissolution.

Section 7-90-1002 (3), C.R.S., covers the reinstatement of certain entities after an administrative dissolution. The provisions allowing administrative dissolution were repealed in 2005 from the Colorado Business Corporation Act (part 2 of article 114 of title 7, C.R.S.), the Colorado Nonprofit Corporation Act (part 2 of article 134 of title 7, C.R.S.), and the Colorado Limited Liability Company Act (sections 7-80-807 and 7-80-808, C.R.S.). Therefore, section 7-90-1002 (3), C.R.S., is outdated and should be repealed from the Colorado Revised Statutes.

3. Clarification of an exception to the requirement to notify shareholders of the ratification of defective corporate actions.

Section 7-103-106 (4)(a), C.R.S., requires notification of ratification of defective corporate actions to holders of valid and putative shares. There is an exception in section 7-103-106 (4)(a)(II), C.R.S., for holders of valid and putative shares "whose identities or addresses for notice cannot be determined from the records of the corporation." Because of the location of the exception, the exception could be read to only apply to "the date of the defective corporate action ratified" rather than to the entirety of section 7-103-106 (4)(a), C.R.S. Therefore, section 7-103-106 (4)(a) should be amended to clarify that the exception applies to the entirety of the subsection.

Statutory Charge²

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory

The SRC is tasked with discovering "defects and anachronisms in the law" and recommending legislation "to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law." The proposed revisions fit within the SRC's charge because they eliminate an antiquated provision from the law and provide consistency and clarity to statutory provisions in article 7 of the Colorado Revised Statutes.

Proposed Bill

If the SRC wishes to introduce legislation to address these issues, the proposed bill draft is attached for review.

rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
2.1.22

DRAFT

LLS NO. 22-0784.01 Sarah Lozano x3858

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Nonsubstantive Changes To Title 7 Of C.R.S."

A BILL FOR AN ACT

101 CONCERNING NONSUBSTANTIVE CHANGES TO TITLE 7 OF THE
102 COLORADO REVISED STATUTES.

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/>.)

Statutory Revision Committee. The bill:

- Changes references to "owners' interest" to "owner's interest";
- Repeals a provision exempting certain domestic entities from a provision allowing reinstatement of an entity after an administrative dissolution upon compliance with certain

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- conditions; and
● Makes clarifying changes to the provision requiring notification of ratification of defective corporate actions to holders of valid and putative shares.

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

2 **SECTION 1.** In Colorado Revised Statutes, 7-90-201.3, **amend**
3 (1)(c) as follows:

4 **7-90-201.3. Plan of conversion.** (1) A plan of conversion must
5 state:

6 (c) The terms and conditions of the conversion, including the
7 manner and basis of changing the owners' OWNER'S interests of the
8 converting entity into owners' OWNER'S interests or obligations of the
9 resulting entity or into money or other property in whole or in part.

10 **SECTION 2.** In Colorado Revised Statutes, 7-90-203.1, **amend**
11 (1) and (3) as follows:

12 **7-90-203.1. Exchange of owner's interest.** (1) One or more
13 domestic entities may acquire all owners' OWNER'S interests of any other
14 entity or all of one or more classes, series, or types, in exchange for
15 owners' OWNER'S interests or other securities, obligations, rights to
16 acquire owners' OWNER'S interests, or other securities, cash, property, or
17 any combination pursuant to a plan of exchange complying with section
18 7-90-203.3 and approved pursuant to section 7-90-203.4.

19 (3) This section does not limit the power of a domestic entity to
20 acquire the owners' OWNER'S interests of any other entity in a transaction
21 other than an exchange.

22 **SECTION 3.** In Colorado Revised Statutes, 7-90-203.3, **amend**
23 (1)(c) and (2)(a)(III) as follows:

1 **7-90-203.3. Plan of merger - plan of exchange.** (1) A plan of
2 merger ~~shall~~ MUST state:

3 (c) The terms and conditions of the merger, including the manner
4 and basis of changing the ~~owners'~~ OWNER'S interests of each merging
5 entity into ~~owners'~~ OWNER'S interests or obligations of the surviving entity
6 or into money or other property in whole or in part; and

7 (2) (a) A plan of exchange must state:

8 (III) The manner and basis of exchanging the ~~owners'~~ OWNER'S
9 interests to be acquired.

