

HB1078\_L.002

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government.HB16-1078 be amended as follows:

1 Amend printed bill, page 4, strike lines 11 through 20 and substitute  
2 "RELIEF AND DAMAGES. THE EMPLOYEE MUST SERVE THE LOCAL  
3 EDUCATION PROVIDER IN ACCORDANCE WITH THE COLORADO RULES OF  
4 CIVIL PROCEDURE. PRIOR TO THE TIME THAT AN ANSWER IS DUE, THE  
5 LOCAL EDUCATION PROVIDER MAY FILE A WRITTEN NOTICE REJECTING THE  
6 ADMINISTRATIVE LAW JUDGE'S JURISDICTION, AND, IN WHICH CASE, THE  
7 JUDGE SHALL DISMISS THE COMPLAINT WITHOUT PREJUDICE. HEARINGS  
8 ARE CONDUCTED CONSISTENT WITH THE PROVISIONS OF SECTION 24-4-105,  
9 C.R.S., UNLESS THE DIRECTOR OF THE OFFICE OF ADMINISTRATIVE COURTS  
10 ESTABLISHES DIFFERENT RULES THAT APPLY. THE FINAL DECISION OF THE  
11 ADMINISTRATIVE LAW JUDGE IS SUBJECT TO JUDICIAL REVIEW BY THE  
12 COURT OF APPEALS IN THE SAME MANNER AS AN AGENCY ACTION THAT IS  
13 APPEALED IN ACCORDANCE WITH SECTION 24-4-106 (11), C.R.S.

14 (4) AN EMPLOYEE WHO DID NOT FILE A WRITTEN COMPLAINT WITH  
15 THE OFFICE OF ADMINISTRATIVE COURTS OR WHO FILED A WRITTEN  
16 COMPLAINT BUT THE LOCAL EDUCATION PROVIDER REJECTED THE  
17 JURISDICTION MAY BRING A CIVIL ACTION IN THE APPROPRIATE DISTRICT  
18 COURT OF THE STATE ALLEGING A VIOLATION OF THIS SECTION AND  
19 SEEKING DAMAGES AND INJUNCTIVE RELIEF."

20 Page 5, line 7, strike "SHALL" and substitute "MAY".

21 Page 6, strike lines 25 through 27.

22 Page 7, strike lines 1 through 7 and substitute "RELIEF AND DAMAGES. THE  
23 EMPLOYEE MUST SERVE THE COUNTY IN ACCORDANCE WITH THE  
24 COLORADO RULES OF CIVIL PROCEDURE. PRIOR TO THE TIME THAT AN  
25 ANSWER IS DUE, THE COUNTY MAY FILE A WRITTEN NOTICE REJECTING THE  
26 ADMINISTRATIVE LAW JUDGE'S JURISDICTION, AND, IN WHICH CASE, THE  
27 JUDGE SHALL DISMISS THE COMPLAINT WITHOUT PREJUDICE. HEARINGS  
28 ARE CONDUCTED CONSISTENT WITH THE PROVISIONS OF SECTION 24-4-105,  
29 C.R.S., UNLESS THE DIRECTOR OF THE OFFICE OF ADMINISTRATIVE COURTS  
30 ESTABLISHES DIFFERENT RULES THAT APPLY. THE FINAL DECISION OF THE  
31 ADMINISTRATIVE LAW JUDGE IS SUBJECT TO JUDICIAL REVIEW BY THE  
32 COURT OF APPEALS IN THE SAME MANNER AS AN AGENCY ACTION THAT IS  
33 APPEALED IN ACCORDANCE WITH SECTION 24-4-106 (11), C.R.S.

34 (4) AN EMPLOYEE WHO DID NOT FILE A WRITTEN COMPLAINT WITH  
35 THE OFFICE OF ADMINISTRATIVE COURTS OR WHO FILED A WRITTEN

1 COMPLAINT BUT THE COUNTY REJECTED THE JURISDICTION MAY BRING A  
2 CIVIL ACTION IN THE APPROPRIATE DISTRICT COURT OF THE STATE  
3 ALLEGING A VIOLATION OF THIS SECTION AND SEEKING DAMAGES AND  
4 INJUNCTIVE RELIEF."

5 Page 9, strike lines 3 through 12 and substitute "RELIEF AND DAMAGES.  
6 THE EMPLOYEE MUST SERVE THE MUNICIPALITY IN ACCORDANCE WITH THE  
7 COLORADO RULES OF CIVIL PROCEDURE. PRIOR TO THE TIME THAT AN  
8 ANSWER IS DUE, THE MUNICIPALITY MAY FILE A WRITTEN NOTICE  
9 REJECTING THE ADMINISTRATIVE LAW JUDGE'S JURISDICTION, AND, IN  
10 WHICH CASE, THE JUDGE SHALL DISMISS THE COMPLAINT WITHOUT  
11 PREJUDICE. HEARINGS ARE CONDUCTED CONSISTENT WITH THE PROVISIONS  
12 OF SECTION 24-4-105, C.R.S., UNLESS THE DIRECTOR OF THE OFFICE OF  
13 ADMINISTRATIVE COURTS ESTABLISHES DIFFERENT RULES THAT APPLY.  
14 THE FINAL DECISION OF THE ADMINISTRATIVE LAW JUDGE IS SUBJECT TO  
15 JUDICIAL REVIEW BY THE COURT OF APPEALS IN THE SAME MANNER AS AN  
16 AGENCY ACTION THAT IS APPEALED IN ACCORDANCE WITH SECTION  
17 24-4-106 (11), C.R.S.

18 (4) AN EMPLOYEE WHO DID NOT FILE A WRITTEN COMPLAINT WITH  
19 THE OFFICE OF ADMINISTRATIVE COURTS OR WHO FILED A WRITTEN  
20 COMPLAINT BUT THE MUNICIPALITY REJECTED THE JURISDICTION MAY  
21 BRING A CIVIL ACTION IN THE APPROPRIATE DISTRICT COURT OF THE STATE  
22 ALLEGING A VIOLATION OF THIS SECTION AND SEEKING DAMAGES AND  
23 INJUNCTIVE RELIEF."

\*\* \*\*\* \*\* \*\*\* \*\*