

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 16-1094.02 Jason Gelender x4330

HOUSE BILL 16-1408

HOUSE SPONSORSHIP

Rankin, Hamner, Young

SENATE SPONSORSHIP

Steadman, Grantham, Lambert

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE ALLOCATION OF CASH FUND REVENUES TO**
102 **HEALTH-RELATED PROGRAMS, AND, IN CONNECTION**
103 **THEREWITH, MODIFYING AND STREAMLINING THE ALLOCATION**
104 **OF TOBACCO LITIGATION SETTLEMENT MONEYS BY REPLACING**
105 **THE CURRENT TWO-TIER ALLOCATION SYSTEM THAT INCLUDES**
106 **BOTH PERCENTAGE-BASED AND FIXED AMOUNT ALLOCATIONS OF**
107 **SETTLEMENT MONEYS WITH A SINGLE SET OF EXCLUSIVELY**
108 **PERCENTAGE-BASED ALLOCATIONS AND REPLACING**
109 **SETTLEMENT MONEYS FUNDING FOR SPECIFIED PROGRAMS WITH**
110 **MARIJUANA TAX CASH FUND FUNDING; ALLOCATING**
111 **ADDITIONAL SETTLEMENT MONEYS TO THE UNIVERSITY OF**
112 **COLORADO HEALTH SCIENCES CENTER FOR CANCER RESEARCH**
113 **ONLY; TRANSFERRING A SPECIFIED AMOUNT FROM THE**

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.

SENATE
3rd Reading Unamended
April 7, 2016

SENATE
Amended 2nd Reading
April 6, 2016

HOUSE
3rd Reading Unamended
April 1, 2016

HOUSE
Amended 2nd Reading
March 31, 2016

101 CHILDREN'S BASIC HEALTH PLAN TRUST TO A NEWLY CREATED
102 PRIMARY CARE PROVIDER SUSTAINABILITY FUND ON JULY 1,
103 2016; AND MAKING AND REDUCING APPROPRIATIONS.

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>.)

Joint Budget Committee. The bill modifies the allocation of cash fund revenues to various health-related programs as follows:

- ! The allocation of revenues annually received by the state pursuant to the tobacco litigation settlement (settlement moneys) is modified and streamlined by replacing the current 2-tier allocation system that includes both percentage-based and fixed amount allocations of settlement moneys with a single set of exclusively percentage-based allocations and replacing settlement moneys funding for specified programs with marijuana tax cash fund funding;
- ! An additional allocation of settlement moneys is made to the university of Colorado health sciences center for the sole purpose of funding cancer research; and
- ! On July 1, 2016, \$20 million is transferred from the children's basic health plan trust to a newly created accountable care collaborative fund on July 1, 2016, for the purpose of funding department of health care policy and financing (HCPF) rate incentives for primary care medical providers, other than providers who are reimbursed on a cost-basis, in the accountable care collaborative established by HCPF.

The bill also makes and reduces various appropriations in order to accomplish its purposes and repeals various obsolete statutory provisions relating to the past allocation of settlement moneys and past transfers to and from cash funds.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-1104.5,

1 **amend** (1.3), (2), and (3); and **add** (1.7) as follows:

2 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

3 (1.3) (a) For the 2012-13 fiscal year, and for each fiscal year thereafter
4 THROUGH THE 2015-16 FISCAL YEAR, the lesser of all settlement moneys
5 received or the following amounts of settlement moneys shall be allocated
6 in each fiscal year in which the state receives the moneys in the
7 percentages or amounts specified and for the programs, services, and
8 funds specified in subsections (1) and (1.5) of this section, AS SAID
9 SUBSECTIONS EXISTED BEFORE JULY 1, 2016:

10 (I) For the 2012-13 fiscal year, eighty million four hundred
11 thousand dollars less the amount of unexpended and unencumbered
12 moneys remaining in the tobacco litigation settlement cash fund, created
13 in section 24-22-115 (1) (a), at the end of the 2011-12 fiscal year;

14 (II) For the 2013-14, 2014-15, ~~and 2016-17~~ AND 2015-16 fiscal
15 years, ~~and for the 2018-19 fiscal year and for each fiscal year thereafter,~~
16 the amount allocated pursuant to this subsection (1.3) for the prior fiscal
17 year less the amount of any disputed payments in the tobacco litigation
18 settlement cash fund that were credited to the fund pursuant to
19 subparagraph (I) of paragraph (a) of subsection (5) of this section and less
20 the amount of unexpended and unencumbered moneys remaining in the
21 tobacco litigation settlement cash fund at the end of the prior fiscal year.

22 **and**

23 (III) ~~For the 2017-18 fiscal year, the amount allocated pursuant to~~
24 ~~this subsection (1.3) for the 2016-17 fiscal year less fifteen million~~
25 ~~dollars, less the amount of any disputed payments in the tobacco litigation~~
26 ~~settlement cash fund that were credited to the fund pursuant to~~
27 ~~subparagraph (I) of paragraph (a) of subsection (5) of this section, and~~

1 less the amount of unexpended and unencumbered moneys remaining in
2 the tobacco litigation settlement cash fund at the end of the 2016-17 fiscal
3 year.

4 (a.5) FOR THE 2016-17 FISCAL YEAR, AND FOR EACH FISCAL YEAR
5 THEREAFTER, THE LESSER OF ALL SETTLEMENT MONEYS RECEIVED OR THE
6 FOLLOWING AMOUNTS OF SETTLEMENT MONEYS SHALL BE ALLOCATED IN
7 EACH FISCAL YEAR IN WHICH THE STATE RECEIVES THE MONEYS IN THE
8 PERCENTAGES SPECIFIED AND FOR THE PROGRAMS, SERVICES, AND FUNDS
9 SPECIFIED IN SUBSECTION (1.7) OF THIS SECTION:

10 (I) FOR THE 2016-17 FISCAL YEAR, AND FOR THE 2018-19 FISCAL
11 YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE AMOUNT ALLOCATED
12 PURSUANT TO THIS SUBSECTION (1.3) FOR THE PRIOR FISCAL YEAR LESS
13 THE AMOUNT OF ANY DISPUTED PAYMENTS IN THE TOBACCO LITIGATION
14 SETTLEMENT CASH FUND THAT WERE CREDITED TO THE FUND PURSUANT
15 TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS
16 SECTION AND LESS THE AMOUNT OF UNEXPENDED AND UNENCUMBERED
17 MONEYS REMAINING IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND
18 AT THE END OF THE PRIOR FISCAL YEAR; AND

19 (II) FOR THE 2017-18 FISCAL YEAR, THE AMOUNT ALLOCATED
20 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5) FOR THE
21 2016-17 FISCAL YEAR LESS FIFTEEN MILLION DOLLARS, LESS THE AMOUNT
22 OF ANY DISPUTED PAYMENTS IN THE TOBACCO LITIGATION SETTLEMENT
23 CASH FUND THAT WERE CREDITED TO THE FUND PURSUANT TO
24 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS
25 SECTION, AND LESS THE AMOUNT OF UNEXPENDED AND UNENCUMBERED
26 MONEYS REMAINING IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND
27 AT THE END OF THE 2016-17 FISCAL YEAR.

1 (b) (I) For ~~the 2012-13~~ THE 2016-17 fiscal year, and for each
2 fiscal year thereafter, in addition to the amounts allocated pursuant to
3 ~~paragraph (a)~~ PARAGRAPH (a.5) of this subsection (1.3), the amount of
4 unexpended and unencumbered moneys remaining in the tobacco
5 litigation settlement cash fund, created in section 24-22-115 (1) (a), at the
6 end of the prior fiscal year shall be allocated to the programs that receive
7 settlement moneys pursuant to ~~subsections (1) and (1.5)~~ SUBSECTION (1.7)
8 of this section in proportion to their shares of the settlement moneys.

9 (II) For ~~the 2013-14~~ THE 2016-17 fiscal year, and for each fiscal
10 year thereafter, in addition to the amounts allocated pursuant to ~~paragraph~~
11 ~~(a)~~ PARAGRAPH (a.5) of this subsection (1.3), disputed payments received
12 are allocated in the year received up to the amounts necessary to meet the
13 requirements of ~~subsections (1) and (1.5)~~ SUBSECTION (1.7) of this section
14 in the percentages ~~and amounts~~ specified and for the programs, services,
15 and funds specified in ~~said subsections (1) and (1.5)~~ SAID SUBSECTION
16 (1.7).

