

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



SENATE BILL 21-096

BY SENATOR(S) Kolker and Priola, Rodriguez;  
also REPRESENTATIVE(S) Bird, Jodeh, Michaelson Jenet.

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

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

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

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

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*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.*

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

- (A) A salaried ~~employees~~ EMPLOYEE of an insurance company that issues workers' compensation insurance policies in this state; or
- (B) ~~representatives~~ A REPRESENTATIVE of Pinnacol Assurance.

(II) ONE MEMBER MUST BE:

- (A) A SALARIED EMPLOYEE OF AN INSURANCE COMPANY THAT ISSUES WORKER'S COMPENSATION POLICIES IN THIS STATE;
- (B) A REPRESENTATIVE OF PINNACOL ASSURANCE; OR
- (C) AN INSURANCE AGENT LICENSED IN THIS STATE.

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

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

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

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

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

**24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.** (20) (a) The following agencies, functions, or both, will repeal on July 1, 2021:

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

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

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

**SECTION 4. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

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Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

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Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO