

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0621.01 Richard Sweetman

HOUSE BILL 09-1312

HOUSE SPONSORSHIP

Kerr A., Merrifield, Middleton, Scanlan, Todd

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR**
102 **SCHOOLS LOAN PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the renewable energy and energy efficiency for schools loan program (loan program) to fund renewable energy projects and battery-powered and hybrid-electric bus projects in qualified school districts. Makes administration of the loan program a permissible use of moneys appropriated from the public school energy efficiency fund. Extends the repeal date associated with the public school energy efficiency fund.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 ASSEMBLY HEREBY FINDS THAT:

2 (a) COLORADO'S SCHOOL DISTRICTS FACE A PERENNIAL STRUGGLE
3 WITH TIGHT BUDGETS, AND THEIR FINANCIAL DIFFICULTIES ARE WORSENERD
4 BY VOLATILE ENERGY PRICES THAT OFTEN LEAD TO HIGH UTILITY BILLS;

5 (b) A SMALL BUT GROWING NUMBER OF SCHOOL DISTRICTS HAVE
6 RESPONDED TO THESE DIFFICULTIES BY BEGINNING TO PRODUCE THEIR
7 OWN ENERGY WITH RENEWABLE ENERGY SOURCES;

8 (c) BY PRODUCING THEIR OWN ENERGY WITH RENEWABLE ENERGY
9 SOURCES, SOME SCHOOL DISTRICTS HAVE REDUCED THEIR ENERGY COSTS
10 WHILE PROMOTING ENERGY INDEPENDENCE AND ENVIRONMENTAL
11 RESPONSIBILITY AND HAVE PROVIDED STUDENTS WITH AN OPPORTUNITY
12 TO UNDERSTAND THIS BURGEONING TECHNOLOGY; AND

13 (d) SOME SCHOOL DISTRICTS HAVE ALSO REDUCED THEIR ENERGY
14 COSTS BY IMPROVING THE EFFICIENCY OF THEIR EXISTING ENERGY
15 SOURCES.

16 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT SECTION 3 OF
17 ARTICLE IX OF THE STATE CONSTITUTION AUTHORIZES THE GENERAL
18 ASSEMBLY TO ADOPT LAWS ESTABLISHING THE TERMS AND CONDITIONS
19 UPON WHICH THE STATE TREASURER MAY MAKE LOANS TO SCHOOL
20 DISTRICTS IN ORDER TO ASSIST PUBLIC SCHOOLS IN PROVIDING NECESSARY
21 BUILDINGS, LAND, AND EQUIPMENT.

22 (3) NOW, THEREFORE, THE GENERAL ASSEMBLY DETERMINES AND
23 DECLARES THAT IT WOULD SERVE THE BEST INTERESTS OF COLORADO
24 SCHOOLS FOR THE STATE TO MAKE AVAILABLE LOANS TO SUPPORT THE
25 EFFORTS OF SCHOOL DISTRICTS THAT CHOOSE TO UNDERTAKE RENEWABLE
26 ENERGY PROJECTS OR BATTERY-POWERED OR HYBRID-ELECTRIC BUS
27 PROJECTS.

1 **22-92-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "BATTERY-POWERED OR HYBRID-ELECTRIC BUS PROJECT"
4 MEANS A PROJECT TO HELP A QUALIFIED SCHOOL DISTRICT ATTAIN AND
5 EMPLOY BATTERY-POWERED OR HYBRID-ELECTRIC BUSES IN ITS DAILY
6 TRANSPORTATION OPERATIONS FOR THE PURPOSE OF REDUCING ENERGY
7 CONSUMPTION AND EXPENDITURES.

8 (2) "GOVERNOR'S ENERGY OFFICE" OR "OFFICE" MEANS THE
9 GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., OR
10 ANY SUCCESSOR OFFICE.

11 (3) "PUBLIC SCHOOL FUND" MEANS THE PUBLIC SCHOOL FUND
12 CREATED AND EXISTING PURSUANT TO SECTION 3 OF ARTICLE IX OF THE
13 STATE CONSTITUTION.

14 (4) "QUALIFIED SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
15 THE STATE THAT HAS A RENEWABLE ENERGY PROJECT TEAM.

16 (5) "RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS
17 LOAN PROGRAM" OR "LOAN PROGRAM" MEANS THE RENEWABLE ENERGY
18 AND ENERGY EFFICIENCY FOR SCHOOLS LOAN PROGRAM CREATED IN
19 SECTION 22-92-104.

20 (6) "RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS
21 LOAN PROGRAM ADMINISTRATION FUND" OR "FUND" MEANS THE
22 RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS LOAN
23 PROGRAM ADMINISTRATION FUND CREATED IN SECTION 22-92-106.

24 (7) "RENEWABLE ENERGY PROJECT" MEANS A PROJECT TO HELP A
25 QUALIFIED SCHOOL DISTRICT INSTALL EQUIPMENT AND RELATED
26 INFRASTRUCTURE THAT WILL HELP DEFRAY THE SCHOOL DISTRICT'S
27 ENERGY COSTS AND PROVIDE EDUCATIONAL OPPORTUNITIES FOR

1 STUDENTS RELATING TO THE GENERATION OF RENEWABLE ENERGY. A
2 "RENEWABLE ENERGY PROJECT" SHALL BE OPERATED IN COMPLIANCE WITH
3 EXISTING LAWS AND MAY INCORPORATE ONE OR MORE OF THE FOLLOWING:

- 4 (a) WIND ENERGY;
- 5 (b) SOLAR ENERGY; OR
- 6 (c) OTHER SOURCES OF RENEWABLE ENERGY.

7 (8) "RENEWABLE ENERGY PROJECT TEAM" MEANS A TEAM OF
8 PEOPLE WHO ARE DEDICATED TO A RENEWABLE ENERGY PROJECT AT A
9 SCHOOL DISTRICT. A RENEWABLE ENERGY PROJECT TEAM SHALL INCLUDE,
10 AT A MINIMUM, REPRESENTATIVES OF THE SCHOOL DISTRICT,
11 REPRESENTATIVES OF THE LOCAL COMMUNITY, AND AT LEAST ONE
12 MEMBER WHO PROVIDES PROFESSIONAL TECHNICAL ASSISTANCE TO THE
13 SCHOOL DISTRICT TO FACILITATE A RENEWABLE ENERGY PROJECT OR A
14 BATTERY-POWERED OR HYBRID-ELECTRIC BUS PROJECT.

15 **22-92-104. Renewable energy and energy efficiency for schools**
16 **loan program - created - applications - permissible uses of loans.**

17 (1) THERE IS HEREBY CREATED THE RENEWABLE ENERGY AND ENERGY
18 EFFICIENCY FOR SCHOOLS LOAN PROGRAM TO FUND RENEWABLE ENERGY
19 PROJECTS AND BATTERY-POWERED OR HYBRID-ELECTRIC BUS PROJECTS AT
20 QUALIFIED SCHOOL DISTRICTS. A QUALIFIED SCHOOL DISTRICT MAY, WITH
21 THE WRITTEN AUTHORIZATION OF THE SCHOOL DISTRICT BOARD OF
22 EDUCATION, APPLY TO THE GOVERNOR'S ENERGY OFFICE, IN ACCORDANCE
23 WITH PROCEDURES AND DEADLINES ESTABLISHED BY RULES
24 PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO
25 SECTION 22-92-105, TO RECEIVE MONEYS THROUGH THE LOAN PROGRAM.
26 THE OFFICE SHALL ADMINISTER THE LOAN PROGRAM AS PROVIDED IN THIS
27 ARTICLE AND PURSUANT TO THE POLICIES ADOPTED BY THE OFFICE.

1 (2) (a) A QUALIFIED SCHOOL DISTRICT THAT RECEIVES A LOAN
2 THROUGH THE LOAN PROGRAM SHALL USE THE MONEYS RECEIVED TO PAY
3 FOR TECHNICAL ASSISTANCE, EQUIPMENT, OR INSTALLATION COSTS
4 ASSOCIATED WITH A RENEWABLE ENERGY PROJECT OR A
5 BATTERY-POWERED OR HYBRID-ELECTRIC BUS PROJECT.

6 (b) A QUALIFIED SCHOOL DISTRICT THAT RECEIVES A LOAN
7 THROUGH THE LOAN PROGRAM FOR A RENEWABLE ENERGY PROJECT MAY
8 USE THE MONEYS RECEIVED TO FINANCE THE ACQUISITION OF A
9 RENEWABLE ENERGY PROJECT.

10 (3) A QUALIFIED SCHOOL DISTRICT THAT RECEIVES A LOAN
11 THROUGH THE LOAN PROGRAM FOR A RENEWABLE ENERGY PROJECT SHALL
12 CONTACT ITS LOCAL ELECTRICAL UTILITY AND ALLOW THE UTILITY, AT THE
13 UTILITY'S DISCRETION, TO PLACE A REPRESENTATIVE OF THE UTILITY ON
14 THE SCHOOL DISTRICT'S RENEWABLE ENERGY PROJECT TEAM.

15 **22-92-105. Renewable energy and energy efficiency for schools**
16 **loan program - rules - awarding loans.** (1) ON OR BEFORE OCTOBER
17 15, 2009, THE STATE BOARD OF EDUCATION, IN CONSULTATION WITH THE
18 GOVERNOR'S ENERGY OFFICE, SHALL PROMULGATE RULES ESTABLISHING
19 POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF THE RENEWABLE
20 ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS LOAN PROGRAM. AT A
21 MINIMUM, THE RULES SHALL INCLUDE:

22 (a) POLICIES SPECIFYING THE PROCEDURES BY WHICH A QUALIFIED
23 SCHOOL DISTRICT MAY APPLY FOR A LOAN, THE FORM OF THE LOAN
24 APPLICATION, THE INFORMATION TO BE PROVIDED BY AN APPLICANT, AND
25 THE CRITERIA USED BY THE OFFICE FOR AWARDING AND DENYING LOANS;

26 (b) THE REQUIREMENTS THAT THE OFFICE SHALL REQUIRE OF LOAN
27 APPLICANTS, WHICH REQUIREMENTS SHALL INCLUDE, BUT NEED NOT BE

1 LIMITED TO A REQUIREMENT THAT A LOAN APPLICANT SUBMIT WITH ITS
2 APPLICATION:

3 (I) AN ENERGY RATING FOR THE FACILITY FOR WHICH THE LOAN IS
4 INTENDED THAT DEMONSTRATES THAT THE FACILITY QUALIFIES FOR THE
5 FEDERAL ENERGY STAR LABEL, WHICH RATING HAS BEEN ISSUED AS A
6 RESULT OF AN AUDIT PERFORMED BY A QUALIFIED ENERGY EFFICIENCY
7 AUDITOR; OR

8 (II) AN ENERGY EFFICIENCY PLAN THAT IS CREATED IN
9 CONSULTATION WITH THE OFFICE, WHICH PLAN INCLUDES:

10 (A) COST-EFFECTIVE ENERGY-SAVING MEASURES AND PROGRAMS
11 THAT THE APPLICANT WILL IMPLEMENT; AND

12 (B) ACTIONS THAT THE APPLICANT WILL TAKE TO IMPLEMENT
13 MONITOR, REVIEW, AND REVISE THE PLAN.

14 (2) (a) THE GOVERNOR'S ENERGY OFFICE SHALL REVIEW EACH LOAN
15 APPLICATION RECEIVED FROM A QUALIFIED SCHOOL DISTRICT PURSUANT TO
16 SECTION 22-92-104 (1), EVALUATE THE RENEWABLE ENERGY PROJECT OR
17 BATTERY-POWERED OR HYBRID-ELECTRIC BUS PROJECT DESCRIBED
18 THEREIN, AND MAKE A RECOMMENDATION TO THE STATE TREASURER AS TO
19 WHETHER TO AWARD THE LOAN AND THE AMOUNT OF THE LOAN. IF THE
20 OFFICE DETERMINES AN APPLICATION IS MISSING ANY INFORMATION
21 REQUIRED BY THE OFFICE'S POLICY TO BE INCLUDED WITH THE
22 APPLICATION, THE OFFICE MAY CONTACT THE APPLICANT TO OBTAIN THE
23 MISSING INFORMATION.

24 (b) IN REVIEWING LOAN APPLICATIONS FOR RENEWABLE ENERGY
25 PROJECTS AND BATTERY-POWERED OR HYBRID-ELECTRIC BUS PROJECTS
26 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE GOVERNOR'S
27 ENERGY OFFICE SHALL CONSIDER, AT A MINIMUM, WHETHER A QUALIFIED

1 SCHOOL DISTRICT WOULD REDUCE ITS ENERGY COSTS BY THE
2 IMPLEMENTATION OF THE RENEWABLE ENERGY PROJECT OR
3 BATTERY-POWERED OR HYBRID-ELECTRIC BUS PROJECT THAT IS THE
4 SUBJECT OF EACH LOAN APPLICATION.

5 **22-92-106. Renewable energy and energy efficiency for schools**
6 **loan program administration fund - creation - administrative costs.**

7 (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE RENEWABLE
8 ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS LOAN PROGRAM
9 ADMINISTRATION FUND. THE FUND SHALL CONSIST OF:

10 (a) MONEYS APPROPRIATED TO THE FUND FROM THE PUBLIC
11 SCHOOL ENERGY EFFICIENCY FUND CREATED IN SECTION 39-29-109.5 (2),
12 C.R.S.;

13 (b) ANY OTHER MONEYS APPROPRIATED BY THE GENERAL
14 ASSEMBLY TO THE FUND;

15 (c) ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE OFFICE
16 FOR THE FUND PURSUANT TO SUBSECTION (4) OF THIS SECTION; AND

17 (d) ANY OTHER MONEYS DIRECTED TO THE FUND BY THE OFFICE
18 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

19 (2) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
20 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
21 INDIRECT COSTS INCURRED BY THE OFFICE IN ADMINISTERING THE
22 PROGRAM PURSUANT TO THIS ARTICLE. THE MONEYS IN THE FUND SHALL
23 NOT BE INCLUDED IN ANY LOAN MADE TO A QUALIFIED SCHOOL DISTRICT
24 PURSUANT TO THIS ARTICLE.

25 (3) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF
26 THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
27 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND

1 DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY
2 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
3 THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE
4 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

5 (4) THE OFFICE MAY SEEK AND ACCEPT GIFTS, GRANTS, AND
6 DONATIONS FROM PUBLIC AND PRIVATE SOURCES TO FUND THE PROGRAM,
7 BUT RECEIPT OF GIFTS, GRANTS, AND DONATIONS SHALL NOT BE A
8 PREREQUISITE TO THE IMPLEMENTATION OF THE PROGRAM. ALL PRIVATE
9 AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, AND DONATIONS
10 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
11 THE SAME TO THE FUND.

12 (5) TO THE EXTENT PERMITTED BY LAW, THE OFFICE MAY, AT ITS
13 DISCRETION, DIRECT OTHER MONEYS TO FUND THE PROGRAM.

14 **22-92-107. Loans from public school fund authorized.** (1) AS
15 AUTHORIZED UNDER THE PROVISIONS OF SECTION 3 OF ARTICLE IX OF THE
16 STATE CONSTITUTION, THE STATE TREASURER MAY MAKE LOANS TO
17 SCHOOL DISTRICTS TO ASSIST THEM IN PROVIDING NECESSARY BUILDINGS,
18 LAND, AND EQUIPMENT, INCLUDING RENEWABLE ENERGY PROJECTS AND
19 BATTERY-POWERED OR HYBRID-ELECTRIC BUS PROJECTS AS DESCRIBED IN
20 THIS ARTICLE. LOANS MADE PURSUANT TO THIS ARTICLE SHALL NOT BE
21 SUBJECT TO THE PROVISIONS OF SECTION 24-36-113, C.R.S., THAT REQUIRE
22 THE STATE TREASURER TO SECURE THE MAXIMUM RATE OF INTEREST ON
23 INVESTMENTS OF STATE MONEYS. THE PROCEDURES FOR THE MAKING OF
24 LOANS SHALL BE DETERMINED BY THE STATE TREASURER SUBJECT TO THE
25 FOLLOWING:

26 (a) NO LOAN SHALL BE AUTHORIZED FOR ANY RENEWABLE ENERGY
27 PROJECT OR BATTERY-POWERED OR HYBRID-ELECTRIC BUS PROJECT THAT

1 HAS NOT BEEN EVALUATED BY THE GOVERNOR'S ENERGY OFFICE PURSUANT
2 TO SECTION 22-92-105 (2) (a).

3 (b) NO LOAN SHALL BE AUTHORIZED IN AN AMOUNT EXCEEDING
4 THE AMOUNT RECOMMENDED BY THE GOVERNOR'S ENERGY OFFICE
5 PURSUANT TO SECTION 22-92-105 (2) (a) UNLESS THE GOVERNOR'S ENERGY
6 OFFICE APPROVES THE CHANGE IN THE LOAN AMOUNT.

7 (c) NO LOAN SHALL BE AUTHORIZED UNLESS THE METHOD FOR
8 REPAYMENT OF THE LOAN IS SPECIFIED IN THE APPLICATION.

9 (2) (a) SUBJECT TO THE LIMITATIONS DESCRIBED IN THIS SECTION,
10 THE STATE TREASURER SHALL DETERMINE THE AMOUNT OF THE
11 PERMANENT SCHOOL FUND THAT MAY BE LOANED OUT PURSUANT TO THIS
12 SECTION, WHICH QUALIFIED SCHOOL DISTRICTS SHALL RECEIVE LOANS, THE
13 AMOUNT OF EACH LOAN, THE TERMS OF REPAYMENT OF EACH LOAN, AND
14 THE RATE OF INTEREST TO BE CHARGED ON LOANS. THE AVERAGE RATE OF
15 INTEREST CHARGED ON LOANS MADE IN ANY CALENDAR YEAR MUST
16 EXCEED THE AVERAGE BOOK YIELD EARNED BY THE FUND IN THE MOST
17 RECENTLY COMPLETED QUARTER. PAYMENTS OF THE PRINCIPAL OF AND
18 INTEREST ON ALL LOANS SHALL BE RETURNED TO THE PUBLIC SCHOOL
19 FUND.

20 (b) THE STATE TREASURER MAY INCLUDE, AS PART OF ANY LOAN
21 AGREEMENT WITH ANY QUALIFIED SCHOOL DISTRICT, WHATEVER TERMS
22 AND CONDITIONS HE OR SHE FEELS ARE NECESSARY TO PROTECT THE
23 PRINCIPAL OF THE PUBLIC SCHOOL FUND AGAINST LOSS.

24 (3) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM
25 THE GENERAL FUND TO RESTORE MONEYS TO THE PUBLIC SCHOOL FUND,
26 TOGETHER WITH INTEREST, THAT ARE LOST BY REASON OF THE FAILURE OF
27 ANY SCHOOL DISTRICT TO REPAY A LOAN MADE PURSUANT TO THIS

1 SECTION.

2 (4) ADMINISTRATIVE COSTS THAT WILL BE INCURRED BY A
3 QUALIFIED SCHOOL DISTRICT AS A RESULT OF THE RENEWABLE ENERGY
4 PROJECT OR BATTERY-POWERED OR HYBRID-ELECTRIC BUS PROJECT THAT
5 IS THE BASIS FOR THE LOAN MAY BE INCLUDED IN THE AMOUNT OF THE
6 LOAN.

7 **SECTION 2.** 22-41-110 (1) (b), Colorado Revised Statutes, is
8 amended to read:

9 **22-41-110. Timely payment of school district obligations.**

10 (1) (b) This section applies to:

11 (I) General obligation bonds issued by a school district on or after
12 July 1, 1991, pursuant to article 42 or 43 of this title; ~~to~~

13 (II) Obligations of a school district in connection with a lease
14 agreement or installment purchase agreement entered into by a school
15 district under section 22-32-127 or 22-45-103 (1) (c) on or after July 1,
16 1991; ~~and to~~

17 (III) Refunding bonds issued by a school district pursuant to article
18 56 of title 11, C.R.S.; AND

19 (IV) OBLIGATIONS OF A SCHOOL DISTRICT IN CONNECTION WITH A
20 LOAN RECEIVED UNDER THE RENEWABLE ENERGY AND ENERGY EFFICIENCY
21 FOR SCHOOLS LOAN PROGRAM CREATED IN SECTION 22-92-104.

22 **SECTION 3.** 24-38.5-102 (1), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24 **24-38.5-102. Governor's energy office - duties and powers.**

25 (1) The governor's energy office shall:

26 (q) IMPLEMENT AND ADMINISTER THE RENEWABLE ENERGY AND
27 ENERGY EFFICIENCY FOR SCHOOLS LOAN PROGRAM PURSUANT TO ARTICLE

1 92 OF TITLE 22, C.R.S.

2 **SECTION 4.** 39-29-109.5 (3) (c), (3) (d), and (5), Colorado
3 Revised Statutes, are amended, and the said 39-29-109.5 (3) is further
4 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

5 **39-29-109.5. Interest differential - public school energy**
6 **efficiency fund - creation - uses - definitions - repeal.** (3) The
7 governor's energy office shall use moneys appropriated from the fund to
8 establish and manage a program to improve energy efficiency in public
9 schools. In administering the program, the office shall give consideration
10 to whether a public school or school district is located in an area socially
11 or economically impacted by the development, processing, or energy
12 conversion of minerals and mineral fuels subject to taxation under this
13 article. The program shall include the following features:

14 (c) Assisting school districts in increasing the effectiveness of their
15 utility budget management; ~~and~~

16 (d) Providing training and supporting resources related to energy
17 efficiency for school districts; AND

18 (e) PROVIDING FUNDING FOR THE ADMINISTRATION OF THE
19 RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR SCHOOLS LOAN
20 PROGRAM CREATED IN SECTION 22-92-104, C.R.S.

21 (5) This section is repealed, effective ~~July 1, 2012~~ JULY 1, 2017.

22 **SECTION 5. Act subject to petition - effective date.** This act
23 shall take effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly that is
25 allowed for submitting a referendum petition pursuant to article V, section
26 1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is
27 on May 6, 2009); except that, if a referendum petition is filed against this

1 act or an item, section, or part of this act within such period, then the act,
2 item, section, or part, if approved by the people, shall take effect on the
3 date of the official declaration of the vote thereon by proclamation of the
4 governor.