

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

**COMMITTEE ON STATUTORY REVISION COMMITTEE**

Date: 10/13/2016

Time: **09:02 AM to 11:41 AM**

Place: HCR 0112

This Meeting was called to order by  
Representative Moreno

This Report was prepared by  
Jessica Wigent

ATTENDANCE

Arndt	X
Holbert	X
Kerr	E
Steadman	X
Tate	X
Thurlow	X
Brad Ramming, Esq.	X
Patrice Bernadette Collins, Esq.	X
Dore	E
Moreno	X

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

Bills Addressed:	Action Taken:
Introduction of nonvoting SRC members	Witness Testimony and/or Committee Discussion Only
Q&A w/ Josie Faix, Chair of SRC of CBA's Trust & Estates	Witness Testimony and/or Committee Discussion Only
3a. Suitability of referring the repeal of 40-2-123 to the Revisor's Bill	Witness Testimony and/or Committee Discussion Only
3b. Report Database update	Recommendation(s) Approved
4a. Vote on bill draft to fix SB16-146	Recommendation(s) Approved
4b. Vote on bill draft to relocate Commission on Family Medicine	Recommendation(s) Approved
4c. Vote on bill draft to repeal obsolete reapportionment laws	Recommendation(s) Approved
4d. Vote on bill draft to repeal obsolete redistricting laws	Recommendation(s) Approved
5a. Update various laws relating to the Office of the State Auditor	Recommendation(s) Approved
5b. Modernize ANSI citations in accessible housing statutes	Recommendation(s) Approved
5c. Repeal posting requirement in 24-30-202 (9)(a)	Recommendation(s) Approved
5d. Resolve ambiguity regarding the term "minor" in tobacco laws	Recommendation(s) not Approved
5e. Update and align various statutes within Title 22, C.R.S.	Some Recommendations Approved
5f. Use consistent terminology in C.R.S. regarding American Indians	Postpone for Further Study
5g. Modernize provisions relating to the AOA of 1968	Recommendation(s) Approved
6. Discussion of SRC annual report	Witness Testimony and/or Committee Discussion Only
7. Other business?	Witness Testimony and/or Committee Discussion Only
8. Next meeting: December 13, 2016, 9:00am, HCR0112	-

**09:02 AM -- Introduction of nonvoting SRC members**  Ramming\_Resume.pdf

 Collins\_Resume.pdf

Chairperson Moreno commented on the two nonvoting SRC members who had been appointed by the Committed on Legislative Legal Services and welcomed them to the Committee.

**09:03 AM --** Committee Member Patrice Bernadette Collins introduced herself to the Committee, sharing that she is an attorney in Colorado and a native of the state. She's been practicing law for five years and works for her father in a small law firm that does mostly civil litigation, including professional malpractice litigation. She also does some criminal defense work, heavy on the litigation side.

**09:04 AM --** Committee Member Brad Ramming introduced himself to the Committee, sharing that he has lived in Colorado since the late 1980s and that he and his family live in Littleton. Professionally, he practices law with the firm Sweetbaum Sands Anderson PC.

**09:04 AM -- Q & A w/ Josie Faix, current Chair of the SRC of the CBA's Trust & Estate**



**Section** CBA\_SRCWebpages.pdf

**09:04 AM -- Ms. Faix and Mr. Schupbach testified about the Statutory Revisions Committee of the CBA.**

Ms. Faix, chair of the Statutory Revisions Committee, explained that there are several sections in the CBA that deal with real estate, and each section functions differently. Trust and Estates, for example, has evolved to create a number of standing committees that deal with issues, and the Statutory Revisions Committee is the oldest. Their committee has a number of functions, but the primary is to allow folks within their area of law to bring issues of concern, corrections, and conflicts in the law-- issues they think need to be cleaned up, as opposed to policy changes. They also have people who will come to them with ideas that are changes to the way they practice law and deal with uniform laws. Ms. Faix provided an example and explained how her committee compares to how the SRC functions. She mentioned the collaborative nature of her own and the other subcommittees.

Mr. Schupbach, Legislative Director of the Colorado Bar Association, then explained that the Trust & Estate Section's Statutory Revisions Committee is set up as the first vehicle of collaboration towards incremental improvements in the law. The issues they bite off are thoroughly vetted, not unlike the charge of the Statutory Revision Committee. They're not major policy decisions, but rather clean up and more incremental improvements to various sections of the probate code. He reiterated Ms. Faix's point that collaboration between sections of the bar and communication with stakeholders is crucial.

