

CHAPTER 392

GOVERNMENT - STATE

SENATE BILL 03-282

BY SENATOR(S) Teck, Owen, and Reeves;
also REPRESENTATIVE(S) Witwer, Plant, Young, Merrifield, Stafford, and Williams S.

AN ACT

CONCERNING TOBACCO LITIGATION SETTLEMENT MONEYS RECEIVED BY THE STATE, AND, IN CONNECTION THEREWITH, REALLOCATING A PORTION OF THE MONEYS RECEIVED IN THE 2002-03 FISCAL YEAR FOR THE PURPOSE OF AUGMENTING THE STATE GENERAL FUND, MODIFYING APPROPRIATIONS FOR THE 2002-03 FISCAL YEAR, AND REDUCING AND ELIMINATING FUNDING OF SPECIFIED PROGRAMS FROM TOBACCO LITIGATION SETTLEMENT MONEYS IN THE 2003-04 FISCAL YEAR.

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

SECTION 1. 24-22-115 (1), Colorado Revised Statutes, is amended to read:

24-22-115. Tobacco litigation settlement cash fund - creation. (1) There is hereby created in the state treasury the tobacco litigation settlement cash fund. The cash fund shall consist of all moneys transmitted 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 moneys credited to the tobacco litigation settlement trust fund pursuant to section 24-22-115.5. Except as provided in subsection (2) of this section, all interest derived from the deposit and investment of moneys in the cash fund shall be credited to the cash fund; except that beginning with the fiscal year 2001-02, and each fiscal year thereafter, all interest derived from the deposit and investment of moneys in the cash fund shall be credited to the breast and cervical cancer prevention and treatment fund created pursuant to section 26-4-532, C.R.S. Except as provided in subsection (2) of this section, all

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

moneys in the cash fund shall be subject to appropriation by the general assembly for such purposes as may be authorized by law in accordance with the terms of the settlement agreements and the consent decree. EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, AT THE END OF THE 2003-04 FISCAL YEAR, BUT PRIOR TO THE MAKING OF ANY TRANSFER OF MONEYS FROM THE CASH FUND TO THE TOBACCO LITIGATION SETTLEMENT TRUST FUND AT THE END OF THE FISCAL YEAR AS REQUIRED BY THIS SUBSECTION (1), THE LESSER OF FIFTY PERCENT OF ALL UNEXPENDED AND UNENCUMBERED MONEYS AND ALL MONEYS NOT APPROPRIATED FOR THE 2004-05 FISCAL YEAR IN THE CASH FUND OR SEVEN MILLION FIVE HUNDRED NINETY-FOUR THOUSAND EIGHT HUNDRED SIXTEEN DOLLARS SHALL BE TRANSFERRED FROM THE CASH FUND TO THE GENERAL FUND AND CONTINUOUSLY APPROPRIATED FOR THE IMPLEMENTATION OF THE TONY GRAMPSAS YOUTH SERVICES PROGRAM CREATED AND EXISTING PURSUANT TO PART 2 OF ARTICLE 20.5 OF TITLE 25, C.R.S. Except as provided in subsection (2) of this section, at the end of any fiscal year, all unexpended and unencumbered moneys and all moneys not appropriated for the following fiscal year in the cash fund shall be transferred to the tobacco litigation settlement trust fund.

SECTION 2. 24-22-115 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

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

(2) (e) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (2) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS PARAGRAPH (e), THE STATE TREASURER SHALL DEDUCT FIVE MILLION SIX HUNDRED FIFTY-ONE THOUSAND ONE HUNDRED FIVE DOLLARS FROM THE TOBACCO LITIGATION SETTLEMENT CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND FOR USE IN THE 2002-03 FISCAL YEAR.

(f) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (2) TO THE CONTRARY, UPON RECEIPT OF ANY MONEYS PAID TO THE STATE TREASURER IN APRIL 2003 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, THE STATE TREASURER SHALL DEDUCT TWENTY-ONE MILLION SIX HUNDRED SIXTY THOUSAND SIX HUNDRED NINE DOLLARS OF SUCH AMOUNT FROM THE TOBACCO LITIGATION SETTLEMENT CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND FOR USE IN THE 2002-03 FISCAL YEAR.

