

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0442.03 Brita Darling x2241

HOUSE BILL 26-1327

HOUSE SPONSORSHIP

Feret, Bacon, Brown, Clifford, Garcia, Lieder, Mauro, Rutinel, Rydin, Stewart R., Titone, Velasco, Woodrow, Zokaie

SENATE SPONSORSHIP

Mullica,

House Committees

Health & Human Services
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HEALTH-CARE SUPPORT FOR LARGE EMPLOYERS'**
102 **WORKERS, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the large employer health-care support enterprise (enterprise) to impose, assess, and collect the large employer health-care support fee (enterprise fee) in the amount of \$2,300 for each supported worker for the calendar year. A worker who is receiving medical assistance benefits under the state medical assistance program is a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

supported worker (supported worker).

The business purpose of the enterprise is to help large employers retain supported workers who are not provided employer-sponsored affordable health coverage by using enterprise fee revenue to help finance the costs for medical assistance benefits for large employers' workers. This service reduces lost productivity due to worker illness and training costs to replace workers who may otherwise seek employment that provides affordable health coverage.

An employer is subject to the enterprise fee if the employer is a large employer, which is defined in the bill as an employer that has 500 or more supported workers (large employer). An employer is exempted from paying the enterprise fee if the employer:

- Provides affordable health coverage to all workers working 20 or more hours per week or 80 or more hours per month;
- Is a franchisee of the employer;
- Is a nonprofit employer;
- Is a public employer; or
- Has a collective bargaining agreement with its employees that includes health-care coverage.

Starting with a review of the 2027 calendar year, the department of health care policy and financing (HCPF) shall prepare a large employer report by March of the following calendar year that identifies large employers by their number of supported workers for the preceding calendar year. An employer may contest the employer's identification as a large employer. Once identified, a large employer shall either pay the enterprise fee for each of the large employer's supported workers or demonstrate that it provides affordable health coverage to all workers working 20 or more hours per week or 80 or more hours per month. The enterprise may adjust the amount of the enterprise fee to reflect the cost of the services, for inflation, or for other reasons. A large employer commits a petty offense and is subject to a civil penalty for failure to provide information necessary to calculate the enterprise fee or to either timely pay the enterprise fee or demonstrate that the large employer offers affordable health coverage as specified in the bill.

Enterprise revenue is used to pay for medical assistance benefits for working-age adults under the state medical assistance program and to increase reimbursement rates for health-care providers providing medical assistance program services to ensure worker access to medical services.

The enterprise is governed by the enterprise board, and the enterprise board shall report annually to the general assembly on the enterprise revenue and the enterprise's use of the enterprise revenue in support of large employers.

If the enterprise determines that retaining additional enterprise fee revenue would cause the enterprise to receive more than \$100 million dollars in its first 5 fiscal years, the state treasurer shall credit the

1 PRODUCTIVITY DUE TO WORKER ILLNESS, AND INCREASES WORKER
2 RETENTION; AND

3 (d) FURTHER, THE STATE'S INVESTMENT IN HEALTH CARE FOR
4 LARGE EMPLOYERS' WORKERS SUPPORTS A LARGE EMPLOYER'S BUSINESS
5 DECISION TO HOLD DOWN HOURS AND WAGES, WHICH REDUCES COSTS
6 BECAUSE:

7 (I) LARGE EMPLOYERS ARE NOT PROVIDING HEALTH COVERAGE
8 FOR MEDICAL CARE THAT EVERY WORKER NEEDS; AND

9 (II) THE AVAILABILITY OF MEDICAL ASSISTANCE BENEFITS
10 SUPPORT THE RETENTION OF WORKERS IN CERTAIN JOBS AND REDUCE
11 LARGE EMPLOYERS' TRAINING COSTS THAT ARISE WHEN REPLACING
12 WORKERS WHO MAY OTHERWISE SEEK EMPLOYMENT THAT PROVIDES
13 AFFORDABLE HEALTH COVERAGE.

14 (2) THE GENERAL ASSEMBLY DECLARES THAT:

15 (a) THE LARGE EMPLOYER HEALTH-CARE SUPPORT ENTERPRISE
16 PROVIDES VALUABLE BENEFITS AND BUSINESS SERVICES TO LARGE
17 EMPLOYERS BY, IN EXCHANGE FOR PAYING THE LARGE EMPLOYER
18 HEALTH-CARE SUPPORT FEE IMPOSED PURSUANT TO SECTION 25.5-1-1206,
19 USING THE FEE REVENUE TO:

20 (I) IMPROVE THE HEALTH AND PRODUCTIVITY OF WORKERS FOR
21 WHOM A LARGE EMPLOYER DOES NOT PROVIDE AFFORDABLE HEALTH
22 COVERAGE BY SUPPORTING THE AVAILABILITY OF MEDICAL ASSISTANCE
23 BENEFITS AND HEALTH-CARE PROVIDERS FOR THE LARGE EMPLOYER'S
24 WORKERS; AND

25 (II) PROVIDE REIMBURSEMENT GRANTS FOR LARGE EMPLOYERS'
26 COSTS FOR WORKERS WHO CHOOSE TO BUY INTO AN
27 EMPLOYER-SPONSORED HEALTH BENEFIT PLAN PURSUANT TO SECTION
28 25.5-1-1207;

1 (b) NO OTHER ENTERPRISE CREATED SIMULTANEOUSLY OR WITHIN
2 THE PRECEDING FIVE YEARS SERVES PRIMARILY THE SAME PURPOSE AS THE
3 LARGE EMPLOYER HEALTH-CARE SUPPORT ENTERPRISE AND THE
4 ENTERPRISE DOES NOT REQUIRE VOTER APPROVAL PURSUANT TO SECTION
5 24-77-108;

6 (c) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
7 THE STATE TO ACKNOWLEDGE THAT, BY PROVIDING THE BENEFITS AND
8 SERVICES SPECIFIED IN THIS PART 12, THE LARGE EMPLOYER HEALTH-CARE
9 SUPPORT ENTERPRISE ENGAGES IN ACTIVITIES CONDUCTED IN THE PURSUIT
10 OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES AS A
11 BUSINESS; AND

12 (d) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
13 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
14 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
15 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
16 X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES
17 THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS GENERATED BY A
18 FEE, NOT A TAX, BECAUSE THE MONEY CREDITED TO THE ENTERPRISE IS:

19 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
20 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE BUSINESS SERVICES
21 DESCRIBED IN THIS PART 12;

22 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
23 BASED ON THE COSTS OF THE SERVICES PROVIDED BY THE ENTERPRISE;
24 AND

25 (III) NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION
26 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6
27 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR
28 SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE

1 CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN
2 SECTION 24-77-103.6 (6)(b), SO LONG AS THE ENTERPRISE QUALIFIES AS
3 AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
4 CONSTITUTION.

5 **25.5-1-1203. Definitions.**

6 AS USED IN THIS PART 12, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (1) "AFFORDABLE HEALTH COVERAGE" MEANS HEALTH COVERAGE
9 THAT IS EQUIVALENT TO THE MINIMUM ESSENTIAL COVERAGE REQUIRED
10 UNDER THE FEDERAL ACT AND THAT IS AFFORDABLE AND PROVIDES
11 MINIMUM VALUE, AS DETERMINED UNDER THE FEDERAL ACT AS IT EXISTED
12 ON DECEMBER 31, 2025.