10 **SECTION 4.** In Colorado Revised Statutes, 7-90-203.8, **amend**
11 (1)(a) as follows:

12 **7-90-203.8. Statement of owner's interest exchange.** (1) After
13 a plan of exchange is approved pursuant to section 7-90-203.4, the
14 acquiring entity shall deliver to the secretary of state, for filing pursuant
15 to part 3 of this article 90, a statement of owner's interest exchange
16 stating:

17 (a) The entity name of each entity whose ~~owners'~~ OWNER'S
18 interests will be acquired, and the principal office address of its principal
19 office;

20 **SECTION 5.** In Colorado Revised Statutes, **amend** 7-90-204.3
21 as follows:

22 **7-90-204.3. Effect of an exchange.** When an exchange takes
23 effect, the ~~owners'~~ OWNER'S interests of each acquired entity are
24 exchanged as provided in the plan, and the former holders of the ~~owners'~~
25 OWNER'S interests are entitled only to the exchange rights provided in the
26 statement of owner's interest exchange or to their rights under the organic
27 statutes.

1 **SECTION 6.** In Colorado Revised Statutes, 7-90-205.5, **amend**
2 (1)(b)(I) as follows:

3 **7-90-205.5. Abandonment or amendment of plan of merger,**
4 **plan of conversion, or plan of exchange.** (1) After a plan of merger, a
5 plan of conversion, or a plan of exchange is authorized, and at any time
6 before the merger, conversion, or exchange takes effect:

7 (b) The plan of merger, plan of conversion, or plan of exchange
8 may be amended in accordance with the procedure stated in the plan, but
9 the plan may not be amended to change:

10 (I) The amount or kind of ~~owners'~~ OWNER'S interests or other
11 securities, eligible interests, obligations, rights to acquire ~~owners'~~
12 OWNER'S interests, other securities or eligible interests, cash, or other
13 property to be received under the plan by the owners of eligible interests
14 in any party to the merger, conversion, or exchange;

15 **SECTION 7.** In Colorado Revised Statutes, **amend** 7-111-102 as
16 follows:

17 **7-111-102. Owner's interest exchange involving domestic**
18 **corporation.** A domestic corporation may be party to an exchange of
19 ~~owners'~~ OWNER'S interests with any other entity pursuant to section
20 7-90-203.1.

21 **SECTION 8.** In Colorado Revised Statutes, 7-90-1002, **repeal** (3)
22 as follows:

23 **7-90-1002. Vote or consent required - effect of opposition.**
24 ~~(3) This section shall not apply to a domestic entity that is described in~~
25 ~~this subsection (3) and that was administratively dissolved for any reason~~
26 ~~other than the expiration of the period of duration stated in its constituent~~
27 ~~filed document until the later of January 1, 2006, or the following date,~~

1 as applicable:

2 (a) In the case of a corporation that was administratively dissolved
3 after July 1, 2002, the date that is three years after the date it was
4 administratively dissolved;

5 (b) In the case of a nonprofit corporation that was administratively
6 dissolved after July 1, 1999, the date that is six years after the date it was
7 administratively dissolved;

8 (c) In the case of a limited liability company that was
9 administratively dissolved after July 1, 2001, the date that is four years
10 after the date it was administratively dissolved.

11 **SECTION 9.** In Colorado Revised Statutes, 7-3-106, **amend**
12 (4)(a) as follows:

13 **7-103-106. Ratification of defective corporate actions -**
14 **definitions. (4) Notice requirements.** (a) (I) EXCEPT AS SET FORTH IN
15 SUBSECTION (4)(a)(II) OF THIS SECTION AND unless shareholder approval
16 is required under subsection (2)(c) of this section, prompt notice of an
17 action taken under subsection (2) of this section shall be given to each
18 holder of valid and putative shares, regardless of whether entitled to vote,
19 as of:

20 (A) The date of the action by the board of directors; and

21 (B) The date of the defective corporate action ratified. ~~except~~
22 ~~that~~

23 (II) Notice is not required to be given to holders of valid and
24 putative shares whose identities or addresses for notice cannot be
25 determined from the records of the corporation.

26 **SECTION 10. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2022 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

COLORADO STATE CAPITOL
200 EAST COLFAX AVENUE SUITE 091
DENVER, COLORADO 80203-1716

TEL: 303-866-2045 FAX: 303-866-4157

EMAIL: OLLS.GA@STATE.CO.US

MEMORANDUM¹

TO: Statutory Revision Committee

FROM: Jessica Herrera, Office of Legislative Legal Services

DATE: February 3, 2022

SUBJECT: Nonsubstantive modifications to title 43 of the Colorado Revised Statutes

Summary

The Office of Legislative Legal Services proposes that the Statutory Revision Committee (SRC) introduce legislation to correct the citation made in section 43-1-128 (5), C.R.S, from "the national environmental policy act" to "the federal 'National Environmental Policy Act of 1969', 42 U.S.C. sec. 4321 et seq.", add the word "vehicle" in section 43-4-605 (1)(i), C.R.S., between the words "motor" and "registration", and correct a cross-reference in section 43-4-1301 (2)(c), C.R.S.

Analysis

1. Proper citation in section 43-1-128 (5), C.R.S.

Currently, section 43-1-128 (5), C.R.S.,² makes a reference to "the national environmental policy act." The full citation, "the federal 'National Environmental Policy Act of 1969', 42 U.S.C. sec. 4321 et seq." should be provided.

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

² See **Addendum A**.

2. Correct "motor vehicle registration" phrase in section 43-4-605 (1)(i), C.R.S.

Section 43-4-605 (1)(i), C.R.S.,³ inadvertently omitted the word "vehicle" in one instance of the phrase "motor vehicle registration." The word "vehicle" should be added between the words "motor" and "registration" to correct the phrase.

3. Correct cross-reference in section 43-4-1301 (2)(c), C.R.S.

Section 43-4-1301 (2)(c), C.R.S.,⁴ has legislative declaration language that incorrectly references "...subsection (7) and (8) of this section" in describing two fees. The correct cross-reference should be to "section 43-4-1303."

Statutory Charge⁵

The SRC is tasked with discovering "defects and anachronisms in the law" and recommending legislation "to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law." The proposed revisions fit within the SRC's charge because they would address clerical defects in the law.

Proposed Bill

If the SRC wishes to introduce legislation to address these issues, the proposed bill draft is attached for review.

³ See **Addendum B**.

⁴ See **Addendum C**.

⁵ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions." § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

ADDENDUM A

43-1-128. Environmental impacts of capacity projects - additional requirements - legislative declaration - definitions. (5) With the exception of the interstate highway 270 corridor improvement project, the requirements of subsections (4)(a) and (4)(c) of this section do not apply to any projects that have, on or before July 1, 2022, a signed record of decision, finding of no significant impact, or categorical exclusions as provided by the national environmental policy act.

ADDENDUM B

43-4-605. Powers of the authority - inclusion or exclusion of property - determination of regional transportation system alignment - fund created - repeal. (1) In addition to any other powers granted to an authority pursuant to this part 6, an authority has the following powers:

(i) To impose an annual motor vehicle registration fee of not more than ten dollars for each motor vehicle registered with the authorized agent, as defined in section 42-1-102, of the county by persons residing in all or any designated portion of the members of the combination or of the members of the transportation planning organization exercising the powers of an authority as authorized by section 43-4-622; except that the authority shall not impose a motor registration fee with respect to motor vehicles registered to persons residing outside the boundaries of the authority and within the boundaries of a municipality as the boundaries of the municipality exist on the date the authority is created or the resolution authorizing the transportation planning organization to exercise the powers of an authority is adopted without the consent of the governing body of the municipality or outside the boundaries of the authority and within the unincorporated boundaries of a county as the unincorporated boundaries of the county exist on the date the authority is created without the consent of the governing body of the county. The registration fee is in addition to any fee or tax imposed by the state or any other governmental unit. If a motor vehicle is registered in a county that is a member of more than one authority, the total of all fees imposed pursuant to this subsection (1)(i) for the motor vehicle shall not exceed ten dollars. The authorized agent of the county in which the registration fee is imposed shall collect the fee and remit the fee to the authority. The authority shall apply the registration fees solely to the financing, construction, operation, or maintenance of regional transportation systems that are consistent with the expenditures specified in section 18 of article X of the state constitution.

