

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.

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

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

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

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

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

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

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

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