13 (2) "BOARD" MEANS THE ENTERPRISE BOARD CREATED IN SECTION
14 25.5-1-1205.

15 (3) "DEPARTMENT OF REVENUE" MEANS THE DEPARTMENT OF
16 REVENUE CREATED IN SECTION 24-1-117.

17 (4) (a) "EMPLOYER" MEANS A PERSON THAT CONDUCTS BUSINESS
18 IN THE STATE.

19 (b) "EMPLOYER" DOES NOT INCLUDE A PERSON THAT:

20

21 (I) IS A FRANCHISEE OF THE EMPLOYER;

22 (II) IS A NONPROFIT EMPLOYER;

23 (III) IS A PUBLIC EMPLOYER, AS DEFINED IN SECTION 29-33-103 (6),

24 OR A PUBLIC ENTITY AS DEFINED IN SECTION 24-10-103 (5); OR

25 (IV) HAS A COLLECTIVE BARGAINING AGREEMENT WITH ITS
26 EMPLOYEES THAT INCLUDES AFFORDABLE HEALTH-CARE COVERAGE.

27 (5) "ENTERPRISE" MEANS THE LARGE EMPLOYER HEALTH-CARE
28 SUPPORT ENTERPRISE CREATED IN THIS PART 12.

1 (6) "FEDERAL ACT" MEANS THE "PATIENT PROTECTION AND
2 AFFORDABLE CARE ACT", PUB.L. 111-148, AS AMENDED BY THE FEDERAL
3 "HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010", PUB.L.
4 111-152, AS AMENDED, INCLUDING ANY FEDERAL REGULATIONS ADOPTED
5 UNDER THE FEDERAL ACT.

6 (7) "FEE" MEANS THE LARGE EMPLOYER HEALTH-CARE SUPPORT
7 FEE CREATED IN SECTION 25.5-1-1206.

8 (8) "FUND" MEANS THE LARGE EMPLOYER HEALTH-CARE SUPPORT
9 FUND CREATED IN SECTION 25.5-1-1208.

10 (9) (a) "LARGE EMPLOYER" MEANS AN EMPLOYER WITH FIVE
11 HUNDRED OR MORE SUPPORTED WORKERS DURING THE IMMEDIATELY
12 PRECEDING CALENDAR YEAR.

13 (b) FOR PURPOSES OF SUBSECTION (9)(a) OF THIS SECTION, THE
14 DETERMINATION OF THE AVERAGE NUMBER OF WORKERS WHO ARE
15 RECEIVING MEDICAL ASSISTANCE BENEFITS IN THE PRECEDING CALENDAR
16 YEAR DOES NOT INCLUDE:

17 (I) A WORKER WHO IS UNDER EIGHTEEN YEARS OLD; ■

18 (II) A WORKER EMPLOYED AS A SEASONAL WORKER, AS DEFINED
19 IN SECTION 8-70-103 (23.6); OR

20 (III) A WORKER WHO QUALIFIES FOR SOCIAL SECURITY DISABILITY
21 INSURANCE UNDER 42 U.S.C. SECS. 401 TO 433 OR SUPPLEMENTAL
22 SECURITY INCOME UNDER 42 U.S.C. SEC. 1381 ET SEQ.

23 (10) "MEDICAL ASSISTANCE BENEFITS" MEANS BENEFITS PROVIDED
24 UNDER THE MEDICAL ASSISTANCE PROGRAM.

25 (11) "MEDICAL ASSISTANCE PROGRAM" MEANS THE STATE
26 MEDICAL ASSISTANCE PROGRAM ESTABLISHED IN ARTICLES 4, 5, AND 6 OF
27 THIS TITLE 25.5.

28 (12) "SUPPORTED WORKERS" MEANS, FOR THE CALENDAR YEAR,

1 THE AVERAGE OF THE NUMBER OF A LARGE EMPLOYER'S WORKERS WHO
2 RECEIVED MEDICAL ASSISTANCE BENEFITS FOR ANY MONTH IN THE
3 CALENDAR YEAR BEGINNING AFTER THE FIRST SIXTY DAYS OF
4 EMPLOYMENT. "SUPPORTED WORKERS" DOES NOT INCLUDE WORKERS WHO
5 QUALIFY FOR SOCIAL SECURITY DISABILITY INSURANCE UNDER 42 U.S.C.
6 SECS. 401 TO 433 OR SUPPLEMENTAL SECURITY INCOME UNDER 42 U.S.C.
7 SEC .1381 ET SEQ.

8 (13) "WORKER" MEANS AN EMPLOYEE, AS DEFINED IN SECTION
9 8-4-101 (5), OF A LARGE EMPLOYER.

10 **25.5-1-1204. Large employer health-care support enterprise**
11 **- creation - purpose - reporting - repeal.**

12 (1) THERE IS CREATED THE LARGE EMPLOYER HEALTH-CARE
13 SUPPORT ENTERPRISE. THE ENTERPRISE IS AND OPERATES AS A
14 GOVERNMENT-OWNED BUSINESS WITHIN THE STATE DEPARTMENT FOR THE
15 PURPOSE OF CONDUCTING THE BUSINESS ACTIVITIES DESCRIBED IN
16 SUBSECTION (2) OF THIS SECTION. THE ENTERPRISE IS A **TYPE 1** ENTITY, AS
17 DEFINED IN SECTION 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS
18 ITS DUTIES AND FUNCTIONS UNDER THE STATE DEPARTMENT.

19 (2) THE ENTERPRISE IS CREATED FOR THE BUSINESS PURPOSE OF
20 IMPOSING, ASSESSING, AND COLLECTING THE LARGE EMPLOYER
21 HEALTH-CARE SUPPORT FEE PURSUANT TO SECTION 25.5-1-1206 AND TO
22 USE THE FEE REVENUE TO SUPPORT THE HEALTH, PRODUCTIVITY, AND
23 RETENTION OF A LARGE EMPLOYER'S SUPPORTED WORKERS BY, AS
24 DETERMINED BY THE BOARD:

25 (a) SUPPORTING THE PAYMENT OF MEDICAL ASSISTANCE PROGRAM
26 PREMIUMS FOR WORKERS RECEIVING MEDICAL ASSISTANCE BENEFITS
27 WHOSE COVERAGE IS NOT FUNDED BY THE HEALTHCARE AFFORDABILITY
28 AND SUSTAINABILITY HOSPITAL PROVIDER FEE CASH FUND PURSUANT TO

1 SECTION 25.5-4-402.4 (5)(b)(IV) AND ENSURING ACCESS TO HEALTH-CARE
2 PROVIDERS; AND

3 (b) PROVIDING REIMBURSEMENT GRANTS FOR LARGE EMPLOYERS'
4 COSTS FOR WORKERS WHO CHOOSE TO BUY INTO AN
5 EMPLOYER-SPONSORED HEALTH BENEFIT PLAN PURSUANT TO SECTION
6 25.5-1-1207.

7
8 (3) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
9 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
10 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
11 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS, AS DEFINED IN
12 SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND LOCAL
13 GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE,
14 THE ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE
15 STATE CONSTITUTION.

16 (4) IN FURTHERANCE OF THE BUSINESS PURPOSES OF THE
17 ENTERPRISE AND TO FULLY EXERCISE ITS POWERS AND DUTIES THROUGH
18 THE BOARD, THE ENTERPRISE HAS THE POWER AND DUTY TO:

19 (a) IMPOSE, ASSESS, AND COLLECT THE LARGE EMPLOYER
20 HEALTH-CARE SUPPORT FEE PURSUANT TO SECTION 25.5-1-1206;

21 (b) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE OF THE
22 ENTERPRISE;

23 (c) PAY THE REASONABLE, DIRECT, AND INDIRECT ADMINISTRATIVE
24 COSTS OF THE ENTERPRISE, INCLUDING THE REASONABLE ADMINISTRATIVE
25 COSTS OF THE STATE DEPARTMENT AND THE DEPARTMENT OF REVENUE IN
26 CONNECTION WITH THEIR DUTIES RELATING TO THE FEE;

27 (d) (I) ENTER INTO CONTRACTS WITH THIRD PARTIES, INCLUDING
28 THE STATE DEPARTMENT, TO ENGAGE THE SERVICES OF PUBLIC OR PRIVATE

1 ENTITIES, CONTRACTORS, OR CONSULTANTS FOR PROFESSIONAL AND
2 TECHNICAL ASSISTANCE AND TO PROVIDE ADVICE AND OTHER SERVICES
3 RELATED TO CONDUCTING THE AFFAIRS OF THE ENTERPRISE.

4 (II) THE STATE DEPARTMENT SHALL PROVIDE OFFICE SPACE AND
5 ADMINISTRATIVE STAFF TO THE ENTERPRISE, AS NEEDED, AT FAIR MARKET
6 RATES, PURSUANT TO A CONTRACT ENTERED INTO PURSUANT TO THIS
7 SUBSECTION (4)(d).

8 (e) ADOPT, AMEND, OR REPEAL RULES OR POLICIES FOR THE
9 REGULATION OF THE ENTERPRISE'S AFFAIRS AND THE CONDUCT OF THE
10 ENTERPRISE'S BUSINESS CONSISTENT WITH THIS PART 12;

11 (f) ENGAGE THE ATTORNEY GENERAL'S OFFICE FOR LEGAL
12 SERVICES;

13 (g) ENGAGE THE STATE DEPARTMENT AS NECESSARY TO REVIEW
14 ADMINISTRATIVE DATA FOR PURPOSES OF IDENTIFYING LARGE EMPLOYERS
15 AND DETERMINING A LARGE EMPLOYER'S NUMBER OF SUPPORTED
16 WORKERS;

17 (h) ENGAGE THE DEPARTMENT OF REVENUE TO COLLECT AND
18 ENFORCE THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE;

19 (i) PREPARE AND SUBMIT AN ANNUAL REPORT OF THE ENTERPRISE'S
20 ACTIVITIES AND FUNDING PURSUANT TO SUBSECTION (6) OF THIS SECTION;

21 (j) SEEK, ACCEPT, AND EXPEND GRANTS OR OTHER MONEY FROM
22 THE FEDERAL GOVERNMENT, INCLUDING MATCHING MONEY FOR THE
23 MEDICAL ASSISTANCE PROGRAM, IF AVAILABLE, AND GIFTS, GRANTS, OR
24 DONATIONS FROM OTHER PUBLIC AND PRIVATE SOURCES TO SUPPORT AND
25 ENHANCE ENTERPRISE ACTIVITIES; EXCEPT THAT THE ENTERPRISE SHALL
26 NOT ACCEPT GRANTS FROM THE STATE OR FROM LOCAL GOVERNMENTS
27 UNLESS THE COMBINED TOTAL OF ALL GRANTS FROM SUCH SOURCES IS
28 UNDER TEN PERCENT OF THE ENTERPRISE'S ANNUAL REVENUE; AND

1 (k) EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL
2 TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES GRANTED IN THIS
3 PART 12.

4 (5) (a) (I) ON OR AFTER THE EFFECTIVE DATE OF THIS PART 12, THE
5 STATE TREASURER MAY TRANSFER MONEY FROM THE GENERAL FUND TO
6 THE FUND FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
7 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
8 PROCEEDS. NOTWITHSTANDING ANY OTHER LAW, THE ENTERPRISE MAY
9 ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED, AND,
10 NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED
11 ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO
12 REQUIRE A CONTRARY CONCLUSION, THE TRANSFER IS A LOAN FROM THE
13 STATE TREASURER TO THE ENTERPRISE THAT IS REQUIRED TO BE REPAYED
14 AND IS NOT A GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF
15 THE STATE CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL
16 MONEY TRANSFERRED AS A LOAN TO THE ENTERPRISE IS CREDITED TO THE
17 FUND OR TO AN ACCOUNT WITHIN THE FUND. LOAN LIABILITIES THAT ARE
18 RECORDED IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE
19 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING
20 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
21 24-75-109.

22 (II) NO LATER THAN JULY 1, 2029, THE ENTERPRISE SHALL REPAY
23 ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION
24 AND ACCUMULATED INTEREST. INTEREST ACCRUES ON THE MONEY
25 BORROWED AT A RATE PER ANNUM ON THE MOST RECENTLY ISSUED
26 TEN-YEAR UNITED STATES TREASURY NOTE, ROUNDED TO THE NEAREST
27 ONE-TENTH OF ONE PERCENT, AS REPORTED BY THE "WALL STREET
28 JOURNAL" AS OF THE DATE THE TRANSFER IS MADE, BEGINNING ON THAT

1 DATE AND CONTINUING UNTIL THE DATE ON WHICH THE MONEY IS REPAYED.

2 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2030.

3 (6) THE ENTERPRISE SHALL PREPARE AN ANNUAL REPORT
4 REGARDING ITS ACTIVITIES AND FUNDING AND PRESENT THE REPORT TO
5 THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES
6 COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE,
7 OR THEIR SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST
8 THE ANNUAL REPORT ON A PUBLIC-FACING WEBSITE. NOTWITHSTANDING
9 THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO
10 SUBMIT A REPORT PURSUANT TO THIS SUBSECTION (6) CONTINUES
11 INDEFINITELY.

12 (7) (a) THE [REDACTED] BOARD IS SUBJECT TO THE OPEN MEETINGS
13 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
14 PART 4 OF ARTICLE 6 OF TITLE 24. EXCEPT AS MAY OTHERWISE BE
15 PROVIDED BY FEDERAL LAW OR STATE LAW, THE RECORDS OF THE
16 ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6),
17 AND ARE SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF
18 ARTICLE 72 OF TITLE 24.

19 (b) NOTHING IN THIS PART 12 AUTHORIZES THE DISCLOSURE TO
20 THE PUBLIC BY THE ENTERPRISE, THE BOARD, THE STATE, OR AN EMPLOYER
21 OR ITS AGENT OF ANY INFORMATION THAT WOULD IDENTIFY A SPECIFIC
22 WORKER OR A SPECIFIC WORKER'S STATUS AS A RECIPIENT OF MEDICAL
23 ASSISTANCE BENEFITS.

24 (8) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
25 OF ARTICLE 57 OF TITLE 11.

26 **25.5-1-1205. Enterprise board of directors - creation -**
27 **appointment - duties - rules - repeal.**

28 (1) THE LARGE EMPLOYER HEALTH-CARE SUPPORT ENTERPRISE IS

1 GOVERNED BY THE ENTERPRISE BOARD OF DIRECTORS. THE BOARD
2 CONSISTS OF THE FOLLOWING **NINE** VOTING MEMBERS:

3 (a) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
4 DESIGNEE; AND

5 (b) **EIGHT** MEMBERS APPOINTED BY THE GOVERNOR WITH THE
6 ADVICE AND CONSENT OF THE SENATE, INCLUDING:

7 (I) TWO MEMBERS WHO ARE HEALTH-CARE PROVIDERS WHO SERVE
8 PATIENTS WHO RECEIVE MEDICAL ASSISTANCE BENEFITS;

9 (II) ONE MEMBER WHO IS A WORKER WHO RECEIVES OR HAS
10 RECEIVED MEDICAL ASSISTANCE BENEFITS WHILE EMPLOYED;

11 (III) ONE MEMBER WHO REPRESENTS A LOCAL CHAMBER OF
12 COMMERCE;

13 (IV) ONE MEMBER WHO REPRESENTS A LARGE EMPLOYER; ■

14 (V) ONE MEMBER WHO REPRESENTS A COUNTY DEPARTMENT OF
15 HUMAN OR SOCIAL SERVICES;

16 (VI) ONE MEMBER WHO REPRESENTS A LABOR ORGANIZATION;

17 AND

18 (VII) ONE MEMBER WHO HAS EXPERTISE IN HEALTH INSURANCE.

19 (2) (a) NOTWITHSTANDING SUBSECTION (4)(a) OF THIS SECTION, OF
20 THE FIRST MEMBERS APPOINTED TO THE BOARD PURSUANT TO SUBSECTION
21 (1)(b) OF THIS SECTION, TWO MEMBERS SHALL SERVE AN INITIAL TERM OF
22 TWO YEARS.

23 (b) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS TO
24 THE BOARD NO LATER THAN NOVEMBER 1, 2026.

25 (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2027.

26 (3) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
27 DESIGNEE IS THE CHAIR OF THE BOARD.

28 (4) (a) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR

1 SERVE THREE-YEAR TERMS AND SERVE AT THE PLEASURE OF THE
2 GOVERNOR AND MAY BE REMOVED BY THE GOVERNOR. A MEMBER OF THE
3 BOARD MAY SERVE AN UNLIMITED NUMBER OF CONSECUTIVE TERMS.

4 (b) A MEMBER APPOINTED TO FILL A VACANCY SERVES THE
5 REMAINDER OF THE UNEXPIRED TERM OF THE MEMBER WHOSE VACANCY
6 IS BEING FILLED.

7 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT
8 MAY BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL,
9 REASONABLE, AND NECESSARY EXPENSES, INCLUDING TRAVEL, FOOD, AND
10 LODGING, INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES
11 PURSUANT TO THIS PART 12.

12 (5) THE BOARD SHALL MEET AS OFTEN AS NECESSARY TO CARRY
13 OUT ITS DUTIES. THE BOARD IS AUTHORIZED TO:

14 (a) IMPLEMENT AND ADMINISTER THE ENTERPRISE;

15 (b) ESTABLISH BYLAWS, AS APPROPRIATE AND CONSISTENT WITH
16 THIS PART 12, FOR THE BOARD'S EFFECTIVE OPERATION;

17 (c) ESTABLISH ADMINISTRATIVE AND ACCOUNTING PROCEDURES
18 FOR THE OPERATION OF THE ENTERPRISE; AND

19 (d) PRIOR TO THE IMPLEMENTATION OF ENTERPRISE SERVICES, AND
20 AS NECESSARY OR APPROPRIATE THEREAFTER, ADOPT RULES OR POLICIES
21 CONCERNING:

22 (I) THE DETERMINATION AND CALCULATION OF AN EMPLOYER'S
23 SUPPORTED WORKERS;

24 (II) THE DETERMINATION OF THE AMOUNT OF THE FEE PAID BY
25 EACH LARGE EMPLOYER; ■

26 (III) THE USE OF ENTERPRISE REVENUE TO SUPPORT THE PAYMENT
27 OF MEDICAL ASSISTANCE PROGRAM PREMIUMS FOR WORKERS RECEIVING
28 MEDICAL ASSISTANCE BENEFITS WHOSE COVERAGE IS NOT FUNDED BY THE

1 HEALTHCARE AFFORDABILITY AND SUSTAINABILITY HOSPITAL PROVIDER
2 FEE CASH FUND PURSUANT TO SECTION 25.5-4-402.4 (5)(b)(IV) AND TO
3 ENSURE THE AVAILABILITY OF HEALTH-CARE PROVIDERS WHO SERVE
4 SUPPORTED WORKERS; AND

5 (IV) REIMBURSEMENT GRANTS FOR LARGE EMPLOYERS' COSTS FOR
6 WORKERS WHO CHOOSE TO BUY INTO AN EMPLOYER-SPONSORED HEALTH
7 BENEFIT PLAN PURSUANT TO SECTION 25.5-1-1207.

8 **25.5-1-1206. Large employer health-care support fee - annual**
9 **employer report - imposition and collection of enterprise fee - penalty**
10 **- rules - repeal.**

11 (1) FOR THE 2027 CALENDAR YEAR, AND CONTINUING EACH
12 CALENDAR YEAR THEREAFTER, THE ENTERPRISE SHALL IMPOSE, ASSESS,
13 AND COLLECT THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE FROM
14 EACH LARGE EMPLOYER.

15 (2) (a) (I) ON OR BEFORE JANUARY 31, 2028, AND NO LATER THAN
16 EACH JANUARY 31 THEREAFTER, EVERY EMPLOYER THAT EMPLOYED FIVE
17 HUNDRED OR MORE EMPLOYEES IN THE STATE AT ANY TIME DURING THE
18 PRECEDING CALENDAR YEAR SHALL REPORT TO THE ENTERPRISE THE
19 EMPLOYER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER, THE AVERAGE
20 NUMBER OF FULL-TIME, PART-TIME, AND 1099 EMPLOYEES, AND THE
21 NUMBER OF INDIVIDUALS SUBCONTRACTED FOR THE PRIMARY WORK OF
22 THE EMPLOYER, AND, WITH RESPECT TO EACH OF THE EMPLOYER'S
23 EMPLOYEES THAT WERE EMPLOYED AT ANY TIME DURING THE PRECEDING
24 CALENDAR YEAR:

25 (A) THE EMPLOYEE'S FULL LEGAL NAME AND DATE OF BIRTH;

26 (B) THE DATES WHEN THE EMPLOYEE WAS EMPLOYED DURING THE
27 YEAR;

28 (C) THE AVERAGE NUMBER OF HOURS WORKED PER MONTH FOR

1 EACH EMPLOYEE; AND

2 (D) ANY OTHER INFORMATION REQUIRED BY THE ENTERPRISE.

