

**First Extraordinary Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 25B-0021.04 Christy Chase x2008

HOUSE BILL 25B-1006

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Jodeh and Mullica, Roberts

House Committees

Health & Human Services
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE COLORADO HEALTH INSURANCE**
102 **AFFORDABILITY ENTERPRISE TO ADDRESS THE AFFORDABILITY**
103 **OF HEALTH INSURANCE IN THE INDIVIDUAL MARKET USING**
104 **NONAPPROPRIATED FUNDING SOURCES, AND, IN CONNECTION**
105 **THEREWITH, MAKING AN 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 makes the following changes to the "Health Insurance Affordability Act":

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.

SENATE
Amended 2nd Reading
August 25, 2025

HOUSE
3rd Reading Unamended
August 23, 2025

HOUSE
Amended 2nd Reading
August 22, 2025

- If the federal enhanced premium tax credit is not extended 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-1203, **add**
 3 (2.5) as follows:

4 **10-16-1203. Definitions.** As used in this part 12, unless the
 5 context otherwise requires:

6 (2.5) "ENHANCED PREMIUM TAX CREDIT" MEANS THE PREMIUM
 7 TAX CREDIT, AS AMENDED BY THE FEDERAL "AMERICAN RESCUE PLAN
 8 ACT OF 2021", PUB.L. 117-2, AND THE FEDERAL "INFLATION REDUCTION
 9 ACT OF 2022", PUB.L. 117-169, 136 STAT. 1818 (2022), WHICH EXPANDED
 10 ELIGIBILITY FOR AND THE AMOUNT OF THE PREMIUM TAX CREDIT.

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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

1 PREMIUM TAX CREDIT.

2 (II) THE ENTERPRISE MAY ALLOCATE UP TO FIVE MILLION DOLLARS
3 OF THE MONEY CREDITED TO THE FUND IN ACCORDANCE WITH SECTION
4 10-16-1206 (1.5)(a) FOR ANY OTHER PURPOSE SPECIFIED IN SUBSECTION
5 (2)(d)(I) OF THIS SECTION EXCEPT ADMINISTRATIVE COSTS DESCRIBED IN
6 SUBSECTION (2)(d)(I)(A) OF THIS SECTION.

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

9 **SECTION 3.** In Colorado Revised Statutes, 10-16-1206, amend
10 (1)(g) and (1)(h); and add (1)(i) and (1.5) as follows:

11 **10-16-1206. Health insurance affordability cash fund -**
12 **creation.** (1) There is created in the state treasury the health insurance
13 affordability cash fund. The fund consists of:

14 (g) The federal share of the medical assistance payments received
15 pursuant to section 25.5-4-503 (2); and

16 (h) Gifts, grants, or donations received from private or public
17 sources; AND

18 (i) ANY OTHER MONEY THAT MAY BE APPROPRIATED OR
19 TRANSFERRED TO THE FUND.

20 (1.5) (a) THE FUND ALSO CONSISTS OF ONE HUNDRED MILLION
21 DOLLARS FROM THE FOLLOWING SOURCES, WHICH THE ENTERPRISE SHALL
22 ALLOCATE IN ACCORDANCE WITH SECTION 10-16-1205 (2)(e):

23 (I) UP TO ONE HUNDRED MILLION DOLLARS FROM TAX CREDIT SALE
24 PROCEEDS CREDITED TO THE FUND PURSUANT TO SECTION 24-36-406; AND

25 (II) (A) IF THE TOTAL AMOUNT OF TAX CREDIT SALE PROCEEDS
26 AVAILABLE FOR DEPOSIT IN THE FUND IS LESS THAN ONE HUNDRED
27 MILLION DOLLARS, AN AMOUNT DETERMINED AND TRANSFERRED, IN

1 ACCORDANCE WITH SUBSECTION (1.5)(a)(II)(B) OF THIS SECTION, FROM
2 THE GENERAL FUND TO THE FUND;

3 (B) THE STATE TREASURER SHALL DETERMINE THE AMOUNT OF
4 THE TRANSFER FROM THE GENERAL FUND TO THE FUND BY CALCULATING
5 THE DIFFERENCE BETWEEN ONE HUNDRED MILLION DOLLARS AND THE
6 AMOUNT OF TAX CREDIT SALE PROCEEDS CREDITED TO THE FUND
7 PURSUANT TO SECTION 24-36-406 AND, WITHIN TEN DAYS AFTER MAKING
8 THE DETERMINATION, SHALL TRANSFER THAT AMOUNT FROM THE
9 GENERAL FUND TO THE FUND.

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

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

14 **10-16-1207. Health insurance affordability board - creation -**
15 **membership - powers and duties - subject to open meetings and**
16 **public records laws - annual report - commissioner rules.** (4) The
17 board is authorized to:

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

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

1 PLAN DESIGN that:

2 ~~(A) Has no premium;~~

3 ~~(B) (A) Has an actuarial value of not less than ninety-four percent~~

4 MAXIMIZES ENROLLMENT IN THE PLAN; and

5 ~~(C) (B) To the extent possible with available funding, includes~~

6 ~~cost sharing that is further reduced from subsection (4)(c.5)(III)(B) of this~~

7 ~~section~~ such that the plan has consumer cost-sharing responsibilities for

8 emergency services equivalent to cost-sharing responsibilities for

9 emergency medical assistance pursuant to section 25.5-5-103;

10 (4.5) PRIOR TO MAKING ANY FINAL RECOMMENDATION PURSUANT

11 TO SUBSECTION (4) OF THIS SECTION REGARDING PLANS, COVERAGE, AND

12 THE NUMBER OF ELIGIBLE SLOTS, THE BOARD SHALL SEEK INPUT AND

13 RECOMMENDATIONS FROM INDIVIDUALS DIRECTLY AFFECTED BY

14 PROGRAMS FUNDED BY THE ENTERPRISE AND SHALL DISCUSS ANY INPUT

15 AND RECOMMENDATIONS RECEIVED AT A BOARD MEETING HELD IN

16 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION. THE BOARD SHALL

17 PROVIDE OPPORTUNITIES FOR INDIVIDUALS TO PROVIDE INPUT AND

18 RECOMMENDATIONS IN ENGLISH AND SPANISH.

19 (7) (a) BY FEBRUARY 15, 2026, AND BY EVERY FEBRUARY 15

20 THEREAFTER, THE BOARD SHALL PREPARE A REPORT DETAILING:

21 (I) THE TOTAL REVENUE RECEIVED BY THE ENTERPRISE IN THE

22 PREVIOUS CALENDAR YEAR;

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

24 FEDERAL FUNDS;

25 (III) THE SHARE OF THE TOTAL REVENUE THAT WAS RECEIVED

26 FROM THE FEE;

27 (IV) IF ANY ADDITIONAL AMOUNT OF THE TOTAL REVENUE WAS

1 RECEIVED FROM ANY SOURCES OTHER THAN THE FEDERAL GOVERNMENT
2 OR THE FEE, THE SPECIFIC SOURCE OF THOSE REVENUES AND THE SPECIFIC
3 AMOUNT OF REVENUES FOR EACH SOURCE;

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

6 (VI) OF THE TOTAL ALLOCATION FOR EACH PROGRAM:

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

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

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

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

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

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

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

27 (I) THE BOARD SHALL SUBMIT THE REPORT TO THE HOUSE OF

1 REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE AND THE
2 SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR
3 COMMITTEES, AND THE JOINT BUDGET COMMITTEE; AND

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

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

10 **SECTION 5.** In Colorado Revised Statutes, **add** 10-16-1209,
11 10-16-1210, and 10-16-1211 as follows:

12 **10-16-1209. Repeal of certain provisions - notice to the revisor**
13 **- repeal.** (1) SECTIONS 10-16-1205 (2)(e), 10-16-1206 (1.5), AND
14 24-75-201.1 (1)(d)(XXVII)(A) WILL TAKE EFFECT ONLY IF, BY DECEMBER
15 31, 2025, THE UNITED STATES CONGRESS DOES NOT ENACT AND THE
16 PRESIDENT DOES NOT SIGN FEDERAL LEGISLATION THAT EXTENDS,
17 RECREATES, OR OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX
18 CREDIT FOR THE 2026 PLAN YEAR. THE COMMISSIONER SHALL NOTIFY THE
19 REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS
20 SUBSECTION (1) HAS OCCURRED BY EMAILING THE NOTICE TO
21 REVISOROFSTATUTES.GA@COLEG.GOV. IF THE CONDITION SPECIFIED IN
22 THIS SUBSECTION (1) OCCURS, SECTIONS 10-16-1205 (2)(e), 10-16-1206
23 (1.5), AND 24-75-201.1 (1)(d)(XXVII)(A) TAKE EFFECT ON JANUARY 1,
24 2026.

25 (2) THIS SECTION AND SECTIONS 10-16-1205 (2)(e), 10-16-1206
26 (1.5), AND 24-75-201.1 (1)(d)(XXVII)(A) WILL BE REPEALED IF, ON OR
27 BEFORE DECEMBER 31, 2025, THE UNITED STATES CONGRESS ENACTS AND

1 THE PRESIDENT SIGNS FEDERAL LEGISLATION THAT EXTENDS, RECREATES,
2 OR OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT FOR THE
3 2026 PLAN YEAR WITH AT LEAST THE SAME ELIGIBILITY AND IN THE SAME
4 AMOUNT AS AUTHORIZED BY THE AMENDMENTS TO THE PREMIUM TAX
5 CREDIT IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L.
6 117-2, AND THE FEDERAL "INFLATION REDUCTION ACT OF 2022", PUB.L.
7 117-169, 136 STAT. 1818 (2022). THE COMMISSIONER SHALL NOTIFY THE
8 REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS
9 SUBSECTION (2) HAS OCCURRED AND OF THE DATE ON WHICH THE
10 CONDITION OCCURRED BY EMAILING THE NOTICE TO
11 REVISOROFSTATUTES.GA@COLEG.GOV. THIS SECTION AND SECTIONS
12 10-16-1205 (2)(e), 10-16-1206 (1.5), AND 24-75-201.1 (1)(d)(XXVII)(A)
13 ARE REPEALED UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE
14 CONDITION SPECIFIED IN THIS SUBSECTION (2) OCCURRED OR, IF THE
15 NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO
16 THE REVISOR OF STATUTES.

