



ANNUAL REPORT OF THE STATUTORY REVISION COMMITTEE

TO

THE COLORADO GENERAL ASSEMBLY

ON

NOVEMBER 15, 2016

STATUTORY REVISION COMMITTEE

Annual Report

November 15, 2016

Table of Contents

Introductory Remarks	3
• Committee members	
• Committee history and charge	
• Review of Committee’s work	
• Acknowledgments	
Bill Descriptions	6
Bill Draft A	9
Bill Draft B	11
Bill Draft C	19
Bill Draft D	21

Committee Members¹

Representative Dominick Moreno, Chair
Representative Timothy Dore, Vice-Chair
Representative Jeni James Arndt
Senator Andy Kerr
Senator Chris Holbert
Senator Pat Steadman
Senator Jack Tate
Representative Dan Thurlow
Committee Member Patrice Bernadette Collins, Esq.
Committee Member Brad Ramming, Esq.

Committee History and Charge

The Statutory Revision Committee was formed as a result of the passage of HB 16-1077. A revival of the committee of the same name, which functioned from 1977 to 1985, the duties of the Committee are as follows:²

1. To make an ongoing examination of the statutes of the state and current, non-pending judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms;
2. To receive, solicit, and consider proposed changes in the law recommended by the American Law Institute, local and state bar associations, and other learned bodies;
3. To recommend, upon the vote of five legislative members of the Committee, legislation to effect necessary changes in the law in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the laws of this state into harmony with modern conditions;
4. To propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes and to endeavor to recommend legislation that cumulatively has no net increase in the number of laws, or pages of the laws, in the Colorado Revised Statutes; and

¹ Section 2-3-901, C.R.S.

² Section 2-3-902, C.R.S.

5. To report its findings and recommendations on or before November 15 of each year to the General Assembly and, if it chooses, to attach to this report copies of any proposed bills intended to carry out its recommendations.

The Committee is staffed by the Office of Legislative Legal Services. Any person interested in reporting defects in the law or antiquated, redundant, or contradictory law may contact Committee staff by e-mailing StatutoryRevision.ga@state.co.us or by calling (303) 866-2045.

Review of Committee's Work

In 2016, the Committee met three times³. The Committee and its staff considered more than 20 suggestions for legislation during the 2016 interim. Of those, several were analyzed but rejected by Committee staff after determining that the proposals were beyond the scope of the Committee's charge, and several other proposals remain under staff review.

In addition, the Committee considered but ultimately rejected the following issues:

- Resolving a potential ambiguity regarding the term "minor" in tobacco laws;⁴ and
- Updating requirements concerning the submission of performance plans to school district's accountability committees.⁵

The following issue was laid over by the Committee to allow for more research:

- The use of consistent terminology in the Colorado Revised Statutes regarding American Indians.

As of November 15, 2016, the Committee unanimously approved for introduction 4 bills, each of which is described *infra* and attached in full.

³ To view the agendas and meeting packets from previous committee meetings, please visit: <http://leg.colorado.gov/agencies/office-legislative-legal-services/statutory-revision-committee-meeting-archive>

⁴ Any legislator who is interested in this issue may obtain more information by contacting Kristen Forrester at (303) 866-4217 or Kristen.Forrester@state.co.us.

⁵ Any legislator who is interested in this issue may obtain more information by contacting Jane Ritter at (303) 866-4342 or Jane.Ritter@state.co.us.

The Committee will be holding an additional meeting on December 13, 2016, to review drafts of bills proposed at its October 13, 2016, hearing. Any bills approved for introduction at the December meeting will be provided to the General Assembly in a supplemental report issued prior to the convening of the 2017 legislative session.

Acknowledgements

The Committee and its staff would like to express their gratitude to Jeremy Shupbach and the Colorado Bar Association for its efforts in publicizing the existence and work of the Committee and for facilitating the appointments of Committee Members Collins and Ramming. The Committee would also like to thank Brandon Stiller, Tony Shawcross, and the Open Media Foundation for creating a public service announcement video, accessible on the Colorado Channel website,⁶ showcasing the Committee's work.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Moreno', with a long horizontal stroke extending to the right.

Representative Dominick Moreno

Chairperson

⁶ <http://www.coloradochannel.net/>

Bill Descriptions⁷

Bill A⁸

This bill was recommended by Senator Steadman, a member of the Committee. Senate Bill 16-146, sponsored by Senator Steadman during the 2016 legislative session, recodified and relocated a number of provisions in part 4 of article 4 of title 25, Colorado Revised Statutes. An incorrect technical amending clause amended and relocated several provisions, but did not repeal the entire part 4 first, thus leaving intact redundant statutory sections that were neither repealed nor relocated. The most recent printing of title 25 of the Colorado Revised Statutes now has two part 14s of article 4 of title 25. The committee bill removes these duplicative provisions. To effect this change, the bill adds a new section to the original bill, Senate Bill 16-146, by amending the Colorado Session Laws and repealing the vestigial statutes.

- **C.R.S. title/Department affected:** Title 25, Colorado Revised Statutes; Department of Public Health and Environment
- **Quantitative effect of bill:** By repealing the duplicative provisions, the bill removes approximately 2,000 words and four pages of duplicative text from the Colorado Revised Statutes.

Bill B⁹

The Commission on Family Medicine (Commission) is an advisory body created in 1977 under title 25 of the Colorado Revised Statutes. In 1979, newly enacted legislation clarified that the Commission was located under the then-named Department of Health. However, in the intervening years, the Commission became part of the Department of Health Care Policy and Financing (HCPF) and was, and is currently, funded through that department's budget. Because title 25 relates specifically to the Colorado Department of Health and Environment (CDPHE), the bill relocates the Commission to that department's organic statutes, title 25.5, which pertains specifically to HCPF. Beyond this change, the only others made in the committee bill include updating internal references, incorporating gender-neutral language, removing references to previously repealed provisions, and other technical, nonsubstantive

⁷ The bills included in the appendices are drafts, as approved by the Committee at its October 13, 2016, meeting. The finalized versions of the bills, reflecting sponsors and any nonsubstantive technical changes made by staff, will be posted on the Committee's website prior to convening of the 2017 session.

⁸ See **Appendix A** for the bill draft.

⁹ See **Appendix B** for the bill draft.

revisions. The bill includes a single conforming amendment, which was required as a result of the relocation of the Commission.

- **C.R.S. titles/Departments affected:** Titles 25 and 25.5, Colorado Revised Statutes; Department of Public Health and Environment and Department of Health Care Policy and Financing
- **Quantitative effect of bill:** The bill removes approximately 20 words, total, from statute.

Bill C¹⁰

Formerly, it was the duty of the General Assembly to draw district boundaries for Colorado's state house and senate districts. A citizen initiative in 1974 divested the legislature of this duty and placed it with the Reapportionment Commission (where it continues to reside today) created in article V of the Colorado Constitution. The Commission meets decennially to draw the districts. Section 2-2-101, Colorado Revised Statutes, pertaining to reapportionment, details the districts that existed following the 1970 census. There have been several federal censuses conducted since then, and the statutes purporting to describe these districts are out-of-date. These historical records can be found in the records of the Colorado Supreme Court, where the Reapportionment Commission files its plans after adoption.

- **C.R.S. title affected:** Title 2, Colorado Revised Statutes
- **Quantitative effect of bill:** Repealing the obsolete part 1 of article 2 of title 2, Colorado Revised Statutes, removes approximately 9,400 words and 13 pages of statute.

Bill D¹¹

Section 2-1-101, Colorado Revised Statutes, sets forth congressional district boundaries. This section was last amended in 2003, though the district boundaries were most recently redrawn in 2011, and the districts included in the statute are obsolete. In addition, the bill creating the district boundaries currently laid out in detail in this section was deemed unconstitutional by the Colorado Supreme Court. The bill removes the obsolete sections in part 1 of article 1 of title 2, Colorado Revised Statutes.

- **C.R.S. title affected:** Title 2, Colorado Revised Statutes

¹⁰ See **Appendix C** for the Bill Draft.

¹¹ See **Appendix D** for the bill Draft.

