

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 21, 2017  
Date

Committee on Judiciary.

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

SB17-036 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 37-90-113, **add** (4)  
3 as follows:

4 **37-90-113. Hearings.** (4) IN ADDITION TO ANY AUTHORITY  
5 ESTABLISHED BY RULE BY THE COMMISSION FOR COMMISSION MATTERS TO  
6 BE REFERRED TO ALTERNATIVE DISPUTE RESOLUTION, THE COMMISSION OR  
7 AN AGENT DESIGNATED BY THE COMMISSION PURSUANT TO SUBSECTION  
8 (2) OF THIS SECTION MAY REFER A MATTER BEFORE THE COMMISSION TO  
9 ALTERNATIVE DISPUTE RESOLUTION PURSUANT TO SECTION 13-22-313."

10 Renumber succeeding sections accordingly.

11 Page 2, strike lines 12 through 14 and substitute "APPEALED FROM AND  
12 INCLUDED IN THE RECORD. THE DISTRICT COURT SHALL CONSIDER  
13 EVIDENCE IN ITS DETERMINATION OF THE MATTER IF THE EVIDENCE:

14 (A) WAS WRONGLY EXCLUDED AT THE ADMINISTRATIVE  
15 PROCEEDING; OR

16 (B) EXISTED AT THE TIME OF THE ADMINISTRATIVE PROCEEDING  
17 BUT WAS DISCOVERED AFTER THE ADMINISTRATIVE PROCEEDING AND, IN  
18 THE EXERCISE OF GOOD FAITH AND REASONABLE DILIGENCE, COULD NOT  
19 HAVE BEEN MADE AVAILABLE AND OFFERED AT THE ADMINISTRATIVE  
20 PROCEEDING."

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