

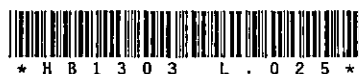
HB1303_L.025

HOUSE COMMITTEE OF REFERENCE AMENDMENT

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

- 1 Amend printed bill, page 22, after line 24, insert:
2 "13-5.5-115. Cause of action. (1) FINAL ACTIONS OF THE STATE
3 COMMISSION, INCLUDING RULES, PROCEDURES, OR GUIDELINES ADOPTED
4 BY THE STATE COMMISSION, ARE SUBJECT TO JUDICIAL REVIEW AS
5 PROVIDED FOR IN THIS SECTION. A PERSON ADVERSELY AFFECTED OR
6 AGGRIEVED BY A FINAL ACTION OF THE STATE COMMISSION MAY
7 COMMENCE AN ACTION FOR JUDICIAL REVIEW IN THE DENVER DISTRICT
8 COURT WITHIN THIRTY-FIVE DAYS AFTER SUCH ACTION BECOMES
9 EFFECTIVE.
- 10 (2) UPON A FINDING BY THE COURT THAT IRREPARABLE INJURY
11 WOULD OTHERWISE RESULT, THE REVIEWING COURT SHALL POSTPONE THE
12 EFFECTIVE DATE OF THE STATE COMMISSION'S ACTION TO PRESERVE THE
13 RIGHTS OF THE PARTIES, PENDING CONCLUSION OF THE REVIEW
14 PROCEEDINGS.
- 15 (3) IF THE COURT FINDS NO ERROR, IT SHALL AFFIRM THE STATE
16 COMMISSION'S FINAL ACTION. IF THE COURT FINDS THAT THE STATE
17 COMMISSION'S ACTION IS ARBITRARY OR CAPRICIOUS; A DENIAL OF A
18 STATUTORY RIGHT; CONTRARY TO CONSTITUTIONAL RIGHT, POWER,
19 PRIVILEGE, OR IMMUNITY; IN EXCESS OF STATUTORY JURISDICTION,
20 AUTHORITY, PURPOSES, OR LIMITATIONS; NOT IN ACCORD WITH THE
21 PROCEDURES OR PROCEDURAL LIMITATIONS SET FORTH IN THIS ARTICLE 5.5
22 OR AS OTHERWISE REQUIRED BY LAW; AN ABUSE OR CLEARLY
23 UNWARRANTED EXERCISE OF DISCRETION; BASED UPON FINDINGS OF FACT
24 THAT ARE CLEARLY ERRONEOUS ON THE WHOLE RECORD; UNSUPPORTED
25 BY SUBSTANTIAL EVIDENCE WHEN THE RECORD IS CONSIDERED AS A
26 WHOLE; OR OTHERWISE CONTRARY TO LAW, THEN THE COURT SHALL HOLD
27 UNLAWFUL AND SET ASIDE THE ACTION AND SHALL RESTRAIN THE
28 ENFORCEMENT OF THE ACTION UNDER REVIEW AND AFFORD SUCH OTHER
29 RELIEF AS MAY BE APPROPRIATE. IN MAKING SUCH DETERMINATIONS, THE
30 COURT SHALL REVIEW THE WHOLE RECORD OR SUCH PORTIONS AS MAY BE
31 CITED BY ANY PARTY. IN ALL CASES UNDER REVIEW, THE COURT SHALL
32 DETERMINE ALL QUESTIONS OF LAW AND INTERPRET THE STATUTORY AND
33 CONSTITUTIONAL PROVISIONS INVOLVED AND APPLY THE INTERPRETATION
34 TO THE FACTS DULY FOUND OR ESTABLISHED."

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