

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0687.01 Kate Meyer x4348

HOUSE BILL 16-1077

HOUSE SPONSORSHIP

Moreno,

SENATE SPONSORSHIP

Martinez Humenik,

House Committees

State, Veterans, & Military Affairs
Legislative Council
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE RECREATION OF THE STATUTORY REVISION**
102 **COMMITTEE, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The statutory revision committee (committee), created in 1977 and repealed in 1985, was a standing body tasked with making an ongoing investigation into statutory defects and anachronisms.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

The recreated committee is comprised of 8 members, with the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 3rd Reading
May 3, 2016

HOUSE
Amended 2nd Reading
May 2, 2016

majority and minority party leaders of each chamber of the general assembly appointing 2 members of those bodies. The committee is staffed by the office of legislative legal services, and is charged with:

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

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

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

4 **PART 9**

5 **STATUTORY REVISION COMMITTEE**

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

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

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

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

1 (c) TWO NONVOTING NONLEGISLATIVE MEMBERS, APPOINTED BY
2 THE COMMITTEE ON LEGAL SERVICES, WHO ARE ATTORNEYS-AT-LAW
3 ADMITTED TO PRACTICE IN COLORADO. THE MEMBERS APPOINTED UNDER
4 THIS PARAGRAPH (c) SHALL NOT BE AFFILIATED WITH THE SAME POLITICAL
5 PARTY.

6 (2) EXCEPT AS PROVIDED IN SUBSECTION (9) OF THIS SECTION, THE
7 LEGISLATIVE MEMBERS OF THE COMMITTEE MUST BE APPOINTED NO LATER
8 THAN TEN DAYS AFTER THE CONVENING OF THE FIRST REGULAR SESSION
9 OF EACH GENERAL ASSEMBLY AND THE NONLEGISLATIVE MEMBERS
10 APPOINTED UNDER PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION
11 MUST BE APPOINTED AT THE FIRST MEETING OF THE COMMITTEE ON LEGAL
12 SERVICES FOLLOWING THE ORGANIZATION OF THAT COMMITTEE PURSUANT
13 TO SECTION 2-3-502 (4) IN THE FIRST REGULAR SESSION OF EACH GENERAL
14 ASSEMBLY. MEMBERSHIP ON THE COMMITTEE OF EACH SUCH APPOINTIVE
15 MEMBER TERMINATES UPON THE APPOINTMENT OF HIS OR HER SUCCESSOR
16 OR UPON TERMINATION OF HIS OR HER OFFICE IN THE GENERAL ASSEMBLY,
17 WHICHEVER OCCURS FIRST. IN THE CASE OF THE MEMBERS APPOINTED
18 UNDER PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION,
19 APPOINTMENTS ARE FOR TWO-YEAR TERMS, WHICH TERMS COMMENCE THE
20 DATE ON WHICH THE COMMITTEE ON LEGAL SERVICES MAKES THE
21 APPOINTMENTS.

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

24 (4) ANY MEMBER OF THE COMMITTEE MAY SERVE FOR SUCCEEDING
25 TERMS ON THE COMMITTEE.

26 (5) THE COMMITTEE SHALL SELECT FROM AMONG ITS MEMBERS A
27 CHAIRPERSON AND A VICE-CHAIRPERSON. THE CHAIRPERSON AND

1 VICE-CHAIRPERSON SHALL NOT BE AFFILIATED WITH THE SAME POLITICAL
2 PARTY. EXCEPT AS PROVIDED IN SUBSECTION (9) OF THIS SECTION, THE
3 CHAIR SERVES AS CHAIR FOR THE FIRST REGULAR SESSION OF THE GENERAL
4 ASSEMBLY THROUGH THE LEGISLATIVE INTERIM IMMEDIATELY
5 FOLLOWING, AND AS VICE-CHAIR WHEN THE SECOND REGULAR SESSION
6 COMMENCES; THE VICE-CHAIR SERVES AS CHAIR FROM THE
7 COMMENCEMENT OF THE SECOND REGULAR SESSION THROUGH THE
8 LEGISLATIVE INTERIM IMMEDIATELY FOLLOWING.

9 (6) THE COMMITTEE MAY MEET AS OFTEN AS NECESSARY, BUT IT
10 SHALL MEET AT LEAST TWICE IN EACH CALENDAR YEAR. THE COMMITTEE
11 MAY MEET DURING THE LEGISLATIVE SESSIONS AND DURING THE INTERIM
12 BETWEEN SESSIONS.

13 (7) LEGISLATIVE MEMBERS OF THE COMMITTEE SHALL BE
14 REIMBURSED FOR NECESSARY EXPENSES INCURRED IN THE PERFORMANCE
15 OF THEIR DUTIES AND PAID THE SAME PER DIEM COMPENSATION AS
16 PROVIDED BY LAW FOR MEMBERS OF INTERIM LEGISLATIVE COMMITTEES
17 FOR EACH DAY OF ATTENDANCE.

