

## CHAPTER 22

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**GOVERNMENT - STATE**

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**SENATE BILL 03-190**

BY SENATOR(S) Owen, Reeves, and Teck;  
also REPRESENTATIVE(S) Witwer, Plant, Young, McFadyen, and Salazar.

**AN ACT**

**CONCERNING TOBACCO LITIGATION SETTLEMENT MONEYS RECEIVED BY THE STATE, AND, IN CONNECTION THEREWITH, REALLOCATING THE MONEYS FOR THE 2002-03 FISCAL YEAR FOR THE PURPOSE OF AUGMENTING THE STATE GENERAL FUND, PROVIDING AUTHORIZATION FOR THE STATE TREASURER TO INVEST MONEYS TRANSFERRED ON JULY 5, 2002, FROM THE TOBACCO LITIGATION SETTLEMENT TRUST FUND TO THE GENERAL FUND IN ANY MANNER IN WHICH THE TRUST FUND MONEYS MAY BE INVESTED, AND MODIFYING APPROPRIATIONS FOR THE 2002-03 FISCAL YEAR.**

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

**SECTION 1.** 24-22-115 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-22-115. Tobacco litigation settlement cash fund - creation.**

(2) (d) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (2) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (d), THE STATE TREASURER SHALL DEDUCT THIRTY-THREE MILLION TWO HUNDRED TWENTY-SIX THOUSAND SEVEN HUNDRED SEVENTY-EIGHT DOLLARS FROM THE TOBACCO LITIGATION SETTLEMENT CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 2.** 24-22-115.5 (2), Colorado Revised Statutes, is amended to read:

**24-22-115.5. Legislative declaration - tobacco litigation settlement trust fund - creation.** (2) (a) There is hereby created in the state treasury the tobacco litigation settlement trust fund. The principal of the trust fund shall consist of the first thirty-three million dollars of all moneys, other than attorney fees and costs, paid to the state treasurer in accordance with the terms of the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co.*,

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

*Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Phillip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and county of Denver, not less than twenty-one percent of all additional moneys, other than attorney fees and costs, paid to the state treasurer in accordance with the settlement agreements and the consent decree, and any moneys transferred to the trust fund from the tobacco litigation settlement cash fund at the end of any fiscal year pursuant to section 24-22-115. The principal of the trust fund shall not be expended or appropriated for any purpose; except that moneys in the trust fund may be allocated to the children's basic health plan trust as provided in section 24-75-1104 (2). All interest derived from the deposit and investment of moneys in the trust fund shall be credited to the trust fund. Such interest shall become subject to appropriation by the general assembly for the funding of any programs or funds authorized by law to be funded by tobacco litigation settlement moneys at such time as the state auditor certifies that actuarially sound projections of future interest earnings indicate that such interest will be sufficient to fully fund such programs and funds. No part of such trust fund, principal or interest, shall be transferred to the general fund or any other fund or used or appropriated except as provided in this section.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL TRANSFER THE BALANCE OF MONEYS IN THE TOBACCO LITIGATION SETTLEMENT TRUST FUND TO THE GENERAL FUND.

(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2), ANY MONEYS PAID TO THE STATE TREASURER IN ACCORDANCE WITH THE TERMS OF THE MASTER SETTLEMENT AGREEMENT, THE SMOKELESS TOBACCO MASTER SETTLEMENT AGREEMENT, AND THE CONSENT DECREE APPROVED AND ENTERED BY THE COURT IN THE CASE DENOMINATED *STATE OF COLORADO, EX REL. GALE A. NORTON, ATTORNEY GENERAL V. R.J. REYNOLDS TOBACCO CO.; AMERICAN TOBACCO CO., INC.; BROWN & WILLIAMSON TOBACCO CORP.; LIGGETT & MYERS, INC.; LORILLARD TOBACCO CO., INC.; PHILLIP MORRIS, INC.; UNITED STATES TOBACCO CO.; B.A.T. INDUSTRIES, P.L.C.; THE COUNCIL FOR TOBACCO RESEARCH--U.S.A., INC.; AND TOBACCO INSTITUTE, INC.*, CASE NO. 97 CV 3432, IN THE DISTRICT COURT FOR THE CITY AND COUNTY OF DENVER, OTHER THAN ATTORNEY FEES AND COSTS, AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c), BUT BEFORE JULY 1, 2003, SHALL BE CREDITED TO THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED BY SECTION 24-22-115 (1).

**SECTION 3.** 24-36-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-36-113. Investment of state moneys - limitations.** (7) NOTWITHSTANDING ANY RESTRICTIONS ON THE INVESTMENT OF STATE MONEYS SET FORTH IN THIS SECTION OR IN ANY OTHER PROVISION OF LAW, THE STATE TREASURER MAY INVEST MONEYS TRANSFERRED ON JULY 5, 2002, FROM THE TOBACCO LITIGATION SETTLEMENT TRUST FUND TO THE GENERAL FUND PURSUANT TO SECTION 24-75-201.5 (1) (d) IN ANY MANNER IN WHICH THE TRUST FUND MONEYS MAY BE INVESTED PURSUANT TO SECTION 24-22-115.5 (3) (a).

**SECTION 4.** The introductory portion to 24-75-1104 (2), Colorado Revised Statutes, is amended, and the said 24-75-1104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-75-1104. Use of settlement moneys - programs.** (1.7) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, FOR THE 2002-03 FISCAL YEAR, THE FOLLOWING PROGRAMS SHALL RECEIVE APPROPRIATIONS IN THE FOLLOWING SPECIFIED AMOUNTS FROM THE SETTLEMENT MONEYS RECEIVED BY THE STATE:

(a) THE COLORADO NURSE HOME VISITOR PROGRAM CREATED IN ARTICLE 31 OF TITLE 25, C.R.S., SHALL RECEIVE FIVE MILLION FIVE HUNDRED SEVENTY-SEVEN THOUSAND THIRTY-FIVE DOLLARS.

(b) THE STATE DENTAL LOAN REPAYMENT PROGRAM CREATED IN ARTICLE 23 OF TITLE 25, C.R.S., SHALL RECEIVE ONE HUNDRED SEVENTY-SEVEN THOUSAND ONE HUNDRED THIRTY DOLLARS.

(c) THE TOBACCO-RELATED AND TOBACCO-FOCUSED RESEARCH GRANT PROGRAM IMPLEMENTED PURSUANT TO PART 2 OF ARTICLE 20 OF TITLE 23, C.R.S., SHALL RECEIVE THREE MILLION DOLLARS.

(d) THE TOBACCO EDUCATION, PREVENTION, AND CESSATION GRANT PROGRAM CREATED IN PART 8 OF ARTICLE 3.5 OF TITLE 25, C.R.S., SHALL RECEIVE TWELVE MILLION NINE HUNDRED NINETY-EIGHT THOUSAND SEVEN HUNDRED TWENTY-THREE DOLLARS.

(e) THE READ-TO-ACHIEVE GRANT PROGRAM CREATED PURSUANT TO SECTION 22-7-506, C.R.S., SHALL RECEIVE FIFTEEN MILLION NINE HUNDRED NINETY THOUSAND FOUR HUNDRED TWENTY DOLLARS.

(f) THE COMPREHENSIVE PRIMARY AND PREVENTATIVE CARE GRANT PROGRAM CREATED IN PART 10 OF ARTICLE 4 OF TITLE 26, C.R.S., SHALL RECEIVE FIVE MILLION TWO HUNDRED FIFTY-NINE THOUSAND NINE HUNDRED SEVENTEEN DOLLARS.

(2) The general assembly shall appropriate the amounts specified in ~~subsection (1)~~ SUBSECTIONS (1) AND (1.7) of this section from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115. FOR FISCAL YEARS OTHER THAN THE 2002-03 FISCAL YEAR, the state controller shall first allocate the amounts specified in paragraphs (a), (c), (d), (e), (f), and (g) of subsection (1) of this section and then allocate the amount for the children's basic health plan trust as specified in paragraph (b) of subsection (1) of this section. FOR THE 2002-03 FISCAL YEAR, THE STATE CONTROLLER SHALL FIRST ALLOCATE THE AMOUNTS SPECIFIED IN PARAGRAPH (f) OF SUBSECTION (1) OF THIS SECTION AND PARAGRAPHS (a), (c), (d), (e), AND (f) OF SUBSECTION (1.7) OF THIS SECTION AND THEN ALLOCATE THE AMOUNT FOR THE CHILDREN'S BASIC HEALTH PLAN AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION. If the moneys in the tobacco litigation settlement cash fund are insufficient to fund the full amount specified in subparagraph (II) of said paragraph (b) for the children's basic health plan trust, the amount of the shortfall shall be allocated out of the tobacco litigation settlement trust fund. Any amount of unencumbered settlement moneys remaining in the fund of any program specified in subsection (1) of this section at the end of any fiscal year shall be

transferred to the tobacco litigation settlement trust fund created in section 24-22-115.5; except that unencumbered settlement moneys shall not be transferred from the following funds:

