

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

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.

101
102
103

**CHILDREN'S BASIC HEALTH PLAN TRUST TO A NEWLY CREATED
ACCOUNTABLE CARE COLLABORATIVE FUND ON JULY 1, 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.

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 GRAMPSAS 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, 23-20-136, **amend**
3 (3.5) (a) as follows:

4 **23-20-136. Fitzsimons trust fund - creation - legislative**
5 **declaration - repeal.** (3.5) (a) For the 2006-07 THE 2016-17 fiscal year
6 and for each fiscal year thereafter in which the state receives moneys
7 pursuant to the master settlement agreement, and in which money is due
8 to a lessor under a lease-purchase agreement authorized pursuant to
9 section 3 of House Bill 03-1256, ~~as enacted at the first regular session of~~
10 ~~the sixty-fourth general assembly~~, IN 2003, the state treasurer shall
11 transfer to the capital construction fund and the state controller shall
12 transfer from the capital construction fund to the Fitzsimons trust fund,
13 ~~the lesser of the amount due to any lessor during the fiscal year or~~; except
14 as otherwise provided in section 24-75-1104.5 (5), C.R.S., eight percent
15 of the total amount received by the state pursuant to the master settlement
16 agreement, other than attorney fees and costs, during the preceding fiscal
17 year. ~~except that the amount transferred pursuant to this subsection (3.5)~~
18 ~~in any fiscal year shall not exceed eight million dollars.~~

19 **SECTION 4.** In Colorado Revised Statutes, 24-22-115, **amend**
20 (1) and (2) (a) as follows:

21 **24-22-115. Tobacco litigation settlement cash fund - health**
22 **care supplemental appropriations and overexpenditures account -**
23 **creation.** (1) (a) There is hereby created in the state treasury the tobacco
24 litigation settlement cash fund. The cash fund ~~shall consist~~ CONSISTS of
25 all moneys transmitted to the state treasurer in accordance with the terms
26 of the master settlement agreement, the smokeless tobacco master
27 settlement agreement, and the consent decree approved and entered by the

1 court in the case denominated *State of Colorado, ex rel. Gale A. Norton,*
2 *Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co.,*
3 *Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.;*
4 *Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco*
5 *Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco*
6 *Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV
7 3432, in the district court for the city and county of Denver. ~~other than~~
8 ~~moneys credited to the tobacco litigation settlement trust fund pursuant~~
9 ~~to section 24-22-115.5.~~ Except as provided in subsection (2) of this
10 section, all interest derived from the deposit and investment of moneys in
11 the cash fund shall be credited to the cash fund; except that, beginning
12 with the fiscal year 2001-02, and each fiscal year thereafter, all interest
13 derived from the deposit and investment of moneys in the cash fund shall
14 be credited to the breast and cervical cancer prevention and treatment
15 fund created pursuant to section 25.5-5-308, C.R.S. Except as provided
16 in subsection (2) of this section, all moneys in the cash fund shall be
17 subject to appropriation by the general assembly for such purposes as may
18 be authorized by law in accordance with the terms of the settlement
19 agreements and the consent decree. ~~Except as provided in subsection (2)~~
20 ~~of this section, at the end of the 2004-05 and 2005-06 fiscal years, but~~
21 ~~prior to the making of any transfer of moneys from the cash fund to the~~
22 ~~general fund at the end of the fiscal year as required by this paragraph (a),~~
23 ~~an amount needed, up to one million dollars, to pay the state's share of the~~
24 ~~annual funding required by the "Home- and Community-based Services~~
25 ~~for Children with Autism Act", part 8 of article 6 of title 25.5, C.R.S.,~~
26 ~~shall be transferred from the cash fund to the Colorado autism treatment~~
27 ~~fund created pursuant to section 25.5-6-805, C.R.S. Except as provided~~

1 in subsection (2) of this section, at the end of any fiscal year commencing
2 on or after July 1, 2004, but before July 1, 2006, all unexpended and
3 unencumbered moneys in the cash fund, all moneys in the cash fund not
4 appropriated for the following fiscal year, and all moneys in the cash fund
5 not required for transfers pursuant to section 24-75-1104.5 (1) in the
6 following fiscal year shall be transferred to the general fund.

7 (b) Except as provided in subsection (2) of this section, for the
8 2006-07 fiscal year and the 2007-08 fiscal year, an amount needed, up to
9 one million dollars, to pay the state's share of the annual funding required
10 by the "Home- and Community-based Services for Children with Autism
11 Act", part 8 of article 6 of title 25.5, C.R.S., shall be transferred from the
12 tobacco litigation settlement cash fund to the Colorado autism treatment
13 fund created pursuant to section 25.5-6-805, C.R.S. The amount to be
14 transferred shall be taken into account when determining the amount of
15 cash fund moneys available for allocation to tobacco settlement programs
16 pursuant to section 24-75-1104.5 (1.5) and shall be transferred at the end
17 of the 2006-07 fiscal year and at the end of the 2007-08 fiscal year. On
18 and after July 1, 2011, all unexpended and unencumbered moneys in the
19 cash fund shall remain in the fund until expended in order to reduce the
20 share of allocations made from current-year receipts of settlement moneys
21 as required by section 24-75-1104.5 (1.3).

22 (2) (a) There is hereby created in the state treasury, as an account
23 within the tobacco litigation settlement cash fund established pursuant to
24 subsection (1) of this section, the tobacco settlement defense account,
25 which shall be used by the department of law: To defend the state in
26 lawsuits arising out of challenges to or arising under the provisions of the
27 master settlement agreement, the smokeless tobacco master settlement

1 agreement, and the consent decree approved and entered by the court in
2 the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney*
3 *General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.;*
4 *Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard*
5 *Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
6 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
7 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the
8 city and county of Denver, or duly enacted Colorado laws related to the
9 tobacco litigation settlement, including, but without limitation, this
10 section, ~~sections 24-22-115.5 and~~ SECTION 24-22-116, and parts 2 and 3
11 of article 28 of title 39, C.R.S.; to defend the state against claims of
12 entitlement to tobacco litigation settlement moneys by any person, as
13 defined in section 2-4-401 (8), C.R.S.; to enforce and defend all rights
14 and obligations of the state under said settlement agreements, decree, or
15 laws; and to resolve any dispute with any participating manufacturer, as
16 defined in section 39-28-302 (6), C.R.S., or nonparticipating
17 manufacturer, as defined in section 39-28-302 (5), C.R.S., that arises
18 under the provisions of said settlement agreements, decree, or laws. The
19 tobacco settlement defense account may also be used by the department
20 of revenue to help administer, coordinate, and support the activities of the
21 department of revenue and the department of law, including the
22 investigation of and response to settlement agreement manufacture and
23 distribution reporting irregularities identified by the department of law.
24 Notwithstanding the provisions of subsection (1) of this section, ~~and~~
25 ~~section 24-22-115.5,~~ the tobacco settlement defense account consists of
26 all tobacco litigation settlement moneys received by the attorney general
27 and transmitted to the state treasurer to compensate the state for attorney

1 fees, court costs, or other expenses incurred by the state in obtaining the
2 tobacco litigation settlement, all tobacco litigation settlement moneys
3 transferred to the account as required by ~~section 24-75-1104.5 (1)(a) and~~
4 ~~(1)(n)~~, SECTION 24-75-1104.5 (1.7) (i), and all interest derived from the
5 deposit and investment of moneys in the tobacco settlement defense
6 account. Any moneys received by the state treasurer to compensate the
7 state for attorney fees, court costs, or other expenses, including all interest
8 derived from the deposit and investment of such moneys after receipt by
9 the state treasurer, shall be transferred to the tobacco settlement defense
10 account for use in accordance with the provisions of this subsection (2).

11 **SECTION 5.** In Colorado Revised Statutes, 24-22-115.6, **amend**
12 (1) as follows:

13 **24-22-115.6. Miscellaneous tobacco litigation settlement**
14 **moneys.** (1) Notwithstanding the provisions of ~~sections 24-22-115 and~~
15 ~~24-22-115.5~~ SECTION 24-22-115, any tobacco litigation settlement moneys
16 received by the state ~~shall be~~ ARE subject to appropriation by the general
17 assembly if the purpose for which ~~such~~ THE moneys may be expended is
18 not specified or approved by a court or other non-Colorado authority.

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

21 **24-22-116. Legislative declaration - exclusion of revenue in**
22 **tobacco litigation settlement funds from fiscal year spending.** (1) The
23 general assembly hereby finds and declares that:

24 (i) All of the moneys received by the state in accordance with the
25 terms of the master settlement agreement, the smokeless tobacco master
26 settlement agreement, and the consent decree entered by the court in the
27 case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney*

1 *General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.;*
2 *Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard*
3 *Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
4 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
5 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the
6 city and county of Denver, and credited to the tobacco litigation
7 settlement cash fund created in section 24-22-115 (1), including moneys
8 transferred to the tobacco settlement defense account created in said cash
9 fund pursuant to section 24-22-115 (2), ~~or the tobacco litigation~~
10 ~~settlement trust fund created in section 24-22-115.5~~ are in settlement of
11 the state of Colorado's antitrust, consumer protection, public nuisance,
12 racketeering, and other statutory claims for relief against defendants in
13 said action;

14 (2) (a) (I) For purposes of section 20 of article X of the state
15 constitution and article 77 of this title, any moneys credited to the tobacco
16 litigation settlement cash fund in accordance with section 24-22-115 (1),
17 including moneys transferred to the tobacco settlement defense account
18 created in said cash fund pursuant to section 24-22-115 (2), ~~or the tobacco~~
19 ~~litigation settlement trust fund in accordance with section 24-22-115.5~~ are
20 damage awards, as defined in section 24-77-102 (2), or interest accruing
21 on such damage awards. Any moneys credited to or expended from the
22 tobacco litigation settlement cash fund, including the tobacco settlement
23 defense account, ~~or the tobacco litigation settlement trust fund~~, are not
24 included in state fiscal year spending, as defined in section 24-77-102
25 (17), for any state fiscal year.

26 (b) For purposes of section 20 of article X of the state constitution
27 and article 77 of this title, any moneys expended from the tobacco

1 litigation settlement cash fund created in section 24-22-115 (1), including
2 the tobacco settlement defense account created in said cash fund pursuant
3 to section 24-22-115 (2), ~~or the tobacco litigation settlement trust fund~~
4 ~~created in section 24-22-115.5~~ and received by any local government are
5 damage awards or interest accruing on such damage awards and are not
6 included in the fiscal year spending of the receiving local government for
7 any budget year.

8 **SECTION 7.** In Colorado Revised Statutes, 24-31-108, **amend**
9 (4) (b) introductory portion and (4) (b) (I); and **repeal** (4) (b) (II) as
10 follows:

11 **24-31-108. Receipt of moneys - subject to appropriation -**
12 **exception for custodial moneys - legal services cash fund - creation -**
13 **definition.** (4) (b) Notwithstanding the provisions of paragraph (a) of
14 this subsection (4), custodial moneys ~~shall~~ DO not include the following:

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

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

19 **SECTION 8.** In Colorado Revised Statutes, 24-50-609, **amend**
20 (5) as follows:

21 **24-50-609. State contributions - supplemental state**
22 **contribution fund - creation.** (5) The supplemental state contribution
23 fund is hereby created in the state treasury. The principal of the fund ~~shall~~
24 ~~consist~~ CONSISTS of tobacco litigation settlement moneys transferred by
25 the state treasurer to the fund pursuant to ~~section 24-75-1104.5 (1.5) (a)~~
26 ~~(VI)~~ SECTION 24-75-1104.5 (1.7) (j). The principal of the fund is hereby
27 continuously appropriated to the department of personnel and shall be

1 expended in its entirety in each fiscal year by the department to pay the
2 costs of increased nonsupplemental state contributions, as defined in
3 section 24-50-609.5 (3) (c) (II), and supplement the state contribution, as
4 defined in section 24-50-609.5 (2) (d), for each eligible state employee,
5 as defined in section 24-50-609.5 (2) (a), enrolled in a qualifying group
6 benefit plan, as defined in section 24-50-609.5 (2) (c), as required by
7 section 24-50-609.5; except that the department shall expend no more
8 than the amount needed to pay the costs of increased nonsupplemental
9 state contributions and reduce the employee contribution, as defined in
10 section 24-50-609.5 (2) (b), of each eligible state employee for all
11 qualifying group benefit plans to zero. The principal of the fund ~~shall~~
12 ~~remain~~ REMAINS in the fund until expended and shall not be transferred
13 to the general fund or any other fund. Interest and income earned on the
14 deposit and investment of moneys in the fund shall be credited to the
15 fund, shall not be transferred to the general fund or to any other fund, and
16 shall be used by the department, subject to annual appropriation, solely
17 to pay the costs of the department related to the supplementation of the
18 state contribution for each eligible state employee required by section
19 24-50-609.5.

20 **SECTION 9.** In Colorado Revised Statutes, 24-75-111, **amend**
21 (1) (b) as follows:

22 **24-75-111. Additional authority for controller to allow**
23 **expenditures in excess of appropriations - limitations -**
24 **appropriations for subsequent fiscal year restricted.** (1) For fiscal
25 years commencing on or after July 1, 1997, in addition to any
26 overexpenditure allowed pursuant to section 24-75-109, the controller
27 may allow any department, institution, or agency of the state, including

1 any institution of higher education, to make an expenditure in excess of
2 the amount authorized by an item of appropriation for such fiscal year if:

3 (b) (I) The overexpenditure is necessary due to unforeseen
4 circumstances arising while the general assembly is not meeting in regular
5 or special session during which such overexpenditure can be legislatively
6 addressed; ~~or~~ AND

7 (II) ~~The overexpenditure is made from the health care~~
8 ~~supplemental appropriations and overexpenditures account as authorized~~
9 ~~in section 24-22-115 (4), and~~

10 **SECTION 10.** In Colorado Revised Statutes, 24-75-201.5,
11 **amend** (1) (a) as follows:

12 **24-75-201.5. Revenue shortfalls - required actions by the**
13 **governor with respect to the reserve.** (1) (a) ~~Except as provided in~~
14 ~~paragraphs (c) and (d) of this subsection (1),~~ Whenever the revenue
15 estimate for the current fiscal year, prepared in accordance with section
16 24-75-201.3 (2), indicates that general fund expenditures for such fiscal
17 year based on appropriations then in effect will result in the use of
18 one-half or more of the reserve required by section 24-75-201.1 (1) (d),
19 the governor shall formulate a plan for reducing such general fund
20 expenditures so that said reserve, as of the close of the fiscal year, will be
21 at least one-half of the amount required by said section 24-75-201.1 (1)
22 (d). The governor shall promptly notify the general assembly of ~~such~~ THE
23 plan. ~~Such~~ THE plan shall be promptly implemented by the governor,
24 using the procedures set forth in section 24-2-102 (4) or 24-50-109.5 or
25 any other lawful means.

26 **SECTION 11.** In Colorado Revised Statutes, 24-75-402, **add** (5)
27 (jj) as follows:

1 **24-75-402. Cash funds - limit on uncommitted reserves -**
2 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
3 any provision of this section to the contrary, the following cash funds are
4 excluded from the limitations specified in this section:

5 (jj) THE ACCOUNTABLE CARE COLLABORATIVE FUND CREATED IN
6 SECTION 25.5-5-418, C.R.S.

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

9 **25-1-512. Allocation of moneys - public health services support**
10 **fund - created - repeal.** (2) (a) The public health services support fund
11 is hereby created in the state treasury and shall be known in this section
12 as the "fund". The principal of the fund consists of tobacco litigation
13 settlement moneys transferred by the state treasurer to the fund pursuant
14 to section 24-75-1104.5 (1.5) (a) (IV), C.R.S., and shall, subject to annual
15 appropriation by the general assembly to the state department, be
16 allocated by the state department to all agencies authorized pursuant to
17 this part 5 as specified in subsection (1) of this section. ~~The lesser of~~ All
18 unexpended and unencumbered moneys in the fund at the end of ~~any~~ THE
19 2015-16 fiscal year ~~or an amount of such moneys equal to five percent of~~
20 ~~the amount appropriated from the fund for the fiscal year remain in the~~
21 ~~fund and shall not be transferred to the general fund or any other fund.~~
22 ~~Any additional unexpended and unencumbered moneys in the fund at the~~
23 ~~end of any fiscal year~~ shall be transferred to the tobacco litigation
24 settlement cash fund created in section 24-22-115, C.R.S.

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

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

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

4 (c) For the 2011-12 THE 2016-17 fiscal year and each fiscal year
5 thereafter, ~~two hundred fifty thousand dollars~~ TOBACCO LITIGATION
6 SETTLEMENT MONEYS transferred TO THE FUND BY THE STATE TREASURER
7 pursuant to ~~section 24-75-1104.5 (1.5) (a) (XI)~~ SECTION 24-75-1104.5
8 (1.7) (n), C.R.S.

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

11 **25-4-1411. Drug assistance program - program fund - created**
12 **- legislative declaration - no entitlement created.** (6) (a) The drug
13 assistance program fund is created in the state treasury. The principal of
14 the fund consists of tobacco litigation settlement moneys transferred by
15 the state treasurer to the fund pursuant to ~~section 24-75-1104.5 (1) (j)~~
16 SECTION 24-75-1104.5 (1.7) (f), C.R.S. Subject to annual appropriation by
17 the general assembly, the department of public health and environment
18 may expend moneys from the fund for the state program. Any
19 unexpended or unencumbered money remaining in the fund at the end of
20 any fiscal year commencing on or after July 1, 2014, remains in the fund
21 and shall not be credited or transferred to the general fund or any other
22 fund.

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

25 **25-4-1415. Cash fund - administration - limitation.**
26 (2) Pursuant to ~~section 24-75-1104.5 (1) (m)~~ SECTION 24-75-1104.5 (1.7)
27 (g), C.R.S., and except as otherwise provided in section 24-75-1104.5 (5),

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

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

13 **25-4-2301. Colorado immunization fund - supplemental**
14 **tobacco litigation settlement moneys account - creation.** There are
15 hereby created in the state treasury the Colorado immunization fund and
16 an account within the fund to be known as the supplemental tobacco
17 litigation settlement moneys account. The principal of the portion of the
18 fund that is not the account consists of general fund appropriations made
19 by the general assembly to the fund and gifts, grants, or awards received
20 by the department of public health and environment from the federal
21 government or private sources for the fund. The principal of the account
22 consists of tobacco litigation settlement moneys transferred by the state
23 treasurer to the account in accordance with ~~section 24-75-1104.5 (1.5) (a)~~
24 ~~(VH)~~ SECTION 24-75-1104.5 (1.7) (h), C.R.S. All interest and income
25 earned on the deposit and investment of moneys in the portion of the fund
26 that is not the account shall be credited to that portion of the fund. All
27 interest and income earned on the deposit and investment of moneys in

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

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

24 **25-23-104. Dental loan repayment fund - acceptance of grants**
25 **and donations.** (2) Pursuant to ~~section 24-75-1104.5 (1) (d) C.R.S.,~~
26 ~~beginning in fiscal year 2006-07~~ SECTION 24-75-1104.5(1.7)(m), C.R.S.,
27 FOR FISCAL YEAR 2016-17 and for each fiscal year thereafter so long as

1 the state receives moneys pursuant to the master settlement agreement,
2 the state treasurer shall transfer to the state dental loan repayment fund
3 ~~two hundred thousand dollars from~~ ONE PERCENT OF the moneys received
4 by the state pursuant to the master settlement agreement for the preceding
5 fiscal year. The state treasurer shall transfer the amount specified in this
6 subsection (2) from moneys credited to the tobacco litigation settlement
7 cash fund created in section 24-22-115, C.R.S. Moneys in the fund ~~shall~~
8 ~~be~~ ARE subject to annual appropriation by the general assembly for the
9 purposes of this article. The amount appropriated pursuant to this
10 subsection (2) ~~shall be~~ IS in addition to and not in replacement of any
11 general fund moneys appropriated to the state dental loan repayment fund.

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

14 **25.5-5-418. Accountable care collaborative fund - creation - use**
15 **of fund.** THE ACCOUNTABLE CARE COLLABORATIVE FUND IS HEREBY
16 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
17 TRANSFERRED TO THE FUND FROM THE CHILDREN'S BASIC HEALTH PLAN
18 TRUST CREATED IN SECTION 25.5-8-105 (1) PURSUANT TO SECTION
19 25.5-8-105(8)(b) AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY
20 MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER
21 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT
22 AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. SUBJECT TO
23 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE STATE
24 DEPARTMENT MAY EXPEND MONEY FROM THE FUND TO PAY EFFICIENCY
25 AND HEALTH OUTCOME-BASED RATE INCENTIVES FOR PRIMARY CARE
26 MEDICAL PROVIDERS, OTHER THAN PROVIDERS WHO ARE REIMBURSED ON
27 A COST-BASIS, IN THE MEDICAID COORDINATED CARE SYSTEM CREATED BY

1 THE STATE DEPARTMENT THAT IS KNOWN AND REFERRED TO IN THIS
2 SECTION AS THE "ACCOUNTABLE CARE COLLABORATIVE".

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

5 **25.5-6-805. Colorado autism treatment fund.** (1) The Colorado
6 autism treatment fund is hereby created and established in the state
7 treasury for the purpose of paying for services provided to eligible
8 children, ~~and for~~ EARLY AND PERIODIC SCREENING DIAGNOSIS AND
9 TREATMENT SERVICES REQUIRED BY SECTION 25.5-5-102 (1) (g), AND
10 participant and program evaluations pursuant to this part 8. ~~Such~~ THE
11 fund ~~shall be~~ IS comprised of tobacco settlement moneys allocated to ~~such~~
12 THE fund. Moneys in the fund ~~shall be~~ ARE subject to annual
13 appropriation by the general assembly for the purposes of this part 8. At
14 the end of any fiscal year, all unexpended and unencumbered moneys in
15 the fund ~~shall remain therein and shall not be credited or transferred to the~~
16 ~~general fund or any other fund~~ REMAIN IN THE FUND. Any moneys in the
17 fund not expended for the purpose of this part 8 may be invested by the
18 state treasurer as provided by law. All interest and income derived from
19 the investment and deposit of moneys in the fund shall be credited to the
20 fund.

21 (2) Pursuant to ~~section 24-75-1104.5 (1) (l), C.R.S., beginning in~~
22 ~~the 2008-09~~ SECTION 24-75-1104.5 (1.7) (k), C.R.S., FOR THE 2016-17
23 fiscal year and ~~in~~ FOR each fiscal year thereafter so long as the state
24 receives moneys pursuant to the master settlement agreement, the state
25 treasurer shall annually transfer to the fund ~~the amount of moneys to be~~
26 ~~received by the fund pursuant to section 24-75-1104.5 (1) (l), C.R.S.~~ TWO
27 PERCENT OF THE MONEYS RECEIVED BY THE STATE PURSUANT TO THE

1 MASTER SETTLEMENT AGREEMENT FOR THE PRECEDING FISCAL YEAR. The
2 state treasurer shall transfer the amount specified in this subsection (2)
3 from moneys credited to the tobacco litigation settlement cash fund
4 created in section 24-22-115, C.R.S.

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

7 **25.5-8-105. Trust - created.** (3) (a) Pursuant to ~~section~~
8 24-75-1104.5 (1)(c) SECTION 24-75-1104.5 (1.7) (b), C.R.S., and except
9 as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning in
10 the 2006-07 THE 2016-17 fiscal year and in each fiscal year thereafter so
11 long as the state receives moneys pursuant to the master settlement
12 agreement, the state treasurer shall transfer to the trust ~~twenty-four~~
13 EIGHTEEN percent of the total amount of the moneys annually received by
14 the state pursuant to the master settlement agreement, not including
15 attorney fees and costs, during the preceding fiscal year. ~~except that the~~
16 amount so transferred to the trust shall not exceed thirty million dollars
17 in any fiscal year. ~~Except as otherwise provided in sections 24-22-115.5~~
18 (2) (a.7) and 24-75-1104.5 (1) (c), C.R.S., The state treasurer shall
19 transfer the amount specified in this subsection (3) from moneys credited
20 to the tobacco litigation settlement cash fund created in section
21 24-22-115, C.R.S. The amount transferred pursuant to this subsection (3)
22 ~~shall be~~ ~~IS~~ in addition to and not in replacement of any general fund
23 moneys appropriated to the trust.

24 (8) (a) Beginning in the 2011-2012 fiscal year and for each fiscal
25 year thereafter, moneys in the trust may be used for costs associated with
26 children enrolled in the medical assistance program, articles 4, 5, and 6
27 of this title, whose family income is more than one hundred percent but

1 does not exceed one hundred thirty-three percent of the federal poverty
2 line and who would have been eligible for enrollment in the children's
3 basic health plan prior to September 1, 2011.

4 (b) ON JULY 1, 2016, THE STATE TREASURER SHALL TRANSFER
5 TWENTY MILLION DOLLARS FROM THE CHILDREN'S BASIC HEALTH PLAN
6 TRUST TO THE ACCOUNTABLE CARE COLLABORATIVE FUND CREATED IN
7 SECTION 25.5-5-418.

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

10 **26-6.4-107. Selection of entities to administer the program -**
11 **grants - nurse home visitor program fund - created.**
12 (2)(d)(I) Pursuant to ~~section 24-75-1104.5(1)(a)~~ SECTION 24-75-1104.5
13 (1.7) (a), C.R.S., and except as otherwise provided in section
14 24-75-1104.5 (5), C.R.S., ~~beginning with the 2006-07~~ FOR THE 2016-17
15 fiscal year and for each fiscal year thereafter so long as the state receives
16 moneys pursuant to the master settlement agreement, the state treasurer
17 shall transfer to the fund ~~the amounts specified in subparagraph (H) of~~
18 ~~this paragraph (d) from~~ TWENTY-SIX AND SEVEN-TENTHS OF the master
19 settlement agreement moneys received by the state, other than attorney
20 fees and costs, during the preceding fiscal year. ~~not to exceed nineteen~~
21 ~~million dollars in any fiscal year.~~ The transfer shall be from moneys
22 credited to the tobacco litigation settlement cash fund created in section
23 24-22-115, C.R.S.

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

26 **26-6.8-102. Tony Grampsas youth services program - creation**
27 **- standards - applications.** (2) (d) (I) The youth services program fund

1 is created in the state treasury. The principal of the fund consists of
2 tobacco litigation settlement moneys transferred by the state treasurer to
3 the fund pursuant to ~~section 24-75-1104.5 (1) (i)~~ SECTION 24-75-1104.5
4 (1.7) (e), C.R.S. Subject to annual appropriation by the general assembly,
5 the state department may expend moneys from the fund for the Tony
6 Grampsas youth services program, including the compensation of youth
7 members of the Tony Grampsas youth services board, as described in
8 section 26-6.8-103 (1) (e) (II). ~~The lesser of~~ All unexpended and
9 unencumbered moneys in the fund at the end of any fiscal year ~~or an~~
10 amount of such moneys equal to five percent of the amount appropriated
11 from the fund for the fiscal year remain in the fund. ~~and shall not be~~
12 transferred to the general fund or any other fund. Any additional
13 unexpended and unencumbered moneys in the fund at the end of any
14 fiscal year shall be transferred to the tobacco litigation settlement cash
15 fund created in ~~section 24-22-115~~, C.R.S.

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

18 **27-66-104. Types of services purchased - limitation on**
19 **payments - offender mental health services fund.** (4) (a) The offender
20 mental health services fund, referred to in this subsection (4) as the
21 "fund", is hereby created in the state treasury. ON AND AFTER JULY 1,
22 2016, the principal of the fund consists of ~~tobacco litigation settlement~~
23 moneys transferred by the state treasurer to the fund in accordance with
24 ~~section 24-75-1104.5 (1.5) (a) (H), C.R.S.~~, ANY MONEY THAT THE
25 GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND for the purchase of
26 mental health services for juvenile and adult offenders who have mental
27 health problems and are involved in the criminal justice system. ~~The unit,~~

1 Subject to annual appropriation by the general assembly, THE UNIT shall
2 distribute the principal of the fund to the community mental health
3 centers. ~~The lesser of all ANY unexpended and unencumbered moneys in~~
4 the fund at the end of ~~any~~ THE 2015-16 fiscal year ~~or an amount of such~~
5 moneys equal to five percent of the amount appropriated from the fund
6 for the fiscal year remain in the fund and shall not be transferred to the
7 general fund or any other fund. Any additional unexpended and
8 unencumbered moneys in the fund at the end of ~~any~~ fiscal year shall be
9 transferred to the tobacco litigation settlement cash fund created in
10 section 24-22-115, C.R.S.

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

13 **27-67-106. Funding - rules.** (2) (a) If neither the family's private
14 insurance nor federal medicaid funding cover all of the costs associated
15 with the services provided to a child at risk of out-of-home placement
16 pursuant to this article, then the family ~~shall be~~ IS responsible for paying
17 that portion that is not covered by private insurance or federal medicaid
18 funding on a sliding scale basis as set forth in subsection (3) of this
19 section. Any remaining portion of the services not covered by private
20 insurance, federal medicaid funding, or the family's share, shall be paid
21 for from ANY moneys appropriated BY THE GENERAL ASSEMBLY for ~~such~~
22 THAT purpose. ~~pursuant to paragraph (b) of this subsection (2) or from~~
23 ~~general fund moneys, subject to available appropriations.~~

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

26 **28-5-709. Colorado state veterans trust fund - created - report.**
27 (1) (a) There is hereby created in the state treasury the Colorado state

1 veterans trust fund, ~~that shall consist~~ WHICH CONSISTS of the moneys
2 transferred thereto pursuant to subsection (2) of this section. In addition,
3 the state treasurer may credit to the trust fund any public or private gifts,
4 grants, or donations received prior to July 1, 2002, by the department of
5 human services or, on or after July 1, 2002, by the department of military
6 and veterans affairs for implementation of the purposes specified in this
7 subsection (1).

