

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.

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 ACCESS FUND ON JULY 1, 2016; AND MAKING AND
103 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. ALL MONEY IN THE FUND IS SUBJECT TO ANNUAL
21 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE HEALTH SCIENCES
22 CENTER, BUT THE HEALTH SCIENCES CENTER SHALL USE THE ADDITIONAL
23 AMOUNT OF SETTLEMENT MONEYS CREDITED TO THE FUND ONLY FOR
24 TOBACCO-RELATED IN-STATE CANCER RESEARCH AS AUTHORIZED IN
25 SECTION 24-75-1103 (7).

26 (d) THE FITZSIMONS TRUST FUND CREATED IN SECTION 23-20-136
27 (3), C.R.S., SHALL RECEIVE EIGHT PERCENT OF THE SETTLEMENT MONEYS.

1 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
2 SETTLEMENT MONEYS SHALL BE USED AS SPECIFIED IN SECTION 23-20-136
3 (5), C.R.S.

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

9 (f) THE DRUG ASSISTANCE PROGRAM CREATED IN SECTION
10 25-4-1411, C.R.S., SHALL RECEIVE FIVE PERCENT OF THE SETTLEMENT
11 MONEYS;

12 (g) THE AIDS AND HIV PREVENTION FUND CREATED IN SECTION
13 25-4-1415, C.R.S., SHALL RECEIVE THREE AND ONE-HALF PERCENT OF THE
14 SETTLEMENT MONEYS;

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

19 (i) THE TOBACCO SETTLEMENT DEFENSE ACCOUNT OF THE
20 TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION
21 24-22-115 (2) (a) SHALL RECEIVE TWO AND ONE-HALF PERCENT OF THE
22 SETTLEMENT MONEYS;

23 (j) THE SUPPLEMENTAL STATE CONTRIBUTION FUND CREATED IN
24 SECTION 24-50-609 (5) SHALL RECEIVE TWO AND THREE-TENTHS PERCENT
25 OF THE SETTLEMENT MONEYS, WHICH, SUBJECT TO ANNUAL
26 APPROPRIATION BY THE GENERAL ASSEMBLY, SHALL BE USED TO PAY THE
27 COSTS OF INCREASED NONSUPPLEMENTAL STATE CONTRIBUTIONS AND TO

1 PROVIDE SUPPLEMENTS TO THE STATE CONTRIBUTION FOR STATE
2 EMPLOYEE GROUP BENEFIT PLANS FOR EACH ELIGIBLE STATE EMPLOYEE AS
3 REQUIRED BY SECTION 24-50-609.5;

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

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

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

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

19 (2) The general assembly shall appropriate or the state treasurer
20 shall transfer, as provided by law, the amounts specified in ~~subsections~~
21 ~~(1) and (1.5)~~ SUBSECTION (1.7) of this section from moneys credited to the
22 tobacco litigation settlement cash fund created in section 24-22-115.
23 ~~Except for moneys credited to the health care supplemental appropriations~~
24 ~~and overexpenditures account of the cash fund pursuant to section~~
25 ~~24-22-115 (4) (a)~~, All settlement moneys other than settlement moneys
26 received and allocated by the state during the same fiscal year pursuant
27 to ~~subsections (1) and (1.5)~~ SUBSECTION (1.7) of this section shall be

1 credited to the specified funds or accounts on July 1 of the fiscal year for
2 which they are transferred, and all settlement moneys received and
3 allocated by the state during the same fiscal year pursuant to said
4 ~~subsections (1) and (1.5)~~ SUBSECTION (1.7) shall be credited to the
5 specified funds or accounts upon receipt by the state.

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

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

16 **2-3-113. Programs that receive tobacco settlement moneys -**
17 **program review.** (2) Beginning January 1, 2002, it is the duty of the
18 state auditor to conduct or cause to be conducted program reviews and
19 evaluations of the performance of each tobacco settlement program to
20 determine whether the program is effectively and efficiently meeting its
21 stated goals. ~~The entity conducting the reviews, in measuring the~~
22 ~~effectiveness of a program, shall apply, at a minimum, the evaluative~~
23 ~~research data received pursuant to the tobacco-related and~~
24 ~~tobacco-focused research grant program created pursuant to part 2 of~~
25 ~~article 20 of title 23, C.R.S.~~ The program reviews and evaluations shall
26 subject all tobacco settlement programs to audit, whether operated
27 directly by a state agency or by a private entity or by a local government

1 agency.

