

## CHAPTER 82

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**PUBLIC UTILITIES**

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**SENATE BILL 95-061**

BY SENATORS Mares, R. Powers, L. Powers, and Thiebaut;  
also REPRESENTATIVES George and Entz.

**AN ACT**

**CONCERNING AN INCREASE IN THE MAXIMUM PERIOD OF EFFECTIVENESS FOR THE PUBLIC UTILITIES COMMISSION'S TEMPORARY OR EMERGENCY RULES BEYOND THE THREE-MONTH PERIOD IMPOSED BY THE "STATE ADMINISTRATIVE PROCEDURE ACT".**

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

**SECTION 1.** 40-2-108, Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

**40-2-108. Rules.** (1) The commission shall promulgate such rules ~~and regulations~~ as are necessary for the proper administration and enforcement of this title and shall furnish, without charge, copies of the appropriate rules ~~and regulations~~ to each public utility under its jurisdiction and, upon request, to any public officer, agency, political subdivision, association of officers, agencies, or political subdivisions and to any representative of twenty-five or more consumers. The commission shall be governed by the provisions of article 4 of title 24, C.R.S., for the promulgation and adoption of rules; ~~and regulations~~; except that, notwithstanding any provision of the said article 4 of title 24, C.R.S., to the contrary, the commission shall issue a decision whenever it adopts rules ~~or regulations~~ in accordance with this section.

(2) NOTWITHSTANDING SECTION 24-4-103 (6), C.R.S., ANY TEMPORARY OR EMERGENCY RULE ADOPTED BY THE COMMISSION SHALL BE EFFECTIVE UNTIL A PERMANENT RULE THAT REPLACES THE TEMPORARY OR EMERGENCY RULE IS EFFECTIVE BUT NOT FOR MORE THAN TWO HUNDRED TEN DAYS AFTER THE DATE OF ADOPTION.

**SECTION 2.** 24-4-103 (6), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**24-4-103. Rule-making - procedure.** (6) A temporary or emergency rule may be adopted without compliance with the procedures prescribed in subsection (4) of this section and with less than the twenty days' notice prescribed in subsection (3) of this section (or where circumstances imperatively require, without notice) only if the agency finds that immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of this section would be contrary to the public interest and makes such a finding on the record. Such findings and a statement of the reasons for the action shall be published with the rule. A temporary or emergency rule shall become effective on adoption or on such later date as is stated in the rule, shall be published promptly, and shall have effect for not more than three months from the adoption thereof or for such shorter period as may be specifically provided by the statute governing such agency, unless made permanent by compliance with subsections (3) and (4) of this section. THE PERIOD OF EFFECTIVENESS PROVIDED BY THIS SUBSECTION (6) DOES NOT APPLY TO TEMPORARY OR EMERGENCY RULES ADOPTED BY THE PUBLIC UTILITIES COMMISSION UNDER SECTION 40-2-108 (2), C.R.S.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 17, 1995