17 **10-16-1210. Regulatory agenda - division review of regulation**
18 **- repeal.** (1) (a) THE DIVISION SHALL CONDUCT A REVIEW OF REGULATION
19 4-2-76, CONCERNING THE HEALTH INSURANCE AFFORDABILITY FEE
20 ASSESSMENT AND COLLECTION PROCESS, CODIFIED IN 3 CCR 702-4, IN
21 ACCORDANCE WITH SECTION 24-4-103.3. THE DEPARTMENT OF
22 REGULATORY AGENCIES SHALL INCLUDE THE DIVISION'S REVIEW OF
23 REGULATION 4-2-76 IN ITS DEPARTMENTAL REGULATORY AGENDA THAT
24 THE DEPARTMENT SUBMITS TO THE STAFF OF THE LEGISLATIVE COUNCIL IN
25 ACCORDANCE WITH SECTION 2-7-203 (4) BY NOVEMBER 1, 2026. THE
26 HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF
27 REPRESENTATIVES AND THE SENATE ARE THE APPLICABLE COMMITTEES OF

1 REFERENCE TO WHICH THE STAFF OF THE LEGISLATIVE COUNCIL SHALL
2 DISTRIBUTE THE REVIEW OF REGULATION 4-2-76.

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

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

8 **10-16-1211. Performance audit of the enterprise - repeal.**

9 (1) BY DECEMBER 31, 2027, THE STATE AUDITOR SHALL COMPLETE A
10 PERFORMANCE AUDIT OF THE ENTERPRISE. IN CONDUCTING THE AUDIT, THE
11 STATE AUDITOR SHALL:

12 (a) DETERMINE WHETHER THE ENTERPRISE AND THE BOARD ARE IN
13 COMPLIANCE WITH THE PURPOSE AND RESPONSIBILITIES OF THE
14 ENTERPRISE AND THE BOARD AS SPECIFIED IN SECTIONS 10-16-1202,
15 10-16-1204, 10-16-1205, AND 10-16-1207;

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

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

19 (A) THE FEE COLLECTED FROM CARRIERS PURSUANT TO SECTION
20 10-16-1205 (1)(a)(I);

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

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

25 (D) MONEY ALLOCATED TO THE FUND PURSUANT TO SECTION
26 10-16-1308;

27 (E) THE FEDERAL SHARE OF THE MEDICAL ASSISTANCE PAYMENTS

1 RECEIVED PURSUANT TO SECTION 25.5-4-503 (2);

2 (F) ANY REVENUE COLLECTED FROM REVENUE BONDS PURSUANT

3 TO SECTION 10-16-1204 (1)(b)(II);

4 (G) INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND

5 INVESTMENT OF MONEY IN THE FUND; AND

6 (H) ANY GIFTS, GRANTS, OR DONATIONS RECEIVED FROM PRIVATE

7 OR PUBLIC SOURCES;

8 (II) THE ANNUAL EXPENDITURES FROM THE FUND FOR THE

9 PURPOSES SPECIFIED IN SECTION 10-16-1205 (1)(b), INDICATING THE

10 AMOUNTS EXPENDED IN EACH YEAR FOR EACH OF THE FOLLOWING

11 PURPOSES AND THE AMOUNT OF SUCH EXPENDITURES THAT WAS PAID

12 FROM REVENUES DESCRIBED IN SUBSECTIONS (1)(b)(I)(D) AND (1)(b)(I)(E)

13 OF THIS SECTION:

14 (A) TO PROVIDE FUNDING FOR THE REINSURANCE PROGRAM;

15 (B) TO PROVIDE PAYMENTS TO CARRIERS TO INCREASE THE

16 AFFORDABILITY OF HEALTH INSURANCE ON THE INDIVIDUAL MARKET FOR

17 COLORADANS WHO RECEIVE THE PREMIUM TAX CREDIT;

18 (C) TO PROVIDE SUBSIDIES FOR STATE-SUBSIDIZED INDIVIDUAL

19 HEALTH COVERAGE PLANS PURCHASED BY QUALIFIED INDIVIDUALS;

20 (D) TO PAY THE ENTERPRISE'S ACTUAL ADMINISTRATIVE COSTS TO

21 IMPLEMENT AND ADMINISTER THIS PART 12; AND

22 (E) TO PAY THE COSTS OF CONSUMER ENROLLMENT, OUTREACH,

23 AND EDUCATION ACTIVITIES REGARDING HEALTH-CARE COVERAGE; AND

24 (III) THE AMOUNT OF REVENUES ALLOCATED OR OTHERWISE

25 DESIGNATED FOR A PURPOSE SPECIFIED IN SECTION 10-16-1205 (1)(b)

26 THAT THE ENTERPRISE DID NOT ENCUMBER OR EXPEND;

27 (c) WITH REGARD TO THE ALLOCATION OF REVENUES TO THE

1 REINSURANCE PROGRAM:

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

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

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

13 (B) THE IMPACT OF THAT DECISION ON THE AFFORDABILITY RELIEF
14 PROVIDED TO CONSUMERS IN THE INDIVIDUAL MARKET AND THE ABILITY
15 OF THE ENTERPRISE TO FUND OTHER PROGRAMS AUTHORIZED IN THIS PART
16 12;

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

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

24 (2) UPON COMPLETION OF THE PERFORMANCE AUDIT REQUIRED BY
25 SUBSECTION (1) OF THIS SECTION, THE STATE AUDITOR SHALL SUBMIT A
26 WRITTEN REPORT ABOUT THE PERFORMANCE AUDIT TO THE LEGISLATIVE
27 AUDIT COMMITTEE AND TO THE HEALTH AND HUMAN SERVICES

1 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

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

3 SECTION 6. In Colorado Revised Statutes, 24-36-401
4 as added by House Bill 25B-1004, amend (2) as follows:

5 24-36-401. Legislative declaration - tax preference
6 performance statement. (2) (a) In accordance with section 39-21-304
7 (1), which requires each bill that creates a new tax expenditure to include
8 a tax preference performance statement as part of a statutory legislative
9 declaration, the general assembly further finds and declares that the
10 general purposes of the tax credits provided for in this part 4 are to induce
11 certain designated behavior by taxpayers and provide a reduction in
12 insurance premium tax liability for certain businesses. Specifically, this
13 tax expenditure is intended to induce insurance companies to purchase tax
14 credits that will reduce their future insurance premium tax liability in
15 order to generate money for the HEALTH INSURANCE AFFORDABILITY CASH
16 FUND CREATED IN SECTION 10-16-1206 (1) AND THE general fund.

17 (b) The general assembly and the state auditor shall measure the
18 effectiveness of the tax credits in achieving the purposes specified in
19 subsection (2)(a) of this section based on the number and value of the
20 credits claimed and the total amount of ~~general fund~~ money generated
21 FOR THE HEALTH INSURANCE AFFORDABILITY CASH FUND AND THE
22 GENERAL FUND. The division of insurance shall provide the state auditor
23 with information regarding the total amount of credits claimed and the
24 ~~general fund~~ AMOUNT OF money generated FOR THE HEALTH INSURANCE
25 AFFORDABILITY CASH FUND AND THE GENERAL FUND.

26 SECTION 7. In Colorado Revised Statutes, 24-36-402 as added
27 by House Bill 25B-1004, amend (6) as follows:

1 **24-36-402. Definitions.** As used in this part 4, unless the context
2 otherwise requires:

3 (6) "Tax credit sale proceeds" or "sale proceeds" means the money
4 or other liquid asset acceptable to the state treasurer that a qualified
5 taxpayer pays to the department that is deposited in the tax credit sale
6 proceeds cash fund created in section 24-36-405 (1) AS SPECIFIED IN
7 SECTION 24-36-406.

8 **SECTION 8.** In Colorado Revised Statutes, 24-36-403 as added
9 by House Bill 25B-1004, amend (2)(a)(I) and (8) as follows:

10 **24-36-403. Insurance premium tax credits - purchase -**
11 **authorization to issue - terms - report.** (2) (a) (I) (A) The department
12 is authorized to issue tax credit certificates to qualified taxpayers pursuant
13 to this part 4 and part 5 of this article 36 equal to the lesser of a total face
14 value of up to one hundred twenty-five million dollars or total sales
15 proceeds of up to one hundred million dollars, plus any reasonable and
16 necessary administrative, monitoring, and closing costs.

17 (B) IN ADDITION TO THE TAX CREDIT CERTIFICATES AUTHORIZED
18 IN SUBSECTION (2)(a)(I)(A) OF THIS SECTION, THE DEPARTMENT IS
19 AUTHORIZED TO ISSUE TAX CREDIT CERTIFICATES TO QUALIFIED
20 TAXPAYERS PURSUANT TO THIS PART 4 AND PART 5 OF THIS ARTICLE 36
21 EQUAL TO THE LESSER OF A TOTAL FACE VALUE OF UP TO ONE HUNDRED
22 TWENTY-FIVE MILLION DOLLARS OR TOTAL SALE PROCEEDS OF UP TO ONE
23 HUNDRED MILLION DOLLARS PLUS ANY REASONABLE AND NECESSARY
24 ADMINISTRATIVE, MONITORING, AND CLOSING COSTS. THIS SUBSECTION
25 (2)(a)(I) TAKES EFFECT ON JANUARY 1, 2026, ONLY IF THE CONDITION
26 SPECIFIED IN SECTION 10-16-1209 (1) OCCURS.

27 (8) The tax credit sale proceeds provided by a qualified taxpayer

1 in return for a tax credit certificate must be deposited in the tax credit sale
2 proceeds cash fund created in section 24-36-405 (1) AS SPECIFIED IN
3 SECTION 24-36-406.

4 **SECTION 9.** In Colorado Revised Statutes, amend as added by
5 **House Bill 25B-1004** 24-36-406 as follows:

6 **24-36-406. Distribution of sale proceeds.** (1) EXCEPT AS
7 PROVIDED IN SUBSECTION (2) OF THIS SECTION, each month, the state
8 treasurer shall credit the money generated by the sale proceeds pursuant
9 to parts 4 and 5 of this article 36 to the tax credit sale proceeds cash fund.
10 The department shall transfer the money to the general fund less any
11 amounts used for the expenses described in section 24-36-405 (4).

12 (2) (a) EACH MONTH, THE STATE TREASURER SHALL CREDIT THE
13 MONEY GENERATED BY THE SALE PROCEEDS PURSUANT TO PARTS 4 AND
14 5 OF THIS ARTICLE 36 AS FOLLOWS:

15 (I) AN AMOUNT EQUAL TO THE MONTHLY EXPENSES DESCRIBED IN
16 SECTION 24-36-405 (4) TO THE TAX CREDIT SALE PROCEEDS CASH FUND;

17 (II) THE REMAINDER TO THE HEALTH INSURANCE AFFORDABILITY
18 CASH FUND CREATED IN SECTION 10-16-1206 (1); EXCEPT THAT THE
19 AMOUNT CREDITED TO THE HEALTH INSURANCE AFFORDABILITY CASH
20 FUND SHALL NOT EXCEED ONE HUNDRED MILLION DOLLARS; AND

21 (III) AFTER THE AMOUNT SPECIFIED IN SUBSECTION (2)(a)(II) OF
22 THIS SECTION HAS BEEN CREDITED TO THE HEALTH INSURANCE
23 AFFORDABILITY CASH FUND, THEN THE REMAINDER TO THE TAX CREDIT
24 SALE PROCEEDS CASH FUND.

25 (b) THE DEPARTMENT SHALL TRANSFER THE MONEY IN THE TAX
26 CREDIT SALE PROCEEDS CASH FUND, LESS ANY AMOUNTS USED FOR THE
27 EXPENSES DESCRIBED IN SECTION 24-36-405 (4), TO THE GENERAL FUND.

1 (c) (I) THIS SUBSECTION (2) WILL TAKE EFFECT ONLY IF, BY
2 DECEMBER 31, 2025, THE UNITED STATES CONGRESS DOES NOT ENACT
3 AND THE PRESIDENT DOES NOT SIGN FEDERAL LEGISLATION THAT
4 EXTENDS, RECREATES, OR OTHERWISE REINSTATES THE ENHANCED
5 PREMIUM TAX CREDIT FOR THE 2026 PLAN YEAR. THE COMMISSIONER OF
6 INSURANCE SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE
7 CONDITION SPECIFIED IN THIS SUBSECTION (2)(c)(I) HAS OCCURRED BY
8 EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. IF THE
9 CONDITION SPECIFIED IN THIS SUBSECTION (2)(c)(I) OCCURS, THIS
10 SUBSECTION (2) TAKES EFFECT ON JANUARY 1, 2026.

11 (II) THIS SUBSECTION (2) WILL BE REPEALED IF, ON OR BEFORE
12 DECEMBER 31, 2025, THE UNITED STATES CONGRESS ENACTS AND THE
13 PRESIDENT SIGNS FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR
14 OTHERWISE REINSTATES THE ENHANCED PREMIUM TAX CREDIT FOR THE
15 2026 PLAN YEAR WITH AT LEAST THE SAME ELIGIBILITY AND IN THE SAME
16 AMOUNT AS AUTHORIZED BY THE AMENDMENTS TO THE PREMIUM TAX
17 CREDIT IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L.
18 117-2, AND THE FEDERAL "INFLATION REDUCTION ACT OF 2022", PUB.L.
19 117-169, 136 STAT. 1818 (2022). THE COMMISSIONER OF INSURANCE
20 SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE CONDITION
21 SPECIFIED IN THIS SUBSECTION (2)(c)(II) HAS OCCURRED AND OF THE DATE
22 ON WHICH THE CONDITION OCCURRED BY EMAILING THE NOTICE TO
23 REVISOROFSTATUTES.GA@COLEG.GOV. THIS SUBSECTION (2) IS REPEALED
24 UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE CONDITION SPECIFIED
25 IN THIS SUBSECTION (2)(c)(II) OCCURRED OR, IF THE NOTICE DOES NOT
26 SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF
27 STATUTES.

1 **SECTION 10. In Colorado Revised Statutes, 24-36-501 as added**
2 **by House Bill 25B-1004, amend (2) as follows:**

3 **24-36-501. Legislative declaration - tax preference**
4 **performance statement.** (2) (a) In accordance with section 39-21-304
5 (1), which requires each bill that creates a new tax expenditure to include
6 a tax preference performance statement as part of a statutory legislative
7 declaration, the general assembly further finds and declares that the
8 general purposes of the tax credits provided for in this part 5 are to induce
9 certain designated behavior by taxpayers and provide a reduction in
10 income tax liability for certain businesses. Specifically, this tax
11 expenditure is intended to induce C corporations to purchase tax credits
12 that will reduce their future income tax liability in order to generate
13 money for THE HEALTH INSURANCE AFFORDABILITY CASH FUND CREATED
14 IN SECTION 10-16-1206 (1) AND the general fund.

15 (b) The general assembly and the state auditor shall measure the
16 effectiveness of the tax credits in achieving the purposes specified in
17 subsection (2)(a) of this section based on the number and value of the
18 credits claimed and the total amount of ~~general fund~~ money generated
19 FOR THE HEALTH INSURANCE AFFORDABILITY CASH FUND AND THE
20 GENERAL FUND. The department of revenue shall provide the state auditor
21 with information regarding the total amount of credits claimed and the
22 ~~general fund~~ AMOUNT OF money generated FOR THE HEALTH INSURANCE
23 AFFORDABILITY CASH FUND AND THE GENERAL FUND.

24 **SECTION 11. In Colorado Revised Statutes, 24-36-502 as added**
25 **by House Bill 25B-1004, amend (6) as follows:**

26 **24-36-502. Definitions.** As used in this part 5, unless the context
27 otherwise requires:

1 (6) "Tax credit sale proceeds" or "sale proceeds" means the money
2 or other liquid asset acceptable to the state treasurer that a qualified
3 taxpayer pays to the department that is deposited in the tax credit sale
4 proceeds cash fund created in section 24-36-405 (1) AS SPECIFIED IN
5 SECTION 24-36-406.

6 **SECTION 12.** In Colorado Revised Statutes, 24-36-503 **as added**
7 **by House Bill 25B-1004, amend (2)(a) and (8) as follows:**

8 **24-36-503. Corporate tax credits - purchase - authorization to**
9 **issue - terms - report.** (2) (a) (I) The department is authorized to issue
10 tax credit certificates to qualified taxpayers pursuant to this part 5 and
11 part 4 of this article 36 equal to the lesser of a total face value of up to
12 one hundred twenty-five million dollars or total sales proceeds of up to
13 one hundred million dollars, plus any reasonable and necessary
14 administrative, monitoring, and closing costs.

15 (II) (A) IN ADDITION TO THE TAX CREDIT CERTIFICATES
16 AUTHORIZED IN SUBSECTION (2)(a)(I) OF THIS SECTION, THE DEPARTMENT
17 IS AUTHORIZED TO ISSUE TAX CREDIT CERTIFICATES TO QUALIFIED
18 TAXPAYERS PURSUANT TO THIS PART 5 AND PART 4 OF THIS ARTICLE 36
19 EQUAL TO THE LESSER OF A TOTAL FACE VALUE OF UP TO ONE HUNDRED
20 TWENTY-FIVE MILLION DOLLARS OR TOTAL SALE PROCEEDS OF UP TO ONE
21 HUNDRED MILLION DOLLARS PLUS ANY REASONABLE AND NECESSARY
22 ADMINISTRATIVE, MONITORING, AND CLOSING COSTS.

23 (B) THIS SUBSECTION (2)(a)(II) TAKES EFFECT ON JANUARY 1,
24 2026, ONLY IF THE CONDITION SPECIFIED IN SECTION 10-16-1209 (1)
25 OCCURS.

26 (8) The tax credit sale proceeds provided by a qualified taxpayer
27 in return for a tax credit certificate must be deposited in the tax credit sale

1 proceeds cash fund created in section 24-36-405 (1) AS SPECIFIED IN
2 SECTION 24-36-406.

3 **SECTION 13.** In Colorado Revised Statutes, **add** parts 4 and 5
4 to article 36 of title 24 as follows:

5 **PART 4**

6 **SALE OF INSURANCE PREMIUM TAX CREDITS**

7 **24-36-401. Legislative declaration - tax preference**
8 **performance statement.** (1) THE GENERAL ASSEMBLY FINDS AND
9 DECLARES THAT:

10 (a) THE INSURANCE PREMIUM TAX CREDITS AUTHORIZED BY THIS
11 PART 4 ARE NOT REFUNDABLE AND DO NOT IMPOSE AN OBLIGATION OF
12 PAYMENT IN ANY FUTURE YEAR ON THE STATE;

13 (b) THE USE OF PROCEEDS FROM THE SALE OF INSURANCE PREMIUM
14 TAX CREDITS DOES NOT REQUIRE THE STATE TO BORROW MONEY, EXTEND
15 OR PLEDGE THE STATE'S CREDIT, OR OBLIGATE THE STATE TO MAKE
16 FUTURE PAYMENTS FROM STATE REVENUE;

17 (c) THE SALE AND USE OF THE TAX CREDITS SHALL NOT BE DEEMED
18 OR CONSTRUED AS CREATING INDEBTEDNESS OR ANY OTHER FINANCIAL
19 OBLIGATION WHATSOEVER WITHIN THE MEANING OF ANY PROVISION OF
20 THE STATE CONSTITUTION OR THE LAWS OF THE STATE CONCERNING OR
21 LIMITING THE CREATION OF INDEBTEDNESS OR OTHER FINANCIAL
22 OBLIGATION BY THE STATE;

23 (d) THE TAX CREDITS ALLOW AN INSURANCE COMPANY WITH AN
24 INSURANCE PREMIUM TAX LIABILITY TO PREPAY ITS TAX LIABILITY FOR
25 FUTURE YEARS, WHICH DOES NOT CONSTITUTE A TAX POLICY CHANGE
26 UNDER SECTION 20 (4)(a) OF ARTICLE X OF THE STATE CONSTITUTION; AND

27 (e) ANY PROCEEDS FROM THE SALE OF THE TAX CREDITS WILL BE

1 OFFSET BY DECREASES IN FUTURE REVENUE RESULTING FROM THE BUYER'S
2 USE OF THE TAX CREDITS AND THEREFORE WILL NOT CAUSE A NET TAX
3 REVENUE GAIN UNDER SECTION 20 (4)(a) OF ARTICLE X OF THE STATE
4 CONSTITUTION.

5 (2) (a) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH
6 REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE
7 A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY
8 LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY FURTHER FINDS AND
9 DECLARES THAT THE GENERAL PURPOSES OF THE TAX CREDITS PROVIDED
10 FOR IN THIS PART 4 ARE TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY
11 TAXPAYERS AND PROVIDE A REDUCTION IN INSURANCE PREMIUM TAX
12 LIABILITY FOR CERTAIN BUSINESSES. SPECIFICALLY, THIS TAX
13 EXPENDITURE IS INTENDED TO INDUCE INSURANCE COMPANIES TO
14 PURCHASE TAX CREDITS THAT WILL REDUCE THEIR FUTURE INSURANCE
15 PREMIUM TAX LIABILITY IN ORDER TO GENERATE MONEY FOR THE HEALTH
16 INSURANCE AFFORDABILITY CASH FUND.

17 (b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL
18 MEASURE THE EFFECTIVENESS OF THE TAX CREDITS IN ACHIEVING THE
19 PURPOSES SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION BASED ON THE
20 NUMBER AND VALUE OF THE CREDITS CLAIMED AND THE TOTAL AMOUNT
21 OF MONEY GENERATED AND ALLOCATED TO THE HEALTH INSURANCE
22 AFFORDABILITY CASH FUND. THE DIVISION OF INSURANCE SHALL PROVIDE
23 THE STATE AUDITOR WITH INFORMATION REGARDING THE TOTAL AMOUNT
24 OF CREDITS CLAIMED AND THE MONEY ALLOCATED TO THE HEALTH
25 INSURANCE AFFORDABILITY CASH FUND.

26 **24-36-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
27 CONTEXT OTHERWISE REQUIRES:

1 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF THE TREASURY.

2 (2) "DIVISION OF INSURANCE" MEANS THE DIVISION OF INSURANCE
3 IN THE DEPARTMENT OF REGULATORY AGENCIES CREATED IN SECTION
4 10-1-103.

5 (3) "HEALTH INSURANCE AFFORDABILITY CASH FUND" MEANS THE
6 HEALTH INSURANCE AFFORDABILITY CASH FUND CREATED IN SECTION
7 10-16-1206 (1).

8 (4) "PREMIUM TAX LIABILITY" MEANS THE LIABILITY IMPOSED BY
9 SECTION 10-3-209 OR 10-6-128, OR, IN THE CASE OF A REPEAL OR
10 REDUCTION BY THE STATE OF THE LIABILITY IMPOSED BY SECTION
11 10-3-209 OR 10-6-128, ANY OTHER TAX LIABILITY IMPOSED UPON AN
12 INSURANCE COMPANY BY THE STATE.

13 (5) "QUALIFIED TAXPAYER" MEANS AN INSURANCE COMPANY
14 AUTHORIZED TO DO BUSINESS IN COLORADO THAT HAS PREMIUM TAX
15 LIABILITY OWING TO THE STATE AND THAT PURCHASES A TAX CREDIT
16 UNDER THIS PART 4. "QUALIFIED TAXPAYER" ALSO INCLUDES AN
17 INSURANCE COMPANY THAT RECEIVES OR ASSUMES A TAX CREDIT
18 TRANSFERRED IN ACCORDANCE WITH SECTION 24-36-403 (7)(e) OR
19 24-36-404 (5).

20 (6) "TAX CREDIT" MEANS THE TAX CREDIT CREATED IN SECTION
21 24-36-403.

22 (7) "TAX CREDIT SALE PROCEEDS" OR "SALE PROCEEDS" MEANS
23 THE MONEY OR OTHER LIQUID ASSET ACCEPTABLE TO THE STATE
24 TREASURER THAT A QUALIFIED TAXPAYER PAYS TO THE DEPARTMENT
25 THAT IS DEPOSITED AS SPECIFIED IN SECTION 24-36-406.

26 **24-36-403. Insurance premium tax credits - purchase -**
27 **authorization to issue - terms - report. (1) A QUALIFIED TAXPAYER**

1 MAY PURCHASE INSURANCE PREMIUM TAX CREDITS FROM THE
2 DEPARTMENT IN ACCORDANCE WITH THIS SECTION AND MAY APPLY THE
3 TAX CREDITS AGAINST ITS PREMIUM TAX LIABILITY IN ACCORDANCE WITH
4 SECTION 24-36-404.

5 (2) (a) THE DEPARTMENT IS AUTHORIZED TO ISSUE TAX CREDIT
6 CERTIFICATES TO QUALIFIED TAXPAYERS PURSUANT TO THIS PART 4 AND
7 PART 5 OF THIS ARTICLE 36 EQUAL TO THE LESSER OF A TOTAL FACE VALUE
8 OF UP TO ONE HUNDRED TWENTY-FIVE MILLION DOLLARS OR TOTAL SALE
9 PROCEEDS OF UP TO ONE HUNDRED MILLION DOLLARS PLUS ANY
10 REASONABLE AND NECESSARY ADMINISTRATIVE, MONITORING, AND
11 CLOSING COSTS.

12 (b) THE DEPARTMENT MAY CONTRACT WITH AN INDEPENDENT
13 THIRD PARTY TO CONDUCT OR CONSULT ON A BIDDING PROCESS AMONG
14 QUALIFIED TAXPAYERS TO PURCHASE THE TAX CREDITS.

15 (c) THE DEPARTMENT SHALL CONSULT WITH INSURANCE
16 COMPANIES IN ADVANCE OF ISSUING ANY TAX CREDITS IN ACCORDANCE
17 WITH THIS SECTION.

18 (3) AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN
19 COLORADO SEEKING TO PURCHASE TAX CREDITS MUST APPLY TO THE
20 DEPARTMENT IN THE MANNER PRESCRIBED BY THE DEPARTMENT.

21 (4) USING PROCEDURES ADOPTED BY THE DEPARTMENT OR, IF
22 APPLICABLE, BY AN INDEPENDENT THIRD PARTY, EACH INSURANCE
23 COMPANY THAT SUBMITS AN APPLICATION SHALL MAKE A TIMELY AND
24 IRREVOCABLE OFFER, CONTINGENT ONLY ON THE DEPARTMENT'S ISSUANCE
25 TO THE INSURANCE COMPANY OF THE TAX CREDIT CERTIFICATES, TO MAKE
26 A SPECIFIED PURCHASE PAYMENT AMOUNT TO THE DEPARTMENT ON DATES
27 SPECIFIED BY THE DEPARTMENT, WHICH MUST NOT BURDEN ANY SINGLE

1 TAX YEAR. THE OFFER MUST INCLUDE:

2 (a) THE REQUESTED AMOUNT OF TAX CREDITS, WHICH MUST NOT
3 BE LESS THAN ANY MINIMUM AMOUNT ESTABLISHED IN PROCEDURES BY
4 THE DEPARTMENT OR, IF APPLICABLE, THE INDEPENDENT THIRD PARTY;

5 (b) THE QUALIFIED TAXPAYER'S PROPOSED TAX CREDIT PURCHASE
6 AMOUNT FOR EACH TAX CREDIT DOLLAR REQUESTED. THE MINIMUM
7 PROPOSED TAX CREDIT PURCHASE AMOUNT MUST BE THE GREATER OF
8 EITHER:

9 (I) THE PERCENTAGE OF THE REQUESTED DOLLAR AMOUNT OF TAX
10 CREDITS THAT THE DEPARTMENT AND, IF APPLICABLE, THE INDEPENDENT
11 THIRD PARTY DETERMINES TO BE CONSISTENT WITH MARKET CONDITIONS
12 AS OF THE OFFER DATE; OR

13 (II) EIGHTY PERCENT OF THE REQUESTED DOLLAR AMOUNT OF TAX
14 CREDITS; AND

15 (c) ANY OTHER INFORMATION THE DEPARTMENT OR, IF
16 APPLICABLE, THE INDEPENDENT THIRD PARTY REQUIRES.

17 (5) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO EACH
18 INSURANCE COMPANY THAT SUBMITS AN APPLICATION INDICATING
19 WHETHER THE INSURANCE COMPANY HAS BEEN APPROVED AS A
20 PURCHASER OF TAX CREDITS AND, IF SO, THE AMOUNT OF TAX CREDITS
21 ALLOCATED AND THE DATE BY WHICH PAYMENT OF THE TAX CREDIT SALE
22 PROCEEDS MUST BE MADE.

23 (6) ON RECEIPT OF PAYMENT OF THE SALE PROCEEDS, THE
24 DEPARTMENT SHALL ISSUE TO EACH QUALIFIED TAXPAYER A TAX CREDIT
25 CERTIFICATE. THE TAX CREDIT CERTIFICATE MUST STATE:

26 (a) THE TOTAL AMOUNT OF PREMIUM TAX CREDITS THAT THE
27 QUALIFIED TAXPAYER MAY CLAIM;

1 (b) THE AMOUNT THAT THE QUALIFIED TAXPAYER HAS PAID OR
2 AGREED TO PAY IN RETURN FOR THE ISSUANCE OF THE TAX CREDIT
3 CERTIFICATES AND THE DATE OF THE PAYMENT;

4 (c) THE DATES ON WHICH THE TAX CREDITS WILL BE AVAILABLE
5 FOR USE BY THE QUALIFIED TAXPAYER;

6 (d) ANY PENALTIES OR OTHER REMEDIES FOR NONCOMPLIANCE;

7 (e) THE PROCEDURES TO BE USED FOR TRANSFERRING OR
8 ASSUMING THE TAX CREDITS IN ACCORDANCE WITH SUBSECTION (7)(e) OF
9 THIS SECTION OR SECTION 24-36-404 (5);

10 (f) THE SERIAL NUMBER OF THE TAX CREDIT CERTIFICATE; AND

11 (g) ANY OTHER REQUIREMENTS DEEMED NECESSARY BY THE
12 DEPARTMENT AS A CONDITION OF ISSUING THE TAX CREDIT CERTIFICATE.

13 (7) (a) THE DEPARTMENT SHALL NOT ISSUE A TAX CREDIT
14 CERTIFICATE TO ANY QUALIFIED TAXPAYER THAT FAILS TO PROVIDE THE
15 TAX CREDIT SALE PROCEEDS WITHIN THE TIME THE DEPARTMENT
16 SPECIFIES.

17 (b) A QUALIFIED TAXPAYER THAT FAILS TO PROVIDE THE TAX
18 CREDIT SALE PROCEEDS WITHIN THE TIME THE DEPARTMENT SPECIFIES IS
19 SUBJECT TO A PENALTY EQUAL TO TEN PERCENT OF THE AMOUNT OF THE
20 PURCHASE PRICE THAT REMAINS UNPAID. THE PENALTY MUST BE PAID TO
21 THE DEPARTMENT WITHIN THIRTY DAYS AFTER DEMAND.

22 (c) THE DEPARTMENT MAY OFFER TO REALLOCATE THE DEFAULTED
23 TAX CREDITS AMONG OTHER QUALIFIED TAXPAYERS, SO THAT THE RESULT
24 AFTER REALLOCATION IS THE SAME AS IF THE INITIAL ALLOCATION HAD
25 BEEN PERFORMED WITHOUT CONSIDERING THE TAX CREDIT ALLOCATION
26 TO THE DEFAULTING QUALIFIED TAXPAYER.

27 (d) IF THE REALLOCATION OF TAX CREDITS UNDER SUBSECTION

1 (7)(c) OF THIS SECTION RESULTS IN THE PAYMENT BY ANOTHER QUALIFIED
2 TAXPAYER OF THE AMOUNT OF TAX CREDIT SALE PROCEEDS NOT PAID BY
3 THE DEFAULTING QUALIFIED TAXPAYER, THE DEPARTMENT MAY WAIVE
4 THE PENALTY IMPOSED UNDER SUBSECTION (7)(b) OF THIS SECTION.

