

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0705.02 Jason Gelender x4330

HOUSE BILL 13-1181

HOUSE SPONSORSHIP

Levy, Duran, Gerou

SENATE SPONSORSHIP

Steadman, Hodge, Lambert

House Committees

Health, Insurance & Environment

Senate Committees

Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE RETENTION IN A CASH FUND THAT FUNDS TOBACCO**
102 **PROGRAMS OF THE LESSER OF ALL UNENCUMBERED MONEYS**
103 **REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR OR AN**
104 **AMOUNT OF SUCH MONEYS EQUAL TO FIVE PERCENT OF THE**
105 **AMOUNT APPROPRIATED FROM THE FUND FOR THE FISCAL YEAR.**

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. Current law allocates tobacco litigation

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
February 27, 2013

HOUSE
2nd Reading Unamended
February 26, 2013

settlement moneys (settlement moneys) for various programs (tobacco programs), and the allocation for many programs is a statutorily specified percentage of the total amount of settlement moneys annually received by the state. The general assembly typically appropriates the entire estimated amount of the statutory allocation for such a program based on a projection of the amount of settlement moneys that the state will receive. But if the actual amount of settlement moneys received by the state exceeds the projected amount, the annual appropriation for a program will be less than the statutory allocation to the program. In many cases, the portion of the statutory allocation in excess of the annual appropriation that cannot be spent reverts to the general fund or the tobacco litigation settlement cash fund at the end of the fiscal year and is lost to the program.

The bill helps ensure that a program affected as described above can spend its entire statutory allocation of settlement moneys by:

- ! Creating separate dedicated cash funds for those tobacco programs that do not already have such cash funds; and
- ! Requiring the lesser of all unexpended and unencumbered moneys remaining in the cash fund of a tobacco program at the end of any fiscal year or an amount of such moneys equal to 5% of the amount appropriated from the cash fund for the fiscal year to remain in the cash fund instead of being transferred.

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) (i), (1.5) (a) (I), (1.5) (a) (VIII) (A), and (1.5) (b) (III) as
4 follows:

5 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

6 (1) Except as otherwise provided in subsections (1.3) and (5) of this
7 section, for the 2004-05 fiscal year and for each fiscal year thereafter, the
8 following programs, services, or funds shall receive the following
9 specified amounts from the settlement moneys received by the state in the
10 preceding fiscal year:

11 (i) The Tony Grampsas youth services program created in part 2
12 of article 20.5 of title 25, C.R.S., shall receive four percent of the total

1 amount of settlement moneys annually received by the state, not to exceed
2 five million dollars in any fiscal year, WHICH THE STATE TREASURER
3 SHALL TRANSFER TO THE YOUTH SERVICES PROGRAM FUND CREATED IN ~~as~~
4 ~~provided in section 25-20.5-201~~, SECTION 25-20.5-201 (2) (c), C.R.S.

5 (1.5) (a) Except as otherwise provided in subsection (5) of this
6 section, for the 2007-08 fiscal year and for each fiscal year thereafter, the
7 following programs, services, and funds shall receive the following
8 specified amounts from the portion of any settlement moneys received
9 and allocated by the state in the current fiscal year that remains after the
10 programs, services, and funds receiving such moneys pursuant to
11 subsection (1) of this section have been fully funded, and the portion of
12 all other settlement moneys received by the state in the preceding fiscal
13 year that remains after the programs, services, and funds receiving such
14 other settlement moneys pursuant to subsection (1) of this section have
15 been fully funded and all overexpenditures and supplemental
16 appropriations allowed for the 2006-07, 2007-08, 2008-09, or 2009-10
17 fiscal years pursuant to section 24-22-115 (4) have been made:

18 (I) The university of Colorado at Denver and health sciences
19 center shall receive forty-nine percent of the settlement moneys, which
20 shall be transferred by the state treasurer to the tobacco litigation
21 settlement moneys health education fund, which is hereby created in the
22 state treasury. The principal of the fund ~~shall be~~ IS subject to annual
23 appropriation by the general assembly to the health sciences ~~center~~;
24 ~~except that, at the end of the 2011-12 fiscal year and at the end of each~~
25 ~~fiscal year thereafter, all unexpended and unencumbered principal of the~~
26 ~~account~~ CENTER. THE LESSER OF ALL UNEXPENDED AND UNENCUMBERED
27 MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR OR AN AMOUNT OF

1 SUCH MONEYS EQUAL TO FIVE PERCENT OF THE AMOUNT APPROPRIATED
2 FROM THE FUND FOR THE FISCAL YEAR REMAIN IN THE FUND AND SHALL
3 NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. ANY
4 ADDITIONAL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND AT
5 THE END OF ANY FISCAL YEAR shall be transferred to the ~~general fund in~~
6 ~~accordance with paragraph (b) of this subsection (1.5)~~ TOBACCO
7 LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115.

