

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-1026.01 Jerry Barry x4341

HOUSE BILL 14-1347

HOUSE SPONSORSHIP

Court,

SENATE SPONSORSHIP

Newell,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING STATUTORILY ESTABLISHED TIME PERIODS THAT ARE
102 MULTIPLES OF SEVEN DAYS.

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 certain court proceedings 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-43-301, **amend**
3 (10) and (11) as follows:

4 **8-43-301. Petitions to review.** (10) The panel's order ~~shall~~ **MUST**
5 be mailed to all parties of record. Any party dissatisfied with the panel's
6 order ~~shall have twenty~~ **HAS TWENTY-ONE** days after the date of the
7 certificate of mailing of such order to commence an action for judicial
8 review in the court of appeals.

9 (11) If the panel has failed to enter its order within sixty days of
10 the receipt of the certified record, the order of the director or
11 administrative law judge ~~shall be~~ **IS** deemed the order of the panel and
12 final unless, within ~~thirty~~ **THIRTY-FIVE** days after the end of the sixty-day
13 period, the petitioner commences an action for judicial review in the court
14 of appeals. If the panel has not acted on the sixtieth day, the industrial
15 claim appeals office shall send a written notice to all parties stating that
16 the parties have ~~thirty~~ **THIRTY-FIVE** days after the date of the certificate of
17 mailing of the notice to commence such an action.

18 **SECTION 2.** In Colorado Revised Statutes, 13-20-901, **amend**
19 (1) as follows:

20 **13-20-901. Class actions - appellate review.** (1) A court of
21 appeals may, in its discretion, permit an interlocutory appeal of a district
22 court's order that grants or denies class action certification under court
23 rule so long as application is made to the court of appeals within ~~ten~~
24 **FOURTEEN** days after entry of the district court's order.

25 **SECTION 3.** In Colorado Revised Statutes, 14-13-305, **amend**
26 (4) introductory portion as follows:

1 **14-13-305. Registration of child-custody determination.** (4) A
2 person seeking to contest the validity of a registered order must request
3 a hearing within ~~twenty~~ TWENTY-ONE days after service of the notice. At
4 that hearing, the court shall confirm the registered order unless the person
5 contesting registration establishes that:

6 **SECTION 4.** In Colorado Revised Statutes, 38-7-102, **amend** (1),
7 (3), and (5) as follows:

8 **38-7-102. Motion for vesting - procedure with respect thereto.**

9 (1) The court shall set a date, not less than ~~twenty~~ TWENTY-ONE days
10 after the filing of such motion, for the hearing thereon, and the court shall
11 require at least ~~ten~~ FOURTEEN days' notice to be given to each party to the
12 proceeding whose interests would be affected by the taking requested.
13 The averments in the motion and the necessity for the vesting of title, or
14 some lesser estate, prior to the final determination of just compensation
15 ~~shall be~~ ARE deemed admitted unless such averments are controverted in
16 a responsive pleading filed at or before the hearing on the motion for
17 vesting.

18 (3) Failure to raise the issues enumerated in subsection (2) of this
19 section, at or before the hearing on the motion for vesting, ~~shall constitute~~
20 CONSTITUTES a waiver insofar as the said issues relate to the property
21 described in the motion for vesting. The court's order thereon ~~shall be~~ IS
22 a final order, and an appeal may be obtained for the review thereof by
23 either party within ~~twenty~~ TWENTY-ONE days after the entry of such order,
24 but not thereafter unless the appellate court, on good cause shown, shall,
25 within the ~~twenty-day~~ TWENTY-ONE-DAY period, extend the time for
26 obtaining an appeal. Appellate review shall not stay the other proceedings
27 under this article, unless the appeal was obtained by the petitioner or

1 unless an order staying such further proceedings is entered by the
2 appellate court upon a showing of irreparable injury.

3 (5) The commissioners, before entering upon the duties of their
4 office, shall take an oath to faithfully and impartially discharge their
5 duties as commissioners. Any one of them may administer oaths to
6 witnesses produced before them. The commissioners shall forthwith view
7 the property, hear such testimony, and consider such evidence as is
8 reasonably necessary to enable them to make a preliminary finding of an
9 amount constituting just compensation for the taking of the property of
10 the respondents named in the motion for vesting. The commissioners shall
11 forthwith make, subscribe, and file with the clerk of the court in which
12 such proceedings are had a certified report meeting the requirements of
13 section 38-1-115. Upon the motion of the petitioner filed within ~~ten~~
14 FOURTEEN days of receipt of the notice provided for in section 38-7-103
15 (1), the court shall review the said report of the commissioners, and, upon
16 good cause shown by the petitioner, the court may order a new report by
17 the same or different commissioners, and the said order shall void the
18 report objected to. The new commissioners appointed, if any, and the new
19 report shall be in accordance with the provisions of this article.

