

CHAPTER 4

GOVERNMENT - STATE

HOUSE BILL 12-1202

BY REPRESENTATIVE(S) Levy, Becker, Gerou, Kerr A., Labuda, Ryden, Todd, Ferrandino, Fields, Hamner, Schafer S., Wilson;
also SENATOR(S) Lambert, Hodge, Steadman, Newell.

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.

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

SECTION 1. In Colorado Revised Statutes, 24-22-117, **add** (2) (c) (III.5) as follows:

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

(c) (III.5) FOR FISCAL YEAR 2011-12 AND FOR EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEYS IN 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.

SECTION 2. 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 follows:

Section 2. **Appropriation.**

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

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		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^a	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 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) (c) (I), C.R.S.

^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 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 Health and Environment's General Fund appropriation in the Prevention Service Section for the Women's Health and Family Planning program.

**TOTALS PART V
(HEALTH CARE
POLICY AND
FINANCING)**

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

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

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

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

^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, \$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 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) (C) (I), C.R.S.

^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 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 Health and Environment's General Fund appropriation in the Prevention Service Section for the Women's Health and Family Planning program.

**TOTALS PART V
(HEALTH CARE
POLICY AND
FINANCING)**

\$5,078,724,985	\$1,471,654,070	\$284,621,517 ^a	\$794,352,432	\$5,666,918	\$2,522,430,048
<u>\$5,079,302,301</u>			<u>\$794,641,090</u>		<u>\$2,522,718,706</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

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 2 of chapter 335, (SB 11-209), **amend** Part XVI (9) (A) (5) and the affected totals as follows:

Section 2. **Appropriation.**

**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 23,500,920	23,212,262 22,923,604 ^a	577,316 ^b
	<hr/> 24,127,266		
	24,415,924		

^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.**

**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 <u>23,500,920</u>	23,212,262[*] 22,923,604 ^a	577,316 ^b
	24,127,266 24,415,924		

^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.

~~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
<u>\$481,460,471</u>			<u>\$154,244,150</u>	<u>\$32,501,987</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 6. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) (a) Section 2 of this act takes effect only if House Bill 12-1184 does not become law.

(b) Section 4 of this act takes effect only if House Bill 12-1194 does not become law.

(3) (a) Section 3 of this act takes effect only if House Bill 12-1184 becomes law and takes effect either upon the effective date of this act or House Bill 12-1184, whichever is later.

(b) Section 5 of this act takes effect only if House Bill 12-1194 becomes law and takes effect either upon the effective date of this act or House Bill 12-1194, whichever is later.

SECTION 7. 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: March 1, 2012