

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 14-1085.01 Jason Gelender x4330

HOUSE BILL 14-1394

HOUSE SPONSORSHIP

Duran, May, Gerou

SENATE SPONSORSHIP

Lambert, Hodge, Steadman

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF DISPUTED PAYMENTS OF TOBACCO**
102 **LITIGATION SETTLEMENT MONEYS RECEIVED BY THE STATE TO**
103 **REDUCE THE ANNUAL AMOUNT OF ACCELERATED PAYMENTS**
104 **ALLOCATED FROM THE TOBACCO LITIGATION SETTLEMENT**
105 **CASH 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/billsummaries>.)

Joint Budget Committee. The bill clarifies the statutory allocation

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
2nd Reading Unamended
April 29, 2014

of tobacco litigation settlement moneys in order to ensure that the state treasurer has the statutory direction required to use disputed payments of settlement moneys received by the state to reduce the annual amount of accelerated payments allocated from the tobacco litigation settlement cash fund as was intended by Senate Bill 14-104, which has already been enacted.

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) introductory portion, (1.3) (b), and (5) (a) (II) (B); and **amend**
4 **as amended by Senate Bill 14-104** (5) (a) (I) as 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, AND EXCEPT THAT DISPUTED PAYMENTS RECEIVED BY THE STATE
8 IN THE 2013-14 FISCAL YEAR OR IN ANY FISCAL YEAR THEREAFTER ARE
9 EXCLUDED FROM THE CALCULATION OF ALLOCATIONS UNDER THIS
10 SUBSECTION (1), for the 2004-05 fiscal year and for each fiscal year
11 thereafter, the following programs, services, or funds shall receive the
12 following specified amounts from the settlement moneys received by the
13 state in the preceding fiscal year:

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

22 (II) FOR THE 2013-14 FISCAL YEAR, AND FOR EACH FISCAL YEAR

1 THEREAFTER, IN ADDITION TO THE AMOUNTS ALLOCATED PURSUANT TO
2 PARAGRAPH (a) OF THIS SUBSECTION (1.3), DISPUTED PAYMENTS RECEIVED
3 ARE ALLOCATED IN THE YEAR RECEIVED UP TO THE AMOUNTS NECESSARY
4 TO MEET THE REQUIREMENTS OF SUBSECTIONS (1) AND (1.5) OF THIS
5 SECTION IN THE PERCENTAGES AND AMOUNTS SPECIFIED AND FOR THE
6 PROGRAMS, SERVICES, AND FUNDS SPECIFIED IN SAID SUBSECTIONS (1) AND
7 (1.5).

8 (5) (a) (I) The state treasurer shall credit all disputed payments
9 upon receipt to the tobacco litigation settlement cash fund; except that the
10 state treasurer shall credit any disputed payments received during any
11 fiscal year that are not allocated under ~~subparagraph (II) or (III) of~~
12 ~~paragraph (a)~~ PARAGRAPH (b) of subsection (1.3) of this section to the
13 general fund.

14 (II) As used in this paragraph (a):

15 (B) "Disputed payments" means payments of settlement moneys
16 received by the state ~~from participating manufacturers~~ on or after July 1,
17 2008, in regard to the maximum potential NPM adjustment allocable
18 share applicable to Colorado for any year, as calculated by the
19 independent auditor, and any earned income or interest associated with
20 the payments.

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