- **Quantitative effect of bill:** Repealing these obsolete provisions removes approximately 9,200 words and 11 pages of statute.

APPENDIX A

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

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LLS NO. 17-0138.01 Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Statutory Revision Committee SB 16-146 Fix"

A BILL FOR AN ACT

101 CONCERNING THE CORRECTION OF AN AMENDING CLAUSE IN SENATE
102 BILL 16-146 RELATED TO THE REPEAL OF PART 14 OF ARTICLE
103 4 OF TITLE 25.

Bill Summary

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

Statutory Revision Committee. The bill fixes an incorrect amending clause from Senate Bill 16-146 that failed to repeal the entirety of part 14 of article 4 of title 25 prior to the repeal and relocation of sections in that part 14.

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Session Laws of Colorado 2016, **amend** section
3 3 of chapter 230 as follows:

4 Section 3. IN COLORADO REVISED STATUTES, **REPEAL OF**
5 **PROVISIONS NOT BEING RELOCATED IN THIS ACT** 25-4-1401, 25-4-1402,
6 25-4-1402.5, 25-4-1403, 25-4-1404, 25-4-1405, 25-4-1405.5, 25-4-1406,
7 25-4-1407, 25-4-1408, 25-4-1408.5, 25-4-1409, 25-4-1410, AND in
8 Colorado Revised Statutes, **repeal** 18-7-201.5, 18-7-201.7, 18-7-205.5,
9 18-7-205.7, and 25-1-1202 (1) (ccc).

10 **SECTION 2. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.

APPENDIX B

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

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LLS NO. 17-0141.01 Kate Meyer x4348

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Nonsubstantive Relocation Commn On Family Medicine"

A BILL FOR AN ACT

101 CONCERNING THE NONSUBSTANTIVE RELOCATION OF LAWS
102 PERTAINING TO THE COMMISSION ON FAMILY MEDICINE.

Bill Summary

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

Statutory Revision Committee. The commission on family medicine (commission) is an advisory body within the department of health care policy and financing (HCPF). Currently, the laws governing the commission are located within title 25, Colorado Revised Statutes. **Sections 1 and 4 of the bill** relocate those laws to title 25.5, Colorado Revised Statutes, (the "State Health Care Policy and Financing Act"),

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

which title generally pertains to HCPF. **Sections 2 and 3** make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** part 6 to article 1 of title 25.5 as follows:

4 PART 6

5 COMMISSION ON FAMILY MEDICINE

6 **25.5-1-601. [Formerly 25-1-901] Legislative declaration.**

7 (1) The general assembly hereby finds and declares that:

8 (a) Physicians engaged in family medicine are in critically short
9 supply in this state;

10 (b) Because of the distribution of such physicians, many rural and
11 urban areas of the state are underserved;

12 ~~(b.1)~~ (c) A significant portion of the state population is medically
13 underserved because of indigency;

14 ~~(b.2)~~ (d) Family physicians provide health care to all segments of
15 the population;

16 ~~(c)~~ (e) The provision of more competent family physicians is a
17 public purpose of great importance; and

18 ~~(d)~~ (f) The creation of the commission on family medicine is a
19 desirable, necessary, and ~~economic~~ COST-EFFECTIVE means of addressing
20 the needs described in ~~paragraphs (a) and (b)~~ of this subsection (1).

21 **25.5-1-602. [Formerly 25-1-902] Commission created -**
22 **composition - terms of office.** (1) There is hereby created, in the
23 department of health care policy and financing, the commission on family
24 medicine, referred to in this ~~part 9~~ PART 6 as the "commission". No more
25 than four members of the commission appointed by the governor pursuant

1 to ~~paragraph (d) of this subsection (1)~~ SUBSECTION (1)(d) OF THIS SECTION
2 may be members of the same major political party. A vacancy on the
3 commission occurs whenever any health care consumer member moves
4 out of the congressional district from which he or she was appointed. A
5 health care consumer member who moves out of the congressional district
6 shall promptly notify the governor of the date of the move, but notice is
7 not a condition precedent to the occurrence of the vacancy. The governor
8 shall fill the vacancy by appointment for the unexpired term. The
9 commission consists of the following members:

10 (a) The deans of accredited allopathic and osteopathic schools of
11 medicine in the state or their designated representatives;

12 (b) The director of all family medicine programs in the state
13 accredited by the accreditation council on graduate medical education of
14 the American medical association or the American osteopathic
15 association;

16 (c) A representative of the Colorado academy of family
17 physicians; and

18 (d) A health care consumer to be appointed by the governor from
19 each congressional district in the state.

