

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0952.01 Richard Sweetman

HOUSE BILL 11-1302

HOUSE SPONSORSHIP

Waller,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PROGRAM WITHIN THE DEPARTMENT**
102 **OF STATE FOR THE PURPOSE OF TRAINING JUDGES IN THE**
103 **MANAGEMENT OF BUSINESS-RELATED LITIGATION, AND MAKING**
104 **AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates a program within the department of state for the purpose of providing training to judges in managing business litigation.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

The bill makes an appropriation to the department of state for the implementation of the program.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 21 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 4

JUDICIAL TRAINING IN BUSINESS LITIGATION

24-21-401. Judicial training in managing business-related litigation. (1) ON OR BEFORE JANUARY 1, 2012, THE SECRETARY OF STATE SHALL CREATE A PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", TO BE ADMINISTERED ON AND AFTER SAID DATE FOR THE PURPOSE OF PROVIDING TRAINING TO JUDGES IN MANAGING BUSINESS LITIGATION, INCLUDING BUT NOT LIMITED TO COMPLEX COMMERCIAL LITIGATION. THE PROGRAM SHALL PROVIDE INSTRUCTION IN PROCEDURAL AND SUBSTANTIVE AREAS OF LAW TO ASSIST JUDGES IN ACHIEVING EFFECTIVE CASE MANAGEMENT, PROMPT AND ECONOMICAL RESOLUTION OF DISPUTES, AND CONSISTENT JUDICIAL DECISIONS.

(2) THE SECRETARY OF STATE MAY ENTER INTO A CONTRACT WITH ONE OR MORE PROVIDERS TO CONDUCT AND MANAGE ONE OR MORE ASPECTS OF THE PROGRAM.

(3) (a) A COURSE OF INSTRUCTION SHALL NOT BE OFFERED AS PART OF THE PROGRAM UNLESS THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT HAS APPROVED THE COURSE, INCLUDING THE CURRICULUM, INSTRUCTOR, DATES, AND LOCATION OF THE COURSE.

(b) THE PARTICIPATION OF A JUDGE IN ANY COURSE OF THE PROGRAM SHALL REQUIRE THE APPROVAL OF THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT.

1 (4) NOT LATER THAN ONE YEAR AFTER THE CREATION OF THE
2 PROGRAM, THE SECRETARY OF STATE SHALL APPOINT AND CONTRACT WITH
3 AN INDEPENDENT EVALUATOR FOR THE PURPOSE OF EVALUATING THE
4 EFFECTIVENESS OF THE PROGRAM. PRIOR TO APPOINTING AND
5 CONTRACTING WITH SAID INDEPENDENT EVALUATOR, THE SECRETARY OF
6 STATE SHALL OBTAIN THE APPROVAL OF THE INDEPENDENT EVALUATOR BY
7 THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT. THE EVALUATION
8 OF THE PROGRAM SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,
9 CONSIDERATION OF THE IMPACT OF THE PROGRAM CURRICULUM ON THE
10 JUDICIAL PERFORMANCE OF JUDGES WHO HAVE COMPLETED THE PROGRAM,
11 AS MEASURED BY SPECIFIC PERFORMANCE INDICATORS OCCURRING IN
12 BUSINESS-RELATED CASES, SUCH AS THE AVERAGE COST, DURATION,
13 NUMBER OF MOTIONS, PARTICIPANT SATISFACTION, AND SUCH OTHER
14 PERFORMANCE INDICATORS AS MAY BE AGREED TO BY THE CHIEF JUSTICE.

15 (5) (a) THE PROGRAM SHALL PAY OR REIMBURSE THE REASONABLE
16 COSTS OF TRAVEL AND LODGING INCURRED BY INDIVIDUAL JUDGES AS A
17 RESULT OF THEIR PARTICIPATION IN THE PROGRAM.

18 (b) EXPENSES OF THE PROGRAM SHALL BE PAID FROM
19 APPROPRIATIONS MADE TO THE DEPARTMENT OF STATE FROM THE
20 DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3)
21 (b).

22 **SECTION 2.** 24-21-104 (3) (b), Colorado Revised Statutes, is
23 amended to read:

24 **24-21-104. Fees of secretary of state - repeal.** (3) (b) The
25 department of state shall adjust its fees so that the revenue generated from
26 the fees approximates its direct and indirect costs, including the cost of
27 maintenance and improvements necessary for the distribution of

1 electronic records AND THE COSTS OF THE TRAINING PROGRAM CREATED
2 IN PART 4 OF THIS ARTICLE; except that the department may reduce its fees
3 to generate revenue in an amount less than costs if necessary pursuant to
4 section 24-75-402 (3). Such costs shall not include the costs paid by the
5 amounts appropriated by the general assembly from the general fund to
6 the department of state for elections pursuant to section 24-21-104.5.
7 Such fees shall remain in effect for the fiscal year following the
8 adjustment. All fees collected by said department, except moneys
9 collected pursuant to article 55 of title 12, C.R.S., shall be transmitted to
10 the state treasurer, who shall credit the same to the department of state
11 cash fund, which fund is hereby created. All moneys credited to the
12 department of state cash fund shall be used as provided in this section and
13 shall not be deposited in or transferred to the general fund of this state or
14 any other fund. The moneys credited to the department of state cash fund
15 shall be available for appropriation by the general assembly to the
16 department of state in the general appropriation bill or pursuant to section
17 24-9-105 (2).

18 **SECTION 3. Appropriation.** In addition to any other
19 appropriation, there is hereby appropriated, out of any moneys in the
20 department of state cash fund created in section 24-21-104 (3) (b),
21 Colorado Revised Statutes, not otherwise appropriated, to the department
22 of state, for the fiscal year beginning July 1, 2011, the sum of three
23 hundred sixty thousand dollars (\$360,000), or so much thereof as may be
24 necessary, for the implementation of this act.

25 **SECTION 4. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.