

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 11-0959.01 Debbie Haskins

SENATE BILL 11-216

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

HOUSE SPONSORSHIP

Ferrandino, Becker, Gerou

Senate Committees
Appropriations

House Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REDUCTION OF GENERAL FUND APPROPRIATIONS**
102 **FOR THE CHILDREN'S BASIC HEALTH PLAN BY REALLOCATING**
103 **TOBACCO-RELATED REVENUE STREAMS, AND, IN CONNECTION**
104 **THEREWITH, ABOLISHING THE PEDIATRIC SPECIALTY HOSPITAL**
105 **FUND AND THE SUPPLEMENTAL TOBACCO LITIGATION**
106 **SETTLEMENT MONEY ACCOUNT IN THE PEDIATRIC SPECIALTY**
107 **HOSPITAL FUND, ABOLISHING THE COMPREHENSIVE PRIMARY**
108 **AND PREVENTIVE CARE FUND, ABOLISHING THE COMPREHENSIVE**
109 **PRIMARY AND PREVENTIVE CARE GRANT PROGRAM, AND**
110 **MAKING AN APPROPRIATION.**

Bill Summary

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.

HOUSE
2nd Reading Unam ended
April 13, 2011

SENATE
3rd Reading Unam ended
April 11, 2011

SENATE
Am ended 2nd Reading
April 8, 2011

(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/bills/summaries>.)

For the 2011-12 fiscal year and each fiscal year thereafter, the bill reallocates to the children's basic health plan the general fund revenues from tobacco taxes collected pursuant to section 21 of article X of the state constitution currently appropriated to the pediatric specialty hospital fund.

For the 2011-12 fiscal year and each fiscal year thereafter, the bill reallocates to the children's basic health plan trust the portion of the supplemental tobacco litigation settlement moneys that is currently appropriated to the pediatric specialty hospital fund. The statutes that direct Tier II tobacco settlement moneys to the pediatric specialty hospital fund are repealed. The bill transfers the balance of moneys in the pediatric specialty hospital fund on August 1, 2011, to the general fund and abolishes the pediatric specialty hospital fund and the supplemental tobacco litigation settlement moneys account within the pediatric specialty hospital fund, effective September 1, 2011.

For fiscal year 2011-12 and fiscal years thereafter, the bill eliminates the requirement that 3% of Tier I tobacco settlement moneys be distributed to the comprehensive primary and preventive care fund and redirects those moneys to the children's basic health plan trust. Effective fiscal year 2011-12 and for future fiscal years, the amount of master tobacco settlement moneys annually allocated to the children's basic health plan trust is increased from 24% to 27%, and the cap on the annual amount is increased from \$30 million to \$33 million in any fiscal year. The bill transfers the balance of moneys in the comprehensive primary and preventive care fund on August 1, 2011, to the general fund and abolishes the comprehensive primary and preventive care grant fund, effective September 1, 2011. The comprehensive primary and preventive care grant program is repealed, effective September 15, 2011.

The bill includes conforming amendments. The bill makes adjustments to the 2011 general appropriation act to implement the bill.

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

2 **SECTION 1.** 24-22-117 (1) (c) (I) (B) and (2) (e), Colorado
3 Revised Statutes, are amended, and the said 24-22-117 (1) (c) (I) is
4 further amended BY THE ADDITION OF A NEW

1 SUB-SUBPARAGRAPH, to read:

2 **24-22-117. Tobacco tax cash fund - accounts - creation -**
3 **legislative declaration - repeal.** (1) (c) For each fiscal year from the
4 2004-05 fiscal year through the 2007-08 fiscal year and for the 2012-13
5 fiscal year and each fiscal year thereafter, the general assembly shall
6 annually appropriate three percent of the moneys estimated to be
7 deposited in that fiscal year into the cash fund, plus three percent of the
8 interest and income earned on the deposit and investment of moneys in
9 the cash fund, and, for the 2008-09, 2009-10, 2010-11, and 2011-12 fiscal
10 years, the general assembly shall annually appropriate three percent of the
11 moneys estimated to be deposited in that fiscal year into the cash fund, for
12 health-related purposes to provide revenue for the state's general fund and
13 old age pension fund and for municipal and county governments to
14 compensate proportionately for tax revenue reductions attributable to
15 lower cigarette and tobacco sales resulting from the implementation of the
16 tax imposed pursuant to section 21 of article X of the state constitution,
17 as follows:

