

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 10-1320

BY REPRESENTATIVE(S) Pommer, Ferrandino, Lambert;  
also SENATOR(S) Tapia, Keller, White.

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

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

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

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

(a) (V) (A) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, AND PURSUANT TO THE DECLARATION OF A STATE FISCAL EMERGENCY AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION, FOR THE 2009-10 FISCAL YEAR, THE MONEYS IN THE HEALTH CARE EXPANSION FUND MAY BE APPROPRIATED FOR ANY HEALTH-RELATED PURPOSE AND TO SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN AND THE COLORADO MEDICAL ASSISTANCE PROGRAM AT THE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

PROGRAMS' RESPECTIVE LEVELS OF ENROLLMENT AS OF JANUARY 1, 2005.

(B) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1, 2011.

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

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

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

(II) (A) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) TO THE CONTRARY, AND PURSUANT TO THE DECLARATION OF A STATE FISCAL EMERGENCY AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION, FOR THE 2009-10 FISCAL YEAR, THE MONEYS IN THE HEALTH DISPARITIES GRANT PROGRAM FUND MAY BE APPROPRIATED FOR 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.

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

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

Section 2. **Appropriation.**

APPROPRIATION FROM

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ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART V**

**DEPARTMENT OF HEALTH CARE POLICY AND FINANCING**

**(2) MEDICAL SERVICES PREMIUMS\***

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
Services for 16,329 Qualified Medicare Beneficiaries (QMBs) and Special Low-Income Medicare Beneficiaries (SLIMBs) at an average cost of \$1,287.54	21,024,234
Services for 52,254 Supplemental Security Income Disabled Individuals at an average cost of \$14,531.24	759,315,244
Services for 57,097 Categorically Eligible Low-income Adults at an average cost of \$4,089.14	233,477,584

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Services for 7,391 Baby Care Program Adults at an average cost of \$8,826.48	65,236,532						
Services for 321 Breast and Cervical Cancer Treatment Clients at an average cost of \$22,417.91	7,196,149						
Services for 16,015 Expansion Health Care Low-Income Adult Clients at an average cost of \$2,541.80	40,706,967						
Services for 259,414 Eligible Children at an average cost of \$1,702.47	441,663,841						
Services for 18,663 Foster Children at an average cost of \$3,728.57	69,586,371						
Services for 4,255 Non-Citizens at an average cost of \$15,118.48	<u>64,329,153</u>						
		2,655,946,610	<del>1,191,399,790(M)</del>		<del>130,451,629<sup>a</sup></del>	<del>2,746,329<sup>b</sup></del>	1,331,348,862
			1,147,705,890(M)		173,145,529 <sup>a</sup>	3,746,329 <sup>b</sup>	

<sup>a</sup> 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.

**APPROPRIATION FROM**

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<b>TOTALS PART V (HEALTH CARE POLICY AND FINANCING)</b>	\$4,136,596,755	\$1,675,723,755	\$504,000 <sup>a</sup>	<del>\$407,639,249</del>	\$28,706,139	\$2,024,023,612
		<u>\$1,632,029,855</u>		<u>\$450,333,149</u>	<u>\$29,706,139</u>	

<sup>b</sup> 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., \$1,000,000 SHALL BE FROM THE HEALTH DISPARITIES GRANT PROGRAM FUND CREATED IN SECTION 24-22-117 (2) (f) (I), C.R.S., and \$746,329 shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S.

<sup>a</sup> 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 appropriations imposed by Section 24-75-201.1, C.R.S.

**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:

Section 2. **Appropriation.**

**PART XVI  
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**(1) ADMINISTRATION AND SUPPORT**

**(B) Special Health Programs**

(1) Health Disparities Program

Personal Services	412,983	51,309	361,674 <sup>a</sup>
	(6.3 FTE)		
Operating Expenses	65,838	6,931	58,907 <sup>a</sup>
Health Disparities Grants	<del>8,463,419</del>		<del>8,463,419<sup>a</sup></del>
	<u>7,463,419</u>		7,463,419 <sup>a</sup>
	<del>8,942,240</del>		
	7,942,240		

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

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

38,875,315  
37,875,315

**TOTALS PART XVI  
(PUBLIC HEALTH AND  
ENVIRONMENT)**

\$446,325,693	\$27,728,074	\$504,000 <sup>a</sup>	\$158,765,734	\$34,469,429	\$224,858,456
<u>\$445,325,693</u>				<u>\$33,469,429</u>	

<sup>a</sup> 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 Article X, Section 21 (8) of the State Constitution.

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

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Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO