

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE March 20, 2024
SUBJECT Potential Legislation Packet 16

This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

POTENTIAL LEGISLATION

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Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/19/24

DRAFT

LLS NO. 24-1113.01 Conrad Imel x2313

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Severance Tax Transfers

A BILL FOR AN ACT

101 **CONCERNING TRANSFERS FROM FUNDS THAT INCLUDE SEVERANCE TAX**
102 **REVENUE, AND, IN CONNECTION THEREWITH, REQUIRING MONEY**
103 **TRANSFERRED TO THE WATER PLAN IMPLEMENTATION CASH**
104 **FUND TO BE USED FOR WATERSHED RESTORATION.**

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://leg.colorado.gov/>.)

Joint Budget Committee. Under existing law, the general assembly may annually appropriate up to \$450,000 from the severance tax operational fund to the conservation district grant fund. The bill increases

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Dashes through the words indicate deletions from existing law.*

the maximum amount to \$700,000.

Beginning in 2024, the bill requires the state treasurer, on July 1 of each year, to transfer \$5 million from the severance tax operational fund to the water plan implementation cash fund to be used for watershed restoration grants.

The bill makes the following one-time transfers on July 1, 2024:

- \$18,259,805 from the severance tax operational fund to the general fund;
- \$26,086,559 from the severance tax perpetual base fund to the general fund; and
- \$25 million from the local government severance tax fund to the general fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-29-109.3, **amend**
3 (1)(g)(III); and **add** (11) as follows:

4 **39-29-109.3. Severance tax operational fund - core reserve -**
5 **grant program reserve - definitions - repeal.** (1) The executive director
6 of the department of natural resources shall submit with the department's
7 budget request for each fiscal year a list and description of the programs
8 the executive director recommends to be funded from the severance tax
9 operational fund created in section 39-29-109 (2)(b), referred to in this
10 section as the "operational fund". Except as otherwise provided in
11 subsection (10) of this section, the general assembly may appropriate
12 money from the total money available in the operational fund to fund
13 recommended programs as follows:

14 (g) If the general assembly appropriates less than one hundred
15 percent of the money available in the operational fund for the purposes set
16 forth in subsections (1)(a) to (1)(f) of this section, then the general
17 assembly may additionally appropriate:

18 (III) THROUGH THE 2023-24 STATE FISCAL YEAR, up to four
19 hundred fifty thousand dollars, AND FOR THE 2024-25 STATE FISCAL YEAR

1 AND EACH STATE FISCAL YEAR THEREAFTER, UP TO SEVEN HUNDRED
2 THOUSAND DOLLARS to the conservation district grant fund created in
3 section 35-1-106.7;

4 (11)(a) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER
5 EIGHTEEN MILLION TWO HUNDRED FIFTY-NINE THOUSAND EIGHT HUNDRED
6 FIVE DOLLARS FROM THE FUND TO THE GENERAL FUND.

7 (b) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE JUNE 30, 2025.

8 **SECTION 2.** In Colorado Revised Statutes, 39-29-109, **add**
9 (2)(a)(XXIII) and (2)(a)(XXIV) as follows:

10 **39-29-109. Severance tax trust fund - created - administration**
11 **- distribution of money - legislative declaration - repeal.** (2) State
12 severance tax receipts must be credited to the severance tax trust fund as
13 provided in section 39-29-108. All income derived from the deposit and
14 investment of the money in the fund must be credited to the fund. At the
15 end of any fiscal year, all unexpended and unencumbered money in the
16 fund remains in the fund and must not be credited or transferred to the
17 general fund or any other fund. All money in the fund is subject to
18 appropriation by the general assembly for the following purposes:

19 (a) **The severance tax perpetual base fund.**
20 (XXIII) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION
21 (2)(a) TO THE CONTRARY, ON JULY 1, 2024, AND ON EACH JULY 1
22 THEREAFTER, THE STATE TREASURER SHALL TRANSFER FIVE MILLION
23 DOLLARS FROM THE FUND TO THE WATER PLAN IMPLEMENTATION CASH
24 FUND CREATED IN SECTION 37-60-123.3.

