

# Colorado Revised Statutes 2018

## TITLE 2

### LEGISLATIVE

#### CONGRESSIONAL DISTRICTS

#### ARTICLE 1

##### Congressional Districts

**Editor's note:** (1) Colorado's apportionment of congressional representatives pursuant to the 2000 federal census increased from six representatives to seven representatives. In November 2002, Congressional elections were held in seven districts described in a redistricting plan created by the district court for the city and county of Denver and affirmed in *Beauprez v. Avalos*, 42 P.3d 642 (Colo. 2002). The districts, however, described in section 2-1-101 (1) were created in Senate Bill 03-352 for use in congressional elections to be held in November 2004 and thereafter. Senate Bill 03-352 was the subject of several court actions:

(a) *Keller v. Davidson* was filed in the district court for the city and county of Denver and subsequently removed to federal district court. On January 23, 2004, the district court denied a motion to file amended counterclaims and stayed the proceedings pending a final ruling in *Salazar v. Davidson*, discussed below. The district court opinion appears at 299 F. Supp. 2d (D. Colo. 2004). On October 15, 2004, the district court dismissed the matter.

(b) *Salazar v. Davidson*, case number 03SA133, and the related case of *Davidson v. Salazar*, case number 03SA147, were original actions filed with the Colorado Supreme Court. The Colorado Supreme Court held Senate Bill 03-352 unconstitutional and ordered the secretary of state to conduct congressional elections according to the plan approved in *Beauprez v. Avalos*. *People ex rel. Salazar v. Davidson*, 79 P.2d 1221 (Colo. 2003). The United States Supreme Court denied a writ of certiorari in *Colorado General Assembly v. Salazar*, 541 U.S. 1093 (2004).

(2) In *Hall v. Moreno*, 2012 CO 14, 270 P.3d 961, the Colorado Supreme Court ordered the secretary of state to implement the redistricting plan for Colorado's congressional districts adopted by the Denver District Court.

**Cross references:** For revision and alteration of state legislative districts by a Colorado reapportionment commission, see § 48 of art. V, Colo. Const.

**2-1-100.5. Legislative declaration.** The general assembly hereby finds and declares that the state of Colorado shall be divided into districts pursuant to the official figures of the most recent decennial census of the United States. The general assembly further finds and declares that such figures are the most reliable data that the state has available and that the use of any

other data or of any data adjustments may create a serious risk of inaccuracy and injustice in establishing congressional districts to represent the citizens of Colorado.

**Source: L. 92:** Entire section added, p. 593, § 1, effective March 24.

### **2-1-101. Congressional districts. (Repealed)**

**Source: L. 1891:** p. 89, § 1. **R.S. 08:** § 125. **L. 13:** p. 517, § 1. **L. 21:** p. 170, § 1. **C.L. § 43. CSA:** C. 8, § 9. **CRS 53:** § 63-4-1. **C.R.S. 1963:** § 28-1-1. **L. 64, 1st Ex. Sess.:** p. 11, § 1. **L. 72:** p. 184, § 1. **L. 74:** (5) to (7) R&RE, p. 407, § 19, effective April 11. **L. 92:** (1) R&RE and (2), (5), (7), and (8) amended, pp. 593, 603, §§ 2, 3, effective March 24. **L. 2003:** (1) R&RE and (2), (5)(b), and (8) amended, pp. 1645, 1658, §§ 1, 2, effective May 9. **L. 2017:** Entire section repealed, (HB 17-1074), ch. 22, p. 68, § 1, effective August 9.

**2-1-102. Neutral criteria for judicial determinations of congressional districts. (1)**  
In determining whether one or more of the congressional districts established in accordance with section 44 of article V of the state constitution are lawful and in adopting or enforcing any change to any such district, courts:

(a) Shall utilize the following factors:

(I) A good faith effort to achieve precise mathematical population equality between districts, justifying each variance, no matter how small, as required by the constitution of the United States. Each district shall consist of contiguous whole general election precincts. Districts shall not overlap.

(II) Compliance with the federal "Voting Rights Act of 1965", in particular 42 U.S.C. sec. 1973; and

(b) May, without weight to any factor, utilize factors including but not limited to:

(I) The preservation of political subdivisions such as counties, cities, and towns. When county, city, or town boundaries are changed, adjustments, if any, in districts shall be as prescribed by law.

(II) The preservation of communities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors;

(III) The compactness of each congressional district; and

(IV) The minimization of disruption of prior district lines.

**Source: L. 2004:** Entire section added, p. 312, § 1, effective April 7. **L. 2010:** Entire section amended, (HB 10-1408), ch. 369, p. 1735, § 1, effective August 11. **L. 2017:** IP(1) amended, (HB 17-1074), ch. 22, p. 68, § 2, effective August 9.

## **GENERAL ASSEMBLY**

### **ARTICLE 2**

#### **General Assembly**

**Cross references:** For distribution of copies of reports made to the general assembly, see § 24-1-136 (9); for standards of conduct for members of the general assembly, see article 18 of title 24.

## PART 1

### SENATORIAL DISTRICTS - APPORTIONMENT

#### **2-2-101 to 2-2-108. (Repealed)**

**Source: L. 2017:** Entire part repealed, (HB 17-1025), ch. 21, p. 67, § 1, effective August 9.

**Editor's note:** This part 1 was numbered as article 8 of chapter 63, C.R.S. 1963. For amendments to this part 1 prior to its repeal in 2017, consult the 2016 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

## PART 2

### REPRESENTATIVE DISTRICTS - APPORTIONMENT

#### **2-2-201 to 2-2-208. (Repealed)**

**Source: L. 2017:** Entire part repealed, (HB 17-1025), ch. 21, p. 67, § 1, effective August 9.

**Editor's note:** This part 2 was numbered as article 9 of chapter 63, C.R.S. 1963. For amendments to this part 2 prior to its repeal in 2017, consult the 2016 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

## PART 3

### ORGANIZATION - OPERATION

**2-2-301. Call of houses to order.** At the time established as provided in section 2-2-303.5 for the meeting of the first regular session of the general assembly next after the general election, the holdover senators and senators-elect shall meet in the hall of the senate, and the members-elect of the house of representatives shall meet in the hall of the house of representatives. The president of the next preceding session of the senate, or in case of the president's absence the holdover senator or one of them having served the longest continuous time in the senate, shall call the senate to order. The speaker of the next preceding session of the house of representatives, or in the speaker's absence the person holding a certificate issued by the

secretary of state as a member and having served the longest continuous time in the house of representatives, shall call the house of representatives to order.

**Source:** R.S. p. 419, § 1. G.L. § 1290. L. 1883: p. 201, § 1. G.S. § 1575. L. 1893: p. 282, § 1. R.S. 08: § 2895. C.L. § 2. CSA: C. 74, § 2. L. 51: p. 438, § 2. CRS 53: § 63-2-1. C.R.S. 1963: § 63-2-1. L. 65: p. 683, § 1. L. 76: Entire section amended, p. 296, § 7, effective May 20. L. 94: Entire section amended, p. 579, § 1, effective April 7.

**Cross references:** For when the general assembly meets, see § 7 of art. V, Colo. Const.; for the oath of office of members of the general assembly, see § 2 of art. V, Colo. Const.

**2-2-302. Clerks to file certificates - roll - officers.** The clerk of each house shall file the certificates presented by the members, each for his own house, and make a roll of the members who thus appear to be elected, and the persons thus appearing to be elected members shall proceed to elect such other officers as may be required for the time being.

**Source:** G.L. § 1291. G.S. § 1576. R.S. 08: § 2896. C.L. § 3. CSA: C. 74, § 3. CRS 53: § 63-2-2. C.R.S. 1963: § 63-2-2.

**2-2-303. Committee on credentials - permanent organization.** (1) When the houses are temporarily organized, the presiding officer in each house, with the consent of said house, shall appoint a committee of three members thereof to report upon the credentials of those claiming to be elected members of their respective houses. When the report is made, those reported as elected shall proceed to the permanent organization of their respective houses; except that a committee on credentials may recommend that a person be seated as a member of the general assembly pursuant to subsection (2) of this section pending the outcome of an election contest or special legislative election called pursuant to section 1-11-303, C.R.S. Each house will be the sole judge of the election returns and qualifications of its own members.

(2) (a) In the event that the election of any person as a member of the state senate or the state house of representatives at any general election held in November, 2000, or thereafter is contested pursuant to section 1-11-208, C.R.S., a committee on credentials may recommend to the state senate or the state house of representatives that the person who is certified by the secretary of state as the member elected in such state senate or state house of representatives district be seated or may recommend to the state senate or the state house of representatives that a contestor or contestee in such contest who was a candidate in such election and who is not certified by the secretary of state be seated pending the outcome of the election contest or a special legislative election called pursuant to section 1-11-303, C.R.S., if:

(I) An accurate and verifiable vote count showing the person having the highest number of votes cast in the district for the contested state senate or the state house of representatives seat cannot be obtained from the election returns; and

(II) The inability to obtain an accurate and verifiable vote count may have directly affected the outcome of the election.

(b) Any person that a credentials committee recommends be seated pursuant to paragraph (a) of this subsection (2) shall have all the rights, powers, and duties of a duly elected

member of the general assembly pending the outcome of an election contest or a special legislative election called pursuant to section 1-11-303, C.R.S.

(3) A committee on credentials that makes a recommendation pursuant to subsection (2) of this section may, in such committee's report under subsection (1) of this section, make recommendations to the house in which the contest was initiated on matters arising from such contest, including, but not limited to:

(a) That the election contest be resolved by the committee on credentials of such house;

(b) That such house call a special legislative election pursuant to section 1-11-303, C.R.S.;

(c) That the election contest be referred to a committee of reference in such house to make recommendations on the resolution of the contest or for the purpose of determining whether a special legislative election should be called pursuant to section 1-11-303, C.R.S.

**Source:** G.L. § 1292. G.S. § 1577. R.S. 08: § 2897. C.L. § 4. CSA: C. 74, § 4. CRS 53: § 63-2-3. C.R.S. 1963: § 63-2-3. L. 65: p. 684, § 2. L. 99: Entire section amended, p. 1383, § 1, effective June 4.

**Cross references:** For each house choosing its officers, see § 10 of art. V, Colo. Const.

**2-2-303.5. Time for convening regular sessions - procedure for convening earlier.**

(1) The provisions of this section are enacted in furtherance of section 7 of article V of the state constitution, which provides that the general assembly shall meet in regular session at 10 a.m. no later than the second Wednesday of January of each year.

(2) Unless a different date is established in accordance with subsection (3) or (4) of this section, the general assembly shall meet in regular session at 10 a.m. on the second Wednesday of January of each year.

(3) The general assembly, acting by joint resolution, may designate the date of convening the next regular session of the general assembly. Any date designated pursuant to this subsection (3) shall be a date on or after January 1 but prior to the date specified in subsection (2) of this section.

(4) In the event the general assembly does not act during the regular session pursuant to subsection (3) of this section, the executive committee of the legislative council, after the regular session but no later than November 1, may designate the date of convening the next regular session of the general assembly. Any date designated pursuant to this subsection (4) shall be a date on or after January 1 but prior to the date specified in subsection (2) of this section.

**Source:** L. 94: Entire section added, p. 579, § 2, effective April 7.

**2-2-304. Members not to be questioned.** No members of the general assembly will be questioned in any other place for any speech or word spoken in debate in either house or for conducting or performing any other legislative activity that relates to the drafting of bills and other legislative measures, including amendments to such bills or measures, and to the rendering of assistance or information to constituents on their personal and private matters that are not publicly known. In addition, no staff members of the general assembly will be questioned in any other place for conducting or performing any duties or functions directly related to such

legislative activity when it is conducted or performed at the direction of members of the general assembly.

**Source:** G.L. § 1293. G.S. § 1578. R.S. 08: § 2898. C.L. § 5. CSA: C. 74, § 5. CRS 53: § 63-2-4. C.R.S. 1963: § 63-2-4. L. 2009: Entire section amended, (HB 09-1348), ch. 358, p. 1863, § 1, effective June 1.

**2-2-305. Legislative employees - compensation.** The officers and employees of each house of the general assembly of the state of Colorado and their compensation shall be determined by joint resolution of both houses, and such officers and employees shall be appointed without regard to the state personnel system.

**Source:** L. 15: p. 254, § 1. C.L. § 6. CSA: C. 74, § 6. L. 45: p. 366, § 1. L. 47: p. 479, § 1. L. 51: p. 439, § 1. CRS 53: § 63-2-5. C.R.S. 1963: § 63-2-5.

**Cross references:** For compensation of officers and employees, see § 27 of art. V, Colo. Const.

**2-2-306. Appointment - qualifications - duties.** All such officers and employees, except as otherwise provided in this part 3, shall be selected by the house employing them, and they shall perform the duties usually performed by like officers and employees, and all other duties as may be required of them by the house employing them. All clerks provided for in this part 3 shall be assignable and all printing clerks shall be skilled and competent proofreaders.

**Source:** L. 15: p. 256, § 2. C.L. § 7. CSA: C. 74, § 7. CRS 53: § 63-2-6. C.R.S. 1963: § 63-2-6.

**2-2-307. Compensation of members - reimbursement of expenses - repeal.** (1) (a) (I) Commencing on the first day of the legislative session beginning in January of 1999, all members of the general assembly elected at the 1998 general election and thereafter through the 2016 general election, and members appointed to fill vacancies for unexpired terms of those members, shall receive as base compensation for their services the sum of thirty thousand dollars per annum, payable at the rate of two thousand five hundred dollars per month.

(II) This paragraph (a) is repealed, effective January 8, 2022.

(b) Commencing on the first day of the legislative session beginning in January of 2019, and the first day of each legislative session beginning in January each two years thereafter, all members of the general assembly whose terms commence on such day and members appointed to fill vacancies for unexpired terms of those members shall receive as an annual base compensation for their services an amount equal to twenty-five percent of the total annual salary paid as of such day to the judges of the county court in Class B counties, as defined in section 13-6-201, C.R.S. The base compensation shall be payable in twelve equal monthly amounts. The director of research of the legislative council appointed pursuant to section 2-3-304 (1), C.R.S., shall post the amount of the current annual base compensation payable to a member of the general assembly pursuant to this paragraph (b) on the website of the general assembly.

(1.5) Repealed.

(2) The compensation for the services of the members of the general assembly shall be adjusted as follows:

(a) If any member of the general assembly is absent for any purpose other than long-term illness approved by the president of the senate or the speaker of the house of representatives from two-thirds or more of the sessions of his or her respective house, two-thirds of the compensation allowed under this section shall be forfeited.

(b) If any member of the general assembly is absent for any purpose other than long-term illness approved by the president of the senate or the speaker of the house of representatives, from one-third or more, but less than two-thirds, of the sessions of his or her respective house, one-third of the compensation allowed under this section shall be forfeited.

(c) The presiding officer of each house shall certify the number of days for which each member of each respective house shall be compensated and the amount due each member or owing from each member within ten days after adjournment sine die. Such certification shall be submitted to the state controller.

(d) For purposes of this subsection (2), "session" means any regular meeting of either house of the general assembly in its respective chamber to consider the passage of legislation and any meeting of all committees of either house. No other meetings shall be considered sessions.

(3) (a) When the general assembly is in recess for more than three days or is not in session, in addition to the base compensation specified in subsection (1) of this section, the following members of the general assembly shall be entitled to the further sum of ninety-nine dollars per day for necessary attendance at meetings or functions or to legislative matters as follows:

(I) Any member who attends a meeting of the legislative council, committees established by the legislative council, interim committees authorized by law or by joint resolution of the two houses, or the committee on legal services;

(I.5) The chair of an interim committee authorized by law or by joint resolution, or the chair's designee, who attends a meeting of the legislative council, or the executive committee of the legislative council, at the request of the legislative council or the executive committee;

(II) Any member of the joint budget committee or the legislative audit committee who attends a meeting of the joint budget committee or legislative audit committee, or, with the approval of the chairperson, who attends a state function or a function at a state institution or state agency at which matters concerning the joint budget committee or the legislative audit committee are considered;

(III) The president of the senate, the speaker of the house of representatives, the senate and house majority and minority leaders for attendance to matters pertaining to the general assembly, whether such matters are at the capitol or elsewhere. In addition, the persons who have been chosen after a general election to serve as president, speaker, and majority and minority leaders for the next legislative biennium shall be entitled to the same compensation as is provided for current leaders under this subparagraph (III), so long as such new leaders are members of the current general assembly.

(IV) (A) Except as provided in sub-subparagraph (B) of this subparagraph (IV), any member of a committee of reference designated pursuant to section 2-3-1201 who attends a meeting of the committee of reference or who attends a meeting of the joint budget committee when it is considering matters for which the member's committee of reference has oversight

responsibility, or, with the approval of the chairperson, who attends a state function or a function at a state institution or state agency at which matters concerning the committee are considered. The executive committee of the legislative council may establish guidelines for the payment of per diem to members of a committee of reference who attend meetings of the joint budget committee as allowed by this subparagraph (IV).

(B) If a member of the current general assembly is appointed when the general assembly is in recess for more than three days or is not in session to serve on a committee of reference for the next regular session of the general assembly, such member shall thereafter only be entitled to compensation pursuant to this subparagraph (IV) as a member of a committee of reference upon which the member has been appointed to serve during the next regular session of the general assembly and shall not be entitled to compensation pursuant to this subparagraph (IV) as a member of a committee of reference upon which the member served during the most recently completed regular session of the general assembly but upon which the member is not appointed to serve during the next regular session of the general assembly.

(C) For purposes of this subparagraph (IV), "member" includes an appointee to a committee of reference designated by the appointing authority as provided by the applicable rules of the house of representatives and senate respectively prior to the convening of the general assembly at which such member is to serve, whether such appointee is a member of the then current general assembly or member-elect of the next general assembly, or both.

(V) With the prior approval of the executive committee of the legislative council, any member of a committee of reference who attends a meeting of the committee of reference when it is considering matters for which the committee of reference has oversight responsibility.

(b) Any member of the general assembly who is entitled to compensation pursuant to paragraph (a) of this subsection (3) shall also be entitled to reimbursement for all actual and necessary travel and subsistence expenses to be paid after such expenses are incurred. Mileage rates shall not exceed those authorized for the executive department.

(c) The requirements of subsections (2) and (4) of this section are applicable to all claims for compensation and reimbursement under this section.

(4) (a) Prior to incurring any expenses for which reimbursement may be claimed, other than those incurred under subsection (3) of this section, a member of the house of representatives shall obtain the approval of the speaker of the house of representatives and a senator shall obtain the approval of the majority leader of the senate. Vouchers for the payment of such expenses of members of the house of representatives shall be approved by the speaker of the house of representatives, and vouchers for the payment of such expenses of senators shall be approved by the majority leader of the senate.

(b) The director of research of the legislative council shall approve payroll vouchers and vouchers for per diem payments incurred in connection with attendance by members of both houses at meetings of the statutory committees listed under article 3 of this title, a committee of any such agency, any interim committee authorized by law, by joint resolution, or by resolution of either house, or any committee of reference described in subparagraph (V) of paragraph (a) of subsection (3) of this section.

(c) Prior approval of expenses incurred by members of any legislative committee created by law in connection with the activities of any national or regional organization in which Colorado officially participates shall be obtained from the chairperson of the appropriate committee.

(5) (a) Members of the general assembly shall be entitled to reimbursement for all actual and necessary travel expenses incurred for vehicle travel while attending to legislative business, which expenses are not otherwise paid or reimbursed under any other provision of this part 3. Mileage rates shall not exceed those authorized for the executive department.

(b) With the approval of the executive committee of the legislative council, members of the general assembly shall be entitled to reimbursement for all actual and necessary expenses incurred due to extraordinary or unforeseen circumstances related to the legislative business of the member.

(c) The executive committee of the legislative council may establish guidelines regarding reimbursements and substantiation requirements for actual and necessary travel expenses incurred by members of the general assembly.

**Source:** L. 53: p. 293, § 3. CRS 53: § 63-2-7. L. 55: p. 423, § 1. L. 58: p. 237, § 3. L. 62: pp. 168, 169, §§ 1-3. C.R.S. 1963: § 63-2-7. L. 64: p. 476, § 1. L. 65: p. 684, § 3. L. 67: p. 600, §§ 1, 2. L. 69: p. 459, § 1. L. 70: p. 190, § 2. L. 73: p. 668, §§ 1, 2. L. 75: (5)(b) and (5)(c) amended, p. 196, § 1, effective June 20. L. 76: (1) and (2) repealed, p. 593, § 5, effective July 1; (6) amended and (8) to (11) added, p. 589, § 1, effective July 1. L. 80: (12) added, p. 578, § 7, effective July 1. L. 81: (9)(a) to (9)(c) amended, p. 327, § 1, effective June 5. L. 82: IP(9) amended, p. 618, § 2, effective April 2. L. 84: (9)(a) to (9)(c) and IP(12)(a) amended and (13) added, p. 280, § 1, effective May 9. L. 89: (4) to (6), (8), and (12) repealed and (9) amended, pp. 331, 330, §§ 3, 1, effective June 10. L. 93: Entire section R&RE, p. 566, § 1, effective April 30. L. 96: (3)(a) amended, p. 791, § 1, effective May 23. L. 97: (1) amended, p. 1176, § 1, effective May 28. L. 98: (1) amended and (1.5) added, p. 815, §§ 3, 4, effective August 5. L. 99: (3)(a)(IV) amended, p. 1437, § 1, effective March 15; (3)(a)(III) amended, p. 408, § 1, effective August 4. L. 2000: (3)(a)(I.5) added, p. 2049, § 1, effective April 19. L. 2001: (3)(a)(IV) amended, p. 1102, § 1, effective August 15. L. 2006: (5) amended, p. 1348, § 1, effective May 31. L. 2007: (3)(a)(V) added and (4)(b) and (5) amended, pp. 1314, 1315, §§ 2, 3, 4, effective May 25. L. 2010: (5)(c) added, (SB 10-119), ch. 103, p. 348, § 1, effective April 15. L. 2015: (1) amended, (SB 15-288), ch. 270, p. 1059, § 2, effective January 1, 2016. L. 2016: (1)(a) amended, (SB 16-189), ch. 210, p. 754, § 7, effective June 6.

**Editor's note:** Subsection (1.5)(b)(II) provided for the repeal of subsection (1.5), effective January 15, 2001. (See L. 98, p. 815.)

**Cross references:** For compensation of members of the general assembly, see § 6 of art. V, Colo. Const.; for mileage allowance for state officers, see § 24-9-104.

**2-2-308. Officers and employees - cessation of pay - when - exceptions.** (1) The compensation of officers and employees of each house of the general assembly shall cease upon final adjournment of each session, but prior to final adjournment of a session, each house may designate by resolution such officers and employees as are necessary to complete the clerical work and records of the proceedings of such session and fix their terms of service. Also, prior to adjournment of a session to a day certain, the general assembly may terminate by joint resolution the compensation of its officers and employees during such period of adjournment, but each house may designate by resolution such officers and employees as are necessary to complete, to

the extent possible during such period of adjournment, the clerical work and records of the proceedings of such session and fix their terms of service.

(2) The presiding officer of either house is hereby authorized to recall such officers or employees of his house as may be required to render clerical or other services to committees of his house or joint committees of both houses meeting between sessions of the general assembly.

**Source:** L. 15: p. 257, § 4. C.L. § 9. CSA: C. 74, § 9. L. 53: p. 332, § 1. CRS 53: § 63-2-8. L. 55: p. 423, § 2. C.R.S. 1963: § 63-2-8.

**2-2-309. Method of payment.** (1) The presiding officer of each house shall certify at such times as may be necessary during each session and thereafter the number of days of service rendered by each officer and employee of his respective house and the amount payable for such service, and the state controller, upon receipt of such certification, shall issue vouchers and draw warrants for the compensation due each officer and employee, without certification from the state personnel director, and the state treasurer shall pay the same out of the moneys appropriated for the purpose.

(2) Upon receipt of the certification required by section 2-2-307 (2)(c), the controller shall issue vouchers and draw warrants for the compensation due each member. Such compensation shall be adjusted in accordance with the provisions of section 2-2-307 (2) and (4). In the event such certification evidences an overpayment to a member for compensation during the session, the controller shall cause a statement of deficiency to be issued for the recovery of such funds previously disbursed to the member. Any such statement of deficiency shall be enforceable as a debt to the state of Colorado and may be enforced in the appropriate court by the attorney general.

(3) The controller, upon taking official notice of the existing membership of the general assembly, shall issue vouchers and draw warrants for the monthly and semimonthly per diem compensation and for the reimbursement of expenses and travel authorized by section 2-2-307.

**Source:** L. 15: p. 257, § 5. C.L. § 10. CSA: C. 74, § 10. L. 53: p. 332, § 2. CRS 53: § 63-2-9. C.R.S. 1963: § 63-2-9. L. 88: Entire section amended, p. 303, § 1, effective March 18. L. 93: Entire section amended, p. 568, § 2, effective April 30.

**2-2-310. Senate and house journals published.** The speaker of the house of representatives and the president of the senate shall have copies of each of the journals of their respective houses published as soon as practicable after the adjournment of each session of the general assembly. The journals covering regular sessions and special sessions may be combined in a single volume for this purpose. The chief clerk of the house of representatives and the secretary of the senate shall, as soon as possible after adjournment of any session of the general assembly, deliver to the state archives the original journals of their respective houses. They shall also deliver to the printer a complete and accurate copy of the same, indexed and ready for printing, and also a brief index of all bills, resolutions, and memorials introduced in each of their respective houses during the session. The speaker of the house of representatives and the president of the senate shall certify the correctness of the published copies of said journals, which certificates shall be included in and made a part of such publications. Said journals, when printed and certified, together with all former printed volumes of house and senate journals of

preceding sessions of general assemblies of the state of Colorado, published by authority of the state of Colorado, shall be taken and held as prima facie evidence of the originals thereof.

**Source:** L. 1899: p. 240, § 1. R.S. 08: § 2907. C.L. § 14. CSA: C. 74, § 14. L. 53: p. 333, § 5. CRS 53: § 63-2-11. L. 63: p. 274, § 12. C.R.S. 1963: § 63-2-11. L. 2001: Entire section amended, p. 38, § 1, effective August 8.

**Cross references:** For bills being presented to the governor, see § 11 of art. IV, Colo. Const.; for reading and passage of bills, see § 22 of art. V, Colo. Const.; for the general provisions relating to and specifications for printing journals, see §§ 24-70-201 to 24-70-222.

**2-2-311. Disposition of journals.** (1) The secretary of the senate and the chief clerk of the house of representatives shall deliver one copy of each of the published journals to the supreme court library and twenty-two copies to the Colorado state library for delivery to twenty designated Colorado state documents depositories; except that, if the state library supplies microfiche copies of the published journals to the state documents depositories, only four copies of the published journals shall be delivered.

(2) The secretary of the senate and the chief clerk of the house of representatives shall send a joint written notice to each county clerk and recorder in the state that the published journals are available. If the county clerk and recorder of any county wishes to receive one copy of each of the published journals, he shall so notify the secretary of the senate and the chief clerk of the house of representatives, and a copy of each shall be delivered to him. If any county law library in the state requests a copy of each of the published journals from the secretary of the senate and chief clerk of the house of representatives, said copies shall be delivered to such library.

(3) The secretary of the senate and the chief clerk of the house of representatives shall retain sufficient copies of the published journals for other official uses and for those legislators who request them.

(4) The notification and response required in subsections (2) and (3) of this section shall be in a timely manner such that compliance with the legislative printing contract for senate and house journals can be met.

**Source:** L. 1899: p. 242, § 2. R.S. 08: § 2908. C.L. § 15. CSA: C. 74, § 15. CRS 53: § 63-2-12. L. 63: p. 275, § 13. C.R.S. 1963: § 63-2-12. L. 71: p. 627, § 1. L. 81: Entire section amended, p. 329, § 1, effective March 20.

**2-2-312. Cost of publication.** The cost of the publication of said journals shall be paid out of any moneys available and appropriated for the payment of the incidental and contingent expenses of the general assembly.

**Source:** L. 1899: p. 242, § 3. R.S. 08: § 2909. C.L. § 16. CSA: C. 74, § 16. CRS 53: § 63-2-13. C.R.S. 1963: § 63-2-13. L. 71: p. 627, § 2.

**2-2-313. Witnesses - attendance before assembly.** The general assembly, or either house thereof, by resolution or otherwise, as it deems best, may prescribe the conditions under

which and the manner in which a witness may be summoned to attend, with or without documents in his possession or under his control, before any committee of said general assembly or of either house thereof.

**Source:** L. 13: p. 637, § 1. C.L. § 17. CSA: C. 74, § 17. CRS 53: § 63-2-14. C.R.S. 1963: § 63-2-14.

**Cross references:** For the authority of legislative council to compel attendance of witnesses and procedure therefor, see § 2-3-306; for the authority of the legislative audit committee to subpoena witnesses, see § 2-3-107; for fees and expenses of witnesses in civil cases, see §§ 13-33-102 and 13-33-103; for intimidation of legislative witnesses, see § 8-2.5-101.

**2-2-314. Violation - penalty.** Any person who fails or refuses to obey any such summons so issued is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

**Source:** L. 13: p. 637, § 2. C.L. § 18. CSA: C. 74, § 18. CRS 53: § 63-2-15. C.R.S. 1963: § 63-2-15.

**2-2-315. Member may administer oath.** The chairman of any committee appointed by either house of the general assembly of this state or any chairman of any joint committee appointed by the two houses of the general assembly is authorized to administer oaths and affirmations to witnesses, touching any matter or thing which may be under the consideration or investigation of the committee.

**Source:** R.S. p. 482, § 4. G.L. § 1928. G.S. § 2474. R.S. 08: § 4672. C.L. § 19. CSA: C. 74, § 19. CRS 53: § 63-2-16. C.R.S. 1963: § 63-2-16. L. 97: Entire section amended, p. 1557, § 10, effective July 1.

**Cross references:** For the form of oath, see § 24-12-101.

**2-2-316. Legislative declaration - travel by members - during adjournment.** Considering the greatly improved highways and airways of this state which permit greater mobility with less cost in money and time, considering the increasing length of legislative sessions, the increasing complexity and importance of the problems presented, and the benefits to be derived from frequent contact between legislator and constituents, and considering the desirability of preserving the concept of part-time citizen-legislators and, therefore, the need to allow them a reasonable opportunity to attend to their own personal, family, and business affairs even during sessions of the general assembly, it is hereby declared to be necessary, within the meaning of the state constitution and in the best interests of the general assembly and the state of Colorado, that members of the senate and house of representatives travel to their homes or other locations within their districts and back to the capitol during sessions of the general assembly

when the house to which they belong is in adjournment for periods not exceeding seventy-two hours.

**Source:** L. 67: p. 955, § 1. C.R.S. 1963: § 63-2-28. L. 75: Entire section amended, p. 198, § 1, effective February 28. L. 2008: Entire section amended, p. 2322, § 3, effective February 7.

**2-2-317. Expense, subsistence, and travel allowance - definition.** (1) (a) Except as provided in paragraph (b) of this subsection (1), each member of the general assembly shall be entitled to receive up to forty-five dollars per legislative day for expenses incurred during the sessions of the general assembly. Such allowance shall be considered as salary pursuant to section 24-51-101 (42), C.R.S. Each member of the general assembly who is serving on July 1, 1997, and who is entitled to such allowance may elect to have all of such allowance that was paid to the member during the period from January 1, 1992, through May 31, 1994, be considered salary pursuant to section 24-51-101 (42), C.R.S., subject to the following conditions:

(I) Payment shall be received by the public employees' retirement association of the amount of member contributions from the member and employer contributions from the employer on the allowance that was paid during the period, with appropriate interest calculated by the association;

(II) The election shall be made no later than December 31, 1997; and

(III) Payment of the total amount required, through a lump sum or through installments, shall be received by the public employees' retirement association on or before December 31, 1998.

(b) (I) Repealed.

(II) In lieu of the expenses allowed in paragraph (a) of this subsection (1), if a member does not reside in the Denver metropolitan area, which area shall be designated in guidelines established by the executive committee of legislative council, the member shall be entitled to receive per legislative day for expenses incurred during the sessions of the general assembly up to an amount equal to eighty-five percent of the federal per diem rate for the city and county of Denver, rounded up to the nearest whole dollar, as determined by the United States general services administration, or such succeeding entity, as of October 1 of the calendar year immediately preceding the fiscal year in which the per diem rate is to be used.

(c) (I) Repealed.

(II) The per diem lodging and expense allowances of the general assembly as fixed by subparagraph (II) of paragraph (b) of this subsection (1) shall apply to regular or special sessions of the general assembly subsequent to July 1, 2012.

(d) The general assembly may provide by joint resolution for the suspension on a temporary basis of the normal per diem lodging and expense allowance, or any portion thereof, during that period when the general assembly is in recess for more than three days.

(e) Nothing in this section shall preclude a member of the general assembly from declining to accept all or part of the per diem lodging and expense allowance authorized by this subsection (1).

(2) (a) Each member of the general assembly who is entitled to claim a per diem lodging and expense allowance pursuant to paragraph (a) of subsection (1) of this section shall also be

entitled to receive travel expenses to such member's home and back to the capitol for each legislative day of actual attendance.

(b) Each member of the general assembly who is entitled to claim an expense per diem pursuant to paragraph (b) of subsection (1) of this section shall also be entitled to receive travel expenses to any location within such member's district and back to Denver once each week, pursuant to section 2-2-316.

(c) The executive committee of the legislative council may establish guidelines regarding reimbursements and substantiation requirements for actual and necessary travel expenses incurred by members of the general assembly.

(3) For purposes of this section, "legislative day" means any day during the legislative session, including legal holidays, primary election days, and Saturdays and Sundays.

**Source:** L. 67: p. 955, § 2. C.R.S. 1963: § 63-2-29. L. 69: p. 460, § 2. L. 73: p. 671, § 1. L. 75: (1) amended, p. 198, § 2, effective February 28. L. 80: Entire section amended, p. 440, § 1, effective May 2. L. 81: (4) added, p. 331, § 1, effective June 5. L. 85: (1) to (3) amended and (5) added, p. 274, § 1, effective June 6. L. 89: (1) to (3) amended and (5) repealed, p. 331, §§ 2, 3, effective June 10. L. 93: Entire section amended, p. 569, § 3, effective April 30. L. 97: (1)(a) amended, p. 779, § 18, effective July 1. L. 2005: (1)(b) amended, p. 327, § 1, effective April 20. L. 2007: (1)(b) and (1)(c) amended, p. 1314, § 1, effective May 25. L. 2008: (1)(b), (1)(c), and (2)(b) amended, pp. 2321, 2323, §§ 2, 4, effective February 7. L. 2010: (1)(b) and (1)(c) amended and (2)(c) added, (SB 10-119), ch. 103, pp. 348, 349, §§ 2, 3, effective April 15.

**Editor's note:** Subsections (1)(b)(I)(B) and (1)(c)(I)(B) provided for the repeal of subsections (1)(b)(I) and (1)(c)(I), effective October 1, 2012. (See L. 2010, pp. 348, 349.)

**2-2-318. Members to be reimbursed for expenses.** Each member of the general assembly shall be reimbursed for expenses actually incurred pursuant to sections 2-2-316 and 2-2-317. In auditing any mileage claim of members of the general assembly, the controller is authorized to accept without further substantiating evidence the expense voucher duly signed by the member if the mileage in such claim does not exceed the authorized rate at which employees of the executive branch are reimbursed. In addition, he may accept without such further evidence the member's certification as to the number of days of actual attendance under section 2-2-317 (1) or, in lieu thereof, the member's certification as to the number of days of actual occupancy under section 2-2-317 (2).

**Source:** L. 67: p. 955, § 3. C.R.S. 1963: § 63-2-30. L. 75: Entire section amended, p. 199, § 3, effective February 28.

**Cross references:** For mileage allowance for state officers, see § 24-9-104 and § 6 of article V, Colo. Const.

**2-2-319. Sections 2-2-316 to 2-2-319 provide no increase in compensation or mileage.** The general assembly declares that the provisions of sections 2-2-316 to 2-2-319 relate not to compensation but to the necessity of certain traveling expenses and that the purpose is neither to increase compensation nor mileage.

**Source: L. 67:** p. 956, § 4. **C.R.S. 1963:** § 63-2-31.

**2-2-320. Legislative department contracts - approval.** (1) Any contract to which the house of representatives or the senate is a party shall be approved by the speaker of the house of representatives or the president of the senate, as the case may be. Whenever the house of representatives and the senate are parties to the same contract, both the speaker of the house of representatives and the president of the senate shall approve the contract. Any contract to which the legislative council, the office of legislative legal services, the joint budget committee, the office of the state auditor, or the commission on uniform state laws is a party shall be approved by the chair or vice-chair of the governing committee of such agency, as the case may be.

(2) (a) For legislative department contracts subject to section 29 of article V of the state constitution, the attorney general shall approve all such legislative department contracts as to form, and the controller shall approve such contracts in accordance with section 24-30-202, C.R.S.

(b) The director of the office of legislative legal services or the director's designee shall approve all legislative department contracts not subject to section 29 of article V of the state constitution. No approval by the controller or any assistant designated by the controller shall be required for the validity of any contract entered into and approved under this paragraph (b). The controller shall issue payment for expenditures for legislative department contracts approved in accordance with this paragraph (b) as set forth in section 24-30-202, C.R.S. Notwithstanding the legislative department's exemption from the fiscal rules pursuant to section 24-2-101, C.R.S., the office of legislative legal services shall consider the fiscal rules as guidelines for legislative department contracts approved under this paragraph (b) and may consult with the controller or attorney general, or both, when drafting legislative department contracts.

**Source: L. 73:** p. 672, § 1. **C.R.S. 1963:** § 63-2-32. **L. 81:** (2) amended, p. 1289, § 9, effective January 1, 1982. **L. 83:** (1) amended, p. 374, § 1, effective April 21. **L. 87:** (2) amended, p. 347, § 1, effective July 1; (2) amended, p. 982, § 2, effective July 1. **L. 88:** (1) amended, p. 310, § 17, effective May 23. **L. 94:** (1) amended, p. 1623, § 8, effective May 31. **L. 2010:** Entire section amended, (HB 10-1020), ch. 111, p. 369, § 1, effective April 15.

**2-2-321. Designation and assignment of space in capitol buildings group and on the grounds thereof.** (1) (a) The general assembly, by joint resolution, shall designate and assign such space in the capitol building (except for space on the first floor, which shall be designated and assigned by the executive department for the use of elected officials) and on the grounds surrounding the capitol which is necessary for the use of the legislative department, including, but not limited to, parking space on the grounds and streets surrounding the capitol building, all areas of the subbasement of the capitol building, and access to all tunnels providing access to the subbasements of the capitol building, the legislative services building, and the state office building at 1525 Sherman street.

(b) Notwithstanding any law, rule, or provision of any tenant handbook for the capitol complex facilities to the contrary, the executive committee of the legislative council created in section 2-3-301 (1) may grant any member or employee of the general assembly access to any or all of the tunnels providing access to the subbasements of the capitol building, the legislative services building, and the state office building at 1525 Sherman street unless, after consultation

with the department of personnel and the Colorado state patrol, the executive committee determines that denial of access is necessary to address immediate concerns about building security and occupant protection.

(c) Notwithstanding any law or rule to the contrary, after the attorney general and the staff of the attorney general vacate the state office building at 1525 Sherman street, the department of personnel shall designate parking space in the state parking lot at Lincoln street and east Colfax avenue to the general assembly based upon approximately the same proportion as the proportion of space in the state office building at 1525 Sherman street designated and assigned by the general assembly to the total amount of space in that state office building. The general assembly, by joint resolution, shall assign parking space allocated to the general assembly pursuant to this paragraph (c).

(2) (a) In addition, the general assembly shall designate and assign such space in the legislative services building at Fourteenth avenue and Sherman street, including, but not limited to, all areas of the subbasement of the legislative services building, and on no more than two floors of the state office building at 1525 Sherman street after the attorney general and the staff of the attorney general vacate said state office building and may provide for the furnishing and equipping thereof as may be necessary for the use of the legislative department.

(b) (I) If any of the space referred to in paragraph (a) of this subsection (2) is assigned to the senate or house of representatives, the executive committee of the legislative council created in section 2-3-301 (1) shall determine the allocation of the space between the two houses.

(II) Any space allocated to the senate shall be assigned by the president of the senate and the majority and minority leaders of the senate in an equitable manner among the major political parties with which members of the senate are affiliated.

(III) Any space allocated to the house of representatives shall be assigned by the speaker of the house of representatives and the majority and minority leaders of the house of representatives in an equitable manner among the major political parties with which members of the house of representatives are affiliated.

**Source:** **L. 76:** Entire section added, p. 292, § 1, effective April 30. **L. 77:** Entire section amended, p. 254, § 1, effective May 20. **L. 2012:** Entire section amended, (HB 12-1348), ch. 163, p. 571, § 1, effective August 8.

**Cross references:** For security for the capitol buildings group, see § 24-82-105.

**2-2-322. Fiscal notes.** (1) The general assembly shall provide by rule for legislative service agency review of the fiscal impact of legislative measures.

(2) The general assembly shall provide by rule, as recommended by the executive committee of legislative council, for legislative service agency review of the fiscal impact of legislative measures which include the creation or increase of any fee collected by a state agency. The fiscal information on such measures shall include the average amount of such fee collected annually by such agency from each individual, family, or business, whichever is applicable, paying such fee and a projection of the average amount of such fee that will be collected from each individual, family, or business subsequent to the creation of or increase in such fee.

(2.5) If a legislative measure creates a new criminal offense, increases or decreases the crime classification of an existing criminal offense, or changes an element of an existing offense that creates a new factual basis for the offense, the fiscal note shall include the following:

(a) A description of the elements of the proposed new crime or a description of the new, amended, or additional elements of an existing crime;

(b) An analysis of whether the new crime, or changes to an existing crime, may be charged under current Colorado law;

(c) A comparison of the proposed crime classification to similar types of offenses;

(d) An analysis of the current and anticipated future prevalence of the behavior that the proposed new crime, or changes to an existing crime, intends to address; and

(e) A description of gender and minority data as it relates to the general Colorado population and available data on gender and minority offender and crime victims populations potentially affected by the proposed measure.

(3) (a) Each state department, agency, or institution shall cooperate with and provide information on the fiscal impact of a legislative measure in the manner requested by the staff of the legislative council for consideration by the staff in connection with the preparation of a fiscal note for the measure.

(b) The state department, agency, or institution shall substantiate the calculation of the fiscal impact of the legislative measure in its response to a request for information made pursuant to paragraph (a) of this subsection (3) by providing any documentation that clearly identifies any assumptions supporting that calculation and a narrative discussion of the justification for any increase or decrease in workload.

(c) The state department, agency, or institution shall meet the deadlines established by the staff of the legislative council for providing a response to a request for information made pursuant to paragraph (a) of this subsection (3) or shall specify the need for additional time to provide the response. If additional time is required to respond to the request for information, the staff of the legislative council shall set a reasonable time for providing the information.

(d) (I) The state department, agency, or institution shall not modify the amount of the fiscal impact that was originally calculated for a legislative measure after the staff of the legislative council has released and made public the fiscal note for such measure unless:

(A) The measure has been amended;

(B) There is newly discovered information that was previously unavailable that warrants modification of the original calculation and narrative submitted by the state department, agency, or institution; or

(C) Technical errors are discovered that warrant modification of the original calculation and narrative submitted by the state department, agency, or institution.

(II) Information supporting a modification to the fiscal impact shall be submitted in the manner requested by the staff of the legislative council by the head of the state department, agency, or institution.

(4) In addition to any other requirement under this section or in the legislative rules for legislative service agency review of the fiscal impact of legislative measures, the general assembly shall also provide for legislative service agency review of the fiscal impact of legislative measures considered by committees of the general assembly meeting during the legislative interim. For each interim, the deadlines and guidelines adopted prior to each interim by the executive committee of the legislative council for requesting and finalizing interim

committee bills must allow for sufficient time between the public release of the fiscal note for a particular measure by the staff of the legislative council and the final vote by the applicable legislative interim committee so that members of the committee are able to consider the fiscal note in voting on the measure. For each interim, the specific dates by which these requirements will be satisfied must be specified in the applicable set of deadlines and guidelines for that interim. Except as otherwise provided in this subsection (4), all other requirements governing legislative service agency review of the fiscal impact of legislative measures considered during regular legislative sessions that are specified in this section or in the legislative rules also govern the requirements of this subsection (4).

**Source:** **L. 88:** Entire section added, p. 305, § 2, effective May 23. **L. 94:** Entire section amended, p. 1405, § 1, effective July 1. **L. 2009:** (3) added, (HB 09-1112), ch. 40, p. 155, § 1, effective August 5. **L. 2011:** (2.5) added, (HB 11-1239), ch. 74, p. 204, § 1, effective August 10. **L. 2013:** (2.5)(c) and (2.5)(d) amended and (2.5)(e) added, (SB 13-229), ch. 272, p. 1426, § 1, effective July 1. **L. 2015:** (4) added, (HB 15-1335), ch. 276, p. 1130, § 2, effective June 4.

**Cross references:** For the legislative declaration in HB 15-1335, see section 1 of chapter 276, Session Laws of Colorado 2015.

**2-2-323. Service of process on the general assembly - legislative declaration.** (1) The general assembly hereby declares that the provisions of the Colorado rules of civil procedure which govern the service of process on the state, on officers, agents, or employees of the state, and on departments and agencies of the state do not expressly address service on the general assembly; that such rules require delivery of a copy of any process to the attorney general, even though by statute the attorney general does not represent the general assembly; that confusion has existed about how the general assembly should be served; and that clarification of the procedure for serving the general assembly would be beneficial for all parties who may become involved in future litigation.

(2) Service of process on the general assembly as an entity shall be upon the chief clerk of the house of representatives and the secretary of the senate. The provisions of the Colorado rules of civil procedure concerning service of process, including the contents of the summons, by whom process may be served, and the manner of proof of service, shall continue to apply to service of process on the general assembly.

(3) As quickly as possible after service of process on the general assembly, the chief clerk of the house of representatives shall notify the speaker of the house and the minority leader of the house, and the secretary of the senate shall notify the president of the senate and the minority leader of the senate, concerning such service.

**Source:** **L. 94:** Entire section added, p. 26, § 1, effective March 9.

**2-2-324. Committees of reference - program review. (Repealed)**

**Source:** **L. 96:** Entire section added, p. 1154, § 2, effective January 1, 1997. **L. 2003:** Entire section repealed, p. 1981, § 2, effective May 22.

**2-2-325. Legislative appointees - boards and commissions - other governmental bodies.** Unless otherwise provided by law, appointments or reappointments of persons to a board, commission, committee, council, panel, or authority by the speaker of the house of representatives, the president of the senate, the majority leader of the house of representatives, the majority leader of the senate, the minority leader of the house of representatives, or the minority leader of the senate shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments or reappointments 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, the president, the majority leader of the house of representatives, the majority leader of the senate, the minority leader of the house of representatives, or the minority leader of the senate shall serve at the pleasure of the appointing authority and shall continue in office until the member's successor is appointed.

**Source: L. 2007:** Entire section added, p. 174, § 1, effective March 22.

**2-2-326. Compensation and expenses for members appointed to and serving on state entities - definition.** (1) Notwithstanding any law to the contrary:

(a) While appointed to any state entity and serving on any state entity during regular and special sessions of the general assembly, in addition to the base compensation specified in section 2-2-307 (1), current members of the general assembly are entitled to receive only the per diem lodging and expense allowances and the travel expenses authorized by section 2-2-317; and

(b) While appointed to and serving on any state entity when the general assembly is in recess for more than three days or is not in session, in addition to the base compensation specified in section 2-2-307 (1), current members of the general assembly are entitled to receive the amount specified in section 2-2-307 (3)(a) for necessary attendance at meetings of the state entity and reimbursement for all actual and necessary travel and subsistence expenses incurred in connection with attendance at meetings of the state entity. Mileage rates shall not exceed those authorized for the executive department. All compensation paid and reimbursements made pursuant to this paragraph (b) shall be paid from appropriations made to the legislative department.

(2) For purposes of this section, "state entity" means any board, commission, committee, task force, authority, enterprise, council, working group, review team, or other entity created or authorized by statute on which current members of the general assembly are statutorily required to be appointed to serve; except that "state entity" does not include the Colorado commission on uniform state laws created in section 2-3-601 (1) or the education commission of the states created pursuant to section 24-60-1201, C.R.S.

**Source: L. 2014:** Entire section added, (SB 14-153), ch. 390, p. 1959, § 1, effective June 6.

## PART 4

### INTERFERENCE WITH THE LEGISLATIVE PROCESS

**Cross references:** For legislative witnesses, see § 8-2.5-101.

**2-2-401. Legislative declaration.** The general assembly finds and declares that in addition to the protections against interference with the legislative process afforded by the provisions of sections 18-4-401, 18-4-501, 18-8-102, 18-8-306, and 18-9-110, C.R.S., there is a need for legislation under which appropriate action may be taken to prevent the commission of acts prohibited under said sections.

**Source: L. 73:** p. 679, § 1. **C.R.S. 1963:** § 63-10-1.

**2-2-402. Chief security officers.** (1) Each house of the general assembly may appoint a chief security officer to ensure the orderly operation of each house and committees thereof. Such chief security officers shall perform the duties of the house employing them and shall be under the direction of one or more members or officers of such house as may be designated in the rules of each house.

(2) Such chief security officers are hereby designated to be peace officers and shall have jurisdiction to act as such in the performance of their duties anywhere within the state.

(3) Each house may adopt rules regarding the organization, supervision, and operations of its security staff, prescribing the qualifications, training, and duties of its security officers and all other matters relating to the performance of their responsibilities.

**Source: L. 73:** p. 679, § 1. **C.R.S. 1963:** § 63-10-2.

**2-2-403. Indemnification of members, officers, and employees of the general assembly.** (1) The state shall save harmless and indemnify all members, officers, and employees of the general assembly, either house thereof, or committees of the general assembly or either house thereof from financial loss arising out of any claim, demand, suit, or judgment by reason of alleged negligence or other act by such member, officer, or employee, as long as such member, officer, or employee at the time damages were sustained was performing duties relating to the maintenance of order in connection with the operation of the general assembly, either house thereof, or any committee of the general assembly or either house thereof, or involving the security, health, or safety of any member, officer, or employee of the general assembly, either house or a committee thereof, or the general public, and as long as such damage did not result from the willful and wrongful act or gross negligence of such member, officer, or employee; except that such member, officer, or employee shall, within five days after the time he is served with any summons, complaint, process, notice, demand, or pleading, deliver the original or a copy thereof to the attorney general.