17 (c) Notwithstanding the provisions of section 24-1-136, no later
18 than October 1, 2013, and no later than October 1 of each year thereafter,
19 the state treasurer shall submit a written report to the joint budget
20 committee that sets forth the total amount allocated pursuant to this
21 subsection (1.3) during the prior fiscal year and the total amount
22 anticipated to be allocated pursuant to this subsection (1.3) during the
23 current fiscal year.

24 (1.7) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1.3) AND
25 (5) OF THIS SECTION, AND EXCEPT THAT DISPUTED PAYMENTS RECEIVED BY
26 THE STATE IN THE 2015-16 FISCAL YEAR OR IN ANY YEAR THEREAFTER ARE
27 EXCLUDED FROM THE CALCULATION OF ALLOCATIONS UNDER THIS

1 SUBSECTION (1.7), FOR THE 2016-17 FISCAL YEAR AND FOR EACH FISCAL
2 YEAR THEREAFTER, THE FOLLOWING PROGRAMS, SERVICES, AND FUNDS
3 SHALL RECEIVE THE FOLLOWING SPECIFIED PERCENTAGES OF THE TOTAL
4 AMOUNT OF SETTLEMENT MONEYS RECEIVED BY THE STATE IN THE
5 PRECEDING FISCAL YEAR:

6 (a) THE COLORADO NURSE HOME VISITOR PROGRAM CREATED IN
7 ARTICLE 6.4 OF TITLE 26, C.R.S., SHALL RECEIVE TWENTY-SIX AND
8 SEVEN-TENTHS PERCENT OF THE SETTLEMENT MONEYS;

9 (b) THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN
10 SECTION 25.5-8-105, C.R.S., SHALL RECEIVE EIGHTEEN PERCENT OF THE
11 SETTLEMENT MONEYS;

12 (c) THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER
13 SHALL RECEIVE A BASE AMOUNT OF FIFTEEN AND ONE-HALF PERCENT OF
14 THE SETTLEMENT MONEYS AND AN ADDITIONAL AMOUNT OF TWO PERCENT
15 OF THE SETTLEMENT MONEYS, AND THE STATE TREASURER SHALL CREDIT
16 BOTH AMOUNTS TO THE TOBACCO LITIGATION SETTLEMENT MONEYS
17 HEALTH EDUCATION FUND, WHICH IS HEREBY CREATED IN THE STATE
18 TREASURY. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
19 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
20 FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY IN
21 THE FUND AT THE END OF ANY FISCAL YEAR REMAINS IN THE FUND AND
22 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY
23 OTHER FUND. ALL MONEY IN THE FUND IS SUBJECT TO ANNUAL
24 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE HEALTH SCIENCES
25 CENTER, BUT THE HEALTH SCIENCES CENTER SHALL USE THE ADDITIONAL
26 AMOUNT OF SETTLEMENT MONEYS CREDITED TO THE FUND ONLY FOR
27 TOBACCO-RELATED IN-STATE CANCER RESEARCH AS AUTHORIZED IN

1 SECTION 24-75-1103 (7).

2 (d) THE FITZSIMONS TRUST FUND CREATED IN SECTION 23-20-136
3 (3), C.R.S., SHALL RECEIVE EIGHT PERCENT OF THE SETTLEMENT MONEYS.
4 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
5 SETTLEMENT MONEYS SHALL BE USED AS SPECIFIED IN SECTION 23-20-136
6 (5), C.R.S.

7 (e) THE TONY GRAMPAS YOUTH SERVICES PROGRAM CREATED IN
8 ARTICLE 6.8 OF TITLE 26, C.R.S., SHALL RECEIVE SEVEN AND ONE-HALF
9 PERCENT OF THE TOTAL AMOUNT OF SETTLEMENT MONEYS, WHICH THE
10 STATE TREASURER SHALL TRANSFER TO THE YOUTH SERVICES PROGRAM
11 FUND CREATED IN SECTION 26-6.8-102 (2) (d), C.R.S.;

12 (f) THE DRUG ASSISTANCE PROGRAM CREATED IN SECTION
13 25-4-1411, C.R.S., SHALL RECEIVE FIVE PERCENT OF THE SETTLEMENT
14 MONEYS;

15 (g) THE AIDS AND HIV PREVENTION FUND CREATED IN SECTION
16 25-4-1415, C.R.S., SHALL RECEIVE THREE AND ONE-HALF PERCENT OF THE
17 SETTLEMENT MONEYS;

18 (h) THE SUPPLEMENTAL TOBACCO LITIGATION SETTLEMENT
19 MONEYS ACCOUNT OF THE COLORADO IMMUNIZATION FUND CREATED IN
20 SECTION 25-4-2301, C.R.S., SHALL RECEIVE TWO AND ONE-HALF PERCENT
21 OF THE SETTLEMENT MONEYS;

22 (i) THE TOBACCO SETTLEMENT DEFENSE ACCOUNT OF THE
23 TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION
24 24-22-115 (2) (a) SHALL RECEIVE TWO AND ONE-HALF PERCENT OF THE
25 SETTLEMENT MONEYS;

26 (j) THE SUPPLEMENTAL STATE CONTRIBUTION FUND CREATED IN
27 SECTION 24-50-609 (5) SHALL RECEIVE TWO AND THREE-TENTHS PERCENT

1 OF THE SETTLEMENT MONEYS, WHICH, SUBJECT TO ANNUAL
2 APPROPRIATION BY THE GENERAL ASSEMBLY, SHALL BE USED TO PAY THE
3 COSTS OF INCREASED NONSUPPLEMENTAL STATE CONTRIBUTIONS AND TO
4 PROVIDE SUPPLEMENTS TO THE STATE CONTRIBUTION FOR STATE
5 EMPLOYEE GROUP BENEFIT PLANS FOR EACH ELIGIBLE STATE EMPLOYEE AS
6 REQUIRED BY SECTION 24-50-609.5;

7 (k) THE COLORADO AUTISM TREATMENT FUND CREATED
8 PURSUANT TO SECTION 25.5-6-805, C.R.S., SHALL RECEIVE TWO PERCENT
9 OF THE SETTLEMENT MONEYS TO PAY A PORTION OF THE STATE'S SHARE OF
10 THE ANNUAL FUNDING REQUIRED BY THE "HOME- AND
11 COMMUNITY-BASED SERVICES FOR CHILDREN WITH AUTISM ACT", PART
12 8 OF ARTICLE 6 OF TITLE 25.5, C.R.S.;

13 (l) THE COLORADO STATE VETERANS TRUST FUND CREATED IN
14 SECTION 28-5-709, C.R.S., SHALL RECEIVE ONE PERCENT OF THE
15 SETTLEMENT MONEYS;

16 (m) THE STATE DENTAL LOAN REPAYMENT PROGRAM CREATED IN
17 ARTICLE 23 OF TITLE 25, C.R.S., SHALL RECEIVE ONE PERCENT OF THE
18 SETTLEMENT MONEYS; AND

19 (n) THE COLORADO HEALTH SERVICE CORPS FUND CREATED IN
20 SECTION 25-1.5-506, C.R.S., SHALL RECEIVE ONE PERCENT OF THE
21 SETTLEMENT MONEYS.

22 (2) The general assembly shall appropriate or the state treasurer
23 shall transfer, as provided by law, the amounts specified in ~~subsections~~
24 ~~(1) and (1.5)~~ SUBSECTION (1.7) of this section from moneys credited to the
25 tobacco litigation settlement cash fund created in section 24-22-115.
26 ~~Except for moneys credited to the health care supplemental appropriations~~
27 ~~and overexpenditures account of the cash fund pursuant to section~~

1 ~~24-22-115 (4) (a)~~, All settlement moneys other than settlement moneys
2 received and allocated by the state during the same fiscal year pursuant
3 to ~~subsections (1) and (1.5)~~ SUBSECTION (1.7) of this section shall be
4 credited to the specified funds or accounts on July 1 of the fiscal year for
5 which they are transferred, and all settlement moneys received and
6 allocated by the state during the same fiscal year pursuant to said
7 ~~subsections (1) and (1.5)~~ SUBSECTION (1.7) shall be credited to the
8 specified funds or accounts upon receipt by the state.

9 (3) Notwithstanding the provisions of ~~subsections (1) and (1.5)~~
10 SUBSECTION (1.7) of this section, for purposes of sections ~~22-7-1210 (3)~~,
11 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), 25-23-104 (2),
12 25.5-6-805 (2), 25.5-8-105 (3), 26-6.4-107 (2) (d) (I), 26-6.8-102 (2) (d),
13 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys
14 received and allocated by the state pursuant to said ~~subsections (1) and~~
15 ~~(1.5)~~ SUBSECTION (1.7) during the same fiscal year ~~shall be~~ ARE deemed
16 to be moneys received for or during the preceding fiscal year.

17 **SECTION 2.** In Colorado Revised Statutes, 2-3-113, **amend** (2)
18 as follows:

19 **2-3-113. Programs that receive tobacco settlement moneys -**
20 **program review.** (2) Beginning January 1, 2002, it is the duty of the
21 state auditor to conduct or cause to be conducted program reviews and
22 evaluations of the performance of each tobacco settlement program to
23 determine whether the program is effectively and efficiently meeting its
24 stated goals. ~~The entity conducting the reviews, in measuring the~~
25 ~~effectiveness of a program, shall apply, at a minimum, the evaluative~~
26 ~~research data received pursuant to the tobacco-related and~~
27 ~~tobacco-focused research grant program created pursuant to part 2 of~~

1 ~~article 20 of title 23, C.R.S.~~ The program reviews and evaluations shall
2 subject all tobacco settlement programs to audit, whether operated
3 directly by a state agency or by a private entity or by a local government
4 agency.

5 **SECTION 3.** In Colorado Revised Statutes, 23-18-304, **add** (1)
6 (c) as follows:

7 **23-18-304. Funding for specialty education programs - area**
8 **vocational schools - local district junior colleges.** (1) (c) SPECIALTY
9 EDUCATION SERVICES PROVIDED BY THE HEALTH SCIENCES CENTER
10 CAMPUS AT THE UNIVERSITY OF COLORADO AS AUTHORIZED BY
11 PARAGRAPH (a) OF THIS SUBSECTION (1) INCLUDES CARE PROVIDED BY THE
12 FACULTY OF THE HEALTH SCIENCES CENTER CAMPUS AT THE UNIVERSITY
13 OF COLORADO THAT ARE ELIGIBLE FOR PAYMENT PURSUANT TO SECTION
14 25.5-4-401, C.R.S.

15 **SECTION 4.** In Colorado Revised Statutes, 23-20-136, **amend**
16 (3.5) (a) as follows:

17 **23-20-136. Fitzsimons trust fund - creation - legislative**
18 **declaration - repeal.** (3.5) (a) For ~~the 2006-07~~ THE 2016-17 fiscal year
19 and for each fiscal year thereafter in which the state receives moneys
20 pursuant to the master settlement agreement, and in which money is due
21 to a lessor under a lease-purchase agreement authorized pursuant to
22 section 3 of House Bill 03-1256, ~~as enacted at the first regular session of~~
23 ~~the sixty-fourth general assembly,~~ IN 2003, the state treasurer shall
24 transfer to the capital construction fund and the state controller shall
25 transfer from the capital construction fund to the Fitzsimons trust fund,
26 ~~the lesser of the amount due to any lessor during the fiscal year or,~~ except
27 as otherwise provided in section 24-75-1104.5 (5), C.R.S., eight percent

1 of the total amount received by the state pursuant to the master settlement
2 agreement, other than attorney fees and costs, during the preceding fiscal
3 year. ~~except that the amount transferred pursuant to this subsection (3.5)~~
4 ~~in any fiscal year shall not exceed eight million dollars.~~

5 **SECTION 5.** In Colorado Revised Statutes, 24-22-115, **amend**
6 (1) and (2) (a) as follows:

7 **24-22-115. Tobacco litigation settlement cash fund - health**
8 **care supplemental appropriations and overexpenditures account -**
9 **creation.** (1) (a) There is hereby created in the state treasury the tobacco
10 litigation settlement cash fund. The cash fund ~~shall consist~~ CONSISTS of
11 all moneys transmitted to the state treasurer in accordance with the terms
12 of the master settlement agreement, the smokeless tobacco master
13 settlement agreement, and the consent decree approved and entered by the
14 court in the case denominated *State of Colorado, ex rel. Gale A. Norton,*
15 *Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co.,*
16 *Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.;*
17 *Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco*
18 *Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco*
19 *Research--U.S.A., Inc.; and Tobacco Institute, Inc.,* Case No. 97 CV
20 3432, in the district court for the city and county of Denver. ~~other than~~
21 ~~moneys credited to the tobacco litigation settlement trust fund pursuant~~
22 ~~to section 24-22-115.5.~~ Except as provided in subsection (2) of this
23 section, all interest derived from the deposit and investment of moneys in
24 the cash fund shall be credited to the cash fund; except that, beginning
25 with the fiscal year 2001-02, and each fiscal year thereafter, all interest
26 derived from the deposit and investment of moneys in the cash fund shall
27 be credited to the breast and cervical cancer prevention and treatment

1 fund created pursuant to section 25.5-5-308, C.R.S. Except as provided
2 in subsection (2) of this section, all moneys in the cash fund shall be
3 subject to appropriation by the general assembly for such purposes as may
4 be authorized by law in accordance with the terms of the settlement
5 agreements and the consent decree. Except as provided in subsection (2)
6 of this section, at the end of the 2004-05 and 2005-06 fiscal years, but
7 prior to the making of any transfer of moneys from the cash fund to the
8 general fund at the end of the fiscal year as required by this paragraph (a),
9 an amount needed, up to one million dollars, to pay the state's share of the
10 annual funding required by the "Home- and Community-based Services
11 for Children with Autism Act", part 8 of article 6 of title 25.5, C.R.S.,
12 shall be transferred from the cash fund to the Colorado autism treatment
13 fund created pursuant to section 25.5-6-805, C.R.S. Except as provided
14 in subsection (2) of this section, at the end of any fiscal year commencing
15 on or after July 1, 2004, but before July 1, 2006, all unexpended and
16 unencumbered moneys in the cash fund, all moneys in the cash fund not
17 appropriated for the following fiscal year, and all moneys in the cash fund
18 not required for transfers pursuant to section 24-75-1104.5 (1) in the
19 following fiscal year shall be transferred to the general fund.

20 (b) Except as provided in subsection (2) of this section, for the
21 2006-07 fiscal year and the 2007-08 fiscal year, an amount needed, up to
22 one million dollars, to pay the state's share of the annual funding required
23 by the "Home- and Community-based Services for Children with Autism
24 Act", part 8 of article 6 of title 25.5, C.R.S., shall be transferred from the
25 tobacco litigation settlement cash fund to the Colorado autism treatment
26 fund created pursuant to section 25.5-6-805, C.R.S. The amount to be
27 transferred shall be taken into account when determining the amount of

1 cash fund moneys available for allocation to tobacco settlement programs
2 pursuant to section 24-75-1104.5 (1.5) and shall be transferred at the end
3 of the 2006-07 fiscal year and at the end of the 2007-08 fiscal year. On
4 and after July 1, 2011, all unexpended and unencumbered moneys in the
5 cash fund shall remain in the fund until expended in order to reduce the
6 share of allocations made from current-year receipts of settlement moneys
7 as required by section 24-75-1104.5 (1.3).

8 (2) (a) There is hereby created in the state treasury, as an account
9 within the tobacco litigation settlement cash fund established pursuant to
10 subsection (1) of this section, the tobacco settlement defense account,
11 which shall be used by the department of law: To defend the state in
12 lawsuits arising out of challenges to or arising under the provisions of the
13 master settlement agreement, the smokeless tobacco master settlement
14 agreement, and the consent decree approved and entered by the court in
15 the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney*
16 *General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.;*
17 *Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard*
18 *Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
19 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
20 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the
21 city and county of Denver, or duly enacted Colorado laws related to the
22 tobacco litigation settlement, including, but without limitation, this
23 section, ~~sections 24-22-115.5 and~~ SECTION 24-22-116, and parts 2 and 3
24 of article 28 of title 39, C.R.S.; to defend the state against claims of
25 entitlement to tobacco litigation settlement moneys by any person, as
26 defined in section 2-4-401 (8), C.R.S.; to enforce and defend all rights
27 and obligations of the state under said settlement agreements, decree, or

1 laws; and to resolve any dispute with any participating manufacturer, as
2 defined in section 39-28-302 (6), C.R.S., or nonparticipating
3 manufacturer, as defined in section 39-28-302 (5), C.R.S., that arises
4 under the provisions of said settlement agreements, decree, or laws. The
5 tobacco settlement defense account may also be used by the department
6 of revenue to help administer, coordinate, and support the activities of the
7 department of revenue and the department of law, including the
8 investigation of and response to settlement agreement manufacture and
9 distribution reporting irregularities identified by the department of law.
10 Notwithstanding the provisions of subsection (1) of this section, ~~and~~
11 ~~section 24-22-115.5~~, the tobacco settlement defense account consists of
12 all tobacco litigation settlement moneys received by the attorney general
13 and transmitted to the state treasurer to compensate the state for attorney
14 fees, court costs, or other expenses incurred by the state in obtaining the
15 tobacco litigation settlement, all tobacco litigation settlement moneys
16 transferred to the account as required by ~~section 24-75-1104.5 (1) (a) and~~
17 ~~(1) (n)~~, SECTION 24-75-1104.5 (1.7) (i), and all interest derived from the
18 deposit and investment of moneys in the tobacco settlement defense
19 account. Any moneys received by the state treasurer to compensate the
20 state for attorney fees, court costs, or other expenses, including all interest
21 derived from the deposit and investment of such moneys after receipt by
22 the state treasurer, shall be transferred to the tobacco settlement defense
23 account for use in accordance with the provisions of this subsection (2).

24 **SECTION 6.** In Colorado Revised Statutes, 24-22-115.6, **amend**
25 (1) as follows:

26 **24-22-115.6. Miscellaneous tobacco litigation settlement**
27 **moneys.** (1) Notwithstanding the provisions of ~~sections 24-22-115 and~~

1 ~~24-22-115.5~~ SECTION 24-22-115, any tobacco litigation settlement moneys
2 received by the state shall be ARE subject to appropriation by the general
3 assembly if the purpose for which such THE moneys may be expended is
4 not specified or approved by a court or other non-Colorado authority.

5 SECTION 7. In Colorado Revised Statutes, 24-22-116, amend
6 (1) (i), (2) (a) (I), and (2) (b) as follows:

7 24-22-116. Legislative declaration - exclusion of tobacco
8 litigation settlement moneys from fiscal year spending. (1) The
9 general assembly hereby finds and declares that:

10 (i) All of the moneys received by the state in accordance with the
11 terms of the master settlement agreement, the smokeless tobacco master
12 settlement agreement, and the consent decree entered by the court in the
13 case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney*
14 *General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.;*
15 *Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard*
16 *Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
17 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
18 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the
19 city and county of Denver, and credited to the tobacco litigation
20 settlement cash fund created in section 24-22-115 (1), including moneys
21 transferred to the tobacco settlement defense account created in said cash
22 fund pursuant to section 24-22-115 (2), ~~or the tobacco litigation~~
23 ~~settlement trust fund created in section 24-22-115.5~~ are in settlement of
24 the state of Colorado's antitrust, consumer protection, public nuisance,
25 racketeering, and other statutory claims for relief against defendants in
26 said action;

27 (2) (a) (I) For purposes of section 20 of article X of the state

1 constitution and article 77 of this title, any moneys credited to the tobacco
2 litigation settlement cash fund in accordance with section 24-22-115 (1),
3 including moneys transferred to the tobacco settlement defense account
4 created in said cash fund pursuant to section 24-22-115 (2), ~~or the tobacco~~
5 ~~litigation settlement trust fund in accordance with section 24-22-115.5~~ are
6 damage awards, as defined in section 24-77-102 (2), or interest accruing
7 on such damage awards. Any moneys credited to or expended from the
8 tobacco litigation settlement cash fund, including the tobacco settlement
9 defense account, ~~or the tobacco litigation settlement trust fund~~, are not
10 included in state fiscal year spending, as defined in section 24-77-102
11 (17), for any state fiscal year.

12 (b) For purposes of section 20 of article X of the state constitution
13 and article 77 of this title, any moneys expended from the tobacco
14 litigation settlement cash fund created in section 24-22-115 (1), including
15 the tobacco settlement defense account created in said cash fund pursuant
16 to section 24-22-115 (2), ~~or the tobacco litigation settlement trust fund~~
17 ~~created in section 24-22-115.5~~ and received by any local government are
18 damage awards or interest accruing on such damage awards and are not
19 included in the fiscal year spending of the receiving local government for
20 any budget year.

21 **SECTION 8.** In Colorado Revised Statutes, 24-31-108, **amend**
22 (4) (b) introductory portion and (4) (b) (I); and **repeal** (4) (b) (II) as
23 follows:

24 **24-31-108. Receipt of moneys - subject to appropriation -**
25 **exception for custodial moneys - legal services cash fund - creation -**
26 **definition.** (4) (b) Notwithstanding the provisions of paragraph (a) of
27 this subsection (4), custodial moneys ~~shall~~ DO not include the following:

1 (I) Moneys in the tobacco litigation settlement cash fund created
2 in section 24-22-115; OR

3 (II) ~~Moneys in the tobacco litigation settlement trust fund created~~
4 ~~in section 24-22-115.5; and~~

5 **SECTION 9.** In Colorado Revised Statutes, 24-50-609, **amend**
6 (5) as follows:

7 **24-50-609. State contributions - supplemental state**
8 **contribution fund - creation.** (5) The supplemental state contribution
9 fund is hereby created in the state treasury. The principal of the fund ~~shall~~
10 ~~consist~~ CONSISTS of tobacco litigation settlement moneys transferred by
11 the state treasurer to the fund pursuant to ~~section 24-75-1104.5 (1.5) (a)~~
12 ~~(VI)~~ SECTION 24-75-1104.5 (1.7) (j). The principal of the fund is hereby
13 continuously appropriated to the department of personnel and shall be
14 expended in its entirety in each fiscal year by the department to pay the
15 costs of increased nonsupplemental state contributions, as defined in
16 section 24-50-609.5 (3) (c) (II), and supplement the state contribution, as
17 defined in section 24-50-609.5 (2) (d), for each eligible state employee,
18 as defined in section 24-50-609.5 (2) (a), enrolled in a qualifying group
19 benefit plan, as defined in section 24-50-609.5 (2) (c), as required by
20 section 24-50-609.5; except that the department shall expend no more
21 than the amount needed to pay the costs of increased nonsupplemental
22 state contributions and reduce the employee contribution, as defined in
23 section 24-50-609.5 (2) (b), of each eligible state employee for all
24 qualifying group benefit plans to zero. The principal of the fund ~~shall~~
25 ~~remain~~ REMAINS in the fund until expended and shall not be transferred
26 to the general fund or any other fund. Interest and income earned on the
27 deposit and investment of moneys in the fund shall be credited to the

1 fund, shall not be transferred to the general fund or to any other fund, and
2 shall be used by the department, subject to annual appropriation, solely
3 to pay the costs of the department related to the supplementation of the
4 state contribution for each eligible state employee required by section
5 24-50-609.5.

6 **SECTION 10.** In Colorado Revised Statutes, 24-75-111, **amend**
7 (1) (b) as follows:

8 **24-75-111. Additional authority for controller to allow**
9 **expenditures in excess of appropriations - limitations -**
10 **appropriations for subsequent fiscal year restricted.** (1) For fiscal
11 years commencing on or after July 1, 1997, in addition to any
12 overexpenditure allowed pursuant to section 24-75-109, the controller
13 may allow any department, institution, or agency of the state, including
14 any institution of higher education, to make an expenditure in excess of
15 the amount authorized by an item of appropriation for such fiscal year if:

16 (b) ~~(F)~~ The overexpenditure is necessary due to unforeseen
17 circumstances arising while the general assembly is not meeting in regular
18 or special session during which such overexpenditure can be legislatively
19 addressed; ~~or~~ AND

20 ~~(H) The overexpenditure is made from the health care~~
21 ~~supplemental appropriations and overexpenditures account as authorized~~
22 ~~in section 24-22-115 (4); and~~

23 **SECTION 11.** In Colorado Revised Statutes, 24-75-201.5,
24 **amend** (1) (a) as follows:

25 **24-75-201.5. Revenue shortfalls - required actions by the**
26 **governor with respect to the reserve.** (1) (a) ~~Except as provided in~~
27 ~~paragraphs (c) and (d) of this subsection (1);~~ Whenever the revenue

1 estimate for the current fiscal year, prepared in accordance with section
2 24-75-201.3 (2), indicates that general fund expenditures for such fiscal
3 year based on appropriations then in effect will result in the use of
4 one-half or more of the reserve required by section 24-75-201.1 (1) (d),
5 the governor shall formulate a plan for reducing such general fund
6 expenditures so that said reserve, as of the close of the fiscal year, will be
7 at least one-half of the amount required by said section 24-75-201.1 (1)
8 (d). The governor shall promptly notify the general assembly of ~~such~~ THE
9 plan. ~~Such~~ THE plan shall be promptly implemented by the governor,
10 using the procedures set forth in section 24-2-102 (4) or 24-50-109.5 or
11 any other lawful means.