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

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

12 **SECTION 4.** In Colorado Revised Statutes, 23-20-136, **amend**
13 (3.5) (a) as follows:

14 **23-20-136. Fitzsimons trust fund - creation - legislative**
15 **declaration - repeal.** (3.5) (a) For the ~~2006-07~~ THE 2016-17 fiscal year
16 and for each fiscal year thereafter in which the state receives moneys
17 pursuant to the master settlement agreement, and in which money is due
18 to a lessor under a lease-purchase agreement authorized pursuant to
19 section 3 of House Bill 03-1256, ~~as enacted at the first regular session of~~
20 ~~the sixty-fourth general assembly,~~ IN 2003, the state treasurer shall
21 transfer to the capital construction fund and the state controller shall
22 transfer from the capital construction fund to the Fitzsimons trust fund,
23 ~~the lesser of the amount due to any lessor during the fiscal year or,~~ except
24 as otherwise provided in section 24-75-1104.5 (5), C.R.S., eight percent
25 of the total amount received by the state pursuant to the master settlement
26 agreement, other than attorney fees and costs, during the preceding fiscal
27 year. ~~except that the amount transferred pursuant to this subsection (3.5)~~

1 ~~in any fiscal year shall not exceed eight million dollars.~~

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

4 **24-22-115. Tobacco litigation settlement cash fund - health**
5 **care supplemental appropriations and overexpenditures account -**
6 **creation.** (1) (a) There is hereby created in the state treasury the tobacco
7 litigation settlement cash fund. The cash fund ~~shall consist~~ CONSISTS of
8 all moneys transmitted to the state treasurer in accordance with the terms
9 of the master settlement agreement, the smokeless tobacco master
10 settlement agreement, and the consent decree approved and entered by the
11 court in the case denominated *State of Colorado, ex rel. Gale A. Norton,*
12 *Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co.,*
13 *Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.;*
14 *Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco*
15 *Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco*
16 *Research--U.S.A., Inc.; and Tobacco Institute, Inc.,* Case No. 97 CV
17 3432, in the district court for the city and county of Denver. ~~other than~~
18 ~~moneys credited to the tobacco litigation settlement trust fund pursuant~~
19 ~~to section 24-22-115.5.~~ Except as provided in subsection (2) of this
20 section, all interest derived from the deposit and investment of moneys in
21 the cash fund shall be credited to the cash fund; except that, beginning
22 with the fiscal year 2001-02, and each fiscal year thereafter, all interest
23 derived from the deposit and investment of moneys in the cash fund shall
24 be credited to the breast and cervical cancer prevention and treatment
25 fund created pursuant to section 25.5-5-308, C.R.S. Except as provided
26 in subsection (2) of this section, all moneys in the cash fund shall be
27 subject to appropriation by the general assembly for such purposes as may

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

17 (b) Except as provided in subsection (2) of this section, for the
18 2006-07 fiscal year and the 2007-08 fiscal year, an amount needed, up to
19 one million dollars, to pay the state's share of the annual funding required
20 by the "Home- and Community-based Services for Children with Autism
21 Act", part 8 of article 6 of title 25.5, C.R.S., shall be transferred from the
22 tobacco litigation settlement cash fund to the Colorado autism treatment
23 fund created pursuant to section 25.5-6-805, C.R.S. The amount to be
24 transferred shall be taken into account when determining the amount of
25 cash fund moneys available for allocation to tobacco settlement programs
26 pursuant to section 24-75-1104.5 (1.5) and shall be transferred at the end
27 of the 2006-07 fiscal year and at the end of the 2007-08 fiscal year. On

1 and after July 1, 2011, all unexpended and unencumbered moneys in the
2 cash fund shall remain in the fund until expended in order to reduce the
3 share of allocations made from current-year receipts of settlement moneys
4 as required by section 24-75-1104.5 (1.3).

