

CHAPTER 128

**GOVERNMENT - STATE**

SENATE BILL 08-127

BY SENATOR(S) Morse, Keller, Johnson, Boyd, Gibbs, and Groff;  
also REPRESENTATIVE(S) Buescher, Pommer, White, and Labuda.

**AN ACT**

**CONCERNING THE EXTENSION OF THE DEADLINE FOR EXPENDING MONEYS FOR THE COLORADO BENEFITS MANAGEMENT SYSTEM FROM THE HEALTH CARE SUPPLEMENTAL APPROPRIATIONS AND OVEREXPENDITURES ACCOUNT OF THE TOBACCO LITIGATION SETTLEMENT CASH FUND.**

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

**SECTION 1.** 24-22-115 (4) (a), Colorado Revised Statutes, is amended to read:

**24-22-115. Tobacco litigation settlement cash fund - health care supplemental appropriations and overexpenditures account - creation.**

(4) (a) The health care supplemental appropriations and overexpenditures account is hereby created in the tobacco litigation settlement cash fund. Notwithstanding any other provision of this section or section 24-22-115.5, upon receipt of any moneys paid to the state treasurer in April 2007 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.; 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, other than attorney fees and costs, the state treasurer shall credit to the account twenty-four million four hundred thousand dollars of such moneys not required to be allocated to tobacco settlement programs for the 2007-08 fiscal year pursuant to section 24-75-1104.5 (1). All interest and income earned on the deposit and investment of moneys in the account shall be credited to the breast and cervical cancer prevention and treatment fund created in section 25.5-5-308, C.R.S. Six million two hundred thousand dollars of the moneys in the account may be used only for overexpenditures or supplemental

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

appropriations to the children's basic health plan trust created pursuant to section 25.5-8-105, C.R.S., for the 2006-07 and 2007-08 fiscal years or, to the extent not needed for that purpose, for overexpenditures or supplemental appropriations for the Colorado benefits management system for the ~~2006-07 and 2007-08~~ 2006-07, 2007-08, OR 2008-09 fiscal years. All other moneys in the account may be used only for overexpenditures or supplemental appropriations for the Colorado benefits management system for the ~~2006-07 and 2007-08~~ 2006-07, 2007-08, OR 2008-09 fiscal years. All moneys in the account not appropriated for the ~~2006-07 or 2007-08~~ 2006-07, 2007-08, OR 2008-09 fiscal years pursuant to a supplemental appropriations bill enacted by the general assembly or approved for overexpenditure by a majority of the members of the joint budget committee of the general assembly as evidenced by the receipt by the state controller of written confirmation of such approval pursuant to section 24-75-111 (1) (c) (I) (C) on or before ~~April 15, 2008~~ APRIL 15, 2009, shall revert to the tobacco litigation settlement cash fund on ~~April 16, 2008~~ APRIL 16, 2009, and be allocated as specified in this section, section 24-22-115.5, and part 11 of article 75 of this title.

**SECTION 2.** The introductory portion to 24-75-1104.5 (1.5) (a), Colorado Revised Statutes, is amended to read:

**24-75-1104.5. Use of settlement moneys - programs.** (1.5) (a) For the 2007-08 fiscal year and for each fiscal year thereafter, the following programs, services, and funds shall receive the following specified amounts from the portion of any strategic contribution fund moneys received by the state in the current fiscal year that remains after the programs, services, and funds receiving strategic contribution fund moneys pursuant to subsection (1) of this section have been fully funded, and the portion of all other settlement moneys received by the state in the preceding fiscal year that remains after the programs, services, and funds receiving such other settlement moneys pursuant to subsection (1) of this section have been fully funded and all overexpenditures and supplemental appropriations allowed for the ~~2006-07 and 2007-08~~ 2006-07, 2007-08, AND 2008-09 fiscal years pursuant to section 24-22-115 (4) have been made:

**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: April 10, 2008