

CHAPTER 271

TAXATION

HOUSE BILL 15-1367

BY REPRESENTATIVE(S) Hamner, Young, Rankin, Hullinghorst, Becker K., Duran, Fields, Garnett, Kraft-Tharp, Lebsock, Lee, Lontine, Melton, Mitsch Bush, Moreno, Pettersen, Primavera, Rosenthal, Ryden, Singer, Tyler, Williams, Esgar, Ginal, Winter; also SENATOR(S) Steadman, Grantham, Lambert, Cadman, Crowder, Guzman, Heath, Jahn, Kerr, Newell.

AN ACT

CONCERNING RETAIL MARIJUANA TAXES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) In 2012, voters approved amendment 64, which legalized the personal use of marijuana for adults;

(b) Amendment 64 required the general assembly to enact an excise tax on marijuana sold or otherwise transferred by a marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana store by January 1, 2017;

(c) In 2013, the general assembly enacted House Bill 13-1318, which created a new retail marijuana excise tax and an additional retail marijuana sales tax;

(d) Under section 20 (4) (a) of article X of the state constitution, commonly known as TABOR, the voters had to approve these new taxes before they could be imposed;

(e) Accordingly, the general assembly referred proposition AA, which sought, among other things, approval for the new taxes and for the state to retain and spend the tax revenue notwithstanding any limitations in law;

(f) As a tax increase, proposition AA was subject to the election provision

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

requirements in TABOR;

(g) To comply with these requirements, proposition AA's ballot title began: "Shall state taxes be increased by \$70,000,000 annually in the first full fiscal year..." and the following estimates for the fiscal year 2014-15 were included as Table 3 in the ballot information booklet, known as the "blue book":

(I) \$12.08 billion for state spending without the new taxes; and

(II) \$67 million for the state revenue from the new excise and sales tax;

(h) Voters resoundingly approved proposition AA, with 902,181 votes in favor of the measure and just 479,992 votes against it;

(i) And yet, if in the fiscal year 2014-15, the actual revenue the state receives exceeds either of these blue book estimates, then the state may be required to refund revenues related to proposition AA;

(j) This potential refund, which is only a possibility for the fiscal year 2014-15, is because paragraph (3) (c) of TABOR requires the combined dollar excess of actual revenues over the estimates in the blue book to be refunded in the next fiscal year, unless there is later voter approval;

(k) In their March forecasts, legislative council staff and the office of state planning and budgeting estimate that fiscal year spending for the fiscal year 2014-15 will be hundreds of millions of dollars higher than \$12.08 billion;

(l) Based on a reasonable interpretation of the fiscal year spending limitation and the election notice provisions of TABOR, the maximum amount the state may be required to refund for exceeding the blue book estimates is the total amount of the retail marijuana tax collections during the fiscal year 2014-15, which is currently estimated to be \$58 million;

(m) This act refers a new ballot issue to the voters to seek the later voter approval necessary to avoid this refund, but it also establishes conditional refund mechanisms in case voters reject the ballot issue;

(n) If the voters approve the new ballot issue, those conditional refund mechanisms will be unnecessary and the money that would have otherwise been refunded may be retained and used for important public programs, including public school capital construction;

(o) Under paragraph (3) (c) of TABOR, the other consequence for actual revenues exceeding the blue book estimates is that the retail marijuana tax rates are thereafter reduced, unless there is later voter approval;

(p) The general assembly does not intend to seek approval to avoid this rate reduction, and, therefore, the retail marijuana sales tax and excise tax rates must be reduced;

(q) By approving proposition AA, the voters gave the general assembly the

authority for "the rate of either or both taxes being allowed to be decreased or increased without further voter approval so long as the rate of either tax does not exceed 15%";

(r) Therefore, after the required rate reduction occurs, the general assembly may again raise the tax rates back to their current levels; and

(s) Another purpose of this act is to provide greater transparency of the allocation of the marijuana taxes.

(2) Now, therefore, it is the primary intent of this act to refer a ballot issue to seek the later voter approval permitted by TABOR to avoid a refund requirement; to establish conditional refund mechanisms or other uses, depending on whether the ballot issue passes; and to reduce tax rates as required by the state constitution.

SECTION 2. In Colorado Revised Statutes, 39-28.8-101, **add** (12.5) as follows:

39-28.8-101. Definitions. Unless the context otherwise requires, any terms not defined in this article shall have the meanings set forth in article 26 of this title. As used in this article, unless the context otherwise requires:

(12.5) "RETAIL MARIJUANA TAXES" MEANS THE RETAIL MARIJUANA EXCISE TAX IMPOSED UNDER SECTION 39-28.8-302 AND THE RETAIL MARIJUANA SALES TAX IMPOSED UNDER SECTION 39-28.8-202.

SECTION 3. In Colorado Revised Statutes, 39-28.8-202, **amend** (1) (a) as follows:

39-28.8-202. Retail marijuana sales tax. (1) (a) (I) In addition to the tax imposed pursuant to part 1 of article 26 of this title and the sales tax imposed by a local government pursuant to title 29, 30, 31, or 32, BUT EXCEPT AS OTHERWISE SET FORTH IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a), beginning January 1, 2014, AND THROUGH JUNE 30, 2017, there is imposed upon all sales of retail marijuana and retail marijuana products by a retailer a tax at the rate of ten percent of the amount of the sale, ~~to be~~ AND BEGINNING JULY 1, 2017, THERE IS IMPOSED UPON ALL SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS BY A RETAILER A TAX AT THE RATE OF EIGHT PERCENT OF THE AMOUNT OF THE SALE. THE TAX IMPOSED BY THIS SECTION IS computed in accordance with schedules or forms prescribed by the executive director of the department; except that a retail marijuana store is not allowed to retain any portion of the retail marijuana sales tax collected pursuant to this part 2 to cover the expenses of collecting and remitting the tax and except that the department of revenue may require a retailer to make returns and remit the tax described in this part 2 by electronic means.

(II) IF, FOR THE FISCAL YEAR 2014-15, FISCAL YEAR SPENDING IS GREATER THAN TWELVE BILLION EIGHTY MILLION DOLLARS OR IF THE REVENUE FROM RETAIL MARIJUANA TAXES IS GREATER THAN SIXTY-SEVEN MILLION DOLLARS, THEN ON SEPTEMBER 16, 2015, THE RATE OF THE TAX IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS REDUCED AS SPECIFIED IN SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION. ON SEPTEMBER 17, 2015, IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (1) AND THE AUTHORITY THAT THE VOTERS

CONFERRED THROUGH THEIR APPROVAL OF PROPOSITION AA AT THE NOVEMBER 2013 ELECTION, THE RATE IS INCREASED BACK TO TEN PERCENT.

(III) (A) IF THE BALLOT ISSUE REFERRED TO THE VOTERS IN ACCORDANCE WITH SECTION 39-28.8-603 (1) IS PLACED ON THE NOVEMBER 3, 2015, BALLOT AND A MAJORITY OF THE ELECTORS VOTING THEREON VOTE "No/AGAINST", THEN ON JANUARY 1, 2016, THE RATE OF THE TAX IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS REDUCED TO ONE-TENTH OF ONE PERCENT AS A METHOD TO REFUND REVENUES THAT EXCEED AN ESTIMATE INCLUDED IN THE BALLOT INFORMATION BOOKLET FOR PROPOSITION AA.

(B) IF THE RETAIL MARIJUANA SALES TAX RATE IS REDUCED IN ACCORDANCE WITH SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III), THEN ON MARCH 3, 2016, AND ON THE THIRD BUSINESS DAY OF THE NEXT THREE MONTHS THEREAFTER, IF NECESSARY, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL DETERMINE WHETHER THE AMOUNT REFUNDED TO THAT DATE THROUGH THE RATE REDUCTION IS GREATER THAN OR EQUAL TO THE REQUIRED RETAIL MARIJUANA SALES TAX REFUND. IF SO, THEN THE RATE REDUCTION EXPIRES ON THE FIFTH DAY AFTER THE DETERMINATION. IF, AS OF JUNE 3, 2016, THE AMOUNT REFUNDED THROUGH THE RATE REDUCTION IS STILL LESS THAN THE REQUIRED RETAIL MARIJUANA SALES TAX REFUND, THEN THE RATE REDUCTION EXPIRES ON JUNE 30, 2016. THE EXECUTIVE DIRECTOR SHALL ESTIMATE THE AMOUNT OF THE REFUND FOR THE TIME INCLUDED IN A DETERMINATION FOR WHICH THE ACTUAL REVENUE IS UNKNOWN.

(C) ON THE DAY AFTER THE TEMPORARY RETAIL MARIJUANA RATE REDUCTION EXPIRES IN ACCORDANCE WITH SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), THE RETAIL MARIJUANA TAX RATE IS INCREASED BACK TO TEN PERCENT.

(D) AS USED IN THIS SUBPARAGRAPH (III), "REQUIRED RETAIL MARIJUANA SALES TAX REFUND" MEANS AN AMOUNT EQUAL TO THE TOTAL PROPOSITION AA BLUE BOOK REFUND AMOUNT CALCULATED UNDER SECTION 39-28.8-602 (1) MINUS THE SUM OF THE AMOUNTS REFUNDED THROUGH SECTION 39-28.8-605 (3) AND (4).

SECTION 4. In Colorado Revised Statutes, 39-28.8-203, **amend** (1) introductory portion, (1) (a) (I), and (1) (b); **add** (1) (a) (I.5) and (3); and **repeal** (2) as follows:

39-28.8-203. Disposition of collections - definitions. (1) The proceeds of all moneys collected from the retail marijuana sales tax ~~shall be~~ ARE credited to the old age pension fund created in section 1 of article XXIV of the state constitution in accordance with paragraphs (a) and (f) of section 2 of article XXIV of the state constitution. For each fiscal year in which a tax is collected pursuant to this part 2, an amount shall be APPROPRIATED OR distributed from the general fund as follows:

(a) (I) EXCEPT AS OTHERWISE SET FORTH IN SUBPARAGRAPH (I.5) OF THIS PARAGRAPH (a), an amount equal to fifteen percent of the gross retail marijuana sales tax revenues collected by the department ~~shall be~~ IS apportioned to local governments. The city or town share ~~shall be~~ IS apportioned according to the percentage that retail marijuana sales tax revenues collected by the department within the boundaries of the city or town ~~bears~~ BEAR to the total retail marijuana sales tax revenues collected by the department. The county share ~~shall be~~ IS

apportioned according to the percentage that retail marijuana sales tax revenues collected by the department in the unincorporated area of the county bears BEAR to total retail marijuana sales tax revenues collected by the department.

(I.5) IF THE BALLOT ISSUE IS PLACED ON THE NOVEMBER 3, 2015, BALLOT AND A MAJORITY OF THE ELECTORS VOTING THEREON VOTE "No/AGAINST", THEN BEGINNING JANUARY 1, 2016, THE AMOUNT THAT WOULD OTHERWISE BE DISTRIBUTED TO A LOCAL GOVERNMENT THROUGH SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS HALVED UNTIL THE TOTAL REDUCTION THAT RESULTS FROM THIS SUBPARAGRAPH (I.5) IS GREATER THAN OR EQUAL TO THE AMOUNT THAT WAS DISTRIBUTED TO THE LOCAL GOVERNMENT UNDER THIS PARAGRAPH (a) FOR THE FISCAL YEAR 2014-15. THEREAFTER, THE LOCAL GOVERNMENT RECEIVES THE FULL APPORTIONED AMOUNT REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a). THE REDUCTION IN A LOCAL GOVERNMENT'S DISTRIBUTION DOES NOT INCREASE THE AMOUNT APPORTIONED TO OTHER LOCAL GOVERNMENTS.

~~(b) (I) Following apportionment of local government shares pursuant to paragraph (a) of this subsection (1), an amount equal to all remaining revenues collected shall be transferred from the general fund to the marijuana tax cash fund created in part 5 of this article to be used for the enforcement of regulations on the retail marijuana industry and for the other purposes of the fund as determined by the general assembly.~~ EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE MARIJUANA TAX CASH FUND AN AMOUNT EQUAL TO EIGHTY-FIVE PERCENT OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUES COLLECTED BY THE DEPARTMENT.

(II) (A) IF THE BALLOT ISSUE IS PLACED ON THE NOVEMBER 3, 2015, BALLOT AND A MAJORITY OF THE ELECTORS VOTING THEREON VOTE "No/AGAINST", THEN FOR THE FISCAL YEAR 2015-16 AND THE NEXT THREE FISCAL YEARS THEREAFTER, THE AMOUNT ANNUALLY TRANSFERRED TO THE MARIJUANA TAX CASH FUND IS REDUCED BY AN AMOUNT EQUAL TO ONE-FIFTH OF THE GENERAL FUND REPAYMENT. THE STATE TREASURER SHALL NOT TRANSFER ANY MONEYS TO THE CASH FUND UNTIL THIS AMOUNT HAS BEEN ACCOUNTED FOR.

(B) IF THE BALLOT ISSUE IS PLACED ON THE NOVEMBER 3, 2015, BALLOT AND A MAJORITY OF THE ELECTORS VOTING THEREON VOTE "Yes/For", THEN FOR THE FISCAL YEAR 2016-17 AND THE NEXT THREE FISCAL YEARS THEREAFTER, THE AMOUNT ANNUALLY TRANSFERRED TO THE MARIJUANA TAX CASH FUND IS REDUCED BY AN AMOUNT EQUAL TO ONE-FIFTH OF THE GENERAL FUND REPAYMENT. THE STATE TREASURER SHALL NOT TRANSFER ANY MONEYS TO THE CASH FUND UNTIL THIS AMOUNT HAS BEEN ACCOUNTED FOR.

(C) AS USED IN THIS SUBPARAGRAPH (II), "GENERAL FUND REPAYMENT" IS EQUAL TO THE LESSER OF THIRTY MILLION THREE HUNDRED THOUSAND DOLLARS OR AN AMOUNT EQUAL TO THE PROPOSITION AA BLUE BOOK REFUND AMOUNT CALCULATED IN ACCORDANCE WITH SECTION 39-28.8-602 (1) MINUS TWENTY-SEVEN MILLION SEVEN HUNDRED THOUSAND DOLLARS.

(III) The general assembly shall make appropriations from the marijuana tax cash fund for the expenses of the administration of this section.

~~(2) On or before April 1, 2014, and on or before April 1 each year thereafter through April 1, 2016, the finance committees of the house of representatives and the senate, or any successor committees, shall review the provisions of paragraph (a) of subsection (1) of this section to determine whether the percentage of the tax imposed pursuant to this part 2 that is apportioned to local governments is appropriate. The finance committees may request assistance and input from the department of revenue and the department of local affairs in making this determination.~~

(3) AS USED IN THIS SECTION:

(a) "BALLOT ISSUE" MEANS THE BALLOT ISSUE REFERRED TO THE VOTERS IN ACCORDANCE WITH SECTION 39-28.8-603 (1).

(b) "MARIJUANA TAX CASH FUND" IS THE CASH FUND CREATED IN SECTION 39-28.8-501 (1).

SECTION 5. In Colorado Revised Statutes, 39-28.8-302, **amend** (1) (a) as follows:

39-28.8-302. Retail marijuana - excise tax levied at first transfer from retail marijuana cultivation facility - tax rate. (1) (a) (I) Beginning January 1, 2014, except as otherwise provided in SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) AND paragraph (b) of this subsection (1), there is levied and shall be collected, in addition to the sales tax imposed pursuant to part 1 of article 26 of this title and part 2 of this article, a tax on the first sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility, at a rate of fifteen percent of the average market rate of the unprocessed retail marijuana. The tax shall be imposed at the time when the retail marijuana cultivation facility first sells or transfers unprocessed retail marijuana from the retail marijuana cultivation facility to a retail marijuana product manufacturing facility, a retail marijuana store, or another retail marijuana cultivation facility.

