First Extraordinary Session
Seventy-fifth General Assembly
STATE OF COLORADO

REENGROSSED

This Version Includes All Amendments
Adopted in the House of Introduction

LLS NO. 25B-0021.04 Christy Chase x2008 **HOUSE BILL 25B-1006**

HOUSE SPONSORSHIP

Brown and Gilchrist, McCluskie, Bacon, Bird, Boesenecker, Clifford, Duran, Froelich, Garcia, Jackson, Joseph, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, McCormick, Phillips, Rutinel, Rydin, Sirota, Smith, Stewart K., Stewart R., Story, Velasco, Willford, Woodrow, Zokaie

SENATE SPONSORSHIP

Jodeh and Mullica, Roberts

House Committees
Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

CONCERNING MODIFICATIONS TO THE COLORADO HEALTH INSURANCE AFFORDABILITY ENTERPRISE TO ADDRESS THE AFFORDABILITY OF HEALTH INSURANCE IN THE INDIVIDUAL MARKET USING NONAPPROPRIATED FUNDING SOURCES.

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 makes the following changes to the "Health Insurance Affordability Act":

- If the federal enhanced premium tax credit is not extended

HOUSE
3rd Reading Unamended
August 23, 2025

HOUSE
Amended 2nd Reading
August 22, 2025

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.

on or before December 31, 2025, authorizes an interest-free loan from the unclaimed property trust fund to the health insurance affordability cash fund and allocates the loan proceeds:
  - To the reinsurance program;
  - To carriers to increase the affordability of health plans on the individual market for individuals who purchase individual health benefit plans on the Colorado health benefit exchange and receive the premium tax credit authorized under federal law (state-based insurance subsidies); and
  - For other programs administered by the Colorado health insurance affordability enterprise (enterprise);
- Of the revenues collected by the enterprise before the effective date of the bill that had been allocated for state-based insurance subsidies, allows the enterprise to reallocate any unexpended amount to other programs the enterprise administers;
- Requires the health insurance affordability board (board) to prepare an annual report detailing certain financial information about the enterprise; and
- Directs the board to make recommendations to the commissioner of insurance regarding coverage and plan design of state-subsidized plans to maximize plan enrollment.

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

SECTION 1. In Colorado Revised Statutes, 10-16-1203, **add** (2.5) and (16) as follows:

10-16-1203. Definitions. As used in this part 12, unless the context otherwise requires:

(2.5) "ENHANCED PREMIUM TAX CREDIT" MEANS THE PREMIUM TAX CREDIT, AS AMENDED BY THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AND THE FEDERAL "INFLATION REDUCTION ACT OF 2022", PUB.L. 117-169, 136 STAT. 1818 (2022), WHICH EXPANDED ELIGIBILITY FOR AND THE AMOUNT OF THE PREMIUM TAX CREDIT.

(16) (a) "UNCLAIMED PROPERTY TRUST FUND" MEANS THE UNCLAIMED PROPERTY TRUST FUND CREATED IN SECTION 38-13-801 (1).

(b) THIS SUBSECTION (16) TAKES EFFECT ON JANUARY 1, 2026, ONLY IF THE CONDITION SPECIFIED IN SECTION 10-16-1209 (1) OCCURS.

SECTION 2. In Colorado Revised Statutes, 10-16-1205, **amend** (2)(d)(I) introductory portion; and **add** (2)(d)(IV) and (2)(e) as follows:

10-16-1205. Health insurance affordability fees - special assessment on hospitals - allocation of revenues. (2) (d) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (2)(d)(IV) AND (2)(e) OF THIS SECTION, the enterprise shall allocate the revenues collected in 2023 and each year thereafter, and any other money deposited in the fund in 2023 and each year thereafter, in the following amounts and order of priority:

(IV) ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2)(d)(IV), THE ENTERPRISE SHALL REALLOCATE ANY AMOUNT OF REVENUES COLLECTED AND ALLOCATED PURSUANT TO SUBSECTION (2)(d)(I) OF THIS SECTION THAT HAVE NOT BEEN EXPENDED ON OR BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (2)(d)(IV), NOT TO EXCEED TWENTY MILLION DOLLARS, FOR ANY OTHER PURPOSE SPECIFIED IN SUBSECTION (2)(d)(I) OF THIS SECTION EXCEPT ADMINISTRATIVE COSTS DESCRIBED IN SUBSECTION (2)(d)(I)(A) OF THIS SECTION.

(e) (I) ON OR AFTER THE DATE ON WHICH THE STATE TREASURER CREDITS MONEY TO THE FUND IN ACCORDANCE WITH SECTION 10-16-1206 (1.5)(a), EXCEPT AS PROVIDED IN SUBSECTION (2)(e)(II) OF THIS SECTION, THE ENTERPRISE SHALL ALLOCATE THE MONEY CREDITED TO THE FUND PURSUANT TO SECTION 10-16-1206 (1.5)(a) AS FOLLOWS:

(A) UP TO FIFTY MILLION DOLLARS TO THE REINSURANCE PROGRAM CASH FUND; AND

(B) UP TO FIFTY MILLION DOLLARS TO CARRIERS TO REDUCE THE COSTS OF INDIVIDUAL HEALTH PLANS FOR INDIVIDUALS WHO PURCHASE AN INDIVIDUAL HEALTH BENEFIT PLAN ON THE EXCHANGE AND RECEIVE THE PREMIUM TAX CREDIT.

(II) THE ENTERPRISE MAY ALLOCATE UP TO FIVE MILLION DOLLARS OF THE MONEY CREDITED TO THE FUND IN ACCORDANCE WITH SECTION 10-16-1206 (1.5)(a) FOR ANY OTHER PURPOSE SPECIFIED IN SUBSECTION (2)(d)(I) OF THIS SECTION EXCEPT ADMINISTRATIVE COSTS DESCRIBED IN SUBSECTION (2)(d)(I)(A) OF THIS SECTION.

(III) THIS SUBSECTION (2)(e) TAKES EFFECT ON JANUARY 1, 2026, ONLY IF THE CONDITION SPECIFIED IN SECTION 10-16-1209 (1) OCCURS.

SECTION 3. In Colorado Revised Statutes, 10-16-1206, **add** (1.5) as follows:

10-16-1206. Health insurance affordability cash fund - creation. (1.5) (a) (I) THE FUND ALSO CONSISTS OF ONE HUNDRED MILLION DOLLARS CREDITED TO THE FUND AS A LOAN FROM THE UNCLAIMED PROPERTY TRUST FUND PURSUANT TO SECTION 38-13-801 (7)(a).

(II) MONEY CREDITED TO THE FUND PURSUANT TO SECTION 38-13-801 (7)(a) IS AN INTEREST-FREE LOAN FROM THE UNCLAIMED PROPERTY TRUST FUND TO THE FUND. THE ENTERPRISE MAY ACCEPT AND EXPEND THE MONEY SO CREDITED AS SPECIFIED IN SECTION 10-16-1205 (2)(e) AND SHALL REPAY THE LOAN RECEIVED PURSUANT TO SECTION 38-13-801 (7)(a) NO LATER THAN JANUARY 1, 2045.

(III) A LOAN MADE FROM THE UNCLAIMED PROPERTY TRUST FUND TO A SEPARATE FUND IN THE ENTERPRISE:

(A) IS AN INTERFUND LOAN ACCORDING TO GOVERNMENTAL

ACCOUNTING STANDARDS BOARD CODIFICATION 1800.102, MEANING THAT THE LOAN IS NOT CLASSIFIED AS REVENUE AND IS BOOKED AS AN INTERFUND RECEIVABLE OR PAYABLE; AND

(B) IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

(IV) LOAN LIABILITIES THAT ARE RECORDED IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT STATE FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION 24-75-109.

(b) THIS SUBSECTION (1.5) TAKES EFFECT ON JANUARY 1, 2026, ONLY IF THE CONDITION SPECIFIED IN SECTION 10-16-1209 (1) OCCURS.

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

10-16-1207. Health insurance affordability board - creation - membership - powers and duties - subject to open meetings and public records laws - annual report - commissioner rules. (4) The board is authorized to:

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

(III) For a person who, at the time the person applies for state-subsidized coverage, meets the income requirements to qualify for emergency medical assistance pursuant to section 25.5-5-103 and who is a qualified individual who meets the eligibility criteria established in rule pursuant to subsection (4)(c)(IV) of this section, include coverage AND PLAN DESIGN that:

~~(A) Has no premium;~~

~~(B)~~ (A) ~~Has an actuarial value of not less than ninety-four percent~~ MAXIMIZES ENROLLMENT IN THE PLAN; and

~~(C)~~ (B) To the extent possible with available funding, includes cost sharing ~~that is further reduced from subsection (4)(c.5)(III)(B) of this section~~ such that the plan has consumer cost-sharing responsibilities for emergency services equivalent to cost-sharing responsibilities for emergency medical assistance pursuant to section 25.5-5-103;