Ms. Faix added that another part of what the Statutory Revisions Committee does is react to legislation that they did not create. In those cases, it is easier, and the work product is better, to be given sufficient lead time. Ms. Faix also requested that the SRC reach out to her. She wants her committee to serve the SRC well and not run out of steam as legislation moves through the season--even if it's last minute, they would still love to have an opportunity to voice their thoughts, from the practitioner side, of a bill the SRC thinks might impact their area.

Mr. Schupbach closed by saying that he knows that the SRC will take many different ideas from staff and other folks, but he's been sharing the SRC's charge to attorneys throughout the state, to give them an overview of its charge, so that if they have potential areas of law they

would like the SRC to look at, to reach out to the CBA as well in a collaborative fashion, to make sure that the CBA is a resource and a tool of the SRC as they evaluate proposed bills. Mr. Shupbach and Ms. Faix also mentioned a potential SRC bill relating to the Uniform Trust Decanting Act.

Senator Steadman then asked why other sections, besides the Trust and Estates Section, hadn't also developed a Statutory Revisions Committee. Ms. Faix explained that Trust & Estates is dominated by solo and small firms, there's not as many of the big firms that focus on this kind of work, which might explain that the small firms either have more time to focus on this issue or that they need to work collaboratively to get the kind of assistance and work done that you might find within a larger firm. She added that their area of the law is also very technical; they have a lot of tax provisions and complicated pieces within their code, and they impact the day-to-day practitioner who is doing even just small probates. In addition, when the Uniform Probate Code was adopted, it brought people together because it was such a huge change to Colorado law. However, she wasn't sure why other sections hadn't adopted the same process.

Senator Holbert then commented that the scope of the SRC is narrow compared with the Statutory Revisions Committee, and one of the concerns he had when the bill to recreate the committee was introduced last year was that it could create a new avenue to run bills that don't count against legislators' five bills. Some of the earliest ideas that were sent to him as possibilities for this committee didn't fit in the scope of obsolescence, duplication, or contradiction. Mr. Schupbach answered that they absolutely recognize the scope of the SRC and are not treating it as a new vehicle for the creation of law--they see it as a potential area for corrections, which in some cases might not be removal of obsolete law but an error in the law--and they're not encouraging any other section of the CBA to view the SRC in this way. Anything policy- or procedurally oriented, or just an improvement to the law in general, would be run through the normal five-bill pattern. He added that the CBA worked with the sponsors of the bill creating the SRC, Chairperson Moreno and Senator Martinez Humenik, to make sure that two nonvoting members would be added to the SRC to add additional, bipartisan legal expertise.

Chairperson Moreno then commented that the SRC is a fairly new (or renewed) committee, and asked what the Statutory Revisions Committee has learned that could benefit the SRC. Ms. Faix answered that the homework that can be done ahead of time, so that you present the changes clearly, having that narrative of the change and why it's needed, so that other people don't have to do that homework. So that you can be as efficient as you can. Mr. Schupbach echoed that advice. Early work with other sections or other invested stakeholders is critical to the Statutory Revisions Committee--not moving forward with an idea in isolation and potentially surprising a group of stakeholders in January will be critical to your success.

Senator Holbert then asked Kate Meyer, OLLS, to discuss what committees the SRC bills would be assigned to, since the SRC isn't a committee of reference. Senator Holbert mentioned bringing up in the executive summary the subject matter and which committee *may* be assigned the bill to potentially provide direction. Ms. Meyer mentioned commented that while the SRC has no direct say in which committees the SRC bills will be assigned to, the SRC is required to produce an annual report and it can, along with that report, attach any legislation the SRC is recommending. The report is sent to every member of the General Assembly. Senator Holbert said he thought the report would be adequate, but that he struggled with the idea that they would share the ideas about the bills in SRC hearings, whether there could be some subject matter flagging, like in an executive summary. Ms. Meyer explained that the bill summaries, plain

English narratives that precede the text of each piece of legislation, can be useful in this situation and helpful to leadership when assigning bills to their committees of reference. She added that if the SRC would like staff to share particular pieces of legislation with particular members of the general assembly or stakeholders, that staff would be happy to do so.

Senator Holbert also suggested sharing the bills with the chairs of the committees and asking for feedback, that that kind of flagging could be useful. Kristen Forrester, OLLS, then added that it could be appropriate to flag issues by bill title in the report, but that OLLS staff cannot attempt to influence where a bill is assigned. Chairperson Moreno then commented that the SRC has a unique ability with the reestablished committee to set the expectation with legislative leadership that they would consult with members of the committee on where these bills might be best assigned, being that the SRC have the expertise and know the issue and could provide that guidance.

### **09:27 AM -- 3a. Suitability of referring the repeal of 40-2-123 to the 2017 Revisor's Bill**

Ms. Forrester testified that, as a follow-up from the previous meeting, she spoke with the Revisor of Statutes, Jennifer Gilroy, who agreed that the repeal of section 40-2-123, C.R.S., would be included in the 2017 Revisor's Bill.



### **09:28 AM -- 3b. Report Database update** [LegeCouncilReportDatabase.pdf](#)

Ms. Forrester and Susan Liddle, Legislative Council, discussed the contents of the reporting database prepared by Legislative Council, which was initially discussed at the SRC's August 17, 2016 meeting. Ms. Forrester revealed that more than 200 reports would be affected by proposed legislation, including those that do not have the language required by section 24-1-136 (11) (a), C.R.S.

Ms. Liddle explained that Legislative Council currently tracks approximately 380 reports to the General Assembly.

Ms. Forrester added that some reports that, technically, are still required by statute although the reports are no longer being submitted--and that these would be obsolete provisions.

Senator Steadman asked how many reports are not being submitted by a department although they are still statutorily required to do so. Ms. Liddle replied that she didn't have exact numbers. She also shared an example of an obsolete provision where one department is statutorily required, if it is interested in pursuing legislation, to submit a report to the general assembly. When Ms. Liddle followed-up with this department, they stated that submitting a report is not the appropriate mechanism in this case, that they would go through the governor's office.

Representative Thurlow then commented that the reporting database presented by Ms. Forrester and Ms. Liddle is separated by department (education, etc.) and suggested that proposed legislation should be specific to each subject area, with the provision that the first step is to send the list of reports to the departments and get the first level of feedback about whether the report is

needed, useful. Representative Thurlow commented that this kind of process could help guide leadership in assigning the bill to a committee of reference. He also shared that his goal with these bills is to increase government efficiency and to get the reporting requirements in compliance with the law in a way that vets the information so that reports that are valuable are not eliminated. If the report isn't useful, it will be repealed. During the committee process, amendments can be added if minds are changed.

Ms. Forrestal added that in committee, the repeal dates of the reports could be amended--that the dates aren't required to be of a certain time--that reports can continue for any number of years, not necessarily the three years required by section 24-1-136, C.R.S.

Senator Holbert then added that he agrees with Representative Thurlow's perspective and wondered if there was a way to refer the list of reports so that it applies to "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings at the beginning of the session and wondered if leadership could include a discussion of reporting requirements for each committee of reference. Senator Holbert asked if it would be possible to require process for the SMART Act hearings.

Senator Steadman commented that he didn't think there was a prohibition on including reporting requirements within the scope of SMART Act hearings. He added that the General Assembly has, in the past, been through exercises with reporting requirements where a bill required joint committees of reference on all reports.

Ms. Liddle added that it was the 20th anniversary of the last time the reporting requirements had been under review.

Ms. Forrestal commented that for the past several years, OLLS bill drafters had been trained to incorporate the reference to section 24-1-136, C.R.S., (or, if the reporting is required for three years but longer, a reference to that timeline) in all bills that created reporting requirements.

Senator Steadman then added that farming the bills out to various committees of reference was the best option, to get a better sense of the value of the reports and that building it into the SMART Act, to institutionalize this review, would prompt a conversation between departments and the recipients of their reports.

Ms. Liddle added that the repeal on the reporting requirements could involve adding a "subject to review by committee of reference" to ensure that those conversations are had.

Senator Steadman then added that recipients of many of the reports aren't necessarily committees of reference. In some cases, the reports are being submitted to the Joint Budget Committee Staff, Capital Development Committee staff, etc., and that the SMART Act hearings wouldn't necessarily include parties interested in the reports who are outside of the committees of reference.

Representative Thurlow then closed out the discussion by stating that he hoped that the outcome of the bills would be better government and better government efficiencies. Senator Steadman then wondered if the bill might be beyond the scope of the SRC, but added that he thought it would still be a worthy enterprise of the Committee--to start the legwork and vetting--even if Representative Thurlow ended up running the bills. He also added that organizing the bills by department would be the best choice.

Ms. Forrestal suggested that, in preparing the bills by department, staff not include reports that already feature the language from section 24-1-136, C.R.S., or an exemption from that language. Senator Steadman agreed. He then asked whether the drafts would, at the outset, repeal

the reporting requirements or create exceptions. Ms. Forrestal suggested repealing them all--except for two treasury reports that Senator Steadman had pointed out should not be repealed; she also suggested that members could amend the bills at the next SRC meeting. Representative Thurlow then requested that the bills be prepared consistently so that, if amendments were needed, they would be consistent as well. Ms. Liddle then added that the process is similar to sunset review.

<b>BILL:</b>	<b>3b. Report Database update</b>	
<b>TIME:</b>	<b>09:50:51 AM</b>	
<b>MOVED:</b>	Thurlow	
<b>MOTION:</b>	Representative Thurlow moved to request a bill for multiple bill drafts dealing with repeal obsolete reports. The motion passed without objection.	
<b>SECONDED</b> :	Steadman	
		<b>VOTE</b>
	Arndt	
	Holbert	
	Kerr	Excused
	Steadman	
	Tate	
	Thurlow	
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Dore	Excused
	Moreno	
<b>YES: 0 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: Pass Without Objection</b>		



**09:54 AM -- 4a. Vote on bill draft to fix SB 16-146** Jane\_SB146Fix\_17-0138.pdf

Jane Ritter, OLLS, discussed how the bill summary could be changed to add language that would address Senator Holbert's concerns about creating a flag to legislators concerning the subject area of the bill. Ms. Ritter then discussed the technical aspects of the bills, including that the bill amends the 2016 Session Laws of Colorado, because the issue with the original bill was the amending clause.

Chairperson Moreno then inquired about sponsorship of bills. He offered to be the bill's Prime Sponsor in the Senate. Senator Steadman and Representative Arndt discussed sponsorship of the bills in the House. Senator Steadman shared that the practice of the Joint Budget Committee is to have one prime sponsor in each house, with the other committee members

cosponsoring the bill. Chairperson Moreno then suggested the SRC employ practices similar to the Joint Budget Committee. Representative Arndt then she would be the House Prime Sponsor of the bill. There was no objection to listing the Committee members as cosponsors. Both Chairperson Moreno and Senator Steadman advocated for using "Act Subject to Petition" Clauses on the bills, when appropriate, as opposed to Safety Clauses.

Ms. Ritter then asked about where the bills should originate. Senator Steadman offered that this particular bill should originate in the House.

<b>BILL:</b>	<b>4a. Vote on bill draft to fix SB 16-146</b>	
<b>TIME:</b>	<b>09:56:31 AM</b>	
<b>MOVED:</b>	Steadman	
<b>MOTION:</b>	For the Committee to introduce LLS 17-0138, the SB 16-146 fix, as an SRC Bill. The motion passed on a vote of 6-0.	
<b>SECONDED</b> <b>:</b>	Holbert	
		<b>VOTE</b>
	Arndt	Yes
	Holbert	Yes
	Kerr	Excused
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Dore	Excused
	Moreno	Yes
<b>FINAL YES: 6 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		

**10:02 AM -- 4b. Vote on bill draft to relocate Commission on Family Medicine**



Kate\_17-0141.pdf

Ms. Meyer revisited the bill's subject matter, the nonsubstantive relocation of the statute related to the Commission on Family Medicine to its organic statute, from title 25, C.R.S., to title 25.5, C.R.S.

Senator Steadman asked about technical changes and conforming amendments and Ms. Meyer confirmed that she had shared the bill draft with the Departments of Public Health and Environment and Health Care Policy and Financing, as well as Kim Marvel, the current executive director of the Commission on Family Medicine. No stakeholder was opposed to the

legislation or the conforming amendments.

Representative Thurlow was designated as the House Prime Sponsor and Chairperson Moreno as the Senate Prime Sponsor. Senator Holbert shared that because the 2017 sunset bills are all originating in the Senate, the SRC bills should all originate in the House. The Committee agreed to Senator Holbert's suggestion. All committee members will be listed as cosponsors.

Ms. Meyer asked the Committee if staff had permission to modify any of the bills prepared for introduction if technical changes were found as they were being prepared for bill paper. The Committee had no objection.

<b>BILL:</b>	<b>4b. Vote on bill draft to relocate Commission on Family Medicine to organic</b>	
<b>TIME:</b>	<b>10:03:54 AM</b>	
<b>MOVED:</b>	Steadman	
<b>MOTION:</b>	For the Committee to introduce LLS 17-0141 as an SRC bill. The motion passed on a vote of 6-0.	
<b>SECONDED :</b>	Holbert	
		<b>VOTE</b>
	Arndt	Yes
	Holbert	Yes
	Kerr	Excused
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Dore	Excused
	Moreno	Yes
<b>YES: 6 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		

**10:06 AM -- 4c. Vote on bill draft to repeal obsolete reapportionment laws**



Kate\_17-0139.pdf

Ms. Meyer introduced the two versions of the bills, one with a simple repeal and the other with strike type showing the language being repealed in the bill--pages and pages of obsolete districts.

