

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 24-0832.01 Brita Darling x2241

HOUSE BILL 24-1227

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A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTATION OF THE COMMITTEE ON LEGAL**
102 **SERVICES' RECOMMENDATIONS IN CONNECTION WITH**
103 **LEGISLATIVE REVIEW OF STATE AGENCIES' RULES.**

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://leg.colorado.gov>.)

Committee on Legal Services. Based on the findings and recommendations of the committee on legal services, the bill extends all state agency rules that were adopted or amended on or after November 1, 2022, and before November 1, 2023, with the exception of certain rules of the following agencies, as specifically listed in the bill:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
3rd Reading Unamended
February 22, 2024

HOUSE
Amended 2nd Reading
February 21, 2024

- The rule of the state board of education concerning rules for the development, expansion, implementation, and management of the regional service areas;
- The rules of the executive director of the department of revenue concerning the wildfire mitigation measures income tax subtraction; and
- The rules of the executive director of the department of revenue concerning the wildfire mitigation measures income tax credit.

Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2024, on the grounds that the rules conflict with statute.

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

2 **SECTION 1. Extension of rules scheduled for expiration May**
 3 **15, 2024 - exceptions.** (1) Except as indicated, the expiration of all rules
 4 of agencies in the following principal departments, which rules were
 5 adopted or amended on or after November 1, 2022, and before November
 6 1, 2023, and that are therefore scheduled for expiration May 15, 2024, is
 7 postponed:

8 (a) Department of agriculture;

9 (b) Department of corrections;

10 (c) Department of early childhood;

11 (d) Department of education; except that the following rule of the
 12 state board of education concerning rules for the development, expansion,
 13 implementation, and management of regional service areas (1 CCR
 14 301-76) is not extended: Rule 2.01(2), which states in part "Regional
 15 Service Council. Each plan for a regional service area shall be
 16 administered by a locally appointed regional service council. The regional
 17 service council shall have the authority ...";

18 (e) Department of health care policy and financing; **except that the**
 19 **following rule of the medical services board concerning inpatient**

1 payment rates for opioid antagonist (10 CCR 2505-10) is not extended:
2 Rule 8.300.5.D. 2., which states in part "Pursuant to § 25.5-5-509, C.R.S.
3 opiate antagonists identified by the Department shall be paid according
4 to ...";

- 5 (f) Department of higher education;
- 6 (g) Department of human services;
- 7 (h) Department of labor and employment;
- 8 (i) Department of law;
- 9 (j) Department of local affairs;
- 10 (k) Department of military and veterans affairs;
- 11 (l) Department of natural resources;
- 12 (m) Department of personnel;
- 13 (n) Department of public health and environment;
- 14 (o) Department of public safety;
- 15 (p) Department of regulatory agencies;
- 16 (q) Department of revenue; except that the following rules of the
17 executive director (1 CCR 201-2) are not extended:

18 (I) Rule 39-22-104 (4)(n.5) (2), concerning the wildfire mitigation
19 measures subtraction, which states in part "**Paid Out-of-Pocket**
20 **Expenses**. A cost eligible for the subtraction must be an actual
21 out-of-pocket expense incurred and paid by the landowner primarily for
22 wildfire mitigation measures.";

23 (II) Rule 39-22-104 (4)(n.5) (3), concerning the wildfire
24 mitigation measures subtraction, which states in part "**Costs Incurred**
25 **Primarily for Non-Wildfire Mitigation Purposes**. Any cost must be for
26 property or services primarily used for wildfire mitigation measures.";

27 (III) Rule 39-22-543 (2), concerning the wildfire mitigation

1 measures credit, which states in part "**Paid Out-of-Pocket Expenses.** A
2 cost eligible for the credit must be an actual out-of-pocket expense
3 incurred and paid by the landowner primarily for wildfire mitigation
4 measures."; and

5 (IV) Rule 39-22-543 (3), concerning the wildfire mitigation
6 measures credit, which states in part "**Costs Incurred Primarily for**
7 **Non-Wildfire Mitigation Purposes.** Any cost must be for property or
8 services primarily used for wildfire mitigation measures.";

9 (r) Department of state;

10 (s) Department of transportation; and

11 (t) Department of the treasury.

12 (2) The expiration of all rules of the public employees' retirement
13 association, which rules were adopted or amended on or after November
14 1, 2022, and before November 1, 2023, and which are therefore scheduled
15 for expiration May 15, 2024, is postponed.

16 (3) The expiration of all rules of the board of equalization, which
17 rules were adopted or amended on or after November 1, 2022, and before
18 November 1, 2023, and which are therefore scheduled for expiration May
19 15, 2024, is postponed.

20 (4) The recommendations of the committee on legal services as
21 reflected in this act apply to the specified rules in the form in which the
22 rules were considered and acted upon by the committee. Any amendments
23 or other changes in the specified rules that became effective before
24 November 1, 2023, that comply with the recommendations of the
25 committee on legal services are not affected by this act. Any subsequent
26 amendments or other changes in the specified rules that became effective
27 on or after November 1, 2023, are not affected by this act.

1 **SECTION 2. Safety clause.** The general assembly finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety or for appropriations for
4 the support and maintenance of the departments of the state and state
5 institutions.