(4.5) PRIOR TO MAKING ANY FINAL RECOMMENDATION PURSUANT TO SUBSECTION (4) OF THIS SECTION REGARDING PLANS, COVERAGE, AND THE NUMBER OF ELIGIBLE SLOTS, THE BOARD SHALL SEEK INPUT AND RECOMMENDATIONS FROM INDIVIDUALS DIRECTLY AFFECTED BY PROGRAMS FUNDED BY THE ENTERPRISE AND SHALL DISCUSS ANY INPUT AND RECOMMENDATIONS RECEIVED AT A BOARD MEETING HELD IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION. THE BOARD SHALL PROVIDE OPPORTUNITIES FOR INDIVIDUALS TO PROVIDE INPUT AND RECOMMENDATIONS IN ENGLISH AND SPANISH.

(7) (a) BY FEBRUARY 15, 2026, AND BY EVERY FEBRUARY 15 THEREAFTER, THE BOARD SHALL PREPARE A REPORT DETAILING:

(I) THE TOTAL REVENUE RECEIVED BY THE ENTERPRISE IN THE PREVIOUS CALENDAR YEAR;

(II) THE SHARE OF THE TOTAL REVENUE THAT WAS RECEIVED FROM

FEDERAL FUNDS;

(III) THE SHARE OF THE TOTAL REVENUE THAT WAS RECEIVED FROM THE FEE;

(IV) IF ANY ADDITIONAL AMOUNT OF THE TOTAL REVENUE WAS RECEIVED FROM ANY SOURCES OTHER THAN THE FEDERAL GOVERNMENT OR THE FEE, THE SPECIFIC SOURCE OF THOSE REVENUES AND THE SPECIFIC AMOUNT OF REVENUES FOR EACH SOURCE;

(V) EACH SPECIFIC PROGRAM THAT RECEIVED FUNDING FROM THE ENTERPRISE;

(VI) OF THE TOTAL ALLOCATION FOR EACH PROGRAM:

(A) THE SHARE OF THE TOTAL ALLOCATION THAT WAS FROM FEDERAL FUNDING; AND

(B) THE SHARE OF THE TOTAL ALLOCATION THAT WAS FROM STATE FUNDING AND THE SOURCE OF THAT STATE FUNDING;

(VII) FOR THE REINSURANCE PROGRAM, THE AMOUNT OF THE ACTUAL ALLOCATION OF STATE MONEY TO THE REINSURANCE PROGRAM;

(VIII) IF LESS THAN THE MAXIMUM ALLOWABLE ALLOCATION OF STATE MONEY IN THE FUND WAS ALLOCATED TO THE REINSURANCE PROGRAM, AN EXPLANATION OF WHY THE REINSURANCE PROGRAM WAS NOT FULLY FUNDED;

(IX) FOR ANY ALLOCATION THAT WAS MADE AT THE DISCRETION OF THE BOARD OR COMMISSIONER AND NOT DEFINED EXPRESSLY IN STATUTE, AN EXPLANATION OF THE ALLOCATIONS, THE AMOUNT OF EACH ALLOCATION, THE RATIONALE FOR THE AMOUNTS, AND THE GOALS INTENDED TO BE ACHIEVED AS A RESULT OF EACH ALLOCATION; AND

(X) THE AMOUNT OF SURPLUS IN THE FUND, IF ANY, AND AN EXPLANATION OF WHY THE SURPLUS WAS NOT ALLOCATED TO ENTERPRISE

PROGRAMS.

(b) BY FEBRUARY 28, 2026, AND BY EACH FEBRUARY 28 THEREAFTER:

(I) THE BOARD SHALL SUBMIT THE REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE JOINT BUDGET COMMITTEE; AND

(II) THE DIVISION SHALL POST THE REPORT ON THE DIVISION'S PUBLIC-FACING WEBSITE IN AN EASILY ACCESSIBLE LOCATION AND MANNER.

(c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT SPECIFIED IN THIS SUBSECTION (7) CONTINUES INDEFINITELY.

SECTION 5. In Colorado Revised Statutes, **add** 10-16-1209, 10-16-1210, and 10-16-1211 as follows:

10-16-1209. Repeal of certain provisions - notice to the revisor - repeal. (1) SECTIONS 10-16-1203 (16), 10-16-1205 (2)(e), AND 10-16-1206 (1.5) WILL TAKE EFFECT ONLY IF, BY DECEMBER 31, 2025, THE UNITED STATES CONGRESS DOES NOT ENACT AND THE PRESIDENT DOES NOT SIGN FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT FOR THE 2026 PLAN YEAR. THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS SUBSECTION (1) HAS OCCURRED BY EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. IF THE CONDITION SPECIFIED IN THIS SUBSECTION (1) OCCURS, SECTIONS 10-16-1203 (16), 10-16-1205 (2)(e), AND 10-16-1206 (1.5) TAKE EFFECT ON JANUARY 1, 2026.

(2) THIS SECTION AND SECTIONS 10-16-1203 (16), 10-16-1205 (2)(e), AND 10-16-1206 (1.5) WILL BE REPEALED IF, ON OR BEFORE DECEMBER 31, 2025, THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT SIGNS FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT FOR THE 2026 PLAN YEAR WITH AT LEAST THE SAME ELIGIBILITY AND IN THE SAME AMOUNT AS AUTHORIZED BY THE AMENDMENTS TO THE PREMIUM TAX CREDIT IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AND THE FEDERAL "INFLATION REDUCTION ACT OF 2022", PUB.L. 117-169, 136 STAT. 1818 (2022). THE COMMISSIONER SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS SUBSECTION (2) HAS OCCURRED AND OF THE DATE ON WHICH THE CONDITION OCCURRED BY EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS SECTION AND SECTIONS 10-16-1203 (16), 10-16-1205 (2)(e), AND 10-16-1206 (1.5) ARE REPEALED UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE CONDITION SPECIFIED IN THIS SUBSECTION (2) OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

10-16-1210. Regulatory agenda - division review of regulation - repeal. (1) (a) THE DIVISION SHALL CONDUCT A REVIEW OF REGULATION 4-2-76, CONCERNING THE HEALTH INSURANCE AFFORDABILITY FEE ASSESSMENT AND COLLECTION PROCESS, CODIFIED IN 3 CCR 702-4, IN ACCORDANCE WITH SECTION 24-4-103.3. THE DEPARTMENT OF REGULATORY AGENCIES SHALL INCLUDE THE DIVISION'S REVIEW OF REGULATION 4-2-76 IN ITS DEPARTMENTAL REGULATORY AGENDA THAT THE DEPARTMENT SUBMITS TO THE STAFF OF THE LEGISLATIVE COUNCIL IN ACCORDANCE WITH SECTION 2-7-203 (4) BY NOVEMBER 1, 2026. THE

HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ARE THE APPLICABLE COMMITTEES OF REFERENCE TO WHICH THE STAFF OF THE LEGISLATIVE COUNCIL SHALL DISTRIBUTE THE REVIEW OF REGULATION 4-2-76.

(b) THE DIVISION SHALL MAKE A PRESENTATION OF ITS REVIEW, AS PART OF THE DEPARTMENTAL PRESENTATIONS TO THE COMMITTEES IN ACCORDANCE WITH SECTION 2-7-203, IN THE 2027 REGULAR LEGISLATIVE SESSION.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

10-16-1211. Performance audit of the enterprise - repeal. (1) BY DECEMBER 31, 2027, THE STATE AUDITOR SHALL COMPLETE A PERFORMANCE AUDIT OF THE ENTERPRISE. IN CONDUCTING THE AUDIT, THE STATE AUDITOR SHALL:

(a) DETERMINE WHETHER THE ENTERPRISE AND THE BOARD ARE IN COMPLIANCE WITH THE PURPOSE AND RESPONSIBILITIES OF THE ENTERPRISE AND THE BOARD AS SPECIFIED IN SECTIONS 10-16-1202, 10-16-1204, 10-16-1205, AND 10-16-1207;

(b) SPECIFY, FOR EACH YEAR SINCE THE CREATION OF THE ENTERPRISE:

(I) THE ANNUAL REVENUE DEPOSITED IN THE FUND FROM:

(A) THE FEE COLLECTED FROM CARRIERS PURSUANT TO SECTION 10-16-1205 (1)(a)(I);

(B) THE SPECIAL ASSESSMENTS COLLECTED FROM HOSPITALS PURSUANT TO SECTION 10-16-1205 (1)(a)(II);

(C) PREMIUM TAX REVENUES DEPOSITED IN THE FUND PURSUANT TO SECTION 10-3-209 (4)(a)(III) BEFORE ITS REPEAL ON JULY 1, 2025;

(D) MONEY ALLOCATED TO THE FUND PURSUANT TO SECTION

10-16-1308;

(E) THE FEDERAL SHARE OF THE MEDICAL ASSISTANCE PAYMENTS RECEIVED PURSUANT TO SECTION 25.5-4-503 (2);

(F) ANY REVENUE COLLECTED FROM REVENUE BONDS PURSUANT TO SECTION 10-16-1204 (1)(b)(II);

(G) INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND; AND

(H) ANY GIFTS, GRANTS, OR DONATIONS RECEIVED FROM PRIVATE OR PUBLIC SOURCES;

(II) THE ANNUAL EXPENDITURES FROM THE FUND FOR THE PURPOSES SPECIFIED IN SECTION 10-16-1205 (1)(b), INDICATING THE AMOUNTS EXPENDED IN EACH YEAR FOR EACH OF THE FOLLOWING PURPOSES AND THE AMOUNT OF SUCH EXPENDITURES THAT WAS PAID FROM REVENUES DESCRIBED IN SUBSECTIONS (1)(b)(I)(D) AND (1)(b)(I)(E) OF THIS SECTION:

(A) TO PROVIDE FUNDING FOR THE REINSURANCE PROGRAM;

(B) TO PROVIDE PAYMENTS TO CARRIERS TO INCREASE THE AFFORDABILITY OF HEALTH INSURANCE ON THE INDIVIDUAL MARKET FOR COLORADANS WHO RECEIVE THE PREMIUM TAX CREDIT;

(C) TO PROVIDE SUBSIDIES FOR STATE-SUBSIDIZED INDIVIDUAL HEALTH COVERAGE PLANS PURCHASED BY QUALIFIED INDIVIDUALS;

(D) TO PAY THE ENTERPRISE'S ACTUAL ADMINISTRATIVE COSTS TO IMPLEMENT AND ADMINISTER THIS PART 12; AND

(E) TO PAY THE COSTS OF CONSUMER ENROLLMENT, OUTREACH, AND EDUCATION ACTIVITIES REGARDING HEALTH-CARE COVERAGE; AND

(III) THE AMOUNT OF REVENUES ALLOCATED OR OTHERWISE DESIGNATED FOR A PURPOSE SPECIFIED IN SECTION 10-16-1205 (1)(b)

THAT THE ENTERPRISE DID NOT ENCUMBER OR EXPEND;

(c) WITH REGARD TO THE ALLOCATION OF REVENUES TO THE REINSURANCE PROGRAM:

(I) DETERMINE, FOR EACH YEAR SINCE THE ENTERPRISE COLLECTED OR RECEIVED REVENUES, WHETHER THE ENTERPRISE ALLOCATED TO THE REINSURANCE PROGRAM CASH FUND THE MAXIMUM ALLOWABLE AMOUNT OF REVENUES AS SPECIFIED IN SECTION 10-16-1205 (2); AND

(II) FOR ANY YEAR IN WHICH THE ENTERPRISE DID NOT ALLOCATE THE MAXIMUM ALLOWABLE AMOUNT OF REVENUES TO THE REINSURANCE PROGRAM, ANALYZE:

(A) THE ENTERPRISE'S AND THE DIVISION'S RATIONALE FOR NOT ALLOCATING THE MAXIMUM ALLOWABLE AMOUNT OF REVENUES TO THE REINSURANCE PROGRAM; AND

(B) THE IMPACT OF THAT DECISION ON THE AFFORDABILITY RELIEF PROVIDED TO CONSUMERS IN THE INDIVIDUAL MARKET AND THE ABILITY OF THE ENTERPRISE TO FUND OTHER PROGRAMS AUTHORIZED IN THIS PART 12;

(d) DETERMINE WHETHER THE ENTERPRISE'S CURRENT AND PROJECTED REVENUES ARE SUFFICIENT FOR THE ENTERPRISE TO EFFICIENTLY AND EFFECTIVELY FULFILL ITS DUTIES AND RESPONSIBILITIES AS SPECIFIED IN THIS PART 12; AND

(e) DETERMINE THE SIGNIFICANCE OF FEDERAL FUNDING ON THE ABILITY OF THE ENTERPRISE TO EFFICIENTLY AND EFFECTIVELY FULFILL ITS DUTIES AND RESPONSIBILITIES AS SPECIFIED IN THIS PART 12.

(2) UPON COMPLETION OF THE PERFORMANCE AUDIT REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE STATE AUDITOR SHALL SUBMIT A

WRITTEN REPORT ABOUT THE PERFORMANCE AUDIT TO THE LEGISLATIVE AUDIT COMMITTEE AND TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(3) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2028.

