

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0592.01 Jerry Barry x4341

HOUSE BILL 13-1126

HOUSE SPONSORSHIP

Wright,

SENATE SPONSORSHIP

(None),

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.

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, 22-63-302, **amend**
3 (10) (b) as follows:

4 **22-63-302. Procedure for dismissal - judicial review.**
5 (10) (b) An action for review shall be commenced by the service of a
6 copy of the petition upon the board of the school district and filing the
7 same with the court of appeals within ~~twenty~~ TWENTY-ONE days after the
8 written order of dismissal made by the board. The petition shall state the
9 grounds upon which the review is sought. After the filing of the action for
10 review in the court of appeals, such action shall be conducted in the
11 manner prescribed by rule 3.1 of the Colorado appellate rules.

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

14 **24-4-106. Judicial review.** (9) The decision of the district court
15 shall be subject to appellate review as may be permitted by law or the
16 Colorado appellate rules, but a notice of intent to seek appellate review
17 must be filed with the district court within ~~forty-five~~ FORTY-NINE days
18 after its decision becomes final. If no notice of intent to seek appellate
19 review is filed with the trial court within ~~forty-five~~ FORTY-NINE days after
20 its decision becomes final, the trial court shall immediately return to the
21 agency its record. Upon disposition of a case in an appellate court which
22 requires further proceedings in the trial court, the agency's record shall be
23 returned to the trial court. On final disposition of the case in the appellate
24 court when no further proceedings are necessary or permitted in the trial
25 court, the agency's record shall be returned by the appellate court to the
26 agency with notice of such disposition to the trial court or to the trial
27 court, in which event the agency's record shall be returned by the trial

1 court to the agency.

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

10 **SECTION 5.** In Colorado Revised Statutes, **amend** 28-3.1-420
11 as follows:

12 **28-3.1-420. Appeal following review and approval.** (1) The
13 accused, within ~~thirty~~ THIRTY-FIVE days after the date the final reviewing
14 authority takes action, may take an appeal to the supreme court of the
15 state of Colorado pursuant to the Colorado appellate rules.

16 (2) When the accused petitions the governor pursuant to section
17 28-3.1-413 to review the final action of the reviewing authority, the time
18 for filing notice of appeal is extended until ~~thirty~~ THIRTY-FIVE days after
19 the governor announces his or her action or the petition is denied due to
20 the governor's failure to act. No action or failure to act by the governor
21 shall form the basis for appeal, nor shall the supreme court order review
22 by the governor.

23 **SECTION 6. Effective date - applicability.** (1) (a) This act
24 takes effect on July 1, 2013, 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 2013; 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, 2013.

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, 2013.

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 7. 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.