

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 25, 2007
Date

Committee on State, Veterans & Military Affairs.

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

SB07-258 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 5, after line 21, insert the following:

2 "SECTION 4. 8-43-209, Colorado Revised Statutes, is amended,
3 and the said 8-43-209 is further amended BY THE ADDITION OF A
4 NEW SUBSECTION, to read:

5 **8-43-209. Time schedule for hearings - establishment.** (1) ~~The~~
6 ~~director of the office of administrative courts shall establish a time~~
7 ~~schedule for hearings by administrative law judges within the time limits~~
8 ~~for the hearings as established in this section.~~ Hearings shall be heard
9 COMMENCE within eighty to one hundred days after the occurrences listed
10 in HEARING IS SET PURSUANT TO section 8-43-211 (2). One extension of
11 time TO COMMENCE THE HEARING of no more than sixty days shall be
12 granted by an administrative law judge upon agreement of the parties.

13 (2) One extension of time TO COMMENCE THE HEARING of no more
14 than sixty days may be granted by an administrative law judge upon
15 written request by any party to the case and for good cause shown, in the
16 following cases: When pulmonary lung disease, cancer, cardiovascular
17 disease, or stroke is alleged as the cause of the disability; when the
18 subsequent injury fund is a party; when permanent total disability is
19 alleged; upon agreement of the parties; or when compensability of the
20 injury is contested. In all other cases, extensions of time TO COMMENCE
21 THE HEARING of no more than twenty days may be granted by an

1 administrative law judge upon written request by any party to the case and
2 for good cause shown. ~~Such extensions may be granted only when the~~
3 ~~interests of all parties will be served.~~

4 (3) ONCE THE HEARING IS COMMENCED, THE ADMINISTRATIVE LAW
5 JUDGE MAY, FOR GOOD CAUSE SHOWN, CONTINUE THE HEARING TO A DATE
6 CERTAIN TO TAKE ADDITIONAL TESTIMONY, TO FILE AN ADDITIONAL
7 MEDICAL REPORT, TO FILE THE TRANSCRIPT OF A DEPOSITION, OR TO FILE
8 A POSITION STATEMENT. EXCEPT UPON THE AGREEMENT OF ALL PARTIES
9 OR FOR GOOD CAUSE SHOWN, A CONTINUANCE TO COMPLETE A HEARING
10 SHALL NOT EXCEED THIRTY CALENDAR DAYS."

11 Renumber succeeding sections accordingly.

12 Page 6, strike lines 25 through 27.

13 Strike page 7.

14 Page 8, strike lines 1 through 9 and substitute the following:

15 "SECTION 7. 8-43-215 (1), Colorado Revised Statutes, is
16 amended to read:

17 **8-43-215. Orders.** (1) ~~Any hearing conducted under this article~~
18 ~~shall be completed within one hundred twenty days, or in the case where~~
19 ~~an extension of time of sixty days is allowable under the provisions of~~
20 ~~section 8-43-209, one hundred sixty days, after a request therefor~~
21 ~~pursuant to section 8-43-211 (2). At the~~ NO MORE THAN FIFTEEN
22 WORKING DAYS AFTER THE conclusion of a hearing, the administrative law
23 judge or director shall issue a written order allowing or denying said
24 claim. Such written order shall EITHER BE A SUMMARY ORDER OR A FULL
25 ORDER. A FULL ORDER SHALL contain specific findings of fact and
26 conclusions of law. If compensation benefits are granted, such written
27 order shall specify the amounts thereof, the disability for which
28 compensation benefits are granted, by whom and to whom such benefits
29 shall be paid, and the method and time of such payments. ~~Such written~~
30 ~~order shall be issued within thirty calendar days after the conclusion of~~
31 ~~such hearing, and~~ A certificate of mailing and a copy of such written
32 order shall be ~~mailed~~, SERVED by regular or electronic mail OR BY
33 FACSIMILE to each of the parties in interest OR THEIR REPRESENTATIVES,
34 the original of which shall be a part of the records in said case. ~~Such~~

1 ~~written order~~ IF AN ADMINISTRATIVE LAW JUDGE HAS ISSUED A SUMMARY
2 ORDER, A PARTY DISSATISFIED WITH THE ORDER MAY MAKE A WRITTEN
3 REQUEST FOR A FULL ORDER WITHIN FIVE WORKING DAYS AFTER THE DATE
4 OF MAILING OF THE SUMMARY ORDER. THE REQUEST SHALL BE A
5 PREREQUISITE TO REVIEW UNDER SECTION 8-43-201. IF A REQUEST FOR A
6 FULL ORDER IS MADE, THE ADMINISTRATIVE LAW JUDGE SHALL HAVE TEN
7 WORKING DAYS AFTER RECEIPT OF THE REQUEST TO ISSUE THE ORDER. A
8 FULL ORDER shall be entered as the final award of the administrative law
9 judge or director subject to review as provided in this article.";

10 strike lines 15 through 27.

11 Page 9, strike lines 1 through 16.

12 Renumber succeeding sections accordingly.

13 Page 10, line 4, strike "The director" and substitute "WHEN THE
14 CLAIMANT IS UNREPRESENTED, the director";

15 line 13, strike "SEVENTY-FIVE" and substitute "SIXTY".

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