

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Kirkmeyer

1 Amend printed bill, page 78, after line 3 insert:

2 "SECTION 83. In Colorado Revised Statutes, 1-45-111.5, add
3 (6) as follows:

4 **1-45-111.5. Duties of the secretary of state - enforcement -**
5 **sanctions - definitions.** (6) (a) THE SECRETARY OF STATE SHALL APPOINT
6 AND DESIGNATE PERSONS, IN ACCORDANCE WITH THIS SUBSECTION (6), TO
7 SERVE AS ADMINISTRATIVE LAW JUDGES WITH RESPECT TO ANY
8 COMPLAINT THAT IS FILED ALLEGING A VIOLATION OF ARTICLE XXVIII OF
9 THE STATE CONSTITUTION OR THIS ARTICLE 45. THE SECRETARY OF STATE
10 SHALL APPOINT THE ADMINISTRATIVE LAW JUDGES IN THE FOLLOWING
11 MANNER:

12 (I) NOT LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF
13 THIS SUBSECTION (6), THE SECRETARY OF STATE SHALL APPOINT TWO
14 PERSONS WHO WILL COMPRISE A RECOMMENDATIONS COMMITTEE TO
15 ASSIST THE SECRETARY IN APPOINTING PERSONS AS ADMINISTRATIVE LAW
16 JUDGES PURSUANT TO THIS SUBSECTION (6). EACH APPOINTEE TO THE
17 RECOMMENDATIONS COMMITTEE MUST HAVE BEEN AFFILIATED FOR AT
18 LEAST FIVE YEARS WITH A MAJOR POLITICAL PARTY. THE TWO MEMBERS
19 OF THE RECOMMENDATIONS COMMITTEE SHALL NOT BE AFFILIATED WITH
20 THE SAME MAJOR POLITICAL PARTY.

21 (II) NOT LATER THAN THIRTY DAYS AFTER THEIR APPOINTMENT BY
22 THE SECRETARY OF STATE, THE MEMBERS OF THE RECOMMENDATIONS
23 COMMITTEE SHALL SOLICIT, BY MEANS OF A NOTICE PLACED ON THE
24 WEBSITE OF THE SECRETARY, A LIST OF CANDIDATES TO BE CONSIDERED
25 FOR APPOINTMENT AS AN ADMINISTRATIVE LAW JUDGE.

26 (III) NOT LATER THAN THIRTY DAYS AFTER THE POSTING OF THE
27 NOTICE REQUIRED BY SUBSECTION (6)(a)(II) OF THIS SECTION, THE
28 RECOMMENDATIONS COMMITTEE SHALL POST ON THE WEBSITE OF THE
29 SECRETARY OF STATE A LIST OF THE CANDIDATES TO BE CONSIDERED FOR
30 APPOINTMENT AS AN ADMINISTRATIVE LAW JUDGE. BY ADDITIONAL
31 NOTICE PLACED ON THE WEBSITE, THE RECOMMENDATIONS COMMITTEE
32 SHALL REQUEST PUBLIC COMMENTS ON THE CANDIDATES LISTED.

33 (IV) NOT LATER THAN THIRTY DAYS AFTER THE POSTING OF THE
34 NOTICE REQUIRED BY SUBSECTION (6)(a)(III) OF THIS SECTION REQUESTING
35 PUBLIC COMMENTS, THE RECOMMENDATIONS COMMITTEE SHALL
36 RECOMMEND TO THE SECRETARY OF STATE THREE CANDIDATES FOR
37 APPOINTMENT AS AN ADMINISTRATIVE LAW JUDGE.

38 (V) NOT LATER THAN THIRTY DAYS AFTER THE
39 RECOMMENDATIONS COMMITTEE SUBMITS ITS RECOMMENDATIONS TO THE
40 SECRETARY OF STATE PURSUANT TO SUBSECTION (6)(a)(IV) OF THIS

1 SECTION, THE SECRETARY SHALL APPOINT THREE PERSONS FROM THE LIST
2 OF CANDIDATES SUBMITTED BY THE RECOMMENDATIONS COMMITTEE TO
3 SERVE AS AN ADMINISTRATIVE LAW JUDGE. OF THE THREE PERSONS
4 APPOINTED INITIALLY, THE TERM OF OFFICE OF ONE PERSON APPOINTED
5 WILL BE TWO YEARS, THE TERM OF OFFICE OF ONE PERSON APPOINTED WILL
6 BE THREE YEARS, AND THE TERM OF OFFICE OF ONE PERSON APPOINTED
7 WILL BE FOUR YEARS. AFTER THE INITIAL THREE APPOINTMENTS ARE
8 MADE, THE TERM OF OFFICE OF PERSONS APPOINTED AS AN
9 ADMINISTRATIVE LAW JUDGE PURSUANT TO THIS SUBSECTION (6) IS THREE
10 YEARS.

11 (b) EACH ADMINISTRATIVE LAW JUDGE APPOINTED IN
12 ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SUBSECTION (6)(a) OF
13 THIS SECTION MUST BE AN ATTORNEY WITH AT LEAST FIVE YEARS OF
14 EXPERIENCE IN THE PRACTICE OF LAW.

15 (c) IF AT ANY TIME THE TWO MEMBERS OF THE RECOMMENDATIONS
16 COMMITTEE ARE NOT ABLE TO AGREE ON A LIST OF THREE CANDIDATES TO
17 RECOMMEND TO THE SECRETARY OF STATE AS REQUIRED BY SUBSECTION
18 (6)(a)(IV) OF THIS SECTION, THE SECRETARY SHALL DISCHARGE THE
19 EXISTING RECOMMENDATIONS COMMITTEE AND APPOINT A NEW
20 RECOMMENDATIONS COMMITTEE FOLLOWING THE SAME PROCEDURES AS
21 SPECIFIED IN SUBSECTION (6)(a)(I) OF THIS SECTION.

22 (d) EACH ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO
23 THIS SUBSECTION (6) IS AUTHORIZED TO ADMINISTER OATHS, EXAMINE
24 WITNESSES, ISSUE SUBPOENAS, RECEIVE EVIDENCE, CONDUCT HEARINGS,
25 AND EXERCISE ANY OTHER POWERS AND DUTIES THAT ARE DELEGATED TO
26 ADMINISTRATIVE LAW JUDGES UNDER ARTICLE XXVIII OF THE STATE
27 CONSTITUTION OR THIS ARTICLE 45.

28 (e) NOT LATER THAN JANUARY 1, 2024, THE SECRETARY OF STATE
29 SHALL ESTABLISH AND MAINTAIN A PROGRAM TO TRAIN ADMINISTRATIVE
30 LAW JUDGES APPOINTED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION
31 TO UNDERTAKE THEIR POWERS AND DUTIES AS PROVIDED BY LAW. THE
32 TRAINING PROGRAM MUST BE APPROVED BY THE RECOMMENDATIONS
33 COMMITTEE."

34 Renumber succeeding sections accordingly.

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