**SECTION 5.** 26-19-105 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**26-19-105. Trust - created.** (3) (c) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (c), THE STATE TREASURER SHALL DEDUCT FROM THE TRUST, OUT OF MONEYS APPROPRIATED PURSUANT TO SECTION 24-75-1104 (1) (b) (II), C.R.S., TWO MILLION ONE THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS, AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 6.** 28-5-709, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**28-5-709. Colorado state veterans trust fund - created - report.** (3.5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (3.5), THE STATE TREASURER SHALL DEDUCT TWO MILLION TWO HUNDRED EIGHTY THOUSAND NINE HUNDRED DOLLARS FROM THE COLORADO STATE VETERANS TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

**SECTION 7.** 25-31-107 (2) (d) (I), Colorado Revised Statutes, is amended to read:

**25-31-107. Nurse home visitor program - selection of entities - grants.** (2) (d) (I) For the 2000-01 fiscal year, the general assembly shall appropriate to the fund three percent of the total amount of moneys received by the state pursuant to the master settlement agreement, other than attorney fees and costs, during the preceding fiscal year; except that the amount so appropriated to the fund shall not exceed three million dollars. EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104 (1.7) (a), C.R.S., beginning with the 2001-02 fiscal year and for each fiscal year thereafter until the 2008-09 fiscal year, the general assembly shall increase the amount appropriated to the fund by two percent per fiscal year; except that the amount of increase shall not exceed an additional two million dollars per year. For the 2008-09 fiscal year and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the general assembly shall appropriate to the fund nineteen percent of the total amount of moneys received by the state pursuant to the master settlement agreement, other than attorney fees and costs, during the preceding fiscal year; except that the amount so appropriated to the fund in any fiscal year shall not exceed nineteen million dollars. The general assembly shall appropriate the amount specified in this paragraph (d) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

**SECTION 8.** 25-23-104 (2), Colorado Revised Statutes, is amended to read:

**25-23-104. Dental loan repayment fund - acceptance of grants and donations.** (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104 (1.7) (b), C.R.S., beginning in fiscal year 2001-02, and for each fiscal year thereafter so long as the

state receives moneys pursuant to the master settlement agreement, the general assembly shall appropriate to the state dental loan repayment fund two hundred thousand dollars from the moneys annually received by the state pursuant to the master settlement agreement. The general assembly shall appropriate the amount specified in this subsection (2) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S. The amount appropriated pursuant to this subsection (2) shall be in addition to and not in replacement of any general fund moneys appropriated to the state dental loan repayment fund.

**SECTION 9.** 23-20-207 (1) (a) (I), Colorado Revised Statutes, is amended to read:

**23-20-207. Funding of research grants - tobacco- and substance-abuse-related research fund - creation - administrative costs.**

(1) (a) (I) There is hereby created in the office of the treasurer of the university of Colorado the tobacco- and substance-abuse-related research fund, which shall be under the control and administration of the board of regents of the university of Colorado in accordance with the provisions of this article. EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104 (1.7) (c), C.R.S., beginning with the 2000-01 fiscal year and for each fiscal year thereafter in which the state receives moneys pursuant to the master settlement agreement, the general assembly shall appropriate to the fund eight percent of the total amount received by the state pursuant to the master settlement agreement, other than attorney fees and costs, during the preceding fiscal year; except that the amount so appropriated to the fund in any fiscal year shall not exceed eight million dollars. In addition, the fund shall include all interest derived from the deposit and investment of the moneys in the fund and may include moneys credited thereto from any public or private gifts, grants, or donations received by the university for the implementation of this part 2. It is the intent of the general assembly that state general fund moneys not be appropriated to provide any funding for the purposes of this part 2. The moneys in the fund shall remain under the control of the regents of the university of Colorado. Any unencumbered moneys appropriated from moneys received by the state pursuant to the master settlement agreement remaining in the fund at the end of any fiscal year shall be transferred to the tobacco litigation settlement trust fund created in section 24-22-115.5, C.R.S.

**SECTION 10.** 25-3.5-807 (2) (a), Colorado Revised Statutes, is amended to read:

**25-3.5-807. Tobacco program fund - created.** (2) (a) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104 (1.7) (d), C.R.S., beginning in fiscal year 2000-01 and for fiscal years thereafter so long as the state receives moneys pursuant to the master settlement agreement, the general assembly shall annually appropriate to the fund fifteen percent of the amount transmitted to the state treasurer pursuant to the provisions of the master settlement agreement, other than attorney fees and costs, during the preceding fiscal year; except that the amount so appropriated to the fund in any fiscal year shall not exceed fifteen million dollars. The general assembly shall appropriate the amount specified in this subsection (2) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

**SECTION 11.** 22-7-506 (4) (b) (I), Colorado Revised Statutes, is amended to read:

**22-7-506. Read-to-achieve grant program - board created - fund - repeal.**

(4) (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104 (1.7) (e), C.R.S., beginning with the 2000-01 fiscal year, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the general assembly shall annually appropriate to the CASH fund nineteen percent of the amount of moneys transmitted to the state treasurer in accordance with the master settlement agreement, other than attorney fees and costs, for the preceding fiscal year; except that the amount so appropriated to the CASH fund in any fiscal year shall not exceed nineteen million dollars. The general assembly shall appropriate the amount specified in this paragraph (c) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

**SECTION 12.** 26-4-1007 (3) (a), Colorado Revised Statutes, is amended to read:

**26-4-1007. Program funding - comprehensive primary and preventive care fund - creation.** (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104 (1.7) (f), C.R.S., beginning with the 2000-01 fiscal year and for each fiscal year thereafter, the general assembly shall appropriate to the fund six percent of the total amount of moneys received by the state pursuant to the master settlement agreement, not including attorney fees and costs, during the preceding fiscal year; except that the amount so appropriated to the fund shall not exceed six million dollars in any fiscal year. The general assembly shall appropriate the amount specified in this subsection (3) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

**SECTION 13.** Part III (2) (C) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

Section 2. **Appropriation.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART III  
DEPARTMENT OF EDUCATION**

**(2) ASSISTANCE TO PUBLIC SCHOOLS**

**(C) Grant Programs and Other Distributions**

Read-to-Achieve Cash Fund	15,990,420				15,990,420 <sup>a</sup>	
Read-to-Achieve Grant Program	16,183,438				16,183,438 <sup>b</sup>	
Summer School Grant Program Fund	945,800				945,800 <sup>c</sup>	
Summer School Grant Program	945,800				945,800 <sup>d</sup>	
Federal Title I Reading First Grant	9,001,635					9,001,635
School Improvement Grants	2,825,000				2,825,000 <sup>e</sup>	

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## APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Teacher Pay Incentive Program	13,260,000				13,260,000 <sup>e</sup>	
School Awards Program Fund	1,500,000	1,500,000				
Colorado School Awards Program	1,500,000				1,500,000 <sup>e</sup>	
<del>Teacher Development Fund</del>	<del>1,771,625</del>	<del>1,771,625</del>				
(Governor lined through this provision. See L. 2002, p. 303 7. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's action.)						
<del>Teacher Development Grant Program</del>	<del>2,000,000</del>				<del>2,000,000<sup>e</sup></del>	
(Governor lined through this provision. See L. 2002, p. 303 8. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's action.)						
Purchase of New Textbooks	15,018,326				15,018,326 <sup>e</sup>	
S.B. 97-101 Public School Health Services	8,525,325				8,525,325(T) <sup>g</sup> (1.3 FTE)	
State Public School Fund, Contingency Reserve <sup>22, 23</sup>	5,900,000	1,041,774			4,858,226 <sup>h</sup>	

State Public School Fund, School Capital Construction			
Expenditure Reserve	15,627,886		15,627,886 <sup>d</sup> (1.0 FTE)
Charter School Capital Construction	7,813,943		7,813,943 <sup>e</sup>
State Match for School Lunch Program	2,472,644		2,472,644 <sup>j</sup>
Boards of Cooperative Services	220,000	170,000	50,000 <sup>f</sup>
National Academic Contest Fund	50,000		50,000 <sup>f</sup>
Funding for National Academic Award Winners	50,000		50,000 <sup>h</sup>
Science and Technology Center Grant Program	<u>372,000</u>		372,000 <sup>i</sup>
	<del>123,835,344</del>		
	118,202,217		

<sup>a</sup> This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (e), C.R.S.

