

CHAPTER 333

GOVERNMENT - STATE

SENATE BILL 09-269

BY SENATOR(S) White, Keller, Tapia;
also REPRESENTATIVE(S) Ferrandino, Pommer, Marostica, Labuda.

AN ACT

CONCERNING ADJUSTMENT OF THE ALLOCATION OF TOBACCO LITIGATION SETTLEMENT MONEYS RECEIVED BY THE STATE DURING SPECIFIED FISCAL YEARS, AND, IN CONNECTION THEREWITH, REQUIRING SETTLEMENT MONEYS THAT ARE DISPUTED PAYMENTS AND SETTLEMENT MONEYS IN EXCESS OF A SPECIFIED AMOUNT TO BE CREDITED TO THE GENERAL FUND, REQUIRING A PORTION OF THE MONEYS SO CREDITED TO BE TRANSFERRED TO THE CHILDREN'S BASIC HEALTH PLAN TRUST AND THE NURSE HOME VISITOR PROGRAM FUND, DELAYING MANDATED GROWTH IN THE PERCENTAGE OF SETTLEMENT MONEYS ALLOCATED FOR THE COLORADO NURSE HOME VISITOR PROGRAM BY ONE FISCAL YEAR, AND MAKING APPROPRIATIONS.

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

SECTION 1. The introductory portion to 24-75-1104.5 (1), 24-75-1104.5 (1) (a) (II) and (1) (a) (III), the introductory portion to 24-75-1104.5 (1.5) (a), and 24-75-1104.5 (2) and (3), Colorado Revised Statutes, are amended, and the said 24-75-1104.5 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

24-75-1104.5. Use of settlement moneys - programs. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION, for the 2004-05 fiscal year and for each fiscal year thereafter, the following programs, services, or funds shall receive the following specified amounts from the settlement moneys received by the state in the preceding fiscal year; except that fifteen million four hundred thousand dollars of strategic contribution fund moneys AND, FOR THE 2010-11 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER ONLY, THE LESSER OF SIXTY-FIVE MILLION DOLLARS OF OTHER SETTLEMENT MONEYS OR ALL OTHER SETTLEMENT MONEYS shall be allocated in each fiscal year in which they are received by the state AND EXCEPT THAT, OF THE OTHER SETTLEMENT MONEYS RECEIVED BY THE STATE IN THE 2009-10 FISCAL YEAR, THE LESSER OF SIXTY-FIVE MILLION DOLLARS OR ALL OF SUCH MONEYS SHALL BE TRANSFERRED TO THE GENERAL FUND ON JUNE 30, 2010, AND SHALL NOT BE ALLOCATED:

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

(a) The Colorado nurse home visitor program created in article 31 of title 25, C.R.S., shall receive the following amounts, not to exceed nineteen million dollars in any fiscal year, as provided in section 25-31-107, C.R.S.:

(II) Beginning with the 2005-06 fiscal year and for each fiscal year thereafter through ~~the 2013-14~~ THE 2014-15 fiscal year, a percentage of the total amount of settlement moneys received by the state that reflects an increase of one percent over the percentage received in the preceding fiscal year; EXCEPT THAT THE PERCENTAGE FOR THE 2009-10 FISCAL YEAR SHALL BE THE SAME AS THE PERCENTAGE FOR THE 2008-09 FISCAL YEAR; and

(III) For ~~the 2014-15~~ THE 2015-16 fiscal year and for each fiscal year thereafter, nineteen percent of the total amount of settlement moneys annually received by the state.

(1.5) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (5) AND (6) OF THIS SECTION, 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~~ SETTLEMENT moneys received AND ALLOCATED by the state in the current fiscal year that remains after the programs, services, and funds receiving ~~strategic contribution fund~~ SUCH 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, 2007-08, and 2008-09 fiscal years pursuant to section 24-22-115 (4) have been made:

(2) The general assembly shall appropriate or the state treasurer shall transfer, as provided by law, the amounts specified in subsections (1) and (1.5) of this section from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115. Except for moneys credited to the health care supplemental appropriations and overexpenditures account of the cash fund pursuant to section 24-22-115 (4) (a), all settlement moneys other than ~~strategic contribution fund~~ SETTLEMENT moneys ~~transferred~~ RECEIVED AND ALLOCATED BY THE STATE DURING THE SAME FISCAL YEAR pursuant to ~~subsection (1.5)~~ SUBSECTIONS (1) AND (1.5) of this section shall be credited to the specified funds or accounts on July 1 of the fiscal year for which they are transferred, and all ~~strategic contribution fund~~ SETTLEMENT moneys ~~transferred~~ RECEIVED AND ALLOCATED BY THE STATE DURING THE SAME FISCAL YEAR pursuant to said ~~subsection (1.5)~~ SUBSECTIONS (1) AND (1.5) shall be credited to the specified funds or accounts upon receipt by the state.

(3) Notwithstanding the provisions of subsections (1) and (1.5) of this section, for purposes of sections 22-7-908 (3), 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2) (c), 25-23-104 (2), 25-31-107 (2) (d) (I), 25.5-3-207 (3), 25.5-8-105 (3), 27-10.3-106 (2) (b), and 28-5-709 (2) (a), C.R.S., ~~strategic contribution fund~~ SETTLEMENT moneys received and allocated by the state pursuant to said subsections (1) and (1.5) during the same fiscal year shall be deemed to be moneys received for or during the preceding fiscal year.

(5) (a) (I) THE STATE TREASURER SHALL CREDIT ALL DISPUTED PAYMENTS UPON RECEIPT, OR IF RECEIVED PRIOR TO THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (I), ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (I), TO THE GENERAL FUND. ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (I), THE STATE TREASURER SHALL TRANSFER THE FOLLOWING AMOUNTS FROM THE GENERAL FUND:

(A) ONE MILLION DOLLARS TO THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN SECTION 25.5-8-105 (1), C.R.S.; AND

(B) FOUR HUNDRED SEVENTY-EIGHT THOUSAND DOLLARS TO THE NURSE HOME VISITOR PROGRAM FUND CREATED IN SECTION 25-31-107 (2) (b), C.R.S.

(II) AS USED IN THIS PARAGRAPH (a):

(A) "ALLOCABLE SHARE" HAS THE SAME MEANING AS SET FORTH IN SECTION (II) (f) OF THE MASTER SETTLEMENT AGREEMENT AND ALL AMENDMENTS THERETO.

(B) "DISPUTED PAYMENTS" MEANS PAYMENTS OF SETTLEMENT MONEYS RECEIVED BY THE STATE FROM PARTICIPATING MANUFACTURERS ON OR AFTER JULY 1, 2008, BUT BEFORE JULY 1, 2011, IN REGARD TO THE MAXIMUM POTENTIAL NPM ADJUSTMENT ALLOCABLE SHARE APPLICABLE TO COLORADO FOR ANY YEAR, AS CALCULATED BY THE INDEPENDENT AUDITOR, AND ANY EARNED INCOME OR INTEREST ASSOCIATED WITH THE PAYMENTS.

(C) "INDEPENDENT AUDITOR" HAS THE SAME MEANING AS SET FORTH IN SECTION (II) (w) OF THE MASTER SETTLEMENT AGREEMENT AND ALL AMENDMENTS THERETO.

(D) "NPM ADJUSTMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION (II) (ff) OF THE MASTER SETTLEMENT AGREEMENT AND ALL AMENDMENTS THERETO.

(E) "PARTICIPATING MANUFACTURER" HAS THE SAME MEANING AS SET FORTH IN SECTION (II) (jj) OF THE MASTER SETTLEMENT AGREEMENT AND ALL AMENDMENTS THERETO.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, OF THE SETTLEMENT PAYMENTS RECEIVED IN FISCAL YEAR 2008-09 THAT ARE NOT DISPUTED PAYMENTS, FIFTEEN MILLION FOUR HUNDRED THOUSAND DOLLARS OF THE STRATEGIC CONTRIBUTION FUND MONEYS SHALL BE ALLOCATED AMONG SETTLEMENT PROGRAMS IN FISCAL YEAR 2008-09 PURSUANT TO THE RULES OF SUBSECTIONS (1) AND (1.5) OF THIS SECTION AND EIGHTY-FOUR MILLION SIX HUNDRED THOUSAND DOLLARS OF THE REMAINING SETTLEMENT PAYMENTS SHALL BE ALLOCATED AMONG SETTLEMENT PROGRAMS IN FISCAL YEAR 2009-10 AS SPECIFIED IN SUBSECTIONS (1) AND (1.5) OF THIS SECTION. ANY SETTLEMENT PAYMENTS RECEIVED IN FISCAL YEAR 2008-09 THAT ARE NOT DISPUTED PAYMENTS AND ARE NOT TO BE ALLOCATED AMONG TOBACCO PROGRAMS PURSUANT TO THIS PARAGRAPH (b) SHALL BE TRANSFERRED TO THE GENERAL FUND ON THE EFFECTIVE DATE OF THIS PARAGRAPH (b).

(6) ON THE EFFECTIVE DATE OF THIS SUBSECTION (6), THE STATE TREASURER SHALL TRANSFER ONE MILLION ONE HUNDRED THOUSAND DOLLARS FROM THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115,

C.R.S., TO THE GENERAL FUND. TO ACCOMMODATE THE TRANSFER, THE AMOUNT OF THE ALLOCATION TO THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND CREATED IN SECTION 25-36-101, C.R.S., PURSUANT TO SUBPARAGRAPH (IX) OF PARAGRAPH (a) OF SUBSECTION (1.5) OF THIS SECTION FOR FISCAL YEAR 2009-10 SHALL BE REDUCED BY ONE MILLION ONE HUNDRED THOUSAND DOLLARS.

(7) NOTWITHSTANDING ANY LIMITATION ON THE AMOUNT OF ADVANCES SET FORTH IN SECTION 24-75-203 (2), THE CONTROLLER MAY AUTHORIZE AN ADVANCE WITHOUT INTEREST IN ANY AMOUNT TO BE MADE TO ANY DEPARTMENT, INSTITUTION, OR AGENCY OF STATE GOVERNMENT TO PROVIDE IT WITH WORKING CAPITAL FOR THE OPERATION OF TOBACCO SETTLEMENT PROGRAMS TO WHICH SETTLEMENT MONEYS ARE ALLOCATED PURSUANT TO THIS SECTION.

SECTION 2. 25-31-107 (2) (d) (I), (2) (d) (III) (B), and (2) (d) (III) (C), Colorado Revised Statutes, are amended, and the said 25-31-107 (2) (d) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

25-31-107. Nurse home visitor program - selection of entities - grants. (2) (d) (I) Pursuant to section 24-75-1104.5 (1) (a), C.R.S., AND EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (5), C.R.S., beginning with the 2006-07 fiscal year and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall transfer to the fund the amounts specified in subparagraph (III) of this paragraph (d) from the master settlement agreement moneys received by the state, other than attorney fees and costs, during the preceding fiscal year, not to exceed nineteen million dollars in any fiscal year. The transfer shall be from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(III) (B) Beginning with the 2007-08 fiscal year and for each fiscal year thereafter through ~~the 2013-14~~ THE 2014-15 fiscal year, the state treasurer shall increase the percentage transferred to the fund pursuant to sub-subparagraph (A.7) of this subparagraph (III) by one percent; EXCEPT THAT THE PERCENTAGE TRANSFERRED TO THE FUND FOR THE 2009-10 FISCAL YEAR SHALL BE THE SAME AS THE PERCENTAGE TRANSFERRED TO THE FUND FOR THE 2008-09 FISCAL YEAR.

(C) For ~~the 2014-15~~ THE 2015-16 fiscal year and for each fiscal year thereafter, the state treasurer shall transfer to the fund nineteen percent of the total amount of moneys received by the state.

(IV) IN ADDITION TO ALL OTHER MONEYS TRANSFERRED TO THE FUND PURSUANT TO THIS PARAGRAPH (d), THE STATE TREASURER SHALL TRANSFER MONEYS FROM THE GENERAL FUND TO THE FUND AS SPECIFIED IN SECTION 24-75-1104.5 (5) (a) (I) (B), C.R.S.

SECTION 3. 22-7-908 (1) and (3), Colorado Revised Statutes, are amended to read:

22-7-908. Read-to-achieve cash fund - created. (1) There is hereby established in the state treasury the read-to-achieve cash fund, referred to in this section as the "cash fund". The cash fund shall consist of moneys transferred thereto pursuant to subsection (3) of this section and any other moneys that may be

made available by the general assembly. Subject to appropriation by the general assembly, moneys in the cash fund shall be used to provide grants pursuant to this part 9 and to the reading assistance grant program created pursuant to section 22-88-102; EXCEPT THAT, FOR THE 2009-10 FISCAL YEAR, THE GENERAL ASSEMBLY MAY ALSO APPROPRIATE MONEYS FROM THE CASH FUND TO THE DEPARTMENT OF EDUCATION TO BE USED TO AWARD GRANTS FOR SUMMER SCHOOL PROGRAMS PURSUANT TO PART 8 OF THIS ARTICLE. Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest derived from the deposit and investment of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

(3) Except as otherwise provided in section 24-75-1104.5 (1) (h) AND (5), C.R.S., beginning with the 2007-08 fiscal year, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall annually transfer to the cash fund five percent of the amount of moneys received by the state in accordance with the master settlement agreement, other than attorney fees and costs, for the preceding fiscal year; except that the amount so transferred to the cash fund in any fiscal year shall not exceed eight million dollars. The state treasurer shall transfer 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 4. 23-20-136 (3.5) (a), Colorado Revised Statutes, is amended to read:

23-20-136. Fitzsimons trust fund - creation - legislative declaration - repeal. (3.5) (a) For the 2006-07 fiscal year and for each fiscal year thereafter in which the state receives moneys pursuant to the master settlement agreement, and in which money is due to a lessor under a lease-purchase agreement authorized pursuant to section 3 of House Bill 03-1256, as enacted at the first regular session of the sixty-fourth general assembly, the state treasurer shall transfer to the capital construction fund and the state controller shall transfer from the capital construction fund to the Fitzsimons trust fund the lesser of the amount due to any lessor during the fiscal year or, EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (5), C.R.S., 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 transferred pursuant to this subsection (3.5) in any fiscal year shall not exceed eight million dollars.

SECTION 5. 25-4-1411 (2) and (6) (a), Colorado Revised Statutes, are amended to read:

25-4-1411. AIDS drug assistance program - legislative declaration - no entitlement created. (2) Subject to available appropriations, the department of public health and environment is authorized to implement and administer an AIDS drug assistance program, referred to in this section as the "state program", to provide pharmaceutical products to treat HIV disease or prevent the serious deterioration of health arising from HIV disease in eligible individuals. The general assembly may annually appropriate moneys from the general fund to purchase pharmaceutical

products for persons participating in the state program. The state program shall also be funded with federal funds available under the federal "Ryan White C.A.R.E. Act of 1990", as amended, AND MONEYS APPROPRIATED FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE STATE PROGRAM FROM THE AIDS AND HIV PREVENTION FUND AS AUTHORIZED BY SECTION 25-4-1415 (1).

(6) (a) Pursuant to section 24-75-1104.5 (1) (j), C.R.S., AND EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (5), C.R.S., beginning in the 2004-05 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 department of public health and environment for the state program three and a half 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 department in any fiscal year shall not exceed five million dollars. The general assembly shall appropriate the amount specified in this subsection (6) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

SECTION 6. 25-4-1415 (1) and (2), Colorado Revised Statutes, are amended to read:

25-4-1415. Cash fund - administration - limitation. (1) There is hereby created in the state treasury the AIDS and HIV prevention fund, referred to in this section as the "fund", that shall consist of moneys that may be appropriated to the fund by the general assembly. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of the program; EXCEPT THAT, FOR THE 2009-10 FISCAL YEAR, THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS FROM THE FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE AIDS DRUG ASSISTANCE PROGRAM DESCRIBED IN SECTION 25-4-1411 (2). Any moneys in the fund not expended for the purpose of the program may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

(2) Pursuant to section 24-75-1104.5 (1) (m), C.R.S., AND EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (5), C.R.S., beginning in the 2006-07 fiscal year and in each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall annually transfer to the fund two percent, not to exceed two million dollars in any fiscal year, of the total amount of the moneys received by the state pursuant to the master settlement agreement, not including attorney fees and costs, during the preceding fiscal year. The state treasurer shall transfer 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 7. 25-20.5-201 (2) (c), Colorado Revised Statutes, is amended to read:

25-20.5-201. Tony Grampsas youth services program - creation - standards - applications. (2) (c) Pursuant to section 24-75-1104.5 (1) (i), C.R.S., AND EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (5), C.R.S., beginning in the 2004-05 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 division for the Tony Grampsas youth services program four 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 division in any fiscal year shall not exceed five million dollars. The general assembly shall appropriate the amount specified in this paragraph (c) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

SECTION 8. 25.5-3-207 (3), Colorado Revised Statutes, is amended to read:

25.5-3-207. Program funding - comprehensive primary and preventive care fund - supplemental tobacco litigation settlement moneys account - creation. (3) Pursuant to section 24-75-1104.5 (1) (b), C.R.S., AND EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (5), C.R.S., beginning with the 2006-07 fiscal year, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall transfer to the fund three 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 transferred to the fund shall not exceed five million dollars in any fiscal year. The state treasurer shall transfer 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 9. 25.5-8-105 (3), Colorado Revised Statutes, is amended to read:

25.5-8-105. Trust and supplemental settlement moneys account - created. (3) (a) Pursuant to section 24-75-1104.5 (1) (c), C.R.S., AND EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (5), C.R.S., beginning in the 2006-07 fiscal year and in each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall transfer to the portion of the trust that is not the supplemental tobacco litigation settlement moneys account twenty-four percent of the total amount of the moneys annually 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 transferred to the trust shall not exceed thirty million dollars in any fiscal year. Except as otherwise provided in sections 24-22-115.5 (2) (a.7) and 24-75-1104.5 (1) (c), C.R.S., the state treasurer shall transfer 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. The amount transferred pursuant to this subsection (3) shall be in addition to and not in replacement of any general fund moneys appropriated to the trust.

(b) Pursuant to section 24-75-1104.5 (1.5) (a) (V), C.R.S., AND EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (5), C.R.S., beginning in the 2007-08 fiscal year and each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall transfer to the supplemental tobacco litigation settlement moneys account of the

trust five percent of the portion of the moneys annually received by the state pursuant to the master settlement agreement, not including attorney fees and costs, during the preceding fiscal year that remains after the programs, services, and funds that receive such moneys pursuant to section 24-75-1104.5 (1), C.R.S., have been fully funded. For the 2007-08 fiscal year, the state treasurer shall transfer from the short-term innovative health program grant fund created in section 25-36-101, C.R.S., to the account the lesser of twenty-two thousand three hundred seven dollars or two and two-tenths percent of the amount allocated to the short-term innovative health program grant fund for the fiscal year pursuant to section 24-75-1104.5 (1.5) (a) (IX), C.R.S., enacted by Senate Bill 07-097 at the first regular session of the sixty-sixth general assembly. For the 2008-09 and 2009-10 fiscal years, the state treasurer shall transfer from the short-term innovative health program grant fund created in section 25-36-101, C.R.S., to the account the lesser of twenty-nine thousand five hundred fifteen dollars or one and four-tenths percent of the amount allocated to the short-term innovative health program grant fund for the fiscal year pursuant to section 24-75-1104.5 (1.5) (a) (IX), C.R.S., enacted by Senate Bill 07-097 at the first regular session of the sixty-sixth general assembly.

SECTION 10. 28-5-709 (2) (a), Colorado Revised Statutes, is amended to read:

28-5-709. Colorado state veterans trust fund - created - report - repeal.

(2) (a) Pursuant to section 24-75-1104.5 (1) (g), C.R.S., AND EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-75-1104.5 (5), C.R.S., beginning in the 2006-07 fiscal year, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall annually transfer 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 transferred to the trust fund in any fiscal year shall not exceed one million dollars. The state treasurer shall transfer 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 11. Adjustments to the 2009 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, are adjusted as follows:

(a) The appropriation to the department of education, assistance to public schools, grant programs, distributions, and other assistance, reading and literacy, read-to-achieve grant program, from the read-to-achieve cash fund created in section 22-7-908 (1), Colorado Revised Statutes, is decreased by one million one hundred sixty-five thousand two hundred ninety-six dollars (\$1,165,296) cash funds.

(b) (I) The cash funds appropriation to the department of education, assistance to public schools, grant programs, distributions, and other assistance, summer and after-school programs, summer school grant program, from the read-to-achieve cash fund created in section 22-7-908 (1), Colorado Revised Statutes, is increased by one million dollars (\$1,000,000).

(II) The cash funds appropriation to the department of education, assistance to public schools, grant programs, distributions, and other assistance, summer and

after-school programs, summer school grant program, from the state education fund created in section 17 (4) of article IX of the state constitution, is decreased by one million dollars (\$1,000,000).

(c) The appropriation to the department of health care policy and financing, indigent care program, pediatric specialty hospital, from the supplemental tobacco litigation settlement moneys account in the pediatric specialty hospital fund created in section 24-22-117 (2) (e) (II), Colorado Revised Statutes, is decreased by five thousand three hundred fifty-nine dollars (\$5,359) cash funds.

(d) The appropriation to the department of health care policy and financing, indigent care program, comprehensive primary and preventive care grants, from the comprehensive primary and preventive care fund created in section 25.5-3-207 (1), Colorado Revised Statutes, is decreased by ninety-nine thousand one hundred seventy-seven dollars (\$99,177) cash funds.

(e) The appropriation to the department of higher education, governing boards, regents of the university of Colorado, from the tobacco litigation settlement moneys health education fund created in section 24-75-1104.5 (1.5) (a) (I), Colorado Revised Statutes, is decreased by two hundred sixty-two thousand five hundred seventy-one dollars (\$262,571) cash funds.

(f) The appropriation to the department of human services, mental health and alcohol and drug abuse services, mental health community programs, mental health services for the medically indigent, mental health services for juvenile and adult offenders, from the offender mental health services fund created in section 27-1-204 (5.5), Colorado Revised Statutes, is decreased by sixty-four thousand three hundred three dollars (\$64,303) cash funds.

(g) The appropriation to the department of human services, mental health and alcohol and drug abuse services, alcohol and drug abuse division, community programs, other programs, community prevention and treatment, from the alcohol and drug abuse community prevention and treatment fund created in section 24-75-1104.5 (1.5) (a) (VIII), Colorado Revised Statutes, is decreased by sixteen thousand seventy-six dollars (\$16,076) cash funds.

(h) The appropriation to the department of public health and environment, disease control and environmental epidemiology division, special purpose disease control programs, sexually transmitted disease, HIV and AIDS, Ryan White act, operating expenses, from the tobacco litigation settlement cash fund created in section 24-22-115 (1) (a), Colorado Revised Statutes, is decreased by one hundred fifteen thousand seven hundred seven dollars (\$115,707) cash funds.

(i) The appropriation to the department of public health and environment, prevention services division, prevention partnerships, Tony Grampsas youth services program, prevention services programs, from the tobacco litigation settlement cash fund created in section 24-22-115 (1) (a), Colorado Revised Statutes, is decreased by one hundred thirty-two thousand two hundred thirty-seven dollars (\$132,237) cash funds.

(j) The appropriation to the department of public health and environment,

prevention services division, family and community health, child, adolescent, and school health, nurse home visitor program, from the nurse home visitor program fund created in section 25-31-107 (2) (b), Colorado Revised Statutes, is decreased by nine hundred eighty-two thousand nine hundred sixty-two dollars (\$982,962) cash funds.

(k) The appropriation to the department of public health and environment, local public health planning and support, distributions to local public health agencies, from the public health services support fund created in section 25-1-512 (2), Colorado Revised Statutes, is decreased by thirty-seven thousand five hundred ten dollars (\$37,510) cash funds.

(l) The appropriation to the department of public health and environment, disease control and environmental epidemiology division, special purpose disease control programs, immunization, operating expenses, from the supplemental tobacco litigation settlement moneys account of the Colorado immunization fund created in section 25-4-2301, Colorado Revised Statutes, is decreased by twenty-one thousand four hundred thirty-four dollars (\$21,434) cash funds.

(m) (I) Except as otherwise provided in subparagraph (II) of this paragraph (m), the appropriation to the department of health care policy and financing, indigent care program, comprehensive primary and preventative care rural and public hospital grant program, from the comprehensive primary and preventative care fund created in section 25.5-3-207 (1), Colorado Revised Statutes, is decreased by forty-five thousand five hundred forty-eight dollars (\$45,548) and the appropriation of federal funds is decreased by forty-five thousand five hundred forty-eight dollars (\$45,548). Although federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(II) This paragraph (m) shall take effect only if Senate Bill 09-264 is not enacted in 2009 and does not become law.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of public health and environment, disease control and environmental epidemiology division, special purpose disease control programs, Ryan White Act, operating expenses, for the fiscal year beginning July 1, 2009, the sum of one hundred twenty-eight thousand six hundred ninety-two dollars (\$128,692), so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the HIV and AIDS prevention cash fund.

SECTION 12. 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, 2009