3 (II) THE ENTERPRISE MAY REQUIRE AN EMPLOYER TO FILE THE
4 REPORT REQUIRED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION
5 ELECTRONICALLY.

6 (III) THE ENTERPRISE MAY EXEMPT AN EMPLOYER FROM FILING
7 THE REPORT REQUIRED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS
8 SECTION IF THE EMPLOYER DEMONSTRATES TO THE ENTERPRISE, IN THE
9 FORM AND MANNER DETERMINED BY THE ENTERPRISE, THAT THE
10 EMPLOYER PROVIDES AFFORDABLE HEALTH COVERAGE TO ALL WORKERS
11 WORKING TWENTY OR MORE HOURS PER WEEK OR EIGHTY OR MORE HOURS
12 PER MONTH.

13 (IV) (A) IF AN EMPLOYER NEGLECTS OR REFUSES TO FILE A REPORT
14 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION, OR TO PROVIDE A
15 COPY OF RECORDS AS SET FORTH IN SUBSECTION (2)(e) OF THIS SECTION,
16 THE ENTERPRISE SHALL ESTIMATE THE AMOUNT OF THE LARGE EMPLOYER
17 HEALTH-CARE SUPPORT FEE DUE USING THE BEST INFORMATION THAT MAY
18 BE AVAILABLE. THE AMOUNT OF THE FEE MAY BE ESTIMATED AND
19 ASSESSED BY THE ENTERPRISE AT ANY TIME WITHIN THREE YEARS AFTER
20 THE REPORT IS DUE.

21 (B) IF AN EMPLOYER FILES A REPORT PURSUANT TO SUBSECTION
22 (2)(a)(I) OF THIS SECTION, AND THERE IS A REASONABLE BELIEF BASED ON
23 THE INFORMATION PROVIDED IN THE REPORT OR FROM INFORMATION
24 SUBMITTED IN PRIOR OR SUBSEQUENT ANNUAL EMPLOYER REPORTS THAT
25 THE EMPLOYER HAS INTENTIONALLY MISCLASSIFIED OR RECLASSIFIED
26 EMPLOYEES AS FULL-TIME, PART-TIME, 1099, OR SUBCONTRACTED
27 EMPLOYEES TO AVOID PAYING THE FEE, THE ENTERPRISE SHALL SEND A
28 NOTICE OF REVIEW TO THE EMPLOYER AND PERMIT THE EMPLOYER TO

1 SUBMIT CORRECTED OR UPDATED INFORMATION. THE EMPLOYER MUST
2 SUBMIT CORRECTED OR UPDATED INFORMATION TO THE ENTERPRISE
3 WITHIN THIRTY DAYS. THE EMPLOYER MAY REQUEST A HEARING ON THE
4 INFORMATION IN THE REPORT OR THE CORRECTED OR UPDATED
5 INFORMATION. IF, AFTER THE REVIEW IS COMPLETED, THE ENTERPRISE
6 DETERMINES THAT THE EMPLOYER HAS INTENTIONALLY MISCLASSIFIED OR
7 RECLASSIFIED EMPLOYEES IN AN ANNUAL EMPLOYER REPORT, THE
8 EMPLOYER IS SUBJECT TO A FINE OF UP TO THAN FIVE THOUSAND DOLLARS
9 FOR EACH MISCLASSIFIED OR RECLASSIFIED EMPLOYEE.

10 (b) (I) ON OR BEFORE MARCH 31, 2028, AND NO LATER THAN EACH
11 MARCH 31 THEREAFTER, THE ENTERPRISE SHALL DETERMINE WHETHER AN
12 EMPLOYER IS A LARGE EMPLOYER, CALCULATE AND IMPOSE THE LARGE
13 EMPLOYER HEALTH-CARE SUPPORT FEE DUE FOR EACH LARGE EMPLOYER,
14 AND SEND WRITTEN NOTICE PURSUANT TO SUBSECTION (2)(b)(IV) OF THIS
15 SECTION TO EACH LARGE EMPLOYER AND TO THE DEPARTMENT OF
16 REVENUE.

17 (II) THE ENTERPRISE SHALL DETERMINE THE AMOUNT OF THE FEE
18 THAT IS REASONABLE BASED ON THE COST OF SERVICES PROVIDED TO
19 LARGE EMPLOYERS, INCLUDING MEDICAL ASSISTANCE SERVICES PROVIDED
20 TO SUPPORTED WORKERS, WHICH FEE AMOUNT THE ENTERPRISE MAY
21 ADJUST PURSUANT TO SUBSECTION (4) OF THIS SECTION.

22 (III) THE ENTERPRISE SHALL DETERMINE THE NUMBER OF
23 SUPPORTED WORKERS FOR EACH EMPLOYER USING AVAILABLE
24 ADMINISTRATIVE DATA AND DATA FROM THE ANNUAL EMPLOYER REPORT
25 REQUIRED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. THE
26 ENTERPRISE SHALL ENTER INTO DATA-SHARING AGREEMENTS WITH THE
27 DEPARTMENT OF REVENUE AND THE DEPARTMENT OF LABOR AND
28 EMPLOYMENT, IN ADDITION TO ANY OTHER AGENCIES WITH DATA

1 NECESSARY TO IMPLEMENT THIS SECTION.

2 (IV) THE ENTERPRISE SHALL ISSUE TO EACH LARGE EMPLOYER AND
3 TRANSMIT TO THE DEPARTMENT OF REVENUE A WRITTEN NOTICE OF THE
4 AMOUNT OF THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE DUE,
5 INSTRUCTIONS AND DUE DATES FOR PAYING THE FEE, AND AN
6 EXPLANATION OF THE PROCEDURE TO REVIEW THE IDENTIFICATION AS A
7 LARGE EMPLOYER, TO REVIEW THE CALCULATION OF SUPPORTED
8 WORKERS, OR TO CLAIM THE EXEMPTION FROM THE FEE SPECIFIED IN
9 SUBSECTION (2)(d) OF THIS SECTION.

10 (c) (I) WITHIN SIXTY DAYS AFTER THE DATE OF THE NOTICE ISSUED
11 PURSUANT TO SUBSECTION (2)(b)(IV) OF THIS SECTION, THE EMPLOYER TO
12 WHOM NOTICE WAS ISSUED MAY FILE WITH THE ENTERPRISE A WRITTEN
13 REQUEST FOR REVIEW. THE REQUEST MUST SET FORTH THE REASONS FOR
14 REQUESTED CHANGES TO THE NOTICE. THE REQUEST MAY STATE A CLAIM
15 OF EXEMPTION FROM THE FEE PURSUANT TO SUBSECTION (2)(d) OF THIS
16 SECTION. THE EMPLOYER REQUESTING REVIEW HAS THE BURDEN OF PROOF
17 WITH RESPECT TO ISSUES RAISED IN THE REQUEST. THE ENTERPRISE SHALL
18 NOTIFY THE DEPARTMENT OF REVENUE WHEN A REQUEST FOR REVIEW IS
19 MADE BY AN EMPLOYER, AND THE DEPARTMENT OF REVENUE SHALL HOLD
20 IN ABEYANCE ANY ACTION TO COLLECT THE FEE UNTIL THE DEPARTMENT
21 OF REVENUE RECEIVES NOTICE OF THE ENTERPRISE'S FINAL
22 DETERMINATION PURSUANT TO SUBSECTION (2)(c)(II) OF THIS SECTION.

