

REFERENCE TITLE: AHCCCS; proposition 204

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

# HB 2411

Introduced by  
Representative Huppenthal

AN ACT

AMENDING SECTION 36-2901.01, ARIZONA REVISED STATUTES; RELATING TO THE  
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1, section  
3 1, subsection (6), Constitution of Arizona, section 36-2901.01, Arizona  
4 Revised Statutes, is amended to read:

5 36-2901.01. Additional definition of eligibility for the  
6 Arizona health care cost containment system;  
7 enforcement; private right of action

8 A. For the purposes of section 36-2901, "eligible person" includes any  
9 person who has an income level that, at a minimum, is between zero and one  
10 hundred per cent of the federal poverty guidelines as published annually by  
11 the United States department of health and human services and based on the  
12 resource limits that are defined by the director of the Arizona health care  
13 cost containment system administration and that are not less than the  
14 resource limits in effect on November 5, 1996, and also based on other  
15 eligibility requirements of federal law or the health care financing  
16 administration pursuant to section 1115 of the social security act. The  
17 people acting through initiative, or the legislature by a simple majority  
18 vote, may change the eligibility threshold to a percentage of the federal  
19 poverty guidelines that is even more inclusive. Neither the executive  
20 department nor the legislature may establish a cap on the number of eligible  
21 persons who may enroll in the system.

22 B. To ensure that ~~sufficient~~ SUFFICIENT monies are available to provide  
23 benefits to all persons who are eligible pursuant to this section, funding  
24 shall come from the Arizona tobacco litigation settlement fund established by  
25 section 36-2901.02 and shall be supplemented, as necessary, by any other  
26 available sources including legislative appropriations and federal monies.

27 C. An eligible person or a prospective eligible person may bring an  
28 action in the superior court against the director of the health care cost  
29 containment system ~~administration~~ ADMINISTRATION and this state to enforce  
30 this section and section 36-2901.02. The court has jurisdiction to enforce  
31 this section and section 36-2901.02 and any rule adopted pursuant to these  
32 sections and may apply appropriate civil sanctions and equitable remedies.

33 Sec. 2. Exemption from rule making

34 The Arizona health care cost containment system is exempt from the rule  
35 making requirements of title 41, chapter 6, Arizona Revised Statutes, for the  
36 purposes of implementing this act.

37 Sec. 3. Requirements for enactment; three-fourths vote

38 Pursuant to article IV, part 1, section 1, subsection (6), Constitution  
39 of Arizona, section 36-2901.01, Arizona Revised Statutes, as amended by this  
40 act, is effective on the affirmative vote of at least three-fourths of the  
41 members of each house of the legislature.