

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0555.01 Jennifer Berman x3286

**HOUSE BILL 23-1148**

**HOUSE SPONSORSHIP**

**Evans, Taggart**

**SENATE SPONSORSHIP**

**Pelton B.,**

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**House Committees**  
State, Civic, Military, & Veterans Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING CERTAIN LIMITATIONS ON AN EXECUTIVE AGENCY'S**  
102         **ABILITY TO ENGAGE IN ADDITIONAL RULE-MAKING WITHIN A**  
103         **SPECIFIED PERIOD OF TIME FOLLOWING THE AGENCY'S**  
104         **ADOPTION OF A RULE.**

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**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>.)*

The bill prohibits an executive rule-making agency, on or after September 1, 2023, from amending an existing rule or adopting a new rule concerning the same subject matter as the existing rule for the 3 years

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.

following the existing rule's adoption. The following rules are exempt from the 3-year prohibition period:

- Rules required by state statute, federal statute, or federal regulation;
- Rules that the rule-making agency determines are imperatively necessary for the preservation of public health, safety, or welfare and for which compliance with the 3-year prohibition would be contrary to the public interest;
- Rules adopted as temporary or emergency rules, which remain effective for 120 days or less; and
- Rules that a member of the regulated community petitions to be amended and for which the rule-making agency grants the petition.

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-4-103, **amend**  
3     (8)(a); and **add** (15) as follows:

4           **24-4-103. Rule-making - procedure - definitions - statutory**  
5     **citation correction - limitation on subsequent rule-making.** (8)(a) **No**  
6     A rule shall NOT be issued except within the power delegated to the  
7     agency and as authorized by law. A rule shall not be deemed to be within  
8     the statutory authority and jurisdiction of any agency merely because such  
9     rule is not contrary to the specific provisions of a statute. Any rule or  
10    amendment to an existing rule issued by any agency, including state  
11    institutions of higher education administered pursuant to title 23, C.R.S.,  
12    **which** THAT conflicts with a statute ~~shall be~~ IS void. A RULE OR  
13    AMENDMENT TO AN EXISTING RULE THAT IS ADOPTED IN VIOLATION OF  
14    SUBSECTION (15) OF THIS SECTION IS VOID.

15           (15) (a) (I) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS  
16    SECTION AND EXCEPT AS PROVIDED IN SUBSECTION (15)(b) OF THIS  
17    SECTION, ON AND AFTER SEPTEMBER 1, 2023, FOR A PERIOD OF THREE

1       YEARS AFTER AN AGENCY'S ADOPTION OR AMENDMENT OF A RULE, THE  
2       AGENCY SHALL NOT AMEND THE RULE OR ADOPT A NEW RULE CONCERNING  
3       THE SAME SUBJECT MATTER AS THE RULE.

4               (II) WITH RESPECT TO THE RULE-MAKING LIMITATION SET FORTH  
5       IN SUBSECTION (15)(a)(I) OF THIS SECTION, AN AMENDED RULE OR NEW  
6       RULE CONCERNS THE SAME SUBJECT MATTER AS THE EXISTING RULE IF THE  
7       AMENDED RULE OR NEW RULE AFFECTS THE SAME REGULATED  
8       COMMUNITY, AND THE RIGHTS AFFORDED OR RESPONSIBILITIES IMPOSED  
9       ON THE REGULATED COMMUNITY, AS THE EXISTING RULE.

10               (b) (I) AN AGENCY MAY, WITHIN THE THREE YEARS FOLLOWING  
11       THE ADOPTION OR AMENDMENT OF A RULE, AMEND THE RULE OR ADOPT A  
12       NEW RULE CONCERNING THE SAME SUBJECT MATTER AS THE ADOPTED OR  
13       AMENDED RULE ONLY IF:

14               (A) AMENDMENT OF THE RULE OR ADOPTION OF A NEW RULE  
15       CONCERNING THE SAME SUBJECT MATTER IS REQUIRED TO COMPLY WITH  
16       STATE STATUTE, FEDERAL STATUTE, OR FEDERAL REGULATION;

17               (B) THE AGENCY DETERMINES THAT AMENDMENT OF THE RULE OR  
18       ADOPTION OF A NEW RULE IS IMPERATIVELY NECESSARY FOR THE  
19       PRESERVATION OF PUBLIC HEALTH, SAFETY, OR WELFARE AND  
20       COMPLIANCE WITH SUBSECTION (15)(a) OF THIS SECTION WOULD BE  
21       CONTRARY TO THE PUBLIC INTEREST;

22               (C) THE AMENDED RULE OR NEW RULE IS A TEMPORARY OR  
23       EMERGENCY RULE ADOPTED PURSUANT TO SUBSECTION (6) OF THIS  
24       SECTION; OR

25               (D) A MEMBER OF THE REGULATED COMMUNITY THAT IS SUBJECT  
26       TO THE RULE PETITIONS THE AGENCY PURSUANT TO SUBSECTION (7) OF  
27       THIS SECTION TO AMEND THE RULE OR ADOPT A NEW RULE AND THE

1 AGENCY GRANTS THE PETITION.

2 (II) IN AMENDING A RULE OR ADOPTING A NEW RULE PURSUANT TO  
3 THE EXEMPTIONS SET FORTH IN THIS SUBSECTION (15)(b), THE AGENCY  
4 SHALL EXPLICITLY SET FORTH IN THE STATEMENT OF BASIS AND PURPOSE  
5 THAT ACCOMPANIES THE PROPOSED RULE AMENDMENT OR NEW RULE THE  
6 MANNER IN WHICH THE PROPOSED RULE AMENDMENT OR NEW RULE MEETS  
7 AT LEAST ONE OF THE EXEMPTIONS SET FORTH IN SUBSECTION (15)(b)(I)  
8 OF THIS SECTION.

9 **SECTION 2. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly; except  
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
13 of the state constitution against this act or an item, section, or part of this  
14 act within such period, then the act, item, section, or part will not take  
15 effect unless approved by the people at the general election to be held in  
16 November 2024 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.