<sup>b</sup> This amount shall be from the Read-to-Achieve Cash Fund created in Section 22-7-506, C.R.S.

<sup>c</sup> These amounts shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution.

<sup>d</sup> This amount shall be from the Summer School Grant Program Fund created in Section 22-7-804, C.R.S.

<sup>e</sup> This amount shall be from the School Awards Program Fund created in Section 22-11-304, C.R.S.

<sup>f</sup> This amount shall be from the Teacher Development Fund created in Section 22-7-708, C.R.S.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

<sup>g</sup> This amount shall be from federal Medicaid funds appropriated to the Department of Health Care Policy and Financing. Of this amount, \$91,493 shall be for administrative costs.

<sup>h</sup> Of this amount, \$4,100,000 is from lottery proceeds projected to be transferred to the State Public School Fund, Contingency Reserve, pursuant to Section 22-54-117 (1.6), C.R.S., and \$758,226 shall be from school district reimbursements that are credited to the State Public School Fund, Contingency Reserve, pursuant to Section 22-54-117 (5) (b), C.R.S.

<sup>i</sup> Of this amount, \$7,813,943 shall be from the shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution, and \$7,813,943 shall be from the State Public School Fund, School Capital Construction Expenditure Reserve established in Section 22-54-117 (1.5), C.R.S.

<sup>j</sup> These amounts shall be from the State Public School Fund created in Section 22-54-114, C.R.S.

<sup>k</sup> This amount shall be from the National Academic Contest Fund created in Section 22-2-121 (3), C.R.S.

<sup>l</sup> This amount shall be from the Science and Technology Fund created in Section 22-81-206, C.R.S.

~~3,091,663,018~~  
3,086,029,894

**TOTALS PART III  
(EDUCATION)<sup>5,6</sup>**

<del>\$3,141,367,483</del>	\$2,406,928,430		\$13,098,032 <sup>a</sup>	<del>\$349,511,631<sup>b</sup></del>	\$371,829,390
<u>\$3,135,734,359</u>				<u>\$343,878,507<sup>b</sup></u>	

<sup>a</sup> Of this amount, \$84,352 contains a (T) notation.

<sup>b</sup> Of this amount, \$15,112,473 contains a (T) notation, and \$155,250 contains an (L) notation.

**SECTION 14.** Part V (4) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

**Section 2. Appropriation.**

**PART V  
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING**

**(4) INDIGENT CARE PROGRAM**

Program Administration	280,535	142,423(M)		138,112
	(3.0 FTE)			
Denver Indigent Care Program <sup>55</sup>	36,137,947		18,068,973 <sup>a</sup>	18,068,974
University Hospital Indigent Care Program	28,715,326		14,357,663 <sup>a</sup>	14,357,663
Out-state Indigent Care Program <sup>56</sup>	23,812,224	6,658,608(M)	5,247,504 <sup>b</sup>	11,906,112
Disproportionate Share Payments to Hospitals <sup>56</sup>	130,115,868	3,532,181(M)	61,525,753 <sup>b</sup>	65,057,934
The Children's Hospital, Clinic Based Indigent Care	6,119,760	3,059,880(M)		3,059,880
Pre-Component 1 Disproportionate Share Payments to Hospitals <sup>56</sup>	4,771,714	2,385,857(M)		2,385,857
H.B. 97-1304 Children's Basic Health Plan Trust	16,740,280	6,603,720	336,560 <sup>c</sup>	9,800,000 <sup>d</sup>

