

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

REVISED

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

LLS NO. 19-0764.01 Christy Chase x2008

HOUSE BILL 19-1150

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A BILL FOR AN ACT

101 **CONCERNING THE RECREATION OF THE CONSUMER INSURANCE**
102 **COUNCIL AS AN ADVISORY BODY TO THE COMMISSIONER OF**
103 **INSURANCE.**

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 consumer insurance council, which was an advisory body appointed by the commissioner of insurance to provide advice to the commissioner on insurance matters of interest to the public, was created in 2008 and sunsetted on July 1, 2018.

The bill recreates and reenacts the consumer insurance council and

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.

SENATE
2nd Reading Unamended
April 2, 2019

HOUSE
3rd Reading Unamended
March 6, 2019

HOUSE
Amended 2nd Reading
March 5, 2019

its duties and responsibilities, as they existed on June 30, 2018, with the following modifications:

- ! The council's authority to issue annual consumers' choice awards to health insurers is not reenacted;
- ! The council is to consist of at least 6 members and not more than 15 members, consumers not engaged in the insurance industry may serve on the council, the council is to reflect the state's demographic diversity in addition to geographic diversity but need not include representation from each congressional district in the state, and the commissioner is to timely appoint members to the council;
- ! Members are to be reimbursed for actual and necessary expenses incurred in serving on the council;
- ! The council is to meet quarterly and may request to meet up to 4 more times per year; and
- ! The council is authorized to submit recommendations to the commissioner, and the commissioner is required to timely respond to council recommendations.

The council is scheduled for sunset review and repeal on September 1, 2029.

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

2 **SECTION 1.** In Colorado Revised Statutes, **recreate and**
3 **reenact, with amendments,** 10-1-133 as follows:

4 **10-1-133. Consumer insurance council - creation - advisory**
5 **body - appointment of members - meetings - repeal.** (1) THERE IS
6 HEREBY CREATED IN THE DIVISION THE CONSUMER INSURANCE COUNCIL,
7 ALSO REFERRED TO IN THIS SECTION AS THE "COUNCIL". THE COUNCIL IS
8 AN ADVISORY BODY TO THE COMMISSIONER CONCERNING INSURANCE
9 MATTERS OF INTEREST TO THE PUBLIC. NOTHING IN THIS SECTION DIVESTS
10 THE COMMISSIONER OF THE COMMISSIONER'S AUTHORITY TO REGULATE
11 THE BUSINESS OF INSURANCE.

12 (2) (a) THE COUNCIL CONSISTS OF AT LEAST SIX AND NOT MORE
13 THAN FIFTEEN MEMBERS APPOINTED BY THE COMMISSIONER, ALL OF WHOM
14 MUST REPRESENT CONSUMER ORGANIZATIONS OR BE CONSUMERS WHO ARE

1 NOT ENGAGED, DIRECTLY OR INDIRECTLY, IN THE INSURANCE INDUSTRY OR
2 ANY OTHER INDUSTRY, BUSINESS, OR PROFESSION THAT MIGHT PRESENT A
3 CONFLICT OF INTEREST, AS DETERMINED BY THE COMMISSIONER. TO THE
4 GREATEST EXTENT POSSIBLE, THE COUNCIL MUST REFLECT THE
5 GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY OF THE STATE. INSURANCE
6 PRODUCERS, INSURANCE INDUSTRY REPRESENTATIVES, ACTIVELY
7 PRACTICING HEALTH CARE PROVIDERS, AND ANY OTHER INDIVIDUALS WHO
8 MAY HAVE A CONFLICT OF INTEREST, AS DETERMINED BY THE
9 COMMISSIONER, ARE NOT ELIGIBLE FOR MEMBERSHIP ON THE COUNCIL.

10 (b) THE COMMISSIONER SHALL APPOINT MEMBERS OF THE COUNCIL
11 IN A TIMELY MANNER. MEMBERS SHALL SERVE TWO-YEAR TERMS WITH A
12 MAXIMUM OF THREE CONSECUTIVE TERMS.

13 (c) THREE OR MORE UNEXCUSED ABSENCES OF A MEMBER OF THE
14 COUNCIL CONSTITUTE GROUNDS FOR THE REMOVAL OF THE MEMBER. THE
15 CHAIR OF THE COUNCIL, IN CONSULTATION WITH THE COMMISSIONER,
16 SHALL DETERMINE WHETHER A MEMBER WITH THREE OR MORE
17 UNEXCUSED ABSENCES MAY CONTINUE SERVICE ON THE COUNCIL. IF A
18 MEMBER IS REMOVED, THE COMMISSIONER SHALL APPOINT A NEW MEMBER
19 TO SERVE THE REMAINING PORTION OF THE TWO-YEAR TERM.