5 (e) A QUALIFIED TAXPAYER THAT FAILS TO PAY THE TAX CREDIT
6 SALE PROCEEDS WITHIN THE TIME SPECIFIED MAY AVOID THE IMPOSITION
7 OF THE PENALTY BY TRANSFERRING THE ALLOCATION OF TAX CREDITS TO
8 A NEW OR EXISTING QUALIFIED TAXPAYER WITHIN THIRTY DAYS AFTER THE
9 DUE DATE OF THE DEFAULTED INSTALLMENT. ANY TRANSFEREE OF AN
10 ALLOCATION OF TAX CREDITS OF A DEFAULTING QUALIFIED TAXPAYER
11 UNDER THIS SUBSECTION (7) SHALL AGREE TO PAY THE TAX CREDIT SALE
12 PROCEEDS WITHIN FIVE DAYS AFTER THE DATE OF THE TRANSFER.

13 (8) THE TAX CREDIT SALE PROCEEDS PROVIDED BY A QUALIFIED
14 TAXPAYER IN RETURN FOR A TAX CREDIT CERTIFICATE ISSUED PURSUANT
15 TO SUBSECTION (2)(a) OF THIS SECTION MUST BE DEPOSITED AS SPECIFIED
16 IN SECTION 24-36-406.

17 (9) (a) THE DEPARTMENT SHALL PROVIDE, WITHIN THIRTY DAYS
18 AFTER THE CLOSE OF THE FISCAL YEAR, A DATA FILE TO THE DIVISION OF
19 INSURANCE AND THE DEPARTMENT OF REVENUE FOR EACH FISCAL YEAR IN
20 WHICH IT ISSUES TAX CREDIT CERTIFICATES PURSUANT TO THIS PART 4.
21 THE DATA FILE MUST INCLUDE:

22 (I) THE NAME AND IDENTIFYING NUMBER ISSUED BY THE
23 NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, OR ANY
24 SUCCESSOR ORGANIZATION, OF EACH QUALIFIED TAXPAYER TO WHICH THE
25 DEPARTMENT ISSUED A TAX CREDIT CERTIFICATE;

26 (II) THE TOTAL AMOUNT OF THE TAX CREDIT ALLOCATED TO THE
27 QUALIFIED TAXPAYER; AND

1 (III) THE SERIAL NUMBER OF THE TAX CREDIT CERTIFICATE ISSUED
2 TO THE QUALIFIED TAXPAYER.

3 (b) THE DEPARTMENT SHALL MAINTAIN RECORDS OF EACH TAX
4 CREDIT CERTIFICATE ISSUED, TRANSFERRED, OR ASSUMED THAT ARE
5 SUFFICIENT TO ALLOW THE DEPARTMENT OF REVENUE OR THE DIVISION OF
6 INSURANCE TO VERIFY THE ISSUANCE AND OWNERSHIP OF THE CREDIT. THE
7 DEPARTMENT SHALL PROVIDE THE RECORDS TO THE OFFICE OF THE STATE
8 AUDITOR UPON REQUEST SO THAT THE STATE AUDITOR CAN EVALUATE THE
9 EFFECTIVENESS OF THE TAX CREDITS IN ACCORDANCE WITH SECTIONS
10 24-36-401 (2)(b) AND 39-21-305.

11 (10) THE DEPARTMENT MAY PAY AN INDEPENDENT THIRD PARTY
12 AND ANY CONSULTANTS REASONABLE AND NECESSARY ADMINISTRATIVE,
13 MONITORING, AND CLOSING COSTS USING THE PROCEEDS FROM THE SALE
14 OF TAX CREDITS.

15 **24-36-404. Use of insurance premium tax credits - carry over.**

16 (1) FOR A TAX CREDIT CERTIFICATE ISSUED IN FISCAL YEAR 2025-26, THE
17 DEPARTMENT, IN CONSULTATION WITH THE OFFICE OF STATE PLANNING
18 AND BUDGETING, PRIOR TO THE SALE, SHALL DETERMINE THE CALENDAR
19 YEARS IN WHICH THE QUALIFIED TAXPAYER MAY CLAIM THE QUALIFIED
20 TAXPAYER'S TAX CREDIT AGAINST THE QUALIFIED TAXPAYER'S PREMIUM
21 TAX LIABILITY.

22 (2) THE TOTAL CREDIT TO BE APPLIED BY A QUALIFIED TAXPAYER
23 IN ANY ONE YEAR MUST NOT EXCEED THE PREMIUM TAX LIABILITY OF THE
24 QUALIFIED TAXPAYER FOR THE TAXABLE YEAR. IF THE QUALIFIED
25 TAXPAYER CANNOT USE THE ENTIRE AMOUNT OF THE TAX CREDIT FOR THE
26 TAXABLE YEAR IN WHICH THE TAXPAYER IS ELIGIBLE FOR THE CREDIT, THE
27 EXCESS MAY BE CARRIED OVER TO SUCCEEDING TAXABLE YEARS AND

1 USED AS A CREDIT AGAINST THE PREMIUM TAX LIABILITY OF THE
2 TAXPAYER FOR THOSE TAXABLE YEARS; EXCEPT THAT THE CREDIT MAY
3 NOT BE CARRIED OVER TO ANY TAXABLE YEAR THAT BEGINS AFTER
4 DECEMBER 31, 2033. ANY AMOUNT OF THE CREDIT THAT IS NOT TIMELY
5 CLAIMED EXPIRES AND IS NOT REFUNDABLE.

6 (3) A QUALIFIED TAXPAYER CLAIMING A CREDIT UNDER THIS PART
7 4 SHALL SUBMIT THE TAX CREDIT CERTIFICATE WITH ITS TAX RETURN.

8 (4) A QUALIFIED TAXPAYER CLAIMING A TAX CREDIT UNDER THIS
9 PART 4 SHALL NOT BE REQUIRED TO PAY ANY ADDITIONAL OR
10 RETALIATORY TAX AS A RESULT OF CLAIMING THE CREDIT.

11 (5) IF A QUALIFIED TAXPAYER HOLDING AN UNCLAIMED TAX
12 CREDIT IS PART OF A MERGER, ACQUISITION, OR LINE OF BUSINESS
13 DIVESTITURE TRANSACTION, THE TAX CREDIT MAY BE TRANSFERRED TO
14 AND ASSUMED BY THE RESULTING ENTITY IF THE RESULTING ENTITY IS AN
15 INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN COLORADO THAT
16 HAS PREMIUM TAX LIABILITY. THE QUALIFIED TAXPAYER THAT
17 ORIGINALLY PURCHASED THE CREDIT AND THE RESULTING ENTITY SHALL
18 NOTIFY THE DEPARTMENT IN WRITING OF THE TRANSFER OR ASSUMPTION
19 OF THE CREDIT IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE
20 DEPARTMENT. THE TRANSFER OR ASSUMPTION OF THE TAX CREDIT DOES
21 NOT AFFECT THE TIME SCHEDULE FOR CLAIMING THE TAX CREDIT AS
22 PROVIDED IN THIS SECTION.

23 (6) THE DEPARTMENT SHALL PROVIDE A REPORT TO THE DIVISION
24 OF INSURANCE FOR EACH FISCAL YEAR IN WHICH IT ISSUES TAX CREDIT
25 CERTIFICATES PURSUANT TO THIS PART 4 WITHIN THIRTY DAYS AFTER THE
26 CLOSE OF THE FISCAL YEAR. THE REPORT MUST INCLUDE:

27 (a) THE NAME AND IDENTIFYING NUMBER ISSUED BY THE

1 NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, OR ANY
2 SUCCESSOR ORGANIZATION, OF EACH QUALIFIED TAXPAYER TO WHICH THE
3 DEPARTMENT ISSUED A TAX CREDIT CERTIFICATE;

4 (b) THE TOTAL AMOUNT OF THE TAX CREDIT ALLOCATED TO THE
5 QUALIFIED TAXPAYER; AND

6 (c) THE SERIAL NUMBER OF THE TAX CREDIT CERTIFICATE ISSUED,
7 TRANSFERRED, OR ASSUMED THAT IS SUFFICIENT TO ALLOW THE DIVISION
8 OF INSURANCE TO VERIFY THE ISSUANCE AND OWNERSHIP OF THE TAX
9 CREDIT.

10 **24-36-405. Tax credit sale proceeds cash fund - creation.**

11 (1) THE TAX CREDIT SALE PROCEEDS CASH FUND IS CREATED IN THE STATE
12 TREASURY. THE FUND CONSISTS OF MONEY GENERATED BY SALE
13 PROCEEDS CREDITED TO THE FUND PURSUANT TO SECTION 24-36-406 AND
14 ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
15 TRANSFER TO THE FUND.

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

19 (3) THE STATE TREASURER SHALL TRANSFER ANY UNEXPENDED
20 AND UNENCUMBERED MONEY REMAINING IN THE TAX CREDIT SALE
21 PROCEEDS CASH FUND AT THE END OF A FISCAL YEAR TO THE GENERAL
22 FUND.

23 (4) (a) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
24 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR
25 ANY REASONABLE AND NECESSARY ADMINISTRATIVE, MONITORING, AND
26 CLOSING COSTS ASSOCIATED WITH IMPLEMENTING AND ADMINISTERING
27 PARTS 4 AND 5 OF THIS ARTICLE 36.

1 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
2 ASSEMBLY, THE DEPARTMENT OF REVENUE MAY EXPEND MONEY FROM THE
3 FUND FOR DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING
4 AND ADMINISTERING PARTS 4 AND 5 OF THIS ARTICLE 36.

5 **24-36-406. Distribution of sale proceeds.** (1) EACH MONTH, THE
6 STATE TREASURER SHALL CREDIT THE MONEY GENERATED BY THE SALE
7 PROCEEDS PURSUANT TO PARTS 4 AND 5 OF THIS ARTICLE 36 AS FOLLOWS:

8 (a) AN AMOUNT EQUAL TO THE MONTHLY EXPENSES DESCRIBED IN
9 SECTION 24-36-405 (4) TO THE TAX CREDIT SALE PROCEEDS CASH FUND;

10 (b) THE REMAINDER TO THE HEALTH INSURANCE AFFORDABILITY
11 CASH FUND; EXCEPT THAT THE AMOUNT CREDITED TO THE HEALTH
12 INSURANCE AFFORDABILITY CASH FUND SHALL NOT EXCEED ONE HUNDRED
13 MILLION DOLLARS; AND

14 (c) AFTER THE AMOUNT SPECIFIED IN SUBSECTION (1)(b) OF THIS
15 SECTION HAS BEEN CREDITED TO THE HEALTH INSURANCE AFFORDABILITY
16 CASH FUND, THEN THE REMAINDER TO THE TAX CREDIT SALE PROCEEDS
17 CASH FUND.

18 (2) THE DEPARTMENT SHALL TRANSFER THE MONEY IN THE TAX
19 CREDIT SALE PROCEEDS CASH FUND, LESS ANY AMOUNTS USED FOR THE
20 EXPENSES DESCRIBED IN SECTION 24-36-405 (4), TO THE GENERAL FUND.

21 **24-36-407. Part contingent on condition - repeal of part -**
22 **notice to the revisor.** (1) THIS PART 4 WILL TAKE EFFECT ONLY IF, BY
23 DECEMBER 31, 2025, THE UNITED STATES CONGRESS DOES NOT ENACT
24 AND THE PRESIDENT DOES NOT SIGN FEDERAL LEGISLATION THAT
25 EXTENDS, RECREATES, OR OTHERWISE REINSTATES THE ENHANCED
26 PREMIUM TAX CREDIT FOR THE 2026 PLAN YEAR. THE COMMISSIONER OF
27 INSURANCE SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE

1 CONDITION SPECIFIED IN THIS SUBSECTION (1) HAS OCCURRED BY
2 EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. IF THE
3 CONDITION SPECIFIED IN THIS SUBSECTION (1) OCCURS, THIS PART 4 TAKES
4 EFFECT ON JANUARY 1, 2026.

5 (2) THIS PART 4 WILL BE REPEALED IF, ON OR BEFORE DECEMBER
6 31, 2025, THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT
7 SIGNS FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR OTHERWISE
8 REINSTATES THE ENHANCED PREMIUM TAX CREDIT FOR THE 2026 PLAN
9 YEAR WITH AT LEAST THE SAME ELIGIBILITY AND IN THE SAME AMOUNT AS
10 AUTHORIZED BY THE AMENDMENTS TO THE PREMIUM TAX CREDIT IN THE
11 FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AND
12 THE FEDERAL "INFLATION REDUCTION ACT OF 2022", PUB.L. 117-169, 136
13 STAT. 1818 (2022). THE COMMISSIONER OF INSURANCE SHALL NOTIFY THE
14 REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS
15 SUBSECTION (2) HAS OCCURRED AND OF THE DATE ON WHICH THE
16 CONDITION OCCURRED BY EMAILING THE NOTICE TO
17 REVISOROFSTATUTES.GA@COLEG.GOV. THIS PART 4 IS REPEALED UPON
18 THE DATE IDENTIFIED IN THE NOTICE THAT THE CONDITION SPECIFIED IN
19 THIS SUBSECTION (2) OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY
20 THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

21 (3) THIS PART 4 IS REPEALED, EFFECTIVE DECEMBER 31, 2040.

22 PART 5

23 SALE OF CORPORATE TAX CREDITS

24 **24-36-501. Legislative declaration - tax preference**
25 **performance statement.** (1) THE GENERAL ASSEMBLY FINDS AND
26 DECLARES THAT:

27 (a) THE CORPORATE TAX CREDITS AUTHORIZED BY THIS PART 5 ARE

1 NOT REFUNDABLE AND DO NOT IMPOSE AN OBLIGATION OF PAYMENT IN
2 ANY FUTURE YEAR ON THE STATE;

3 (b) THE USE OF PROCEEDS FROM THE SALE OF CORPORATE TAX
4 CREDITS DOES NOT REQUIRE THE STATE TO BORROW MONEY, EXTEND OR
5 PLEDGE THE STATE'S CREDIT, OR OBLIGATE THE STATE TO MAKE FUTURE
6 PAYMENTS FROM STATE REVENUE;

7 (c) THE SALE AND USE OF THE CORPORATE TAX CREDITS SHALL
8 NOT BE DEEMED OR CONSTRUED AS CREATING INDEBTEDNESS OR ANY
9 OTHER FINANCIAL OBLIGATION WHATSOEVER WITHIN THE MEANING OF
10 ANY PROVISION OF THE STATE CONSTITUTION OR THE LAWS OF THE STATE
11 CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS OR OTHER
12 FINANCIAL OBLIGATION BY THE STATE;

13 (d) THE TAX CREDITS ALLOW A CORPORATION WITH AN INCOME
14 TAX LIABILITY TO PREPAY ITS TAX LIABILITY FOR FUTURE YEARS, WHICH
15 DOES NOT CONSTITUTE A TAX POLICY CHANGE UNDER SECTION 20 (4)(a)
16 OF ARTICLE X OF THE STATE CONSTITUTION; AND

17 (e) ANY PROCEEDS FROM THE SALE OF THE TAX CREDITS WILL BE
18 OFFSET BY DECREASES IN FUTURE REVENUE RESULTING FROM THE BUYER'S
19 USE OF THE TAX CREDITS AND THEREFORE WILL NOT CAUSE A NET TAX
20 REVENUE GAIN UNDER SECTION 20 (4)(a) OF ARTICLE X OF THE STATE
21 CONSTITUTION.

22 (2) (a) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH
23 REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE
24 A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY
25 LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY FURTHER FINDS AND
26 DECLARES THAT THE GENERAL PURPOSES OF THE TAX CREDITS PROVIDED
27 FOR IN THIS PART 5 ARE TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY

1 TAXPAYERS AND PROVIDE A REDUCTION IN INCOME TAX LIABILITY FOR
2 CERTAIN BUSINESSES. SPECIFICALLY, THIS TAX EXPENDITURE IS INTENDED
3 TO INDUCE C CORPORATIONS TO PURCHASE TAX CREDITS THAT WILL
4 REDUCE THEIR FUTURE INCOME TAX LIABILITY IN ORDER TO GENERATE
5 MONEY FOR THE HEALTH INSURANCE AFFORDABILITY CASH FUND.

6 (b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL
7 MEASURE THE EFFECTIVENESS OF THE TAX CREDITS IN ACHIEVING THE
8 PURPOSES SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION BASED ON THE
9 NUMBER AND VALUE OF THE CREDITS CLAIMED AND THE TOTAL AMOUNT
10 OF MONEY GENERATED AND ALLOCATED TO THE HEALTH INSURANCE
11 AFFORDABILITY CASH FUND. THE DEPARTMENT OF REVENUE SHALL
12 PROVIDE THE STATE AUDITOR WITH INFORMATION REGARDING THE TOTAL
13 AMOUNT OF CREDITS CLAIMED AND THE MONEY ALLOCATED TO THE
14 HEALTH INSURANCE AFFORDABILITY CASH FUND.

15 **24-36-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (1) "C CORPORATION" HAS THE SAME MEANING AS IN SECTION
18 39-22-103 (2.5).

19 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF THE TREASURY.

20 (3) "HEALTH INSURANCE AFFORDABILITY CASH FUND" MEANS THE
21 HEALTH INSURANCE AFFORDABILITY CASH FUND CREATED IN SECTION
22 10-16-1206 (1).

23 (4) "INCOME TAX LIABILITY" MEANS THE LIABILITY IMPOSED BY
24 SECTION 39-22-301.

25 (5) "QUALIFIED TAXPAYER" MEANS A C CORPORATION
26 AUTHORIZED TO DO BUSINESS IN COLORADO THAT HAS OR WILL HAVE AN
27 INCOME TAX LIABILITY OWING TO THE STATE. "QUALIFIED TAXPAYER"

1 ALSO INCLUDES A C CORPORATION THAT RECEIVES OR ASSUMES A TAX
2 CREDIT TRANSFERRED IN ACCORDANCE WITH SECTION 26-36-503 (7)(e).

3 (6) "TAX CREDIT" MEANS THE TAX CREDIT CREATED IN SECTION
4 24-36-503.

5 (7) "TAX CREDIT SALE PROCEEDS" OR "SALE PROCEEDS" MEANS
6 THE MONEY OR OTHER LIQUID ASSET ACCEPTABLE TO THE STATE
7 TREASURER THAT A QUALIFIED TAXPAYER PAYS TO THE DEPARTMENT
8 THAT IS CREDITED AS SPECIFIED IN SECTION 24-36-406.

9 **24-36-503. Corporate tax credits - purchase - authorization to**
10 **issue - terms - report. (1) A QUALIFIED TAXPAYER MAY PURCHASE**
11 **INCOME TAX CREDITS FROM THE DEPARTMENT IN ACCORDANCE WITH THIS**
12 **SECTION AND MAY APPLY THE TAX CREDITS AGAINST ITS INCOME TAX**
13 **LIABILITY IN ACCORDANCE WITH SECTION 24-36-504.**

14 (2) (a) THE DEPARTMENT IS AUTHORIZED TO ISSUE TAX CREDIT
15 CERTIFICATES TO QUALIFIED TAXPAYERS PURSUANT TO THIS PART 5 AND
16 PART 4 OF THIS ARTICLE 36 EQUAL TO THE LESSER OF A TOTAL FACE VALUE
17 OF UP TO ONE HUNDRED TWENTY-FIVE MILLION DOLLARS OR TOTAL SALES
18 PROCEEDS OF UP TO ONE HUNDRED MILLION DOLLARS PLUS ANY
19 REASONABLE AND NECESSARY ADMINISTRATIVE, MONITORING, AND
20 CLOSING COSTS.

21 (b) THE DEPARTMENT MAY CONTRACT WITH AN INDEPENDENT
22 THIRD PARTY TO CONDUCT OR CONSULT ON A BIDDING PROCESS AMONG
23 QUALIFIED TAXPAYERS TO PURCHASE THE TAX CREDITS.

24 (c) THE DEPARTMENT SHALL CONSULT WITH C CORPORATIONS IN
25 ADVANCE OF ISSUING ANY TAX CREDITS IN ACCORDANCE WITH THIS
26 SECTION.

27 (3) A C CORPORATION AUTHORIZED TO DO BUSINESS IN COLORADO

1 SEEKING TO PURCHASE TAX CREDITS MUST APPLY TO THE DEPARTMENT IN
2 THE MANNER PRESCRIBED BY THE DEPARTMENT.

3 (4) USING PROCEDURES ADOPTED BY THE DEPARTMENT OR, IF
4 APPLICABLE, BY AN INDEPENDENT THIRD PARTY, EACH C CORPORATION
5 THAT SUBMITS AN APPLICATION SHALL MAKE A TIMELY AND IRREVOCABLE
6 OFFER, CONTINGENT ONLY ON THE DEPARTMENT'S ISSUANCE TO THE C
7 CORPORATION OF THE TAX CREDIT CERTIFICATES, TO MAKE A SPECIFIED
8 PURCHASE PAYMENT AMOUNT TO THE DEPARTMENT ON DATES SPECIFIED
9 BY THE DEPARTMENT, WHICH MUST NOT BURDEN ANY SINGLE TAX YEAR.
10 THE OFFER MUST INCLUDE:

11 (a) THE REQUESTED AMOUNT OF TAX CREDITS, WHICH MUST NOT
12 BE LESS THAN ANY MINIMUM AMOUNT ESTABLISHED IN PROCEDURES BY
13 THE DEPARTMENT OR, IF APPLICABLE, THE INDEPENDENT THIRD PARTY;

14 (b) THE QUALIFIED TAXPAYER'S PROPOSED TAX CREDIT PURCHASE
15 AMOUNT FOR EACH TAX CREDIT DOLLAR REQUESTED. THE MINIMUM
16 PROPOSED TAX CREDIT PURCHASE AMOUNT MUST BE THE GREATER OF
17 EITHER:

18 (I) THE PERCENTAGE OF THE REQUESTED DOLLAR AMOUNT OF TAX
19 CREDITS THAT THE DEPARTMENT AND, IF APPLICABLE, THE INDEPENDENT
20 THIRD PARTY DETERMINES TO BE CONSISTENT WITH MARKET CONDITIONS
21 AS OF THE OFFER DATE; OR

22 (II) EIGHTY PERCENT OF THE REQUESTED DOLLAR AMOUNT OF TAX
23 CREDITS; AND

24 (c) ANY OTHER INFORMATION THE DEPARTMENT OR, IF
25 APPLICABLE, THE INDEPENDENT THIRD PARTY REQUIRES.

