

**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. 26-0619.04 Christy Chase x2008

**SENATE BILL 26-178**

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**SENATE SPONSORSHIP**

**Mullica and Jodeh,**

**HOUSE SPONSORSHIP**

**Brown and Gilchrist,**

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**Senate Committees**

Finance  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO ADDRESS THE AFFORDABILITY OF HEALTH**  
102 **INSURANCE.**

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**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>.)*

**Sections 1 through 8** of the bill modify the "Health Insurance Affordability Act" to:

- Authorize the Colorado health insurance affordability enterprise (enterprise) to impose a one-time supplemental assessment, allocated equally among health insurance companies that meet specified criteria;

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.

- Allow the enterprise to invest specified money in the health insurance affordability cash fund (cash fund) without regard to otherwise applicable requirements for such investments and to contract with private professional fund managers to advise on investment strategies;
- Modify the allocation of enterprise revenue among authorized purposes and allow the enterprise to reallocate unexpended amounts for specified purposes;
- Authorize a 25-year loan from the unclaimed property trust fund (trust fund) to the cash fund;
- Direct the health insurance affordability board, in recommending parameters for implementing subsidies for state-subsidized individual health coverage plans, to recommend coverage that prioritizes enrollment stability and customer predictability; when seeking input on its recommendations regarding plans, coverage, and the number of eligible slots, to enable feedback in at least English and Spanish and in other languages upon request; and to indicate how it incorporated such feedback into its final recommendations; and
- Direct the enterprise to conduct or contract a third party to conduct a study to evaluate the feasibility of restructuring the enterprise programs to increase health insurance affordability and maximize enrollment in health insurance plans.

**Section 9** directs the state treasurer to enter into a loan agreement with the enterprise authorizing an interest-bearing loan of \$100 million from the trust fund to the cash fund, with required full repayment of the loan no later than 25 years after the date of the loan.

**Sections 10 and 11** expand the tax credits for contributions to the Colorado health benefit exchange (exchange) to also allow tax credits for contributions to the enterprise and, of the \$9 million available for the tax credits, allocate \$5 million to qualified taxpayers that make contributions to the exchange and \$4 million to qualified taxpayers that make contributions to the enterprise.

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

2           **SECTION 1.** In Colorado Revised Statutes, 10-16-1202, **amend**  
 3 (2) as follows:

4           **10-16-1202. Legislative declaration.**

5           (2) The general assembly further finds and declares that,

1 consistent with the determination of the Colorado supreme court in  
2 *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo. 1995),  
3 the power to impose taxes is inconsistent with enterprise status under  
4 section 20 of article X of the state constitution, and the health insurance  
5 affordability fees and special assessments, AS WELL AS THE  
6 SUPPLEMENTAL ASSESSMENT, charged and collected by the health  
7 insurance affordability enterprise are fees, not taxes, because the fees and  
8 assessments are imposed for the specific purpose of allowing the  
9 enterprise to defray the costs of providing the business services specified  
10 in section 10-16-1204 (1)(a) to the carriers, HEALTH INSURANCE  
11 COMPANIES, and hospitals that pay the fees and assessments and are  
12 collected at rates that are reasonably calculated based on the benefits  
13 received by those carriers, HEALTH INSURANCE COMPANIES, and hospitals.

14 **SECTION 2.** In Colorado Revised Statutes, 10-16-1203, **amend**  
15 **(5); and add (1.3), (1.5), (6.5), and (16)** as follows:

16 **10-16-1203. Definitions.**

17 As used in this part 12, unless the context otherwise requires:

18 (1.3) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE,  
19 COMMERCIAL PAPER, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS  
20 OF THE ENTERPRISE AUTHORIZED BY THIS PART 12.

21 (1.5) "BOND OBLIGATIONS" MEANS THE DEBT SERVICE ON, AND  
22 RELATED COSTS AND OBLIGATIONS IN CONNECTION WITH, BONDS,  
23 INCLUDING:

24 (a) PAYMENTS WITH RESPECT TO PRINCIPAL, INTEREST,  
25 PREPAYMENT PREMIUMS, RESERVE FUNDS, SURPLUS FUNDS, SINKING  
26 FUNDS, AND COSTS OF ISSUANCE;

27 (b) PAYMENTS RELATED TO ANY CREDIT ENHANCEMENT, LIQUIDITY

1 SUPPORT, OR INTEREST RATE PROTECTION FOR BONDS;  
2 (c) FEES AND EXPENSES OF ANY TRUSTEE, BOND REGISTRAR,  
3 PAYING AGENT, AUTHENTICATING AGENT, REBATE ANALYST OR  
4 CONSULTANT, CALCULATION AGENT, REMARKETING AGENT, OR CREDIT  
5 ENHANCEMENT, LIQUIDITY SUPPORT, OR INTEREST RATE PROTECTION  
6 PROVIDER;  
7 (d) COVERAGE REQUIREMENTS; AND  
8 (e) OTHER COSTS, FEES, AND EXPENSES RELATED TO ANY OF THE  
9 OBLIGATIONS SPECIFIED IN SUBSECTIONS (1.5)(a) TO (1.5)(d) OF THIS  
10 SECTION AND ANY OTHER AMOUNTS REQUIRED TO BE PAID PURSUANT TO  
11 THE PROVISIONS OF ANY DOCUMENTS AUTHORIZING THE ISSUANCE OF THE  
12 BONDS.

13 (5) "Fee" means the health insurance affordability fee established  
14 and assessed pursuant to ~~section 10-16-1205~~ SECTION 10-16-1205  
15 (1)(a)(I).

16 (6.5) "HEALTH INSURANCE COMPANY" MEANS AN INSURANCE  
17 COMPANY, INCLUDING A HEALTH MAINTENANCE ORGANIZATION, THAT  
18 OFFERS POLICIES OF SICKNESS AND ACCIDENT INSURANCE IN THE STATE  
19 AND THAT HAD OVER TWENTY THOUSAND COVERED LIVES IN THE STATE IN  
20 THE 2025 CALENDAR YEAR.

21 (16) "SUPPLEMENTAL ASSESSMENT" MEANS THE ONE-TIME  
22 SUPPLEMENTAL HEALTH INSURANCE AFFORDABILITY ASSESSMENT  
23 ESTABLISHED AND ASSESSED PURSUANT TO SECTION 10-16-1205  
24 (1)(a)(III).

25 ==  
26 **SECTION 3.** In Colorado Revised Statutes, 10-16-1204, **amend**  
27 (1)(a) introductory portion, (1)(a)(I) introductory portion, (1)(a)(I)(F),

1 (2)(d), (2)(f), (2)(g), and (3); and **add** (2)(b.5) and (2)(h) as follows:

2 **10-16-1204. Health insurance affordability enterprise -**  
3 **creation - powers and duties - assess and allocate enterprise fees and**  
4 **assessments.**

5 (1) (a) There is ~~hereby~~ created in the division the Colorado health  
6 insurance affordability enterprise. The enterprise is and operates as a  
7 government-owned business within the division for the purpose of  
8 assessing and collecting the health insurance affordability fee from  
9 carriers that offer health benefit plans in the state, THE SUPPLEMENTAL  
10 ASSESSMENT FROM HEALTH INSURANCE COMPANIES, and a special  
11 assessment on hospitals in the state and using and allocating the fee and  
12 ~~assessment~~ ASSESSMENTS for the purposes specified in this part 12 in  
13 order to:

14 (I) Provide the following business services to carriers that pay the  
15 fee AND TO HEALTH INSURANCE COMPANIES THAT PAY THE SUPPLEMENTAL  
16 ASSESSMENT:

17 (F) Creating a healthier risk pool for all carriers AND HEALTH  
18 INSURANCE COMPANIES by establishing a path for consistent coverage for  
19 individuals; and

20 (2) The enterprise's primary powers and duties are:

21 (b.5) TO ASSESS AND COLLECT THE SUPPLEMENTAL ASSESSMENT  
22 SPECIFIED IN SECTION 10-16-1205 (1)(a)(III);

23 (d) To issue revenue bonds payable from the revenues AND OTHER  
24 AVAILABLE MONEY of the enterprise PLEDGED FOR THEIR PAYMENT AS  
25 AUTHORIZED IN SECTION 10-16-1213;

26 (f) To engage in outreach and related efforts to increase  
27 enrollment in health benefit plans across the state; ~~and~~

1 (g) To adopt and amend or repeal policies for the regulation of its  
2 affairs and the conduct of its business consistent with this part 12; AND

3 (h) (I) To INVEST MONEY IN THE FUND, OTHER THAN PROCEEDS  
4 FROM THE SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED  
5 PURSUANT TO SECTION 10-16-1213 (2), WITHOUT REGARD TO THE  
6 LIMITATIONS SET FORTH IN SECTION 24-36-103, 24-75-601.1, OR  
7 24-75-603.

8 (II) FOR PURPOSES OF INVESTING THE MONEY IN THE FUND, THE  
9 ENTERPRISE MAY ENTER INTO CONTRACTS WITH PRIVATE PROFESSIONAL  
10 FUND MANAGERS TO PROVIDE EXPERTISE, TECHNICAL SUPPORT, AND  
11 ADVICE ON INVESTMENT MARKET CONDITIONS. IN SEEKING BIDS FOR SUCH  
12 CONTRACTS, THE ENTERPRISE SHALL EMPLOY STANDARD PUBLIC BIDDING  
13 PRACTICES, INCLUDING THE USE OF REQUESTS FOR INFORMATION,  
14 REQUESTS FOR PROPOSALS, OR ANY OTHER STANDARD VENDOR SELECTION  
15 PRACTICES DETERMINED BY THE ENTERPRISE TO BE BEST SUITED FOR  
16 SELECTING AN APPROPRIATE PRIVATE PROFESSIONAL FUND MANAGER.

17 (3) The enterprise ~~shall exercise~~ IS A **TYPE 2** ENTITY, AS DEFINED  
18 IN SECTION 24-1-105, AND EXERCISES its powers and ~~perform~~ PERFORMS  
19 its duties as if ~~the same were transferred to the division by a type 2~~  
20 ~~transfer, as defined in section 24-1-105~~ UNDER THE DIRECTION AND  
21 SUPERVISION OF THE COMMISSIONER.

22 **SECTION 4.** In Colorado Revised Statutes, 10-16-1205, **amend**  
23 (1)(b) introductory portion, (1)(b)(IV)(B), (2)(a), and (2)(d)(I)  
24 introductory portion; **repeal** (2)(e)(III); and **add** (1)(a)(III) and (2)(f) as  
25 follows:

26 **10-16-1205. Health insurance affordability fee - supplemental**  
27 **assessment - special assessment on hospitals - allocation of revenues.**

1 (1) (a) (III) (A) NO EARLIER THAN JANUARY 1, 2027, THE  
2 ENTERPRISE SHALL ASSESS AND COLLECT FROM HEALTH INSURANCE  
3 COMPANIES A ONE-TIME SUPPLEMENTAL HEALTH INSURANCE  
4 AFFORDABILITY ASSESSMENT OF FORTY MILLION DOLLARS.

5 (B) THE ENTERPRISE SHALL DIVIDE AND ASSESS THE  
6 SUPPLEMENTAL ASSESSMENT EQUALLY AMONG HEALTH INSURANCE  
7 COMPANIES THAT ARE SUBJECT TO THE SUPPLEMENTAL ASSESSMENT. IN  
8 DETERMINING THE EQUAL SHARE OF THE SUPPLEMENTAL ASSESSMENT  
9 OWED BY EACH HEALTH INSURANCE COMPANY SUBJECT TO THE SPECIAL  
10 ASSESSMENT, A HEALTH INSURANCE COMPANY THAT OPERATES IN  
11 MULTIPLE MARKETS IN THE STATE UNDER MULTIPLE LICENSES OR  
12 MULTIPLE CARRIERS IS TREATED AS A SINGLE HEALTH INSURANCE  
13 COMPANY AND IS SUBJECT TO A SINGLE, EQUAL SHARE OF THE  
14 SUPPLEMENTAL ASSESSMENT.

