

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

SB22-040 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, **add** 10-16-155 as
4 follows:

5 **10-16-155. Actuarial reviews of proposed health-care**
6 **legislation - division to contract with third parties - required**
7 **considerations - confidentiality - repeal.** (1) ON OR BEFORE NOVEMBER
8 1, 2022, THE DIVISION SHALL RETAIN BY CONTRACT ONE OR MORE ENTITIES
9 THAT HAVE EXPERIENCE IN ACTUARIAL REVIEWS, HEALTH-CARE POLICY,
10 AND HEALTH EQUITY, REFERRED TO IN THIS SECTION AS THE
11 "CONTRACTORS", FOR THE PURPOSE OF PERFORMING ACTUARIAL REVIEWS
12 OF LEGISLATIVE PROPOSALS THAT MAY IMPOSE A NEW HEALTH BENEFIT
13 COVERAGE MANDATE ON HEALTH BENEFIT PLANS OR REDUCE OR
14 ELIMINATE COVERAGE MANDATED UNDER HEALTH BENEFIT PLANS,
15 REFERRED TO IN THIS SECTION AS "LEGISLATIVE PROPOSALS". THE
16 CONTRACTORS, UNDER THE DIRECTION OF THE DIVISION, SHALL CONDUCT
17 ACTUARIAL REVIEWS OF UP TO SIX LEGISLATIVE PROPOSALS, REGARDLESS
18 OF THE NUMBER OF LEGISLATIVE PROPOSALS THAT ARE REQUESTED FOR
19 EACH REGULAR LEGISLATIVE SESSION BY MEMBERS OF THE GENERAL
20 ASSEMBLY.

21 (2) BEFORE SEPTEMBER 1, 2022, THE DIVISION SHALL CONVENE A
22 MEETING TO OBTAIN INPUT AND RECOMMENDATIONS FROM
23 STAKEHOLDERS, INCLUDING REPRESENTATIVES OF THE HEALTH-CARE
24 INDUSTRY, CONSUMER ADVOCATES, AND OTHER INTERESTED INDIVIDUALS,
25 CONCERNING THE METHODOLOGY FOR CONDUCTING THE ANALYSIS
26 DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

27 (3)(a) A MEMBER OF THE GENERAL ASSEMBLY WHO REQUESTS AN
28 ACTUARIAL REVIEW OF A LEGISLATIVE PROPOSAL SHALL SUBMIT THE
29 REQUEST TO THE DIVISION NO LATER THAN SEPTEMBER 1 OF THE YEAR
30 PRECEDING THE REGULAR LEGISLATIVE SESSION IN WHICH THE
31 LEGISLATIVE PROPOSAL WILL BE PROPOSED.

32 (b) FOR EACH REGULAR LEGISLATIVE SESSION:

33 (I) UP TO TWO MEMBERS OF THE MAJORITY PARTY OF THE HOUSE
34 OF REPRESENTATIVES MAY SUBMIT A REQUEST FOR AN ACTUARIAL
35 REVIEW. IF MORE THAN TWO REQUESTS ARE SUBMITTED, THE DIVISION
36 SHALL NOTIFY THE MAJORITY LEADER OF THE HOUSE OF
37 REPRESENTATIVES, WHO SHALL SELECT THE TWO PROPOSALS THAT THE
38 CONTRACTORS REVIEW.

39 (II) ONE MEMBER OF THE MINORITY PARTY OF THE HOUSE OF
40 REPRESENTATIVES MAY SUBMIT UP TO ONE REQUEST FOR AN ACTUARIAL

1 REVIEW. IF MORE THAN ONE REQUEST IS SUBMITTED, THE DIVISION SHALL
2 NOTIFY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, WHO
3 SHALL SELECT THE PROPOSAL THAT THE CONTRACTORS REVIEW.

4 (III) UP TO TWO MEMBERS OF THE MAJORITY PARTY OF THE
5 SENATE MAY SUBMIT A REQUEST FOR AN ACTUARIAL REVIEW. IF MORE
6 THAN TWO REQUESTS ARE SUBMITTED, THE DIVISION SHALL NOTIFY THE
7 MAJORITY LEADER OF THE SENATE, WHO SHALL SELECT THE TWO
8 PROPOSALS THAT THE CONTRACTORS REVIEW.

9 (IV) ONE MEMBER OF THE MINORITY PARTY OF THE SENATE MAY
10 SUBMIT UP TO ONE REQUEST FOR AN ACTUARIAL REVIEW. IF MORE THAN
11 ONE REQUEST IS SUBMITTED, THE DIVISION SHALL NOTIFY THE MINORITY
12 LEADER OF THE SENATE, WHO SHALL SELECT THE PROPOSAL THAT THE
13 CONTRACTORS REVIEW.

14 (c) ON OR BEFORE EACH SEPTEMBER 15, THE MAJORITY AND
15 MINORITY LEADERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE
16 SHALL NOTIFY THE DIVISION, AS MAY BE NECESSARY AS DESCRIBED IN THIS
17 SUBSECTION (3), OF THE LEGISLATIVE PROPOSALS SUBJECT TO REVIEW
18 UNDER SUBSECTION (1) OF THIS SECTION.

19 (4) AN ACTUARIAL REVIEW PERFORMED BY THE CONTRACTORS
20 PURSUANT TO THIS SECTION MUST CONSIDER THE PREDICTED EFFECTS OF
21 THE LEGISLATIVE PROPOSAL DURING THE FIVE AND TEN YEARS
22 IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THE LEGISLATIVE
23 PROPOSAL, INCLUDING:

24 (a) AN ESTIMATE OF THE NUMBER OF COLORADO RESIDENTS WHO
25 WILL BE DIRECTLY AFFECTED BY THE LEGISLATIVE PROPOSAL;

26 (b) ESTIMATES OF CHANGES IN THE RATES OF UTILIZATION OF
27 SPECIFIC HEALTH-CARE SERVICES THAT MAY RESULT FROM THE
28 LEGISLATIVE PROPOSAL;

29 (c) ESTIMATES CONCERNING ANY CHANGES IN CONSUMER COST
30 SHARING THAT WOULD RESULT FROM THE LEGISLATIVE PROPOSAL;

31 (d) ESTIMATES OF ANY INCREASES OR DECREASES IN PREMIUMS
32 CHARGED TO COVERED PERSONS OR EMPLOYERS FOR HEALTH BENEFIT
33 PLANS OFFERED IN THE INDIVIDUAL, SMALL GROUP, AND LARGE GROUP
34 MARKETS THAT WOULD RESULT FROM THE LEGISLATIVE PROPOSAL;

35 (e) AN ESTIMATE OF THE OUT-OF-POCKET HEALTH-CARE COST
36 CHANGES ASSOCIATED WITH THE LEGISLATIVE PROPOSAL;

37 (f) AN ESTIMATE OF THE POTENTIAL LONG-TERM HEALTH-CARE
38 COST CHANGES ASSOCIATED WITH THE LEGISLATIVE PROPOSAL;

39 (g) IDENTIFICATION OF ANY POTENTIAL HEALTH BENEFITS FOR
40 INDIVIDUALS OR COMMUNITIES THAT WOULD RESULT FROM THE
41 LEGISLATIVE PROPOSAL; AND

42 (h) TO THE EXTENT PRACTICABLE, THE SOCIAL AND ECONOMIC
43 IMPACTS OF THE LEGISLATIVE PROPOSAL.

1 (5) AN ACTUARIAL REVIEW PERFORMED PURSUANT TO THIS
2 SECTION MUST:

3 (a) PRESENT THE INFORMATION DESCRIBED IN SUBSECTION (4)(d)
4 OF THIS SECTION IN TERMS OF PERCENTAGE INCREASE OR DECREASE AND
5 IN TERMS OF PER-MEMBER, PER-MONTH CHARGES;

6 (b) PRESENT THE INFORMATION DESCRIBED IN SUBSECTION (4)(e)
7 OF THIS SECTION IN TERMS OF DOLLAR AMOUNTS;

8 (c) PROVIDE, IF AVAILABLE, INFORMATION CONCERNING WHO
9 WOULD BENEFIT FROM ANY COST CHANGES AND HEALTH BENEFITS FROM
10 THE LEGISLATIVE PROPOSAL, AS IDENTIFIED IN SUBSECTIONS (4)(c), (4)(e),
11 (4)(f), (4)(g), AND (4)(h) OF THIS SECTION, AND ANY DISPROPORTIONATE
12 EFFECTS THAT THE LEGISLATIVE PROPOSAL WOULD HAVE ON
13 COLORADANS, WHICH INFORMATION, IF AVAILABLE, MUST BE
14 DISAGGREGATED, AT A MINIMUM, BY RACE, ETHNICITY, SEX, GENDER, AND
15 AGE; AND

