

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 12, 2013
Date

Committee on Judiciary.

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

HB13-1126 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

2 "SECTION 3. In Colorado Revised Statutes, 13-6-311, amend
3 (1) and (2) (b) as follows:

4 **13-6-311. Appeals from county court - simplified procedure.**

5 (1) (a) If either party in a civil action believes that the judgment of the
6 county court is in error, he or she may appeal to the district court by filing
7 notice of appeal in the county court within ~~twenty-one~~ FOURTEEN days
8 after the date of entry of judgment and by filing within the said
9 ~~twenty-one~~ FOURTEEN days an appeal bond with the clerk of the county
10 court. The bond shall be furnished by a corporate surety authorized and
11 licensed to do business in this state as surety, or one or more sufficient
12 private sureties, or may be a cash deposit by the appellant and, if the
13 appeal is taken by the plaintiff, shall be conditioned to pay the costs of the
14 appeal and the counterclaim, if any, and, if the appeal is taken by the
15 defendant, shall be conditioned to pay the costs and judgment if the
16 appealing party fails. The bond shall be approved by the judge or the
17 clerk.

18 (b) Upon filing of the notice of appeal, the posting and approval
19 of the bond, and the deposit by the appellant of an estimated fee in
20 advance for preparing the record, the county court shall discontinue all
21 further proceedings and recall any execution issued. The appellant shall
22 then docket his or her appeal in the district court. A motion for new trial
23 is not required as a condition of appeal. If a motion for new trial is made

1 within ~~twenty-one~~ FOURTEEN days, the time for appeal shall be extended
2 until ~~twenty-one~~ FOURTEEN days after disposition of the motion, but only
3 matters raised on the motion for new trial shall be considered on an
4 appeal thereafter.

5 (2) (b) The clerk shall notify, in writing, the opposing parties of
6 the completion of the record, and the parties have ~~twenty-one~~ FOURTEEN
7 days within which to file objections. If none are received, the record shall
8 be certified forthwith by the judge. If objections are made, the parties
9 shall be called for hearing and the objections settled by the county judge
10 as soon as possible and the record then certified.".

11 Renumber succeeding sections accordingly.

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