23 (II) UNLESS THE ENTERPRISE SUMMARILY CANCELS THE NOTICE,
24 THE ENTERPRISE SHALL HOLD A HEARING ON THE REQUEST FOR REVIEW.
25 BASED UPON THE EVIDENCE PRESENTED AT THE HEARING OR FILED WITH
26 THE REQUEST, THE ENTERPRISE SHALL MAKE A FINAL DETERMINATION ON
27 THE REQUEST. THE ENTERPRISE MAY AFFIRM, MODIFY, OR CANCEL THE
28 NOTICE OR MAY GRANT AN EXEMPTION PURSUANT TO SUBSECTION

1 (2)(d)(I) OF THIS SECTION. AN EMPLOYER IS NOT ENTITLED TO A SECOND
2 HEARING REGARDING THE NOTICE. THE ENTERPRISE SHALL PROVIDE
3 WRITTEN NOTICE OF ITS FINAL DETERMINATION TO THE EMPLOYER AND TO
4 THE DEPARTMENT OF REVENUE. THE LARGE EMPLOYER SHALL PAY THE
5 AMOUNT FOUND BY THE ENTERPRISE TO BE DUE WITHIN SIXTY DAYS AFTER
6 THE MAILING OF THE FINAL DETERMINATION.

7 (d) (I) ONCE THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE
8 IS IMPOSED, THE ENTERPRISE SHALL EXEMPT A LARGE EMPLOYER FROM
9 PAYMENT OF THE FEE IF THE LARGE EMPLOYER DEMONSTRATES THAT THE
10 LARGE EMPLOYER HAS OFFERED AFFORDABLE HEALTH COVERAGE TO
11 WORKERS WHO WORK TWENTY OR MORE HOURS PER WEEK OR EIGHTY OR
12 MORE HOURS PER MONTH.

13 (II) IF AT ANY TIME DURING THE THREE YEARS FOLLOWING THE
14 GRANTING OF THE EXEMPTION BY THE ENTERPRISE THE LARGE EMPLOYER
15 CEASES OFFERING AFFORDABLE HEALTH COVERAGE TO EACH WORKER WHO
16 WORKS TWENTY OR MORE HOURS PER WEEK OR EIGHTY OR MORE HOURS
17 PER MONTH, THE LARGE EMPLOYER SHALL NOTIFY THE ENTERPRISE THAT
18 COVERAGE HAS CEASED. THE ENTERPRISE SHALL COMPUTE THE LARGE
19 EMPLOYER HEALTH-CARE SUPPORT FEE THAT WOULD HAVE BEEN IMPOSED
20 SINCE THE DATE THE EXEMPTION WAS GRANTED AND ISSUE THE LARGE
21 EMPLOYER THE NOTICE REQUIRED BY SUBSECTION (2)(b)(IV) OF THIS
22 SECTION. THE LARGE EMPLOYER MAY REQUEST REVIEW OF THE NOTICE AS
23 SET FORTH IN SUBSECTION (2)(c) OF THIS SECTION.

24 (e) EVERY EMPLOYER DOING BUSINESS IN THE STATE THAT
25 EMPLOYS FIVE HUNDRED OR MORE EMPLOYEES DURING THE CALENDAR
26 YEAR SHALL KEEP COMPLETE AND ACCURATE RECORDS NECESSARY FOR
27 THE DETERMINATION OF THE CORRECT AMOUNT OF THE LARGE EMPLOYER
28 HEALTH-CARE SUPPORT FEE BY THE ENTERPRISE. AN EMPLOYER SHALL

1 PROVIDE A COPY OF THE RECORDS REQUIRED TO BE KEPT PURSUANT TO
2 THIS SUBSECTION (2)(e) AND ANY OTHER RECORDS DEEMED NECESSARY
3 BY THE ENTERPRISE FOR THE DETERMINATION OF THE CORRECT AMOUNT
4 OF THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE TO THE ENTERPRISE,
5 IF SO REQUESTED. THE ENTERPRISE MAY ESTABLISH THE ACCEPTABLE
6 FORM OF SUCH RECORDS.

7 (f) THE ENTERPRISE AND DEPARTMENT OF REVENUE SHALL ADOPT
8 POLICIES OR RULES CONSISTENT WITH THE RULES CONCERNING THE FILING
9 AND PAYMENT PROVISIONS OF SECTION 39-21-119 THAT APPLY TO THE
10 FILING AND PAYMENT DUTIES IMPOSED BY THIS SECTION.

11 (3) (a) (I) THE DEPARTMENT OF REVENUE SHALL COLLECT AND
12 ENFORCE THE LARGE EMPLOYER HEALTH-CARE SUPPORT FEE ON BEHALF
13 OF THE ENTERPRISE FOLLOWING NOTICE FROM THE ENTERPRISE TO THE
14 DEPARTMENT OF REVENUE PURSUANT TO SUBSECTION (2)(b)(IV) OF THIS
15 SECTION OR UPON RECEIPT OF NOTICE OF FINAL DETERMINATION
16 PURSUANT TO SUBSECTION (2)(c)(II) OF THIS SECTION.

17 (II) THE DEPARTMENT OF REVENUE SHALL RETAIN AN AMOUNT
18 THAT DOES NOT EXCEED THE TOTAL COST OF COLLECTING,
19 ADMINISTERING, AND ENFORCING THE LARGE EMPLOYER HEALTH-CARE
20 SUPPORT FEE AND SHALL TRANSMIT THE AMOUNT RETAINED TO THE STATE
21 TREASURER, WHO SHALL CREDIT IT TO THE APPROPRIATE CASH FUND FOR
22 THE DEPARTMENT OF REVENUE.

23 (b) A LARGE EMPLOYER SHALL PAY THE DEPARTMENT OF REVENUE
24 THE AMOUNT SET FORTH IN THE NOTICE ISSUED BY THE ENTERPRISE
25 PURSUANT TO SUBSECTION (2)(b)(IV) OF THIS SECTION WITHIN SIXTY DAYS
26 AFTER THE MAILING OF THE NOTICE UNLESS THE EMPLOYER TIMELY FILED
27 A WRITTEN REQUEST FOR REVIEW. IF A TIMELY REQUEST FOR REVIEW IS
28 FILED, THE LARGE EMPLOYER SHALL PAY THE DEPARTMENT OF REVENUE

1 THE AMOUNT DUE, IF ANY, AS STATED IN THE FINAL DETERMINATION OF
2 THE ENTERPRISE WITHIN SIXTY DAYS AFTER THE MAILING OF THE FINAL
3 DETERMINATION. THE DEPARTMENT OF REVENUE MAY REQUIRE
4 ELECTRONIC PAYMENT OF ANY AMOUNT DUE PURSUANT TO THIS SECTION.

