

CHAPTER 250

HEALTH AND ENVIRONMENT

SENATE BILL 03-019

BY SENATOR(S) Anderson;
also REPRESENTATIVE(S) Rhodes.

AN ACT

CONCERNING PROGRAM REVIEWS OF TOBACCO SETTLEMENT PROGRAMS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 2-3-113 (7), Colorado Revised Statutes, is amended to read:

2-3-113. Programs that receive tobacco settlement moneys - program review. (7) BEGINNING WITH THE 2003-04 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE STATE AUDITOR'S OFFICE ONE-TENTH OF ONE PERCENT OF THE TOTAL AMOUNT OF MONEYS RECEIVED BY THE STATE PURSUANT TO THE MASTER SETTLEMENT AGREEMENT IN THE PRECEDING FISCAL YEAR FOR the costs incurred by the state auditor's office in implementing the requirements of this section. THE AMOUNT APPROPRIATED TO THE STATE AUDITOR'S OFFICE PURSUANT TO THIS SUBSECTION (7) SHALL COME FROM A PROPORTIONATE REDUCTION IN THE AMOUNTS ANNUALLY APPROPRIATED TO EACH TOBACCO SETTLEMENT PROGRAM THAT IS REVIEWED PURSUANT TO THIS SECTION. ~~shall be paid proportionately from the amounts annually appropriated to each tobacco settlement program; except that the amount of said costs shall not exceed one-tenth of one percent of the total amount of moneys received pursuant to the master settlement agreement in any fiscal year.~~ ANY UNENCUMBERED MONEYS APPROPRIATED FROM MONEYS RECEIVED PURSUANT TO THE MASTER SETTLEMENT AGREEMENT REMAINING WITH THE STATE AUDITOR'S OFFICE 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 2. 25-1-108.5 (5), Colorado Revised Statutes, is amended to read:

25-1-108.5. Additional powers and duties of the state board of health and the

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

department - programs that receive tobacco settlement moneys - monitoring - annual report. (5) ~~The~~ EACH TOBACCO SETTLEMENT PROGRAM SHALL PAY A PROPORTIONATE SHARE OF THE costs incurred by the department in implementing the requirements of this section. ~~shall be paid proportionately from~~ THE AMOUNT PAID BY EACH TOBACCO SETTLEMENT PROGRAM SHALL BE PROPORTIONATE TO the amounts annually appropriated to each tobacco settlement program; except that the TOTAL amount of ~~said~~ THE PROGRAM EVALUATION costs shall not exceed four-tenths of one percent of the total amount of moneys received BY THE STATE pursuant to the master settlement agreement in any fiscal year. For the fiscal year 2001-2002, seventy-five thousand nine hundred seventy-eight dollars from the moneys paid to the department from the tobacco settlement programs pursuant to this section shall be appropriated to the stroke prevention and treatment cash fund created in section 25-34-105 for allocation to the stroke advisory board created in section 25-34-104 to cover the costs of such board's duties pursuant to such section.

SECTION 3. 26-4-532, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-4-532. Breast and cervical cancer prevention and treatment program - creation - legislative declaration - definitions - funds - repeal. (6.5) THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM SHALL BE SUBJECT TO THE ANNUAL FINANCIAL AND COMPLIANCE AUDIT OF THE "COLORADO MEDICAL ASSISTANCE ACT" PERFORMED BY THE STATE AUDITOR'S OFFICE AND SHALL NOT BE CONSIDERED A TOBACCO SETTLEMENT PROGRAM FOR PURPOSES OF SECTION 2-3-113, C.R.S., OR SECTION 25-1-108.5, C.R.S.

SECTION 4. Appropriation - adjustments to the 2003 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of education, for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The cash funds exempt appropriation to assistance to public schools, grant programs and other distributions, read-to-achieve cash fund, is decreased by twenty-five thousand one hundred forty-nine dollars (\$25,149). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(b) The cash funds exempt appropriation to assistance to public schools, grant programs and other distributions, for the read-to-achieve grant program, is decreased by twenty-five thousand one hundred forty-nine dollars (\$25,149). Said sum shall be from the read-to-achieve cash fund pursuant to section 22-7-506, Colorado Revised Statutes.

(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing, for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The cash funds exempt appropriation to the indigent care program, H.B. 97-1304 children's basic health plan trust, is decreased by twenty-three thousand four hundred fifty-nine dollars (\$23,459). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(b) The cash funds exempt appropriation to the indigent care program, comprehensive primary and preventive care fund, is decreased by seven thousand nine hundred forty-two dollars (\$7,942). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(c) The cash funds exempt appropriation to the indigent care program, for the comprehensive primary and preventive care grants program, is decreased by seven thousand nine hundred forty-two dollars (\$7,942). Said sum shall be from the comprehensive primary and preventive care fund pursuant to section 26-4-1007, Colorado Revised Statutes.

(3) For the implementation of this act, appropriations made in the annual general appropriation act to the department of higher education, for the fiscal year beginning July 1, 2003, shall be adjusted as follows: The cash funds exempt appropriation to the governing boards and local district junior colleges, regents of the university of Colorado, other than tuition revenue, is decreased by ten thousand five hundred eighty-nine dollars (\$10,589). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(4) For the implementation of this act, appropriations made in the annual general appropriation act to the department of public health and environment, for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The cash funds exempt appropriation to prevention and intervention services for children and youth division, nurse home visitor program fund, is decreased by ten thousand one hundred fifty-seven dollars (\$10,157). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(b) The cash funds exempt appropriation to prevention and intervention services for children and youth division, for the nurse home visitor program, is decreased by ten thousand one hundred fifty-seven dollars (\$10,157). Said sum shall be from the nurse home visitor program fund created in section 25-31-107 (4), Colorado Revised Statutes.

(c) The cash funds exempt appropriation to health promotion and disease prevention, tobacco education and prevention, for tobacco cessation and prevention grants, is decreased by nineteen thousand eight hundred fifty-five dollars (\$19,855). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

(d) The cash funds exempt appropriation to health promotion and disease prevention, for tobacco education and prevention, tobacco program fund, is decreased by nineteen thousand eight hundred fifty-five dollars (\$19,855). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(e) The cash funds exempt appropriation to health promotion and disease prevention, rural - primary care, state dental loan repayment fund, is decreased by two hundred sixty-eight dollars (\$268). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(f) The cash funds exempt appropriation to health promotion and disease prevention, rural - primary care, for dental programs, is decreased by two hundred sixty-eight dollars (\$268). Said sum shall be from the state dental loan repayment fund, pursuant to section 25-23-104, Colorado Revised Statutes.

(5) For the implementation of this act, appropriations made in the annual general appropriation act to the department of military and veterans affairs, for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The cash funds exempt appropriation to the division of veterans affairs, Colorado state veterans trust fund, is decreased by one thousand three hundred twenty-four dollars (\$1,324). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(b) The cash funds exempt appropriation to the division of veterans affairs, Colorado state veterans trust fund expenditures, is decreased by one thousand three hundred twenty-four dollars (\$1,324). Said sum shall be from the Colorado state veterans trust fund pursuant to section 28-5-709 (1) (a), Colorado Revised Statutes.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the legislative department, for allocation to the office of the state auditor, for the fiscal year beginning July 1, 2003, the sum of ninety-eight thousand seven hundred forty-three dollars (\$98,743), or so much thereof as may be necessary, for the implementation of this act. The source of the cash funds shall be from the tobacco litigation settlement cash fund pursuant to section 2-3-113, Colorado Revised Statutes.

SECTION 6. Effective date. This act shall take effect July 1, 2003.

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

Approved: May 14, 2003