

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0373.01 Kristen Forrestal x4217

SENATE BILL 21-096

SENATE SPONSORSHIP

Kolker and Priola, Rodriguez

HOUSE SPONSORSHIP

Bird,

Senate Committees

Business, Labor, & Technology

House Committees

Business Affairs & Labor

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE WORKERS' COMPENSATION**
102 **CLASSIFICATION APPEALS BOARD, AND, IN CONNECTION**
103 **THEREWITH, IMPLEMENTING RECOMMENDATIONS CONTAINED**
104 **IN THE 2020 SUNSET REPORT BY THE DEPARTMENT OF**
105 **REGULATORY AGENCIES.**

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/>.)

Sunset Process - Senate Business, Labor, and Technology Committee. Current law requires the commissioner of insurance

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

HOUSE
2nd Reading Unamended
April 5, 2021

SENATE
3rd Reading Unamended
March 12, 2021

SENATE
Amended 2nd Reading
March 11, 2021

(commissioner) to appoint 2 members to the workers' compensation classification appeals board who are salaried employees of an insurance company that issues workers' compensation insurance policies in this state or who are representatives of Pinnacol Assurance. The bill gives the commissioner the additional option to appoint insurance agents to these 2 seats and to appoint an insurance agent to serve as an alternate member if one of the appointed members recuses himself or herself. The bill continues the workers' compensation classification appeals board until 2032.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-55-101, **amend**
3 (1)(a) and (2) as follows:

4 **8-55-101. Workers' compensation classification appeals board**
5 **- creation.** (1) There is hereby created, in the division of insurance in the
6 department of regulatory agencies, the workers' compensation
7 classification appeals board. The board shall hear grievances brought by
8 employers against insurers and Pinnacol Assurance concerning the
9 calculation of experience modification factors and classification
10 assignment decisions. The board shall consist of five voting members,
11 each of whom shall be knowledgeable about workers' compensation
12 classification and experience modification factors, and one nonvoting
13 member, as follows:

14 (a) (I) ~~Two members shall~~ ONE MEMBER MUST be either:

15 (A) A salaried ~~employees~~ EMPLOYEE of an insurance company
16 that issues workers' compensation insurance policies in this state; or

17 (B) ~~representatives~~ A REPRESENTATIVE of Pinnacol Assurance.

18 (II) ONE MEMBER MUST BE:

19 (A) A SALARIED EMPLOYEE OF AN INSURANCE COMPANY THAT
20 ISSUES WORKER'S COMPENSATION POLICIES IN THIS STATE;

1 (B) A REPRESENTATIVE OF PINNACOL ASSURANCE; OR

2 (C) AN INSURANCE AGENT LICENSED IN THIS STATE.

3 (III) ~~Such~~ THE two members ~~shall~~ APPOINTED PURSUANT TO
4 SUBSECTIONS (1)(a)(I) AND (1)(a)(II) MUST not both represent Pinnacol
5 Assurance or the same insurance company. In addition, one person ~~shall~~
6 MUST be selected to serve as an alternate member to represent the
7 interests of the insurance industry, ~~or~~ Pinnacol Assurance, OR INSURANCE
8 AGENTS. The alternate shall represent such interests ~~in the event~~ IF the
9 primary member recuses himself or herself.

10 (2) THE COMMISSIONER OF INSURANCE SHALL APPOINT the private
11 employer members and the members representing insurers, INSURANCE
12 AGENTS, and Pinnacol Assurance. ~~shall be appointed by the commissioner~~
13 ~~of insurance.~~ The workers' compensation rating organization
14 representative shall be appointed by the chief executive officer of such
15 organization or by another officer designated to make such appointment.
16 The commissioner may solicit a list of nominees from any interested party
17 before making such appointments. The commissioner shall immediately
18 notify the workers' compensation rating organization concerning the
19 identity of any appointees.

20 **SECTION 2.** In Colorado Revised Statutes, 8-55-105, **amend** (1)
21 as follows:

22 **8-55-105. Repeal of article.** (1) This ~~article~~ ARTICLE 55 is
23 repealed, effective ~~July 1, 2021~~ SEPTEMBER 1, 2032.

24 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **repeal**
25 (20)(a)(I); and **add** (33)(a)(II) as follows:

26 **24-34-104. General assembly review of regulatory agencies**
27 **and functions for repeal, continuation, or reestablishment - legislative**

1 **declaration - repeal.** (20) (a) The following agencies, functions, or both,
2 will repeal on July 1, 2021:

3 (I) ~~The workers' compensation classification appeals board~~
4 ~~created in article 55 of title 8, C.R.S.;~~

5 (33) (a) The following agencies, functions, or both, are scheduled
6 for repeal on September 1, 2032:

7 (II) THE WORKERS' COMPENSATION CLASSIFICATION APPEALS
8 BOARD CREATED IN ARTICLE 55 OF TITLE 8.

9 **SECTION 4. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.