(II) IF, FOR THE FISCAL YEAR 2014-15, FISCAL YEAR SPENDING IS GREATER THAN TWELVE BILLION EIGHTY MILLION DOLLARS OR IF THE REVENUE FROM RETAIL MARIJUANA TAXES IS GREATER THAN SIXTY-SEVEN MILLION DOLLARS, THEN ON SEPTEMBER 16, 2015, THE RATE OF THE TAX IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS REDUCED AS SPECIFIED IN SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION. ON SEPTEMBER 17, 2015, IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (1) AND THE AUTHORITY THAT THE VOTERS CONFERRED THROUGH THEIR APPROVAL OF PROPOSITION AA AT THE NOVEMBER 2013 ELECTION, THE RATE IS INCREASED BACK TO FIFTEEN PERCENT.

SECTION 6. In Colorado Revised Statutes, 39-28.8-305, **amend** (1) (b) as follows:

39-28.8-305. Distribution of tax collected. (1) All moneys received and collected in payment of the tax imposed by the provisions of this part 3 shall be transmitted to the state treasurer, who shall distribute the money as follows:

(b) Any amount remaining after the transfer pursuant to paragraph (a) of this

subsection (1) shall be transferred to the ~~marijuana tax cash fund created in part 5 of this article~~ PUBLIC SCHOOL FUND CREATED IN SECTION 3 OF ARTICLE IX OF THE STATE CONSTITUTION, WHICH IS THE SAME AS THE PUBLIC SCHOOL FUND DESCRIBED IN SECTION 22-41-102, C.R.S.

SECTION 7. In Colorado Revised Statutes, 39-28.8-501, **amend** (1); **add** (6); and **repeal and reenact, with amendments**, (2) (b) as follows:

39-28.8-501. Marijuana tax cash fund - creation - distribution - repeal.

(1) The marijuana tax cash fund, referred to in this part 5 as the "fund", is created in the state treasury. The fund consists of

~~(a) Any applicable retail marijuana excise tax transferred pursuant to section 39-28.8-305 (1) (b) on or after July 1, 2014~~

~~(b) any applicable retail marijuana sales tax transferred pursuant to section 39-28.8-203 (1) (b) on or after July 1, 2014, AND~~

~~(c) Beginning July 1, 2014, ANY revenues transferred to the fund from any sales tax imposed pursuant to section 39-26-106 on the retail sale of products under articles 43.3 and 43.4 of title 12, C.R.S. and~~

~~(d) Any moneys transferred to the fund from the marijuana cash fund pursuant to section 12-43.3-501 (1) (f), C.R.S.~~

(2) (b) (I) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE RETAIL MARIJUANA EXCISE TAX AND SALES TAX CREATED A NEW REVENUE STREAM FOR THE STATE, AND THE BASIS OF THESE TAXES IS THE LEGALIZATION OF MARIJUANA, WHICH PRESENTS UNIQUE ISSUES AND CHALLENGES FOR THE STATE AND LOCAL GOVERNMENTS. THUS, THERE IS A NEED TO USE SOME OF THE SALES TAX REVENUE FOR MARIJUANA-RELATED PURPOSES. BUT, AS THIS IS REVENUE FROM A TAX, THE GENERAL ASSEMBLY MAY APPROPRIATE THIS MONEY FOR ANY PURPOSE.

(II) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE NEW RETAIL MARIJUANA TAX REVENUE PRESENTS AN OPPORTUNITY TO INVEST IN SERVICES, SUPPORT, INTERVENTION, AND TREATMENT RELATED TO MARIJUANA AND OTHER DRUGS.

(III) THEREFORE, THE PURPOSES IDENTIFIED IN THIS SUBSECTION (2) PRIORITIZE APPROPRIATIONS RELATED TO LEGALIZED MARIJUANA, SUCH AS DRUG USE PREVENTION AND TREATMENT, PROTECTING THE STATE'S YOUTH, AND ENSURING THE PUBLIC PEACE, HEALTH, AND SAFETY.

(IV) SUBJECT TO THE LIMITATION IN SUBSECTION (5) OF THIS SECTION, THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE ANY MONEYS IN THE FUND FOR ANY FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THEY WERE RECEIVED BY THE STATE FOR THE FOLLOWING PURPOSES:

(A) TO EDUCATE PEOPLE ABOUT MARIJUANA TO PREVENT ITS ILLEGAL USE OR LEGAL ABUSE;

(B) TO PROVIDE SERVICES FOR ADOLESCENTS AND SCHOOL-AGED CHILDREN IN SCHOOL SETTINGS OR THROUGH COMMUNITY-BASED ORGANIZATIONS;

(C) TO TREAT PEOPLE WITH ANY TYPE OF SUBSTANCE-ABUSE DISORDER, ESPECIALLY THOSE WITH CO-OCCURRING DISORDERS;

(D) FOR JAIL-BASED AND OTHER BEHAVIORAL HEALTH SERVICES FOR PERSONS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM THROUGH THE CORRECTIONAL TREATMENT CASH FUND CREATED IN SECTION 18-19-103 (4) (a), C.R.S.;

(E) FOR STATE REGULATORY ENFORCEMENT, POLICY COORDINATION, OR LITIGATION DEFENSE COSTS RELATED TO RETAIL OR MEDICAL MARIJUANA;

(F) FOR LAW ENFORCEMENT AND LAW ENFORCEMENT TRAINING, INCLUDING ANY EXPENSES FOR THE POLICE OFFICERS STANDARDS AND TRAINING BOARD TRAINING OR CERTIFICATION;

(G) FOR THE PROMOTION OF PUBLIC HEALTH, INCLUDING POISON CONTROL, PRESCRIPTION DRUG TAKE-BACK PROGRAMS, THE CREATION OF A MARIJUANA LABORATORY TESTING REFERENCE LIBRARY, AND OTHER PUBLIC HEALTH SERVICES RELATED TO CONTROLLED SUBSTANCES;

(H) TO STUDY THE USE OF MARIJUANA AND OTHER DRUGS, THEIR HEALTH EFFECTS, AND OTHER SOCIAL IMPACTS RELATED TO THEM;

(I) TO RESEARCH, REGULATE, STUDY, AND TEST INDUSTRIAL HEMP OR HEMP SEEDS;

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

(K) GRANTS TO LOCAL GOVERNMENTS FOR DOCUMENTED RETAIL MARIJUANA IMPACTS THROUGH THE LOCAL GOVERNMENT RETAIL MARIJUANA IMPACT GRANT PROGRAM CREATED IN SECTION 24-32-117, C.R.S.

(6) TO INCREASE TRANSPARENCY, THE MARIJUANA ENFORCEMENT DIVISION IN THE DEPARTMENT SHALL INCLUDE A LINK ON ITS WEB SITE THAT DESCRIBES THE DISPOSITION OF THE RETAIL MARIJUANA EXCISE TAX REVENUE AND HOW THE REVENUE FROM THE FUND WAS APPROPRIATED FOR THE FISCAL YEAR 2015-16 AND EACH FISCAL YEAR THEREAFTER.

SECTION 8. In Colorado Revised Statutes, **add** part 6 to article 28.8 of title 39 as follows:

PART 6
BALLOT ISSUE RELATED TO PROPOSITION AA
REFUNDS - PERMITTED USES

39-28.8-601. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT

OTHERWISE REQUIRES:

(1) "BALLOT ISSUE" MEANS THE BALLOT ISSUE REFERRED TO THE VOTERS IN ACCORDANCE WITH SECTION 39-28.8-603 (1).

(2) "MARIJUANA TAX CASH FUND" MEANS THE CASH FUND CREATED IN SECTION 39-28.8-501 (1).

(3) "PROPOSITION AA REFUND ACCOUNT" OR "ACCOUNT" MEANS THE ACCOUNT WITHIN THE GENERAL FUND CREATED IN SECTION 39-28.8-604.

39-28.8-602. Proposition AA blue book - potential refund. (1) (a) A REFUND OF STATE REVENUES MAY BE REQUIRED IF, FOR THE FISCAL YEAR 2014-15, FISCAL YEAR SPENDING IS GREATER THAN TWELVE BILLION EIGHTY MILLION DOLLARS OR IF THE REVENUE FROM RETAIL MARIJUANA TAXES IS GREATER THAN SIXTY-SEVEN MILLION DOLLARS. THE AMOUNT OF THE POTENTIAL REFUND IS EQUAL TO THE COMBINED AMOUNT BY WHICH FISCAL YEAR SPENDING AND RETAIL MARIJUANA TAXES EXCEED THESE AMOUNTS, OR THE ACTUAL AMOUNT OF THE REVENUE FROM RETAIL MARIJUANA TAXES FOR THE FISCAL YEAR 2014-15, WHICHEVER IS LESS.

(b) THE CALCULATION TO DETERMINE IF THERE IS A PROPOSITION AA BLUE BOOK REFUND IS BASED ON THE AUDITED FINANCIAL REPORT PREPARED IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., AND THE ACTUAL REVENUE FROM RETAIL MARIJUANA TAXES RECEIVED BY THE DEPARTMENT.

(2) IF THE CALCULATION SET FORTH IN SUBSECTION (1) OF THIS SECTION INDICATES THAT A PROPOSITION AA BLUE BOOK REFUND IS REQUIRED UNDER SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION, THEN A REFUND SHALL BE MADE IN ACCORDANCE WITH SECTIONS 39-28.8-202 (1) (a) (III) AND 39-28.8-605 (3) AND (4), UNLESS THE VOTERS APPROVE THE BALLOT ISSUE.

39-28.8-603. Ballot issue - proposition AA - later voter approval. (1) IF A PROPOSITION AA BLUE BOOK REFUND IS REQUIRED UNDER SECTION 39-28.8-602, THEN AT THE ELECTION HELD ON NOVEMBER 3, 2015, THE SECRETARY OF STATE SHALL SUBMIT TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION THE FOLLOWING BALLOT ISSUE: "MAY THE STATE RETAIN AND SPEND STATE REVENUES THAT OTHERWISE WOULD BE REFUNDED FOR EXCEEDING AN ESTIMATE INCLUDED IN THE BALLOT INFORMATION BOOKLET FOR PROPOSITION AA AND USE THESE REVENUES TO PROVIDE FORTY MILLION DOLLARS FOR PUBLIC SCHOOL BUILDING CONSTRUCTION AND FOR OTHER NEEDS, SUCH AS LAW ENFORCEMENT, YOUTH PROGRAMS, AND MARIJUANA EDUCATION AND PREVENTION PROGRAMS, INSTEAD OF REFUNDING THESE REVENUES TO RETAIL MARIJUANA CULTIVATION FACILITIES, RETAIL MARIJUANA PURCHASERS, AND OTHER TAXPAYERS?"

(2) APPROVAL OF THE BALLOT ISSUE BY A MAJORITY OF THE ELECTORS THAT VOTE ON THE BALLOT ISSUE CONSTITUTES LATER VOTER APPROVAL TO AVOID THE POTENTIAL REFUND REQUIRED BY SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION IDENTIFIED IN SECTION 39-28.8-602.

(3) FOR PURPOSES OF SECTION 1-5-407 (5) (b), C.R.S., THE BALLOT ISSUE IS A

PROPOSITION. SECTION 1-40-106 (3) (d), C.R.S., DOES NOT APPLY TO THE BALLOT ISSUE.

39-28.8-604. Proposition AA refund account - restricted revenues. (1) THE PROPOSITION AA REFUND ACCOUNT IS CREATED IN THE GENERAL FUND. THE ACCOUNT CONSISTS OF TWENTY-SEVEN MILLION SEVEN HUNDRED THOUSAND DOLLARS FROM THE MONEYS TRANSFERRED FROM THE MARIJUANA TAX CASH FUND IN ACCORDANCE WITH SECTION 39-28.8-501 (4) (b) AND ANOTHER THIRTY MILLION THREE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND. THE MONEYS IN THE ACCOUNT ARE RESTRICTED FROM USE UNTIL JANUARY 1, 2016, AND ARE NOT INCLUDED IN THE YEAR-END BALANCE REQUIRED BY SECTION 24-75-201.1 (1) (d) (XIV), C.R.S.

(2) IF A PROPOSITION AA BLUE BOOK REFUND IS NOT REQUIRED UNDER SECTION 39-28.8-602, THEN ON JANUARY 1, 2016, THE ACCOUNT IS REPEALED AND THE STATE TREASURER SHALL TRANSFER TWENTY-SEVEN MILLION SEVEN HUNDRED THOUSAND DOLLARS FROM THE ACCOUNT BACK TO THE MARIJUANA TAX CASH FUND. THE REMAINING THIRTY MILLION THREE HUNDRED THOUSAND DOLLARS SHALL REMAIN IN THE GENERAL FUND AND BE AVAILABLE FOR APPROPRIATION.

39-28.8-605. Refunds - retail marijuana sales tax rate reduction - revenue backfill - legislative declaration - repeal. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) IF THE BALLOT ISSUE IS REFERRED TO THE VOTERS AND A MAJORITY OF THOSE VOTING THEREON REJECT THE BALLOT ISSUE, THE STATE WILL BE REQUIRED BY SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION TO MAKE REFUNDS PRIOR TO JULY 1, 2016;

(b) AS OF THE EFFECTIVE DATE OF THIS SECTION, THE AMOUNT OF THE REFUND IS EXPECTED TO BE FIFTY-EIGHT MILLION DOLLARS, WHICH IS EQUAL TO THE ANTICIPATED TOTAL AMOUNT OF ALL OF THE RETAIL MARIJUANA TAX REVENUES COLLECTED IN THE STATE DURING THE FISCAL YEAR 2014-15;

(c) TO THE EXTENT POSSIBLE, THE REFUND SHOULD BE MADE FROM REVENUES THAT THE STATE RECEIVED DURING THE FISCAL YEAR 2014-15; AND

(d) THE REFUND MECHANISMS SET FORTH IN SECTION 39-28.8-202 (1) (a) (III) AND IN THIS PART 6 ARE REASONABLE WAYS TO REFUND REVENUES THAT EXCEED AN ESTIMATE INCLUDED IN THE BALLOT INFORMATION BOOKLET FOR PROPOSITION AA, IF REQUIRED BY SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION.

(2) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST", THEN ON JANUARY 1, 2016, THE STATE TREASURER SHALL TRANSFER THIRTEEN MILLION THREE HUNDRED THOUSAND DOLLARS FROM THE PROPOSITION AA REFUND ACCOUNT TO THE MARIJUANA TAX CASH FUND TO REPLACE THE ANTICIPATED DECREASE IN REVENUE THAT WILL RESULT FROM THE RETAIL MARIJUANA SALES TAX RATE REDUCTION IN SECTION 39-28.8-202 (1) (a) (III) (B).

(3) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST", THEN AFTER MARCH 1, 2016, BUT PRIOR TO JULY 1, 2016, THE

DEPARTMENT OF REVENUE SHALL REFUND TO A RETAIL MARIJUANA CULTIVATION FACILITY ALL OF THE TAXES THE FACILITY PAID DURING THE 2014-15 FISCAL YEAR IN ACCORDANCE WITH SECTION 39-28.8-302 (1). THE DEPARTMENT SHALL PAY THE REFUND FROM THE MONEYS IN THE PROPOSITION AA REFUND ACCOUNT. THE DEPARTMENT SHALL ESTABLISH PROCEDURES FOR THE REFUNDS BUT SHALL NOT REQUIRE A FACILITY TO APPLY FOR A REFUND TO RECEIVE ONE.

(4) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST", THEN TWENTY-FIVE MILLION DOLLARS FROM THE PROPOSITION AA REFUND ACCOUNT IS EXCESS STATE REVENUES, AS DEFINED IN SECTION 39-22-2002 (3) (c), FOR THE FISCAL YEAR 2014-15 THAT ARE REQUIRED TO BE REFUNDED TO QUALIFIED INDIVIDUALS FOR THE TAXABLE YEAR COMMENCING ON JANUARY 1, 2015, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 39-22-2002. IF THERE ARE OTHER EXCESS STATE REVENUES REFUNDED, THE DEPARTMENT SHALL INCLUDE A SEPARATE LINE ON THE 2015 INCOME TAX RETURN FOR THE REFUND REQUIRED BY THIS SUBSECTION (4) THAT IS NAMED "SALES TAX REFUND RELATED TO PROPOSITION AA BLUE BOOK ESTIMATES".

39-28.8-606. Approval of ballot issue - account - use of revenues. (1) IF A PROPOSITION AA BLUE BOOK REFUND IS REQUIRED UNDER SECTION 39-28.8-602 BUT A MAJORITY OF THE ELECTORS THAT VOTE ON THE BALLOT ISSUE VOTE "YES/FOR", THEN:

(a) THE STATE TREASURER SHALL TRANSFER FORTY MILLION DOLLARS FROM THE PROPOSITION AA REFUND ACCOUNT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104 (1), C.R.S.; AND

(b) THE GENERAL ASSEMBLY SHALL APPROPRIATE TWELVE MILLION DOLLARS FROM THE PROPOSITION AA REFUND ACCOUNT FOR ANY USE AUTHORIZED IN SECTION 39-28.8-501.

39-28.8-607. Repeal of part. THIS PART 6 IS REPEALED, EFFECTIVE JULY 1, 2017.

SECTION 9. In Colorado Revised Statutes, 1-41-102, **amend** (4) (f); and **add** (4) (g) as follows:

1-41-102. State ballot issue elections in odd-numbered years. (4) As used in this section, "state matters arising under section 20 of article X of the state constitution" includes:

(f) Approval of the weakening of a state limit on revenue, spending, and debt pursuant to section 20 (1) of article X of the state constitution; AND

(g) APPROVAL FOR THE STATE TO RETAIN AND SPEND STATE REVENUES THAT OTHERWISE WOULD BE REFUNDED FOR EXCEEDING AN ESTIMATE INCLUDED IN THE BALLOT INFORMATION BOOKLET IN ACCORDANCE WITH SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION.

SECTION 10. In Colorado Revised Statutes, 18-19-103, **amend** (4) (a) as follows:

18-19-103. Source of revenues - allocation of moneys. (4) (a) There is hereby created in the state treasury the correctional treatment cash fund, referred to in this paragraph (a) as the "fund", which ~~shall consist~~ CONSISTS OF MONEYS APPROPRIATED PURSUANT TO SECTION 39-28.8-501, C.R.S., moneys received by the state treasurer pursuant to paragraph (d) of subsection (3) of this section and subsection (3.5) of this section, and, in addition, each year, the general assembly shall appropriate at least two million two hundred thousand dollars generated from estimated savings from the enactment of Senate Bill 03-318, enacted in 2003, to the fund. The moneys in the fund shall be used for the purposes described in paragraph (c) of subsection (5) of this section. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

SECTION 11. In Colorado Revised Statutes, 22-14-109, **amend** (4) (a) as follows:

22-14-109. Student re-engagement grant program - rules - application - grants - fund created - report. (4) (a) There is hereby created in the state treasury the student re-engagement grant program fund, referred to in this subsection (4) as the "fund", that shall consist of any moneys credited to the fund pursuant to paragraph (b) of this subsection (4) and any additional moneys that the general assembly may appropriate to the fund, INCLUDING MONEYS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., OR THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1), C.R.S. The moneys in the fund shall be subject to annual appropriation by the general assembly to the department for the direct and indirect costs associated with the implementation of this section.

SECTION 12. In Colorado Revised Statutes, 22-93-105, **amend** (1) and (3) (a) as follows:

22-93-105. School bullying prevention and education cash fund - created. (1) There is hereby established in the state treasury the school bullying prevention and education cash fund. The cash fund shall consist of moneys transferred OR APPROPRIATED thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. The moneys in the cash fund are continuously appropriated to the department for the direct and indirect costs associated with implementing this article. Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest and income derived from the investment and deposit of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

(3) (a) ~~No general fund moneys shall be appropriated to the cash fund for the implementation of this article.~~ THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS TO THE BULLYING PREVENTION AND EDUCATION CASH FUND FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., OR FROM THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1), C.R.S.

SECTION 13. In Colorado Revised Statutes, **add** 24-32-117 as follows:

24-32-117. Retail marijuana impact grants - program - creation - definitions.

(1) AS USED IN THIS SECTION:

(a) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT.

(b) "DOCUMENTED MARIJUANA IMPACTS" MEANS THE DOCUMENTED EXPENSES, COSTS, AND OTHER IMPACTS INCURRED AS A RESULT OF LEGAL ACTIVITY RELATED TO THE SALE, TRANSFER, CULTIVATION, OR PROCESSING OF RETAIL MARIJUANA OR ANY ILLEGAL ACTIVITY RELATED TO MARIJUANA.

(c) "ELIGIBLE LOCAL GOVERNMENT" MEANS A LOCAL GOVERNMENT THAT, OTHER THAN A SALES TAX THAT APPLIES EQUALLY TO ALL TANGIBLE GOODS WITHIN ITS JURISDICTION, DOES NOT IMPOSE, LEVY, OR COLLECT ANY TAX ON RETAIL MARIJUANA OR UPON THE OCCUPATION OR PRIVILEGE OF SELLING RETAIL MARIJUANA, AND IF:

(I) A COUNTY, ONE THAT DOES NOT HAVE ANY SALES OF RETAIL MARIJUANA WITHIN ITS UNINCORPORATED AREAS AND THAT:

(A) HAS AT LEAST ONE CITY OR TOWN WITHIN THE COUNTY BOUNDARIES THAT HAS SALES OF RETAIL MARIJUANA WITHIN ITS BOUNDARIES; OR

(B) IS CONTIGUOUS WITH A COUNTY THAT HAS SALES OF RETAIL MARIJUANA ANYWHERE WITHIN THE COUNTY BOUNDARIES; OR

(II) A CITY OR TOWN, ONE THAT DOES NOT HAVE ANY SALES OF RETAIL MARIJUANA WITHIN ITS BOUNDARIES AND THAT:

(A) IS WITHIN A COUNTY THAT ALLOWS SALES OF RETAIL MARIJUANA WITHIN ITS UNINCORPORATED AREAS;

(B) IS WITHIN A COUNTY THAT HAS WITHIN ITS BOUNDARIES AT LEAST ONE OTHER CITY OR TOWN THAT HAS SALES OF RETAIL MARIJUANA WITHIN ITS BOUNDARIES; OR

(C) IS WITHIN A COUNTY THAT IS CONTIGUOUS WITH ANOTHER COUNTY THAT HAS SALES OF RETAIL MARIJUANA ANYWHERE WITHIN THE COUNTY BOUNDARIES.

(d) "GRANT PROGRAM" MEANS THE LOCAL GOVERNMENT RETAIL MARIJUANA IMPACT GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

(e) "RETAIL MARIJUANA" HAS THE SAME MEANING AS SET FORTH IN SECTION 39-28.8-101 (7), C.R.S.; EXCEPT THAT THE TERM ALSO INCLUDES "RETAIL MARIJUANA PRODUCTS", AS DEFINED IN SECTION 39-28.8-101 (9), C.R.S.

(2) THE LOCAL GOVERNMENT RETAIL MARIJUANA IMPACT GRANT PROGRAM IS CREATED IN THE DIVISION. THROUGH THE PROGRAM, THE DIVISION SHALL AWARD GRANTS TO ELIGIBLE LOCAL GOVERNMENTS FOR DOCUMENTED MARIJUANA IMPACTS. IN AWARDING GRANTS, THE DIVISION SHALL GIVE PRIORITY TO AN ELIGIBLE LOCAL GOVERNMENT THAT INTENDS TO USE THE MONEY FOR ONE OR MORE OF THE

FOLLOWING PURPOSES:

(a) TO PAY FOR ADDITIONAL LAW ENFORCEMENT ACTIVITIES RELATED TO RETAIL MARIJUANA, INCLUDING COSTS ASSOCIATED WITH INCREASED ARRESTS, INCREASED TRAFFIC VIOLATIONS, AND PREVENTION OF OUT-OF-STATE DIVERSIONS AND TRAFFICKING OF MARIJUANA;

(b) TO FUND YOUTH SERVICES, ESPECIALLY THOSE THAT PREVENT THE USE OF MARIJUANA; AND

(c) TO MITIGATE OTHER IMPACTS THAT THE CULTIVATION, TESTING, SALE, CONSUMPTION, OR REGULATION OF RETAIL MARIJUANA HAS ON SERVICES PROVIDED BY AN ELIGIBLE LOCAL GOVERNMENT.

(3) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEYS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., OR THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1), C.R.S., TO THE DIVISION TO MAKE THE GRANTS DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND FOR THE DIVISION'S REASONABLE ADMINISTRATIVE EXPENSES RELATED TO THE GRANTS. ANY UNEXPENDED AND UNENCUMBERED MONEYS FROM AN APPROPRIATION MADE PURSUANT TO THIS SUBSECTION (3) REMAIN AVAILABLE FOR EXPENDITURE BY THE DIVISION IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

(4) THE DIVISION SHALL ADOPT POLICIES AND PROCEDURES THAT ARE NECESSARY FOR THE ADMINISTRATION OF THE GRANT PROGRAM, INCLUDING RULES RELATED TO THE APPLICATION PROCESS AND THE GRANT AWARD CRITERIA.

(5)(a) ON OR BEFORE NOVEMBER 1, 2018, AND ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER, THE DIVISION SHALL INCLUDE AN UPDATE REGARDING THE EFFECTIVENESS OF THE GRANT PROGRAM IN ITS REPORT TO THE MEMBERS OF THE APPLICABLE COMMITTEES OF REFERENCE IN THE SENATE AND HOUSE OF REPRESENTATIVES REQUIRED BY THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, C.R.S.

(b) THE REPORTING REQUIREMENT IN PARAGRAPH (a) OF THIS SUBSECTION (5) IS NOT SUBJECT TO THE PROVISIONS OF SECTION 24-1-136 (11) (a) (I).

SECTION 14. In Colorado Revised Statutes, 25-32-105, **amend** (1) (b) as follows:

25-32-105. Department - poison control services - duties - contract. (1) The department has the following powers and duties with respect to the provision of poison control services on a statewide basis and for the dissemination of information as provided in this article:

(b) (I) To contract with private, nonprofit, or public entities for the continuing provision of statewide poison control services and the continuing dissemination of poison control information to the citizens of the state by means of a toll-free telephone network, the provision of which services initially commenced on July 1,

1995. The department shall review the contract at least once each year and shall solicit and receive bids on the provision of poison control services no less than once every five years. This paragraph (b) shall apply to contract years commencing July 1, 1995, and thereafter.

(II) ON OR AFTER JANUARY 1, 2016, TO CONTRACT WITH PRIVATE, NONPROFIT, OR PUBLIC ENTITIES FOR THE CONTINUING PROVISION OF STATEWIDE POISON CONTROL SERVICES AND THE CONTINUING DISSEMINATION OF POISON CONTROL INFORMATION TO THE CITIZENS OF THE STATE BY MEANS OTHER THAN A TOLL-FREE TELEPHONE NETWORK, SUCH AS TEXT MESSAGING, INSTANT MESSAGING, AND EMAIL. THE ENTITY OR ENTITIES SHALL COORDINATE THESE SERVICES WITH THE TOLL-FREE TELEPHONE NETWORK DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). THE GENERAL ASSEMBLY SHALL APPROPRIATE AT LEAST ONE MILLION DOLLARS FOR THE FISCAL YEAR 2015-16 TO THE DEPARTMENT FOR IT TO CONTRACT WITH AN ENTITY TO BUILD THE INFRASTRUCTURE NECESSARY FOR THE SERVICES IDENTIFIED IN THIS SUBPARAGRAPH (II), AND ANY UNEXPENDED AND UNENCUMBERED MONEYS FROM THE APPROPRIATION REMAIN AVAILABLE FOR EXPENDITURE BY THE DEPARTMENT IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION. IN ADDITION, THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEYS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., OR THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1), C.R.S., TO THE DEPARTMENT FOR THE SERVICES IDENTIFIED IN THIS SUBPARAGRAPH (II).

SECTION 15. In Colorado Revised Statutes, 26-6.8-104, **amend** (6) as follows:

26-6.8-104. Colorado Youth Mentoring Services Act. (6) Youth mentoring services cash fund. There is hereby created in the state treasury the youth mentoring services cash fund. The moneys in the youth mentoring services cash fund are subject to annual appropriation by the general assembly for the direct and indirect costs of implementing this section. The executive director may accept on behalf of the state any grants, gifts, or donations from any private or public source for the purpose of this section. All private and public funds received through grants, gifts, or donations shall be transmitted to the state treasurer, who shall credit the same to the youth mentoring services cash fund. THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., OR THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1), C.R.S. All investment earnings derived from the deposit and investment of moneys in the fund shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

SECTION 16. In Colorado Revised Statutes, 39-22-2002, **amend** (3) as follows:

39-22-2002. Fiscal years commencing on or after July 1, 1998 - state sales tax refund - authority of executive director - repeal. (3) As used in this section, unless the context otherwise requires, "excess state revenues" means the total combined amount of:

(a) Excess revenues that voters statewide have not authorized the state to retain and spend and that are required to be refunded pursuant to section 20 (7) (d) of article X of the state constitution and that are not refunded by another method established by law for said fiscal year ending in that calendar year; ~~and~~

(b) Excess revenues that voters statewide did not authorize the state to retain and spend and were required to be refunded pursuant to section 20 (7) (d) of article X of the state constitution for any other fiscal year and that were not refunded by another method established by law prior to said fiscal year, but that were not refunded by the state as required; AND

(c) (I) REVENUES SPECIFIED IN SECTION 39-28.8-605 (4).

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2017.

SECTION 17. In Colorado Revised Statutes, **add** 25.5-5-208 as follows:

25.5-5-208. Additional services - training - grants - screening, brief intervention, and referral. ON OR BEFORE JUNE 30, 2016, THE STATE DEPARTMENT SHALL GRANT, THROUGH A COMPETITIVE GRANT PROGRAM, UP TO FIVE HUNDRED THOUSAND DOLLARS TO ONE OR MORE ORGANIZATIONS TO PROVIDE EVIDENCE-BASED TRAINING AND OUTREACH TO HEALTH PROFESSIONALS STATEWIDE RELATED TO SCREENING, BRIEF INTERVENTION, AND REFERRAL TO TREATMENT FOR INDIVIDUALS AT RISK OF SUBSTANCE ABUSE FOR WHOM COLORADO PROVIDES OPTIONAL SERVICES IN ACCORDANCE WITH SECTION 25.5-5-202 (1) (u). FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2016, THE STATE DEPARTMENT SHALL AWARD ADDITIONAL GRANTS FOR THIS TRAINING AND OUTREACH, SUBJECT TO AVAILABLE APPROPRIATIONS. ANY MONEYS APPROPRIATED FOR GRANTS PURSUANT TO THIS SECTION ARE NOT SUBJECT TO FEDERAL FINANCIAL PARTICIPATION.

SECTION 18. In Colorado Revised Statutes, **add** 29-2-114 as follows:

29-2-114. Retail marijuana excise tax - county - municipality - election.
(1) (a) IN ADDITION TO ANY SALES TAX IMPOSED PURSUANT TO SECTION 29-2-103 AND ARTICLES 26 AND 28.8 OF TITLE 39, C.R.S., AND IN ADDITION TO THE EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., EACH COUNTY IN THE STATE IS AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A COUNTY EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY AUTHORIZED BY THE COUNTY; EXCEPT THAT A COUNTY IS NOT AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A COUNTY EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY PURSUANT TO THIS SUBSECTION (1) WITHIN ANY MUNICIPALITY THAT LEVIES SUCH AN EXCISE TAX PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE TAX SHALL BE IMPOSED AT THE TIME WHEN THE RETAIL MARIJUANA CULTIVATION FACILITY FIRST SELLS OR TRANSFERS UNPROCESSED RETAIL MARIJUANA FROM THE RETAIL MARIJUANA CULTIVATION FACILITY TO A RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY, A RETAIL MARIJUANA STORE, OR ANOTHER RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX RATE IMPOSED PURSUANT TO THIS PARAGRAPH (a) SHALL NOT EXCEED FIVE PERCENT OF THE AVERAGE MARKET RATE, AS DETERMINED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-28.8-101 (1), C.R.S., OF THE UNPROCESSED RETAIL MARIJUANA.

(b) NO EXCISE TAX SHALL BE LEVIED PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1) UNTIL THE PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE COUNTY. THE ADOPTION

PROCEDURES FOR A COUNTYWIDE SALES TAX, USE TAX, OR BOTH, AS SPECIFIED IN THIS ARTICLE, SHALL APPLY TO THE REFERRAL AND APPROVAL OF AN EXCISE TAX PURSUANT TO THIS SUBSECTION (1). ANY PROPOSAL FOR THE LEVY OF AN EXCISE TAX IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (1) MAY BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE COUNTY ONLY ON THE DATE OF THE STATE GENERAL ELECTION OR ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, AND ANY ELECTION ON THE PROPOSAL MUST BE CONDUCTED BY THE COUNTY CLERK AND RECORDER IN ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

(2)(a) IN ADDITION TO ANY SALES TAX IMPOSED PURSUANT TO SECTION 29-2-102 AND ARTICLES 26 AND 28.8 OF TITLE 39, C.R.S., AND IN ADDITION TO THE EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., EACH MUNICIPALITY IN THE STATE IS AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A MUNICIPAL EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX SHALL BE IMPOSED AT THE TIME WHEN THE RETAIL MARIJUANA CULTIVATION FACILITY FIRST SELLS OR TRANSFERS UNPROCESSED RETAIL MARIJUANA FROM THE RETAIL MARIJUANA CULTIVATION FACILITY TO A RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY, A RETAIL MARIJUANA STORE, OR ANOTHER RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX RATE IMPOSED BY ANY STATUTORY MUNICIPALITY PURSUANT TO THIS PARAGRAPH (a) SHALL NOT EXCEED FIVE PERCENT OF THE AVERAGE MARKET RATE, AS DETERMINED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-28.8-101 (1), C.R.S., OF THE UNPROCESSED RETAIL MARIJUANA.

(b) NO EXCISE TAX SHALL BE LEVIED PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2) UNTIL THE PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE MUNICIPALITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 10 OF TITLE 31, C.R.S. ANY PROPOSAL FOR THE LEVY OF AN EXCISE TAX IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2) MAY BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE MUNICIPALITY ON THE DATE OF THE STATE GENERAL ELECTION, ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, OR ON THE DATE OF A MUNICIPAL BIENNIAL ELECTION. ANY ELECTION ON THE PROPOSAL SHALL BE CONDUCTED BY THE CLERK OF THE MUNICIPALITY IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, C.R.S.

(3) ANY EXCISE TAX IMPOSED BY A COUNTY OR MUNICIPALITY PURSUANT TO THIS SECTION SHALL NOT BE COLLECTED, ADMINISTERED, OR ENFORCED BY THE DEPARTMENT OF REVENUE, BUT SHALL INSTEAD BE COLLECTED, ADMINISTERED, AND ENFORCED BY THE COUNTY OR MUNICIPALITY IMPOSING THE TAX.

(4) A COUNTY OR MUNICIPALITY IN WHICH THE ELIGIBLE ELECTORS HAVE APPROVED AN EXCISE TAX PURSUANT TO THIS SECTION MAY CREDIT THE REVENUES COLLECTED FROM THE TAX TO THE GENERAL FUND OF THE COUNTY OR MUNICIPALITY OR TO ANY SPECIAL FUND CREATED IN THE COUNTY OR MUNICIPALITY'S TREASURY. THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY USE THE REVENUES COLLECTED FROM THE TAX IMPOSED PURSUANT TO THIS SECTION FOR ANY PURPOSE AS DETERMINED BY THE GOVERNING BODY OR THE ELECTORS OF THE COUNTY OR MUNICIPALITY, AS APPLICABLE.

(5) THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO INVALIDATE THE PRESUMED LEGALITY OF ANY COUNTY OR MUNICIPAL EXCISE TAX IMPOSED ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY THAT IS CONSISTENT WITH THIS SECTION AND THAT IS IN ADDITION TO ANY EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., AND THAT WAS APPROVED BY THE ELIGIBLE ELECTORS OF THE COUNTY OR MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (5).

(6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT COUNTIES AND MUNICIPALITIES FROM COOPERATING TO CREATE A COUNTYWIDE UNIFORM EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY WITH VOLUNTARY ABANDONMENT OF MUNICIPAL EXCISE TAX ORDINANCES.

SECTION 19. In Colorado Revised Statutes, 32-1-1004, **add** (10) as follows:

32-1-1004. Metropolitan districts - additional powers and duties. (10) (a) IN ADDITION TO THE EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., A METROPOLITAN DISTRICT WITH BOUNDARIES ENTIRELY WITHIN THE UNINCORPORATED AREA OF A COUNTY IS AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A METROPOLITAN DISTRICT EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX SHALL BE IMPOSED AT THE TIME WHEN THE RETAIL MARIJUANA CULTIVATION FACILITY FIRST SELLS OR TRANSFERS UNPROCESSED RETAIL MARIJUANA FROM THE RETAIL MARIJUANA CULTIVATION FACILITY TO A RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY, A RETAIL MARIJUANA STORE, OR ANOTHER RETAIL MARIJUANA CULTIVATION FACILITY.

(b) IF THE BOUNDARIES OF A METROPOLITAN DISTRICT ARE WITHIN A COUNTY THAT IMPOSES AN ADDITIONAL EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY PURSUANT TO SECTION 29-2-114, C.R.S., THE EXCISE TAX RATE IMPOSED BY THE METROPOLITAN DISTRICT PURSUANT TO THIS SUBSECTION (10) SHALL NOT EXCEED SUCH TAX RATE IMPOSED BY THE COUNTY. IN NO EVENT SHALL THE TAX RATE IMPOSED PURSUANT TO THIS SUBSECTION (10) EXCEED FIVE PERCENT OF THE AVERAGE MARKET RATE, AS DETERMINED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-28.8-101 (1), C.R.S., OF THE UNPROCESSED RETAIL MARIJUANA.

(c) NO EXCISE TAX SHALL BE LEVIED PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (10) UNTIL THE PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE METROPOLITAN DISTRICT. ANY PROPOSAL FOR THE LEVY OF AN EXCISE TAX IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (10) MAY BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT AT A REGULAR SPECIAL DISTRICT ELECTION, ON THE DATE OF THE STATE GENERAL ELECTION, OR ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, AND ANY ELECTION ON THE PROPOSAL MUST BE CONDUCTED IN ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

(d) ANY RETAIL MARIJUANA EXCISE TAX IMPOSED BY A METROPOLITAN DISTRICT

PURSUANT TO THIS SUBSECTION (10) SHALL NOT BE COLLECTED, ADMINISTERED, OR ENFORCED BY THE DEPARTMENT OF REVENUE, BUT SHALL INSTEAD BE COLLECTED, ADMINISTERED, AND ENFORCED BY THE METROPOLITAN DISTRICT IMPOSING THE TAX OR THROUGH AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY IN WHICH THE METROPOLITAN DISTRICT IS LOCATED.

SECTION 20. In Colorado Revised Statutes, 35-10-112.5, **amend** (1), (2) introductory portion, (2) (b), and (3) (b) as follows:

35-10-112.5. Statewide uniformity of pesticide control and regulation - exceptions. (1) The general assembly hereby determines that:

(a) The citizens of this state benefit from a system of safe, effective, and scientifically sound pesticide regulation;

(b) ~~The general assembly further finds that~~ A system of pesticide regulation that is consistent and coordinated, that creates statewide uniform standards, and that conforms with both state and federal technical standards and requirements is essential to the public health, safety, and welfare, and finds that local regulation of pesticides that is inconsistent with and adopts different standards from federal and state requirements does not assist in achieving these benefits;

(c) ~~The general assembly also finds and declares that~~ Through statute and regulation, the state has created a system of pesticide regulation based upon scientific standards that protects the citizens of this state; ~~The general assembly expressly finds and declares that~~

(d) ALTHOUGH THE CULTIVATION OF MARIJUANA IS ILLEGAL UNDER FEDERAL LAW AND SO THE USE OF PESTICIDES IN CULTIVATING MARIJUANA IS NOT SPECIFICALLY ALLOWED BY ANY PESTICIDE'S LABEL, THE CULTIVATION OF MARIJUANA IS SPECIFICALLY ALLOWED AND REGULATED BY COLORADO LAW, AND THE USE OF PESTICIDES SHOULD BE REGULATED PURSUANT TO THIS ARTICLE AND RULES PROMULGATED PURSUANT TO THIS ARTICLE RATHER THAN PURSUANT TO LOCAL LAWS; AND

(e) Pesticide regulation is a matter of statewide concern.

(2) ~~Ne~~ A local government shall NOT adopt or continue in effect any ordinance, rule, resolution, charter provision, or statute regarding the use of any pesticide by persons regulated by this article or federal law and pertaining to:

(b) (I) THE use and application of pesticides by persons regulated by this article or federal law, including but not limited to, directions for use, classification of pesticides as general or restricted use, mixing and loading, site of application, target pest, dosage rate, method of application, application equipment, frequency and timing of applications, application rate, reentry intervals, worker specifications, container storage and disposal, required intervals between application and harvest of food or feed crops, rotational crop restrictions, and warnings against use on certain crops, animals, or objects or against use in or adjacent to certain areas.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) APPLIES TO THE USE AND

APPLICATION OF PESTICIDES BY PERSONS REGULATED BY THIS ARTICLE OR FEDERAL LAW IN CONNECTION WITH THE CULTIVATION OF MARIJUANA.

(3) (b) This subsection (3) ~~may~~ DOES NOT ~~be construed to~~ authorize a local government to utilize THE POLICE POWER OR the authority to zone, to provide or designate disposal sites, to adopt and enforce building and fire codes, or to regulate the transportation of pesticides as described in paragraph (a) of this subsection (3) to directly or indirectly regulate or prohibit the application of pesticides by persons regulated by this article or by federal law, INCLUDING IN CONNECTION WITH THE CULTIVATION OF MARIJUANA.

SECTION 21. Appropriation. (1) For the 2015-16 state fiscal year, \$2,500,000 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from the proposition AA refund account in the general fund. The division may use this appropriation for the marijuana education campaign as part of the chronic disease prevention programs.

(2) For the 2015-16 state fiscal year, \$1,000,000 is appropriated to the department of public health and environment. This appropriation is from the proposition AA refund account in the general fund. The department may use this appropriation for poison control centers as specified in section 25-32-102 (1) (b) (II), C.R.S.

(3) For the 2015-16 state fiscal year, \$2,000,000 is appropriated to the school bullying prevention and education cash fund created in section 22-93-105 (1), C.R.S. This appropriation is from the proposition AA refund account in the general fund. The department of education is responsible for the accounting related to this appropriation.

(4) (a) For the 2015-16 state fiscal year, \$2,000,000 is appropriated to the student re-engagement grant program fund created in section 22-14-109 (4) (a), C.R.S. This appropriation is from the proposition AA refund account in the general fund. The department of education is responsible for the accounting related to this appropriation.

(b) For the 2015-16 state fiscal year, \$2,000,000 is appropriated to the department of education. This appropriation is from reappropriated funds in the student re-engagement grant program fund under paragraph (a) of this subsection (4). The department may use the appropriation for the direct and indirect costs associated with the student re-engagement grant program.

(5) (a) For the 2015-16 state fiscal year, \$1,000,000 is appropriated to the youth mentoring services cash fund created in section 26-6.8-104 (6), C.R.S. This appropriation is from the proposition AA refund account in the general fund. The department of human services is responsible for the accounting related to this appropriation.

(b) For the 2015-16 state fiscal year, \$1,000,000 is appropriated to the department of human services. This appropriation is from reappropriated funds in the youth mentoring services cash fund under paragraph (a) of this subsection (5). The department may use the appropriation for the provision of youth mentoring services

in accordance with section 26-6.8-104, C.R.S.

(6) For the 2015-16 state fiscal year, \$1,000,000 is appropriated to the department of human services. This appropriation is from the proposition AA refund account in the general fund. The department may use the appropriation for the purpose of providing grants through the Tony Grampsas youth mentoring program to statewide membership organizations.

(7) For the 2015-16 state fiscal year, \$500,000 is appropriated to the department of health care policy and financing. This appropriation is from the proposition AA refund account in the general fund. The department may use this appropriation to make grants to organizations to provide evidence-based training for health professionals statewide related to screening, brief intervention, and referral to treatment for individuals at risk of substance abuse.

(8) For the 2015-16 state fiscal year, \$300,000 is appropriated to the department of agriculture for use by the Colorado state fair authority. This appropriation is from the proposition AA refund account in the general fund. The authority may use this appropriation for FFA and 4H funding.

(9) For the 2015-16 state fiscal year, \$1,000,000 is appropriated to the department of local affairs for use by the division of local government. This appropriation is from the proposition AA refund account in the general fund. The division may use this appropriation for grants through the local government retail marijuana impact grant program created in section 24-32-117 (2), C.R.S.

(10) For the 2015-16 state fiscal year, \$500,000 is appropriated to the department of human services. This appropriation is from the proposition AA refund account in the general fund. The department may use this money for treatment and detoxification contracts.

(11) For the 2015-16 state fiscal year, \$200,000 is appropriated to the department of law for use by the peace officers standards and training board. This appropriation is from the proposition AA refund account in the general fund. The board may use this appropriation for advanced roadside impaired driving enforcement training for peace officers.

(12) For the 2015-16 state fiscal year, \$82,132 is appropriated to the department of local affairs. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$57,494 for use by division of local government for the local government retail marijuana impact grant program, which amount is based on an assumption that the division will require an additional 1.0 FTE;

(b) \$21,803 for the purchase of information technology services; and

(c) \$2,835 for the purchase of legal services.

(13) For the 2015-16 state fiscal year, \$21,803 is appropriated to the office of the

governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs under paragraph (b) of subsection (12) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

(14) For the 2015-16 state fiscal year, \$2,835 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of local affairs under paragraph (c) of subsection (12) of this section. To implement this act, the department may use this appropriation to provide legal services for the department of local affairs.

SECTION 22. Appropriation - adjustments to 2015 long bill. (1) For the 2015-16 state fiscal year, \$71,342 is appropriated to the department of local affairs. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$69,452 for use by division of local government for the local government retail marijuana impact grant program, which amount is based on an assumption that the division will require an additional 1.0 FTE;

(b) \$1,890 for the purchase of legal services.

(2) For the 2015-16 state fiscal year, \$1,890 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of local affairs under paragraph (b) of subsection (1) of this section. To implement this act, the department may use this appropriation to provide legal services for the department of local affairs.

(3) For the 2015-16 state fiscal year, \$25,440 is appropriated to the department of revenue. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation for CITA annual maintenance and support.

(4) To implement this act, appropriations made in the annual general appropriation act for the 2015-16 state fiscal year to the department of human services are adjusted as follows:

(a) The cash funds appropriation from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., for jail-based behavioral health services is decreased by \$1,550,000; and

(b) The appropriation from reappropriated funds transferred from the judicial department for jail-based behavioral health services is increased by \$1,550,000.

(5) For the 2015-16 state fiscal year, \$1,550,000 is appropriated to the correctional treatment cash fund created in section 18-19-103 (4) (a), C.R.S. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. The judicial department is responsible for the accounting related to this appropriation.

(6) For the 2015-16 state fiscal year, \$1,550,000 is appropriated to the judicial department. This appropriation is from reappropriated funds in the correctional treatment cash fund under subsection (5) of this section. To implement this act, the department may use the appropriation for offender treatment and services.

(7) For the 2015-16 state fiscal year, \$314,633 is appropriated to the department of agriculture. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$289,930 for use by agriculture services division for plant industry, which amount is based on an assumption that the division will require an additional 4.3 FTE; and

(b) \$24,703 for the purchase of legal services.

(8) For the 2015-16 state fiscal year, \$24,703 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of agriculture under paragraph (b) of subsection (7) of this section and is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of agriculture.

SECTION 23. Effective date - applicability. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect upon passage.

(2) (a) Sections 14, 17, and 21 of this act take effect only if, at the November 2015 statewide election, a majority of voters approve the ballot issue referred in accordance with section 39-28.8-603 (1), Colorado Revised Statutes.

(b) If the voters at the November 2015 statewide election approve a measure described in paragraph (a) of this subsection (2), then sections 14, 17, and 21 of this act take effect on the date of the official declaration of the vote thereon by the governor, or January 1, 2016, whichever is later.

(3) Sections 18 and 19 of this act apply to retail marijuana excise taxes levied by a county, municipality, or metropolitan district on or after January 1, 2014.

SECTION 24. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 4, 2015