

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0376.01 Brita Darling

SENATE BILL 11-008

SENATE SPONSORSHIP

Boyd,

HOUSE SPONSORSHIP

Gerou,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING ALIGNING MEDICAID ELIGIBILITY FOR CHILDREN.**

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>.)

The bill increases the current medicaid income eligibility threshold of 100% of the federal poverty line for children who are between 6 and 19 years of age to equal the income eligibility threshold for pregnant women and children from birth to 5 years of age, which is currently set at 133% of the federal poverty line.

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.

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

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

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

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

13 (F) To pay for enrollment increases above the average enrollment
14 for state fiscal year 2003-04 in the children's basic health plan, article 8
15 of title 25.5, C.R.S. OR, FOR STATE FISCAL YEAR 2011-12 AND FOR EACH
16 FISCAL YEAR THEREAFTER, TO PAY FOR COSTS ASSOCIATED WITH
17 CHILDREN ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM, ARTICLES 4,
18 5, AND 6 OF TITLE 25.5, C.R.S., WHOSE FAMILY INCOME IS MORE THAN ONE
19 HUNDRED PERCENT BUT DOES NOT EXCEED ONE HUNDRED THIRTY-THREE
20 PERCENT OF THE FEDERAL POVERTY LINE AND WHO WOULD HAVE BEEN
21 ELIGIBLE FOR ENROLLMENT IN THE CHILDREN'S BASIC HEALTH PLAN PRIOR
22 TO SEPTEMBER 1, 2011;

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

25 **25.5-5-205. Baby and kid care program - creation - eligibility.**
26 (3) (c) (I) On and after ~~July 1, 1991~~ SEPTEMBER 1, 2011, children born
27 after September 30, 1983, who have attained ~~age~~ six YEARS OF AGE but

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

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

21 **SECTION 3.** 25.5-8-105 (1) and (2) (a), Colorado Revised
22 Statutes, are amended, and the said 25.5-8-105 is further amended BY
23 THE ADDITION OF A NEW SUBSECTION, to read:

24 **25.5-8-105. Trust - created.** (1) A fund to be known as the
25 children's basic health plan trust is hereby created and established in the
26 state treasury. Except as provided for in ~~subsection (4)~~ SUBSECTIONS (4)
27 AND (8) of this section, all moneys deposited in the trust and all interest

1 earned on moneys in the trust shall remain in the trust for the purposes set
2 forth in this article, and no part thereof shall be expended or appropriated
3 for any other purpose. The principal of the trust shall be expended,
4 subject to annual appropriation by the general assembly, solely for the
5 purposes set forth in this article.

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

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

19 **SECTION 4. Act subject to petition - effective date.** This act
20 shall take effect September 1, 2011; except that, if a referendum petition
21 is filed pursuant to section 1 (3) of article V of the state constitution
22 against this act or an item, section, or part of this act within the ninety-day
23 period after final adjournment of the general assembly, then the act, item,
24 section, or part shall not take effect unless approved by the people at the
25 general election to be held in November 2012 and shall take effect on the
26 date of the official declaration of the vote thereon by the governor.