

Amend CSHB 138 (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 38.455(c), Insurance Code (page 3, lines 23 through 31), and substitute the following:

(c) The comptroller shall:

(1) determine the amount of the fee assessed under this section, which must be:

(A) based on the estimate developed by the center under Subsection (f); and

(B) prorated based on the number of covered lives attributed to each health benefit plan issuer subject to an assessment under this section, as determined by the department under Subsection (g); and

(2) adjust the amount of the fee assessed under this section for each state fiscal biennium to address any:

(A) based on an estimate developed by the center under Subsection (f), increase in costs to implement this subchapter; or

(B) deficits incurred during the preceding year as a result of implementing this subchapter.

(2) In SECTION 1 of the bill, in added Section 38.455(e), Insurance Code (page 3, line 37), strike "shall" and substitute "may".

(3) In SECTION 1 of the bill, immediately after added Section 38.455(e), Insurance Code (page 3, between lines 38 and 39), insert the following:

(f) Not later than March 1 of each year, the center shall develop and submit to the comptroller an estimate of the amount necessary to fund the actual necessary expenses of implementing this subchapter for each fiscal biennium.

(g) Not later than March 1 of each year, the department shall submit to the comptroller a report on the number of covered lives attributed to each health benefit plan issuer subject to an assessment under this section for the preceding calendar year.

(h) Notwithstanding Subsection (d), a health benefit plan issuer shall pay a fee assessed by the comptroller under this section during the 2025 calendar year as soon as practicable after

the date the comptroller assesses the fee. This subsection expires January 1, 2027.

(4) Strike SECTION 2(a) of the bill adding transition language (page 4, lines 35 through 42) and substitute the following:

(a) Notwithstanding Section 38.455(f), Insurance Code, as added by this Act, as soon as practicable after the effective date of this Act, the Center for Health Care Data at The University of Texas Health Science Center at Houston shall develop and submit to the comptroller of public accounts a cost estimate, as required by that section, for the first state fiscal biennium in which the Health Impact, Cost, and Coverage Analysis Program will operate under Subchapter J, Chapter 38, Insurance Code, as added by this Act.

(5) Strike SECTIONS 3 and 4 of the bill adding rulemaking and implementation language respectively (page 4, lines 48 through 57).

(6) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Notwithstanding Section 38.455(g), Insurance Code, as added by this Act, as soon as practicable after the effective date of this Act, the Texas Department of Insurance shall submit a report of the calendar year 2024 covered lives to be used for the fee assessed for 2025 to the comptroller of public accounts, as required by that section.

(7) Renumber SECTIONS of the bill accordingly.