(2) Upon such delivery the attorney general may assume control of the representation of such member, officer, or employee. Such member, officer, or employee shall cooperate fully with the attorney general's defense.

(3) This section shall not in any way impair, limit, or modify the rights or obligations of any insurer under any policy of insurance.

(4) The benefits of this section shall inure only to such members, officers, and employees and shall not enlarge or diminish the rights of any other party.

**Source: L. 73: p. 679, § 1. C.R.S. 1963: § 63-10-3.**

**2-2-404. Legislative rules.** (1) The senate and the house of representatives shall each have the power to adopt rules or joint rules, or both, for the orderly conduct of their affairs and to preserve and protect the health, safety, and welfare of their members, officers, and employees in the performance of their official duties, as well as that of the general public in connection therewith, and to preserve and protect property and records under the jurisdiction of the general assembly or either house thereof, consistent with public convenience, the public's rights of freedom of expression and to peaceably assemble and petition government, and the established democratic concepts of the openness of the legislative process.

(1.5) Repealed.

(2) In lieu of or in addition to the adoption of such rules, the senate and the house of representatives may each, by rule, authorize its presiding officer to promulgate regulations for any or all such purposes.

(3) Rules or regulations may be adopted with respect to the following matters, among others, without limitation by reason of such specification:

(a) Regulating admission to the legislative chambers, galleries, lobbies, offices, and other areas of the buildings wherein they are located which provide access thereto;

(b) Limiting the size of groups of persons permitted within such areas, for reasons of health and safety and in case of fire or other emergency;

(c) Prohibiting or restricting the bringing of signs, banners, placards, or other display materials into any such areas, or possessing them therein, without proper authorization;

(d) Prohibiting or restricting the bringing of radio or television equipment, recording equipment, sound-making or amplifying equipment, and photographic equipment into any such areas, or possessing them therein, without proper authorization;

(e) Prohibiting or restricting the bringing of packages, bags, baggage, or briefcases into any such areas, or possessing them therein, without proper authorization;

(f) Establishing rules of conduct for visitors to the galleries;

(g) Authorizing the clearing of the public from the chambers, lobbies, and galleries or from any room in which a public legislative hearing or meeting is being conducted in the event of any disturbance therein which disrupts legislative proceedings or endangers any member, officer, or employee of the general assembly or the general public, or where reasonable grounds exist for believing that such a disturbance or danger may occur; except that duly accredited representatives of the news media not participating in any such disturbance shall be permitted to remain therein. The closing of such areas to the public shall continue only so long as necessary to avoid disruption of the legislative proceedings or to preserve and protect the safety of the members, officers, or employees of the general assembly or the general public.

(h) Authorizing the construction of safety barriers and other protective measures for the galleries and other areas under the jurisdiction of the general assembly and the acquisition of security equipment, all within the funds made available therefor;

(i) Protecting the records and property of the general assembly from unlawful damage or destruction;

(j) Any and all other matters which may be necessary or appropriate to the orderly conduct of the affairs of the general assembly and the protection of the health, safety, and

welfare of the members, officers, and employees of the general assembly and the general public in connection therewith.

(4) In lieu of or in addition to the adoption of separate rules, the senate and the house of representatives may adopt joint rules applicable to both houses.

(5) In lieu of or in addition to the promulgation of separate regulations, the senate and the house of representatives may promulgate joint regulations applicable to both houses.

(6) All such rules of the senate and the house of representatives or either house and regulations of the senate and the house of representatives shall be filed in the offices of the clerks thereof, and a copy of such rules and regulations shall be made available to any person upon request, without charge.

(7) Such rules and regulations shall have the force and effect of law. Any person who willfully violates any such rule or regulation is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

**Source:** L. 73: p. 680, § 1. C.R.S. 1963: § 63-10-4. L. 94: (1.5) added, p. 1957, § 1, effective August 1. L. 2006: (1.5) repealed, p. 63, § 8, effective July 1.

**2-2-405. Injunctions.** If the presiding officer of either the senate or the house of representatives has reasonable grounds for believing that any person is then committing an unlawful act, or is about to do so, which is interfering with or will interfere with any proceedings or other business of the general assembly, either house thereof, or any committee of the general assembly or either house thereof, he may seek injunctive relief in accordance with the Colorado rules of civil procedure.

**Source:** L. 73: p. 681, § 1. C.R.S. 1963: § 63-10-5.

**2-2-406. Contempt of either house.** (1) The senate and the house of representatives may each punish by imprisonment not extending beyond the same session of the general assembly, as and for a contempt, disorderly conduct of its members, officers, employees, or others committed in the immediate view of the senate or the house of representatives and tending to interrupt its proceedings. Imprisonment for contempt shall be effected by a warrant in the name of the people of the state, signed by the presiding officer of the house in which the contempt occurred, directed to the chief security officer of such house or the state police and ordering the apprehension of the contemnor and the delivery of him to the sheriff of the county in which the alleged contempt occurred for detention by said sheriff in accordance with such warrant, subject to such bail as may be set by the district court of the county in which the alleged contempt occurred. A finding of contempt and imprisonment therefor shall not constitute a bar to any other proceeding, civil or criminal, for the same act.

(2) Notice of the proposed contempt citation shall be published in a resolution of the house in which the contempt occurred approved first by a majority of a committee and then of the house itself. If the contempt is committed before the house itself rather than a committee thereof, a resolution of the house itself shall be sufficient. Persons actually named in the resolution shall be either personally served or otherwise be given notice in the same manner as is

provided by law and the Colorado rules of civil procedure for acquisition of jurisdiction over the person in civil actions. The notice shall include:

(a) A statement of the terms or substance of the offense which caused the citation to be issued;

(b) A statement of the time and place of the hearing before the committee which first passed the contempt resolution or before the house in which the contempt occurred, as the case may be. The person to be cited shall be required to show cause why he should not be found in contempt. The time and place for hearing shall allow reasonable time to give the person to be cited notice of the charges against him and to prepare an appropriate defense concerning them.

(3) The contempt hearing shall give the person to be cited an opportunity for an oral presentation before the committee or before the house in which the contempt occurred, whichever is holding the hearing, for submission of written arguments, and for the right to counsel at the hearing.

(4) A person to be cited shall be found in contempt and shall be punished therefor only after a majority of the committee which initiated the contempt proceeding finds, after notice and a hearing which satisfies the provisions of subsections (2) and (3) of this section, that the person cited has been proven beyond a reasonable doubt to have committed a contempt as defined in this section. The committee shall state in a report to the full house the reasons for its finding. If the full house affirms by a majority vote the finding of the committee, the cited person shall be held in contempt.

(5) If the contempt citation is initiated by the house itself because of a contempt committed before the house, the person to be cited shall be punished for contempt if the house itself finds, by a majority vote, after notice and a hearing which satisfies the provisions of subsections (2) and (3) of this section, that the person cited has been proven beyond a reasonable doubt to have committed a contempt as defined in this section.

**Source: L. 73:** p. 682, § 1. **C.R.S. 1963:** § 63-10-6.

## PART 5

### LEGISLATIVE DISTRICTS - IMPLEMENTATION OF COMMISSION PLAN

**Editor's note:** Sections 6 through 14 of chapter 286, Session Laws of Colorado 2000, provided for the organization of the 2000 reapportionment commission.

**2-2-501. Number of members of general assembly - election from districts.** The senate of the general assembly shall consist of thirty-five members and the house of representatives thereof shall consist of sixty-five members, with one member of the senate to be elected from each senatorial district and one member of the house of representatives to be elected from each representative district, as established in this part 5.

**Source: L. 81:** Entire part added, p. 332, § 1, effective June 19.

**2-2-502. Definitions.** As used in this part 5:

(1) "Commission" means the Colorado reapportionment commission, created pursuant to section 48 of article V of the state constitution and appointed in 2011.

(2) "Major political party" means one of the two political parties whose candidate for governor at the last preceding gubernatorial election received the first and second greatest number of votes.

**Source:** **L. 81:** Entire part added, p. 332, § 1, effective June 19. **L. 2000:** (1) amended, p. 1385, § 1, effective May 30. **L. 2010:** (1) amended, (HB 10-1210), ch. 352, p. 1634, § 1, effective August 11.

**2-2-503. Designation of senatorial districts to elect in 2012 and 2014.** As a part of its preliminary and final reapportionment plans for state senatorial districts, the commission shall designate those senatorial districts in which state senators shall be elected at the general election to be held in November 2012, and every four years thereafter, and those senatorial districts in which state senators shall be elected at the general election to be held in November 2014, and every four years thereafter. Such designation of senatorial districts shall be filed with the secretary of state as a part of the approved reapportionment plan required to be filed by section 48 (1)(e) of article V of the state constitution.

**Source:** **L. 81:** Entire part added, p. 332, § 1, effective June 19. **L. 90:** Entire section amended, p. 323, § 1, effective June 9. **L. 2000:** Entire section amended, p. 1385, § 2, effective May 30. **L. 2010:** Entire section amended, (HB 10-1210), ch. 352, p. 1634, § 2, effective August 11.

**2-2-504. Holdover senators keep office - vacancies.** (1) Nothing in this part 5 or in any reapportionment plan shall be construed to cause the removal of any senator from his or her office for the term for which the senator was elected, and each such senator shall serve the term for which he or she was elected.

(2) If any senator elected at the 2010 general election vacates his or her seat prior to the convening of the regular legislative session in 2013, such vacancy shall be filled from the district from which the senator was elected in accordance with section 1-12-203, C.R.S. If such vacancy occurs more than fifty-five days before the general election in 2012, there shall be an election at the general election in 2012 for the remainder of such senator's term from the senatorial district created by the commission. Nomination of candidates at such election shall be in accordance with article 4 of title 1, C.R.S.

(3) If any senator elected at the 2010 general election vacates his or her seat on or after the convening of the regular legislative session in 2013, such vacancy shall be filled from the senatorial district created by the commission in accordance with section 1-12-203, C.R.S.

**Source:** **L. 81:** Entire part added, p. 333, § 1, effective June 19. **L. 90:** Entire section amended, p. 323, § 2, effective June 9. **L. 2000:** Entire section amended, p. 1385, § 3, effective May 30. **L. 2010:** (2) and (3) amended, (HB 10-1210), ch. 352, p. 1634, § 3, effective August 11.

**2-2-505. Maps of legislative districts.** (1) Following the development of a preliminary plan, as required by section 48 (1)(e) of article V of the state constitution, and prior to the

holding of public hearings on any preliminary plan, the commission may file with each county clerk and recorder and each county chairman of the two major political parties a copy of the preliminary reapportionment plan showing the proposed state senatorial and representative districts in which such county is located, together with a state outline map of legislative districts. A complete state plan may be provided to the state chairmen of the two major political parties.

(2) At the time of submission of a final reapportionment plan to the Colorado supreme court for its review and determination in accordance with section 48 (1)(e) of article V of the state constitution, the commission shall provide the supreme court with a copy of all maps showing the division of the state into legislative districts and necessary supportive evidence, pursuant to the supreme court rules adopted for such proceedings.

(3) As soon as possible after approval of a final plan by the Colorado supreme court, the commission shall prepare and file with the secretary of state copies of census maps showing thereon each legislative district and a description of each district in terms of official census units. The commission shall also file with the county clerk and recorder in each county the necessary maps and descriptions of each legislative district which is located within the boundaries of such county.

**Source: L. 81:** Entire part added, p. 333, § 1, effective June 19.

**2-2-505.5. Presidential election years.** Pursuant to section 1-3-102, C.R.S., in any year in which a presidential election will be held, a political party may decide to hold its precinct caucuses on the first Tuesday in February. Because 2012 is a presidential election year, political parties may hold precinct caucuses on February 7, 2012. To allow county clerks sufficient time to redraw precinct boundaries, pursuant to section 48 (1)(e) of article V of the state constitution, the Colorado supreme court is required to approve the commission's plan no later than fifty-five days before the precinct caucuses or by December 14, 2011. While this date shortens the timeline for the commission to complete its final plan, the general assembly urges the commission to complete its final plan and the supreme court to approve a final plan by this date.

**Source: L. 2010:** Entire section added, (HB 10-1210), ch. 352, p. 1635, § 4, effective August 11.

**2-2-506. Precinct boundaries.** (1) (a) Pursuant to the provisions of sections 1-5-101 and 1-5-102, C.R.S., the board of county commissioners of each county shall redraw the general election precincts in such county to ensure that no general election precinct is contained within more than one state representative, state senatorial, or congressional district.

(b) and (c) (Deleted by amendment, L. 94, p. 1623, § 9, effective May 31, 1994.)

(d) Not more than one week after such approval of precinct boundaries and in accordance with sections 1-5-101 and 1-5-102, C.R.S., the board of county commissioners shall file with the secretary of state a copy of the county precinct boundary map showing thereon the revised and reestablished general election precinct boundaries and the boundaries of any legislative or congressional district, if said county is divided into two or more state representative, state senatorial, or congressional districts.

(2) The board of county commissioners shall notify the county chairman of each of the two major political parties of any general election precinct boundaries revised and reestablished

in accordance with the provisions of this section within five days after the establishment of precinct boundaries in accordance with the provisions of this section.

**Source:** **L. 81:** Entire part added, p. 333, § 1, effective June 19. **L. 90:** (1) amended, p. 324, § 3, effective June 9. **L. 92:** Entire section amended, p. 590, § 1, effective April 10. **L. 94:** (1) amended, p. 1623, § 9, effective May 31.

**2-2-507. Attachments and detachments.** (1) If any area of the state is omitted from the reapportionment plan approved by the Colorado supreme court, inadvertently or by virtue of the complexities of the census materials used in the development of the plan, the secretary of state, upon discovery of such omission, shall determine to which senatorial or representative district the area should be assigned as follows:

(a) If the area is surrounded by a representative or senatorial district, the area shall be assigned to said district; and

(b) If the area is contiguous to two or more representative or senatorial districts, the area shall be assigned to the district that has the least population according to the latest national census.

(2) If any area of the state is included in two or more senatorial or representative districts in the reapportionment plan approved by the Colorado supreme court, inadvertently or by virtue of the complexities of the census materials used in the development of the plan, the secretary of state, upon discovery of such inclusion, shall detach said area from the senatorial or representative district or districts having the largest population and shall designate such area as being assigned to the district having the least population; except that, if such area is wholly surrounded by a senatorial or representative district and by inadvertence is also included in another district, the secretary of state shall assign such area to the district wholly surrounding such area, regardless of population.

(2.5) (a) If a county clerk and recorder discovers that a border between two senatorial or representative districts divides a residential parcel between the two districts and the clerk and recorder wishes to have the border moved, the clerk and recorder shall submit to the secretary of state documentation, satisfactory to the secretary of state, evidencing such division. If the secretary of state believes that the border should be moved, the secretary of state shall propose moving the border between the two districts to a visible feature normally relied upon by the United States census bureau such that the border:

(I) Does not split a residential parcel;

(II) Moves the remaining portion of the residential parcel into the least populated of the two districts; except that, if the border is a border between both senatorial and representative districts, the remaining portion of the residential parcel shall be moved into the least populated of the two representative districts;

(III) Would not result in a violation of section 46 or 47 of article V of the state constitution based upon the latest national census;

(IV) Minimizes the impact on the affected community for purposes of establishing polling locations; and

(V) Minimizes changes in distances from the reapportionment plan approved by the Colorado supreme court.

(b) If the secretary of state proposes moving any border pursuant to this subsection (2.5), the secretary of state shall describe any potential changes in populations of affected senatorial or representative districts, based on the latest national census, to the Colorado supreme court. If the supreme court determines that the assignments made by the secretary of state satisfy the criteria established in paragraph (a) of this subsection (2.5), the supreme court may approve said assignments. If the supreme court determines that the assignment does not satisfy the criteria established in paragraph (a) of this subsection (2.5), the supreme court shall deny the proposed assignment.

(3) Following the assignment of any area pursuant to the provisions of subsection (1) or (2) of this section, the secretary of state shall certify the population of such assigned area and any changes in populations of affected senatorial or representative districts, based on the latest national census, to the Colorado supreme court. If the supreme court determines that the assignments made by the secretary of state would not result in a violation of the population requirements of section 46 of article V of the state constitution, the supreme court shall approve said assignments. If the supreme court determines that the assignments would result in a violation of the population requirements of section 46 of article V of the state constitution, the supreme court shall certify a revised reapportionment plan to the secretary of state.

**Source:** **L. 81:** Entire part added, p. 334, § 1, effective June 19. **L. 2002:** (2.5) added, p. 417, § 2, effective May 6. **L. 2013:** (2.5)(a)(IV) amended, (HB 13-1303), ch. 185, p. 750, § 128, effective May 10.

**Cross references:** (1) For the legislative declaration contained in the 2002 act enacting subsection (2.5), see section 1 of chapter 142, Session Laws of Colorado 2002.

(2) In 2013, subsection (2.5)(a)(IV) was amended by the "Voter Access and Modernized Elections Act". For the short title and the legislative declaration, see sections 1 and 2 of chapter 185, Session Laws of Colorado 2013.

**2-2-508. Changes in county and municipal boundaries.** Whenever the boundaries of a senatorial or representative district coincide with the boundaries of a county or municipality, and said county or municipal boundaries are changed by annexation or detachment, the boundaries of the senatorial or representative district shall remain the same until such time as a new reapportionment is made following a national census as provided in section 48 of article V of the state constitution.

**Source:** **L. 81:** Entire part added, p. 334, § 1, effective June 19.

**2-2-509. Published plan and records.** (1) Upon submission of the reapportionment plan approved by the Colorado supreme court to the secretary of state, the commission shall provide all copies of the published plan and all commission records to the secretary of state.

(2) The secretary of state shall provide any candidate for legislative office or any Colorado citizen with a copy of a map showing the boundaries for any legislative district upon request. Individual district maps shall be provided to any resident of a legislative district without charge. A nominal charge may be determined and collected pursuant to section 24-21-104 (3), C.R.S., for copies of district maps for which an individual is not a resident.

**Source: L. 81:** Entire part added, p. 335, § 1, effective June 19. **L. 83:** (2) amended, p. 864, § 10, effective July 1.

**2-2-510. Commission meetings - open to public.** Meetings of the commission shall be open to the public and shall be subject to the provisions of part 4 of article 6 of title 24, C.R.S.

**Source: L. 81:** Entire part added, p. 335, § 1, effective June 19.

**2-2-511. Applicability.** This part 5 shall apply to the Colorado reapportionment commission appointed in 2011 and to state senatorial and state representative districts created by said commission.

**Source: L. 81:** Entire part added, p. 335, § 1, effective June 19. **L. 90:** Entire part amended, p. 324, § 4, effective June 9. **L. 2000:** Entire section amended, p. 1386, § 5, effective May 30. **L. 2010:** Entire section amended, (HB 10-1210), ch. 352, p. 1635, § 5, effective August 11.

## PART 6

### LEGISLATIVE COMMISSION

#### **2-2-601 and 2-2-602. (Repealed)**

**Source: L. 93:** Entire part repealed, p. 2106, § 5, effective June 9.

**Editor's note:** This part 6 was added in 1988 and was not amended prior to its repeal in 1993. For the text of this part 6 prior to 1993, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. The provisions concerning the former legislative commission, now called the executive committee, are now located in part 3 of article 3 of this title.

## PART 7

### ENACTMENT OF LAWS REGARDING SENTENCING OF CRIMINAL OFFENDERS

**2-2-701. General assembly - bills regarding the sentencing of criminal offenders - legislative intent - definition.**

(1) and (2) Repealed.

(3) On and after July 1, 1994, any bill which is introduced at any session of the general assembly which affects criminal sentencing and which may result in a net increase or a net decrease in periods of imprisonment in state correctional facilities shall be reviewed by the director of research of the legislative council for the purpose of providing information to the general assembly on the long-term fiscal impact which may result from the passage of the bill,

including the increased capital construction costs, increased operating costs, and increased parole costs for the department of corrections for the first five fiscal years following the effective date of the bill. The division of criminal justice in the department of public safety in cooperation with the department of corrections shall annually provide incarceration and parole length of stay estimates to the director of research of the legislative council.

(4) For purposes of this part 7, "state correctional facilities" means any facility under the supervision of the department of corrections in which persons are or may be lawfully held in custody as a result of conviction of a crime and any prison facility operated by a county, city and county, or private corporation located in this state or another state; except that it does not include any local jail, multijurisdictional jail, or community corrections center.

**Source: L. 91:** Entire part added, p. 390, § 1, effective July 1. **L. 94:** (3) added, p. 1097, § 7, effective May 9; (1) and (2) repealed, p. 1714, § 1, effective July 1. **L. 2016:** (3) amended and (4) added, (SB 16-095), ch. 43, p. 104, § 1, effective August 10.

**2-2-702. General assembly - bills regarding the sentencing of criminal offenders - required to be assigned to the appropriations committee of the house of introduction.** On and after July 1, 1991, any bill which is introduced into either house of the general assembly which affects the sentencing of criminal offenders and which would result in a net increase in periods of imprisonment in state correctional facilities shall, as soon as such net increase is determined, in addition to the assignment or referral of such bill to any other legislative committee or committees, be assigned or referred to the appropriations committees of the house into which such bill is introduced.

**Source: L. 91:** Entire part added, p. 391, § 1, effective July 1.

**2-2-703. General assembly - bills which result in a net increase in periods of imprisonment in state correctional facilities - funding must be provided in the bill.** On and after July 1, 1991, a bill may not be passed by the general assembly which would result in a net increase in periods of imprisonment in state correctional facilities unless, in such bill, there is an appropriation of money which is sufficient to cover any increased capital construction costs, any increased operating costs, and increased parole costs which are the result of such bill for the department of corrections in each of the first five years following the effective date of the bill. Money sufficient to cover such increased capital construction costs and increased operating costs for the first five fiscal years following the effective date of the bill must be estimated by the appropriations committee, and after consideration of such estimate the general assembly shall make a determination as to the amount of money sufficient to cover the costs, and such money must be appropriated in the bill in the form of a statutory appropriation from the general fund in the years affected. Any such bill which is passed on or after July 1, 1991, which is silent as to whether it is intended to be an exception to this section, shall not be deemed to be such an exception. Any bill which is enacted which is intended to be an exception to this section must expressly state such exception in such bill.

**Source: L. 91:** Entire part added, p. 391, § 1, effective July 1. **L. 2016:** Entire section amended, (SB 16-095), ch. 43, p. 105, § 2, effective August 10.

## PART 8

### PLAIN LANGUAGE IN STATE LAWS

**2-2-801. Plain language requirement in state laws.** Any person, including members of the general assembly and employees of each house of the general assembly, the office of legislative legal services, the legislative council staff, and the staff of the joint budget committee, shall ensure that, to the extent possible, all bills and amendments to bills prepared or proposed by such person are written in plain, nontechnical language and in a clear and coherent manner using words with common and everyday meaning which are understandable to the average reader. Enactment of a bill by the general assembly shall create a presumption that such bill conforms to this section.

**Source: L. 93:** Entire part added, p. 995, § 2, effective June 2.

**2-2-802. People first language in state laws.** (1) On or after August 11, 2010, all new or amended statutes that refer to persons with disabilities must:

(a) Avoid language that:

(I) Implies that a person as a whole is disabled, such as the "mentally ill" or the "learning disabled"; or

(II) Equates persons with their condition, such as "epileptics", "autistics", or "quadriplegics";

(b) Replace disrespectful language by referring to persons with disabilities as persons first. Examples of people first language include, but are not limited to, the following: Persons with disabilities, persons with developmental and intellectual disabilities, persons with behavioral or mental health disorders, and persons with autism.

(c) Replace disrespectful, insensitive, or outdated terms such as "mental retardation" with people first language such as "people with developmental and intellectual disabilities".

(2) Violation of this section shall not be grounds to invalidate any new or amended statute; however, such statutes shall be amended to reflect the provisions of this section in any subsequent revision.

(3) Nothing in this section shall constitute a requirement to change the name of any department, agency, or program of the state or any political subdivision of the state.

(4) The revisor of statutes is authorized to change any disrespectful, insensitive, or outdated terms that appear in the Colorado Revised Statutes and to replace such terms with people first language in accordance with this section.

**Source: L. 2010:** Entire section added, (HB 10-1137), ch. 93, p. 319, § 1, effective August 11. **L. 2017:** IP(1), (1)(b), and (1)(c) amended, (SB 17-242), ch. 263, p. 1262, § 30, effective May 25.

**Cross references:** For the legislative declaration in SB 17-242, see section 1 of chapter 263, Session Laws of Colorado 2017.

## PART 9

## CENSUS DATA FOR REDISTRICTING

**2-2-901. Population data for redistricting - legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) Section 44 of article V of the state constitution requires the general assembly to divide the state into congressional districts after each new apportionment of seats in the United States house of representatives, and a new apportionment occurs after each federal decennial census;

(b) Section 48 of article V of the state constitution requires that a reapportionment commission be appointed after each federal census to establish, revise, and alter the state senatorial and representative districts;

(c) These sections imply that the general assembly and the reapportionment commission must perform their constitutional duty to redraw the boundaries of congressional and state legislative districts using population data derived from the latest federal census, so that the equal population requirements of the federal and state constitutions can be satisfied;

(d) Federal officials have proposed using statistical sampling techniques to modify the traditional headcount of the population;

(e) The United States supreme court has held that the federal census act prohibits the use of statistically adjusted population data to apportion seats in the United States house of representatives among the states;

(f) Many have argued that statistically adjusted population data does not satisfy the requirement of the federal constitution for an "actual enumeration" of the population;

(g) There is no reason for congress to use one set of population data for apportionment of seats in congress and for state redistricting authorities to use a different set of data to redraw congressional and state legislative district boundaries, and the federal government would incur additional costs by furnishing two sets of data to the states;

(h) Using different population data for redistricting would subject the state of Colorado to the risk of litigation over the appropriate population figures, which form the very foundation of any congressional or state legislative redistricting plan;

(i) It is therefore necessary to establish the intent of the general assembly that the same population data be used in the congressional and state legislative redistricting processes as is used for purposes of apportioning seats in the United States house of representatives among the states.

(2) For purposes of redrawing the boundaries of congressional, state senatorial, and state representative districts after the federal census in the year 2010, the general assembly and the Colorado reapportionment commission shall use population data supplied by the United States bureau of the census that has been used to apportion the seats in the United States house of representatives among the states.

**Source: L. 99:** Entire part added, p. 559, § 1, effective May 7. **L. 2010:** (2) amended, (HB 10-1210), ch. 352, p. 1635, § 6, effective August 11.

### PART 10

#### LEGISLATIVE INTERIM COMMITTEE ON HEALTH CARE SYSTEMS

**2-2-1001. (Repealed)**

**Editor's note:** (1) Subsection (7) provided for the repeal of this part 10, effective January 1, 2003. (See L. 2002, p. 1306.)

(2) This part 10 was added in 2002 and was not amended prior to its repeal in 2003. For the text of this part 10 prior to 2003, consult the 2002 Colorado Revised Statutes.

PART 11

LEGISLATIVE INTERIM COMMITTEE ON STIMULATING ECONOMIC DEVELOPMENT THROUGH BUSINESS PERSONAL PROPERTY TAX EXEMPTIONS AND OTHER METHODS

**2-2-1101. (Repealed)**

**Editor's note:** (1) Subsection (7) provided for the repeal of this part 11, effective January 1, 2005. (See L. 2004, p. 1073.)

(2) This part 11 was added in 2004 and was not amended prior to its repeal in 2005. For the text of this part 11 prior to 2005, consult the 2004 Colorado Revised Statutes.

PART 12

POST-ENACTMENT REVIEW  
OF THE IMPLEMENTATION OF BILLS

**2-2-1201. Accountability clauses - post-enactment review of implementation of bills by legislative service agencies - definitions - repeal.** (1) In accordance with the provisions of this section, legislative service agencies shall conduct a post-enactment review of the implementation of any bill enacted during any legislative session, regular or special, commencing on and after January 1, 2006, that becomes law and that contains an accountability clause and a legislative declaration setting forth the desired results or benefits to be achieved by the bill, as intended by the general assembly, that shall be used by legislative services agencies in conducting a post-enactment review in accordance with this section and such other information that is necessary for the legislative service agencies to conduct such a post-enactment review.

(2) (a) In conducting a post-enactment review as required by subsection (1) of this section, legislative service agencies shall determine to the greatest extent possible:

(I) Whether the bill has been implemented, in whole or in part;

(II) If the bill has been implemented in whole or in part, how the bill has been implemented, including whether the bill has been implemented in the most efficient and cost-effective manner;

(III) If the bill has been implemented in part, the reasons why the bill has not been implemented in whole;

(IV) The extent to which the desired results or benefits of the bill, as specified in the legislative declaration of the bill, are being achieved;

(V) Whether there have been any unintended consequences or problems caused by the implementation of the bill;

(VI) Whether the implementation of the bill has been impeded by any existing state or federal statutes, rules, procedures, or practices;

(VII) Whether any administrative or statutory changes are necessary to improve the implementation of the bill;

(VIII) Whether the actual costs of implementing the bill have been within the estimated costs, if any, set forth in the fiscal note for the bill;

(IX) Whether any increase in state funding is necessary to improve the implementation of the bill; and

(X) Any other pertinent observation made by the legislative service agencies that relate to the implementation of the bill.

(b) If the legislative service agencies cannot determine any of the items specified in paragraph (a) of this subsection (2), in whole or in part, due to a lack of sufficient information set forth in the legislative declaration of the bill for which a post-enactment review is being conducted or due to any other ambiguity arising from the language of the bill, the legislative service agencies shall include a statement to that effect in their written findings reported in accordance with subsection (3) of this section.

(3) The legislative service agencies shall complete any post-enactment review of the implementation of a bill required pursuant to this section no later than one hundred eighty days after the two-year or five-year anniversary, as applicable, of the enactment of the bill. The legislative service agencies shall report their written findings resulting from any post-enactment review of the implementation of a bill to the speaker of the house of representatives, the president of the senate, the minority leaders of the house of representatives and senate, and the prime sponsors of the bill if they are still serving in the general assembly at the time the report is filed. The report shall be filed no later than sixty days after a post-enactment review is completed by the legislative service agencies and shall be a public record for purposes of article 72 of title 24, C.R.S.

(4) (a) Nothing in this section shall be construed to require the inclusion of an accountability clause and a legislative declaration in any bill.

(b) For purposes of this section, an accountability clause and a legislative declaration may be:

(I) Included in any bill introduced in the house of representatives or the senate at the request of the prime sponsor of the bill; or

(II) Added to any bill by amendment offered by any member of the general assembly and adopted during the legislative process in accordance with law and legislative procedures.

(5) Notwithstanding any other provision of law, all officers, departments, agencies, and offices of the state, or of any political subdivision of the state, that is responsible for or involved in the implementation of any bill that is subject to a post-enactment review pursuant to the provisions of this section shall cooperate with and provide all information that may be requested by legislative service agencies for purposes of conducting a post-enactment review pursuant to this section.

(6) The general assembly may adopt rules to implement accountability clauses and the post-enactment review of bills containing an accountability clause and a legislative declaration by legislative service agencies in accordance with the provisions of this section.

(7) For purposes of this section, unless the context otherwise requires:

(a) "Accountability clause" means a noncodified provision of a bill that directs legislative staff agencies to conduct a review of the implementation of the bill either two or five years, as specified in the provision, after the enactment of the bill.

(b) "Legislative service agencies" means the office of legislative legal services, legislative council staff, and staff of the joint budget committee.

(8) Repealed.

**Source:** **L. 2006:** Entire part added, p. 224, § 1, effective August 7. **L. 2008:** (7)(b) amended, p. 385, § 1, effective July 1. **L. 2012:** (8) added, (HB 12-1345), ch. 188, p. 750, § 45, effective May 19. **L. 2015:** (8) repealed, (HB 15-1273), ch. 323, p. 1323, § 6, effective June 5.

**Editor's note:** Section 2 of chapter 126, Session Laws of Colorado 2008, provides that the act amending subsection (7)(b) applies to the post-enactment review of legislation required in accordance with the provisions of part 12 of article 2 of title 2 before, on, or after July 1, 2008.

**Cross references:** (1) For the provision directing legislative staff agencies to conduct a post-enactment review pursuant to this section scheduled in 2016, see section 46 of chapter 188, Session Laws of Colorado 2012. However, sections 21 and 46 of chapter 188 were repealed by sections 7 and 8 of chapter 323 (HB 15-1273), Session Laws of Colorado 2015.

(2) For the legislative declaration in HB 15-1273, see section 1 of chapter 323, Session Laws of Colorado 2015.

## PART 13

### YOUTH ADVISORY COUNCIL

**2-2-1301. Short title.** This part 13 shall be known and may be cited as the "Youth Advisory Council Act".

**Source:** **L. 2008:** Entire part added, p. 1670, § 1, effective May 29. **L. 2009:** Entire section amended, (HB 09-1099), ch. 92, p. 354, § 1, effective August 5.

**2-2-1301.5. Definitions.** As used in this part 13, unless the context otherwise requires:

(1) "Council" means the Colorado youth advisory council created in section 2-2-1302.

(2) "Designated organization" means the nonprofit or private organization designated by the legislative members of the council pursuant to section 2-2-1304 as the custodian of moneys donated to the council through the designated organization.

(3) "Fund" means the youth advisory council cash fund created pursuant to section 2-2-1306.

**Source:** **L. 2009:** Entire section added, (HB 09-1099), ch. 92, p. 354, § 2, effective August 5.

**2-2-1302. Colorado youth advisory council - creation - purpose.** (1) There is hereby created in the legislative branch the Colorado youth advisory council to examine, evaluate, and discuss the issues, interests, and needs affecting Colorado youth now and in the future and to formally advise and make recommendations to elected officials regarding those issues. The issues may include, but need not be limited to:

- (a) Education and skill development;
- (b) Employment and economic opportunities and educational opportunities, including increased accessibility to opportunities for youth in rural communities;
- (c) Access to state and local government services;
- (d) The environment;
- (e) Behavioral and physical health, including suicide prevention;
- (f) Safe environments for youth, including preventing bullying;
- (g) Substance abuse;
- (h) Poverty; and
- (i) Increased youth participation in state and local government.

**Source:** **L. 2008:** Entire part added, p. 1670, § 1, effective May 29. **L. 2009:** Entire section amended, (HB 09-1099), ch. 92, p. 355, § 3, effective August 5. **L. 2013:** Entire section amended, (SB 13-148), ch. 390, p. 2264, § 1, effective June 5.

**2-2-1303. Membership - selection - terms.** (1) The council consists of forty-four members as follows:

(a) Four nonvoting legislative members, two of whom shall be members of the house of representatives and two of whom shall be members of the senate; and

(b) Thirty-five voting members representing each senate district in the state and five at-large members. The five at-large members must be selected to help ensure diversity on the council, with an express concern for adequate rural representation. Members described in this paragraph (b) must meet the following qualifications at the time of appointment:

(I) Be at least fourteen years of age but not older than nineteen years of age; and

(II) Be enrolled in and attending a Colorado junior high, middle, or high school, including an online or charter school or approved facility school as defined in section 22-2-402, C.R.S.; be participating in a nonpublic, home-based educational program; be participating in a high school equivalency examination program; or have obtained a high school diploma through successful completion of a high school equivalency examination, as defined in section 22-33-102 (8.5), C.R.S.

(2) (a) Nonlegislative council members shall be appointed as follows:

(I) and (II) (Deleted by amendment, L. 2013.)

(III) (A) On or before May 31, 2014, and on or before May 31 each year thereafter, the council members shall approve subsequent appointments to the council by a majority vote. A youth who meets the criteria set forth in subsection (1) of this section may apply to the council to be considered for participation in the council.

(B) The council shall utilize an application process to facilitate council appointments, including the content and availability of the application form, additional selection criteria, and an application review process.

(IV) Every effort shall be made to create a council that represents the diversity of the youth of the state.

(b) Legislative members of the council shall be appointed as follows:

(I) On or before December 15, 2014, and on or before December 15 every two years thereafter, the speaker and minority leader of the house of representatives shall each appoint one member from the house of representatives; and

(II) On or before December 15, 2014, and on or before December 15 every two years thereafter, the president and minority leader of the senate shall each appoint one member from the senate.

(3) Council members shall serve two-year terms and, if eligible, may be selected for a subsequent two-year term. In all cases, every effort shall be made to maintain or expand the diversity of the council.

(4) The council shall elect two co-chairs and two vice-chairs at its first meeting and annually thereafter. One of the co-chairs and one of the vice-chairs shall be legislative members, to be elected at the first council meeting after December 15. The other co-chair and the other vice-chair shall be nonlegislative members, to be elected at the first meeting following the annual May 31 appointment of new nonlegislative members. The co-chairs and vice-chairs shall serve for terms of one year. A vacancy on the council shall be filled through a vote of the members for the remainder of the unexpired term. Vacancies of nonlegislative members on the council shall be filled pursuant to the application process described in subparagraph (III) of paragraph (a) of subsection (2) of this section for biennial appointments. Vacancies of legislative members shall be filled by the appointing authority. Vacancies of nonlegislative members on the council who are not designated as at-large members shall be filled by a youth coming from the same senate district as the departing nonlegislative member.

(5) Subject to available appropriations, legislative members of the council shall be compensated for attendance at meetings of the council in the same manner as is provided in section 2-2-307 for legislative members attending meetings during the legislative interim. All expenditures incurred by the council shall be approved by the chair of the legislative council and paid for by vouchers and warrants drawn as provided by law from moneys allocated to the legislative council for legislative committees from appropriations made by the general assembly or from the youth advisory council cash fund created in section 2-2-1306.

**Source:** L. 2008: Entire part added, p. 1671, § 1, effective May 29. L. 2009: (4) amended, (HB 09-1099), ch. 92, p. 355, § 4, effective August 5. L. 2013: Entire section amended, (SB 13-148), ch. 390, p. 2265, § 2, effective June 5. L. 2014: IP(1), IP(1)(b), and (1)(b)(II) amended, (SB 14-058), ch. 102, p. 377, § 1, effective April 7.

**2-2-1304. Duties - meetings - community outreach - designation of organization to accept donations - authority to contract.** (1) The council shall have the following duties and responsibilities:

(a) To work with any existing and appropriate local and state youth groups to identify the concerns and needs of youth in Colorado and to advise and make oral and written recommendations to members of the general assembly on proposed or pending legislation;

(b) To work with any existing and appropriate local and state youth groups to collect, analyze, and provide information on issues related to youth to the legislative committees, commissions, task forces, and state agencies and departments as appropriate;

(c) To consult with any existing local-level youth advisory councils for input and potential solutions on issues related to youth; and

(d) To set priorities and establish any committees that may be necessary to achieve the goals of the council.

(2) (a) Repealed.

(b) The council shall meet at least four times each year, with two meetings occurring during the regular legislative session and two meetings occurring after the regular legislative session has concluded. Additional meetings may be held at the discretion of the co-chairs of the council, subject to available moneys.

(c) All meetings of the council shall be open to the public.

(d) The council shall have the authority to develop rules, procedures, and a leadership structure for the council.

(3) The council shall utilize news outlets and publications, public awareness campaigns, and a website to develop and maintain regular communication concerning its activities with the youth of Colorado, the state of Colorado, and interested parties.

(4) (a) On or before September 1, 2013, and every third September 1 thereafter, the council shall, in conjunction with the director of the legislative council, use a request for proposal process to contract with and designate one or more nonprofit organizations to provide staffing and operational assistance and to serve as the custodian of moneys donated to the council through the designated organization. The designated organization shall not be the custodian of any moneys appropriated by the state and credited to the fund created in section 2-2-1306. The designated organization is authorized to expend any moneys it receives as is necessary for the operation of the council and may solicit and accept monetary and in-kind gifts, grants, and donations used to further the council's duties and responsibilities. Any such moneys donated or awarded to the designated organization for the benefit of the council are not subject to appropriation by the general assembly. Any such moneys obtained by the council or the designated organization and not in the fund that are unexpended and unencumbered at the time the council is dissolved shall be distributed according to appropriate federal and state laws governing nonprofit organizations. If a different nonprofit or private organization is subsequently designated as the custodian of donated moneys in accordance with this paragraph (a), any moneys that are unexpended and unencumbered at the time of the change in designation shall be promptly transferred by the previously designated organization to the newly designated organization.

(b) The designated organization, on behalf of the council, may provide or accept in-kind staff support from nonprofit agencies or private organizations, including itself, or may contract with outside entities for the purpose of providing staff support to assist the council in conducting its duties and responsibilities. Any staff support personnel provided by the designated organization or a nonprofit agency or private organization, either donated or engaged through a contract, shall not be considered employees of the council or the state.

(5) The council is authorized to contract with the designated organization or other nonprofit or private entities for the implementation of this part 13. Any contract entered into by the council shall be signed by the legislative co-chair of the council.

**Source: L. 2008:** Entire part added, p. 1672, § 1, effective May 29. **L. 2009:** (4) and (5) added, (HB 09-1099), ch. 92, p. 355, § 5, effective August 5. **L. 2013:** (2)(a) repealed and (4)(a) R&RE, (SB 13-148), ch. 390, pp. 2266, 2267, §§ 3, 4, effective June 5.

**2-2-1305. Reporting requirements.** On or before April 30, 2014, and on or before April 30 each year thereafter, the council shall make joint reports to legislative committees of the senate and the house of representatives as appropriate. The reports shall include, at a minimum, a summary of the council's recommendations concerning key issues for youth for the current legislative session and a summary of the council's work during the previous legislative session and interim.

**Source: L. 2008:** Entire part added, p. 1673, § 1, effective May 29. **L. 2013:** Entire section amended, (SB 13-148), ch. 390, p. 2267, § 5, effective June 5.

**2-2-1306. Youth advisory council cash fund - created - gifts, grants, and donations.** There is hereby created in the state treasury the youth advisory council cash fund to provide for the direct and indirect costs associated with the implementation of this part 13, including but not limited to lodging, meeting fees, mileage and transportation costs, meals, meeting supplies, copy costs, computer-related costs, and any services for which the council contracts. The fund shall consist of any moneys appropriated by the general assembly to the fund and may also include gifts, grants, and donations obtained directly by the council pursuant to this section. The council is authorized to seek and accept gifts, grants, or donations from private or public sources for the purposes of this part 13. All private and public moneys received by the council through gifts, grants, or donations shall be transmitted to the state treasurer, who shall credit the same to the fund. The moneys in the fund shall be continuously appropriated for the direct and indirect costs associated with the implementation of this part 13. Any moneys in the fund not expended for the purposes of this part 13 may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

**Source: L. 2008:** Entire part added, p. 1673, § 1, effective May 29. **L. 2009:** Entire section amended, (HB 09-1099), ch. 92, p. 356, § 6, effective August 5.

**2-2-1307. Repeal of part.** This part 13 is repealed, effective September 1, 2023. Prior to the repeal of this part 13, the council must be reviewed as provided for in section 2-3-1203.

**Source: L. 2008:** Entire part added, p. 1674, § 1, effective May 29. **L. 2013:** Entire section amended, (SB 13-148), ch. 390, p. 2268, § 7, effective June 5. **L. 2018:** Entire section amended, (HB 18-1186), ch. 175, p. 1208, § 1, effective June 30.

## PART 14

### ECONOMIC OPPORTUNITY POVERTY

## REDUCTION TASK FORCE ACT

### **2-2-1401 to 2-2-1406. (Repealed)**

**Editor's note:** (1) This part 14 was added in 2009. For amendments to this part 14 prior to its repeal in 2014, consult the 2013 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

(2) Section 2-2-1406 provided for the repeal of this part 14, effective July 1, 2014. (See L. 2009, p. 2067.)

## PART 15

### LEGISLATIVE TASK FORCE ON THE BUSINESS PERSONAL PROPERTY TAX

#### **2-2-1501. Legislative task force on the business personal property tax - creation - duties - repeal. (Repealed)**

**Source: L. 2009:** Entire part added, (SB 09-085), ch. 431, p. 2394, § 1, effective June 4.

**Editor's note:** Subsection (6) provided for the repeal of this section, effective July 1, 2010. (See L. 2009, p. 2394.)

## PART 16

### LEGISLATIVE DEPARTMENT CASH FUND

**Editor's note:** This part 16 was numbered as part 14 in House Bill 09-1348 but has been renumbered on revision for ease of location.

**2-2-1601. Legislative department cash fund - redistricting account - creation - definition.** (1) (a) There is hereby created in the state treasury the legislative department cash fund. Except as otherwise provided in paragraph (b) of this subsection (1), the fund shall be comprised of such moneys that the general assembly, the house of representatives, the senate, or any legislative service agency accepts as gifts, grants, or donations, collects or otherwise receives from private and public sources, and any other moneys appropriated or transferred to the fund.

(b) Moneys collected or received from the following sources shall not be credited to the fund:

(I) Any moneys generated from the sale of bill boxes, legislative directories, and publications and other services provided by the print shop;

(II) Any moneys received from various departments for audits and studies;

(III) Any moneys received as payment of costs and fees pursuant to section 2-5-118 (2) or (2.5); and

(IV) Any moneys generated from the sale of publications and memorabilia relating to the state capitol building pursuant to section 24-82-108 (3)(f)(I), C.R.S.

(c) All interest earned on the investment of moneys in the fund shall be credited to the fund. Any moneys credited to the fund and unexpended at the end of any given fiscal year shall remain in the fund and shall not revert to the general fund.

(2) Except for moneys in the redistricting account created pursuant to subsection (2.5) of this section, moneys in the legislative department cash fund are continuously appropriated to the executive committee of the legislative council to pay for expenses of the legislative department of the state of Colorado. Moneys in the fund shall be expended consistent with any terms and conditions imposed as a condition of receiving such moneys as gifts, grants, or donations.

(2.5) There is hereby created in the legislative department cash fund the redistricting account, referred to in this subsection (2.5) as the "account". The account shall be comprised of any moneys appropriated or transferred to the account and any moneys received by the Colorado reapportionment commission, created pursuant to section 48 of article V of the state constitution, or the legislative council related to redistricting. Moneys in the account are continuously appropriated to the reapportionment commission and to the legislative council staff to pay for the expense of redistricting the congressional and state legislative districts in the state and to the general assembly to pay the expenses related to a special session for congressional redistricting. All interest earned on the investment of moneys in the account shall be credited to the account. Any moneys credited to the account and unexpended at the end of any given fiscal year shall remain in the account and shall not revert or be transferred to the general fund or any other fund; except that any unexpended moneys remaining in the account as of June 30, 2012, shall be transferred to the legislative department cash fund.

(2.6) Notwithstanding any law to the contrary, any moneys appropriated from the general fund to the legislative department of the state government for any fiscal year commencing on or after July 1, 2011, that are unexpended or not encumbered as of the close of that fiscal year shall not revert to the general fund and shall be transferred by the state treasurer and the controller to the legislative department cash fund.

(3) For purposes of this section, "legislative service agency" means the office of legislative legal services, legislative council staff, office of the state auditor, or staff of the joint budget committee.

**Source: L. 2009:** Entire part added, (HB 09-1348), ch. 358, p. 1865, § 4, effective June 1. **L. 2010:** (2) amended and (2.5) added, (HB 10-1210), ch. 352, p. 1635, § 7, effective August 11. **L. 2012:** (2.6) added, (HB 12-1301), ch. 283, p. 1640, § 3, effective March 8. **L. 2013:** (1) amended, (HB 13-1039), ch. 130, p. 433, § 1, effective April 19.

## PART 17

### LOWER NORTH FORK WILDFIRE COMMISSION

#### **2-2-1701 to 2-2-1704. (Repealed)**

**Editor's note:** (1) This part 17 was added in 2012. For amendments to this part 17 prior to its repeal in 2014, consult the 2013 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

(2) Section 2-2-1704 provided for the repeal of this part 17, effective July 1, 2014. (See L. 2012, p. 1143.)

## PART 18

### STANDARDS AND ASSESSMENTS TASK FORCE

#### **2-2-1801 to 2-2-1805. (Repealed)**

**Editor's note:** (1) (a) This part was added in 2014. For amendments to this part prior to its repeal in 2015, consult the 2014 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

(b) For amendments to §§ 2-2-1801 and 2-2-1802 that were in effect from May 20, 2015, to July 1, 2015, see chapter 204, Session Laws of Colorado 2015.

(2) Section 2-2-1805 provided for the repeal of this part, effective July 1, 2015. (See L. 2014, p. 1700.)

## PART 19

### SCHOOL FINANCE STUDY

**2-2-1901. Legislative interim committee on school finance - creation.** (1) Notwithstanding the provisions of section 2-3-303.3, there is hereby created the legislative interim committee on school finance, referred to in this part 19 as the "interim committee", to study the issues described in section 2-2-1902 and create a new school finance funding formula. The interim committee will meet during the 2017 and 2018 legislative interims. The interim committee consists of:

(a) Five members of the senate, three of whom the president of the senate shall appoint and two of whom the minority leader of the senate shall appoint; and

(b) Five members of the house of representatives, three of whom the speaker of the house of representatives shall appoint and two of whom the minority leader of the house of representatives shall appoint.

(2) (a) The appointing authorities shall appoint the members of the interim committee as soon as possible after June 2, 2017, but no later than July 1, 2017. The appointing authorities shall, to the extent practicable, ensure that the members of the interim committee represent school districts in all areas of the state, including urban, suburban, and rural school districts, school districts of varying wealth in property tax and other local revenues, and school districts with varying student demographics. If a vacancy arises on the interim committee, the appropriate appointing authority shall appoint an appropriate person to fill the vacancy as soon as possible.

(b) The speaker of the house of representatives shall appoint the chair of the interim committee for the first interim and the vice-chair of the interim committee for the second

interim. The president of the senate shall appoint the vice-chair of the interim committee for the first interim and the chair of the interim committee for the second interim.

(3) The chair of the interim committee shall schedule the first meeting of the interim committee to be held no later than August 1, 2017. The interim committee may meet up to five times during each interim.

(4) The chair and vice-chair of the interim committee may appoint subcommittees as necessary to provide technical assistance to the interim committee. A subcommittee may include members of the interim committee and persons with technical expertise in school finance. Members of a subcommittee serve without compensation and without reimbursement for expenses.

(5) The director of research of the legislative council and the director of the office of legislative legal services shall provide staff assistance to the interim committee.

(6) The interim committee may introduce up to a total of five bills, joint resolutions, and concurrent resolutions in each of the 2018 and 2019 legislative sessions. Bills that the interim committee introduces are exempt from the five-bill limitation specified in rule 24 (b)(1)(A) of the joint rules of the senate and the house of representatives. Joint resolutions and concurrent resolutions that the interim committee introduces are exempt from the limitations set out in rule 26 (g) of the rules of the house of representatives and rule 30 (f) of the rules of the senate. The interim committee is exempt from the requirement specified in rule 24 (b)(1)(D) and rule 24A (d)(8) of the joint rules of the senate and the house of representatives and in section 2-3-303 (1)(f), to report bills or other measures to the legislative council.

(7) All expenditures that the interim committee incurs, including the cost of contracting with a private entity as provided in section 2-2-1902 (3), are subject to approval by the chair of the interim committee and, if approved, shall be paid by vouchers and warrants drawn as provided by law from appropriations made by the general assembly for the purposes of this part 19.

**Source: L. 2017:** Entire part added, (HB 17-1340), ch. 294, p. 1619, § 1, effective June 2.

**2-2-1902. School finance study - issues - hiring consultant.** (1) The interim committee shall, at a minimum, study the following issues:

(a) The costs and benefits of the requirements imposed on school districts and public schools by state and federal laws;

(b) Taking into account all existing federal, state, and local resources used to fund elementary and secondary education, the total amount available to fund public education in each school district, in aggregate and per pupil;

(c) The relative value of and return on resource investment across the time frame of a student's education career;

(d) An appropriate, accurate method for identifying students who, because of their life circumstances, are in greater need of services and supports to give them opportunities equal to those of their peers to achieve their academic potential;

(e) Funding each public school student through a per-pupil basis that consists of a base amount plus additional funding allocations associated with particular attributes of each student,

to be used to provide educational programs to address students' particular attributes, and based on the particular attributes of each school district as follows:

(I) Allocations based on grade level as follows:

- (A) Preschool;
- (B) Kindergarten;
- (C) Grades one through five;
- (D) Grades six through eight; and
- (E) Grades nine through twelve;

(II) Allocations based on a student's eligibility for free or reduced-price meals under federal law, taking into account the varying eligibility levels specified in federal law. In considering this allocation, the interim committee must consider the extent to which a school district or charter school uses the additional state allocation and federal money, including money received pursuant to Title I of the federal "Elementary and Secondary Education Act of 1965", 20 U.S.C. sec. 6301 et seq., as amended, to provide services for at-risk pupils as defined in section 22-54-103, as demonstrated by the school's level of performance on state assessments and the school performance plan.

(III) Allocations based on a student's identification as an English language learner, as defined in section 22-24-103, taking into account a student's exit from an English language proficiency program;

(IV) Allocations based on a student's identification as having a significant reading deficiency and requiring reading interventions pursuant to section 22-7-1205;

(V) Allocations based on a student's status as being a child with a disability as defined in section 22-20-103. The interim committee may consider different allocation amounts within this category based on a student's specific disability.

(VI) Allocations based on a student's participation in career and technical education programs or concurrent enrollment pursuant to article 35 of title 22; and

(VII) Allocations based on school district attributes as follows:

- (A) The number of students enrolled in the school district;
- (B) Whether the school district is rural as defined by rule of the state board of education;
- (C) Whether the school district is increasing or decreasing in enrollment; and
- (D) The cost of living and personnel costs within the school district;

(f) Eliminating direct funding for categorical programs and instead distributing categorical program funding on a per-pupil basis throughout the state using allocations added to the statewide per pupil base funding amount for each student who is eligible for funding through the categorical program, which allocations would be used to provide educational programs related to the categorical program, including high-quality educator professional development, to eligible students;

(g) Strategies for funding transportation for students enrolled in all public schools in a manner that would be included within the school finance funding formula, including consideration of total mileage traveled on a per-pupil basis;

(h) Alternative methods for counting enrolled students for purposes of per pupil funding;

(i) School district organization, including considering school district size based on pupil enrollment and the geographic location of school districts;

(j) The level of funding for education that is available from the local resources available to each local education provider and the amount of local resources that each district charter school and each institute charter school receives, including consideration of:

(I) The amount of property tax revenue each school district annually collects from the total program mill levy and additional authorized mill levies for operating purposes, disaggregated by residential property tax revenues, business property tax revenues, and revenues from taxes on mineral resource extraction;

(II) Strategies for equalizing mill levies in school districts and public schools across the state and for ensuring that authorization for additional mill levies for operating purposes complies with the constitutional requirement of maintaining a thorough and uniform statewide education system;

(III) The methods and timing for calculating assessed property valuation related to mineral extraction; and

(IV) Other sources of funding for public education, including public and private gifts, grants, and donations, available to each institute charter school and each school district, or available to schools of a school district, including district charter schools, individually or by campus, and the amount received from each source; and

(k) The capital construction needs of each school district, district charter school, and institute charter school, including school districts' capacity to issue bonds and the relationship of bonding capacity to the ability to obtain authorization for other mill levies, and whether there are areas of student enrollment growth or decline within the state public education system.

(2) Based on the study of issues described in subsection (1) of this section, the interim committee shall make legislative recommendations to the general assembly addressing how to most accurately meet the educational needs of individual students through the funding of education in Colorado.

(3) Subject to available appropriations, the interim committee shall issue a request for proposals for a private entity to assist in gathering information and analyzing the issues specified in subsection (1) of this section. The interim committee shall enter into a contract with the private entity by September 1, 2017. The interim committee shall not contract with a private entity that has ever previously contracted with the state of Colorado, or an agency or political subdivision thereof, for a study or analysis of school finance in Colorado.

**Source: L. 2017:** Entire part added, (HB 17-1340), ch. 294, p. 1621, § 1, effective June 2; (1)(j)(II) and (1)(j)(IV) amended, (SB 17-296), ch. 313, p. 1688, § 9, effective June 2.

**2-2-1903. Repeal of part.** This part 19 is repealed, effective July 1, 2019.

**Source: L. 2017:** Entire part added, (HB 17-1340), ch. 294, p. 1623, § 1, effective June 2.

## LEGISLATIVE SERVICES

### ARTICLE 3

#### Legislative Services

PART 1

LEGISLATIVE AUDIT COMMITTEE - STATE AUDITOR

**2-3-101. Legislative audit committee - membership - meetings - powers and duties.**

(1) There is hereby created a legislative audit committee, referred to in this part 1 as the "committee". The committee consists of four senators, two from each major political party, to be appointed by the president and the minority leader of the senate, respectively, with the approval of a majority of the members elected to the senate and four representatives, two from each major political party, to be appointed by the speaker and the minority leader of the house of representatives, respectively, with the approval of a majority of the members elected to the house of representatives. Appointments to the committee shall be made no later than sixty days after the convening of the first regular session of the general assembly held in each odd-numbered year. An appointing authority may make an appointment to temporarily replace a current member of the committee appointed by that appointing authority; except that, a temporary appointment does not require approval of a majority of the members elected to the applicable body. Membership on the committee terminates with the appointment of a member's successor or upon the termination of a member's term of office in the general assembly, whichever occurs first, and any member may be appointed to succeed himself or herself on the committee. Vacancies in the committee's membership shall be filled in the same manner as original appointments; except that the approval of the members elected to the general assembly is not necessary if any such appointment is made when the general assembly is not in session.

(2) The committee shall select its chairman and vice-chairman from among its membership, and it shall prescribe its own rules of procedure. The committee may appoint subcommittees from the membership of the general assembly and other persons to assist the committee in carrying out its functions. The committee may meet as often as may be necessary to perform its functions, but it shall meet at least once in each quarter of the calendar year.

(3) It is the function of the committee:

(a) To examine persons applying for the position of state auditor as to qualifications and ability but without regard to political affiliation and, after consultation with the executive committee, to place the names of the most qualified candidates in nomination before the general assembly for the position of state auditor;

(b) To review the activities and reports of the state auditor relating to postaudits of the financial transactions and accounts of all departments, institutions, and agencies of the state government and of other public agencies and to submit its recommendations thereon to the general assembly, the governor, and other interested officials at such times as the committee considers necessary;

(c) To keep minutes of its meetings which shall be available to all members of the general assembly upon request and to allow any member of the general assembly to attend any of the meetings of the committee and to present his views on any subject which the committee may be considering;

(d) To conduct such other activities as may be required by law or by joint resolution of the general assembly;

(e) Upon receipt of the investigation report as provided in section 24-50.5-106, C.R.S., to direct the state auditor to conduct a preliminary investigation to determine the need for a fiscal

audit, performance audit, or management study of the matter set forth in such report. Upon receipt of the preliminary report from the state auditor, the committee may direct an immediate special audit or management study of the matter or may provide that such study shall be done in accordance with the scheduled audit of the agency cited in such report. Upon completion of any special audit or management study pursuant to this paragraph (e), the committee shall submit its findings to the governor and the members of the general assembly.

(f) To review enterprise designations of auxiliary facilities or groups of auxiliary facilities which are submitted to the office of the state auditor pursuant to the provisions of section 23-5-101.5, C.R.S., to ensure that such designations conform to the requirements of section 23-5-101.5, C.R.S., and to the provisions of section 20 of article X of the state constitution, to determine which, if any designations, shall be allowed to expire pursuant to section 23-5-101.5, C.R.S., and to recommend to the general assembly such legislation regarding such designations as may be necessary;

(g) To review any enterprise designation of the student loan division that is submitted to the office of the state auditor pursuant to the provisions of section 23-3.1-103.5, C.R.S., to ensure that the designation conforms to the requirements of section 23-3.1-103.5, C.R.S., and to the provisions of section 20 of article X of the state constitution, to determine whether the designation shall be allowed to expire pursuant to section 23-3.1-103.5, C.R.S., and to recommend to the general assembly such legislation regarding the designation as may be necessary; and

(h) To review the activities and reports of the state auditor related to performance audits he or she is required to conduct or cause to be conducted pursuant to section 2-3-103 (9).

(4) Members of the committee shall be reimbursed for necessary expenses in connection with the performance of their duties and shall be paid the same per diem as other members of interim committees in attendance at meetings.

**Source:** **L. 65:** p. 152, § 1. **C.R.S. 1963:** § 3-21-1. **L. 79:** (3)(c) and (3)(d) amended and (3)(e) added, p. 967, § 2, effective June 15. **L. 81:** (3)(b) amended, p. 339, § 1, effective April 30. **L. 88:** (3)(a) amended, p. 305, § 3, effective May 23. **L. 93:** (3)(d) and (3)(e) amended and (3)(f) added, p. 1826, § 9, effective June 6; (3)(a) amended, p. 2107, § 6, effective June 9. **L. 94:** (3)(e) and (3)(f) amended and (3)(g) added, p. 99, § 1, effective March 18. **L. 2010:** (3)(h) added, (HB 10-1119), ch. 340, p. 1572, § 4, effective August 11. **L. 2016:** (1) amended, (SB 16-156), ch. 282, p. 1154, § 1, effective June 10.

**Cross references:** (1) For necessary expenses and per diem allowances to committee members, see § 2-2-307.

(2) In 2010, subsection (3)(h) was added by the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act". For the short title, see section 1 of chapter 340, Session Laws of Colorado 2010.

**2-3-102. State auditor - qualifications and appointment - term of office.** The state auditor must be a certified public accountant licensed to practice in this state. The state auditor shall be appointed without regard to political affiliation by a majority vote of the members elected to and serving in each house of the general assembly to serve for a term of five years and until a successor is appointed and qualified with the first such term beginning on July 1, 1966. If

a vacancy occurs in the position of state auditor, the committee may designate a temporary state auditor who shall exercise and perform all of the powers and duties that are by law to be exercised and performed by the state auditor until a replacement is appointed by the general assembly.

**Source:** L. 65: p. 153, § 2. C.R.S. 1963: § 3-21-2. L. 77: Entire section amended, p. 255, § 1, effective May 18. L. 2017: Entire section amended, (SB 17-294), ch. 264, p. 1382, § 1, effective May 25.

**Cross references:** For the appointment of the state auditor, see § 49 of art. V, Colo. Const.

**2-3-103. Duties of state auditor - definition.** (1) (a) It is the duty of the state auditor to conduct or cause to be conducted postaudits of all financial transactions and accounts kept by or for all departments, institutions, and agencies of the state government, including educational institutions, and the judicial and legislative branches, to conduct performance postaudits thereof, and to perform similar or related duties with respect to such political subdivisions of the state as may be required by law. Postaudits of all financial transactions and accounts may be conducted on a biennial basis.

(b) The state auditor shall have the authority to conduct or cause to be conducted postaudits of all financial transactions and accounts kept by or for any special purpose authority as defined in section 24-77-102 (15), C.R.S., or any state entity designated as an enterprise as defined in section 20 (2)(d) of article X of the state constitution, including performance postaudits thereof, except for:

(I) Any special purpose authority or state entity whose governing body includes the state auditor as an ex officio member;

(II) Any hospital that is subject to audit under the "Colorado Medical Assistance Act", articles 4 to 6 of title 25.5, C.R.S., or medicare, Title XVIII of the federal "Social Security Act", as amended; or

(III) Any special purpose authority or state entity where the authority's or entity's actions are subject to a performance audit, or such similar audit, by the federal government. Upon completion of such a federal performance audit, a copy of the audit shall be shared with the state auditor.

(1.5) (a) In addition to any other duties granted by law, the state auditor may assess, confirm, and report on the security practices of all of the information technology systems maintained or administered by all departments, institutions, and agencies of state government, including educational institutions and the judicial and legislative branches. The state auditor may perform similar or related duties with respect to political subdivisions of the state where the state auditor has been granted authority to perform financial or performance audits with respect to such political subdivisions. In order to perform such duties, the state auditor may conduct penetration or similar testing of computer networks or information systems of the state or a political subdivision, as applicable, assess network or information system vulnerability, or conduct similar or related procedures to promote best practices with respect to the confidentiality, integrity, and availability of information systems technology as the state auditor deems necessary in his or her discretion. In conducting such testing, the state auditor may

contract with auditors or information technology security specialists, or both, who possess the necessary specialized knowledge and experience to perform the required work. The authority of the state auditor pursuant to the requirements of this subsection (1.5) are coextensive with the state auditor's authority under this part 1.

(b) Any testing or assessment of security practices and procedures concerning information technology in accordance with paragraph (a) of this subsection (1.5) shall be conducted or caused to be conducted by the state auditor:

(I) After consultation and in coordination with, but not requiring the approval of, the chief information officer appointed pursuant to section 24-37.5-103, C.R.S., or any person performing comparable duties for either a state agency that is not under the jurisdiction of the office of information technology created in section 24-37.5-103, C.R.S., or a political subdivision of the state;

(II) In accordance with industry standards prescribed by the national institute of standards and technology or any successor agency; and

(III) After the state auditor and any other person with whom the state auditor is required to consult in accordance with the requirements of subparagraph (I) of this paragraph (b) have agreed in writing to rules governing the manner in which the testing or assessment is to be conducted, including a mitigation plan for handling significant system outages or disruptions in the event they occur.

(2) The state auditor shall prepare for the committee reports and recommendations on the postaudits conducted, and, under the direction of the committee, shall prepare an annual report to contain, among other things, copies of or the substance of audit reports on the various departments, institutions, and agencies as well as a summary of recommendations made in regard thereto. All reports must be open to public inspection except for that portion of any report containing recommendations, comments, and any narrative statements which is released only upon the approval of a majority vote of the committee.

(3) The state auditor shall keep a complete and accurate set of records on the fiscal transactions of the state auditor's office, and shall also keep a complete file of copies of all audit reports, including work papers, and copies of examinations, investigations, and any other reports or materials issued by the state auditor, the state auditor's staff, or by the committee. The work papers of the office of the state auditor shall be open to public inspection only upon approval of a majority of the members of the committee. Only the specific work papers that the committee votes to approve for disclosure shall be open to public inspection. Work papers that have not been specifically approved for disclosure by a majority vote of the committee shall remain confidential. Under no circumstances shall the work papers be open to public inspection prior to the completed report being filed with the committee.

(4) All expenses incurred by the office of the state auditor, including salaries and expenses of employees, shall be paid upon vouchers signed by the chairman of the committee and drawn on funds appropriated for legislative expenses and allocated to the office of the state auditor; except that any payroll voucher or any other voucher which does not exceed one thousand dollars may be signed by the state auditor or by the state auditor's authorized designee.

(5) It is the duty of the state auditor to annually evaluate the investments of the public school fund and report to the committee any loss of principal of such fund that, in the state auditor's judgment, exists.

(6) Repealed.

(7) Upon a determination by the state auditor that the provisions of section 20-1-112, C.R.S., have not been met, the state auditor shall cause to be conducted a postaudit of any noncomplying office of district attorney. The expenses of such a postaudit shall be borne by the office of district attorney.

(8) The state auditor shall review or cause to be reviewed all enterprise designations submitted to the office of the state auditor pursuant to the provisions of sections 23-3.1-103.5 and 23-5-101.5, C.R.S., to ensure that such designations conform to the requirements of section 23-3.1-103.5 or 23-5-101.5, C.R.S., whichever is applicable, and to the provisions of section 20 of article X of the state constitution. In addition, the state auditor shall recommend to the legislative audit committee those designations, if any, which, in the opinion of the state auditor, should be allowed to expire and shall otherwise assist the legislative audit committee in reviewing the enterprise designations submitted to the office of the state auditor.

(9) It is the duty of the state auditor to conduct or cause to be conducted performance audits as specified in section 2-7-204 (5).

(9.5) It is the duty of the state auditor to notify the appropriate joint committee of reference as determined pursuant to section 2-7-203 when a department has not completed recommendations made by the state auditor within the time provided.

(9.7) It is the duty of the state auditor to establish and administer the fraud hotline as specified in section 2-3-110.5.

(10) As used in this section, unless the context otherwise requires:

(a) "Information technology" shall have the same meaning as specified in section 24-37.5-102 (2), C.R.S.

**Source:** L. 65: p. 154, § 3. C.R.S. 1963: § 3-21-3. L. 69: p. 94, § 1. L. 73: p. 670, § 1. L. 77: Entire section amended, p. 1056, § 5, effective May 18. L. 81: (1) and (3) amended, p. 340, § 1, effective March 27. L. 83: (6) added, p. 375, § 1, effective June 1. L. 86: (1) amended, p. 401, § 1, effective March 20; (6) repealed, p. 937, § 3, effective July 1. L. 89: (7) added, p. 945, § 1, effective April 4; (2) amended, p. 332, § 1, effective April 7. L. 93: (3) amended, p. 14, § 1, effective March 2; (8) added, p. 1826, § 10, effective June 6. L. 94: (8) amended, p. 100, § 2, effective March 18. L. 2010: (9) added, (HB 10-1119), ch. 340, p. 1572, § 5, effective August 11. L. 2011: (1) amended, (SB 11-115), ch. 114, p. 359, § 1, effective April 13; (1.5) and (10) added, (SB 11-082), ch. 109, p. 338, § 1, effective August 10. L. 2013: (9) amended and (9.5) added, (HB 13-1299), ch. 382, p. 2242, § 2, effective June 5. L. 2017: (1.5)(a), (2), (4), and (5) amended, (SB 17-294), ch. 264, p. 1382, § 2, effective May 25; (9.7) added, (HB 17-1223), ch. 243, p. 1004, § 2, effective August 9.

**Cross references:** In 2010, subsection (9) was added by the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act". For the short title, see section 1 of chapter 340, Session Laws of Colorado 2010.

**2-3-103.5. Deputies.** The state auditor, with the approval of the committee, may appoint one or more deputy state auditors, not to exceed three in number, pursuant to section 2-3-104. In the case of the temporary absence or incapacity of the state auditor, the committee may designate a deputy to exercise and perform all or any portion of the powers and duties of the state auditor

which are by law exercised and performed by the state auditor, and, unless and until such designation is made by the committee, the state auditor may so designate such deputy.

**Source: L. 77:** Entire section added, p. 255, § 2, effective May 18.

**2-3-103.7. Disclosure of reports before filing.** (1) Any state employee or other individual acting in an oversight role as a member of a committee, board, or commission who willfully and knowingly discloses the contents of any report prepared by or at the direction of the state auditor's office prior to the release of such report by a majority vote of the committee as provided in section 2-3-103 (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars.

(2) This section shall not apply to necessary communication of employees of the state auditor's office or employees of any person contracting to provide services for the state auditor's office with those persons necessary to complete the audit report or with other state agencies involved with comparable reports.

**Source: L. 79:** Entire section added, p. 296, § 1, effective July 1. **L. 89:** (1) amended, p. 332, § 2, effective April 7.

**2-3-104. Salary and staff of state auditor.** The state auditor shall be paid a salary to be determined by the executive committee, as provided in section 2-3-303 (3). The state auditor, with the approval of the committee, may appoint such additional professional, technical, clerical, or other employees or contract for such services necessary to perform the functions assigned to the state auditor. No more than three members of the staff of the state auditor shall be exempt from the state personnel system.

**Source: L. 65:** p. 154, § 4. **C.R.S. 1963:** § 3-21-4. **L. 88:** Entire section amended, p. 305, § 4, effective May 23. **L. 93:** Entire section amended, p. 2107, § 7, effective June 9. **L. 94:** Entire section amended, p. 1624, § 10, effective May 31.

**2-3-105. Transfer of employees. (Repealed)**

**Source: L. 65:** p. 154, § 5. **C.R.S. 1963:** § 3-21-5. **L. 81:** Entire section repealed, p. 342, § 9, effective March 27.

**2-3-106. Bond. (Repealed)**

**Source: L. 65:** p. 155, § 6. **C.R.S. 1963:** § 3-21-6. **L. 81:** Entire section repealed, p. 342, § 9, effective March 27.

**2-3-107. Authority to subpoena witnesses - access to records.** (1) For the purposes of this part 1 the committee has the power to subpoena witnesses, take testimony under oath, and to assemble records and documents, by subpoena duces tecum or otherwise, with the same power and authority as courts of record and may apply to courts of record for the enforcement of these powers. The sheriff of any county shall serve any subpoena on written order of the committee in

the same manner as process is served in civil actions. Witnesses subpoenaed to appear before the committee shall receive the same fees and expenses as witnesses in civil cases.

(2) (a) Notwithstanding any provision of law to the contrary, the state auditor or his or her designated representative shall have access at all times, except as provided by sections 39-1-116, 39-4-103, and 39-5-120, C.R.S., to all of the books, accounts, reports, vouchers, or other records or information in any department, institution, or agency, including but not limited to records or information required to be kept confidential or exempt from public disclosure upon subpoena, search warrant, discovery proceedings, or otherwise. When accessing confidential health records, the state auditor shall determine the necessity of accessing personal identifying health information for the purpose of achieving the audit objectives.

(b) Nothing in this subsection (2) shall be construed as authorizing or permitting the publication of information prohibited by law. Notwithstanding the approval of the committee to release work papers of the office of the state auditor pursuant to section 2-3-103 (3), no information required to be kept confidential pursuant to any other law shall be released in connection with an audit. The results of any audit or evaluation of information technology systems undertaken pursuant to section 2-3-103 (1.5) that are precluded from disclosure under section 24-6-402 (3)(a)(IV), C.R.S., shall not be released in connection with any such audit or evaluation. In addition to the penalty established in section 2-3-103.7, any person who unlawfully releases confidential information shall be subject to any criminal or civil penalty under any applicable law for the unlawful release of the information.

(c) Any officer or employee who fails or refuses to permit such access or examination for audit or who interferes in any way with such examination is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than one month nor more than twelve months, or by both such fine and imprisonment.

(3) In verifying any of the audits made, the state auditor has the right to ascertain the amounts on deposit in any bank or other depository belonging to any department, institution, or agency required to be audited and has the right to audit said account on the books of any such bank or depository. No bank or other depository is liable for making available to the state auditor any of the information required under this subsection (3).

**Source:** L. 65: p. 155, § 7. C.R.S. 1963: § 3-21-7. L. 2006: (2) amended, p. 1195, § 1, effective May 25. L. 2011: (2)(b) amended, (SB 11-082), ch. 109, p. 339, § 2, effective August 10. L. 2017: (3) amended, (SB 17-294), ch. 264, p. 1383, § 3, effective May 25.

**Cross references:** For fees and expenses of witnesses in civil cases, see §§ 13-33-102 and 13-33-103; for the authority of legislative council to compel attendance of witnesses and procedure therefor, see § 2-3-306; for the authority of the general assembly to compel attendance of witnesses, see § 2-2-313.

**2-3-108. Special audits.** Any member of the general assembly or the governor may request the committee to direct a special audit of any department, institution, or agency, and, upon the vote of the majority of the committee approving such request, the state auditor shall make or cause to be made such audit.

**Source: L. 65:** p. 156, § 8. **C.R.S. 1963:** § 3-21-8.

**2-3-109. Emergency reports.** (1) If the state auditor finds in the course of an audit evidence of improper practices of financial administration or inadequacy of fiscal records, the state auditor shall report the same immediately to the committee. With the approval of the committee, the state auditor shall also report the same to the governor and the head of any department, institution, or agency affected thereby.

(2) If the state auditor in the course of an audit finds evidence of apparently illegal transactions or misuse or embezzlement of public funds or property, the state auditor shall immediately report such transactions to the committee; moreover, with the approval of the committee, the state auditor may file a written copy of the report with the governor but shall give notice thereof to the district attorney of the district wherein such transactions are reported to have taken place.

**Source: L. 65:** p. 156, § 9. **C.R.S. 1963:** § 3-21-9. **L. 81:** Entire section amended, p. 340, § 2, effective March 27. **L. 2017:** Entire section amended, (SB 17-294), ch. 264, p. 1383, § 4, effective May 25.

**2-3-110. Reimbursement of state auditor for certain audits - disclosure.** (1) When the state auditor is required by law or the state constitution to audit or cause to be audited a state department, institution, or agency or other governmental or organizational entity for self-supporting or nonappropriated activities, including but not limited to enterprises as defined in section 20 (2)(d) of article X of the state constitution, associated students' accounts, auxiliary enterprise funds, nonprofit corporations, trust funds, contracts with the federal government, federal grants-in-aid, or federal assistance programs, moneys from the state general fund shall not be used to pay for the cost of the audit, and the state auditor shall be reimbursed for the audit services by the entity for which the audit is in whole or in part performed.

(2) The reimbursement amount from such entity shall be a pro rata share of the total state auditor's cost, based upon a time-spent factor, if the total audit of the entity includes the audit of state-appropriated funds. If state-appropriated funds are not involved in such audits, the reimbursement shall be not less than the average hourly cost of the operations of the state auditor's office nor more than the average rate attainable from certified public accounting firms performing similar services for this state. Reimbursement charges may be negotiated with the state auditor's office within the above limitations.

(3) The state auditor shall disclose the amount of fully reimbursed audit services in the annual financial statements of the legislative department.

**Source: L. 71:** p. 111, § 1. **C.R.S. 1963:** § 3-21-11. **L. 2005:** (1) amended and (3) added, p. 1516, § 2, effective May 5.

**Cross references:** For the state auditor's duties, see § 49 of art. V, Colo. Const.

**2-3-110.5. Fraud hotline - investigations - confidentiality - access to records - definitions.** (1) As used in this section, unless the context otherwise requires:

(a) "Committee" means the legislative audit committee created in section 2-3-101 (1).

(b) "Contracted individual" means an individual currently or formerly acting under a contract, purchase order, or other similar agreement for the procurement of goods and services with a state agency; except that "contracted individual" does not include individuals or entities that provide services or receive benefits under Title XIX or Title XXI of the federal "Social Security Act".

(c) "Employee" means an individual currently or formerly employed by a state agency; except that "employee" does not include individuals or entities that provide services or receive benefits under Title XIX or Title XXI of the federal "Social Security Act".

(d) "Fraud" means occupational fraud or the use of one's occupation for personal enrichment through the deliberate misuse or misapplication of the employing organization's resources or assets. The definition of fraud specified in this subsection (1)(d) is used exclusively for purposes of the fraud hotline to be administered by the state auditor in accordance with this section and shall not be construed to apply to any other section of the Colorado Revised Statutes.

(e) "Fraud hotline" or "hotline" means the system created and maintained by the state auditor pursuant to subsection (2)(a) of this section.

(f) "Hotline call" means a report of information to the fraud hotline regardless of whether such report is made by telephone, fax, email, or another internet-based format.

(g) "Investigation" means an investigation of a report to the fraud hotline of an allegation of fraud committed by an employee or a contracted individual. "Investigation" does not constitute a criminal investigation.

(h) "State agency" or "agency" means all departments, institutions, and agencies of state government, including the office of the governor, institutions of higher education, and the legislative and judicial departments of the state.

(i) "State auditor" means the state auditor or his or her designee.

(2) (a) The state auditor shall establish and administer a telephone number, fax number, email address, mailing address, or internet-based form whereby any individual may report an allegation of fraud committed by an employee or a contracted individual.

(b) (I) The state auditor may request that an individual submitting an allegation to the fraud hotline provide his or her name and contact information, but no person who submits an allegation to the hotline is required to provide his or her name and contact information. In addition, in accordance with federal laws and regulations, nothing in this section permits an employee of a financial institution to disclose personally identifiable or confidential information when making a report to the hotline.

(II) The state auditor shall not disclose publicly, or when making a referral to another state agency in accordance with subsection (3)(b) of this section, the identity of any individual who contacts the fraud hotline unless the individual grants the state auditor express permission to make such disclosure. The restrictions imposed by this subsection (2)(b)(II) shall not apply when the state auditor makes a disclosure to a law enforcement agency, a district attorney, or the attorney general, in connection with a criminal investigation, or to the department of health care policy and financing or the attorney general in accordance with subsection (3)(a)(II) of this section.

(c) The state auditor is responsible for administering the hotline, including the screening of hotline calls and, in accordance with subsection (3)(b) of this section, consulting and coordinating with state agencies to refer allegations of fraud by an employee or a contracted individual that are reported to the hotline.

(d) The state auditor shall staff the hotline with one or more individuals who possess professional knowledge and expertise in the areas of fraud prevention and detection, fraud examination, forensic accounting, or another related field. The state auditor may also contract with any private entity to assist in the execution of his or her powers and duties under this section. The state auditor shall consult and use accepted professional guidelines and best practices, such as those established by other state audit organizations or the association of certified fraud examiners, when developing internal operating policies and procedures for carrying out activities of his or her office in connection with the hotline.

(e) The state auditor shall publicize the existence and purpose of the hotline on the official website of the office of the state auditor and through other means as determined by the state auditor.

(f) (I) The state auditor shall prepare and maintain workpapers for the purpose of documenting the activities of his or her office in connection with hotline calls and investigations.

(II) All workpapers prepared or maintained by the state auditor in connection with hotline calls must be held as strictly confidential by the state auditor and not for public release. The restrictions imposed by this subsection (2)(f)(II) shall not prevent communication by and among the state auditor, a state agency, the governor, the committee, a law enforcement agency, a district attorney, or the attorney general in accordance with the requirements of this section. Notwithstanding any other provision of law, all workpapers prepared or maintained by the state auditor in connection with hotline calls shall not constitute public records for purposes of the "Colorado Open Records Act", part 2 of article 72 of title 24.

(3) (a) (I) Upon receiving a hotline call, the state auditor shall conduct an initial screening of the call to determine whether the matter being reported constitutes an allegation of fraud committed by an employee or a contracted individual.

(II) The state auditor shall forward all hotline calls alleging fraud by a medicaid recipient to the department of health care policy and financing and all calls alleging fraud by a medicaid provider or contractor to the medicaid fraud control unit of the office of the attorney general.

(b) If the state auditor determines through the initial screening that a hotline call constitutes an allegation of fraud committed by an employee or a contracted individual, the state auditor shall consult and coordinate with management or management's designee of the affected state agency or, in the case of alleged fraud involving a gubernatorial appointee, the governor's office for the purpose of referring the hotline call and any related workpapers to the affected agency. Upon receiving a referred hotline call from the state auditor, the state agency is responsible for determining and taking appropriate action to respond to the referred hotline call and reporting back to the state auditor in accordance with subsection (4) of this section. In determining appropriate action, the state agency may request either the assistance of the state auditor to participate in an investigation or request that the state auditor conduct the entire investigation.

(c) When, at the request of a state agency, the state auditor either participates in or conducts an investigation of a hotline call pursuant to subsection (3)(b) of this section, the following additional requirements apply:

(I) The state auditor has access at all times to all of the books, accounts, reports, vouchers, or other records or information maintained by the agency that are directly related to the scope of the investigation.

(II) The state auditor shall report the results of the investigation to the head of the affected agency or, in the case of alleged fraud involving a gubernatorial appointee, to the governor's office. The state auditor shall also provide any workpapers prepared or maintained by the state auditor during the investigation.

(III) If the investigation finds evidence that the amount of the alleged fraud exceeds one hundred thousand dollars, the state auditor shall also report the results of the investigation to the committee and, with the approval of the committee, to the governor.

(IV) If the investigation finds evidence of apparently illegal transactions or misuse or embezzlement of public funds or property, the state auditor shall immediately report the matter to a law enforcement agency, a district attorney, or the attorney general, as appropriate. The state auditor shall also provide any workpapers prepared or maintained by the state auditor during the investigation.

(4) When a state agency is referred a hotline call by the state auditor pursuant to subsection (3)(b) of this section and has not requested that the state auditor either participate in or conduct the entire investigation, the state agency shall report back to the state auditor within ninety days on the disposition of the referral, including action the agency has taken to respond to the fraud allegation and the results of any subsequent investigation by the agency. If the state agency has not reached a disposition of the referred hotline call within ninety days, the agency shall report to the state auditor the current status of the referral as of the ninety-day deadline. This reporting requirement continues every ninety days thereafter until the agency has reached a disposition of the referred hotline call.

(5) Commencing with state fiscal year 2018-19, the state auditor shall prepare an annual report to the committee summarizing, in the aggregate, activity relating to the fraud hotline during the preceding state fiscal year, such as the number, type, nature, and disposition of reports made to the hotline. The annual report shall not contain detailed information, confidential or otherwise, about any specific reports made to the hotline or that would enable the identification of either any specific individual involved in a matter reported to the hotline or any subsequent investigation. The annual report must be accessible to the public and posted on the official website of the office of the state auditor.

**Source: L. 2017:** Entire section added, (HB 17-1223), ch. 243, p. 1000, § 1, effective August 9.

**2-3-111. Office of state auditor - conduct audit of juvenile justice system - repeal. (Repealed)**

**Source: L. 91:** Entire section added, p. 202, § 1, effective July 1.

**Editor's note:** Subsection (5) provided for the repeal of this section, effective January 1, 1993. (See L. 91, p. 202.)

**2-3-112. Prevention programs - programmatic review. (Repealed)**

**Source: L. 96:** Entire section added, p. 1157, § 1, effective January 1, 1997. **L. 2000:** Entire section repealed, p. 585, § 7, effective May 18.

**2-3-113. Programs that receive tobacco settlement moneys - program review - definitions.** (1) As used in this section:

(a) "Health sciences facility" has the meaning set forth in section 26-6.4-103 (2), C.R.S. For purposes of this section, "health sciences facility" includes any contractor or subcontractor engaged by the health sciences facility to assist in the implementation and monitoring of the nurse home visitor program established under article 6.4 of title 26, C.R.S.

(b) "Master settlement agreement" means the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and county of Denver.

(c) "Tobacco settlement program" means any program that receives appropriations from moneys received by the state pursuant to the master settlement agreement.

(2) Beginning January 1, 2002, it is the duty of the state auditor to conduct or cause to be conducted program reviews and evaluations of the performance of each tobacco settlement program to determine whether the program is effectively and efficiently meeting its stated goals. The program reviews and evaluations shall subject all tobacco settlement programs to audit, whether operated directly by a state agency or by a private entity or by a local government agency.

(3) The state auditor may contract with one or more public or private entities to conduct the program reviews and evaluations and prepare the annual executive summary reports required in subsection (5) of this section.

(4) The joint budget committee staff, the legislative council staff, the office of legislative legal services, the department of public health and environment, and the health sciences facility shall work with the state auditor's office in conducting the program reviews and evaluations of tobacco settlement programs.

(5) Beginning December 15, 2002, the state auditor's office shall first submit to the legislative audit committee and then to the governor, the attorney general, the department of public health and environment, the joint budget committee, and the health and human services committees of the senate and the house of representatives, or any successor committees, reports on the program reviews and evaluations of tobacco settlement programs performed pursuant to subsection (2) of this section. In addition, the state auditor's office shall submit to the health and human services committees of the senate and the house of representatives, or any successor committees, and to the department of public health and environment an annual executive summary of the program reviews and evaluations.

(6) The legislative audit committee shall design a schedule for reviewing tobacco settlement programs to ensure that each program is reviewed and evaluated as deemed necessary by the committee after consultation with the state auditor.

(7) Repealed.

**Source:** L. 2000: Entire section added, p. 593, § 3, effective May 18. L. 2003: (7) amended, p. 1665, § 1, effective July 1. L. 2006: (5) and (7) amended, p. 1032, § 1, effective May 25; (6) amended, p. 315, § 1, effective August 7. L. 2010: (7)(c) added, (HB 10-1323), ch.

35, p. 132, § 7, effective March 22; (1) and (4) amended, (SB 10-073), ch. 386, p. 1806, § 1, effective June 30. **L. 2012:** IP(7)(a) and (7)(b) amended and (7)(a.5) added, (HB12-1249), ch. 72, p. 247, § 1, effective March 24. **L. 2013:** (1)(a) amended, (HB 13-1117), ch. 169, p. 588, § 17, effective July 1. **L. 2016:** (2) amended and (7) repealed, (HB 16-1408), ch. 153, pp. 461, 472, §§ 2, 26, effective July 1.

**Cross references:** For the legislative declaration in the 2013 act amending subsection (1)(a), see section 1 of chapter 169, Session Laws of Colorado 2013.

**2-3-114. State records management - duties of state auditor - definitions.** (1) For purposes of this section, unless the context otherwise requires:

(a) "Agency" means every department, institution, and agency of state government, including educational institutions and the judicial and legislative branches.

(b) "Records" shall have the same meaning as set forth in section 24-80-101 (1), C.R.S., and shall include a "record" as defined in section 24-71.3-102 (13), C.R.S.

(2) The state auditor shall conduct records management audits of every agency on a periodic basis as determined by the state auditor. Such records management audits shall be conducted separately or in connection with an agency audit conducted pursuant to section 2-3-103.

(3) The executive director of the department of personnel or the director's designee shall, in consultation with the state archivist, provide the state auditor with guidelines by September 1, 2001, for determining whether an agency is:

(a) Managing its records in compliance with the administrative and technical procedures for records maintenance and management established pursuant to section 24-80-102 (3), C.R.S.; and

(b) Improving the general accessibility of the records in the agency's custody.

**Source:** **L. 2001:** Entire section added, p. 75, § 1, effective August 8. **L. 2005:** (1)(b) amended, p. 760, § 8, effective June 1.

**2-3-115. Use of state education fund moneys for school capital construction - audits - reports.** (1) For the 2001-02 school district budget year and each school district budget year thereafter, for the purpose of determining the amount of state education fund moneys expended by each school district in the state for capital construction and identifying the schools and projects on which school districts expended such moneys, the state auditor shall annually examine the records of each school district in the state that received state education fund moneys for the budget year:

(a) Directly from the department of education for capital construction aid to qualified charter schools, as defined in section 22-54-124 (1)(f.6), C.R.S., in accordance with section 22-54-124 (4), C.R.S.; or

(b) For budget years 2000-01 through 2006-07, indirectly from the school capital construction expenditures reserve created in section 22-54-117 (1.5)(a)(I), C.R.S., as said reserve existed prior to July 1, 2008, and for the budget year 2007-08, indirectly from the school capital construction expenditures reserve fund, as said fund existed prior to July 1, 2008.

(2) No later than February 1 of each school district budget year commencing on or after July 1, 2002, the state auditor shall report to the education committees of the senate and the house of representatives, the legislative audit committee, and the joint budget committee of the general assembly:

(a) The total amount of state education fund moneys that districts throughout the state expended for capital construction and the amount of state education fund moneys that each district expended for capital construction during the prior budget year;

(b) The total amount of state education fund moneys that qualified charter schools throughout the state expended for capital construction and the amount of state education fund moneys that each qualified charter school throughout the state expended for capital construction during the prior budget year;

(c) For budget years 2000-01 through 2006-07, the total amount of state education fund moneys received indirectly from the school capital construction expenditures reserve, as said reserve existed prior to July 1, 2008, and for the budget year 2007-08, the total amount of state education fund moneys received indirectly from the school capital construction expenditures reserve fund, as said fund existed prior to July 1, 2008, by districts throughout the state and by each district that were expended for capital construction during the prior budget year;

(d) The schools and projects on which state education fund moneys were expended;

(e) For budget years 2000-01 through 2006-07, the balances of all moneys and all state education fund moneys in the school capital construction expenditures reserve, as said reserve existed prior to July 1, 2008, as of the immediately preceding January 1, and for the budget year 2007-08, the balances of all moneys and all state education fund moneys in the school capital construction expenditures reserve fund, as said fund existed prior to July 1, 2008, as of the immediately preceding January 1; and

(f) The total pupil enrollment of all school districts in the state in which state education fund moneys were expended for capital construction during the prior budget year, the pupil enrollment of each school district in which state education fund moneys were expended for capital construction during the prior budget year, and the pupil enrollment of each school in the state on which state education fund moneys were expended for capital construction during the prior budget year.

**Source:** L. 2001: Entire section added, p. 349, § 12, effective April 16. L. 2002: (1)(a) amended, p. 1766, § 32, effective June 7. L. 2003: (1)(a) amended, p. 2139, § 40, effective May 22. L. 2006: (1)(a) amended, p. 594, § 1, effective August 7. L. 2007: (1)(b), (2)(c), and (2)(e) amended, p. 630, § 5, effective April 26. L. 2008: (1)(b), (2)(c), and (2)(e) amended, p. 1064, § 7, effective July 1.

**Editor's note:** This section was originally numbered as 2-3-114 in Senate Bill 01-129 but has been renumbered on revision for ease of location.

**2-3-116. Performance audit of foster care program - repeal. (Repealed)**

**Source:** L. 2001: Entire section added, p. 752, § 1, effective June 1.

**Editor's note:** Subsection (3) provided for the repeal of this section, effective December 1, 2002. (See L. 2001, p. 752.)

**2-3-117. Pilot efficiency reviews - school districts - report - repeal. (Repealed)**

**Source: L. 2004:** Entire section added, p. 1968, § 1, effective June 4.

**Editor's note:** Subsection (5)(d) provided for the repeal of this section, effective January 1, 2005, if the school district pilot efficiency review fund did not contain any moneys as of January 1, 2005, and the state auditor notified in writing the revisor of statutes that the fund did not contain any moneys. The revisor of statutes was notified January 14, 2005, by the state auditor that the fund did not contain any moneys. (See L. 2004, p. 1968.)

**2-3-118. Performance audit of statewide database of permittees - repeal. (Repealed)**

**Source: L. 2007:** Entire section added, p. 778, § 3, effective May 14.

**Editor's note:** Subsection (3) provided for the repeal of this section, effective July 1, 2011. (See L. 2007, p. 778.)

**2-3-119. Audit of healthcare affordability and sustainability fee - cost shift.** At the discretion of the legislative audit committee, the state auditor shall conduct or cause to be conducted a performance and fiscal audit of the healthcare affordability and sustainability fee established pursuant to section 25.5-4-402.4.

**Source: L. 2009:** Entire section added, (HB 09-1293), ch. 152, p. 652, § 10, effective July 1. **L. 2017:** Entire section amended, (SB 17-267), ch. 267, p. 1438, § 2, effective July 1.

**Cross references:** For the legislative declaration in SB 17-267, see section 1 of chapter 267, Session Laws of Colorado 2017.

**2-3-120. Periodic performance audits of Colorado new energy improvement district and new energy improvement program - reports.** No later than June 30, 2014, and no later than June 30 of every fifth year thereafter, the state auditor shall conduct or cause to be conducted a performance audit of the Colorado new energy improvement district created in section 32-20-104 (1), C.R.S., and the new energy improvement program established by the district pursuant to section 32-20-105 (3), C.R.S. The state auditor shall prepare a report and recommendations on each audit conducted and shall present the report and recommendations to the committee.

**Source: L. 2010:** Entire section added, (HB 10-1328), ch. 426, p. 2220, § 2, effective June 11.

**2-3-121. Performance audits of public highway authorities.** At the discretion of the legislative audit committee, the state auditor shall conduct or cause to be conducted a

performance audit of any public highway authority created and operating pursuant to part 5 of article 4 of title 43. The state auditor shall prepare a report and recommendations on each audit conducted and shall present the report and recommendations to the committee. The state auditor shall pay the costs of any audit conducted pursuant to this section.

**Source: L. 2011:** Entire section added, (HB 11-1118), ch. 84, p. 228, § 1, effective March 31. **L. 2017:** Entire section amended, (HB 17-1005), ch. 8, p. 23, § 1, effective August 9.

**2-3-122. Risk-based performance audit of department of transportation - repeal. (Repealed)**

**Source: L. 2016:** Entire section added, (SB 16-122), ch. 91, p. 255, § 1, effective April 14.

**Editor's note:** Subsection (2) provided for the repeal of this section, effective July 1, 2018. (See L. 2016, p. 255.)

**2-3-123. Audits of the distribution of money in the state historical fund used for the preservation and restoration of the cities of Central, Black Hawk, and Cripple Creek.** (1) Subject to the requirements of section 2-3-103 (2), no later than September 1, 2017, September 1, 2022, and September 1, 2027, the state auditor shall conduct or cause to be conducted postaudits and performance audits of the twenty percent of the twenty-eight percent of the limited gaming fund that is transferred to the state historical fund for the preservation and restoration of the city of Central, the city of Black Hawk, and the city of Cripple Creek as specified in section 9 (5)(b)(III) of article XVIII of the state constitution in order to ascertain:

(a) How the city of Central, the city of Black Hawk, and the city of Cripple Creek are spending their distributions and whether such expenditures are being used for the preservation and restoration of each city; and

(b) Whether the city of Central, the city of Black Hawk, and the city of Cripple Creek have adopted and are following the standards described in section 44-30-1202 (3) for distribution of grants from each city's share.

(2) This duty is in addition to the state auditor's duty to examine the reports submitted by the city of Central, the city of Black Hawk, and the city of Cripple Creek pursuant to the requirements of sections 29-1-606 and 29-1-607, C.R.S.

**Source: L. 2016:** Entire section added, (SB 16-073), ch. 261, p. 1073, § 1, effective August 10. **L. 2018:** IP(1) and (1)(b) amended, (SB 18-034), ch. 14, p. 237, § 5, effective October 1.

**2-3-124. Audits of reports of recidivism and educational outcomes by the division of youth services.** (1) On or before January 1, 2019, and on or before January 1, 2024, the state auditor shall audit the reports of recidivism rates and educational outcomes for youths committed to the division of youth services in the state department of human services, which reports are provided pursuant to section 19-2-203 (6). Each such audit must examine the division's reports during the preceding five years for accuracy and quality. After January 1, 2024, the state auditor,

at his or her discretion, may conduct additional audits of the division of youth services reports of recidivism rates and educational outcomes for youths committed to the division.

(2) The judicial department shall provide data to the state auditor as permissible by law for the purposes of this section.

**Source: L. 2017:** Entire section added, (HB 17-1329), ch. 381, p. 1967, § 9, effective June 6. **L. 2018:** Entire section amended, (HB 18-1010), ch. 25, p. 282, § 2, effective March 7.

**2-3-125. Periodic performance audits of Colorado civil rights division and commission - reports.** By December 15, 2019, and by December 15, 2024, the state auditor shall complete or cause to be conducted and completed a performance audit of the Colorado civil rights division created in section 24-34-302 and the Colorado civil rights commission created in section 24-34-303. The state auditor shall prepare a report and recommendations on each audit conducted and shall present the report and recommendations to the committee.

**Source: L. 2018:** Entire section added, (HB 18-1256), ch. 229, p. 1442, § 3, effective July 1.

## PART 2

### JOINT BUDGET COMMITTEE

**2-3-201. Joint budget committee established.** (1) There is hereby established a joint committee of the senate and house of representatives officially known as the joint budget committee, and to consist of the chairman of the house appropriations committee plus one majority party member and one minority party member thereof, and the chairman of the senate appropriations committee plus one majority party member and one minority party member thereof. Members of the committee shall be chosen in each house in the same manner as members of other standing committees are chosen. The committee shall function during the legislative sessions and during the interim between sessions.

(2) In order to expedite the work of the committee, appointees may be designated by the respective majority and minority parties prior to the convening of the general assembly at which such committee is to serve, whether such appointees are members of the then current general assembly or members-elect of the next general assembly, or both; and such appointees have all the powers and duties and are entitled to the same compensation and expense allowance as members duly appointed under the provisions of subsection (1) of this section.

(3) The committee shall elect a chairman and a vice-chairman, one from the senate membership of the committee and one from the house membership of the committee. The chairman so elected shall serve as chairman for the first regular session of the general assembly at which the committee is to serve, and as vice-chairman for the second regular session; the vice-chairman so elected shall serve as chairman for the second regular session of said general assembly.

**Source: L. 59:** p. 464, § 1. **CRS 53:** § 63-2-18. **C.R.S. 1963:** § 63-2-17. **L. 65:** p. 685, § 4. **L. 67:** p. 541, § 1. **L. 69:** p. 462, § 1.

**Cross references:** For compensation and expenses for committee members, see § 2-2-307 (3).

**2-3-202. Organization and meetings.** The committee may prescribe its own rules of procedure and may appoint subcommittees from the membership of the general assembly, and shall meet as often as is necessary to perform its functions.

**Source:** L. 59: p. 464, § 2. CRS 53: § 63-2-19. C.R.S. 1963: § 63-2-18.

**2-3-203. Powers and duties of the joint budget committee - repeal.** (1) The committee has the following power and duties:

(a) To study the management, operations, programs, and fiscal needs of the agencies and institutions of Colorado state government;

(b) Repealed.

(b.1) (I) (A) Effective July 1, 2004, to hold hearings as required and to review the executive budget and the budget requests of each state agency and institution, including capital construction, capital renewal, or controlled maintenance budget requests as prioritized, pursuant to rule 45 of the joint rules of the senate and house of representatives, by the capital development committee, and information technology budget requests as prioritized, pursuant to rule 45 of the joint rules of the senate and the house of representatives, by the joint technology committee, and to make appropriation recommendations to the appropriations committees, or any successor committees, of each house.

(B) If the joint budget committee's recommendations to the appropriations committees in the general appropriations bill alter the determinations of priority established by the capital development committee, prior to making the recommendations, the joint budget committee shall notify the capital development committee and allow for a joint meeting of the two committees.

(C) If the joint budget committee's recommendations to the appropriations committees of the senate and house of representatives in the annual general appropriation bill alter the determinations of priority established by the joint technology committee, prior to making the recommendations, the joint budget committee shall notify the joint technology committee and allow for a joint meeting of the two committees. If part 17 of this article is repealed, this subparagraph (C) is repealed, effective July 1, 2018.

(II) Repealed.

(b.2) Effective July 1, 2013, to hold hearings as required to review the performance plans and performance evaluations of departments as specified in section 2-7-204 (6). Based on its review of these performance plans and performance evaluations and its consideration of each department's legal responsibilities and strategic goals and objectives, the joint budget committee may prioritize departments' requests for new funding that are expressly intended to enhance productivity, improve efficiency, reduce costs, and eliminate waste in the processes and operations that deliver goods and services to taxpayers and customers of state government.

(c) To make estimates of revenue from existing and proposed taxes and to make its staff facilities available, upon request, to the finance committee of either house for the development and analysis of proposed revenue measures;

(d) To study and from time to time review the state's fund structure, financial condition, fiscal organization, and its budgeting, accounting, reporting, personnel, and purchasing procedures;

(e) and (f) Repealed.

(g) Prior to January 1 of the year prior to the last year in which a transfer may be made under section 24-75-219, C.R.S., to develop and make recommendations in consultation with the capital development committee established in section 2-3-1302 concerning new methods of financing the state's ongoing capital construction, capital renewal, and controlled maintenance needs. No later than the following February 1, the committee shall recommend legislation to implement the recommendations.

(2) If a principal department of the executive branch of state government as specified in section 24-1-110, C.R.S., submits a plan approved by the office of state planning and budgeting to improve budgetary efficiency or administrative flexibility by recommending line item consolidation in the annual general appropriation act, the committee shall consider such plan for recommendation to the general assembly.

(3) After passage of the annual general appropriation act, in preparing any letter to the governor with requests for information, the committee shall prioritize such requests in the letter.

**Source:** **L. 59:** p. 465, § 3. **CRS 53:** § 63-2-20. **C.R.S. 1963:** § 63-2-19. **L. 69:** p. 462, § 2. **L. 85:** (1)(b) amended and (1)(b.1) added, p. 285, § 2, effective May 23. **L. 89:** (1)(b)(II) and (1)(b.1) amended, p. 336, § 4, effective March 15. **L. 94:** (1)(b.1) amended, p. 628, § 2, effective April 14; (1)(e) added, p. 1094, § 3, effective May 9; (1)(f) added, p. 1836, § 2, effective June 1; (1)(e) amended, p. 2614, § 19, effective July 1. **L. 95:** (1)(e) amended, p. 1275, § 10, effective June 5. **L. 98:** (1)(b.1) amended, p. 816, § 5, effective August 5. **L. 2000:** (1)(f) repealed, p. 22, § 2, effective August 2. **L. 2001:** (1)(e) repealed, p. 309, § 1, effective August 8. **L. 2006:** (1)(b.1)(I) amended, p. 231, § 1, effective March 31. **L. 2009:** (1)(b.1)(I)(B) amended, (HB 09-1169), ch. 45, p. 168, § 2, effective March 20. **L. 2010:** (2) and (3) added, (HB 10-1119), ch. 340, p. 1564, § 2, effective August 11. **L. 2013:** (1)(b.2) added, (HB 13-1299), ch. 382, p. 2242, § 3, effective June 5. **L. 2014:** (1)(b.1)(I)(A) amended and (1)(b.1)(I)(C) added, (HB 14-1395), ch. 309, pp. 1306, 1309, §§ 3, 8, effective May 31; (1)(b.1)(I) and (1)(b.1)(I)(A) amended, (HB 14-1387), ch. 378, pp. 1822, 1854, §§ 21, 68, effective June 6; (1)(g) added, (SB 14-110), ch. 105, p. 390, § 3, effective August 6.

**Editor's note:** (1) Subsection (1)(b)(II) provided for the repeal of subsection (1)(b), effective July 1, 1994. (See L. 89, p. 336.)

(2) Subsection (1)(b.1)(II)(B) provided for the repeal of subsection (1)(b.1)(II), effective July 1, 2004. (See L. 98, p. 816.)

(3) Amendments to subsection (1)(b.1)(I) by HB 14-1387 and HB 14-1395 were harmonized.

**Cross references:** (1) In 2010, subsections (2) and (3) were added by the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act". For the short title, see section 1 of chapter 340, Session Laws of Colorado 2010.

(2) For the legislative declaration in HB 14-1387, see section 1 of chapter 378, Session Laws of Colorado 2014. For the legislative declaration in SB 14-110, see section 1 of chapter 105, Session Laws of Colorado 2014.

**2-3-204. Staff director, assistants, and consultants.** (1) The committee shall interview persons applying for the position of staff director as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the staff director as provided in section 2-3-303 (3). The staff director shall be responsible to the committee for the collection and assembling of all data and the preparation of reports and recommendations. The staff director shall also be responsible for preparing for consideration by the committee analyses of all requests for funds. With the approval of the committee, the staff director may appoint such additional professional, technical, clerical, or other employees necessary to perform the functions assigned to the committee. The staff director and such additional personnel shall be appointed without reference to affiliation and solely on the basis of ability to perform the duties of the position. They shall be employees of the general assembly and shall not be subject to the state personnel system laws. The committee shall establish appropriate qualifications and compensation for all positions. With the consent of the committee, the chairperson may contract for professional services by private consultants as needed.

(2) Repealed.

**Source:** L. 59: p. 465, § 4. CRS 53: § 63-2-21. C.R.S. 1963: § 63-2-20. L. 88: Entire section amended, p. 306, § 5, effective May 23. L. 93: Entire section amended, p. 2107, § 8, effective June 9. L. 94: Entire section amended, p. 1624, § 11, effective May 31. L. 96: Entire section amended, p. 1155, § 3, effective January 1, 1997. L. 99: (1) amended, p. 163, § 20, effective August 4. L. 2000: (2) repealed, p. 585, § 10, effective May 18.

**2-3-205. Expenses - vouchers.** All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon vouchers signed by the chairman, or, in his absence or unavailability, the vice-chairman, or by the staff director upon instruction by the chairman in each instance, and drawn on funds appropriated generally for legislative expenses and allocated to the committee.

**Source:** L. 59: p. 465, § 5. CRS 53: § 63-2-21. L. 69: p. 462, § 3. L. 73: p. 670, § 2.

**2-3-206. Recommendations and findings.** The committee may issue a written report setting forth its recommendations, findings, and comments as to each appropriation recommendation which it submits to the house and senate appropriations committees. Other reports may be issued from time to time by the committee as it deems appropriate or as requested by the general assembly.

**Source:** L. 59: p. 465, § 6. CRS 53: § 63-2-23. C.R.S. 1963: § 63-2-22. L. 69: p. 462, § 4.

**2-3-207. Implementation of a zero-base budgeting program. (Repealed)**

**Source:** L. 77: Entire section added, p. 257, § 1, effective June 19. L. 79: (2), (3)(b), (3)(d), and (3)(g) amended and (3)(b.5) added, p. 297, § 1, effective July 3. L. 83: (5) amended, p. 969, § 18, effective July 1, 1984. L. 2010: Entire section repealed, (HB 10-1119), ch. 340, p. 1575, § 12, effective August 11.

**Cross references:** In 2010, this section was repealed by the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act". For the short title, see section 1 of chapter 340, Session Laws of Colorado 2010.

**2-3-208. Budget requests - amendments - supplemental appropriation requests - deadlines - definitions.** (1) As used in this section, unless the context otherwise requires:

(a) "Budget request amendment" means any change to a budget request for the upcoming state fiscal year that a state agency submits to the joint budget committee.

(b) "State agency" means any department, commission, council, board, bureau, committee, institution of higher education, agency, or other governmental unit of the executive, legislative, or judicial branch of state government that receives an appropriation or is otherwise included in the annual general appropriation act.

(2) (a) A state agency shall submit its budget request for the upcoming state fiscal year to the joint budget committee by November 1. Except as set forth in paragraph (b) of this subsection (2), the state agency shall submit any budget request amendments to the joint budget committee by January 15.

(b) (I) A state agency shall submit a budget request amendment that is related to a request for a supplemental appropriation to the joint budget committee by January 2; except that the January 2 deadline does not apply to a budget request amendment that is related to a request for a supplemental appropriation identified in subparagraph (I) of paragraph (b) of subsection (3) of this section.

(II) A state agency may submit a budget request amendment to the joint budget committee after its applicable deadline if the budget request amendment is based upon circumstances unknown to, and not reasonably foreseeable by, the state agency prior to the deadline.

(c) Any deadline in this subsection (2) is the date immediately preceding the state fiscal year that is the subject of the budget request or budget request amendment.

(3) (a) Except as set forth in paragraph (b) of this subsection (3), a state agency shall submit a request for a supplemental appropriation for the current state fiscal year to the joint budget committee by January 2.

(b) (I) The department of education shall submit a request for a supplemental appropriation pursuant to section 22-54-106 (4)(b) to the joint budget committee by January 15. The department of corrections and the division of youth services in the department of human services shall each submit a request for a supplemental appropriation related to changes in caseload to the joint budget committee by January 15.

(II) A state agency may submit a request for a supplemental appropriation to the joint budget committee after its applicable deadline if the supplemental appropriation is based upon circumstances unknown to, and not reasonably foreseeable by, the state agency prior to the deadline.

(c) Any deadline in this subsection (3) is the date during the state fiscal year that the request for a supplemental appropriation is made.

(4) The office of state planning and budgeting may submit a request identified in this section to the joint budget committee on behalf of a state agency, and in such case, the corresponding deadline for the request applies to the office.

(5) A state agency or the office of state planning and budgeting acting on behalf of a state agency shall meet the deadlines and requirements set forth in section 24-37-304 (1)(c.3) and (1)(c.5) for a capital construction, capital renewal, controlled maintenance, or information technology budget request or budget request amendment, including a budget request amendment that is related to a request for a supplemental appropriation, prior to the submission of any such budget request to the joint budget committee pursuant to this section.

**Source: L. 2013:** Entire section added, (HB 13-1179), ch. 123, p. 415, § 1, effective August 7. **L. 2017:** (3)(b)(I) amended, (HB 17-1329), ch. 381, p. 1968, § 12, effective June 6. **L. 2018:** (5) added, (HB 18-1371), ch. 312, p. 1875, § 2, effective August 8.

**Editor's note:** Section 4(2) of chapter 312 (HB 18-1371), Session Laws of Colorado 2018, provides that the act changing this section applies to capital construction, capital renewal, or controlled maintenance budget requests and appropriations made and enacted on or after August 8, 2018.

**2-3-209. Long-range financial plan - definitions.** (1) As used in this section, "state agency" means a state agency that submits a budget request to the joint budget committee in accordance with section 2-3-208, whether the request is submitted directly by the state agency or by the office of state planning and budgeting on behalf of the state agency.

(2) Each state agency shall develop a long-range financial plan on or before November 1, 2019, and update the plan on or before November 1 of each of the next four years thereafter. The purpose of the long-range financial plan is to:

(a) Require the state agency to anticipate and strategically plan for future contingencies that may impact the state agency's ability to meet its performance goals;

(b) Assist the state agency as it prepares its annual budget request;

(c) Provide additional information to the general assembly so that it can appropriate money in light of possible future changes; and

(d) Provide notice to the public about the potential growth or decline of state government in the future.

(3) The department of state, the department of treasury, the department of law, and the judicial branch shall each publish the required components of the long-range financial plan for their respective state agencies. The office of state planning and budgeting shall publish the required components of the long-range financial plan in its annual budget instructions for all other state agencies. A long-range financial plan submitted pursuant to this subsection (3) may include the following components:

(a) A statement of the state agency's mission;

(b) A description of the major functions of the state agency;

(c) A description of the state agency's performance goals;

(d) A performance evaluation of the state agency's major programs, including an identification of programs that may not be meeting the program objectives or performance goals, and a recommendation on strategies to improve performance;

(e) A description of anticipated trends, conditions, or events that could impact the ability of the state agency to meet its goals and objectives; and

(f) A description of any programs currently funded in whole or in part with federal funds or gifts, grants, or donations that the department anticipates will decrease in the future and, therefore, may require state money as a backfill.

(4) Each state agency shall submit a copy of its long-range financial plan to the joint budget committee along with its budget request that is submitted in accordance with section 2-3-208; except that, if the office of state planning and budgeting submits a budget request on behalf of a state agency, the office may also submit the state agency's long-range financial plan.

(5) Notwithstanding section 24-1-136 (11)(a)(I), the requirement to update and submit the long-range financial plan continues as set forth in subsection (2) of this section. A long-range financial plan remains in effect until it is updated for the next state fiscal year. To the extent possible, the state agency shall utilize information that is included in the state agency's annual performance report prepared in accordance with section 2-7-205.

(6) Each state agency shall post its long-range financial plans on its official website at the same time it is submitted to the joint budget committee.

**Source: L. 2018:** Entire section added, (HB 18-1430), ch. 356, p. 2117, § 2, effective August 8.

**Cross references:** For the legislative declaration in HB 18-1430, see section 1 of chapter 356, Session Laws of Colorado 2018.

### PART 3

#### LEGISLATIVE COUNCIL

**2-3-301. Legislative council created - executive committee created.** (1) There is hereby created a legislative council, referred to in this part 3 as the "council", which consists of an executive committee, six senators with majority party members appointed by the president of the senate and minority party members appointed by the minority leader of the senate, with the approval of a majority vote of the members elected to the senate, and six representatives with majority party members appointed by the speaker of the house of representatives and minority party members appointed by the minority leader of the house of representatives, with the approval of a majority vote of the members elected to the house of representatives. Except as otherwise provided in subsection (1.5) of this section, the executive committee consists of the president of the senate, the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, the majority leader of the house of representatives, and the minority leader of the house of representatives, all of whom are ex officio members of the council. The speaker of the house of representatives and the president of the senate shall alternately serve as the chair and vice-chair of the executive committee and serve for one-year

terms. All ex officio members of the council have and may exercise all the powers, privileges, and duties of other members.

(1.5) (a) In order to expedite the work of the executive committee, for each period commencing after a general election and ending following the convening of the next general assembly when a new executive committee is formed pursuant to subsection (1) of this section, a temporary executive committee comprised of the legislators selected by their respective party caucuses as the speaker of the house of representatives, the president of the senate, and the majority and minority leaders of the senate and the house of representatives for the next general assembly shall be formed.

(b) Except as otherwise provided in paragraph (c) of this subsection (1.5), the temporary executive committee shall assume all of the duties and powers of the executive committee previously formed in accordance with subsection (1) of this section.

(c) The executive committee previously formed pursuant to subsection (1) of this section shall retain all powers and duties related to any special session of the general assembly called prior to the convening of the next general assembly and all legislative management functions pertaining to matters arising prior to the convening of the next general assembly.

(d) Each member of the temporary executive committee shall have the same powers and duties with respect to the business of the temporary executive committee as all other members of the temporary executive committee, whether the member is a member of the then current general assembly, a member-elect of the next general assembly, or both.

(2) Appointments or reappointments of all members of the council shall be made no later than ten days after the convening of the first regular session of each general assembly. An appointing authority may make an appointment to temporarily replace a current member of the committee appointed by that appointing authority; except that a temporary appointment does not require approval of a majority of the members elected to the applicable body. Membership on the council terminates with the appointment of a member's successor or upon the termination of a member's term of office in the general assembly, whichever first occurs. A member may be appointed to succeed himself or herself.

(3) The party representation on the council shall be in proportion generally to the relative number of members of the two major political parties in each house of the general assembly, but in no event shall a minority party be represented by less than one council member from the senate and two council members from the house of representatives.

(4) Vacancies in the membership of the council shall be filled in the same manner as original appointments are made.

(5) The legislative council may be a committee of reference for bills and joint resolutions that allocate any additional legislative staff resources.

**Source:** L. 53: p. 335, § 1. CRS 53: § 63-5-1. C.R.S. 1963: § 63-4-1. L. 69: p. 461, § 3. L. 93: Entire section amended, p. 2102, § 1, effective June 9. L. 99: (1) amended, p. 408, § 2, effective August 4. L. 2001: (1) amended and (1.5) added, p. 1216, § 1, effective August 8. L. 2003: (1.5)(c) amended, p. 1982, § 3, effective May 22. L. 2013: (5) added, (HB 13-1299), ch. 382, p. 2242, § 4, effective June 5. L. 2016: (1) and (2) amended, (SB 16-156), ch. 282, p. 1155, § 2, effective June 10.

**2-3-302. Organization - meetings.** (1) The chair and vice-chair of the executive committee shall serve as the chair and vice-chair of the council; and the council shall prescribe its own rules of procedure, and may appoint subcommittees from the membership of the general assembly and other persons to assist in carrying out its functions.

(2) The council shall meet as often as may be necessary to perform its functions, but it shall not meet less frequently than once in each quarter of the calendar year.

(3) Nine members shall constitute a quorum, and a majority thereof, or of the number of members present if more than a quorum, shall have authority to act on any matter within the jurisdiction of the council.

**Source:** L. 53: p. 336, § 2. CRS 53: § 63-5-2. C.R.S. 1963: § 63-4-2. L. 93: Entire section amended, p. 2103, § 2, effective June 9. L. 99: (1) amended, p. 409, § 3, effective August 4. L. 2016: (1) amended, (SB 16-156), ch. 282, p. 1155, § 3, effective June 10.

**2-3-303. Functions - report - definitions.** (1) In addition to any other powers and duties set forth in law, the council shall have the following powers and duties:

(a) To collect information concerning the government and general welfare of the state;  
(b) To examine the effects of constitutional provisions and statutes and recommend desirable alterations;

(c) To consider important issues of public policy and questions of statewide interest;  
(d) To prepare for presentation to the members and various sessions of the general assembly such reports, bills, or otherwise, as the welfare of the state may require;

(e) To expend moneys or authorize the expenditure of moneys to accomplish the functions contained in this section out of moneys appropriated to the council by the general assembly;

(f) To approve bills recommended by interim legislative council committees or other committees created by statute or resolution which operate during the interim;

(g) To review the ballot information booklet prepared by the director of research at a public hearing in accordance with section 1-40-124.5, C.R.S.

(2) In addition to any other powers and duties set forth in law, the executive committee of the legislative council has the following powers and duties:

(a) To consider, recommend, and establish policies relating to legislative management and legislative procedures, including but not limited to deadlines for the legislative session, guidelines on the format of bills, allocation of space in the capitol for legislative purposes, and lobbying practices;

(b) To consider and approve the budget requests from the legislative service agency directors for the legislative service agencies;

(c) To prepare and introduce the legislative appropriation bill each year;

(d) To establish policies about the retention of records by the legislative service agencies of the general assembly, including the retention of records relating to legislative review of rules and regulations promulgated by executive branch agencies pursuant to section 24-4-103, C.R.S.;

(e) Repealed.

(f) To coordinate the televising via cable television and webcast of proceedings of the house of representatives and the senate with the Colorado channel authority created in article 49.9 of title 24, C.R.S.;

(g) (I) (A) To consider, recommend, and establish policies allowing legislative committees to take remote testimony from one or more centralized remote sites located around the state.

(B) If remote testimony is approved, at least one remote site established pursuant to subparagraph (A) of this subparagraph (I) must be located in the western slope area of the state.

(C) The video conferencing technology need not televise, nor otherwise allow testifying members of the public to see, the committee of reference proceedings, so long as the members of the public are able to hear such proceedings and communicate with the committee.

(II) In implementing this paragraph (g), the executive committee may enter into agreements with state institutions of higher education to use those institutions as the centralized remote sites and to use the resources, including facilities, equipment, and staff, of those institutions.

(III) The executive committee may, in its discretion, implement the use of video conferencing in phases.

(IV) Nothing in this paragraph (g) supersedes the power of the house of representatives or the senate to adopt rules or joint rules, or both, for the orderly conduct of their affairs.

(V) After the adjournment of the second regular session of the seventieth general assembly, but prior to August 1, 2016, the director of research of the legislative council shall submit to the members of the general assembly a report containing the following information pertaining to remote testimony taken pursuant to this paragraph (g):

- (A) The total number of persons who testified remotely;
- (B) The locations of the sites from which such persons testified;
- (C) The average length of hearings at which remote testimony was accepted;
- (D) The estimated calculation of travel miles saved by allowing persons to testify remotely;
- (E) The cost to implement the remote testimony process;
- (F) The technological or other issues, if any, that arose;
- (G) Identification of other suitable sites from which remote testimony can be taken, in a manner that ensures that adequate geographic distribution of sites is achieved;
- (H) Any recommendations that the director believes would improve the taking of remote testimony; and
- (I) Any other information that the director believes relevant or useful.

(h) (I) The power to allow members of the general assembly to participate electronically in committee meetings and to recommend and develop policies regarding electronic participation if so allowed; except that, if allowed, electronic participation must only be allowed for committee meetings occurring during the legislative interim.

(II) A member participating electronically in a committee meeting pursuant to this subsection (2)(h) is deemed to be in attendance of that committee for the purpose of receiving compensation to which the member is entitled under section 2-2-307 (3). Notwithstanding section 2-2-307 (3)(b), members participating electronically are not entitled to reimbursement for any expenses incurred in connection with such electronic participation.

(3) (a) In addition to the powers and duties specified in subsection (2) of this section, the executive committee of the legislative council shall annually approve a salary pay range to be used in setting the salaries of the legislative service agency directors.

(b) The legislative audit committee, the joint budget committee, the legislative council, and the committee on legal services shall each submit an annual report to the executive committee evaluating the performance of the legislative service agency director under such committee's supervision.

(c) Upon review of the reports received pursuant to paragraph (b) of this subsection (3), the executive committee shall evaluate the performance of legislative service agency directors and determine the salaries to be paid thereto.

(d) The executive committee shall appoint legislative service agency directors, other than the state auditor, after receiving recommendations thereon from the respective committees.

(e) The executive committee shall consult with the legislative audit committee concerning the appointment of a state auditor before the legislative audit committee places the names of candidates before the general assembly in accordance with section 2-3-101 (3)(a).

(f) The executive committee shall annually approve salary pay ranges to be used in determining the salaries of the staffs of legislative service agencies. Legislative service agency directors shall determine the salaries to be paid to their respective staffs in accordance with such pay ranges; except that employees of the office of the state auditor who are within the state personnel system shall be paid in accordance with article 50 of title 24, C.R.S. Each legislative service agency director shall file a report annually with the executive committee setting forth the salaries paid to their respective staffs.

(g) Any senator or representative or any legislative committee may provide the executive committee or any legislative service agency director with information or recommendations concerning pay ranges or performance evaluations for legislative service agency directors or the staffs of legislative service agencies.

(h) As used in this subsection (3), unless the context otherwise requires:

(I) "Legislative service agencies" means the office of the state auditor, the joint budget committee staff, the legislative council staff, and the office of legislative legal services.

(II) "Legislative service agency director" means the state auditor, the staff director of the joint budget committee, the director of research of the legislative council, and the director of the office of legislative legal services.

(4) The executive committee has the power and responsibility to:

(a) Perform legislative management functions when the general assembly is not in session; and

(b) Set the date for convening the next regular session of the general assembly as provided in section 2-2-303.5 (4).

**Source:** L. 53: p. 336, § 3. CRS 53: § 63-5-3. C.R.S. 1963: § 63-4-3. L. 93: Entire section amended, p. 2103, § 3, effective June 9. L. 94: (4) amended, p. 580, § 3, effective April 7; (2)(e) added, p. 1836, § 3, effective June 1; (1)(g) amended, p. 1689, § 4, effective January 19, 1995. L. 2000: (2)(e) repealed, p. 22, § 3, effective August 2. L. 2009: (2)(f) added, (HB 09-1307), ch. 283, p. 1291, § 3, effective August 5. L. 2014: IP(2) amended and (2)(g) added, (HB 14-1303), ch. 289, p. 1183, § 1, effective August 6. L. 2017: (2)(h) added, (HB 17-1113), ch. 218, p. 849, § 2, effective May 24.

**Cross references:** For the legislative declaration in HB 17-1113, see section 1 of chapter 218, Session Laws of Colorado 2017.

**2-3-303.3. Interim committees.** (1) Commencing on and after June 5, 2013, interim committees may not be requested by a legislative member by bill or resolution. No later than a day certain of a regular legislative session as established in the joint rules of the senate and house of representatives, a legislative member may submit a request in writing to the legislative council created in section 2-3-301 (1) regarding an issue that he or she wishes to study during the next interim between sessions. At minimum, the request must specify:

- (a) The scope of the policy issues to be studied;
- (b) The number of meetings that would be necessary to study the issues;
- (c) The suggested number and composition of legislative members on the interim committee;
- (d) Whether other nonlegislative members should have a role in the interim committee;
- (e) Whether a task force would be necessary to assist the interim committee in studying the scope of issues and, if so, the members and composition of such a task force; and
- (f) (I) An estimate of the maximum number of bills the interim committee will need in order to address the issues studied by the interim committee.

(II) Any interim committee bills are exempt from the five-bill limitation specified in rule 24 of the joint rules of the senate and the house of representatives.

(2) No later than a day certain of a regular legislative session as established in the joint rules of the senate and house of representatives, the director of research of the legislative council shall determine the number of interim committee meetings that may be held within the legislative budget and shall provide that information to the executive committee of the legislative council.

(3) (a) No later than a day certain of a regular legislative session as established in the joint rules of the senate and house of representatives, the legislative council shall meet to review and prioritize requests made by legislative members pursuant to subsection (1) of this section. Such review and prioritization must take into account the information provided by the director of research of the legislative council as specified in subsection (2) of this section. The legislative council shall also determine if any of the prioritized interim committees may create a task force. If a task force is approved, such task force shall include no more than two legislative members, one from the majority party and one from the minority party of the interim committee. Legislative members on a task force are only entitled to receive necessary travel costs and are not entitled to per diem pursuant to section 2-2-307. For purposes of carrying out the task force's duties, the legislative council may accept and expend money, gifts, grants, donations, services, and in-kind donations from any public or private entity for any direct or indirect costs associated with the duties of the task force; except that the legislative council may not accept money, gifts, grants, donations, services, or in-kind donations if acceptance is subject to conditions that are inconsistent with state law or requires a predetermined conclusion or result from the task force. The legislative council shall request that the entity offering the money, gift, grant, donation, services, or in-kind donation submit a letter prior to the offer specifying the amount of money, gift, grant, or donation offered, or the estimated value of the services or in-kind donation offered, the period for which the money, gift, grant, donation, services, or in-kind donation is available, and the specific purposes for which the money, gift, grant, donation, services, or in-kind donation is to be used.

(b) The president of the senate, the speaker of the house of representatives, and the minority and majority leaders of both houses shall appoint the legislative members to any prioritized interim committees or approved task forces.

(c) After the general assembly has adjourned, if an issue is brought to the attention of the executive committee of the legislative council and the executive committee determines that the issue is the result of changed circumstances or new circumstances and is appropriate material for an interim committee that is meeting during that interim between legislative sessions, the executive committee of the legislative council may add the interim committee by adopting a resolution. The resolution must include the items specified in the legislative member's written request for an interim study.

**Source:** **L. 93:** Entire section added, p. 2105, § 4, effective June 9. **L. 2000:** Entire section amended, p. 115, § 1, effective March 15. **L. 2010:** Entire section amended, (SB 10-213), ch. 375, p. 1760, § 1, effective June 7. **L. 2013:** Entire section R&RE, (HB 13-1299), ch. 382, p. 2242, § 5, effective June 5. **L. 2014:** IP(1), (2), and (3)(a) amended, (SB 14-153), ch. 390, p. 1966, § 30, effective June 6.

**2-3-304. Director of research - assistants.** (1) The council shall interview persons applying for the position of director of research as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the director of research as provided in section 2-3-303 (3)(d). The director of research shall be responsible to the council for the collection and assembling of all data and for the preparation of reports, recommendations, and bills. Documents prepared or assembled by the director or employees of the director shall be considered work product, as defined in section 24-72-202 (6.5), C.R.S. The director shall, subject to the general policies of the council, have administrative direction over the activities of the council. The director shall be paid a salary determined by the executive committee in accordance with section 2-3-303 (3)(a). The director shall be an employee of the general assembly and shall not be subject to the state personnel system laws. The director shall be appointed without reference to affiliation and solely on the basis of such director's ability to perform the duties of the position.

(2) The director of research, with approval of the council, may appoint such additional professional, technical, clerical, or other employees necessary to perform the functions assigned to the director of research by the council.

(3) Effective January 1, 1983, the director of research shall contract, pursuant to section 39-1-104 (16), C.R.S., for the property tax study to be conducted as required in said subsection (16).

(4) Effective July 1, 1994, the director of research shall be responsible for the forecasting of adult and juvenile offender populations within the criminal justice system for the general assembly. The division of criminal justice of the department of public safety shall provide information to the director concerning population projections, research data, modeling information, and any other related data requested by the director. The executive directors of the departments of corrections and human services and the state court administrator shall provide information to the director concerning population projections, research data, and the projected long-range needs of the institutions under the control of the executive directors and any other related data requested by the director.

(5) Effective July 1, 1994, the director of research shall be responsible for reviewing any bill which is introduced by the general assembly which affects criminal sentencing and which may result in a net increase or a net decrease in periods of imprisonment in state correctional facilities for the purpose of providing information to the general assembly on the long-term fiscal impact which may result from the passage of the bill, including the increased capital construction costs and increased operating costs for the first five fiscal years following passage.

(6) Repealed.

(7) Pursuant to the process set forth in part 2 of article 70 of title 24, C.R.S., and notwithstanding the provisions of section 24-70-217, C.R.S., if authorized by the executive committee of the legislative council, the director of research, in conjunction with the legislative council print shop, may submit proposals for printing of the first class, as described in section 24-70-203 (1)(a), C.R.S.

**Source:** L. 53: p. 336, § 4. CRS 53: § 63-5-4. C.R.S. 1963: § 63-4-4. L. 81: Entire section amended, p. 1398, § 9, effective January 1, 1983. L. 88: Entire section amended, p. 306, § 6, effective May 23. L. 93: Entire section amended, p. 2108, § 9, effective June 9. L. 94: Entire section amended, p. 1096, § 6, effective May 9; entire section amended, p. 1625, § 12, effective May 31; (4) amended, p. 2614, § 20, effective July 1. L. 96: (6) added, p. 1155, § 4, effective January 1, 1997. L. 99: (1) amended, p. 163, § 21, effective August 4. L. 2000: (6) repealed, p. 585, § 11, effective May 18. L. 2008: (7) added, p. 900, § 1, effective May 20. L. 2009: (1) amended, (HB 09-1348), ch. 358, p. 1863, § 2, effective June 1.

**Editor's note:** Amendments to this section by Senate Bill 94-206, House Bill 94-1029, and House Bill 94-1340 were harmonized.

**2-3-304.5. Tax policy changes - dynamic model - pilot program - advisory committee.** (1) The director of research shall establish a pilot program for the purpose of developing or procuring a dynamic model to analyze the economic impact of bills introduced by the general assembly that can be used as soon as possible.

(2) The director of research shall investigate all opportunities for developing or procuring a dynamic model, including private, nonprofit, and academic alternatives. Any dynamic model selected by the director shall consider the direct and indirect or secondary economic effects related to the bill, including an estimate of the probable behavioral responses of taxpayers, businesses, and other persons to the proposed tax policy change. It is not necessary that the model be kept at the director's office.

(3) Repealed.

(4) (a) Prior to the first regular session that the dynamic model can be used, the director of research shall notify the executive committee of the legislative council that the dynamic model is ready to be used to analyze bills during the upcoming regular session. If the model is ready, the executive committee shall select no more than ten bills to be analyzed using the dynamic model. Only bills that make a tax policy change are eligible to be analyzed. The analysis of the economic impact using a dynamic model shall be in addition to any fiscal note that is prepared pursuant to the rules of the general assembly.

(b) After the first regular session in which the dynamic model is used, the director of research shall prepare a report evaluating how the dynamic model worked during the session and

making recommendations for the use of the dynamic model in future sessions of the general assembly, including the feasibility of expanding the scope of the type of bills for which the dynamic model may be used. The report shall be prepared no later than January 1 of the year following the session in which the dynamic model was used.

(5) (a) It is the intent of the general assembly that for the fiscal year commencing on July 1, 2006, no general fund moneys be appropriated for the purpose of implementing this section.

(b) The director of research is authorized to accept gifts, grants, or donations from private or public sources for the purposes of this section. All private and public funds received through gifts, grants, or donations shall be transmitted to the state treasurer, who shall credit the same to the dynamic modeling cash fund, which fund is hereby created and referred to in this subsection (5) as the "fund". The moneys in the fund shall be subject to appropriation by the general assembly for the direct and indirect costs associated with the implementation of this section. Any moneys in the fund not expended for the purpose of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

(c) Except as otherwise provided in subsection (3) of this section, the director of research shall not undertake the pilot program unless the balance in the fund is one hundred twenty thousand dollars. If the balance of the fund is at least one hundred twenty thousand dollars, then the director of research shall contract with an independent contractor to help implement the provisions of this section.

**Source:** L. 2005: Entire section added, p. 703, § 1, effective June 1. L. 2006: (1), (4), (5)(a), and (5)(c) amended, p. 1617, § 1, effective August 7.

**Editor's note:** Subsection (3)(d) provided for the repeal of subsection (3), effective July 1, 2008. (See L. 2005, p. 703.)

**2-3-305. Requests of the governor.** The governor may present, at any meeting of the council, in person or in writing, requests, recommendations, reports, and explanations of the policies of the administration, or any other matters pertaining to the government of the state or its policies.

**Source:** L. 53: p. 337, § 5. CRS 53: § 63-5-5. C.R.S. 1963: § 63-4-5.

**2-3-306. Authority to subpoena witnesses.** The council has the power to subpoena witnesses, to take testimony under oath, and to assemble records and documents, by subpoena duces tecum or otherwise, with the same power and authority as courts of record, and may apply to courts of record for the enforcement of these powers. The sheriff of any county shall serve any subpoena on written order of the council in the same manner as process is served in civil actions. Witnesses subpoenaed to appear before the council shall receive the same fees and expenses as witnesses in civil cases.

**Source:** L. 53: p. 337, § 6. CRS 53: § 63-5-6. C.R.S. 1963: § 63-4-6.

**Cross references:** For fees and expenses allowed in civil actions, see §§ 13-33-102 and 13-33-103; for the authority of the general assembly to compel attendance of witnesses, see § 2-2-313; for the authority of the legislative audit committee to subpoena witnesses, see § 2-3-107.

**2-3-307. Minutes of council.** The council shall keep minutes of its meetings which shall be available to all members of the general assembly upon request. Any member of the general assembly has the right to attend any of the meetings of the council and may present his views on any subject which the council may be considering.

**Source:** L. 53: p. 337, § 7. CRS 53: § 63-5-7. C.R.S. 1963: § 63-4-7.

**2-3-308. Recommendations and findings.** The recommendations and findings of the council shall be made available in electronic or hard copy format to each member of the general assembly, to the governor, and to the state library, prior to the next regular session of the general assembly, or at such other times as the council deems necessary, or as requested by the general assembly.

**Source:** L. 53: p. 337, § 8. CRS 53: § 63-5-8. C.R.S. 1963: § 63-4-8. C.R.S. 1963: § 63-4-8. L. 2000: Entire section amended, p. 115, § 2, effective March 15.

**2-3-309. Reimbursement of members for expenses.** Members of the council shall be reimbursed for necessary expenses in connection with the performance of their duties.

**Source:** L. 53: p. 338, § 9. CRS 53: § 63-5-9. C.R.S. 1963: § 63-4-9.

**Cross references:** For compensation and expenses for members on the council, see § 2-2-307.

**2-3-310. Centralized legislative accounting service.** (1) The legislative council shall establish and maintain a centralized legislative accounting service under the supervision of the director of research of the council, which service shall maintain all accounting records, process all vouchers, and prepare all related documents for the legislative department of state government, including all offices and agencies thereof. The council may authorize any and all of such offices and agencies to maintain subsidiary accounting records and to prepare vouchers, but such records and vouchers shall conform to the system of accounting established by said accounting service, and each such office and agency shall make such reports to said service as may be necessary for it to maintain current and complete records for the legislative department.

(2) The provisions of this section shall not apply to the procurement and budgetary functions of offices and agencies in the legislative department.

**Source:** L. 68: p. 53, § 1. C.R.S. 1963: § 63-4-10.

**2-3-311. Interstate cooperation.** (1) The legislative council shall:

(a) Carry forward the participation of this state as a member of the council of state governments;

(b) Encourage and assist state officials and employees to cooperate with officials and employees of other states, the federal government, and local governments.

(2) (a) The council of state governments and the national conference of state legislatures are declared to be joint governmental agencies of this state and of other states which cooperate through them. The general assembly is authorized to subscribe to membership in such organizations and to pay membership fees therein from appropriations made to the legislative department of state government.

(b) The energy council is declared to be a joint governmental agency of this state and other states which cooperate through it. The general assembly is authorized to pay membership fees therein from appropriations made to the legislative department of state government.

(c) The American legislative exchange council is declared to be a joint governmental agency of this state and of other states which cooperate through it. Members of the general assembly are authorized to subscribe to membership in such organization. Membership fees shall be paid by the individual members; except that when members of the general assembly are selected by the president of the senate or the speaker of the house of representatives to represent the interests of Colorado at American legislative exchange council functions, the delegation selected shall reflect equally the percentage of members from each party of the general assembly, and the actual and necessary expenses of such members for travel, board, and lodging related to such attendance may be paid from appropriations made to the legislative department of state government.

(d) Members of the general assembly are authorized to accept the payment of or reimbursement for actual and necessary expenses for travel, board, and lodging from any organization declared to be a joint governmental agency of this state under this subsection (2) if:

(I) (A) The expenses are related to the member's attendance at a convention or meeting of the joint governmental agency at which the member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the state of Colorado or for some other legitimate state purpose;

(B) The travel, board, and lodging arrangements are appropriate for purposes of the member's attendance at the convention or meeting;

(C) The duration of the member's stay is no longer than is reasonably necessary for the member to accomplish the purpose of his or her attendance at the convention or meeting; except that nothing in this sub-subparagraph (C) shall prohibit a member from extending the duration of his or her stay longer than is reasonably necessary at the member's own expense;

(D) The member is not currently and will not subsequent to the convention or meeting be in a position to take any official action that will benefit the joint governmental agency; and

(E) The attendance at conventions or meetings of the joint governmental agency has been approved by the executive committee of the legislative council or by the leadership of the house of the general assembly to which the member belongs; or

(II) The general assembly pays regular monthly, annual, or other periodic dues to the joint governmental agency that are invoiced expressly to cover travel, board, and lodging expenses for the attendance of members at conventions or meetings of the joint governmental agency.

(3) The Colorado commission on interstate cooperation is abolished on July 1, 1977. All of the books, records, reports, equipment, property, accounts, liabilities, and funds of the

Colorado commission on interstate cooperation are transferred to the legislative council on July 1, 1977.

(4) (a) Any organization declared to be a joint governmental agency of this state under subsection (2) of this section that maintains its headquarters in the state of Colorado may, from time to time, issue bonds for the purpose of acquiring, constructing, improving, and equipping buildings and facilities owned or to be owned by such organization. Such bonds shall be issued pursuant to resolution of the executive committee or governing board of the organization and shall be payable solely out of all or a specified portion of the revenues as designated by the executive committee or governing board. Such bonds may be further secured by a pledge of the buildings and facilities financed with the proceeds of the bonds.

(b) Bonds may be executed and delivered by the organization at such times, may be in such form and denominations and include such terms and maturities, may be subject to optional or mandatory redemption prior to maturity with or without a premium, may be in fully registered form registrable as to principal or interest or both, may bear such conversion privileges, may be payable in such installments and at such times not exceeding forty years from the date thereof, may be payable at such place or places whether within or outside the state, may bear interest at such rate or rates per annum, which may be fixed or variable according to index, procedure, or formula or as determined by the organization or its agents, without regard to any interest rate limitation appearing in any other law of this state, may be subject to purchase at the option of the holder or the organization, may be evidenced in such manner, may be executed by such officers of the organization, including the use of one or more facsimile signatures so long as at least one manual signature appears on the bonds, which may be either of an officer of the organization or of an agent authenticating the same, may be in the form of coupon bonds that have attached interest coupons bearing a manual or facsimile signature of an officer of the organization, and may contain such provisions not inconsistent with the foregoing, all as provided in the resolution of the organization under which the bonds are authorized to be issued or as provided in a trust indenture between the organization and any commercial bank or trust company having full trust powers.

(c) The bonds may be sold at public or private sale at such price or prices, in such manner, and at such times as determined by the executive committee or governing board of the organization, and such executive committee or governing board may pay all fees, expenses, and commissions that it deems necessary or advantageous in connection with the sale of the bonds. The power to fix the date of the sale of the bonds, to receive bids or proposals, to award and sell bonds to fix interest rates, and to take all other action necessary to sell and deliver the bonds may be delegated to an officer or agent of the organization. Any outstanding bonds may be refunded by the organization pursuant to resolution of the executive committee or governing board of the organization. All bonds and any interest coupons applicable thereto are declared to be negotiable instruments.

(d) The resolution or trust indenture authorizing the issuance of bonds may pledge all or a portion of the revenues of the organization, may contain such provisions for protecting and enforcing the rights and remedies of holders of any of the bonds as the organization deems appropriate, may set forth the rights and remedies of the holders of any of the bonds, and may contain provisions that the organization deems appropriate for the security of the holders of the bonds, including, but not limited to, provisions for letters of credit, insurance, standby credit

agreements, or other forms of credit insuring timely payment of the bonds, including the redemption price or the purchase price.

(e) Any pledge of revenues or property made by the organization or by any person or governmental unit with which the organization contracts shall be valid and binding from the time the pledge is made. The revenues or property so pledged shall immediately be subject to the lien of such pledge without any physical delivery or further act and the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the pledging party, irrespective of whether such claiming party has notice of such lien. The instrument by which the pledge is created need not be recorded or filed.

(f) Neither the members of the executive committee or governing board of the organization, employees of the organization, nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability or accountability by reason of the issuance thereof.

(g) The organization may purchase its bonds out of any available funds and may hold, pledge, cancel, or resell such bonds subject to and in accordance with agreements with the holders thereof.

(h) Any bonds issued by the organization and the transfer of and income from any bonds issued by the organization shall be exempt from all taxation and assessments in the state.

(i) Bonds issued under this article shall be deemed issued on behalf of the organization but shall not be deemed to constitute a multiple-fiscal year direct or indirect district debt or other financial obligation whatsoever of the state for purposes of section 20 of article X of the state constitution or a debt, liability, obligation, or pledge of the full faith and credit of the state or any political subdivision thereof other than the organization, but shall be payable solely from the revenue or property of the organization pledged for such payment. Each bond issued on behalf of the organization under this subsection (4) shall contain on its face a statement to the effect that neither the state nor any political subdivision thereof other than the organization shall be obligated to pay the same or the interest thereon and that neither the full faith and credit nor the taxing power of this state nor any political subdivision thereof other than the organization is pledged to the payment of the principal or interest on such bond.

(j) Nothing in this subsection (4) shall be construed to obligate the general assembly to subscribe to membership or pay membership fees to any organization declared to be a joint governmental agency of the state pursuant to subsection (2) of this section.

**Source:** **L. 77:** Entire section added, p. 259, § 1, effective July 1. **L. 79:** (2) amended, p. 1661, § 125, effective July 19. **L. 87:** (2) amended, p. 350, § 1, effective July 10. **L. 89:** (2)(b)(II) amended, p. 334, § 1, effective April 8; (2)(b) RC&RE, p. 1644, § 9, effective June 5. **L. 91:** (2)(c) added, p. 699, § 1, effective May 1. **L. 94:** (2)(b) RC&RE, p. 652, § 1, effective April 15. **L. 2000:** (4) added, p. 1672, § 1, effective June 1. **L. 2010:** (2)(d) added, (SB 10-099), ch. 184, p. 660, § 2, effective August 11.

**Editor's note:** (1) Subsection (2)(b)(II), contained in House Bill 89-1246, provided for the extension of the repeal of subsection (2)(b) from March 15, 1989, to March 15, 1991; however, the governor did not sign the act until April 8, 1989, resulting in the repeal of subsection (2)(b) prior to March 15, 1991. House Bill 89-1250 further amended House Bill 89-1246 to reflect the original intent of House Bill 89-1246 by recreating and reenacting subsection

(2)(b) and reestablishing the repeal date of March 15, 1991. House Bill 89-1250 was signed by the governor on June 5, 1989.

(2) Subsection (2)(b)(II) provided for the repeal of subsection (2)(b), effective March 15, 1991. (See L. 1989, p. 1644.)

**Cross references:** For the legislative declaration in the 2010 act adding subsection (2)(d), see section 1 of chapter 184, Session Laws of Colorado 2010.

#### PART 4

#### COMMISSION ON INTERSTATE COOPERATION

##### **2-3-401 to 2-3-406. (Repealed)**

**Source: L. 77:** Entire part repealed, p. 259, § 2, effective July 1.

**Editor's note:** This part 4 was numbered as article 1 of chapter 74, C.R.S. 1963. For amendments to this part 4 prior to its repeal in 1977, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume.

#### PART 5

#### COMMITTEE ON LEGAL SERVICES - OFFICE OF LEGISLATIVE LEGAL SERVICES

**Editor's note:** This part 5 was numbered as article 1 of chapter 135, C.R.S. 1963. The substantive provisions of this part 5 were repealed and reenacted in 1968, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this part 5 prior to 1968, consult the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

**2-3-501. Legal services in legislative department.** In order to better provide for the legal services for the general assembly, including the drafting of legislation and the revision and publication of the laws of this state, and to provide for the best technical advice and information to be available to the general assembly, agencies of state government, and the people of this state, and to provide for the professional preparation, drafting, revision, and publication of laws, there is hereby created in the legislative department a committee on legal services and an office of legislative legal services, referred to, respectively, in parts 5 and 7 of this article, as the "committee" and the "office".

**Source: L. 68:** R&RE, p. 140, § 178. **L. 69:** p. 464, § 1. **C.R.S. 1963:** § 63-3-1. **L. 88:** Entire section amended, p. 307, § 7, effective May 23.

**2-3-502. Committee on legal services - membership - duties.** (1) Except as provided in part 3 of this article, the committee shall supervise and direct the operations of the office of legislative legal services.

(2) The committee may designate one or more subcommittees from among its membership to perform any duties of the committee with respect to the supervision and direction of the office of legislative legal services.

(3) The membership of the committee consists of ten members of the general assembly. The ten legislative members of the committee are as follows: The respective chairs of the house and senate committees on judiciary or their respective designees; four members from the house of representatives, two from each major political party, one of whom shall be an attorney-at-law, if there is an attorney-at-law in each party, appointed by the speaker and the minority leader of the house of representatives, respectively, with the approval of a majority of the members elected to the house of representatives; and four members from the senate, two from each major political party, one of whom shall be an attorney-at-law, if there is an attorney-at-law in each party, appointed by the president and the minority leader of the senate, respectively, with the approval of a majority of the members elected to the senate.

(4) The eight appointive members of the committee shall be appointed no later than ten days after the convening of the first regular session of each general assembly. An appointing authority may make an appointment to temporarily replace a current member of the committee appointed by that appointing authority. In addition, the president of the senate may make an appointment to temporarily replace the chair of the senate committee on judiciary or the chair's respective designee currently serving on the committee and the speaker of the house of the representatives may make an appointment to temporarily replace the chair of the house committee on judiciary or the chair's designee currently serving on the committee; except that a temporary appointment made pursuant to this subsection (4) does not require approval of a majority of the members elected to the applicable body. Membership on the committee of each such appointive member terminates upon the appointment of his or her successor or upon termination of a member's term of office in the general assembly, whichever first occurs. The membership of a judiciary committee chair terminates upon the termination of his or her term of office in the designated position. Any member may be appointed to succeed himself or herself on the committee. Vacancies in the committee's membership shall be filled in the same manner as original appointments; except that the approval of the members elected to the general assembly is not necessary if any such appointment is made when the general assembly is not in session.

(5) The committee shall select from among its members a chairman and a vice-chairman. The committee may meet as often as necessary, but it shall meet at least twice in each calendar year.

(6) Members of the committee shall be reimbursed for necessary expenses incurred in the performance of their duties and shall be paid the same per diem compensation as provided by law for members of interim legislative committees for each day of attendance.

(7) If any law or other document of this state refers to the legislative drafting committee or to the committee on statute revision, said law or other document shall be deemed to refer to the committee on legal services.

**Source:** L. 68: R&RE, p. 140, § 178. L. 69: p. 464, § 1. C.R.S. 1963: § 63-3-2. L. 71: p. 628, § 1. L. 73: p. 674, § 1. L. 79: (3) amended, p. 299, § 1, effective July 13. L. 81: (6) amended, p. 2022, § 2, effective July 14. L. 85: (3) and (4) amended, p. 276, § 1, effective June 13. L. 88: (1) and (2) amended, p. 307, § 8, effective May 23. L. 93: (1) amended, p. 2108, § 10, effective June 9. L. 94: (1) amended, p. 1625, § 13, effective May 31. L. 2016: (3) and (4) amended, (SB 16-156), ch. 282, p. 1155, § 4, effective June 10.

**Cross references:** For compensation for members of interim legislative committees, see § 2-2-307 (3).

**2-3-503. Director - staff - revisor.** (1) The committee shall interview persons applying for the position of staff director as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the director as provided in section 2-3-303 (3). The director of the office of legislative legal services shall be an attorney-at-law. The director shall be responsible to the committee for the provision of staff assistance in the performance of the committee's duties and functions. The director, with the approval of the committee, may appoint such attorneys-at-law and technical and clerical personnel as may be necessary for the efficient operation of the office. The director and all employees of the office shall be appointed without regard to affiliation and solely on the basis of their ability to perform their duties. They shall be employees of the general assembly and shall not be subject to the state personnel system laws. The director shall be paid a salary determined by the executive committee in accordance with section 2-3-303 (3).

(2) The director shall be, ex officio, the revisor of statutes; except that the director, in his discretion, may appoint an employee of the office to be the revisor of statutes and to exercise the powers and perform the duties and functions assigned to the revisor by part 7 of this article or by any other law.

**Source:** L. 68: R&RE, p. 140, § 178. C.R.S. 1963: § 63-3-3. L. 88: Entire section R&RE, p. 307, § 9, effective May 23. L. 93: (1) amended, p. 2108, § 11, effective June 9. L. 94: (1) amended, p. 1625, § 14, effective May 31. L. 99: (1) amended, p. 163, § 22, effective August 4.

**2-3-504. Duties of office.** (1) The office shall:

(a) Upon the request of any member of the general assembly or the governor, draft or aid in drafting legislative bills, resolutions, memorials, amendments thereto, conference reports, and such other legislative documents and papers as may be required in the legislative process;

(b) Prepare a digest of laws enacted by the general assembly, approved or vetoed by the governor, immediately upon the adjournment of any regular or special session;

(c) In the interim between sessions of the general assembly, prepare drafts of proposed legislation for legislative interim committees appointed by the legislative council or otherwise;

(d) Prepare, at the request of any legislative committee, summaries of existing laws affected by proposed legislation, compilations of laws in other states relating to the subject matter of such legislation, and statements on the operation and effect of such laws;

(e) Keep on file records concerning legislative bills and the proceedings of the general assembly with respect to such bills; subject indexes of bills introduced at each session of the

general assembly; files on each bill prepared for members of the general assembly and the governor; and such documents, pamphlets, or other literature relating to proposed or pending legislation, without undue duplication of material contained in the office of the legislative council or in the supreme court library. All such records and documents shall be made available in the office at reasonable times to the public for reference purposes, unless said records are classed as confidential under this part 5.

(f) Cooperate with legislative drafting offices or corresponding services of other states, and with other legislative drafting service agencies, either public or private;

(g) Aid and assist in the enrolling and engrossing of bills and such other services as the general assembly may require.

**Source: L. 68:** R&RE, p. 141, § 178. **C.R.S. 1963:** § 63-3-4. **L. 88:** (1)(g) added, p. 308, § 10, effective May 23.

**2-3-505. Requests for drafting bills and amendments - confidential nature thereof - lobbying for bills.** (1) All requests made to the office for the drafting of bills or amendments thereto shall be submitted, either in writing or orally, by the legislator or by the governor or the governor's representative making the request, with a general statement respecting the policies and purposes which the person making the request desires the bill or amendment to accomplish. The office shall draft each bill or amendment to conform to the purposes so stated or to supplementary instructions of the person making the original request.

(2) (a) Prior to the introduction of a bill or amendment in the general assembly, no employee of the office shall reveal to any person outside the office the contents or nature of such bill or amendment, except with the consent of the person making the request. Nothing in this section shall prohibit the disclosure to the staff of any legislative service agency of such information concerning bills or amendments prior to introduction as is necessary to expedite the preparation of fiscal notes, as provided by the rules of the general assembly, but such staff shall not reveal the contents or nature of such bills or amendments to any other person without the consent of the person making the request.

(b) All documents prepared or assembled in response to a request for a bill or amendment, other than the introduced version of a bill or amendment that was in fact introduced, shall be considered work product, as defined in section 24-72-202 (6.5), C.R.S.

(c) (I) The final version of all documents prepared or assembled by the office for a member of the general assembly but not in response to a request for a bill or amendment and not containing legal analysis or expressing a legal opinion or conclusion shall not be considered work product as defined in section 24-72-202 (6.5), C.R.S. Except as otherwise provided in paragraph (e) of this subsection (2), the final version of such documents shall be a public record. These documents include, but are not limited to:

(A) Comparisons of existing law with the provisions of any bill or amendment, comparisons of any bills or amendments with other bills or amendments, comparisons of different versions of bills or amendments, and comparisons of the laws of this state with laws of other jurisdictions;

(B) Compilations of existing public information, statistics, or data;

(C) Compilations or explanations of general areas or bodies of law, legislative history, or legislative policy.

(II) Prior to delivery of the final version of such a document to the member who requested it, no employee of the office shall reveal to any person outside the office the contents or nature of the document, except with the consent of the member making the request.

(d) If a member of the general assembly requests a legal opinion or document from the office that is the same as or substantially similar to a legal opinion or document previously requested by another member, the office may produce an identical or substantially similar legal opinion or document for the second member. The office shall not disclose the identity of any member who made a previous request.

(e) A member may request that the final version of a document that would otherwise become a public record in accordance with paragraph (c) of this subsection (2) remain work product.

(3) No employee of the office shall lobby, personally or in any other manner, directly or indirectly, for or against any pending legislation before the general assembly.

**Source:** L. 68: R&RE, p. 141, § 178. C.R.S. 1963: § 63-3-5. L. 88: Entire section amended, p. 308, § 11, effective May 23. L. 96: Entire section amended, p. 1479, § 2, effective June 1. L. 97: (2) amended, p. 1103, § 1, effective August 6.

**2-3-506. Use of supreme court library.** The librarian of the supreme court library shall facilitate the work of the office by permitting the liberal withdrawal of materials and data therefrom, subject to such reasonable rules as may be necessary for the proper operation of the library.

**Source:** L. 68: R&RE, p. 141, § 178. C.R.S. 1963: § 63-3-6.

**2-3-507. Office space in capitol - office hours - appropriations.** (1) The office shall be provided with suitable office space in the state capitol, so situated as to be convenient for the members of the general assembly. Throughout the year, the office shall be kept open during the hours prevailing in other offices in the state capitol, and at such other times in order to efficiently serve the general assembly.

(2) Adequate appropriations shall be made to carry out the purposes of this part 5, to be included in the appropriation to the legislative department. The controller is authorized and directed to draw warrants monthly in payment of the salaries of personnel, and in payment of expenditures of the office, on vouchers signed by the chair of the committee or, in the absence of the chair, by the vice-chair; except that any payroll voucher or any other voucher that does not exceed five thousand dollars may be signed by the staff director or, with prior written approval of the chair of the committee, by the staff director's authorized designee.

**Source:** L. 68: R&RE, p. 141, § 178. C.R.S. 1963: § 63-3-7. L. 93: (2) amended, p. 348, § 1, effective April 12. L. 2016: (2) amended, (SB 16-031), ch. 23, p. 55, § 1, effective March 18.

**2-3-508. Terminology - references.** The office of legislative legal services shall be the successor in every way of the legislative drafting office and the office of revisor of statutes, and every contract, agreement, or other document entered into by the legislative drafting office or the

office of revisor of statutes prior to May 23, 1988, is deemed to have been entered into by the office of legislative legal services. The director and the employees of the legislative drafting office and the office of revisor of statutes shall become employees of the office of legislative legal services on May 23, 1988. The director and such employees shall retain all accrued rights to retirement and other benefits under the laws of the state, and their service shall be deemed to have been continuous. If any law of this state refers to the legislative drafting office or the office of revisor of statutes, said law shall be construed as referring to the office of legislative legal services.

**Source:** L. 68: R&RE, p. 142, § 178. C.R.S. 1963: § 63-3-8. L. 88: Entire section R&RE, p. 308, § 12, effective May 23.

### **2-3-509. Transfer of employees. (Repealed)**

**Source:** L. 68: p. 142, § 180. C.R.S. 1963: § 63-3-9. L. 88: Entire section repealed, p. 313, § 24, effective May 23.

### **2-3-510. Study regarding an organizational recodification of title 12 of the Colorado Revised Statutes - legislative declaration - repeal.** (1) The general assembly hereby:

(a) Finds that title 12 of the Colorado Revised Statutes, entitled "Professions and Occupations":

(I) Lacks a coherent structure among its articles, including two groupings of articles entitled "general" that are separated by a grouping of "health care" articles, and a large percentage of articles that have either been repealed or been codified with a decimal number;

(II) Lacks a true "common provisions" article resulting in the recurrence of identical or nearly identical provisions throughout the title; and

(III) Includes numerous articles that do not strictly relate to the regulation of a profession or occupation and that could be more appropriately codified elsewhere in the Colorado Revised Statutes;

(b) Determines that these shortcomings make the title unnecessarily voluminous, repetitive, and difficult to amend, understand, and administer; and

(c) Declares that it is in the public interest to study an organizational recodification of title 12.

(2) (a) Beginning in the 2016 interim, the office, overseen by the committee, shall study an organizational recodification of title 12 of the Colorado Revised Statutes. In conducting the study, the office shall solicit input, including input regarding unofficial estimates of the fiscal impact that an organizational recodification of title 12 might entail, from:

(I) The judicial branch and the following state agencies that have regulatory authority established in title 12: agriculture, higher education, law, public health and environment, regulatory agencies, revenue, state, and any other interested state agency or office;

(II) Local governments and any other entity that has regulatory authority established in title 12;

(III) Representatives from the professions and occupations regulated by title 12; and

(IV) The public.

(b) The office shall provide periodic updates to the committee regarding the study and, no later than December 31, 2018, the committee shall determine whether to direct the office to provide to the committee proposed legislation for an organizational recodification of title 12 for introduction in the 2019 regular legislative session.

(3) The study is subject to the following guidelines:

(a) Fundamentally, the recodification should be organizational and nonsubstantive, and any substantive provisions that may be included in the proposed legislation should be strictly limited to those that are necessary to promote the public purposes of an organizational recodification as specified in this section, such as:

(I) Conforming similar provisions to achieve uniformity, eliminate redundancy, and allow for the consolidation of common provisions; and

(II) Eliminating provisions that are archaic or obsolete;

(b) The office should endeavor to use active voice, authority verbs, gender-neutral language, and people-first language; and

(c) The executive and judicial branches of Colorado state government and the local governments and other entities with regulatory authority established in title 12 are encouraged to participate in the study and cooperate with the office.

(4) This section is repealed, effective September 1, 2019.

**Source: L. 2016:** Entire section added, (SB 16-163), ch. 283, p. 1157, § 1, effective June 10. **L. 2018:** (2)(b) and (4) amended, (SB 18-031), ch. 285, p. 1772, § 1, effective August 8.

## PART 6

### COLORADO COMMISSION ON UNIFORM STATE LAWS

**2-3-601. Commission on uniform state laws - creation.** (1) There is hereby created the Colorado commission on uniform state laws, referred to in this part 6 as the "commission", which shall consist of six members appointed for terms of two years each and until their successors are appointed and, in addition thereto, any citizen of this state who is elected a life member of the national conference of commissioners on uniform state laws.

(2) The six members shall be appointed or reappointed by joint resolution of the general assembly no later than ten days after the convening of the first regular session of the general assembly held in each odd-numbered year. At least two commissioners shall be appointed from the general assembly and at least two commissioners from the public at large. Appointments to fill vacancies shall be made by the committee on legal services for the unexpired term of the vacant office.

(3) The six members of the commission shall be attorneys admitted to practice law in the state of Colorado.

(4) The terms of the two members of the commission appointed after July 18, 1975, shall be effective August 11, 1975; thereafter, the appointment of members to succeeding terms shall be in conformance with subsection (2) of this section.

**Source: L. 68:** p. 143, § 182. **C.R.S. 1963:** § 63-7-1. **L. 75:** Entire section amended, p. 200, § 1, effective July 18. **L. 81:** (1) amended, p. 2022, § 1, effective July 14.

**2-3-602. Compensation - expenses.** The members of the commission shall receive a per diem of twenty dollars for each day actually spent in the transaction of official business of the commission in the state of Colorado. In addition thereto, each member shall be reimbursed for expenses incurred in the performance of official duties.

**Source: L. 68:** p. 143, § 182. **C.R.S. 1963:** § 63-7-2.

**2-3-603. Meetings - organization.** The commissioners shall meet at least once a year and shall organize by the election of a chairman who shall hold office for a term of one year and until his successor is elected. The director of the office of legislative legal services shall be ex officio the secretary of the commission, or the director may designate an employee of the office to act as secretary of the commission. The office shall provide assistance to the commissioners who are members of the general assembly in their efforts to enact legislation concerning subjects upon which uniformity may be deemed desirable.

**Source: L. 68:** p. 143, § 182. **C.R.S. 1963:** § 63-7-3. **L. 88:** Entire section amended, p. 308, § 13, effective May 23.

**2-3-603.5. Status of commissioners.** (1) Any citizen elected a life member of the national conference of commissioners on uniform state laws pursuant to section 2-3-601 (1) and the person serving as ex officio secretary of the commission in accordance with section 2-3-603 shall have the same status as members of the commission appointed pursuant to section 2-3-601 (1) for purposes of participating in the national conference of commissioners on uniform state laws, including, but not limited to:

- (a) Having the same voting rights at meetings of said national conference; and
- (b) Having the same eligibility to be elected to any office of said national conference.

**Source: L. 2008:** Entire section added, p. 31, § 1, effective March 13.

**2-3-604. Duties of commissioners.** Each commissioner shall attend the meeting of the national conference of commissioners on uniform state laws and, both in and out of such national conference, shall do all in his power to promote uniformity in state laws where uniformity may be deemed desirable and practicable. The commission shall prepare and transmit a report and its recommendations to the general assembly on or before January 1 of each year concerning subjects of legislation upon which uniformity among the states may be deemed desirable and concerning the proceedings and recommendations of the most recent meeting of the national conference of commissioners on uniform state laws.

**Source: L. 68:** p. 143, § 182. **C.R.S. 1963:** § 63-7-4.

## PART 7

### COMMITTEE ON LEGAL SERVICES - REVISOR OF STATUTES

**2-3-701. Function of committee - statute revision.** (1) With respect to statute revision, it is the function of the committee on legal services:

(a) Repealed.

(b) To supervise and direct the activities of the revisor; and to exercise the powers and to perform the duties and functions prescribed in articles 4 and 5 of this title, concerning the preparation and publication of the statutes of this state and other materials, and as prescribed in part 2 of article 70 of title 24, C.R.S., concerning the preparation and publication of the session laws of this state.

**Source:** L. 69: p. 465, § 2. C.R.S. 1963: § 63-3-11. L. 88: (1)(a) repealed, p. 313, § 24, effective May 23.

**2-3-702. Revisor of statutes - duties.** The revisor shall compile, edit, arrange, and prepare for publication the declaration of independence, the constitutions of the United States and the state of Colorado, the act admitting Colorado into the union, and all laws of the state of Colorado of a general and permanent nature, together with a complete index thereto and comparative tables of such statutes with prior compilations. The statutory laws shall be arranged into appropriate and convenient volumes, titles, chapters, articles, and sections, so collated and in such form as the committee directs. At the end of each section, reference shall be made to the statutory history of such section. Annotations of decisions of the supreme court of the United States, the supreme court of the state of Colorado, and such other state and federal courts as are appropriate, construing, applying, or interpreting each section, or relating to the subject matter thereof, and such other matter as the committee deems advisable or advantageous shall also be prepared for publication with such statutory laws.

**Source:** L. 69: p. 465, § 2. C.R.S. 1963: § 63-3-12.

**2-3-702.5. Directive to the revisor of statutes - changes in arrangement - repeal.** (Repealed)

**Source:** L. 2016: Entire section added, (HB 16-1192), ch. 83, p. 212, § 1, effective April 14.

**Editor's note:** Subsection (2) provided for the repeal of this section, effective July 1, 2018. (See L. 2016, p. 212.)

**2-3-703. Revision - editorial work.** In the course of collating, compiling, editing, arranging, and preparing such statutes, the revisor, with the approval of the committee, shall adopt a uniform system of punctuation, capitalization, numbering, and wording; eliminate all obsolete and redundant words; correct obvious errors and inconsistencies; eliminate duplications and laws repealed directly or by implication; correct defective section structure in arrangement of the subject matter of existing statutes; and clarify existing laws and such other similar matter as the committee directs. The foregoing duties shall be performed in such form and manner as to preserve the intent, effect, and meaning of any and every such statute revised.

**Source:** L. 69: p. 466, § 2. C.R.S. 1963: § 63-3-13.

**Cross references:** For preparation of Colorado Revised Statutes, see § 2-5-103; for legislative construction not based on editorial matters, see § 2-5-113 (4).

**2-3-704. Revisor to aid in bill drafting. (Repealed)**

**Source:** L. 69: p. 466, § 2. C.R.S. 1963: § 63-3-14. L. 88: Entire section repealed, p. 313, § 24, effective May 23.

**2-3-705. Distribution of statutes.** The distribution of the statutes of this state shall be in such numbers and to such offices and persons as the general assembly directs at the time of approval for publication of such statutes; but the committee shall be able to distribute such additional statutes of this state to such offices and persons as it may from time to time deem necessary.

**Source:** L. 69: p. 466, § 2. C.R.S. 1963: § 63-3-15.

**2-3-706. Successor to committee on statute revision. (Repealed)**

**Source:** L. 69: p. 466, § 2. C.R.S. 1963: § 63-3-16. L. 88: Entire section repealed, p. 313, § 24, effective May 23.

PART 8

COLORADO STATE OFFICIALS' COMPENSATION COMMISSION

**2-3-801 to 2-3-807. (Repealed)**

**Editor's note:** (1) This part 8 was added in 1975. For amendments to this part 8 prior to its repeal in 2016, consult the 2015 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

(2) Section 2-3-807 provided for the repeal of this part 8, effective January 1, 2016. (See L. 2015, p. 1062.)

PART 9

STATUTORY REVISION COMMITTEE

**Editor's note:** This part 9 was added in 1977. It was repealed in 1985 and was subsequently recreated and reenacted in 2016, resulting in the addition, relocation, or elimination of sections as well as subject matter. For amendments to this part 9 prior to 1985, consult the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

**2-3-901. Statutory revision committee - creation.** (1) There is hereby created in the legislative department the statutory revision committee, referred to in this part 9 as the "committee". The committee consists of ten members, appointed as follows:

(a) The speaker and minority leader of the house of representatives shall each appoint two members from the house of representatives;

(b) The president and minority leader of the senate shall each appoint two members from the senate; and

(c) Two nonvoting nonlegislative members, appointed by the committee on legal services, who are attorneys-at-law admitted to practice in Colorado. The members appointed under this paragraph (c) shall not be affiliated with the same political party.

(2) Except as provided in subsection (9) of this section, the legislative members of the committee must be appointed no later than ten days after the convening of the first regular session of each general assembly and the nonlegislative members appointed under paragraph (c) of subsection (1) of this section must be appointed at the first meeting of the committee on legal services following the organization of that committee pursuant to section 2-3-502 (4) in the first regular session of each general assembly. Membership on the committee of each such appointive member terminates upon the appointment of his or her successor or upon termination of his or her office in the general assembly, whichever occurs first. In the case of the members appointed under paragraph (c) of subsection (1) of this section, appointments are for two-year terms, which terms commence the date on which the committee on legal services makes the appointments.

(3) A vacancy in the office of a member must be immediately filled by the original appointing authority.

(4) Any member of the committee may serve for succeeding terms on the committee.

(5) The committee shall select from among its members a chairperson and a vice-chairperson. The chairperson and vice-chairperson shall not be affiliated with the same political party. Except as provided in subsection (9) of this section, the chair serves as chair for the first regular session of the general assembly through the legislative interim immediately following, and as vice-chair when the second regular session commences; the vice-chair serves as chair from the commencement of the second regular session through the legislative interim immediately following.

(6) The committee may meet as often as necessary, but it shall meet at least twice in each calendar year. The committee may meet during the legislative sessions and during the interim between sessions.

(7) Legislative members of the committee shall be reimbursed for necessary expenses incurred in the performance of their duties and paid the same per diem compensation as provided by law for members of interim legislative committees for each day of attendance.

(8) The office of legislative legal services shall provide staff assistance to the committee.

(9) Repealed.

**Source: L. 2016:** Entire part RC&RE, (HB 16-1077), ch. 326, p. 1323, § 1, effective June 10.

**Editor's note:** Subsection (9)(c) provided for the repeal of subsection (9), effective January 1, 2018. (See L. 2016, p. 1323.)

**2-3-902. Duties of committee.** (1) The committee shall:

(a) Make 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; except that the committee shall not consider any matter that is currently pending or appealable before any court;

(b) Receive, solicit, and consider proposed changes in the law recommended by the American law institute, any bar association, or other learned bodies;

(c) Receive, solicit, and consider suggestions from justices, judges, legislators, and other public officials, lawyers, and the public generally as to defects and anachronisms in the law;

(d) Recommend, upon an affirmative vote by at least five legislative members of the committee, and in accordance with subsection (3) of this section, 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; and

(e) Report its findings and recommendations on or before November 15 of each year to the legislature and, if it deems advisable, attach to its report copies of any proposed bills intended to carry out any of its recommendations.

(2) Any legislation proposed by the committee and sponsored by a committee member under paragraph (d) of subsection (1) of this section is exempt from the five-bill limitation specified in rule 24 of the joint rules of the senate and the house of representatives.

(3) The committee shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes. The committee shall endeavor to recommend legislation that cumulatively has, in each legislative session, no net increase in the number of laws or pages of laws in the Colorado Revised Statutes.

**Source: L. 2016:** Entire part RC&RE, (HB 16-1077), ch. 326, p. 1325, § 1, effective June 10.

PART 10

COMMITTEE ON LEGAL SERVICES -  
LEGAL COUNSEL FOR LEGISLATIVE BRANCH

**2-3-1001. Legal counsel retained.** The committee on legal services may retain legal counsel to represent or otherwise render legal services for the general assembly, or either house thereof or any committee thereof, or any member or agency of the legislative branch of government, in all actions and proceedings in connection with the performance of the powers, duties, and functions thereof, and shall pay the compensation and expenses of such legal counsel and any necessary expense of such actions and proceedings from appropriations made by law to the committee.

**Source: L. 77:** Entire part added, p. 263, § 1, effective June 2.

**2-3-1002. Legislative expenses cash fund - creation.** (1) (a) There is hereby created in the state treasury the legislative expenses cash fund. The fund shall be comprised of such

moneys transferred to the fund in accordance with subsection (2) of this section and any other moneys appropriated to the fund. All interest earned on the investment of moneys in the fund shall be credited to the fund.

(b) Moneys in the legislative expenses cash fund are continuously appropriated to:

(I) The committee on legal services to pay the compensation and expenses of any legal counsel retained by the committee pursuant to section 2-3-1001 and to pay any necessary expense of such actions and proceedings for which such legal counsel is retained; and

(II) The executive committee of the legislative council to pay for qualified expenses of the legislative department of the state of Colorado if, after consulting with the chair of the committee on legal services, the executive committee determines that the amount of moneys to be so expended is not needed in the foreseeable future for any expenses of the committee on legal services specified in subparagraph (I) of this paragraph (b). For purposes of this subparagraph (II), "qualified expenses" means:

(A) Expenses relating to legislative aides;

(B) Expenses relating to the necessary upkeep and furnishing of the chambers, antechambers, and committee rooms of the senate and the house of representatives, and of the office space assigned to and occupied by legislators, staff of the senate and the house of representatives, and staff of the legislative service agencies; and

(C) Expenses relating to electronic voting equipment in the chambers of the senate and the house of representatives, such as expenses for all equipment, software, and personal services for the development, installation, and maintenance of such electronic voting equipment.

(c) Any moneys credited to the legislative expenses cash fund and unexpended at the end of any given fiscal year shall remain in the fund and shall not revert to the general fund.

(2) Notwithstanding any law to the contrary, any moneys appropriated from the general fund to the legislative department of the state government for the fiscal year commencing on July 1, 2006, that are unexpended or not encumbered as of the close of the fiscal year shall not revert to the general fund and shall be transferred by the state treasurer and the controller to the legislative expenses cash fund created in subsection (1) of this section; except that the amount so transferred shall not exceed six hundred thousand dollars.

**Source:** L. 2004: Entire section added, p. 411, § 4, effective April 8. L. 2005: (1) amended, p. 78, § 1, effective March 25. L. 2007: Entire section amended, p. 2124, § 3, effective April 11.

## PART 11

### COLORADO ENERGY COORDINATING COUNCIL

#### **2-3-1101 to 2-3-1108. (Repealed)**

**Editor's note:** (1) This part 11 was added in 1979 and was not amended prior to its repeal in 1979. For the text of this part 11 prior to its repeal, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume or see section 1 of chapter 49, Session Laws of Colorado 1979.

(2) Section 2-3-1108 provided for the repeal of this part 11, effective December 31, 1979. (See L. 79, p. 304.)

## PART 12

### SUNRISE AND SUNSET REVIEW COMMITTEE

**Law reviews:** For article, "Legislative Oversight of Regulatory Agencies: The Colorado Sunset Experience", see 18 Colo. Law. 2129 (1989).

**2-3-1201. Sunrise and sunset review - designation of committees of reference to conduct review.** (1) At the convening of the first regular session of each general assembly, the speaker of the house of representatives and the president of the senate shall each designate one or more house committees of reference for even-numbered years and one or more senate committees of reference for odd-numbered years to perform the duties and functions assigned to it relating to the termination of each division, board, or agency pursuant to the provisions of section 24-34-104, C.R.S., and the duties and functions assigned to it by this part 12 relating to the sunset review of advisory committees. The committees of reference designated by the speaker of the house of representatives to conduct reviews under this section in even-numbered years and the committees of reference designated by the president of the senate to conduct such reviews in odd-numbered years shall be the committees of reference for any bills introduced under sections 2-3-1203 and 24-34-104, C.R.S., during any regular or extraordinary session of the general assembly. The speaker of the house of representatives may authorize one or more house committees of reference and the president of the senate may authorize one or more senate committees of reference to conduct hearings prior to the convening of any regular session of the general assembly.

(2) Repealed.

**Source:** **L. 85:** Entire part added, p. 279, § 1, effective May 23. **L. 86:** Entire section amended, p. 408, § 2, effective March 26. **L. 88:** Entire section amended, p. 1000, § 3, effective July 1. **L. 91:** Entire section amended, p. 677, § 1, effective April 20. **L. 96:** Entire section amended, p. 792, § 2, effective May 23.

**Editor's note:** Subsection (2)(b) provided for the repeal of subsection (2), effective February 1, 1997. (See L. 96, p. 792.)

**2-3-1202. Staff assistance.** In carrying out duties under section 24-34-104, C.R.S., and this part 12, any committee designated pursuant to section 2-3-1201 may request staff assistance from the legislative council, created by part 3 of this article.

**Source:** **L. 85:** Entire part added, p. 279, § 1, effective May 23. **L. 96:** Entire section amended, § 3, p. 792, effective May 23.

**2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal.** (1) (a) The general assembly finds and declares that advisory committees are

beneficial to government since they help involve private citizens in the daily operations of government and provide the government with a system for using the expertise of its citizens. However, historically there was no legislative supervision that would allow for the systematic review of these committees to identify those committees that may have outlived their usefulness yet remained in the statutes and those committees that may have failed to perform the functions for which they were created. To assure that newly created advisory committees are supervised and subjected to review, the life of a newly created advisory committee may not exceed ten years, and the statutory authorization for the committee must include a corresponding repeal provision. The general assembly, acting by bill, may reschedule the review date for an advisory committee to a later date if the rescheduled date does not violate the ten-year maximum life provision. Newly created advisory committees are subject to the review provisions of this section.

(b) As used in this section, "advisory committee" means an advisory body, including but not limited to a commission, council, or board.

(2) (a) A legislative committee of reference designated pursuant to section 2-3-1201 shall consider whether to continue or to continue with modification an advisory committee whose statutory authority is scheduled to repeal and may recommend the consideration of a bill as it deems necessary to continue the advisory committee.

(b) (I) Each advisory committee shall submit the following information to the department of regulatory agencies:

(A) The names of the current members of the advisory committee;

(B) All revenues and all expenditures, including advisory committee expenses per diem paid to members and any travel expenses;

(C) The dates the advisory committee met and the number of members who attended each meeting;

(D) A list of the advisory proposals the advisory committee made and an indication as to whether each proposal was acted on, implemented, or enacted into statute; and

(E) The reasons why the advisory committee should continue.

(II) The information required by subparagraph (I) of this paragraph (b) must be for the fiscal year in which the advisory committee makes the submission as well as the prior fiscal year. The advisory committee must submit the information before July 1 of the year preceding the year in which the statutory authorization for the advisory committee repeals.

(III) The department of regulatory agencies shall analyze and evaluate the performance of each advisory committee scheduled for repeal under this section. The department of regulatory agencies shall submit a report setting forth the analysis and evaluation to the office of legislative legal services by October 15 of the year preceding the date established for repeal.

(c) A legislative committee of reference designated in section 2-3-1201 shall conduct hearings for each advisory committee that submits the information required by paragraph (b) of this subsection (2).

(d) A bill recommended for consideration under this subsection (2) must be introduced in the house of representatives in even-numbered years and in the senate in odd-numbered years.

(e) A bill recommended for consideration under this subsection (2) does not count against the number of bills to which the sponsor is limited by a law or joint rule of the senate and house of representatives.

(3) Repealed.

(4) (a) The following statutory authorizations for the designated advisory committees will repeal on July 1, 2017:

(I) to (VIII) Repealed.

(b) This subsection (4) is repealed, effective July 1, 2019.

(5) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2017:

(I) The technical advisory panel convened in section 23-31-310, C.R.S.

(b) This subsection (5) is repealed, effective September 1, 2019.

(6) (a) The following statutory authorizations for the designated advisory committees will repeal on July 1, 2018:

(I) The consumer insurance council created in section 10-1-133, C.R.S.

(II) to (V) Repealed.

(b) This subsection (6) is repealed, effective July 1, 2020.

(7) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2018:

(I) and (II) Repealed.

(b) This subsection (7) is repealed, effective September 1, 2020.

(8) (a) The following statutory authorizations for the designated advisory committees will repeal on July 1, 2019:

(I) and (II) Repealed.

(III) The concurrent enrollment advisory board created in section 22-35-107, C.R.S.;

(IV) The Colorado state advisory council for parent involvement in education created in section 22-7-303, C.R.S.;

(V) Repealed.

(VI) The standing efficiency and accountability committee created in section 43-1-106, C.R.S.

(b) This subsection (8) is repealed, effective July 1, 2021.

(9) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2019:

(I) The seed potato advisory committee created in section 35-27.3-107, C.R.S.;

(II) The river outfitter advisory committee created in section 33-32-110, C.R.S.;

(III) The public safety communications subcommittee to the homeland security and all-hazards senior advisory committee created in section 24-33.5-1614 (3.3), C.R.S.;

(IV) The emergency planning subcommittee to the homeland security and all-hazards senior advisory committee created in section 24-33.5-1614 (3.5), C.R.S.;

(V) The Colorado human trafficking council created in section 18-3-505, C.R.S.

(b) This subsection (9) is repealed, effective September 1, 2021.

(10) (a) The following statutory authorizations for the designated advisory committees will repeal on July 1, 2020:

(I) The Colorado kids outdoors advisory council created in section 24-33-109.5, C.R.S.;

(II) Repealed.

(III) The sales and use tax simplification task force created in section 39-26-802.

(b) This subsection (10) is repealed, effective July 1, 2022.

(11) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2020:

(I) The nurse-physician advisory task force for Colorado health care created in section 24-34-109, C.R.S.

(b) This subsection (11) is repealed, effective September 1, 2022.

(12) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2021:

(I) The homeland security and all-hazards senior advisory committee created in section 24-33.5-1614, C.R.S.;

(II) The advisory committee appointed by the executive director of the department of public health and environment pursuant to section 25-3-602 (4), C.R.S., and the advisory committee's functions, as specified in section 25-3-602 (5) and (6), C.R.S.;

(III) The forest health advisory council created in section 23-31-316, C.R.S.;

(IV) The Colorado special education fiscal advisory committee created in section 22-20-114.5 (2), C.R.S.;

(V) The council of higher education representatives convened pursuant to section 23-1-108.5 (3), C.R.S.;

(VI) The employment first advisory partnership in the department of labor and employment described in sections 8-84-303 and 8-84-304.

(b) This subsection (12) is repealed, effective September 1, 2023.

(12.5) (a) The following statutory authorizations for the designated advisory committees will repeal on July 1, 2022:

(I) The education data advisory committee created pursuant to section 22-2-304.

(b) This subsection (12.5) is repealed, effective July 1, 2023.

(13) (a) The following statutory authorizations for the designated advisory committees are scheduled for repeal on September 1, 2022:

(I) The advisory group appointed by the director of the primary care office pursuant to section 24-34-110.5 (3), C.R.S.;

(II) The strategic action planning group on aging created in section 24-32-3404, C.R.S.;

(III) The electronic recording technology board created in part 4 of article 21 of title 24, C.R.S.;

(IV) The school safety resource center advisory board created in section 24-33.5-1804.

(b) This subsection (13) is repealed, effective September 1, 2024.

(14) (a) The following statutory authorizations for the designated advisory committees are scheduled for repeal on September 1, 2023:

(I) The health equity commission created in section 25-4-2206, C.R.S.;

(II) The EPIC advisory board created in section 24-33.5-514 (2), C.R.S.;

(III) The state noxious weed advisory committee created in section 35-5.5-108.7, C.R.S.;

(IV) Reserved.

(V) The early childhood leadership commission created in section 26-6.2-103;

(VI) The Colorado youth advisory council created in section 2-2-1302;

(VII) The Colorado commission on criminal and juvenile justice created in section 16-11.3-102;

(VIII) The defense counsel on first appearance grant program created in section 24-32-123;

(IX) The Colorado advisory council for persons with disabilities created in section 26-24-103;

- (X) The Colorado food systems advisory council created in section 24-37.3-102.
- (b) This subsection (14) is repealed, effective September 1, 2025.
- (15) (a) The following statutory authorizations for the designated advisory committees are scheduled for repeal on September 1, 2024:
- (I) The towing task force created in section 40-10.1-403, C.R.S.;
  - (II) The Colorado natural areas council, an advisory council to the parks and wildlife commission, created in section 33-33-106, C.R.S.;
  - (III) The suicide prevention commission created in section 25-1.5-111, C.R.S.;
  - (IV) The senior dental advisory committee created in section 25.5-3-406, C.R.S.;
  - (V) The youth restraint and seclusion working group in the division of youth services created in section 26-20-110.
- (b) This subsection (15) is repealed, effective September 1, 2026.
- (16) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2025:
- (I) The medicaid provider rate review advisory committee created in section 25.5-4-401.5, C.R.S.;
  - (II) The title insurance commission created in part 2 of article 11 of title 10, C.R.S.;
  - (III) The commodity metals theft task force created in section 18-13-111, C.R.S.
- (b) This subsection (16) is repealed, effective September 1, 2027.
- (17) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2026:
- (I) The compliance advisory panel to the air pollution control division created in section 25-7-109.2, C.R.S.;
  - (II) The business intelligence center advisory panel created in section 24-21-116 (4)(a), C.R.S.;
  - (III) The veterinary pharmaceutical advisory committee, created in section 12-42.5-104.5, C.R.S.
- (b) This subsection (17) is repealed, effective September 1, 2028.
- (18) (a) The following statutory authorizations for the designated advisory committees will repeal on July 1, 2027:
- (I) The Colorado wildlife habitat stamp committee created in section 33-4-102.7, C.R.S.
- (b) This subsection (18) is repealed, effective July 1, 2029.
- (19) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2028:
- (I) The stroke advisory board created in section 25-3-115.
- (b) This subsection (19) is repealed, effective September 1, 2030.

**Source:** For source information prior to 2016, go to <http://bit.ly/2-3-1203>. **L. 2016:** (3)(cc)(IV) repealed and (3)(II)(III) added, (HB 16-1182), ch. 74, p. 196, § 2, effective April 12; entire section R&RE, (HB 16-1192), ch. 83, p. 212, § 2, effective April 14; (3)(cc)(II) repealed and (3)(hh.5)(II) added, (HB 16-1236), ch. 105, p. 305, § 4, effective April 15; (3)(hh.5)(II) added, (HB 16-1255), ch. 113, p. 321, § 3, effective April 21; (3)(cc)(III) repealed and (3)(hh.5)(II) added, (HB 16-1177), ch. 218, p. 833, § 2, effective June 6; (3)(cc)(I) repealed and (3)(hh.5)(II) added, (HB 16-1171), ch. 244, p. 992, § 2, effective June 8; (3)(ii.5)(III) added, (SB 16-115), ch. 356, p. 1477, § 1, effective June 10; (3)(kk)(V) added, (HB 16-1328), ch. 345, p.

1408, § 10, effective June 10; (3)(hh.5)(II) added, (SB 16-077), ch. 360, p. 1505, § 3, effective July 1; (3)(mm)(II), (SB 16-062), ch. 295, p. 1203, § 4, effective July 1; (3)(ff)(VI) added, (HB 16-1172), ch. 331, p. 1341, § 2, effective August 10; (3)(mm)(II) added, (HB 16-1014), ch. 318, p. 1282, § 1, effective August 10. **L. 2017:** (4)(a)(VII) repealed and (12.5) added, (SB 17-144), ch. 110, p. 397, § 1, effective April 6; (4)(a)(VI) repealed, (SB 17-137), ch. 139, p. 467, § 2, effective April 18; (4)(a)(II) repealed, (SB 17-220), ch. 173, p. 632, § 4, effective April 28; (4)(a)(VIII) repealed, IP(13)(a) amended, and (13)(a)(IV) added, (SB 17-291), ch. 259, p. 1077, § 2, effective May 25; (4)(a)(I) repealed, (SB 17-212), ch. 275, p. 1512, § 2, effective June 1; (4)(a)(IV) repealed, (SB 17-217), ch. 273, p. 1508, § 2, effective June 1; (4)(a)(III) repealed, (SB 17-219), ch. 348, p. 1831, § 2, effective June 5; (4)(a)(V) repealed, (SB 17-221), ch. 349, p. 1832, § 2, effective June 5; (10)(a)(III) added, (HB 17-1216), ch. 336, p. 1795, § 2, effective June 5; IP(15)(a) and (15)(a)(V) amended, (HB 17-1329), ch. 381, p. 1968, § 13, effective June 6; (8)(a)(V) repealed, (SB 17-267), ch. 267, p. 1438, § 3, effective July 1; (6)(a)(IV) repealed and (14)(a)(V) added, (HB 17-1106), ch. 345, p. 1820, § 6, effective August 9. **L. 2018:** (14)(a)(VII) added, (HB 18-1287), ch. 318, p. 1911, § 5, effective May 30; (14)(a)(VIII) added, (HB 18-1353), ch. 348, p. 2071, § 2, effective May 30; (6)(a)(V) repealed and (14)(a)(VI) added, (HB 18-1186), ch. 175, p. 1208, § 2, effective June 30; (6)(a)(II) repealed, (HB 18-1238), ch. 111, p. 804, § 1, effective July 1; (6)(a)(III) repealed and (14)(a)(IX) added, (HB 18-1364), ch. 351, p. 2080, § 3, effective July 1; (7)(a)(I) repealed and (14)(a)(X) added, (HB 18-1236), ch. 340, p. 2030, § 1, effective August 8; (8)(a)(I) and (8)(a)(II) repealed, (SB 18-209), ch. 300, p. 1826, § 4, effective August 8; (12)(a)(VI) amended, (SB 18-145), ch. 215, p. 1372, § 5, effective August 8; (7)(a)(II) repealed and (19) added, (HB 18-1265), ch. 205, p. 1321, § 2, effective September 1; (10)(a)(II) repealed, (SB 18-161), ch. 123, p. 830, § 2, effective September 1.

**Editor's note:** (1) Pursuant to 2-3-702.5, amendments to this section by SB 16-062, SB 16-069, SB 16-077, SB 16-115, SB 16-161, HB 16-1014, HB 16-1157, HB 16-1158, HB 16-1159, HB 16-1160, HB 16-1168, HB 16-1170, HB 16-1171, HB 16-1172, HB 16-1173, HB 16-1177, HB 16-1182, HB 16-1232, HB 16-1236, HB 16-1255, HB 16-1261, HB 16-1328, HB 16-1345, HB 16-1360, and HB 16-1404 were renumbered and harmonized with HB 16-1192. For additional information, see the 2016 Red Book that accompanies the 2016 Session Laws of Colorado.

(2) Section 34 of chapter 267 (SB 17-267), Session Laws of Colorado 2017, provides that the section of the act changing this section does not take effect if the centers for medicare and medicaid services determine that the amendments do not comply with federal law. For more information, see SB 17-267. (L. 2017, p. 1478.) The executive director of the department of health care policy and financing did not notify the revisor of statutes by June 1, 2017, of such determination; therefore, the changes to this section took effect July 1, 2017.

(3) Subsection (3)(b) provided for the repeal of subsection (3), effective July 1, 2018. (See L. 2016, p. 212.)

**Cross references:** For the legislative declaration in SB 16-077, see section 1 of chapter 360, Session Laws of Colorado 2016. For the legislative declaration in SB 17-267, see section 1 of chapter 267, Session Laws of Colorado 2017. For the legislative declaration in SB 18-145, see section 1 of chapter 215, Session Laws of Colorado 2018.

**2-3-1204. Departments having authority to create advisory committees - duties - repeal. (Repealed)**

**Source: L. 86:** Entire section added, p. 407, § 1, effective March 26.

**Editor's note:** Subsection (4) provided for the repeal of this section, effective July 1, 1988. (See L. 86, p. 407.)

PART 13

CAPITAL DEVELOPMENT

**2-3-1301. Definitions.** As used in this part 13, unless the context otherwise requires:

- (1) "Capital asset" has the same meaning as set forth in section 24-30-1301 (1), C.R.S.
- (2) "Capital construction" has the same meaning as set forth in section 24-30-1301 (2), C.R.S.
- (3) "Capital renewal" has the same meaning as set forth in section 24-30-1301 (3), C.R.S.
- (4) "Controlled maintenance" has the same meaning as set forth in section 24-30-1301 (4), C.R.S., including the limitations specified in section 24-30-1303.9, C.R.S.
- (5) "Real property" has the same meaning as set forth in section 24-30-1301 (15), C.R.S.
- (6) "State" has the same meaning as set forth in section 24-30-1301 (16), C.R.S.
- (7) "State agency" has the same meaning as set forth in section 24-30-1301 (17), C.R.S.
- (8) "State institution of higher education" has the same meaning as set forth in section 24-30-1301 (18), C.R.S.

**Source: L. 85:** Entire part added, p. 283, § 1, effective May 23. **L. 2014:** Entire section amended, (HB 14-1387), ch. 378, p. 1818, § 13, effective June 6.

**Cross references:** For the legislative declaration in HB 14-1387, see section 1 of chapter 378, Session Laws of Colorado 2014.

**2-3-1302. Capital development committee established.** (1) There is hereby established a joint committee of the senate and house of representatives officially known as the capital development committee, which shall consist of two majority party members and one minority party member of the house of representatives and two majority party members and one minority party member of the senate. Members of the committee shall be chosen in each house according to the method prescribed by the rules of that house. The committee shall function during the legislative sessions and during the interim between sessions.

(1.5) In order to expedite the work of the capital development committee, appointees may be designated after the general election prior to the convening of the general assembly at which such committee is to serve, whether such appointees are members of the current general assembly or members-elect of the next general assembly, or both. Such appointees have all the powers and duties and are entitled to the same compensation and expense allowance as members duly appointed under the provisions of subsection (1) of this section.

(2) The capital development committee shall elect a chairman and a vice-chairman at the first meeting held on or after October 15 in each odd-numbered year and at the first meeting held after the general election in each even-numbered year. The chairmanship and vice-chairmanship shall alternate between a member from the house of representatives and a member from the senate with the first chairman being from the senate and the first vice-chairman being from the house of representatives. The person serving as chairman, or a member of the same house if such person is no longer a member thereof, shall serve as vice-chairman during the next legislative session, and the person serving as vice-chairman, or a member of the same house if such person is no longer a member thereof, shall serve as chairman during the next legislative session.

**Source:** **L. 85:** Entire part added, p. 283, § 1, effective May 23. **L. 98:** Entire section amended, p. 841, § 1, effective August 5. **L. 2007:** (1.5) amended, p. 924, § 1, effective August 3.

**2-3-1303. Rules of procedure.** (1) The capital development committee may prescribe its own rules of procedure and may appoint an advisory committee from among professionals in the private sector to include but not be limited by the following areas of expertise: Real estate, architecture, finance, and engineering.

(2) Repealed.

**Source:** **L. 85:** Entire part added, p. 284, § 1, effective May 23. **L. 86:** Entire section amended, p. 408, § 3, effective March 26. **L. 89:** (2)(a) amended, p. 336, § 2, effective March 15. **L. 90:** (2) repealed, p. 334, § 24, effective April 3.

**2-3-1304. Powers and duties of capital development committee.** (1) The capital development committee has the following powers and duties:

(a) To study capital construction, controlled maintenance, and capital renewal requests and proposals, pursuant to rule 45 of the joint rules of the senate and the house of representatives, of each state agency and state institution of higher education;

(a.3) To review and make required recommendations on reports from state agencies and state institutions of higher education, including reports from:

(I) The office of the state architect on the approved and unapproved facility management plans and facility management plan updates pursuant to section 24-30-1303.5 (3.5), C.R.S., and acquisitions and dispositions pursuant to sections 24-30-1303.5 (6) and 24-82-102, C.R.S.;

(II) The adjutant general in the department of military and veterans affairs on the acquisition or disposition of property pursuant to section 28-3-106 (1)(s)(I), C.R.S.;

(III) The parks and wildlife commission in the department of natural resources on the acquisition or disposition of certain real property interests under section 33-1-105 (1)(i) or (3), C.R.S., and the acquisition of certain interest in real property or water pursuant to section 33-1-105.5 (9), C.R.S.; and

(IV) The parks and wildlife commission in the department of natural resources on the acquisition or disposition of certain interests in real property pursuant to section 33-10-107 (2), C.R.S.;

(a.5) To study the request from the transportation commission for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the

capital construction fund pursuant to section 24-75-302 (2), C.R.S., specifically for such purpose. On or before October 1 of each year, the transportation commission shall submit its request, based on the statewide transportation improvement programs, with a prioritized list of recommended state highway reconstruction, repair, and maintenance projects with the priority of projects on the list determined on the basis of greatest need without regard to location in the state. The capital development committee shall determine the number of projects on the list that may be funded from money available in the capital construction fund for state highway reconstruction, repair, or maintenance projects. Only projects on the list may be funded from money available in the capital construction fund for state highway reconstruction, repair, or maintenance projects, and the projects must be funded in the priority determined by the transportation commission; except that, if a project on the list cannot be funded because an alternative source of funding for the project has become available, a court order has enjoined the project, or an act of God has made the project construction unfeasible, the transportation commission shall submit the next phase of that project or the next project on that regional priority list to the capital development committee for approval as an addition to the list in lieu of the project that cannot be funded. No substitute project submitted by the transportation commission from the regional priority list shall be approved by the capital development committee if funding said project would result in the delay of any other project on the list. Upon approval of an amended list, the department of transportation shall provide a copy of the amended list to the members of the joint budget committee, the transportation and energy committee in the house of representatives, and the transportation committee in the senate. Projects on the list submitted by the transportation commission by October 1 or on an amended list submitted as provided in this paragraph (a.5) may be funded from money transferred to the capital construction fund and available in the current fiscal year or money to be transferred to the capital construction fund for the fiscal year beginning the following July 1.

(a.6) (Deleted by amendment, L. 2008, p. 1064, 8, effective July 1, 2008.)

(b) To hold such hearings as may be necessary to consider reports from each state agency or state institution of higher education with respect to capital construction, controlled maintenance, or capital renewal;

(c) To make determinations, pursuant to rule 45 of the joint rules of the senate and the house of representatives, of the priority to be accorded to the proposals made by the various state agencies and state institutions of higher education with respect to capital construction, controlled maintenance, and capital renewal proposals, based upon information made available to the capital development committee from any sources with respect to estimates of revenues available for such purposes;

(d) To forecast the state's requirements for capital construction, controlled maintenance, and capital renewal as may be necessary or desirable for adequate presentation of the planning and implementation or construction of such projects and to forecast the projected available revenue to meet the state's requirements for capital construction, controlled maintenance, and capital renewal. Such revenue forecast must conform with the economic forecast period used in the quarterly revenue estimates prepared by the staff of the legislative council.

(e) Repealed.

(f) To review the annual capital construction and maintenance requests from the chief information officer of the office of information technology regarding the public safety communications trust fund created pursuant to section 24-37.5-506, C.R.S.;

(g) (Deleted by amendment, L. 2014.) / Repealed.

(h) To review all acquisitions of real property by a state agency or state institution of higher education; except that, for any state agency or state institution of higher education that has statutory authority as of June 6, 2014, to acquire real property and such statutory authority specifies a process whereby the capital development committee either reviews, reviews and approves, or approves such an acquisition, then such statutory authority controls. If a state agency or state institution of higher education has statutory authority as of June 6, 2014, to acquire real property and such statutory authority does not include a process whereby the capital development committee either reviews, reviews and approves, or approves such acquisition, then this paragraph (h) controls. Section 23-1-106, C.R.S., and any budget instructions of the office of state planning and budgeting that specify thresholds regarding the submission of acquisitions of real property as capital budget requests operate to limit the review specified in this paragraph (h).

(2) Nothing in this section shall in any way limit or reduce the powers of the governor, through the office of state planning and budgeting and the office of the state architect, to establish executive branch priorities and procedures.

**Source:** **L. 85:** Entire part added, p. 284, § 1, effective May 23. **L. 94:** (1)(e) added, p. 1095, § 4, effective May 9; (1)(e) amended, p. 2614, § 21, effective July 1. **L. 95:** (1)(a.5) added, p. 1295, § 2, effective June 5; (1)(e) amended, p. 1275, § 11, effective June 5. **L. 96:** (1)(a.5) amended, p. 1869, § 2, effective June 6. **L. 98:** (1)(a.5) amended, p. 904, § 2, effective May 26; (1)(f) added, p. 939, § 6, effective May 27. **L. 2000:** (1)(a.6) added and (1)(b) amended, p. 502, § 11, effective July 1. **L. 2001:** (1)(a.5) amended, p. 225, § 1, effective March 28; (1)(e) amended, p. 309, § 2, effective August 8. **L. 2003:** (1)(a.5) amended, p. 2005, § 78, effective May 22. **L. 2007:** (1)(a) amended and (1)(a.3) added, p. 474, § 1, effective August 3; (1)(d) amended, p. 716, § 1, effective August 3. **L. 2008:** (1)(f) amended, p. 1129, § 10, effective May 22; (1)(a.6) and (1)(b) amended, p. 1064, § 8, effective July 1. **L. 2009:** (1)(g) added, (SB 09-228), ch. 410, p. 2254, § 1, effective July 1; (1)(f) amended, (SB 09-292), ch. 369, p. 1939, § 3, effective August 5. **L. 2010:** (1)(e) amended, (SB 10-175), ch. 188, p. 776, § 3, effective April 29. **L. 2012:** IP(1), IP(1)(a.3), (1)(a.3)(III), and (1)(a.3)(IV) amended, (HB 12-1317), ch. 248, p. 1202, § 3, effective June 4. **L. 2014:** (1), (1)(a), and (1)(c) amended, (HB 14-1387), ch. 378, pp. 1819, 1854, §§ 14, 69, effective June 6; (1)(a.3)(III) amended, (HB 14-1275), ch. 288, p. 1181, § 2, effective August 6; (1)(g) repealed, (SB 14-110), ch. 105, p. 390, § 2, effective August 6. **L. 2015:** (1)(a.3)(I) and (2) amended and (1)(e) repealed, (SB 15-270), ch. 296, p. 1214, § 10, effective June 5.

**Editor's note:** (1) Amendments to subsection (1)(g) by Senate Bill 14-110 and House Bill 14-1387 were harmonized.

(2) Amendments to subsection (1)(a.3)(III) by HB 14-1275 and HB 14-1387 were harmonized.

**Cross references:** For the legislative declaration contained in the 2000 act amending subsection (1)(b), see section 1 of chapter 141, Session Laws of Colorado 2000. For the legislative declaration in HB 14-1387, see section 1 of chapter 378, Session Laws of Colorado 2014. For the legislative declaration in SB 14-110, see section 1 of chapter 105, Session Laws of Colorado 2014.

**2-3-1304.3. Additional powers and duties of capital development committee - approval and oversight of fund-raising for restoration of the capitol dome - legislative declaration - capitol dome restoration trust fund - repeal. (Repealed)**

**Source:** **L. 2010:** Entire section added, (HB 10-1402), ch. 255, p. 1133, § 1, effective May 25. **L. 2011:** (3), (6)(a)(II), and (7) amended, (HB 11-1310), ch. 225, p. 967, § 1, effective August 10.

**Editor's note:** Subsection (7) provided for the repeal of this section, effective July 1, 2015. (See L. 2011, p. 968.)

**Cross references:** For additional capitol dome funding sources, see § 12-47.1-1201.

**2-3-1304.5. Reports from departments, institutions, and agencies in connection with capital construction requests - repeal. (Repealed)**

**Source:** **L. 89:** Entire section added, p. 335, § 1, effective April 27. **L. 2010:** Entire section RC&RE, (SB 10-192), ch. 254, p. 1131, § 2, effective August 11. **L. 2011:** (2) amended, (HB 11-1310), ch. 225, p. 970, § 3, effective August 10. **L. 2014:** (2) amended, (HB 14-1387), ch. 378, p. 1821, § 15, effective June 6.

**Editor's note:** (1) Prior to the recreation and reenactment of this section in 2010, subsection (2) provided for the repeal of this section, effective January 1, 1992. (See L. 89, p. 335.)

(2) Subsection (2) provided for the repeal of this section, effective July 1, 2015. (See L. 2014, p. 1821.)

**Cross references:** For the legislative declaration in HB 14-1387, see section 1 of chapter 378, Session Laws of Colorado 2014.

**2-3-1304.6. Capital construction and long-range planning by state agencies and state institutions of higher education - policy.** It is declared to be the policy of the general assembly not to acquire a capital asset or authorize or initiate any program or activity requiring capital construction, except programs or activities for controlled maintenance or capital renewal, for any state agency or state institution of higher education unless the program or activity is an element of the facilities program plan for the agency or institution and such facilities program plan has been approved by the state architect as set forth in section 24-30-1311, C.R.S., or by the Colorado commission on higher education as set forth in section 23-1-106, C.R.S.

**Source:** **L. 94:** Entire section added, p. 561, § 1, effective April 6. **L. 2014:** Entire section amended, (HB 14-1387), ch. 378, p. 1821, § 16, effective June 6. **L. 2015:** Entire section amended, (SB 15-270), ch. 296, p. 1215, § 11, effective June 5.

**Cross references:** For the legislative declaration in HB 14-1387, see section 1 of chapter 378, Session Laws of Colorado 2014.

**2-3-1305. Recommendations and findings.** The capital development committee shall make written reports setting forth its recommendations, prioritization, findings, and comments as to each recommendation concerning capital assets that it submits to the joint budget committee. The capital development committee shall submit its prioritization for supplemental capital construction, capital renewal, or controlled maintenance budget requests pursuant to rule 45 of the joint rules of the senate and the house of representatives to the joint budget committee no later than January 15 of each year, and shall submit its prioritization for new or amended capital construction, capital renewal, or controlled maintenance budget requests pursuant to rule 45 of the joint rules of the senate and the house of representatives for the upcoming fiscal year to the joint budget committee no later than February 15 of each year. Other reports may be issued from time to time by the committee whenever it deems such action to be appropriate or whenever requested by the general assembly.

**Source: L. 85:** Entire part added, p. 284, § 1, effective May 23. **L. 2014:** Entire section amended, (HB 14-1387), ch. 378, pp. 1822, 1854, §§ 17, 70, effective June 6.

**Cross references:** (1) For provisions concerning the deadline for recommendations concerning additional correctional facilities and the legislative implementation of such recommendations, see section 1 of chapter 33 and section 2 of chapter 120, Session Laws of Colorado 1990.

(2) For the legislative declaration in HB 14-1387, see section 1 of chapter 378, Session Laws of Colorado 2014.

**2-3-1305.5. Continuation projects - future appropriations. (Repealed)**

**Source: L. 94:** Entire section added, p. 1885, § 3, effective June 1. **L. 2014:** Entire section repealed, (HB 14-1387), ch. 378, p. 1822, § 18, effective June 6.

**Cross references:** For the legislative declaration in HB 14-1387, see section 1 of chapter 378, Session Laws of Colorado 2014.

**2-3-1306. Staff assistance.** In carrying out its duties under this part 13, the capital development committee may request staff assistance from the offices providing other legislative services or from the department of personnel and the office of state planning and budgeting in the governor's office. The legislative council shall provide any necessary assistance.

**Source: L. 85:** Entire part added, p. 284, § 1, effective May 23. **L. 95:** Entire section amended, p. 634, § 9, effective July 1. **L. 2014:** Entire section amended, (HB 14-1387), ch. 378, p. 1822, § 19, effective June 6.

**Cross references:** For the legislative declaration in HB 14-1387, see section 1 of chapter 378, Session Laws of Colorado 2014.

**2-3-1307. Highway and bridge projects - exempt.** This part 13 shall not apply to projects or properties which are funded or disposed of pursuant to the provisions of sections 43-

1-106, 43-1-219, or 43-1-220, C.R.S., but shall apply to projects funded from the capital construction fund in accordance with section 2-3-1304 (1)(a.5).

**Source:** **L. 85:** Entire part added, p. 285, § 1, effective May 23. **L. 91:** Entire section amended, p. 1056, § 7, effective July 1. **L. 95:** Entire section amended, p. 1297, § 6, effective June 5.

### **2-3-1308. Repeal of part. (Repealed)**

**Source:** **L. 85:** Entire part added, p. 285, § 1, effective May 23. **L. 89:** Entire section amended, p. 336, § 1, effective March 15. **L. 94:** Entire section amended, p. 628, § 1, effective April 14. **L. 2004:** Entire section amended, p. 1791, § 1, effective June 4. **L. 2006:** Entire section amended, p. 231, § 2, effective March 31. **L. 2009:** (1) amended, (HB 09-1169), ch. 45, p. 168, § 1, effective March 20. **L. 2014:** Entire section repealed, (HB 14-1387), ch. 378, p. 1822, § 20, effective June 6.

**Cross references:** For the legislative declaration in HB 14-1387, see section 1 of chapter 378, Session Laws of Colorado 2014.

## PART 14

### ECONOMIC DEVELOPMENT OVERSIGHT

**2-3-1401. Oversight of economic development activities of state - business affairs and labor committee and business, labor, and technology committee - reports from governor to joint budget committee on economic development programs.** (1) The business affairs and labor committee of the house of representatives and the business, labor, and technology committee of the senate, or any successor committees, shall have jurisdiction to conduct general oversight of the economic development activities of state government. Each year such committees shall, jointly or separately in the discretion of the chairmen of such committees, review the activities of any agencies of state government engaged in economic development matters and may require the appropriate officials of any such agencies to make reports to such committees to facilitate the oversight function under this subsection (1).

(2) The governor's office shall submit an annual report to the joint budget committee detailing the expenditures by appropriated line item and funding source in the general appropriation bill of the state for all economic development programs in all departments. The governor's office shall also make such annual report available to the full general assembly. The report shall identify which activities are funded and where such activities fall within priorities of the strategic plan and identify any anticipated and actual results of such funded activities; specify dollars spent on each activity; and show a balance of funds remaining for additional economic development activities.

(3) Repealed.

(4) The Colorado first program shall submit to the joint budget committee an annual report on the number of workers trained, for whom they were trained, why they were trained,

who trained the workers, and the cost per worker trained. Such report shall also be available to the full general assembly.

(5) The general assembly hereby finds, determines, and declares that the governor's office and the department of local affairs should comply with the state budgetary process, fiscal procedures, and generally accepted accounting principles when expending moneys to implement the state's economic development efforts. The governor's office and the department of local affairs shall record economic development program expenses in the state agency that benefits from the expenditure.

**Source:** **L. 89:** Entire part added, p. 338, § 1, effective June 7. **L. 94:** (3) repealed, p. 1820, § 6, effective June 1. **L. 97:** (2) and (4) amended, p. 1097, § 1, effective May 27. **L. 2006:** (2) amended, p. 1488, § 2, effective June 1. **L. 2007:** (1) amended, p. 2018, § 3, effective June 1.

## PART 15

### LEGISLATIVE EMERGENCY PREPAREDNESS, RESPONSE, AND RECOVERY COMMITTEE

**2-3-1501. Legislative declaration.** The general assembly hereby finds and determines that in the event of an emergency epidemic or disaster in the state, the general assembly must be prepared to respond to the emergency epidemic or disaster and have a plan for ensuring the continuation of its operations in order to assist in the protection of the health, safety, and welfare of the public.

**Source:** **L. 2007:** Entire part added, p. 1288, § 1, effective May 25. **L. 2010:** Entire section amended, (HB 10-1080), ch. 55, p. 202, § 1, effective March 31.

**2-3-1502. Definitions.** As used in this part 15, unless the context otherwise requires:

(1) "Bioterrorism" means the intentional use of microorganisms or toxins of biological origin to cause death or disease among humans or animals.

(2) Repealed.

(3) "Department" means the department of public health and environment created in section 25-1-102, C.R.S.

(3.5) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, illness, or loss of life or property resulting from an epidemic or a natural, man-made, or technological cause.

(4) "Division" means the division of homeland security and emergency management in the department of public safety created in section 24-33.5-1603, C.R.S.

(5) "Emergency epidemic" means cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins.

(6) "GEEERC" means the governor's expert emergency epidemic response committee created in section 24-33.5-704.5.

(7) "Legislative committee" means the legislative emergency preparedness, response, and recovery committee created in this part 15.

(8) "Legislative service agencies" means the legislative council staff, the office of legislative legal services, the joint budget committee staff, the office of the state auditor, the legislative information services, the senate services staff, and the staff of the house of representatives.

(9) "Pandemic influenza" means a widespread epidemic of influenza caused by a highly virulent strain of the influenza virus.

**Source:** **L. 2007:** Entire part added, p. 1288, § 1, effective May 25. **L. 2010:** (3.5) added and (7) amended, (HB 10-1080), ch. 55, p. 202, § 2, effective March 31. **L. 2012:** (4) amended, (HB 12-1283), ch. 240, p. 1129, § 31, effective July 1. **L. 2013:** (2) and (6) amended, (HB 13-1300), ch. 316, p. 1662, § 3, effective August 7. **L. 2014:** (2) repealed, (HB 14-1004), ch. 11, p. 107, § 13, effective February 27. **L. 2018:** (6) amended, (HB 18-1394), ch. 234, p. 1473, § 19, effective August 8.

**Cross references:** For the legislative declaration in the 2012 act amending subsection (4), see section 1 of chapter 240, Session Laws of Colorado 2012.

**2-3-1503. Legislative emergency preparedness, response, and recovery committee - creation - membership - duties.** (1) (a) There is hereby created a legislative emergency preparedness, response, and recovery committee. The legislative committee shall develop a plan for the response by, and continuation of operations of, the general assembly and the legislative service agencies in the event of an emergency epidemic or disaster. The legislative committee shall cooperate and coordinate with the division, the department, and the GEEERC in developing the plan. The legislative committee shall develop and submit the plan to the speaker of the house of representatives, the president of the senate, the governor, the executive director of the department, the director of the division, and the GEEERC no later than July 1, 2011. The legislative committee shall meet at least annually to review and amend the plan as necessary and shall provide any updated plan to the persons or entities specified in this paragraph (a). The legislative committee may recommend legislation pertaining to the preparedness, response, and recovery by, and continuation of operations of, the general assembly and the legislative service agencies in the event of an emergency epidemic or disaster. The legislative committee shall provide information to and fully cooperate with the division, the department, and the GEEERC in fulfilling its duties under this section.

(b) The legislative committee shall consist of eleven members as follows:

(I) Two members of the senate, appointed by the president of the senate, with no more than one such member from the same political party;

(II) Two members of the house of representatives, appointed by the speaker of the house of representatives, with no more than one such member from the same political party;

(III) The secretary of the senate;

(IV) The chief clerk of the house of representatives;

(V) The staff director of the joint budget committee or the staff director's designee;

(VI) The director of research of the legislative council or the director's designee;

(VII) The director of the office of legislative legal services or the director's designee;

(VIII) The state auditor or the state auditor's designee; and

(IX) The director of legislative information services or the director's designee.

(2) In the event of an emergency epidemic or disaster that the governor declares to be a disaster emergency pursuant to section 24-33.5-704, C.R.S., the legislative committee shall convene as rapidly and as often as necessary to advise the speaker of the house of representatives, the president of the senate, and the legislative service agencies regarding reasonable and appropriate measures to be taken by the general assembly and the legislative service agencies to respond to the emergency epidemic or disaster and protect the public health, safety, and welfare. The legislative committee shall communicate, cooperate, and seek advice and assistance from the division, the department, and the GEEERC in responding to the emergency epidemic or disaster.

(3) Except as otherwise provided in section 2-2-326, the members of the legislative committee shall serve without compensation.

**Source:** **L. 2007:** Entire part added, p. 1289, § 1, effective May 25. **L. 2010:** (1)(a) and (2) amended, (HB 10-1080), ch. 55, p. 203, § 3, effective March 31; (1)(a) amended, (SB 10-213), ch. 375, p. 1761, § 4, effective June 7. **L. 2013:** (2) amended, (HB 13-1300), ch. 316, p. 1662, § 4, effective August 7. **L. 2014:** (1)(a) and (2) amended, (HB 14-1004), ch. 11, p. 107, § 14, effective February 27; (3) amended, (SB 14-153), ch. 390, p. 1960, § 3, effective June 6.

**Editor's note:** Amendments to subsection (1)(a) by House Bill 10-1080 and Senate Bill 10-213 were harmonized.

**Cross references:** For the governor's expert emergency epidemic response committee, see § 24-33.5-704 (8).

## PART 16

### WILDFIRE MATTERS REVIEW COMMITTEE

**2-3-1601. Legislative declaration.** (1) The general assembly finds, determines, and declares that:

(a) Wildfires are a part of the natural cycle of Colorado's forests, yet increasingly pose a severe threat to human life and property;

(b) People are attracted to the forest and mountain areas of the state and increasingly choose to make their homes in what is known as the "wildland-urban interface", where wildland areas meet residential development;

(c) For many years now, residential areas in numerous parts of the state are regularly threatened by a close proximity to wildfires and, tragically, during the spring and summer of 2012, Colorado wildfires resulted in the loss of life and extensive property damage, including the destruction of homes affecting thousands of people;

(d) Since wildfires cause annual harm to many areas of the state and those residing in such areas, wildfire prevention and mitigation is a matter of extreme importance throughout the state and an issue demanding critical attention from the general assembly on a regular basis.

(2) The purpose of this part 16 is to provide a permanent interim committee as a forum through which the general assembly reviews state policies and resources addressing wildfire prevention and mitigation and the successful implementation and execution of such policies. In

creating a permanent interim committee to address matters relating to wildfires, the general assembly intends that issues relating to wildfire prevention and mitigation receive sufficient legislative scrutiny and public participation.

**Source: L. 2013:** Entire part added, (SB 13-082), ch. 386, p. 2253, § 1, effective June 5.

**2-3-1602. Wildfire matters review committee - creation - repeal of part.** (1) To address wildfire prevention and mitigation and to review and propose legislation relating to such matters, the wildfire matters review committee is hereby created, and is referred to in this part 16 as the "committee". The committee shall meet at the call of the chair at least once during the interim of each year to review and to propose legislation or other policy changes relating to wildfire prevention and mitigation and all related matters, including, without limitation, public safety, forest health, and cooperation with appropriate federal agencies and local governments. The committee may take up to two field trips during the interim and consult with experts in all fields relating to wildfire prevention and mitigation as may be necessary to achieve the objectives of this part 16. All personnel of any state agency or political subdivision of Colorado involved in wildfire prevention and mitigation, including the Colorado department of public safety and the Colorado state forest service, shall cooperate with the committee and with any persons assisting the committee in carrying out its duties pursuant to this section.

(1.5) Repealed.

(2) The committee consists of ten members of the general assembly selected as follows:

(a) Five members from the senate, three appointed by the president of the senate and two appointed by the minority leader of the senate;

(b) Five members from the house of representatives, three appointed by the speaker of the house of representatives and two appointed by the minority leader of the house of representatives.

(3) Appointing authorities shall make their original appointments to the committee not later than July 1, 2013. Terms of service on the committee are for two years. The terms of original appointees to the committee terminate on the convening date of the first regular session of the seventieth general assembly. Thereafter, the terms of members of the committee terminate on the convening date of the first regular session of the general assembly next following their appointment or reappointment, and all subsequent appointments or reappointments are made as soon as practicable after such convening date. Incumbent members may be reappointed to the committee. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members serve at the pleasure of the appointing authority and continue in office until a successor is appointed, as applicable.

(4) (a) The president of the senate shall appoint the chair of the committee in even-numbered years and the vice-chair in odd-numbered years. The speaker of the house of representatives shall appoint the chair of the committee in odd-numbered years and the vice-chair in even-numbered years.

(b) The committee shall prescribe its own rules of procedure.

(4.5) The committee may recommend up to a total of five bills during each interim. Legislation recommended by the committee must be treated as legislation recommended by an interim committee for purposes of applicable deadlines, bill introduction limits, and any other requirements imposed by the joint rules of the general assembly.

(5) Members of the committee serve without compensation; except that each member is entitled to be reimbursed for necessary expenses in connection with the performance of his or her duties and receives the same per diem as other members of interim committees in attendance at meetings.

(6) Existing employees of the legislative service agencies shall provide any staff assistance required by the committee within existing appropriations.

(7) This part 16 is repealed, effective September 1, 2025.

**Source:** **L. 2013:** Entire part added, (SB 13-082), ch. 386, p. 2254, § 1, effective June 5. **L. 2014:** (1.5) added, (SB 14-164), ch. 176, p. 648, § 3, effective May 12. **L. 2016:** (1) and (4) amended and (1.5)(c) added, (SB 16-003), ch. 213, p. 823, § 3, effective June 6. **L. 2018:** (1.5) repealed, (4.5) added, and (7) amended, (SB 18-039), ch. 219, p. 1397, § 1, effective May 18.

**Editor's note:** Subsection (1.5)(c)(II) provided for the repeal of subsection (1.5)(c), effective September 1, 2017. (See L. 2016, p. 823.)

## PART 17

### JOINT TECHNOLOGY COMMITTEE

**2-3-1701. Definitions.** As used in this part 17:

(1) "Committee" means the joint technology committee created in section 2-3-1702.

(1.3) "Cybersecurity" means a broad range of technologies, processes, and practices designed to protect networks, computers, programs, and data from attack, damage, or unauthorized access.

(1.7) "Data privacy" means the collection and dissemination of data, technology, and the public expectation of privacy. "Data privacy" also includes the way personally identifiable information or other sensitive information is collected, stored, used, and finally destroyed or deleted, in digital form or otherwise.

(2) (a) "Information technology" means information technology and computer-based equipment and related services designed for the storage, manipulation, and retrieval of data by electronic or mechanical means, or both. The term includes but is not limited to:

(I) Central processing units, servers for all functions, and equipment and systems supporting communications networks;

(II) All related services, including feasibility studies, systems design, software development, system testing, external off-site storage, and network services, whether provided by state employees or by others;

(III) The systems, programs, routines, and processes used to employ and control the capabilities of data processing hardware, including operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, application testing capabilities, storage system software, hand-held device operating systems, and computer networking programs;

(IV) The application of electronic information processing hardware, software, or telecommunications to support state government business processes.

(b) "Information technology" does not mean post-implementation support, hardware life-cycle replacement, or routine maintenance.

(2.5) (a) "Information technology budget request" means a budget request from a state agency or state institution of higher education for the installation, development, or upgrade of information technology, including the purchase of services from the office of information technology on the condition that the use of such services is the most cost beneficial option or falls within the duties and responsibilities of the office of information technology or the office's chief information officer as described in sections 24-37.5-105 and 24-37.5-106, C.R.S. "Information technology budget request" does not include budget requests that are primarily operational in nature or a budget request where the majority of funding will be used to support or modify state staffing levels.

(b) For purposes of this subsection (2.5), "information technology" means information technology as defined in section 24-37.5-102 (2), C.R.S., the majority of the components of which have a useful life of at least five years; except that "information technology" does not include personal computer replacement or maintenance, unless such personal computer replacement or maintenance is a component of a larger computer system upgrade.

(3) "Office of information technology" means the office of information technology created in section 24-37.5-103, C.R.S.

(4) "Oversee" means reviews of major information technology projects as defined in section 24-37.5-102 (2.6), reviews of the office's budget requests for information technology projects, and ensuring that information technology projects follow best practice standards as established by the office of information technology. "Oversee" does not include interference with the office's general responsibilities set forth in this article 3.

(5) "State agency" means all of the departments, divisions, commissions, boards, bureaus, and institutions in the executive branch of the state government. "State agency" does not include the legislative or judicial department, the department of law, the department of state, the department of the treasury, or state-supported institutions of higher education, including the Auraria higher education center established in article 70 of title 23, C.R.S.

**Source: L. 2013:** Entire part added, (HB 13-1079), ch. 246, p. 1187, § 1, effective May 18. **L. 2014:** (2.5) added and (2.5)(b) amended, (HB 14-1395), ch. 309, pp. 1304, 1309, §§ 1, 9, effective May 31. **L. 2017:** (1.3) and (1.7) added and (4) amended, (SB 17-304), ch. 252, p. 1054, § 1, effective August 9.

**2-3-1702. Joint technology committee established.** (1) There is hereby established a joint committee of the senate and house of representatives known as the joint technology committee, consisting of three members of the house of representatives, two of whom are appointed by the speaker of the house of representatives and one of whom is appointed by the minority leader of the house of representatives, and three members of the senate, two of whom are appointed by the president of the senate and one of whom is appointed by the minority leader of the senate. The members of the committee should have experience in information technology, business analysis, or business process. The committee functions during the legislative sessions and during the interim between sessions.

(2) To expedite the work of the committee, appointees may be designated after the general election and prior to the convening of the general assembly at which such committee is

to serve, whether such appointees are members of the then-current general assembly or members-elect of the next general assembly, or both; and such appointees have all the powers and duties and are entitled to the same compensation and expense allowance as members duly appointed under the provisions of subsection (1) of this section.

(3) The committee shall elect a chair and a vice-chair, one from the senate membership of the committee and one from the house membership of the committee. The chair so elected shall serve as chair for the first regular session of the general assembly at which the committee is to serve, and as vice-chair for the second regular session; the vice-chair so elected shall serve as chair for the second regular session of said general assembly.

**Source: L. 2013:** Entire part added, (HB 13-1079), ch. 246, p. 1188, § 1, effective May 18.

**2-3-1703. Organization, procedures, and meetings.** The committee may prescribe its own rules of procedure and shall meet at least once each year in order to review the governor's budget submissions for information technology, and shall meet as often as necessary to perform its functions.

**Source: L. 2013:** Entire part added, (HB 13-1079), ch. 246, p. 1189, § 1, effective May 18.

**2-3-1704. Powers and duties of the joint technology committee.** (1) The committee oversees the office of information technology, including but not limited to:

- (a) A review of the state of information technology;
- (b) Any general information technology needs;
- (c) Any anticipated short-term or long-term changes for information technology;
- (d) The office of information technology's responsibilities related to the statewide communications and information infrastructure as set forth in section 24-37.5-108, C.R.S.; and
- (e) The office of information technology's responsibilities related to the geographic information system as set forth in section 24-37.5-111, C.R.S.

(2) The committee oversees the chief information security officer and his or her duties as established in part 4 of article 37.5 of title 24, C.R.S.

(3) The committee oversees any telecommunications coordination within state government that the chief information officer performs pursuant to part 5 of article 37.5 of title 24, C.R.S.

(4) The committee oversees the general government computer center established in part 6 of article 37.5 of title 24, C.R.S.

(5) The committee may review the actions of the statewide internet portal authority created in section 24-37.7-102, C.R.S.

(6) (a) The committee oversees a state agency regarding:

(I) Any information technology purchased or implemented that is not managed or approved through the office of information technology;

(II) Any information technology that a state agency purchased or implemented that does not follow the standards set by the office of information technology; and

(III) Any information technology that a state agency purchased or implemented that has the same function as information technology that the office of information technology has already created, purchased, or implemented.

(b) On or before November 1, 2013, and on November 1 of each year thereafter, all state agencies are encouraged to submit a written report to the committee regarding any of the instances described in paragraph (a) of this subsection (6).

(6.5) The committee may request information and presentations from state agencies regarding data privacy and cybersecurity within state agencies and may coordinate with the Colorado cybersecurity council created in section 24-33.5-1902. In addition, the committee may consider:

(a) Whether state agencies are collecting or retaining data that exceeds what is necessary and appropriate for such agencies to perform their functions;

(b) Who has access to data, the extent of such access, and appropriate mechanisms to protect sensitive data; and

(c) Measures to protect data against unauthorized access, disclosure, use, modification, or destruction.

(7) On or before November 1, 2013, and on November 1 of each year thereafter, the judicial department, the department of law, the department of state, and the department of the treasury are encouraged to submit a written report to the committee that details all information technology that such department purchased or implemented.

(8) A copy of any legislative measure introduced during any legislative session, regular or special, commencing on or after January 1, 2014, and determined by the speaker of the house of representatives or by the president of the senate to be dealing with information technology, data privacy, or cybersecurity shall be reviewed by the committee. The committee may also request that any legislative measure introduced during a legislative session, regular or special, and determined by the committee to be dealing with information technology, data privacy, or cybersecurity be reviewed by the committee. The committee may make advisory recommendations about such legislative measures to the house of representatives, the senate, the joint budget committee, the capital development committee, or to any committee of reference, as appropriate, considering any such legislative measure.

(9) On or before the first day of the regular legislative session commencing on or after January 1, 2014, and on the first day of each regular legislative session thereafter, the joint technology committee shall submit a written report on the committee's findings and recommendations based on the committee's oversight pursuant to subsections (1) to (8) of this section to the joint budget committee. Such report may include:

(a) Legislation recommended by the committee that addresses any of the committee's findings and recommendations based on the committee's oversight pursuant to subsections (1) to (8) of this section. Any such legislation is exempt from the five-bill limitation specified in rule 24 of the joint rules of the senate and the house of representatives; and

(b) A report on the status of any information technology budget request that was previously approved for phasing in or for incremental implementation over a period exceeding one year.

(10) Upon request, a state agency and the judicial department, the department of law, the department of state, and the department of the treasury shall make available to the committee such data, reports, or information as are necessary for the performance of the committee's duties.

If the committee requests such data, reports, or information, the state agency or judicial department, the department of law, the department of state, or the department of the treasury shall provide the requested information no later than November 1 of the calendar year in which the request is made.

(11) (a) The committee shall study all information technology budget requests pursuant to rule 45 of the joint rules of the senate and the house of representatives, made by all state agencies and state institutions of higher education. For purposes of institutions of higher education, the committee shall only review state-funded information technology budget requests. The committee shall make determinations of the priority to be accorded to such information technology budget requests based upon information made available to the committee from any sources with respect to estimates of revenues available in a fiscal year for information technology budget requests. The committee shall make written reports setting forth its recommendations, prioritization, findings, and comments as to each information technology budget request reviewed pursuant to rule 45 of the joint rules of the senate and the house of representatives, including recommendations regarding the appropriate amount of an information technology budget request, and shall submit such written reports to the joint budget committee for supplemental information technology budget requests no later than January 15 of each year, and for new or amended information technology budget requests for the upcoming fiscal year no later than February 15 of each year.

(b) The joint budget committee may seek the committee's review of any operating budget request for information technology.

(c) The committee shall hold such hearings as may be necessary to study all information technology budget requests pursuant to rule 45 of the joint rules of the senate and the house of representatives made by all state agencies and state institutions of higher education.

(d) The legislative council staff shall assist and advise the committee by reviewing and summarizing the information technology budget requests made by all state agencies and state institutions of higher education.

(e) The committee has the duty to forecast the state's requirements for future information technology budget requests as may be necessary or desirable for adequate presentation of the planning and implementation of such projects.

**Source:** L. 2013: Entire part added, (HB 13-1079), ch. 246, p. 1189, § 1, effective May 18. L. 2014: (9), (11)(a), and (11)(c) amended and (11) added, (HB 14-1395), ch. 309, pp. 1305, 1309, §§ 2, 10, effective May 31. L. 2017: (6.5) added and (8) amended, (SB 17-304), ch. 252, p. 1054, § 2, effective August 9.

**2-3-1705. Staff assistance.** The legislative council staff and the office of legislative legal services shall assist the joint technology committee in carrying out its duties.

**Source:** L. 2013: Entire part added, (HB 13-1079), ch. 246, p. 1191, § 1, effective May 18.

**2-3-1706. Repeal of part. (Repealed)**

**Source: L. 2013:** Entire part added, (HB 13-1079), ch. 246, p. 1191, § 1, effective May 18. **L. 2017:** Entire section repealed, (SB 17-304), ch. 252, p. 1055, § 3, effective August 9.

## STATUTES - CONSTRUCTION AND REVISION

### ARTICLE 4

#### Construction of Statutes

**Editor's note:** This article was numbered as article 1 of chapter 135, C.R.S. 1963. The substantive provisions of this article were repealed and reenacted in 1973, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this article prior to 1973, consult the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

**Law reviews:** For article, "Canons of Statutory Construction", see 46 Colo. Law. 23 (Feb. 2017).

#### PART 1

#### CONSTRUCTION OF WORDS AND PHRASES

**2-4-101. Common and technical usage.** Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

**Source: L. 73:** R&RE, p. 1422, § 1. **C.R.S. 1963:** § 135-1-101.

**2-4-102. Singular and plural.** The singular includes the plural, and the plural includes the singular.

**Source: L. 73:** R&RE, p. 1422, § 1. **C.R.S. 1963:** § 135-1-102.

**2-4-103. Gender.** Every word importing the masculine gender only may extend to and be applied to females and things as well as males; every word importing the feminine gender only may extend to and be applied to males and things as well as females; and every word importing the neuter gender only may extend to and be applied to natural persons as well as things.

**Source: L. 73:** R&RE, p. 1422, § 1. **C.R.S. 1963:** § 135-1-103.

**2-4-104. Tense.** Words in the present tense include the future tense.

**Source: L. 73:** R&RE, p. 1422, § 1. **C.R.S. 1963:** § 135-1-104.

**2-4-105. Week.** The word "week" means any seven consecutive days.

**Source: L. 73:** R&RE, p. 1422, § 1. **C.R.S. 1963:** § 135-1-105.

**2-4-106. Month.** The word "month" means a calendar month.

**Source: L. 73:** R&RE, p. 1423, § 1. **C.R.S. 1963:** § 135-1-106.

**2-4-107. Year.** The word "year" means a calendar year.

**Source: L. 73:** R&RE, p. 1423, § 1. **C.R.S. 1963:** § 135-1-107.

**2-4-108. Computation of time.** (1) In computing a period of days, the first day is excluded and the last day is included.

(2) If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

(3) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

**Source: L. 73:** R&RE, p. 1423, § 1. **C.R.S. 1963:** § 135-1-108.

**Cross references:** For provisions governing publication of legal notices and advertisements and the computation of time therefor, see part 1 of article 70 of title 24; for computation of time under the "Uniform Election Code of 1992", articles 1 to 13 of title 1, see § 1-1-106.

**2-4-109. Standard time - daylight saving time.** (1) The standard time within the state, except as provided in subsection (2) of this section, is that which is now known and designated by act of congress as "United States Mountain Standard Time".

(2) From two o'clock antemeridian on the second Sunday of March, until two o'clock antemeridian on the first Sunday of November, or such other times and days as may, from time to time, be designated by act of congress, the standard time in this state so established shall be one hour in advance of the standard time now known as "United States Mountain Standard Time".

(3) In all laws, statutes, orders, decrees, rules, and regulations relating to the time of performance of any act by any officer or department of this state, or of any county, city and county, city, town, district, or other political subdivision thereof, or relating to the time in which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the state, and in all the public schools and in all other institutions of this state, or of any county, city and county, city, town, or district thereof, and in all contracts or choses in action made or to be performed in this state, the time shall be as set forth in this section and it shall be so understood and intended.

**Source:** L. 73: R&RE, p. 1423, § 1. C.R.S. 1963: § 135-1-109. L. 87: (2) amended, p. 1574, § 2, effective July 10. L. 2007: (2) amended, p. 2018, § 4, effective June 1.

**2-4-110. Joint authority.** A grant of authority to three or more persons as a public body confers the authority upon a majority of the number of members fixed by statute.

**Source:** L. 73: R&RE, p. 1423, § 1. C.R.S. 1963: § 135-1-110.

**2-4-111. Quorum.** A quorum of a public body is a majority of the number of members fixed by statute.

**Source:** L. 73: R&RE, p. 1423, § 1. C.R.S. 1963: § 135-1-111.

**2-4-112. Conflict in the expression of numbers.** If there is a conflict between figures and words in expressing a number, the words govern.

**Source:** L. 73: R&RE, p. 1423, § 1. C.R.S. 1963: § 135-1-112.

**2-4-113. Use of "to" in reference to several sections.** Wherever in the statutes of this state a reference is made to several sections and the section numbers given in the reference are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.

**Source:** L. 75: Entire section added, p. 205, § 1, effective July 16.

**2-4-114. Introductory portion.** The portion of any section, subsection, paragraph, or subparagraph which precedes a list of examples, requirements, conditions, or other items may be referred to and cited as the "introductory portion" to the section, subsection, paragraph, or subparagraph.

**Source:** L. 75: Entire section added, p. 205, § 1, effective July 16.

## PART 2

### CONSTRUCTION OF STATUTES

**Cross references:** For editorial matters from which no implication or presumption of a legislative construction is to be drawn, see § 2-5-113 (4).

**2-4-201. Intentions in the enactment of statutes.** (1) In enacting a statute, it is presumed that:

- (a) Compliance with the constitutions of the state of Colorado and the United States is intended;
- (b) The entire statute is intended to be effective;
- (c) A just and reasonable result is intended;

- (d) A result feasible of execution is intended;
- (e) Public interest is favored over any private interest.

**Source: L. 73:** R&RE, p. 1423, § 1. **C.R.S. 1963:** § 135-1-201.

**2-4-202. Statutes presumed prospective.** A statute is presumed to be prospective in its operation.

**Source: L. 73:** R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-202.

**2-4-203. Ambiguous statutes - aids in construction.** (1) If a statute is ambiguous, the court, in determining the intention of the general assembly, may consider among other matters:

- (a) The object sought to be attained;
- (b) The circumstances under which the statute was enacted;
- (c) The legislative history, if any;
- (d) The common law or former statutory provisions, including laws upon the same or similar subjects;
- (e) The consequences of a particular construction;
- (f) The administrative construction of the statute;
- (g) The legislative declaration or purpose.

**Source: L. 73:** R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-203.

**2-4-204. Severability of statutory provisions.** If any provision of a statute is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the statute are valid, unless it appears to the court that the valid provisions of the statute are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed the legislature would have enacted the valid provisions without the void one; or unless the court determines that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**Source: L. 73:** R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-204.

**2-4-205. Special or local provision prevails over general.** If a general provision conflicts with a special or local provision, it shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.

**Source: L. 73:** R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-205.

**2-4-206. Irreconcilable statutes passed at the same or different sessions.** If statutes enacted at the same or different sessions of the general assembly are irreconcilable, the statute prevails which is latest in its effective date. If the irreconcilable statutes have the same effective date, the statute prevails which is latest in its date of passage.

**Source:** L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-206.

**Cross references:** For harmonization of amendments to the same statute, see § 2-4-301.

**2-4-207. Original controls over subsequent printing.** If the language of the official copy of a statute conflicts with the language of any subsequent printing or reprinting of the statute, the language of the official copy prevails.

**Source:** L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-207.

**2-4-208. Continuation of prior law.** A statute which is reenacted, revised, or amended is intended to be a continuation of the prior statute and not a new enactment, insofar as it is the same as the prior statute.

**Source:** L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-208.

**2-4-209. Statutory references.** A reference to any portion of a statute applies to all reenactments, revisions, or amendments thereof.

**Source:** L. 73: R&RE, p. 1424, § 1. **C.R.S. 1963:** § 135-1-209.

**2-4-210. References in a series. (Repealed)**

**Source:** L. 73: R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-210. **L. 93:** Entire section repealed, p. 1771, § 20, effective June 6.

**2-4-211. Common law of England.** The common law of England so far as the same is applicable and of a general nature, and all acts and statutes of the British parliament, made in aid of or to supply the defects of the common law prior to the fourth year of James the First, excepting the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth, and which are of a general nature, and not local to that kingdom, shall be the rule of decision, and shall be considered as of full force until repealed by legislative authority.

**Source:** L. 73: R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-211.

**2-4-212. Liberal construction.** All general provisions, terms, phrases, and expressions, used in any statute, shall be liberally construed, in order that the true intent and meaning of the general assembly may be fully carried out.

**Source:** L. 73: R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-212.

**2-4-213. Form of enacting clause.** All acts of the general assembly of the state of Colorado shall be designated, known, and acknowledged in each such act of said state as follows: "Be it enacted by the General Assembly of the State of Colorado".

**Source: L. 73:** R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-213.

**2-4-214. Use of relative and qualifying words and phrases.** The general assembly hereby finds and declares that the rule of statutory construction expressed in the Colorado supreme court decision entitled *People v. McPherson*, 200 Colo. 429, 619 P.2d 38 (1980), which holds that ". . . relative and qualifying words and phrases, where no contrary intention appears, are construed to refer solely to the last antecedent with which they are closely connected . . ." has not been adopted by the general assembly and does not create any presumption of statutory intent.

**Source: L. 81:** Entire section added, p. 347, § 1, effective May 18.

**2-4-215. Each general assembly a separate entity - future general assemblies not bound by acts of previous general assemblies.** (1) The general assembly finds and declares, pursuant to the constitution of the state of Colorado, that each general assembly is a separate entity, and the acts of one general assembly are not binding on future general assemblies. Accordingly, no legislation passed by one general assembly requiring an appropriation shall bind future general assemblies.

(2) Furthermore, the general assembly finds and declares that when a statute provides for the proration of amounts in the event appropriations are insufficient, the general assembly has not committed itself to any particular level of funding, does not create any rights in the ultimate recipients of such funding or in any political subdivision or agency which administers such funds, and clearly intends that the level of funding under such a statute is in the full and complete discretion of the general assembly.

**Source: L. 85:** Entire section added, p. 289, § 1, effective June 11.

**2-4-216. Limitations on statutory programs.** (1) When the general assembly creates statutory programs which are not required by federal law and which offer and provide services or assistance or both to persons in this state, the general assembly gives rise to a reasonable expectation that such services or assistance or both will be provided by the state in a manner consistent with the statutes which created the programs. However, the general assembly does not commit itself or the taxpayers of the state to the provision of a particular level of funding for such programs and does not create rights in the ultimate recipient to a particular level of service or assistance or both. The general assembly intends that the level of funding, and thus the level of service or assistance or both, shall be in the full and complete discretion of the general assembly, consistent with the statute which created the program.

(2) In the statutes creating some of these programs, the general assembly expressly conditions any rights arising under such programs by the use of the words "within available appropriations" or "subject to available appropriations" or similar words of limitation. The purpose of the use of these words of limitation is to reaffirm the principles set forth in subsection (1) of this section.

(3) At the time such a program is created, the general assembly appropriates funds for its implementation, taking into account many factors, including but not limited to the availability of revenues, the importance of the program, and needs of recipients when balanced with the needs

of recipients under other state programs. The amount of the initial appropriation indicates a program's priority in relation to other state programs. The general assembly reasonably expects that the priority of the program will be subject to annual changes which will be reflected in the modification of the annual appropriation for the program. If the general assembly desires a substantive change in the program, or to eliminate the program, that can be accomplished by amendment of the statutory law which created the program.

(4) It is the purpose of the general assembly, through the enactment of this section, to clarify that the rights, if any, created through the enactment of statutory programs are subject to substantial modification through the annual appropriation process, so long as the modification is consistent with the statute which created the program.

**Source: L. 89:** Entire section added, p. 341, § 1, effective March 25.

### PART 3

#### AMENDATORY STATUTES

**2-4-301. Multiple amendments to the same provision - one without reference to the other.** If amendments to the same statute are enacted at the same or different sessions of the general assembly and one amendment is without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are irreconcilable, the amendment prevails which is latest in its effective date. If the irreconcilable statutes have the same effective date, the statute prevails which is latest in its date of passage.

**Source: L. 73:** R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-301.

**2-4-302. Repeal of a repealing statute.** The repeal of a repealing statute does not revive the statute originally repealed.

**Source: L. 73:** R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-302.

**2-4-303. Penalties and liabilities not released by repeal.** The repeal, revision, amendment, or consolidation of any statute or part of a statute or section or part of a section of any statute shall not have the effect to release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such statute, unless the repealing, revising, amending, or consolidating act so expressly provides, and such statute or part of a statute or section or part of a section of a statute so repealed, amended, or revised shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions, criminal as well as civil, for the enforcement of such penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions imposing, inflicting, or declaring such penalty, forfeiture, or liability.

**Source: L. 73:** R&RE, p. 1425, § 1. **C.R.S. 1963:** § 135-1-303.

## PART 4

### DEFINITIONS

**2-4-401. Definitions.** The following definitions apply to every statute, unless the context otherwise requires:

(1) "Behavioral health" refers to an individual's mental and emotional well-being and actions that affect an individual's overall wellness. Behavioral health problems and disorders include substance use disorders, serious psychological distress, suicide, and other mental health disorders. Problems ranging from unhealthy stress or subclinical conditions to diagnosable and treatable diseases are included in the term "behavioral health". The term "behavioral health" is also used to describe service systems that encompass prevention and promotion of emotional health, prevention and treatment services for mental health and substance use disorders, and recovery support.

(1.1) "Child" includes child by adoption.

(1.3) "Civil union" means a relationship established by two eligible persons pursuant to the requirements of article 15 of title 14, C.R.S., that entitles them to receive the benefits and protections and be subject to the responsibilities of spouses.

(1.4) "Civil union certificate" means a document that certifies that the persons named in the certificate have established a civil union in this state in compliance with the provisions of article 15 of title 14, C.R.S.

(1.5) "Contraceptive" or "contraception" means a medically acceptable drug, device, or procedure used to prevent pregnancy.

(2) "Court" means a court of record.

(2.5) Repealed.

(3) "Executor" includes administrator and "administrator" includes executor.

(3.5) "Felony" includes a drug felony described in article 18 of title 18, C.R.S.

(3.7) "Immediate family member" means a person who is related by blood, marriage, civil union, or adoption.

(4) "Issue", as applied to the descent of estate, includes all the lawful, lineal descendants of the ancestor.

(5) "Land", "lands", or "real estate" includes lands, tenements, and hereditaments, and all rights thereto and all interests therein.

(6) "Minor" means any person who has not attained the age of twenty-one years. No construction of this subsection (6) shall supersede the express language of any statute.

(6.5) (a) "Must" means that a person or thing is required to meet a condition for a consequence to apply. "Must" does not mean that a person has a duty.

(b) This subsection (6.5):

(I) Is not intended to alter the interpretation of a statute enacted before August 7, 2013; and

(II) Applies to statutes enacted on or after August 7, 2013, but only with regard to language that appears in small capital font in the session laws published pursuant to section 24-70-223, C.R.S.

(6.7) "Misdemeanor" includes a drug misdemeanor described in article 18 of title 18, C.R.S.

(7) "Oath" includes affirmation, and "swear" includes affirm.

(7.5) "Partner in a civil union" or "party to a civil union" means a person who has entered into a civil union in accordance with the requirements of article 15 of title 14, C.R.S.

(8) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, limited liability company, partnership, association, or other legal entity.

(8.5) Repealed.

(9) "Personal representative" includes executor, administrator, conservator, or guardian.

(9.5) "Petty offense" includes a drug petty offense described in article 18 of title 18, C.R.S.

(10) "Population" means that shown by the most recent regular or special federal census.

(11) "Property" means both real and personal property.

(12) "Registered mail" includes certified mail.

(13) "Rule" includes regulation.

(13.5) "Sexual orientation" means a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof.

(13.7) (a) "Shall" means that a person has a duty.

(b) This subsection (13.7):

(I) Is not intended to alter the interpretation of a statute enacted before August 7, 2013; and

(II) Applies to statutes enacted on or after August 7, 2013, but only with regard to language that appears in small capital font in the session laws published pursuant to section 24-70-223, C.R.S.

(14) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legislative authority of the United States of America.

(15) "United States" includes all states, the District of Columbia, and the territories, commonwealths, and possessions of the United States.

(16) "Will" includes a codicil.

(17) "Written" or "in writing" includes any representation of words, letters, symbols, or figures; but this provision does not affect any law relating to signatures.

**Source:** L. 73: R&RE, p. 1426, § 1. C.R.S. 1963: § 135-1-401. L. 80: (2.5) added, p. 751, § 1. L. 90: (8) amended, p. 444, § 2, effective April 18. L. 2008: (13.5) added, p. 1598, § 9, effective May 29. L. 2009: (1.5) added, (SB 09-225), ch. 126, p. 546, § 1, effective August 5. L. 2013: (1.3), (1.4), (3.7), and (7.5) added, (SB 13-011), ch. 49, p. 157, § 5, effective May 1; (6.5) and (13.7) added, (HB 13-1029), ch. 8, p. 21, § 2, effective August 7; (3.5) added, (SB 13-250), ch. 333, p. 1942, § 65, effective October 1. L. 2014: (6.7) and (8.5) added, (SB 14-163), ch. 391, p. 1968, § 1, effective June 6. L. 2015: (8.5) repealed and (9.5) added, (SB 15-264), ch. 259, p. 940, § 3, effective August 5. L. 2017: (1) amended and (1.1) added, (SB 17-242), ch. 263, p. 1250, § 2, effective May 25.

**Editor's note:** Subsection (2.5) provided for the repeal of subsection (2.5), effective July 1, 1987. (See L. 80, p. 751.)

**Cross references:** (1) For other statutes having age qualifications that differ from that set out in the definition of "minor", see selection for jury service, § 13-71-105; liability for damages, § 13-21-107; contracts and agreements, article 22 of title 13; the "Colorado Probate Code", § 15-10-201 (32).

(2) For the legislative declaration contained in the 2008 act enacting subsection (13.5), see section 1 of chapter 341, Session Laws of Colorado 2008. For the legislative declaration in the 2013 act adding subsections (6.5) and (13.7), see section 1 of chapter 8, Session Laws of Colorado 2013. For the legislative declaration in SB 17-242, see section 1 of chapter 263, Session Laws of Colorado 2017.

**2-4-402. Colorado Revised Statutes.** Colorado Revised Statutes may be abbreviated and cited as "C.R.S."

**Source:** L. 73: R&RE, p. 1426, § 1. **C.R.S. 1963:** § 135-1-402. **L. 83:** Entire section amended, p. 377, § 1, effective July 1.

## ARTICLE 5

### Colorado Revised Statutes

**Law reviews:** For article, "The Colorado Revised Statutes: A Glimpse at the State's Obligation - Past, Present, and Future", see 26 Colo. Law. 97 (June 1997); for article, "Understanding Colorado Statutory Source Notes", see 42 Colo. Law. 39 (Jan. 2013); for article, "Researching Legislative History", see 44 Colo. Law. 33 (March 2015).

**2-5-101. Compilation of Colorado Revised Statutes.** (1) The revisor of statutes, referred to in this article as the "revisor", under the supervision and direction of the committee on legal services, referred to in this article as the "committee", shall compile, edit, arrange, and prepare for publication all laws of the state of Colorado of a general and permanent nature.

(2) The statutes shall be arranged and collated into such code titles, articles, and sections, and under such a numbering system as the committee approves and directs. The committee shall designate the number of volumes to comprise a set of the statutes for purposes of this arrangement and collating.

(3) The compilation of statutory laws and nonstatutory material provided for in this article, originally entitled "Colorado Revised Statutes 1973" and cited as "C.R.S. 1973", shall, on and after July 1, 1983, be entitled "Colorado Revised Statutes" and may be cited as "C.R.S.". Reference to individual sections of the statutes shall be cited substantially in the following manner: "Section 1-1-101, C.R.S.". Unless the context otherwise requires, any reference to Colorado Revised Statutes 1973 or to C.R.S. 1973 shall be deemed to refer to Colorado Revised Statutes or to C.R.S.

**Source:** L. 70: p. 364, § 1. **C.R.S. 1963:** § 135-6-1. **L. 83:** (1) and (3) amended, p. 377, § 2, effective July 1.

**2-5-102. Inclusions - nonstatutory.** (1) At the end of each section of the statutes, the revisor shall include:

- (a) Reference to the statutory history of the section;
  - (b) Annotations of state and federal court decisions construing, applying, or relating to the subject matter of the section; and
  - (c) Such editorial notes, cross references, and other matter as the committee considers desirable or advantageous.
- (2) The revisor shall prepare for publication with Colorado Revised Statutes:
- (a) The declaration of independence;
  - (b) The constitutions of the United States and state of Colorado;
  - (c) The enabling act admitting Colorado into the union; and
  - (d) The rules of civil and criminal procedure and such other rules as the supreme court of Colorado may adopt.

(3) The revisor shall also prepare for publication with Colorado Revised Statutes a complete subject index and comparative disposition tables or cross reference indices relating sections of the original 1973 compilation to prior compilations and session laws.

(4) The revisor of statutes shall include in the publication of the "Uniform Commercial Code", as nonstatutory matter, a complete index to the code and, following each section of the code, the session law source of that section and a specific designation of differences in text, if any, between that section and the version of that section in the official text of the "Uniform Commercial Code" issued by the American law institute and the national conference of commissioners on uniform state laws upon which that article of the "Uniform Commercial Code" as enacted in Colorado was based. In addition, the revisor of statutes shall include after each section the full text of the official comment to that section in that version of the article in the official text in effect at the time of the enactment of that version of that article in Colorado, and by the Colorado comments of the revisor of statutes. The inclusion of said nonstatutory matter is only for the purpose of information, and no inference or presumption of legislative intent shall be drawn therefrom.

