

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 10-0798.01 Brita Darling

HOUSE BILL 10-1320

HOUSE SPONSORSHIP

Pommer, Ferrandino, Lambert

SENATE SPONSORSHIP

Tapia, Keller, White

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF TOBACCO REVENUES GENERATED UNDER**
102 **SECTION 21 OF ARTICLE X OF THE STATE CONSTITUTION IN A**
103 **STATE FISCAL EMERGENCY, AND MAKING AN APPROPRIATION**
104 **THEREFOR.**

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://www.leg.state.co.us/billsummaries>.)

Budget Package Bill. Pursuant to the declaration of a state fiscal emergency, for the 2009-10 fiscal year only, the bill expands the purposes

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 17, 2010

for which tobacco tax revenues in the health care expansion fund and the health disparities grant program fund may be used to include any health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program at the programs' respective levels of enrollment as of January 1, 2005.

The bill makes an appropriation.

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

2 **SECTION 1.** 24-22-117 (2) (a), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

4 **24-22-117. Tobacco tax cash fund - accounts - creation -**
5 **legislative declaration - repeal.** (2) There are hereby created in the state
6 treasury the following funds:

7 (a) (V) (A) NOTWITHSTANDING ANY PROVISION OF THIS
8 PARAGRAPH (a) TO THE CONTRARY, AND PURSUANT TO THE DECLARATION
9 OF A STATE FISCAL EMERGENCY AS DESCRIBED IN PARAGRAPH (b) OF
10 SUBSECTION (6) OF THIS SECTION, FOR THE 2009-10 FISCAL YEAR, THE
11 MONEYS IN THE HEALTH CARE EXPANSION FUND MAY BE APPROPRIATED
12 FOR ANY HEALTH-RELATED PURPOSE AND TO SERVE POPULATIONS
13 ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN AND THE COLORADO
14 MEDICAL ASSISTANCE PROGRAM AT THE PROGRAMS' RESPECTIVE LEVELS
15 OF ENROLLMENT AS OF JANUARY 1, 2005.

16 (B) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1,
17 2011.

18 **SECTION 2.** 24-22-117 (2) (f), Colorado Revised Statutes, is
19 amended to read:

20 **24-22-117. Tobacco tax cash fund - accounts - creation -**
21 **legislative declaration - repeal.** (2) There are hereby created in the state
22 treasury the following funds:

1 (f) (I) The health disparities grant program fund to be
2 administered by the department of public health and environment.
3 Moneys shall be transferred to the health disparities grant program fund
4 as described in subparagraph (III) of paragraph (d) of this subsection (2).
5 All interest and income derived from the deposit and investment of
6 moneys in the health disparities grant program fund shall be credited to
7 the health disparities grant program fund; except that all interest and
8 income derived from the deposit and investment of moneys in the health
9 disparities grant program fund during the 2008-09, 2009-10, 2010-11, and
10 2011-12 fiscal years shall be credited to the general fund. Any
11 unexpended or unencumbered moneys remaining in the health disparities
12 grant program fund at the end of the fiscal year shall remain in the fund
13 and shall not be credited to the general fund or any other fund. The
14 moneys in the health disparities grant program fund shall be annually
15 appropriated by the general assembly to the department of public health
16 and environment for allocation by the department of public health and
17 environment consistent with the provisions of paragraph (d) of this
18 subsection (2).

19 (II) (A) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I)
20 OF THIS PARAGRAPH (f) TO THE CONTRARY, AND PURSUANT TO THE
21 DECLARATION OF A STATE FISCAL EMERGENCY AS DESCRIBED IN
22 PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION, FOR THE 2009-10
23 FISCAL YEAR, THE MONEYS IN THE HEALTH DISPARITIES GRANT PROGRAM
24 FUND MAY BE APPROPRIATED FOR ANY HEALTH-RELATED PURPOSE AND TO
25 SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN
26 AND THE COLORADO MEDICAL ASSISTANCE PROGRAM AT THE PROGRAMS'
27 RESPECTIVE LEVELS OF ENROLLMENT AS OF JANUARY 1, 2005.

1 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,
2 2011.

