

MEMORANDUM

TO: Joint Budget Committee Members
FROM: JBC Staff
SUBJECT: Bill Drafts for Discussion on March 22, 2016
DATE: March 22, 2016

This memo includes the following bill drafts for the Committee's consideration.

- LLS 16-0924: "Concerning the Manner in Which the State Funds Driver and Vehicle Services by the Division of Motor Vehicles in the Department of Revenue." (Scott Thompson)
- LLS 16-1197: "Concerning a Transfer from the Marijuana Tax Cash Fund to the General Fund." (Scott Thompson)
- LLS 16-1094.02: "Concerning Changes in the Disposition of Revenues Received from the Tobacco Master Settlement Agreement that Result from Refinancing Certain Programs with Marijuana Tax Cash Fund Revenues, and, in Connection Therewith, Eliminating Certain Programs from Tobacco Master Settlement Agreement Funding, Creating a New Program for Cancer Research Outreach and Genotyping for Clinical Research, and Making and Reducing Appropriations." (Megan Davisson)
- LLS 16-1203: "Concerning an Allocation of Money for the Address Confidentiality Program." (Alfredo Kemm)

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REDRAFT

3.21.16

Double underlining
denotes changes from
prior draft

DRAFT

LLS NO. 16-0924.01 Ed DeCecco x4216

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Funding For Driver & Motor Vehicle Services"

A BILL FOR AN ACT

101 **CONCERNING THE MANNER IN WHICH THE STATE FUNDS DRIVER AND**
102 **VEHICLE SERVICES BY THE DIVISION OF MOTOR VEHICLES IN**
103 **THE DEPARTMENT OF REVENUE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Joint Budget Committee. Beginning July 1, 2016, **section 3** of the bill increases fees related to driver's licenses. These fees, which were initially set in statute and increased by the department of revenue (department), are further increased as follows:

- \$2.60 to \$9 for a driving record;

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- \$3.20 to \$10 for a certified driving record;
- \$9 to \$12 for a duplicate permit or minor driver's license;
- \$3.60 to \$6.50 for a driver's license extension;
- \$360 to \$3,094 for licensing testing units for the initial license, and from \$120 to \$1,052 for each subsequent annual license renewal; and
- \$120 to \$148 for licensing driving testers for the initial license and from \$60 to \$140 for each subsequent annual license renewal.

In addition, the fee for a driver's license or minor driver's license is increased from \$25 to \$26 during the fiscal year 2016-17, to \$27 for the fiscal year 2017-18, and to \$28 thereafter. Like the existing fees, the department has the authority to raise or lower these increased fees in the future.

The revenue from these fees is deposited in the licensing services cash fund (fund). Currently, the excess reserve in the fund at the end of a fiscal year is transferred to the highway users tax fund (HUTF). Section 2 of the bill eliminates this transfer, and **section 1** exempts the fund from the maximum reserve requirement that generally applies to cash funds.

For the next 3 fiscal years, **section 4** permits the general assembly to appropriate moneys from the HUTF to the department for use by the division of motor vehicles for expenses incurred in connection with the administration of driver and vehicle services. These appropriations are in addition to the existing off-the-top appropriations from the HUTF for the Colorado state patrol, which are subject to a 6% annual growth limit.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-402, **amend**
3 (5) (hh) and (5) (ii); and **add** (5) (jj) as follows:

4 **24-75-402. Cash funds - limit on uncommitted reserves -**
5 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
6 any provision of this section to the contrary, the following cash funds are
7 excluded from the limitations specified in this section:

8 (hh) The conveyance safety fund created in section 9-5.5-111 (2)
9 (b), C.R.S., until this paragraph (hh) is repealed, effective July 1, 2017;
10 **and**

1 (ii) The oil and gas conservation and environmental response fund
2 created in section 34-60-122 (5), C.R.S.; AND

3 (jj) THE LICENSING SERVICES CASH FUND CREATED IN SECTION
4 42-2-114.5 (1), C.R.S.

5 **SECTION 2.** In Colorado Revised Statutes, 42-2-114.5, **amend**
6 (1) as follows:

7 **42-2-114.5. Licensing services cash fund - fee setting**
8 **procedures - rules.** (1) The licensing services cash fund is hereby
9 created in the state treasury. The general assembly shall appropriate
10 moneys in the fund to the department for the cost of implementing this
11 article. ~~At the end of each fiscal year, the state treasurer shall credit the~~
12 ~~money in the fund, less sixteen and one-half percent of the amount~~
13 ~~appropriated from the fund for such operation in the fiscal year, to the~~
14 ~~highway users tax fund.~~

15 **SECTION 3.** In Colorado Revised Statutes, 42-2-114.5, **amend**
16 (2) (a), (2) (b), (2) (d), (2) (f), (2) (g), (2) (n), _____ (2) (o), and (3) as
17 follows:

18 **42-2-114.5. Licensing services cash fund - fee setting**
19 **procedures - rules.** (2) Except as provided in subsection (3) of this
20 section, the following fees must be paid for the following functions:

21 (a) The fee for a driving record under section 42-1-206 (2) is two
22 dollars and twenty cents NINE DOLLARS;

23 (b) The fee for a certified driving record under section 42-1-206
24 (2) is two TEN dollars; and seventy cents;

25 (d) The fee for a driver's license or minor driver's license under
26 section 42-2-114 (2) (a) or (4) (a), respectively, is:

27 (I) twenty-one TWENTY-SIX dollars beginning July 1, 2016, BUT

1 BEFORE JULY 1, 2017;

2 (II) TWENTY-SEVEN DOLLARS BEGINNING JULY 1, 2017, BUT
3 BEFORE JULY 1, 2018; AND

4 (III) TWENTY-EIGHT DOLLARS BEGINNING JULY 1, 2018;

5 (f) The fee for a duplicate permit or minor driver's license under
6 section 42-2-117 (1) is ~~seven~~ TWELVE dollars ~~and fifty cents~~ for the first
7 duplicate and fourteen dollars for a subsequent duplicate;

8 (g) The fee for a driver's license extension under section 42-2-118
9 (1) (b) (I) is ~~three~~ SIX dollars AND FIFTY CENTS;

10 (n) The fee for licensing testing units under section 42-2-406 (4)
11 is ~~three hundred~~ THREE THOUSAND NINETY-FOUR dollars for the initial
12 license and ~~one hundred~~ ONE THOUSAND FIFTY-TWO dollars for each
13 subsequent annual license renewal;

14 (o) The fee for licensing driving testers under section 42-2-406 (3)
15 is one hundred FORTY-EIGHT dollars for the initial license and ~~fifty dollar~~
16 ONE HUNDRED FORTY DOLLARS for each subsequent annual license
17 renewal; and

18 (3) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS
19 SUBSECTION (3), BEGINNING JULY 1, 2015, THE DEPARTMENT MAY RAISE OR
20 LOWER THE FEES LISTED IN SUBSECTION (2) OF THIS SECTION, BUT THE DEPARTMENT
21 SHALL NOT INCREASE THE FEE BY MORE THAN TWENTY PERCENT BEFORE JULY 1,
22 2016, OR BY MORE THAN FIVE PERCENT PER YEAR ON OR AFTER JULY 1, 2016.

23 (b) THE DEPARTMENT SHALL NOT RAISE OR LOWER THE FEES
24 LISTED IN PARAGRAPHS (a), (b), (f), (g), (n), AND (o) OF SUBSECTION (2) OF
25 THIS SECTION BEFORE JULY 1, 2017, AND THE FEE LISTED IN PARAGRAPH
26 (d) OF SUBSECTION (2) OF THIS SECTION BEFORE JULY 1, 2019.

27 **SECTION 4.** In Colorado Revised Statutes, 43-4-201, **amend** (3)

1 (a) (I) (C) and (3) (a) (III) (C); and **repeal** (3) (a) (I.1) as follows:

2 **43-4-201. Highway users tax fund - created.** (3) (a) (I) The
3 general assembly shall not make any annual appropriation (whether by
4 regular, special, or supplementary appropriation) or any statutory
5 distribution from the highway users tax fund for any purpose or purposes
6 in a total amount that is:

7 (C) Commencing in the fiscal year 2013-14, more than a six
8 percent increase over the appropriation to the Colorado state patrol for the
9 prior fiscal year, PLUS, FOR THE FISCAL YEARS 2016-17, 2017-18, AND
10 2018-19 ONLY, THE AMOUNT APPROPRIATED TO THE DEPARTMENT OF
11 REVENUE FOR USE BY THE DIVISION OF MOTOR VEHICLES PURSUANT TO
12 SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (a).

13 ~~(I.1) Commencing with the fiscal year 1995-96, the general~~
14 ~~assembly shall not make any annual appropriation or statutory distribution~~
15 ~~from the highway users tax fund pursuant to this paragraph (a), except to~~
16 ~~the department of public safety for the Colorado state patrol or, through~~
17 ~~the fiscal year 2011-12 only, to the department of revenue for the ports of~~
18 ~~entry section, that exceeds the annual appropriation or statutory~~
19 ~~distribution for all purposes except the Colorado state patrol and the ports~~
20 ~~of entry division for the fiscal year 1994-95.~~

21 (III) (C) The general assembly shall not make any annual
22 appropriation or statutory distribution from the highway users tax fund for
23 the fiscal year 1997-98 or for any succeeding fiscal year authorized by
24 subparagraph (II) of this paragraph (a), excluding the annual
25 appropriation or statutory distribution to the Colorado state patrol and,
26 through the fiscal year 2011-12 only, the ports of entry section and
27 excluding any appropriation to the department of revenue for the fiscal

1 years 2008-09, 2009-10, 2010-11, ~~and~~ 2011-12, 2016-17, AND 2017-18,
2 for expenses incurred in connection with the administration of article 2
3 of title 42, C.R.S., by the division of motor vehicles within the
4 department.

5 **SECTION 5. Effective date.** This act takes effect upon passage;
6 except that section 3 of this act takes effect on July 1, 2016.

7 **SECTION 6. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
3.21.16

DRAFT

LLS NO. 16-1197.01 Ed DeCecco x4216

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Marijuana Tax Cash Fund Transfer To General Fund"

A BILL FOR AN ACT

101 **CONCERNING A TRANSFER FROM THE MARIJUANA TAX CASH FUND TO**
102 **THE GENERAL FUND.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Joint Budget Committee. Section 1 of the bill requires the state treasurer to transfer \$7,977,661 from the marijuana tax cash fund to the general fund on July 1, 2016.

In 2015, the state treasurer credited money from the general fund to the proposition AA account. To repay the general fund, the amount of the gross retail marijuana sales tax revenues that are transferred from the

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

general fund to the marijuana tax cash fund are reduced for the next 4 fiscal years. A portion of the transfer required by the bill is made to accelerate this repayment, and **section 2** ends the reductions in the transfers for the marijuana sales tax revenues one fiscal year earlier.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-28.8-501, **add** (4)
3 (d) as follows:

4 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
5 **- repeal.** (4) The state treasurer shall make the following transfers from
6 the fund to the general fund:

7 (d) ON JULY 1, 2016, SEVEN MILLION NINE HUNDRED
8 SEVENTY-SEVEN THOUSAND SIX HUNDRED SIXTY-ONE DOLLARS;

9 **SECTION 2.** In Colorado Revised Statutes, 39-28.8-203, **amend**
10 (1) (b) (II) (B) as follows:

11 **39-28.8-203. Disposition of collections - definitions.**

12 (1) (b) (II) (B) If the ballot issue is placed on the November 3, 2015,
13 ballot and a majority of the electors voting thereon vote "Yes/For", then
14 for the fiscal year 2016-17 and the next ~~three~~ TWO fiscal years thereafter,
15 the amount annually transferred to the marijuana tax cash fund is reduced
16 by an amount equal to one-fifth of the general fund repayment. The state
17 treasurer shall not transfer any moneys to the cash fund until this amount
18 has been accounted for.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
3.21.16

DRAFT

LLS NO. 16-1094.02 Jason Gelender x4330

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Mod Tobacco Litigation Settlement Money Allocation"

A BILL FOR AN ACT

101 **CONCERNING CHANGES IN THE DISPOSITION OF REVENUES RECEIVED**
102 **FROM THE TOBACCO MASTER SETTLEMENT AGREEMENT THAT**
103 **RESULT FROM REFINANCING CERTAIN PROGRAMS WITH**
104 **MARIJUANA TAX CASH FUND REVENUES, AND, IN CONNECTION**
105 **THEREWITH, ELIMINATING CERTAIN PROGRAMS FROM TOBACCO**
106 **MASTER SETTLEMENT AGREEMENT FUNDING, CREATING A NEW**
107 **PROGRAM FOR CANCER RESEARCH OUTREACH AND GENOTYPING**
108 **FOR CLINICAL RESEARCH, AND MAKING AND REDUCING**
109 **APPROPRIATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Joint Budget Committee. The bill modifies the allocation of revenues annually received by the state pursuant to the tobacco litigation settlement (settlement moneys) by replacing the current 2-tier allocation system that includes both percentage-based and fixed amount allocations of settlement moneys with a single set of exclusively percentage-based allocations and making marijuana tax cash fund appropriations to replace settlement moneys funding for certain programs. The bill also repeals various obsolete statutory provisions relating to the allocation of settlement moneys and transfers to and from cash funds that occurred in the past.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-1104.5,
3 **amend** (1.3), (2), and (3); and **add** (1.7) as follows:

4 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

5 (1.3) (a) For the 2012-13 fiscal year, and for each fiscal year thereafter
6 THROUGH THE 2015-16 FISCAL YEAR, the lesser of all settlement moneys
7 received or the following amounts of settlement moneys shall be allocated
8 in each fiscal year in which the state receives the moneys in the
9 percentages or amounts specified and for the programs, services, and
10 funds specified in subsections (1) and (1.5) of this section, AS SAID
11 SUBSECTIONS EXISTED BEFORE JULY 1, 2016:

12 (I) For the 2012-13 fiscal year, eighty million four hundred
13 thousand dollars less the amount of unexpended and unencumbered
14 moneys remaining in the tobacco litigation settlement cash fund, created
15 in section 24-22-115 (1) (a), at the end of the 2011-12 fiscal year;

16 (II) For the 2013-14, 2014-15, ~~and 2016-17~~ AND 2015-16 fiscal
17 years, ~~and for the 2018-19 fiscal year and for each fiscal year thereafter,~~
18 the amount allocated pursuant to this subsection (1.3) for the prior fiscal

1 year less the amount of any disputed payments in the tobacco litigation
2 settlement cash fund that were credited to the fund pursuant to
3 subparagraph (I) of paragraph (a) of subsection (5) of this section and less
4 the amount of unexpended and unencumbered moneys remaining in the
5 tobacco litigation settlement cash fund at the end of the prior fiscal year.
6 and

7 (III) ~~For the 2017-18 fiscal year, the amount allocated pursuant to~~
8 ~~this subsection (1.3) for the 2016-17 fiscal year less fifteen million~~
9 ~~dollars, less the amount of any disputed payments in the tobacco litigation~~
10 ~~settlement cash fund that were credited to the fund pursuant to~~
11 ~~subparagraph (I) of paragraph (a) of subsection (5) of this section, and~~
12 ~~less the amount of unexpended and unencumbered moneys remaining in~~
13 ~~the tobacco litigation settlement cash fund at the end of the 2016-17 fiscal~~
14 ~~year.~~

15 (a.5) FOR THE 2016-17 FISCAL YEAR, AND FOR EACH FISCAL YEAR
16 THEREAFTER, THE LESSER OF ALL SETTLEMENT MONEYS RECEIVED OR THE
17 FOLLOWING AMOUNTS OF SETTLEMENT MONEYS SHALL BE ALLOCATED IN
18 EACH FISCAL YEAR IN WHICH THE STATE RECEIVES THE MONEYS IN THE
19 PERCENTAGES SPECIFIED AND FOR THE PROGRAMS, SERVICES, AND FUNDS
20 SPECIFIED IN SUBSECTION (1.7) OF THIS SECTION:

21 (I) FOR THE 2016-17 FISCAL YEAR, AND FOR THE 2018-19 FISCAL
22 YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE AMOUNT ALLOCATED
23 PURSUANT TO THIS SUBSECTION (1.3) FOR THE PRIOR FISCAL YEAR LESS
24 THE AMOUNT OF ANY DISPUTED PAYMENTS IN THE TOBACCO LITIGATION
25 SETTLEMENT CASH FUND THAT WERE CREDITED TO THE FUND PURSUANT
26 TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS
27 SECTION AND LESS THE AMOUNT OF UNEXPENDED AND UNENCUMBERED

1 MONEYS REMAINING IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND
2 AT THE END OF THE PRIOR FISCAL YEAR; AND

3 (II) FOR THE 2017-18 FISCAL YEAR, THE AMOUNT ALLOCATED
4 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5) FOR THE
5 2016-17 FISCAL YEAR LESS FIFTEEN MILLION DOLLARS, LESS THE AMOUNT
6 OF ANY DISPUTED PAYMENTS IN THE TOBACCO LITIGATION SETTLEMENT
7 CASH FUND THAT WERE CREDITED TO THE FUND PURSUANT TO
8 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS
9 SECTION, AND LESS THE AMOUNT OF UNEXPENDED AND UNENCUMBERED
10 MONEYS REMAINING IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND
11 AT THE END OF THE 2016-17 FISCAL YEAR.

12 (b) (I) For ~~the 2012-13~~ THE 2016-17 fiscal year, and for each
13 fiscal year thereafter, in addition to the amounts allocated pursuant to
14 ~~paragraph (a)~~ PARAGRAPH (a.5) of this subsection (1.3), the amount of
15 unexpended and unencumbered moneys remaining in the tobacco
16 litigation settlement cash fund, created in section 24-22-115 (1) (a), at the
17 end of the prior fiscal year shall be allocated to the programs that receive
18 settlement moneys pursuant to ~~subsections (1) and (1.5)~~ SUBSECTION (1.7)
19 of this section in proportion to their shares of the settlement moneys.

20 (II) For ~~the 2013-14~~ THE 2016-17 fiscal year, and for each fiscal
21 year thereafter, in addition to the amounts allocated pursuant to ~~paragraph~~
22 ~~(a)~~ PARAGRAPH (a.5) of this subsection (1.3), disputed payments received
23 are allocated in the year received up to the amounts necessary to meet the
24 requirements of ~~subsections (1) and (1.5)~~ SUBSECTION (1.7) of this section
25 in the percentages ~~and amounts~~ specified and for the programs, services,
26 and funds specified in ~~said subsections (1) and (1.5)~~ THAT SUBSECTION.

27 (c) Notwithstanding the provisions of section 24-1-136, no later

1 than October 1, 2013, and no later than October 1 of each year thereafter,
2 the state treasurer shall submit a written report to the joint budget
3 committee that sets forth the total amount allocated pursuant to this
4 subsection (1.3) during the prior fiscal year and the total amount
5 anticipated to be allocated pursuant to this subsection (1.3) during the
6 current fiscal year.

7 (1.7) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1.3) AND
8 (5) OF THIS SECTION, AND EXCEPT THAT DISPUTED PAYMENTS RECEIVED BY
9 THE STATE IN THE 2015-16 FISCAL YEAR OR IN ANY YEAR THEREAFTER ARE
10 EXCLUDED FROM THE CALCULATION OF ALLOCATIONS UNDER THIS
11 SUBSECTION (1.7), FOR THE 2016-17 FISCAL YEAR AND FOR EACH FISCAL
12 YEAR THEREAFTER, THE FOLLOWING PROGRAMS, SERVICES, AND FUNDS
13 SHALL RECEIVE THE FOLLOWING SPECIFIED PERCENTAGES OF THE TOTAL
14 AMOUNT OF SETTLEMENT MONEYS RECEIVED BY THE STATE IN THE
15 PRECEDING FISCAL YEAR:

16 (a) THE COLORADO NURSE HOME VISITOR PROGRAM CREATED IN
17 ARTICLE 6.4 OF TITLE 26, C.R.S., SHALL RECEIVE TWENTY-SIX AND
18 SEVEN-TENTHS PERCENT OF THE SETTLEMENT MONEYS;

19 (b) THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN
20 SECTION 25.5-8-105, C.R.S., SHALL RECEIVE EIGHTEEN PERCENT OF THE
21 SETTLEMENT MONEYS;

22 (c) THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER
23 SHALL RECEIVE A BASE AMOUNT OF FIFTEEN AND ONE-HALF PERCENT OF
24 THE SETTLEMENT MONEYS AND AN ADDITIONAL AMOUNT OF TWO PERCENT
25 OF THE SETTLEMENT MONEYS, AND THE STATE TREASURER SHALL CREDIT
26 BOTH AMOUNTS TO THE TOBACCO LITIGATION SETTLEMENT MONEYS
27 HEALTH EDUCATION FUND, WHICH IS HEREBY CREATED IN THE STATE

1 TREASURY. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
2 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
3 FUND TO THE FUND. ALL MONEY IN THE FUND IS SUBJECT TO ANNUAL
4 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE HEALTH SCIENCES
5 CENTER, BUT THE HEALTH SCIENCES CENTER SHALL USE THE ADDITIONAL
6 AMOUNT OF SETTLEMENT MONEYS CREDITED TO THE FUND ONLY FOR
7 TOBACCO-RELATED IN-STATE CANCER RESEARCH AS AUTHORIZED IN
8 SECTION 24-75-1103 (7).

9 (d) THE FITZSIMONS TRUST FUND CREATED IN SECTION 23-20-136
10 (3), C.R.S., SHALL RECEIVE EIGHT PERCENT OF THE SETTLEMENT MONEYS.
11 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
12 SETTLEMENT MONEYS SHALL BE USED AS SPECIFIED IN SECTION 23-20-136
13 (5), C.R.S.

14 (e) THE TONY GRAMPAS YOUTH SERVICES PROGRAM CREATED IN
15 ARTICLE 6.8 OF TITLE 26, C.R.S., SHALL RECEIVE SEVEN AND ONE-HALF
16 PERCENT OF THE TOTAL AMOUNT OF SETTLEMENT MONEYS, WHICH THE
17 STATE TREASURER SHALL TRANSFER TO THE YOUTH SERVICES PROGRAM
18 FUND CREATED IN SECTION 26-6.8-102 (2) (d), C.R.S.;

19 (f) THE DRUG ASSISTANCE PROGRAM CREATED IN SECTION
20 25-4-1411, C.R.S., SHALL RECEIVE FIVE PERCENT OF THE SETTLEMENT
21 MONEYS;

22 (g) THE COLORADO HIV AND AIDS PREVENTION FUND CREATED
23 IN SECTION 25-4-1415, C.R.S., SHALL RECEIVE THREE AND ONE-HALF
24 PERCENT OF THE SETTLEMENT MONEYS;

25 (h) THE SUPPLEMENTAL TOBACCO LITIGATION SETTLEMENT
26 MONEYS ACCOUNT OF THE COLORADO IMMUNIZATION FUND CREATED IN
27 SECTION 25-4-2301, C.R.S., SHALL RECEIVE TWO AND ONE-HALF PERCENT

1 OF THE SETTLEMENT MONEYS;

2 (i) THE TOBACCO SETTLEMENT DEFENSE ACCOUNT OF THE
3 TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION
4 24-22-115 (2) (a) SHALL RECEIVE TWO AND ONE-HALF PERCENT OF THE
5 SETTLEMENT MONEYS;

6 (j) THE SUPPLEMENTAL STATE CONTRIBUTION FUND CREATED IN
7 SECTION 24-50-609 (5) SHALL RECEIVE TWO AND THREE-TENTHS PERCENT
8 OF THE SETTLEMENT MONEYS, WHICH, SUBJECT TO ANNUAL
9 APPROPRIATION BY THE GENERAL ASSEMBLY, SHALL BE USED TO PAY THE
10 COSTS OF INCREASED NONSUPPLEMENTAL STATE CONTRIBUTIONS AND TO
11 PROVIDE SUPPLEMENTS TO THE STATE CONTRIBUTION FOR STATE
12 EMPLOYEE GROUP BENEFIT PLANS FOR EACH ELIGIBLE STATE EMPLOYEE AS
13 REQUIRED BY SECTION 24-50-609.5;

14 (k) THE COLORADO AUTISM TREATMENT FUND CREATED
15 PURSUANT TO SECTION 25.5-6-805, C.R.S., SHALL RECEIVE TWO PERCENT
16 OF THE SETTLEMENT MONEYS TO PAY A PORTION OF THE STATE'S SHARE OF
17 THE ANNUAL FUNDING REQUIRED BY THE "HOME- AND
18 COMMUNITY-BASED SERVICES FOR CHILDREN WITH AUTISM ACT", PART
19 8 OF ARTICLE 6 OF TITLE 25.5, C.R.S.;

20 (l) THE COLORADO STATE VETERANS TRUST FUND CREATED IN
21 SECTION 28-5-709, C.R.S., SHALL RECEIVE ONE PERCENT OF THE
22 SETTLEMENT MONEYS;

23 (m) THE STATE DENTAL LOAN REPAYMENT PROGRAM CREATED IN
24 ARTICLE 23 OF TITLE 25, C.R.S., SHALL RECEIVE ONE PERCENT OF THE
25 SETTLEMENT MONEYS; AND

26 (n) THE COLORADO HEALTH SERVICE CORPS FUND CREATED IN
27 SECTION 25-1.5-506, C.R.S., SHALL RECEIVE ONE PERCENT OF THE

1 SETTLEMENT MONEYS.

2 (2) The general assembly shall appropriate or the state treasurer
3 shall transfer, as provided by law, the amounts specified in ~~subsections~~
4 ~~(1) and (1.5)~~ SUBSECTION (1.7) of this section from moneys credited to the
5 tobacco litigation settlement cash fund created in section 24-22-115.
6 ~~Except for moneys credited to the health care supplemental appropriations~~
7 ~~and overexpenditures account of the cash fund pursuant to section~~
8 ~~24-22-115 (4) (a),~~ All settlement moneys other than settlement moneys
9 received and allocated by the state during the same fiscal year pursuant
10 to ~~subsections (1) and (1.5)~~ SUBSECTION (1.7) of this section shall be
11 credited to the specified funds or accounts on July 1 of the fiscal year for
12 which they are transferred, and all settlement moneys received and
13 allocated by the state during the same fiscal year pursuant to said
14 ~~subsections (1) and (1.5)~~ SUBSECTION (1.7) shall be credited to the
15 specified funds or accounts upon receipt by the state.

16 (3) Notwithstanding the provisions of ~~subsections (1) and (1.5)~~
17 SUBSECTION (1.7) of this section, for purposes of sections ~~22-7-1210 (3),~~
18 23-20-136 (3.5) (a), 25-4-1411 (6) (a), 25-4-1415 (2), 25-23-104 (2),
19 25.5-6-805 (2), 25.5-8-105 (3), 26-6.4-107 (2) (d) (I), 26-6.8-102 (2) (d),
20 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S., settlement moneys
21 received and allocated by the state pursuant to said ~~subsections (1) and~~
22 ~~(1.5)~~ SUBSECTION (1.7) during the same fiscal year ~~shall be~~ ARE deemed
23 to be moneys received for or during the preceding fiscal year.

24 **SECTION 2.** In Colorado Revised Statutes, 2-3-113, **amend** (2)
25 as follows:

26 **2-3-113. Programs that receive tobacco settlement moneys -**
27 **program review.** (2) Beginning January 1, 2002, it is the duty of the

1 state auditor to conduct or cause to be conducted program reviews and
2 evaluations of the performance of each tobacco settlement program to
3 determine whether the program is effectively and efficiently meeting its
4 stated goals. ~~The entity conducting the reviews, in measuring the~~
5 ~~effectiveness of a program, shall apply, at a minimum, the evaluative~~
6 ~~research data received pursuant to the tobacco-related and~~
7 ~~tobacco-focused research grant program created pursuant to part 2 of~~
8 ~~article 20 of title 23, C.R.S.~~ The program reviews and evaluations shall
9 subject all tobacco settlement programs to audit, whether operated
10 directly by a state agency or by a private entity or by a local government
11 agency.

12 **SECTION 3.** In Colorado Revised Statutes, 23-20-136, **amend**
13 (3.5) (a) as follows:

14 **23-20-136. Fitzsimons trust fund - creation - legislative**
15 **declaration - repeal.** (3.5) (a) For ~~the 2006-07~~ THE 2016-17 fiscal year
16 and for each fiscal year thereafter in which the state receives moneys
17 pursuant to the master settlement agreement, and in which money is due
18 to a lessor under a lease-purchase agreement authorized pursuant to
19 section 3 of House Bill 03-1256, ~~as enacted at the first regular session of~~
20 ~~the sixty-fourth general assembly,~~ IN 2003, the state treasurer shall
21 transfer to the capital construction fund and the state controller shall
22 transfer from the capital construction fund to the Fitzsimons trust fund,
23 ~~the lesser of the amount due to any lessor during the fiscal year or,~~ except
24 as otherwise provided in section 24-75-1104.5 (5), C.R.S., eight percent
25 of the total amount received by the state pursuant to the master settlement
26 agreement, other than attorney fees and costs, during the preceding fiscal
27 year. ~~except that the amount transferred pursuant to this subsection (3.5)~~

1 ~~in any fiscal year shall not exceed eight million dollars.~~

2 **SECTION 4.** In Colorado Revised Statutes, 24-22-115, **amend**
3 (1) and (2) (a) as follows:

4 **24-22-115. Tobacco litigation settlement cash fund - health**
5 **care supplemental appropriations and overexpenditures account -**
6 **creation.** (1) (a) There is hereby created in the state treasury the tobacco
7 litigation settlement cash fund. The cash fund ~~shall consist~~ CONSISTS of
8 all moneys transmitted to the state treasurer in accordance with the terms
9 of the master settlement agreement, the smokeless tobacco master
10 settlement agreement, and the consent decree approved and entered by the
11 court in the case denominated *State of Colorado, ex rel. Gale A. Norton,*
12 *Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co.,*
13 *Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.;*
14 *Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco*
15 *Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco*
16 *Research--U.S.A., Inc.; and Tobacco Institute, Inc.,* Case No. 97 CV
17 3432, in the district court for the city and county of Denver. ~~other than~~
18 ~~moneys credited to the tobacco litigation settlement trust fund pursuant~~
19 ~~to section 24-22-115.5.~~ Except as provided in subsection (2) of this
20 section, all interest derived from the deposit and investment of moneys in
21 the cash fund shall be credited to the cash fund; except that, beginning
22 with the fiscal year 2001-02, and each fiscal year thereafter, all interest
23 derived from the deposit and investment of moneys in the cash fund shall
24 be credited to the breast and cervical cancer prevention and treatment
25 fund created pursuant to section 25.5-5-308, C.R.S. Except as provided
26 in subsection (2) of this section, all moneys in the cash fund shall be
27 subject to appropriation by the general assembly for such purposes as may

1 be authorized by law in accordance with the terms of the settlement
2 agreements and the consent decree. Except as provided in subsection (2)
3 of this section, at the end of the 2004-05 and 2005-06 fiscal years, but
4 prior to the making of any transfer of moneys from the cash fund to the
5 general fund at the end of the fiscal year as required by this paragraph (a),
6 an amount needed, up to one million dollars, to pay the state's share of the
7 annual funding required by the "Home- and Community-based Services
8 for Children with Autism Act", part 8 of article 6 of title 25.5, C.R.S.,
9 shall be transferred from the cash fund to the Colorado autism treatment
10 fund created pursuant to section 25.5-6-805, C.R.S. Except as provided
11 in subsection (2) of this section, at the end of any fiscal year commencing
12 on or after July 1, 2004, but before July 1, 2006, all unexpended and
13 unencumbered moneys in the cash fund, all moneys in the cash fund not
14 appropriated for the following fiscal year, and all moneys in the cash fund
15 not required for transfers pursuant to section 24-75-1104.5 (1) in the
16 following fiscal year shall be transferred to the general fund.

17 (b) Except as provided in subsection (2) of this section, for the
18 2006-07 fiscal year and the 2007-08 fiscal year, an amount needed, up to
19 one million dollars, to pay the state's share of the annual funding required
20 by the "Home- and Community-based Services for Children with Autism
21 Act", part 8 of article 6 of title 25.5, C.R.S., shall be transferred from the
22 tobacco litigation settlement cash fund to the Colorado autism treatment
23 fund created pursuant to section 25.5-6-805, C.R.S. The amount to be
24 transferred shall be taken into account when determining the amount of
25 cash fund moneys available for allocation to tobacco settlement programs
26 pursuant to section 24-75-1104.5 (1.5) and shall be transferred at the end
27 of the 2006-07 fiscal year and at the end of the 2007-08 fiscal year. On

1 and after July 1, 2011, all unexpended and unencumbered moneys in the
2 cash fund shall remain in the fund until expended in order to reduce the
3 share of allocations made from current-year receipts of settlement moneys
4 as required by section 24-75-1104.5 (1.3).

5 (2) (a) There is hereby created in the state treasury, as an account
6 within the tobacco litigation settlement cash fund established pursuant to
7 subsection (1) of this section, the tobacco settlement defense account,
8 which shall be used by the department of law: To defend the state in
9 lawsuits arising out of challenges to or arising under the provisions of the
10 master settlement agreement, the smokeless tobacco master settlement
11 agreement, and the consent decree approved and entered by the court in
12 the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney*
13 *General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.;*
14 *Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard*
15 *Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
16 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
17 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the
18 city and county of Denver, or duly enacted Colorado laws related to the
19 tobacco litigation settlement, including, but without limitation, this
20 section, ~~sections 24-22-115.5 and~~ SECTION 24-22-116, and parts 2 and 3
21 of article 28 of title 39, C.R.S.; to defend the state against claims of
22 entitlement to tobacco litigation settlement moneys by any person, as
23 defined in section 2-4-401 (8), C.R.S.; to enforce and defend all rights
24 and obligations of the state under said settlement agreements, decree, or
25 laws; and to resolve any dispute with any participating manufacturer, as
26 defined in section 39-28-302 (6), C.R.S., or nonparticipating
27 manufacturer, as defined in section 39-28-302 (5), C.R.S., that arises

1 under the provisions of said settlement agreements, decree, or laws. The
2 tobacco settlement defense account may also be used by the department
3 of revenue to help administer, coordinate, and support the activities of the
4 department of revenue and the department of law, including the
5 investigation of and response to settlement agreement manufacture and
6 distribution reporting irregularities identified by the department of law.
7 Notwithstanding the provisions of subsection (1) of this section, ~~and~~
8 ~~section 24-22-115.5~~, the tobacco settlement defense account consists of
9 all tobacco litigation settlement moneys received by the attorney general
10 and transmitted to the state treasurer to compensate the state for attorney
11 fees, court costs, or other expenses incurred by the state in obtaining the
12 tobacco litigation settlement, all tobacco litigation settlement moneys
13 transferred to the account as required by ~~section 24-75-1104.5 (1) (a) and~~
14 ~~(1) (n)~~, SECTION 24-75-1104.5 (1.7) (i), and all interest derived from the
15 deposit and investment of moneys in the tobacco settlement defense
16 account. Any moneys received by the state treasurer to compensate the
17 state for attorney fees, court costs, or other expenses, including all interest
18 derived from the deposit and investment of such moneys after receipt by
19 the state treasurer, shall be transferred to the tobacco settlement defense
20 account for use in accordance with the provisions of this subsection (2).

21 **SECTION 5.** In Colorado Revised Statutes, 24-22-115.6, **amend**
22 (1) as follows:

23 **24-22-115.6. Miscellaneous tobacco litigation settlement**
24 **moneys.** (1) Notwithstanding the provisions of ~~sections 24-22-115 and~~
25 ~~24-22-115.5~~ SECTION 24-22-115, any tobacco litigation settlement moneys
26 received by the state ~~shall be~~ ARE subject to appropriation by the general
27 assembly if the purpose for which ~~such~~ THE moneys may be expended is

1 not specified or approved by a court or other non-Colorado authority.

2 **SECTION 6.** In Colorado Revised Statutes, 24-22-116, **amend**
3 (1) (i), (2) (a) (I), and (2) (b) as follows:

4 **24-22-116. Legislative declaration - exclusion of revenue in**
5 **tobacco litigation settlement funds from fiscal year spending.** (1) The
6 general assembly hereby finds and declares that:

7 (i) All of the moneys received by the state in accordance with the
8 terms of the master settlement agreement, the smokeless tobacco master
9 settlement agreement, and the consent decree entered by the court in the
10 case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney*
11 *General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.;*
12 *Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard*
13 *Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
14 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
15 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the
16 city and county of Denver, and credited to the tobacco litigation
17 settlement cash fund created in section 24-22-115 (1), including moneys
18 transferred to the tobacco settlement defense account created in said cash
19 fund pursuant to section 24-22-115 (2), ~~or the tobacco litigation~~
20 ~~settlement trust fund created in section 24-22-115.5~~ are in settlement of
21 the state of Colorado's antitrust, consumer protection, public nuisance,
22 racketeering, and other statutory claims for relief against defendants in
23 said action;

24 (2) (a) (I) For purposes of section 20 of article X of the state
25 constitution and article 77 of this title, any moneys credited to the tobacco
26 litigation settlement cash fund in accordance with section 24-22-115 (1),
27 including moneys transferred to the tobacco settlement defense account

1 created in said cash fund pursuant to section 24-22-115 (2), ~~or the tobacco~~
2 ~~litigation settlement trust fund in accordance with section 24-22-115.5~~ are
3 damage awards, as defined in section 24-77-102 (2), or interest accruing
4 on such damage awards. Any moneys credited to or expended from the
5 tobacco litigation settlement cash fund, including the tobacco settlement
6 defense account, ~~or the tobacco litigation settlement trust fund~~, are not
7 included in state fiscal year spending, as defined in section 24-77-102
8 (17), for any state fiscal year.

9 (b) For purposes of section 20 of article X of the state constitution
10 and article 77 of this title, any moneys expended from the tobacco
11 litigation settlement cash fund created in section 24-22-115 (1), including
12 the tobacco settlement defense account created in said cash fund pursuant
13 to section 24-22-115 (2), ~~or the tobacco litigation settlement trust fund~~
14 ~~created in section 24-22-115.5~~ and received by any local government are
15 damage awards or interest accruing on such damage awards and are not
16 included in the fiscal year spending of the receiving local government for
17 any budget year.

18 **SECTION 7.** In Colorado Revised Statutes, 24-31-108, **amend**
19 (4) (b) introductory portion and (4) (b) (I); and **repeal** (4) (b) (II) as
20 follows:

21 **24-31-108. Receipt of moneys - subject to appropriation -**
22 **exception for custodial moneys - legal services cash fund - creation -**
23 **definition.** (4) (b) Notwithstanding the provisions of paragraph (a) of
24 this subsection (4), custodial moneys ~~shall~~ DO not include the following:

25 (I) Moneys in the tobacco litigation settlement cash fund created
26 in section 24-22-115; OR

27 (II) ~~Moneys in the tobacco litigation settlement trust fund created~~

1 in section ~~24-22-115.5~~; and

2 **SECTION 8.** In Colorado Revised Statutes, 24-50-609, **amend**
3 (5) as follows:

4 **24-50-609. State contributions - supplemental state**
5 **contribution fund - creation.** (5) The supplemental state contribution
6 fund is hereby created in the state treasury. The principal of the fund ~~shall~~
7 ~~consist~~ CONSISTS of tobacco litigation settlement moneys transferred by
8 the state treasurer to the fund pursuant to ~~section 24-75-1104.5 (1.5) (a)~~
9 ~~(VI)~~ SECTION 24-75-1104.5 (1.7) (j). The principal of the fund is hereby
10 continuously appropriated to the department of personnel and shall be
11 expended in its entirety in each fiscal year by the department to pay the
12 costs of increased nonsupplemental state contributions, as defined in
13 section 24-50-609.5 (3) (c) (II), and supplement the state contribution, as
14 defined in section 24-50-609.5 (2) (d), for each eligible state employee,
15 as defined in section 24-50-609.5 (2) (a), enrolled in a qualifying group
16 benefit plan, as defined in section 24-50-609.5 (2) (c), as required by
17 section 24-50-609.5; except that the department shall expend no more
18 than the amount needed to pay the costs of increased nonsupplemental
19 state contributions and reduce the employee contribution, as defined in
20 section 24-50-609.5 (2) (b), of each eligible state employee for all
21 qualifying group benefit plans to zero. The principal of the fund ~~shall~~
22 ~~remain~~ REMAINS in the fund until expended and shall not be transferred
23 to the general fund or any other fund. Interest and income earned on the
24 deposit and investment of moneys in the fund shall be credited to the
25 fund, shall not be transferred to the general fund or to any other fund, and
26 shall be used by the department, subject to annual appropriation, solely
27 to pay the costs of the department related to the supplementation of the

1 state contribution for each eligible state employee required by section
2 24-50-609.5.

3 **SECTION 9.** In Colorado Revised Statutes, 24-75-111, **amend**
4 (1) (b) as follows:

5 **24-75-111. Additional authority for controller to allow**
6 **expenditures in excess of appropriations - limitations -**
7 **appropriations for subsequent fiscal year restricted.** (1) For fiscal
8 years commencing on or after July 1, 1997, in addition to any
9 overexpenditure allowed pursuant to section 24-75-109, the controller
10 may allow any department, institution, or agency of the state, including
11 any institution of higher education, to make an expenditure in excess of
12 the amount authorized by an item of appropriation for such fiscal year if:

13 (b) ~~(F)~~ The overexpenditure is necessary due to unforeseen
14 circumstances arising while the general assembly is not meeting in regular
15 or special session during which such overexpenditure can be legislatively
16 addressed; ~~or~~ AND

17 ~~(H) The overexpenditure is made from the health care~~
18 ~~supplemental appropriations and overexpenditures account as authorized~~
19 ~~in section 24-22-115 (4); and~~

20 **SECTION 10.** In Colorado Revised Statutes, 24-75-201.5,
21 **amend** (1) (a) as follows:

22 **24-75-201.5. Revenue shortfalls - required actions by the**
23 **governor with respect to the reserve.** (1) (a) ~~Except as provided in~~
24 ~~paragraphs (c) and (d) of this subsection (1);~~ Whenever the revenue
25 estimate for the current fiscal year, prepared in accordance with section
26 24-75-201.3 (2), indicates that general fund expenditures for such fiscal
27 year based on appropriations then in effect will result in the use of

1 one-half or more of the reserve required by section 24-75-201.1 (1) (d),
2 the governor shall formulate a plan for reducing such general fund
3 expenditures so that said reserve, as of the close of the fiscal year, will be
4 at least one-half of the amount required by said section 24-75-201.1 (1)
5 (d). The governor shall promptly notify the general assembly of ~~such~~ THE
6 plan. ~~Such~~ THE plan shall be promptly implemented by the governor,
7 using the procedures set forth in section 24-2-102 (4) or 24-50-109.5 or
8 any other lawful means.

9 **SECTION 11.** In Colorado Revised Statutes, 25-1-512, **amend**
10 (2) as follows:

11 **25-1-512. Allocation of moneys - public health services support**
12 **fund - created - repeal.** (2) (a) The public health services support fund
13 is hereby created in the state treasury and shall be known in this section
14 as the "fund". The principal of the fund consists of tobacco litigation
15 settlement moneys transferred by the state treasurer to the fund pursuant
16 to section 24-75-1104.5 (1.5) (a) (IV), C.R.S., and shall, subject to annual
17 appropriation by the general assembly to the state department, be
18 allocated by the state department to all agencies authorized pursuant to
19 this part 5 as specified in subsection (1) of this section. ~~The lesser of All~~
20 ~~unexpended and unencumbered moneys in the fund at the end of any~~ THE
21 ~~2015-16 fiscal year or an amount of such moneys equal to five percent of~~
22 ~~the amount appropriated from the fund for the fiscal year remain in the~~
23 ~~fund and shall not be transferred to the general fund or any other fund.~~
24 ~~Any additional unexpended and unencumbered moneys in the fund at the~~
25 ~~end of any fiscal year~~ shall be transferred to the tobacco litigation
26 settlement cash fund created in section 24-22-115, C.R.S.

27 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2016.

1 **SECTION 12.** In Colorado Revised Statutes, 25-1.5-506, **amend**
2 (1) (c) as follows:

3 **25-1.5-506. Colorado health service corps fund - created -**
4 **acceptance of grants and donations.** (1) The Colorado health service
5 corps fund is hereby created in the state treasury, which fund consists of:

6 (c) For ~~the 2011-12~~ THE 2016-17 fiscal year and each fiscal year
7 thereafter, ~~two hundred fifty thousand dollars~~ TOBACCO LITIGATION
8 SETTLEMENT MONEYS transferred TO THE FUND BY THE STATE TREASURER
9 pursuant to ~~section 24-75-1104.5 (1.5) (a) (XI)~~ SECTION 24-75-1104.5
10 (1.7) (n), C.R.S.

11 **SECTION 13.** In Colorado Revised Statutes, 25-4-1411, **amend**
12 (6) (a) as follows:

13 **25-4-1411. Drug assistance program - program fund - created**
14 **- legislative declaration - no entitlement created.** (6) (a) The drug
15 assistance program fund is created in the state treasury. The principal of
16 the fund consists of tobacco litigation settlement moneys transferred by
17 the state treasurer to the fund pursuant to ~~section 24-75-1104.5 (1) (j)~~
18 SECTION 24-75-1104.5 (1.7) (f), C.R.S. Subject to annual appropriation by
19 the general assembly, the department of public health and environment
20 may expend moneys from the fund for the state program. ~~Any~~
21 ~~unexpended or unencumbered money remaining in the fund at the end of~~
22 ~~any fiscal year commencing on or after July 1, 2014, remains in the fund~~
23 ~~and shall not be credited or transferred to the general fund or any other~~
24 ~~fund.~~

25 **SECTION 14.** In Colorado Revised Statutes, 25-4-1415, **amend**
26 (2) as follows:

27 **25-4-1415. Cash fund - administration - limitation.**

1 (2) Pursuant to ~~section 24-75-1104.5 (1) (m)~~ SECTION 24-75-1104.5 (1.7)
2 (g), C.R.S., and except as otherwise provided in section 24-75-1104.5 (5),
3 C.R.S., ~~beginning in the 2006-07~~ FOR THE 2016-17 fiscal year and ~~in~~ FOR
4 each fiscal year thereafter so long as the state receives moneys pursuant
5 to the master settlement agreement, the state treasurer shall annually
6 transfer to the fund ~~two~~ THREE AND ONE-HALF percent ~~not to exceed two~~
7 ~~million dollars in any fiscal year~~, of the total amount of the moneys
8 received by the state pursuant to the master settlement agreement, not
9 including attorney fees and costs, during the preceding fiscal year. The
10 state treasurer shall transfer the amount specified in this subsection (2)
11 from moneys credited to the tobacco litigation settlement cash fund
12 created in section 24-22-115, C.R.S.