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APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Children's Basic Health Plan Administration	5,087,403				2,286,746 <sup>c</sup>	2,800,657
Children's Basic Health Plan Premium Costs <sup>58, 59</sup>	46,404,003				16,460,165 <sup>c</sup>	29,943,838
Children's Basic Health Plan Dental Benefit Costs <sup>60</sup>	6,359,497				2,225,824 <sup>c</sup>	4,133,673
Comprehensive Primary and Preventive Care Fund	<del>5,939,047</del> 5,259,917				<del>5,939,047<sup>f</sup></del> 5,259,917 <sup>f</sup>	
Comprehensive Primary and Preventive Care Grants Program	<del>5,939,047</del> 5,259,917				<del>5,939,047<sup>f</sup></del> 5,259,917 <sup>g</sup>	
Essential Community Providers Grants Program	<u>114,051</u>	114,051				
	<del>316,536,702</del> 315,178,442					

<sup>a</sup> These amounts represent public funds certified as representing expenditures incurred by Denver Health and The University Hospital that are eligible for federal financial participation under the Medicaid Major Teaching Hospital Program.

<sup>b</sup> These amounts represent public funds certified as representing expenditures incurred by hospitals that are eligible for federal financial participation under the Medicaid and Medicaid Disproportionate Share Payments to Hospitals Program.

<sup>c</sup> This amount shall be from annual premiums paid by participating families.

<sup>d</sup> This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (b), C.R.S.

<sup>e</sup> These amounts shall be from the Children's Basic Health Plan Trust created in Section 26-19-105, C.R.S.

<sup>f</sup> This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (g), C.R.S.

<sup>g</sup> This amount shall be from the Comprehensive Primary and Preventive Care Fund created in Section 26-4-1007, C.R.S., pursuant to Section 24-75-1104 (1) (g), C.R.S.

**TOTALS PART V**

**(HEALTH CARE**

**POLICY AND**

**FINANCING)<sup>g, e</sup>**

<del>\$2,714,652,157</del>	\$1,180,936,543 <sup>a</sup>	\$751,563	<del>\$186,737,806<sup>b</sup></del>	\$1,346,226,245
<u>\$2,713,293,897</u>			<u>\$185,379,546<sup>b</sup></u>	

<sup>a</sup> Of this amount, \$3,355,821 is exempt from the statutory limit on state General Fund appropriations pursuant to Section 24-75-201.1 (1) (a) (III) (B), C.R.S.

<sup>b</sup> Of this amount, \$781,748 contains an (L) notation, and \$10,068,871 contains a (T) notation.

**SECTION 15.** Part VI (4) (C) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

**Section 2. Appropriation.**

**PART VI  
DEPARTMENT OF HIGHER EDUCATION**

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 APPROPRIATION FROM
 

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<b>(4) GOVERNING BOARDS AND LOCAL DISTRICT JUNIOR COLLEGES<sup>1</sup></b>						
<b>(C) REGENTS OF THE UNIVERSITY OF COLORADO<sup>67a, 73, 74, 75, 76</sup></b>						
Governing Board and General Campuses						
General Fund and Tuition						
Allocation	505,470,657	225,941,651		279,529,006 <sup>a</sup>		
	(6,037.5 FTE)					
Other Than Tuition Revenue	<del>50,280,934</del>			41,704,674 <sup>b</sup>	<del>8,576,260<sup>c</sup></del>	
	45,362,205				3,657,531 <sup>c</sup>	
Auxiliary Revenue	<u>30,340,618</u>			30,340,618 <sup>d</sup>		
	<del>586,092,209</del>					
	581,173,480					

<sup>a</sup> This amount shall be from tuition revenue.

<sup>b</sup> This amount shall be from other than tuition revenue.

<sup>c</sup> Of this amount, ~~\$7,918,729~~ \$3,000,000 shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (c), C.R.S., and \$657,531(T) shall be from moneys appropriated to the Department of Local Affairs from the Local Government Mineral Impact Fund, created in Section 34-63-102 (5), C.R.S. The Local Government Mineral Impact Fund amount represents a 2003 calendar year grant; any unexpended balance on June 30, 2003, is intended to roll forward and remain available for expenditure in FY 2003-04.

<sup>d</sup> This amount shall be from auxiliary revenue.

1,408,493,378  
 1,403,574,649

**TOTALS PART VI**

<b>(HIGHER EDUCATION)<sup>5,6</sup></b>	<del>\$1,625,761,674</del>	\$797,870,851	\$721,408,270 <sup>a</sup>	<del>\$87,008,845<sup>a</sup></del>	\$19,473,708
	<u>\$1,620,842,945</u>			<u>\$82,090,116<sup>a</sup></u>	

<sup>a</sup> Of these amounts, \$76,557,335 contains a (T) notation and \$2,000,000 contains an (L) notation.

**SECTION 16.** Part XVI (10) (C) (2), (12) (B) (5), and (12) (E) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

**Section 2. Appropriation.**

**PART XVI  
 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**(10) PREVENTION AND INTERVENTION SERVICES FOR CHILDREN AND YOUTH**

**(C) Maternal and Child Health**

(2) Child, Adolescent, and School Health

Early and Periodic

Screening, Diagnosis

and Treatment Program      2,961,339

2,961,339(T)<sup>a</sup>

(6.0 FTE)

Private Grants      585,333

585,333<sup>b</sup>

(1.0 FTE)

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
Nurse Home Visitor Program Fund	<del>6,297,110</del> 5,577,035					<del>6,297,110<sup>a</sup></del> 5,577,035 <sup>c</sup>	
Nurse Home Visitor Program	<del>6,297,110</del> 5,577,035					<del>6,297,110<sup>a</sup></del> 5,577,035 <sup>d</sup> (2.0 FTE)	
Federal Grants <sup>206</sup>	868,914						868,914 (3.6 FTE)
	<u><del>17,009,806</del></u> 15,569,656						

<sup>a</sup> This amount shall be from Medicaid funds appropriated in the Department of Health Care Policy and Financing.

<sup>b</sup> This amount shall be from grants and donations.

<sup>c</sup> This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (a), C.R.S.

<sup>d</sup> This amount shall be from the Nurse Home Visitor Program Fund created in Section 25-31-107 (2) (b), C.R.S.

~~121,426,340~~

119,986,190

**(12) HEALTH PROMOTION AND DISEASE PREVENTION**

**(B) Prevention Programs**

(5) Tobacco Education and Prevention

Personal Services	601,498	601,498 <sup>a</sup>	(7.2 FTE)
Operating Expenses	44,998	44,998 <sup>a</sup>	
Tobacco Program Fund	<del>14,847,618</del>	<del>14,847,618<sup>b</sup></del>	
	12,998,723	12,998,723 <sup>b</sup>	
Tobacco Cessation and Prevention Grants	<del>14,201,122</del>	<del>14,201,122<sup>c</sup></del>	
	12,352,227	12,352,227 <sup>a</sup>	
American Legacy Foundation Tobacco Grant	667,966	667,966 <sup>c</sup>	(4.5 FTE)
	<hr/>		
	<del>30,363,202</del>		
	26,665,412		

<sup>a</sup> These amounts shall be from the Tobacco Program Fund created in Section 25-3.5-807, C.R.S.

<sup>b</sup> This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (d), C.R.S.

<sup>c</sup> This amount shall be from the American Legacy Foundation.

**(E) Rural- Primary Care**

State Dental Loan Repayment Fund	<del>200,000</del>	<del>200,000<sup>a</sup></del>		
	177,130	177,130 <sup>a</sup>		
Dental Programs	872,287	622,343	188,038 <sup>b</sup>	61,906

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
		(0.8 FTE)			(0.2 FTE)	(1.0 FTE)
Federal Grants	312,309					312,309
	<u>1,384,596</u>					(2.5 FTE)
	1,361,726					

<sup>a</sup> This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104 (1) (b.5), C.R.S.

<sup>b</sup> This amount shall be from the State Dental Loan Repayment Fund created in Section 25-23-104, C.R.S.

~~52,076,192~~  
48,355,532

**TOTALS PART XVI  
(PUBLIC HEALTH  
AND  
ENVIRONMENT)<sup>5,6</sup>**

~~\$282,576,924~~      \$20,343,844<sup>a</sup>      \$24,918,695      ~~\$82,560,331<sup>b</sup>~~      \$154,754,054  
\$277,416,114                     \$77,399,521<sup>b</sup>

<sup>a</sup> Of this amount, \$259,090 is exempt from the statutory limit on state General Fund appropriations pursuant to Section 24-75-201.1 (1) (a) (III) (B), C.R.S.

<sup>b</sup> Of this amount, \$22,901,276 contains a (T) notation.

**SECTION 17. 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: March 5, 2003