

HB1221_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.HB17-1221 be amended as follows:

- 1 Amend printed bill, strike everything below the enacting clause and
2 substitute:
- 3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds and declares that:
- 5 (a) Through citizen-initiated measures, Colorado provided its
6 citizens protections for the cultivation and use of medical marijuana in
7 2000 and recreational marijuana in 2012;
- 8 (b) One of the reasons behind these citizen-initiated measures was
9 to erode the black market for marijuana in Colorado;
- 10 (c) The constitutional provisions for both medical marijuana and
11 recreational marijuana provide protections for personal marijuana
12 cultivation, but are silent on the question of where marijuana plants may
13 be grown or processed for medical or recreational use;
- 14 (d) Although the authority for marijuana cultivation for both
15 medical and recreational marijuana is generally limited to six plants per
16 person, there are some provisions that can allow individuals to grow more
17 plants. Both the medical marijuana and recreational constitutional
18 provisions allow a citizen to assist another citizen in the cultivation of
19 marijuana.
- 20 (e) The assist provisions have created a situation in which
21 individuals are cultivating large quantities of marijuana in residential
22 properties;
- 23 (f) These large-scale cultivation sites in residential properties
24 create a public safety issue and are a public nuisance. A site in a
25 residential property can overburden the property's electrical system,
26 resulting in excessive power use and creating a fire hazard that puts first
27 responders at risk. A site can also cause water damage and mold in the
28 residential property. A site in a residential property can produce a noxious
29 smell that limits the ability of others who live in the area to enjoy the
30 quiet of their homes. Often the site is a rental home, and the renters cause
31 significant damage to the home by retrofitting the home to be used as a
32 large-scale cultivation site. When a residential property is used for a
33 large-scale cultivation site, it often lowers the property value of the
34 property and thus the property value of the rest of the neighborhood.
35 Finally, a site in a residential property can serve as a target for criminal
36 activity, creating an untenable public safety hazard.
- 37 (g) Large-scale, multi-national crime organizations have exploited
38 Colorado laws, rented multiple residential properties for large-scale

1 BE PRIORITIZED TO:

2 (I) PROVIDE NECESSARY FINANCIAL ASSISTANCE TO LOCAL LAW
3 ENFORCEMENT AGENCIES AND DISTRICT ATTORNEYS IN RURAL AREAS TO
4 ADDRESS UNLICENSED MARIJUANA CULTIVATION OR DISTRIBUTION
5 OPERATIONS CONDUCTED IN VIOLATION OF STATE LAW;

6 (II) SUPPORT LOCAL LAW ENFORCEMENT AGENCIES AND DISTRICT
7 ATTORNEYS IN INVESTIGATING AND PROSECUTING LARGE-SCALE
8 UNLICENSED MARIJUANA CULTIVATION OR DISTRIBUTION OPERATIONS
9 CONDUCTED IN VIOLATION OF STATE LAW;

10 (III) PROVIDE NECESSARY FINANCIAL ASSISTANCE TO LOCAL LAW
11 ENFORCEMENT AGENCIES AND DISTRICT ATTORNEYS IN THE
12 INVESTIGATION AND PROSECUTION OF ORGANIZED CRIME INVOLVED IN
13 UNLICENSED MARIJUANA CULTIVATION OR DISTRIBUTION OPERATIONS
14 CONDUCTED IN VIOLATION OF STATE LAW; OR

15 (IV) PROVIDE NECESSARY FINANCIAL ASSISTANCE TO LOCAL LAW
16 ENFORCEMENT AGENCIES AND DISTRICT ATTORNEYS IN THE
17 INVESTIGATION AND PROSECUTION OF UNLICENSED MARIJUANA
18 CULTIVATION OR DISTRIBUTION OPERATIONS THAT DIVERT MARIJUANA
19 OUTSIDE OF COLORADO.

20 (2) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE
21 MONEY FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION
22 39-28.8-501 OR THE PROPOSITION AA REFUND ACCOUNT CREATED IN
23 SECTION 39-28.8-604 (1) TO THE DIVISION TO MAKE THE GRANTS
24 DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND FOR THE DIVISION'S
25 REASONABLE ADMINISTRATIVE EXPENSES RELATED TO THE GRANTS. ANY
26 UNEXPENDED AND UNENCUMBERED MONEY FROM AN APPROPRIATION
27 MADE PURSUANT TO THIS SUBSECTION (2) REMAINS AVAILABLE FOR
28 EXPENDITURE BY THE DIVISION IN THE NEXT FISCAL YEAR WITHOUT
29 FURTHER APPROPRIATION.

30 (3) THE DIVISION SHALL ADOPT POLICIES AND PROCEDURES THAT
31 ARE NECESSARY FOR THE ADMINISTRATION OF THE GRANT PROGRAM,
32 INCLUDING THE APPLICATION PROCESS AND THE GRANT AWARD CRITERIA.

33 (4) (a) ON OR BEFORE NOVEMBER 1, 2019, AND ON OR BEFORE
34 NOVEMBER 1 EACH YEAR THEREAFTER, THE DIVISION SHALL INCLUDE AN
35 UPDATE REGARDING THE EFFECTIVENESS OF THE GRANT PROGRAM IN ITS
36 REPORT TO THE MEMBERS OF THE APPLICABLE COMMITTEES OF REFERENCE
37 IN THE SENATE AND HOUSE OF REPRESENTATIVES AS REQUIRED BY THE
38 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
39 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF
40 TITLE 2.

41 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTS

1 REQUIRED IN SUBSECTION (4)(a) OF THIS SECTION CONTINUE INDEFINITELY.

2 (5) AS USED IN THIS SECTION, "RURAL AREA" MEANS:

3 (a) A COUNTY WITH A POPULATION OF LESS THAN TWO HUNDRED
4 THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE
5 POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS;
6 OR

7 (b) A MUNICIPALITY WITH A POPULATION OF LESS THAN THIRTY
8 THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE
9 POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS,
10 THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A
11 POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE.

12 **SECTION 4. Effective date - applicability.** This act takes effect
13 July 1, 2017, and section 2 of this act applies to offenses committed on or
14 after said date.

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

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