

CHAPTER 137

GOVERNMENT - STATE

HOUSE BILL 10-1346

BY REPRESENTATIVE(S) Kagan, Gardner B., Labuda, Levy, Roberts, Vigil;
also SENATOR(S) Carroll M., Brophy, Mitchell, Morse, Schwartz.

AN ACT

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

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

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

24-4-103. Rule-making - procedure - repeal. (6) (a) 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 may be adopted without compliance with subsection (2.5) of this section, but shall not become permanent without compliance with such subsection (2.5). 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~~ ONE HUNDRED TWENTY DAYS AFTER ITS 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.

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

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

section 40-2-108 (2), C.R.S.

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

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

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

SECTION 4. 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 15, 2010