

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 9, 2011  
Date

Committee on Health and Human Services.

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

SB11-008 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:

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

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

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

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

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

3           **25.5-5-205. Baby and kid care program - creation - eligibility.**  
4 (3) (c) (I) On and after ~~July 1, 1991~~ SEPTEMBER 1, 2011, children born  
5 after September 30, 1983, who have attained ~~age~~ six YEARS OF AGE but  
6 have not attained ~~age~~ nineteen YEARS OF AGE shall be eligible for benefits  
7 under the baby and kid care program. ~~except that,~~ For the purpose of  
8 eligibility under this paragraph (c) only, such individual's family income  
9 shall exceed the eligibility threshold used in determining eligibility for aid  
10 to families with dependent children assistance pursuant to rules in effect  
11 on July 16, 1996, and the method adopted by the state board pursuant to  
12 sections 25.5-5-101 (4) (c) and 25.5-5-201 (5) (c), but shall not exceed  
13 the equivalent of the percentage level of the federal poverty line that is  
14 specified pursuant to subparagraph (II) of this paragraph (c).

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

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

29           **25.5-8-105. Trust - created.** (1) A fund to be known as the  
30 children's basic health plan trust is hereby created and established in the  
31 state treasury. Except as provided for in ~~subsection (4)~~ SUBSECTIONS (4)  
32 AND (8) of this section, all moneys deposited in the trust and all interest  
33 earned on moneys in the trust shall remain in the trust for the purposes set  
34 forth in this article, and no part thereof shall be expended or appropriated  
35 for any other purpose. The principal of the trust shall be expended,  
36 subject to annual appropriation by the general assembly, solely for the  
37 purposes set forth in this article.

38           (2) (a) Except as provided for in ~~subsection (4)~~ SUBSECTIONS (4)  
39 AND (8) of this section, all or a portion of the moneys in the trust shall be  
40 annually appropriated by the general assembly for the purposes of this  
41 article and shall not be transferred to or revert to the general fund of the

1 state at the end of any fiscal year.

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

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

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