

Final
STAFF SUMMARY OF MEETING

COMMITTEE ON STATUTORY REVISION COMMITTEE

Date: 08/17/2016	ATTENDANCE
Time: 09:06 AM to 11:11 AM	Arndt X Dore *
Place: HCR 0112	Holbert X Kerr *
This Meeting was called to order by <u>Representative Moreno</u>	Steadman X Tate *
This Report was prepared by <u>Jessica Wigent</u>	Thurlow X (None), (None) X Moreno ;

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

Bills Addressed:	Action Taken:
2. Election of chair and vice-chair	Moreno-Chair Dore-Vice-chair
3. Comments from committee members	Witness Testimony and/or Committee Discussion Only
4. Overview of Statutory Revision Committee	Witness Testimony and/or Committee Discussion Only
5a. SB16-146 fix	Recommendation(s) Approved
5b. Relocation of Commission on Family Medicine organic statutes	Recommendation(s) Approved
5c. Repeal of obsolete reapportionment laws	Recommendation(s) Approved
5d. Repeal of obsolete redistricting law (section 2-1-101, C.R.S.)	Recommendation(s) Approved
5e. Repeal of section 40-2-123 (2) (k), C.R.S., anomaly	Witness Testimony and/or Committee Discussion Only
6. Report Database	Witness Testimony and/or Committee Discussion Only
7. Other business	Witness Testimony and/or Committee Discussion Only
8. Public testimony	Witness Testimony and/or Committee Discussion Only
1. Call to order and introductory remarks	Witness Testimony and/or Committee Discussion Only

09:06 AM -- 1. Call to order and introductory remarks

Representative Moreno welcomed the committee back after a 31 year hiatus and expressed his excitement about the committee's charge.

09:07 AM -- 2. Election of chair and vice-chair

BILL:	2. Election of chair and vice-chair	
TIME:	09:08:29 AM	
MOVED:	Senator Holbert moved to elect Representative Moreno as chair.	
MOTION:	The motion passed on a vote of 5-0.	
SECONDED:	Steadman	
	VOTE	
	Arndt	Yes
	Dore	Excused
	Holbert	Yes
	Kerr	Excused
	Steadman	Yes
	Tate	Excused
	Thurlow	Yes
	(None), (None)	
	Moreno	Yes

FINAL YES: 5 NO: 0 EXC: 3 ABS: 0 FINAL ACTION: PASS
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BILL:	2. Election of chair and vice-chair	
TIME:	09:09:08 AM	
MOVED:	Senator Steadman moved to elect Representative Dore as vice-chair.	
MOTION:	The motion passed on a vote of 5-0.	
SECONDED:	Arndt	
		VOTE
	Arndt	Yes
	Dore	Excused
	Holbert	Yes
	Kerr	Excused
	Steadman	Yes
	Tate	Excused
	Thurlow	Yes
	(None), (None)	
	Moreno	Yes
	FINAL YES: 5 NO: 0 EXC: 3 ABS: 0 FINAL ACTION: PASS	

09:09 AM -- 3. Comments from committee members

Rep. Arndt expressed her appreciation for being named to the committee and remarked that she wants to help ensure that the statutes serve the people of Colorado well.

09:10 AM -- 4a. Overview of Statutory Revision Committee

Kate Meyer, Office of Legislative Legal Services (OLLS), testified before the Committee. She introduced the Committee's staff, each of whom represents various subject matter teams within OLLS:

- Government Team: Represented by Kate Meyer
- Business Team: Represented by Kristen Forrestal
- Law Team: Represented by Jane Ritter and Jessica Wigent
- Publications Team: Represented by Patty Amundson

09:12 AM -- 4b. Update on COLS meeting to select nonvoting SRC members

Ms. Meyer noted that two attorneys-at-law would be appointed to the Committee by the Committee on Legal Services at its September 29th meeting.

09:12 AM -- 4c. Briefing on materials provided in meeting packet

- Ms. Meyer provided an overview of the [materials provided to the Committee](#), which included:
- A copy of HB 16-1077, the bill from the 2016 session that recreated the Statutory Revision



Committee 1077_enr.pdf

- A printout of the information available on the Statutory Revision Committee [website](#)



- A flowchart for the proposed receipt and processing of bill ideas [FINAL SRC request flowchart.pdf](#)
- A copy of a [Legisource article](#), written by Jennifer Gilroy, Revisor of Statutes, which details the types of issues addressed in the annual Revisor's Bill

Ms. Meyer noted that there is no bright line division between the Revisor's Bill and the work done by the Committee, and she foresees that, when appropriate, some issues brought to the Committee will be referred to the Revisor for inclusion in the Revisor's Bill. In addition, when the Revisor receives ideas that are too substantive or policy-oriented to include the Revisor's Bill, Ms. Gilroy and her staff may be referring those issues to the Statutory Revision Committee.

- A copy of the 1985 annual report issued by the first iteration of the Statutory Revision Committee.



SRC1985.pdf

Ms. Meyer explained that the report includes a helpful narrative that sets forth a snapshot of the bills the Committee recommended, as well as the Committee's statistics that year--that they received 80 bill ideas but only introduced 12 bills-- along with description of bills the committee seriously considered but ultimately didn't recommend be drafted for various reasons.

09:15 AM -- 4d. Publicizing the SRC

According to Ms. Meyer, OLLS will continue to be a useful source of material. All five bill ideas presented to the Committee today originated from various work conducted by the OLLS this summer, and as staff continue to annotate cases, draft and research bills, and conduct rule review, it's highly likely that staff will continue to discover issues to bring before the Committee.

Ms. Meyer also shared that information about the Committee will be broadcast across OLLS's Twitter account, on its website, and that a notice will be printed in the hard copies of the 2016 Colorado Revised Statutes notifying readers that they can reach out to Statutory Revision Committee staff via email if they believe they have found a defect or anachronism in the law. In addition, Ms. Meyer inquired with the Colorado Bar Association about running an ad or an article to announce the Committee and its work and notified the legislative liaisons for the executive branch agencies about the Committee's existence.

Ms. Meyer discussed the need for the Committee to engage in an ongoing dialogue with the legal community and public at large to perform its work.

Senator Holbert then suggested reaching out to the Open Media Foundation, which manages the Colorado Channel, to do a visual or text description and invitation to the public to refer ideas to Committee.

Chairperson Moreno suggested an advertisement in the 2017 Digest of Bills.

Ms. Meyer also noted that the Committee is statutorily required to solicit ideas from jurists, public officials, the American Law Institute, the Colorado Bar Association, the American Bar Association, and other learned bodies and the public in general.

Chairperson Moreno said it would also be helpful to continue to receive OLLS reports on judicial decisions, especially those that recommend the legislature make changes to the law.

Ms. Meyer noted that Michele Brown, of the OLLS Publications Department, and Jennifer Gilroy, Revisor of Statutes, keep track of statutes that have been declared unconstitutional.

09:21 AM -- 4e. Proposed process for handling bill ideas; and 4f. Statutory Charge

Kristen Forrestal, OLLS, explained the Committee's charge: To engage in an ongoing examination of the statutes for the purpose of discovering defects and anachronisms in the law and to recommend needed reforms. Ms. Forrestal reiterated that staff had reached out to lobbyists for the Colorado Bar Association and the Denver Bar Association about advertising in their respective publications to alert lawyers that if they find an issue they should share it with OLLS staff. She then drew attention to a specific part of the Committee's charge: That proposed bills should be limited only to those that streamline, reduce, or repeal provisions of the statutes.

Ms. Forrestal then presented the flowchart detailing how issues brought to the Committee are received and processed. She anticipated receiving many requests and asked a question of the Committee: Were the members comfortable with OLLS staff making the determination about whether or not the issue was within the Committee's charge?

Senator Steadman agreed it was appropriate responsibility for OLLS staff to handle requests. He added that if staff determined a request did not fit the Committee's charge, the interested person could lobby individual legislator's to take up the issue in a bill of their own.

Ms. Forrestal agreed and confirmed that the OLLS staff would make the initial decision about whether an issue was appropriate for the Committee.

Senator Holbert shared a copy of the amendment he offered on HB 16-1077, which created the requirement that the Committee should only consider bills that reduce, streamline, or repeal. He then posed a question to the Committee: What exactly were the parameters of this requirement? He said that the net effect of the Committee should be to remove duplicated and obsolete provisions. He opened for discussion the



Committee's role as gatekeeper. **SenHolbertAmendmenttoHB1077.pdf**

Ms. Meyer responded that staff was eager for guidance from the Committee about this very issue--whether it was a matter of counting words added in statute (in small caps) versus words repealed (in strike type) and finding a net negative, or whether that was a too literal reading.

Senator Holbert said that he sees the committee serving its purpose by looking at conflicting or obsolete statutes (e.g. regulation of 8-track players).

Chairperson Moreno added that, as the sponsor of the revival of this Committee, his expectation of the scope of its work closely aligned with what Senator Holbert described: Removing provisions that no longer make sense and righting defects and anachronisms in the law. He continued that he believed it would be incumbent upon Committee members to exercise restraint. He also noted that the bipartisan composition of the Committee was important to him as the sponsor of HB 16-1077, because it would ensure that members would hold each other accountable.

Ms. Meyer offered an option to the Committee concerning its charge – that members would make a case-by-case determination on the issues presented to them. She added that for issues that were "close calls", the previous rendition of the Statutory Revision Committee included those issues in its annual report--using it as a vehicle to inform members of the General Assembly that while a certain proposed bill was outside the Committee's charge, it could be ideal for an individual legislator's bill.

Vice-Chairperson Dore asked if the Committee was starting from scratch.

Ms. Forrestal answered that while the Committee was, somewhat, staff has been compiling and soliciting ideas and issues since the passage of the bill.

Vice-Chairperson Dore asked if instead of getting a stack of issues to consider, that maybe they could be categorized in some way--by title or subject matter.

Ms. Forrestal answered that in the future, staff was hoping to get ideas from each department and that staff would introduce ideas to the Committee in this way.

Representative Arndt then asked what the process was in referring bills back to the General Assembly for consideration.

Ms. Meyer answered that each piece of legislation would need an affirmative vote of at least five voting members of the Committee.

Ms. Forrestal added that another question staff had for members was how the decision would be made to draft bills.

Representative Arndt then asked about whether there would be specific deadlines when bills would need to be voted on for introduction.

Ms. Meyer answered that, while the Committee is statutorily authorized to meet in the interim and during session, there is no limit on the pieces of legislation the Committee recommends. She did note that there was no permission in HB 16-1077 that allowed for a waiver of bill deadlines during session.

Senator Steadman agreed with the process of first voting on whether to request a bill draft, and then when a draft it presented, members vote again on whether or not to recommend the Committee introduce the legislation. He added that, in terms of the flowchart representing the process of hearing and deciding on bills, the chart lacked an area describing the process for when a Committee member wants to bring an issue to the group.

Ms. Forrestal agreed Senator's Steadman point was important and that the chart should be updated.

Senator Holbert then asked what would happen if the Committee was considering a bill that another legislator was working on in his/her own capacity, and who would take precedence?

Ms. Forrestal answered that the Committee's deliberation on bills was public and that the drafts legislators are developing with OLLS staff are confidential until they are introduced.

Senator Holbert asked if it would be permissible for OLLS staff to notify an individual legislator that they were working on similar bills.

Ms. Forrestal said that, in her work as a drafter, she would feel comfortable discussing with the individual member that the same issue was before the Statutory Revision Committee.

Senator Holbert asked if it would be possible for OLLS staff to alert Committee members that they were working on a draft of a bill that was already being taken up if the Committee could be somehow be informed that they may not need to pursue the bill.

