

CHAPTER 318

GOVERNMENT - STATE

HOUSE BILL 13-1305

BY REPRESENTATIVE(S) Gerou and Levy, Duran, Fields, Rosenthal;
also SENATOR(S) Steadman, Hodge, Lambert, Aguilar.

AN ACT

CONCERNING LIMITED AUTHORIZATION FOR THE GOVERNOR TO ORDER MONEYS TO BE TRANSFERRED FROM THE GENERAL FUND TO THE TOBACCO LITIGATION SETTLEMENT CASH FUND IF ANY PAYMENT OF TOBACCO LITIGATION SETTLEMENT MONEYS TO BE MADE TO THE STATE IS REDUCED DUE TO A FINDING BY AN ARBITRATION PANEL THAT THE STATE MUST REPAY DISPUTED PAYMENTS OF TOBACCO LITIGATION SETTLEMENT MONEYS ALREADY MADE TO THE STATE.

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

SECTION 1. In Colorado Revised Statutes, **add 24-75-1107** as follows:

24-75-1107. Loss of disputed payments - authorization for transfers to tobacco litigation settlement cash fund. (1) THE ATTORNEY GENERAL SHALL IMMEDIATELY NOTIFY THE GOVERNOR, THE STATE TREASURER, THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT AND MINORITY LEADER OF THE SENATE IF AN ARBITRATION PANEL MAKES ANY FINDING REGARDING THE FAILURE OF THE STATE TO DILIGENTLY ENFORCE THE PROVISIONS OF PART 2 OF ARTICLE 28 OF TITLE 39, C.R.S., THAT WILL REDUCE THE AMOUNT OF ANY PAYMENT OF SETTLEMENT MONEYS TO THE STATE.

(2) IF THE ATTORNEY GENERAL PROVIDES NOTIFICATION PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE GOVERNOR MAY INSTRUCT THE STATE TREASURER TO TRANSFER A SPECIFIC AMOUNT OF NOT MORE THAN FORTY MILLION DOLLARS FROM THE GENERAL FUND TO THE TOBACCO LITIGATION SETTLEMENT CASH FUND AND TO FURTHER TRANSFER THOSE MONEYS TO PROGRAMS AND FUNDS THAT RECEIVE SETTLEMENT MONEYS PURSUANT TO SECTION 24-75-1104.5 AS DIRECTED BY THE GOVERNOR IF:

(a) THE GENERAL ASSEMBLY IS NOT IN REGULAR SESSION;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) THE NOTIFICATION INDICATES THAT THE NEXT SCHEDULED PAYMENT OF SETTLEMENT MONEYS TO THE STATE WILL BE AT LEAST THIRTY-FIVE MILLION DOLLARS LESS THAN THE MOST RECENT AMOUNT FORECAST BY THE STAFF OF THE LEGISLATIVE COUNCIL WHEN THE GENERAL ASSEMBLY WAS LAST IN REGULAR SESSION;

(c) THE SETTLEMENT MONEYS THAT WILL NO LONGER BE PAID TO THE STATE WERE PREVIOUSLY EXPECTED TO BE PAID WITHIN TWELVE MONTHS OF THE DATE OF THE FINDING THAT WILL REDUCE THE AMOUNT OF A PAYMENT OF SETTLEMENT MONEYS TO THE STATE; AND

(d) THE AMOUNT TO BE TRANSFERRED IS BASED ON:

(I) THE AMOUNT REQUIRED TO COVER THE AMOUNT OF WORKING CAPITAL ADVANCED FROM THE GENERAL FUND TO TOBACCO SETTLEMENT PROGRAMS BEFORE THE DATE OF THE FINDING THAT WILL REDUCE THE AMOUNT OF A PAYMENT OF SETTLEMENT MONEYS TO THE STATE; AND

(II) ANY ADDITIONAL AMOUNT NEEDED TO ALLOW TOBACCO SETTLEMENT PROGRAMS TO MEET CRITICAL STATE OBLIGATIONS AND REDUCE PROGRAM EXPENDITURE IN AN ORDERLY MANNER THROUGH THE END OF THE NEXT JANUARY.

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

Approved: May 28, 2013