

**NOTE: The governor signed this measure on 6/6/2014.**

# An Act

HOUSE BILL 14-1394

BY REPRESENTATIVE(S) Duran, May, Gerou, Fields, Kraft-Tharp, Pettersen, Rosenthal, Salazar, Schafer, Young;  
also SENATOR(S) Lambert, Hodge, Steadman, Crowder.

CONCERNING THE USE OF DISPUTED PAYMENTS OF TOBACCO LITIGATION SETTLEMENT MONEYS RECEIVED BY THE STATE TO REDUCE THE ANNUAL AMOUNT OF ACCELERATED PAYMENTS ALLOCATED FROM THE TOBACCO LITIGATION SETTLEMENT CASH FUND.

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

**SECTION 1.** In Colorado Revised Statutes, 24-75-1104.5, **amend** (1) introductory portion, (1.3) (b), and (5) (a) (II) (B); and **amend as amended by Senate Bill 14-104** (5) (a) (I) as follows:

**24-75-1104.5. Use of settlement moneys - programs - repeal.**  
(1) Except as otherwise provided in subsections (1.3) and (5) of this section, AND EXCEPT THAT DISPUTED PAYMENTS RECEIVED BY THE STATE IN THE 2013-14 FISCAL YEAR OR IN ANY FISCAL YEAR THEREAFTER ARE EXCLUDED FROM THE CALCULATION OF ALLOCATIONS UNDER THIS SUBSECTION (1), for the 2004-05 fiscal year and for each fiscal year thereafter, the following programs, services, or funds shall receive the following specified amounts from the settlement moneys received by the

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

state in the preceding fiscal year:

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

(II) FOR THE 2013-14 FISCAL YEAR, AND FOR EACH FISCAL YEAR THEREAFTER, IN ADDITION TO THE AMOUNTS ALLOCATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.3), DISPUTED PAYMENTS RECEIVED ARE ALLOCATED IN THE YEAR RECEIVED UP TO THE AMOUNTS NECESSARY TO MEET THE REQUIREMENTS OF SUBSECTIONS (1) AND (1.5) OF THIS SECTION IN THE PERCENTAGES AND AMOUNTS SPECIFIED AND FOR THE PROGRAMS, SERVICES, AND FUNDS SPECIFIED IN SAID SUBSECTIONS (1) AND (1.5).

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

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

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

**SECTION 2. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO