

CHAPTER 298

GOVERNMENT - STATE

SENATE BILL 07-113

BY SENATOR(S) Tapia, Keller, and Johnson;
also REPRESENTATIVE(S) Buescher, Pommer, and White.

AN ACT

**CONCERNING EXPANSION OF THE PURPOSES FOR WHICH MONEYS IN THE TOBACCO SETTLEMENT
DEFENSE ACCOUNT OF THE TOBACCO LITIGATION SETTLEMENT CASH FUND MAY BE USED, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. 24-22-115 (2) (a), Colorado Revised Statutes, is amended to read:

24-22-115. Tobacco litigation settlement cash fund - creation. (2) (a) There is hereby created in the state treasury, as an account within the tobacco litigation settlement cash fund established pursuant to subsection (1) of this section, the tobacco settlement defense account, which shall be used by the department of law: ~~in defending~~ TO DEFEND the state in lawsuits arising out of challenges to OR ARISING UNDER THE PROVISIONS 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 & Meyers, Inc.; Lorillard Tobacco Co., Inc.; Philip 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, ~~challenges to~~ OR duly enacted Colorado laws related to the tobacco litigation settlement, including, but without limitation, this section, sections 24-22-115.5 and 24-22-116, and ~~part~~ ~~2~~ PARTS 2 AND 3 of article 28 of title 39, C.R.S.; ~~or~~ TO DEFEND THE STATE AGAINST claims of entitlement to tobacco litigation settlement moneys by any person, as defined in section 2-4-401 (8), C.R.S.; TO ENFORCE AND DEFEND ALL RIGHTS AND OBLIGATIONS OF THE STATE UNDER SAID SETTLEMENT AGREEMENTS, DECREE, OR LAWS; AND TO RESOLVE ANY DISPUTE WITH ANY PARTICIPATING MANUFACTURER, AS DEFINED IN SECTION 39-28-302 (6), C.R.S., OR NONPARTICIPATING

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

MANUFACTURER, AS DEFINED IN SECTION 39-28-302 (5), C.R.S., THAT ARISES UNDER THE PROVISIONS OF SAID SETTLEMENT AGREEMENTS, DECREE, OR LAWS. Notwithstanding the provisions of subsection (1) of this section and section 24-22-115.5, the tobacco settlement defense account shall consist of all tobacco litigation settlement moneys received by the attorney general and transmitted to the state treasurer to compensate the state for attorney fees, court costs, or other expenses incurred by the state in obtaining the tobacco litigation settlement and all interest derived from the deposit and investment of moneys in the tobacco settlement defense account. Any moneys received by the state treasurer to compensate the state for attorney fees, court costs, or other expenses, including all interest derived from the deposit and investment of such moneys after receipt by the state treasurer, shall be transferred to the tobacco settlement defense account for use in accordance with the provisions of this subsection (2).

SECTION 2. Adjustments to the 2007 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2007 to the department of law, special purpose section, for tobacco litigation, is decreased by one hundred thousand dollars (\$100,000) general fund and increased one hundred thousand dollars (\$100,000) cash funds. The cash funds portion of this adjustment shall be from the defense account of the tobacco litigation settlement cash fund created in section 24-22-115 (2) (a), Colorado Revised Statutes.

SECTION 3. 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 25, 2007