

Final
STAFF SUMMARY OF MEETING

COMMITTEE ON STATUTORY REVISION COMMITTEE

Date: 10/19/2017

ATTENDANCE

Time: **01:36 PM to 04:43 PM**

Place: SCR 352

This Meeting was called to order by
Senator Martinez Humenik

This Report was prepared by
Jessica Wigent

Arndt	X
Hooton	*
Nordberg	X
Tate	X
Thurlow	X
Zenzinger	X
Brad Ramming, Esq.	X
Patrice Bernadette Collins, Esq.	X
Moreno	X
Martinez Humenik	X

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

Bills Addressed:	Action Taken:
1a. Align CDOT reports with 24-1-136 (11), C.R.S.	Recommendation(s) Approved
1b. Rectify statutory conflict re: uncertified deputy sheriffs	Witness Testimony and/or Committee Discussion Only
1c. Update state officials' bonds and oaths requirements	Recommendation(s) Approved
1d. Remove unfunded/obsolete DHS funds and programs	Witness Testimony and/or Committee Discussion Only
2a. Repeal unnecessary process in CO Municipal Election Code	Recommendation(s) Approved
2b. Regarding local govts and special issue bonds	Recommendation(s) Approved
2c. Update references to repealed section 33-10-111 (5), C.R.S.	Recommendation(s) Approved
2d. Repeal DPA report provisions rendered obsolete by HB 17-1058	Recommendation(s) Approved
2e. Align section 24-50-134, C.R.S., with federal law	Recommendation(s) Approved
2f. Align the State Employees Group Benefits Act with federal law	Recommendation(s) Approved
2g. Clarify language in the Colorado Mental Health Act	Recommendation(s) Approved
2h. Modernize outdated "mental retardation" terminology	Recommendation(s) Approved
2i. Update language relating to early childhood councils	Recommendation(s) Approved
3. Committee business	Witness Testimony and/or Committee Discussion Only
1e. Unconstitutional provisions relating to same-sex marriage	Recommendation(s) not Approved

01:38 PM -- 1a. Align CDOT & DPS reports with 24-1-136 (11), C.R.S.

01:38 PM -- Kristen Forrestal, Office of Legislative Legal Services (OLLS), testified before the Committee concerning draft Bill 1a (LLS 18-0291), which was requested by the Committee at the August meeting. Per the Committee's request, the two reporting requirements--one for the Department of Transportation and one for the Department of Public Safety--were continued indefinitely. The Committee also asked that a nonstatutory legislative declaration, outlining the Committee's goal in introducing the bill, be added to the bill.



1A.pdf

BILL:	1a. Align CDOT reports with 24-1-136 (11), C.R.S.
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TIME:	01:42:28 PM
MOVED:	Thurlow
MOTION:	Representative Thurlow moved to introduce Bill 1a, with the addition of a nonstatutory legislative declaration. The motion passed on a vote of 7-0.
SECONDED:	
	VOTE
Arndt	Yes
Hooton	Excused
Nordberg	Yes
Tate	Yes
Thurlow	Yes
Zenzinger	Yes
Brad Ramming, Esq.	
Patrice Bernadette Collins, Esq.	
Moreno	Yes
Martinez Humenik	Yes
YES: 7 NO: 0 EXC: 1 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS	

The bill will start in the House. The House sponsor is Rep. Nordberg. The senate sponsor is Sen. Zenzinger. All present committee members were added as cosponsors.

01:45 PM -- 1b. Rectify statutory conflict re: noncertified deputy sheriffs

01:46 PM -- Richard Sweetman, OLLS, testified before the Committee concerning draft Bill 1B, which was requested by the Committee at the August meeting and is supported by the County Sheriffs of Colorado. Mr. Sweetman explained that the bill resolves a conflict in statute and clarifies that certain deputy sheriffs may serve without attaining certification from the Peace Officers Standards and Training Board.



MemofromCountySheriffs.pdf



1B.pdf

BILL:	1b. Rectify statutory conflict re: noncertified deputy sheriffs
TIME:	01:46:35 PM
MOVED:	Moreno
MOTION:	Senator Moreno moved to introduce Bill 1b as drafted. The motion passed on a vote of 7-0.
SECONDED:	
	VOTE
Arndt	Yes
Hooton	Excused
Nordberg	Yes
Tate	Yes
Thurlow	Yes
Zenzinger	Yes
Brad Ramming, Esq.	
Patrice Bernadette Collins, Esq.	
Moreno	Yes

Martinez Humenik	Yes
YES: 7 NO: 0 EXC: 1 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS	

The bill will start in the Senate. The Senate sponsor is Sen. Martinez Humenik. The House sponsor is Rep. Nordberg. All present committee members were added as cosponsors.

01:49 PM -- 1c. Update state officials' bonds and oaths requirements

01:49 PM -- Kip Kolkmeier, OLLS, testified before the Committee regarding the three bill drafts requested at the August meeting, which deal with creating a consistent oath or affirmation of office in the Colorado Revised Statutes, removing anachronistic and outdated provisions, and making consistent the requirements regarding personal surety bonds.

After a discussion between Committee members and Mr. Kolkmeier, Senator Moreno suggested that the third bill, Bill 1ciii, dealing with personal surety bonds, should be tabled until the next meeting, to get further feedback from stakeholders.



06 SRC_Memo2C.pdf 1Cii.pdf 1Ci.pdf 1Ciii.pdf

BILL:	1c. Update state officials' bonds and oaths requirements	
TIME:	02:09:29 PM	
MOVED:	Arndt	
MOTION:	Representative Arndt moved to combine the oath parts of Bill 1cii with Bill 1ci, to add a nonstatutory legislative declaration to the bill, and to introduce the bill as amended. The motion passed on a vote of 8-0.	
SECONDED:		
		VOTE
	Arndt	Yes
	Hooton	Yes
	Nordberg	Yes
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Moreno	Yes
	Martinez Humenik	Yes
YES: 8 NO: 0 EXC: 0 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS		

The bill will start in the House. The House sponsor is Rep. Arndt. The Senate sponsor is Sen. Zenzinger. All present committee members were added as cosponsors.

02:22 PM -- 1d. Remove unfunded/obsolete DHS funds and programs

02:23 PM -- Jane Ritter, OLLS, testified before the Committee regarding draft Bill 1d, regarding the repeal of Department of Human Services programs in statute that had never been funded, where funding had been repealed, or no funding had been provided in many years. She reported that the Joint Budget Committee did not have any issues with the removal of these programs.

02:24 PM -- Gini Pingnot, from Colorado Counties, Inc. (CCI), testified before the Committee to share the organization's concerns about the bill. She explained that while the funds and programs in the bill had not received funding in many years, she believes that there is merit for having the vehicles of those funds and programs remain in statute for emergent and unforeseen needs.

02:28 PM -- Lauren Schneider, legislative analyst for the Department of Human Services, next testified before the Committee, explaining that the Department was concerned that a number of the provisions in the draft bill required the department to complete reports for the unfunded programs and funds. The decision was made to add a stipulation to each provision in the bill that the reporting requirements are conditional--and only become active when the programs are funded. The Committee then decided to table the bill until the next meeting, to allow time for the draft to be updated with CCI's and the Department's feedback.



10-19-2017_Bill1d.pdf

02:36 PM -- 1e. Address unconstitutional provisions relating to same-sex marriage

02:37 PM -- Jane Ritter, OLLS, testified before the Committee regarding draft Bill 1e, which was first presented to the Committee during the August meeting. After a discussion among the Committee members, the



decision was made to indefinitely table the bill. 1E.pdf

BILL:	1e. Address unconstitutional provisions relating to same-sex marriage	
TIME:	03:01:48 PM	
MOVED:	Nordberg	
MOTION:	Representative Nordberg moved to indefinitely table Bill 1e. The motion passed on a vote of 7-1.	
SECONDED:		
		VOTE
	Arndt	Yes
	Hooton	Yes
	Nordberg	Yes
	Tate	Yes
	Thurlow	Yes
	Zenzinger	No
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Moreno	Yes
		Yes

Martinez Humenik
YES: 7 NO: 1 EXC: 0 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS

03:03 PM -- 2a. Repeal unnecessary process in Colorado Municipal Election Code of 1965

03:03 PM -- Kate Meyer, OLLS, testified before the Committee, explaining the memo and draft Bill 2a, which repeals the vacancy committee process to replace withdrawals in nomination for elections conducted under the Colorado Municipal Election Code of 1965. The vacancy committee process, she explained, has never been utilized in an election conducted under the Colorado Municipal Code of 1965.

03:06 PM -- Karen Goldman, Colorado Municipal Clerks Association and Colorado Municipal League, who brought the issue to the attention of OLLS staff, testified before the Committee in support of the bill.



BILL:	2a. Repeal unnecessary process in Colorado Municipal Election Code of 1965	
TIME:	03:11:35 PM	
MOVED:	Thurlow	
MOTION:	Representative Thurlow moved to Introduce Bill 2a, with the addition of a nonstatutory legislative declaration. The motion passed on a vote of 6-0.	
SECONDED:		
		VOTE
	Arndt	Yes
	Hooton	Yes
	Nordberg	Yes
	Tate	Excused
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Moreno	Excused
	Martinez Humenik	Yes
YES: 6 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS		

The bill will start in the Senate. The Senate sponsor is Sen. Zenzinger. The House sponsor is Thurlow. All present committee members were added as cosponsors.

03:14 PM -- 2b. Regarding local govts and special issue bonds

03:16 PM -- Esther van Mourik, OLLS, testified before the Committee concerning memo and draft Bill 2b. The issue, brought to OLLS staff by Representative Matt Gray, concerns repealing and amending two different provisions in statute, clarifying that the use of sales or use tax revenue bonds for capital improvements requires voter approval under TABOR. Ms. van Mourik explained that she sought feedback from the Colorado Municipal League and Colorado Counties, Inc., and both indicated that there appears to be no unintended consequences that could



result from the changes detailed in Bill 2b. [2B.pdf](#)

BILL:	2b. Regarding local govts and special issue bonds	
TIME:	03:21:28 PM	
MOVED:	Thurlow	
MOTION:	Representative Thurlow moved to introduce Bill 2b, with the addition of a nonstatutory legislative declaration. The motion passed on a vote of 6-0.	
SECONDED:		
		VOTE
	Arndt	Yes
	Hooton	Yes
	Nordberg	Yes
	Tate	Excused
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Moreno	Excused
	Martinez Humenik	Yes
YES: 6 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS		

The bill will start in the Senate. The Senate sponsor is Sen. Tate. The House sponsor is Rep. Thurlow. All present committee members were added as cosponsors.

03:23 PM -- 2c. Update references to repealed section 33-10-111 (5), C.R.S.

03:23 PM -- Jennifer Berman, OLLS, testified before the Committee concerning memo and Bill 2c, which amends twelve statutory provisions in title 33, Colorado Revised Statutes, that reference a statute that was



repealed in 2017. [2C.pdf](#)

BILL:	2c. Update references to repealed section 33-10-111 (5), C.R.S.	
TIME:	03:26:59 PM	
MOVED:	Arndt	
MOTION:	Representative Arndt moved to introduce Bill 2c, with the addition of a nonstatutory legislative declaration. The motion passed on a vote of 7-0.	
SECONDED:		
		VOTE
	Arndt	Yes
	Hooton	Yes
	Nordberg	Yes
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes

Brad Ramming, Esq.	
Patrice Bernadette Collins, Esq.	
Moreno	Excused
Martinez Humenik	Yes
YES: 7 NO: 0 EXC: 1 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS	

The bill will start in the House. The House sponsor is Rep. Hooton. The Senate sponsor is Sen. Zenzinger. All present committee members were added as cosponsors.

03:28 PM -- 2d. Repeal DPA report provisions rendered obsolete by HB 17-1058

03:30 PM -- Nicole Myers, OLLS, testified before the Committee concerning memo and draft Bill 2d, which concern an outdated reporting requirement in section 24-75-212 (1), C.R.S., that each state agency submit an annual report to the state controller regarding federal money received. The legislation was proposed by the



Department of Personnel. 2D.pdf

BILL:	2d. Repeal DPA report provisions rendered obsolete by HB 17-1058	
TIME:	03:32:22 PM	
MOVED:	Thurlow	
MOTION:	Representative Thurlow moved to introduce Bill 2d, with the addition of a nonstatutory legislative declaration. The motion passed on a vote of 7-0.	
SECONDED:		
		VOTE
	Arndt	Yes
	Hooton	Yes
	Nordberg	Yes
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Moreno	Excused
	Martinez Humenik	Yes
YES: 7 NO: 0 EXC: 1 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS		

The bill will start in the Senate. The Senate sponsor is Sen. Tate. The House sponsor is Rep. Arndt. All present committee members were added as cosponsors.



03:34 PM -- 2e. Align section 24-50-134, C.R.S., with federal law 2E.pdf

03:34 PM -- Nicole Myers, OLLS, testified before the Committee concerning memo and draft Bill 2e, which concerns clarifying statutory provisions about whether reimbursements for moving and relocation expenses

are subject to income tax to ensure that state agencies are in compliance with federal law.

03:37 PM -- Robert Jaros, Colorado State Controller, testified in support of the bill before the Committee, explaining that state agencies get confused about what's taxable and what's not and that Bill 2e could mitigate that confusion.

BILL:	2e. Align section 24-50-134, C.R.S., with federal law	
TIME:	04:05:29 PM	
MOVED:	Tate	
MOTION:	Senator Tate moved to introduce Bill 2e, with the addition of a nonstatutory legislative declaration. The motion passed on a vote of 7-0.	
SECONDED:		
		VOTE
	Arndt	Yes
	Hooton	Yes
	Nordberg	Yes
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Moreno	Excused
	Martinez Humenik	Yes
YES: 7 NO: 0 EXC: 1 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS		

The bill will start in the Senate. The Senate sponsor is Sen. Tate. The House sponsor is Rep. Arndt. All present committee members were added as cosponsors.

04:07 PM -- 2f. Align the State Employees Group Benefits Act with federal law

04:07 PM -- Nicole Myers, OLLS, testified before the Committee concerning memo and Bill 2f, which concerns modifying provisions of the State Employees Group Benefits Act with federal law. The issue was brought



to the attention of OLLS staff by the Department of Personnel. 2F.pdf

BILL:	2f. Align the State Employees Group Benefits Act with federal law	
TIME:	04:11:33 PM	
MOVED:	Tate	
MOTION:	Senator moved to introduce Bill 2f, with the addition of a nonstatutory legislative declaration. The motion passed on a vote of 7-0.	
SECONDED:		
		VOTE
	Arndt	Yes
	Hooton	Yes
	Nordberg	Yes
	Tate	Yes

Thurlow	Yes
Zenzinger	Yes
Brad Ramming, Esq.	
Patrice Bernadette Collins, Esq.	
Moreno	Excused
Martinez Humenik	Yes
YES: 7 NO: 0 EXC: 1 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS	

The bill will start in the Senate. The Senate sponsor is Sen. Tate. The House sponsor is Rep. Hooton. All present committee members were added as cosponsors.

04:13 PM -- 2g. Clarify language in the Colorado Mental Health Act

04:13 PM -- Jane Ritter, OLLS, testified before the Committee concerning memo and Bill 2g, concerning clarifying language in the Colorado Mental Health Act, article 43 of title 12, C.R.S. The issue was brought to the attention of OLLS staff by practitioners in the field.