13 **SECTION 15.** In Colorado Revised Statutes, **amend** 25-4-2301
14 as follows:

15 **25-4-2301. Colorado immunization fund - supplemental**
16 **tobacco litigation settlement moneys account - creation.** There are
17 hereby created in the state treasury the Colorado immunization fund and
18 an account within the fund to be known as the supplemental tobacco
19 litigation settlement moneys account. The principal of the portion of the
20 fund that is not the account consists of general fund appropriations made
21 by the general assembly to the fund and gifts, grants, or awards received
22 by the department of public health and environment from the federal
23 government or private sources for the fund. The principal of the account
24 consists of tobacco litigation settlement moneys transferred by the state
25 treasurer to the account in accordance with ~~section 24-75-1104.5 (1.5) (a)~~
26 ~~(VII)~~ SECTION 24-75-1104.5 (1.7) (h), C.R.S. All interest and income
27 earned on the deposit and investment of moneys in the portion of the fund

1 that is not the account shall be credited to that portion of the fund. All
2 interest and income earned on the deposit and investment of moneys in
3 the account shall be credited to and remain in the account until transferred
4 as required by this section. Except as otherwise provided in this section,
5 and subject to annual appropriation by the general assembly to the
6 department, the department shall expend the principal of the fund and the
7 account only for the purpose of immunization and immunization
8 strategies; except that, at the end of the 2007-08 fiscal year and at the end
9 of any fiscal year thereafter, any unexpended and unencumbered moneys
10 in the portion of the fund that is not the account shall remain in that
11 portion of the fund and may be used by the department through the state
12 immunization program to support infant, child, and adolescent
13 vaccination. ~~and, at the end of the 2011-12 fiscal year only, any~~
14 ~~unexpended and unencumbered moneys in the account shall be~~
15 ~~transferred to the general fund, in accordance with section 24-75-1104.5~~
16 ~~(1.5)(b), C.R.S. The lesser of All unexpended and unencumbered moneys~~
17 ~~in the account at the end of any fiscal year other than the 2011-12 fiscal~~
18 ~~year or an amount of such moneys equal to five percent of the amount~~
19 ~~appropriated from the account for the fiscal year remain in the account.~~
20 ~~and shall not be transferred to the general fund or any other fund. Any~~
21 ~~additional unexpended and unencumbered moneys in the account at the~~
22 ~~end of any fiscal year shall be transferred to the tobacco litigation~~
23 ~~settlement cash fund created in section 24-22-115, C.R.S.~~

24 **SECTION 16.** In Colorado Revised Statutes, 25-23-104, **amend**
25 (2) as follows:

26 **25-23-104. Dental loan repayment fund - acceptance of grants**
27 **and donations.** (2) Pursuant to ~~section 24-75-1104.5 (1) (d) C.R.S.,~~

1 ~~beginning in fiscal year 2006-07~~ SECTION 24-75-1104.5 (1.7) (m), C.R.S.,
2 FOR FISCAL YEAR 2016-17 and for each fiscal year thereafter so long as
3 the state receives moneys pursuant to the master settlement agreement,
4 the state treasurer shall transfer to the state dental loan repayment fund
5 ~~two hundred thousand dollars from~~ ONE PERCENT OF the moneys received
6 by the state pursuant to the master settlement agreement for the preceding
7 fiscal year. The state treasurer shall transfer the amount specified in this
8 subsection (2) from moneys credited to the tobacco litigation settlement
9 cash fund created in section 24-22-115, C.R.S. Moneys in the fund ~~shall~~
10 ~~be~~ ARE subject to annual appropriation by the general assembly for the
11 purposes of this article. The amount appropriated pursuant to this
12 subsection (2) ~~shall be~~ IS in addition to and not in replacement of any
13 general fund moneys appropriated to the state dental loan repayment fund.

14 **SECTION 17.** In Colorado Revised Statutes, **amend** 25.5-6-805
15 as follows:

16 **25.5-6-805. Colorado autism treatment fund.** (1) The Colorado
17 autism treatment fund is hereby created and established in the state
18 treasury for the purpose of paying for services provided to eligible
19 children, ~~and for~~ EARLY AND PERIODIC SCREENING DIAGNOSIS AND
20 TREATMENT SERVICES REQUIRED BY SECTION 25.5-5-102 (1) (g), AND
21 participant and program evaluations pursuant to this part 8. ~~Such~~ THE
22 fund ~~shall be~~ IS comprised of tobacco settlement moneys allocated to ~~such~~
23 THE fund. Moneys in the fund ~~shall be~~ ARE subject to annual
24 appropriation by the general assembly for the purposes of this part 8. At
25 the end of any fiscal year, all unexpended and unencumbered moneys in
26 the fund ~~shall remain therein and shall not be credited or transferred to the~~
27 ~~general fund or any other fund~~ REMAIN IN THE FUND. Any moneys in the

1 fund not expended for the purpose of this part 8 may be invested by the
2 state treasurer as provided by law. All interest and income derived from
3 the investment and deposit of moneys in the fund shall be credited to the
4 fund.

5 (2) Pursuant to ~~section 24-75-1104.5 (1) (l), C.R.S., beginning in~~
6 ~~the 2008-09~~ SECTION 24-75-1104.5 (1.7) (k), C.R.S., FOR THE 2016-17
7 fiscal year and ~~in~~ FOR each fiscal year thereafter so long as the state
8 receives moneys pursuant to the master settlement agreement, the state
9 treasurer shall annually transfer to the fund ~~the amount of moneys to be~~
10 ~~received by the fund pursuant to section 24-75-1104.5 (1) (l), C.R.S.~~ TWO
11 PERCENT OF THE MONEYS RECEIVED BY THE STATE PURSUANT TO THE
12 MASTER SETTLEMENT AGREEMENT FOR THE PRECEDING FISCAL YEAR. The
13 state treasurer shall transfer the amount specified in this subsection (2)
14 from moneys credited to the tobacco litigation settlement cash fund
15 created in section 24-22-115, C.R.S.

16 **SECTION 18.** In Colorado Revised Statutes, 25.5-8-105, **amend**
17 (3) (a) as follows:

18 **25.5-8-105. Trust - created.** (3) (a) Pursuant to ~~section~~
19 ~~24-75-1104.5 (1) (c)~~ SECTION 24-75-1104.5 (1.7) (b), C.R.S., and except
20 as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning in
21 ~~the 2006-07~~ THE 2016-17 fiscal year and in each fiscal year thereafter so
22 long as the state receives moneys pursuant to the master settlement
23 agreement, the state treasurer shall transfer to the trust ~~twenty-four~~
24 EIGHTEEN percent of the total amount of the moneys annually received by
25 the state pursuant to the master settlement agreement, not including
26 attorney fees and costs, during the preceding fiscal year. ~~except that the~~
27 ~~amount so transferred to the trust shall not exceed thirty million dollars~~

1 ~~in any fiscal year. Except as otherwise provided in sections 24-22-115.5~~
2 ~~(2) (a.7) and 24-75-1104.5 (1) (c), C.R.S.,~~ The state treasurer shall
3 transfer the amount specified in this subsection (3) from moneys credited
4 to the tobacco litigation settlement cash fund created in section
5 24-22-115, C.R.S. The amount transferred pursuant to this subsection (3)
6 ~~shall be~~ IS in addition to and not in replacement of any general fund
7 moneys appropriated to the trust.

8 **SECTION 19.** In Colorado Revised Statutes, 26-6.4-107, **amend**
9 (2) (d) (I) as follows:

10 **26-6.4-107. Selection of entities to administer the program -**
11 **grants - nurse home visitor program fund - created.**

12 (2) (d) (I) Pursuant to ~~section 24-75-1104.5 (1) (a)~~ SECTION 24-75-1104.5
13 (1.7) (a), C.R.S., and except as otherwise provided in section
14 24-75-1104.5 (5), C.R.S., ~~beginning with the 2006-07~~ FOR THE 2016-17
15 fiscal year and for each fiscal year thereafter so long as the state receives
16 moneys pursuant to the master settlement agreement, the state treasurer
17 shall transfer to the fund ~~the amounts specified in subparagraph (H) of~~
18 ~~this paragraph (d) from~~ TWENTY-SIX AND SEVEN-TENTHS OF the master
19 settlement agreement moneys received by the state, other than attorney
20 fees and costs, during the preceding fiscal year. ~~not to exceed nineteen~~
21 ~~million dollars in any fiscal year.~~ The transfer shall be from moneys
22 credited to the tobacco litigation settlement cash fund created in section
23 24-22-115, C.R.S.

