

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

INTRODUCED

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

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, 2010, 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, 2011, 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, 2011, 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, 2012, 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, 2012, 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, 2013, 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, 2013, 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, 2014, 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, 2014, 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, 2015.

6 **SECTION 3.** The introductory portion to 24-75-302 (2) and
7 24-75-302 (2) (w), (2) (x), and (2) (y), Colorado Revised Statutes, are
8 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~~ 2014, 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 (w) On July 1, 2010, 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 sixty-nine
3 thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,
4 enacted at the first extraordinary session of the sixty-fifth general
5 assembly; plus seven hundred fifty thousand nine hundred ninety dollars
6 pursuant to S.B. 07-096, enacted at the first regular session of the
7 sixty-sixth general assembly; plus one hundred twelve thousand six
8 hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the
9 second regular session of the sixty-sixth general assembly; plus one
10 hundred thirty-seven thousand six hundred eighty-two dollars pursuant to
11 S.B. 08-239, enacted at the second regular session of the sixty-sixth
12 general assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-____,
13 ENACTED IN 2009;

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

20 (y) On July 1, 2012, one hundred twelve thousand six hundred
21 forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular
22 session of the sixty-sixth general assembly; plus three hundred
23 seventy-five thousand four hundred ninety-five dollars pursuant to S.B.
24 08-239, enacted at the second regular session of the sixty-sixth general
25 assembly; PLUS _____ DOLLARS PURSUANT TO H.B. 09-____, ENACTED
26 IN 2009;

27 (z) ON JULY 1, 2013, _____ DOLLARS PURSUANT TO H.B. 09-____,

1 ENACTED IN 2009;

2 (aa) ON JULY 1, 2014, _____ DOLLARS PURSUANT TO H.B.
3 09-_____, ENACTED IN 2009.

4 **SECTION 4. Act subject to petition - effective date -**
5 **applicability.** (1) This act shall take effect July 1, 2010.

6 (2) However, if a referendum petition is filed against this act or
7 an item, section, or part of this act during the ninety-day period after final
8 adjournment of the general assembly that is allowed for submitting a
9 referendum petition pursuant to article V, section 1 (3) of the state
10 constitution, then the act, item, section, or part, shall not take effect unless
11 approved by the people at a biennial regular general election and shall
12 take effect on the date specified in subsection (1) or on the date of the
13 official declaration of the vote thereon by proclamation of the governor,
14 whichever is later.

15 (3) The provisions of this act shall apply to offenses committed on
16 or after the applicable effective date of this act.