Ms. Meyer answered that, due to confidentiality requirements, this would not be possible. She said that she would inform OLLS staff that it would be doing due diligence to keep informed of the Committee's work and to look for duplicative requests.

Ms. Forrestal added that drafters in the OLLS would let legislators who might be working on similar issues as the Committee know that they have the option to confer with Committee members.

Chairperson Moreno added that the legislator may very well do that because it would free up a bill title for the legislator.

Senator Steadman observed that it might be more likely that the issue the Committee is considering could possibly fit within another bill, without going beyond that bill's title, or that a bill sponsored by the Committee which does a discrete fix to the statutes might be the most likely way forward.

Ms. Meyer added that drafters would do their best to catch duplications on the front end and that if conflicts between a bill from the Committee and from a legislator were to arise, the Publications Team of the OLLS would find and address that conflict.

Chairperson Moreno next raised a question about sponsorship of bills--would both a House member of the Committee and Senate member of the Committee need to sponsor a bill.

Ms. Meyer responded that the provision of HB 16-1077 that dealt with this concern was tied in with the exemption on the 5-bill exemption limit provided for members--and that it was acceptable, though not necessary, for a member of the Committee to sponsor the bill in each house.

Senator Steadman shared that he agreed with Ms. Meyer's interpretation of the statute and that as a matter of practice, it would be wise to always have members of the Committee sponsor the Committee's bills. He added that on the Joint Budget Committee, all members who aren't prime sponsors of the bill are added as cosponsors. He suggested that the Committee pursue this strategy so that the General Assembly recognizes the work product as uncontroversial.

Ms. Meyer added that Committee members would be knowledgeable of the bill's contents and best suited to present the bill to the General Assembly.

In closing the discussion of this agenda item, Ms. Forrestal reiterated that OLLS staff would be preparing memos for the Committee and that the Committee would be voting on whether or not to staff should prepare bill drafts.

Senator Holbert asked about the five votes required to move the bill to the General Assembly--whether that would requirement would always be five members, even if not every member was present at the meeting to vote.

Ms. Meyer confirmed that five members must vote affirmatively, as is required in HB 16-1077.

09:46 AM -- 5a. SB16-146 fix

Senator Steadman, who sponsored SB 16-146, explained that the bill recodified different parts in article 4 of title 25, C.R.S. The purpose was to consolidate two different parts of statute. The principal part that survived in statute was repealed and reenacted in its entirety. Many of the provisions of the other part were reincorporated into the new statute were not repealed and reenacted. This part previously had 14-16 sections and the first 10 or so were moved and incorporated into the new part that the bill created in article 4 of title 25, C.R.S. The final five or six sections of that old part 14 were renumbered. The problem was that the provisions of

the bill that were relocated didn't get repealed--they are duplicated in the statutes. The original provisions need to be repealed because it creates confusion.

BILL:	5a. SB16-146 fix	
TIME:	09:48:54 AM	
MOVED:	Steadman	
MOTION:	Senator Steadman moved to request a bill draft to fix Senate Bill 16-146 by repealing the sections that were not relocated or otherwise repealed. The motion passed on a vote of 8-0.	
SECONDED:	Thurlow	
		VOTE
	Arndt	Yes
	Dore	Yes
	Holbert	Yes
	Kerr	Yes
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	(None), (None)	
	Moreno	Yes
FINAL YES: 8 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS		

09:50 AM -- 5b. Relocation of Commission on Family Medicine organic statutes

09:51 AM -- Kate Meyer, OLLS, explained that the Commission on Family Medicine is an advisory body created in title 25, C.R.S., in 1977. In 1979, mandatory legislation was run to clarify that the Commission was located under the then-Department of Health. Somewhere along the way, the Commission became a part of the Department of Health Care Policy and Financing (HCPF) and is now funded through that department's budget. Title 25, however, relates specifically to the Colorado Department of Health and Environment (CDPHE). It's an odd situation where there's a HCPF entity in CDPHE's statutes. Relocating the Commission to its organic statute, in title 25.5, could help stem confusion.

