

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 13-0592.01 Jerry Barry x4341

HOUSE BILL 13-1126

HOUSE SPONSORSHIP

Wright,

SENATE SPONSORSHIP

Aguilar,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATUTORILY ESTABLISHED TIME INTERVALS.**

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 changes time periods in the appellate process to 7-day periods or periods that are multiples of 7 days to avoid actions being due on weekends. Similar changes to 7-day periods or periods that are multiples of 7 days were made to the Colorado Revised Statutes in 2012, pursuant to Senate Bill 12-175.

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.*

HOUSE
3rd Reading Unamended
February 18, 2013

HOUSE
Amended 2nd Reading
February 15, 2013

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-74-107, **amend** (2)
3 as follows:

4 **8-74-107. Court review.** (2) Actions, proceedings, or suits to set
5 aside, vacate, or amend any final decision of the industrial claim appeals
6 panel or to enjoin the enforcement thereof may be commenced in the
7 court of appeals by any interested party, including the division. Such
8 actions, proceedings, or suits shall be commenced by filing a notice of
9 appeal in the court of appeals within ~~twenty~~ TWENTY-ONE days of the
10 mailing of the industrial claim appeals panel's decision, together with a
11 certificate of service showing service of a copy of said notice of appeal
12 on the division, the industrial claim appeals office, and all other parties
13 who appeared in the administrative proceedings. The industrial claim
14 appeals office, within ~~twenty~~ TWENTY-ONE days after the service of the
15 notice, shall make return to said court of all documents and papers on file
16 in the matter, of all testimony taken therein, and of certified copies of all
17 findings, orders, and awards, which return shall be deemed its answer to
18 said petition. Such return of the industrial claim appeals office shall
19 constitute the judgment roll in any such action, proceeding, or suit, and
20 it shall not be necessary to settle a bill of exceptions in order to make such
21 return part of the record of such court in such action, proceeding, or suit.

22 **SECTION 2.** In Colorado Revised Statutes, 13-4-108, **amend** (2)
23 as follows:

24 **13-4-108. Supreme court review.** (2) Within ~~thirty~~
25 TWENTY-EIGHT days after a rehearing has been refused by the court of
26 appeals, any party in interest who is aggrieved by the judgment of the
27 court of appeals may appeal by application to the supreme court for a writ

1 of certiorari.

2 **SECTION 3.** In Colorado Revised Statutes, 13-6-311, **amend** (1)
3 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
24 within ~~twenty-one~~ FOURTEEN days, the time for appeal shall be extended
25 until ~~twenty-one~~ FOURTEEN days after disposition of the motion, but only
26 matters raised on the motion for new trial shall be considered on an
27 appeal thereafter.

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

7 **SECTION 4.** In Colorado Revised Statutes, 22-63-302, **amend**
8 (10) (b) as follows:

9 **22-63-302. Procedure for dismissal - judicial review.**

10 (10) (b) An action for review shall be commenced by the service of a
11 copy of the petition upon the board of the school district and filing the
12 same with the court of appeals within ~~twenty~~ TWENTY-ONE days after the
13 written order of dismissal made by the board. The petition shall state the
14 grounds upon which the review is sought. After the filing of the action for
15 review in the court of appeals, such action shall be conducted in the
16 manner prescribed by rule 3.1 of the Colorado appellate rules.

17 **SECTION 5.** In Colorado Revised Statutes, 24-4-106, **amend** (9)
18 and (11) (b) as follows:

19 **24-4-106. Judicial review.** (9) The decision of the district court
20 shall be subject to appellate review as may be permitted by law or the
21 Colorado appellate rules, but a notice of intent to seek appellate review
22 must be filed with the district court within ~~forty-five~~ FORTY-NINE days
23 after its decision becomes final. If no notice of intent to seek appellate
24 review is filed with the trial court within ~~forty-five~~ FORTY-NINE days after
25 its decision becomes final, the trial court shall immediately return to the
26 agency its record. Upon disposition of a case in an appellate court which
27 requires further proceedings in the trial court, the agency's record shall be

1 returned to the trial court. On final disposition of the case in the appellate
2 court when no further proceedings are necessary or permitted in the trial
3 court, the agency's record shall be returned by the appellate court to the
4 agency with notice of such disposition to the trial court or to the trial
5 court, in which event the agency's record shall be returned by the trial
6 court to the agency.

7 (11) (b) Such proceeding shall be commenced by the filing of a
8 notice of appeal with the court of appeals within ~~forty-five~~ FORTY-NINE
9 days after the date of the service of the final order entered in the action by
10 the agency, together with a certificate of service showing service of a
11 copy of said notice of appeal on the agency and on all other persons who
12 have appeared as parties to the action before the agency. The date of
13 service of an order is the date on which a copy of the order is delivered
14 in person or, if service is by mail, the date of mailing.

15 **SECTION 6.** In Colorado Revised Statutes, **amend** 28-3.1-420
16 as follows:

17 **28-3.1-420. Appeal following review and approval.** (1) The
18 accused, within ~~thirty~~ THIRTY-FIVE days after the date the final reviewing
19 authority takes action, may take an appeal to the supreme court of the
20 state of Colorado pursuant to the Colorado appellate rules.

21 (2) When the accused petitions the governor pursuant to section
22 28-3.1-413 to review the final action of the reviewing authority, the time
23 for filing notice of appeal is extended until ~~thirty~~ THIRTY-FIVE days after
24 the governor announces his or her action or the petition is denied due to
25 the governor's failure to act. No action or failure to act by the governor
26 shall form the basis for appeal, nor shall the supreme court order review
27 by the governor.

1 **SECTION 7. Effective date - applicability.** (1) (a) This act
2 takes effect on July 1, 2013, and, except as provided in subsection (2) of
3 this section, applies to:

4 (I) Time intervals that are counted forward and, under the
5 provisions of this act, commence and end with dates on or after July 1,
6 2013; and

7 (II) Time intervals that are counted backwards and under the
8 provisions of this act commence and end with dates after June 30, 2013.

9 (b) For purposes of this subsection (1), in determining the date
10 that a time interval commences, the first day of the period is counted.

11 (2) This act does not apply to modify the settings of any dates or
12 time intervals set by an order of a court entered before July 1, 2013.

13 (3) The general assembly requests the supreme court to provide
14 by rule, order, or other similar guidance examples of various time
15 intervals related to civil and criminal procedures that are counted forward
16 and that are counted backward and to which this act applies and to which
17 this act does not apply pursuant to subsection (1) of this section.

18 **SECTION 8. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.