

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

Committee on Appropriations.

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

SB13-283

1 Amend page 5, strike lines 13 through 27.

2 Strike pages 6 through 18.

3 Page 19, strike lines 1 through 8 and substitute the following:

4 "SECTION 5. In Colorado Revised Statutes, 16-11.3-103, add
5 (2.8) as follows:

6 **16-11.3-103. Duties of commission - mission - staffing - repeal.**
7 (2.8) (a) ON OR BEFORE DECEMBER 15, 2013, THE COLORADO
8 COMMISSION ON CRIMINAL AND JUVENILE JUSTICE SHALL MAKE
9 RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING CRIMINAL
10 LAWS THAT NEED TO BE REVISED TO ENSURE THAT TITLE 18, C.R.S., AND
11 OTHER RELEVANT CRIMINAL STATUTES ARE COMPATIBLE WITH THE INTENT
12 AND PLAIN MEANING OF SECTION 16 OF ARTICLE XVIII OF THE STATE
13 CONSTITUTION. IN MAKING THE RECOMMENDATIONS, THE COMMISSION
14 SHALL:

15 (I) CONSIDER THAT THE INTENT OF SECTION 16 OF ARTICLE XVIII
16 OF THE STATE CONSTITUTION WAS TO DECRIMINALIZE CONSUMPTION OF
17 SMALL AMOUNTS OF MARIJUANA, TO CREATE A LAWFUL MARKETPLACE
18 FOR ADULTS TO OBTAIN SAFE AND LEGAL MARIJUANA, TO PROTECT
19 AGAINST YOUTH ACCESS AND CONSUMPTION OF MARIJUANA, AND TO
20 ELIMINATE THE ILLICIT DRUG MARKETPLACE FOR MARIJUANA;

21 (II) CONSIDER THE RECOMMENDATIONS OF THE AMENDMENT 64
22 IMPLEMENTATION TASK FORCE ESTABLISHED PURSUANT TO EXECUTIVE
23 ORDER B 2012-004 IN DEVELOPING ITS RECOMMENDATIONS;

- 1 (III) CONSIDER WAYS TO HARMONIZE CONFLICTS RAISED BY
2 SECTIONS 5 TO 10 OF THE INTRODUCED VERSION OF HOUSE BILL 13-1317
3 AND SECTIONS 12-43.3-901, 12-43.4-901, AND 18-18-414, C.R.S.;
- 4 (IV) CONSIDER PENALTIES FOR UNLAWFUL ACTIVITIES BY PERSONS
5 EIGHTEEN YEARS OF AGE OR OLDER BUT UNDER TWENTY-ONE YEARS OF
6 AGE INVOLVING MARIJUANA PURSUANT TO SECTION 16 OF ARTICLE XVIII
7 OF THE STATE CONSTITUTION; AND
- 8 (V) MAKE RECOMMENDATIONS THAT ASSIST IN ELIMINATING
9 PARTICIPATION IN THE ILLICIT DRUG MARKET FOR MARIJUANA BY BUYERS,
10 SELLERS, AND PRODUCERS, INCLUDING INCREASED FINES AND CRIMINAL
11 SANCTIONS ON ALL ACTIVITY THAT OCCURS OUTSIDE THE LEGAL
12 MARKETPLACE.
- 13 (b) THIS SUBSECTION (2.8) IS REPEALED, EFFECTIVE JULY 1, 2014."

14 Renumber succeeding sections accordingly.

15 Page 20, strike lines 26 and 27 and substitute:

16 "training. ON AND AFTER OCTOBER 1, 2013, THE P.O.S.T. BOARD
17 IS ENCOURAGED TO INCLUDE ADVANCED ROADSIDE IMPAIRED DRIVING
18 ENFORCEMENT TRAINING IN THE CURRICULUM FOR PERSONS WHO ENROLL
19 IN A TRAINING ACADEMY FOR BASIC PEACE OFFICER TRAINING."

20 Page 22, strike lines 15 through 18 and substitute:

21 "(3) THE DIVISION IS NOT REQUIRED TO PERFORM THE DUTIES
22 REQUIRED BY THIS SECTION UNTIL THE MARIJUANA CASH FUND, CREATED
23 IN SECTION 12-43.3-501, C.R.S., HAS RECEIVED SUFFICIENT REVENUE TO
24 FULLY FUND THE APPROPRIATIONS MADE TO THE DEPARTMENT OF
25 REVENUE RELATED TO ARTICLES 43.3 AND 43.4 OF TITLE 12, C.R.S., AND
26 THE APPROPRIATION TO THE DIVISION FOR SUCH DUTIES."

27 Page 23, strike lines 18 through 22 and substitute:

28 "BEHAVIORAL RISK FACTORS. THE DEPARTMENT AND PANEL ARE
29 NOT REQUIRED TO PERFORM THE DUTIES REQUIRED BY THIS SECTION UNTIL
30 THE MARIJUANA CASH FUND, CREATED IN SECTION 12-43.3-501, C.R.S.,
31 HAS RECEIVED SUFFICIENT REVENUE TO FULLY FUND THE APPROPRIATIONS
32 MADE TO THE DEPARTMENT OF REVENUE RELATED TO ARTICLES 43.3 AND
33 43.4 OF TITLE 12, C.R.S., THE APPROPRIATION TO THE DIVISION OF
34 CRIMINAL JUSTICE RELATED TO SECTION 24-33.5-514, C.R.S., AND THE
35 APPROPRIATION TO THE DEPARTMENT RELATED TO THIS SECTION."

36 Page 29, after line 19, insert:

1 **"SECTION 25.** In Colorado Revised Statutes, 12-43.3-501,
2 **amend** (1) as follows:

3 **12-43.3-501. Marijuana cash fund - repeal.** (1) (a) All moneys
4 collected by the state licensing authority pursuant to this article AND
5 ARTICLE 43.4 OF THIS TITLE shall be transmitted to the state treasurer, who
6 shall credit the same to the ~~medical~~ marijuana license cash fund, which
7 fund is hereby created and referred to in this section as the "fund". THE
8 FUND CONSISTS OF the moneys in the fund SO COLLECTED, ANY EXCISE
9 TAX OR ADDITIONAL SALES TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF
10 TITLE 39, C.R.S., ANY OTHER SALES TAX, AND ANY ADDITIONAL GENERAL
11 FUND MONEYS APPROPRIATED TO THE FUND THAT ARE NECESSARY FOR THE
12 OPERATION OF THE STATE LICENSING AUTHORITY. MONEY IN THE FUND
13 shall be subject to annual appropriation by the general assembly to the
14 department of revenue for the direct and indirect costs associated with
15 implementing this article AND ARTICLE 43.4 OF THIS TITLE. Any moneys
16 in the fund not expended for the purpose of this article OR ARTICLE 43.4
17 OF THIS TITLE may be invested by the state treasurer as provided by law.
18 All interest and income derived from the investment and deposit of
19 moneys in the fund shall be credited to the fund. Any unexpended and
20 unencumbered moneys remaining in the fund at the end of a fiscal year
21 shall remain in the fund and shall not be credited or transferred to the
22 general fund or another fund. UPON A DETERMINATION BY THE GENERAL
23 ASSEMBLY THAT THE DEPARTMENT OF REVENUE HAS ESTABLISHED A
24 SUFFICIENT REVENUE STREAM TO FUND THE STATE LICENSING
25 AUTHORITY'S REGULATORY EFFORTS AND ALL OTHER PROGRAMS TO BE
26 FUNDED BY THE FUND, THE GENERAL ASSEMBLY SHALL DIRECT THE STATE
27 TREASURER TO TRANSFER ANY EXCESS BALANCE IN THE FUND TO THE
28 GENERAL FUND TO REPAY ANY APPROPRIATION MADE FROM THE GENERAL
29 FUND TO INITIALLY SUPPORT THE SPENDING AUTHORITY OF THE STATE
30 LICENSING AUTHORITY.

31 (b) (I) ANY UNEXPENDED AND UNENCUMBERED MONEYS IN THE
32 FUND AS OF JULY 1, 2013, IS APPROPRIATED TO THE STATE LICENSING
33 AUTHORITY FOR THE 2013-14 FISCAL YEAR.

34 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2014.

35 **SECTION 26. Appropriation.** (1) In addition to any other
36 appropriation, there is hereby appropriated, out of any moneys in the
37 marijuana cash fund created in section 12-43.3-501 (1) (a), Colorado
38 Revised Statutes, not otherwise appropriated, to the department of public
39 health and environment, for the fiscal year beginning July 1, 2013, the
40 sum of \$307,542 and 4.0 FTE, or so much thereof as may be necessary,
41 for allocation to the disease control and environmental epidemiology

1 division, environmental epidemiology subdivision, for the cannabis health
2 environmental and epidemiological training, outreach, and surveillance
3 line item related to the implementation of this act.

4 (2) In addition to any other appropriation, there is hereby
5 appropriated, out of any moneys in the marijuana cash fund created in
6 section 12-43.3-501 (1) (a), Colorado Revised Statutes, not otherwise
7 appropriated, to the department of public safety, for the fiscal year
8 beginning July 1, 2013, the sum of \$154,034, or so much thereof as may
9 be necessary, for allocation to the division of criminal justice for the DCJ
10 administrative services line item related to the implementation of this act.

11 **SECTION 27. Appropriation.** In addition to any other
12 appropriation, there is hereby appropriated, out of any moneys in the
13 general fund not otherwise appropriated, to the department of revenue, for
14 the fiscal year beginning July 1, 2013, the sum of \$280,000, or so much
15 thereof as may be necessary, for allocation to the taxation business group
16 for computer programming costs related to the implementation of this act.

17 **SECTION 28. Appropriation.** In addition to any other
18 appropriation, there is hereby appropriated, out of any moneys in the
19 P.O.S.T. board cash fund created in section 24-31-303 (2) (b), Colorado
20 Revised Statutes, not otherwise appropriated, to the department of law,
21 for the fiscal year beginning July 1, 2013, the sum of \$20,000, or so much
22 thereof as may be necessary, for allocation to the criminal justice and
23 appellate unit for peace officers standards and training board support
24 expenses related to the implementation of section 24-31-313, Colorado
25 Revised Statutes."

26 Renumber succeeding sections accordingly.

27 Page 29, strike lines 22 through 26 and substitute:

28 "(a) Section 27 takes effect only if House Bill 13-1042 does not
29 become law."

30 Page 1, line 101, strike "AMENDMENT 64." and substitute "AMENDMENT
31 64, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN
32 APPROPRIATION."

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