

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

PREAMENDED

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

LLS NO. 09-0518.01 Michael Dohr

HOUSE BILL 09-1157

HOUSE SPONSORSHIP

Waller, Baumgardner, Bradford, King S., Liston, Stephens

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DESIGNATION OF N-BENZYLPIPERAZINE AS A**
102 **SCHEDULE I CONTROLLED SUBSTANCE, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Makes any material, compound, or mixture containing N-benzylpiperazine (BZP) a schedule I controlled substance.

Makes a 5-year statutory appropriation.

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.

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

2 **SECTION 1.** 18-18-203 (2), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **18-18-203. Schedule I.** (2) Unless specifically excepted by
5 Colorado or federal law or Colorado or federal regulation or more
6 specifically included in another schedule, the following controlled
7 substances are listed in schedule I:

8 (h) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
9 CONTAINING ANY QUANTITY OF N-BENZYLPIPERAZINE (BZP), INCLUDING
10 ITS SALTS, ISOMERS, AND SALTS OF ISOMERS.

11 **SECTION 2.** Article 18 of title 17, Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW SECTION to read:

13 **17-18-105. Appropriation to comply with section 2-2-703 - HB**
14 **09-#### - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
15 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY
16 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 09-____,
17 ENACTED IN 2009:

18 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
19 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
20 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
21 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
22 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

23 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN
24 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
25 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
26 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
27 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

1 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
2 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
3 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
4 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

5 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
6 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
7 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
8 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
9 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

10 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
11 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
12 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
13 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

14 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN
15 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
16 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
17 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
18 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

19 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION
20 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
21 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
22 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

23 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION
24 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
25 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
26 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
27 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

1 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION
2 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
3 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
4 OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

5 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

6 **SECTION 3.** The introductory portion to 24-75-302 (2) and
7 24-75-302 (2) (v), (2) (w), (2) (x), and (2) (y), Colorado Revised Statutes,
8 are amended, and the said 24-75-302 (2) is further amended BY THE
9 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

10 **24-75-302. Capital construction fund - capital assessment fees**
11 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
12 through July 1, ~~2012~~ 2013, a sum as specified in this subsection (2) shall
13 accrue to the capital construction fund. The state treasurer and the
14 controller shall transfer such sum out of the general fund and into the
15 capital construction fund as moneys become available in the general fund
16 during the fiscal year beginning on said July 1. Transfers between funds
17 pursuant to this subsection (2) shall not be deemed to be appropriations
18 subject to the limitations of section 24-75-201.1. The amount that shall
19 accrue pursuant to this subsection (2) shall be as follows:

20 (v) On July 1, 2009, five hundred twenty-three thousand one
21 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
22 regular session of the sixty-fifth general assembly; plus five hundred
23 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
24 06-207, enacted at the second regular session of the sixty-fifth general
25 assembly; plus forty-three thousand five hundred ninety-seven dollars
26 pursuant to H.B. 06-1145, enacted at the second regular session of the
27 sixty-fifth general assembly; plus five hundred twenty-three thousand one

1 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
2 second regular session of the sixty-fifth general assembly; plus one
3 hundred fifty thousand one hundred ninety-eight dollars pursuant to S.B.
4 07-096, enacted at the first regular session of the sixty-sixth general
5 assembly; plus seventy-five thousand ninety-nine dollars pursuant to H.B.
6 07-1326, enacted at the first regular session of the sixty-sixth general
7 assembly; plus one hundred twenty-five thousand one hundred sixty-five
8 dollars pursuant to S.B. 08-239, enacted at the second regular session of
9 the sixty-sixth general assembly; plus twelve thousand five hundred
10 seventeen dollars pursuant to H.B. 08-1194, enacted at the second regular
11 session of the sixty-sixth general assembly; PLUS _____ DOLLARS
12 PURSUANT TO H.B. 09-1157, ENACTED IN 2009;

13 (w) On July 1, 2010, five hundred twenty-three thousand one
14 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
15 regular session of the sixty-fifth general assembly; plus five hundred
16 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
17 06-207, enacted at the second regular session of the sixty-fifth general
18 assembly; plus forty-three thousand five hundred ninety-seven dollars
19 pursuant to H.B. 06-1145, enacted at the second regular session of the
20 sixty-fifth general assembly; plus five hundred twenty-three thousand one
21 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
22 second regular session of the sixty-fifth general assembly; plus sixty-nine
23 thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,
24 enacted at the first extraordinary session of the sixty-fifth general
25 assembly; plus seven hundred fifty thousand nine hundred ninety dollars
26 pursuant to S.B. 07-096, enacted at the first regular session of the
27 sixty-sixth general assembly; plus one hundred twelve thousand six

1 hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the
2 second regular session of the sixty-sixth general assembly; plus one
3 hundred thirty-seven thousand six hundred eighty-two dollars pursuant to
4 S.B. 08-239, enacted at the second regular session of the sixty-sixth
5 general assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-____,
6 ENACTED IN 2009;

7 (x) On July 1, 2011, seven hundred fifty thousand nine hundred
8 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session
9 of the sixty-sixth general assembly; plus three hundred seventy-five
10 thousand four hundred ninety-five dollars pursuant to S.B. 08-239,
11 enacted at the second regular session of the sixty-sixth general assembly;
12 PLUS _____ DOLLARS PURSUANT TO H.B. 09-____, ENACTED IN 2009;

13 (y) On July 1, 2012, one hundred twelve thousand six hundred
14 forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular
15 session of the sixty-sixth general assembly; plus three hundred
16 seventy-five thousand four hundred ninety-five dollars pursuant to S.B.
17 08-239, enacted at the second regular session of the sixty-sixth general
18 assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-____, ENACTED
19 IN 2009;

20 (z) ON JULY 1, 2013, _____ DOLLARS PURSUANT TO H.B. 09-____,
21 ENACTED IN 2009.

22 **SECTION 4. Effective date - applicability.** This act shall take
23 effect July 1, 2009, and shall apply to offenses committed on or after said
24 date.

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