

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 9, 2011
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB11-158 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. 22-7-908, Colorado Revised Statutes, is amended
4 to read:

5 **22-7-908. Read-to-achieve cash fund - created.** (1) There is
6 hereby established in the state treasury the read-to-achieve cash fund,
7 referred to in this section as the "cash fund". The cash fund shall consist
8 of moneys transferred thereto pursuant to subsection (3) of this section
9 and any other moneys that may be made available by the general
10 assembly. Subject to appropriation by the general assembly, moneys in
11 the cash fund shall be used to provide grants pursuant to this part 9. ~~to the~~
12 ~~reading assistance grant program created pursuant to section 22-88-102,~~
13 ~~and for reimbursements to school districts for educational services~~
14 ~~provided pursuant to section 22-32-141 to juveniles held in jails or other~~
15 ~~facilities for the detention of adult offenders.~~ Any moneys not provided
16 as grants may be invested by the state treasurer as provided in section
17 24-36-113, C.R.S. All interest derived from the deposit and investment
18 of moneys in the cash fund shall be credited to the cash fund. EXCEPT AS
19 OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF
20 SUBSECTION (3) OF THIS SECTION, any amount remaining in the cash fund
21 at the end of any fiscal year shall remain in the cash fund and shall not be
22 credited or transferred to the general fund or to any other fund.

23 (3) (a) Except as otherwise provided IN PARAGRAPH (b) OF THIS

1 SUBSECTION (3) AND in section 24-75-1104.5 (1) (h) and (5), C.R.S.,
2 beginning with the 2007-08 fiscal year, and for each fiscal year thereafter
3 so long as the state receives moneys pursuant to the master settlement
4 agreement, the state treasurer shall annually transfer to the cash fund five
5 percent of the amount of moneys received by the state in accordance with
6 the master settlement agreement, other than attorney fees and costs, for
7 the preceding fiscal year; except that the amount so transferred to the cash
8 fund in any fiscal year shall not exceed eight million dollars. The state
9 treasurer shall transfer the amount specified in this subsection (3) from
10 moneys credited to the tobacco litigation settlement cash fund created in
11 section 24-22-115, C.R.S.

12 (b) (I) FOR THE 2011-12 FISCAL YEAR AND THE 2012-13 FISCAL
13 YEAR, THE STATE TREASURER SHALL NOT TRANSFER TO THE CASH FUND
14 THE AMOUNT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) FOR
15 THE APPLICABLE FISCAL YEAR BUT SHALL INSTEAD TRANSFER SAID
16 AMOUNT TO THE STATE GENERAL FUND IN ACCORDANCE WITH SECTION
17 24-75-1104.5 (1) (h) (II), C.R.S.

18 (II) THE STATE TREASURER SHALL TRANSFER TO THE STATE
19 GENERAL FUND ANY UNEXPENDED AND UNENCUMBERED MONEYS
20 REMAINING IN THE CASH FUND AS OF JUNE 30, 2011.

21 (III) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-7-904
22 (3), THE MEMBERS OF THE READ-TO-ACHIEVE BOARD SHALL NOT RECEIVE
23 REIMBURSEMENT FOR ANY EXPENSES INCURRED IN THE PERFORMANCE OF
24 THEIR DUTIES IN THE 2011-12 FISCAL YEAR OR THE 2012-13 FISCAL YEAR.

25 **SECTION 2.** 24-75-1104.5 (1) (h), Colorado Revised Statutes,
26 is amended to read:

27 **24-75-1104.5. Use of settlement moneys - programs - repeal.**

28 (1) Except as otherwise provided in subsection (5) of this section, for the
29 2004-05 fiscal year and for each fiscal year thereafter, the following
30 programs, services, or funds shall receive the following specified amounts
31 from the settlement moneys received by the state in the preceding fiscal
32 year; except that fifteen million four hundred thousand dollars of strategic
33 contribution fund moneys and, for the 2010-11 fiscal year and for each
34 fiscal year thereafter only, the lesser of sixty-five million dollars of other
35 settlement moneys or all other settlement moneys shall be allocated in
36 each fiscal year in which they are received by the state and except that, of
37 the other settlement moneys received by the state in the 2009-10 fiscal
38 year, the lesser of sixty-five million dollars or all of such moneys shall be
39 transferred to the general fund on June 30, 2010, and shall not be
40 allocated:

41 (h) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF

1 THIS PARAGRAPH (h), the read-to-achieve grant program created in part 9
2 of article 7 of title 22, C.R.S., shall receive five percent of the total
3 amount of settlement moneys annually received by the state, not to exceed
4 eight million dollars in any fiscal year, as provided in said section; except
5 that, for the 2004-05 fiscal year, the read-to-achieve grant program shall
6 receive nineteen percent of the total amount of settlement moneys
7 received, not to exceed nineteen million dollars.

8 (II) FOR THE 2011-12 FISCAL YEAR AND THE 2012-13 FISCAL YEAR,
9 THE AMOUNT THAT WOULD HAVE BEEN TRANSFERRED TO THE
10 READ-TO-ACHIEVE GRANT PROGRAM PURSUANT TO SUBPARAGRAPH (I) OF
11 THIS PARAGRAPH (h) FOR THE APPLICABLE FISCAL YEAR SHALL BE
12 TRANSFERRED INSTEAD TO THE STATE GENERAL FUND, AND THE
13 READ-TO-ACHIEVE GRANT PROGRAM SHALL NOT RECEIVE ANY PORTION OF
14 THE SETTLEMENT MONEYS IN EITHER OF SAID FISCAL YEARS.

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

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