



State of Colorado

September 18, 2014

Representative Dianne Primavera, Prime sponsor of House Bill 09-1164
Senator Morgan Carroll, President of the Senate
Representative Mark Ferrandino, Speaker of the House of Representatives
Senator Bill Cadman, Minority Leader of the Senate
Representative Brian DelGrosso, Minority Leader of the House of Representatives
State Capitol Building
Denver, Colorado 80203

Dear Representative Primavera, President Carroll, Speaker Ferrandino, Senator Cadman, and Representative DelGrosso:

As you may recall, Senate Bill 06-079 established a process for the post-enactment review of legislation. House Bill 09-1164, concerning a surcharge on breast cancer awareness special license plates to provide funding for cancer treatment, required such a post-enactment review.

To facilitate the post-enactment review of the legislation, we contacted the Department of Health Care Policy and Financing, the Department of Public Health and Environment, the Department of Revenue, and the State Treasurer's Office to notify them of the requirements of the post-enactment review and to request they provide information to us for use in the review. Specifically, we requested responses to the following questions that are set out in section 2-2-1201 (2), C.R.S., the post-enactment review statute adopted in Senate Bill 06-079:

- Whether the bill has been implemented, in whole or in part;
- If the bill has been implemented in whole or in part, how the bill has been implemented, including whether the bill has been implemented in the most efficient and cost-effective manner;
- If the bill has been implemented in part, the reasons why the bill has not been implemented in whole;
- The extent to which the desired results or benefits of the bill, as specified in the legislative declaration of the bill, are being achieved;
- Whether there have been any unintended consequences or problems caused by the implementation of the bill;
- Whether the implementation of the bill has been impeded by any existing state or federal statutes, rules, procedures, or practices;
- Whether any administrative or statutory changes are necessary to improve the implementation of the bill;
- Whether the actual costs of implementing the bill have been within the estimated costs, if any, set forth in the fiscal note for the bill; and
- Whether any increase in state funding is necessary to improve the implementation of the bill.

The purpose of this letter is to provide to you the information received from the Department of

Health Care Policy and Financing, the Department of Public Health and Environment, and the Department of Revenue. Although multiple requests for information were sent to the State Treasurer's Office, no response was provided.

Attached for your review is the following information, with an indication of the pages on which the information can be located:

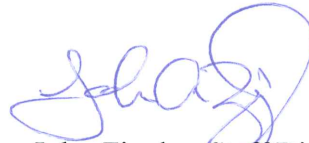
- (1) A copy of House Bill 09-1164; pages 1-5
- (2) The response received from the Department of Health Care Policy and Financing; pages 6-8
- (3) The response received from the Department of Public Health and Environment; pages 9-11
- (4) The response received from the Department of Revenue; pages 12-13.

If you have any questions regarding the post-enactment review of House Bill 09-1164, please feel free to contact us.

Sincerely,



Dan L. Cartin, Director
Office of Legislative Legal Services
(303) 866-2045



John Ziegler, Staff Director
Joint Budget Committee
(303) 866-2061



Mike Mauer, Director
Legislative Council Staff
(303) 866-3521

CHAPTER 215

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 09-1164

BY REPRESENTATIVE(S) Primavera, Gagliardi, Green, Kefalas, Kerr J., McGihon, Apuan, Casso, Court, Fischer, Kerr A., Labuda, Levy, Looper, Massey, McCann, Merrifield, Middleton, Miklosi, Pace, Peniston, Rice, Scanlan, Solano, Stephens, Tipton, Todd, Weissmann, McFadyen, Priola, Schafer S.;

also SENATOR(S) Kester, Boyd, Foster, Groff, Hodge, Hudak, Newell, Shaffer B., Williams.

AN ACT

CONCERNING A SURCHARGE ON BREAST CANCER AWARENESS SPECIAL LICENSE PLATES TO PROVIDE FUNDING FOR CANCER TREATMENT FOR WOMEN WHO ARE NOT CURRENTLY ELIGIBLE TO PARTICIPATE IN THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM UNDER THE "COLORADO MEDICAL ASSISTANCE ACT", AND REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT.

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

SECTION 1. Legislative declaration. The general assembly hereby finds and declares that, for the purpose of post-enactment review pursuant to section 5 of this act and section 2-2-1201, Colorado Revised Statutes, the desired result and benefit of this act is to raise sufficient revenues from a surcharge on the breast cancer awareness special license plate imposed pursuant to section 42-3-217.5 (3) (c), Colorado Revised Statutes, enacted by section 2 of this act, to expand eligibility for low-income persons who are screened by a provider as described in section 25.5-5-308 (2) (a) (I) (B), Colorado Revised Statutes, enacted by section 4 of this act, to participate in the breast and cervical cancer prevention and treatment program under the "Colorado Medical Assistance Act".

SECTION 2. 42-3-217.5 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-3-217.5. Special plates - breast cancer awareness - retirement. (3) (c) IN ADDITION TO THE TAXES AND FEES SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (3), A PERSON APPLYING FOR A NEW OR REPLACEMENT BREAST CANCER AWARENESS SPECIAL LICENSE PLATE SHALL PAY A SURCHARGE OF TWENTY-FIVE DOLLARS. A PERSON APPLYING ON OR BEFORE JUNE 30, 2012, TO RENEW A BREAST CANCER

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

AWARENESS SPECIAL LICENSE PLATE SHALL HAVE THE OPTION TO PAY THE TWENTY-FIVE DOLLAR SURCHARGE BUT SHALL NOT BE REQUIRED TO PAY THE SURCHARGE IN ORDER TO RENEW THE SPECIAL PLATE. ON OR AFTER JULY 1, 2012, A PERSON APPLYING TO RENEW A BREAST CANCER AWARENESS SPECIAL LICENSE PLATE SHALL PAY THE TWENTY-FIVE DOLLAR SURCHARGE REQUIRED BY THIS PARAGRAPH (c). THE DEPARTMENT SHALL TRANSMIT THE SURCHARGE TO THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGE TO THE ELIGIBILITY EXPANSION ACCOUNT OF THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND CREATED IN SECTION 25.5-5-308 (8) (c), C.R.S., FOR USE IN ACCORDANCE WITH THAT SECTION; EXCEPT THAT ONCE THE ELIGIBILITY EXPANSION ACCOUNT IS DISSOLVED PURSUANT TO SECTION 25.5-5-308 (8) (c) (III), C.R.S., THE STATE TREASURER SHALL CREDIT THE SURCHARGE TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND CREATED IN SECTION 25.5-5-308 (8) (a), C.R.S. THE DEPARTMENT SHALL ENSURE IMPLEMENTATION OF THIS PARAGRAPH (c) NO LATER THAN OCTOBER 31, 2009.

SECTION 3. Repeal. 42-3-217.5 (6) and (7), Colorado Revised Statutes, are repealed as follows:

~~42-3-217.5. Special plates - breast cancer awareness - retirement. (6) This section shall take effect July 1, 2006.~~

~~(7) The special license plates authorized by this section shall be retired unless such plates have been issued for at least three thousand vehicles by January 1, 2009.~~

SECTION 4. 25.5-5-308 (2) (a) (I) and (8) (a), Colorado Revised Statutes, are amended, and the said 25.5-5-308 (8) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

25.5-5-308. Breast and cervical cancer prevention and treatment program - creation - legislative declaration - definitions - funds - repeal. (2) As used in this section, unless the context otherwise requires:

(a) "Eligible person" means a person who:

(I) (A) Has been screened for breast or cervical cancer under the centers for disease control and prevention's national breast and cervical cancer early detection program established under Title XV of the federal "Public Health Service Act", 42 U.S.C. sec. 300k et seq., in accordance with the requirements of section 1504 of such act, 42 U.S.C. sec. 300n, on or after July 1, 2002, unless the centers for medicare and medicaid services approves the state department's amendment to the medical assistance plan and the state department is able to implement the breast and cervical cancer prevention and treatment program before such date, then the person must be screened on or after the implementation date of such program; OR

(B) HAS BEEN SCREENED FOR BREAST OR CERVICAL CANCER BY A PROVIDER WHO DOES NOT RECEIVE FUNDS THROUGH THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM BUT WHOSE SCREENING ACTIVITIES ARE RECOGNIZED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AS PART OF SCREENING ACTIVITIES UNDER THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S NATIONAL BREAST AND

CERVICAL CANCER EARLY DETECTION PROGRAM. THIS SUB-SUBPARAGRAPH (B) SHALL APPLY ONLY IF THE STATE DEPARTMENT RECEIVES AUTHORITY TO RECEIVE FEDERAL FINANCIAL PARTICIPATION FOR SUCH PERSONS. THE STATE DEPARTMENT SHALL REQUEST AUTHORITY FOR FEDERAL FINANCIAL PARTICIPATION WHEN THE STATE DEPARTMENT DETERMINES THAT THE AMOUNT OF MONEYS ACCUMULATED IN THE ELIGIBILITY EXPANSION ACCOUNT CREATED IN PARAGRAPH (c) OF SUBSECTION (8) OF THIS SECTION, INCLUDING ANY AMOUNTS PLEDGED OR PROMISED THROUGH A GIFT, GRANT, OR DONATION, IS SUFFICIENT TO SUSTAIN THE PROJECTED NUMBER OF ADDITIONAL PERSONS WHO WOULD BE ELIGIBLE FOR THE PROGRAM UNDER THIS SUB-SUBPARAGRAPH (B).

(8) (a) (I) There is hereby created in the state treasury the breast and cervical cancer prevention and treatment fund, referred to in this subsection (8) as the "fund". The fund shall consist of any moneys credited thereto pursuant to section 24-22-115 (1), C.R.S., any gifts, grants, and donations, and any moneys appropriated thereto by the general assembly, AND ANY MONEYS TRANSFERRED FROM THE ELIGIBILITY EXPANSION ACCOUNT PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (c) OF THIS SUBSECTION (8). Except as provided for in paragraph (b) of this subsection (8), all moneys credited to the fund and all interest and income earned on the moneys in the fund shall remain in the fund for the purposes set forth in this section. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund. The state department is encouraged to secure private gifts, grants, and donations to fund the state costs of the breast and cervical cancer prevention and treatment program.

(II) MONEYS IN THE FUND MAY BE USED TO COVER THE ADMINISTRATIVE COSTS OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO RECOGNIZE PROVIDERS IN ACCORDANCE WITH SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION AS PROVIDING SCREENING ACTIVITIES UNDER THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

(c) (I) THERE IS HEREBY CREATED, AS AN ACCOUNT WITHIN THE FUND, THE ELIGIBILITY EXPANSION ACCOUNT, REFERRED TO IN THIS SUBSECTION (8) AS THE "ACCOUNT". THE ACCOUNT SHALL CONSIST OF MONEYS CREDITED THERETO PURSUANT TO SECTION 42-3-217.5 (3) (c), C.R.S, ANY GIFTS, GRANTS, AND DONATIONS, AND ANY OTHER MONEYS APPROPRIATED THERETO BY THE GENERAL ASSEMBLY. MONEYS IN THE ACCOUNT SHALL BE EXPENDED ONLY TO FUND THE COST TO EXPAND THE ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM TO PERSONS DESCRIBED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION WHO ARE SCREENED FOR BREAST OR CERVICAL CANCER BY A PROVIDER WHO DOES NOT RECEIVE FUNDS THROUGH THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM ESTABLISHED UNDER TITLE XV OF THE FEDERAL "PUBLIC HEALTH SERVICE ACT", 42 U.S.C. SEC. 300k ET SEQ., TO PROVIDE SCREENING ACTIVITIES. THE STATE DEPARTMENT SHALL NOT BE REQUIRED TO TRACK OR REPORT ON THE PERSONS WHO BECOME ELIGIBLE FOR PARTICIPATION IN THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION

(2) OF THIS SECTION SEPARATELY FROM THOSE PERSONS WHO ARE ELIGIBLE FOR THE PROGRAM PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, NOR SHALL THE STATE DEPARTMENT BE REQUIRED TO TRACK OR REPORT SEPARATELY ON EXPENDITURES RELATED TO PERSONS ELIGIBLE TO PARTICIPATE IN THE PROGRAM PURSUANT TO EITHER SUCH SUB-SUBPARAGRAPH.

(II) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (8), ALL MONEYS CREDITED TO THE ACCOUNT AND ALL INTEREST AND INCOME EARNED ON THE MONEYS IN THE ACCOUNT SHALL REMAIN IN THE ACCOUNT FOR THE PURPOSES SET FORTH IN THIS PARAGRAPH (c) AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c). THE STATE DEPARTMENT IS ENCOURAGED TO SECURE PRIVATE GIFTS, GRANTS, AND DONATIONS TO HELP FUND THE COSTS TO EXPAND THE ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM AS DESCRIBED IN THIS PARAGRAPH (c).