04:14 PM -- Dr. Reo Leslie, Colorado Mental Health Professionals, testified in support of Bill 2g.



10-17-2017_Memo2G.pdf

BILL:	2g. Clarify language in the Colorado Mental Health Act	
TIME:	04:22:14 PM	
MOVED:	Zenzinger	
MOTION:	Senator Zenzinger moved to introduce Bill 2g. The motion passed on a vote of 6-0.	
SECONDED:		
		VOTE
	Arndt	Excused
	Hooton	Yes
	Nordberg	Yes
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Moreno	Excused
	Martinez Humenik	Yes
YES: 6 NO: 0 EXC: 2 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS		

The bill will start in the Senate. The Senate sponsor is Sen. Zenzinger. The House sponsor is Rep. Nordberg. All present committee members were added as cosponsors.

04:24 PM -- 2h. Modernize outdated "mental retardation" terminology

04:24 PM -- Jane Ritter, OLLS, testified before the Committee concerning memo and Bill 2h, concerning modernizing outdated references to "mental retardation" and "mentally retarded" to the more appropriate,



and person-first terminology of "a person with an intellectual and developmental disability. 2H.pdf

BILL:	2h. Modernize outdated "mental retardation" terminology	
TIME:	04:27:40 PM	
MOVED:	Thurlow	
MOTION:	Representative Thurlow moved to introduce Bill 2h. The motion passed on a vote of 7-0.	
SECONDED:		
		VOTE
	Arndt	Yes
	Hooton	Yes
	Nordberg	Yes
	Tate	Yes
	Thurlow	Yes
	Zenzinger	Yes
	Brad Ramming, Esq.	
	Patrice Bernadette Collins, Esq.	
	Moreno	Excused
	Martinez Humenik	Yes
YES: 7 NO: 0 EXC: 1 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS		

04:28 PM -- 2i. Update language relating to early childhood councils

04:29 PM -- Jane Ritter, OLLS, testified before the Committee regarding the memo and draft Bill 2i, explaining that in 1997, the General Assembly established a pilot program for early childhood care and education and created early childhood care and education councils. A few years later, Ms. Ritter explained, more of the latter were created, though the name was changed to early childhood councils. The request to change all references in statute from early childhood care and education councils to early childhood councils was proposed by former State Sen. Hudak, and Ms. Ritter shared the proposed changes with the Department of Human Services, who agreed with



the changes. 2i.pdf

BILL:	2i. Update language relating to early childhood councils	
TIME:	04:35:41 PM	
MOVED:	Hooton	
MOTION:	Representative Hooton moved to introduce Bill 2i, with the changes from shall to must in the latter of the bill reversed to their original language. The motion passed on a vote of 7-0.	
SECONDED:		
		VOTE
	Arndt	Yes
	Hooton	Yes
	Nordberg	Yes
	Tate	Yes

Thurlow	Yes
Zenzinger	Yes
Brad Ramming, Esq.	
Patrice Bernadette Collins, Esq.	
Moreno	Excused
Martinez Humenik	Yes
YES: 7 NO: 0 EXC: 1 ABS: 0 REMOTE PARTICIPATION: 0 FINAL ACTION: PASS	

The bill will start in the House. The House sponsor is Rep. Hooton. The Senate sponsor is Sen. Zenzinger. All present committee members were added as cosponsors.

04:37 PM -- 3. Committee business

04:38 PM -- Kristen Forrestal, OLLS, discussed the deadline for the annual report, November 15, 2017. She explained that, according to the Committee's statute, no election for chair and vice-chair is necessary in 2018; instead, the chair and the vice-chair will swap positions--Senator Moreno will become the chair and Senator Martinez Humenik the vice-chair.

04:40 PM -- Jerry Berry, OLLS, discussed the ongoing project of the Committee bill. He said he



planned to update the Committee again in November. [SRC_ModernizeAOA_MemoandBill.pdf](#)