She further explained that in researching the legislative history, there was some discussion about making this very change in the Revisor's Bill in 1979.

Representative Thurlow asked who was administering the Commission.

Ms. Meyer replied that HCPF was the overseeing entity and that she reached out to both HCPF and CDPHE and heard back from both departments that neither had any qualms in moving the statute to title 25, C.R.S.

Senator Steadman shared that he spoke with members on the Commission on Family Medicine about the issue and that they were aware of the relocation recommendation. He questioned if the Committee were to move forward with the recommendation, what the bill draft would look like--whether it would just be changing section numbers, whether small caps would be used even though the language wasn't changing. He also wondered if the Commission had any desire to amend the statute during its relocation.

Ms. Meyer replied that she envisioned the bill would be a pure nonsubstantive relocation--with the potential to do some clean-up language, for instant to made the pronouns gender neutral. She assumed that the amending instruction would be simple repeal and relocate, which would keep the original statute's language in the bill in regular type and would show any changes to the statute in small caps or strike type. The only other

change necessitated by the relocation was a single conforming amendment.

BILL:	5b. Relocation of Commission on Family Medicine organic statutes	
TIME:	09:55:44 AM	
MOVED:	Thurlow	
MOTION:	Representative Thurlow moved to request a bill draft to relocate the Commission on Family Medicine to title 25.5, Colorado Revised Statute. The motion passed on a vote of 8-0.	
SECONDED:	Steadman	
		VOTE
	Arndt	Yes
	Dore	Yes
	Holbert	Yes
	Kerr	Yes
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	(None), (None)	
	Moreno	Yes
FINAL YES: 8 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS		

09:56 AM -- 5c. Repeal of obsolete reapportionment laws

09:57 AM -- Kate Meyer, OLLS, explained that section 2-2-101, C.R.S. sets forth congressional district boundaries. She explained that the last time the section was amended was in 2003, which seemed odd because there has been a census since then and the boundaries were most recently redrawn in 2011, and the districts laid out in the section are obsolete. An additional compelling factor in repealing this particular statute is the fact that these district boundaries were deemed unconstitutional by the Colorado Supreme Court. She explained that the Committee, if it were to approve a bill draft, could repeal the entire section, since the entirety of it is out of date; repeal the portions of statute that were deemed unconstitutional, although that would leave the outdated portions in statute; or, finally the Committee could replace the obsolete boundaries in statute with the current boundaries in effect.

Chairperson Moreno remarked that this bill was a little less cut-and-dry than the previous, because the General Assembly does retain the authority to draw the congressional district boundaries. He recommended that the Committee tread lightly.

Senator Steadman agreed with Chairperson Moreno's caution and added that he believed the issue was squarely within the charge of the Committee, although it could raise partisan issues, and so his suggestion was to not replace the obsolete boundaries with the current ones, or to codify the status quo.

Senator Tate shared his concern about modifying the statutes each time the judicial branch interprets the constitution, because that branch doesn't have exclusivity on interpreting the constitution or the statutes.

Ms. Meyer suggested that the bill summary could reinforce the fact that the statute is being repealed because it is obsolete.

Senator Tate added that the unconstitutionality of the statute was a redundant fact.

BILL:	5c. Repeal of obsolete reapportionment laws	
TIME:	09:59:02 AM	
MOVED:	Holbert	
MOTION:	Senator Holbert moved to request a bill draft to repeal obsolete laws pertaining to state senatorial and representative districts, parts 1 and 2 of title 2. The motion passed on a vote of 8-0.	
SECONDED:	Arndt	
		VOTE
	Arndt	Yes
	Dore	Yes
	Holbert	Yes
	Kerr	Yes
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	(None), (None)	
	Moreno	Yes
FINAL YES: 8 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS		

10:09 AM -- 5d. Repeal of obsolete redistricting law (section 2-1-101, C.R.S.)

