

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 6, 2013
Date

Committee on Appropriations.

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

HB13-1317 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend the Finance Committee Report, dated May 3, 2013, page 2, line
2 2, strike "AND".

3 Page 2 of the committee report, after line 2 insert:

4 "(IV) THE DEPARTMENT OF LAW FOR THE TRAINING DESCRIBED IN
5 SECTION 24-31-313, C.R.S.; AND".

6 Renumber succeeding subparagraph accordingly.

7 Amend reengrossed bill, page 5, after line 9, insert:

8 "(c) ON JUNE 30, 2014, AND ON EACH JUNE 30 THEREAFTER, THE
9 STATE TREASURER SHALL TRANSFER TWO MILLION DOLLARS FROM THE
10 FUND TO THE GENERAL FUND.

11 **SECTION 3.** In Colorado Revised Statutes, 12-43.3-501, **amend**
12 **as amended by Senate Bill 13-283** (1) as follows:

13 **12-43.3-501. Marijuana cash fund - repeal.** (1) (a) All moneys
14 collected by the state licensing authority pursuant to this article and article
15 43.4 of this title shall be transmitted to the state treasurer, who shall credit
16 the same to the marijuana cash fund, which fund is hereby created and
17 referred to in this section as the "fund". The fund consists of:

18 (I) The moneys ~~in the fund so~~ collected BY THE STATE LICENSING
19 AUTHORITY;

1 (II) Any APPLICABLE RETAIL MARIJUANA excise tax ~~or additional~~
2 ~~sales tax imposed~~ TRANSFERRED pursuant to ~~article 28.8 of title 39~~
3 SECTION 39-28.8-306 (1) (b), C.R.S.;

4 (III) Any ~~other~~ APPLICABLE RETAIL MARIJUANA sales tax
5 TRANSFERRED PURSUANT TO SECTION 39-28.8-203 (1) (b), C.R.S.;

6 (IV) ANY SALES TAX IMPOSED PURSUANT TO SECTION 39-26-106,
7 C.R.S., ON THE RETAIL SALE OF PRODUCTS UNDER THIS ARTICLE AND
8 ARTICLE 43.4 OF THIS TITLE; and

9 (V) Any additional general fund moneys appropriated to the fund
10 that are necessary for the operation of the state licensing authority.

11 (b) Moneys in the fund shall be subject to annual appropriation by
12 the general assembly to:

13 (I) The department of revenue for the direct and indirect costs
14 associated with implementing this article and article 43.4 of this title;

15 (II) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
16 PUBLIC SAFETY FOR THE STUDY OF MARIJUANA IMPLEMENTATION
17 PURSUANT TO SECTION 24-33.5-514, C.R.S.;

18 (III) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR
19 THE MONITORING OF THE HEALTH EFFECTS OF MARIJUANA PURSUANT TO
20 SECTION 25-1.5-111, C.R.S.;

21 (IV) THE DEPARTMENT OF LAW FOR THE TRAINING DESCRIBED IN
22 SECTION 24-31-313, C.R.S.; AND

23 (V) THE GENERAL FUND TO REPAY TWO MILLION DOLLARS TO THE
24 GENERAL FUND FOR THE TRANSFERS REQUIRED BY SECTION 39-26-123 (6),
25 C.R.S.

26 (c) Any moneys in the fund not expended for ~~the purpose of this~~
27 ~~article or article 43.4 of this title~~ THESE PURPOSES may be invested by the
28 state treasurer as provided by law. All interest and income derived from
29 the investment and deposit of moneys in the fund shall be credited to the
30 fund. Any unexpended and unencumbered moneys remaining in the fund
31 at the end of a fiscal year shall remain in the fund and shall not be
32 credited or transferred to the general fund or another fund. Upon a
33 determination by the general assembly that the department of revenue has
34 established a sufficient revenue stream to fund the state licensing
35 authority's regulatory efforts and all other programs to be funded by the
36 fund, the general assembly shall direct the state treasurer to transfer any
37 excess balance in the fund to the general fund to repay any appropriation
38 made from the general fund to initially support the spending authority of
39 the state licensing authority.

40 ~~(b)~~ (d) (I) Any unexpended and unencumbered moneys in the fund
41 as of July 1, 2013, ~~is~~ ARE appropriated to the state licensing authority for

1 the 2013-14 fiscal year.

2 (II) This paragraph ~~(b)~~ (d) is repealed, effective July 1, 2014.

