

## CHAPTER 284

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**HEALTH CARE POLICY AND FINANCING**

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## SENATE BILL 04-028

BY SENATOR(S) Hagedorn, Groff, Hanna, Isgar, Keller, Sandoval, Tapia, Tupa, Veiga, and Windels;  
also REPRESENTATIVE(S) Larson, Borodkin, Boyd, Carroll, Cloer, Coleman, Frangas, Hodge, Johnson R., Madden, Marshall,  
McGihon, Merrifield, Miller, Plant, Ragsdale, Rippy, Romanoff, Stafford, Vigil, Weissmann, and Williams S.

**AN ACT**

**CONCERNING SUBSTANCE ABUSE TREATMENT FOR NATIVE AMERICANS, AND MAKING AN  
APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 26-4-422 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

**26-4-422. Substance abuse treatment for native Americans - federal approval - repeal.** (1) The state department shall ~~amend the state plan~~ REQUEST FEDERAL APPROVAL, conditioned on the receipt of gifts, grants, or donations sufficient to provide for the state's administrative costs of preparing and submitting the ~~state plan amendment~~ REQUEST, to include any substance abuse treatment benefits available to native Americans in which there is one hundred percent federal financial participation.

(2) (a) If sufficient moneys to support the cost of preparing ~~an amendment to the state plan~~ A REQUEST FOR FEDERAL APPROVAL have not been credited to the native American substance abuse treatment cash fund established in section 26-4-423 prior to December 31, ~~2002~~ 2004, the state treasurer shall immediately provide notification of such fact to the state department and to the revisor of statutes.

**SECTION 2.** 26-4-423 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

**26-4-423. Acceptance of gifts, grants, and donations - native American substance abuse treatment cash fund - repeal.** (1) The executive director may accept and expend moneys from gifts, grants, and donations for purposes of providing

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

for the administrative costs of preparing AND submitting ~~and administering the state plan amendment~~ THE REQUEST FOR FEDERAL APPROVAL to provide substance abuse treatment services to native Americans as provided for in section 26-4-422. All such gifts, grants, and donations shall be transmitted to the state treasurer who shall credit the same to the native American substance abuse treatment cash fund, which fund is hereby created. The moneys in the native American substance abuse treatment cash fund shall be subject to annual appropriation by the general assembly. All investment earnings derived from the deposit and investment of moneys in the native American substance abuse treatment cash fund shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(2) (a) If sufficient moneys have not been credited to the native American substance abuse treatment cash fund for the purpose of preparing the ~~state plan amendment~~ REQUEST FOR FEDERAL APPROVAL required under section 26-4-422 prior to December 31, ~~2002~~ 2004, the state treasurer shall immediately provide notification of such fact to the state department and to the revisor of statutes.

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2004, the sum of twenty-one thousand seven hundred forty-one dollars (\$21,741), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from gifts, grants, and donations in the Native American substance abuse treatment cash fund created in section 26-4-423, Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2004, the department of health care policy and financing will receive the sum of twenty-one thousand seven hundred forty-one dollars (\$21,741) in federal funds for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 21, 2004