20 (2) The members appointed under ~~paragraph (d) of subsection (1)~~
21 SUBSECTION (1)(d) of this section ~~shall~~ serve THREE-YEAR TERMS. ALL
22 MEMBERS SERVE at the pleasure of the governor. ~~and shall serve for~~
23 ~~three-year terms.~~

24 (3) The commission shall elect a ~~chairman~~ CHAIRPERSON and a
25 ~~vice-chairman~~ VICE-CHAIRPERSON from among its members. Members of
26 the commission ~~shall~~ serve without compensation, but members described
27 in ~~paragraphs (b), (c), and (d) of subsection (1)~~ SUBSECTIONS (1)(b),

1 (1)(c), AND (1)(d) of this section ~~shall be~~ ARE entitled to their actual and
2 necessary expenses incurred in the performance of their duties. The
3 commission shall meet on call of the ~~chairman~~ CHAIRPERSON, but not less
4 than once every three months. A majority of the members of the
5 commission constitutes a quorum for the transaction of business.

6 **25.5-1-603. [Formerly 25-1-903] Duties of commission -**
7 **reporting.** (1) The commission shall:

8 (a) Assure that family medicine residency program standards are
9 equal to or more stringent than the standards established by the
10 accreditation council on graduate medical education of the American
11 medical association or the American osteopathic association for residency
12 training in family medicine;

13 (b) In cooperation with the dean of the school of medicine,
14 approve and recommend allocation of any funds which are identified and
15 appropriated in the general appropriation bill as a line item for any
16 community family medicine residency training program;

17 (c) Monitor the state's family medicine residency programs and
18 recommend from time to time that the general assembly appropriate funds
19 for said programs;

20 (d) Locate specific areas of the state which are underserved by
21 family physicians and determine the priority of need among such areas;

22 (e) Offer to the general assembly alternative ideas on providing
23 medical care to the medically indigent in the state; AND

24 (f) (I) Support the development and maintenance of family
25 medicine residency programs in rural and other underserved areas of the
26 state for purposes of cultivating family medicine practitioners who are
27 likely to continue practicing in rural and underserved areas of the state at

1 the conclusion of their residency programs.

2 ~~(H) (Deleted by amendment, L. 2014.)~~

3 ~~(HH) (II) NOTWITHSTANDING SECTION 24-1-136(11), on or before~~
4 ~~November 1, 2014, and on or before~~ each November 1, ~~thereafter~~; the
5 commission shall report to the office of state planning and budgeting and
6 to the department of health care policy and financing concerning rural
7 family medicine residency programs in the state and the role of the
8 commission with respect to supporting the development and maintenance
9 of those programs. In addition, the commission shall present the report to
10 the joint budget committee as part of its annual presentation to that
11 committee.

12 ~~(2) and (3) Repealed.~~

13 **SECTION 2.** In Colorado Revised Statutes, 24-1-135.1, **amend**
14 (1)(a) as follows:

15 **24-1-135.1. Effect of congressional redistricting related to 2000**
16 **federal decennial census - definition.** (1) (a) The appointing authority
17 of the boards, commissions, or committees established pursuant to
18 sections 13-91-104, 14-10-115, 21-2-101, 23-1-102, 23-21-503,
19 23-60-104, 24-32-706, 25-1-103, ~~25-1-902~~, 25.5-1-301, 25.5-1-602,
20 26-11-101, 33-11-105, and 35-65-401, ~~C.R.S.~~, which require members to
21 be appointed as residents of designated congressional districts, shall
22 determine whether the current appointments to such boards, commissions,
23 or committees adequately represent Colorado's new congressional
24 districts. Notwithstanding any provision of law to the contrary, such
25 appointing authority shall terminate the terms of current members and
26 appoint new members to replace such members on the boards,
27 commissions, or committees as is necessary to ensure proper

1 representation from the new congressional districts; except that the term
2 of a member who continues to reside in the district that such member was
3 designated to represent shall not be terminated. Such changes shall be
4 made no later than January 1, 2003. If the current members adequately
5 represent the new congressional districts, the membership of the board,
6 commission, or committee shall remain unchanged. Any member who
7 continues to serve on a board, commission, or committee shall not be
8 required to be reappointed.