15 (b) The enterprise shall use the fee, THE SUPPLEMENTAL  
16 ASSESSMENT, the special assessment on hospitals, and any other money  
17 available in the fund as follows, allocated in accordance with subsection  
18 (2) of this section:

19 (IV) To pay the actual administrative costs of the enterprise for  
20 implementing and administering this part 12, limited to three percent of  
21 the enterprise's revenues. Actual administrative costs include the  
22 following:

23 (B) The enterprise's actual costs related to implementing and  
24 maintaining the fee, SUPPLEMENTALASSESSMENT, and special assessment  
25 on hospitals, including personal services and operating expenses; and

26 (2) (a) The enterprise shall transmit the fees, SUPPLEMENTAL  
27 ASSESSMENT, and special assessments collected pursuant to this section

1 to the state treasurer for deposit in the ~~health insurance affordability cash~~  
2 fund ~~created in section 10-16-1206~~ and, except as provided in subsection  
3 (4) of this section, shall allocate the money in the fund in accordance with  
4 this subsection (2).

5 (d) (I) Except as provided in subsections (2)(d)(IV) and (2)(e) of  
6 this section, the enterprise shall allocate the revenues collected in 2023  
7 ~~and each year thereafter~~ THROUGH 2026, and any other money deposited  
8 in the fund in 2023 ~~and each year thereafter~~ THROUGH 2026, in the  
9 following amounts and order of priority:

10 (e) (III) ~~This subsection (2)(e) takes effect on January 1, 2026,~~  
11 ~~only if the condition specified in section 10-16-1209 (1) occurs.~~

12 (f) (I) THE ENTERPRISE SHALL ALLOCATE AT LEAST THE  
13 FOLLOWING REVENUES ASSESSED FOR THE 2027 CALENDAR YEAR AND FOR  
14 EACH CALENDAR YEAR THEREAFTER, THE PROCEEDS FROM THE ISSUANCE  
15 OF REVENUE BONDS PURSUANT TO SECTION 10-16-1213, AND ANY OTHER  
16 MONEY DEPOSITED IN THE FUND IN 2027 AND EACH YEAR THEREAFTER AS  
17 FOLLOWS:

18 (A) FIRST, AT LEAST TWENTY PERCENT FOR SUBSIDIES FOR  
19 STATE-SUBSIDIZED INDIVIDUAL HEALTH COVERAGE PLANS PURCHASED BY  
20 QUALIFIED INDIVIDUALS;

21 (B) SECOND, AT LEAST FIFTY PERCENT TO THE REINSURANCE  
22 PROGRAM CASH FUND;

23 (C) THIRD, AT LEAST TWENTY-FIVE PERCENT TO REDUCE THE  
24 COSTS OF INDIVIDUAL HEALTH BENEFIT PLANS FOR INDIVIDUALS WHO  
25 PURCHASE AN INDIVIDUAL HEALTH BENEFIT PLAN ON THE EXCHANGE;

26 (D) FOURTH, UP TO THREE PERCENT FOR ACTUAL ADMINISTRATIVE  
27 COSTS AS SET FORTH IN SUBSECTION (1)(b)(IV) OF THIS SECTION; AND

1 (E) FIFTH, THE ACTUAL COSTS OF ENSURING COMPLIANCE WITH  
2 THE FEDERAL HYDE AMENDMENT OR A SIMILAR AMENDMENT.

3 (II) THE ENTERPRISE SHALL ALLOCATE ANY AMOUNT OF REVENUES  
4 REMAINING AFTER ALLOCATING REVENUES PURSUANT TO SUBSECTION  
5 (2)(f)(I) OF THIS SECTION TO MEET THE FOLLOWING OBJECTIVES:

6 (A) TO AT LEAST MAINTAIN A STATEWIDE AVERAGE PREMIUM  
7 REDUCTION IN THE REINSURANCE PROGRAM AT THE SAME LEVEL AS  
8 ACHIEVED FOR THE 2026 CALENDAR YEAR, PROVIDE PREMIUM ASSISTANCE  
9 FOR INDIVIDUALS WHO PURCHASE INSURANCE ON THE EXCHANGE AT THE  
10 SAME LEVEL OF PREMIUM ASSISTANCE PROVIDED IN THE 2026 CALENDAR  
11 YEAR, AND PROVIDE COVERAGE FOR QUALIFIED INDIVIDUALS AT THE  
12 ENROLLMENT LEVEL ACHIEVED IN THE 2026 CALENDAR YEAR; AND

13 (B) TO SUPPORT ADDITIONAL AFFORDABILITY EFFORTS TO  
14 MAINTAIN OR INCREASE COVERAGE IN THE INDIVIDUAL MARKET.

15 (III) IN ANY CALENDAR YEAR, AFTER MAKING THE ALLOCATIONS  
16 SPECIFIED IN SUBSECTIONS (2)(f)(I) AND (2)(f)(II) OF THIS SECTION, IF  
17 THERE IS MONEY REMAINING IN THE FUND ON AUGUST 1 OF THAT  
18 CALENDAR YEAR, THE ENTERPRISE MAY REALLOCATE ANY AMOUNT OF THE  
19 REVENUES COLLECTED AND ALLOCATED PURSUANT TO SUBSECTION  
20 (2)(f)(I) OR (2)(f)(II) OF THIS SECTION THAT HAVE NOT BEEN EXPENDED  
21 ON OR BEFORE AUGUST 1 OF THAT CALENDAR YEAR FOR ANY OTHER  
22 PURPOSE SPECIFIED IN SUBSECTION (2)(f)(I) OR (2)(f)(II) OF THIS SECTION  
23 EXCEPT THE ADMINISTRATIVE COSTS DESCRIBED IN SUBSECTION  
24 (2)(f)(I)(D) OF THIS SECTION.