26 (5) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO EACH
27 C CORPORATION THAT SUBMITS AN APPLICATION INDICATING WHETHER

1 THE C CORPORATION HAS BEEN APPROVED AS A PURCHASER OF TAX
2 CREDITS AND, IF SO, THE AMOUNT OF TAX CREDITS ALLOCATED AND THE
3 DATE BY WHICH PAYMENT OF THE TAX CREDIT SALE PROCEEDS MUST BE
4 MADE.

5 (6) ON RECEIPT OF PAYMENT OF THE SALE PROCEEDS, THE
6 DEPARTMENT SHALL ISSUE TO EACH QUALIFIED TAXPAYER A TAX CREDIT
7 CERTIFICATE. THE TAX CREDIT CERTIFICATE MUST STATE:

8 (a) THE TOTAL AMOUNT OF INCOME TAX CREDITS THAT THE
9 QUALIFIED TAXPAYER MAY CLAIM;

10 (b) THE AMOUNT THAT THE QUALIFIED TAXPAYER HAS PAID FOR
11 THE ISSUANCE OF THE TAX CREDIT CERTIFICATES AND THE DATE OF THE
12 PAYMENT;

13 (c) THE DATES ON WHICH THE TAX CREDITS WILL BE AVAILABLE
14 FOR USE BY THE QUALIFIED TAXPAYER;

15 (d) ANY PENALTIES OR OTHER REMEDIES FOR NONCOMPLIANCE;

16 (e) THE PROCEDURES TO BE USED FOR TRANSFERRING OR
17 ASSUMING THE TAX CREDITS IN ACCORDANCE WITH SUBSECTION (7)(e) OF
18 THIS SECTION;

19 (f) THE SERIAL NUMBER OF THE TAX CREDIT CERTIFICATE; AND

20 (g) ANY OTHER REQUIREMENTS DEEMED NECESSARY BY THE
21 DEPARTMENT AS A CONDITION OF ISSUING THE TAX CREDIT CERTIFICATE.

22 (7) (a) THE DEPARTMENT SHALL NOT ISSUE A TAX CREDIT
23 CERTIFICATE TO ANY QUALIFIED TAXPAYER THAT FAILS TO PROVIDE THE
24 TAX CREDIT SALE PROCEEDS WITHIN THE TIME THE DEPARTMENT
25 SPECIFIES.

26 (b) A QUALIFIED TAXPAYER THAT FAILS TO PROVIDE THE TAX
27 CREDIT SALE PROCEEDS WITHIN THE TIME THE DEPARTMENT SPECIFIES IS

1 SUBJECT TO A PENALTY EQUAL TO TEN PERCENT OF THE AMOUNT OF THE
2 PURCHASE PRICE THAT REMAINS UNPAID. THE PENALTY MUST BE PAID TO
3 THE DEPARTMENT WITHIN THIRTY DAYS AFTER DEMAND.

4 (c) THE DEPARTMENT MAY OFFER TO REALLOCATE THE DEFAULTED
5 TAX CREDITS AMONG OTHER QUALIFIED TAXPAYERS SO THAT THE RESULT
6 AFTER REALLOCATION IS THE SAME AS IF THE INITIAL ALLOCATION HAD
7 BEEN PERFORMED WITHOUT CONSIDERING THE TAX CREDIT ALLOCATION
8 TO THE DEFAULTING QUALIFIED TAXPAYER.

9 (d) IF THE REALLOCATION OF TAX CREDITS UNDER SUBSECTION
10 (7)(c) OF THIS SECTION RESULTS IN THE PAYMENT BY ANOTHER QUALIFIED
11 TAXPAYER OF THE AMOUNT OF TAX CREDIT SALE PROCEEDS NOT PAID BY
12 THE DEFAULTING QUALIFIED TAXPAYER, THE DEPARTMENT MAY WAIVE
13 THE PENALTY IMPOSED UNDER SUBSECTION (7)(b) OF THIS SECTION.

14 (e) A QUALIFIED TAXPAYER THAT FAILS TO PAY THE TAX CREDIT
15 SALE PROCEEDS WITHIN THE TIME SPECIFIED MAY AVOID THE IMPOSITION
16 OF THE PENALTY BY TRANSFERRING THE ALLOCATION OF TAX CREDITS TO
17 A NEW OR EXISTING QUALIFIED TAXPAYER WITHIN THIRTY DAYS AFTER THE
18 DUE DATE OF THE DEFAULTED INSTALLMENT. ANY TRANSFEREE OF AN
19 ALLOCATION OF TAX CREDITS OF A DEFAULTING QUALIFIED TAXPAYER
20 UNDER THIS SUBSECTION (7) SHALL AGREE TO PAY THE TAX CREDIT SALE
21 PROCEEDS WITHIN FIVE DAYS AFTER THE DATE OF THE TRANSFER.

22 (8) THE TAX CREDIT SALE PROCEEDS PROVIDED BY A QUALIFIED
23 TAXPAYER IN RETURN FOR A TAX CREDIT CERTIFICATE ISSUED PURSUANT
24 TO SUBSECTION (2)(a) OF THIS SECTION MUST BE CREDITED AS SPECIFIED
25 IN SECTION 24-36-406.

26 (9) (a) THE DEPARTMENT SHALL PROVIDE, WITHIN THIRTY DAYS
27 AFTER THE CLOSE OF THE FISCAL YEAR, A DATA FILE TO THE DEPARTMENT

1 OF REVENUE FOR EACH FISCAL YEAR IN WHICH IT ISSUES TAX CREDIT
2 CERTIFICATES PURSUANT TO THIS PART 5. THE DATA FILE MUST INCLUDE:

3 (I) THE NAME AND FEDERAL EMPLOYER IDENTIFICATION NUMBER
4 OF EACH QUALIFIED TAXPAYER TO WHICH THE DEPARTMENT ISSUED A TAX
5 CREDIT CERTIFICATE;

6 (II) THE TOTAL AMOUNT OF THE TAX CREDIT ALLOCATED TO THE
7 QUALIFIED TAXPAYER; AND

8 (III) THE SERIAL NUMBER OF THE TAX CREDIT CERTIFICATE ISSUED
9 TO THE QUALIFIED TAXPAYER.

10 (b) THE DEPARTMENT SHALL MAINTAIN RECORDS OF EACH TAX
11 CREDIT CERTIFICATE ISSUED, TRANSFERRED, OR ASSUMED THAT ARE
12 SUFFICIENT TO ALLOW THE DEPARTMENT OF REVENUE TO VERIFY THE
13 ISSUANCE AND OWNERSHIP OF THE CREDIT. THE DEPARTMENT SHALL
14 PROVIDE THE RECORDS TO THE OFFICE OF THE STATE AUDITOR UPON
15 REQUEST SO THAT THE STATE AUDITOR CAN EVALUATE THE
16 EFFECTIVENESS OF THE TAX CREDITS IN ACCORDANCE WITH SECTIONS
17 24-36-501 (2)(b) AND 39-21-305.

18 (10) THE DEPARTMENT MAY PAY AN INDEPENDENT THIRD PARTY
19 AND ANY CONSULTANTS REASONABLE AND NECESSARY ADMINISTRATIVE,
20 MONITORING, AND CLOSING COSTS USING THE PROCEEDS FROM THE SALE
21 OF TAX CREDITS.

22 **24-36-504. Use of corporate income tax credits - carry over.**

23 (1) FOR A TAX CREDIT CERTIFICATE ISSUED IN FISCAL YEAR 2025-26, THE
24 DEPARTMENT, IN CONSULTATION WITH THE OFFICE OF STATE PLANNING
25 AND BUDGETING, PRIOR TO THE SALE, SHALL DETERMINE THE TAX YEARS
26 IN WHICH THE QUALIFIED TAXPAYER MAY CLAIM THE QUALIFIED
27 TAXPAYER'S TAX CREDIT AGAINST THE QUALIFIED TAXPAYER'S INCOME

1 TAX LIABILITY.

2 (2) FOR THE TAX YEAR SPECIFIED IN THE TAX CREDIT CERTIFICATE
3 ISSUED PURSUANT TO SECTION 24-34-503 (6), THE QUALIFIED TAXPAYER
4 MAY CLAIM THE AMOUNT OF THE TAX CREDIT AGAINST THE QUALIFIED
5 TAXPAYER'S INCOME TAX LIABILITY. IF THE AMOUNT OF THE TAX CREDIT
6 EXCEEDS THE QUALIFIED TAXPAYER'S ACTUAL TAX LIABILITY FOR THAT
7 TAX YEAR, THE EXCESS IS NOT REFUNDED TO THE QUALIFIED TAXPAYER.
8 THE QUALIFIED TAXPAYER MAY CARRY FORWARD AND APPLY THE UNUSED
9 TAX CREDIT AGAINST THE INCOME TAX LIABILITY FOR ANY SUCCEEDING
10 TAX YEAR; EXCEPT THAT THE TAX CREDIT MAY NOT BE CARRIED FORWARD
11 TO A TAX YEAR THAT BEGINS AFTER DECEMBER 31, 2033. THE TAXPAYER
12 SHALL APPLY THE CARRY FORWARD CREDIT AGAINST THE INCOME TAX
13 LIABILITY FOR THE EARLIEST OF THE INCOME TAX YEARS POSSIBLE. ANY
14 AMOUNT OF THE TAX CREDIT THAT IS NOT USED AFTER THIS PERIOD IS NOT
15 REFUNDABLE.

16 (3) A QUALIFIED TAXPAYER CLAIMING A CREDIT UNDER THIS PART
17 5 SHALL SUBMIT THE TAX CREDIT CERTIFICATE WITH ITS TAX RETURN.