(III) (A) UPON DETERMINING THAT THE AMOUNT OF MONEYS ACCUMULATED IN THE ACCOUNT, INCLUDING ANY AMOUNTS PLEDGED OR PROMISED THROUGH A GIFT, GRANT, OR DONATION, IS SUFFICIENT TO SUSTAIN THE PROJECTED NUMBER OF ADDITIONAL PERSONS WHO WOULD BE ELIGIBLE FOR THE PROGRAM UNDER SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, AND UPON OBTAINING AUTHORITY TO RECEIVE FEDERAL FINANCIAL PARTICIPATION FOR PERSONS ELIGIBLE UNDER SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT SHALL NOTIFY THE JOINT BUDGET COMMITTEE THAT THE ACCOUNT BALANCE IS SUFFICIENT TO EXPAND ELIGIBILITY FOR THE PROGRAM AND SHALL REQUEST AN APPROPRIATION FOR THE FISCAL YEAR FOR WHICH THE FEDERAL AUTHORITY HAS BEEN GRANTED TO FUND THE PERSONS ELIGIBLE PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

(B) ONCE THE STATE DEPARTMENT HAS NOTIFIED THE JOINT BUDGET COMMITTEE, THE STAFF DIRECTOR OF THE JOINT BUDGET COMMITTEE SHALL REQUEST THAT THE STATE TREASURER TRANSFER THE MONEYS IN THE ELIGIBILITY EXPANSION ACCOUNT TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND AND DISSOLVE THE ACCOUNT.

(C) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE WHEN THE STATE TREASURER TRANSFERS THE BALANCE OF THE ELIGIBILITY EXPANSION ACCOUNT TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND AND DISSOLVES THE ACCOUNT. THE STATE TREASURER SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WHEN THE CONDITIONS SPECIFIED IN THIS SUB-SUBPARAGRAPH (C) HAVE BEEN SATISFIED.

SECTION 5. Accountability. Five years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 1 of this act.

SECTION 6. 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.

Approved: May 2, 2009



COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING

1570 Grant Street, Denver, CO 80203-1818 • (303) 866-2993 • (303) 866-4411 Fax

John W. Hickenlooper, Governor • Susan E. Birch MBA, BSN, RN, Executive Director

April 30, 2014

Office of Legislative Legal Services
Attn.: Matt Dawkins
091 State Capitol Building
Denver, CO 80203

RE: Inquiry Regarding the Implementation of HB 09-1164

Dear Mr. Dawkins:

This letter is sent in response to the March 10, 2014 inquiry from issued by the Office of Legislative Legal Services, the Joint Budget Committee, and the Legislative Council regarding the implementation of House Bill 09-1164 by the Department of Health Care Policy and Financing (“HCPF”). As implementation of this bill has an impact on a minimum of three state agencies, including the Departments of Revenue (“DOR”) and Department of Public Health and Environment (“DPHE”), we consulted with these agencies in preparing our response.

1. Has House Bill 09-1164 been implemented, in whole or in part?

Response: HB 09-1164 was implemented in part. The bill directed the implementation of a fee on breast cancer awareness special license plates, with fee revenue to be transferred to the Eligibility Expansion Account. The license plate fees were implemented effective November 1, 2009, as directed.¹ Fund transfers to the specified account occurred as required.

The bill further required HCPF and DPHE to implement an eligibility expansion of the Breast and Cervical Cancer Program (“BCCP”) upon determination that the fee revenue in the Eligibility Expansion Account was sufficient to sustain expenditures related to individuals that gained eligibility through the expansion. Revenue in the fund was evaluated annually and determined to be insufficient to implement the expansion authorized by the bill. However, in 2013, the General Assembly took action to fund health care costs associated with the BCCP expansion population utilizing General Fund by including sufficient and ongoing spending authority for the population in Senate Bill 13-230, the Long Bill. This expansion was implemented by December 2013. For Fiscal Year 2014-15 forward, House Bill 14-1045, signed by Governor Hickenlooper on April 29, 2014, transfers the special license plate fees to the Breast and Cervical Cancer Prevention and Treatment Fund so that the funding can be utilized to cover the health care costs associated with the expansion population and other women in the BCCP.