8 (VIII) (A) The unit in the department of human services that
9 administers behavioral health programs and services, including those
10 related to mental health and substance abuse, shall receive three percent
11 of the settlement moneys, which shall be transferred by the state treasurer
12 to the alcohol and drug abuse community prevention and treatment fund,
13 which is hereby created in the state treasury. The principal of the fund
14 ~~shall be~~ IS subject to annual appropriation by the general assembly to
15 provide or purchase community prevention and treatment services in
16 accordance with section 27-80-106, C.R.S. ~~and, at the end of the 2011-12~~
17 ~~fiscal year and at the end of each fiscal year thereafter, all unexpended~~
18 ~~and unencumbered principal of the account~~ THE LESSER OF ALL
19 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND AT THE END OF
20 ANY FISCAL YEAR OR AN AMOUNT OF SUCH MONEYS EQUAL TO FIVE
21 PERCENT OF THE AMOUNT APPROPRIATED FROM THE FUND FOR THE FISCAL
22 YEAR REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO THE
23 GENERAL FUND OR ANY OTHER FUND. ANY ADDITIONAL UNEXPENDED AND
24 UNENCUMBERED MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR
25 shall be transferred to the ~~general fund in accordance with paragraph (b)~~
26 ~~of this subsection (1.5)~~ TOBACCO LITIGATION SETTLEMENT CASH FUND
27 CREATED IN SECTION 24-22-115.

1 (b) (III) Except as otherwise provided in SUBPARAGRAPHS (I) AND
2 (II) AND SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VIII) OF
3 PARAGRAPH (a) OF THIS SUBSECTION (1.5), section 24-50-609 (5), SECTION
4 25-1-512 (2), C.R.S., AND SECTION 25-4-2301, C.R.S., at the end of the
5 2011-12 fiscal year and at the end of each fiscal year thereafter, any
6 moneys allocated for the fiscal year pursuant to paragraph (a) of this
7 subsection (1.5) that are unexpended and unencumbered shall be
8 transferred to the general fund.

9 **SECTION 2.** In Colorado Revised Statutes, 24-75-1104.5,
10 **amend as amended by House Bill 13-1117 (1) (i) as follows:**

11 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

12 (1) Except as otherwise provided in subsection (5) of this section, for the
13 2004-05 fiscal year and for each fiscal year thereafter, the following
14 programs, services, or funds shall receive the following specified amounts
15 from the settlement moneys received by the state in the preceding fiscal
16 year; except that fifteen million four hundred thousand dollars of strategic
17 contribution fund moneys and, for the 2010-11 fiscal year and for each
18 fiscal year thereafter only, the lesser of sixty-five million dollars of other
19 settlement moneys or all other settlement moneys shall be allocated in
20 each fiscal year in which they are received by the state and except that, of
21 the other settlement moneys received by the state in the 2009-10 fiscal
22 year, the lesser of sixty-five million dollars or all of such moneys shall be
23 transferred to the general fund on June 30, 2010, and shall not be
24 allocated:

25 (i) The Tony Grampas youth services program created in article
26 6.8 of title 26, C.R.S., shall receive four percent of the total amount of
27 settlement moneys annually received by the state, not to exceed five

1 million dollars in any fiscal year, as provided in section 26-6.8-102,
2 WHICH THE STATE TREASURER SHALL TRANSFER TO THE YOUTH SERVICES
3 PROGRAM FUND CREATED IN SECTION 26-6.8-102 (2) (d), C.R.S.

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

6 **25-1-512. Allocation of moneys - public health services support**
7 **fund - created.** (2) The public health services support fund is hereby
8 created in the state treasury and shall be known in this section as the
9 "fund". The principal of the fund ~~shall consist~~ CONSISTS of tobacco
10 litigation settlement moneys transferred by the state treasurer to the fund
11 pursuant to section 24-75-1104.5 (1.5) (a) (IV), C.R.S., and shall, subject
12 to annual appropriation by the general assembly to the state department,
13 be allocated by the state department to all agencies authorized pursuant
14 to this part 5 as specified in subsection (1) of this section. ~~except that, at~~
15 ~~the end of the 2011-12 fiscal year and at the end of each fiscal year~~
16 ~~thereafter, all unexpended and unencumbered principal of the fund~~ THE
17 LESSER OF ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND
18 AT THE END OF ANY FISCAL YEAR OR AN AMOUNT OF SUCH MONEYS EQUAL
19 TO FIVE PERCENT OF THE AMOUNT APPROPRIATED FROM THE FUND FOR THE
20 FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO
21 THE GENERAL FUND OR ANY OTHER FUND. ANY ADDITIONAL UNEXPENDED
22 AND UNENCUMBERED MONEYS IN THE FUND AT THE END OF ANY FISCAL
23 YEAR shall be transferred to the ~~general fund in accordance with~~
24 ~~paragraph (b) of this subsection (1.5). Interest and income earned on the~~
25 ~~deposit and investment of moneys in the public health services support~~
26 ~~fund before July 1, 2011, shall be credited to the fund and shall remain in~~
27 ~~the fund until the end of the fiscal year in which credited, when it shall be~~

1 transferred to the general fund TOBACCO LITIGATION SETTLEMENT CASH
2 FUND CREATED IN SECTION 24-22-115, C.R.S.

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

5 **25-4-1411. AIDS drug assistance program - program fund -**
6 **created - legislative declaration - no entitlement created.**

7 (6) (a) ~~Except as otherwise provided in section 24-75-1104.5 (5), C.R.S.,~~
8 ~~beginning in the 2004-05 fiscal year, and for each fiscal year thereafter~~
9 ~~so long as the state receives moneys pursuant to the master settlement~~
10 ~~agreement, the general assembly shall appropriate to the department of~~
11 ~~public health and environment for the state program the amount of~~
12 ~~moneys to be received by the state program~~ THE AIDS DRUG ASSISTANCE
13 PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE PRINCIPAL OF
14 THE FUND CONSISTS OF TOBACCO LITIGATION SETTLEMENT MONEYS
15 TRANSFERRED BY THE STATE TREASURER TO THE FUND pursuant to section
16 24-75-1104.5 (1) (j), C.R.S. SUBJECT TO ANNUAL APPROPRIATION BY the
17 general assembly, ~~shall appropriate the amount specified in this~~
18 ~~subsection (6) from moneys credited to the tobacco litigation settlement~~
19 ~~cash fund created in section 24-22-115, C.R.S.~~ THE DEPARTMENT OF
20 PUBLIC HEALTH AND ENVIRONMENT MAY EXPEND MONEYS FROM THE FUND
21 FOR THE STATE PROGRAM. THE LESSER OF ALL UNEXPENDED AND
22 UNENCUMBERED MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR
23 OR AN AMOUNT OF SUCH MONEYS EQUAL TO FIVE PERCENT OF THE
24 AMOUNT APPROPRIATED FROM THE FUND FOR THE FISCAL YEAR REMAIN IN
25 THE FUND AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR
26 ANY OTHER FUND. ANY ADDITIONAL UNEXPENDED AND UNENCUMBERED
27 MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL BE

1 TRANSFERRED TO THE TOBACCO LITIGATION SETTLEMENT CASH FUND
2 CREATED IN SECTION 24-22-115, C.R.S.

3 **SECTION 5.** In Colorado Revised Statutes, **amend** 25-4-2301 as
4 follows:

5 **25-4-2301. Colorado immunization fund - supplemental**
6 **tobacco litigation settlement moneys account - creation.** There are
7 hereby created in the state treasury the Colorado immunization fund and
8 an account within the fund to be known as the supplemental tobacco
9 litigation settlement moneys account. The principal of the portion of the
10 fund that is not the account ~~shall consist~~ CONSISTS of general fund
11 appropriations made by the general assembly to the fund and gifts, grants,
12 or awards received by the department of public health and environment
13 from the federal government or private sources for the fund. The principal
14 of the account ~~shall consist~~ CONSISTS of tobacco litigation settlement
15 moneys transferred by the state treasurer to the account in accordance
16 with section 24-75-1104.5 (1.5) (a) (VII), C.R.S. All interest and income
17 earned on the deposit and investment of moneys in the portion of the fund
18 that is not the account shall be credited to that portion of the fund. ~~and~~ All
19 interest and income earned on the deposit and investment of moneys in
20 the account ~~before July 1, 2011~~, shall be credited to AND REMAIN IN the
21 account ~~and remain therein~~ until transferred as required by this section.
22 Except as otherwise provided in this section, and subject to annual
23 appropriation by the general assembly to the department, the department
24 shall expend the principal of the fund and the account only for the
25 purpose of immunization and immunization strategies; except that, at the
26 end of the 2007-08 fiscal year and at the end of any fiscal year thereafter,
27 any unexpended and unencumbered moneys in the portion of the fund that

1 is not the account shall remain in that portion of the fund and may be used
2 by the department through the state immunization program to support
3 infant, child, and adolescent vaccination and, at the end of the 2011-12
4 fiscal year ~~and at the end of each fiscal year thereafter~~, ONLY, any
5 unexpended and unencumbered moneys in the account shall be
6 transferred to the general fund, in accordance with section 24-75-1104.5
7 (1.5) (b), C.R.S. THE LESSER OF ALL UNEXPENDED AND UNENCUMBERED
8 MONEYS IN THE ACCOUNT AT THE END OF ANY FISCAL YEAR OTHER THAN
9 THE 2011-12 FISCAL YEAR OR AN AMOUNT OF SUCH MONEYS EQUAL TO
10 FIVE PERCENT OF THE AMOUNT APPROPRIATED FROM THE ACCOUNT FOR
11 THE FISCAL YEAR REMAIN IN THE ACCOUNT AND SHALL NOT BE
12 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. ANY
13 ADDITIONAL UNEXPENDED AND UNENCUMBERED MONEYS IN THE ACCOUNT
14 AT THE END OF ANY FISCAL YEAR SHALL BE TRANSFERRED TO THE
15 TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION
16 24-22-115, C.R.S.

17 **SECTION 6.** In Colorado Revised Statutes, 25-20.5-201, **amend**
18 (2) (c) as follows:

19 **25-20.5-201. Tony Grampas youth services program -**
20 **creation - standards - applications.** (2) (c) THE YOUTH SERVICES
21 PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE PRINCIPAL OF
22 THE FUND CONSISTS OF TOBACCO LITIGATION SETTLEMENT MONEYS
23 TRANSFERRED BY THE STATE TREASURER TO THE FUND pursuant to section
24 24-75-1104.5 (1) (i), C.R.S. ~~and except as otherwise provided in section~~
25 ~~24-75-1104.5 (5), C.R.S., beginning in the 2004-05 fiscal year, and for~~
26 ~~each fiscal year thereafter so long as the state receives moneys pursuant~~
27 ~~to the master settlement agreement, the general assembly shall appropriate~~

1 ~~to the division for the Tony Grampsas youth services program four~~
2 ~~percent of the amount of moneys transmitted to the state treasurer in~~
3 ~~accordance with the master settlement agreement, other than attorney fees~~
4 ~~and costs, for the preceding fiscal year; except that the amount so~~
5 ~~appropriated to the division in any fiscal year shall not exceed five~~
6 ~~million dollars. SUBJECT TO ANNUAL APPROPRIATION BY the general~~
7 ~~assembly, shall appropriate the amount specified in this paragraph (c)~~
8 ~~from moneys credited to the tobacco litigation settlement cash fund~~
9 ~~created in section 24-22-115, C.R.S. THE DIVISION MAY EXPEND MONEYS~~
10 ~~FROM THE FUND FOR THE TONY GRAMPSAS YOUTH SERVICES PROGRAM.~~
11 ~~THE LESSER OF ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE~~
12 ~~FUND AT THE END OF ANY FISCAL YEAR OR AN AMOUNT OF SUCH MONEYS~~
13 ~~EQUAL TO FIVE PERCENT OF THE AMOUNT APPROPRIATED FROM THE FUND~~
14 ~~FOR THE FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE~~
15 ~~TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. ANY~~
16 ~~ADDITIONAL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND AT~~
17 ~~THE END OF ANY FISCAL YEAR SHALL BE TRANSFERRED TO THE TOBACCO~~
18 ~~LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115,~~
19 ~~C.R.S.~~