SECTION 3. 24-75-1104 (1.7) (d), Colorado Revised Statutes, as enacted by Senate Bill 03-190, enacted at the First Regular Session of the Sixty-fourth General Assembly, and the introductory portion to 24-75-1104 (2), Colorado Revised Statutes, as amended by Senate Bill 03-190, enacted at the First Regular Session of the Sixty-fourth General Assembly, are amended 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:

(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~~ SEVEN MILLION THREE HUNDRED FORTY-SEVEN THOUSAND SIX HUNDRED EIGHTEEN dollars.

(2) The general assembly shall appropriate the amounts specified in subsections (1), ~~and~~ (1.7), AND (1.8) 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 AND THE 2003-04 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. FOR THE 2003-04 FISCAL YEAR, THE STATE CONTROLLER SHALL FIRST ALLOCATE THE AMOUNT FOR THE CHILDREN'S BASIC HEALTH PLAN AS SPECIFIED IN SUBPARAGRAPH (VII) OF PARAGRAPH (a) OF SUBSECTION (1.8) OF THIS SECTION AND THEN ALLOCATE THE AMOUNTS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (1.8) 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 4. 24-75-1104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-75-1104. Use of settlement moneys - programs.

(1.8) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, FOR THE 2003-04 FISCAL YEAR, THE FOLLOWING PROGRAMS SHALL RECEIVE APPROPRIATIONS IN THE FOLLOWING SPECIFIED AMOUNTS FROM THE SETTLEMENT MONEYS RECEIVED BY THE STATE:

(I) THE COLORADO NURSE HOME VISITOR PROGRAM CREATED IN ARTICLE 31 OF TITLE 25, C.R.S., SHALL RECEIVE SIX MILLION NINE HUNDRED TWENTY-SIX THOUSAND SEVEN HUNDRED FOURTEEN DOLLARS.

(II) THE STATE DENTAL LOAN REPAYMENT PROGRAM CREATED IN ARTICLE 23 OF TITLE 25, C.R.S., SHALL RECEIVE ONE HUNDRED EIGHTY-TWO THOUSAND EIGHT HUNDRED THIRTY-FOUR DOLLARS.

(III) THE TOBACCO EDUCATION, PREVENTION, AND CESSATION GRANT PROGRAM

CREATED IN PART 8 OF ARTICLE 3.5 OF TITLE 25, C.R.S., SHALL RECEIVE FIVE MILLION THREE HUNDRED TWELVE THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS LESS ANY AMOUNT NEEDED TO PAY THE STATE'S SHARE OF THE ANNUAL FUNDING REQUIRED FOR THE "CHILD MENTAL HEALTH TREATMENT ACT", ARTICLE 10.3 OF TITLE 27, C.R.S., AND LESS FIVE HUNDRED THOUSAND DOLLARS WHICH SHALL BE APPROPRIATED TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES FOR THE MEDICAID MENTAL HEALTH CAPITATION PROGRAM, AND LESS ONE HUNDRED THOUSAND DOLLARS WHICH SHALL BE APPROPRIATED TO THE DEPARTMENT OF HIGHER EDUCATION FOR THE STATE COUNCIL ON THE ARTS ESTABLISHED IN SECTION 23-9-103, C.R.S., AND LESS FIVE HUNDRED THOUSAND DOLLARS WHICH SHALL BE APPROPRIATED TO THE JUDICIAL DEPARTMENT FOR THE PROVISION OF LEGAL SERVICES TO VICTIMS OF FAMILY VIOLENCE PURSUANT TO SECTION 14-4-107, C.R.S., WHICH FUNDING SHALL BE APPROPRIATED FROM THE TOTAL AMOUNT OF SETTLEMENT MONEYS ANNUALLY RECEIVED BY THE STATE.

(IV) THE READ-TO-ACHIEVE GRANT PROGRAM CREATED PURSUANT TO SECTION 22-7-506, C.R.S., SHALL RECEIVE ELEVEN MILLION SEVEN HUNDRED NINETY-EIGHT THOUSAND FOUR HUNDRED TEN DOLLARS.

(V) THE COLORADO STATE VETERANS TRUST FUND CREATED IN SECTION 28-5-709, C.R.S., SHALL RECEIVE NINE HUNDRED TWO THOUSAND SIX HUNDRED EIGHTY-ONE DOLLARS.

(VI) 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 FOUR HUNDRED SIXTEEN THOUSAND EIGHTY-SIX DOLLARS.