5 (c) (I) IF A LARGE EMPLOYER DOES NOT PAY THE LARGE EMPLOYER
6 HEALTH-CARE SUPPORT FEE DUE, THE DEPARTMENT OF REVENUE SHALL
7 ADD INTEREST, PURSUANT TO SECTION 39-21-110.5, TO THE UNPAID
8 AMOUNT AND A PENALTY EQUAL TO TEN PERCENT OF THE UNPAID
9 AMOUNT, PLUS ONE-HALF PERCENT PER MONTH FROM THE DATE WHEN
10 DUE, NOT TO EXCEED EIGHTEEN PERCENT IN THE AGGREGATE.

11 (II) THE DEPARTMENT OF REVENUE SHALL PROCEED TO COLLECT
12 THE UNPAID AMOUNT, AND ANY INTEREST OR PENALTY ADDED TO THE
13 UNPAID AMOUNT, PURSUANT TO ARTICLE 21 OF TITLE 39 IN THE SAME
14 MANNER AS ANY UNPAID TAX, PENALTY, OR INTEREST ASSESSED
15 PURSUANT TO ARTICLE 21 OF TITLE 39. ALL METHODS OF COLLECTION AND
16 REMEDIES AUTHORIZED BY ARTICLE 21 OF TITLE 39 ARE AVAILABLE TO
17 THE DEPARTMENT OF REVENUE FOR PURPOSES OF ENFORCING THIS
18 SECTION.

19 (III) THE DEPARTMENT OF REVENUE SHALL NOT FILE A NOTICE OF
20 LIEN, ISSUE A DISTRAINT WARRANT, INSTITUTE A SUIT FOR COLLECTION, OR
21 TAKE ANY OTHER ACTION TO COLLECT THE AMOUNT DUE MORE THAN
22 THREE YEARS AFTER THE PAYMENT IS DUE; EXCEPT THAT A NOTICE OF LIEN
23 THAT HAS BEEN FILED PRIOR TO THE EXPIRATION OF THE THREE-YEAR
24 PERIOD SHALL CONTINUE FOR ONE YEAR AFTER THE EXPIRATION OF THE
25 THREE-YEAR PERIOD.

26 (d) THE DEPARTMENT OF REVENUE MAY:

27 (I) GRANT A REASONABLE EXTENSION OF TIME FOR PAYING THE
28 LARGE EMPLOYER HEALTH-CARE SUPPORT FEE;

1 (II) WAIVE, FOR GOOD CAUSE SHOWN, ANY PENALTY OR INTEREST
2 ASSESSED PURSUANT TO THIS SECTION;

3 (III) COMPROMISE ANY CIVIL CASE ARISING PURSUANT TO THIS
4 SECTION AS SET FORTH IN SECTION 39-21-106; AND

5 (IV) ADOPT, AMEND, OR RESCIND RULES NECESSARY FOR THE
6 ADMINISTRATION OF THIS SECTION IN ACCORDANCE WITH ARTICLE 4 OF
7 TITLE 24.

8 (e) EXCEPT FOR THE AMOUNT RETAINED BY THE DEPARTMENT OF
9 REVENUE PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION, MONEY
10 THAT THE DEPARTMENT OF REVENUE COLLECTS PURSUANT TO THIS
11 SECTION IS CUSTODIAL MONEY HELD TEMPORARILY BY THE DEPARTMENT
12 OF REVENUE AND THE STATE TREASURER SOLELY FOR THE PURPOSE OF
13 TRANSFERRING THE MONEY TO THE LARGE EMPLOYER HEALTH-CARE
14 SUPPORT FUND FOR USE BY THE ENTERPRISE. BASED ON THE ENTERPRISE'S
15 STATUS AS AN ENTERPRISE, THE MONEY COLLECTED AND TRANSFERRED TO
16 THE LARGE EMPLOYER HEALTH-CARE SUPPORT FUND IS NOT SUBJECT TO
17 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AT ANY TIME
18 DURING THE MONEY'S COLLECTION, TRANSFER, AND USE.

19 (4) (a) THE ENTERPRISE MAY ANNUALLY ADJUST THE FEE AS
20 DETERMINED PURSUANT TO SUBSECTION (2)(b)(II) OF THIS SECTION FOR
21 INFLATION, TO REFLECT THE COST OF SERVICES PROVIDED TO LARGE
22 EMPLOYERS, INCLUDING MEDICAL ASSISTANCE COSTS FOR SUPPORTED
23 WORKERS OR FOR OTHER REASONS DETERMINED BY THE BOARD.

24 (b) (I) IF THE IMPOSITION OF THE FEE PURSUANT TO SUBSECTION
25 (2)(b)(I) OF THIS SECTION IS ESTIMATED TO RESULT IN THE COLLECTION OF
26 FEES AND SURCHARGES THAT EXCEED ONE HUNDRED MILLION DOLLARS IN
27 THE ENTERPRISE'S FIRST FIVE FISCAL YEARS, THE ENTERPRISE SHALL
28 ADJUST THE FEES, LOWER THE FEES, OR STOP COLLECTING THE FEES IN

1 ORDER TO NOT COLLECT FEES OR SURCHARGES THAT EXCEED ONE
2 HUNDRED MILLION DOLLARS IN THE ENTERPRISE'S FIRST FIVE FISCAL
3 YEARS, WHICH FIVE-YEAR PERIOD, FOR THE PURPOSE OF SECTION
4 24-77-108, ENDS ON JULY 1, 2030. THEREFORE, THE ENTERPRISE IS IN
5 COMPLIANCE WITH SECTION 24-77-108.

6 (II) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE JULY 1, 2031.

7 (5) THE ENTERPRISE MAY PAY, FROM FEE REVENUE RECEIVED BY
8 THE ENTERPRISE, REASONABLE AND NECESSARY DIRECT AND INDIRECT
9 EXPENSES RELATING TO:

10 (a) SERVICES OR SUPPORT PROVIDED TO THE ENTERPRISE BY THE
11 STATE DEPARTMENT RELATING TO THE PURPOSES OF THE ENTERPRISE; AND

12 (b) THE DEPARTMENT OF REVENUE'S COLLECTION AND
13 ENFORCEMENT OF THE FEE FROM LARGE EMPLOYERS AND TRANSMITTAL
14 OF THE FEE TO THE STATE TREASURER.

15 (6) FOR PURPOSES OF IMPOSING, ASSESSING, AND COLLECTING THE
16 FEE, AN EMPLOYER SHALL COMPLY WITH REQUESTS FOR DATA FROM THE
17 ENTERPRISE, AND ANY STATE AGENCIES REQUESTING DATA ON BEHALF OF
18 THE ENTERPRISE, THAT ARE NECESSARY TO IMPLEMENT THE ENTERPRISE'S
19 POWERS AND DUTIES PURSUANT TO THIS PART 12.