Senator Steadman commented that he preferred the .01 version, the simple repeal. He added that the statute being proposed for repeal was unintelligible and thus unreadable --it is

nearly all just a series of numbers (of county boundaries and census districts, etc.), and so the value of the .02 version, with the strike type, is minimized.

Senator Holbert agreed with Senator Steadman and said he couldn't imagine a legislator reading the entire bill of strike type. He added that if a member wanted to see the language in current statute that was being proposed for repeal, they could just refer to the statute. Chairperson Moreno agreed. He shared one hesitation that the .02 version shows the value of the Statutory Revision Committee and the work the members are doing. He, however, agreed to support the introduction of .01 of the bill.

Ms. Meyer added that the number of words or pages being repealed in the statute could be added to the bill summary.

Representative Arndt offered to sponsor the bill in the House and Senator Holbert offered to sponsor the bill in the Senate. The remaining SRC members will be listed as cosponsors. The Committee gave permission for the staff to make technical changes before the bill's introduction.

<b>BILL:</b>	<b>4c. Vote on bill draft to repeal obsolete reapportionment laws</b>	
<b>TIME:</b>	<b>10:10:04 AM</b>	
<b>MOVED:</b>	Steadman	
<b>MOTION:</b>	For the Committee to introduce LLS 17-0139.01, concerning obsolete reapportionment districts, as an SRC bill. The motion passed on a vote of 6-0.	
<b>SECONDED</b> <b>:</b>	Holbert	
		<b>VOTE</b>
	Arndt	Yes
	Holbert	Yes
	Kerr	Excused
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Dore	Excused
	Moreno	Yes
<b>YES: 6 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		



**10:11 AM -- 4d. Vote on bill draft to repeal obsolete redistricting laws** Kate\_17-0140.pdf

Representative Thurlow offered to sponsor the bill in the House and Senator Holbert

offered to sponsor the bill in the Senate. Senator Steadman suggested that the sponsors for this bill should be the same as the prior bill, on obsolete reapportionment laws, so the bills could be presented in tandem. Committee members will be listed as cosponsors and staff was given authorization to make technical changes to the bill prior to its introduction.

<b>BILL:</b>	<b>4d. Vote on bill draft to repeal obsolete redistricting laws</b>	
<b>TIME:</b>	<b>10:11:20 AM</b>	
<b>MOVED:</b>	Steadman	
<b>MOTION:</b>	For the Committee to introduce LLS 17-0140.01, concerning obsolete redistrict laws, as an SRC bill. The motion passed on a vote of 6-0.	
<b>SECONDED :</b>	Holbert	
		<b>VOTE</b>
	Arndt	Yes
	Holbert	Yes
	Kerr	Excused
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Dore	Excused
	Moreno	Yes
<b>YES: 6 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		

**10:12 AM -- 5a. Update various laws relating to the Office of the State Auditor**



A\_Edited\_Draft OSA modernization.pdf

Ms. Meyer explained that the bill was proposed by the Office of the State Auditor (OSA) and Dianne Ray, the state auditor. She first approached the Revisor of Statutes, Jennifer Gilroy, with a number of issues the OSA was looking to address. Ms. Gilroy believed that some of the proposed changes exceeded her authority and suggested that they be taken under consideration by the SRC. Ms. Meyer then discussed the four issues presented in the memo, including obsolete bond registration requirements (from 1881), audit requirements that had expired or were impossible to complete, and a provision of law requiring the Department of Revenue to send copies of a report to the OSA, which the OSA has never received nor needs to receive.

Senator Holbert questioned whether these issues could be contained in one bill and Ms. Meyer confirmed it would be possible.

**10:19 AM --** Auditor Ray testified briefly before the committee and explained that no bond had been registered with the OSA and that, even if it had, the office had no cash fund in which to put the ten cents per registered bond.

Chairperson Moreno then asked if repealing the emissions audit requirement would have any effect on the cap on the fees of emissions testing. Ms. Meyer explained that the staff would be surgical in its drafting to ensure that did not happen. Auditor Ray noted that there was another audit requirement in statute, of the air program, every five years--and that that requirement will continue.