25 **SECTION 5.** In Colorado Revised Statutes, 10-16-1206, **amend**  
26 (1)(d), (1)(h), (1)(i), and (2); and add (1)(j) as follows:

27 **10-16-1206. Health insurance affordability cash fund -**

1 **creation - repeal.**

2 (1) There is created in the state treasury the health insurance  
3 affordability cash fund. The fund consists of:

4 (d) The revenue PROCEEDS collected from revenue bonds issued  
5 pursuant to ~~section 10-16-1204 (1)(b)(H)~~ SECTION 10-16-1213 AND ANY  
6 EARNINGS ON THE INVESTMENT OF BOND PROCEEDS INVESTED PURSUANT  
7 TO SECTION 10-16-1213 (2);

8 (h) Gifts, grants, or donations received from private or public  
9 sources; and

10 (i) ~~Any other money that may be appropriated or transferred to the~~  
11 ~~fund.~~ THE SUPPLEMENTAL ASSESSMENT COLLECTED FROM HEALTH  
12 INSURANCE COMPANIES PURSUANT TO SECTION 10-16-1205 (1)(a)(III);  
13 AND

14 ==

15 (j) ANY OTHER MONEY THAT MAY BE APPROPRIATED OR  
16 TRANSFERRED TO THE FUND.

17 (2) (a) Money in the fund shall not be transferred to any other  
18 fund, except as provided in section 10-16-1205 (2), and shall not be used  
19 for any purpose other than the purposes specified in this part 12.

20 (b) BEFORE ALLOCATING ANY MONEY IN THE FUND FOR PROGRAMS  
21 FUNDED BY THE ENTERPRISE PURSUANT TO THIS PART 12, THE ENTERPRISE  
22 SHALL FIRST PAY FOR BOND OBLIGATIONS ON REVENUE BONDS ISSUED  
23 PURSUANT TO SECTION 10-16-1213.

24 **SECTION 6.** In Colorado Revised Statutes, 10-16-1207, **amend**  
25 (4)(c)(I), (4.5), and (7)(a)(III); and **add** (4)(c.5)(I.5) as follows:

26 **10-16-1207. Health insurance affordability board - creation -**  
27 **membership - powers and duties - subject to open meetings and**

1 **public records laws - annual report - commissioner rules.**

2 (4) The board is authorized to:

3 (c) Recommend, for approval and establishment by the  
4 commissioner by rule:

5 (I) The timing and methodology for assessing and collecting the  
6 fee, SUPPLEMENTAL ASSESSMENT, and special assessment, subject to  
7 section 10-16-1205 (1)(a);

8 (c.5) Further recommend, for approval and establishment by the  
9 commissioner by rule, additional parameters for implementing the  
10 subsidies for state-subsidized individual health coverage plans authorized  
11 by this part 12, including that the coverage required pursuant to  
12 state-subsidized individual health coverage plans must:

13 (I.5) PRIORITIZE ENROLLMENT STABILITY AND CUSTOMER  
14 PREDICTABILITY;

15 (4.5) Prior to making any final recommendation pursuant to  
16 subsection (4) of this section regarding plans, coverage, and the number  
17 of eligible slots, the board shall seek input and recommendations from  
18 individuals directly affected by programs funded by the enterprise and  
19 shall discuss any input and recommendations received at a board meeting  
20 held in accordance with subsection (6) of this section. The board shall  
21 TAKE REASONABLE STEPS TO provide opportunities for individuals to  
22 provide input and recommendations in AT LEAST English and Spanish,  
23 INCLUDING MAKING WRITTEN MATERIALS AND PRESENTATIONS AVAILABLE  
24 NOT LATER THAN SEVEN DAYS AFTER MEETINGS, AND, TO THE EXTENT  
25 PRACTICABLE AND UPON A REQUEST SUBMITTED AT LEAST SEVEN DAYS IN  
26 ADVANCE OF THE TIME FOR PROVIDING INPUT AND RECOMMENDATIONS, IN  
27 OTHER LANGUAGES. THE BOARD SHALL ALSO INDICATE HOW INPUT AND

1 RECOMMENDATIONS FROM INDIVIDUALS DIRECTLY AFFECTED BY  
2 ENTERPRISE PROGRAMS WERE INCORPORATED INTO ANY FINAL  
3 RECOMMENDATIONS MADE PURSUANT TO SUBSECTION (4) OF THIS  
4 SECTION.

5 (7) (a) By February 15, 2026, and by every February 15 thereafter,  
6 the board shall prepare a report detailing:

7 (III) The share of the total revenue that was received from the fee  
8 AND, FOR THE REPORT PREPARED FOR 2028, FROM THE SUPPLEMENTAL  
9 ASSESSMENT;

10 **SECTION 7.** In Colorado Revised Statutes, 10-16-1211, **amend**  
11 (1)(b)(I)(F) and (1)(b)(I)(G); and **add** (1)(b)(I)(I) and (1)(b)(I)(J) as  
12 follows:

13 **10-16-1211. Performance audit of the enterprise - repeal.**

14 (1) By December 31, 2027, the state auditor shall complete a  
15 performance audit of the enterprise. In conducting the audit, the state  
16 auditor shall:

17 (b) Specify, for each year since the creation of the enterprise:

18 (I) The annual revenue deposited in the fund from:

19 (F) Any revenue collected from revenue bonds pursuant to section  
20 ~~10-16-1204 (1)(b)(H)~~ SECTION 10-16-1213;

21 (G) Interest and income derived from the deposit and investment  
22 of money in the fund; **and**

23 (I) THE SUPPLEMENTAL ASSESSMENT COLLECTED FROM HEALTH  
24 INSURANCE COMPANIES PURSUANT TO SECTION 10-16-1205 (1)(a)(III);  
25 AND

26 (J) ANY PROCEEDS FROM THE ISSUANCE OF REVENUE BONDS  
27 PURSUANT TO SECTION 10-16-1213;

1           **SECTION 8.** In Colorado Revised Statutes, **add** 10-16-1212 and  
2           10-16-1213 as follows:

3           **10-16-1212. Study concerning optimization of health insurance**  
4           **affordability programs - repeal.**

5           (1) THE ENTERPRISE SHALL CONDUCT OR CONTRACT WITH A THIRD  
6           PARTY TO CONDUCT A STUDY, TO BE COMPLETED NO LATER THAN JULY 1,  
7           2027, TO:

8           (a) EVALUATE THE FEASIBILITY OF RESTRUCTURING THE  
9           ENTERPRISE PROGRAMS TO INCREASE AFFORDABILITY AND MAXIMIZE  
10          ENROLLMENT, INCLUDING THE POTENTIAL CREATION OF A BASIC HEALTH  
11          PROGRAM PURSUANT TO SECTION 1331 OF THE FEDERAL ACT, 42 U.S.C.  
12          SEC. 18051; AND

13          (b) EVALUATE OR EXPLORE ANY OTHER RELATED ISSUES.

