

CHAPTER 58

INSURANCE

HOUSE BILL 08-1043

BY REPRESENTATIVE(S) Butcher, Carroll T., Casso, Ferrandino, Gallegos, Green, Madden, Primavera, and Todd;
also SENATOR(S) Sandoval.

AN ACT**CONCERNING CODIFICATION OF THE CONSUMER INSURANCE COUNCIL.**

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

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

10-1-133. Consumer insurance council - creation - advisory body - appointment of members - meetings - repeal. (1) THERE IS HEREBY CREATED IN THE DIVISION THE CONSUMER INSURANCE COUNCIL, ALSO REFERRED TO IN THIS PART 1 AS THE "COUNCIL". THE COUNCIL SHALL BE AN ADVISORY BODY TO THE COMMISSIONER CONCERNING MATTERS OF INTEREST TO THE PUBLIC. NOTHING IN THIS SECTION SHALL DIVEST THE COMMISSIONER OF HIS OR HER AUTHORITY TO REGULATE THE BUSINESS OF INSURANCE.

(2) THE COUNCIL SHALL CONSIST OF UP TO FIFTEEN MEMBERS, ALL OF WHOM SHALL REPRESENT CONSUMER ORGANIZATIONS. TO THE GREATEST EXTENT POSSIBLE, THE COUNCIL SHALL REFLECT THE GEOGRAPHIC DIVERSITY OF THE STATE AND SEEK REPRESENTATION FROM EACH CONGRESSIONAL DISTRICT. INSURANCE PRODUCERS, INSURANCE INDUSTRY REPRESENTATIVES, AND ACTIVELY PRACTICING HEALTH CARE PROVIDERS ARE NOT ELIGIBLE FOR MEMBERSHIP ON THE COUNCIL. MEMBERS OF THE COUNCIL SHALL BE APPOINTED BY THE COMMISSIONER AND SHALL SERVE TWO-YEAR TERMS WITH A MAXIMUM OF THREE CONSECUTIVE TERMS. MEMBERS SHALL SERVE WITHOUT COMPENSATION; EXCEPT THAT MEMBERS WHO RESIDE OUTSIDE OF THE DENVER METROPOLITAN AREA MAY BE REIMBURSED FOR MILEAGE TO ATTEND MEETINGS IN DENVER. THE COUNCIL SHALL ACT BY CONSENSUS.

(3) THE COUNCIL SHALL MEET NO MORE THAN EIGHT TIMES PER YEAR. ALL

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

MEETINGS OF THE COUNCIL SHALL BE OPEN TO THE PUBLIC. GENERAL MEETINGS OF THE COUNCIL SHALL BE HELD AT THE OFFICE OF THE DIVISION. THE COUNCIL MAY MEET IN OTHER LOCATIONS OF THE STATE AS AGREED UPON BY THE COUNCIL. NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2) OF THIS SECTION TO THE CONTRARY, IF THE COUNCIL MEETS IN A LOCATION OUTSIDE OF THE DENVER METROPOLITAN AREA, MEMBERS OF THE COUNCIL MAY BE REIMBURSED FOR MILEAGE TO ATTEND THE MEETING. A COUNCIL MEMBER MAY REQUEST A SPECIAL MEETING. REQUESTS FOR SPECIAL MEETINGS SHALL BE MADE TO THE CHAIR OF THE COUNCIL. ALL MEMBERS OF THE COUNCIL MAY REQUEST TOPICS OF DISCUSSION FOR THE COUNCIL. MEMBERS OF THE COUNCIL MAY PARTICIPATE IN MEETINGS VIA TELEPHONIC COMMUNICATIONS.

(4) THREE OR MORE UNEXCUSED ABSENCES OF A MEMBER OF THE COUNCIL SHALL BE GROUNDS FOR THE REMOVAL OF THE MEMBER. THE CHAIR OF THE COUNCIL, IN CONSULTATION WITH THE COMMISSIONER, SHALL DETERMINE WHETHER A MEMBER WITH THREE OR MORE UNEXCUSED ABSENCES SHALL CONTINUE SERVICE ON THE COUNCIL. IF A MEMBER IS REMOVED, THE COMMISSIONER SHALL APPOINT A NEW MEMBER TO SERVE THE REMAINING PORTION OF THE TWO-YEAR TERM.

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

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

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018; EXCEPT THAT, PRIOR TO ITS REPEAL, THE CONSUMER INSURANCE COUNCIL SHALL BE REVIEWED PURSUANT TO SECTION 2-3-1203, C.R.S.

SECTION 2. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(ee) JULY 1, 2018: THE CONSUMER INSURANCE COUNCIL CREATED IN SECTION 10-1-133, C.R.S.

SECTION 3. Effective date. This act shall take effect July 1, 2008.

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, and safety.

Approved: March 24, 2008