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SENATE BILL 11-008

BY SENATOR(S) Boyd, Aguilar, Bacon, Carroll, Foster, Guzman, Heath, Hudak, Newell, Schwartz, Shaffer B., Steadman, Tochtrop, Williams S.; also REPRESENTATIVE(S) Gerou, Casso, Conti, Fields, Fischer, Hamner, Kagan, Kefalas, Kerr J., Labuda, Massey, Riesberg, Ryden, Schafer S., Solano, Summers, Todd, Vigil, Wilson.

CONCERNING ALIGNING MEDICAID ELIGIBILITY FOR CHILDREN.

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

SECTION 1. The introductory portion to 24-22-117 (2) (a) (II) and 24-22-117 (2) (a) (II) (F), Colorado Revised Statutes, are 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:

(a) (II) Except as provided in ~~subparagraphs (III) and (IV)~~ SUBPARAGRAPH (III) of this paragraph (a), for fiscal year 2005-06 and each fiscal year thereafter, moneys in the health care expansion fund shall be annually appropriated by the general assembly to the department of health care policy and financing for the following purposes:

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

(F) To pay for enrollment increases above the average enrollment for state fiscal year 2003-04 in the children's basic health plan, article 8 of title 25.5, C.R.S. OR, FOR STATE FISCAL YEAR 2011-12 AND FOR EACH FISCAL YEAR THEREAFTER, TO PAY FOR COSTS ASSOCIATED WITH CHILDREN ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM, ARTICLES 4, 5, AND 6 OF TITLE 25.5, C.R.S., WHOSE FAMILY INCOME IS MORE THAN ONE HUNDRED PERCENT BUT DOES NOT EXCEED ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LINE AND WHO WOULD HAVE BEEN ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S BASIC HEALTH PLAN PRIOR TO SEPTEMBER 1, 2011;

SECTION 2. 25.5-5-205 (3) (c), Colorado Revised Statutes, is amended to read:

25.5-5-205. Baby and kid care program - creation - eligibility.

(3) (c) (I) On and after ~~July 1, 1991~~ SEPTEMBER 1, 2011, children born after September 30, 1983, who have attained ~~age~~ six YEARS OF AGE but have not attained ~~age~~ nineteen YEARS OF AGE shall be eligible for benefits under the baby and kid care program. ~~except that~~; For the purpose of eligibility under this paragraph (c) only, such individual's family income shall exceed the eligibility threshold used in determining eligibility for aid to families with dependent children assistance pursuant to rules in effect on July 16, 1996, and the method adopted by the state board pursuant to sections 25.5-5-101 (4) (c) and 25.5-5-201 (5) (c), but shall not exceed the equivalent of the percentage level of the federal poverty line that is specified pursuant to subparagraph (II) of this paragraph (c).

(II) The percentage level of the federal poverty line, as defined pursuant to 42 U.S.C. sec. 9902 (2), used to determine eligibility under this paragraph (c) shall be ~~one hundred percent~~. ~~If the federal government establishes a new federal minimum percentage level of the federal poverty line used to determine eligibility under this paragraph (c) that is different from the level set in this subparagraph (II), the state department is authorized to meet such federal minimum level without requiring additional legislation; however, such minimum federal level shall be established by rule of the state board~~ EQUIVALENT TO THE FAMILY INCOME ELIGIBILITY THRESHOLD APPLIED TO CHILDREN UNDER SIX YEARS OF AGE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3).

SECTION 3. 25.5-8-105 (1) and (2) (a), Colorado Revised Statutes,

are amended, and the said 25.5-8-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25.5-8-105. Trust - created. (1) A fund to be known as the children's basic health plan trust is hereby created and established in the state treasury. Except as provided for in ~~subsection (4)~~ SUBSECTIONS (4) AND (8) of this section, all moneys deposited in the trust and all interest earned on moneys in the trust shall remain in the trust for the purposes set forth in this article, and no part thereof shall be expended or appropriated for any other purpose. The principal of the trust shall be expended, subject to annual appropriation by the general assembly, solely for the purposes set forth in this article.

(2) (a) Except as provided for in ~~subsection (4)~~ SUBSECTIONS (4) AND (8) of this section, all or a portion of the moneys in the trust shall be annually appropriated by the general assembly for the purposes of this article and shall not be transferred to or revert to the general fund of the state at the end of any fiscal year.

(8) BEGINNING IN THE 2011-2012 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, MONEYS IN THE TRUST MAY BE USED FOR COSTS ASSOCIATED WITH CHILDREN ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM, ARTICLES 4, 5, AND 6 OF THIS TITLE, WHOSE FAMILY INCOME IS MORE THAN ONE HUNDRED PERCENT BUT DOES NOT EXCEED ONE HUNDRED THIRTY-THREE PERCENT OF THE FEDERAL POVERTY LINE AND WHO WOULD HAVE BEEN ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S BASIC HEALTH PLAN PRIOR TO SEPTEMBER 1, 2011.

SECTION 4. Act subject to petition - effective date. This act shall take effect September 1, 2011; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section,

or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO