

CHAPTER 438

GOVERNMENT - STATE

HOUSE BILL 08-1216

BY REPRESENTATIVE(S) Ferrandino, Carroll M., Casso, McFadyen, McGihon, Primavera, Solano, Todd, and Stafford;
also SENATOR(S) Romer, and Boyd.

AN ACT

**CONCERNING THE CREATION OF THE CONSUMER OUTREACH AND EDUCATION PROGRAM WITHIN THE
DEPARTMENT OF REGULATORY AGENCIES, AND MAKING AN APPROPRIATION THEREFOR.**

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

SECTION 1. Part 1 of article 34 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-34-108. Consumer outreach and education program - creation - cash fund - fine surcharge. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES SHALL DEVELOP AND IMPLEMENT A CONSUMER OUTREACH AND EDUCATION PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", FOR THE PURPOSES OF INFORMING CONSUMERS OF THEIR RIGHTS REGARDING REGULATED PROFESSIONS AND OCCUPATIONS, DECREASING REGULATORY VIOLATIONS, AND ENSURING PUBLIC AWARENESS OF CONSUMER PROTECTION INFORMATION AVAILABLE FROM THE DEPARTMENT.

(2) THERE IS HEREBY CREATED WITHIN THE STATE TREASURY THE CONSUMER OUTREACH AND EDUCATION CASH FUND FOR THE PURPOSE OF DEVELOPING, IMPLEMENTING, AND MAINTAINING THE PROGRAM. THE FUND SHALL CONSIST OF ANY SURCHARGES THAT MAY BE IMPOSED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, INCLUDING FINES COLLECTED PURSUANT TO TITLES 10, 11, 12, 40, AND 42, C.R.S. THE AMOUNT OF EACH SURCHARGE SHALL NOT EXCEED FIFTEEN PERCENT OF THE FINE COLLECTED. THE SURCHARGES SHALL BE ADJUSTED AS NECESSARY SO THAT SURCHARGE REVENUES COLLECTED DO NOT EXCEED TWO HUNDRED THOUSAND DOLLARS ANNUALLY. ALL MONEYS COLLECTED SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH MONEYS TO THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL

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

ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE PROGRAM. MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. MONEYS CREDITED TO THE FUND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND; EXCEPT THAT, ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR THAT EXCEED TEN PERCENT OF THE FUND'S EXPENDITURES IN THAT FISCAL YEAR, SHALL BE TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(3) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES SHALL PROVIDE A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY THAT INCLUDES THE AMOUNT OF REVENUE COLLECTED FROM THE SURCHARGE IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION FOR THE PREVIOUS FISCAL YEAR, A DESCRIPTION OF HOW THE MONEYS WERE SPENT IN THE PREVIOUS FISCAL YEAR, AND A PLAN FOR HOW THE MONEYS WILL BE SPENT IN THE CURRENT FISCAL YEAR.

SECTION 2. Part 1 of article 1 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-1-134. Office of insurance ombudsman - plan - report to joint budget committee. ON OR BEFORE SEPTEMBER 15, 2008, THE COMMISSIONER SHALL PRESENT A PLAN TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY REGARDING THE ESTABLISHMENT OF AN OFFICE OF INSURANCE OMBUDSMAN. THE PLAN SHALL INCLUDE AN ASSESSMENT OF THE NEED TO ESTABLISH THE OFFICE, A PLAN TO IMPLEMENT THE OFFICE, AND THE ESTIMATED COSTS ASSOCIATED WITH ESTABLISHING AND MAINTAINING THE OFFICE. THE PLAN SHALL REQUIRE THE OMBUDSMAN TO ASSIST CONSUMERS WITH ISSUES RELATED TO INSURANCE AVAILABILITY, CLAIMS PROCESSING, COVERAGE QUESTIONS, AND OTHER MATTERS RELATED TO INSURANCE CONSUMER EDUCATION AND ASSISTANCE.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the consumer outreach and education cash fund created in section 24-34-108 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office, for the purposes of consumer outreach and education, for the fiscal year beginning July 1, 2008, the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act

or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 5, 2008