18 (I) (B) Beginning in fiscal year 2006-07 and for ~~each~~ fiscal year
19 ~~thereafter~~, 2007-08 THROUGH FISCAL YEAR 2010-11, of the moneys
20 specified in sub-subparagraph (A) of this subparagraph (I), fifty percent
21 shall be appropriated for the purposes of providing immunizations
22 performed by county or district public health agencies in areas that were
23 served by county public health nursing services prior to July 1, 2008, and
24 fifty percent shall be appropriated to the pediatric specialty hospital fund,
25 created in paragraph (e) of subsection (2) of this section, for the purposes
26 of augmenting hospital reimbursement rates for regional pediatric trauma
27 centers as defined in section 25-3.5-703 (4) (f), C.R.S., under the

1 "Colorado Medical Assistance Act", articles 4, 5, and 6 of title 25.5,
2 C.R.S.

3 (B.5) BEGINNING IN FISCAL YEAR 2011-12 AND FOR EACH FISCAL
4 YEAR THEREAFTER, OF THE MONEYS SPECIFIED IN SUB-SUBPARAGRAPH (A)
5 OF THIS SUBPARAGRAPH (I), FIFTY PERCENT SHALL BE APPROPRIATED FOR
6 THE PURPOSES OF PROVIDING IMMUNIZATIONS PERFORMED BY COUNTY OR
7 DISTRICT PUBLIC HEALTH AGENCIES IN AREAS THAT WERE SERVED BY
8 COUNTY PUBLIC HEALTH NURSING SERVICES PRIOR TO JULY 1, 2008, AND
9 FIFTY PERCENT SHALL BE APPROPRIATED FOR EXPENDITURES IN THE
10 CHILDREN'S BASIC HEALTH PLAN CREATED IN ARTICLE 8 OF TITLE 25.5,
11 C.R.S.

12 (2) There are hereby created in the state treasury the following
13 funds:

14 (e) (I) The pediatric specialty hospital fund to be administered by
15 the department of health care policy and financing. For fiscal year
16 2006-07 and for ~~each fiscal year thereafter~~ FISCAL YEAR 2007-08
17 THROUGH FISCAL YEAR 2010-11, moneys in the pediatric specialty
18 hospital fund shall be annually appropriated by the general assembly to
19 the department of health care policy and financing to augment hospital
20 reimbursement rates for regional pediatric trauma centers as defined in
21 section 25-3.5-703 (4) (f), C.R.S., under the "Colorado Medical
22 Assistance Act", articles 4, 5, and 6 of title 25.5, C.R.S. THE BALANCE
23 REMAINING IN THE PEDIATRIC SPECIALTY HOSPITAL FUND AFTER PAYMENT
24 OF ALL OBLIGATIONS OF FISCAL YEAR 2010-11 SHALL BE CREDITED TO THE
25 GENERAL FUND ON AUGUST 1, 2011, AND THE PEDIATRIC SPECIALTY
26 HOSPITAL FUND IS ABOLISHED ON SEPTEMBER 1, 2011.

27 (II) The supplemental tobacco litigation settlement moneys

1 account is hereby created in the pediatric specialty hospital fund created
2 in subparagraph (I) of this paragraph (e). The principal of the account
3 shall consist of moneys transferred by the state treasurer to the account in
4 accordance with section 24-75-1104.5 (1.5) (a) (X). The principal of the
5 account shall be subject to annual appropriation by the general assembly
6 to the department of health care policy and financing to offset the
7 medicaid shortfall experienced by the regional pediatric trauma center as
8 defined in section 25-3.5-703 (4) (f), C.R.S., by augmenting its hospital
9 reimbursement rates; except that, at the end of the 2007-08 fiscal year and
10 at the end of ~~each fiscal year thereafter~~ FISCAL YEAR 2008-09, FISCAL
11 YEAR 2009-10, AND FISCAL YEAR 2010-11, all unexpended and
12 unencumbered principal of the account shall be transferred to the
13 short-term innovative health program grant fund created in section
14 25-36-101 (2), C.R.S., in accordance with section 24-75-1104.5 (1.5) (b).
15 Interest and income earned on the deposit and investment of moneys in
16 the account shall be credited to the account and shall remain in the
17 account until the end of the fiscal year in which credited, when it shall be
18 transferred to the short-term innovative health program grant fund in
19 accordance with section 24-75-1104.5 (1.5) (b).

20 (III) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE SEPTEMBER 15,
21 2011.

22 **SECTION 2.** 24-75-1104.5 (1.5) (a) (X), Colorado Revised
23 Statutes, is amended to read:

24 **24-75-1104.5. Use of settlement moneys - programs - repeal.**
25 (1.5) (a) Except as otherwise provided in subsections (5) and (6) of this
26 section, for the 2007-08 fiscal year and for each fiscal year thereafter, the
27 following programs, services, and funds shall receive the following

1 specified amounts from the portion of any settlement moneys received
2 and allocated by the state in the current fiscal year that remains after the
3 programs, services, and funds receiving such moneys pursuant to
4 subsection (1) of this section have been fully funded, and the portion of
5 all other settlement moneys received by the state in the preceding fiscal
6 year that remains after the programs, services, and funds receiving such
7 other settlement moneys pursuant to subsection (1) of this section have
8 been fully funded and all overexpenditures and supplemental
9 appropriations allowed for the 2006-07, 2007-08, 2008-09, or 2009-10
10 fiscal years pursuant to section 24-22-115 (4) have been made:

11 (X) (A) The supplemental tobacco litigation settlement moneys
12 account of the pediatric specialty hospital fund created in section
13 24-22-117 (2) (e) shall receive one percent of the settlement moneys,
14 which the state treasurer shall transfer thereto and which shall be used,
15 subject to annual appropriation by the general assembly to the department
16 of health care policy and financing, for the purpose of offsetting the
17 medicaid shortfall for the regional pediatric trauma center as defined in
18 section 25-3.5-703 (4) (f), C.R.S.

19 (B) Notwithstanding the provisions of sub-subparagraph (A) of
20 this subparagraph (X), the amount transferred to the supplemental tobacco
21 litigation settlement moneys account of the pediatric specialty hospital
22 fund shall be three hundred seventeen thousand dollars for the 2008-09
23 fiscal year, two hundred eighty-three thousand dollars for the 2009-10
24 fiscal year, and three hundred seven thousand dollars for the 2010-11
25 fiscal year. The difference between the amount that would have been
26 transferred to the supplemental tobacco litigation settlement moneys
27 account of the pediatric specialty hospital fund pursuant to

1 sub-subparagraph (A) of this subparagraph (X) and the amount
2 transferred pursuant to this sub-subparagraph (B) in each of said fiscal
3 years shall be transferred to the general fund. This sub-subparagraph (B)
4 is repealed, effective July 1, 2011.

5 (C) THIS SUBPARAGRAPH (X) IS REPEALED, EFFECTIVE SEPTEMBER
6 1, 2011.

7 **SECTION 3.** 24-75-1104.5 (1) (b), (1) (c), (1.5) (a) (V), and (3),
8 Colorado Revised Statutes, are amended to read:

9 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

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

23 (b) (I) The comprehensive primary and preventive care grant
24 program created in part 2 of article 3 of title 25.5, C.R.S., shall receive
25 three percent of the total amount of settlement moneys annually received
26 by the state, not to exceed five million dollars in any fiscal year, as
27 provided in section 25.5-3-207, C.R.S.

1 (II) Notwithstanding the provisions of subparagraph (I) of this
2 paragraph (b), for the 2009-10 fiscal year, the amount transferred to the
3 comprehensive primary and preventive care grant program shall be the
4 amount of grant moneys committed pursuant to the comprehensive
5 primary and preventive care grant program on or before September 30,
6 2009. Any of the remaining settlement moneys that would have been
7 transferred to the comprehensive primary and preventive care grant
8 program pursuant to the provisions of subparagraph (I) of this paragraph
9 (b) shall be transferred to the general fund. This subparagraph (II) is
10 repealed, effective July 1, 2011.

11 (III) Notwithstanding the provisions of subparagraph (I) of this
12 paragraph (b), for the 2010-11 fiscal year, the settlement moneys
13 transferred to the comprehensive primary and preventive care grant
14 program pursuant to the provisions of subparagraph (I) of this paragraph
15 (b) shall be transferred to the general fund. ~~This subparagraph (III) is
16 repealed, effective July 1, 2012.~~

17 (IV) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2011.

18 (c) (I) FOR FISCAL YEAR 2004-05 THROUGH FISCAL YEAR 2010-11,
19 the children's basic health plan trust created in section 25.5-8-105, C.R.S.,
20 shall receive twenty-four percent of the total amount of settlement
21 moneys annually received by the state, not to exceed thirty million dollars
22 in any fiscal year, as provided in said section. If in any fiscal year the
23 percentage of settlement moneys specified in this paragraph (c) does not
24 equal at least seventeen million five hundred thousand dollars, the general
25 assembly shall appropriate the amount of the shortfall out of the tobacco
26 litigation settlement trust fund pursuant to section 24-22-115.5 (2) (a.7)
27 (I) and, if necessary, for fiscal years prior to the 2007-08 fiscal year, out

1 of the amount of settlement moneys transferred to the general fund
2 pursuant to section 24-22-115 (3) or, for the 2007-08 fiscal year and for
3 ~~each~~ THE 2008-09 fiscal year ~~thereafter~~, THROUGH THE 2010-11 FISCAL
4 YEAR, and prior to their allocation, out of the amount of settlement
5 moneys to be allocated and transferred pursuant to subsection (1.5) of this
6 section.

7 (II) FOR THE 2011-12 FISCAL YEAR AND EACH FISCAL YEAR
8 THEREAFTER, THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN
9 SECTION 25.5-8-105, C.R.S., SHALL RECEIVE TWENTY-SEVEN PERCENT OF
10 THE TOTAL AMOUNT OF SETTLEMENT MONEYS ANNUALLY RECEIVED BY
11 THE STATE, NOT TO EXCEED THIRTY-THREE MILLION DOLLARS IN ANY
12 FISCAL YEAR, AS PROVIDED IN SAID SECTION. IF IN ANY FISCAL YEAR THE
13 PERCENTAGE OF SETTLEMENT MONEYS SPECIFIED IN THIS PARAGRAPH (c)
14 DOES NOT EQUAL AT LEAST SEVENTEEN MILLION FIVE HUNDRED
15 THOUSAND DOLLARS, THE GENERAL ASSEMBLY SHALL APPROPRIATE THE
16 AMOUNT OF THE SHORTFALL OUT OF THE TOBACCO LITIGATION
17 SETTLEMENT TRUST FUND PURSUANT TO SECTION 24-22-115.5 (2) (a.7) (I)
18 OR, FOR THE 2011-12 FISCAL YEAR AND FOR EACH FISCAL YEAR
19 THEREAFTER, AND PRIOR TO THEIR ALLOCATION, OUT OF THE AMOUNT OF
20 SETTLEMENT MONEYS TO BE ALLOCATED AND TRANSFERRED PURSUANT TO
21 SUBSECTION (1.5) OF THIS SECTION.

22 (1.5) (a) Except as otherwise provided in subsections (5) and (6)
23 of this section, for the 2007-08 fiscal year and for each fiscal year
24 thereafter, the following programs, services, and funds shall receive the
25 following specified amounts from the portion of any settlement moneys
26 received and allocated by the state in the current fiscal year that remains
27 after the programs, services, and funds receiving such moneys pursuant

1 to subsection (1) of this section have been fully funded, and the portion
2 of all other settlement moneys received by the state in the preceding fiscal
3 year that remains after the programs, services, and funds receiving such
4 other settlement moneys pursuant to subsection (1) of this section have
5 been fully funded and all overexpenditures and supplemental
6 appropriations allowed for the 2006-07, 2007-08, 2008-09, or 2009-10
7 fiscal years pursuant to section 24-22-115 (4) have been made:

8 (V) (A) For fiscal years 2007-08 through 2009-10, the children's
9 basic health plan trust created in section 25.5-8-105, C.R.S., shall receive
10 five percent of the settlement moneys, which the state treasurer shall
11 transfer thereto.

