

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0707.01 Kate Meyer

HOUSE BILL 11-1222

HOUSE SPONSORSHIP

Conti, Acree, Kerr J., Ramirez, Scott, Swalm, Swerdfeger

SENATE SPONSORSHIP

Tochtrop, Harvey, Grantham, Renfro

House Committees

Transportation

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE ACCOUNTABILITY TO THE PUBLIC OF**
102 **THE MEMBERS OF THE PUBLIC UTILITIES COMMISSION, AND, IN**
103 **CONNECTION THEREWITH, DECREASING THE LENGTH OF TERMS**
104 **OF COMMISSION MEMBERSHIP, LIMITING COMMISSION MEMBERS**
105 **TO TWO TERMS, AND SUBJECTING COMMISSION MEMBERS TO**
106 **RETENTION VOTING BY THE ELECTORS OF THE STATE.**

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>.)

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.

Currently, members of the public utilities commission (PUC) are appointed to 4-year terms by the governor with the consent of the senate. **Section 1** of the bill reduces the length of PUC terms to 2 years and makes a PUC member who wishes to retain his or her office after the expiration of his or her initial appointment subject to a retention vote by the people of the state, and limits to 2 the total number of terms that a member is permitted to serve. Section 1 also clarifies that the governor may only appoint PUC members if a vacancy exists.

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

2 **SECTION 1.** 40-2-101 (1), Colorado Revised Statutes, is
3 amended to read:

4 **40-2-101. Creation - appointment - term - subject to**
5 **termination - repeal of article.** (1) (a) A public utilities commission is
6 hereby created, ~~which shall be~~ known as the public utilities commission
7 of the state of Colorado, ~~to consist~~ WHICH CONSISTS of three members
8 who ~~shall be~~ ARE appointed INITIALLY by the governor with the consent
9 of the senate. ~~Persons holding office on July 1, 1993, shall continue to~~
10 ~~serve in such office, but the term of one of these persons shall expire on~~
11 ~~the Monday preceding the second Tuesday of January, 1995, of another,~~
12 ~~the Monday preceding the second Tuesday of January, 1996, and of the~~
13 ~~third, the Monday preceding the second Tuesday of January, 1997, all as~~
14 ~~the governor shall designate; except that such designation shall not result~~
15 ~~in the extension of the term of any member to more than four years'~~
16 ~~duration. Thereafter, appointments shall be made for~~ Terms of four
17 OFFICE ARE FOR TWO years. A MEMBER OF THE COMMISSION WHO DESIRES
18 TO CONTINUE TO SERVE ANOTHER TERM AFTER HIS OR HER INITIAL TERM
19 IS SUBJECT TO A VOTE OF THE PEOPLE IN ACCORDANCE WITH PARAGRAPH
20 (b) OF THIS SUBSECTION (1). THE GOVERNOR IS PERMITTED TO APPOINT A
21 MEMBER TO THE COMMISSION UNDER THIS PARAGRAPH (a) ONLY IF A

1 VACANCY EXISTS.

2 (b) (I) A MEMBER OF THE COMMISSION SHALL NOT RETAIN HIS OR
3 HER OFFICE FOR A SECOND TERM UNLESS THE MEMBER FILES WITH THE
4 SECRETARY OF STATE, NOT MORE THAN SIX MONTHS NOR FEWER THAN
5 THREE MONTHS PRIOR TO THE GENERAL ELECTION NEXT PRIOR TO THE
6 EXPIRATION OF HIS OR HER CURRENT TERM, A DECLARATION OF INTENT TO
7 RUN FOR ANOTHER TERM. FAILURE TO FILE A DECLARATION OF INTENT
8 WITHIN THE SPECIFIED TIME CREATES A VACANCY IN THAT OFFICE AT THE
9 END OF THE MEMBER'S CURRENT TERM THAT THE GOVERNOR SHALL FILL
10 IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (1).

11 (II) UPON THE FILING OF A DECLARATION OF INTENT, THE
12 SECRETARY OF STATE SHALL PLACE A QUESTION ON THE BALLOT AT THE
13 GENERAL ELECTION, AS FOLLOWS:

14 SHALL _____ [NAME OF THE MEMBER] OF THE PUBLIC
15 UTILITIES COMMISSION BE RETAINED IN OFFICE?

16 YES _____ NO _____

17 (III) THE ELECTORS OF THE STATE MAY VOTE ON THE QUESTION OF
18 RETENTION IN OFFICE OF THE COMMISSION MEMBER.

19 (IV) IF A MAJORITY OF THOSE VOTING ON THE QUESTION VOTE
20 "YES", THE MEMBER OF THE COMMISSION IS ELECTED TO A SUCCEEDING
21 FULL TERM. IF A MAJORITY OF THOSE VOTING ON THE QUESTION VOTE
22 "NO", A VACANCY EXISTS IN THAT OFFICE AT THE END OF THE MEMBER'S
23 CURRENT TERM, AND THE GOVERNOR SHALL FILL THE VACANCY IN
24 ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (1).

25 (V) A MEMBER OF THE COMMISSION MAY SERVE ONLY TWO TERMS
26 TOTAL.

27 **SECTION 2. Act subject to petition - effective date -**

1 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
2 following the expiration of the ninety-day period after final adjournment
3 of the general assembly (August 10, 2011, if adjournment sine die is on
4 May 11, 2011); except that, if a referendum petition is filed pursuant to
5 section 1 (3) of article V of the state constitution against this act or an
6 item, section, or part of this act within such period, then the act, item,
7 section, or part shall not take effect unless approved by the people at the
8 general election to be held in November 2012 and shall take effect on the
9 date of the official declaration of the vote thereon by the governor.

10 (2) The provisions of this act shall apply to members of the public
11 utilities commission who are appointed or reappointed for a term
12 beginning on or after the effective date of this act.