ADDENDUM C

43-4-1301. Legislative declaration. (2) The general assembly further finds and declares that:

(c) Consistent with the determination of the Colorado supreme court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with enterprise status under section 20 of article X of the state constitution, it is the conclusion of the general assembly that the revenue collected by the enterprise is generated by fees, not taxes, because the air pollution mitigation per ride fee and the air pollution mitigation retail delivery fee imposed by the enterprise as authorized by subsections (7) and (8) of this section are:

(I) Imposed for the specific purpose of allowing the enterprise to defray the costs of providing the remediation services specified in this section, including mitigating impacts to air quality and greenhouse gas emissions caused by the activities on which the fees are assessed, and contribute to the implementation of the comprehensive regulatory scheme required for the planning, funding, development, construction, maintenance, and supervision of a sustainable transportation system; and

(II) Collected at rates that are reasonably calculated based on the impacts caused by fee payers and the cost of remediating those impacts; and

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
1.26.22

DRAFT

LLS NO. 22-0787.01 Jessica Herrera x4218

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Nonsubstantive Changes To Title 43"
DEADLINES: Finalize by: JAN 31, 2022 File by: FEB 2, 2022

A BILL FOR AN ACT

101 **CONCERNING MAKING NONSUBSTANTIVE CHANGES TO TITLE 43.**

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/>.)

Statutory Revision Committee. The bill makes the following nonsubstantive changes to title 43:

- Corrects the citation made in section 43-1-128 (5) from "the national environmental policy act" to "the federal 'National Environmental Policy Act of 1969', 42 U.S.C. sec. 4321 et seq.";
- Adds the word "vehicle" in section 43-4-605 (1)(i) between the words "motor" and "registration"; and

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- Corrects a reference in section 43-4-1301 (2)(c) stating "subsections (7) and (8) of this section" to say "section 43-4-1303".

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-128, **amend** (5)
3 as follows:

4 **43-1-128. Environmental impacts of capacity projects -**
5 **additional requirements - legislative declaration - definitions.**

6 (5) With the exception of the interstate highway 270 corridor
7 improvement project, the requirements of subsections (4)(a) and (4)(c) of
8 this section do not apply to any projects that have, on or before July 1,
9 2022, a signed record of decision, finding of no significant impact, or
10 categorical exclusions as provided by the ~~national environmental policy~~
11 ~~act~~ FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42
12 U.S.C. SEC. 4321 ET SEQ.

13 **SECTION 2.** In Colorado Revised Statutes, 43-4-605, **amend**
14 (1)(i) as follows:

15 **43-4-605. Powers of the authority - inclusion or exclusion of**
16 **property - determination of regional transportation system alignment**
17 **- fund created - repeal.** (1) In addition to any other powers granted to

18 an authority pursuant to this part 6, an authority has the following powers:

19 (i) To impose an annual motor vehicle registration fee of not more
20 than ten dollars for each motor vehicle registered with the authorized
21 agent, as defined in section 42-1-102, of the county by persons residing
22 in all or any designated portion of the members of the combination or of
23 the members of the transportation planning organization exercising the
24 powers of an authority as authorized by section 43-4-622; except that the

1 authority shall not impose a motor VEHICLE registration fee with respect
2 to motor vehicles registered to persons residing outside the boundaries of
3 the authority and within the boundaries of a municipality as the
4 boundaries of the municipality exist on the date the authority is created or
5 the resolution authorizing the transportation planning organization to
6 exercise the powers of an authority is adopted without the consent of the
7 governing body of the municipality or outside the boundaries of the
8 authority and within the unincorporated boundaries of a county as the
9 unincorporated boundaries of the county exist on the date the authority is
10 created without the consent of the governing body of the county. The
11 registration fee is in addition to any fee or tax imposed by the state or any
12 other governmental unit. If a motor vehicle is registered in a county that
13 is a member of more than one authority, the total of all fees imposed
14 pursuant to this subsection (1)(i) for the motor vehicle shall not exceed
15 ten dollars. The authorized agent of the county in which the registration
16 fee is imposed shall collect the fee and remit the fee to the authority. The
17 authority shall apply the registration fees solely to the financing,
18 construction, operation, or maintenance of regional transportation systems
19 that are consistent with the expenditures specified in section 18 of article
20 X of the state constitution.

21 **SECTION 3.** In Colorado Revised Statutes, 43-4-1301, **amend**
22 (2)(c) introductory portion as follows:

23 **43-4-1301. Legislative declaration.** (2) The general assembly
24 further finds and declares that:

25 (c) Consistent with the determination of the Colorado supreme
26 court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo.
27 1995), that the power to impose taxes is inconsistent with enterprise status

1 under section 20 of article X of the state constitution, it is the conclusion
2 of the general assembly that the revenue collected by the enterprise is
3 generated by fees, not taxes, because the air pollution mitigation per ride
4 fee and the air pollution mitigation retail delivery fee imposed by the
5 enterprise as authorized by ~~subsections (7) and (8) of this section~~ SECTION
6 43-4-1303 are:

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2022 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.