12 (B) For the 2010-11 fiscal year, ~~and each fiscal year thereafter~~, the
13 children's basic health plan trust created in section 25.5-8-105, C.R.S.,
14 shall receive thirteen and one-half percent of the settlement moneys,
15 which the state treasurer shall transfer thereto.

16 (C) FOR THE 2011-12 FISCAL YEAR AND EACH FISCAL YEAR
17 THEREAFTER, THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN
18 SECTION 25.5-8-105, C.R.S., SHALL RECEIVE FOURTEEN AND ONE-HALF
19 PERCENT OF THE SETTLEMENT MONEYS, WHICH THE STATE TREASURER
20 SHALL TRANSFER THERETO.

21 (3) Notwithstanding the provisions of subsections (1) and (1.5) of
22 this section, for purposes of sections 22-7-908 (3), 23-20-136 (3.5) (a),
23 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2) (c), 25-23-104 (2),
24 25-31-107 (2) (d) (I), ~~25.5-3-207 (3)~~, 25.5-6-805 (2), 25.5-8-105 (3),
25 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys
26 received and allocated by the state pursuant to said subsections (1) and
27 (1.5) during the same fiscal year shall be deemed to be moneys received

1 for or during the preceding fiscal year.

2 **SECTION 4. Repeal.** Sections 25.5-3-201, 25.5-3-202,
3 25.5-3-203, 25.5-3-204, 25.5-3-205, 25.5-3-206, and part 3 of article 3 of
4 title 25.5, Colorado Revised Statutes, are repealed.

5 **SECTION 5.** 25.5-3-207, Colorado Revised Statutes, is amended
6 to read:

7 **25.5-3-207. Program funding - comprehensive primary and**
8 **preventive care fund - creation - repeal.** (1) Moneys for service grants
9 and for the payment of program administrative costs incurred by the state
10 department shall be payable from the comprehensive primary and
11 preventive care fund, which fund is hereby created in the state treasury.
12 The comprehensive primary and preventive care fund, referred to in this
13 section as the "fund", shall consist of moneys transferred thereto by the
14 state treasurer from moneys received pursuant to the master settlement
15 agreement in the amount described in subsection (3) of this section. In
16 addition, the state treasurer may credit to the fund any public or private
17 gifts, grants, or donations received by the state department for
18 implementation of the program. The fund shall be subject to annual
19 appropriation by the general assembly to the state department. In
20 addition, the state department may retain up to one percent of the amount
21 annually appropriated from the fund for the actual costs incurred by the
22 state department in implementing the provisions of this part 2.
23 Notwithstanding the provisions of section 24-36-114, C.R.S., all interest
24 derived from the deposit and investment of moneys in the fund shall be
25 credited to the fund. Any unencumbered moneys appropriated from
26 moneys received pursuant to the master settlement agreement remaining
27 in the fund at the end of any fiscal year shall be transferred to the tobacco

1 litigation settlement trust fund created in section 24-22-115.5, C.R.S.;
2 EXCEPT THAT ON AUGUST 1, 2011, THE BALANCE REMAINING IN THE
3 COMPREHENSIVE PRIMARY AND PREVENTIVE CARE FUND AFTER PAYMENT
4 OF ALL OBLIGATIONS OF FISCAL YEAR 2010-11 SHALL NOT BE
5 TRANSFERRED TO THE TOBACCO LITIGATION SETTLEMENT TRUST FUND
6 AND INSTEAD SHALL BE CREDITED TO THE GENERAL FUND ON AUGUST 1,
7 2011, AND THE COMPREHENSIVE PRIMARY AND PREVENTIVE CARE FUND IS
8 ABOLISHED ON SEPTEMBER 1, 2011.

