

CHAPTER 166

ADMINISTRATIVE RULE REVIEW

HOUSE BILL 24-1227

BY REPRESENTATIVE(S) Weissman and Soper, Wilson, Bacon, Epps, Herod, Jodeh, Mabrey, Parenti, Snyder;
also SENATOR(S) Gardner and Gonzales, Hansen, Roberts, Priola.

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

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

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

- (a) Department of agriculture;
- (b) Department of corrections;
- (c) Department of early childhood;

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

(e) Department of health care policy and financing; except that the following rule of the medical services board concerning inpatient payment rates for opioid antagonist (10 CCR 2505-10) is not extended: Rule 8.300.5.D. 2., which states in part "Pursuant to § 25.5-5-509, C.R.S. opiate antagonists identified by the Department shall be paid according to ...";

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

(III) Rule 39-22-543 (2), concerning the wildfire mitigation measures credit, which states in part "**Paid Out-of-Pocket Expenses**. A cost eligible for the credit must be an actual out-of-pocket expense incurred and paid by the landowner primarily for wildfire mitigation measures."; and

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

- (r) Department of state;
- (s) Department of transportation; and
- (t) Department of the treasury.

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

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

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

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

Approved: May 10, 2024