20 **SECTION 5.** In Colorado Revised Statutes, 38-7-103, **amend** (2)
21 and (4) as follows:

22 **38-7-103. Vesting of title - procedure.** (2) Within ~~ten~~ SEVEN
23 days of receipt of the notice described in subsection (1) of this section, the
24 petitioner shall deposit with the court or the clerk of the court, for the use
25 of the respondent named in the motion for vesting, the sum of money
26 preliminarily found to constitute just compensation by the commissioners.
27 If the petitioner has filed a motion for a new report under section

1 38-7-102 (5), the deposit shall not be due until ~~ten~~ SEVEN days following
2 the court's ruling on the said motion, if the motion is denied. If the motion
3 is granted by the court, a new notice shall be sent by the clerk upon
4 receipt of the new report.

5 (4) At the request of any affected party and upon his showing of
6 undue hardship or other good cause, the petitioner's authority to take
7 possession of the property shall be postponed for more than ~~ten~~ FOURTEEN
8 days after the date of such vesting of title or more than ~~fifteen~~
9 TWENTY-ONE days after the entry of such order when the order does not
10 vest title in the petitioner. If postponement occurs, such party shall pay to
11 the petitioner a reasonable rental for such property, the amount thereof to
12 be determined by the court.

13 **SECTION 6.** In Colorado Revised Statutes, 38-35-110, **amend**
14 (2) as follows:

15 **38-35-110. Lis pendens as notice - issuance of certificate -**
16 **expiration.** (2) (a) Unless a timely notice of appeal is filed while a notice
17 of lis pendens is in effect or unless the notice of lis pendens has expired
18 and ceased to be notice as provided in subsection (6) of this section,
19 except as provided in sections 38-22-132 and 38-22.5-111, a recorded
20 notice of lis pendens shall remain in effect until the earliest of the
21 following:

22 (I) The action is dismissed without an order of the court;

23 (II) ~~Forty-five~~ FORTY-NINE days ~~elapses~~ following the entry of an
24 appealable order determining that certain real property specifically
25 described in such order, or a specifically described interest therein, will
26 not be affected by a judgment on the issues then pending, but the notice
27 of lis pendens shall remain in effect as to all other real property described

1 in such notice; or

2 (III) ~~Forty-five~~ FORTY-NINE days ~~elapses~~ following the entry of
3 final judgment in the trial court as to all parties and as to some or all of
4 the real property described in the notice of lis pendens, or a specifically
5 described interest therein, but the notice of lis pendens shall remain in
6 effect as to all other property described in such notice.

7 (b) For the purposes of subparagraphs (II) and (III) of paragraph
8 (a) of this subsection (2), the ~~forty-five-day~~ FORTY-NINE-DAY period shall
9 commence on the first day allowed for the filing of an appeal.

10 (c) If a timely notice of appeal is filed while a notice of lis
11 pendens is in effect or if the notice of lis pendens is filed after an appeal
12 is filed, such notice of lis pendens shall remain in effect until the earliest
13 of the following:

14 (I) The notice of lis pendens expires and ceases to be notice as
15 provided in subsection (6) of this section;

16 (II) The court having jurisdiction over the action enters an order
17 determining that the notice of lis pendens is no longer in effect;

18 (III) ~~Thirty~~ THIRTY-FIVE days ~~elapses~~ following the issuance of a
19 mandate by the appellate court; except that, if the mandate issued by the
20 appellate court remands the case to a lower court for further proceedings,
21 the notice of lis pendens shall remain in effect subject to the provisions
22 of paragraph (a) of this subsection (2).

23 **SECTION 7. Effective date - applicability.** (1) (a) This act
24 takes effect on July 1, 2014, and, except as provided in subsection (2) of
25 this section, applies to:

26 (I) Time intervals that are counted forward and, under the
27 provisions of this act, commence and end with dates on or after July 1,

1 2014; and

2 (II) Time intervals that are counted backwards and under the
3 provisions of this act commence and end with dates after June 30, 2014.

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

6 (2) This act does not apply to modify the settings of any dates or
7 time intervals set by an order of a court entered before July 1, 2014.

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

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