5 (2) (a) There is hereby created in the state treasury, as an account
6 within the tobacco litigation settlement cash fund established pursuant to
7 subsection (1) of this section, the tobacco settlement defense account,
8 which shall be used by the department of law: To defend the state in
9 lawsuits arising out of challenges to or arising under the provisions of the
10 master settlement agreement, the smokeless tobacco master settlement
11 agreement, and the consent decree approved and entered by the court in
12 the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney*
13 *General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.;*
14 *Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard*
15 *Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
16 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
17 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the
18 city and county of Denver, or duly enacted Colorado laws related to the
19 tobacco litigation settlement, including, but without limitation, this
20 section, ~~sections 24-22-115.5 and~~ SECTION 24-22-116, and parts 2 and 3
21 of article 28 of title 39, C.R.S.; to defend the state against claims of
22 entitlement to tobacco litigation settlement moneys by any person, as
23 defined in section 2-4-401 (8), C.R.S.; to enforce and defend all rights
24 and obligations of the state under said settlement agreements, decree, or
25 laws; and to resolve any dispute with any participating manufacturer, as
26 defined in section 39-28-302 (6), C.R.S., or nonparticipating
27 manufacturer, as defined in section 39-28-302 (5), C.R.S., that arises

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

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

23 **24-22-115.6. Miscellaneous tobacco litigation settlement**
24 **moneys.** (1) Notwithstanding the provisions of ~~sections 24-22-115 and~~
25 ~~24-22-115.5~~ SECTION 24-22-115, any tobacco litigation settlement moneys
26 received by the state ~~shall be~~ ARE subject to appropriation by the general
27 assembly if the purpose for which ~~such~~ THE moneys may be expended is

1 not specified or approved by a court or other non-Colorado authority.

2 **SECTION 7.** In Colorado Revised Statutes, 24-22-116, **amend**

3 (1) (i), (2) (a) (I), and (2) (b) as follows:

4 **24-22-116. Legislative declaration - exclusion of revenue in**
5 **tobacco litigation settlement funds from fiscal year spending.** (1) The
6 general assembly hereby finds and declares that:

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

24 (2) (a) (I) For purposes of section 20 of article X of the state
25 constitution and article 77 of this title, any moneys credited to the tobacco
26 litigation settlement cash fund in accordance with section 24-22-115 (1),
27 including moneys transferred to the tobacco settlement defense account

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

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

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

21 **24-31-108. Receipt of moneys - subject to appropriation -**
22 **exception for custodial moneys - legal services cash fund - creation -**
23 **definition.** (4) (b) Notwithstanding the provisions of paragraph (a) of
24 this subsection (4), custodial moneys ~~shall~~ DO not include the following:

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

27 (II) ~~Moneys in the tobacco litigation settlement trust fund created~~

1 in section ~~24-22-115.5~~; and

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

4 **24-50-609. State contributions - supplemental state**
5 **contribution fund - creation.** (5) The supplemental state contribution
6 fund is hereby created in the state treasury. The principal of the fund ~~shall~~
7 ~~consist~~ CONSISTS of tobacco litigation settlement moneys transferred by
8 the state treasurer to the fund pursuant to ~~section 24-75-1104.5 (1.5) (a)~~
9 ~~(VI)~~ SECTION 24-75-1104.5 (1.7) (j). The principal of the fund is hereby
10 continuously appropriated to the department of personnel and shall be
11 expended in its entirety in each fiscal year by the department to pay the
12 costs of increased nonsupplemental state contributions, as defined in
13 section 24-50-609.5 (3) (c) (II), and supplement the state contribution, as
14 defined in section 24-50-609.5 (2) (d), for each eligible state employee,
15 as defined in section 24-50-609.5 (2) (a), enrolled in a qualifying group
16 benefit plan, as defined in section 24-50-609.5 (2) (c), as required by
17 section 24-50-609.5; except that the department shall expend no more
18 than the amount needed to pay the costs of increased nonsupplemental
19 state contributions and reduce the employee contribution, as defined in
20 section 24-50-609.5 (2) (b), of each eligible state employee for all
21 qualifying group benefit plans to zero. The principal of the fund ~~shall~~
22 ~~remain~~ REMAINS in the fund until expended and shall not be transferred
23 to the general fund or any other fund. Interest and income earned on the
24 deposit and investment of moneys in the fund shall be credited to the
25 fund, shall not be transferred to the general fund or to any other fund, and
26 shall be used by the department, subject to annual appropriation, solely
27 to pay the costs of the department related to the supplementation of the

1 state contribution for each eligible state employee required by section
2 24-50-609.5.

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

5 **24-75-111. Additional authority for controller to allow**
6 **expenditures in excess of appropriations - limitations -**
7 **appropriations for subsequent fiscal year restricted.** (1) For fiscal
8 years commencing on or after July 1, 1997, in addition to any
9 overexpenditure allowed pursuant to section 24-75-109, the controller
10 may allow any department, institution, or agency of the state, including
11 any institution of higher education, to make an expenditure in excess of
12 the amount authorized by an item of appropriation for such fiscal year if:

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

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

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

22 **24-75-201.5. Revenue shortfalls - required actions by the**
23 **governor with respect to the reserve.** (1) (a) ~~Except as provided in~~
24 ~~paragraphs (c) and (d) of this subsection (1);~~ Whenever the revenue
25 estimate for the current fiscal year, prepared in accordance with section
26 24-75-201.3 (2), indicates that general fund expenditures for such fiscal
27 year based on appropriations then in effect will result in the use of

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

9 **SECTION 12.** In Colorado Revised Statutes, 24-75-402, **add** (5)
10 (jj) as follows:

11 **24-75-402. Cash funds - limit on uncommitted reserves -**
12 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
13 any provision of this section to the contrary, the following cash funds are
14 excluded from the limitations specified in this section:

15 (jj) THE PRIMARY CARE ACCESS FUND CREATED IN SECTION
16 25.5-5-418, C.R.S.

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

19 **25-1-512. Allocation of moneys - public health services support**
20 **fund - created - repeal.** (2) (a) The public health services support fund
21 is hereby created in the state treasury and shall be known in this section
22 as the "fund". The principal of the fund consists of tobacco litigation
23 settlement moneys transferred by the state treasurer to the fund pursuant
24 to section 24-75-1104.5 (1.5) (a) (IV), C.R.S., and shall, subject to annual
25 appropriation by the general assembly to the state department, be
26 allocated by the state department to all agencies authorized pursuant to
27 this part 5 as specified in subsection (1) of this section. ~~The lesser of All~~

1 unexpended and unencumbered moneys in the fund at the end of ~~any~~ THE
2 2015-16 fiscal year ~~or an amount of such moneys equal to five percent of~~
3 ~~the amount appropriated from the fund for the fiscal year remain in the~~
4 ~~fund and shall not be transferred to the general fund or any other fund.~~
5 Any additional unexpended and unencumbered moneys in the fund at the
6 end of any fiscal year shall be transferred to the tobacco litigation
7 settlement cash fund created in section 24-22-115, C.R.S.

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

9 **SECTION 14.** In Colorado Revised Statutes, 25-1.5-506, **amend**
10 (1) (c) as follows:

11 **25-1.5-506. Colorado health service corps fund - created -**
12 **acceptance of grants and donations.** (1) The Colorado health service
13 corps fund is hereby created in the state treasury, which fund consists of:

14 (c) For ~~the 2011-12~~ THE 2016-17 fiscal year and each fiscal year
15 thereafter, ~~two hundred fifty thousand dollars~~ TOBACCO LITIGATION
16 SETTLEMENT MONEYS transferred TO THE FUND BY THE STATE TREASURER
17 pursuant to ~~section 24-75-1104.5 (1.5) (a) (XI)~~ SECTION 24-75-1104.5
18 (1.7) (n), C.R.S.