20

21 **25.5-1-1207. Worker buy-in program - access to large**
22 **employer-sponsored health coverage - employer reimbursement**
23 **grants - rules.**

24 (1) THERE IS CREATED A WORKER BUY-IN PROGRAM TO USE
25 REVENUE FROM THE FEE TO AWARD GRANTS TO LARGE EMPLOYERS TO
26 REIMBURSE SOME OR ALL OF A LARGE EMPLOYER'S COSTS INCURRED IN
27 PROVIDING WORKERS ACCESS TO ENROLLMENT IN EMPLOYER-SPONSORED
28 HEALTH BENEFIT PLANS FOR WORKERS WHO WORK AT LEAST TWENTY

1 HOURS PER WEEK OR EIGHTY HOURS PER MONTH, BUT WHO DO NOT WORK
2 THE MINIMUM HOURS NECESSARY TO QUALIFY FOR ENROLLMENT IN
3 EMPLOYER-SPONSORED HEALTH BENEFIT PLANS.

4 (2) A LARGE EMPLOYER THAT CHOOSES TO PARTICIPATE IN THE
5 WORKER BUY-IN PROGRAM SHALL NOTIFY THE ENTERPRISE AND SATISFY
6 THE REQUIREMENTS FOR PARTICIPATION IN AND REIMBURSEMENT FROM
7 THE PROGRAM.

8 (3) AFTER CONSULTATION WITH THE DIVISION OF INSURANCE AND
9 LARGE EMPLOYERS INTERESTED IN PARTICIPATING IN THE PROGRAM, THE
10 BOARD SHALL ADOPT RULES TO IMPLEMENT AND ADMINISTER THE
11 PROGRAM, INCLUDING RULES:

12 (a) THAT ENSURE THAT FEE REVENUE ALLOCATED FOR THE
13 PURPOSE SPECIFIED IN THIS SECTION IS USED TO INCENTIVIZE LARGE
14 EMPLOYERS THAT CHOOSE TO ALLOW PART-TIME WORKERS WHO DO NOT
15 OTHERWISE QUALIFY FOR ENROLLMENT IN EMPLOYER-SPONSORED HEALTH
16 BENEFIT PLANS, ON OR BEFORE THE EFFECTIVE DATE OF THIS PART 20, TO
17 BUY INTO EMPLOYER-SPONSORED HEALTH BENEFIT PLANS;

18 (b) TO DETERMINE THE CRITERIA FOR AND THE AMOUNT OF LARGE
19 EMPLOYER REIMBURSEMENT GRANTS BASED ON AVAILABLE FEE REVENUE
20 AND THE NUMBER OF LARGE EMPLOYERS AND WORKERS PARTICIPATING IN
21 THE PROGRAM; AND

22 (c) THAT REQUIRE A PARTICIPATING LARGE EMPLOYER TO REPORT
23 TO THE ENTERPRISE INFORMATION NECESSARY TO VERIFY THE NUMBER OF
24 WORKERS PARTICIPATING IN THE WORKER BUY-IN PROGRAM AND THE
25 LARGE EMPLOYER'S COSTS FOR PROVIDING ACCESS TO ENROLLMENT IN AN
26 EMPLOYER-SPONSORED HEALTH BENEFIT PLAN FOR SUCH WORKERS.

27 **25.5-1-1208. Large employer health-care support fund -**
28 **creation - use of money.**

1 (1) THERE IS CREATED IN THE STATE TREASURY THE LARGE
2 EMPLOYER HEALTH-CARE SUPPORT FUND. THE FUND CONSISTS OF:

3 (a) MONEY RECEIVED FROM THE FEE;

4 (b) MONEY RECEIVED FROM THE SALE OF REVENUE BONDS ISSUED
5 BY THE ENTERPRISE;

6
7 (c) ANY MONEY LOANED TO THE ENTERPRISE PURSUANT TO
8 SECTION 25.5-1-1204 (5);

9 (d) ANY GIFTS, GRANTS, DONATIONS, OR OTHER MONEY RECEIVED
10 BY THE ENTERPRISE;

11 (e) MONEY APPROPRIATED TO THE FUND BY THE GENERAL
12 ASSEMBLY; AND

13 (f) INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
14 INVESTMENT OF MONEY IN THE FUND.

15 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
16 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
17 FUND TO THE FUND.

18 (3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
19 ENTERPRISE:

20 (a) FOR THE PURPOSES SPECIFIED IN SECTION 25.5-1-1204 (4);

21 (b) TO SUPPORT WORKERS' ACCESS TO MEDICAL ASSISTANCE
22 BENEFITS AND HEALTH-CARE PROVIDERS;

23 (c) TO REIMBURSE LARGE EMPLOYERS' COSTS ASSOCIATED WITH
24 PERMITTING WORKERS TO BUY INTO AN EMPLOYER-SPONSORED HEALTH
25 BENEFIT PLAN; AND

26 (d) FOR ANY OTHER PURPOSES SPECIFIED IN THIS PART 12.

27 **25.5-1-1209. Severability.**

28 IF ANY PROVISION OF THIS PART 12 OR THE APPLICATION OF THIS

1 PART 12 TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE
2 INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF
3 THIS PART 12 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID
4 PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS
5 PART 12 ARE DECLARED TO BE SEVERABLE.

6

7 **SECTION 2.** In Colorado Revised Statutes, 39-21-102, **add** (10)
8 as follows:

9 **39-21-102. Scope.**

10 (10) THIS ARTICLE 21 APPLIES TO THE FEE IMPOSED PURSUANT TO
11 SECTION 25.5-1-1206, BUT ONLY TO THE EXTENT THAT THIS ARTICLE 21 IS
12 NOT INCONSISTENT WITH SECTION 25.5-1-1206.

13 **SECTION 3.** In Colorado Revised Statutes, 39-21-113, **add** (40)
14 as follows:

15 **39-21-113. Reports and returns - rule - repeal.**

16 (40) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE
17 EXECUTIVE DIRECTOR MAY PROVIDE TO THE DEPARTMENT OF HEALTH
18 CARE POLICY AND FINANCING SUCH DETAILED TAXPAYER INFORMATION
19 PERTINENT TO IMPOSING, ASSESSING, AND COLLECTING THE LARGE
20 EMPLOYER HEALTH-CARE SUPPORT FEE PURSUANT TO SECTION
21 25.5-1-1206. ANY INFORMATION PROVIDED PURSUANT TO THIS
22 SUBSECTION (40) MUST REMAIN CONFIDENTIAL, AND ALL PERSONS ARE
23 SUBJECT TO THE LIMITATIONS SPECIFIED IN SUBSECTION (4) OF THIS
24 SECTION AND THE PENALTIES SPECIFIED IN SUBSECTION (6) OF THIS
25 SECTION.

26 **SECTION 4. Appropriation.** (1) For the 2026-27 state fiscal
27 year, \$59,625 is appropriated to the department of law. This appropriation
28 is from the legal services cash fund created in section 24-31-108 (4),

1 C.R.S., from revenue received from the large employer health-care
2 support enterprise that is continuously appropriated from the large
3 employer health-care support fund created in section 25.5-1-1207 (1),
4 C.R.S. The appropriation to the department of law is based on an
5 assumption that the department will require an additional 0.3 FTE. To
6 implement this act, the department of law may use this appropriation to
7 provide legal services for the large employer health-care support
8 enterprise.

9 **SECTION 5. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.