2. If the bill has been implemented in whole or in part, how the bill has been implemented, including whether the bill has been implemented in the most efficient and cost-effective manner.

¹ <http://www.colorado.gov/cs/Satellite/Revenue-MV/RMV/1251566918191>

Response: The Department of Revenue implemented the surcharge for new or replacement breast cancer awareness special license plates. Please see the DOR's response to this letter for additional information on the efficiency and cost-effectiveness of implementation.

3. If the bill has been implemented in part, the reason why the bill has not been implemented in whole.

Response: Fees for special license plates were implemented; however, the Eligibility Expansion Account was intended to fund a BCCP eligibility expansion. There has not yet been sufficient revenue in the fund to support the costs associated with the expansion.

4. The extent to which the desired results or benefits of the bill, as specified in the legislative declaration of the bill are being achieved.

Response: The desired result and benefit of this bill was to "raise sufficient revenues from a surcharge on the breast cancer awareness special license plate...to expand eligibility for low-income persons...to participate in the breast and cervical cancer prevention and treatment program under the 'Colorado Medical Assistance Act.'" While the first desired result of raising "sufficient revenues" was never achieved through this mechanism, the piece related to expanding eligibility as described above was achieved through different means effective December 1, 2013.

5. Whether there have been any unintended consequences or problems caused by the implementation of the bill.

Response: The implementation of this bill had unintended consequences identified by the Department of Revenue, as addressed in their responses to these questions. Also, as previously indicated, this bill never raised sufficient revenues to implement the expanded eligibility for the program through use of those revenues.

6. Whether the implementation of the bill has been impeded by any existing state or federal statutes, rules, procedures, or practices.

Response: Implementation of the bill was not impeded by existing state or federal statutes, rules, procedures, or practices. The departments contend that the only obstacle to implementing the bill as originally intended was lack of sufficient revenue from the special license plate fees.

7. Whether any administrative or statutory changes are necessary to improve the implementation of the bill.

Response: The statutory changes that are necessary to improve the implementation of this bill are being addressed by HB 14-1045, which is expected to be signed by the Governor by the end of April. HB 14-1045 directs the breast cancer license plate registration fees that have been accruing in a special account to be deposited into the Breast and Cervical Cancer Prevention and Treatment Fund administered by HCPF to be used as a source of funding for the breast and cervical cancer prevention and treatment program.

8. Whether the actual costs of implementing the bill have been within the estimated costs, if any, set forth in the fiscal note for the bill.

Response: The actual costs of implementing the program are significantly below the amount included in the fiscal note. This is the direct result of insufficient revenue to support full implementation of the bill by FY 2010-11 as originally anticipated.

9. Whether any increase in state funding is necessary to improve the implementation of the bill.

Response: No additional funds are necessary to improve the implementation of the bill. All necessary funding was included in HB 14-1045.

If you have any questions or require further information, please contact MaryKathryn Hurd at mk.hurd@state.co.us or 303-547-8494.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan E. Birch". The signature is fluid and cursive, with a large initial "S" and "B".

Susan E. Birch, MBA, BSN, RN
Executive Director

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado
www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

April 30, 2014

Matt Dawkins
Office of Legislative Legal Services
091 State Capitol Building
Denver, CO 80203

RE: Inquiry Regarding the Implementation of HB 09-1164

Dear Mr. Dawkins:

This letter is sent in response to the March 10, 2014 inquiry from issued by the Office of Legislative Legal Services, the Joint Budget Committee, and the Legislative Council regarding the implementation of House Bill 09-1164 by the Colorado Department of Public Health and Environment ("CDPHE"). As implementation of this bill has an impact on a minimum of three state agencies, including the Departments of Revenue ("DOR") and Health Care Policy and Financing ("HCPF"), we consulted with these agencies in preparing our response, which is set forth below.

1. Has House Bill 09-1164 been implemented, in whole or in part?

Response: HB 09-1164 was implemented in part. The bill directed the implementation of a fee on breast cancer awareness special license plates, with fee revenue to be transferred to the Eligibility Expansion Account. The license plate fees were implemented effective November 1, 2009, as directed.¹ Fund transfers to the specified account occurred as required.

The bill further required the CDPHE and HCPF to implement an eligibility expansion of the Breast and Cervical Cancer Program ("BCCP") upon determination that the fee revenue in the Eligibility Expansion Account was sufficient to sustain expenditures related to individuals that gained eligibility through the expansion. Revenue in the fund was evaluated annually and determined to be insufficient to implement the expansion authorized by the bill. However, in 2013, the General Assembly took action to fund health care costs associated with the BCCP expansion population utilizing General Fund by including sufficient and ongoing spending authority for the population in Senate Bill 13-230, the Long Bill. This expansion was implemented by December 2013. For Fiscal Year 2014-15 forward, House Bill 14-1045, signed by Governor Hickenlooper on April 29, 2014, transfers the special license plate fees to the Breast and Cervical Cancer Prevention and Treatment Fund so that the funding can be utilized

¹ <http://www.colorado.gov/cs/Satellite/Revenue-MV/RMV/1251566918191>

to cover the health care costs associated with the expansion population and other women in the BCCP.

2. If the bill has been implemented in whole or in part, how the bill has been implemented, including whether the bill has been implemented in the most efficient and cost-effective manner.

Response: The Department of Revenue implemented the surcharge for new or replacement breast cancer awareness special license plates. Please see the DOR's response to this letter for additional information on the efficiency and cost-effectiveness of implementation.

3. If the bill has been implemented in part, the reason why the bill has not been implemented in whole.

Response: Fees for special license plates were implemented; however, the Eligibility Expansion Account was intended to fund a BCCP eligibility expansion. There has not yet been sufficient revenue in the fund to support the costs associated with the expansion.

4. The extent to which the desired results or benefits of the bill, as specified in the legislative declaration of the bill are being achieved.

Response: The desired result and benefit of this bill was to "raise sufficient revenues from a surcharge on the breast cancer awareness special license plate...to expand eligibility for low-income persons...to participate in the breast and cervical cancer prevention and treatment program under the 'Colorado Medical Assistance Act.'" While the first desired result of raising "sufficient revenues" was never achieved through this mechanism, the piece related to expanding eligibility as described above was achieved through different means effective December 1, 2013.

5. Whether there have been any unintended consequences or problems caused by the implementation of the bill.

Response: The implementation of this bill had unintended consequences identified by the Department of Revenue, as addressed in their responses to these questions. Also, as previously indicated, this bill never raised sufficient revenues to implement the expanded eligibility for the program through use of those revenues.

6. Whether the implementation of the bill has been impeded by any existing state or federal statutes, rules, procedures, or practices.

Response: Implementation of the bill was not impeded by existing state or federal statutes, rules, procedures, or practices. The departments contend that the only obstacle to implementing the bill as originally intended was lack of sufficient revenue from the special license plate fees.

7. Whether any administrative or statutory changes are necessary to improve the implementation of the bill.

Response: The statutory changes that are necessary to improve the implementation of this bill are being addressed by HB 14-1045, which was signed by the Governor on April 29, 2014.

Matt Dawkins
Office of Legislative Legal Services
April 30, 2014

HB 14-1045 directs the breast cancer license plate registration fees that have been accruing in a special account to be deposited into the Breast and Cervical Cancer Prevention and Treatment Fund administered by the Department of Health Care Policy and Financing to be used as a source of funding for the breast and cervical cancer prevention and treatment program.

8. Whether the actual costs of implementing the bill have been within the estimated costs, if any, set forth in the fiscal note for the bill.

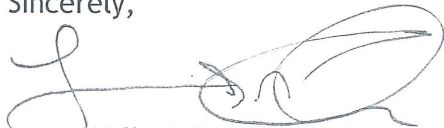
Response: The actual costs of implementing the program are significantly below the amount included in the fiscal note. This is the direct result of insufficient revenue to support full implementation of the bill by FY 2010-11 as originally anticipated.

9. Whether any increase in state funding is necessary to improve the implementation of the bill.

Response: No additional funds are necessary to improve the implementation of the bill. All necessary funding was included in HB 14-1045.

If you have any questions or require any further information on this program, please contact Emily Kinsella at Emily.kinsella@state.co.us or (303) 692-2511.

Sincerely,



Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer



COLORADO

Department of Revenue

Executive Director's Office

Physical Address:
1375 Sherman Street
Denver, CO 80203

Mailing Address:
P.O. Box 17087
Denver, CO 80217-0087

April 24, 2014

Office of Legislative Legal Services
Attn: Matt Dawkins
091 State Capitol Building
Denver, CO 80203

RE: Inquiry regarding the Implementation of HB09-1164

Dear Mr. Dawkins:

This letter is sent in response to a request I received on March 10, 2014, regarding the implementation of HB09-1164. HB09-1164 required the Department of Revenue to collect a \$25.00 surcharge for new or replacement Breast Cancer Awareness special license plates issued on and after November 1, 2009. Additionally, the legislation stated that prior to June 30, 2012, the owner of a Breast Cancer Awareness special license plate was to be given the option of paying a \$25.00 surcharge when renewing the license plate. Furthermore, on and after July 1, 2012, the \$25.00 surcharge was to become a mandatory fee collected upon the renewal of any Breast Cancer Awareness special license plate. The legislation requires the Department to transmit the surcharge to the Eligibility Expansion Account of the Breast and Cervical Cancer Prevention and Treatment Fund.

The IT programming required to collect the \$25.00 surcharge upon the issuance or replacement of the Breast Cancer Awareness special license plate, and allow the option of paying the \$25.00 surcharge upon renewal was completed and implemented November 1, 2009. Training was provided for the county clerk and recorders staff and all necessary administrative changes were also completed.

The second phase of IT programming to modify the optional \$25.00 surcharge payment from an optional surcharge to a required surcharge collected upon the renewal of Breast Cancer Awareness special license plates was completed June 25, 2012, for transactions performed on or after July 1, 2012. All Breast Cancer Awareness plate holders were notified through the license plate renewal notice of the required surcharge. Additionally, Colorado Interactive provided information through the Online Vehicle Registration Renewal program for renewal transactions completed online.

In compliance with HB09-1164, the Department began collecting the surcharge November 1, 2009, making fiscal year 2010 a partial year of collection. Fiscal year 2011 was the first full year to collect the surcharge. The following table identifies the revenue collected and deposited in the Eligibility Expansion Account of the Breast and Cervical Cancer Prevention and Treatment Fund as a result of the enactment of HB09-1164.

YEAR	AMOUNT COLLECTED
FY2010 (beginning November 1, 2009)	\$121,750
FY2011	\$309,475
FY2012	\$327,925
FY2013	\$674,950
FY2014 (through March 31, 2014)	\$638,150
TOTAL	\$2,072,250

The implementation of HB09-1164 did present an unintended consequence. The original citizen sponsor of the Breast Cancer Awareness license plates was opposed to the registered logo and plate color being associated with the mandatory surcharge imposed by HB09-1164 and denied the Department's permission to use the logo and color previously used for the original Breast Cancer Awareness license plate on any newly manufactured plates. Consequently, the Department was required to create a new plate type. This action required additional IT programming for the Colorado State Titling and Registrations system (CSTARS) and the Plate Inventory Management system (PIMS). The Department ceased the manufacture of the original Breast Cancer Awareness license plates in April of 2010. At that time, 8,119 original design plates were in inventory. In August of 2010, the Department began replenishing the inventory in the counties with the new design as each county exhausted its original design plate inventory. Currently the new design is issued for all Breast Cancer Awareness regular passenger, personalized passenger, and personalized motorcycle plates. A small inventory of Breast Cancer Awareness regular motorcycle plates remains in inventory in some counties. The Department is currently initiating a Print-On-Demand process for all specialty license plates. Upon full deployment of this new process, it will be determined if the existing inventory of the old design, regular motorcycle plates should be exhausted or destroyed. The Print-On-Demand process is expected to be fully deployed by the end of June 2014.

The Department of Revenue assumes that its responsibilities in implementing HB09-1164 have been fulfilled with the issuance of the new design license plates and collection of the surcharge on all newly issued, replaced or renewed Breast Cancer Awareness license plates. No additional administrative or statutory changes were necessary for the completion of the implementation activities. The Department did not receive a separate appropriation to fund the implementation of HB09-1164 as at that time, computer programming costs were funded through ongoing Long Bill appropriations from the CSTARS account within the Highway Users Tax Fund. No additional state funding was required for this legislation to be fully implemented by the Department of Revenue.

If you have any questions regarding the implementation of this legislation, please contact Sue Spriggs at susan.spriggs@state.co.us or 303-866-3089.

Sincerely,



Barbara J. Brohl
Executive Director
Colorado Department of Revenue