

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 13-0225.01 Thomas Morris x4218

**HOUSE BILL 13-1029**

---

**HOUSE SPONSORSHIP**

**Levy and Gardner**, Labuda, Murray, Waller

**SENATE SPONSORSHIP**

**Roberts and Schwartz**, Brophy, Morse

---

**House Committees**  
Judiciary

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE USE OF AUTHORITY VERBS IN THE COLORADO**  
102 **REVISED STATUTES.**

---

**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/billsummaries>.)*

**Committee on Legal Services.** The bill defines the word "must", as it is used generally in the Colorado Revised Statutes, to mean that a person or thing is required to meet a condition for a consequence to apply. "Shall" means that a person has a duty.

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

HOUSE  
3rd Reading Unamended  
January 23, 2013

HOUSE  
2nd Reading Unamended  
January 22, 2013

---

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby:

4 (a) Finds that:

5 (I) Courts presume that, in the absence of any manifest indication  
6 to the contrary, the meaning attributed to the words used in one part of the  
7 statutes should be ascribed to the same words found elsewhere in the  
8 statutes; and

9 (II) Many statutes have been written in the passive voice and  
10 future tense, including the use of the word "shall" as a future tense verb;

11 (b) Determines that:

12 (I) Drafting statutes, when possible, in the active voice and  
13 present tense will clarify the general assembly's intent; and

14 (II) In order to clarify the general assembly's use of the authority  
15 verbs "must" and "shall", it is useful to use different words to distinguish  
16 between:

17 (A) The imposition of a duty on a person; and

18 (B) The creation of a condition to which a person or thing is  
19 subject but as to which there is no duty to act; and

20 (c) Declares that:

21 (I) Passage of this act is not intended to alter the interpretation of  
22 a statute enacted before the effective date of this act; and

23 (II) While this act creates standard definitions of the words "must"  
24 and "shall", the determination of the proper meanings to be attributed to  
25 the words "must" and "shall" should include consideration of the context  
26 in which those words were enacted and are used.

1           **SECTION 2.** In Colorado Revised Statutes, 2-4-401, **add** (6.5)  
2 and (13.7) as follows:

3           **2-4-401. Definitions.** The following definitions apply to every  
4 statute, unless the context otherwise requires:

5           (6.5) (a) "MUST" MEANS THAT A PERSON OR THING IS REQUIRED TO  
6 MEET A CONDITION FOR A CONSEQUENCE TO APPLY. "MUST" DOES NOT  
7 MEAN THAT A PERSON HAS A DUTY.

8           (b) THIS SUBSECTION (6.5):

9           (I) IS NOT INTENDED TO ALTER THE INTERPRETATION OF A STATUTE  
10 ENACTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (6.5); AND

11           (II) APPLIES TO STATUTES ENACTED ON OR AFTER THE EFFECTIVE  
12 DATE OF THIS SUBSECTION (6.5) BUT ONLY WITH REGARD TO LANGUAGE  
13 THAT APPEARS IN SMALL CAPITAL FONT IN THE SESSION LAWS PUBLISHED  
14 PURSUANT TO SECTION 24-70-223, C.R.S.

15           (13.7) (a) "SHALL" MEANS THAT A PERSON HAS A DUTY.

16           (b) THIS SUBSECTION (13.7):

17           (I) IS NOT INTENDED TO ALTER THE INTERPRETATION OF A STATUTE  
18 ENACTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (13.7); AND

19           (II) APPLIES TO STATUTES ENACTED ON OR AFTER THE EFFECTIVE  
20 DATE OF THIS SUBSECTION (13.7) BUT ONLY WITH REGARD TO LANGUAGE  
21 THAT APPEARS IN SMALL CAPITAL FONT IN THE SESSION LAWS PUBLISHED  
22 PURSUANT TO SECTION 24-70-223, C.R.S.

23           **SECTION 3. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly (August  
26 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part will not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2014 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.