3 (e) ON JUNE 30, 2014, AND ON EACH JUNE 30 THEREAFTER, THE
4 STATE TREASURER SHALL TRANSFER TWO MILLION DOLLARS FROM THE
5 FUND TO THE GENERAL FUND."

6 Renumber succeeding sections accordingly.

7 Page 63, strike lines 22 through 27.

8 Strike pages 64 through 82.

9 Page 83, strike lines 1 through 4.

10 Renumber succeeding sections accordingly.

11 Page 83, strike lines 13 through 27 and substitute:

12 **"SECTION 7. Appropriation.** (1) In addition to any other
13 appropriation, there is hereby appropriated, out of any moneys in the
14 marijuana cash fund created in section 12-43.3-501 (1) (a), Colorado
15 Revised Statutes, not otherwise appropriated, to the department of
16 revenue, for the fiscal year beginning July 1, 2013, the sum of \$1,227,026
17 and 2.7 FTE, or so much thereof as may be necessary, for personal
18 services, legal services, the purchase of computer center services and
19 other costs related to the implementation of this act.

20 (2) In addition to any other appropriation, there is hereby
21 appropriated to the governor - lieutenant governor - state planning and
22 budgeting, for the fiscal year beginning July 1, 2013, the sum of \$73,700,
23 or so much thereof as may be necessary, for allocation to the office of
24 information technology, for the provision of computer center services for
25 the department of revenue related to the implementation of this act. Said
26 sum is from reappropriated funds received from the department of
27 revenue out of the appropriation made in subsection (1) of this section.

28 (3) In addition to any other appropriation, there is hereby
29 appropriated to the department of law, for the fiscal year beginning July
30 1, 2013, the sum of \$70,684 and 0.5 FTE, or so much thereof as may be
31 necessary, for the provision of legal services for the department of
32 revenue related to the implementation of this act. Said sum is from
33 reappropriated funds received from the department of revenue out of the
34 appropriation made in subsection (1) of this section.

1 (4) In addition to any other appropriation, there is hereby
2 appropriated, out of any moneys in the marijuana cash fund created in
3 section 12-43.3-501 (1) (a), Colorado Revised Statutes, not otherwise
4 appropriated, to the department of law, for the fiscal year beginning July
5 1, 2013, the sum of \$76,000, or so much thereof as may be necessary, for
6 allocation to the criminal justice and appellate unit for peace officers
7 standards and training board support expenses related to the
8 implementation of section 24-31-313, Colorado Revised Statutes.

9 (5) In addition to any other appropriation, there is hereby
10 appropriated, out of any moneys in the laboratory cash fund created in
11 section 25-1.5-101 (1) (e) (II), Colorado Revised Statutes, not otherwise
12 appropriated, to the department of public health and environment, for the
13 fiscal year beginning July 1, 2013, the sum of \$87,615 and 1.0 FTE, or so
14 much thereof as may be necessary, to be allocated to laboratory services
15 for chemistry and microbiology operating expenses for the
16 implementation of this act as follows:

17 (a) \$72,815 and 1.0 FTE for personal services and operating
18 expenses; and

19 (b) \$14,800 for the purchase of computer center services.

20 (6) In addition to any other appropriation, there is hereby
21 appropriated to the governor - lieutenant governor - state planning and
22 budgeting, for the fiscal year beginning July 1, 2013, the sum of \$14,800,
23 or so much thereof as may be necessary, for allocation to the office of
24 information technology, for the provision of computer center services for
25 the department of public health and environment related to the
26 implementation of this act. Said sum is from reappropriated funds
27 received from the department of public health and environment out of the
28 appropriation made in paragraph (b) of subsection (6) of this section.

29 (7) In addition to any other appropriation, there is hereby
30 appropriated, out of any moneys in the Colorado bureau of investigation
31 identification unit fund created in section 24-33.5-426, Colorado Revised
32 Statutes, not otherwise appropriated, to the department of public safety,
33 for the fiscal year beginning July 1, 2013, the sum of \$155,760 and 0.7
34 FTE, or so much thereof as may be necessary, for allocation to the
35 Colorado bureau of investigation for fingerprint-based background checks
36 related to the implementation of this act."

37 Strike pages 84 and 85.

38 Renumber succeeding section accordingly.

1 Page 86, before line 1 insert:

2 "SECTION 8. Effective date. (1) Except as otherwise provided
3 in this section, this act takes effect upon passage.

4 (2) Section 2 of this act takes effect only if Senate Bill 13-283
5 does not become law.

6 (3) Section 3 of this act takes effect only if Senate Bill 13-283
7 becomes law."

8 Renumber succeeding section accordingly.

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