24 **SECTION 20.** In Colorado Revised Statutes, 26-6.8-102, **amend**
25 (2) (d) (I) as follows:

26 **26-6.8-102. Tony Grampas youth services program - creation**
27 **- standards - applications.** (2) (d) (I) The youth services program fund

1 is created in the state treasury. The principal of the fund consists of
2 tobacco litigation settlement moneys transferred by the state treasurer to
3 the fund pursuant to ~~section 24-75-1104.5 (1) (i)~~ SECTION 24-75-1104.5
4 (1.7)(e), C.R.S. Subject to annual appropriation by the general assembly,
5 the state department may expend moneys from the fund for the Tony
6 Grampsas youth services program, including the compensation of youth
7 members of the Tony Grampsas youth services board, as described in
8 section 26-6.8-103 (1) (e) (II). ~~The lesser of~~ All unexpended and
9 unencumbered moneys in the fund at the end of any fiscal year ~~or an~~
10 ~~amount of such moneys equal to five percent of the amount appropriated~~
11 ~~from the fund for the fiscal year remain in the fund, and shall not be~~
12 ~~transferred to the general fund or any other fund. Any additional~~
13 ~~unexpended and unencumbered moneys in the fund at the end of any~~
14 ~~fiscal year shall be transferred to the tobacco litigation settlement cash~~
15 ~~fund created in section 24-22-115, C.R.S.~~

16 **SECTION 21.** In Colorado Revised Statutes, 27-66-104, **amend**
17 (4) (a) as follows:

18 **27-66-104. Types of services purchased - limitation on**
19 **payments - offender mental health services fund.** (4) (a) The offender
20 mental health services fund, referred to in this subsection (4) as the
21 "fund", is hereby created in the state treasury. ON AND AFTER JULY 1,
22 2016, the principal of the fund consists of ~~tobacco litigation settlement~~
23 ~~moneys transferred by the state treasurer to the fund in accordance with~~
24 ~~section 24-75-1104.5 (1.5) (a) (II), C.R.S., ANY MONEY THAT THE~~
25 GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND for the purchase of
26 mental health services for juvenile and adult offenders who have mental
27 health problems and are involved in the criminal justice system. ~~The unit,~~

1 Subject to annual appropriation by the general assembly, THE UNIT shall
2 distribute the principal of the fund to the community mental health
3 centers. ~~The lesser of all ANY unexpended and unencumbered moneys in~~
4 ~~the fund at the end of any THE 2015-16 fiscal year or an amount of such~~
5 ~~moneys equal to five percent of the amount appropriated from the fund~~
6 ~~for the fiscal year remain in the fund and shall not be transferred to the~~
7 ~~general fund or any other fund. Any additional unexpended and~~
8 ~~unencumbered moneys in the fund at the end of any fiscal year shall be~~
9 transferred to the tobacco litigation settlement cash fund created in
10 section 24-22-115, C.R.S.

11 **SECTION 22.** In Colorado Revised Statutes, 27-67-106, **amend**
12 (2) (a) as follows:

13 **27-67-106. Funding - rules.** (2) (a) If neither the family's private
14 insurance nor federal medicaid funding cover all of the costs associated
15 with the services provided to a child at risk of out-of-home placement
16 pursuant to this article, then the family ~~shall be~~ IS responsible for paying
17 that portion that is not covered by private insurance or federal medicaid
18 funding on a sliding scale basis as set forth in subsection (3) of this
19 section. Any remaining portion of the services not covered by private
20 insurance, federal medicaid funding, or the family's share, shall be paid
21 for from ANY moneys appropriated BY THE GENERAL ASSEMBLY for ~~such~~
22 ~~THAT~~ purpose. ~~pursuant to paragraph (b) of this subsection (2) or from~~
23 ~~general fund moneys, subject to available appropriations.~~

24 **SECTION 23.** In Colorado Revised Statutes, 28-5-709, **amend**
25 (1) (a), (1) (c), and (2) (a) as follows:

26 **28-5-709. Colorado state veterans trust fund - created - report.**

27 (1) (a) There is hereby created in the state treasury the Colorado state

1 veterans trust fund, ~~that shall consist~~ WHICH CONSISTS of the moneys
2 transferred thereto pursuant to subsection (2) of this section. In addition,
3 the state treasurer may credit to the trust fund any public or private gifts,
4 grants, or donations received prior to July 1, 2002, by the department of
5 human services or, on or after July 1, 2002, by the department of military
6 and veterans affairs for implementation of the purposes specified in this
7 subsection (1).

8 (c) The division may retain up to five percent of the amount
9 annually appropriated from the trust fund for the actual costs incurred by
10 the division and the board in implementing the provisions of this article.
11 Notwithstanding the provisions of section 24-36-114, C.R.S., all interest
12 derived from the deposit and investment of moneys in the trust fund shall
13 be credited to the trust fund. ~~All unexpended and unencumbered moneys~~
14 ~~remaining in the trust fund at the end of any fiscal year shall remain in the~~
15 ~~trust fund and shall neither revert to the general fund nor be transferred~~
16 ~~to the tobacco litigation settlement trust fund created in section~~
17 ~~24-22-115.5, C.R.S., nor be transferred or credited to any other fund.~~

18 (2) (a) Pursuant to ~~section 24-75-1104.5 (1) (g)~~ SECTION
19 24-75-1104.5 (1.7) (l), C.R.S., and except as otherwise provided in
20 section 24-75-1104.5 (5), C.R.S., beginning in ~~the 2006-07~~ THE 2016-17
21 fiscal year, and for each fiscal year thereafter so long as the state receives
22 moneys pursuant to the master settlement agreement, the state treasurer
23 shall annually transfer to the trust fund one percent of the total amount
24 received by the state pursuant to the provisions of the master settlement
25 agreement, other than attorney fees and costs, during the preceding fiscal
26 year. ~~except that the amount so transferred to the trust fund in any fiscal~~
27 ~~year shall not exceed one million dollars.~~ The state treasurer shall transfer

1 the amount specified in this subsection (2) from moneys credited to the
2 tobacco litigation settlement cash fund created in section 24-22-115,
3 C.R.S.

4 **SECTION 24.** In Colorado Revised Statutes, **repeal** 2-3-113 (7),
5 8-20.5-103 (2) (b), 22-7-1210 (1) (b) and (3), 23-20-136 (3) (b), part 2 of
6 article 20 of title 23, 24-22-115 (2) (c), (2) (d), (2) (e), (2) (f), and (4),
7 24-22-115.5, 24-36-113 (7), 24-75-201.1 (1) (d) (VII) and (1) (d) (VIII),
8 24-75-201.5 (1) (c), (1) (d), (1) (e), (1) (f), and (1) (g), 24-75-217,
9 24-75-1103 (4), 24-75-1104.5 (1), (1.5), (4), (5) (a) (II) (E), and (5) (b),
10 25-4-2504 (3) (b), 25-16-104.6 (1) (b), 25.5-8-105 (3) (b), 26-6.4-107 (2)
11 (d) (II), 27-66-104 (4) (b), 27-67-106 (2) (b), and 28-5-709 (3.5).

12 **SECTION 25. Effective date.** This act takes effect July 1, 2016;
13 except that section 25-1-512 (2), Colorado Revised Statutes, as amended
14 in section 11 of this act, and section 27-66-104 (4) (a), Colorado Revised
15 Statutes, as amended in section 21 of this act, take effect upon passage of
16 this act.

17 **SECTION 26. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
3.21.16

DRAFT

LLS NO. 16-1203.01 Jerry Barry x4341

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Fund Address Confidentiality Program"

A BILL FOR AN ACT

101 CONCERNING AN ALLOCATION OF MONEY FOR THE ADDRESS
102 CONFIDENTIALITY PROGRAM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. The bill allocates \$100,000 annually from the victims assistance and law enforcement fund to the department of personnel for the address confidentiality program.

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

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-506, **add** (1)
2 (e) as follows:

3 **24-33.5-506. Victims assistance and law enforcement fund -**
4 **creation.** (1) There is hereby created in the state treasury a fund to be
5 known as the victims assistance and law enforcement fund, referred to in
6 this section as the "fund". The state treasurer shall credit to the fund all
7 ~~moneys~~ MONEY deposited with the state treasurer pursuant to section
8 24-4.2-105 (1) and voluntary victim assistance payments from inmates
9 pursuant to article 24 of title 17, C.R.S. The general assembly shall make
10 annual appropriations of the ~~moneys~~ MONEY in the fund to the division:

11 (e) FOR ALLOCATION OF ONE HUNDRED THOUSAND DOLLARS TO
12 THE DEPARTMENT OF PERSONNEL FOR EXPENSES OF THE "ADDRESS
13 CONFIDENTIALITY PROGRAM ACT", PART 21 OF ARTICLE 30 OF THIS TITLE.

14 **SECTION 2. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.