

HB1303_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB17-1303 be amended as follows:

1 Amend printed bill, page 11, line 2, strike "DEVELOP GUIDELINES AND
2 PROCEDURES" and substitute "PROMULGATE RULES".

3 Page 11, line 6, strike "DEVELOP GUIDELINES AND PROCEDURES" and
4 substitute "PROMULGATE RULES".

5 Page 11, line 17, strike "DEVELOP PROCEDURES" and substitute
6 "PROMULGATE RULES".

7 Page 11, strike line 27 and substitute "CONFORMITY WITH THE RULES
8 ADOPTED".

9 Page 12, strike lines 25 through 27.

10 Page 13, strike lines 1 through 24 and substitute:

11 "13-5.5-106. Rules. (1) SUBJECT TO APPROVAL BY THE
12 COLORADO SUPREME COURT, THE STATE COMMISSION SHALL PROMULGATE
13 RULES NECESSARY TO IMPLEMENT AND EFFECTUATE THE PROVISIONS OF
14 THIS ARTICLE 5.5, INCLUDING RULES RELATED TO THE OPERATIONS OF THE
15 DISTRICT COMMISSIONS. PRIOR TO THE FINAL PROMULGATION OF ANY RULE
16 PROPOSED PURSUANT TO THIS SECTION, THE STATE COMMISSION SHALL
17 POST A NOTICE OF THE PROPOSED RULE, ALLOW FOR A PERIOD FOR PUBLIC
18 COMMENT, AND GIVE THE PUBLIC AN OPPORTUNITY TO ADDRESS THE
19 STATE COMMISSION CONCERNING THE PROPOSED RULE AT A PUBLIC
20 HEARING.

21 (2) THE STATE COMMISSION MAY ADOPT RULES OR STANDARDS
22 THAT PROVIDE GUIDANCE TO MEMBERS OF THE STATE COMMISSION OR
23 MEMBERS OF DISTRICT COMMISSIONS REGARDING THE REVIEW OR
24 INTERPRETATION OF INFORMATION OBTAINED AS A RESULT OF THE
25 EVALUATION PROCESS AND THE CRITERIA CONTAINED IN SECTION
26 13-5.5-107. ANY SUCH RULES OR STANDARDS MUST:

27 (a) BE CONSISTENT WITH THE POWERS AND DUTIES OF THE STATE
28 COMMISSION AS SET FORTH IN SECTION 13-5.5-105. THE APPLICATION OF
29 THE RULES OR STANDARDS MUST TAKE INTO CONSIDERATION THE
30 STATISTICAL RELIABILITY OF SURVEY DATA; AND

31 (b) NOT DIVEST ANY MEMBER OF THE STATE COMMISSION OR A
32 DISTRICT COMMISSION OF HIS OR HER ULTIMATE AUTHORITY TO DECIDE
33 WHETHER TO VOTE FOR OR AGAINST RECOMMENDING RETENTION OF A
34 JUSTICE OR JUDGE BASED UPON HIS OR HER REVIEW OF THE INFORMATION
35 BEFORE THE STATE COMMISSION."

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