Second Regular Session Sixty-eighth General Assembly STATE OF COLORADO

REREVISED

This Version Includes All Amendments Adopted in the Second House

LLS NO. 12-0780.01 Jason Gelender x4330

HOUSE BILL 12-1202

HOUSE SPONSORSHIP

Levy, Becker, Gerou

SENATE SPONSORSHIP

Lambert, Hodge, Steadman

House Committees

Appropriations

106

Senate Committees

Appropriations

A BILL FOR AN ACT CONCERNING AUTHORIZATION FOR THE APPROPRIATION OF TOBACCO EDUCATION PROGRAM FUND MONEYS TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ORDER TO OBTAIN FEDERAL MATCHING FUNDS FOR THE COLORADO QUITLINE PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND

REDUCING APPROPRIATIONS.

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.)

SENATE 3rd Reading Unam ended February 15, 2012

SENATE Am ended 2nd Reading Febmary 14, 2012

HOUSE 3rd Reading Unam ended February 9.2012

> ended 2nd Reading February 7, 2012

Αm

Joint Budget Committee. For fiscal year 2011-12 or any subsequent fiscal year, the bill authorizes the general assembly to appropriate moneys from the tobacco education programs fund to the department of health care policy and financing in order to allow the department to obtain federal matching funds for the Colorado quitline program.

1	Be it enacted by the General Assembly of the State of Colorado:
2	SECTION 1. In Colorado Revised Statutes, 24-22-117, add (2)
3	(c) (III.5) as follows:
4	24-22-117. Tobacco tax cash fund - accounts - creation -
5	legislative declaration - repeal. (2) There are hereby created in the state
6	treasury the following funds:
7	(c) (III.5) For fiscal year $2011-12$ and for each fiscal year
8	THEREAFTER, THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE
9	MONEYS IN THE TOBACCO EDUCATION PROGRAMS FUND TO THE
10	DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ORDER TO
11	ALLOW THE DEPARTMENT TO OBTAIN FEDERAL MATCHING FUNDS FOR THE
12	COLORADO QUITLINE PROGRAM.
13	SECTION 2. Appropriation to the department of health care
14	policy and financing for the fiscal year beginning July 1, 2011. In
15	Session Laws of Colorado 2011, section 2 of chapter 335, (SB 11-209),
16	amend Part V (2) and the affected totals as follows:
17	Section 2. Appropriation.

-2-

		ITEM & SUBTOTAL	TOTAL	GENERAL FUND		GENERAL FUND EXEMPT	CASH FUNDS		ROPRIATED UNDS	FEDERAL FUNDS
	\$	3	\$	\$	\$		\$	\$	\$	
1				I	PART V	I				
2			DEPARTM	ENT OF HEALTH	I CARE	POLICY AN	D FINANCING			
3										
4	(2) MEDICAL SERVICES P	PREMIUMS ^{10, 11, 11}								
5	Medical and Long-Term									
6	Care Services for Medicaid									
7	Eligible Individuals		3,521,401,973	3 1,004,304,85	33(M)	284,175,417 ^a	495,061,48	4 ^b	3,101,708°	1,734,758,511
8			3,521,979,289	9			495,350,14	2 ^b		1,735,047,169
9										
10	^a This amount shall be from the	e General Fund Exe	mpt Account crea	ted in Section 24-77	7-103.6	(2), C.R.S.				
11	^b Of this amount, \$354,642,186	6 shall be from the	Hospital Provider	Fee Cash Fund crea	ated in S	Section 25.5-4-4	402.3 (4), C.R.S., \$68	,329,996 shal	l be from the He	alth Care Expansion
12	Fund created in Section 24-22-	-117 (2) (a) (I), C.R	a.s., \$27,427,209	shall be from the Me	edicaid	Nursing Facility	y Cash Fund created	in Section 25.	5-6-203 (2) (a), (C.R.S., \$23,401,464
13	shall be from recoveries and re	ecoupments, \$7,629	,150 represents pu	iblic funds certified	as expe	nditures incurre	ed by public hospitals	and agencies	that are eligible	for federal financial
14	participation under the Medica	aid program, \$6,63	8,222 shall be fro	m the Medicaid Bu	y-In Ca	sh Fund created	d in Section 25.5-6-1	405 (3) (b), (C.R.S., \$3,000,00	00 shall be from the

APPROPRIATION FROM

Supplemental Old Age Pension Health and Medical Care Fund created in Section 25.5-2-101 (2), C.R.S., \$2,743,722 shall be from the Breast and Cervical Cancer Prevention and

		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$	\$
1	Treatment Fund created in	Section 25.5-5-308 (8)	(a) (I), C.R.S., \$87	8,625 shall be from t	the Colorado Autism T	Treatment Fund created	l in Section 25.5-6-805 (1),	C.R.S., \$200,335 shall
2	be from the Coordinated Ca	re for People with Disa	bilities Fund create	ed in Section 25.5-6-	111 (4), C.R.S., and \$	170,575 shall be from	the Home Health Telemedic	cine Cash Fund created
3	in Section 25.5-5-321 (1) (c	c), C.R.S., AND \$288,6	58 SHALL BE FROM	THE TOBACCO EDUC	CATION PROGRAMS FU	ND CREATED IN SECTIO	on 24-22-117 (2) (C) (I), C.F	R.S.
4	^c Of this amount, \$2,000,00	00 shall be transferred	from the Departm	ent of Public Health	h and Environment pu	ursuant to Section 24-2	22-117 (2) (d) (IV.5), C.R	.S., \$853,139 shall be
5	transferred from the Departi	ment of Public Health a	nd Environment pu	rsuant to Section 24-	22-117 (2) (d) (II) (D)	, C.R.S., and \$248,569	shall be transferred from the	e Department of Public
6	Health and Environment's C	General Fund appropria	ation in the Prevent	tion Service Section	for the Women's Heal	lth and Family Plannin	g program.	
7								
8	TOTALS PART V							
9	(HEALTH CARE							
0	POLICY AND							
1	FINANCING)		\$5,086,626,060	\$1,494,116,123	3 \$284,621,517 ^a	\$780,942,590	\$7,535,223	\$2,519,410,607
2			\$5,087,203,376			\$781,231,248	3	\$2,519,699,265
2			-	•		-	<u> </u>	

^a Of this amount, \$284,175,417 shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S., and \$446,100 shall be General Fund Exempt pursuant to

Section 24-22-117 (1) (c) (I) (B), C.R.S. Further, said \$446,100 is also not subject to the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.

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APPROPRIATION FROM

						APPR	ROPRIATION FE	ROM	
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENEF FUN EXEM	D	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$:	\$	\$	\$	\$		\$	\$
1	SECTION 3. Approp	riation to the depar	rtment of health	care policy and fina	nncing for the f	iscal year beg	ginning July 1, 20	011. In Session Laws of C	Colorado 2011, section
2	2 of chapter 335, (SB 11-209), a	amend Part V (2) an	nd the affected to	tals, as Part V (2) an	d the affected t	otals are amen	ided by House Bi	ll 12-1184, as follows:	
3	Section 2. Appropriat	ion.							
4				PA	ART V				
5			DEPARTME	ENT OF HEALTH	CARE POLIC	CY AND FINA	ANCING		
6									
7	(2) MEDICAL SERVICES PR	REMIUMS ^{10, 11, 11a, 1}	1b						
8	Medical and Long-Term								
9	Care Services for Medicaid								
10	Eligible Individuals		3,523,622,209	985,981,237	(<u>M)</u> 284,17	5,417 ^a	<u>513,383,953</u> ½	3,101,708°	<u>1,736,979,894</u>
11			3,524,199,525				513,672,611 ^b		1,737,268,552
12									

^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

					APPROPRIATION F	ROM	
ITEM &	TOT	CAL	GENERAL	GENERAL	CASH	REAPPROPRIATED	FEDERAL
SUBTOTAL			FUND	FUND	FUNDS	FUNDS	FUNDS
				EXEMPT			
\$	\$	\$		\$	\$	\$	\$

Fund created in Section 24-22-117 (2) (a) (I), C.R.S., \$27,427,209 shall be from the Medicaid Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$23,401,464 shall be from recoveries and recoupments, \$7,629,150 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial participation under the Medicaid program, \$6,638,222 shall be from the Medicaid Buy-In Cash Fund created in Section 25.5-6-1405 (3) (b), C.R.S., \$3,000,000 shall be from the Supplemental Old Age Pension Health and Medical Care Fund created in Section 25.5-2-101 (2), C.R.S., \$2,718,744 shall be from the Breast and Cervical Cancer Prevention and Treatment Fund created in Section 25.5-5-308 (8) (a) (I), C.R.S., \$878,625 shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805 (1), C.R.S., \$200,335 shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S., and \$170,575 shall be from the Home Health Telemedicine Cash Fund created in Section 25.5-5-321 (1) (c), C.R.S., AND \$288,658 SHALL BE FROM THE TOBACCO EDUCATION PROGRAMS FUND CREATED IN SECTION 24-22-117 (2) (d) (IV.5), C.R.S., \$853,139 shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (IV.5), C.R.S., \$853,139 shall be transferred from the Department of Public Health and Environment pursuant to Section 72-22-117 (2) (d) (II), C.R.S., and \$248,569 shall be transferred from the Department of Public Health and Environment pursuant to Section 72-22-117 (2) (d) (II), C.R.S., and \$248,569 shall be transferred from the Department of Public Health and Environment Section 72-22-117 (2) (d) (II), C.R.S., and \$248,569 shall be transferred from the Department of Public Health and Environment Section 72-22-117 (2) (d) (II), C.R.S., and \$248,569 shall be transferred from the Department of Public Health and Environment Section 72-22-117 (2) (d) (II), C.R.S., and \$248,569 shall be tran

TOTALS PART V

						APPROPRIATION F	ROM	
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$	\$
1	(HEALTH CARE							
2	POLICY AND							
3	FINANCING)		<u>\$5,078,724,985</u>	<u>\$1,471,654,070</u>	\$284,621,517 ^a	\$794,352,432	\$5,666,918	<u>\$2,522,430,048</u>
4			\$5,079,302,301			<u>\$794,641,090</u>		<u>\$2,522,718,706</u>
5								
6	^a Of this amount, \$284,175,4	17 shall be from the	General Fund Exem	pt Account created i	in Section 24-77-103.	6 (2), C.R.S., and \$446	5,100 shall be General Fu	and Exempt pursuant to
7	Section 24-22-117 (1) (c) (I)	(B), C.R.S. Further,	said \$446,100 is also	o not subject to the s	tatutory limitation on	General Fund appropr	riations imposed by Section	on 24-75-201.1, C.R.S.
8								
9	SECTION 4. Appr	opriation to the dep	partment of public l	nealth and environr	nent for the fiscal yea	ar beginning July 1, 2	011. In Session Laws of	Colorado 2011, section
10	2 of chapter 335, (SB 11-209), amend Part XVI ((9) (A) (5) and the af	fected totals as follo	ws:			
11	Section 2. Appropri	iation.						
12				PAR	T XVI			
13			DEPARTMI	ENT OF PUBLIC H	HEALTH AND ENV	TRONMENT		

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(9) PREVENTION SERVICES DIVISION

							APPRO	OPRIATION F	ROM		
		ITEM & SUBTOTAL	TOTAL		ERAL IND	GENERAL FUND EXEMPT		CASH FUNDS	REAPPROI FUN		FEDERAL FUNDS
		\$		\$	\$		\$		\$	\$	
1	(A) Prevention Programs										
2	(5) Tobacco Education, Pre	evention, and Cessation									
3	Program Administration	915,004						915,004 ^a			
4								(10.0 FTE)			
5	Tobacco Education,										
6	Prevention, and Cessation										
7	Grants	23,212,262						23,212,262 *			
8		23,500,920						22,923,604a	4	577,316 ^b	
9		24,127,266									
10		24,415,924									
11											
12	^a These amounts shall be from	om the Tobacco Educatio	n Programs Fur	nd created i	n Section 24-2	2-117 (2) (c) (I), C.R.S.,	, which consists	s of revenues f	from additional	state cigarette and
13	tobacco taxes imposed purs	uant to Section 21 of Arti	cle X of the Sta	ite Constitu	tion, and, as su	ch, do not cons	titute fisc	al year spendin	g for the purp	oses of Section	a 20 of Article X of
14	the State Constitution.										

^b This amount shall be transferred from the Medical Services Premiums line item in the Department of Health Care Policy and Financing for the Colorado Quitline.

