

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 20, 2016  
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SB16-106 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 1-45-111.5, **amend**  
4 (2); and **add** (5) as follows:

5 **1-45-111.5. Duties of the secretary of state - enforcement -**  
6 **sanctions - definition.** (2) A party in any action brought to enforce the  
7 provisions of article XXVIII of the state constitution or of this article  
8 ~~shall be~~ IS entitled to the recovery of the party's reasonable attorney fees  
9 and costs from any attorney or party who has brought or defended the  
10 action, either in whole or in part, upon a determination by the office of  
11 administrative courts that the action, or any part thereof, lacked  
12 substantial justification or that the action, or any part thereof, was  
13 interposed for delay or harassment or if it finds that an attorney or party  
14 unnecessarily expanded the proceeding by other improper conduct,  
15 including, but not limited to, abuses of discovery procedures available  
16 under the Colorado rules of civil procedure. A PARTY AWARDED  
17 ATTORNEY FEES UNDER THIS SUBSECTION (2) MAY SEEK ENFORCEMENT OF  
18 THE AWARD IN A PRIVATE CAUSE OF ACTION BROUGHT UNDER SECTION 9  
19 (2) OF ARTICLE XXVIII OF THE STATE CONSTITUTION WITHOUT RESORT TO  
20 THE SECRETARY OF STATE. Notwithstanding any other provision of this  
21 subsection (2), no attorney fees may be awarded under this subsection (2)  
22 unless the court or administrative law judge, as applicable, has first

1 considered the provisions of section 13-17-102 (5) and (6), C.R.S. For  
2 purposes of this subsection (2), "lacked substantial justification" means  
3 substantially frivolous, substantially groundless, or substantially  
4 vexatious.

5 (5) NOT LATER THAN DECEMBER, 1, 2016, THE SECRETARY OF  
6 STATE SHALL CREATE AND POST ON THE SECRETARY'S OFFICIAL WEB SITE  
7 A CAMPAIGN FINANCE TRAINING COURSE THAT OFFERS SUFFICIENT  
8 CONTENT TO SATISFY THE TRAINING REQUIREMENTS FOR ADMINISTRATIVE  
9 LAW JUDGES THAT IS REQUIRED BY SECTION 24-30-1003 (6), C.R.S.

10 **SECTION 2.** In Colorado Revised Statutes, 24-30-1003, **add** (6)  
11 as follows:

12 **24-30-1003. Administrative law judges - appointment -**  
13 **qualifications - standards of conduct.** (6) ON AND AFTER JANUARY 1,  
14 2017, BEFORE HEARING A COMPLAINT THAT HAS BEEN FILED WITH THE  
15 OFFICE OF ADMINISTRATIVE COURTS IN ACCORDANCE WITH SECTION 9 (2)  
16 OF ARTICLE XXVIII OF THE STATE CONSTITUTION, AN ADMINISTRATIVE  
17 LAW JUDGE SHALL COMPLETE FOUR CREDIT HOURS OF CONTINUING LEGAL  
18 EDUCATION COURSES THAT HAVE BEEN CERTIFIED BY THE COLORADO  
19 SUPREME COURT. THE FOUR CREDIT HOURS OF LEGAL EDUCATION MUST BE  
20 SUBSTANTIALLY RELATED TO ELECTION OR CAMPAIGN FINANCE LAW. AN  
21 ADMINISTRATIVE LAW JUDGE WHO HEARS CAMPAIGN FINANCE  
22 COMPLAINTS MUST OBTAIN THE FOUR CREDIT HOURS ON AN ANNUAL BASIS.  
23 AN ADMINISTRATIVE LAW JUDGE MAY SATISFY THE REQUIREMENTS OF  
24 THIS SUBSECTION (6) BY COMPLETING THE CAMPAIGN FINANCE TRAINING  
25 COURSE THAT IS OFFERED ON THE SECRETARY OF STATE'S WEB SITE  
26 PURSUANT TO SECTION 1-45-111.5 (5), C.R.S.

27 **SECTION 3. Act subject to petition - effective date.** This act  
28 takes effect at 12:01 a.m. on the day following the expiration of the  
29 ninety-day period after final adjournment of the general assembly (August  
30 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
31 referendum petition is filed pursuant to section 1 (3) of article V of the  
32 state constitution against this act or an item, section, or part of this act  
33 within such period, then the act, item, section, or part will not take effect  
34 unless approved by the people at the general election to be held in  
35 November 2016 and, in such case, will take effect on the date of the  
36 official declaration of the vote thereon by the governor."

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