

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

DRAFT  
10.7.09

BILL 7

LLS NO. 10-0219.01 Dan Cartin

INTERIM COMMITTEE BILL

Interim Committee to Study Issues Related to Pinnacol Assurance

**SHORT TITLE:** "Disclosure On Workers' Comp Bills"

**A BILL FOR AN ACT**

101 **CONCERNING DISCLOSURE BY MEMBERS OF THE GENERAL ASSEMBLY**  
102 **OF AN INTEREST IN LEGISLATION THAT AMENDS THE PROVISIONS**  
103 **OF THE "WORKERS' COMPENSATION ACT OF COLORADO"**  
104 **PRIOR TO VOTING OR ABSTAINING FROM VOTING ON SUCH**  
105 **LEGISLATION.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Interim Committee to Study Issues Related to Pinnacol Assurance.** The bill requires that a member of the general assembly who has a personal or private interest in any measure or bill proposed or

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

pending before the general assembly that amends the provisions of the "Workers' Compensation Act of Colorado" must disclose that fact to the house of which he or she is a member prior to voting or abstaining from voting on the measure or bill. A member of the general assembly has a personal or private interest in such a measure or bill if the member is:

- An attorney or representative of a claimant on a workers' compensation insurance claim;
- A party to a contract with a workers' compensation insurance carrier;
- A claimant for workers' compensation benefits;
- An employer who is paying premiums to a workers' compensation insurance carrier;
- An employee of a workers' compensation insurance carrier;
- or
- Currently receiving workers' compensation benefits or payments.

A member is required to disclose such a personal or private interest in a measure or bill as provided in the rules of the house of representatives or the senate. Failure to disclose that interest does not constitute a breach of the public trust of legislative office.

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

2           **SECTION 1.** Part 1 of article 18 of title 24, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5           **24-18-107.5. Disclosure of interest by members of the general**  
6 **assembly - workers' compensation bills.** (1) A MEMBER OF THE  
7 GENERAL ASSEMBLY WHO HAS A PERSONAL OR PRIVATE INTEREST IN ANY  
8 MEASURE OR BILL PROPOSED OR PENDING BEFORE THE GENERAL ASSEMBLY  
9 THAT AMENDS THE PROVISIONS OF THE "WORKERS' COMPENSATION ACT  
10 OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S., SHALL DISCLOSE  
11 THE FACT TO THE HOUSE OF WHICH HE OR SHE IS A MEMBER PRIOR TO  
12 VOTING OR ABSTAINING FROM VOTING ON THE MEASURE OR BILL.

13           (2) A MEMBER OF THE GENERAL ASSEMBLY HAS A PERSONAL OR  
14 PRIVATE INTEREST IN A MEASURE OR BILL DESCRIBED IN SUBSECTION (1)

1 OF THIS SECTION IF THE MEMBER IS:

2 (a) AN ATTORNEY OR REPRESENTATIVE OF A CLAIMANT, AS  
3 DEFINED IN SECTION 8-40-201 (3.6), C.R.S., ON A WORKERS'  
4 COMPENSATION INSURANCE CLAIM;

5 (b) A PARTY TO A CONTRACT WITH A WORKERS' COMPENSATION  
6 INSURANCE CARRIER;

7 (c) A CLAIMANT, AS DEFINED IN SECTION 8-40-201 (3.6), C.R.S.;

8 (d) AN EMPLOYER WHO IS PAYING PREMIUMS TO A WORKERS'  
9 COMPENSATION INSURANCE CARRIER;

10 (e) AN EMPLOYEE OF A WORKERS' COMPENSATION INSURANCE  
11 CARRIER; OR

12 (f) CURRENTLY RECEIVING WORKERS' COMPENSATION BENEFITS OR  
13 PAYMENTS.

14 (3) (a) A MEMBER OF THE GENERAL ASSEMBLY WHO DISCLOSES A  
15 PERSONAL OR PRIVATE INTEREST IN A MEASURE OR BILL PURSUANT TO  
16 SUBSECTION (1) OF THIS SECTION SHALL DO SO AS PROVIDED IN THE RULES  
17 OF THE HOUSE OF REPRESENTATIVES OR THE SENATE.

18 (b) FAILURE TO DISCLOSE SUCH AN INTEREST SHALL NOT  
19 CONSTITUTE A BREACH OF THE PUBLIC TRUST OF LEGISLATIVE OFFICE.

20 <{Question: This language tracks the language of section 24-18-107  
21 (4), C.R.S. Do you wish to attach consequences to the failure to  
22 disclose?}>

23 (4) NOTHING IN THIS SECTION SHALL AFFECT THE OBLIGATION OF  
24 A MEMBER OF THE GENERAL ASSEMBLY UNDER THE RULES OF THE HOUSE  
25 OF REPRESENTATIVES OR SENATE TO VOTE OR ABSTAIN FROM VOTING ON  
26 A MEASURE OR BILL DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 shall take effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly (August  
3 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
4 referendum petition is filed pursuant to section 1 (3) of article V of the  
5 state constitution against this act or an item, section, or part of this act  
6 within such period, then the act, item, section, or part shall not take effect  
7 unless approved by the people at the general election to be held in  
8 November 2010 and shall take effect on the date of the official  
9 declaration of the vote thereon by the governor.