

## CHAPTER 189

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**GOVERNMENT - STATE**


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## SENATE BILL 11-225

BY SENATOR(S) Hodge, Steadman, Lambert;  
also REPRESENTATIVE(S) Gerou, Becker, Ferrandino.

## AN ACT

**CONCERNING THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND, AND, IN CONNECTION THEREWITH, TRANSFERRING THE BALANCE OF THE GRANT FUND TO THE GENERAL FUND AT THE END OF THE 2011-12 FISCAL YEAR AND TERMINATING ALL EXISTING STATUTORY TRANSFERS TO THE GRANT FUND OTHER THAN ITS PERCENTAGE-BASED BASE ALLOCATION OF TOBACCO LITIGATION SETTLEMENT MONEYS AFTER THE 2010-11 FISCAL YEAR.**

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

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

**24-22-115. Tobacco litigation settlement cash fund - health care supplemental appropriations and overexpenditures account - creation - repeal.** (1) (b) Except as provided in subsection (2) of this section, for the 2006-07 fiscal year and the 2007-08 fiscal year, an amount needed, up to one million dollars, to pay the state's share of the annual funding required by the "Home- and Community-based Services for Children with Autism Act", part 8 of article 6 of title 25.5, C.R.S., shall be transferred from the tobacco litigation settlement cash fund to the Colorado autism treatment fund created pursuant to section 25.5-6-805, C.R.S. The amount to be transferred shall be taken into account when determining the amount of cash fund moneys available for allocation to tobacco settlement programs pursuant to section 24-75-1104.5 (1.5) and shall be transferred at the end of the 2006-07 fiscal year and at the end of the 2007-08 fiscal year. Except as provided in subsection (2) of this section, at the end of any fiscal year commencing on or after July 1, 2006, BUT BEFORE JULY 1, 2011, all unexpended and unencumbered moneys in the cash fund, all moneys in the cash fund not appropriated for the following fiscal year, and all moneys in the cash fund not required for transfers pursuant to section 24-75-1104.5 (1) or (1.5) in the following fiscal year shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S. AT THE END OF ANY FISCAL YEAR

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

COMMENCING ON OR AFTER JULY 1, 2011, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE CASH FUND, ALL MONEYS IN THE CASH FUND NOT APPROPRIATED FOR THE FOLLOWING FISCAL YEAR, AND ALL MONEYS IN THE CASH FUND NOT REQUIRED FOR TRANSFERS PURSUANT TO SECTION 24-75-1104.5 (1) OR (1.5) IN THE FOLLOWING FISCAL YEAR SHALL BE TRANSFERRED TO THE GENERAL FUND.

**SECTION 2.** 24-75-1104.5 (1.5) (a) (I), (1.5) (a) (VIII) (A), (1.5) (a) (IX), (1.5) (b) (II), and (8), Colorado Revised Statutes, are amended, and the said 24-75-1104.5 (1.5) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**24-75-1104.5. Use of settlement moneys - programs - repeal.** (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 settlement moneys received and allocated by the state in the current fiscal year that remains after the programs, services, and funds receiving 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, 2008-09, or 2009-10 fiscal years pursuant to section 24-22-115 (4) have been made:

(I) The university of Colorado at Denver and health sciences center shall receive forty-nine percent of the settlement moneys, which shall be transferred by the state treasurer to the tobacco litigation settlement moneys health education fund, which is hereby created in the state treasury. Interest and income earned on the deposit and investment of moneys in the fund BEFORE JULY 1, 2011, shall be credited to the fund and shall remain in the fund until the end of the fiscal year in which credited, when it shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S., in accordance with paragraph (b) of this subsection (1.5). The principal of the fund shall be subject to annual appropriation by the general assembly to the health sciences center; except that, at the end of the 2007-08 fiscal year and at the end of each fiscal year thereafter THROUGH THE 2010-11 FISCAL YEAR, all unexpended and unencumbered principal of the fund shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S., AND, AT THE END OF THE 2011-12 FISCAL YEAR AND AT THE END OF EACH FISCAL YEAR THEREAFTER, ALL UNEXPENDED AND UNENCUMBERED PRINCIPAL OF THE ACCOUNT SHALL BE TRANSFERRED TO THE GENERAL FUND, in accordance with paragraph (b) of this subsection (1.5).

(VIII) (A) The unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, shall receive three percent of the settlement moneys, which shall be transferred by the state treasurer to the alcohol and drug abuse community prevention and treatment fund, which is hereby created in the state treasury. Interest and income earned on the deposit and investment of moneys in the fund BEFORE JULY 1, 2011, shall be credited to the fund and shall remain in the fund until the end of the fiscal year in which credited, when it shall be transferred to the short-term

innovative health program grant fund created in section 25-36-101 (2), C.R.S., in accordance with paragraph (b) of this subsection (1.5). The principal of the fund shall be subject to annual appropriation by the general assembly to provide or purchase community prevention and treatment services in accordance with section 27-80-106, C.R.S.; except that, at the end of the 2007-08 fiscal year and at the end of each fiscal year thereafter THROUGH THE 2010-11 FISCAL YEAR, all unexpended and unencumbered principal of the fund shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S., AND, AT THE END OF THE 2011-12 FISCAL YEAR AND AT THE END OF EACH FISCAL YEAR THEREAFTER, ALL UNEXPENDED AND UNENCUMBERED PRINCIPAL OF THE ACCOUNT SHALL BE TRANSFERRED TO THE GENERAL FUND, in accordance with paragraph (b) of this subsection (1.5).

(IX) The short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S., shall receive six percent of the settlement moneys, which the state treasurer shall transfer thereto, plus, FOR FISCAL YEARS PRIOR TO THE 2011-12 FISCAL YEAR ONLY, additional moneys as specified in section 24-22-115 (1) (b) and paragraph (b) of this subsection (1.5).

(b) (II) Except as otherwise provided in section 24-50-609 (5), at the end of the 2010-11 fiscal year, ~~and at the end of each fiscal year thereafter~~, any interest and income earned on moneys allocated for the fiscal year pursuant to paragraph (a) of this subsection (1.5), and any of such allocated moneys that are unexpended and unencumbered, shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S.

(III) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-50-609 (5), AT THE END OF THE 2011-12 FISCAL YEAR AND AT THE END OF EACH FISCAL YEAR THEREAFTER, ANY MONEYS ALLOCATED FOR THE FISCAL YEAR PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.5) THAT ARE UNEXPENDED AND UNENCUMBERED SHALL BE TRANSFERRED TO THE GENERAL FUND.

(8) (a) At the end of fiscal ~~year~~ YEARS 2010-11 AND 2011-12, the state treasurer shall transfer the balance of the moneys in the short-term innovative health program grant fund created in section 25-36-101, C.R.S., to the general fund. ~~This transfer~~ THESE TRANSFERS shall augment fiscal year 2010-11 AND 2011-12 general fund revenues.

(b) This subsection (8) is repealed, effective ~~July 1, 2012~~ JULY 1, 2013.

**SECTION 3.** 25-1-512 (2), Colorado Revised Statutes, is amended to read:

**25-1-512. Allocation of moneys - public health services support fund - created.** (2) The public health services support fund is hereby created in the state treasury and shall be known in this section as the "fund". The principal of the fund shall consist of tobacco litigation settlement moneys transferred by the state treasurer to the fund pursuant to section 24-75-1104.5 (1.5) (a) (IV), C.R.S., and shall, subject to annual appropriation by the general assembly to the state department, be allocated by the state department to all agencies authorized pursuant to this part 5 as specified in subsection (1) of this section; except that, at the end of the 2007-08 fiscal year and at the end of each fiscal year thereafter THROUGH THE

2010-11 FISCAL YEAR, all unexpended and unencumbered principal of the fund shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2) AND, AT THE END OF THE 2011-12 FISCAL YEAR AND AT THE END OF EACH FISCAL YEAR THEREAFTER, ALL UNEXPENDED AND UNENCUMBERED PRINCIPAL OF THE FUND SHALL BE TRANSFERRED TO THE GENERAL FUND, in accordance with section 24-75-1104.5 (1.5) (b), C.R.S. Interest and income earned on the deposit and investment of moneys in the public health services support fund BEFORE JULY 1, 2011, shall be credited to the fund and shall remain in the fund until the end of the fiscal year in which credited, when it shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2) in accordance with section 24-75-1104.5 (1.5) (b), C.R.S.