8 (c) The division may retain up to five percent of the amount
9 annually appropriated from the trust fund for the actual costs incurred by
10 the division and the board in implementing the provisions of this article.
11 Notwithstanding the provisions of section 24-36-114, C.R.S., all interest
12 derived from the deposit and investment of moneys in the trust fund shall
13 be credited to the trust fund. ~~All unexpended and unencumbered moneys~~
14 ~~remaining in the trust fund at the end of any fiscal year shall remain in the~~
15 ~~trust fund and shall neither revert to the general fund nor be transferred~~
16 ~~to the tobacco litigation settlement trust fund created in section~~
17 ~~24-22-115.5, C.R.S., nor be transferred or credited to any other fund.~~

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

1 the amount specified in this subsection (2) from moneys credited to the
2 tobacco litigation settlement cash fund created in section 24-22-115,
3 C.R.S.

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

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

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

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

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

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

27 (a) The cash funds appropriation from the offender mental health

1 services fund created in section 27-66-104 (4) (a), C.R.S., for mental
2 health services for juvenile and adult offenders is decreased by
3 \$3,025,192.

4 (b) The cash funds appropriation from the tobacco litigation
5 settlement cash fund created in section 24-22-115 (1) (a), C.R.S., for
6 mental health treatment services for youth (H.B. 99-1116) is decreased by
7 \$300,000.

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

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

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

19 (b) \$300,000 for mental health treatment services for youth (H.B.
20 99-1116); and

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

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

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

1 public health agencies is decreased by \$1,767,584.

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

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

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

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

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

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

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

1 appropriation for medical and long-term care services for medicaid
2 eligible individuals.

3 **SECTION 32. Appropriation.** (1) For the 2016-17 state fiscal
4 year, \$2,972,504 is appropriated to the department of higher education for
5 use by the regents of the university of Colorado. This appropriation is
6 from the tobacco litigation settlement moneys health education fund
7 created in section 24-75-1104.5 (1.5) (a) (I), C.R.S. To implement this
8 act, the regents may use this appropriation as follows:

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

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

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

18 **SECTION 34. Appropriation.** For the 2016-17 state fiscal year,
19 \$879,745 is appropriated to the department of personnel for use by the
20 division of human resources. This appropriation is from the supplemental
21 state contribution fund created in section 24-50-609 (5), C.R.S. To
22 implement this act, the division may use this appropriation for the H.B.
23 07-1335 supplemental state contribution fund.

24 **SECTION 35. Appropriation.** For the 2016-17 state fiscal year,
25 \$1,313,603 is appropriated to the department of public health and
26 environment for use by the disease control and environmental
27 epidemiology division. This appropriation is from the drug assistance

1 program fund created in section 25-4-1411 (6) (a), C.R.S. To implement
2 this act, the division may use this appropriation for Ryan White act
3 operating expenses.

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

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

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

25 **SECTION 39. Appropriation.** For the 2016-17 state fiscal year,
26 \$625,736 is appropriated to the department of public health and
27 environment for use by the prevention services division. This

1 appropriation is from the Colorado health services corps fund created in
2 section 25-1.5-506 (1), C.R.S. To implement this act, the division may
3 use this appropriation for the primary care office.

4 **SECTION 40. Appropriation.** (1) For the 2016-17 state fiscal
5 year, \$20,642,163 is appropriated to the department of health care policy
6 and financing. This appropriation consists of \$20,000,000 from the
7 accountable care collaborative fund created in section 25.5-5-418, C.R.S.,
8 and \$642,163 from the hospital provider fee cash fund created in section
9 25.5-4-402.3 (4) (a), C.R.S. To implement this act, the department may
10 use this appropriation for medical services premiums.

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

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

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