

CHAPTER 53

GOVERNMENT - STATE

HOUSE BILL 12-1247

BY REPRESENTATIVE(S) Gerou, Becker, Levy, Holbert, Joshi, Kerr A., Todd;
also SENATOR(S) Steadman, Hodge, Lambert.**AN ACT**

CONCERNING ANNUAL REDUCTIONS IN THE AMOUNT OF TOBACCO LITIGATION SETTLEMENT MONIES THAT ARE ALLOCATED IN THE FISCAL YEAR IN WHICH THE STATE RECEIVES THEM, AND, IN CONNECTION THEREWITH, OFFSETTING THE REDUCTIONS WITH TOBACCO LITIGATION SETTLEMENT CASH FUND MONIES MADE AVAILABLE BY THE REPEAL OF THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND.

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

SECTION 1. In Colorado Revised Statutes, 24-75-1104.5, **amend** (1) introductory portion, (1.5) (a) introductory portion, (1.5) (a) (I), and (1.5) (a) (VIII) (A); **repeal** (1.5) (a) (IX), (1.5) (b) (I), (1.5) (b) (II), (6), and (8); and **add** (1.3) as follows:

24-75-1104.5. Use of settlement moneys - programs - repeal. (1) Except as otherwise provided in ~~subsection (5)~~ SUBSECTIONS (1.3) AND (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:~~

(1.3) (a) FOR THE 2012-13 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER, THE LESSER OF ALL SETTLEMENT MONIES RECEIVED OR THE FOLLOWING AMOUNTS OF SETTLEMENT MONIES SHALL BE ALLOCATED IN EACH

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

FISCAL YEAR IN WHICH THE STATE RECEIVES THE MONEYS IN THE PERCENTAGES OR AMOUNTS SPECIFIED AND FOR THE PROGRAMS, SERVICES, AND FUNDS SPECIFIED IN SUBSECTIONS (1) AND (1.5) OF THIS SECTION:

(I) FOR THE 2012-13 FISCAL YEAR, EIGHTY MILLION FOUR HUNDRED THOUSAND DOLLARS LESS THE AMOUNT OF UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND, CREATED IN SECTION 24-22-115 (1) (a), AT THE END OF THE 2011-12 FISCAL YEAR;

(II) FOR THE 2013-14, 2014-15, 2015-16, AND 2016-17 FISCAL YEARS, AND FOR THE 2018-19 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE AMOUNT ALLOCATED PURSUANT TO THIS SUBSECTION (1.3) FOR THE PRIOR FISCAL YEAR LESS THE AMOUNT OF UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND AT THE END OF THE PRIOR FISCAL YEAR; AND

(III) FOR THE 2017-18 FISCAL YEAR, THE AMOUNT ALLOCATED PURSUANT TO THIS SUBSECTION (1.3) FOR THE 2016-17 FISCAL YEAR LESS FIFTEEN MILLION DOLLARS AND LESS THE AMOUNT OF UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND AT THE END OF THE 2016-17 FISCAL YEAR.

(b) FOR THE 2012-13 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER, IN ADDITION TO THE AMOUNTS ALLOCATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.3), THE AMOUNT OF UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND, CREATED IN SECTION 24-22-115 (1) (a), AT THE END OF THE PRIOR FISCAL YEAR SHALL BE ALLOCATED TO THE PROGRAMS THAT RECEIVE SETTLEMENT MONEYS PURSUANT TO SUBSECTIONS (1) AND (1.5) OF THIS SECTION IN PROPORTION TO THEIR SHARES OF THE SETTLEMENT MONEYS.

(c) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136, NO LATER THAN OCTOBER 1, 2013, AND NOT LATER THAN OCTOBER 1 OF EACH YEAR THEREAFTER, THE STATE TREASURER SHALL SUBMIT A WRITTEN REPORT TO THE JOINT BUDGET COMMITTEE THAT SETS FORTH THE TOTAL AMOUNT ALLOCATED PURSUANT TO THIS SUBSECTION (1.3) DURING THE PRIOR FISCAL YEAR AND THE TOTAL AMOUNT ANTICIPATED TO BE ALLOCATED PURSUANT TO THIS SUBSECTION (1.3) DURING THE CURRENT FISCAL YEAR.

(1.5) (a) Except as otherwise provided in ~~subsections (5) and (6)~~ SUBSECTION (5) 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); except that, for the 2011-12 fiscal year and for each fiscal year thereafter, the amount allocated to the short-term innovative health program grant fund pursuant to this subparagraph (IX) is reduced by two hundred fifty thousand dollars.~~

(b) (I) ~~Except as otherwise provided in sections 24-50-609 (5) and 25.5-3-207 (4) (a), C.R.S., at the end of the 2007-08, 2008-09, and 2009-10 fiscal years, 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.

