

# OFFICE OF LEGISLATIVE LEGAL SERVICES

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## MEMORANDUM

TO: Committee on Legal Services

FROM: Office of Legislative Legal Services

DATE: November 7, 2018

SUBJECT: Update on Title 12 Recodification Project

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### Project Update

#### 1. Accomplishments in the 2017 and 2018 Legislative Sessions

In the 2017 legislative session, the Committee on Legal Services (Committee) sponsored a total of 15 bills, 14 of which were "relocation" bills that moved several articles from title 12 to other titles in the Colorado Revised Statutes. Additionally, the Committee sponsored a bill to modify the rule-making process under the "State Administrative Procedure Act" to allow state agencies to implement statutory citation updates in existing rules without conducting formal rule-making.

In the 2018 legislative session, the Committee sponsored ten additional "relocation" bills, nine of which relocated articles and parts in titles 12 and 24 that the Department of Revenue administers to a new title 44. The tenth relocation bill relocated three articles and one part from title 12 to other titles in the Colorado Revised Statutes.

With the enactment of 24 relocation bills over the past two legislative sessions, the volume of title 12 has been reduced by approximately 640 pages and now consists only of laws administered by the Department of Regulatory Agencies (DORA).

The Committee also sponsored S.B. 18-031, which extended the Title 12 Recodification Project one additional year, through September 1, 2019, to enable the Office of Legislative Legal Services (OLLS) to work with stakeholders to develop draft legislation to recodify the laws that remain in title 12 that are administered by DORA through the Division of Professions and Occupations, the Division of Real Estate, and the newly created Division of Conservation.

## **2. OLLS Work during 2018 Interim**

The OLLS started meeting with stakeholder groups in June to outline the plan for recodifying title 12, began presenting draft proposals on various aspects of the project at meetings that started in July, and will hold a final meeting scheduled for Thursday, November 15. To date, the OLLS has conducted 12 stakeholder meetings and has discussed, at these meetings and via e-mail and telephone communications with stakeholders, numerous proposals to consolidate common provisions that appear throughout the professional practice acts, as well as proposals to modify each individual practice act to eliminate redundant language that is addressed by the common provisions. The feedback we have received from professional organizations, individual professionals, and representatives from DORA has been vital to the project, providing insights into how the current law is administered and helping OLLS staff ensure that the proposed reorganization will not substantively change how any profession is currently regulated in Colorado.

## **3. Work Remaining in 2018 Interim and 2019 Legislative Session**

As noted above, the OLLS will conduct a final stakeholder meeting on November 15, after which OLLS staff will start compiling all of the proposals into a single bill for the Committee's consideration at the meeting on December 12. The Committee has authorized the OLLS to prepare an omnibus bill to recodify title 12 and a companion bill that will contain all of the conforming amendments necessitated by the recodification bill. If the Committee approves the introduction of these bills, the OLLS recommends that the bills be introduced early in the 2019 legislative session, that they be prioritized for early passage, and that they not be amended. As the OLLS has stressed throughout the Title 12 Recodification Project, the purpose of the project is to effectuate a structural reorganization of the title without making substantive changes to the laws governing the practice of any regulated profession or occupation.

Finally, the OLLS has developed guidelines for all drafters to ensure that any bills in the 2019 legislative session that propose to amend title 12 are not superseded by the title 12 recodification bill. In most cases, these bills will need to include two versions of the proposed changes to title 12, one amending current law and one amending the law as it appears in the title 12 recodification bill. The OLLS has a staff member dedicated to tracking other bills that amend title 12, and OLLS staff has been informed about amending their bills to take into account the recodification of title 12. OLLS staff will work to inform bill sponsors about the need to include alternative sections in their bills to amend the title 12 recodification bill. OLLS welcomes suggestions from the Committee on ways to educate legislators about the need to include two versions of the proposed changes to title 12 in their bills.