9 (2) It is the intent of the general assembly that general fund
10 moneys not be appropriated for implementation of the program.

11 (3) Pursuant to section 24-75-1104.5 (1) (b), C.R.S., and except
12 as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning with
13 the 2006-07 fiscal year, and for each fiscal year thereafter so long as the
14 state receives moneys pursuant to the master settlement agreement, the
15 state treasurer shall transfer to the fund three percent of the total amount
16 of moneys received by the state pursuant to the master settlement
17 agreement, not including attorney fees and costs, during the preceding
18 fiscal year; except that the amount so transferred to the fund shall not
19 exceed five million dollars in any fiscal year. The state treasurer shall
20 transfer the amount specified in this subsection (3) from moneys credited
21 to the tobacco litigation settlement cash fund created in section
22 24-22-115, C.R.S.

23 (4) Repealed.

24 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 15, 2011.

25 **SECTION 6. Appropriation - adjustments in 2011 long bill.**

26 For the implementation of this act, appropriations made in the annual
27 general appropriation act, to the department of health care policy and

1 financing for the fiscal year beginning July 1, 2011, shall be adjusted as
2 follows:

3 (1)(a) The cash fund appropriation to the executive director's
4 office, for general administration, is decreased by twenty-four thousand
5 three hundred sixty-three dollars (\$24,363). Said sum shall be from the
6 comprehensive primary and preventive care fund created in section
7 25.5-3-207 (1), Colorado Revised Statutes.

8 (b) The number of FTE for the executive director's office, for
9 general administration, is decreased by 0.2 FTE.

10 (2) The cash fund appropriation to the indigent care program, for
11 the comprehensive primary and preventive care grant program, is
12 decreased by two million seven hundred six thousand nine hundred
13 ninety-five dollars (\$2,706,995). Said sum shall be from the
14 comprehensive primary and preventive care fund created in section
15 25.5-3-207 (1), Colorado Revised Statutes.

16 (3) The appropriation to the indigent care program, for the
17 pediatric specialty hospital, is decreased by one million four hundred
18 eighty-five thousand nine hundred forty-four dollars (\$1,485,944). Of
19 said sum, two hundred ninety-six thousand eight hundred seventy-two
20 dollars (\$296,872) shall be cash funds from the supplemental tobacco
21 litigation settlement moneys account in the pediatric specialty hospital
22 fund created in section 24-22-117 (2) (e) (II), Colorado Revised Statutes,
23 four hundred forty-six thousand one hundred dollars (\$446,100) shall be
24 reappropriated funds from the pediatric specialty hospital fund created in
25 section 24-22-117 (2) (e), Colorado Revised Statutes, and seven hundred
26 forty-two thousand nine hundred seventy-two dollars (\$742,972) shall be
27 from federal funds.

1 (4) The general fund exempt appropriation to the indigent care
2 program, for the appropriation from general fund to the pediatric specialty
3 hospital fund, is decreased by four hundred forty-six thousand one
4 hundred dollars (\$446,100).

5 (5) The general fund appropriation to the indigent care program,
6 for children's basic health plan medical and dental costs, is decreased by
7 three million four hundred forty-nine thousand nine hundred sixty-seven
8 dollars (\$3,449,967).

9 (6) The appropriation to the indigent care program, for children's
10 basic health plan medical and dental costs, is increased by three million
11 four hundred forty-nine thousand nine hundred sixty-seven dollars
12 (\$3,449,967). Of said sum, four hundred forty-six thousand one hundred
13 dollars (\$446,100) shall be from general fund exempt, and three million
14 three thousand eight hundred sixty-seven dollars (\$3,003,867) shall be
15 cash funds from the children's basic health plan trust created in section
16 25.5-8-105 (1), Colorado Revised Statutes. The general fund exempt
17 appropriation is not subject to the limitation on state fiscal year spending
18 imposed by section 20 of article X of the state constitution. This amount
19 is also not subject to any statutory spending limitation pursuant to section
20 21 (8) of article X of the state constitution.

21 **SECTION 7. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.