

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 1, 2014
Date

Committee on Business, Labor, Economic, & Workforce Development.

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

HB14-1398 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 4, line 10, after "BUSINESS" insert "OR AN
- 2 ENTITY THAT PROVIDES GOODS OR SERVICES TO A LICENSED MARIJUANA
- 3 BUSINESS AND THAT PROVIDES DOCUMENTATION TO THE CO-OP OF AN
- 4 INABILITY TO GET COMPARABLE SERVICES FROM A BANK OR CREDIT
- 5 UNION,".

- 6 Page 4, line 13, strike "**investigation.**" and substitute "**investigation -**
- 7 **repeal.**".

- 8 Page 5, line 3, strike "C.R.S." and substitute "C.R.S., AND ENTITIES THAT
- 9 PROVIDE GOODS OR SERVICES TO LICENSED MARIJUANA BUSINESSES AND
- 10 THAT PROVIDE DOCUMENTATION TO THE CO-OP OF AN INABILITY TO GET
- 11 COMPARABLE SERVICES FROM A BANK OR CREDIT UNION.".

- 12 Page 6, line 14, strike "industry," and substitute "INDUSTRY AND ENTITIES
- 13 THAT PROVIDE GOODS OR SERVICES TO THE LICENSED MARIJUANA
- 14 BUSINESS AND THAT PROVIDE DOCUMENTATION TO THE CO-OP OF AN
- 15 INABILITY TO GET COMPARABLE SERVICES FROM A BANK OR CREDIT
- 16 UNION,".

- 17 Page 7, strike line 9 and substitute "APPLICATION AND DOCUMENTS BY THE
- 18 COMMISSIONER:
- 19 (I) THE COMMISSIONER AND THE EXECUTIVE DIRECTOR OF THE
- 20 DEPARTMENT OF REGULATORY AGENCIES SHALL CONVENE A
- 21 STAKEHOLDER GROUP TO DETERMINE WHETHER CONFLICTS EXIST

1 BETWEEN THIS ARTICLE AND OTHER PORTIONS OF STATE LAW, INCLUDING
2 TITLE 4, C.R.S. IF THE COMMISSIONER AND THE EXECUTIVE DIRECTOR,
3 AFTER CONSIDERING THE INPUT OF THE STAKEHOLDER GROUP, DETERMINE
4 THAT ONE OR MORE SUCH CONFLICTS EXIST, THE COMMISSIONER SHALL
5 NOT ISSUE A CERTIFICATE PURSUANT TO SUBPARAGRAPH (II) OF THIS
6 PARAGRAPH (b) UNTIL ALL THE CONFLICTS HAVE BEEN RESOLVED.

7 (II) SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE".

8 Page 8, after line 3 insert:

9 "(c) IF THE COMMISSIONER HAS NOT ISSUED ANY CHARTERS
10 PURSUANT TO THIS ARTICLE BY AUGUST 1, 2017, THIS ARTICLE IS
11 REPEALED, EFFECTIVE SEPTEMBER 1, 2017. BY AUGUST 31, 2017, THE
12 COMMISSIONER SHALL FILE A WRITTEN STATEMENT WITH THE REVISOR OF
13 STATUTES REGARDING WHETHER ANY CHARTERS HAVE BEEN ISSUED BY
14 AUGUST 1, 2017."

15 Page 8, line 21, after "BUSINESSES" insert "AND ENTITIES THAT PROVIDE
16 GOODS OR SERVICES TO LICENSED MARIJUANA BUSINESSES AND THAT
17 PROVIDE DOCUMENTATION TO THE CO-OP OF AN INABILITY TO GET
18 COMPARABLE SERVICES FROM A BANK OR CREDIT UNION".

19 Page 8, line 27, strike "C.R.S." and substitute "C.R.S., AND ENTITIES THAT
20 PROVIDE GOODS OR SERVICES TO LICENSED MARIJUANA BUSINESSES AND
21 THAT PROVIDE DOCUMENTATION TO THE CO-OP OF AN INABILITY TO GET
22 COMPARABLE SERVICES FROM A BANK OR CREDIT UNION."

23 Page 9, line 9, after "MARIJUANA" insert "BUSINESS OR PROVIDES GOODS
24 OR SERVICES TO A LICENSED MARIJUANA ".

25 Page 12, line 2, strike "**rules.**" and substitute "**rules - fund created.**".

26 Page 12, after line 17 insert:

27 "(c) (I) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
28 CANNABIS CREDIT CO-OP FUND, CONSISTING OF:

29 (A) REVENUES APPROPRIATED TO THE FUND; AND

30 (B) ASSESSMENTS MADE PURSUANT TO PARAGRAPH (a) OF THIS
31 SUBSECTION (1).

32 (II) REVENUES CREDITED TO THE FUND AND UNEXPENDED AT THE
33 END OF EACH FISCAL YEAR REMAIN IN THE FUND AND DO NOT REVERT TO

1 THE GENERAL FUND. ALL INTEREST DERIVED FROM THE DEPOSIT AND
2 INVESTMENT OF REVENUES IN THE FUND REMAINS IN THE FUND AND DOES
3 NOT REVERT TO THE GENERAL FUND. THE DIVISION SHALL USE REVENUES
4 IN THE FUND ONLY FOR THE PURPOSE OF IMPLEMENTING THIS ARTICLE."