(VII) THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN SECTION 26-19-105, C.R.S., SHALL RECEIVE EIGHTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, FOR THE 2003-04 FISCAL YEAR, THE TOBACCO-RELATED AND TOBACCO-FOCUSED RESEARCH GRANT PROGRAM IMPLEMENTED PURSUANT TO PART 2 OF ARTICLE 20 OF TITLE 23, C.R.S., SHALL NOT RECEIVE AN APPROPRIATION FROM THE SETTLEMENT MONEYS RECEIVED BY THE STATE.

SECTION 5. 25-31-107 (2) (d) (I), Colorado Revised Statutes, as amended by Senate Bill 03-190, enacted at the First Regular Session of the Sixty-fourth General Assembly, 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) OR (1.8) (a) (I), 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 6. 25-23-104 (2), Colorado Revised Statutes, as amended by Senate Bill 03-190, enacted at the First Regular Session of the Sixty-fourth General Assembly, 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) OR (1.8) (a) (II), 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 7. 25-3.5-807 (2) (a), Colorado Revised Statutes, as amended by Senate Bill 03-190, enacted at the First Regular Session of the Sixty-fourth General Assembly, 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) OR (1.8) (a) (III), 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 8. 22-7-506 (4) (b) (I), Colorado Revised Statutes, as amended by Senate Bill 03-190, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended, and the said 22-7-506 (4) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, 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) OR (1.8) (a) (IV), 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)~~ PARAGRAPH (b) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(f) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (4) TO THE CONTRARY, OF THE MONEYS APPROPRIATED TO THE CASH FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4) FOR THE 2003-04 FISCAL YEAR, SIX HUNDRED THOUSAND DOLLARS OF SUCH AMOUNT SHALL BE APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR REGIONAL LIBRARY SERVICE SYSTEMS PURSUANT TO PART 1 OF ARTICLE 90 OF TITLE 24, C.R.S.

(g) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (4) TO THE CONTRARY, OF THE MONEYS APPROPRIATED TO THE CASH FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4) FOR THE 2003-04 FISCAL YEAR, FIVE HUNDRED THOUSAND DOLLARS OF SUCH AMOUNT SHALL BE APPROPRIATED TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY FOR THE JUVENILE DIVERSION PROGRAM ESTABLISHED PURSUANT TO SECTION 19-2-303, C.R.S.

SECTION 9. 28-5-709 (1) (b) (III), (2) (a), and (3), Colorado Revised Statutes, are amended to read:

28-5-709. Colorado state veterans trust fund - created - report - repeal.
(1) (b) The moneys in the trust fund shall be used for:

(III) ~~Veterans outreach programs administered~~ COSTS INCURRED by the division;
and

(2) (a) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104 (1.8) (a) (V), C.R.S., beginning in fiscal year 2000-01 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 trust fund one percent of the total amount received by the state 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 trust fund in any fiscal year shall not exceed one 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.

(3) (a) All of the funds appropriated to the trust fund pursuant to subsection (2) of this section in fiscal year 2000-01 shall be credited to the trust fund and retained as principal in the trust fund. For fiscal years 2001-02 and fiscal years thereafter, seventy-five percent of the amount of annual appropriations made pursuant to subsection (2) of this section shall be credited to the trust fund and retained as principal in the trust fund. For fiscal years 2001-02 and fiscal years thereafter, twenty-five percent of the amount of annual appropriations made pursuant to subsection (2) of this section and one hundred percent of any interest earned on the principal in the trust fund shall be subject to annual appropriation by the general assembly and may be allocated by the board for the purposes outlined in subsection (1) of this section.

(b)(I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), FOR THE 2003-04, 2004-05, AND 2005-06 FISCAL YEARS, TWENTY-FIVE PERCENT OF THE AMOUNT OF ANNUAL APPROPRIATIONS MADE PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL BE CREDITED TO THE TRUST FUND AND RETAINED AS PRINCIPAL IN THE TRUST FUND, AND SEVENTY-FIVE PERCENT OF THE AMOUNT OF ANNUAL APPROPRIATIONS MADE PURSUANT TO SUBSECTION (2) OF THIS SECTION AND ONE HUNDRED PERCENT OF ANY INTEREST EARNED ON THE PRINCIPAL IN THE TRUST FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY AND MAY BE ALLOCATED BY THE BOARD FOR THE PURPOSES OUTLINED IN SUBSECTION (1) OF THIS SECTION.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 10. 26-4-1007 (3) (a), Colorado Revised Statutes, as amended by Senate Bill 03-190, enacted at the First Regular Session of the Sixty-fourth General Assembly, 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) OR (1.8) (a) (VI), 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 11. 26-19-105 (2.5), Colorado Revised Statutes, is amended to read:

