

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVES Duran and Willford

1 Amend printed bill, page 7, after line 9 insert:

2 "SECTION 6. In Colorado Revised Statutes, 40-6-101, **amend**
3 (2) as follows:

4 **40-6-101. Proceedings - delegation of duties - rules.**

5 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(b) OF
6 THIS SECTION, the commission may by order direct that any of its work,
7 business, or functions under any provision of law, except functions vested
8 solely in the commission under this title 40, be assigned or referred to an
9 individual commissioner or to an administrative law judge to be
10 designated by order for action. The commission may by order at any time
11 amend, modify, supplement, or rescind any such assignment or reference.
12 When an individual commissioner or an administrative law judge is
13 unable to act upon any matter assigned or referred because of absence or
14 other cause, the chair of the commission may designate another
15 commissioner or administrative law judge, as the case may be, to serve
16 temporarily until the commission otherwise orders.

17 (b) Every case submitted to the commission for adjudication must
18 be heard in the first instance by ~~the commission~~ AN ADMINISTRATIVE LAW
19 JUDGE unless, by rule, minute order, or written decision, the commission
20 assigns the case to ~~an administrative law judge~~ THE COMMISSION EN BANC
21 or to an individual commissioner for hearing."

22 Renumber succeeding sections accordingly.

23 Page 8, after line 27 insert:

24 "SECTION 9. In Colorado Revised Statutes, 40-6-109, **amend**
25 (6); and **add** (1)(d) as follows:

26 **40-6-109. Hearings - orders - record - review - representation**
27 **of entities in nonadjudicatory proceedings - rules.**

28 (1) (d) NO LATER THAN MARCH 31, 2027, THE COMMISSION SHALL
29 ADOPT RULES REGARDING THE FORMAT OF EN BANC COMMISSION AND
30 HEARING COMMISSIONER HEARINGS AND MEETINGS, WHICH RULES MUST
31 INCLUDE THE CRITERIA TO BE USED TO DETERMINE WHETHER EN BANC AND
32 HEARING COMMISSIONER HEARINGS AND MEETINGS WILL BE HELD IN
33 PERSON, VIRTUALLY, OR HYBRID IN PERSON AND VIRTUALLY. IN ADOPTING
34 THE RULES, THE COMMISSION SHALL CONSIDER THE CURRENT PRACTICES
35 OF DELIBERATIVE JUDICIAL BODIES AND CONSIDER RULES FOR FACTORS
36 SUCH AS TRAVEL COSTS AND REIMBURSEMENTS, CHILD CARE
37 CONSIDERATIONS, AND WEATHER AND EMERGENCY CONDITIONS THAT

1 RENDER TRAVEL UNSAFE. BEFORE JULY 1, 2027, AN APPLICANT MAY
2 REQUEST THAT HEARINGS BE HELD IN PERSON, VIRTUALLY, OR HYBRID IN
3 PERSON AND VIRTUALLY, AND THE COMMISSION SHALL CONSIDER THE
4 REQUEST.

5 (6) The commission may make the initial decision ONLY in cases
6 where it AN ADMINISTRATIVE LAW JUDGE has ~~not~~ presided at the taking of
7 evidence, and the recommended decision of the ~~individual commissioner~~
8 ~~or~~ administrative law judge may be omitted in any case in which the
9 commission finds upon the record that due and timely execution of its
10 functions imperatively and unavoidably so requires.

11 **SECTION 10.** In Colorado Revised Statutes, 40-6-109.5, **amend**
12 (1) and (4); and **add** (5) and (6) as follows:

13 **40-6-109.5. Hearings on applications - time limits for decisions**
14 **- rules.**

15 (1) Whenever an application of any kind is filed with the
16 commission and is accompanied by the applicant's supporting testimony
17 or a detailed summary of the supporting testimony, together with exhibits,
18 if any, the commission shall issue its decision on the application no later
19 than one hundred twenty days after the application is deemed complete
20 as prescribed by rules ~~promulgated~~ ADOPTED by the commission. THE
21 RULES MUST PRESCRIBE THAT AN APPLICATION MAY BE DEEMED
22 INCOMPLETE ONLY IF SUCH APPLICATION DOES NOT MEET THE APPLICATION
23 REQUIREMENTS PRESCRIBED BY COMMISSION RULE AND DECISION. If the
24 commission finds that additional time is required, it may, by separate
25 order, extend the time for decision by an additional period not to exceed
26 one hundred thirty days.

27 (4) The commission, in particular cases, under extraordinary
28 conditions and after notice and a hearing at which the existence of
29 extraordinary conditions is established, may extend the time limits
30 specified in subsections (1) and (2) of this section for a period not to
31 exceed an additional ~~one hundred thirty~~ NINETY days.

32 (5) A FAILURE TO ACT UPON AN APPLICATION WITHIN THE TIME
33 PERIODS SPECIFIED IN THIS SECTION CONSTITUTES AN APPROVAL OF THE
34 APPLICATION BY OPERATION OF LAW.

35 (6) AN UNOPPOSED MOTION FOR PERMISSIVE INTERVENTION IS
36 APPROVED BY OPERATION OF LAW UNLESS THE COMMISSION ISSUES A
37 DECISION DENYING THE MOTION WITHIN THIRTY DAYS AFTER THE MOTION
38 HAS BEEN FILED."

39 Renumber succeeding sections accordingly.

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