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

20 (9) (a) IN ORDER FOR THE COMMITTEE TO BEGIN ITS WORK DURING
21 THE 2016 LEGISLATIVE INTERIM, INITIAL APPOINTMENTS TO THE
22 COMMITTEE MUST BE MADE AS EXPEDITIOUSLY AS POSSIBLE FOLLOWING
23 THE EFFECTIVE DATE OF HOUSE BILL 16-1077, ENACTED IN 2016. FOR THE
24 PURPOSES OF WORKING WITH STAFF TO ORGANIZE THE COMMITTEE AND
25 ARRANGE FOR ITS FIRST MEETING, THE FIRST MEMBER APPOINTED BY THE
26 SPEAKER OF THE HOUSE OF REPRESENTATIVES TEMPORARILY SERVES AS
27 CHAIR OF THE COMMITTEE. A CHAIR AND VICE-CHAIR MUST BE SELECTED

1 AT THE FIRST COMMITTEE MEETING DURING THAT INTERIM. THE CHAIR
2 AND VICE-CHAIR HOLD THOSE POSITIONS THROUGH THE COMMENCEMENT
3 OF THE FIRST REGULAR SESSION OF THE SEVENTY-FIRST GENERAL
4 ASSEMBLY.

5 (b) THE COMMITTEE ON LEGAL SERVICES SHALL MAKE ITS INITIAL
6 APPOINTMENTS TO THE COMMITTEE PURSUANT TO PARAGRAPH (c) OF
7 SUBSECTION (1) OF THIS SECTION AS SOON AS PRACTICABLE AT ONE OF ITS
8 REGULARLY SCHEDULED MEETINGS DURING THE 2016 LEGISLATIVE
9 INTERIM. THE LATER APPOINTMENT OF SUCH MEMBERS SHALL NOT
10 PREVENT THE COMMITTEE FROM ORGANIZING AND COMMENCING ITS
11 WORK.

12 (c) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JANUARY 1,
13 2018.

14 **2-3-902. Duties of committee.** (1) THE COMMITTEE SHALL:

15 (a) MAKE AN ONGOING EXAMINATION OF THE STATUTES OF THE
16 STATE AND CURRENT JUDICIAL DECISIONS FOR THE PURPOSE OF
17 DISCOVERING DEFECTS AND ANACHRONISMS IN THE LAW AND
18 RECOMMENDING NEEDED REFORMS; EXCEPT THAT THE COMMITTEE SHALL
19 NOT CONSIDER ANY MATTER THAT IS CURRENTLY PENDING OR APPEALABLE
20 BEFORE ANY COURT;

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

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

1 (d) RECOMMEND, UPON AN AFFIRMATIVE VOTE BY AT LEAST FIVE
2 LEGISLATIVE MEMBERS OF THE COMMITTEE, AND IN ACCORDANCE WITH
3 SUBSECTION (3) OF THIS SECTION, LEGISLATION ANNUALLY TO EFFECT
4 SUCH CHANGES IN THE LAW AS IT DEEMS NECESSARY IN ORDER TO MODIFY
5 OR ELIMINATE ANTIQUATED, REDUNDANT, OR CONTRADICTIONARY RULES OF
6 LAW AND TO BRING THE LAW OF THIS STATE INTO HARMONY WITH MODERN
7 CONDITIONS; AND

8 (e) REPORT ITS FINDINGS AND RECOMMENDATIONS ON OR
9 BEFORE NOVEMBER 15 OF EACH YEAR TO THE LEGISLATURE AND, IF IT
10 DEEMS ADVISABLE, ATTACH TO ITS REPORT COPIES OF ANY PROPOSED
11 BILLS INTENDED TO CARRY OUT ANY OF ITS RECOMMENDATIONS.

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

17 (3) THE COMMITTEE SHALL PROPOSE LEGISLATION ONLY TO
18 STREAMLINE, REDUCE, OR REPEAL PROVISIONS OF THE COLORADO REVISED
19 STATUTES. THE COMMITTEE SHALL ENDEAVOR TO RECOMMEND
20 LEGISLATION THAT CUMULATIVELY HAS, IN EACH LEGISLATIVE SESSION,
21 NO NET INCREASE IN THE NUMBER OF LAWS OR PAGES OF LAWS IN THE
22 COLORADO REVISED STATUTES.

23 **SECTION 2. Appropriation.** (1) For the 2016-17 state fiscal
24 year, \$21,628 is appropriated to the legislative department. This
25 appropriation is from the general fund. To implement this act, the
26 department may use this appropriation as follows:

27 (a) \$16,756 for use by the office of legislative legal services,

1 which amount is based on an assumption that the office of legislative
2 legal services will require an additional 0.3 FTE; and

3 (b) \$4,872 for use by the general assembly for legislator travel and
4 per diem.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.