3 **SECTION 3.** Part V (2) and the affected totals of section 2 of
4 chapter 464, Session Laws of Colorado 2009, are amended to read:

5 Section 2. **Appropriation.**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2							
3							
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PART V

DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

(2) MEDICAL SERVICES PREMIUMS⁸

Services for 38,279

Supplemental Security

Income Adults 65 and Older

(SSI 65+) at an average cost

of \$21,808.23 834,605,726

Services for 6,614

Supplemental Security

Income Adults 60 to 64

Years of Age (SSI 60 - 64)

at an average cost of

\$17,962.63 118,804,809

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Services for 16,329						
2	Qualified Medicare						
3	Beneficiaries (QMBs) and						
4	Special Low-Income						
5	Medicare Beneficiaries						
6	(SLIMBs) at an average cost						
7	of \$1,287.54	21,024,234					
8	Services for 52,254						
9	Supplemental Security						
10	Income Disabled Individuals						
11	at an average cost of						
12	\$14,531.24	759,315,244					
13	Services for 57,097						
14	Categorically Eligible						
15	Low-income Adults at an						
16	average cost of \$4,089.14	233,477,584					

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Services for 7,391 Baby							
2 Care Program Adults at an							
3 average cost of \$8,826.48	65,236,532						
4 Services for 321 Breast and							
5 Cervical Cancer Treatment							
6 Clients at an average cost of							
7 \$22,417.91	7,196,149						
8 Services for 16,015							
9 Expansion Health Care							
10 Low-Income Adult Clients							
11 at an average cost of							
12 \$2,541.80	40,706,967						
13 Services for 259,414							
14 Eligible Children at an							
15 average cost of \$1,702.47	441,663,841						

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Services for 18,663 Foster							
2 Children at an average cost							
3 of \$3,728.57	69,586,371						
4 Services for 4,255							
5 Non-Citizens at an average							
6 cost of \$15,118.48	64,329,153						
	<hr/>						
7		2,655,946,610	1,191,399,790(M)		130,451,629 ^a	2,746,329 ^b	1,331,348,862
8			1,146,705,890(M)		173,145,529 ^a	4,746,329 ^b	
9							

^a Of this amount, ~~\$84,016,715(H)~~ \$126,710,615 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., INCLUDING \$84,016,715 THAT SHALL BE SUBJECT TO THE (H) HEAD NOTE AS DEFINED IN SECTION 2 OF CHAPTER 464 SESSION LAWS OF COLORADO 2009, \$22,418,342 (H) shall be from the Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$22,107,094 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial participation under the Medicaid program, _____, \$874,603 shall be from the Breast and Cervical Cancer Prevention and Treatment Fund created in section 25.5-5-308 (8) (a), C.R.S., \$784,875 (H) shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805, C.R.S., and \$250,000 (H) shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<p>1 ^b Of this amount, \$2,000,000 shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (IV.5), C.R.S., <u>\$2,000,000 SHALL BE FROM</u></p> <p>2 <u>THE HEALTH DISPARITIES GRANT PROGRAM FUND CREATED IN SECTION 24-22-117 (2) (f) (I), C.R.S.</u>, and \$746,329 shall be transferred from the Department of Public Health and</p> <p>3 Environment pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S.</p> <p>4</p> <p>5 TOTALS PART V</p> <p>6 (HEALTH CARE</p> <p>7 POLICY AND</p> <p>8 FINANCING) \$4,136,596,755 \$1,675,723,755 \$504,000^a \$407,639,249 <u>\$28,706,139</u> \$2,024,023,612</p> <p>9 <u>\$1,631,029,855</u> <u>\$450,333,149</u> <u>\$30,706,139</u></p>						

11 ^a This amount shall be General Fund Exempt pursuant to Section 24-22-117 (1) (c) (I) (B), C.R.S. This amount is also not subject to the statutory limitation on General Fund

12 appropriations imposed by Section 24-75-201.1, C.R.S.

13 **SECTION 4.** Part XVI (1) (B) (1) and the affected totals of section 2 of chapter 464, Session Laws of Colorado 2009, are amended to read:

14 Section 2. **Appropriation.**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	PART XVI						
2	DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT						
3							
4	(1) ADMINISTRATION AND SUPPORT						
5	(B) Special Health Programs						
6	(1) Health Disparities Program						
7	Personal Services	412,983		51,309		361,674 ^a	
8		(6.3 FTE)					
9	Operating Expenses	65,838		6,931		58,907 ^a	
10	Health Disparities Grants	8,463,419				8,463,419 ^a	
11		<u>6,463,419</u>				<u>6,463,419^a</u>	
12		8,942,240					
13		6,942,240					
14							

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	38,875,315					
	36,875,315					
TOTALS PART XVI						
(PUBLIC HEALTH AND						
ENVIRONMENT)	\$446,325,693	\$27,728,074	\$504,000 ^a	\$158,765,734	\$34,469,429	\$224,858,456
	<u>\$444,325,693</u>				<u>\$32,469,429</u>	

1 ^a These amounts shall be from the Health Disparities Grant Program Fund created in Section 24-22-117 (2) (f), C.R.S.

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6 **TOTALS PART XVI**

7 **(PUBLIC HEALTH AND**

8 **ENVIRONMENT)**

9

10

11 ^a This amount is not subject to the limitation on General Fund appropriations set forth in Section 24-75-201.1, C.R.S., or any other spending limitation existing in law pursuant to

12 Article X, Section 21 (8) of the State Constitution.

13

1 **SECTION 5. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.