(II) ~~Except as otherwise provided in section 24-50-609 (5), at the end of the 2010-11 fiscal year, 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.~~

(6) ~~On June 1, 2009, 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.~~

(8) (a) ~~At the end of fiscal 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. These transfers shall augment fiscal year 2010-11 and 2011-12 general fund revenues.~~

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

SECTION 2. In Colorado Revised Statutes, 24-22-115, **amend** (1) (b) as follows:

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

(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 commencing on or ON AND after July 1, 2011, all unexpended and unencumbered moneys in the cash fund ~~at~~ 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~~

SHALL REMAIN IN THE FUND UNTIL EXPENDED IN ORDER TO REDUCE THE SHARE OF ALLOCATIONS MADE FROM CURRENT-YEAR RECEIPTS OF SETTLEMENT MONEYS AS REQUIRED BY SECTION 24-75-1104.5 (1.3).

SECTION 3. In Colorado Revised Statutes, 25-1-512, **amend** (2) as follows:

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.~~ GENERAL FUND.

SECTION 4. In Colorado Revised Statutes, **amend** 25-4-2301 as follows:

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 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. In Colorado Revised Statutes, 25-36-101, **amend** (2) (a); and **repeal** (1), (2) (b), (3), (4), (5), (6), (7), (9), and (10) as follows:

25-36-101. Short-term grants for innovative health programs - grant fund - creation - appropriation from fund - transfer of moneys for fiscal years 2007-08 through 2011-12 - repeal. (1) ~~The department of public health and environment, subject to annual appropriation by the general assembly, may make short-term grants of no more than one fiscal year in duration to fund innovative health programs designed to improve the health of Coloradans from the short-term innovative health program grant fund created in subsection (2) of this section. Grant applicants shall apply for grants using forms furnished by the department, and grant applications shall contain such information as the department may require. The department may promulgate rules in accordance with the requirements of article 4 of title 24, C.R.S., in order to establish grant application requirements and criteria for the awarding of grants.~~

(2) (a) (I) The short-term innovative health program grant fund is hereby created in the state treasury. The principal of the fund shall include settlement moneys, as defined in section 24-75-1102 (2), C.R.S., transferred to the fund pursuant to sections 24-22-115 (1) (b) and 24-75-1104.5 (1.5) (a) (IX) and (1.5) (b), C.R.S., and any other moneys that the general assembly may appropriate or transfer to the fund. Interest and income earned on the deposit and investment of fund moneys shall remain in the fund and shall not be credited to the general fund or to any other fund at the end of any fiscal year; EXCEPT THAT, EFFECTIVE JUNE 30, 2012, ALL MONEYS IN THE FUND SHALL BE TRANSFERRED TO THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115 (1) (a), C.R.S.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE DECEMBER 31, 2012.

(b) ~~Notwithstanding any provision of this section to the contrary, on April 20, 2009, the state treasurer shall deduct four million three hundred fifty-two thousand three hundred nineteen dollars from the short-term innovative health program grant fund and transfer such sum to the general fund.~~

(3) (a) ~~For the 2007-08 fiscal year, of the moneys transferred pursuant to sections 24-22-115 (1) (b) and 24-75-1104.5 (1.5) (a) (IX) and (1.5) (b), C.R.S., the lesser of one hundred thirty-four thousand two hundred twelve dollars or thirteen and four-tenths percent of the total amount transferred to the fund shall be appropriated to the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse; for implementation of article 69 of title 27, C.R.S., and the lesser of thirty-eight thousand five hundred three dollars or three and nine-tenths percent of the total amount transferred to the fund shall be appropriated to the division of criminal~~

~~justice in the department of public safety for implementation of article 69 of title 27, C.R.S.~~

~~(b) For the 2008-09 fiscal year, the 2009-10 fiscal year, and the 2010-11 fiscal year, of the moneys transferred pursuant to sections 24-22-115 (1) (b) and 24-75-1104.5 (1.5) (a) (IX) and (1.5) (b), C.R.S., the lesser of one hundred eighty-five thousand seventeen dollars or eight and eight-tenths percent of the total amount transferred to the fund shall be annually appropriated to the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, for implementation of article 69 of title 27, C.R.S., and the lesser of thirty-six thousand seven hundred dollars or one and seven-tenths percent of the total amount transferred to the fund shall be appropriated to the division of criminal justice in the department of public safety for implementation of article 69 of title 27, C.R.S.~~