20 **SECTION 7. In Colorado Revised Statutes, 26-6.8-102, amend**
21 **as amended by House Bill 1117 (2) (d) as follows:**

22 **26-6.8-102. Tony Grampsas youth services program - creation**
23 **- standards - applications. (2) (d) THE YOUTH SERVICES PROGRAM FUND**
24 **IS CREATED IN THE STATE TREASURY. THE PRINCIPAL OF THE FUND**
25 **CONSISTS OF TOBACCO LITIGATION SETTLEMENT MONEYS TRANSFERRED**
26 **BY THE STATE TREASURER TO THE FUND pursuant to section 24-75-1104.5**
27 **(1) (i), C.R.S. and except as otherwise provided in section 24-75-1104.5**

1 (5), C.R.S., beginning in the 2004-05 fiscal year, and for each fiscal year
2 thereafter so long as the state receives moneys pursuant to the master
3 settlement agreement, the general assembly shall appropriate to the state
4 department for the Tony Grampsas youth services program four percent
5 of the amount of moneys transmitted to the state treasurer in accordance
6 with the master settlement agreement, other than attorney fees and costs,
7 for the preceding fiscal year; except that the amount so appropriated to
8 the state department in any fiscal year shall not exceed five million
9 dollars. SUBJECT TO ANNUAL APPROPRIATION BY the general assembly,
10 shall appropriate the amount specified in this paragraph (d) from moneys
11 credited THE STATE DEPARTMENT MAY EXPEND MONEYS FROM THE FUND
12 FOR THE TONY GRAMPSAS YOUTH SERVICES PROGRAM. THE LESSER OF ALL
13 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND AT THE END OF
14 ANY FISCAL YEAR OR AN AMOUNT OF SUCH MONEYS EQUAL TO FIVE
15 PERCENT OF THE AMOUNT APPROPRIATED FROM THE FUND FOR THE FISCAL
16 YEAR REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO THE
17 GENERAL FUND OR ANY OTHER FUND. ANY ADDITIONAL UNEXPENDED AND
18 UNENCUMBERED MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR
19 SHALL BE TRANSFERRED to the tobacco litigation settlement cash fund
20 created in section 24-22-115, C.R.S.

21 **SECTION 8.** In Colorado Revised Statutes, 25-31-107, **amend**
22 (2) (b) as follows:

23 **25-31-107. Selection of entities to administer the program -**
24 **grants - nurse home visitor program fund - created.** (2) (b) Grants
25 awarded pursuant to paragraph (a) of this subsection (2) ~~shall be~~ ARE
26 payable from the nurse home visitor program fund, which fund is hereby
27 created in the state treasury. The nurse home visitor program fund,

1 referred to in this section as the "fund", shall be administered by the
2 department and shall consist of moneys transferred thereto by the state
3 treasurer from moneys received pursuant to the master settlement
4 agreement in the amount described in paragraph (d) of this subsection (2).
5 In addition, the state treasurer shall credit to the fund any public or private
6 gifts, grants, or donations received by the department for implementation
7 of the program, including any moneys received from the United States
8 federal government for the program. The fund shall be subject to annual
9 appropriation by the general assembly to the department for grants to
10 entities for operation of the program. The department may retain a total
11 of up to five percent of the amount annually appropriated from the fund
12 for the program, in order to compensate the health sciences facility
13 pursuant to section 25-31-105 (3), as set forth in the scope of work in the
14 agreement between the department and the health sciences facility, and
15 to compensate the department for the actual costs incurred by the
16 department in implementing the provisions of paragraph (a.5) of this
17 subsection (2), as determined by the department; except that the portion
18 of the costs to compensate the department for implementing the
19 provisions of paragraph (a.5) of this subsection (2) shall not exceed two
20 percent of the amount annually appropriated from the fund for the
21 program, and the portion of such costs to compensate the health sciences
22 facility under section 25-31-105 (3), as set forth in the scope of work in
23 the contract between the department and the health sciences facility, shall
24 not exceed three percent of the amount annually appropriated from the
25 fund for the program. In addition, if the total amount annually
26 appropriated from the fund for the program exceeds nineteen million
27 dollars, the department and the health sciences facility shall assess

1 whether a smaller percentage of the appropriated funds exceeding
2 nineteen million dollars is adequate to cover their actual costs and shall
3 jointly submit to the general assembly a report articulating their
4 conclusions on this subject. The actual costs of the department include
5 department personnel and operating costs and any necessary transfers to
6 the department of health care policy and financing for administrative
7 costs incurred for the medicaid program associated with the program. The
8 actual costs of the health sciences facility include the facility's own actual
9 program costs and those of its contractors and subcontractors. Any costs
10 for time studies required to obtain medicaid reimbursement for the
11 program may be paid from program funds, and shall not be subject to the
12 five percent limit in this section. Notwithstanding section 24-36-114,
13 C.R.S., all interest derived from the deposit and investment of moneys in
14 the fund shall be credited to the fund. ~~Any~~ THE LESSER OF ALL
15 UNEXPENDED AND unencumbered moneys ~~appropriated from moneys~~
16 ~~received pursuant to the master settlement agreement remaining~~ in the
17 fund at the end of any fiscal year OR AN AMOUNT OF SUCH MONEYS EQUAL
18 TO FIVE PERCENT OF THE AMOUNT APPROPRIATED FROM THE FUND FOR THE
19 FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO
20 THE GENERAL FUND OR ANY OTHER FUND. ANY ADDITIONAL UNEXPENDED
21 AND UNENCUMBERED MONEYS IN THE FUND AT THE END OF ANY FISCAL
22 YEAR shall be transferred to the tobacco litigation settlement ~~trust~~ CASH
23 fund created in ~~section 24-22-115.5~~, SECTION 24-22-115, C.R.S.

24 **SECTION 9.** In Colorado Revised Statutes, 27-66-104, **amend**
25 (4) (a) as follows:

26 **27-66-104. Types of services purchased - limitation on**
27 **payments - offender mental health services fund.** (4) (a) The offender

1 mental health services fund, referred to in this subsection (4) as the
2 "fund", is hereby created in the state treasury. The principal of the fund
3 ~~shall consist~~ CONSISTS of tobacco litigation settlement moneys transferred
4 by the state treasurer to the fund in accordance with section 24-75-1104.5
5 (1.5) (a) (II), C.R.S., for the purchase of mental health services for
6 juvenile and adult offenders who have mental health problems and are
7 involved in the criminal justice system. The unit, subject to annual
8 appropriation by the general assembly, shall distribute the principal of the
9 fund to the community mental health centers. ~~except that, at the end of the~~
10 ~~2011-12 fiscal year and at the end of each fiscal year thereafter, all~~
11 ~~unexpended and unencumbered principal of the fund shall be transferred~~
12 ~~to the general fund, in accordance with section 24-75-1104.5 (1.5) (b),~~
13 ~~C.R.S.~~ THE LESSER OF ALL UNEXPENDED AND UNENCUMBERED MONEYS
14 IN THE FUND AT THE END OF ANY FISCAL YEAR OR AN AMOUNT OF SUCH
15 MONEYS EQUAL TO FIVE PERCENT OF THE AMOUNT APPROPRIATED FROM
16 THE FUND FOR THE FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE
17 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. ANY
18 ADDITIONAL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND AT
19 THE END OF ANY FISCAL YEAR SHALL BE TRANSFERRED TO THE TOBACCO
20 LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115,
21 C.R.S.

22 **SECTION 10. Effective date.** (1) Except as otherwise provided
23 in this section, this act takes effect upon passage.

24 (2) Sections 2 and 7 of this act take effect only if House Bill
25 13-1117 becomes law and take effect either upon the effective date of this
26 act or upon the effective date of House Bill 13-1117, whichever is later.

27 (3) Section 24-75-1104.5 (1) (i), Colorado Revised Statutes, as

1 amended in section 1 of this act, and section 6 of this act take effect only
2 if House Bill 13-1117 does not become law.

3 **SECTION 11. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.