<b>BILL:</b>	<b>5a. Update various laws relating to the Office of the State Auditor</b>	
<b>TIME:</b>	<b>10:20:42 AM</b>	
<b>MOVED:</b>	Holbert	
<b>MOTION:</b>	Senator Holbert moved to request a bill draft to address the obsolete provisions pertaining to the OSA. The motion passed on a vote of 6-0.	
<b>SECONDED</b> :	Steadman	
		<b>VOTE</b>
	Arndt	Yes
	Holbert	Yes
	Kerr	Excused
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Dore	Excused
	Moreno	Yes
<b>YES: 6 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		

**10:22 AM -- 5b. Modernize ANSI citations in accessible housing statutes**



B\_Edited\_Draft ANSI cite updates.pdf

Ms. Meyer explained that former state representative and current state buildings manager in the Office of the State Architect, Cheri Gerou, had approached the Capital Development Committee Staff with proposed legislation, and that that Committee had suggested the issue

would be ripe for the SRC. Ms. Meyer introduced the issues presented in the memo, that the Colorado statutory standards regarding accessible housing, which incorporate ANSI standards, refer to ANSI standards first released in 1997--and that these standards have been updated more recently, meaning that the references to outdated ANSI standards need updating. Ms. Meyer suggested that there were several different ways to amend the statutes, either updating the statute by citing to the most recent ANSI standards or doing the same but adding an "as amended", so that the statutes wouldn't need updating every time the ANSI standards were updated.

**10:25 AM --** Ms. Gerou testified, explaining that the ANSI standards are related to the federal Americans with Disabilities Act and that the Office does not refer to a specific-year-version of the ANSI standards, just to them generally so that they can change as the federal standards change. She added that she sets the building codes for the state and that she uses the ANSI standards from 2003.

Senator Steadman commented that other references to ANSI standards, outside the language in statute specifically pertaining to the OSA, reference ANSI standards generally, and do not include a particular year. He wondered if adding "as amended" to the ANSI standards referenced in the OSA statute would requiring doing the same to ANSI standards outside this particular statute, to make all the references consistent.

Ms. Gerou explained that approved codes are listed on the State Architect's website and, more specifically, the code she adopted for public universities, state agencies, for construction purposes, is the 2015 International Building Code, but if you discuss with the Department of Local Affairs, Manufactured Housing Division, they're using the 2012 International Building Code. She said that there could potentially be an issue with changing the ANSI references in other statutes, because while she uses the most current, most restrictive codes available (which must be approved by the legislature), that isn't always the case for organizations not under her purview (cities, counties, etc.), and she did not want the proposed legislation to interfere with those other organizations. She explained the reach of her office--that state buildings can be located within municipal areas; for example, the capitol building must adhere to state building codes, although the building itself is within the city and county of Denver.

<b>BILL:</b>	<b>5b. Modernize ANSI citations in accessible housing statutes</b>	
<b>TIME:</b>	<b>10:37:38 AM</b>	
<b>MOVED:</b>	Thurlow	
<b>MOTION:</b>	Representative Thurlow moved to request a bill draft to address the obsolete provisions pertaining to the Office of the State Architect. The motion passed on a vote of 6-0.	
<b>SECONDED:</b>	Holbert	
		<b>VOTE</b>
	Arndt	Yes
	Holbert	Yes

	Kerr	Excused
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Dore	Excused
	Moreno	Yes
<b>YES: 6 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		

**10:38 AM -- 5c. Repeal posting requirement in 24-30-202 (9)(a)**



C\_Edited\_Draft DPA warrant posting repeal.pdf

Kristen Forrestal introduced the issue presented in the memo, that there are three sections of statute that are in relation to the prohibition of the purchase of tobacco products by minors, although "minor" isn't specifically defined in those sections. The general definitions section, which applies to all statutes (except when a specific section specifically defines a word) section 2-4-401, C.R.S., defines a minor as someone who is under 21 years of age (not 18). Ms. Forrestal explained that there is a potential conflict when interpreting the three sections outlined in the memo, in terms of which definition of "minor" applies. Ms. Forrestal explained that if the SRC requested a bill draft, staff would specifically define "minor," in those three sections, as someone who is under 18 years of age.

Chairperson Moreno then asked if there was a recently proposed bill to raise the age of ability to buy tobacco products to 21 years of age, rather than 18, and asked if this proposed bill had any implications for memo Ms. Forrestal had presented. Ms. Forrestal recalled that the bill did not pass.

Senator Steadman then suggested that the proposed bill came close to the line of what belongs with the committee and what's outside the scope of the committee's charge and that perhaps, in the provision that extends power to boards of county commissioners, the age was meant to not be 18, but how it is defined generally in the statutes, as 21. He shared his concern that this change would be substantive, especially considering the policy debates around this particular issue, and that the reference to minors including 18, 19, and 20 year-olds isn't a fatal flaw and that the General Assembly may have intended this ambiguity.

Chairperson Moreno seconded Senator Steadman's observations and that the committee should continue to exercise restraint. Senator Holbert agreed and pointed out that if a bill was pursued, the sponsor would have to explain to a committee of reference how the bill is different from the aforementioned bill raising the age from 18 to 21.

The Committee then chose not to pursue a bill draft.

<b>BILL:</b>	<b>5c. Repeal posting requirement in 24-30-202 (9)(a)</b>	
<b>TIME:</b>	<b>10:44:45 AM</b>	
<b>MOVED:</b>	Steadman	
<b>MOTION:</b>	Senator Steadman moved to request a bill draft to repeal physical posting requirements of outstanding warrants and checks. The motion passed on a vote of 6-0.	
<b>SECONDED</b> <b>:</b>	Holbert	
		<b>VOTE</b>
	Arndt	Yes
	Holbert	Yes
	Kerr	Excused
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Dore	Excused
	Moreno	Yes
<b>YES: 6 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		

**10:45 AM -- 5d. Resolve ambiguity regarding the term "minor" in tobacco laws**



D\_Edited\_SRCTobacco.pdf

Kristen Forrestal introduced the issue presented in the memo, that there are three sections of statute that are in relation to the prohibition of the purchase of tobacco products by minors, although "minor" isn't specifically defined in those sections. The general definitions section, which applies to all statutes (except when a specific section specifically defines a word) section 2-4-401, C.R.S., defines a minor as someone who is under 21 years of age (not 18). Ms. Forrestal explained that there is a potential conflict when interpreting the three sections outlined in the memo, in terms of which definition of "minor" applies. Ms. Forrestal explained that if the SRC requested a bill draft, staff would specifically define "minor," in those three sections, as someone who is under 18 years of age.

Chairperson Moreno then asked if there was a recently proposed bill to raise the age of ability to buy tobacco products to 21 years of age, rather than 18, and asked if this proposed bill

had any implications for memo Ms. Forrestal had presented. Ms. Forrestal recalled that the bill did not pass.

Senator Steadman then suggested that the proposed bill came close to the line of what belongs with the committee and what's outside the scope of the committee's charge and that perhaps, in the provision that extends power to boards of county commissioners, the age was meant to not be 18, but how it is defined generally in the statutes, as 21. He shared his concern that this change would be substantive, especially considering the policy debates around this particular issue, and that the reference to minors including 18, 19, and 20 year-olds isn't a fatal flaw and that the General Assembly may have intended this ambiguity.

Chairperson Moreno seconded Senator Steadman's observations and that the committee should continue to exercise restraint. Senator Holbert agreed and pointed out that if a bill was pursued, the sponsor would have to explain to a committee of reference how the bill is different from the aforementioned bill raising the age from 18 to 21.

The Committee then chose not to pursue a bill draft.

### 10:51 AM -- 5e. Update and align various statutes within Title 22, C.R.S.



E\_Edited\_CDERecommendations.pdf

Ms. Ritter introduced the issues discussed in the memo, which were brought to staff by the Department of Education (CDE). The first deals with district accountability committees and how often they have to make recommendations to school districts regarding performance plans. Legislation enacted last year had changed the requirement from every year to every two years. However, the statute that requires the timing of the recommendations says they continue to have to make annual recommendations. The second issue deals with the mileage count date and pupil enrolment count date. In 2012, a house bill changed statutory references in Title 22 from the traditional October 1 count date to a defined term, "the pupil enrollment count day", and conforming amendments were missed, leaving incorrect references to the October 1 date in statute. The final issue deals with various references in statute to accredited independent schools and accredited nonpublic schools; however, the state board of education has never accredited these schools and is not authorized to do so. The CDE suggest repealing these terms in statute.

Representative Arndt suggested there may be a value to the annual reports required of district accountability committees and that changing that requirement to every two years is outside the scope of the committee. CDE bringing communication between local committee and local board that the CDE isn't involved in. Senator Steadman then added that the issues between district accountability committees and school district boards of education are local and not the purview of the CDE. He also questioned why the second issue was brought to the SRC and not to the Revisor for inclusion in the Revisor's Bill. Ms. Ritter replied that it was her understanding that the Revisor had rejected this correct for inclusion in the Revisor's Bill because the change to statute was made in 2012, the mistake is not a typo or clearly omitted on accident. He suggested that staff include a statement in memos indicating that the Revisor had considered and rejected making the change in the Revisor's Bill. Senator Holbert shared that his experience on an education committee suggested to him that any change to any reference to pupil count day would be lobbied.

<b>BILL:</b>	<b>5e. Update and align various statutes within Title 22, C.R.S.</b>	
<b>TIME:</b>	<b>11:00:35 AM</b>	
<b>MOVED:</b>	Steadman	
<b>MOTION:</b>	Senator Steadman moved to request a bill draft addressing items 2 and 3 from the memo concerning recommendations from the Colorado Department of Education. The motion passed on a vote of 6-0.	
<b>SECONDED :</b>	Arndt	
		<b>VOTE</b>
	Arndt	Yes
	Holbert	Yes
	Kerr	Excused
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Dore	Excused
	Moreno	Yes
<b>YES: 6 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>		

**11:01 AM -- 5f. Use consistent terminology in C.R.S. regarding American Indians**



F\_Edited\_AmericanIndiantTerminology.pdf

Jane Ritter introduced the issues discussed in the memo, concerning that there are 326 references to "Indian" in statute, 25 references to "Native American" and 13 references to "American Indian" in statute, and whether these should be made consistent, using a term or terms that are acceptable to the American Indian community.

**11:03 AM --** Ernest House, Jr. Executive Director Colorado Commission of Indian Affairs discussed changes at the federal level and the census concerning this terminology, that the term "Indian" has been phased out and that the Commission has worked with state agencies to update these terms. He offered the resources of his Office to discuss the terminology change with tribes from around the state.

Senator Steadman suggested that instead of, at some point, making them all consistent, that the SRC might consider going into the global definitions statute, and add or update the term to make it more inclusive.

Representative Arndt shared her concern about the potential fiscal impact of these changes. Mr. House shared that this is a concern for him as well.

Representative Thurlow suggested that the proposed legislation was outside of the scope of the committee and was concerned about the floor debate that could arise.

Senator Steadman asked about the scope of the problematic terminology and whether any of the terms were offensive or disfavored, or if the terminology was merely inconsistent not problematic.

Rather than make a motion to pursue a bill draft, Mr. House said he would pursue conversations with tribes from around the state to nail down the preferred language and have a more specific discussion about the consistency of terminology. .

**11:13 AM -- 5e. Modernize provisions relating to the AOA of 1968**



G\_Edited\_Draft AOA Clean Up.pdf

Debbie Haskins, OLLS, introduced the issues discussed in the memo, concerning the need to modernize and simply the terminology used in creating and transferring state agencies and unites of state agencies under the "Administrative Organization Act of 1968." She also related that Kurt Morrison, the director of legislative affairs for the governor's office, was in loop and would be working with Ms. Haskins as she prepared the bill to ensure that all stakeholders would be aware of any changes made.

<b>BILL:</b>	<b>5e. Modernize provisions relating to the AOA of 1968</b>	
<b>TIME:</b>	<b>11:25:42 AM</b>	
<b>MOVED:</b>	Holbert	
<b>MOTION:</b>	Senator Holbert moved to request a bill draft to address the outdate terminology concerning the "Administrative Organization Act of 1968." The motion passed on a vote of 6-0.	
<b>SECONDED</b> <b>:</b>	Steadman	
		<b>VOTE</b>
	Arndt	Yes
	Holbert	Yes
	Kerr	Excused
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Dore	Excused

Moreno	Yes
<b>YES: 6 NO: 0 EXC: 2 ABS: 0 FINAL ACTION: PASS</b>	

**11:27 AM -- 6. Discussion of SRC annual report**

Ms. Meyer discussed the Nov 15 deadline for the statutorily required annual report. She explained that an amended and updated second report will be completed after the December SRC meeting and discussed how the content of the bill might be organized. Senator Holbert and Chairperson Moreno asked about including issues in the report that were formally presented to the SRC by memo, but were ultimately rejected by the committee.

Senator Steadman asked for the report to include an acknowledgement of the role of the Colorado Bar Association in promoting the committee and recruiting the nonvoting members to participate. He also asked that staff provide the number of words repealed from statute, or net number of words removed, by legislation proposed by the committee and to present quantifiable assessment at the December meeting--so the committee can choose how to present the information.

**11:36 AM -- 7. Other business?**

**11:39 AM -- 8. Next meeting: December 13, 2016, 9:00am, HCR0112**

Senator Steadman suggested winding down new business for the year, meaning that staff would not present memos at the December meeting, but instead would present only the requested bill drafts.