18 **24-36-505. Part contingent on condition - repeal of part -**
19 **notice to the revisor. (1) THIS PART 5 WILL TAKE EFFECT ONLY IF, BY**
20 **DECEMBER 31, 2025, THE UNITED STATES CONGRESS DOES NOT ENACT**
21 **AND THE PRESIDENT DOES NOT SIGN FEDERAL LEGISLATION THAT**
22 **EXTENDS, RECREATES, OR OTHERWISE REINSTATES THE ENHANCED**
23 **PREMIUM TAX CREDIT FOR THE 2026 PLAN YEAR. THE COMMISSIONER OF**
24 **INSURANCE SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE**
25 **CONDITION SPECIFIED IN THIS SUBSECTION (1) HAS OCCURRED BY**
26 **EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. IF THE**
27 **CONDITION SPECIFIED IN THIS SUBSECTION (1) OCCURS, THIS PART 5 TAKES**

1 EFFECT ON JANUARY 1, 2026.

2 (2) THIS PART 5 WILL BE REPEALED IF, ON OR BEFORE DECEMBER
3 31, 2025, THE UNITED STATES CONGRESS ENACTS AND THE PRESIDENT
4 SIGNS FEDERAL LEGISLATION THAT EXTENDS, RECREATES, OR OTHERWISE
5 REINSTATES THE ENHANCED PREMIUM TAX CREDIT FOR THE 2026 PLAN
6 YEAR WITH AT LEAST THE SAME ELIGIBILITY AND IN THE SAME AMOUNT AS
7 AUTHORIZED BY THE AMENDMENTS TO THE PREMIUM TAX CREDIT IN THE
8 FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AND
9 THE FEDERAL "INFLATION REDUCTION ACT OF 2022", PUB.L. 117-169, 136
10 STAT. 1818 (2022). THE COMMISSIONER OF INSURANCE SHALL NOTIFY THE
11 REVISOR OF STATUTES IN WRITING IF THE CONDITION SPECIFIED IN THIS
12 SUBSECTION (2) HAS OCCURRED AND OF THE DATE ON WHICH THE
13 CONDITION OCCURRED BY EMAILING THE NOTICE TO
14 REVISOROFSTATUTES.GA@COLEG.GOV. THIS PART 5 IS REPEALED UPON
15 THE DATE IDENTIFIED IN THE NOTICE THAT THE CONDITION SPECIFIED IN
16 THIS SUBSECTION (2) OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY
17 THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

18 (3) THIS PART 5 IS REPEALED, EFFECTIVE DECEMBER 31, 2040.

19 **SECTION 14.** In Colorado Revised Statutes, 24-75-201.1,
20 **amend** (1)(d)(XXII); **repeal** (1)(d)(XXIII); and **add** (1)(d)(XXIV),
21 (1)(d)(XXV), (1)(d)(XXVI), and (1)(d)(XXVII) as follows:

22 **24-75-201.1. Restriction on state appropriations - legislative**
23 **declaration - definitions.** (1) (d) For each fiscal year, unrestricted
24 general fund year-end balances must be retained as a reserve in the
25 following amounts:

26 (XXII) For the fiscal year 2021-22, thirteen and four-tenths
27 percent of the amount appropriated for expenditure from the general fund

1 for that fiscal year; and

2 ~~(XXIII) (A) Except as otherwise provided in subsection~~
3 ~~(1)(d)(XXIII)(B) of this section, for the fiscal year 2022-23 and each~~
4 ~~fiscal year thereafter, fifteen percent of the amount appropriated for~~
5 ~~expenditure from the general fund for that fiscal year; except that, for the~~
6 ~~2023-24 state fiscal year, the amount retained as a reserve must be fifteen~~
7 ~~percent of the amount appropriated for expenditure from the general fund~~
8 ~~for that fiscal year plus fifteen percent of the amount of the general fund~~
9 ~~appropriations reduced pursuant to section 24-75-226 (4)(a)(I); and for~~
10 ~~the 2024-25 state fiscal year, the amount retained as a reserve must be~~
11 ~~fifteen percent of the amount appropriated for expenditure from the~~
12 ~~general fund plus fifty-six million four hundred ninety-three thousand~~
13 ~~five hundred forty-three dollars.~~

14 ~~(B) For the fiscal year 2023-24 and each fiscal year thereafter~~
15 ~~until the escrow money is released as set forth in section 23-40-107, the~~
16 ~~amount of the reserve described in subsection (1)(d)(XXIII)(A) of this~~
17 ~~section for that fiscal year reduced by forty-one million two hundred fifty~~
18 ~~thousand dollars. As used in this subsection (1)(d)(XXIII)(B), "escrow~~
19 ~~money" has the same meaning as set forth in section 23-40-107 (2)(c).~~

20 ~~(XXIV) FOR THE FISCAL YEAR 2022-23, FIFTEEN PERCENT OF THE~~
21 ~~AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR~~
22 ~~THAT FISCAL YEAR;~~

23 ~~(XXV) FOR THE FISCAL YEAR 2023-24, FIFTEEN PERCENT OF THE~~
24 ~~AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR~~
25 ~~THAT FISCAL YEAR;~~

26 ~~(A) PLUS FIFTEEN PERCENT OF THE AMOUNT OF THE GENERAL~~
27 ~~FUND APPROPRIATIONS REDUCED PURSUANT TO SECTION 24-75-226~~

1 (4)(a)(I); AND

2 (B) SO LONG AS THE ESCROW MONEY IS NOT RELEASED AS SET
3 FORTH IN SECTION 23-40-107, MINUS FORTY-ONE MILLION TWO HUNDRED
4 FIFTY THOUSAND DOLLARS. AS USED IN THIS SUBSECTION (1)(d)(XXV)(B),
5 "ESCROW MONEY" HAS THE MEANING SET FORTH IN SECTION 23-40-107
6 (2)(c).

7 (XXVI) FOR THE FISCAL YEAR 2024-25, FIFTEEN PERCENT OF THE
8 AMOUNT APPROPRIATED FOR EXPENDITURE FROM THE GENERAL FUND FOR
9 THAT FISCAL YEAR:

10 (A) PLUS FIFTY-SIX MILLION FOUR HUNDRED NINETY-THREE
11 THOUSAND FIVE HUNDRED FORTY-THREE DOLLARS; AND

12 (B) SO LONG AS THE ESCROW MONEY IS NOT RELEASED AS SET
13 FORTH IN SECTION 23-40-107, MINUS FORTY-ONE MILLION TWO HUNDRED
14 FIFTY THOUSAND DOLLARS. AS USED IN THIS SUBSECTION
15 (1)(d)(XXVI)(B), "ESCROW MONEY" HAS THE MEANING SET FORTH IN
16 SECTION 23-40-107 (2)(c).

17 (XXVII) FOR THE FISCAL YEAR 2025-26, AND EACH FISCAL YEAR
18 THEREAFTER, FIFTEEN PERCENT OF THE AMOUNT APPROPRIATED FOR
19 EXPENDITURE FROM THE GENERAL FUND FOR THAT FISCAL YEAR MINUS:

20 (A) THE AMOUNT CALCULATED BY THE STATE TREASURER IN
21 ACCORDANCE WITH SECTION 10-16-1206 (1.5)(a)(II)(B); EXCEPT THAT
22 THIS SUBSECTION (1)(d)(XXVII)(A) TAKES EFFECT ON JANUARY 1, 2026,
23 ONLY IF THE CONDITION SPECIFIED IN SECTION 10-16-1209 (1) OCCURS;
24 AND

25 (B) SO LONG AS THE ESCROW MONEY IS NOT RELEASED AS SET
26 FORTH IN SECTION 23-40-107, FORTY-ONE MILLION TWO HUNDRED FIFTY
27 THOUSAND DOLLARS. AS USED IN THIS SUBSECTION (1)(d)(XXVII)(B),

1 "ESCROW MONEY" HAS THE MEANING SET FORTH IN SECTION 23-40-107
2 (2)(c).

3 **SECTION 15.** In Colorado Revised Statutes, 24-75-226.5, add
4 (2)(c)(III) as follows:

5 **24-75-226.5. ARPA refinance state money cash fund - creation**
6 **- reduction in general fund appropriations - legislative intent -**
7 **definitions - repeal.** (2) (c) (III) WITHIN THREE DAYS AFTER THE
8 EFFECTIVE DATE OF THIS SUBSECTION (2)(c)(III), THE STATE TREASURER
9 SHALL TRANSFER TEN MILLION DOLLARS FROM THE REFINANCE
10 DISCRETIONARY ACCOUNT TO THE HEALTH INSURANCE AFFORDABILITY
11 CASH FUND CREATED IN SECTION 10-16-1206 (1).

12 **SECTION 16. Appropriation.** For the 2025-26 state fiscal year,
13 \$3,173,500 is appropriated to the department of treasury. This
14 appropriation is from the tax credit sale proceeds cash fund created in
15 section 24-36-405 (1), C.R.S. To implement this act, the department may
16 use this appropriation for tax credit administration.

17 **SECTION 17. Effective date.** (1) Except as otherwise provided
18 in this section, this act takes effect upon passage.

19 (2) Section 24-36-401 (2), Colorado Revised Statutes, as amended
20 in section 6 of this act, section 24-36-402 (6), Colorado Revised Statutes,
21 as amended in section 7 of this act, 24-36-403 (2)(a)(I) and (8), Colorado
22 Revised Statutes, as amended in section 8 of this act, section 24-36-406,
23 Colorado Revised Statutes, as amended in section 9 of this act, section
24 24-36-501 (2), Colorado Revised Statutes, as amended in section 10 of
25 this act, section 24-36-502 (6), Colorado Revised Statutes, as amended in
26 section 11 of this act, and section 24-36-503 (2)(a) and (8), Colorado
27 Revised Statutes, as amended in section 12 of this act, take effect only if

1 House Bill 25B-1004 becomes law, in which case section 24-36-401 (2),
2 Colorado Revised Statutes, as amended in section 6 of this act, section
3 24-36-402 (6), Colorado Revised Statutes, as amended in section 7 of this
4 act, 24-36-403 (2)(a)(I) and (8), Colorado Revised Statutes, as amended
5 in section 8 of this act, section 24-36-406, Colorado Revised Statutes, as
6 amended in section 9 of this act, section 24-36-501 (2), Colorado Revised
7 Statutes, as amended in section 10 of this act, section 24-36-502 (6),
8 Colorado Revised Statutes, as amended in section 11 of this act, and
9 section 24-36-503 (2)(a) and (8), Colorado Revised Statutes, as amended
10 in section 12 of this act, take effect one day after the effective date of
11 House Bill 25B-1004.

12 (3) Parts 4 and 5 of article 36 of title 24, Colorado Revised
13 Statutes, enacted in section 13 of this act, take effect only if House Bill
14 25B-1004 does not become law, in which case parts 4 and 5 of article 36
15 of title 24, Colorado Revised Statutes, enacted in section 13 of this act,
16 take effect upon passage.

17 **SECTION 18. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.