20 (d) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT
21 COMPENSATION BUT ARE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND
22 NECESSARY EXPENSES INCURRED IN TRAVELING TO AND FROM COUNCIL
23 MEETINGS, INCLUDING ANY REQUIRED DEPENDENT CARE AND DEPENDENT
24 OR ATTENDANT TRAVEL, FOOD, AND LODGING EXPENSES.

25 (3) (a) THE COUNCIL SHALL ELECT A CHAIR FROM ITS MEMBERSHIP.
26 THE CHAIR SHALL SERVE A ONE-YEAR TERM AND MAY BE ELECTED TO
27 ANOTHER ONE-YEAR TERM.

1 (b) THE COUNCIL SHALL ELECT A VICE-CHAIR FROM ITS
2 MEMBERSHIP. THE VICE-CHAIR SHALL SERVE IN THE ABSENCE OF THE
3 CHAIR. THE VICE-CHAIR SHALL SERVE A ONE-YEAR TERM AND MAY BE
4 ELECTED TO ANOTHER ONE-YEAR TERM.

5 (4) (a) THE COUNCIL SHALL MEET QUARTERLY AND MAY REQUEST
6 UP TO FOUR ADDITIONAL MEETINGS PER YEAR. ALL MEETINGS OF THE
7 COUNCIL ARE OPEN TO THE PUBLIC. GENERAL MEETINGS OF THE COUNCIL
8 SHALL BE HELD AT THE OFFICE OF THE DIVISION. THE COUNCIL MAY MEET
9 IN OTHER LOCATIONS OF THE STATE AS AGREED UPON BY THE COUNCIL.
10 MEMBERS OF THE COUNCIL MAY PARTICIPATE IN MEETINGS VIA
11 TELEPHONIC COMMUNICATIONS.

12 (b) A COUNCIL MEMBER MAY REQUEST A SPECIAL MEETING.
13 REQUESTS FOR SPECIAL MEETINGS MUST BE MADE TO THE CHAIR OF THE
14 COUNCIL.

15 (c) ALL MEMBERS OF THE COUNCIL MAY REQUEST TOPICS OF
16 DISCUSSION FOR THE COUNCIL.

17 (d) THE COUNCIL MUST ACT BY CONSENSUS.

18 (e) THE COUNCIL MAY SUBMIT RECOMMENDATIONS TO THE
19 COMMISSIONER, INCLUDING LEGISLATIVE RECOMMENDATIONS. IF THE
20 COUNCIL SUBMITS A RECOMMENDATION TO THE COMMISSIONER, THE
21 COMMISSIONER SHALL PROVIDE A RESPONSE TO THE COUNCIL, IN A TIMELY
22 MANNER, REGARDING THE RECOMMENDATION AND HOW THE
23 COMMISSIONER WILL ADDRESS THE RECOMMENDATION.

24 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.
25 BEFORE THE REPEAL, THE COUNCIL IS SCHEDULED FOR REVIEW IN
26 ACCORDANCE WITH SECTION 2-3-1203.

27 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **repeal** (6);

1 and **add** (20) as follows:

2 **2-3-1203. Sunset review of advisory committees - legislative**
3 **declaration - definition - repeal.** (6) ~~(a) The following statutory~~
4 ~~authorizations for the designated advisory committees will repeal on July~~
5 ~~1, 2018:~~

6 ~~(I) The consumer insurance council created in section 10-1-133,~~
7 ~~C.R.S.~~

8 ~~(II) to (V) Repealed.~~

9 ~~(b) This subsection (6) is repealed, effective July 1, 2020.~~

10 (20) (a) THE FOLLOWING STATUTORY AUTHORIZATIONS FOR THE
11 DESIGNATED ADVISORY COMMITTEES WILL REPEAL ON SEPTEMBER 1,
12 2029:

13 (I) THE CONSUMER INSURANCE COUNCIL CREATED IN SECTION
14 10-1-133.

15 (b) THIS SUBSECTION (20) IS REPEALED, EFFECTIVE SEPTEMBER 1,
16 2031.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2020 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.