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

21 **25-4-1411. Drug assistance program - program fund - created**
22 **- legislative declaration - no entitlement created.** (6) (a) The drug
23 assistance program fund is created in the state treasury. The principal of
24 the fund consists of tobacco litigation settlement moneys transferred by
25 the state treasurer to the fund pursuant to ~~section 24-75-1104.5 (1) (j)~~
26 SECTION 24-75-1104.5 (1.7) (f), C.R.S. Subject to annual appropriation by
27 the general assembly, the department of public health and environment

1 may expend moneys from the fund for the state program. ~~Any~~
2 ~~unexpended or unencumbered money remaining in the fund at the end of~~
3 ~~any fiscal year commencing on or after July 1, 2014, remains in the fund~~
4 ~~and shall not be credited or transferred to the general fund or any other~~
5 ~~fund.~~

6 **SECTION 16.** In Colorado Revised Statutes, 25-4-1415, **amend**
7 (2) as follows:

8 **25-4-1415. Cash fund - administration - limitation.**

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

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

23 **25-4-2301. Colorado immunization fund - supplemental**
24 **tobacco litigation settlement moneys account - creation.** There are
25 hereby created in the state treasury the Colorado immunization fund and
26 an account within the fund to be known as the supplemental tobacco
27 litigation settlement moneys account. The principal of the portion of the

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

1 and shall not be transferred to the general fund or any other fund. Any
2 additional unexpended and unencumbered moneys in the account at the
3 end of any fiscal year shall be transferred to the tobacco litigation
4 settlement cash fund created in section 24-22-115, C.R.S.

5 **SECTION 18.** In Colorado Revised Statutes, 25-23-104, **amend**
6 (2) as follows:

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

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

24 **25.5-5-418. Primary care access fund - creation - use of fund.**
25 THE PRIMARY CARE ACCESS FUND IS HEREBY CREATED IN THE STATE
26 TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND
27 FROM THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN SECTION

1 25.5-8-105 (1) PURSUANT TO SECTION 25.5-8-105 (8) (b) AND ANY OTHER
2 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
3 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
4 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
5 FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE
6 GENERAL ASSEMBLY, THE STATE DEPARTMENT MAY EXPEND MONEY FROM
7 THE FUND FOR THE PURPOSE OF INCREASING ACCESS TO PRIMARY
8 CARE THROUGH RATE ENHANCEMENTS FOR PRIMARY CARE OFFICE VISITS,
9 PREVENTATIVE MEDICINE VISITS, IMMUNIZATION ADMINISTRATION,
10 HEALTH SCREENING SERVICES, AND NEWBORN CARE, INCLUDING
11 NEONATAL CRITICAL CARE. MONEY EXPENDED FROM THE FUND FOR THE
12 PURPOSES OF INCREASING ACCESS TO PRIMARY CARE THROUGH RATE
13 ENHANCEMENTS SUPPLEMENTS AND DOES NOT SUPPLANT GENERAL FUND
14 APPROPRIATIONS FOR THAT PURPOSE.

15 **SECTION 20.** 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~~ REMAIN IN THE FUND. Any moneys in the
2 fund not expended for the purpose of this part 8 may be invested by the
3 state treasurer as provided by law. All interest and income derived from
4 the investment and deposit of moneys in the fund shall be credited to the
5 fund.

6 (2) Pursuant to ~~section 24-75-1104.5 (1) (l), C.R.S., beginning in~~
7 ~~the 2008-09~~ SECTION 24-75-1104.5 (1.7) (k), C.R.S., FOR THE 2016-17
8 fiscal year and ~~in~~ FOR each fiscal year thereafter so long as the state
9 receives moneys pursuant to the master settlement agreement, the state
10 treasurer shall annually transfer to the fund ~~the amount of moneys to be~~
11 ~~received by the fund pursuant to section 24-75-1104.5 (1) (l), C.R.S.~~ TWO
12 PERCENT OF THE MONEYS RECEIVED BY THE STATE PURSUANT TO THE
13 MASTER SETTLEMENT AGREEMENT FOR 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 21.** In Colorado Revised Statutes, 25.5-8-105, **amend**
18 (3) (a) and (8) as follows:

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

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

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

16 (b) ON JULY 1, 2016, THE STATE TREASURER SHALL TRANSFER
17 TWENTY MILLION DOLLARS FROM THE CHILDREN'S BASIC HEALTH PLAN
18 TRUST TO THE PRIMARY CARE ACCESS FUND CREATED IN SECTION
19 25.5-5-418.

20 **SECTION 22.** In Colorado Revised Statutes, 26-6.4-107, **amend**
21 (2) (d) (I) as follows:

22 **26-6.4-107. Selection of entities to administer the program -**
23 **grants - nurse home visitor program fund - created.**

24 (2) (d) (I) Pursuant to ~~section 24-75-1104.5 (1) (a)~~ SECTION 24-75-1104.5
25 (1.7) (a), C.R.S., and except as otherwise provided in section
26 24-75-1104.5 (5), C.R.S., ~~beginning with the 2006-07~~ FOR THE 2016-17
27 fiscal year and for each fiscal year thereafter so long as the state receives

1 moneys pursuant to the master settlement agreement, the state treasurer
2 shall transfer to the fund ~~the amounts specified in subparagraph (H) of~~
3 ~~this paragraph (d) from~~ TWENTY-SIX AND SEVEN-TENTHS OF the master
4 settlement agreement moneys received by the state, other than attorney
5 fees and costs, during the preceding fiscal year. ~~not to exceed nineteen~~
6 ~~million dollars in any fiscal year.~~ The transfer shall be from moneys
7 credited to the tobacco litigation settlement cash fund created in section
8 24-22-115, C.R.S.

9 **SECTION 23.** In Colorado Revised Statutes, 26-6.8-102, **amend**
10 (2) (d) (I) as follows:

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

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

3 **27-66-104. Types of services purchased - limitation on**
4 **payments - offender mental health services fund.** (4) (a) The offender
5 mental health services fund, referred to in this subsection (4) as the
6 "fund", is hereby created in the state treasury. ON AND AFTER JULY 1,
7 2016, the principal of the fund consists of ~~tobacco litigation settlement~~
8 ~~moneys transferred by the state treasurer to the fund in accordance with~~
9 ~~section 24-75-1104.5 (1.5) (a) (H), C.R.S., ANY MONEY THAT THE~~
10 ~~GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND for the purchase of~~
11 ~~mental health services for juvenile and adult offenders who have mental~~
12 ~~health problems and are involved in the criminal justice system. The unit,~~
13 ~~Subject to annual appropriation by the general assembly, THE UNIT shall~~
14 ~~distribute the principal of the fund to the community mental health~~
15 ~~centers. The lesser of all ANY unexpended and unencumbered moneys in~~
16 ~~the fund at the end of any THE 2015-16 fiscal year or an amount of such~~
17 ~~moneys equal to five percent of the amount appropriated from the fund~~
18 ~~for the fiscal year remain in the fund and shall not be transferred to the~~
19 ~~general fund or any other fund. Any additional unexpended and~~
20 ~~unencumbered moneys in the fund at the end of any fiscal year shall be~~
21 ~~transferred to the tobacco litigation settlement cash fund created in~~
22 ~~section 24-22-115, C.R.S.~~

23 **SECTION 25.** In Colorado Revised Statutes, 27-67-106, **amend**
24 (2) (a) as follows:

25 **27-67-106. Funding - rules.** (2) (a) If neither the family's private
26 insurance nor federal medicaid funding cover all of the costs associated
27 with the services provided to a child at risk of out-of-home placement

1 pursuant to this article, then the family ~~shall be~~ IS responsible for paying
2 that portion that is not covered by private insurance or federal medicaid
3 funding on a sliding scale basis as set forth in subsection (3) of this
4 section. Any remaining portion of the services not covered by private
5 insurance, federal medicaid funding, or the family's share, shall be paid
6 for from ANY moneys appropriated BY THE GENERAL ASSEMBLY for ~~such~~
7 THAT purpose. ~~pursuant to paragraph (b) of this subsection (2) or from~~
8 ~~general fund moneys, subject to available appropriations.~~

9 **SECTION 26.** In Colorado Revised Statutes, 28-5-709, **amend**
10 (1) (a), (1) (c), and (2) (a) as follows:

11 **28-5-709. Colorado state veterans trust fund - created - report.**

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

20 (c) The division may retain up to five percent of the amount
21 annually appropriated from the trust fund for the actual costs incurred by
22 the division and the board in implementing the provisions of this article.
23 Notwithstanding the provisions of section 24-36-114, C.R.S., all interest
24 derived from the deposit and investment of moneys in the trust fund shall
25 be credited to the trust fund. ~~All unexpended and unencumbered moneys~~
26 ~~remaining in the trust fund at the end of any fiscal year shall remain in the~~
27 ~~trust fund and shall neither revert to the general fund nor be transferred~~

1 ~~to the tobacco litigation settlement trust fund created in section~~
2 ~~24-22-115.5, C.R.S., nor be transferred or credited to any other fund.~~

3 (2) (a) Pursuant to ~~section 24-75-1104.5 (1) (g)~~ SECTION
4 24-75-1104.5 (1.7) (l), C.R.S., and except as otherwise provided in
5 section 24-75-1104.5 (5), C.R.S., beginning in ~~the 2006-07~~ THE 2016-17
6 fiscal year, and for each fiscal year thereafter so long as the state receives
7 moneys pursuant to the master settlement agreement, the state treasurer
8 shall annually transfer to the trust fund one percent of the total amount
9 received by the state pursuant to the provisions of the master settlement
10 agreement, other than attorney fees and costs, during the preceding fiscal
11 year. ~~except that the amount so transferred to the trust fund in any fiscal~~
12 ~~year shall not exceed one million dollars.~~ The state treasurer shall transfer
13 the amount specified in this subsection (2) from moneys credited to the
14 tobacco litigation settlement cash fund created in section 24-22-115,
15 C.R.S.

16 **SECTION 27.** In Colorado Revised Statutes, **repeal** 2-3-113 (7),
17 8-20.5-103 (2) (b), 22-7-1210 (1) (b) and (3), 23-20-136 (3) (b), part 2 of
18 article 20 of title 23, 24-22-115 (2) (c), (2) (d), (2) (e), (2) (f), and (4),
19 24-22-115.5, 24-36-113 (7), 24-75-201.1 (1) (d) (VII) and (1) (d) (VIII),
20 24-75-201.5 (1) (c), (1) (d), (1) (e), (1) (f), and (1) (g), 24-75-217,
21 24-75-1103 (4), 24-75-1104.5 (1), (1.5), (4), (5) (a) (II) (E), and (5) (b),
22 25-4-2504 (3) (b), 25-16-104.6 (1) (b), 25.5-8-105 (3) (b), 26-6.4-107 (2)
23 (d) (II), 27-66-104 (4) (b), 27-67-106 (2) (b), and 28-5-709 (3.5).

24 **SECTION 28. Appropriation - adjustments to 2016 long bill.**
25 (1) To implement this act, the cash funds appropriation from the early
26 literacy fund created in section 22-7-1210 (1), C.R.S., made in the annual
27 general appropriation act for the 2016-17 state fiscal year to the

1 department of education for the early literacy competitive grant program
2 is decreased by \$4,378,678.

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

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

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

12 (a) The cash funds appropriation from the offender mental health
13 services fund created in section 27-66-104 (4) (a), C.R.S., for mental
14 health services for juvenile and adult offenders is decreased by
15 \$3,025,192.

16 (b) The cash funds appropriation from the tobacco litigation
17 settlement cash fund created in section 24-22-115 (1) (a), C.R.S., for
18 mental health treatment services for youth (H.B. 99-1116) is decreased by
19 \$300,000.

20 (c) The cash funds appropriation from the alcohol and drug abuse
21 community prevention and treatment fund created in section
22 24-75-1104.5 (1.5) (a) (VIII) (A), C.R.S., for community prevention and
23 treatment related to substance use treatment and prevention is decreased
24 by \$756,298.

25 (2) For the 2016-17 state fiscal year, \$4,081,490 is appropriated
26 to the department of human services. This appropriation is from the
27 marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To

1 implement this act, the division may use this appropriation as follows:

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

4 (b) \$300,000 for mental health treatment services for youth (H.B.
5 99-1116); and

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

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

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

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

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

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

25 (2) For the 2016-17 state fiscal year, \$2,626,328 is appropriated
26 to the department of human services for use by the division of child
27 welfare. This appropriation is from the youth services program fund

1 created in section 26-6.8-102 (2) (d), C.R.S. To implement this act, the
2 division may use this appropriation for the Tony Grampsas youth services
3 program.

4 **SECTION 32. Appropriation - adjustments to 2016 long bill.**

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

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

14 **SECTION 33. Appropriation.** (1) For the 2016-17 state fiscal
15 year, \$2,972,504 is appropriated to the department of higher education for
16 use by the regents of the university of Colorado. This appropriation is
17 from the tobacco litigation settlement moneys health education fund
18 created in section 24-75-1104.5 (1.7) (c), C.R.S. To implement this act,
19 the regents may use this appropriation as follows:

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

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

23 **SECTION 34. Appropriation.** For the 2016-17 state fiscal year,
24 \$6,743,164 is appropriated to the department of human services for use
25 by the office of early childhood. This appropriation is from the nurse
26 home visitor program fund created in section 26-6.4-107 (2) (b), C.R.S.
27 To implement this act, the office may use this appropriation for the nurse

1 home visitor program.

2 **SECTION 35. Appropriation.** For the 2016-17 state fiscal year,
3 \$879,745 is appropriated to the department of personnel for use by the
4 division of human resources. This appropriation is from the supplemental
5 state contribution fund created in section 24-50-609 (5), C.R.S. To
6 implement this act, the division may use this appropriation for the H.B.
7 07-1335 supplemental state contribution fund.

8 **SECTION 36. Appropriation.** For the 2016-17 state fiscal year,
9 \$1,313,603 is appropriated to the department of public health and
10 environment for use by the disease control and environmental
11 epidemiology division. This appropriation is from the drug assistance
12 program fund created in section 25-4-1411 (6) (a), C.R.S. To implement
13 this act, the division may use this appropriation for Ryan White act
14 operating expenses.

15 **SECTION 37. Appropriation.** For the 2016-17 state fiscal year,
16 \$1,313,604 is appropriated to the department of public health and
17 environment for use by the disease control and environmental
18 epidemiology division. This appropriation is from the AIDS and HIV
19 prevention fund created in section 25-4-1415 (1), C.R.S. To implement
20 this act, the division may use this appropriation for sexually transmitted
21 infections, HIV, and AIDS operating expenses.

22 **SECTION 38. Appropriation.** For the 2016-17 state fiscal year,
23 \$1,180,942 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 supplemental
26 tobacco litigation settlement moneys account of the Colorado
27 immunization fund created in section 25-4-2301, C.R.S. To implement

1 this act, the division may use this appropriation for immunization
2 operating expenses.

3 **SECTION 39. Appropriation.** For the 2016-17 state fiscal year,
4 \$675,736 is appropriated to the department of public health and
5 environment for use by the prevention services division. This
6 appropriation is from the state dental loan repayment fund created in
7 section 25-23-104 (1), C.R.S. To implement this act, the division may use
8 this appropriation for oral health programs.

9 **SECTION 40. Appropriation.** For the 2016-17 state fiscal year,
10 \$625,736 is appropriated to the department of public health and
11 environment for use by the prevention services division. This
12 appropriation is from the Colorado health services corps fund created in
13 section 25-1.5-506 (1), C.R.S. To implement this act, the division may
14 use this appropriation for the primary care office.

15 **SECTION 41. Appropriation.** (1) For the 2016-17 state fiscal
16 year, \$20,642,163 is appropriated to the department of health care policy
17 and financing. This appropriation consists of \$20,000,000 from the
18 **primary care access** fund created in section 25.5-5-418, C.R.S., and
19 \$642,163 from the hospital provider fee cash fund created in section
20 25.5-4-402.3 (4) (a), C.R.S. To implement this act, the department may
21 use this appropriation for medical services premiums.

22 (2) For the 2016-17 state fiscal year, the general assembly
23 anticipates that the department of health care policy and financing will
24 receive \$44,563,019 in federal funds for medical services premiums. The
25 appropriation in subsection (1) of this section is based on the assumption
26 that the department will receive this amount of federal funds.

27 **SECTION 42. Effective date.** This act takes effect July 1, 2016;

1 except that section 25-1-512 (2), Colorado Revised Statutes, as amended
2 in **section 13** of this act, and section 27-66-104 (4) (a), Colorado Revised
3 Statutes, as amended in **section 24** of this act, take effect upon passage of
4 this act.

5 **SECTION 43. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.