**SECTION 4.** 25-4-2301, Colorado Revised Statutes, is amended to read:

**25-4-2301. Colorado immunization fund - supplemental tobacco litigation settlement moneys account - creation.** There are hereby created in the state treasury the Colorado immunization fund and an account within the fund to be known as the supplemental tobacco litigation settlement moneys account. The principal of the portion of the fund that is not the account shall consist of general fund appropriations made by the general assembly to the fund and gifts, grants, or awards received by the department of public health and environment from the federal government or private sources for the fund. The principal of the account shall consist of tobacco litigation settlement moneys transferred by the state treasurer to the account in accordance with section 24-75-1104.5 (1.5) (a) (VII), C.R.S. All interest and income earned on the deposit and investment of moneys in the portion of the fund that is not the account shall be credited to that portion of the fund, and all interest and income earned on the deposit and investment of moneys in the account BEFORE JULY 1, 2011, shall be credited to the account and remain therein until transferred as required by this section. Except as otherwise provided in this section, and subject to annual appropriation by the general assembly to the department, the department shall expend the principal of the fund and the account only for the purpose of immunization and immunization strategies; except that, at the end of the 2007-08 fiscal year and at the end of any fiscal year thereafter, any unexpended and unencumbered moneys in the portion of the fund that is not the account shall remain in that portion of the fund and may be used by the department through the state immunization program to support infant, child, and adolescent vaccination, ~~and~~ AT THE END OF THE 2007-08 FISCAL YEAR AND AT THE END OF ANY FISCAL YEAR THEREAFTER THROUGH THE 2010-11 FISCAL YEAR, any unexpended and unencumbered moneys in the account shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2), AND, AT THE END OF THE 2011-12 FISCAL YEAR AND AT THE END OF EACH FISCAL YEAR THEREAFTER, ANY UNEXPENDED AND UNENCUMBERED MONEYS IN THE ACCOUNT SHALL BE TRANSFERRED TO THE GENERAL FUND, in accordance with section 24-75-1104.5 (1.5) (b), C.R.S.

**SECTION 5.** 27-66-104 (4) (a), Colorado Revised Statutes, is amended to read:

**27-66-104. Types of services purchased - limitation on payments - offender mental health services fund.** (4) (a) The offender mental health services fund, referred to in this subsection (4) as the "fund", is hereby created in the state treasury. The principal of the fund shall consist of tobacco litigation settlement moneys

transferred by the state treasurer to the fund in accordance with section 24-75-1104.5 (1.5) (a) (II), C.R.S., for the purchase of mental health services for juvenile and adult offenders who have mental health problems and are involved in the criminal justice system. The unit, subject to annual appropriation by the general assembly, shall distribute the principal of the fund to the community mental health centers; except that, at the end of the 2007-08 fiscal year and at the end of each fiscal year thereafter THROUGH THE 2010-11 FISCAL YEAR, all unexpended and unencumbered principal of the fund shall be transferred to the short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S., AND, AT THE END OF THE 2011-12 FISCAL YEAR AND AT THE END OF EACH FISCAL YEAR THEREAFTER, ALL UNEXPENDED AND UNENCUMBERED PRINCIPAL OF THE FUND SHALL BE TRANSFERRED TO THE GENERAL FUND, in accordance with section 24-75-1104.5 (1.5) (b), C.R.S. Interest and income earned on the deposit and investment of moneys in the fund BEFORE JULY 1, 2011, shall be credited to the fund and shall remain in the fund until the end of the fiscal year in which credited, when it shall be transferred to the short-term innovative health program grant fund IN ACCORDANCE WITH SECTION 24-75-1104.5 (1.5) (b), C.R.S.

**SECTION 6. 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 19, 2011