26-19-105. Trust - created. (2.5) For fiscal year 2000-01, the general assembly shall appropriate to the trust ten million dollars from the moneys received by the state for said fiscal year pursuant to the master settlement agreement. For fiscal year 2001-02, the general assembly shall appropriate to the trust nine million eight hundred thousand dollars from the moneys annually received by the state pursuant to the master settlement agreement. EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104 (1.8) (a) (VII), C.R.S., beginning in fiscal year 2002-03, 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 trust seventeen million five hundred thousand dollars from the moneys annually received by the state pursuant to the master settlement agreement. Except as otherwise provided in section 24-22-115.5, C.R.S., the general assembly shall appropriate the amount specified in this subsection (2.5) 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 (2.5) shall be in addition to and not in replacement of any general fund moneys appropriated to the trust.

SECTION 12. 23-20-207 (1) (a) (I), Colorado Revised Statutes, as amended by Senate Bill 03-190, enacted at the First Regular Session of the Sixty-fourth General Assembly, 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) OR (1.8) (b), 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 13. Appropriation - adjustments to the 2002 long bill. (1) 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, 2002, shall be adjusted as follows:

(a) The cash funds exempt appropriation to health promotion and disease prevention, tobacco education and prevention, for personal services, is decreased by three hundred thousand seven hundred forty-nine dollars (\$300,749). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

(b) The cash funds exempt appropriation to health promotion and disease prevention, tobacco education and prevention, for operating expenses, is decreased by twenty-two thousand four hundred ninety-nine dollars (\$22,499). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

(c) The cash funds exempt appropriation to health promotion and disease prevention, tobacco education and prevention, tobacco program fund, is decreased by five million six hundred fifty-one thousand one hundred five dollars (\$5,651,105). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(d) The cash funds exempt appropriation to health promotion and disease prevention, for tobacco education and prevention, tobacco cessation and prevention grants, is decreased by five million three hundred twenty-seven thousand eight hundred fifty-seven dollars (\$5,327,857). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

SECTION 14. 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 five million nine hundred sixty-two thousand seven hundred fifty-nine dollars (\$5,962,759). 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 five million nine hundred sixty-two thousand seven hundred fifty-nine dollars (\$5,962,759). 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, comprehensive primary and preventive care fund, is decreased by five hundred eight thousand four hundred ninety-four dollars (\$508,494). 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, for the comprehensive primary and preventive care grants program, is decreased by five hundred eight thousand four hundred ninety-four dollars (\$508,494). 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 seven million eight hundred ninety-nine thousand four hundred forty dollars (\$7,899,440). 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 six hundred fifty thousand three hundred twenty-one dollars (\$650,321). 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 six hundred fifty thousand three hundred twenty-one dollars (\$650,321). 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, personal services, is decreased by three hundred ninety-four thousand five hundred thirty-three dollars (\$394,533). 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, tobacco education and prevention, for operating expenses, is decreased by twenty-eight thousand eight hundred fifty-eight dollars (\$28,858). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

(e) The cash funds exempt appropriation to health promotion and disease prevention, tobacco education and prevention, for tobacco cessation and prevention grants, is decreased by nine million seventy-five thousand three hundred ninety-three dollars (\$9,075,393). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

(f) The cash funds exempt appropriation to health promotion and disease prevention, for tobacco education and prevention, tobacco program fund, is decreased by nine million four hundred ninety-eight thousand seven hundred eighty-four dollars (\$9,498,784). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(g) The cash funds exempt appropriation to health promotion and disease prevention, rural - primary care, state dental loan repayment fund, is decreased by seventeen thousand one hundred sixty-six dollars (\$17,166). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(h) The cash funds exempt appropriation to health promotion and disease prevention, rural - primary care, for dental programs, is decreased by seventeen thousand one hundred sixty-six dollars (\$17,166). 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 eighty-four thousand seven hundred forty-nine dollars (\$84,749). 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 twenty-seven thousand five hundred eighty-one dollars (\$27,581). Said sum shall be from the Colorado state veterans trust fund pursuant to section 28-5-709 (1) (a), Colorado Revised Statutes.

