Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. In Colorado Revised Statutes, 10-16-1104, amend (1)(f) and (1)(g) as follows:

10-16-1104. Commissioner powers and duties - rules - study and report. (1) The commissioner has all powers necessary to implement this part 11 and is specifically authorized to:

(f) Assess special fees against hospitals and if applicable, carriers for the continuous operation of the reinsurance program, as provided in section 10-16-1108;

(g) In accordance with section 10-16-1109, apply for a state innovation waiver or an extension of a state innovation waiver, apply for federal funds; or apply for both in accordance with section 10-16-1109, a waiver or extension of a waiver and federal funds for the implementation and operation of the reinsurance program;

SECTION 2. In Colorado Revised Statutes, 10-16-1105, amend (1)(a), (1)(c), (1)(e)(I)(C), and (2)(b) introductory portion; and add (2)(a.5) as follows:

10-16-1105. Reinsurance program - creation - enterprise status - subject to waiver or funding approval - operation - payment parameters - calculation of reinsurance payments - eligible carrier requests - definition. (1) (a) There is hereby created in the division the Colorado reinsurance program to provide reinsurance payments to eligible carriers. Implementation and operation of the reinsurance program is contingent upon approval of a state innovation waiver, an extension of a state innovation waiver, or a federal funding request submitted by the commissioner in accordance with section 10-16-1109.

(c) If the a state innovation waiver, an extension of a state innovation waiver, or a federal funding request submitted by the commissioner pursuant to section 10-16-1109 is approved, the commissioner shall implement and operate the reinsurance program in accordance with this section.

(e) (1) On a quarterly basis during the applicable benefit year:

(C) If special fees are assessed against carriers pursuant to section 10-16-1108 (1)(b), Each carrier that is subject to the special fees assessed pursuant to section 10-16-1108 shall report to the commissioner on its collected assessments in that benefit year.

(2) (a.5) To the greatest extent possible, the commissioner shall set the payment parameters for the 2021 benefit year at
AMOUNTS SUFFICIENT TO MAINTAIN THE TARGETED CLAIMS REDUCTIONS
ACHIEVED IN THE 2020 BENEFIT YEAR.

(b) For the 2021-2022 benefit year AND EACH BENEFIT YEAR
THEREAFTER, after a stakeholder process, the commissioner shall establish
and publish the payment parameters for that benefit year by March 15
2020 OF THE IMMEDIATELY PRECEDING CALENDAR YEAR. In setting the
payment parameters under this subsection (2)(b), the commissioner shall
consider the following factors as they apply in each geographic rating
area in the state:

SECTION 3. In Colorado Revised Statutes, 10-16-1106, amend
(4) as follows:

10-16-1106. Accounting - reports - audits. (4) On or before
November 1, 2020, and on or before November 1 2021 OF EACH YEAR
THEREAFTER, the division shall include an update regarding the program
in its report to the members of the applicable committees of reference in
the senate and house of representatives as required by the "State
Measurement for Accountable, Responsive, and Transparent (SMART)
Government Act", part 2 of article 7 of title 2.

SECTION 4. In Colorado Revised Statutes, 10-16-1107, amend
(1)(a)(II); and repeal (1)(a)(III) as follows:

10-16-1107. Funding for reinsurance program - sources -
permitted uses - reinsurance program cash fund - calculation of total
funding for program. (1) (a) There is hereby created in the state
treasury the reinsurance program cash fund, which consists of:

(II) Special fees assessed against hospitals and if applicable,
carriers as provided in section 10-16-1108;

(III) The following amounts transferred from the general fund to
the reinsurance program cash fund, but only if House Bill 19-1245 is
enacted at the first regular session of the seventy-second general assembly
and becomes law:

(A) Fifteen million dollars, transferred to the fund on June 30,
2020; and

(B) Forty million dollars, transferred to the fund on June 30, 2021;

SECTION 5. In Colorado Revised Statutes, 10-16-1108, amend
(1)(a)(I), (1)(b)(I), and (5); and add (1)(e) as follows:

10-16-1108. Special assessments against hospitals and carriers
- rules - enforcement. (1) (a) (I) For the 2020 and 2021 benefit years, as
applicable, The commissioner may assess special fees against hospitals
IN THE 2022 AND 2023 CALENDAR YEARS IN A TOTAL AMOUNT, FROM ALL
HOSPITALS SUBJECT TO THE FEES, OF TWENTY MILLION DOLLARS PER YEAR,
subject to the following:

(A) Fees assessed against hospitals must comply with and not
violate 42 CFR 433.68 and, in any year, must not exceed the lesser of
(B) No hospital system shall be responsible for funding, on a yearly basis, more than twenty-five percent of the total funding required for the program; and

(C) The commissioner shall not collect the special fees for the 2022 calendar year before October 1, 2022.

(b)(I) For any benefit year starting on or after January 1, 2020, if, after carriers have filed and the commissioner has approved rates for the benefit year, the federal government suspends the fee imposed pursuant to section 9010 of the federal act for that benefit year starting in the 2021 calendar year, the commissioner shall assess against carriers a special fee of two and two-tenths percent of premiums collected by carriers or a special fee in an amount equal to the amount of the fee imposed by the federal government pursuant to section 9010 of the federal act if that fee amount is different than the amount specified in this subsection (1)(b)(I), for the period that carriers collected the fee imposed pursuant to section 9010 of the federal act on health benefit plans issued in the state.

