

CHAPTER 237

GOVERNMENT - STATE

SENATE BILL 05-249

BY SENATOR(S) Tapia, Keller, Owen, Anderson, Entz, Jones, Shaffer, and Spence;
also REPRESENTATIVE(S) Plant, Buescher, Hall, Benefield, Berens, Massey, McFadyen, McGihon, Merrifield, Paccione,
Solano, and Todd.

AN ACT

CONCERNING THE ALLOCATION OF TOBACCO SETTLEMENT MONEYS TO THE READ-TO-ACHIEVE PROGRAM FOR THE 2004-05 FISCAL YEAR, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

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

SECTION 1. 24-75-1104.5 (1) (h), Colorado Revised Statutes, is amended to read:

24-75-1104.5. Use of settlement moneys - programs. (1) For the 2004-05 fiscal year and for each fiscal year thereafter, the following programs, services, or funds shall receive appropriations in the specified amounts from the settlement moneys annually received by the state:

(h) The read-to-achieve program created in section 22-7-506, C.R.S., shall receive five percent of the total amount of settlement moneys annually received by the state, not to exceed eight million dollars in any fiscal year; except that, for the 2004-05 fiscal year, the read-to-achieve program shall receive ~~five~~ NINETEEN percent of the total amount of settlement moneys received, not to exceed ~~eight million dollars, less five hundred thousand dollars, which shall be transferred to the general fund to provide state funding for senior services~~ NINETEEN MILLION DOLLARS.

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

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

SECTION 2. Part III (2) (C) and the affected totals of section 2 of chapter 427, Session Laws of Colorado 2004, as amended by section 1 of Senate Bill 05-110 and section 5 of Senate Bill 05-209, enacted at the First Regular Session of the Sixty-fifth General Assembly, are amended to read:

Section 2. **Appropriation.**

PART III

DEPARTMENT OF EDUCATION

(2) ASSISTANCE TO PUBLIC SCHOOLS

(C) Grant Programs and Other Distributions¹⁴

Read-to-Achieve Cash		
Fund	3,797,131	3,797,131

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
	16,331,727					16,331,727 ^a	
Read-to-Achieve Grant Program	3,797,131					3,797,131^b	
	16,331,727					16,331,727 ^b	
Federal Title I Reading First Grant	9,650,058						9,650,058
							(8.8 FTE)
S.B. 97-101 Public School Health Services	14,585,895					14,585,895(T) ^c	
						(1.4 FTE)	
State Public School Fund, Contingency Reserve ^{15, 16}	3,585,804					3,585,804 ^d	

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
State Public School Fund, School Capital Construction Expenditures Reserve	10,000,000				10,000,000 ^e	
					(1.0 FTE)	
Charter School Capital Construction	5,000,000				5,000,000 ^f	
State Match for School Lunch Program	2,472,644				2,472,644 ^g	
	<u>52,888,663</u>					
	77,957,855					

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

^a This amount shall be from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115, C.R.S., pursuant to Section 24-75-1104.5 (1) (h), C.R.S.

^b This amount shall be from the Read-to-Achieve Cash Fund created in Section 22-7-506 (4), C.R.S.

^c This amount shall be from federal Medicaid funds appropriated to the Department of Health Care Policy and Financing. Of this amount, \$179,470 shall be for administrative costs.

^d This amount 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.

^e Of this amount, \$5,000,000 shall be from the shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution, and \$5,000,000 shall be from the State Public School Fund, School Capital Construction Expenditures Reserve established in Section 22-54-117 (1.5), C.R.S.

^f This amount shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution.

^g This amount shall be from the State Public School Fund created in Section 22-54-114, C.R.S.

