

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
9/25/23

BILL 1

LLS NO. 24-0309.01 Christy Chase x2008

INTERIM COMMITTEE BILL

Colorado Health Insurance Exchange Oversight Committee

BILL TOPIC: Modernize Health Benefit Exchange Governance
DEADLINES: Finalize by: 9/26/2023

A BILL FOR AN ACT

101 **CONCERNING TECHNICAL MODIFICATIONS TO THE LAWS GOVERNING**
102 **THE COLORADO HEALTH BENEFIT EXCHANGE, AND, IN**
103 **CONNECTION THEREWITH, MODIFYING THE CRITERIA FOR**
104 **MEMBERSHIP ON AND THE NUMBER OF MEETINGS OF THE**
105 **COLORADO HEALTH INSURANCE EXCHANGE OVERSIGHT**
106 **COMMITTEE, ADJUSTING THE TIMELINE FOR CERTAIN REPORTS**
107 **AND PRESENTATIONS REGARDING THE OPERATIONS OF THE**
108 **EXCHANGE, AND DIRECTING THE EXCHANGE TO ANNUALLY**
109 **PRESENT ITS FINANCIAL AND OPERATIONAL PLANS AND MAJOR**
110 **BOARD ACTIONS TO THE COMMITTEE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

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/>.)

Colorado Health Insurance Exchange Oversight Committee.

The bill modifies provisions governing the Colorado health benefit exchange (exchange) by:

- Eliminating the requirement for the board of directors of the exchange (board) to submit a report on the development of the exchange to the governor and the general assembly by January 15 and instead requiring the report to be submitted annually and to address open enrollment;
- Requiring the board to also present an open enrollment update to specified legislative committees during each legislative session;
- Requiring the exchange, rather than the board, to annually present to the Colorado health insurance exchange oversight committee (committee) the exchange's financial and operational plans and the major actions taken by the board;
- Modifying the number of meetings of the committee during the interim; and
- Eliminating from the committee membership appointees who are members of the legislative audit committee.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-22-106, **amend**
3 (1) introductory portion, (1)(d), and (1)(e) as follows:

4 **10-22-106. Powers and duties of the board.** (1) The board is the
5 governing body of the exchange and has all the powers and duties
6 necessary to implement this ~~article~~ ARTICLE 22. The board shall:

7 (d) Create technical and advisory groups to operate on an ongoing
8 basis and to report to the board and provide guidance at the direction of
9 the board on issues that directly or indirectly affect consumers. The board
10 shall use reasonable efforts to ensure that the technical and advisory
11 groups reflect geographic diversity and diverse opinions on issues

1 affecting consumers. The technical and advisory groups shall meet at least
2 ~~quarterly throughout the year~~ AS NECESSARY to discuss issues related to
3 the exchange and TO make recommendations to the board. ~~except that,~~
4 ~~beginning two years after June 1, 2016, the groups shall meet only as~~
5 ~~necessary.~~

6 (e) Provide a written OPEN ENROLLMENT report ~~on or before~~
7 ~~January 15 of each year,~~ to the governor and the general assembly
8 ~~concerning the planning and establishment of the exchange~~ ANNUALLY
9 and present ~~the report~~ AN OPEN ENROLLMENT UPDATE to the senate health
10 and human services committee and the house of representatives health
11 and ~~environment~~ INSURANCE committee, or their successor committees,
12 DURING EACH LEGISLATIVE SESSION;

13 **SECTION 2.** In Colorado Revised Statutes, 10-22-107, **amend**
14 (1)(a), (2), and (7) as follows:

15 **10-22-107. Colorado health insurance exchange oversight**
16 **committee - creation - duties.** (1) (a) For the purposes of guiding
17 implementation of an exchange in Colorado, making recommendations
18 to the general assembly, and ensuring that the interests of Coloradans are
19 protected and furthered, there is hereby created the Colorado health
20 insurance exchange oversight committee. The committee shall meet at the
21 call of the chair at least ~~two times~~ ONE TIME during each calendar year
22 WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION but no more than seven
23 times during each calendar year when the general assembly is not in
24 session. The committee may meet an unlimited number of times at the call
25 of the chair when the general assembly is in session. The committee may
26 use the legislative council staff to assist its members in researching any
27 matters.

1 (2) (a) The president of the senate shall appoint three members to
2 the committee. ~~Two appointees shall be members~~ ONE APPOINTEE MUST
3 BE A MEMBER of the senate health and human services committee OR ITS
4 SUCCESSOR COMMITTEE; ONE APPOINTEE MUST BE A MEMBER OF the
5 SENATE business, labor, and technology committee or ~~the legislative audit~~
6 ~~committee, or their successor committees.~~ ITS SUCCESSOR COMMITTEE;
7 AND one appointee ~~shall~~ MUST be a representative of the senate at large.

8 (b) The speaker of the house of representatives shall appoint three
9 members to the committee. ~~Two appointees shall be members~~ ONE
10 APPOINTEE MUST BE A MEMBER of the house OF REPRESENTATIVES health
11 and ~~environment~~ INSURANCE committee OR ITS SUCCESSOR COMMITTEE;
12 ONE APPOINTEE MUST BE A MEMBER OF the ~~economic and business~~
13 ~~development~~ HOUSE OF REPRESENTATIVES BUSINESS AFFAIRS AND LABOR
14 committee or ~~the legislative audit committee, or their successor~~
15 ~~committees.~~ ITS SUCCESSOR COMMITTEE; AND one appointee ~~shall~~ MUST
16 be a representative of the house of representatives at large.

17 (c) The minority leader of the senate shall appoint two members
18 to the committee. One appointee ~~shall~~ MUST be a member of the senate
19 health and human services committee OR OF the SENATE business, labor,
20 and technology committee, ~~or the legislative audit committee,~~ or their
21 successor committees; AND one appointee ~~shall~~ MUST be a representative
22 of the senate at large.

23 (d) The minority leader of the house of representatives shall
24 appoint two members to the committee. One appointee ~~shall~~ MUST be a
25 member of the house OF REPRESENTATIVES health and ~~environment~~
26 INSURANCE committee OR OF the ~~economic and~~ HOUSE OF
27 REPRESENTATIVES business ~~development~~ AFFAIRS AND LABOR committee,

1 ~~or the legislative audit committee~~, or their successor committees; AND one
2 appointee ~~shall~~ MUST be a representative of the house of representatives
3 at large.

4 (e) Members of the committee shall serve at the pleasure of the
5 appointing authority.

6 (7) The ~~board~~ EXCHANGE shall ~~send~~ ANNUALLY PRESENT TO the
7 committee ~~an annual report that contains~~ the financial and operational
8 plans of the exchange and the major actions taken by the board,
9 particularly actions that affect consumers. The committee shall review the
10 financial and operational plans of the exchange and the major actions
11 taken by the board.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2024 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.