9 **SECTION 3.** In Colorado Revised Statutes, 25-1.5-504, **amend**
10 (2)(a) as follows:

11 **25-1.5-504. Colorado health service corps advisory council -**
12 **creation - membership - duties - repeal.** (2) The advisory council
13 consists of thirteen members appointed by the governor as provided in
14 this subsection (2). In appointing members of the advisory council, the
15 governor shall ensure that the advisory council includes at least one
16 representative from each of the following organizations:

17 (a) The commission on family medicine created pursuant to ~~part~~
18 ~~9 of article 1 of this title~~ PART 6 OF ARTICLE 1 OF TITLE 25.5;

19 **SECTION 4. Repeal of relocated provisions in this act.** In
20 Colorado Revised Statutes, **repeal** part 9 of article 1 of title 25.

21 **SECTION 5. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

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- 1 unless approved by the people at the general election to be held in
- 2 November 2018 and, in such case, will take effect on the date of the
- 3 official declaration of the vote thereon by the governor.

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- 1 unless approved by the people at the general election to be held in
- 2 November 2018 and, in such case, will take effect on the date of the
- 3 official declaration of the vote thereon by the governor.

APPENDIX C

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

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LLS NO. 17-0139.01 Kate Meyer x4348

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Repeal Obsolete State Legislative District Laws"

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF OBSOLETE LAWS RELATING TO
102 REAPPORTIONMENT OF STATE LEGISLATIVE DISTRICTS.

Bill Summary

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

Statutory Revision Committee. The general assembly formerly drew the boundaries of state senate and house of representative districts but was divested of this power upon the creation, via a ballot initiative in the 1974 general election, of the Colorado reapportionment commission. The bill repeals obsolete laws pertaining to:

- Districts drawn by the general assembly following the 1970

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- federal census; and
The 6 house of representatives districts that were redrawn by the general assembly in 1998 to achieve compliance with the "Voting Rights Act of 1965" following *Sanchez v. State of Colorado*, 97 F.3d 1303 (10th Cir. 1996) (cert. denied May 19, 1997).

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** parts 1 and 2
3 of article 2 of title 2, C.R.S.

4 **SECTION 2. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2018 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.

APPENDIX D

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

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LLS NO. 17-0140.01 Kate Meyer x4348

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Repeal Obsolete Law CO Congressional Districts"

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF OBSOLETE LAWS RELATING TO
102 REDISTRICTING OF CONGRESSIONAL DISTRICTS.

Bill Summary

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

Statutory Revision Committee. The bill repeals a law relating to Colorado's congressional districts that has been rendered obsolete by the redistricting premised on the 2010 federal census. In addition, certain portions of the law being repealed were held unconstitutional by the state supreme court in *People Ex Rel. Salazar v. Davidson*, 79 P.3d 1221 (Colo. 2003) cert. denied, 541 U.S. 1093, 124 S. Ct. 2228, 159 L. Ed. 2d

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

260 (2004). The bill also makes a conforming amendment.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 2-1-101.

3 **SECTION 2.** In Colorado Revised Statutes, 2-1-102, **amend** (1)
4 introductory portion as follows:

5 **2-1-102. Neutral criteria for judicial determinations of**
6 **congressional districts.** (1) In determining whether one or more of the
7 congressional districts established in ~~section 2-1-101~~ ACCORDANCE WITH
8 SECTION 44 OF ARTICLE V OF THE STATE CONSTITUTION are lawful and in
9 adopting or enforcing any change to any such district, courts:

10 **SECTION 3. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2018 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.