

Second 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. 12-0780.01 Jason Gelender x4330

HOUSE BILL 12-1202

HOUSE SPONSORSHIP

Levy, Becker, Gerou

SENATE SPONSORSHIP

Lambert, Hodge, Steadman

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR THE APPROPRIATION OF TOBACCO**
102 **EDUCATION PROGRAM FUND MONEYS TO THE DEPARTMENT OF**
103 **HEALTH CARE POLICY AND FINANCING IN ORDER TO OBTAIN**
104 **FEDERAL MATCHING FUNDS FOR THE COLORADO QUITLINE**
105 **PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND**
106 **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>.)

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.

SENATE
Am ended 2nd Reading
February 14, 2012

HOUSE
3rd Reading Unam ended
February 9, 2012

HOUSE
Am ended 2nd Reading
February 7, 2012

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.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

PART V

DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

(2) MEDICAL SERVICES PREMIUMS^{10, 11, 11a}

Medical and Long-Term

Care Services for Medicaid

Eligible Individuals	3,521,401,973	1,004,304,853(M)	284,175,417 ^a	495,061,484^b	3,101,708 ^c	1,734,758,511
	3,521,979,289			495,350,142 ^b		1,735,047,169

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

^b Of this amount, \$354,642,186 shall be from the Hospital Provider Fee Cash Fund created in Section 25.5-4-402.3 (4), C.R.S., \$68,329,996 shall be from the Health Care Expansion 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., \$2,743,722 shall be from the Breast and Cervical Cancer Prevention and

APPROPRIATION FROM

	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., \$878,625 shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805 (1), C.R.S., \$200,335 shall
 2 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
 3 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) (C) (I), C.R.S.

4 ° Of this amount, \$2,000,000 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
 5 transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S., and \$248,569 shall be transferred from the Department of Public
 6 Health and Environment's General Fund appropriation in the Prevention Service Section for the Women's Health and Family Planning program.

7
 8 **TOTALS PART V**

9 **(HEALTH CARE**

10 **POLICY AND**

11 **FINANCING)**

	\$ 5,086,626,060	\$1,494,116,123	\$284,621,517 ^a	\$ 780,942,590	\$7,535,223	\$ 2,519,410,607
	\$5,087,203,376			\$781,231,248		\$2,519,699,265

12
 13
 14 ^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
 15 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.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

SECTION 3. Appropriation to the department of health care policy and financing for the fiscal year beginning July 1, 2011. In Session Laws of Colorado 2011, section

2 of chapter 335, (SB 11-209), **amend** Part V (2) and the affected totals, as Part V (2) and the affected totals are amended by House Bill 12-1184, as follows:

Section 2. **Appropriation.**

PART V

DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

(2) MEDICAL SERVICES PREMIUMS^{10, 11, 11a, 11b}

Medical and Long-Term

Care Services for Medicaid

Eligible Individuals	<u>3,523,622,209</u>	<u>985,981,237(M)</u>	284,175,417 ^a	<u>513,383,953^b</u>	3,101,708 ^c	<u>1,736,979,894</u>
	<u>3,524,199,525</u>			<u>513,672,611^b</u>		<u>1,737,268,552</u>

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

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 ^b Of this amount, \$370,348,146 shall be from the Hospital Provider Fee Cash Fund created in Section 25.5-4-402.3 (4), C.R.S., \$68,329,996 shall be from the Health Care Expansion
2 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
3 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
4 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
5 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
6 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
7 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
8 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) (C) (I), C.R.S.

9 ^c Of this amount, \$2,000,000 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
10 transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S., and \$248,569 shall be transferred from the Department of Public
11 Health and Environment's General Fund appropriation in the Prevention Service Section for the Women's Health and Family Planning program.

13 **TOTALS PART V**

		APPROPRIATION FROM					
	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	<u>\$794,352,432</u>	\$5,666,918	<u>\$2,522,430,048</u>
4		<u>\$5,079,302,301</u>	_____	_____	<u>\$794,641,090</u>	_____	<u>\$2,522,718,706</u>
5							

6 ^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
7 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.

9 **SECTION 4. Appropriation to the department of public health and environment for the fiscal year beginning July 1, 2011.** In Session Laws of Colorado 2011, section
10 2 of chapter 335, (SB 11-209), **amend** Part XVI (9) (A) (5) and the affected totals as follows:

11 Section 2. **Appropriation.**

12 **PART XVI**

13 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

15 **(9) PREVENTION SERVICES DIVISION**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(A) Prevention Programs						
2	(5) Tobacco Education, Prevention, 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		<u>23,500,920</u>			22,923,604 ^a	577,316 ^b	
9		24,127,266					
10		24,415,924					
11							

^a These amounts shall be from the Tobacco Education Programs Fund created in Section 24-22-117 (2) (c) (I), C.R.S., which consists of revenues from additional state cigarette and tobacco taxes imposed pursuant to Section 21 of Article X of the State Constitution, and, as such, do not constitute fiscal year spending for the purposes of Section 20 of Article X of 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.

		APPROPRIATION FROM				
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	225,367,591					
	225,656,249					
TOTALS PART XVI						
(PUBLIC HEALTH AND ENVIRONMENT)	\$477,589,311	\$27,194,874	\$446,100 ^a	\$152,254,221	\$29,732,554	\$267,961,562
	<u>\$477,877,969</u>			<u>\$151,965,563</u>	<u>\$30,309,870</u>	

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

SECTION 5. Appropriation to the department of public health and environment for the fiscal year beginning July 1, 2011. In Session Laws of Colorado 2011, section 2 of chapter 335, (SB 11-209), **amend** Part XVI (9) (A) (5) and the affected totals, as Part XVI (9) (A) (5) and the affected totals are amended by House Bill 12-1194, as follows:

Section 2. **Appropriation.**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

PART XVI

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

(9) PREVENTION SERVICES DIVISION

(A) Prevention Programs

(5) Tobacco Education, Prevention, and Cessation

Program Administration	915,004				915,004 ^a		
					(10.0 FTE)		
Tobacco Education, Prevention, and Cessation							
Grants	23,212,262				23,212,262 ^a		
	23,500,920				22,923,604 ^a	577,316 ^b	
	<hr style="width: 100%; border: 0.5px solid black; margin-bottom: 5px;"/> 24,127,266						
	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 Programs Fund created in Section 24-22-117 (2) (c) (I), C.R.S., which consists of revenues from additional state cigarette and
2 tobacco taxes imposed pursuant to Section 21 of Article X of the State Constitution, and, as such, do not constitute fiscal year spending for the purposes of Section 20 of Article X of
3 the State Constitution.

4 ^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.

		225,417,591					
		225,706,249					
TOTALS PART XVI							
(PUBLIC HEALTH AND							
ENVIRONMENT)		\$481,171,813	\$27,190,082	\$446,100 ^a	\$154,532,808	\$31,924,671	\$267,078,152
		\$481,460,471			\$154,244,150	\$32,501,987	

13 ^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
14 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.