								APPR	ROPRIATION FE	ROM		
		ITEM & SUBTOTAL	TOTAL		SENERAL FUND		GENERAL FUND EXEMPT		CASH FUNDS	REA	APPROPRIATED FUNDS	FEDERAL FUNDS
	\$		\$	\$		\$	EXEMIT I	\$		\$	\$	
1												
2			225,367,591									
3			225,656,249									
4												
5	TOTALS PART XVI											
6	(PUBLIC HEALTH AND											
7	ENVIRONMENT)		\$477,589,311	\$2	27,194,874		\$446,100°		\$152,254,221		\$29,732,554	\$267,961,562
8			\$477,877,969						\$151,965,563		\$30,309,870	
9												
10	^a This amount is not subject to t	he limitation on Ge	neral Fund appropi	riations s	set forth in Sec	tion	24-75-201.1, C.I	R.S., 01	r any other spendi	ng lim	itation existing in la	w pursuant to Section
11	21 (8) of Article X of the State	Constitution.										
12												
13	SECTION 5. Appro	priation to the der	partment of public	c health	and environn	nent	for the fiscal ve	ar beø	inning July 1. 20)11. Ir	n Session Laws of C	olorado 2011. section
14	2 of chapter 335, (SB 11-209),	_	_				-					
17	2 of chapter 555, (SB 11-209),	amena i an AVI (), (11) (3) and the	arrected	totais, as i ait	ZX V 1	() (A) (3) and	arc arr	ceted totals are a	inciido	a by House Bill 12-	1177, as 10110ws.

Section 2. Appropriation.

		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	\$	GENERAL FUND EXEMPT	\$	CASH FUNDS		OPRIATED NDS \$	FEDERAL FUNDS
1				PA	RT X	VI					
2			DEPARTM	IENT OF PUBLIC	HEA	LTH AND EN	VIRON	MENT			
3											
4	(9) PREVENTION SERVIO	CES DIVISION									
5	(A) Prevention Programs										
6	(5) Tobacco Education, Prev	ention, and Cessation									
7	Program Administration	915,004						915,004	1 ^a		
8								(10.0 FTE)		
9	Tobacco Education,										
10	Prevention, and Cessation										
11	Grants	23,212,262						23,212,262). #		
12		23,500,920						22,923,604	1 ^a	577,316 ^b	
13		24,127,266									
14		24,415,924									

APPROPRIATION FROM

	\$	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT \$	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
1	^a These amounts shall be from	the Tobacco Education	on Programs Fund	d created in Section	24-22-117 (2) (c) (I)	, C.R.S., which consists	s of revenues from addition	onal state cigarette and
2	tobacco taxes imposed pursuar	nt to Section 21 of Ar	ticle X of the Stat	e Constitution, and,	as such, do not const	titute fiscal year spendi	ng for the purposes of Sec	tion 20 of Article X of
3	the State Constitution.							
4	^b This amount shall be trans	SFERRED FROM THE MI	EDICAL SERVICES 1	PREMIUMS LINE ITEM	IN THE DEPARTMENT	OF HEALTH CARE POLIC	CY AND FINANCING FOR THE	COLORADO QUITLINE.
5								
6			225,417,591					
7			225,706,249					
8	TOTALS PART XVI							
9	(PUBLIC HEALTH AND							
10	ENVIRONMENT)		\$481,171,813	\$27,190,082	\$446,100°	\$154,532,80 6	\$31,924,671	\$267,078,152
11			\$481,460,471			\$154,244,150	0 \$32,501,987	
12								

APPROPRIATION FROM

^a This amount is not subject to the limitation on General Fund appropriations set forth in Section 24-75-201.1, C.R.S., or any other spending limitation existing in law pursuant to Section

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21 (8) of Article X of the State Constitution.

1	SECTION 6. Effective date. (1) Except as otherwise provided
2	in this section, this act takes effect upon passage.
3	(2) (a) Section 2 of this act takes effect only if House Bill 12-1184
4	does not become law.
5	(b) Section 4 of this act takes effect only if House Bill 12-1194
6	does not become law.
7	(3) (a) Section 3 of this act takes effect only if House Bill 12-1184
8	becomes law and takes effect either upon the effective date of this act or
9	House Bill 12-1184, whichever is later.
10	(b) Section 5 of this act takes effect only if House Bill 12-1194
11	becomes law and takes effect either upon the effective date of this act or
12	House Bill 12-1194, whichever is later.
13	SECTION 7. Safety clause. The general assembly hereby finds,
14	determines, and declares that this act is necessary for the immediate
15	preservation of the public peace, health, and safety.

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