~~3,381,152,395~~

SECTION 3. Section 17 (2), (3), (4), and (5) of chapter 362, Session Laws of Colorado 2004, as amended by section 16 of Senate Bill 05-209, enacted at the First Regular Session of the Sixty-fifth General Assembly, are amended to read:

Section 17. **Appropriation - adjustments to the 2004 long bill.** (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, 2004, shall be adjusted as follows:

(a) The appropriation for the indigent care program, H.B. 97-1304 children's basic health plan trust, is increased by ~~three million one hundred forty-five thousand four hundred sixty-nine dollars (\$3,145,469)~~ THREE MILLION ONE HUNDRED FIFTY-THREE THOUSAND ONE HUNDRED FIFTY-TWO DOLLARS (\$3,153,152). Said sum shall be cash funds exempt from the tobacco litigation settlement cash fund pursuant to section 24-75-1104.5, C.R.S.

(b) The appropriation for the indigent care program, comprehensive primary and preventive care fund, is decreased by ~~two million six hundred sixty-two thousand fifty-six dollars (\$2,662,056)~~ TWO MILLION SIX HUNDRED SIXTY-ONE THOUSAND NINETY-FIVE DOLLARS (\$2,661,095). Said sum shall be cash funds exempt from the tobacco litigation settlement cash fund pursuant to section 24-75-1104.5, C.R.S.

(c) The appropriation for the indigent care program, comprehensive primary and preventive care grants program, is decreased by ~~two million six hundred sixty-two thousand fifty-six dollars (\$2,662,056)~~ TWO MILLION SIX HUNDRED SIXTY-ONE THOUSAND NINETY-FIVE DOLLARS (\$2,661,095). Said sum shall be cash funds exempt from the comprehensive primary and preventive care fund created in section 26-4-1107, C.R.S.

(d) The appropriation for mental health, residential treatment for youth, is increased by ~~two hundred nine thousand sixty-six dollars (\$209,066)~~ TWO HUNDRED NINE THOUSAND ONE HUNDRED SEVENTY-EIGHT DOLLARS (\$209,178). Said sum shall be cash funds exempt from the tobacco litigation settlement cash fund pursuant to section 24-75-1104.5, C.R.S. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2004, the department of health care policy and financing will receive the sum of ~~two hundred nine thousand sixty-six dollars (\$209,066)~~ TWO HUNDRED NINE THOUSAND ONE HUNDRED SEVENTY-EIGHT DOLLARS (\$209,178) 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.

(3) For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services, for the fiscal year beginning July 1, 2004, shall be adjusted as follows:

(a) The appropriation for the mental health and alcohol and drug abuse services division, mental health, residential treatment for youth, is increased by ~~five hundred eight thousand five hundred twenty dollars (\$508,520)~~ FIVE HUNDRED EIGHT THOUSAND SEVEN HUNDRED FORTY-FOUR DOLLARS (\$508,744). Of said sum, ninety thousand three hundred eighty-eight dollars (\$90,388) shall be cash funds exempt from the tobacco litigation settlement cash fund pursuant to section 24-75-1104.5, C.R.S.,

and ~~four hundred eighteen thousand one hundred thirty-two dollars (\$418,132)~~ FOUR HUNDRED EIGHTEEN THOUSAND THREE HUNDRED FIFTY-SIX DOLLARS (\$418,356) shall be cash funds exempt received from the department of health care policy and financing out of the appropriation made in paragraph (d) of subsection (2) of this section.

(4) 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, 2004, shall be adjusted as follows:

(a) The appropriation for the division of veterans affairs, Colorado state veterans trust fund, is decreased by ~~fourteen thousand fifty-three dollars (\$14,053)~~ THIRTEEN THOUSAND SEVEN HUNDRED THIRTY-THREE DOLLARS (\$13,733). Said sum shall be cash funds exempt from the tobacco litigation settlement cash fund pursuant to section 24-75-1104.5, C.R.S.

(b) The appropriation for the division of veterans affairs, Colorado state veterans trust fund expenditures, is decreased by ~~three thousand five hundred thirteen dollars (\$3,513)~~ THREE THOUSAND FOUR HUNDRED THIRTY-THREE DOLLARS (\$3,433). Said sum shall be cash funds exempt from the Colorado state veterans trust fund pursuant to section 28-5-709 (1) (a), C.R.S.

(5) 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, 2004, shall be adjusted as follows:

(a) The appropriation for the disease control and environmental epidemiology division, special purpose disease control programs, Ryan White act, operating expenses, is increased by ~~three million seven thousand three hundred fifty-five dollars (\$3,007,355)~~ THREE MILLION EIGHT THOUSAND FOUR HUNDRED SEVENTY-SIX DOLLARS (\$3,008,476). Said sum shall be cash funds exempt from the tobacco litigation settlement cash fund pursuant to section 24-75-1104.5, C.R.S.

(b) The appropriation for the prevention services division, prevention programs, tobacco education and prevention, personal services, is decreased by ~~four hundred sixty-three thousand one hundred forty-six dollars (\$463,146)~~ FOUR HUNDRED SIXTY-THREE THOUSAND SIXTY-SIX DOLLARS (\$463,066). Said sum shall be cash funds exempt from the tobacco program fund pursuant to section 25-3.5-807, C.R.S.

(c) The appropriation for the prevention services division, prevention programs, tobacco education and prevention, tobacco program fund, is decreased by ~~eight million eight hundred three thousand two hundred fifty dollars (\$8,803,250)~~ EIGHT MILLION EIGHT HUNDRED ONE THOUSAND SIX HUNDRED FORTY-EIGHT DOLLARS (\$8,801,648). Said sum shall be cash funds exempt from the tobacco litigation settlement cash fund pursuant to section 24-75-1104.5, C.R.S.

(d) The appropriation for the prevention services division, prevention programs, tobacco education and prevention, tobacco cessation and prevention grants, is decreased by ~~eight million three hundred forty thousand one hundred four dollars (\$8,340,104)~~ EIGHT MILLION THREE HUNDRED THIRTY-EIGHT THOUSAND FIVE HUNDRED EIGHTY-TWO DOLLARS (\$8,338,582). Said sum shall be cash funds exempt from the tobacco program fund pursuant to section 25-3.5-807, C.R.S.

(e) The appropriation for the prevention services division, rural - primary care, state dental loan repayment fund, is decreased by ~~ninety-four dollars (\$94)~~ NINETEEN DOLLARS (\$19). Said sum shall be cash funds exempt from the tobacco litigation settlement cash fund pursuant to section 24-75-1104.5, C.R.S.

(f) The appropriation for the prevention services division, rural - primary care, dental programs, is decreased by ~~ninety-four dollars (\$94)~~ NINETEEN DOLLARS (\$19). Said sum shall be cash funds exempt from the state dental loan repayment fund, pursuant to section 25-23-104, C.R.S.

(g) The appropriation for the prevention services division, prevention partnerships, Tony Grampsas youth services program, prevention services programs, is increased by ~~one million eighty-eight thousand four hundred thirty-three dollars (\$1,088,433)~~ ONE MILLION EIGHTY-NINE THOUSAND SEVEN HUNDRED FOURTEEN DOLLARS (\$1,089,714). Said sum shall be cash funds exempt from the tobacco litigation settlement cash fund, pursuant to section 24-75-1104.5, C.R.S.

(h) The appropriation for the prevention services division, family and community health, child, adolescent and school health, nurse home visitor program fund, is decreased by ~~one million one hundred eighty-one thousand four hundred seventy-four dollars (\$1,181,474)~~ ONE MILLION ONE HUNDRED SEVENTY-EIGHT THOUSAND FIVE HUNDRED NINETY-TWO DOLLARS (\$1,178,592). Said sum shall be cash funds exempt from the tobacco litigation settlement cash fund pursuant to section 24-75-1104.5, C.R.S.

(i) The appropriation for the prevention services division, family and community health, child, adolescent and school health, nurse home visitor program, is decreased by ~~one million one hundred eighty-one thousand four hundred seventy-four dollars (\$1,181,474)~~ ONE MILLION ONE HUNDRED SEVENTY-EIGHT THOUSAND FIVE HUNDRED NINETY-TWO DOLLARS (\$1,178,592). Said sum shall be cash funds exempt from the nurse home visitor program fund created in section 25-31-107, C.R.S.

SECTION 4. 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 1, 2005