

CHAPTER 282

GOVERNMENT - STATE

SENATE BILL 93-249

BY SENATORS Traylor, Bird, and Rizzuto;
also REPRESENTATIVES Owen, Grampas, Romero, and Jerke.

AN ACT**CONCERNING THE AUTHORITY OF THE DIVISION OF RISK MANAGEMENT TO PROVIDE COVERAGE FOR WORKERS' COMPENSATION CLAIMS OF STATE EMPLOYEES.**

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

SECTION 1. 24-30-1510.7, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-30-1510.7. Workers' compensation for state employees.
(5) (a) (I) NOTWITHSTANDING SECTION 8-44-105, C.R.S., IF THE STATE ELECTS TO SELF-INSURE WORKERS' COMPENSATION CLAIMS AS AUTHORIZED IN THIS SECTION OR TO INSURE FOR SUCH CLAIMS THROUGH AN ENTITY OTHER THAN THE COLORADO COMPENSATION INSURANCE AUTHORITY, CREATED IN SECTION 8-45-101, C.R.S., ON AND AFTER THE EFFECTIVE DATE OF SUCH ELECTION, THE STATE SHALL BE DIRECTLY AND PRIMARILY LIABLE FOR ALL LIABILITIES DUE ON ALL WORKERS' COMPENSATION CLAIMS AFTER SUCH ELECTION WHICH ARISE ON AND AFTER THE BEGINNING DATE OF THE INITIAL POLICY PERIOD IN THE ANNUALLY RENEWABLE MEMORANDUM OF AGREEMENT CONTAINING A PREMIUM PAYMENT PLAN IN EFFECT BETWEEN THE STATE AND THE COLORADO COMPENSATION INSURANCE AUTHORITY.

(II) IN NO EVENT SHALL THE DIVISION ELECT TO SELF-INSURE FOR WORKERS' COMPENSATION CLAIMS PRIOR TO THE BEGINNING OF A FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY APPROPRIATES SUFFICIENT FUNDS FOR SUCH SELF-INSURANCE.

(b) (I) FUNDING OF THE LIABILITY OBLIGATIONS ASSUMED BY THE STATE FROM THE COLORADO COMPENSATION INSURANCE AUTHORITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) BEYOND A CURRENT FISCAL YEAR IS CONTINGENT UPON FUNDS FOR THAT PURPOSE BEING APPROPRIATED, BUDGETED, AND OTHERWISE MADE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AVAILABLE.

(II) NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO RELIEVE THE STATE OF ANY LIABILITY OBLIGATION IF THE STATE ELECTS TO SELF-INSURE OR INSURE THROUGH AN ENTITY OTHER THAN THE COLORADO COMPENSATION INSURANCE AUTHORITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5).

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993