10:10 AM -- Kate Meyer, OLLS, explained that section 2-2-101, C.R.S. sets forth the congressional district boundaries. She explained that the last time the section was amended was in 2003, which seemed odd because there has been a census since then and the boundaries were most recently redrawn in 2011, and the districts laid out in the section are obsolete. An additional compelling factor in repealing this particular statute is the fact that these district boundaries were deemed unconstitutional by the Colorado Supreme Court. She explained that the Committee, if it were to approve a bill draft, could repeal the entire section, since the entirety of it is out of date; repeal the portions of statute that were deemed unconstitutional, although that would leave the outdated portions in statute; or, finally the Committee could replace the obsolete boundaries in statute with the current boundaries in effect.

Chairperson Moreno remarked that this bill was a little less cut-and-dry than the previous, because the General Assembly does retain the authority to draw the congressional district boundaries. He recommended that the Committee tread lightly.

Senator Steadman agreed with Chairperson Moreno's caution and added that he believed the issue was squarely within the charge of the Committee, although it could raise partisan issues, and so his suggestion was to not replace the obsolete boundaries with the current ones, or to codify the status quo.

Senator Tate shared his concern about modifying the statutes each time the judicial branch interprets the constitution, because that branch doesn't have exclusivity on interpreting the constitution or the statutes.

Ms. Meyer suggested that the bill summary could reinforce the fact that the statute is being repealed because it is obsolete.

Senator Tate added that the unconstitutionality of the statute was a redundant fact.

BILL:	5d. Repeal of obsolete redistricting law (section 2-1-101, C.R.S.)	
TIME:	10:14:08 AM	
MOVED:	Steadman	
MOTION:	Senator Steadman moved to request a bill draft to repeal obsolete and outdated congressional district boundaries in section 2-1-101, C.R.S. The motion passed on a vote of 8-0.	
SECONDED:	Thurlow	
		VOTE
	Arndt	Yes
	Dore	Yes
	Holbert	Yes
	Kerr	Yes
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	(None), (None)	
	Moreno	Yes
FINAL YES: 8 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS		

10:17 AM -- 5e. Repeal of section 40-2-123 (2) (k), C.R.S., anomaly

10:18 AM -- Kristen Forrestal, OLLS, testified on this issue. She explained that the issue was discovered during the publications process and review of title 40 of the Colorado Revised Statutes, and that while the change suggested in the memo could be included in the Revisor's Bill, the Committee could choose to take ownership of the change and include it in a Committee bill.

The section in question authorizes an appropriation of money from the Clean Energy Development Fund, which was supposedly created in 24-22-118, C.R.S. However, that section does not exist. Ms. Forrestal pointed out that there was a source note at the bottom of the section explaining that the fund, was created initially, during the 2006 legislative session, but was later removed by amendment.

Chairperson Moreno then asked about the money allocated to the fund, despite the fact that the fund did not exist. Ms. Forrestal responded that no money was ever appropriated.

Senator Steadman noted that in 2017, the General Assembly is likely going to look at legislation dealing with the funding of the Colorado Energy Office--there was a bill that passed a few years ago that provided a funding mechanism for the Office for a limited amount of time, which ends in the 2016-2017 fiscal year. He assumed that there would be legislation concerning continuing the funding for that office, and he wondered if the fix could be included in that legislation. He also shared that he supported including the fix in the Revisor's Bill because it was a simple drafting error.

Ms. Forrestal responded that from the OLLS perspective, the issue is a drafting error that can be cleaned up, and that looking into the future to what the legislature might do is not the purview of the OLLS.

Senator Steadman agreed and added that he didn't want to see the Committee put in the position of making motions or voting on issues related to the Revisor's Bill, because that's up to the Revisor and the Committee on Legal Services.

10:22 AM -- Jennifer Gilroy testified before the Committee that the Revisor's Bill for 2017 hadn't yet been drafted and that she would report back to the Committee during the October meeting and that the issue

seemed appropriate for the bill.

Ms. Forrestal closed by saying that the Committee didn't need to make a motion on the issue today, and that they could, after the Revisor's report in October, choose to make a motion on whether or not to request a bill draft then.

Chairperson Moreno stated that the Committee would delay action on this issue.

10:31 AM -- 6. Report Database

10:32 AM -- Prior to beginning the discussion of the Report Database, Jennifer Gilroy, Revisor of Statutes, asked to speak to the Committee. She advised the Committee that, as the Revisor of Statutes, she does not have the authority, when a court has ruled a law unconstitutional, to take a law off the books, and thus laws that have been ruled unconstitutional remain in the statutes. Recently, the practice has been to add editor's notes indicating this ruling, though this has not always been the practice and there may be unconstitutional statutes that do not have an explanatory note. Her office is in the process of going through the statutes and correcting this discrepancy. She added that it takes an action by the General Assembly to remove any law from statute and mentioned a [Legisource article](#) she had written on this issue and that this issue is one that many states face--that some remove the statutes, though she does not feel that she has the authority.

She continued that she expected there would be overlap between what the Committee does and what she feels is appropriate for the Revisor's Bill. Her thought was, if a bill is proposed to repeal obsolete provisions, which she technically has the authority to do, she would expect that the Committee would take on some of those bills.

Lastly, she discussed the importance of the amending clauses in the Committee's bills--that they are the direction to the Publication Team and the Enrolling Room as to what the bill is going to look like, in terms of small caps and strike type. She pointed out the differences between an amending clause that relocates a section of statute (in the bill, the text is in regular case and any changes to the statute are shown in small caps and strike type) and an amending clause that repeals and reenacts a section of statute (in which case the text would be shown in all small caps, making it more difficult to see if any changes had been made from the original text). She pointed out that deciding on which amending clause to use is a strategic decision that legislators and drafters should discuss together.

Senator Steadman then added that he hoped to see the bill on the Commission on Family Medicine as a relocate with amendments so that there's very little small caps letters and it doesn't look like the Committee is creating a new commission and that any clean-up of the statute is easy to track.

Chairperson Moreno added that a repeal and reenact could potentially be a violation of the Holbert Amendment.

A discussion with committee members and Jennifer Gilroy, Revisor of Statutes, ensued regarding amending clauses

10:41 AM -- Susan Liddle, Legislative Council (LCS), testified before the Committee about a database maintained by the LCS that tracks reports that various agencies are required to deliver to the General Assembly. The database was created because there wasn't consistency in how the reports were being delivered (hard copies delivered in mailboxes of individual members, delivered to LCS to distribute, etc.) The issue was that intended recipients were not receiving the reports. She added that several years ago, the General Assembly passed a bill that reports must be submitted directly to the LCS. Some reports have a defined frequency, a one-time report or prepared annually, and some of the reports have specified repeal dates though most do not. A law was passed in 1996 that established a review process for reports wherein committees had a schedule to review reporting requirements that fell under their oversight; e.g. the Education Committee reviewed the reports they were statutorily required to receive. The law stated that any reports that either the executive or judicial branch was required to deliver to the General Assembly--those prior to July of 1996 would be reviewed. After this review cycle, a bill was passed stating that any requirement for a report to be made to the General Assembly expires on the day after the third anniversary of the date on which the first report was due, unless the General Assembly decides to extend the requirement.

The LCS tracks approximately 387 active statutorily required reports in their database; some have future repeal dates, though most do not and thus have reported for much longer than the required three years. She suggested that this was an issue the Committee could undertake.

Representative Thurlow shared his appreciation for the LCS's work and the fact that the reports are electronic but noted that, after having gone into the database and read some of the reports, he found the information contained in them wasn't needed. He said that, for good government's sake, he'd want to help create processes to find needed changes. To remedy this issue, he suggested a bill to repeal many of the reports or repeal the 1996 law that says the reports have to end.

