

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0723.01 Brita Darling x2241

HOUSE BILL 13-1175

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HOUSE SPONSORSHIP

DelGrosso,

SENATE SPONSORSHIP

(None),

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House Committees

Public Health Care & Human Services  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING LIMITING THE EXPANSION OF ELIGIBILITY IN THE  
102 MEDICAID PROGRAM UNTIL THE GENERAL FUND APPROPRIATION  
103 TO HIGHER EDUCATION IS AT LEAST SEVEN HUNDRED  
104 FORTY-SEVEN MILLION DOLLARS.

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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>.)*

The bill limits the expansion of the medicaid program to newly eligible persons until such time as the general fund appropriation to

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.

higher education is at least \$747,000,000.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-5-201.5 as  
3 follows:

4           **25.5-5-201.5. Eligibility for childless adults - suspension**  
5 **relating to higher education appropriations - legislative declaration.**

6 (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE  
7 "EDUCATION FIRST ACT".

8           (2) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

9           (I) PRESIDENT OBAMA SIGNED THE FEDERAL "PATIENT  
10 PROTECTION AND AFFORDABLE CARE ACT", P.L. 111-148, ON MARCH 23,  
11 2010, REFERRED TO IN THIS SECTION AS THE "AFFORDABLE CARE ACT";

12           (II) THE "AFFORDABLE CARE ACT" EXPANDS THE MEDICAID  
13 PROGRAM BY EXPANDING ELIGIBILITY FOR THE PROGRAM TO A  
14 POPULATION THAT HAS NOT HISTORICALLY BEEN ELIGIBLE FOR MEDICAID,  
15 SPECIFICALLY PERSONS OVER EIGHTEEN YEARS OF AGE WHO ARE  
16 CHILDLESS OR WITHOUT A DEPENDENT CHILD IN THE HOME, REFERRED TO  
17 IN THIS SECTION AS "NEWLY ELIGIBLE" PERSONS;

18           (III) IN ITS RULING ON AN ACTION TO ENJOIN ENFORCEMENT OF THE  
19 "AFFORDABLE CARE ACT", THE UNITED STATES SUPREME COURT HELD  
20 THAT, DUE TO THE UNPRECEDENTED NATURE OF THE ELIGIBILITY  
21 EXPANSION IN THE "AFFORDABLE CARE ACT" AND THE LARGE AMOUNT OF  
22 FEDERAL FUNDING AT RISK FOR STATES FAILING TO EXPAND THE PROGRAM,  
23 THE PROVISION PERMITTING A PENALTY FOR FAILURE TO INCLUDE THE  
24 NEWLY ELIGIBLE POPULATION IN A STATE'S MEDICAID PROGRAM IS  
25 UNCONSTITUTIONALLY COERCIVE; AND

1 (IV) TO REMEDY THE CONSTITUTIONAL VIOLATION, STATES MUST  
2 BE GIVEN THE RIGHT TO CHOOSE WHETHER TO PARTICIPATE IN THE  
3 MEDICAID EXPANSION RELATING TO THE NEWLY ELIGIBLE POPULATIONS  
4 UNDER THE "AFFORDABLE CARE ACT".

5 (b) FURTHER, THE GENERAL ASSEMBLY FINDS THAT:

6 (I) COLORADO, ALONG WITH THE REST OF THE NATION, HAS BEEN  
7 EXPERIENCING A RECESSION THAT HAS SIGNIFICANTLY IMPACTED THE  
8 ABILITY OF THE STATE TO MEET ALL OF THE NEEDS OF ITS RESIDENTS;

9 (II) CONSEQUENTLY, THE GENERAL ASSEMBLY HAS BEEN FORCED  
10 TO MAKE DIFFICULT CUTS TO THE STATE'S GENERAL FUND APPROPRIATION  
11 FOR HIGHER EDUCATION;

12 (III) FOR EXAMPLE, IN THE 2007 GENERAL APPROPRIATION ACT,  
13 THE GENERAL FUND APPROPRIATION TO HIGHER EDUCATION WAS SEVEN  
14 HUNDRED FORTY-SEVEN MILLION SEVEN HUNDRED SEVENTEEN THOUSAND  
15 THREE HUNDRED DOLLARS;

16 (IV) SINCE 2007, THE AMOUNT OF THE GENERAL FUND  
17 APPROPRIATION TO HIGHER EDUCATION HAS DECREASED DRAMATICALLY  
18 TO A LOW OF FOUR HUNDRED TWENTY-EIGHT MILLION SEVEN HUNDRED  
19 SIXTY-ONE THOUSAND THIRTY-THREE DOLLARS IN STATE FISCAL YEAR  
20 2009-10;

21 (V) THE CONTINUED DECLINE IN STATE FUNDING FOR HIGHER  
22 EDUCATION IS INCONSISTENT WITH COLORADO'S OBLIGATION TO ASSIST ITS  
23 YOUNG PEOPLE IN PREPARING FOR THE MODERN WORKFORCE THROUGH  
24 ACCESS TO HIGHER EDUCATION AT AN AFFORDABLE PRICE;

25 (VI) BY BRINGING THE GENERAL FUND APPROPRIATION FOR HIGHER  
26 EDUCATION BACK TO AT LEAST THE 2007 APPROPRIATION LEVEL, TUITION  
27 RATES FOR STUDENTS MAY BE MAINTAINED OR EVEN DECREASED; AND

1 (VII) COLORADO HAS A PRACTICAL AND MORAL OBLIGATION TO  
2 PUT EDUCATION FIRST BY SATISFYING PREEXISTING OBLIGATIONS TO THE  
3 STATE'S HIGHER EDUCATION SYSTEM BEFORE EXPANDING A PUBLIC  
4 ENTITLEMENT PROGRAM IN A MANNER THAT SIGNIFICANTLY LIMITS THE  
5 STATE'S AVAILABLE FINANCIAL RESOURCES.

6 (c) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT  
7 COLORADO SHOULD PUT EDUCATION FIRST BY EXERCISING ITS LEGAL  
8 OPTION TO LIMIT ITS EXPANSION OF THE STATE'S MEDICAID PROGRAM TO  
9 THE NEWLY ELIGIBLE POPULATION UNDER THE "AFFORDABLE CARE ACT"  
10 UNTIL SUCH TIME AS THE STATE'S ECONOMY RECOVERS TO THE EXTENT  
11 THAT STATE GENERAL FUND APPROPRIATIONS FOR OUR INSTITUTIONS OF  
12 HIGHER EDUCATION ARE RESTORED, AT A MINIMUM, TO THE LEVEL OF  
13 APPROPRIATIONS THAT EXISTED IN 2007 PRIOR TO THE DEVASTATING  
14 RECESSION IN COLORADO.

15 (3) NOTWITHSTANDING THE PROVISIONS OF SECTION 25.5-5-201 (1)  
16 (p), A PERSON DESCRIBED IN SECTION 25.5-5-201 (1) (p) (I) WHO WAS  
17 INELIGIBLE TO RECEIVE MEDICAL ASSISTANCE PURSUANT TO THIS ARTICLE  
18 AND ARTICLES 4 AND 6 OF THIS TITLE UNDER THE ELIGIBILITY CRITERIA IN  
19 EFFECT ON JANUARY 1, 2013, SHALL NOT BECOME ELIGIBLE FOR MEDICAL  
20 ASSISTANCE BEFORE THE GENERAL FUND APPROPRIATION FOR HIGHER  
21 EDUCATION IN THE ANNUAL GENERAL APPROPRIATION ACT ENACTED BY  
22 THE GENERAL ASSEMBLY IS AT LEAST SEVEN HUNDRED AND FORTY-SEVEN  
23 MILLION DOLLARS.

24 **SECTION 2. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.