

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0373.01 Kristen Forrestal x4217

**SENATE BILL 21-096**

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**SENATE SPONSORSHIP**

**Kolker and Priola, Rodriguez**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**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.**

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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/>.)*

**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.*

(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.

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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.