Representative Arndt asked, of the 387 reports, how many were being generated that, according to statute, were no longer required? Neither Ms. Forrestal or Ms. Liddle had the exact number, but Ms. Forrestal added that there may be disagreement among members of the General Assembly about the reports they would like to continue receiving.

Senator Steadman said that in the past year or two he had noticed boilerplate paragraphs being inserted into bills that exempted reporting requirements from the 1996 law. He asked if there were pre-existing reports where the exception language should be added by statute, which would entail adding language to the statute. He suggested that an omnibus bill could invite controversy. He asked about the solution to the problem, whether the Committee should repeal some reporting requirements while including the exception paragraph on others or whether a process should be developed to bring together stakeholders to discuss the reporting requirements.

Ms. Forrestal explained that current drafting practice was to insert the exception language or put an absolute repeal date into statute.

Representative Thurlow added that most of the hard work of researching the reports had been done because he and Ms. Forrestal had been working on a similar bill in the previous session. He suggested sharing the bill with the affected departments to invite comment. He stated that his preference would be to be liberal in removing report requirements unless a stakeholder objected.

Ms. Forrestal informed the Committee that in previous years, when all education bills would go to the education committee, drafters would repeal reporting requirements except when a member of the Committee asked for them to stay in place.

Senator Tate said he interpreted the issue as reports could continue to be produced by the executive branch at their own discretion, although the law no longer required them.

Ms. Forrestal added that some agencies might continue to submit the reports because it is not specifically stated in their organic statute that they only had to complete these reports for three years.

Senator Steadman raised the point that the 1996 law required reports to expire and another law, in 2003, required some reports to continue on in perpetuity, there's a conflict between statutes, and thus the more recent law should be controlling. This presents an ambiguity that should be resolved. He reiterated that he thinks the issue is appropriate for the Committee and a worthwhile undertaking. He suggested that because the task to make these changes would be difficult, that it might be better to break the bill up into smaller pieces and also noted that many of the reports included in the LCS database are also sent to the Joint Budget Committee and that JBC staff should be asked for input about the value of the reports that could potentially be repealed in a future bill.

Representative Thurlow wondered if the bill could be broken down into which committee it would be sent to, which would allow for another layer of vetting of the reporting requirements.

Ms. Liddle reiterated that her office has no position on the validity of the reports.

After a discussion of what the motion should be, Senator Holbert asked Ms. Forrestal if instead of presenting a bill draft for the next committee hearing, if staff would prefer to present research on the reports and potential impacts.

Senator Steadman asked Ms. Liddle if it would be possible to arrange the reports by committee of

reference.

BILL:	6. Report Database	
TIME:	10:56:43 AM	
MOVED:	Thurlow	
MOTION:	Representative Thurlow moved to add an agenda item for the October meeting to request that Legislative Council present information from the report database organized by committee of reference. The motion passed on a vote of 8-0.	
SECONDED:	Tate	
		VOTE
	Arndt	Yes
	Dore	Yes
	Holbert	Yes
	Kerr	Yes
	Steadman	Yes
	Tate	Yes
	Thurlow	Yes
	(None), (None)	
	Moreno	Yes
FINAL YES: 8 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS		

11:03 AM -- 7. Other business

Senator Holbert shared that another member of the General Assembly had suggested ideas for possible bill drafts and wondered what the process should be in terms of receiving and analyzing those ideas.

Kate Meyer offered to have OLLS consider the ideas, decide whether they are fall under the Committee's charge, and, if approved, present memos at the next meeting. She then asked the Committee if they would like the staff to present a memo for each idea brought by a member of the General Assembly or whether they could use the same vetting process.

Senator Steadman added that the Committee on Legal Services had adopted a policy for out-of-cycle review of rules and raised the question of how much access members of the General Assembly who are not on the Committee should have to its process.

The Committee and Ms. Meyer and Ms. Forrestal agreed that the process would be that any member could bring an issue to staff, who will only prepare memos only when the issues raised are deemed appropriate for the Committee to consider.

11:10 AM -- 8. Public testimony

None.