SECTION 15. 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 five million nine hundred sixty-two thousand seven hundred fifty-nine dollars (\$5,962,759). 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 five million nine hundred sixty-two thousand seven hundred fifty-nine dollars (\$5,962,759). 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, comprehensive primary and preventive care fund, is decreased by five hundred eight thousand four hundred ninety-four dollars (\$508,494). 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, for the comprehensive primary and preventive care grants program, is decreased by five hundred eight thousand four hundred ninety-four dollars (\$508,494). 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 seven million eight hundred ninety-nine thousand four hundred forty dollars (\$7,899,440). 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 six hundred fifty thousand three hundred twenty-one dollars (\$650,321). 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 six hundred fifty thousand three hundred twenty-one dollars (\$650,321). 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, personal services, is decreased by three hundred ninety-four thousand five hundred thirty-three dollars (\$394,533). 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, tobacco education and prevention, for operating expenses, is decreased by twenty-eight thousand eight hundred fifty-eight dollars (\$28,858). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

(e) The cash funds exempt appropriation to health promotion and disease prevention, tobacco education and prevention, for tobacco cessation and prevention grants, is decreased by nine million four hundred fifteen thousand eight hundred fifty-four dollars (\$9,415,854). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

(f) The cash funds exempt appropriation to health promotion and disease prevention, for tobacco education and prevention, tobacco program fund, is decreased by nine million eight hundred thirty-nine thousand two hundred forty-five dollars (\$9,839,245). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(g) The cash funds exempt appropriation to health promotion and disease prevention, rural - primary care, state dental loan repayment fund, is decreased by seventeen thousand one hundred sixty-six dollars (\$17,166). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(h) The cash funds exempt appropriation to health promotion and disease prevention, rural - primary care, for dental programs, is decreased by seventeen thousand one hundred sixty-six dollars (\$17,166). 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 eighty-four thousand seven hundred forty-nine dollars (\$84,749). 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 twenty-seven thousand five hundred eighty-one dollars (\$27,581). Said sum shall be from the Colorado state veterans trust fund pursuant to section 28-5-709 (1) (a), Colorado Revised Statutes.

SECTION 16. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the mental health and alcohol and drug abuse services, mental health community programs, residential treatment for youth (H.B. 99-1116), for the fiscal year beginning July 1, 2003, the sum of four hundred fifty-one thousand three hundred fifty-four dollars (\$451,354), or so much thereof as may be necessary, for the provision of mental health services pursuant to article 10.3 of title 27, Colorado Revised Statutes. Of such sum, ninety-five thousand nine hundred eighteen dollars (\$95,918) shall be out of any moneys in the tobacco litigation settlement cash fund not otherwise appropriated and three hundred fifty-five thousand four hundred thirty-six dollars (\$355,436) shall be cash funds exempt received from the department of health care policy and financing out of the appropriation made in subsection (2) of this section.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for allocation to the department of human services medicaid-funded programs, mental health and alcohol and drug abuse services-medicare funding, residential treatment for youth (H.B. 99-1116), for the fiscal year beginning July 1, 2003, the sum of one hundred seventy-seven thousand seven hundred eighteen dollars (\$177,718) out of any moneys in the tobacco litigation settlement cash fund not otherwise appropriated. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2003, the department of health care policy and financing will receive the sum of one hundred seventy-seven thousand seven hundred eighteen dollars (\$177,718) in federal funds. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.

SECTION 17. Appropriation - adjustments in 2003 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act, for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The appropriation to the department of health care policy and financing, department of human services medicaid-funded programs, mental health and alcohol and drug abuse services, mental health community programs, mental health capitation and performance incentive awards, for the fiscal year beginning July 1, 2003, is increased by one million dollars (\$1,000,000). Of said sum, five hundred thousand dollars (\$500,000) shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes, and five hundred thousand dollars (\$500,000) shall be from federal funds.

(b) The appropriation to the department of human services, mental health and alcohol and drug abuse services, mental health community programs, mental health capitation, for the fiscal year beginning July 1, 2003, is increased by one million dollars (\$1,000,000). Said sum shall be from cash funds exempt transferred from the department of health care policy and financing out of the appropriation made in subsection (a) of this subsection.