5 Page 41, after line 26 insert:

6 "SECTION 2. In Colorado Revised Statutes, 4-1-201, **amend** (4)
7 as follows:

8 **4-1-201. General definitions.** (b) Subject to definitions
9 contained in other articles of this title that apply to particular articles or
10 parts thereof:

11 (4) "Bank" means a person engaged in the business of banking
12 and includes a savings bank, savings and loan association, credit union,
13 MARIJUANA FINANCIAL SERVICES COOPERATIVE CHARTERED PURSUANT TO
14 ARTICLE 33 OF TITLE 11, C.R.S., and trust company.

15 **SECTION 3.** In Colorado Revised Statutes, 4-4-105, **amend** (1)
16 as follows:

17 **4-4-105. "Bank" - "depository bank" - "intermediary bank"**
18 **- "collecting bank" - "payor bank" - "presenting bank".** In this
19 article:

20 (1) "Bank" means a person engaged in the business of banking,
21 including a savings bank, savings and loan association, credit union,
22 MARIJUANA FINANCIAL SERVICES COOPERATIVE CHARTERED PURSUANT TO
23 ARTICLE 33 OF TITLE 11, C.R.S., or trust company.

24 **SECTION 4.** In Colorado Revised Statutes, 4-4.5-105, **amend** (a)
25 (2) as follows:

26 **4-4.5-105. Other definitions.** (a) In this article:

27 (2) "Bank" means a person engaged in the business of banking
28 and includes a savings bank, savings and loan association, credit union,
29 MARIJUANA FINANCIAL SERVICES COOPERATIVE CHARTERED PURSUANT TO
30 ARTICLE 33 OF TITLE 11, C.R.S., and trust company. A branch or separate
31 office of a bank is a separate bank for purposes of this article.

32 **SECTION 5.** In Colorado Revised Statutes, 4-9-102, **amend** (a)
33 (8) as follows:

34 **4-9-102. Definitions and index of definitions.** (a) In this article:

35 (8) "Bank" means an organization that is engaged in the business
36 of banking. The term includes savings banks, savings and loan
37 associations, credit unions, MARIJUANA FINANCIAL SERVICES
38 COOPERATIVE CHARTERED PURSUANT TO ARTICLE 33 OF TITLE 11, C.R.S.,
39 and trust companies."

1 Renumber succeeding sections accordingly.

2 Page 43, strike lines 2 and 3 and substitute:

3 "SECTION 9. In Colorado Revised Statutes, 39-28.8-501, **amend**
4 **as added by Senate Bill 14-215** (2) (b) (XI) and (2) (b) (XII); and **add**
5 (2) (b) (XIII) as follows:

6 **39-28.8-501. Marijuana tax cash fund - creation - distribution.**

7 (2) (b) Subject to the limitations in subsection (5) of this section, any
8 moneys in the fund that are not appropriated to the department of revenue
9 pursuant to paragraph (a) of this subsection (2) are subject to annual
10 appropriation by the general assembly for any fiscal year following the
11 fiscal year in which they were received by the state. The general assembly
12 shall initially appropriate moneys in the fund based on the most recent
13 estimate of revenue prepared by the staff of the legislative council or the
14 department of revenue for the applicable fiscal year. The general
15 assembly may appropriate moneys in the fund for the following purposes:

16 (XI) To expand the provision of jail-based behavioral health
17 services in underserved counties and to enhance the provision of
18 jail-based behavioral health services to offenders transitioning from jail
19 to the community to ensure continuity of care; ~~and~~

20 (XII) For the provision of substance use disorder treatment
21 services for adolescents and pregnant women; AND

22 (XIII) FOR THE START-UP EXPENSES OF THE DIVISION OF FINANCIAL
23 SERVICES RELATED TO THE REGULATION OF MARIJUANA FINANCIAL
24 SERVICES COOPERATIVES PURSUANT TO ARTICLE 33 OF TITLE 11, C.R.S.,
25 AND UNTIL THE STATE COMMISSIONER OF FINANCIAL SERVICES FIRST
26 COLLECTS ASSESSMENTS ON SUCH COOPERATIVES.

27 **SECTION 10. Appropriation.** In addition to any other
28 appropriation, there is hereby appropriated, out of any moneys in the
29 marijuana tax cash fund created in section 39-28.8-501, Colorado Revised
30 Statutes, not otherwise appropriated, to the department of regulatory
31 agencies, for the fiscal year beginning July 1, 2014, the sum of \$233,427
32 and 2.5 FTE, or so much thereof as may be necessary, for allocation to the
33 division of financial services, for the implementation of this act.

34 **SECTION 11. Effective date - applicability.** (1) This act:

35 (a) Takes effect upon passage; except that sections 5 and 6 of this
36 act take effect only if Senate Bill 14-215 becomes law and sections 5 and
37 6 take effect on the effective date of this act or Senate Bill 14-215,
38 whichever is later; and

39 (b) Applies to conduct occurring on or after said date."

- 1 Renumber succeeding section accordingly.
- 2 Page 1, line 102, strike "**BUSINESSES.**" and substitute "**BUSINESSES, AND,**
- 3 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".

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