16 (d) INCLUDE, TO THE EXTENT PRACTICABLE, A QUALITATIVE
17 ANALYSIS OF THE IMPACTS OF THE LEGISLATIVE PROPOSAL. FOR THE
18 PURPOSES OF THIS SUBSECTION (5)(d), A MEMBER OF THE GENERAL
19 ASSEMBLY WHO REQUESTS AN ACTUARIAL REVIEW OF A LEGISLATIVE
20 PROPOSAL PURSUANT TO THIS SECTION MAY DESIGNATE ONE OR MORE
21 PERSONS TO PROVIDE DATA TO THE CONTRACTORS IN ORDER TO INFORM A
22 QUALITATIVE ANALYSIS OF THE LEGISLATIVE PROPOSAL.

23 (6) IN PERFORMING ACTUARIAL REVIEWS OF LEGISLATIVE
24 PROPOSALS, THE CONTRACTORS MAY UTILIZE DATA FROM THE ALL-PAYER
25 HEALTH CLAIMS DATABASE DESCRIBED IN SECTION 25.5-1-204, DATA
26 COLLECTED FROM CARRIERS, OR DATA FROM OTHER SOURCES. CARRIERS
27 SHALL PROVIDE INFORMATION TO, AND OTHERWISE COOPERATE WITH, THE
28 CONTRACTORS AND THE DIVISION FOR THE PURPOSES OF THIS SECTION.

29 (7) THE COMMISSIONER IS NOT REQUIRED TO COMPLY WITH THE
30 STATE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, FOR THE
31 PURPOSES OF HIRING CONTRACTORS BY NOVEMBER 1, 2022, AS DESCRIBED
32 IN SUBSECTION (1) OF THIS SECTION, OR FOR CONTRACTING FOR THE
33 COLLECTION OF DATA, BUT THE COMMISSIONER SHALL COMPLY WITH THE
34 STATE "PROCUREMENT CODE" WHEN HIRING CONTRACTORS OR
35 CONTRACTING FOR THE COLLECTION OF DATA AFTER NOVEMBER 1, 2022.

36 (8) A REQUEST FOR AN ACTUARIAL REVIEW PURSUANT TO THIS
37 SECTION AND THE FINAL REPORT RESULTING FROM SUCH A REQUEST SHALL
38 BE TREATED AS CONFIDENTIAL EXCEPT BY THE MEMBER OF THE GENERAL
39 ASSEMBLY WHO MADE THE REQUEST UNTIL THE LEGISLATIVE PROPOSAL
40 THAT IS THE SUBJECT OF THE ACTUARIAL REVIEW IS INTRODUCED IN THE
41 REGULAR LEGISLATIVE SESSION FOLLOWING THE SUBMISSION OF THE
42 REQUEST FOR THE ACTUARIAL REVIEW OR, IF NO SUCH LEGISLATIVE
43 PROPOSAL IS INTRODUCED, UNTIL AFTER THE END OF THE LEGISLATIVE

1 SESSION FOLLOWING THE SUBMISSION OF THE REQUEST.
2 (9) THIS SECTION IS REPEALED, EFFECTIVE NOVEMBER 1, 2027.
3 **SECTION 2.** In Colorado Revised Statutes, 2-2-322, **add** (5) as
4 follows:
5 **2-2-322. Fiscal notes - repeal.** (5) (a) IN PREPARING A FISCAL
6 NOTE FOR ANY LEGISLATIVE PROPOSAL THAT MAY IMPOSE A NEW HEALTH
7 BENEFIT COVERAGE MANDATE ON HEALTH BENEFIT PLANS OR MANDATE A
8 REDUCTION OR ELIMINATION OF COVERAGE UNDER A HEALTH BENEFIT
9 PLAN AND FOR WHICH A REPORT HAS BEEN PREPARED BY A CONTRACTOR
10 PURSUANT TO SECTION 10-16-155, THE LEGISLATIVE SERVICE AGENCY
11 CHARGED WITH PREPARING THE FISCAL NOTE SHALL INCLUDE A
12 STATEMENT THAT A REPORT HAS BEEN PREPARED BY THE CONTRACTORS
13 FOR THE LEGISLATIVE PROPOSAL PURSUANT TO SECTION 10-16-155 AND
14 SUBMITTED TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
15 BY THE DIVISION, INCLUDING AN INDICATION OF HOW THE CONTRACTORS'
16 FINAL REPORT MAY BE OBTAINED IN ITS ENTIRETY.
17 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE NOVEMBER 1,
18 2027.
19 **SECTION 3. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2022 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor."

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