(5) In order that said "Uniform Commercial Code" shall be, at all times and in all respects, as uniform as possible with the "Uniform Commercial Code" of other states, the order and arrangement of articles, sections, and subsections of said code, the numbering and lettering system of said articles, sections, and subsections, the titles or headings of said articles, sections, or subsections, and the wording, punctuation, capitalization, and sentence and paragraph structure of said code and any amendments thereto, as enacted by the general assembly, shall be preserved and maintained as far as possible without change; except that the revisor of statutes and the committee on legal services shall review said code and revise the same for the correction of errors needed and present said code, with the correction of such errors, to the general assembly for reenactment with other statutes of a general and permanent nature.

(6) There shall be included in the publication of the "Colorado Uniform Limited Partnership Act of 1981", as nonstatutory matter, following each section of the article, the full text of the official comments to that section contained in the official volume containing the 1976 official text of the "Revised Uniform Limited Partnership Act" issued by the national conference of commissioners on uniform state laws, with any changes in the official comments or Colorado comments to correspond to Colorado changes in the uniform act. The comments shall be

prepared by the revisor of statutes and approved for publication by the committee on legal services.

(7) There shall be included in the publication of the "Colorado Uniform Fraudulent Transfer Act", as nonstatutory matter, following each section of the article, the full text of the official comments to that section contained in the official volume containing the 1984 official text of the "Uniform Fraudulent Transfer Act" issued by the national conference of commissioners on uniform state laws, with any changes in the official comments or Colorado comments to correspond to Colorado changes in the uniform act. The comments shall be prepared by the revisor of statutes and approved for publication by the committee on legal services.

(8) There may be included in the publication of the amendments to article 10 of title 15, Colorado Revised Statutes, and to the revised parts 1 through 9 of article 11 of title 15, Colorado Revised Statutes, as nonstatutory matter, following each section of articles 10 and 11 of title 15, the full text of the official comments to that section contained in the official volume containing the official text of the "Uniform Probate Code - Article II" issued by the national conference of commissioners on uniform state laws, with any changes in the official comments or Colorado comments to correspond to Colorado changes in the uniform act. The comments shall be prepared by the revisor of statutes and approved for publication by the committee on legal services.

(9) There shall be included in the publication of the "Colorado Water for the 21st Century Act", as nonstatutory matter, following section 37-75-105, C.R.S., the full text of the interbasin compact charter as submitted to the general assembly on April 6, 2006, by the interbasin compact committee.

(10) There shall be included in the publication of the "Uniform Power of Attorney Act", as nonstatutory matter, following each section of the act, the full text of the official comments to that section contained in the official volume containing the 2006 official text of the "Uniform Power of Attorney Act" issued by the national conference of commissioners on uniform state laws, with any changes in the official comments or Colorado comments to correspond to Colorado changes in the uniform act. The comments shall be prepared by the revisor of statutes and approved for publication by the committee on legal services.

(11) There shall be included in the publication of the "Colorado Probate Code" as nonstatutory matter, following each amended or added section, the full text of the official comments to that section contained in the 2008 official text of "Amendments to Uniform Probate Code" issued by the national conference of commissioners on uniform state laws, with any changes in the official comments to correspond to Colorado changes in the "Uniform Probate Code". The comments shall be prepared by the revisor of statutes and approved for publication by the committee on legal services.

(12) There shall be included in the publication of the "Uniform Electronic Legal Material Act" as nonstatutory matter, following each amended or added section, the full text of the official comments to that section contained in the 2011 official text of the "Uniform Electronic Legal Material Act" issued by the national conference of commissioners on uniform state laws, with any changes in the official comments to correspond to Colorado changes in the "Uniform Electronic Legal Material Act". The comments shall be prepared by the revisor of statutes and approved for publication by the committee on legal services.

(13) The revisor of statutes shall include in the publication of the "Uniform Interstate Family Support Act" as nonstatutory matter, following each amended or added section, the full text of the official comments to that section contained in the 2008 official text of the "Uniform Interstate Family Support Act" issued by the national conference of commissioners on uniform state laws, with any changes in the official comments to correspond to Colorado changes in the "Uniform Interstate Family Support Act". The comments shall be prepared by the revisor of statutes and approved for publication by the committee on legal services.

**Source:** **L. 70:** p. 364, § 1. **C.R.S. 1963:** § 135-6-2. **L. 74:** (4) and (5) added, p. 420, § 71, effective April 11. **L. 77:** (4) amended, p. 311, § 1, effective January 1. **L. 81:** (6) added, p. 453, § 4, effective November 1. **L. 83:** IP(2) and (3) amended, p. 378, § 3, effective July 1. **L. 91:** (7) added, p. 1690, § 4, effective July 1. **L. 94:** (8) added, p. 1039, § 15, effective July 1, 1995. **L. 2006:** (9) added, p. 1282, § 2, effective May 26. **L. 2009:** (10) added, (HB 09-1198), ch. 106, p. 424, § 12, effective January 1, 2010. **L. 2010:** (11) added, (SB 10-199), ch. 374, p. 1747, § 1, effective July 1. **L. 2012:** (12) added, (HB 12-1209), ch. 138, p. 504, § 2, effective August 8; (4) amended, (HB 12-1262), ch. 170, p. 609, § 17, effective July 1, 2013. **L. 2015:** (13) added, (HB 15-1198), ch. 173, p. 568, § 34, effective July 1.

**Cross references:** For the "Uniform Commercial Code", see title 4; for the "Colorado Uniform Limited Partnership Act of 1981", see article 62 of title 7; for the "Colorado Uniform Fraudulent Transfer Act", see article 8 of title 38; for the "Uniform Power of Attorney Act", see part 7 of article 14 of title 15; for the "Colorado Probate Code", see articles 10 to 17 of title 15; for the "Uniform Electronic Legal Material Act", see article 71.5 of title 24; for the "Uniform Interstate Family Support Act", see article 5 of title 14.

**2-5-103. Preparation of Colorado Revised Statutes.** (1) In compiling, editing, arranging, and preparing the statutes, the revisor, under the supervision and direction of the committee, shall:

- (a) Adopt a uniform system of punctuation, capitalization, and wording;
- (b) Eliminate all obsolete and redundant wording of laws;
- (c) Correct obvious errors and inconsistencies;
- (d) Correct inaccurate references to the titles of officers, departments, or other agencies of the state and to other statutes, and make such other name changes as are necessary to be consistent with the law currently in effect;
- (e) Eliminate any duplications in law and any laws repealed directly or by implication; and
- (f) Clarify existing laws, modernize terminology, and make such other nonsubstantive changes as the committee considers proper.

(2) The revisor shall make no change in the substance of any statute but may make such changes in arrangement and terminology as will, in the judgment of the committee, improve the style and clarity of the laws, yet preserve the intent, effect, and meaning of each statutory provision.

(3) The revisor, with the approval of the committee, may employ such additional professional and clerical staff, within limits of appropriations, as may be necessary for the preparation and publication of the statutes under this article. In addition, the committee may

obtain, by contract, such technical and professional assistance as it deems advisable for the efficient and accurate preparation and publication of such statutes, including but not limited to preparation of annotations and indices.

**Source:** L. 70: p. 365, § 1. C.R.S. 1963: § 135-6-3. L. 96: (3) amended, p. 1345, § 2, effective June 1.

**Cross references:** For editorial work in the office of revisor of statutes, see § 2-3-703; for legislative construction not based on editorial matters, see § 2-5-113 (4).

**2-5-104. Revisor's bill.** The revisor, under the supervision and direction of the committee, shall prepare and submit annually one or more bills containing such amendments or repeals of obsolete, inoperative, imperfect, obscure, or doubtful laws as he considers necessary to improve the clarity and certainty of the statutes as provided in section 2-5-103.

**Source:** L. 70: p. 365, § 1. C.R.S. 1963: § 135-6-4. L. 77: Entire section R&RE, p. 265, § 1, effective June 1.

**2-5-105. Publication contract - legislative declaration.** (1) (a) Consistent with the requirement of section 8 of article XVIII of the state constitution that the general assembly provide for the publication of the laws passed at each session, the state acknowledges its obligation to provide official sets of statutes that are reasonably priced, accurate, and easy to use. In fulfillment of this obligation, the general assembly provides for distribution of statutes to state and local government agencies and the courts, without charge, in accordance with section 2-5-116 and provides for sale of statutes to the public in accordance with sections 2-5-111 and 2-5-118.

(b) The general assembly hereby finds and declares that:

(I) This section is enacted to assure that the obligation set forth in paragraph (a) of this subsection (1) is met consistent with the requirements of section 29 of article V of the state constitution governing the printing, binding, and distribution of the laws;

(II) An official, softbound, fully annotated set of statutes that is republished in its entirety annually and that is prepared under the supervision and direction of the committee on legal services of the general assembly meets that obligation; and

(III) On and after January 1, 1997, annual, softbound, official statutes shall be printed as a continuation of the original enactment of the Colorado Revised Statutes printed in accordance with the provisions of this article.

(2) On and after January 1, 1997, the work of the printing, binding, and packaging of softbound volumes and publications ancillary to Colorado Revised Statutes, originally entitled Colorado Revised Statutes 1973, and other similar operations precedent to the distribution thereof when published shall be performed pursuant to a contract or contracts bid and entered into in the manner directed by the committee on legal services in accordance with this section. Such contract or contracts shall be bid by employing standard bidding practices including, but not limited to, the use of requests for information, requests for proposals, or any other standard vendor selection practices determined by the committee to be best suited to selecting an appropriate printing contractor. The executive director of the department of personnel shall

provide such technical advice and assistance regarding bidding procedures as deemed necessary by the committee.

(3) (a) It is the intent of the general assembly that the work of printing, binding, and packaging of softbound volumes and publications ancillary to Colorado Revised Statutes be submitted to bid and any contract or contracts be awarded by the committee on legal services at least one year prior to the expiration of the current printing contract on December 31, 1997. However, if the committee determines that a further extension of the current contract would facilitate preparation of Colorado Revised Statutes in a new format and that such an extension would be in the public interest, the committee may extend such contract for an additional period not to exceed five years. The committee shall determine whether such an extension should be granted and, subject to the five-year limitation, the duration of any extension. Subsequent contracts for the work of printing, binding, packaging, and distribution shall be rebid at the direction of the committee on legal services prior to the expiration of a contract or, if an extension is granted, prior to the expiration of the extension period. Subsequent contracts shall be awarded at least six months prior to the expiration of a prior contract or extension period. The committee shall assure that the work is rebid at least every ten years. Such contract or contracts shall be awarded to the lowest responsible bidder or bidders and the determination thereof by the committee shall be final.

(b) The terms and conditions of any contract shall be determined by the committee on legal services, subject to the following:

(I) The term of any contract shall not exceed five years; however, the committee on legal services may extend the term of any such contract for one additional period of not more than five years if it finds that such an extension would be in the public interest; and

(II) Any contract shall contain adequate procedures to allow for verification of actual costs of printing.

(c) The methods and terms of sale of Colorado Revised Statutes to the public shall be included in the contract as an alternative provision as provided for in section 2-5-111.

(d) The committee on legal services may authorize such enhancements to or improvements in Colorado Revised Statutes as the committee deems appropriate.

(e) In the award of said contract or contracts, the committee on legal services shall take into consideration the policies set forth in the "Unfair Practices Act", article 2 of title 6, C.R.S.

(f) In determining the lowest responsible bidder in the award of said contract or contracts or in determining whether to extend any such contract as provided for in paragraph (b) of this subsection (3), the committee on legal services shall take into consideration the economic, fiscal, and tax impacts of the award or extension on the state of Colorado, its citizens, and its businesses. The information must be provided in writing and shall be verifiable by legal services staff.

(4) (Deleted by amendment, L. 93, p. 548, § 1, effective April 29, 1993.)

**Source:** L. 70: p. 366, § 1. C.R.S. 1963: § 135-6-5. L. 71: p. 1241, § 1. L. 81: Entire section amended, p. 1290, § 10, effective January 1, 1982. L. 83: Entire section amended, p. 378, § 4, effective July 1. L. 91: Entire section amended, p. 1902, § 1, effective May 24. L. 93: Entire section amended, p. 548, § 1, effective April 29. L. 96: Entire section amended and (2) amended, pp. 1345, 1512, §§ 3, 36, effective June 1.

**2-5-105.5. Publication - paper specification.** (1) A contract or extension of contract entered into after May 25, 2017, to publish or print the Colorado Revised Statutes pursuant to section 2-5-105 must specify that the paper used must meet the alkaline reserve minimum requirements and acidity levels for uncoated paper established by the American national standards institute and the national information standards organization (ANSI/NISO Z39.48-1992 (R2009)).

(2) This provision does not affect any contract that is in effect on January 1, 2017.

**Source:** L. 90: Entire section added, p. 1260, § 1, effective July 1, 1991. L. 2017: Entire section amended, (SB 17-293), ch. 257, p. 1075, § 1, effective May 25.

**2-5-106. Bid and contract forms, guarantee, bonds. (Repealed)**

**Source:** L. 70: p. 366, § 1. C.R.S. 1963: § 135-6-6. L. 81: (2) amended, p. 1290, § 11, effective January 1, 1982. L. 83: Entire section repealed, p. 382, § 17, effective July 1.

**2-5-107. Notification of bidders. (Repealed)**

**Source:** L. 70: p. 366, § 1. C.R.S. 1963: § 135-6-7. L. 81: Entire section amended, p. 1290, § 12, effective January 1, 1982. L. 83: Entire section repealed, p. 382, § 17, effective July 1.

**2-5-108. Contents of forms. (Repealed)**

**Source:** L. 70: p. 367, § 1. C.R.S. 1963: § 135-6-8. L. 83: Entire section repealed, p. 382, § 17, effective July 1.

**2-5-109. Contract approval and execution.** Any publication contract entered into pursuant to section 2-5-105 and all proceedings included therein shall be approved by the attorney general as to legality and by the controller, acting as the designee of the governor, and executed by the chairman of the committee for and in behalf of the state.

**Source:** L. 70: p. 367, § 1. C.R.S. 1963: § 135-6-9. L. 81: Entire section amended, p. 1290, § 13, effective January 1, 1982. L. 83: Entire section amended, p. 378, § 5, effective July 1. L. 91: Entire section amended, p. 1904, § 2, effective May 24.

**2-5-110. Cost, alternative specifications. (Repealed)**

**Source:** L. 70: p. 367, § 1. C.R.S. 1963: § 135-6-10. L. 83: Entire section repealed, p. 382, § 17, effective July 1.

**2-5-111. Sale price to public.** The methods and terms of sale of Colorado Revised Statutes, and ancillary publications thereto, to the public shall be included by the committee as an alternative specification and bid, and as a part of a contract let by bids authorized by this article.

**Source:** L. 70: p. 367, § 1. C.R.S. 1963: § 135-6-11. L. 83: Entire section amended, p. 378, § 6, effective July 1. L. 91: Entire section amended, p. 1904, § 3, effective L. 96: Entire section amended, p. 1347, § 4, effective June 1.

**2-5-112. Report to the 1974 session of the general assembly. (Repealed)**

**Source:** L. 70: p. 367, § 1. C.R.S. 1963: § 135-6-12. L. 83: Entire section repealed, p. 382, § 17, effective July 1.

**2-5-113. Effect of enactment of Colorado Revised Statutes 1973 - legislative construction not based on editorial matters.** (1) Colorado Revised Statutes 1973 was enacted as a repeal and reenactment of Colorado Revised Statutes 1963 and the supplements thereto, as provided for in section 2-5-122, as said section existed upon its repeal.

(2) The effect of the enactment of the Colorado Revised Statutes 1973, as of its effective and operative date, shall be:

(a) To repeal all statutes and parts of statutes of a general and permanent nature not contained in the Colorado Revised Statutes 1973;

(b) To revive no law repealed or superseded before the effective and operative date of the Colorado Revised Statutes 1973;

(c) To affect no act done, right accrued, or obligation incurred or imposed by law prior to that effective and operative date;

(d) Neither to abate nor otherwise affect any action, suit, or proceeding pending on such effective and operative date;

(e) To affect no penalty or forfeiture incurred before such effective and operative date, except that where a punishment, penalty, or forfeiture is mitigated by any provision of the Colorado Revised Statutes 1973, that mitigating provision shall apply to any judgment pronounced after that effective and operative date; and

(f) To have no effect on the running or ending of a limitation or period of time prescribed for acquiring a right, barring a remedy, or for any other purpose, where the time limitation began to run before that effective and operative date and the same or a similar limitation is prescribed in Colorado Revised Statutes 1973.

(3) The provisions of Colorado Revised Statutes 1973, insofar as they are the same in substantial intent, effect, and meaning as those of prior laws, shall be given effect as though a continuation of those laws and not as new enactments. If, however, any act set out in the prior laws and reenacted by Colorado Revised Statutes 1973 or any supplement thereto is alleged to have had a defective title when originally enacted, that defect is cured by enactment of the Colorado Revised Statutes 1973 or any supplement thereto.

(4) The classification and arrangement by title, article, and numbering system of sections of Colorado Revised Statutes, as well as the section headings, source notes, annotations, revisor's notes, and other editorial material, shall be construed to form no part of the legislative text but to be only for the purpose of convenience, orderly arrangement, and information; therefore, no implication or presumption of a legislative construction is to be drawn therefrom.

**Source:** L. 70: p. 367, § 1. C.R.S. 1963: § 135-6-13. L. 83: (1) and (4) amended, p. 378, § 7, effective July 1. L. 2005: (1) amended, p. 276, § 1, effective August 8.

**Cross references:** For editorial work by the revisor of statutes, see § 2-3-703; for preparation of Colorado Revised Statutes, see § 2-5-103.

**2-5-114. Deposit with secretary of state. (Repealed)**

**Source:** L. 70: p. 368, § 1. C.R.S. 1963: § 135-6-14. L. 83: Entire section repealed, p. 382, § 17, effective July 1.

**2-5-115. Copyright by state.** Colorado Revised Statutes and ancillary publications thereto, as published, shall be the sole property of the state of Colorado as owner and publisher thereof. The committee, or its designee, may register a copyright for and in behalf of the state of Colorado in any and all original publications and editorial work ancillary to the Colorado Revised Statutes that are prepared by the general assembly or its staff. The committee shall use its best efforts to ensure that any federal copyright registered pursuant to this section is appropriately maintained. Any prior actions of the committee and the revisor in securing such federal copyright are hereby validated.

**Source:** L. 70: p. 369, § 1. C.R.S. 1963: § 135-6-15. L. 83: Entire section amended, p. 379, § 8, effective July 1. L. 90: Entire section amended, p. 335, § 1, effective March 20. L. 96: Entire section amended, p. 1347, § 5, effective June 1. L. 2011: Entire section amended, (SB 11-261), ch. 205, p. 874, § 1, effective May 23.

**2-5-116. Official list - designation and disposition of statutes.** (1) The revisor shall prepare for approval by the committee an official list of the state, district, county, and municipal officials and state boards, commissions, divisions, and agencies who shall receive for official use sets of Colorado Revised Statutes, including a sufficient number of volumes for exchange with other states and territories on a reciprocal basis.

(2) The office of legislative legal services shall distribute such sets to the officials and agencies so listed, taking a receipt for each set so delivered.

(3) All sets of volumes provided for official use shall remain the property of the state of Colorado for the use of the named officials and their successors, and shall bear such designation.

**Source:** L. 70: p. 369, § 1. C.R.S. 1963: § 135-6-16. L. 75: (1) and (2) amended, p. 850, § 1, effective July 1. L. 83: (1) amended, p. 379, § 9, effective July 1. L. 88: (2) amended, p. 309, § 14, effective May 23. L. 96: Entire section amended, p. 1348, § 6, effective June 1.

**2-5-117. Softbound volumes - ancillary publications.** (1) Following the regular legislative session convening after January 1, 1997, the revisor, under the supervision and direction of the committee, shall annotate, arrange, and prepare for publication all laws of a general and permanent nature enacted at that session and at any special session intervening since the last preceding regular legislative session. Such laws shall be combined with the laws previously contained in the original hardbound volumes or replacement volumes and with the laws contained in the 1996 cumulative supplements for those volumes. Such combined laws shall be republished in accordance with this article in a fully annotated, softbound set of statutes.

(2) After each regular legislative session convening after January 1, 1998, the preparation for publication shall be as a republication of the entire set of statutes in softbound format that combines newly enacted laws with those published in the preceding year.

(3) Such softbound volumes, when, in like manner as is provided for enactment of Colorado Revised Statutes 1973, certified and reported to the general assembly by the committee, approved and enacted by the general assembly, published, and deposited with the secretary of state, shall be received, recognized, and referred to in like manner as Colorado Revised Statutes. Each year's set of softbound volumes shall become effective on the date specified in section 2-5-126 (2).

(4) The committee may issue such ancillary publications as it considers necessary or desirable in aid of the general use and purposes of Colorado Revised Statutes.

**Source:** L. 70: p. 369, § 1. C.R.S. 1963: § 135-6-17. L. 79: (2) and (3) amended, p. 305, § 1, effective April 25. L. 81: (3) amended, p. 348, § 1, effective May 18. L. 83: (2) to (4) amended, p. 379, § 10, effective July 1. L. 96: Entire section amended, p. 1344, § 1, effective June 1. L. 2011: (3) amended, (SB 11-261), ch. 205, p. 874, § 2, effective May 23.

**2-5-118. Official statutes - publications by other persons or agencies.** (1) (a) The statutes prepared in accordance with sections 2-5-102 and 2-5-103 and printed and enacted as the law of the state in accordance with sections 2-5-105, 2-5-113, 2-5-117, and 2-5-126 shall be considered to be the official statutes of the state of Colorado. Such official statutes shall be the only publication of the statutes entitled to be considered as evidence in Colorado courts in accordance with section 13-25-101, C.R.S., and with applicable Colorado court rules. The courts of this state shall take judicial notice of such official statutes.

(b) To ensure public access to the statutes, the committee:

(I) Shall authorize the printing of the official statutes in softbound sets in accordance with section 2-5-105;

(II) May authorize and work cooperatively with the person printing the official statutes in accordance with section 2-5-105 to reprint and distribute the statutes in alternative printed and electronic formats, including, but not limited to the following:

(A) Compact discs;

(B) Online public access through the world wide web;

(C) Electronic applications for handheld electronic devices;

(D) Electronic books or digital versions of books readable on personal computers, mobile handheld electronic devices, or special e-reader or tablet-style devices; and

(E) Other electronic products or formats;

(III) May, pursuant to subsection (2) of this section, provide the statutory database containing the official text of the statutes, with or without original ancillary publications prepared by the general assembly or its staff, for the additional publication, reprinting, and distribution of the statutes in print, electronic, or other digital format by another person, agency, or political subdivision, in accordance with subsections (2) to (5) of this section; and

(IV) Recognizes that other persons, agencies, or political subdivisions may, from time to time, also publish, reprint, or otherwise distribute the statutes in print, electronic, or other digital format without the use of the statutory database containing the official text of the statutes as prepared by the general assembly or its staff.

(c) Publication, reprinting, or distribution of any of the publications ancillary to the statutes of the state of Colorado, as prepared by the general assembly or its staff, other than pursuant to sections 2-5-101 to 2-5-116, may be made only as provided for in this section.

(2) (a) Any person, agency, or political subdivision desiring to publish, reprint, or distribute, whether by use of printed matter or by use of computer or other electronic means, the statutes of the state of Colorado using the statutory database prepared by the general assembly or its staff containing the official text of the statutes, shall submit to the committee or the committee's designee:

(I) A statement specifying those portions of the statutes the person, agency, or political subdivision seeks to publish;

(II) A statement specifying whether the person, agency, or political subdivision is seeking to publish, reprint, or distribute any of the publications ancillary to the statutes as prepared by the general assembly or its staff pursuant to subsection (2.5) of this section;

(III) The costs and fees required by the committee as specified in paragraph (c) of this subsection (2); and

(IV) Such other information as the committee reasonably requires.

(b) Any person, agency, or political subdivision who wishes to publish, reprint, or distribute an officially sanctioned version of the statutes pursuant to this subsection (2) shall reproduce the statutes and ancillary publications, if any, accurately.

(c) (I) In addition to any other requirement, the committee may require that any person, agency, or political subdivision seeking to publish, reprint, or distribute the statutes using the statutory database prepared by the general assembly or its staff containing the official text of the statutes pay a fee to the state and any direct costs of preparation of any material provided by the state. Such fee and costs shall be determined by the committee, and any fee shall be in an amount that the committee determines is necessary to pay for state property interests in the statutes, to pay for the use of any material copyrighted by the state, and to pay for expenses incurred by the committee to ensure the accuracy of the statutes.

(II) (Deleted by amendment, L. 92, p. 959, § 1, effective April 29, 1992.)

(2.5) (a) Any person, agency, or political subdivision desiring to publish, reprint, or distribute, whether by use of printed matter or by use of computer or other electronic means, any of the publications ancillary to the statutes of the state of Colorado shall make prior written application to the committee, in which the applicant:

(I) Specifies what ancillary publications it seeks to publish;

(II) States generally the purpose for the publication, reprinting, or distribution and the persons or classes of persons to receive copies thereof;

(III) Demonstrates to the satisfaction of the committee that such ancillary publications will be accurately reproduced; and

(IV) Agrees to pay the costs and fees required by the committee.

(b) If the committee finds from the application that such distribution meets the requirements of this subsection (2.5) and that it will not be detrimental to the interests of the citizens of the state, it may authorize distribution of such ancillary publications specified in the application. Upon satisfactory arrangements for the payment by such person, agency, or political subdivision of any costs and fees, the committee may provide copies of such ancillary publications in printed or electronic format.

(3) (a) (Deleted by amendment, L. 2011, (SB 11-261), ch. 205, p. 875, § 3, effective May 23, 2011.)

(b) The committee may enter into such contracts as it deems necessary to implement the provisions of this section. Any contracts entered into prior to May 23, 2011, are hereby validated.

(4) The general assembly hereby finds and declares that this section and the other provisions of this article are enacted in furtherance of the general assembly's legislative duty to provide for the publication of the laws as required by section 8 of article XVIII of the state constitution and that any acts of the committee or its staff in implementing these provisions are legislative in character. The purpose of this section is to ensure that the official statutes are made available to the courts, state and local government agencies, and other users; that copies of the Colorado Revised Statutes, when published, reprinted, or distributed to interested citizens, accurately state the law in effect when those copies are prepared; and that unofficial publications, reprintings, or distributions of the statutes are not mistaken for the official statutes produced and enacted in accordance with this article. Any person, agency, or political subdivision that publishes, reprints, or otherwise distributes the statutes of the state of Colorado, with or without any ancillary publications to the statutes, shall reproduce them accurately.

(5) (a) Any publication, reprinting, or distribution that is published in accordance with paragraph (a) of subsection (2) of this section using the statutory database containing the official text of the statutes may contain a notice, approved by the committee, that indicates that it is an officially sanctioned publication using the official text of the Colorado Revised Statutes. Except for the official statutes provided for in subsection (1) of this section, publications of the statutes shall not contain any notice or other indication that they are official statutes of this state.

(b) to (d) (Deleted by amendment, L. 2011, (SB 11-261), ch. 205, p. 875, § 3, effective May 23, 2011.)

(6) Notwithstanding any other provision of this section to the contrary, a person, agency, or political subdivision may publish, reprint, or distribute two hundred or fewer sections of the Colorado Revised Statutes, with or without the ancillary publications thereto, for educational purposes.

**Source:** L. 70: p. 369, § 1. C.R.S. 1963: § 135-6-18. L. 83: (1), IP(2), (2)(d), (3), and (4) amended and (2)(b) repealed, pp. 380, 382, §§ 11, 17, effective July 1. L. 90: Entire section amended, p. 335, § 2, effective March 20. L. 92: (2)(c) amended, p. 959, § 1, effective April 29. L. 94: (1)(a) amended, p. 1626, § 16, effective May 31. L. 96: (4) amended, p. 1348, § 7, effective June 1. L. 2003: (1)(b)(II), (1)(c), IP(2)(a), (2)(b), (2)(c)(I), (3)(a), (4), and (5) amended and (6) added, p. 830, § 1, effective August 6. L. 2011: Entire section amended, (SB 11-261), ch. 205, p. 875, § 3, effective May 23.

**2-5-119. Tax levy on civil actions.** A tax of one dollar is imposed upon each action filed in the office of each clerk of a court of record of the state of Colorado, except criminal actions, cases filed for reviews of findings and orders of the industrial claim appeals office, petitions relating to the distribution of estates under sections 15-12-1203 and 15-12-1204, petitions relating to a person with a mental health disorder filed under articles 10.5, 65, and 92 of title 27, cases filed by the state of Colorado, cases filed by the United States of America or any of its agencies in any matter under articles 10 to 20 of title 15, and cases where a party is allowed to

sue as a poor person. The party filing the action shall pay the tax to the clerk at the time of such filing. Each clerk shall keep the taxes received in a separate fund and remit them to the state treasurer on the first day of each month for the purpose of reimbursing the general fund for appropriations made for the use of the committee on legal services for statutory revision purposes.

**Source:** **L. 70:** p. 370, § 1. **C.R.S. 1963:** § 135-6-19. **L. 73:** p. 1651, § 20. **L. 83:** Entire section amended, p. 380, § 12, effective July 1. **L. 86:** Entire section amended, p. 496, § 109, effective July 1. **L. 2006:** Entire section amended, p. 1394, § 30, effective August 7. **L. 2015:** Entire section amended, (SB 15-264), ch. 259, p. 941, § 4, effective August 5. **L. 2017:** Entire section amended, (SB 17-242), ch. 263, p. 1262, § 31, effective May 25.

**Cross references:** For the legislative declaration in SB 17-242, see section 1 of chapter 263, Session Laws of Colorado 2017.

**2-5-120. Editorial matters not construed. (Repealed)**

**Source:** **L. 73:** p. 1417, § 99. **C.R.S. 1963:** § 135-6-20. **L. 76:** Entire section repealed, p. 297, § 9, effective May 20.

**2-5-121. Report deposited - 1973 supplement to Colorado Revised Statutes 1963. (Repealed)**

**Source:** **L. 74:** Entire section added, p. 425, § 1, effective May 7. **L. 83:** (1) amended, p. 381, § 13, effective July 1. **L. 2005:** Entire section repealed, p. 276, § 2, effective August 8.

**2-5-122. Enactment. (Repealed)**

**Source:** **L. 74:** Entire section added, p. 425, § 1, effective May 7. **L. 2005:** Entire section repealed, p. 277, § 3, effective August 8.

**2-5-123. Publishing - publication - effective date. (Repealed)**

**Source:** **L. 74:** Entire section added, p. 426, § 1, effective May 7. **L. 83:** Entire section amended, p. 381, § 14, effective July 1. **L. 2005:** Entire section repealed, p. 277, § 4, effective August 8.

**2-5-124. Validation of Colorado Revised Statutes and replacement volumes and supplements thereto - effective date - proceedings of the committee on legal services. (1)** The printing, publication, and certification of Colorado Revised Statutes, originally entitled Colorado Revised Statutes 1973, and replacement volumes and certain supplements thereto, the deposit with the secretary of state by the committee on legal services of a copy thereof, and the publication of notice thereof with the effective date of Colorado Revised Statutes, originally entitled Colorado Revised Statutes 1973, and replacement volumes and supplements thereto, containing all of the laws of the state of Colorado of a general and permanent nature enacted at

the regular and extraordinary sessions held subsequent to the 1973 session, as set forth with particularity in section 2-5-125, have been completed and are accepted, approved, ratified, confirmed, and validated as a full compliance with this article for the following publications:

(a) **Colorado Revised Statutes 1973 and the 1973 supplement to Colorado Revised Statutes 1963.** The effective and operative date of Colorado Revised Statutes 1973, including the 1973 supplement to Colorado Revised Statutes 1963, which contains all of the laws of the state of Colorado of a general and permanent nature enacted through the 1973 session of the Colorado general assembly, is fixed as December 31, 1974.

(b) **1975 supplement to Colorado Revised Statutes 1973.** The effective and operative date is fixed as March 1, 1976, for the 1975 supplement.

(c) **1976 supplement to Colorado Revised Statutes 1973.** The effective and operative date is fixed as July 1, 1977, for the 1976 supplement.

(d) **1978 supplement to Colorado Revised Statutes 1973 and replacement volumes 5, 8, and 12.** The effective and operative date is fixed as February 1, 1978, for volume 12, 1977 replacement volume, and is fixed as May 1, 1979, for the 1978 supplement and volumes 5 and 8, 1978 replacement volumes.

(e) **1979 supplement to Colorado Revised Statutes 1973.** The effective and operative date is fixed as April 7, 1980, for the 1979 supplement.

(f) **1980 supplement to Colorado Revised Statutes 1973 and replacement volume 1B.** The effective and operative date is fixed as May 1, 1981, for the 1980 supplement and for volume 1B, 1980 replacement volume.

(g) **1981 supplement to Colorado Revised Statutes 1973.** The effective and operative date is fixed as February 19, 1982, for the 1981 supplement.

(h) **1982 supplement to Colorado Revised Statutes 1973 and replacement volumes 10, 11, 16A, and 16B.** The effective and operative date is fixed as February 15, 1983, for the 1982 supplement and for volumes 10, 11, 16A, and 16B, 1982 replacement volumes.

(i) **1983 supplement to Colorado Revised Statutes.** The effective and operative date is fixed as March 27, 1984, for the 1983 supplement.

(j) **1984 supplement and special supplement to Colorado Revised Statutes and replacement volumes 14 and 17.**

(I) The effective and operative date is fixed as May 23, 1985, for the 1984 supplement and for volumes 14 and 17, 1984 replacement volumes.

(II) The effective and operative date is fixed as May 23, 1985, for that portion of the publication entitled "Special Supplement 1984 Voter-approved Changes and Court Rules Update", which contains the law amending title 1, C.R.S., in volume 1B, as enacted by the people at the general election on November 6, 1984.

(k) **1985 supplement to Colorado Revised Statutes and replacement volume 5.** The effective and operative date is fixed as February 28, 1986, for the 1985 supplement and for volume 5, 1985 replacement volume.

(l) **1986 supplement to Colorado Revised Statutes and replacement volumes 3A, 3B, 8A, 8B, 12A, and 12B.** The effective and operative date is fixed as April 17, 1987, for the 1986 supplement and for volumes 3A, 3B, 8A, 8B, 12A, and 12B, 1986 replacement volumes.

(m) **1987 supplement to Colorado Revised Statutes and replacement volumes 4A, 4B, 6A, and 6B.** The effective and operative date is fixed as April 5, 1988, for the 1987 supplement and for volumes 4A, 4B, 6A, and 6B, 1987 replacement volumes.

(n) **1988 supplement to Colorado Revised Statutes and replacement volumes 9, 10A, and 10B.** The effective and operative date is fixed as February 21, 1989, for the 1988 supplement and for volumes 9, 10A, and 10B, 1988 replacement volumes.

(o) **1989 supplement to Colorado Revised Statutes and replacement volumes 11A and 11B.** The effective and operative date is fixed as February 16, 1990, for the 1989 supplement and for volumes 11A and 11B, 1989 replacement volumes.

(p) **1990 supplement to Colorado Revised Statutes and replacement volume 15.** The effective and operative date is fixed as April 2 for the 1990 supplement and for volume 15, 1990 replacement volume.

(q) **1991 supplement and 1991 special supplement to Colorado Revised Statutes and replacement volumes 5A and 5B.** The effective and operative date is fixed as May 21, 1992, for the 1991 supplement, the 1991 special supplement, and volumes 5A and 5B, 1991 replacement volumes.

(r) **1992 supplement to Colorado Revised Statutes and replacement volume 2.** The effective and operative date is fixed as March 26, 1993, for the 1992 supplement and volume 2, 1992 replacement volume.

(s) **1993 supplement to Colorado Revised Statutes and replacement volume 17.** The effective and operative date is fixed as February 7, 1994, for the 1993 supplement and volume 17, 1993 replacement volume.

(t) **1994 supplement to Colorado Revised Statutes and replacement volumes 4A and 16B.** The effective and operative date is fixed as February 23, 1995, for the 1994 supplement and volumes 4A and 16B, 1994 replacement volumes.

(u) **1995 supplement to Colorado Revised Statutes and replacement volumes 9 and 14.** The effective and operative date is fixed as February 13, 1996, for the 1995 supplement and volumes 9 and 14, 1995 replacement volumes.

(v) **1996 supplement to Colorado Revised Statutes.** The effective and operative date is fixed as February 21, 1997, for the 1996 supplement.

(2) All proceedings of the committee on legal services, including the contract for publication, the provisions for distribution thereof between state and public subscribers, and the corresponding price costs thereof, are accepted, approved, ratified, confirmed, and validated.

**Source:** **L. 75:** Entire section added, p. 230, § 1, effective July 14. **L. 77:** Entire section R&RE, p. 266, § 1, effective May 27. **L. 78:** (1)(c) added, p. 250, § 1, effective May 6. **L. 80:** IP(1) amended and (1)(d) added, p. 442, § 1, effective April 1. **L. 81:** (1)(e) added, p. 349, § 1, effective April 22. **L. 82:** (1)(f) added, p. 223, § 1, effective February 19. **L. 83:** (1)(g) added, p. 383, § 1, effective February 14; IP(1) amended, p. 381, § 15, effective July 1. **L. 84:** (1)(h) and (1)(i) added, p. 282, § 1, effective March 26. **L. 85:** (1)(h) amended and (1)(j) added, p. 291, § 1, effective May 22. **L. 86:** (1)(k) added, p. 428, § 1, effective February 27. **L. 87:** (1)(l) added, p. 351, § 1, effective April 16. **L. 88:** (1) R&RE, p. 321, § 1, effective April 4. **L. 89:** (1)(n) added, p. 343, § 1, effective February 17. **L. 90:** (1)(o) added, p. 340, § 1, effective February 15. **L. 91:** (1)(p) added, p. 1942, § 1, effective April 1. **L. 92:** (1)(q) added, p. 2162, § 1, effective May 20. **L. 93:** (1)(r) added, p. 74, § 1, effective March 26. **L. 94:** (1)(s) added, p. 2, § 1, effective February 4. **L. 95:** (1)(t) added, p. 1, § 1, effective February 22. **L. 96:** (1)(u) added, p. 7, § 1, effective February 13. **L. 97:** (1)(v) added, p. 2, § 1, effective February 20.

**Editor's note:** (1) Subsection (1)(a) references the 1973 supplement to Colorado Revised Statutes 1973; however, the laws enacted during the 1972 and 1973 legislative sessions for inclusion in the compilation of Colorado Revised Statutes 1973 were not available until 1974. The 1973 supplement was not published separately in a pocket part or in a single bound volume. (See Senate Bill 035, Session Laws of Colorado 1974, ch. 103, p. 425, and § 2-5-121 prior to its repeal in 2005.)

(2) Subsection (1)(v) was originally lettered as subsection (1)(w) in House Bill 97-1005 but has been relettered on revision for ease of location.

**2-5-125. Supplements and replacement volumes to Colorado Revised Statutes - report - enactment - publication - effective date.** (1) The following supplements and replacement volumes to Colorado Revised Statutes, originally entitled Colorado Revised Statutes 1973, as corrected, collated, edited, revised, and compiled by the revisor and as certified by the committee on legal services, are prepared and published pursuant to and in conformity with section 2-5-117:

(a) **1975 supplement.** The 1975 supplement, hereby designated and declared to be the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature enacted by the forty-ninth general assembly at its second regular session (1974) and by the fiftieth general assembly at its first regular session (1975), a copy of which, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted. The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes 1973.

(b) **1976 supplement.** The 1976 supplement, hereby designated and declared to be the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature enacted by the forty-ninth general assembly at its second regular session (1974), by the fiftieth general assembly at its first regular session (1975), and by the fiftieth general assembly at its second regular session and its first extraordinary session (1976), a copy of which, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted. The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes 1973.

(c) (I) **1977 supplement.** The 1977 supplement, hereby designated and declared to be the "Official Report of the Committee on Legal Services" (consisting of a computer printout), contains all the laws of a general and permanent nature enacted by the forty-ninth general assembly at its second regular session (1974), by the fiftieth general assembly at its first regular session (1975), by the fiftieth general assembly at its second regular session and its first extraordinary session (1976), and by the fifty-first general assembly at its first regular session (1977), a computer printout of which, together with a listing of the revisor's changes, has been delivered to each member of the general assembly, and is approved and adopted. The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized,

collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes 1973.

(II) The 1977 supplement shall not be published separately in pocket parts or in a single bound volume but shall be compiled and published with the 1978 supplement.

(d) (I) **1978 supplement.** The 1978 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature enacted by the forty-ninth general assembly at its second regular session in 1974, by the fiftieth general assembly at its first regular session in 1975, by the fiftieth general assembly at its second regular session and its first extraordinary session in 1976, by the fifty-first general assembly at its first regular session in 1977, and by the fifty-first general assembly at its second regular session, its first extraordinary session, and its second extraordinary session in 1978 (with the exception of Volume 12, 1978 supplement, which contains all the laws of a general and permanent nature enacted by the fifty-first general assembly at its first regular session in 1977 and by the fifty-first general assembly at its second regular session, its first extraordinary session, and its second extraordinary session in 1978). A copy of said supplement, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(II) **Volumes 5 and 8, 1978 replacement volumes.** Volumes 5 and 8, 1978 replacement volumes, including the 1978 supplement to each volume, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contain all the laws of a general and permanent nature of the state of Colorado as title 12 and titles 16 to 21 which were revised and reenacted in Colorado Revised Statutes 1973, together with the 1975 and 1976 supplements thereto, the "Official Report of the Committee on Legal Services" enacting the 1977 supplement thereto (which was not published), and the laws of a general and permanent nature enacted by the fifty-first general assembly at its second regular session, its first extraordinary session, and its second extraordinary session in 1978. A copy of said volumes and supplements, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(III) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes 1973.

(e) (I) **1979 supplement.** The 1979 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature (except for the laws contained in the replacement volumes for volumes 5, 8, and 12) enacted during the 1974, 1975, 1976, 1977, 1978, and 1979 sessions of the Colorado general assembly.

(II) A copy of said supplement, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(III) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and

permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes 1973.

(f) (I) **1980 supplement.** The 1980 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature (except for the laws contained in the replacement volumes for volumes 1B, 5, 8, and 12) enacted during the 1974, 1975, 1976, 1977, 1978, 1979, and 1980 sessions of the Colorado general assembly.

(II) **Volume 1B, 1980 replacement volume.** Volume 1B, 1980 replacement volume, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature of the state of Colorado for titles 1 to 3 which were revised and reenacted in Colorado Revised Statutes 1973, together with the 1979 supplement thereto and the laws of a general and permanent nature enacted by the fifty-second general assembly at its second regular session in 1980.

(III) A copy of said supplement and replacement volume, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes 1973.

(g) (I) **1981 supplement.** The 1981 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature (except for the laws contained in the replacement volumes for volumes 1B, 5, 8, and 12) enacted during the 1974, 1975, 1976, 1977, 1978, 1979, 1980, and 1981 sessions of the Colorado general assembly.

(II) A copy of said supplement, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(III) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes 1973.

(h) (I) **1982 supplement.** The 1982 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature (except for the laws contained in the replacement volumes for volumes 1B, 5, 8, 10, 11, 12, 16A, and 16B) enacted during the 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, and 1982 sessions of the Colorado general assembly.

(II) **Volumes 10, 11, 16A, and 16B, 1982 replacement volumes.** Volumes 10, 11, 16A, and 16B, 1982 replacement volumes, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contain all the laws of a general and permanent nature of the state of Colorado for titles 24 to 28, 38, and 39 which were revised and reenacted in Colorado Revised Statutes 1973, together with the 1981 supplement thereto and the laws of a general and permanent nature enacted by the fifty-third general assembly at its second regular session in 1982.

(III) A copy of said supplement and replacement volumes, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes 1973.

(i) (I) **1983 supplement.** The 1983 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature (except for the laws contained in the replacement volumes for volumes 1B, 5, 8, 10, 11, 12, 16A, and 16B) enacted during the 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, and 1983 sessions of the Colorado general assembly.

(II) A copy of said supplement, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(III) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(j) (I) (A) **1984 supplement.** The 1984 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature (except for the laws contained in the replacement volumes for volumes 1B, 5, 8, 10, 11, 12, 14, 16A, 16B, and 17) enacted during the 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, and 1984 sessions of the Colorado general assembly.

(B) **Special supplement.** That portion of the publication entitled "Special Supplement 1984 Voter-approved Changes and Court Rules Update", hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains the law amending title 1, C.R.S., in volume 1B, as enacted by the people at the general election on November 6, 1984.

(II) **Volumes 14 and 17, 1984 replacement volumes.** Volumes 14 and 17, 1984 replacement volumes, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contain all the laws of a general and permanent nature of the state of Colorado for titles 33 to 35 and 40 to 43 which were revised and reenacted in Colorado Revised Statutes 1973, together with the 1983 supplement thereto and the laws of a general and permanent nature enacted by the fifty-fourth general assembly at its second regular session in 1984.

(III) A copy of said 1984 supplement and portion of the special supplement and replacement volumes, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(k) (I) **1985 supplement.** The 1985 supplement, including the addendum to the 1985 supplement for volume 10, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature (except for the laws contained in the replacement volumes for volumes 1B, 5, 8, 10, 11, 12, 14, 16A, 16B, and 17) enacted during the 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, and 1985 regular sessions of the Colorado general assembly and during the extraordinary sessions in 1976, 1978, and 1985.

(II) **Volume 5, 1985 replacement volume.** Volume 5, 1985 replacement volume, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature of the state of Colorado for title 12 which were revised and reenacted in Colorado Revised Statutes 1973 and in volume 5, 1978 replacement volume, together with the 1984 supplement thereto and the laws of a general and permanent nature enacted by the fifty-fifth general assembly at its first regular session in 1985 pertaining thereto.

(III) A copy of said supplement and replacement volume, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(l) (I) **1986 supplement.** The 1986 supplement, including the 1986 special supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature (except for the laws contained in the bound replacement volumes for volumes 1B, 3A, 3B, 5, 8A, 8B, 10, 11, 12A, 12B, 14, 16A, 16B, and 17) enacted during the 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, and 1986 regular sessions of the Colorado general assembly and during the extraordinary sessions in 1976, 1978, 1985, and 1986.

(II) **Volumes 3A, 3B, 8A, 8B, 12A, and 12B, 1986 replacement volumes.** Volumes 3A, 3B, 8A, 8B, 12A, and 12B, 1986 replacement volumes, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contain all the laws of a general and permanent nature of the state of Colorado for titles 7 to 9, 16 to 21, and 29 to 31 which were revised and reenacted in Colorado Revised Statutes 1973 and in volume 8, 1978 replacement volume, and volume 12, 1977 replacement volume, together with the 1985 supplement thereto and the laws of a general and permanent nature enacted by the fifty-fifth general assembly at its second regular session in 1986 pertaining thereto. Additionally, volume 8B, 1986 replacement volume, specifically includes the errata sheet for page 223 which correctly reflects the amendments made to section 18-4-401, C.R.S.

(III) A copy of said supplement and replacement volumes, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said official report of the committee on legal services, is enacted as the positive and statutory law of a general and

permanent nature of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(m) (I) **1987 supplement.** The 1987 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains:

(A) All the laws of a general and permanent nature enacted after the 1973 regular session of the Colorado general assembly for volumes 2, 9, 13, and 15;

(B) All the laws of a general and permanent nature enacted after the 1980 regular session of the Colorado general assembly for volume 1B;

(C) All the laws of a general and permanent nature enacted after the 1982 regular session of the Colorado general assembly for volumes 10, 11, 16A, and 16B;

(D) All the laws of a general and permanent nature enacted after the 1984 regular session of the Colorado general assembly for volumes 14 and 17;

(E) All the laws of a general and permanent nature enacted after the 1985 extraordinary session of the Colorado general assembly for volume 5;

(F) All the laws of a general and permanent nature enacted after the 1986 extraordinary session of the Colorado general assembly for volumes 3A, 3B, 8A, 8B, 12A, and 12B.

(II) **Volumes 4A, 4B, 6A, and 6B, 1987 replacement volumes.** Volumes 4A, 4B, 6A, and 6B, 1987 replacement volumes, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contain all the laws of a general and permanent nature of the state of Colorado for titles 10, 11, and 13 to 15 which were revised and reenacted in Colorado Revised Statutes 1973, together with the 1986 supplement thereto and the laws of a general and permanent nature enacted by the fifty-sixth general assembly at its first regular session in 1987 pertaining thereto.

(III) A copy of said supplement and replacement volumes, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said "Official Report of the Committee on Legal Services", is enacted as the positive and statutory law of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(n) (I) **1988 supplement.** The 1988 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains:

(A) All the laws of a general and permanent nature enacted after the 1973 regular session of the Colorado general assembly for volumes 2, 13, and 15;

(B) All the laws of a general and permanent nature enacted after the 1980 regular session of the Colorado general assembly for volume 1B;

(C) All the laws of a general and permanent nature enacted after the 1982 regular session of the Colorado general assembly for volumes 11, 16A, and 16B;

(D) All the laws of a general and permanent nature enacted after the 1984 regular session of the Colorado general assembly for volumes 14 and 17;

(E) All the laws of a general and permanent nature enacted after the 1985 extraordinary session of the Colorado general assembly for volume 5;

(F) All the laws of a general and permanent nature enacted after the 1986 extraordinary session of the Colorado general assembly for volumes 3A, 3B, 8A, 8B, 12A, and 12B;

(G) All the laws of a general and permanent nature enacted after the 1987 regular session of the Colorado general assembly for volumes 4A, 4B, 6A, and 6B.

(II) **Volumes 9, 10A, and 10B, 1988 replacement volumes.** Volumes 9, 10A, and 10B, 1988 replacement volumes, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contain all the laws of a general and permanent nature of the state of Colorado for titles 22 and 23 and title 24 which were revised and reenacted in Colorado Revised Statutes 1973, and in volume 10, 1982 replacement volume, together with the 1987 supplement thereto and the laws of a general and permanent nature enacted by the fifty-sixth general assembly at its second regular session and its first extraordinary session in 1988 pertaining thereto.

(III) A copy of said supplement and replacement volumes, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said "Official Report of the Committee on Legal Services", is enacted as the positive and statutory law of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(o) (I) **1989 supplement.** The 1989 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains:

(A) All the laws of a general and permanent nature enacted after the 1973 regular session of the Colorado general assembly for volumes 2, 13, and 15;

(B) All the laws of a general and permanent nature enacted after the 1980 regular session of the Colorado general assembly for volume 1B;

(C) All the laws of a general and permanent nature enacted after the 1982 regular session of the Colorado general assembly for volumes 16A and 16B;

(D) All the laws of a general and permanent nature enacted after the 1984 regular session of the Colorado general assembly for volumes 14 and 17;

(E) All the laws of a general and permanent nature enacted after the 1985 extraordinary session of the Colorado general assembly for volume 5;

(F) All the laws of a general and permanent nature enacted after the 1986 extraordinary session of the Colorado general assembly for volumes 3A, 3B, 8A, 8B, 12A, and 12B;

(G) All the laws of a general and permanent nature enacted after the 1987 regular session of the Colorado general assembly for volumes 4A, 4B, 6A, and 6B;

(H) All the laws of a general and permanent nature enacted after the 1988 extraordinary session of the Colorado general assembly for volumes 9, 10A, and 10B.

(II) **Volumes 11A and 11B, 1989 replacement volumes.** Volumes 11A and 11B, 1989 replacement volumes, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contain all the laws of a general and permanent nature of the state of Colorado for title 25 and titles 26 to 28 which were revised and reenacted in Colorado Revised Statutes 1973, and in volume 11, 1982 replacement volume, together with the 1988 supplement thereto and the laws of a general and permanent nature enacted by the fifty-seventh general assembly at its first regular session and its first extraordinary session in 1989 pertaining thereto.

(III) A copy of said supplement and replacement volumes, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said "Official Report of the Committee on Legal Services", is enacted as the positive and statutory law of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(p) (I) **1990 supplement.** The 1990 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains:

(A) All the laws of a general and permanent nature enacted after the 1973 regular session of the Colorado general assembly for volumes 2 and 13;

(B) All the laws of a general and permanent nature enacted after the 1980 regular session of the Colorado general assembly for volume 1B;

(C) All the laws of a general and permanent nature enacted after the 1982 regular session of the Colorado general assembly for volumes 16A and 16B;

(D) All the laws of a general and permanent nature enacted after the 1984 regular session of the Colorado general assembly for volumes 14 and 17;

(E) All the laws of a general and permanent nature enacted after the 1985 extraordinary session of the Colorado general assembly for volume 5;

(F) All the laws of a general and permanent nature enacted after the 1986 extraordinary session of the Colorado general assembly for volumes 3A, 3B, 8A, 8B, 12A, and 12B;

(G) All the laws of a general and permanent nature enacted after the 1987 regular session of the Colorado general assembly for volumes 4A, 4B, 6A, and 6B;

(H) All the laws of a general and permanent nature enacted after the 1988 extraordinary session of the Colorado general assembly for volumes 9, 10A, and 10B;

(I) All the laws of a general and permanent nature enacted after the 1989 regular session of the Colorado general assembly for volumes 11A and 11B.

(II) **Volume 15, 1990 replacement volume.** Volume 15, 1990 replacement volume, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature of the state of Colorado for titles 36 and 37 which were revised and reenacted in Colorado Revised Statutes 1973, together with the 1989 supplement thereto and the laws of a general and permanent nature enacted by the fifty-seventh general assembly at its second regular session in 1990 pertaining thereto.

(III) A copy of said supplement and replacement volume, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said "Official Report of the Committee on Legal Services", is enacted as the positive and statutory law of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(q) (I) **1991 supplement and 1991 special supplement.** The 1991 supplement and the 1991 special supplement (resulting from the second extraordinary session), hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contain:

(A) All the laws of a general and permanent nature enacted after the 1973 regular session of the Colorado general assembly for volumes 2 and 13;

(B) All the laws of a general and permanent nature enacted after the 1980 regular session of the Colorado general assembly for volume 1B;

(C) All the laws of a general and permanent nature enacted after the 1982 regular session of the Colorado general assembly for volumes 16A and 16B;

(D) All the laws of a general and permanent nature enacted after the 1984 regular session of the Colorado general assembly for volumes 14 and 17;

(E) All the laws of a general and permanent nature enacted after the 1986 extraordinary session of the Colorado general assembly for volumes 3A, 3B, 8A, 8B, 12A, and 12B;

(F) All the laws of a general and permanent nature enacted after the 1987 regular session of the Colorado general assembly for volumes 4A, 4B, 6A, and 6B;

(G) All the laws of a general and permanent nature enacted after the 1988 extraordinary session of the Colorado general assembly for volumes 9, 10A, and 10B;

(H) All the laws of a general and permanent nature enacted after the 1989 regular session of the Colorado general assembly for volumes 11A and 11B;

(I) All the laws of a general and permanent nature enacted after the 1990 regular session of the Colorado general assembly for volume 15;

(J) All the laws of a general and permanent nature enacted after the 1991 first extraordinary session of the Colorado general assembly for volumes 5A and 5B.

(II) **Volumes 5A and 5B, 1991 replacement volumes.** Volumes 5A and 5B, 1991 replacement volumes, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contain all the laws of a general and permanent nature of the state of Colorado for title 12 which were revised and reenacted in Colorado Revised Statutes 1973, in volume 5, 1978 replacement volume, and in volume 5, 1985 replacement volume, together with the 1990 supplement thereto and the laws of a general and permanent nature enacted by the fifty-eighth general assembly at its first regular session and its first extraordinary session in 1991 pertaining thereto.

(III) A copy of said supplements and replacement volumes, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said "Official Report of the Committee on Legal Services", is enacted as the positive and statutory law of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(r) (I) **1992 supplement.** The 1992 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains:

(A) All the laws of a general and permanent nature enacted after the 1973 regular session of the Colorado general assembly for volume 13;

(B) All the laws of a general and permanent nature enacted after the 1980 regular session of the Colorado general assembly for volume 1B;

(C) All the laws of a general and permanent nature enacted after the 1982 regular session of the Colorado general assembly for volumes 16A and 16B;

(D) All the laws of a general and permanent nature enacted after the 1984 regular session of the Colorado general assembly for volumes 14 and 17;

(E) All the laws of a general and permanent nature enacted after the 1986 extraordinary session of the Colorado general assembly for volumes 3A, 3B, 8A, 8B, 12A, and 12B;

(F) All the laws of a general and permanent nature enacted after the 1987 regular session of the Colorado general assembly for volumes 4A, 4B, 6A, and 6B;

(G) All the laws of a general and permanent nature enacted after the 1988 extraordinary session of the Colorado general assembly for volumes 9, 10A, and 10B;

(H) All the laws of a general and permanent nature enacted after the 1989 regular session of the Colorado general assembly for volumes 11A and 11B;

(I) All the laws of a general and permanent nature enacted after the 1990 regular session of the Colorado general assembly for volume 15;

(J) All the laws of a general and permanent nature enacted after the 1991 first extraordinary session of the Colorado general assembly for volumes 5A and 5B.

(II) **Volume 2, 1992 replacement volume.** Volume 2, 1992 replacement volume, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature of the state of Colorado for titles 4 to 6 which were revised and reenacted in Colorado Revised Statutes 1973 together with the 1991 supplement thereto and the laws of a general and permanent nature enacted by the fifty-eighth general assembly at its second regular session in 1992 pertaining thereto.

(III) A copy of said supplements and replacement volume, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said "Official Report of the Committee on Legal Services", is enacted as the positive and statutory law of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(s) (I) **1993 supplement.** The 1993 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains:

(A) All the laws of a general and permanent nature enacted after the 1973 regular session of the Colorado general assembly for volume 13;

(B) All the laws of a general and permanent nature enacted after the 1980 regular session of the Colorado general assembly for volume 1B;

(C) All the laws of a general and permanent nature enacted after the 1982 regular session of the Colorado general assembly for volumes 16A and 16B;

(D) All the laws of a general and permanent nature enacted after the 1984 regular session of the Colorado general assembly for volume 14;

(E) All the laws of a general and permanent nature enacted after the 1986 extraordinary session of the Colorado general assembly for volumes 3A, 3B, 8A, 8B, 12A, and 12B;

(F) All the laws of a general and permanent nature enacted after the 1987 regular session of the Colorado general assembly for volumes 4A, 4B, 6A, and 6B;

(G) All the laws of a general and permanent nature enacted after the 1988 extraordinary session of the Colorado general assembly for volumes 9, 10A, and 10B;

(H) All the laws of a general and permanent nature enacted after the 1989 regular session of the Colorado general assembly for volumes 11A and 11B;

(I) All the laws of a general and permanent nature enacted after the 1990 regular session of the Colorado general assembly for volume 15;

(J) All the laws of a general and permanent nature enacted after the 1991 first extraordinary session of the Colorado general assembly for volumes 5A and 5B;

(K) All the laws of a general and permanent nature enacted after the 1992 regular session of the Colorado general assembly for volume 2.

(II) **Volume 17, 1993 replacement volume.** Volume 17, 1993 replacement volume, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contains all the laws of a general and permanent nature of the state of Colorado for titles 40 to 43 which were revised and reenacted in Colorado Revised Statutes 1973 together with the 1992 supplement thereto and the laws of a general and permanent nature enacted by the fifty-ninth general assembly at its first regular session in 1993 pertaining thereto.

(III) A copy of said supplements and replacement volume, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said "Official Report of the Committee on Legal Services", is enacted as the positive and statutory law of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(t) (I) **1994 supplement.** The 1994 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains:

(A) All the laws of a general and permanent nature enacted after the 1973 regular session of the Colorado general assembly for volume 13;

(B) All the laws of a general and permanent nature enacted after the 1980 regular session of the Colorado general assembly for volume 1B;

(C) All the laws of a general and permanent nature enacted after the 1982 regular session of the Colorado general assembly for volume 16A;

(D) All the laws of a general and permanent nature enacted after the 1984 regular session of the Colorado general assembly for volume 14;

(E) All the laws of a general and permanent nature enacted after the 1986 extraordinary session of the Colorado general assembly for volumes 3A, 3B, 8A, 8B, 12A, and 12B;

(F) All the laws of a general and permanent nature enacted after the 1987 regular session of the Colorado general assembly for volumes 4B, 6A, and 6B;

(G) All the laws of a general and permanent nature enacted after the 1988 extraordinary session of the Colorado general assembly for volumes 9, 10A, and 10B;

(H) All the laws of a general and permanent nature enacted after the 1989 regular session of the Colorado general assembly for volumes 11A and 11B;

(I) All the laws of a general and permanent nature enacted after the 1990 regular session of the Colorado general assembly for volume 15;

(J) All the laws of a general and permanent nature enacted after the 1991 first extraordinary session of the Colorado general assembly for volumes 5A and 5B;

(K) All the laws of a general and permanent nature enacted after the 1992 regular session of the Colorado general assembly for volume 2;

(L) All the laws of a general and permanent nature enacted after the 1993 regular session of the Colorado general assembly for volume 17.

(II) **Volumes 4A and 16B, 1994 replacement volumes.** Volumes 4A and 16B, 1994 replacement volumes, hereby designated and declared to be also a part of the "Official Report of

the Committee on Legal Services", contain all the laws of a general and permanent nature of the state of Colorado for title 10 which was revised and reenacted in Colorado Revised Statutes 1973, and in volume 4A, 1987 replacement volume, and for title 39 which was revised and reenacted in Colorado Revised Statutes 1973, and in volume 16B, 1982 replacement volume, together with the 1993 supplements thereto and the laws of a general and permanent nature enacted by the fifty-ninth general assembly at its second regular session in 1994 pertaining thereto.

(III) A copy of said supplements and replacement volumes together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said "Official Report of the Committee on Legal Services", is enacted as the positive and statutory law of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(u) (I) **1995 supplement.** The 1995 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains:

(A) All the laws of a general and permanent nature enacted after the 1973 regular session of the Colorado general assembly for volume 13;

(B) All the laws of a general and permanent nature enacted after the 1980 regular session of the Colorado general assembly for volume 1B;

(C) All the laws of a general and permanent nature enacted after the 1982 regular session of the Colorado general assembly for volume 16A;

(D) All the laws of a general and permanent nature enacted after the 1986 extraordinary session of the Colorado general assembly for volumes 3A, 3B, 8A, 8B, 12A, and 12B;

(E) All the laws of a general and permanent nature enacted after the 1987 regular session of the Colorado general assembly for volumes 4B, 6A, and 6B;

(F) All the laws of a general and permanent nature enacted after the 1988 extraordinary session of the Colorado general assembly for volumes 10A and 10B;

(G) All the laws of a general and permanent nature enacted after the 1989 regular session of the Colorado general assembly for volumes 11A and 11B;

(H) All the laws of a general and permanent nature enacted after the 1990 regular session of the Colorado general assembly for volume 15;

(I) All the laws of a general and permanent nature enacted after the 1991 first extraordinary session of the Colorado general assembly for volumes 5A and 5B;

(J) All the laws of a general and permanent nature enacted after the 1992 regular session of the Colorado general assembly for volume 2;

(K) All the laws of a general and permanent nature enacted after the 1993 regular session of the Colorado general assembly for volume 17;

(L) All the laws of a general and permanent nature enacted after the 1994 regular session of the Colorado general assembly for volumes 4A and 16B.

(II) **Volumes 9 and 14, 1995 replacement volumes.** Volumes 9 and 14, 1995 replacement volumes, hereby designated and declared to be also a part of the "Official Report of the Committee on Legal Services", contain all the laws of a general and permanent nature of the state of Colorado for titles 22 and 23 which were revised and reenacted in Colorado Revised Statutes 1973, and in volume 9, 1988 replacement volume, and for titles 33 to 35 which were

revised and reenacted in Colorado Revised Statutes 1973, and in volume 14, 1984 replacement volume, together with the 1994 supplements thereto and the laws of a general and permanent nature enacted by the sixtieth general assembly at its first regular session in 1995 pertaining thereto.

(III) A copy of said supplements and replacement volumes, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(IV) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said "Official Report of the Committee on Legal Services", is enacted as the positive and statutory law of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(v) (I) **1996 supplement.** The 1996 supplement, hereby designated and declared to be part of the "Official Report of the Committee on Legal Services", contains:

(A) All the laws of a general and permanent nature enacted after the 1973 regular session of the Colorado general assembly for volume 13;

(B) All the laws of a general and permanent nature enacted after the 1980 regular session of the Colorado general assembly for volume 1B;

(C) All the laws of a general and permanent nature enacted after the 1982 regular session of the Colorado general assembly for volume 16A;

(D) All the laws of a general and permanent nature enacted after the 1986 extraordinary session of the Colorado general assembly for volumes 3A, 3B, 8A, 8B, 12A, and 12B;

(E) All the laws of a general and permanent nature enacted after the 1987 regular session of the Colorado general assembly for volumes 4B, 6A, and 6B;

(F) All the laws of a general and permanent nature enacted after the 1988 extraordinary session of the Colorado general assembly for volumes 10A and 10B;

(G) All the laws of a general and permanent nature enacted after the 1989 regular session of the Colorado general assembly for volumes 11A and 11B;

(H) All the laws of a general and permanent nature enacted after the 1990 regular session of the Colorado General Assembly for volume 15;

(I) All the laws of a general and permanent nature enacted after the 1991 first extraordinary session of the Colorado general assembly for volumes 5A and 5B;

(J) All the laws of a general and permanent nature enacted after the 1992 regular session of the Colorado general assembly for volume 2;

(K) All the laws of a general and permanent nature enacted after the 1993 regular session of the Colorado general assembly for volume 17;

(L) All the laws of a general and permanent nature enacted after the 1994 regular session of the Colorado general assembly for volumes 4A and 16B;

(M) All the laws of a general and permanent nature enacted after the 1995 regular session of the Colorado general assembly for volumes 9 and 14.

(II) A copy of said supplement, together with a listing of the revisor's changes, has been delivered to each member of the general assembly and is approved and adopted.

(III) The statutory law of the state of Colorado of a general and permanent nature, as corrected, harmonized, collated, edited, revised, and compiled in said "Official Report of the Committee on Legal Services", is enacted as the positive and statutory law of the state of Colorado with the same legal force and effect as, and as part of, Colorado Revised Statutes.

(2) Each supplement is printed and bound in the manner prescribed by the committee on legal services. A copy thereof shall be filed with the secretary of state as part of the records of his office. The date of such filing with the secretary of state shall be the effective date of such reenactments in each supplement as revised statutes.

**Source:** **L. 76:** Entire section added, p. 321, § 1, effective February 20. **L. 77:** Entire section R&RE, p. 267, § 2, effective May 27. **L. 78:** (1)(c) added, p. 250, § 2, effective May 6. **L. 79:** (1)(d) added, p. 306, § 2, effective April 25. **L. 80:** IP(1) amended and (1)(e) added, p. 443, § 2, effective April 1. **L. 81:** (1)(f) added, p. 349, § 2, effective April 22. **L. 82:** (1)(g) added, p. 223, § 2, effective February 19. **L. 83:** (1)(h) added, p. 383, § 2, effective February 14; IP(1) and (2) amended, p. 382, § 16, effective July 1. **L. 84:** (1)(i) added, p. 282, § 2, effective March 26. **L. 85:** (1)(j) added, p. 292, § 2, effective May 22. **L. 86:** (1)(k) added, p. 429, § 2, effective February 27. **L. 87:** (1)(l) added, p. 352, § 2, effective April 16. **L. 88:** (1)(m) added, p. 323, § 2, effective April 4. **L. 89:** (1)(n) added, p. 343, § 2, effective February 17. **L. 90:** (1)(o) added, p. 340, § 2, effective February 15. **L. 91:** (1)(p) added, p. 1943, § 2, effective April 1. **L. 92:** (1)(q) added, p. 2163, § 2, effective May 20. **L. 93:** (1)(r) added, p. 75, § 2, effective March 26. **L. 94:** (1)(s) added, p. 3, § 2, effective February 4. **L. 95:** (1)(t) added, p. 2, § 2, effective February 22. **L. 96:** (1)(t)(II) amended and (1)(u) added, p. 7, § 2, effective February 13. **L. 97:** (1)(v) added, p. 3, § 2, effective February 20.

**2-5-126. Annual enactment of Colorado Revised Statutes - validation - effective date.** (1) The annual version of Colorado Revised Statutes, authorized by section 2-5-117, as corrected, collated, edited, revised, and compiled by the revisor, as printed, published, and certified by the committee on legal services and filed with the secretary of state, and as set forth with particularity in subsection (2) of this section, is enacted as the positive and statutory law of a general and permanent nature of the state of Colorado and is accepted, approved, ratified, confirmed, and validated in compliance with this article.

(2) The annual statutes, copies of which shall be delivered to each member of the general assembly, together with a listing of the revisor's changes, constitute the official report of the committee on legal services and are hereby enacted in accordance with this section as follows:

(a) **Colorado Revised Statutes 1997.** Colorado Revised Statutes 1997, including the 1997 special supplement, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the first regular session and the first extraordinary session of the sixty-first general assembly. The effective date for Colorado Revised Statutes 1997 is fixed as March 24, 1998.

(b) **Colorado Revised Statutes 1998.** Colorado Revised Statutes 1998, including the 1998 special supplements, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the second regular session and the second extraordinary session of the sixty-first general assembly and at the general election on November 3, 1998. The effective date for Colorado Revised Statutes 1998 is fixed as February 22, 1999.

(c) **Colorado Revised Statutes 1999.** Colorado Revised Statutes 1999, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the first regular session of the sixty-second general assembly. The effective date for Colorado Revised Statutes 1999 is fixed as February 11, 2000.

(d) **Colorado Revised Statutes 2000.** Colorado Revised Statutes 2000, including the 2000 special supplement, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the second regular session of the sixty-second general assembly and at the general election on November 7, 2000. The effective date for Colorado Revised Statutes 2000 is fixed as March 21, 2001.

(e) **Colorado Revised Statutes 2001.** Colorado Revised Statutes 2001, including the 2001 special supplement, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the first regular session and the second extraordinary session of the sixty-third general assembly. The effective date for Colorado Revised Statutes 2001 is fixed as March 6, 2002.

(f) **Colorado Revised Statutes 2002.** Colorado Revised Statutes 2002, including the 2002 special supplements, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the second regular session and the third extraordinary session of the sixty-third general assembly and at the general election on November 5, 2002. The effective date for Colorado Revised Statutes 2002 is fixed as February 14, 2003.

(g) **Colorado Revised Statutes 2003.** Colorado Revised Statutes 2003, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the first regular session of the sixty-fourth general assembly. The effective date for Colorado Revised Statutes 2003 is fixed as March 5, 2004.

(h) **Colorado Revised Statutes 2004.** Colorado Revised Statutes 2004, including the 2004 special supplement, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the second regular session of the sixty-fourth general assembly and at the general election on November 2, 2004. The effective date for Colorado Revised Statutes 2004 is fixed as February 24, 2005.

(i) **Colorado Revised Statutes 2005.** Colorado Revised Statutes 2005, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at

the first regular session of the sixty-fifth general assembly and at the odd-numbered year election on November 1, 2005. The effective date for Colorado Revised Statutes 2005 is fixed as March 7, 2006.

(j) **Colorado Revised Statutes 2006.** Colorado Revised Statutes 2006, including the 2006 special supplement, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the second regular session and the first extraordinary session of the sixty-fifth general assembly and at the general election on November 7, 2006. The effective date for Colorado Revised Statutes 2006 is fixed as February 21, 2007.

(k) **Colorado Revised Statutes 2007.** Colorado Revised Statutes 2007, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the first regular session of the sixty-sixth general assembly. The effective date for Colorado Revised Statutes 2007 is fixed as March 18, 2008.

(l) **Colorado Revised Statutes 2008.** Colorado Revised Statutes 2008, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the second regular session of the sixty-sixth general assembly. The effective date for Colorado Revised Statutes 2008 is fixed as April 21, 2009.

(m) **Colorado Revised Statutes 2009.** Colorado Revised Statutes 2009, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the first regular session of the sixty-seventh general assembly. The effective date for Colorado Revised Statutes 2009 is fixed as February 25, 2010.

(n) **Colorado Revised Statutes 2010.** Colorado Revised Statutes 2010, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the second regular session of the sixty-seventh general assembly. The effective date for Colorado Revised Statutes 2010 is fixed as March 2, 2011.

(o) **Colorado Revised Statutes 2011.** Colorado Revised Statutes 2011, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the first regular session of the sixty-eighth general assembly. The effective date for Colorado Revised Statutes 2011 is fixed as March 20, 2012.

(p) **Colorado Revised Statutes 2012.** Colorado Revised Statutes 2012, including the 2012 special supplement, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of

Colorado of a general and permanent nature enacted at the second regular session and the first extraordinary session of the sixty-eighth general assembly and at the general election on November 6, 2012. The effective date for Colorado Revised Statutes 2012 is fixed as February 20, 2013.

(q) **Colorado Revised Statutes 2013.** Colorado Revised Statutes 2013, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the first regular session of the sixty-ninth general assembly and at the odd-numbered year election on November 5, 2013. The effective date for Colorado Revised Statutes 2013 is fixed as February 12, 2014.

(r) **Colorado Revised Statutes 2014.** Colorado Revised Statutes 2014, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the second regular session of the sixty-ninth general assembly and at the general election on November 4, 2014. The effective date for Colorado Revised Statutes 2014 is fixed as the first day that is not a Saturday, Sunday, or legal holiday following February 25, 2015.

(s) **Colorado Revised Statutes 2015.** Colorado Revised Statutes 2015, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the first regular session of the seventieth general assembly and at the odd-numbered year statewide election on November 3, 2015. The effective date for Colorado Revised Statutes 2015 is fixed as the first day that is not a Saturday, Sunday, or legal holiday following March 9, 2016.

(t) **Colorado Revised Statutes 2016.** Colorado Revised Statutes 2016, including the 2016 special supplement, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the second regular session of the seventieth general assembly and at the general election on November 8, 2016. The effective date for Colorado Revised Statutes 2016 is fixed as March 2, 2017.

(u) **Colorado Revised Statutes 2017.** Colorado Revised Statutes 2017, which consists of all of the laws of the state of Colorado of a general and permanent nature originally enacted in "Colorado Revised Statutes 1973", including subsequent enactments made pursuant to section 2-5-125, and all of the laws of the state of Colorado of a general and permanent nature enacted at the first regular session of the seventy-first general assembly, including the corrected replacement volume consisting of titles 42 and 43. The effective date for Colorado Revised Statutes 2017 is fixed as March 2, 2018.

**Source: L. 98:** Entire section added, p. 108, § 1, effective March 23. **L. 99:** (2) amended, p. 8, § 1, effective February 19. **L. 2000:** (2)(c) added, p. 1, § 1, effective February 10. **L. 2001:** (2)(d) added, p. 69, § 1, effective March 20. **L. 2002:** (2)(e) added, p. 5, § 1, effective March 5. **L. 2003:** (2)(f) added, p. 1, § 1, effective February 13. **L. 2004:** (2)(g) added, p. 53, § 1, effective March 4. **L. 2005:** (2)(h) added, p. 22, § 1, effective February 23. **L. 2006:** (2)(i) added, p. 12, §

1, effective March 6. **L. 2007:** (2)(j) added, p. 20, § 1, effective February 20. **L. 2008:** (2)(k) added, p. 59, § 1, effective March 17. **L. 2009:** (2)(l) added, (SB 09-059), ch. 139, p. 598, § 1, effective April 20. **L. 2010:** (2)(m) added, (HB 10-1039), ch. 4, p. 36, § 1, effective February 24. **L. 2011:** (2)(n) added, (HB 11-1001), ch. 3, p. 5, § 1, effective March 1. **L. 2012:** (2)(o) added, (SB 12-029), ch. 28, p. 115, § 1, effective March 19. **L. 2013:** (2)(p) added, (HB 13-1070), ch. 3, p. 7, § 1, effective February 19. **L. 2014:** (2)(q) added, (HB 14-1019), ch. 1, p. 1, § 1, effective February 11. **L. 2015:** (2)(r) added, (SB 15-035), ch. 1, p. 1, § 1, effective February 25. **L. 2016:** (2)(s) added, (SB 16-004), ch. 13, p. 30, § 1, effective March 9. **L. 2017:** (2)(t) added, (HB 17-1073), ch. 1, p. 1, § 1, effective March 1. **L. 2018:** (2)(u) added, (HB 18-1075), ch. 11, p. 162, § 1, effective March 1.

## MISCELLANEOUS

### ARTICLE 6

#### Economic Impact Statements

#### **2-6-101 to 2-6-104. (Repealed)**

**Source: L. 95:** Entire article repealed, p. 190, § 1, effective April 13.

**Editor's note:** This article was added in 1977. For amendments to this article prior to its repeal in 1995, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume.

### ARTICLE 7

#### Legislative Oversight of Principal Departments

#### PART 1

#### JOINT LEGISLATIVE OVERSIGHT COMMITTEES

**2-7-101. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) A multiplicity of powers, duties, and functions have been assigned to the executive branch of state government in accordance with law and have been undertaken by the executive branch on its own initiative or at the behest of the federal government;

(b) Considerations such as avoidance of duplication, cost-effective service delivery, and efficient management of state government may have been overlooked in the assignment and undertaking of said powers, duties, and functions;

(c) While the initial assignment or undertaking of powers, duties, and functions may be reasonable, the assignment or undertaking may become obsolete because of changes in the nature of the problem sought to be solved or because of the passage of time;

(d) The interests of cost-effective and expedited delivery of services, avoidance of excessive tax burdens, and better government would be served by regular analytical review of the powers, duties, and functions of executive agencies by the general assembly for the purpose of determining whether there is a public need for continued existence of such powers, duties, and functions and whether the public need would be better served by the elimination, reassignment, or expansion of said powers, duties, and functions.

**Source: L. 79:** Entire article added, p. 307, § 1, effective June 15.

**2-7-102. Assignment of departments for review - all principal departments subject to legislative oversight - composition of joint legislative oversight committees.** (1) Beginning in 1980, a general assembly during its second regular session shall designate at least three principal departments for study by joint legislative oversight committees during the interim following the first regular session of the next general assembly. Each of the twenty principal departments shall be studied in this manner at least once before January 1, 1994. A joint legislative oversight committee may be assigned more than one principal department during each interim period.

(2) The legislative audit committee shall cause to be conducted a performance audit of each principal department designated by a general assembly during its second regular session for legislative oversight which audit shall be completed on or before the adjournment of the first regular session of the next general assembly. In conducting the audit, the legislative audit committee shall take into consideration, but not be limited to considering, the factors listed in section 2-7-103 (1). An audit of a principal department shall be forwarded to the joint legislative oversight committee which is to study said principal department.

(3) During the first regular session of the next general assembly, the president of the senate and the speaker of the house of representatives shall designate the appropriate joint committee of reference as the joint legislative oversight committee for a particular principal department and shall appoint the members of the joint legislative committee from among the members of the committee of reference in each house.

**Source: L. 79:** Entire article added, p. 308, § 1, effective June 15.

**2-7-103. Review of principal department - subject matter to be studied.** (1) (a) A joint legislative oversight committee shall study a principal department's powers, duties, and functions in order to evaluate the public need for continuance of said powers, duties, and functions and whether the public need would be better served by the elimination, reassignment, or expansion of said powers, duties, and functions.

(b) Said study may include, but not be limited to:

(I) Identification of unnecessary duplication of functions, situations in which similar functions should be consolidated in one division or in which divisions should be consolidated, and situations in which efficient administration would be served by transferring existing powers, duties, and functions among principal departments or elimination of said powers, duties, and functions;

(II) Examination of the extent to which the proper exercise of powers and performance of duties and functions has been impeded or enhanced by existing statutes and procedures and

practices of the principal department, and any other circumstances, including budgeting, resources, and personnel matters;

(III) Study of the efficiency and cooperation exhibited by the principal department in processing inquiries and complaints from the public;

(IV) The extent to which changes are necessary in the enabling laws of the principal department.

(c) Beginning in 1981, said study shall include a review of all fees and fines charged by the principal department. Pursuant to such review, the principal department shall be required to tabulate all fees and fines and the amounts thereof, state the purpose of each, and state the rationale for each where appropriate.

(2) A joint legislative oversight committee may require a principal department to make budget presentations which clearly illustrate the source, amount, and expenditure of funds in relation to each of the principal department's powers, duties, and functions.

**Source: L. 79:** Entire article added, p. 308, § 1, effective June 15. **L. 81:** (1)(c) added, p. 351, § 1, effective June 4.

**2-7-104. Staff - report - recommendations.** (1) In addition to the audit reports provided for in section 2-7-102 (2), a joint legislative oversight committee shall receive staff services and information from the legislative council staff and the joint budget committee staff and may request assistance from the office of state planning and budgeting. Drafting services and legal research shall be provided by the office of legislative legal services.

(2) A joint legislative oversight committee shall report on its study of a principal department to the general assembly following completion of the study. Said report shall contain the committee's findings and recommendations.

(3) Legislative oversight pursuant to this article shall be in addition to any other periodic review for the purpose of determining whether an agency should be terminated or renewed.

**Source: L. 79:** Entire article added, p. 309, § 1, effective June 15. **L. 83:** (1) amended, p. 969, § 19, effective July 1, 1984. **L. 88:** (1) amended, p. 309, § 15, effective May 23.

## PART 2

### STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT

**Editor's note:** This part 2 was added in 2004. It was repealed and reenacted in 2010 and was subsequently repealed and reenacted in 2013, resulting in the addition, relocation, or elimination of sections as well as subject matter. For amendments to this part 2 prior to 2013, consult the 2012 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume. Former C.R.S. section numbers prior to 2013 are shown in editor's notes following those sections that were relocated.

**2-7-200.1. Short title.** This part 2 shall be known and may be cited as the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

**Source: L. 2015:** Entire section added, (SB 15-264), ch. 259, p. 941, § 5, effective August 5.

**2-7-201. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) It is important that state government be accountable and transparent in such a way that the general public can understand the value received for the tax dollars spent by the state;

(b) State government agencies should operate under a performance management philosophy in which employees focus on taxpayer and customer service, underpinned by the constant goal of achieving operational excellence;

(c) The ability of the general public, the general assembly, the governor, and state departments to assess departments' progress in achieving performance goals will lead to improvements in services rendered and increased efficiency in program administration, as well as transparency;

(d) The annual budget process should serve as part of a performance management system to incentivize continuous process improvement in the services delivered to customers and taxpayers;

(e) A system of continuous process improvement is a critical and necessary component of a performance management philosophy;

(f) Measures for evaluating the performance of state departments should be integrated into a formal state planning process;

(g) A performance management system will be more useful and reliable for the general assembly and the public if performance audits of the departments are completed; and

(h) Departments need statutory authority and flexibility to use their resources in the best possible way to better serve the people of Colorado through the effective administration and delivery of governmental programs and services.

**Source: L. 2010:** Entire part R&RE, (HB 10-1119), ch. 340, p. 1564, § 3, effective August 11. **L. 2011:** Entire section amended, (HB 11-1212), ch. 174, p. 656, § 1, effective May 13. **L. 2013:** Entire part R&RE, (HB 13-1299), ch. 382, p. 2232, § 1, effective June 5.

**Editor's note:** This section is similar to former § 2-7-201 as it existed prior to 2013.

**2-7-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(1) "Colorado commission on criminal and juvenile justice" means the Colorado commission on criminal and juvenile justice created in section 16-11.3-102, C.R.S.

(2) "Colorado commission on higher education" means the Colorado commission on higher education created in section 23-1-102, C.R.S.

(3) "Colorado energy office" means the Colorado energy office created in section 24-38.5-101, C.R.S.

(4) "Continuous process improvement system" means a system based on lean government principles or another widely accepted business process improvement system by which a department engages in specific activities that have the purpose of increasing efficiency and eliminating waste in the processes used to deliver goods and services to taxpayers and

customers of state government. A "continuous process improvement system" includes measuring the outcomes of such improvements and may involve some or all of the following strategies:

(a) The development of a process map that describes the procedures by which a department produces goods or serves its customers;

(b) Specific activities to rapidly improve a department's processes that will increase value or decrease staff time, inventory, defects, overproduction, complexity, delays, or excessive movement;

(c) The involvement of department employees at all levels in mapping a department's processes and in making recommendations for improvements, with specific importance placed on the involvement of department employees closest to the customer or end user of the state government product or service;

(d) Providing the means to measure each process in order to demonstrate the effectiveness of each process or process improvement; and

(e) The training of department employees for purposes of mentoring and training other department employees in continuous process improvement methodologies.

(5) (a) "Department" means the judicial department, the office of state public defender, the office of alternate defense counsel, the office of the child's representative, the office of the child protection ombudsman, the public employees' retirement association, the Colorado energy office, the office of economic development, and the principal departments of the executive branch of state government as specified in section 24-1-110, C.R.S., including any division, office, agency, or other unit created within a principal department.

(b) For purposes of the requirements of section 2-7-203 (4), "department" means the principal departments of the executive branch of state government as specified in section 24-1-110, C.R.S., including any division, office, agency, or other unit created within a principal department.

(6) "Departmental regulatory agenda" means a document prepared by each principal department of the executive branch of state government and submitted to the general assembly and made available to the public as described in section 2-7-203 (4). The "departmental regulatory agenda" contains the following information:

(a) A list of new rules or revisions to existing rules that the department expects to propose in the next calendar year;

(b) The statutory or other basis for adoption of the proposed rules;

(c) The purpose of the proposed rules;

(d) The contemplated schedule for adoption of the rules;

(e) An identification and listing of persons or parties that may be affected positively or negatively by the rules; and

(f) Commencing with departmental regulatory agendas submitted on and after November 1, 2013, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

(7) "Joint budget committee" means the joint budget committee established in section 2-3-201.

(8) "Legislative audit committee" means the legislative audit committee created in section 2-3-101 (1).

(9) "Legislative council" or "executive committee of the legislative council" means the legislative council or executive committee of the legislative council created in section 2-3-301.

(10) "Office of alternate defense counsel" means the office of alternate defense counsel created in section 21-2-101, C.R.S.

(11) "Office of economic development" means the Colorado office of economic development created in section 24-48.5-101, C.R.S.

(12) "Office of state planning and budgeting" means the office of state planning and budgeting created in section 24-37-102, C.R.S.

(13) "Office of state public defender" means the office of state public defender created in section 21-1-101, C.R.S.

(13.5) "Office of the child protection ombudsman" means the office of the child protection ombudsman created in section 19-3.3-102, C.R.S.

(14) "Office of the child's representative" means the office of the child's representative created in section 13-91-104, C.R.S.

(15) "Performance evaluation" means a regular review of a department's outcomes as compared to its published performance goals. The performance evaluation shall be based on actual historical information.

(16) "Performance goal" means a specific, quantifiable goal related to a performance measure adopted by a department.

(17) "Performance management system" means a formal system of managing the processes and operations of departments.

(18) "Performance measure" means a quantitative indicator used to assess the operational performance of a department pursuant to a published performance plan. A performance measure should apply to activities directly under the influence of a department and should demonstrate the department's efficiency and effectiveness in delivering goods or services to customers and taxpayers. Performance measures should be reasonably understandable to the public.

(19) "Performance plan" means a document prepared by a department as part of a performance management system. A performance plan must incorporate the impact of management strategies and continuous process improvement activities on the costs and efficiency of delivering goods and services to taxpayers and customers of state government.

(20) "Process map" means a written or visual presentation that describes the steps involved in producing a product or service from beginning to end.

(21) "Public employees' retirement association" means the public employees' retirement association created in article 51 of title 24, C.R.S.

(22) "State auditor" means the state auditor described in section 2-3-102.

**Source:** **L. 2010:** (2) amended and (2.5) added, (HB 10-1404), ch. 405, p. 2003, § 3, effective June 10; entire part R&RE, (HB 10-1119), ch. 340, p. 1565, § 3, effective August 11. **L. 2011:** (3.5), (11.5), (13)(c) and (14) added and (9) amended, (HB 11-1212), ch. 174, pp. 657, 658, §§ 2, 3, effective May 13. **L. 2012:** (2) amended and (2.3) added, (HB 12-1008), ch. 182, p. 692, § 3, effective May 17. **L. 2013:** Entire part R&RE, (HB 13-1299), ch. 382, p. 2233, § 1, effective June 5. **L. 2014:** (11) amended, (HB 14-1363), ch. 302, p. 1261, § 3, effective May 31. **L. 2015:** (5)(a) amended and (13.5) added, (SB 15-204), ch. 264, p. 1030, § 11, effective June 2.

**Editor's note:** This section is similar to former § 2-7-202 as it existed prior to 2013.

**2-7-203. Departmental presentations to legislative committees of reference - departmental regulatory agendas.** (1) The speaker of the house of representatives and the president of the senate shall assign each department to a house and senate committee of reference for their respective houses. In making the assignments, the speaker and the president shall ensure that the primary functions and responsibilities of the department are within the subject matter jurisdiction of the committees of reference to which it is assigned.

(2) (a) Each joint committee of reference shall conduct at least one but not more than three hearings during the interim between legislative sessions between November 1 and the commencement of the following regular legislative session, during which hearings the joint committee shall hear a presentation from each department that is assigned to such committee pursuant to subsection (1) of this section regarding:

(I) The department's performance plan developed pursuant to section 2-7-204 (3);

(II) The department's regulatory agenda required pursuant to subsection (4) of this section; and

(III) The department's budget request and associated legislative agenda for the upcoming regular legislative session.

(a.5) (I) For purposes of the hearings required in paragraph (a) of this subsection (2), appointees to committees of reference shall be designated no later than the December 1 prior to the convening of the general assembly at which such member is to serve, whether such appointee is a member of the then current general assembly or a member-elect of the next general assembly. If, as of December 1 an election determination for a particular race has not been made, all appointees must be designated as soon as practicable after the results of the race have been determined. Such designations shall be made in accordance with the applicable rules of the house of representatives or the senate. Any member or member-elect appointed to a committee of reference for the current general assembly or the next general assembly may attend said hearings. The chairs of the committees of reference appointed for the current general assembly shall serve as chair until the convening of the next general assembly.

(II) Members and members-elect are entitled to the payment of per diem and reimbursement of expenses as specified in section 2-2-307 for attending the hearings required in paragraph (a) of this subsection (2).

(b) Repealed.

(c) Each joint committee of reference shall allow time for public testimony regarding each such department presentation.

(d) The Colorado commission on criminal and juvenile justice shall present a progress report on any recommendations the commission anticipates will be made for the upcoming legislative session and any finalized recommendations for the upcoming legislative session to the joint judiciary committee of reference during the hearings specified in paragraph (a) of this subsection (2).

(3) (a) (Deleted by amendment, L. 2015.)

(b) The chair of the joint budget committee shall assign one member of the joint budget committee to serve as a liaison for each department. The joint budget committee liaison shall inform the joint committee of reference regarding the department's performance management system and performance plan.

(c) The executive director of each department, or the executive director's designee, and any appropriate staff of the department shall work with the joint budget committee liaisons as necessary.

(4) On November 1, 2013, and each November 1 thereafter, each department shall file a departmental regulatory agenda with the staff of the legislative council, who shall distribute the departmental regulatory agenda to the applicable committee of reference prior to the departmental presentations to the committee of reference. On November 1, 2013, and each November 1 thereafter, each department shall also post its departmental regulatory agenda on the department's website and shall submit its departmental regulatory agenda to the secretary of state for publication in the Colorado register.

(5) All local government entities are encouraged to attend the hearings described in subsection (2) of this section to provide testimony or to submit an official position letter to the joint committees of reference regarding any local impact of a department's performance management system and performance plan.

**Source:** L. 2010: Entire part R&RE, (HB 10-1119), ch. 340, p. 1567, § 3, effective August 11. L. 2012: (2)(a)(IV) added, (HB 12-1008), ch. 182, p. 693, § 4, effective May 17. L. 2013: Entire part R&RE, (HB 13-1299), ch. 382, p. 2236, § 1, effective June 5. L. 2015: IP(2)(a) and (3) amended, (2)(a.5) added, and (2)(b) repealed, (HB 15-1308), ch. 180, p. 588, § 1, effective August 5.

**Editor's note:** This section is similar to former § 2-7-203 as it existed prior to 2013.

**2-7-204. Performance management systems.** (1) (a) No later than August 1, 2013, and no later than August 1 of each year thereafter, the governor shall publish the components of the performance management system for managing the principal departments of the executive branch of state government, except the department of state, the department of the treasury, and the department of law. The performance management system must be published in instructions issued by the office of state planning and budgeting. The instructions must be posted on the official website administered by the office of state planning and budgeting.

(b) No later than August 1, 2013, and no later than August 1 of each year thereafter, the judicial department shall publish the components of the performance management system for managing the judicial branch through instructions issued by the office of the state court administrator. These instructions must be posted on the official website administered by the judicial branch.

(c) No later than August 1, 2013, and no later than August 1 of each year thereafter, the department of state, the department of the treasury, the department of law, the office of state public defender, the office of alternate defense counsel, the Colorado energy office, the office of economic development, the office of the child's representative, and the office of the child protection ombudsman shall each publish their components of the performance management systems for their respective department, office, or commission. These instructions must be posted on the official websites administered by the respective departments, offices, and commissions.

(2) (a) Any performance management system published pursuant to subsection (1) of this section must address, among other strategic goals and priorities that are consistent with the

charge of each department, strategies for enhancing productivity, improving efficiency, reducing costs, and eliminating waste in the processes and operations that deliver goods and services to taxpayers and customers of state government. At a minimum, the performance management system must establish parameters for the development of performance plans for each department. A performance management system should incorporate a continuous process improvement system based on lean government principles or another widely accepted business process improvement system.

(b) A performance management system should include elements to ensure that a department's employees are appropriately trained to implement its various components.

(3) (a) (I) Except as provided in subparagraphs (II) and (III) of this paragraph (a), no later than July 1, 2014, and no later than July 1 of each year thereafter, each department shall develop a performance plan in accordance with the performance management system and submit that plan to the joint budget committee and the appropriate joint committee of reference as determined pursuant to section 2-7-203. The performance plan serves as a guide to a department's major functions and as a tool to evaluate performance goals over time.

(II) (A) The department of higher education will satisfy the requirements in this subsection (3) through the master plan for postsecondary education that the Colorado commission on higher education maintains as described in section 23-1-108 (1.5). The department of higher education shall ensure that copies of the master plan are submitted to the joint budget committee and the appropriate joint committee of reference as determined pursuant to section 2-7-203, and shall post the master plan and any performance contracts and reports to its official website and the official website of the office of state planning and budgeting.

(B) The state auditor, in conducting a performance audit of the department of higher education as specified in subsection (5) of this section, shall consider the extent to which the goals of the master plan and the associated performance contracts have been achieved.

(III) The public employees' retirement association will satisfy the requirements of this subsection (3) through its annual actuarial valuation report described in section 24-51-204 (7), C.R.S., and its report to the governor described in section 24-51-204 (8), C.R.S., regarding the policies, financial condition, and administration of the association. The public employees' retirement association shall ensure that copies of the reports described in this subparagraph (III) be submitted to the joint budget committee and the appropriate joint committee of reference as determined pursuant to section 2-7-203, and shall post such reports to its official website and the official website of the office of state planning and budgeting.

(b) Each department's performance plan shall be posted on the official websites of the department and the office of state planning and budgeting. The state treasurer, the attorney general, the secretary of state, the state court administrator for the judicial department, the office of state public defender, the office of alternate defense counsel, the public employees' retirement association, the Colorado energy office, the office of economic development, the office of the child's representative, and the office of the child protection ombudsman shall ensure the office of state planning and budgeting receives the information required to be posted on the office of state planning and budgeting's website pursuant to this paragraph (b). The office of state planning and budgeting shall not have access to edit any information provided by the state treasurer, the attorney general, the secretary of state, the state court administrator for the judicial department, the office of state public defender, the office of alternate defense counsel, the public employees'

retirement association, the Colorado energy office, the office of economic development, the office of the child's representative, or the office of the child protection ombudsman.

(c) At a minimum, a performance plan must include the following components, which may be further refined in the performance management system published pursuant to subsection (1) of this section:

(I) A statement of the department's mission or vision;  
(II) A description of the major functions of the department;  
(III) Performance measures for the major functions of the department;  
(IV) Performance goals that correspond to the department's performance measures and that extend to at least three years into the future;

(V) A narrative description of the strategies necessary to meet the performance goals;  
and

(VI) A summary of the department's most recent performance evaluation.

(d) If reasonable and appropriate, performance measures should be developed with the input of department employees and certified employee organizations.

(4) Departments shall conduct performance evaluations and distribute them to the joint budget committee and the general assembly at least twice each calendar year as defined in the published performance management system.

(5) (a) Prior to the first regular session of the seventieth general assembly, the state auditor shall, within existing resources, conduct or cause to be conducted performance audits of one or more specific programs or services in at least two departments, and shall continue to conduct or cause to be conducted performance audits of one or more specific programs or services in at least two departments annually thereafter.

(b) In selecting both departments and specific programs or services within those departments for performance audits, the state auditor shall consider risk, audit coverage, resources required to conduct the performance audits, and the impact of the audited programs or services on a department's performance-based goals. The legislative audit committee shall approve the programs or services selected by the auditor for performance audits.

(c) Performance audits of the programs or services selected for audit may include, but shall not be limited to, the review of the following:

(I) The integrity of the performance measures audited;  
(II) The accuracy and validity of reported results; and  
(III) The overall cost and effectiveness of the audited programs or services in achieving legislative intent and the departments' performance goals.

(d) The state auditor shall present the performance audit report to the legislative audit committee.

(e) After the performance audit report is released by the legislative audit committee, the state auditor shall present the performance audit report of those departments with services or programs audited in the previous year to the appropriate joint committee of reference as determined pursuant to section 2-7-203. The state auditor shall also present any other audit reports that he or she deems relevant for the joint committee of reference's review.

(6) As part of its regular deliberations, the joint budget committee shall consider the performance plans submitted pursuant to paragraph (a) of subsection (3) of this section and the performance evaluations submitted pursuant to subsection (4) of this section. Based on its review of these performance plans and performance evaluations and its consideration of each

department's legal responsibilities and strategic goals and objectives, the joint budget committee may prioritize departments' requests for new funding that are expressly intended to enhance productivity, improve efficiency, reduce costs, and eliminate waste in the processes and operations that deliver goods and services to taxpayers and customers of state government.

**Source:** **L. 2010:** (1)(b), (3)(a)(I), and (3)(a)(II) amended, (HB 10-1404), ch. 405, p. 2003, § 4, effective June 10; entire part R&RE, (HB 10-1119), ch. 340, p. 1568, § 3, effective August 11. **L. 2013:** Entire part R&RE, (HB 13-1299), ch. 382, p. 2237, § 1, effective June 5. **L. 2015:** (1)(c) and (3)(b) amended, (SB 15-204), ch. 264, p. 1030, § 12, effective June 2. **L. 2017:** (3)(a)(II)(A) amended, (SB 17-297), ch. 210, p. 821, § 19, effective May 18.

**Editor's note:** This section is similar to former § 2-7-204 as it existed prior to 2013.

**2-7-205. Annual performance report.** (1) (a) (I) Except as provided in subparagraph (II) of this paragraph (a), no later than November 1, 2014, and no later than November 1 of each year thereafter, the office of state planning and budgeting shall publish an annual performance report for each department except the department of state, the department of the treasury, the department of law, the judicial department, the office of state public defender, the office of alternate defense counsel, the Colorado energy office, the office of economic development, the office of the child's representative, and the office of the child protection ombudsman. The annual performance report must include a summary of each department's performance plan and most recent performance evaluation. The annual performance report must be clearly written and easily understood and must be limited to a maximum of four pages per department.

(II) The office of state planning and budgeting shall prepare the section of the annual performance report for the department of higher education by reviewing the institutions of higher education's progress towards the goals set forth in the master plan for Colorado postsecondary education, as described in section 23-1-108 (1.5) and taking into account the data and metrics described in sections 23-18-201 (2) and part 3 of article 18 of title 23.

(b) No later than November 1, 2014, and no later than November 1 of each year thereafter, the department of state, the department of the treasury, the department of law, the judicial department, the office of state public defender, the office of alternate defense counsel, the Colorado energy office, the office of economic development, the office of the child's representative, and the office of the child protection ombudsman shall each publish an annual performance report including a summary of its performance plan and most recent performance evaluation. The annual performance reports must be clearly written and easily understood and must each be limited to a maximum of four pages.

(2) (a) The annual performance reports shall be posted on the official websites of the state of Colorado and the office of the governor. The annual performance reports shall include a hyperlink to each department's performance plan posted on the official website of each department pursuant to section 2-7-204 (3)(b).

(b) The annual performance reports shall be distributed to all members of the general assembly pursuant to section 24-1-136 (9), C.R.S.

**Source:** **L. 2010:** (1) amended, (HB 10-1404), ch. 405, p. 2004, § 5, effective June 10; entire part R&RE, (HB 10-1119), ch. 340, p. 1571, § 3, effective August 11. **L. 2013:** Entire part

R&RE, (HB 13-1299), ch. 382, p. 2241, § 1, effective June 5. **L. 2015:** (1) amended, (SB 15-204), ch. 264, p. 1031, § 13, effective June 2. **L. 2017:** (1)(a)(II) amended, (SB 17-297), ch. 210, p. 821, § 20, effective May 18.

**Editor's note:** This section is similar to former § 2-7-205 as it existed prior to 2013.