14          (2) WITHIN THIRTY DAYS AFTER THE STUDY IS COMPLETED, THE  
15          ENTERPRISE SHALL SUBMIT THE RESULTS OF THE STUDY TO THE HEALTH  
16          AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF  
17          REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

18          (3) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2028.

19

20           **10-16-1213. Bonds - investments - bonds eligible for**  
21           **investment and exempt from taxation.**

22           (1) (a) THE ENTERPRISE MAY ISSUE BONDS TO GENERATE  
23           PROCEEDS OF UP TO A TOTAL OF ONE HUNDRED MILLION DOLLARS FOR ANY  
24           OF THE BUSINESS PURPOSES SPECIFIED IN THIS PART 12, INCLUDING TO  
25           FUND THE PROGRAMS SPECIFIED IN THIS PART 12. THE BONDS SHALL BE  
26           ISSUED PURSUANT TO RESOLUTION OF THE BOARD AND SHALL BE PAYABLE  
27           SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEY IN THE FUND.

1           (b) BONDS MAY BE EXECUTED AND DELIVERED BY THE ENTERPRISE  
2           AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS AND  
3           INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO OPTIONAL OR  
4           MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A  
5           PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER FORM  
6           REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR SUCH  
7           CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS AND  
8           AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE OF  
9           ISSUANCE; MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN  
10           OR WITHOUT THE STATE; MAY BEAR INTEREST AT SUCH RATE OR RATES PER  
11           ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,  
12           PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ENTERPRISE OR ITS  
13           AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION  
14           APPEARING IN ANY OTHER LAW OF THE STATE; MAY BE SUBJECT TO  
15           PURCHASE AT THE OPTION OF THE HOLDER OR THE ENTERPRISE; MAY BE  
16           EVIDENCED IN SUCH MANNER; MAY BE EXECUTED BY SUCH OFFICERS OF  
17           THE ENTERPRISE, INCLUDING THE USE OF ONE OR MORE FACSIMILE  
18           SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON  
19           THE BONDS, WHICH MAY BE EITHER OF AN OFFICER OF THE ENTERPRISE OR  
20           OF AN AGENT AUTHENTICATING THE SAME; MAY BE IN THE FORM OF  
21           COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A  
22           MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE ENTERPRISE;  
23           AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT WITH THIS PART  
24           12, ALL AS PROVIDED IN THE RESOLUTION OF THE BOARD UNDER WHICH  
25           THE BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST  
26           INDENTURE BETWEEN THE ENTERPRISE AND ANY COMMERCIAL BANK OR  
27           TRUST COMPANY HAVING FULL TRUST POWERS.

1           (c) BONDS OF THE ENTERPRISE MAY BE SOLD AT PUBLIC OR  
2 PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH  
3 TIMES AS DETERMINED BY THE BOARD, AND THE BOARD MAY PAY ALL  
4 FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY OR  
5 ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE  
6 POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR  
7 PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO  
8 TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS  
9 MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ENTERPRISE. ANY  
10 OUTSTANDING BONDS MAY BE REFUNDED BY THE ENTERPRISE PURSUANT  
11 TO ARTICLE 56 OF TITLE 11. ALL BONDS AND ANY INTEREST COUPONS  
12 APPLICABLE TO THE BONDS ARE DECLARED TO BE NEGOTIABLE  
13 INSTRUMENTS.

14           (d) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE  
15 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE FUND;  
16 MAY PLEDGE ALL OR A PORTION OF THE RIGHTS OF THE ENTERPRISE TO  
17 IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, THE FEE  
18 AUTHORIZED BY SECTION 10-16-1205 (1)(a)(I), THE SUPPLEMENTAL  
19 ASSESSMENT AUTHORIZED BY SECTION 10-16-1205 (1)(a)(III), AND ANY  
20 OTHER REVENUES GENERATED OR RECEIVED BY THE ENTERPRISE, OTHER  
21 THAN ANY FEDERAL MONEY THE ENTERPRISE MAY RECEIVE; MAY CONTAIN  
22 SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND  
23 REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ENTERPRISE DEEMS  
24 APPROPRIATE; MAY SET FORTH THE RIGHTS AND REMEDIES OF THE  
25 HOLDERS OF ANY OF THE BONDS; AND MAY CONTAIN PROVISIONS THAT THE  
26 ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF  
27 THE BONDS, INCLUDING PROVISIONS FOR LETTERS OF CREDIT, INSURANCE,

1 STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING  
2 TIMELY PAYMENT OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR  
3 THE PURCHASE PRICE.

4 (e) ANY PLEDGE OF THE FUND IS VALID AND BINDING FROM THE  
5 TIME THE PLEDGE IS MADE. THE PLEDGED FUND IS IMMEDIATELY SUBJECT  
6 TO THE LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR  
7 FURTHER ACT, AND THE LIEN OF THE PLEDGE IS VALID AND BINDING  
8 AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT,  
9 OR OTHERWISE AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER  
10 THE CLAIMING PARTY HAS NOTICE OF THE LIEN. THE INSTRUMENT BY  
11 WHICH THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

12 (f) NEITHER THE MEMBERS OF THE BOARD, NOR EMPLOYEES OF THE  
13 ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS IS LIABLE  
14 PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY BY  
15 REASON OF THE ISSUANCE OF THE BONDS.

16 (g) THE ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY  
17 AVAILABLE MONEY AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH  
18 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE  
19 BOND HOLDERS.

20 (2) THE ENTERPRISE MAY INVEST OR DEPOSIT ANY PROCEEDS AND  
21 ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER PROVIDED BY  
22 PART 6 OF ARTICLE 75 OF TITLE 24. IN ADDITION, AN ISSUING ENTERPRISE  
23 MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS THE BOND PROCEEDS  
24 AND ANY INTEREST TO INVEST OR DEPOSIT THE PROCEEDS AND INTEREST  
25 IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED BY SAID PART  
26 6 IF THE BOARD DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR  
27 DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, THE

1 INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON  
2 INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND THE  
3 INVESTMENT WILL ASSIST THE ENTERPRISE IN FUNDING PROGRAMS  
4 SPECIFIED IN THIS PART 12.

5 (3) ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN  
6 ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS,  
7 GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST  
8 ANY MONEY WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS  
9 PART 12. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), MAY  
10 INVEST PUBLIC MONEY IN SUCH BONDS ONLY IF THE BONDS SATISFY THE  
11 INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF  
12 TITLE 24.

13 (4) THE INCOME OR OTHER REVENUES OF THE ENTERPRISE, BONDS  
14 ISSUED BY THE ENTERPRISE, AND THE TRANSFER OF AND THE INCOME FROM  
15 ANY BONDS ISSUED BY THE ENTERPRISE ARE EXEMPT FROM ALL TAXATION  
16 AND ASSESSMENTS IN THE STATE. IN THE RESOLUTION OR INDENTURE  
17 AUTHORIZING THE BONDS, THE ENTERPRISE MAY WAIVE THE EXEMPTION  
18 FROM FEDERAL INCOME TAXATION FOR INTEREST ON THE BONDS. BONDS  
19 ISSUED BY THE ENTERPRISE ARE EXEMPT FROM THE PROVISIONS OF  
20 ARTICLE 51 OF TITLE 11.

21 **SECTION 9.** In Colorado Revised Statutes, 10-22-103, **add** (2.5)  
22 and (6.7) as follows:

23 **10-22-103. Definitions.**

24 As used in this article 22, unless the context otherwise requires:

25 (2.5) "ENTERPRISE" MEANS THE COLORADO HEALTH INSURANCE  
26 AFFORDABILITY ENTERPRISE CREATED IN SECTION 10-16-1204.

27 (6.7) "HIA BOARD" MEANS THE HEALTH INSURANCE

1 AFFORDABILITY BOARD CREATED IN SECTION 10-16-1207.

2 **SECTION 10.** In Colorado Revised Statutes, 10-22-110, **amend**  
3 (1)(a), (3)(a), (4)(a), (4)(b), (4)(c)(I) introductory portion, (4)(c)(II),  
4 (5)(a), and (5)(b)(II); and **add** (3.5), (4)(d), and (6) as follows:

5 **10-22-110. Tax credit for contributions to the exchange or**  
6 **enterprise - allocation notice - rules - repeal.**

7 (1) (a) (I) For the tax year 2013 ~~and each tax year thereafter~~  
8 THROUGH THE TAX YEAR 2026, a credit against the tax imposed by  
9 sections 10-3-209 and 10-6-128 is allowed to any insurance company that  
10 becomes a qualified taxpayer by making a contribution to the exchange  
11 pursuant to this section.

12 (II) FOR THE TAX YEAR 2027 AND EACH TAX YEAR THEREAFTER,  
13 A CREDIT AGAINST THE TAX IMPOSED BY SECTIONS 10-3-209 AND 10-6-128  
14 IS ALLOWED TO ANY INSURANCE COMPANY THAT BECOMES A QUALIFIED  
15 TAXPAYER BY MAKING A CONTRIBUTION TO THE EXCHANGE OR TO THE  
16 ENTERPRISE PURSUANT TO THIS SECTION.

17 (3) (a) FOR EACH TAX YEAR THROUGH THE TAX YEAR 2026, subject  
18 to subsection (4)(c) of this section, an insurance company shall become  
19 a qualified taxpayer if all of the following conditions are met:

20 (I) The insurance company declares with its quarterly tax payment  
21 due on or about July 31 in the manner prescribed by the commissioner its  
22 intent to contribute to the exchange on or before October 31 an amount  
23 of money equal to the premium taxes paid by the company pursuant to the  
24 July 31 tax payment or a lesser amount as specified by the commissioner  
25 if required pursuant to ~~paragraph (b) of subsection (4)~~ SUBSECTION (4)(b)  
26 of this section;

27 (II) The total amount of the tax credits granted by the

1 commissioner does not exceed five million dollars; except that, on and  
2 after September 1, 2022, through ~~August 31, 2028~~ AUGUST 31, 2027, the  
3 total amount of the tax credits does not exceed nine million dollars; and

4 (III) The insurance company receives an allocation notice from  
5 the commissioner and the insurance company makes the contribution to  
6 the exchange as specified in the allocation notice on or before October 31.

7 (3.5) (a) FOR THE TAX YEAR 2027 AND EACH TAX YEAR  
8 THEREAFTER, SUBJECT TO SUBSECTION (4)(d) OF THIS SECTION, AN  
9 INSURANCE COMPANY SHALL BECOME A QUALIFIED TAXPAYER IF ALL OF  
10 THE FOLLOWING CONDITIONS ARE MET:

11 (I) THE INSURANCE COMPANY DECLARES WITH ITS QUARTERLY TAX  
12 PAYMENT DUE ON OR ABOUT JULY 31 IN THE MANNER PRESCRIBED BY THE  
13 COMMISSIONER ITS INTENT TO CONTRIBUTE TO THE EXCHANGE OR TO THE  
14 ENTERPRISE ON OR BEFORE OCTOBER 31 AN AMOUNT OF MONEY EQUAL TO  
15 THE PREMIUM TAXES PAID BY THE COMPANY PURSUANT TO THE JULY 31  
16 TAX PAYMENT OR A LESSER AMOUNT AS SPECIFIED BY THE COMMISSIONER  
17 IF REQUIRED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION;

18 (II) THE AGGREGATE TOTAL AMOUNT OF THE TAX CREDITS  
19 GRANTED BY THE COMMISSIONER DOES NOT EXCEED NINE MILLION  
20 DOLLARS, ALLOCATED AS FOLLOWS:

21 (A) FIVE MILLION DOLLARS FOR TAX CREDITS FOR QUALIFIED  
22 TAXPAYERS THAT CONTRIBUTE TO THE EXCHANGE; AND

23 (B) FOUR MILLION DOLLARS FOR TAX CREDITS FOR QUALIFIED  
24 TAXPAYERS THAT CONTRIBUTE TO THE ENTERPRISE; AND

25 (III) THE INSURANCE COMPANY:

26 (A) RECEIVES AN ALLOCATION NOTICE FROM THE COMMISSIONER;

27 AND

1 (B) MAKES THE CONTRIBUTION, AS SPECIFIED IN THE ALLOCATION  
2 NOTICE, TO THE EXCHANGE OR ENTERPRISE, AS APPLICABLE, ON OR BEFORE  
3 OCTOBER 31.

4 (b) SUBJECT TO SUBSECTION (4)(d) OF THIS SECTION, AN  
5 INSURANCE COMPANY THAT BECOMES A QUALIFIED TAXPAYER MAY CLAIM  
6 THE TAX CREDIT ON ONE OR MORE SUBSEQUENT QUARTERLY OR ANNUAL  
7 TAX PAYMENTS BEGINNING ON OR ABOUT OCTOBER 31.

8 (c) WHEN IT RECEIVES A CONTRIBUTION PURSUANT TO THIS  
9 SECTION, THE BOARD OR HIA BOARD, AS APPLICABLE, SHALL PROMPTLY  
10 NOTIFY THE COMMISSIONER OF THE AMOUNT AND DATE OF THE  
11 CONTRIBUTION AND THE NAME OF THE CONTRIBUTOR.

12 (4) (a) Subject to ~~paragraph (c) of this subsection (4)~~ SUBSECTION  
13 (4)(c) OR (4)(d) OF THIS SECTION, AS APPLICABLE, by September 30 of  
14 each year, the commissioner shall:

15 (I) Send an allocation notice to each insurance company whose  
16 declaration of intent to contribute to the exchange OR TO THE ENTERPRISE,  
17 AS APPLICABLE, has been accepted pursuant to this subsection (4). The  
18 allocation notice shall specify the amount of tax credits allocated to the  
19 insurance company and the amount of cash the insurance company must  
20 contribute to the exchange by October 31, which amounts shall be  
21 identical and not exceed the amount of premium taxes paid by the  
22 insurance company in its quarterly tax payment due on or about July 31.

23 (II) Post on the division's website whether the full amount of tax  
24 credits authorized to be allocated each year has been allocated.

25 (b) (I) Subject to subsection (4)(c) OR **(4)(d)** of this section, AS  
26 APPLICABLE, the commissioner shall allocate no more than the following  
27 total amounts of premium tax credits per year:

1 (A) Before September 1, 2022, a total of five million dollars;

2 (B) On and after September 1, 2022, through ~~August 31, 2028~~  
3 AUGUST 31, 2027, a total of nine million dollars; and

4 (C) On and after ~~September 1, 2028~~ SEPTEMBER 1, 2027, a total  
5 of five million dollars FOR TAX CREDITS FOR QUALIFIED TAXPAYERS THAT  
6 CONTRIBUTE TO THE EXCHANGE AND A TOTAL OF FOUR MILLION DOLLARS  
7 FOR TAX CREDITS FOR QUALIFIED TAXPAYERS THAT CONTRIBUTE TO THE  
8 ENTERPRISE.

9 (II) (A) FOR EACH TAX YEAR THROUGH THE TAX YEAR 2026,  
10 except as provided in subsection (4)(b)(III) of this section, the  
11 commissioner shall allocate to an insurance company that has declared its  
12 intent to contribute to the exchange pursuant to this section tax credits in  
13 an amount equal to the amount of premium taxes paid by the insurance  
14 company in its quarterly tax payment due on or about July 31 in the order  
15 in which the division receives such quarterly tax payments until the full  
16 amount of credits available pursuant to this section has been allocated.

17 (B) FOR THE TAX YEAR 2027 AND EACH TAX YEAR THEREAFTER,  
18 EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(III) OF THIS SECTION, THE  
19 COMMISSIONER SHALL ALLOCATE TO AN INSURANCE COMPANY THAT HAS  
20 DECLARED ITS INTENT TO CONTRIBUTE TO THE EXCHANGE OR TO THE  
21 ENTERPRISE PURSUANT TO THIS SECTION TAX CREDITS IN AN AMOUNT  
22 EQUAL TO THE AMOUNT OF PREMIUM TAXES PAID BY THE INSURANCE  
23 COMPANY IN ITS QUARTERLY TAX PAYMENT DUE ON OR ABOUT JULY 31 IN  
24 THE ORDER IN WHICH THE DIVISION RECEIVES SUCH QUARTERLY TAX  
25 PAYMENTS UNTIL THE FULL AMOUNT OF CREDITS AVAILABLE, AS SPECIFIED  
26 IN SUBSECTION (4)(b)(I)(C) OF THIS SECTION, HAS BEEN ALLOCATED.

27 (III) (A) If the amount of premium taxes or the sum of all the

1 premium taxes filed by all the insurance companies on any one day would  
2 exceed, singly or in the aggregate, the annual maximum aggregate amount  
3 of tax credits available under SUBSECTION (3.5)(a)(II)(A) OF this section  
4 FOR QUALIFIED TAXPAYERS THAT CONTRIBUTE TO THE EXCHANGE, the  
5 commissioner shall reduce the allocation to the insurance company whose  
6 contribution first exceeds the annual maximum aggregate to the amount  
7 needed to satisfy the annual maximum aggregate SPECIFIED IN  
8 SUBSECTION (3.5)(a)(II)(A) OF THIS SECTION. If the commissioner is  
9 unable to determine the order of receipt of tax payments on that day, the  
10 commissioner shall allocate the tax credits to the company or among the  
11 companies on a pro rata basis based on the ratio such company's quarterly  
12 tax payment bears to the total amount of all such companies' quarterly tax  
13 payments until the full amount of credits available pursuant to  
14 SUBSECTION (3.5)(a)(II)(A) OF this section has been allocated.