25 (XXIV) (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
26 SUBSECTION (2)(a) TO THE CONTRARY, ON JULY 1, 2024, THE STATE
27 TREASURER SHALL TRANSFER TWENTY-SIX MILLION EIGHTY-SIX THOUSAND

1 FIVE HUNDRED FIFTY-NINE DOLLARS FROM THE FUND TO THE GENERAL
2 FUND.

3 (B) THIS SUBSECTION (2)(a)(XXIV) IS REPEALED, EFFECTIVE JUNE
4 30, 2025.

5 **SECTION 3.** In Colorado Revised Statutes, 37-60-106.3, **add**
6 (6)(e) as follows:

7 **37-60-106.3. State water plan - grant program - legislative**
8 **declaration. (6) Water plan implementation grant program.** The
9 board may approve grants pursuant to the following requirements:

10 (e) THE BOARD SHALL USE THE MONEY ANNUALLY TRANSFERRED
11 TO THE WATER PLAN IMPLEMENTATION CASH FUND PURSUANT TO SECTION
12 39-29-109 (2)(a)(XXIII) TO AWARD GRANTS FOR WATERSHED
13 RESTORATION. THE MONEY FOR WATERSHED RESTORATION GRANTS
14 DESCRIBED IN THIS SUBSECTION (6)(e) IS IN ADDITION TO ANY OTHER
15 AVAILABLE FUNDING FOR WATERSHED RESTORATION GRANTS AND DOES
16 NOT REPLACE ANY FUNDS AVAILABLE FOR THAT PURPOSE.

17 **SECTION 4.** In Colorado Revised Statutes, 39-29-110, **add**
18 (7)(e) as follows:

19 **39-29-110. Local government severance tax fund - creation -**
20 **administration - definitions - repeal.** (7) Notwithstanding any provision
21 of this section to the contrary:

22 (e) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER
23 TWENTY-FIVE MILLION DOLLARS FROM THE LOCAL GOVERNMENT
24 SEVERANCE TAX FUND TO THE GENERAL FUND.

25 **SECTION 5. Safety clause.** The general assembly finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/20/24

DRAFT

LLS NO. 24-1131.01 Pierce Lively x2059

HOUSE BILL

HOUSE SPONSORSHIP

Bird and Taggart, Sirota

SENATE SPONSORSHIP

Zenzinger and Kirkmeyer, Bridges

BILL TOPIC: College Opportunity Fund Transfer to General Fund

A BILL FOR AN ACT

101 CONCERNING THE TRANSFER OF ONE MILLION DOLLARS FROM THE
102 COLLEGE OPPORTUNITY FUND TO THE GENERAL FUND.

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://leg.colorado.gov/>.)

Joint Budget Committee. The bill requires the state treasurer to transfer \$1 million from the college opportunity fund to the general fund on June 30, 2024.

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

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

1 **SECTION 1.** In Colorado Revised Statutes, 23-18-202, add
2 (1)(d) as follows:

3 **23-18-202. College opportunity fund - appropriations -**
4 **payment of stipends - reimbursement - report - repeal.** (1) (d) (I) ON
5 JUNE 30, 2024, THE STATE TREASURER SHALL TRANSFER ONE MILLION
6 DOLLARS FROM THE COLLEGE OPPORTUNITY FUND TO THE GENERAL FUND.

7 (II) THIS SUBSECTION (1)(d) IS REPEALED, EFFECTIVE, JULY 1,
8 2025.

9 **SECTION 2. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/19/24

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LLS NO. 24-1105.01 Chelsea Princell x4335

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Financial Aid Appropriation Alignment

A BILL FOR AN ACT

101 **CONCERNING AN EXCEPTION FOR APPROPRIATIONS OF LESS THAN TWO**
102 **MILLION DOLLARS IN NEW LEGISLATION TO THE REQUIREMENT**
103 **THAT APPROPRIATION INCREASES FOR STUDENT FINANCIAL AID**
104 **ALIGN WITH APPROPRIATION INCREASES TO INSTITUTIONS OF**
105 **HIGHER EDUCATION.**

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://leg.colorado.gov/>.)

Joint Budget Committee. Current law requires that annual appropriations for student financial assistance increase by at least the

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same percentage as the aggregate percentage increase of all general fund appropriations to institutions of higher education.

The bill creates a limited exception for appropriations that are less than \$2 million that are made through legislation other than the general appropriations act or supplemental appropriations acts.

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

SECTION 1. In Colorado Revised Statutes, 23-3.3-103, **add** (1.5) as follows:

23-3.3-103. Annual appropriations - repeal. (1.5) AN APPROPRIATION THAT IS LESS THAN TWO MILLION DOLLARS MADE TO AN INSTITUTION OF HIGHER EDUCATION IN AN ACT THAT IS NOT THE GENERAL APPROPRIATION ACT NOR A SUPPLEMENTAL APPROPRIATION ACT IS EXEMPT FROM THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION.

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REDRAFT
3/20/24

Double underlining
denotes changes from
prior draft

DRAFT

LLS NO. 24-1057.01 Caroline Martin x5902

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Clarifications to Adjutant General's Powers

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATION OF THE SCOPE OF THE AUTHORITY OF**
102 **THE ADJUTANT GENERAL TO DISBURSE STATE MONEY FOR**
103 **CAPITAL ASSET-RELATED PURPOSES.**

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://leg.colorado.gov/>.)

Joint Budget Committee. The bill clarifies that the adjutant general's authority to disburse state money in connection with keeping in repair all state buildings and other improvements on campgrounds and military reservations of the state and renting, hiring, purchasing, taking the conveyance of, and holding in trust such buildings, lands, tenements,

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and appurtenances thereof, is subject to appropriation by the general assembly. The bill also clarifies that the purchase of buildings or other real property or any capital construction performed on real property purchased or held by the state for the use of the National Guard is subject to current law concerning legislative oversight of capital development.

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

SECTION 1. In Colorado Revised Statutes, 28-3-106, **amend** (1)(q) and (1)(r) as follows:

28-3-106. Powers and duties of adjutant general. (1) The adjutant general has the following powers and duties:

(q) The adjutant general shall have charge of the campgrounds and military reservations of the state and shall be responsible for the protection and safety thereof, and ~~he or she~~ THE ADJUTANT GENERAL shall promulgate regulations for the maintenance of order thereon, for the enforcement of traffic rules, and for all other lawful regulations as may be ordered for the operation, care, and preservation of existing facilities and installations on all state military reservations. ~~He or she~~ THE ADJUTANT GENERAL shall keep in repair all state buildings and other improvements thereon ~~He or she~~ AND may make such sound improvements thereon as the good of the service requires. SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, THE ADJUTANT GENERAL MAY DISBURSE STATE MONEY, INCLUDING BUT NOT LIMITED TO MONEY IN THE REAL ESTATE CASH FUND AND THE CAPITAL CONSTRUCTION FUND, IN ACCORDANCE WITH THIS SECTION.

(r) The adjutant general, by and with the advice and approval of the governor, is authorized to rent, hire, purchase, take the conveyance of, and hold in trust for the use of the state of Colorado such buildings, lands, tenements, and appurtenances thereof as may be from time to time

1 deemed necessary for use by the National Guard. All ~~such expenditures~~
2 ~~shall be paid out of the military fund, but all~~ titles shall be taken in the
3 name of the governor of the state of Colorado for the use of the National
4 Guard. ANY PURCHASE OF SUCH BUILDINGS OR OTHER REAL PROPERTY OR
5 ANY CAPITAL CONSTRUCTION PERFORMED ON REAL PROPERTY PURCHASED
6 OR HELD BY THE STATE OF COLORADO FOR THE USE OF THE NATIONAL
7 GUARD IS SUBJECT TO THE PROVISIONS OF PART 13 OF ARTICLE 3 OF TITLE
8 2 CONCERNING CAPITAL DEVELOPMENT. Prior to acquiring any real
9 property pursuant to the provisions of this ~~paragraph (r)~~ SUBSECTION
10 (1)(r), the adjutant general shall submit a report to the capital
11 development committee which describes the anticipated use of such real
12 property, the maintenance costs related to such real property, the current
13 value of such real property, any conditions or limitations which may
14 restrict the use of such real property, and any potential liability to the state
15 which could result from acquiring such real property. The capital
16 development committee shall review any such report which is submitted
17 to the capital development committee and shall provide recommendations
18 to the adjutant general concerning the proposed real property acquisition
19 within thirty days after the date of receipt of such report. The adjutant
20 general shall not complete any such real property acquisition without
21 considering any recommendations of the capital development committee
22 which are provided within such thirty-day period. SUBJECT TO
23 APPROPRIATION BY THE GENERAL ASSEMBLY, THE ADJUTANT GENERAL
24 MAY DISBURSE STATE MONEY, INCLUDING BUT NOT LIMITED TO MONEY IN
25 THE REAL ESTATE CASH FUND AND THE CAPITAL CONSTRUCTION FUND, IN
26 ACCORDANCE WITH THIS SECTION.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2024 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/19/24

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LLS NO. 24-1095.01 Shelby Ross x4510

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Medicaid Eligibility Procedures
DEADLINES: File by: 3/22/2024

A BILL FOR AN ACT

101 **CONCERNING MEDICAID ELIGIBILITY PROCEDURES.**

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://leg.colorado.gov/>.)

Joint Budget Committee. Current law suspends certain provisions related to medicaid eligibility until June 1, 2024. The bill extends the suspension of those provisions until January 1, 2025.

The bill authorizes the department of health care policy and financing (state department) to seek federal authorization to not require additional verification during a medicaid member's (member) eligibility reenrollment process if information about the member's income or assets is not verified through a federally approved electronic data source.

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For a member's income verification, the bill authorizes the state department to use the information on file or the information that was originally collected during the application process to determine whether the member is eligible for reenrollment. The state department shall require additional income verification if information about a member's income is not verified through a federally approved electronic data source for 2 or more consecutive years or as specified through federal authorization.

For a member's asset verification, the state department may complete the member's eligibility reenrollment process without any additional asset verification if there has been no change in the member's assets since the initial verification during the application process or as specified through federal authorization.

The bill authorizes the state department to seek federal authorization to delay a member's procedural termination during the reenrollment process to allow the member to continue receiving necessary services during the reenrollment process. The bill authorizes the state department to apply this delay in procedural termination to a specific population or as specified through federal authorization.

The bill authorizes the state department to seek federal authorization to allow an applicant's or member's eligibility for reenrollment to be based on financial findings from the supplemental nutrition assistance program, the temporary assistance for needy families program, and other means-tested benefit programs administered through the Colorado benefits management system. The state department may apply financial eligibility for medicaid to individuals whose gross income program and assets for applicable means-tested benefit programs are below applicable medicaid limits, regardless of differences in household composition and income-counting rules between programs or as specified through federal authorization.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-101, **amend**
3 (6)(a) introductory portion, (6)(b), and (6)(c) as follows:

4 **25.5-5-101. Mandatory provisions - eligible groups - rules -**
5 **repeal.** (6) (a) To ensure that the state department maintains access to
6 state and federal funding provided by the federal "Families First
7 Coronavirus Response Act", Pub.L. 116-127, and the federal
8 "Consolidated Appropriations Act, 2023", the following subsections of

1 this section are suspended until ~~June 1, 2024~~ JANUARY 1, 2025:

2 (b) The state board may adopt rules to implement this subsection
3 (6) to ensure that the state department can resume routine operations by
4 ~~June 1, 2024~~, that follow guidance issued by the federal centers for
5 medicare and medicaid services, including terminations of eligibility, the
6 processing of eligibility renewals, and the transition between medical
7 assistance and children's basic health plan eligibility categories.

8 (c) This subsection (6) is repealed, effective ~~June 1, 2024~~
9 JANUARY 1, 2025.

10 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-201, **amend**
11 (7)(a) introductory portion, (7)(b), and (7)(c) as follows:

12 **25.5-5-201. Optional provisions - optional groups - rules -**
13 **repeal.** (7) (a) To ensure that the state department maintains access to
14 state and federal funding provided by the federal "Families First
15 Coronavirus Response Act", Pub.L. 116-127, and the federal
16 "Consolidated Appropriations Act, 2023", the following subsections of
17 this section are suspended until ~~June 1, 2024~~ JANUARY 1, 2025:

18 (b) The state board may adopt rules to implement this subsection
19 (7) to ensure that the state department can resume routine operations by
20 ~~June 1, 2024~~, that follow guidance issued by the federal centers for
21 medicare and medicaid services, including terminations of eligibility, the
22 processing of eligibility renewals, and the transition between medical
23 assistance and children's basic health plan eligibility categories.

24 (c) This subsection (7) is repealed, effective ~~June 1, 2024~~
25 JANUARY 1, 2025.

26 **SECTION 3.** In Colorado Revised Statutes, 25.5-4-205, **amend**
27 (3)(b)(I.5) and (3)(f) as follows:

1 **25.5-4-205. Application - verification of eligibility -**
2 **demonstration project - rules - repeal.** (3) (b) (I.5) (A) If the state
3 department determines that a ~~recipient~~ MEMBER was not eligible for
4 medical benefits solely based upon the ~~recipient's~~ MEMBER'S income after
5 the ~~recipient~~ MEMBER had been determined to be eligible based upon
6 electronic data obtained through a federally approved electronic data
7 source, the state department shall not pursue recovery from a county
8 department for the cost of medical services provided to the ~~recipient~~
9 MEMBER, and the county department is not responsible for any federal
10 error rate sanctions resulting from ~~such~~ THE determination.

11 (B) Notwithstanding any other provision in this ~~paragraph (b)~~
12 SUBSECTION (3)(b), for applications that contain self-employment income,
13 the state department shall not implement this ~~paragraph (b)~~ SUBSECTION
14 (3)(b) until it THE STATE DEPARTMENT can verify self-employment income
15 through federally approved electronic data sources as authorized by rules
16 of the state department and federal law.

17 (C) THE STATE DEPARTMENT MAY SEEK FEDERAL AUTHORIZATION
18 TO NOT REQUIRE ADDITIONAL VERIFICATION DURING A MEMBER'S
19 ELIGIBILITY REENROLLMENT PROCESS IF INFORMATION ABOUT THE
20 MEMBER'S INCOME IS NOT VERIFIED THROUGH A FEDERALLY APPROVED
21 ELECTRONIC DATA SOURCE. THE STATE DEPARTMENT MAY USE THE
22 INFORMATION ON FILE OR THE INFORMATION THAT WAS ORIGINALLY
23 COLLECTED DURING THE APPLICATION PROCESS TO DETERMINE WHETHER
24 THE MEMBER IS ELIGIBLE FOR REENROLLMENT. NOTWITHSTANDING THIS
25 SUBSECTION (3)(b)(I.5)(C) TO THE CONTRARY, THE STATE DEPARTMENT
26 SHALL REQUIRE ADDITIONAL INCOME VERIFICATION IF INFORMATION
27 ABOUT A MEMBER'S INCOME IS NOT VERIFIED THROUGH A FEDERALLY

1 APPROVED ELECTRONIC DATA SOURCE FOR TWO OR MORE CONSECUTIVE
2 YEARS OR AS SPECIFIED THROUGH FEDERAL AUTHORIZATION.

3 (D) THE STATE DEPARTMENT MAY SEEK FEDERAL AUTHORIZATION
4 TO NOT REQUIRE ADDITIONAL VERIFICATION DURING A MEMBER'S
5 ELIGIBILITY REENROLLMENT PROCESS IF INFORMATION ABOUT THE
6 MEMBER'S ASSETS IS NOT VERIFIED THROUGH A FEDERALLY APPROVED
7 ELECTRONIC DATA SOURCE IN A REASONABLE TIME, AS DETERMINED BY
8 THE STATE DEPARTMENT. THE STATE DEPARTMENT MAY COMPLETE THE
9 MEMBER'S ELIGIBILITY REENROLLMENT PROCESS WITHOUT ANY
10 ADDITIONAL VERIFICATION OF THE MEMBER'S ASSETS IF THERE HAS BEEN
11 NO CHANGE IN THE MEMBER'S ASSETS SINCE THE INITIAL VERIFICATION
12 DURING THE APPLICATION PROCESS OR AS SPECIFIED THROUGH FEDERAL
13 AUTHORIZATION.

14 (E) THE STATE DEPARTMENT MAY SEEK FEDERAL AUTHORIZATION
15 TO DELAY A MEMBER'S PROCEDURAL TERMINATION DURING THE
16 REENROLLMENT PROCESS TO ALLOW THE MEMBER TO CONTINUE
17 RECEIVING NECESSARY SERVICES DURING THE REENROLLMENT PROCESS.
18 THE STATE DEPARTMENT MAY APPLY THIS DELAY IN PROCEDURAL
19 TERMINATION TO A SPECIFIC POPULATION OR AS SPECIFIED THROUGH
20 FEDERAL AUTHORIZATION.

21 (F) THE STATE DEPARTMENT MAY SEEK FEDERAL AUTHORIZATION
22 TO ALLOW AN APPLICANT'S OR MEMBER'S ELIGIBILITY FOR REENROLLMENT
23 TO BE BASED ON FINANCIAL FINDINGS FROM THE SUPPLEMENTAL
24 NUTRITION ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO PART 3 OF
25 ARTICLE 2 OF TITLE 26, THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
26 PROGRAM ESTABLISHED PURSUANT TO PART 7 OF ARTICLE 2 OF TITLE 26,
27 AND OTHER MEANS-TESTED BENEFIT PROGRAMS ADMINISTERED THROUGH

1 THE COLORADO BENEFITS MANAGEMENT SYSTEM. THE STATE
2 DEPARTMENT MAY APPLY FINANCIAL ELIGIBILITY FOR MEDICAID TO
3 INDIVIDUALS WHOSE GROSS INCOME PROGRAM AND ASSETS FOR
4 APPLICABLE MEANS-TESTED BENEFIT PROGRAMS ARE BELOW APPLICABLE
5 MEDICAID LIMITS, REGARDLESS OF DIFFERENCES IN HOUSEHOLD
6 COMPOSITION AND INCOME-COUNTING RULES BETWEEN PROGRAMS OR AS
7 SPECIFIED THROUGH FEDERAL AUTHORIZATION.

8 (f) (I) To ensure that the state department maintains access to state
9 and federal funding provided by the federal "Families First Coronavirus
10 Response Act", Pub.L. 116-127, and the federal "Consolidated
11 Appropriations Act, 2023", subsections (3)(b)(I) and (3)(d) of this section
12 requiring the collection or verification of any information related to
13 medical assistance eligibility factors, including citizenship, household
14 size, income, or assets for those individuals already enrolled in the
15 medical assistance program, are suspended until ~~June 1, 2024~~ JANUARY
16 1, 2025.

17 (II) The state board may adopt rules to implement this subsection
18 (3)(f) to ensure that the state department can resume routine operations
19 ~~by June 1, 2024~~, that follow guidance issued by the federal centers for
20 medicare and medicaid services, including terminations of eligibility, the
21 processing of eligibility renewals, and the transition between medical
22 assistance and children's basic health plan eligibility categories.

23 (III) This subsection (3)(f) is repealed, effective ~~June 1, 2024~~
24 JANUARY 1, 2025.

25 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-1404, **amend**
26 (6)(c) as follows:

27 **25.5-6-1404. Medicaid buy-in program - eligibility - premiums**

1 **- medicaid buy-in fund - report - rules - repeal.** (6) (c) This subsection
2 (6) is repealed, effective ~~June 1, 2024~~ SEPTEMBER 1, 2025.

3 **SECTION 5.** In Colorado Revised Statutes, 25.5-8-109, **amend**
4 (8); and **add** (4.5)(a)(VI), (4.5)(a)(VII), (4.5)(a)(VIII), and (4.5)(a)(IX)
5 as follows:

6 **25.5-8-109. Eligibility - children - pregnant women - rules -**
7 **repeal.** (4.5) (a) (VI) THE STATE DEPARTMENT MAY SEEK FEDERAL
8 AUTHORIZATION TO NOT REQUIRE ADDITIONAL VERIFICATION DURING A
9 MEMBER'S ELIGIBILITY REENROLLMENT PROCESS IF INFORMATION ABOUT
10 THE MEMBER'S INCOME IS NOT VERIFIED THROUGH A FEDERALLY
11 APPROVED ELECTRONIC DATA SOURCE. THE STATE DEPARTMENT MAY USE
12 THE INFORMATION ON FILE OR THE INFORMATION THAT WAS ORIGINALLY
13 COLLECTED DURING THE APPLICATION PROCESS TO DETERMINE WHETHER
14 THE MEMBER IS ELIGIBLE FOR REENROLLMENT. NOTWITHSTANDING THIS
15 SUBSECTION (4.5)(a)(VI) TO THE CONTRARY, THE STATE DEPARTMENT
16 SHALL REQUIRE ADDITIONAL INCOME VERIFICATION IF INFORMATION
17 ABOUT A MEMBER'S INCOME IS NOT VERIFIED THROUGH A FEDERALLY
18 APPROVED ELECTRONIC DATA SOURCE FOR TWO OR MORE CONSECUTIVE
19 YEARS OR AS SPECIFIED THROUGH FEDERAL AUTHORIZATION.

20 (VII) THE STATE DEPARTMENT MAY SEEK FEDERAL
21 AUTHORIZATION TO NOT REQUIRE ADDITIONAL VERIFICATION DURING A
22 MEMBER'S ELIGIBILITY REENROLLMENT PROCESS IF INFORMATION ABOUT
23 THE MEMBER'S ASSETS IS NOT VERIFIED THROUGH A FEDERALLY APPROVED
24 ELECTRONIC DATA SOURCE IN A REASONABLE TIME, AS DETERMINED BY
25 THE STATE DEPARTMENT. THE STATE DEPARTMENT MAY COMPLETE THE
26 MEMBER'S ELIGIBILITY REENROLLMENT PROCESS WITHOUT ANY
27 ADDITIONAL VERIFICATION OF THE MEMBER'S ASSETS IF THERE HAS BEEN

1 NO CHANGE IN THE MEMBER'S ASSETS SINCE THE INITIAL VERIFICATION
2 DURING THE APPLICATION PROCESS OR AS SPECIFIED THROUGH FEDERAL
3 AUTHORIZATION.

4 (VIII) THE STATE DEPARTMENT MAY SEEK FEDERAL
5 AUTHORIZATION TO DELAY A MEMBER'S PROCEDURAL TERMINATION
6 DURING THE REENROLLMENT PROCESS TO ALLOW THE MEMBER TO
7 CONTINUE RECEIVING NECESSARY SERVICES DURING THE REENROLLMENT
8 PROCESS. THE STATE DEPARTMENT MAY APPLY THIS DELAY IN
9 PROCEDURAL TERMINATION TO A SPECIFIC POPULATION OR AS SPECIFIED
10 THROUGH FEDERAL AUTHORIZATION.

11 (IX) THE STATE DEPARTMENT MAY SEEK FEDERAL AUTHORIZATION
12 TO ALLOW AN APPLICANT'S OR MEMBER'S ELIGIBILITY FOR REENROLLMENT
13 TO BE BASED ON FINANCIAL FINDINGS FROM THE SUPPLEMENTAL
14 NUTRITION ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO PART 3 OF
15 ARTICLE 2 OF TITLE 26, THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
16 PROGRAM ESTABLISHED PURSUANT TO PART 7 OF ARTICLE 2 OF TITLE 26,
17 AND OTHER MEANS-TESTED BENEFIT PROGRAMS ADMINISTERED THROUGH
18 THE COLORADO BENEFITS MANAGEMENT SYSTEM. THE STATE
19 DEPARTMENT MAY APPLY FINANCIAL ELIGIBILITY FOR MEDICAID TO
20 INDIVIDUALS WHOSE GROSS INCOME PROGRAM AND ASSETS FOR
21 APPLICABLE MEANS-TESTED BENEFIT PROGRAMS ARE BELOW APPLICABLE
22 MEDICAID LIMITS, REGARDLESS OF DIFFERENCES IN HOUSEHOLD
23 COMPOSITION AND INCOME-COUNTING RULES BETWEEN PROGRAMS OR AS
24 SPECIFIED THROUGH FEDERAL AUTHORIZATION.

25 (8) (a) To ensure that the state department maintains access to
26 state and federal funding provided by the federal "Families First
27 Coronavirus Response Act", Pub.L. 116-127, and the federal

1 "Consolidated Appropriations Act, 2023", subsections (4) and (4.5)(a)(II)
2 of this section requiring the state department to disenroll an individual
3 enrolled in the children's basic health plan due to the annual verification
4 of income, as authorized by the centers for medicare and medicaid
5 services, are suspended until ~~June 1, 2024~~ JANUARY 1, 2025.

6 (b) The state board may adopt rules to implement this subsection
7 (8) to ensure that the state department can resume routine operations by
8 ~~June 1, 2024~~, that follow guidance issued by the federal centers for
9 medicare and medicaid services, including terminations of eligibility, the
10 processing of eligibility renewals, and the transition between medical
11 assistance and children's basic health plan eligibility categories.

12 (c) This subsection (8) is repealed, effective ~~June 1, 2024~~
13 JANUARY 1, 2025.

14 **SECTION 6. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.