

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0522.01 Chuck Brackney

HOUSE BILL 10-1346

HOUSE SPONSORSHIP

Kagan, Gardner B., Labuda, Levy, Roberts

SENATE SPONSORSHIP

Carroll M., Brophy, Mitchell, Morse, Schwartz

House Committees
Judiciary

Senate Committees
Judiciary

SENATE
3rd Reading Unam ended
March 23, 2010

SENATE
2nd Reading Unam ended
March 22, 2010

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE NUMBER OF DAYS EMERGENCY**
102 **RULES ADOPTED BY EXECUTIVE BRANCH AGENCIES PURSUANT**
103 **TO THE "STATE ADMINISTRATIVE PROCEDURE ACT" MAY BE IN**
104 **EFFECT.**

HOUSE
3rd Reading Unam ended
March 8, 2010

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>.)

Committee on Legal Services. The bill extends the period that temporary or emergency rules adopted by executive branch agencies

HOUSE
2nd Reading Unam ended
March 5, 2010

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.

remain in effect from 3 months to 120 days.

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

2 **SECTION 1.** 24-4-103 (6), Colorado Revised Statutes, is
3 amended to read:

4 **24-4-103. Rule-making - procedure - repeal.** (6) (a) A
5 temporary or emergency rule may be adopted without compliance with
6 the procedures prescribed in subsection (4) of this section and with less
7 than the twenty days' notice prescribed in subsection (3) of this section,
8 or where circumstances imperatively require, without notice, only if the
9 agency finds that immediate adoption of the rule is imperatively necessary
10 to comply with a state or federal law or federal regulation or for the
11 preservation of public health, safety, or welfare and compliance with the
12 requirements of this section would be contrary to the public interest and
13 makes such a finding on the record. Such findings and a statement of the
14 reasons for the action shall be published with the rule. A temporary or
15 emergency rule may be adopted without compliance with subsection (2.5)
16 of this section, but shall not become permanent without compliance with
17 such subsection (2.5). A temporary or emergency rule shall become
18 effective on adoption or on such later date as is stated in the rule, shall be
19 published promptly, and shall have effect for not more than ~~three months~~
20 ~~from the~~ ONE HUNDRED TWENTY DAYS AFTER ITS adoption ~~thereof~~ or for
21 such shorter period as may be specifically provided by the statute
22 governing such agency, unless made permanent by compliance with
23 subsections (3) and (4) of this section.

24 (b) The period of effectiveness provided by this subsection (6)
25 does not apply to temporary or emergency rules adopted by the public

1 utilities commission under section 40-2-108 (2), C.R.S.

2 **SECTION 2.** 25-8-402 (5), Colorado Revised Statutes, is
3 amended to read:

4 **25-8-402. Procedures to be followed in classifying state waters**
5 **and setting standards and control regulations.** (5) Any emergency
6 rule-making proceedings by the commission shall be conducted pursuant
7 to section 24-4-103 (6), C.R.S., and not pursuant to this section. Any rule
8 adopted pursuant to such proceedings may be effective for a specified
9 period longer than ~~three months~~ ONE HUNDRED TWENTY DAYS, but not
10 later than one year, if the commission determines that such longer period
11 is necessary to complete rule-making pursuant to section 24-4-103,
12 C.R.S., to reconsider the emergency rule.

13 **SECTION 3. Applicability.** This act shall apply to rules adopted
14 or amended on or after the effective date of this act.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.