12

==

13 **SECTION 12.** In Colorado Revised Statutes, 25-1-512, **amend**
14 (2) as follows:

15 **25-1-512. Allocation of moneys - public health services support**
16 **fund - created - repeal.** (2) (a) The public health services support fund
17 is hereby created in the state treasury and shall be known in this section
18 as the "fund". The principal of the fund consists of tobacco litigation
19 settlement moneys transferred by the state treasurer to the fund pursuant
20 to section 24-75-1104.5 (1.5) (a) (IV), C.R.S., and shall, subject to annual
21 appropriation by the general assembly to the state department, be
22 allocated by the state department to all agencies authorized pursuant to
23 this part 5 as specified in subsection (1) of this section. ~~The lesser of All~~
24 ~~unexpended and unencumbered moneys in the fund at the end of any~~ THE
25 ~~2015-16 fiscal year or an amount of such moneys equal to five percent of~~
26 ~~the amount appropriated from the fund for the fiscal year remain in the~~
27 ~~fund and shall not be transferred to the general fund or any other fund.~~

1 ~~Any additional unexpended and unencumbered moneys in the fund at the~~
2 ~~end of any fiscal year~~ shall be transferred to the tobacco litigation
3 settlement cash fund created in section 24-22-115, C.R.S.

4 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2016.

5 **SECTION 13.** In Colorado Revised Statutes, 25-1.5-506, **amend**
6 (1) (c) as follows:

7 **25-1.5-506. Colorado health service corps fund - created -**
8 **acceptance of grants and donations.** (1) The Colorado health service
9 corps fund is hereby created in the state treasury, which fund consists of:

10 (c) For ~~the 2011-12~~ THE 2016-17 fiscal year and each fiscal year
11 thereafter, ~~two hundred fifty thousand dollars~~ TOBACCO LITIGATION
12 SETTLEMENT MONEYS transferred TO THE FUND BY THE STATE TREASURER
13 pursuant to ~~section 24-75-1104.5 (1.5) (a) (XI)~~ SECTION 24-75-1104.5
14 (1.7) (n), C.R.S.

15 **SECTION 14.** In Colorado Revised Statutes, 25-4-1411, **amend**
16 (6) (a) as follows:

17 **25-4-1411. Drug assistance program - program fund - created**
18 **- legislative declaration - no entitlement created.** (6) (a) The drug
19 assistance program fund is created in the state treasury. The principal of
20 the fund consists of tobacco litigation settlement moneys transferred by
21 the state treasurer to the fund pursuant to ~~section 24-75-1104.5 (1) (j)~~
22 SECTION 24-75-1104.5 (1.7) (f), C.R.S. Subject to annual appropriation by
23 the general assembly, the department of public health and environment
24 may expend moneys from the fund for the state program. Any
25 unexpended or unencumbered money remaining in the fund at the end of
26 any fiscal year commencing on or after July 1, 2014, remains in the fund
27 and shall not be credited or transferred to the general fund or any other

1 fund.

2 **SECTION 15.** In Colorado Revised Statutes, 25-4-1415, **amend**
3 (2) as follows:

4 **25-4-1415. Cash fund - administration - limitation.**

5 (2) Pursuant to ~~section 24-75-1104.5(1)(m)~~ SECTION 24-75-1104.5(1.7)
6 (g), C.R.S., and except as otherwise provided in section 24-75-1104.5(5),
7 C.R.S., ~~beginning in the 2006-07~~ FOR THE 2016-17 fiscal year and ~~in~~ FOR
8 each fiscal year thereafter so long as the state receives moneys pursuant
9 to the master settlement agreement, the state treasurer shall annually
10 transfer to the fund ~~two~~ THREE AND ONE-HALF percent ~~not to exceed two~~
11 ~~million dollars in any fiscal year~~, of the total amount of the moneys
12 received by the state pursuant to the master settlement agreement, not
13 including attorney fees and costs, during the preceding fiscal year. The
14 state treasurer shall transfer the amount specified in this subsection (2)
15 from moneys credited to the tobacco litigation settlement cash fund
16 created in section 24-22-115, C.R.S.

17 **SECTION 16.** In Colorado Revised Statutes, **amend** 25-4-2301
18 as follows:

19 **25-4-2301. Colorado immunization fund - supplemental**
20 **tobacco litigation settlement moneys account - creation.** There are
21 hereby created in the state treasury the Colorado immunization fund and
22 an account within the fund to be known as the supplemental tobacco
23 litigation settlement moneys account. The principal of the portion of the
24 fund that is not the account consists of general fund appropriations made
25 by the general assembly to the fund and gifts, grants, or awards received
26 by the department of public health and environment from the federal
27 government or private sources for the fund. The principal of the account

1 consists of tobacco litigation settlement moneys transferred by the state
2 treasurer to the account in accordance with ~~section 24-75-1104.5 (1.5) (a)~~
3 ~~(VII)~~ SECTION 24-75-1104.5 (1.7) (h), C.R.S. All interest and income
4 earned on the deposit and investment of moneys in the portion of the fund
5 that is not the account shall be credited to that portion of the fund. All
6 interest and income earned on the deposit and investment of moneys in
7 the account shall be credited to and remain in the account until transferred
8 as required by this section. Except as otherwise provided in this section,
9 and subject to annual appropriation by the general assembly to the
10 department, the department shall expend the principal of the fund and the
11 account only for the purpose of immunization and immunization
12 strategies; except that, at the end of the 2007-08 fiscal year and at the end
13 of any fiscal year thereafter, any unexpended and unencumbered moneys
14 in the portion of the fund that is not the account shall remain in that
15 portion of the fund and may be used by the department through the state
16 immunization program to support infant, child, and adolescent
17 vaccination. ~~and, at the end of the 2011-12 fiscal year only, any~~
18 ~~unexpended and unencumbered moneys in the account shall be~~
19 ~~transferred to the general fund, in accordance with section 24-75-1104.5~~
20 ~~(1.5) (b), C.R.S. The lesser of All unexpended and unencumbered moneys~~
21 ~~in the account at the end of any fiscal year other than the 2011-12 fiscal~~
22 ~~year or an amount of such moneys equal to five percent of the amount~~
23 ~~appropriated from the account for the fiscal year remain in the _____~~
24 account and shall not be transferred to the general fund or any other fund.
25 Any additional unexpended and unencumbered moneys in the account at
26 the end of any fiscal year shall be transferred to the tobacco litigation
27 settlement cash fund created in section 24-22-115, C.R.S.

1 **SECTION 17.** In Colorado Revised Statutes, 25-23-104, **amend**
2 (2) as follows:

3 **25-23-104. Dental loan repayment fund - acceptance of grants**
4 **and donations.** (2) Pursuant to ~~section 24-75-1104.5 (1) (d) C.R.S.,~~
5 ~~beginning in fiscal year 2006-07~~ SECTION 24-75-1104.5(1.7) (m), C.R.S.,
6 FOR FISCAL YEAR 2016-17 and for each fiscal year thereafter so long as
7 the state receives moneys pursuant to the master settlement agreement,
8 the state treasurer shall transfer to the state dental loan repayment fund
9 ~~two hundred thousand dollars from~~ ONE PERCENT OF the moneys received
10 by the state pursuant to the master settlement agreement for the preceding
11 fiscal year. The state treasurer shall transfer the amount specified in this
12 subsection (2) from moneys credited to the tobacco litigation settlement
13 cash fund created in section 24-22-115, C.R.S. Moneys in the fund ~~shall~~
14 ~~be~~ ARE subject to annual appropriation by the general assembly for the
15 purposes of this article. The amount appropriated pursuant to this
16 subsection (2) ~~shall be~~ IS in addition to and not in replacement of any
17 general fund moneys appropriated to the state dental loan repayment fund.

18 **SECTION 18.** In Colorado Revised Statutes, **add** 25.5-5-418 as
19 follows:

20 **25.5-5-418. Primary care provider sustainability fund -**
21 **creation - use of fund.** THE PRIMARY CARE PROVIDER SUSTAINABILITY
22 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS
23 OF MONEY TRANSFERRED TO THE FUND FROM THE CHILDREN'S BASIC
24 HEALTH PLAN TRUST CREATED IN SECTION 25.5-8-105 (1) PURSUANT TO
25 SECTION 25.5-8-105 (8) (b) AND ANY OTHER MONEY THAT THE GENERAL
26 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE
27 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE

1 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY
2 UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND AT THE END OF
3 ANY FISCAL YEAR REMAINS IN THE FUND AND SHALL NOT BE CREDITED OR
4 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. SUBJECT TO
5 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE STATE
6 DEPARTMENT MAY EXPEND MONEY FROM THE FUND [REDACTED] [REDACTED] FOR THE
7 PURPOSE OF INCREASING ACCESS TO PRIMARY CARE THROUGH RATE
8 ENHANCEMENTS FOR PRIMARY CARE OFFICE VISITS, PREVENTATIVE
9 MEDICINE VISITS, COUNSELING AND HEALTH RISK ASSESSMENTS,
10 IMMUNIZATION ADMINISTRATION, HEALTH SCREENING SERVICES, AND
11 NEWBORN CARE, INCLUDING NEONATAL CRITICAL CARE. MONEY
12 EXPENDED FROM THE FUND FOR THE PURPOSES OF INCREASING ACCESS TO
13 PRIMARY CARE THROUGH RATE ENHANCEMENTS SUPPLEMENTS AND DOES
14 NOT SUPPLANT GENERAL FUND APPROPRIATIONS FOR THAT PURPOSE.

15 **SECTION 19.** In Colorado Revised Statutes, **amend 25.5-6-805**
16 as follows:

17 **25.5-6-805. Colorado autism treatment fund.** (1) The Colorado
18 autism treatment fund is hereby created and established in the state
19 treasury for the purpose of paying for services provided to eligible
20 children, ~~and for~~ EARLY AND PERIODIC SCREENING DIAGNOSIS AND
21 TREATMENT SERVICES REQUIRED BY SECTION 25.5-5-102 (1) (g), AND
22 participant and program evaluations pursuant to this part 8. ~~Such~~ THE
23 fund ~~shall be~~ IS comprised of tobacco settlement moneys allocated to ~~such~~
24 THE fund. Moneys in the fund ~~shall be~~ ARE subject to annual
25 appropriation by the general assembly for the purposes of this part 8. At
26 the end of any fiscal year, all unexpended and unencumbered moneys in
27 the fund shall remain therein and shall not be credited or transferred to the

1 general fund or any other fund. Any moneys in the fund not expended for
2 the purpose of this part 8 may be invested by the state treasurer as
3 provided by law. All interest and income derived from the investment and
4 deposit of moneys in the fund shall be credited to the fund.

5 (2) Pursuant to ~~section 24-75-1104.5 (1) (l), C.R.S., beginning in~~
6 ~~the 2008-09~~ SECTION 24-75-1104.5 (1.7) (k), C.R.S., FOR THE 2016-17
7 fiscal year and ~~in~~ FOR each fiscal year thereafter so long as the state
8 receives moneys pursuant to the master settlement agreement, the state
9 treasurer shall annually transfer to the fund ~~the amount of moneys to be~~
10 ~~received by the fund pursuant to section 24-75-1104.5 (1) (l), C.R.S.~~ TWO
11 PERCENT OF THE MONEYS RECEIVED BY THE STATE PURSUANT TO THE
12 MASTER SETTLEMENT AGREEMENT FOR THE PRECEDING FISCAL YEAR. The
13 state treasurer shall transfer the amount specified in this subsection (2)
14 from moneys credited to the tobacco litigation settlement cash fund
15 created in section 24-22-115, C.R.S.

16 **SECTION 20.** In Colorado Revised Statutes, 25.5-8-105, **amend**
17 (3) (a) and (8) as follows:

18 **25.5-8-105. Trust - created.** (3) (a) Pursuant to ~~section~~
19 ~~24-75-1104.5 (1) (c)~~ SECTION 24-75-1104.5 (1.7) (b), C.R.S., and except
20 as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning in
21 ~~the 2006-07~~ THE 2016-17 fiscal year and in each fiscal year thereafter so
22 long as the state receives moneys pursuant to the master settlement
23 agreement, the state treasurer shall transfer to the trust ~~twenty-four~~
24 EIGHTEEN percent of the total amount of the moneys annually received by
25 the state pursuant to the master settlement agreement, not including
26 attorney fees and costs, during the preceding fiscal year. ~~except that the~~
27 ~~amount so transferred to the trust shall not exceed thirty million dollars~~

1 in any fiscal year. Except as otherwise provided in sections 24-22-115.5
2 (2) (a.7) and 24-75-1104.5 (1) (c), C.R.S., The state treasurer shall
3 transfer the amount specified in this subsection (3) from moneys credited
4 to the tobacco litigation settlement cash fund created in section
5 24-22-115, C.R.S. The amount transferred pursuant to this subsection (3)
6 shall be IS in addition to and not in replacement of any general fund
7 moneys appropriated to the trust.

8 (8) (a) Beginning in the 2011-2012 fiscal year and for each fiscal
9 year thereafter, moneys in the trust may be used for costs associated with
10 children enrolled in the medical assistance program, articles 4, 5, and 6
11 of this title, whose family income is more than one hundred percent but
12 does not exceed one hundred thirty-three percent of the federal poverty
13 line and who would have been eligible for enrollment in the children's
14 basic health plan prior to September 1, 2011.

15 (b) ON JULY 1, 2016, THE STATE TREASURER SHALL TRANSFER
16 TWENTY MILLION DOLLARS FROM THE CHILDREN'S BASIC HEALTH PLAN
17 TRUST TO THE PRIMARY CARE PROVIDER SUSTAINABILITY FUND CREATED
18 IN SECTION 25.5-5-418.

19 **SECTION 21.** In Colorado Revised Statutes, 26-6.4-107, **amend**
20 (2) (b) and (2) (d) (I) as follows:

21 **26-6.4-107. Selection of entities to administer the program -**
22 **grants - nurse home visitor program fund - created. (2) (b) Grants**
23 **awarded pursuant to paragraph (a) of this subsection (2) are payable from**
24 **the nurse home visitor program fund, which fund is hereby created in the**
25 **state treasury. The nurse home visitor program fund, referred to in this**
26 **section as the "fund", is administered by the state department and consists**
27 **of moneys transferred thereto by the state treasurer from moneys received**

1 pursuant to the master settlement agreement in the amount described in
2 paragraph (d) of this subsection (2). In addition, the state treasurer shall
3 credit to the fund any public or private gifts, grants, or donations received
4 by the state department to implement the program, including any moneys
5 received from the United States federal government for the program. The
6 fund is subject to annual appropriation by the general assembly to the
7 state department for grants to entities for operation of the program. The
8 state department may retain a total of up to five percent of the amount
9 annually appropriated from the fund for the program, in order to
10 compensate the health sciences facility pursuant to section 26-6.4-105 (3),
11 as set forth in the scope of work in the agreement between the state
12 department and the health sciences facility, and to compensate the state
13 department for the actual costs the state department incurs in
14 implementing the provisions of paragraph (a.5) of this subsection (2), as
15 determined by the state department; except that the portion of the costs to
16 compensate the state department for implementing the provisions of
17 paragraph (a.5) of this subsection (2) shall not exceed two percent of the
18 amount annually appropriated from the fund for the program, and the
19 portion of such costs to compensate the health sciences facility under
20 section 26-6.4-105 (3), as set forth in the scope of work in the contract
21 between the state department and the health sciences facility, shall not
22 exceed three percent of the amount annually appropriated from the fund
23 for the program. In addition, if the total amount annually appropriated
24 from the fund for the program exceeds nineteen million dollars, the state
25 department and the health sciences facility shall assess whether a smaller
26 percentage of the appropriated funds exceeding nineteen million dollars
27 is adequate to cover their actual costs and shall jointly submit to the

1 general assembly a report articulating their conclusions on this subject.
2 The actual costs of the state department include state department
3 personnel and operating costs and any necessary transfers to the
4 department of health care policy and financing for administrative costs
5 incurred for the medicaid program associated with the program. The
6 actual costs of the health sciences facility include the facility's own actual
7 program costs and those of its contractors and subcontractors. Any costs
8 for time studies required to obtain medicaid reimbursement for the
9 program may be paid from program funds and are not subject to the five
10 percent limit in this section. Notwithstanding section 24-36-114, C.R.S.,
11 all interest derived from the deposit and investment of moneys in the fund
12 shall be credited to the fund. ~~The lesser of All unexpended and~~
13 ~~unencumbered moneys in the fund at the end of any fiscal year or an~~
14 ~~amount of such moneys equal to five percent of the amount appropriated~~
15 ~~from the fund for the fiscal year remain in the fund and shall not be~~
16 ~~transferred to the general fund or any other fund. Any additional~~
17 ~~unexpended and unencumbered moneys in the fund at the end of any~~
18 ~~fiscal year shall be transferred to the tobacco litigation settlement cash~~
19 ~~fund created in section 24-22-115, C.R.S.~~

20 (d) (I) Pursuant to section 24-75-1104.5 (1) (a) SECTION
21 24-75-1104.5 (1.7) (a), C.R.S., and except as otherwise provided in
22 section 24-75-1104.5 (5), C.R.S., beginning with the 2006-07 FOR THE
23 2016-17 fiscal year and for each fiscal year thereafter so long as the state
24 receives moneys pursuant to the master settlement agreement, the state
25 treasurer shall transfer to the fund the amounts specified in subparagraph
26 (H) of this paragraph (d) from TWENTY-SIX AND SEVEN-TENTHS OF the
27 master settlement agreement moneys received by the state, other than

1 attorney fees and costs, during the preceding fiscal year. ~~not to exceed~~
2 ~~nineteen million dollars in any fiscal year.~~ The transfer shall be from
3 moneys credited to the tobacco litigation settlement cash fund created in
4 section 24-22-115, C.R.S.

5 **SECTION 22.** In Colorado Revised Statutes, 26-6.8-102, **amend**
6 (2) (d) (I) as follows:

7 **26-6.8-102. Tony Grampsas youth services program - creation**
8 **- standards - applications.** (2) (d) (I) The youth services program fund
9 is created in the state treasury. The principal of the fund consists of
10 tobacco litigation settlement moneys transferred by the state treasurer to
11 the fund pursuant to ~~section 24-75-1104.5 (1) (i)~~ SECTION 24-75-1104.5
12 (1.7) (e), C.R.S. Subject to annual appropriation by the general assembly,
13 the state department may expend moneys from the fund for the Tony
14 Grampsas youth services program, including the compensation of youth
15 members of the Tony Grampsas youth services board, as described in
16 section 26-6.8-103 (1) (e) (II). ~~The lesser of~~ All unexpended and
17 unencumbered moneys in the fund at the end of any fiscal year ~~or an~~
18 ~~amount of such moneys equal to five percent of the amount appropriated~~
19 ~~from the fund for the fiscal year~~ remain in the fund and shall not be
20 transferred to the general fund or any other fund. ~~Any additional~~
21 ~~unexpended and unencumbered moneys in the fund at the end of any~~
22 ~~fiscal year shall be transferred to the tobacco litigation settlement cash~~
23 ~~fund created in section 24-22-115, C.R.S.~~

24 **SECTION 23.** In Colorado Revised Statutes, 27-66-104, **amend**
25 (4) (a) as follows:

26 **27-66-104. Types of services purchased - limitation on**
27 **payments - offender mental health services fund.** (4) (a) The offender

1 mental health services fund, referred to in this subsection (4) as the
2 "fund", is hereby created in the state treasury. ON AND AFTER JULY 1,
3 2016, the principal of the fund consists of ~~tobacco litigation settlement~~
4 ~~moneys transferred by the state treasurer to the fund in accordance with~~
5 ~~section 24-75-1104.5 (1.5) (a) (H), C.R.S.~~, ANY MONEY THAT THE
6 GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND for the purchase of
7 mental health services for juvenile and adult offenders who have mental
8 health problems and are involved in the criminal justice system. ~~The unit,~~
9 Subject to annual appropriation by the general assembly, THE UNIT shall
10 distribute the principal of the fund to the community mental health
11 centers. ~~The lesser of all ANY unexpended and unencumbered moneys in~~
12 ~~the fund at the end of any THE 2015-16 fiscal year or an amount of such~~
13 ~~moneys equal to five percent of the amount appropriated from the fund~~
14 ~~for the fiscal year remain in the fund and shall not be transferred to the~~
15 ~~general fund or any other fund. Any additional unexpended and~~
16 ~~unencumbered moneys in the fund at the end of any fiscal year shall be~~
17 transferred to the tobacco litigation settlement cash fund created in
18 section 24-22-115, C.R.S.

19 **SECTION 24.** In Colorado Revised Statutes, 27-67-106, **amend**
20 (2) (a) as follows:

21 **27-67-106. Funding - rules.** (2) (a) If neither the family's private
22 insurance nor federal medicaid funding cover all of the costs associated
23 with the services provided to a child at risk of out-of-home placement
24 pursuant to this article, then the family ~~shall be~~ IS responsible for paying
25 that portion that is not covered by private insurance or federal medicaid
26 funding on a sliding scale basis as set forth in subsection (3) of this
27 section. Any remaining portion of the services not covered by private

1 insurance, federal medicaid funding, or the family's share, shall be paid
2 for from ANY moneys appropriated BY THE GENERAL ASSEMBLY for such
3 THAT purpose. ~~pursuant to paragraph (b) of this subsection (2) or from~~
4 ~~general fund moneys, subject to available appropriations.~~

5 **SECTION 25.** In Colorado Revised Statutes, 28-5-709, **amend**
6 (1)(a) and (2) (a) as follows:

7 **28-5-709. Colorado state veterans trust fund - created - report.**

8 (1) (a) There is hereby created in the state treasury the Colorado state
9 veterans trust fund, ~~that shall consist~~ WHICH CONSISTS of the moneys
10 transferred thereto pursuant to subsection (2) of this section. In addition,
11 the state treasurer may credit to the trust fund any public or private gifts,
12 grants, or donations received prior to July 1, 2002, by the department of
13 human services or, on or after July 1, 2002, by the department of military
14 and veterans affairs for implementation of the purposes specified in this
15 subsection (1).

16 ==
17 (2) (a) Pursuant to ~~section 24-75-1104.5 (1) (g)~~ SECTION
18 24-75-1104.5 (1.7) (l), C.R.S., and except as otherwise provided in
19 section 24-75-1104.5 (5), C.R.S., beginning in ~~the 2006-07~~ THE 2016-17
20 fiscal year, and for each fiscal year thereafter so long as the state receives
21 moneys pursuant to the master settlement agreement, the state treasurer
22 shall annually transfer to the trust fund one percent of the total amount
23 received by the state pursuant to the provisions of the master settlement
24 agreement, other than attorney fees and costs, during the preceding fiscal
25 year. ~~except that the amount so transferred to the trust fund in any fiscal~~
26 ~~year shall not exceed one million dollars.~~ The state treasurer shall transfer
27 the amount specified in this subsection (2) from moneys credited to the

1 tobacco litigation settlement cash fund created in section 24-22-115,
2 C.R.S.

3 **SECTION 26.** In Colorado Revised Statutes, **repeal** 2-3-113 (7),
4 8-20.5-103 (2) (b), 22-7-1210 (1) (b) and (3), 23-20-136 (3) (b), part 2 of
5 article 20 of title 23, 24-22-115 (2) (c), (2) (d), (2) (e), (2) (f), and (4),
6 24-22-115.5, 24-36-113 (7), 24-75-201.1 (1) (d) (VII) and (1) (d) (VIII),
7 24-75-201.5 (1) (c), (1) (d), (1) (e), (1) (f), and (1) (g), 24-75-217,
8 24-75-1103 (4), 24-75-1104.5 (1), (1.5), (4), (5) (a) (II) (E), and (5) (b),
9 25-4-2504 (3) (b), 25-16-104.6 (1) (b), 25.5-8-105 (3) (b), 26-6.4-107 (2)
10 (d) (II), 27-66-104 (4) (b), 27-67-106 (2) (b), and 28-5-709 (3.5).

