

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 16, 2010
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

HB10-1323 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. 24-75-1104.5 (1) (b) (II), Colorado Revised
4 Statutes, is amended, and the said 24-75-1104.5 (1) (b) is further amended
5 BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

6 **24-75-1104.5. Use of settlement moneys - programs - repeal.**
7 (1) Except as otherwise provided in subsection (5) of this section, for the
8 2004-05 fiscal year and for each fiscal year thereafter, the following
9 programs, services, or funds shall receive the following specified amounts
10 from the settlement moneys received by the state in the preceding fiscal
11 year; except that fifteen million four hundred thousand dollars of strategic
12 contribution fund moneys and, for the 2010-11 fiscal year and for each
13 fiscal year thereafter only, the lesser of sixty-five million dollars of other
14 settlement moneys or all other settlement moneys shall be allocated in
15 each fiscal year in which they are received by the state and except that, of
16 the other settlement moneys received by the state in the 2009-10 fiscal
17 year, the lesser of sixty-five million dollars or all of such moneys shall be
18 transferred to the general fund on June 30, 2010, and shall not be
19 allocated:

20 (b) (II) Notwithstanding the provisions of subparagraph (I) of this
21 paragraph (b), for the 2009-10 fiscal year, the amount transferred to the

1 comprehensive primary and preventive care grant program shall be
2 ~~reduced by two million four hundred thousand dollars, and such~~ THE
3 amount OF GRANT MONEYS COMMITTED PURSUANT TO THE
4 COMPREHENSIVE PRIMARY AND PREVENTIVE CARE GRANT PROGRAM ON OR
5 BEFORE SEPTEMBER 30, 2009. ANY OF THE REMAINING SETTLEMENT
6 MONEYS THAT WOULD HAVE BEEN TRANSFERRED TO THE COMPREHENSIVE
7 PRIMARY AND PREVENTIVE CARE GRANT PROGRAM PURSUANT TO THE
8 PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) shall be
9 transferred to the general fund. This subparagraph (II) is repealed,
10 effective July 1, 2011.

11 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I)
12 OF THIS PARAGRAPH (b), FOR THE 2010-11 FISCAL YEAR, THE SETTLEMENT
13 MONEYS TRANSFERRED TO THE COMPREHENSIVE PRIMARY AND
14 PREVENTIVE CARE GRANT PROGRAM PURSUANT TO THE PROVISIONS OF
15 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE TRANSFERRED TO
16 THE GENERAL FUND. THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE
17 JULY 1, 2012.

18 **SECTION 2.** 24-75-1104.5 (1.5) (a) (III) (C), and (1.5) (a) (V),
19 Colorado Revised Statutes, are amended, and the said 24-75-1104.5 (1.5)
20 (a) (III) is further amended BY THE ADDITION OF A NEW
21 SUB-SUBPARAGRAPH, to read:

22 **24-75-1104.5. Use of settlement moneys - programs - repeal.**
23 (1.5) (a) Except as otherwise provided in subsections (5) and (6) of this
24 section, for the 2007-08 fiscal year and for each fiscal year thereafter, the
25 following programs, services, and funds shall receive the following
26 specified amounts from the portion of any settlement moneys received
27 and allocated by the state in the current fiscal year that remains after the
28 programs, services, and funds receiving such moneys pursuant to
29 subsection (1) of this section have been fully funded, and the portion of
30 all other settlement moneys received by the state in the preceding fiscal
31 year that remains after the programs, services, and funds receiving such
32 other settlement moneys pursuant to subsection (1) of this section have
33 been fully funded and all overexpenditures and supplemental
34 appropriations allowed for the 2006-07, 2007-08, 2008-09, or 2009-10
35 fiscal years pursuant to section 24-22-115 (4) have been made:

36 (III) (C) Notwithstanding the provisions of sub-subparagraph (A)
37 of this subparagraph (III), FOR THE 2009-10 FISCAL YEAR, the amount

1 transferred to the supplemental tobacco litigation settlement moneys
2 account of the comprehensive primary and preventive care fund shall be
3 ~~one million nine hundred ninety thousand five hundred dollars for the~~
4 ~~2009-10 fiscal year and two million two hundred forty-five thousand~~
5 ~~dollars for the 2010-11 fiscal year. The difference between the amount~~
6 ~~that would have been transferred to the supplemental tobacco litigation~~
7 ~~settlement moneys account of the comprehensive primary and preventive~~
8 ~~care fund pursuant to sub-subparagraph (A) of this subparagraph (III) and~~
9 ~~the amount transferred pursuant to this sub-subparagraph (C) in each of~~
10 ~~said fiscal years shall be transferred to the general fund. This~~
11 ~~sub-subparagraph (C) is repealed, effective July 1, 2011~~ TRANSFERRED TO
12 THE GENERAL FUND.

13 (D) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1,
14 2010.

15 (V) (A) FOR FISCAL YEARS 2007-08 THROUGH 2009-10, the
16 children's basic health plan trust created in section 25.5-8-105, C.R.S.,
17 shall receive five percent of the settlement moneys, which the state
18 treasurer shall transfer thereto.

19 (B) FOR THE 2010-11 FISCAL YEAR AND EACH FISCAL YEAR
20 THEREAFTER, THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN
21 SECTION 25.5-8-105, C.R.S., SHALL RECEIVE THIRTEEN AND ONE-HALF
22 PERCENT OF THE SETTLEMENT MONEYS, WHICH THE STATE TREASURER
23 SHALL TRANSFER THERETO.

24 **SECTION 3.** 24-75-1104.5, Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW SUBSECTION to read:

26 **24-75-1104.5. Use of settlement moneys - programs - repeal.**
27 (8) (a) AT THE END OF FISCAL YEAR 2010-11, THE STATE TREASURER
28 SHALL TRANSFER THE BALANCE OF THE MONEYS IN THE SHORT-TERM
29 INNOVATIVE HEALTH PROGRAM GRANT FUND CREATED IN SECTION
30 25-36-101, C.R.S., TO THE GENERAL FUND. THIS TRANSFER SHALL
31 AUGMENT FISCAL YEAR 2010-11 GENERAL FUND REVENUES.

32 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2012.

33 **SECTION 4.** 25.5-3-207 (4), Colorado Revised Statutes, is
34 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1 **25.5-3-207. Program funding - comprehensive primary and**
2 **preventive care fund - supplemental tobacco litigation settlement**
3 **moneys account - creation - repeal.** (4) (c) THIS SUBSECTION (4) IS
4 REPEALED, EFFECTIVE JULY 1, 2010, AND ANY MONEYS REMAINING IN THE
5 SUPPLEMENTAL TOBACCO LITIGATION SETTLEMENT MONEYS ACCOUNT
6 SHALL BE TRANSFERRED TO THE GENERAL FUND.

7 **SECTION 5.** 24-75-1104.5 (1.5) (b), Colorado Revised Statutes,
8 is amended to read:

9 **24-75-1104.5. Use of settlement moneys - programs - repeal.**
10 (1.5) (b) (I) Except as otherwise provided in sections 24-50-609 (5) and
11 25.5-3-207 (4) (a), C.R.S., at the end of the 2007-08, 2008-09, AND
12 2009-10 fiscal year ~~and at the end of each fiscal year thereafter~~ YEARS,
13 any interest and income earned on moneys allocated for the fiscal year
14 pursuant to paragraph (a) of this subsection (1.5), and any of such
15 allocated moneys that are unexpended and unencumbered, shall be
16 transferred to the short-term innovative health program grant fund created
17 in section 25-36-101 (2), C.R.S.

18 (II) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-50-609 (5),
19 AT THE END OF THE 2010-11 FISCAL YEAR AND AT THE END OF EACH
20 FISCAL YEAR THEREAFTER, ANY INTEREST AND INCOME EARNED ON
21 MONEYS ALLOCATED FOR THE FISCAL YEAR PURSUANT TO PARAGRAPH (a)
22 OF THIS SUBSECTION (1.5), AND ANY OF SUCH ALLOCATED MONEYS THAT
23 ARE UNEXPENDED AND UNENCUMBERED, SHALL BE TRANSFERRED TO THE
24 SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND CREATED IN
25 SECTION 25-36-101 (2), C.R.S.

26 **SECTION 6.** 25-4-1415 (1), Colorado Revised Statutes, is
27 amended to read:

28 **25-4-1415. Cash fund - administration - limitation.** (1) There
29 is hereby created in the state treasury the AIDS and HIV prevention fund,
30 referred to in this section as the "fund", that shall consist of moneys that
31 may be appropriated to the fund by the general assembly. The moneys in
32 the fund shall be subject to annual appropriation by the general assembly
33 for the direct and indirect costs associated with the implementation of the
34 program; except that, for the 2009-10 AND 2010-11 fiscal year YEARS, the
35 general assembly may appropriate moneys from the fund to the
36 department of public health and environment for the implementation and

1 administration of the AIDS drug assistance program described in section
2 25-4-1411 (2). Any moneys in the fund not expended for the purpose of
3 the program may be invested by the state treasurer as provided by law.
4 All interest and income derived from the investment and deposit of
5 moneys in the fund shall be credited to the fund. Any unexpended and
6 unencumbered moneys remaining in the fund at the end of a fiscal year
7 shall remain in the fund and shall not be credited or transferred to the
8 general fund or another fund.

9 **SECTION 7.** 2-3-113 (7), Colorado Revised Statutes, is amended
10 BY THE ADDITION OF A NEW PARAGRAPH to read:

11 **2-3-113. Programs that receive tobacco settlement moneys -**
12 **program review.** (7) (c) (I) FOR PURPOSES OF THE APPROPRIATION TO
13 THE STATE AUDITOR'S OFFICE PURSUANT TO PARAGRAPH (a) OF THIS
14 SUBSECTION (7), SETTLEMENT MONEYS THAT WERE TRANSFERRED TO THE
15 GENERAL FUND IN FISCAL YEARS 2009-10 AND 2010-11, BUT THAT WOULD
16 OTHERWISE HAVE BEEN TRANSFERRED TO A TOBACCO SETTLEMENT
17 PROGRAM PURSUANT TO SECTION 24-75-1104.5 (1), C.R.S., SHALL BE
18 DEEMED TO HAVE BEEN RECEIVED BY THE TOBACCO SETTLEMENT
19 PROGRAM.

20 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2012.

21 **SECTION 8.** Part V (1) (A), (4), and the affected totals of section
22 2 of chapter 464, Session Laws of Colorado 2009, are amended to read:

23 Section 2. **Appropriation.**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	PART V						
2	DEPARTMENT OF HEALTH CARE POLICY AND FINANCING						
3							
4	(1) EXECUTIVE DIRECTOR'S OFFICE						
5	(A) General Administration						
6	Personal Services	19,679,334					
7		19,671,129					
8		(275.0 FTE)					
9		(274.8 FTE)					
10	Health, Life, and Dental	1,414,691					
11		1,414,226					
12	Short-term Disability	23,588					
13		23,578					

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 S.B. 04-257 Amortization							
2 Equalization Disbursement	317,902						
3	317,767						
4 S.B. 06-235 Supplemental							
5 Amortization Equalization							
6 Disbursement	197,328						
7	197,243						
8 Workers' Compensation	36,279						
9 Operating Expenses	1,511,489						
10	1,511,418						
11 Legal Services and Third							
12 Party Recovery Legal							
13 Services for 13,089 hours	986,650						

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APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Administrative Law Judge							
2 Services	456,922						
3 Purchase of Services from							
4 Computer Center	135,103						
5 Management and							
6 Administration of OIT	482,756						
7 Payment to Risk							
8 Management and Property							
9 Funds	83,182						
10 Leased Space	394,236						
11 Capitol Complex Leased							
12 Space	400,868						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	General Professional						
2	Services and Special						
3	Projects	3,384,105					
4		<u>29,504,433</u>	12,360,725(M)		1,040,182*	1,679,562 ^b	14,423,964
5		29,495,462			1,031,211 ^a		
6							

^a Of this amount, \$254,605 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S., \$159,572 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., \$80,745 shall be from estate recoveries, \$56,060 shall be from the Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$55,716 shall be from the Primary Care Fund created in Section 24-22-117 (2) (b) (I), C.R.S., \$33,895 shall be from the Autism Treatment Fund created in Section 25.5-6-805, C.R.S., \$31,497 shall be from the Short-term Innovative Health Program Grant Fund created in Section 25-36-101 (1), C.R.S., \$328,960 shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S., ~~\$24,019~~ \$15,048 shall be from the Comprehensive Primary and Preventive Care Fund created in Section 25.5-3-207 (1), C.R.S., \$11,280 shall be from the Breast and Cervical Cancer Treatment and Prevention Fund created in Section 25.5-5-308 (8) (a), C.R.S., and \$3,833 shall be from the Department of Health Care Policy and Financing Cash Fund created in Section 25.5-1-109, C.R.S.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	^b Of this amount, \$1,676,225 shall be a transfer from the Department of Human Services, and \$3,337 shall from Old Age Pension Fund moneys appropriated to the Department of						
2	Human Services, pursuant to Article 24 of the State Constitution.						
3							
4		108,869,769					
5		108,860,798					
6							
7	(4) INDIGENT CARE PROGRAM						
8	Safety Net Provider						
9	Payments	310,715,422		13,090,782(M)		142,266,929 ^a	155,357,711
10	Colorado Health Care						
11	Services Fund	15,000,000		15,000,000			
12	The Children's Hospital,						
13	Clinic Based Indigent Care	27,767,760		3,059,880(M)		10,824,000 ^b	13,883,880

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Health Care Services Fund						
2	Programs	8,352,000				4,176,000 ^b	4,176,000
3	Pediatric Speciality Hospital	15,032,712	6,656,997(M)		355,359 ^c	504,000 ^d	7,516,356
4	H.B. 05-1262 Appropriation						
5	from General Fund to						
6	Pediatric Speciality Hospital						
7	Fund	504,000		504,000 ^e			
8	H.B. 05-1262 Appropriation						
9	from Tobacco Tax Cash						
10	Fund to the General Fund	504,000			504,000 ^f		
11	Primary Care Fund Program	31,920,000			31,920,000 ^g		
12	H.B. 97-1304 Children's						
13	Basic Health Plan Trust	2,500,000	2,500,000				

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			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Children's Basic Health Plan						
2	Administration	5,537,590			2,473,301 ^h		3,064,289
3	Children's Basic Health Plan						
4	Premium Costs ¹¹	145,664,212			48,696,353 ⁱ	2,500,000 ^j	94,467,859
5	Children's Basic Health Plan						
6	Dental Benefit Costs ¹²	10,948,462			3,831,962 ^k		7,116,500
7	Comprehensive Primary and						
8	Preventive Care Grants	866,075			866,075 ^l		
9		226,993			226,993 ^l		
10	Comprehensive Primary and						
11	Preventive Care Rural and						
12	Public Hospital Grant						
13	Program	6,041,096			3,020,548 ^l		3,020,548
14		1,041,096			1,030,048 ^l		11,048

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1		581,353,329					
2		575,714,247					
3							
4	^a This amount represents public funds certified as representing expenditures incurred by hospitals that are eligible for federal financial participation under the Medicaid upper payment						
5	limit and the Medicaid Disproportionate Share Payments to Hospitals program.						
6	^b These amounts shall be from the Health Care Services Fund created in Section 25.5-3-112 (1) (a), C.R.S.						
7	^c This amount shall be from the Supplemental Tobacco Litigation Settlement Moneys Account in the Pediatric Specialty Hospital Fund created in Section 24-22-117 (2) (e) (II), C.R.S.						
8	^d This amount shall be from the Pediatric Specialty Hospital Fund created in Section 24-22-117 (2) (e), C.R.S.						
9	^e This amount is not subject to the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. This amount is also not subject to the statutory						
10	limitation on General Fund appropriation growth or any other spending limitation existing in law pursuant to Article X, Section 21 (8) of the State Constitution.						
11	^f This amount shall be from the Tobacco Tax Cash Fund created in Section 24-22-117 (1) (a), C.R.S. This appropriation partially meets the requirement to appropriate a portion of the						
12	revenues collected from imposition of additional state cigarette and tobacco taxes to the General Fund pursuant to Section 21 of Article X of the State Constitution.						
13	^g This amount shall be from the Primary Care Fund created in Section 24-22-117 (2) (b) (I), C.R.S.						

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 ^h Of this amount, \$1,933,301 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S., and \$540,000 shall be from the Health Care Expansion Fund							
2 created in Section 24-22-117 (2) (a) (I), C.R.S.							
3 ⁱ Of this amount, \$25,296,193 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S., \$21,177,045 shall be from the Health Care Expansion Fund							
4 created in Section 24-22-117 (2) (a) (I), C.R.S., \$1,761,388 shall be from the Children's Basic Health Plan Trust and Supplemental Tobacco Litigation Settlement Moneys Account created							
5 in Section 25.5-8-105 (1), C.R.S., and \$461,727 shall be from the Colorado Immunization Fund created in Section 25-4-2301, C.R.S.							
6 ^j This amount is General Fund that is appropriated into the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S.							
7 ^k Of this amount, \$2,525,196 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S. and \$1,306,766 shall be from the Health Care Expansion Fund							
8 created in Section 24-22-117 (2) (a) (I), C.R.S.							
9 ^l This amount shall be from the Comprehensive Primary and Preventive Care Fund created in Section 25.5-3-207 (1), C.R.S.							
10							
11 TOTALS PART V							
12 (HEALTH CARE							
13 POLICY AND							
14 FINANCING)		\$4,136,596,755	\$1,675,723,755	\$504,000 ^a	\$407,639,249	\$28,706,139	\$2,024,023,612

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	
1		\$4,130,948,702			\$405,000,696		\$2,021,014,112
2							

3 ^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
4 appropriations imposed by Section 24-75-201.1, C.R.S.

5

1 **SECTION 9. 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.".

** *** ** *** **