SECTION 6. In Colorado Revised Statutes, 38-13-801, **amend** (1)(b), (1)(c), and (2)(f); and **add** (7) as follows:

38-13-801. Unclaimed property trust fund - creation - payments - interest - appropriations - records - rules - repeal. (1) (b) Except as provided in subsections (2), (3), ~~and~~ (3.5), (6), AND (7) of this section, the principal of the trust fund shall not be expended except to pay claims made pursuant to this article 13. Money constituting the principal of the trust fund is not fiscal year spending of the state for purposes of section 20 of article X of the state constitution and is not subject to appropriation by the general assembly.

(c) Except as provided in ~~subsection (6)~~ SUBSECTIONS (6) AND (7) of this section, all interest derived from the deposit and investment of money in the trust fund shall be credited to the trust fund. Such interest is not fiscal year spending of the state for purposes of section 20 of article X of the state constitution.

(2) (f) (I) Interest and, if necessary, principal credited, as required by subsection (6) of this section, as a loan to the provider stabilization fund created in section 25.5-3-603 (1) does not constitute fiscal year spending of the state for purposes of section 20 of article X of the state constitution.

(II) INTEREST AND, IF NECESSARY, PRINCIPAL CREDITED, AS REQUIRED BY SUBSECTION (7) OF THIS SECTION, AS A LOAN TO THE HEALTH INSURANCE AFFORDABILITY CASH FUND CREATED IN SECTION 10-16-1206

(1) DOES NOT CONSTITUTE FISCAL YEAR SPENDING OF THE STATE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(7) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (7)(a)(II) OF THIS SECTION, WITHIN TEN DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (7), THE STATE TREASURER SHALL MAKE AN INTEREST-FREE LOAN IN THE AMOUNT OF ONE HUNDRED MILLION DOLLARS FROM INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE UNCLAIMED PROPERTY TRUST FUND TO THE HEALTH INSURANCE AFFORDABILITY CASH FUND CREATED IN SECTION 10-16-1206 (1).

(II) IF THERE IS AN INSUFFICIENT AMOUNT OF INTEREST IN THE UNCLAIMED PROPERTY TRUST FUND TO ENABLE THE STATE TREASURER TO CREDIT THE FULL AMOUNT OF THE LOAN SPECIFIED IN SUBSECTION (7)(a)(I) OF THIS SECTION FROM INTEREST ALONE, THE STATE TREASURER SHALL CREDIT AN AMOUNT OF PRINCIPAL IN THE TRUST FUND THAT IS SUFFICIENT TO ENABLE THE STATE TREASURER TO CREDIT TO THE HEALTH INSURANCE AFFORDABILITY CASH FUND THE FULL AMOUNT OF THE LOAN.

(b) (I) SUBSECTION (7)(a) OF THIS SECTION WILL TAKE EFFECT ONLY IF, BY DECEMBER 31, 2025, THE UNITED STATES CONGRESS DOES NOT ENACT AND THE PRESIDENT DOES NOT SIGN FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT, AS DEFINED IN SECTION 10-16-1203 (2.5), FOR THE 2026 PLAN YEAR. THE COMMISSIONER OF INSURANCE SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS SUBSECTION (7)(b)(I) HAS OCCURRED AND OF THE DATE ON WHICH THE CONDITION OCCURRED BY EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. IF THE CONDITION SPECIFIED IN THIS SUBSECTION (7)(b)(I) OCCURS, SUBSECTION (7)(a) OF THIS SECTION

TAKES EFFECT ON JANUARY 1, 2026.

(II) THIS SUBSECTION (7) WILL BE REPEALED IF, ON OR BEFORE DECEMBER 31, 2025, THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT SIGNS FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT, AS DEFINED IN SECTION 10-16-1203 (2.5), FOR THE 2026 PLAN YEAR WITH AT LEAST THE SAME ELIGIBILITY AND IN THE SAME AMOUNT AS AUTHORIZED BY THE AMENDMENTS TO THE PREMIUM TAX CREDIT, AS DEFINED IN SECTION 10-16-1203 (10), IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AND THE FEDERAL "INFLATION REDUCTION ACT OF 2022", PUB.L. 117-169, 136 STAT. 1818 (2022). THE COMMISSIONER OF INSURANCE SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS SUBSECTION (7)(b)(II) HAS OCCURRED AND OF THE DATE ON WHICH THE CONDITION OCCURRED BY EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS SUBSECTION (7) IS REPEALED UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE CONDITION SPECIFIED IN THIS SUBSECTION (7)(b)(II) OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

SECTION 7. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.