~~(4) Notwithstanding any other provision of this section, for the 2007-08 fiscal year, the general assembly shall appropriate up to one hundred sixty thousand dollars from the short-term innovative health program grant fund to the department of personnel for the establishment of a pilot disease management program. The program shall include, but shall not be limited to, a pilot childhood asthma program aimed at eliminating access barriers to care for lower-income state employees and their dependents who have at least one asthma-related hospital admission or emergency room visit. Moneys appropriated may be used to make copayments for appropriate asthma drugs and specialty pulmonary supervision. The department shall review data from the pilot program and existing group benefit plan contract to determine the extent to which disease management and other health plan innovations may lower health insurance costs for state employees.~~

~~(5) Notwithstanding any other provision of this section, for the 2007-08 fiscal year, the state treasurer shall transfer from the short-term innovative health program grant fund to the supplemental tobacco litigation settlement moneys account of the children's basic health plan trust created in section 25.5-8-105, C.R.S., for the purposes of the "Children's Basic Health Plan Act", article 8 of title 25.5, C.R.S., 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. Notwithstanding any other provision of this section, for the 2008-09 and 2009-10 fiscal years, the state treasurer shall transfer from the short-term innovative health program grant fund to the children's basic health plan trust created in section 25.5-8-105, C.R.S., for the purposes of the "Children's Basic Health Plan Act", article 8 of title 25.5, C.R.S., 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.~~

~~(6) Notwithstanding any other provision of this section, for the 2007-08 fiscal year, the general assembly shall appropriate from the short-term innovative health program grant fund to the office of the executive director in the department of health care policy and financing for the administration of section 25.5-1-124, C.R.S., the~~

~~lesser of thirty-one thousand four hundred twenty-three dollars or three and one-tenth 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. Notwithstanding any other provision of this section, for the 2008-09 and 2009-10 fiscal years, the general assembly shall appropriate from the short-term innovative health program grant fund to the office of the executive director in the department of health care policy and financing for the administration of section 25.5-1-124, C.R.S., the lesser of twenty-nine thousand seven hundred eighty-four 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.~~

~~(7) Notwithstanding any other provision of this section, for the 2007-08, 2008-09, and 2009-10 fiscal years, the state treasurer shall transfer from the short-term innovative health program grant fund to the supplemental tobacco litigation settlement moneys account of the mental health services pilot program fund, created in section 27-68-105 (1), C.R.S., the lesser of three hundred thousand dollars or thirty 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.~~

~~(9) Notwithstanding any other provision of this section, for the 2007-08 fiscal year, the state treasurer shall transfer the lesser of one hundred twenty-five thousand dollars or twelve and five-tenths percent of the amount allocated to the short-term innovative health program grant fund for the fiscal year as provided by law, from the short-term innovative health program grant fund to the lifesaver program cash fund created in section 24-33.5-415.9 (6), C.R.S., for purposes of grants to encourage county sheriffs' departments to establish lifesaver programs.~~

~~(10) (a) Notwithstanding any other provision of this section, for the 2007-08 and 2008-09 fiscal years, the state treasurer shall transfer from the short-term innovative health program grant fund to the health care professional loan repayment fund created in section 25-20.5-706, for purposes of the state health care professional loan repayment program, the lesser of sixty thousand dollars or six 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.~~

~~(b) Notwithstanding any other provision of this section, for the 2009-10 and 2010-11 fiscal years, the state treasurer shall transfer from the short-term innovative health program grant fund to the Colorado health service corps fund created in section 25-20.5-706, for purposes of the Colorado health service corps, the lesser of ninety thousand seventy dollars or six 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 6. In Colorado Revised Statutes, 25.5-1-124, **repeal** (4) as follows:

25.5-1-124. Early intervention payment system - participation by state department - rules. (4) For the 2007-08 fiscal year, the general assembly shall appropriate from the short-term innovative health program grant fund created in section 25-36-101, C.R.S., to the office of the executive director in the state department for the administration of this section the lesser of thirty-one thousand four hundred twenty-three dollars or three and one-tenth 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 general assembly shall appropriate from the short-term innovative health program grant fund created in section 25-36-101, C.R.S., to the office of the executive director in the state department for the administration of this section the lesser of twenty-nine thousand seven hundred eighty-four 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 7. In Colorado Revised Statutes, 25.5-8-105, **amend** (3) (b) as follows:

25.5-8-105. Trust - created. (3) (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 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 trust 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 trust 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 8. In Colorado Revised Statutes, 27-66-104, **amend** (4) (a) as follows:

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 9. Effective date. This act takes effect upon passage; except that the introductory portion to section 24-75-1104.5 (1), Colorado Revised Statutes, as amended in section 1 of this act, takes effect July 1, 2012.

SECTION 10. 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: March 22, 2012