15 (B) IF THE AMOUNT OF PREMIUM TAXES OR THE SUM OF ALL THE  
16 PREMIUM TAXES FILED BY ALL THE INSURANCE COMPANIES ON ANY ONE  
17 DAY WOULD EXCEED, SINGLY OR IN THE AGGREGATE, THE ANNUAL  
18 MAXIMUM AGGREGATE AMOUNT OF TAX CREDITS AVAILABLE UNDER  
19 SUBSECTION (3.5)(a)(II)(B) OF THIS SECTION FOR QUALIFIED TAXPAYERS  
20 THAT CONTRIBUTE TO THE ENTERPRISE, THE COMMISSIONER SHALL  
21 REDUCE THE ALLOCATION TO THE INSURANCE COMPANY WHOSE  
22 CONTRIBUTION FIRST EXCEEDS THE ANNUAL MAXIMUM AGGREGATE TO  
23 THE AMOUNT NEEDED TO SATISFY THE ANNUAL MAXIMUM AGGREGATE  
24 SPECIFIED IN SUBSECTION (3.5)(a)(II)(B) OF THIS SECTION. IF THE  
25 COMMISSIONER IS UNABLE TO DETERMINE THE ORDER OF RECEIPT OF TAX  
26 PAYMENTS ON THAT DAY, THE COMMISSIONER SHALL ALLOCATE THE TAX  
27 CREDITS TO THE COMPANY OR AMONG THE COMPANIES ON A PRO RATA

1 BASIS BASED ON THE RATIO SUCH COMPANY'S QUARTERLY TAX PAYMENT  
2 BEARS TO THE TOTAL AMOUNT OF ALL SUCH COMPANIES' QUARTERLY TAX  
3 PAYMENTS UNTIL THE FULL AMOUNT OF CREDITS AVAILABLE PURSUANT TO  
4 SUBSECTION (3.5)(a)(II)(B) OF THIS SECTION HAS BEEN ALLOCATED.

5 (c) (I) FOR EACH TAX YEAR THROUGH THE TAX YEAR 2026, the  
6 commissioner shall allow insurance companies to declare their intent to  
7 contribute to the exchange pursuant to this section on the insurance  
8 companies' quarterly tax payments due on or about October 31 and shall  
9 send such companies allocation notices by February 1 if:

10 (II) An insurance company that declares its intent to contribute to  
11 the exchange pursuant to this ~~paragraph (c)~~ SUBSECTION (4)(c) shall make  
12 the contribution to the exchange as specified in the allocation notice on  
13 or before March 1 and may claim the tax credit on one or more  
14 subsequent quarterly or annual tax payments due on or about March 1.

15 (d) (I) FOR THE TAX YEAR 2027 AND EACH TAX YEAR THEREAFTER,  
16 THE COMMISSIONER SHALL ALLOW INSURANCE COMPANIES TO DECLARE  
17 THEIR INTENT TO CONTRIBUTE TO THE EXCHANGE OR TO THE ENTERPRISE  
18 PURSUANT TO THIS SECTION ON THE INSURANCE COMPANIES' QUARTERLY  
19 TAX PAYMENTS DUE ON OR ABOUT OCTOBER 31 AND SHALL SEND SUCH  
20 COMPANIES ALLOCATION NOTICES BY FEBRUARY 1 IF:

21 (A) THE FULL AMOUNT OF TAX CREDITS AVAILABLE IN ANY ONE  
22 YEAR HAS NOT BEEN FULLY ALLOCATED BY THE COMMISSIONER PURSUANT  
23 TO STATEMENTS OF INTENT FILED WITH INSURANCE COMPANIES'  
24 QUARTERLY TAX PAYMENTS DUE ON OR ABOUT JULY 31; OR

25 (B) THE TOTAL AMOUNT OF TAX CREDITS HAS BEEN CLAIMED, BUT  
26 ONE OR MORE INSURANCE COMPANIES FAILED TO TIMELY MAKE A  
27 CONTRIBUTION TO THE EXCHANGE OR TO THE ENTERPRISE, AS APPLICABLE.

1 (II) AN INSURANCE COMPANY THAT DECLARES ITS INTENT TO  
2 CONTRIBUTE TO THE EXCHANGE OR TO THE ENTERPRISE PURSUANT TO THIS  
3 SUBSECTION (4)(d) SHALL MAKE THE CONTRIBUTION TO THE EXCHANGE OR  
4 TO THE ENTERPRISE, AS APPLICABLE, AS SPECIFIED IN THE ALLOCATION  
5 NOTICE ON OR BEFORE MARCH 1 AND MAY CLAIM THE TAX CREDIT ON ONE  
6 OR MORE SUBSEQUENT QUARTERLY OR ANNUAL TAX PAYMENTS DUE ON OR  
7 ABOUT MARCH 1.

8 (5) The board shall use money contributed to the exchange as  
9 follows:

10 (a) The amount of contributions from insurers to which the first  
11 five million dollars of tax credits is allocated pursuant to subsection (4)(b)  
12 of this section and the interest derived from the deposit and investment of  
13 the money, to operate and sustain the exchange and to build reserves;  
14 except that, on and after ~~September 1, 2028~~ SEPTEMBER 1, 2027, the total  
15 amount of contributions and interest derived from the deposit and  
16 investment of the money shall be used for the purposes specified in this  
17 subsection (5)(a).

18 (b) (II) This subsection (5)(b) is repealed, effective ~~December 31,~~  
19 ~~2028~~ DECEMBER 31, 2027.

20 (6) THE HIA BOARD SHALL USE THE MONEY CONTRIBUTED TO THE  
21 ENTERPRISE AS SPECIFIED IN SECTION 10-16-1207 (4)(e).

22 **SECTION 11. Safety clause.** The general assembly finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety or for appropriations for  
25 the support and maintenance of the departments of the state and state  
26 institutions.