11 **SECTION 27. Appropriation - adjustments to 2016 long bill.**

12 (1) To implement this act, the cash funds appropriation from the early
13 literacy fund created in section 22-7-1210 (1), C.R.S., made in the annual
14 general appropriation act for the 2016-17 state fiscal year to the
15 department of education for the early literacy competitive grant program
16 is decreased by \$4,378,678.

17 (2) For the 2016-17 state fiscal year, \$4,378,678 is appropriated
18 to the department of education. This appropriation is from the marijuana
19 tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement
20 this act, the department may use this appropriation for the early literacy
21 competitive grant program.

22 **SECTION 28. Appropriation - adjustments to 2016 long bill.**

23 (1) To implement this act, appropriations made in the annual general
24 appropriation act for the 2016-17 state fiscal year to the department of
25 human services are adjusted as follows:

26 (a) The cash funds appropriation from the offender mental health
27 services fund created in section 27-66-104 (4) (a), C.R.S., for mental

1 health services for juvenile and adult offenders is decreased by
2 \$3,025,192.

3 (b) The cash funds appropriation from the tobacco litigation
4 settlement cash fund created in section 24-22-115 (1) (a), C.R.S., for
5 mental health treatment services for youth (H.B. 99-1116) is decreased by
6 \$300,000.

7 (c) The cash funds appropriation from the alcohol and drug abuse
8 community prevention and treatment fund created in section
9 24-75-1104.5 (1.5) (a) (VIII) (A), C.R.S., for community prevention and
10 treatment related to substance use treatment and prevention is decreased
11 by \$756,298.

12 (2) For the 2016-17 state fiscal year, \$4,081,490 is appropriated
13 to the department of human services. This appropriation is from the
14 marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To
15 implement this act, the division may use this appropriation as follows:

16 (a) \$3,025,192 for mental health services for juvenile and adult
17 offenders;

18 (b) \$300,000 for mental health treatment services for youth (H.B.
19 99-1116); and

20 (c) \$756,298 for community prevention and treatment related to
21 the substance use treatment and prevention.

22 **SECTION 29. Appropriation - adjustments to 2016 long bill.**

23 (1) To implement this act, the cash funds appropriation from the public
24 health services support fund created in section 25-1-512 (2), C.R.S., made
25 in the annual general appropriation act for the 2016-17 state fiscal year to
26 the department of public health and environment for distributions to local
27 public health agencies is decreased by \$1,767,584.

1 (2) For the 2016-17 state fiscal year, \$1,767,584 is appropriated
2 to the department of public health and environment. This appropriation
3 is from the marijuana tax cash fund created in section 39-28.8-501 (1),
4 C.R.S. To implement this act, the department may use this appropriation
5 for distributions to local public health agencies.

6 **SECTION 30. Appropriation - adjustments to 2016 long bill.**

7 (1) To implement this act, the cash funds appropriation from the
8 marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., made
9 in the annual general appropriation act for the 2016-17 state fiscal year to
10 the department of human services for the Tony Grampsas youth services
11 program is decreased by \$2,626,328.

12 (2) For the 2016-17 state fiscal year, \$2,626,328 is appropriated
13 to the department of human services for use by the division of child
14 welfare. This appropriation is from the youth services program fund
15 created in section 26-6.8-102 (2) (d), C.R.S. To implement this act, the
16 division may use this appropriation for the Tony Grampsas youth services
17 program.

18 **SECTION 31. Appropriation - adjustments to 2016 long bill.**

19 (1) To implement this act, the general fund appropriation made in the
20 annual general appropriation act for the 2016-17 state fiscal year to the
21 department of health care policy and financing for medical services
22 premiums. ■ is decreased by \$6,451,471.

23 (2) For the 2016-17 state fiscal year, \$6,451,471 is appropriated
24 to the department of health care policy and financing. This appropriation
25 is from the Colorado autism treatment fund created in section 25.5-6-805
26 (1), C.R.S. To implement this act, the department may use this
27 appropriation for medical services premiums. ■

1 **SECTION 32. Appropriation.** (1) For the 2016-17 state fiscal
2 year, \$2,972,504 is appropriated to the department of higher education for
3 use by the regents of the university of Colorado. This appropriation is
4 from the tobacco litigation settlement moneys health education fund
5 created in section 24-75-1104.5 (1.7) (c), C.R.S. To implement this act,
6 the regents may use this appropriation as follows:

7 (a) \$1,751,471 for a cancer program at the health sciences center;
8 and

9 (b) \$1,221,033 for other health sciences center programs.

10 **SECTION 33. Appropriation.** For the 2016-17 state fiscal year,
11 \$6,743,164 is appropriated to the department of human services for use
12 by the office of early childhood. This appropriation is from the nurse
13 home visitor program fund created in section 26-6.4-107 (2) (b), C.R.S.
14 To implement this act, the office may use this appropriation for the nurse
15 home visitor program.

16 **SECTION 34. Appropriation.** For the 2016-17 state fiscal year,
17 \$879,745 is appropriated to the department of personnel for use by the
18 division of human resources. This appropriation is from the supplemental
19 state contribution fund created in section 24-50-609 (5), C.R.S. To
20 implement this act, the division may use this appropriation for the H.B.
21 07-1335 supplemental state contribution fund.

22 **SECTION 35. Appropriation.** For the 2016-17 state fiscal year,
23 \$1,313,603 is appropriated to the department of public health and
24 environment for use by the disease control and environmental
25 epidemiology division. This appropriation is from the drug assistance
26 program fund created in section 25-4-1411 (6) (a), C.R.S. To implement
27 this act, the division may use this appropriation for Ryan White act

1 operating expenses.

2 **SECTION 36. Appropriation.** For the 2016-17 state fiscal year,
3 \$1,313,604 is appropriated to the department of public health and
4 environment for use by the disease control and environmental
5 epidemiology division. This appropriation is from the AIDS and HIV
6 prevention fund created in section 25-4-1415 (1), C.R.S. To implement
7 this act, the division may use this appropriation for sexually transmitted
8 infections, HIV, and AIDS operating expenses.

9 **SECTION 37. Appropriation.** For the 2016-17 state fiscal year,
10 \$1,180,942 is appropriated to the department of public health and
11 environment for use by the disease control and environmental
12 epidemiology division. This appropriation is from the supplemental
13 tobacco litigation settlement moneys account of the Colorado
14 immunization fund created in section 25-4-2301, C.R.S. To implement
15 this act, the division may use this appropriation for immunization
16 operating expenses.

17 **SECTION 38. Appropriation.** For the 2016-17 state fiscal year,
18 \$675,736 is appropriated to the department of public health and
19 environment for use by the prevention services division. This
20 appropriation is from the state dental loan repayment fund created in
21 section 25-23-104 (1), C.R.S. To implement this act, the division may use
22 this appropriation for oral health programs.

23 **SECTION 39. Appropriation.** For the 2016-17 state fiscal year,
24 \$625,736 is appropriated to the department of public health and
25 environment for use by the prevention services division. This
26 appropriation is from the Colorado health services corps fund created in
27 section 25-1.5-506 (1), C.R.S. To implement this act, the division may

1 use this appropriation for the primary care office.

2 **SECTION 40. Appropriation.** (1) For the 2016-17 state fiscal
3 year, \$20,556,859 is appropriated to the department of health care policy
4 and financing. This appropriation consists of \$20,000,000 from the
5 primary care provider sustainability fund created in section 25.5-5-418,
6 C.R.S., and \$556,859 from the hospital provider fee cash fund created in
7 section 25.5-4-402.3 (4) (a), C.R.S. To implement this act, the department
8 may use this appropriation for medical services premiums.

9 (2) For the 2016-17 state fiscal year, the general assembly
10 anticipates that the department of health care policy and financing will
11 receive \$35,137,377 in federal funds for medical services premiums. The
12 appropriation in subsection (1) of this section is based on the assumption
13 that the department will receive this amount of federal funds.

14 **SECTION 41. Effective date.** This act takes effect July 1, 2016;
15 except that section 25-1-512 (2), Colorado Revised Statutes, as amended
16 in section 12 of this act, and section 27-66-104 (4) (a), Colorado Revised
17 Statutes, as amended in section 23 of this act, take effect upon passage of
18 this act.

19 **SECTION 42. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.