(2) 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 health promotion and disease prevention, tobacco education and prevention, for tobacco cessation and prevention grants, is decreased by five hundred thousand dollars (\$500,000). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

(b) The cash funds exempt appropriation to health promotion and disease prevention, for tobacco education and prevention, tobacco program fund, is decreased by five hundred thousand dollars (\$500,000). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

SECTION 18. Appropriation - adjustments in 2003 long bill. (1) In addition to any other appropriation, there is hereby appropriated, to the department of education, library programs, for regional library service systems, for the fiscal year beginning July 1, 2003, the sum of six hundred thousand dollars (\$600,000), or so much thereof as may be necessary, for the implementation of this act. Such sum shall be cash funds exempt from the read-to-achieve cash fund created in section 22-7-506 (4), Colorado Revised Statutes.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2003, shall be adjusted as follows: The appropriation to the department of education, assistance to public schools, grant programs and other distributions, read-to-achieve grant program, is decreased by six hundred thousand dollars (\$600,000).

SECTION 19. Appropriation - adjustments in 2003 long bill. (1) In addition to any other appropriation, there is hereby appropriated, to the department of higher education, council on the arts, for the fiscal year beginning July 1, 2003, the sum of one hundred thousand dollars (\$100,000) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Such sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2003, the department of higher education will receive one hundred thousand dollars (\$100,000) in federal funds. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumption used relative to these funds in developing the state appropriation amounts.

(2) 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 health promotion and disease prevention, tobacco education and prevention, for tobacco cessation and prevention grants, is decreased by one hundred thousand dollars (\$100,000). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

(b) The cash funds exempt appropriation to health promotion and disease prevention, for tobacco education and prevention, tobacco program fund, is decreased by one hundred thousand dollars (\$100,000). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

SECTION 20. Appropriation - adjustments in 2003 long bill. (1) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, division of criminal justice, juvenile justice and delinquency prevention, for juvenile diversion programs, for the fiscal year beginning July 1, 2003, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, for the implementation of this act. Such sum shall be from the read-to-achieve cash fund created in section 22-7-506 (4), Colorado Revised Statutes.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2003, shall be adjusted as follows: The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the read-to-achieve grant program, is decreased by five hundred thousand dollars (\$500,000).

SECTION 21. Appropriation - adjustments in 2003 long bill. (1) In addition to any other appropriation, there is hereby appropriated, to the judicial department, courts administration, administration, for family violence grants, for the fiscal year beginning July 1, 2003, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, for the implementation of this act. Such sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(2) 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 health promotion and disease prevention, tobacco education and prevention, for tobacco cessation and prevention grants, is decreased by five hundred thousand dollars (\$500,000). Said sum shall be from the tobacco program fund pursuant to section 25-3.5-807, Colorado Revised Statutes.

(b) The cash funds exempt appropriation to health promotion and disease prevention, for tobacco education and prevention, tobacco program fund, is decreased by five hundred thousand dollars (\$500,000). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised

Statutes.

SECTION 22. Appropriation - adjustments in 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, for the read-to-achieve cash fund, is decreased by one million dollars (\$1,000,000). 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 one million dollars (\$1,000,000). 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, for the fiscal year beginning July 1, 2003, is increased by one million dollars (\$1,000,000). Said sum shall be from the tobacco litigation settlement cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

(b) The appropriation to the indigent care program, for children's basic health plan premium costs, is increased by two million five hundred thirty-three thousand seven hundred eighty-six dollars (\$2,533,786). Of said sum, eight hundred eighty-six thousand eight hundred twenty-five dollars (\$886,825) shall be from the children's basic health plan trust pursuant to section 26-19-105, Colorado Revised Statutes, and one million six hundred forty-six thousand nine hundred sixty-one dollars (\$1,646,961) shall be from federal funds.

(c) The appropriation to the indigent care program, for children's basic health plan dental benefit costs, is increased by three hundred twenty-two thousand eight hundred six dollars (\$322,806). Of said sum, one hundred twelve thousand nine hundred eighty-two dollars (\$112,982) shall be from the children's basic health plan trust pursuant to section 26-19-105, Colorado Revised Statutes, and two hundred nine thousand eight hundred twenty-four dollars (\$209,824) shall be from federal funds.

SECTION 23. Effective date. (1) Except as otherwise provided in subsections (2) and (3) of this section, this act shall take effect upon passage.

(2) Section 14 of this act shall only take effect if Senate Bill 03-083 is not enacted at the First Regular Session of the Sixty-fourth General Assembly and does not become law.

(3) Sections 15 and 16 of this act shall only take effect if Senate Bill 03-083 is enacted at the First Regular Session of the Sixty-fourth General Assembly and

becomes law.

SECTION 24. 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: June 5, 2003