(e)(I) Notwithstanding subsections (1)(a) and (1)(b) of this section, if, after the effective date of this subsection (1)(e), the United States congress enacts and the president signs federal legislation establishing or the secretary of the United States department of health and human services implements a federal reinsurance program that provides federal funding for the reinsurance program or otherwise makes additional federal funds available for the reinsurance program in excess of the amount received as federal pass-through funding pursuant to section 10-16-1107 (1)(a)(I), the commissioner shall not assess the special fees authorized in subsections (1)(a) and (1)(b) of this section or shall reduce the amount of special fees assessed pursuant to those subsections based on the amount of federal funding in excess of the federal pass-through funding that will be available for the reinsurance program.

(II) If the reinsurance program receives federal funding as described in this subsection (1)(e) to make reinsurance payments to carriers in a given year after the commissioner has collected the special fees from hospitals and carriers pursuant to subsections (1)(a) and (1)(b) of this section for that year, the commissioner shall return to the hospitals and carriers the special fees or a portion of the special fees based on the amount of federal funding received for that year.

(5) If a hospital or carrier, if applicable, fails to pay a special fee
to the commissioner in accordance with the time periods established by
rule, the commissioner may use all powers conferred by the insurance
laws of this state to enforce payment of the special fees.

SECTION 6. In Colorado Revised Statutes, 10-16-1109, amend
(1)(a) as follows:

10-16-1109. State innovation waiver - federal funding -
Colorado reinsurance program. (1) (a) For purposes of implementing
and operating the reinsurance program as set forth in this part 11 for plan
years starting on or after January 1, 2021, the commissioner may
apply to the secretary of the United States department of health and
human services for:

(I) A two-year state innovation waiver In accordance with section
1332 of the federal act, codified at 42 U.S.C. sec. 18052, and 45 CFR
155.1300:

(A) ONE OR MORE EXTENSIONS OF THE INITIAL TWO-YEAR STATE
INNOVATION WAIVER RECEIVED BEFORE THE EFFECTIVE DATE OF THIS
SUBSECTION (1)(a)(I), AS AMENDED, OR UP TO FIVE YEARS PER EXTENSION;
OR

(B) A NEW STATE INNOVATION WAIVER OF UP TO FIVE YEARS TO
FOLLOW THE INITIAL TWO-YEAR STATE INNOVATION WAIVER APPROVED
BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (1)(a)(I), AS AMENDED,
AND SUBSEQUENT EXTENSIONS OF ANY NEW STATE INNOVATION WAIVER
APPROVED BY THE SECRETARY;

(II) Federal funds for the reinsurance program; or

(III) A NEW OR EXTENDED state innovation waiver and federal
funds.

SECTION 7. In Colorado Revised Statutes, 10-16-1110, amend
(2) as follows:

10-16-1110. Repeal of part - notice to revisor of statutes.
(2) This part 11 is repealed, effective September 1, 2023.

SECTION 8. In Colorado Revised Statutes, 10-3-209, amend
(4)(a)(III) as follows:

10-3-209. Tax on premiums collected - exemptions - penalties.
(4) (a) The division of insurance shall transmit all taxes, penalties, and
fines it collects under this section to the state treasurer for deposit in the
general fund; except that the state treasurer shall deposit amounts in the
specified cash funds as follows:

(III) (A) For the 2020-21 STATE FISCAL YEAR and 2021-22 EACH
state fiscal years YEAR THEREAFTER, in the reinsurance program cash fund
created in section 10-16-1107, an amount equal to the amount of premium
taxes collected pursuant to this section in the 2020 calendar year OR ANY
SUBSEQUENT CALENDAR YEAR that exceeds the amount of premium taxes
collected pursuant to this section in the 2019 calendar year, SUBJECT TO
SUBSECTION (4)(a)(III)(B) OF THIS SECTION.

(B) This subsection (4)(a)(III) is repealed, effective September 1,
2023. THE AMOUNT OF PREMIUM TAXES DEPOSITED IN THE REINSURANCE
PROGRAM CASH FUND PURSUANT TO THIS SUBSECTION (4)(a)(III) IN ANY
GIVEN YEAR SHALL NOT EXCEED TEN PERCENT OF THE AMOUNT OF
REVENUES RECEIVED OR COLLECTED BY THE REINSURANCE PROGRAM
PURSUANT TO SECTION 10-16-1107 (1)(a)(I) AND (1)(a)(II) IN THAT YEAR.

THE COMMISSIONER SHALL NOTIFY THE STATE TREASURER OF THE
MAXIMUM AMOUNT OF PREMIUM TAXES THAT MAY BE DEPOSITED IN THE
REINSURANCE PROGRAM CASH FUND TO COMPLY WITH THIS SUBSECTION
(4)(a)(III)(B)

SECTION 9. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, or safety."

Page 1, strike lines 104 through 108 and substitute "AUTHORIZING THE
COMMISSIONER OF INSURANCE TO IMPOSE A SPECIAL FEE ON HEALTH
INSURERS TO PROVIDE FUNDING FOR THE REINSURANCE PROGRAM
THAT OFFSETS THE COSTS HEALTH INSURERS WOULD OTHERWISE PAY
FOR COVERING CONSUMERS WITH HIGH MEDICAL COSTS AND ENABLES
HEALTH INSURERS TO REDUCE INSURANCE PREMIUMS IN THE
INDIVIDUAL MARKET.".

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