

CHAPTER 225

HEALTH AND ENVIRONMENT

HOUSE BILL 23-1194

BY REPRESENTATIVE(S) McLachlan and Pugliese, Amabile, Bird, Bockenfeld, Boesenecker, Brown, Duran, Frizzell, Froelich, Herod, Jodeh, Joseph, Lindsay, Marshall, Mauro, Michaelson Jenet, Snyder, Titone, Valdez, Velasco, Vigil, Woodrow, McCluskie; also SENATOR(S) Simpson and Ginal, Bridges, Cutter, Kirkmeyer, Pelton B., Pelton R., Priola, Roberts, Will, Zenzinger.

AN ACT

CONCERNING EFFORTS TO REMEDIATE RISKS ASSOCIATED WITH CERTAIN CLOSED LANDFILLS, AND, IN CONNECTION THEREWITH, CREATING THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM, AND MAKING AN APPROPRIATION.

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

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

(a) The public health, safety, and welfare of Colorado citizens and the protection and preservation of Colorado's environment are of utmost importance to the state and to local governments, and achieving these values in a cost-effective manner is a shared goal and responsibility of the state and local governments;

(b) Proper disposal of solid waste is a matter of mixed statewide and local concern, and improper disposal creates unacceptable risks, hazards, and liabilities;

(c) State and local governments have a joint responsibility to work in partnership to address environmental and public health risks that may result from local-government-owned landfills, and public officials must ensure the safe and cost-effective management and disposal of solid waste for their communities;

(d) Local governments are limited in their financial ability to remediate potential risks to public health and the environment related to their closed landfills due to revenue-raising limitations and the unanticipated costs of remediation and management of solid waste disposal facilities; and

(e) Evolving science, the identification of emerging contaminants, changing

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

health and environmental standards, expensive associated remediation challenges, and changing landfill regulations create an ongoing financial liability for local governments with ever-increasing unanticipated costs relating to landfills.

(2) The general assembly also finds that:

(a) There are nearly two hundred closed, local-government-owned landfills in Colorado, most of which collected solid waste before laws and regulations required landfills to be environmentally engineered and sited in suitable locations;

(b) The local governments that own these landfills do not possess adequate financial resources to take the necessary steps to mitigate the risks posed by the landfills, particularly closed solid waste facilities that no longer receive waste and therefore no longer generate revenue from tipping fees;

(c) A grant program is needed to support local governments in remediating the risks posed by closed landfills in order to protect the public health, safety, and welfare and the environment; and

(d) The department of public health and environment should attempt to collaborate with local governments to address and resolve risks posed by closed landfills before resorting to enforcement mechanisms.

(3) Therefore, the general assembly declares that it is in the best interests of the state to create the closed landfill remediation grant program to assist local governments in financing closed landfill remediation costs.

SECTION 2. In Colorado Revised Statutes, 30-20-100.5, **add** (1)(b.5) as follows:

30-20-100.5. Legislative declaration. (1) The general assembly hereby finds and declares that:

(b.5) STATE AND LOCAL GOVERNMENTS HAVE A JOINT RESPONSIBILITY TO WORK IN PARTNERSHIP TO ADDRESS ENVIRONMENTAL AND PUBLIC HEALTH RISKS THAT MAY RESULT FROM LOCAL-GOVERNMENT-OWNED LANDFILLS, AND PUBLIC OFFICIALS MUST ENSURE THE SAFE AND COST-EFFECTIVE MANAGEMENT AND DISPOSAL OF SOLID WASTE FOR THEIR COMMUNITIES;

SECTION 3. In Colorado Revised Statutes, **add** 30-20-124 as follows:

30-20-124. Closed landfill remediation grant program - creation - administration - application process - uses of grant program money - advisory committee - rules - fund - evaluation - report - definitions - repeal.

(1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADVISORY COMMITTEE" MEANS THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM ADVISORY COMMITTEE CREATED IN SUBSECTION (6) OF THIS SECTION.

(b) "CLEANUP PROGRAM" MEANS AN INVESTIGATION OR REMEDIATION

CONDUCTED AND FUNDED PURSUANT TO A STATE OR FEDERAL LAW OR PROGRAM OTHER THAN THIS PART 1, SUCH AS:

(I) THE FEDERAL "COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980", 42 U.S.C. SEC. 9601 ET SEQ., AS AMENDED;

(II) THE BROWNFIELDS PROGRAM OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT;

(III) A FEDERAL RADIATION CONTROL PROGRAM SUCH AS THE "URANIUM MILL TAILINGS RADIATION CONTROL ACT", 42 U.S.C. SEC. 7901 ET SEQ., AS AMENDED;

(IV) ARTICLE 11 OF TITLE 25 CONCERNING RADIATION CONTROL;

(V) ARTICLE 15 OF TITLE 25 CONCERNING HAZARDOUS WASTE; OR

(VI) THE FEDERAL "RESOURCE CONSERVATION AND RECOVERY ACT OF 1976", 42 U.S.C. SEC. 6901 ET SEQ., AS AMENDED.

(c) "CLOSED LANDFILL" MEANS A LANDFILL THAT NO LONGER ACCEPTS NEW WASTE FOR DISPOSAL.

(d) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE COMMISSION CREATED IN SECTION 25-15-302.

(e) "ELIGIBLE LOCAL GOVERNMENT" MEANS A LOCAL GOVERNMENT THAT OWNS A CLOSED LANDFILL THAT:

(I) WAS FORMERLY BUT IS NO LONGER OPERATED BY THE LOCAL GOVERNMENT OR BY ANY STATE OR FEDERAL AGENCY AND FOR WHICH THE LOCAL GOVERNMENT IS SOLELY FINANCIALLY RESPONSIBLE FOR CLOSURE AND POST-CLOSURE CARE;

(II) IS NOT SUBJECT TO ANY INVESTIGATION OR REMEDIATION PURSUANT TO A CLEANUP PROGRAM; AND

(III) DOES NOT HAVE ANY FULLY FUNDED PRIVATE SECTOR FINANCIAL ASSURANCE MECHANISM IN PLACE THAT ADEQUATELY RESOLVES THE PUBLIC HEALTH AND ENVIRONMENTAL RISKS ASSOCIATED WITH THE LANDFILL.

(f) "FUND" MEANS THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM FUND CREATED IN SUBSECTION (8) OF THIS SECTION.

(g) "GRANT PROGRAM" MEANS THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

(h)(I) "LANDFILL" MEANS A DISCRETE AREA OF LAND OR AN EXCAVATION WHERE SOLID WASTES ARE PLACED FOR FINAL DISPOSAL.

(II) "LANDFILL" INCLUDES:

- (A) AN ASH MONOFILL;
- (B) A CONSTRUCTION AND DEMOLITION WASTE LANDFILL;
- (C) AN INDUSTRIAL LANDFILL;
- (D) A SANITARY LANDFILL;
- (E) A TIRE MONOFILL; AND
- (F) ANY SIMILAR FACILITY WHERE FINAL DISPOSAL OF SOLID WASTE OCCURS.

(III) "LANDFILL" DOES NOT INCLUDE A LAND APPLICATION UNIT, A WASTE IMPOUNDMENT, OR A WASTE PILE.

(i) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY CITY, COUNTY, OR CITY AND COUNTY.

(2) **Grant program created.** THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM IS CREATED TO PROVIDE GRANTS TO ELIGIBLE LOCAL GOVERNMENTS TO HELP PAY THE COSTS OF ENVIRONMENTAL REMEDIATION EFFORTS FOR AND MANAGEMENT OF CLOSED LANDFILLS THAT ARE OWNED BY THE ELIGIBLE LOCAL GOVERNMENTS. SUBJECT TO ANNUAL APPROPRIATION, GRANTS SHALL BE PAID FROM MONEY IN THE FUND.

(3) **Administration.** ON AND AFTER JULY 1, 2024, THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM IN ACCORDANCE WITH RULES PROMULGATED BY THE COMMISSION PURSUANT TO SUBSECTION (7) OF THIS SECTION AND SHALL CONSULT WITH THE ADVISORY COMMITTEE TO:

(a) EVALUATE GRANT APPLICATIONS USING CRITERIA ESTABLISHED BY THE RULES; AND

(b) AWARD GRANTS TO ELIGIBLE LOCAL GOVERNMENTS.

(4) **Application process.** TO RECEIVE A GRANT, AN ELIGIBLE LOCAL GOVERNMENT MUST APPLY TO THE DEPARTMENT IN ACCORDANCE WITH THE RULES PROMULGATED BY THE COMMISSION PURSUANT TO SUBSECTION (7)(a)(I) OF THIS SECTION.

(5) **Uses of grant program money.** (a) AN ELIGIBLE LOCAL GOVERNMENT THAT RECEIVES A GRANT FROM THE GRANT PROGRAM SHALL USE THE GRANT MONEY ONLY TO PAY FOR REASONABLE COSTS NECESSARY TO ASSESS AND REMEDIATE RISKS POSED BY THE LOCAL GOVERNMENT'S CLOSED LANDFILL AND TO COMPLY WITH APPLICABLE LAW, INCLUDING PAYING REASONABLE EXPENSES NECESSARY TO:

(I) TAKE EMERGENCY, PREVENTIVE, OR CORRECTIVE ACTIONS AT A CLOSED LANDFILL;

(II) INVESTIGATE, DESIGN, AND IMPLEMENT APPROPRIATE REMEDIATION ACTIONS IN ACCORDANCE WITH APPLICABLE REGULATIONS, INCLUDING RETAINING PRIVATE

THIRD PARTIES TO ADVISE THE LOCAL GOVERNMENT AND TO PERFORM TASKS;

(III) DEVELOP, PREPARE, AND IMPLEMENT PLANS SUCH AS WORK PLANS, IMPLEMENTATION PLANS, ANNUAL MONITORING PLANS, CONTINGENCY PLANS, COMMUNITY RELATIONS PLANS, MATERIALS MANAGEMENT PLANS, AND POST-CLOSURE PLANS, INCLUDING DOCUMENT REVIEW AND ACTIVITY FEES IN ACCORDANCE WITH RULES PROMULGATED BY THE COMMISSION;

(IV) DEVELOP AND IMPLEMENT A PLAN FOR PUBLIC INVOLVEMENT IN THE DEVELOPMENT, IMPLEMENTATION, MODIFICATION, OR EXPANSION OF REMEDIATION MEASURES; AND

(V) PERFORM POST-CLOSURE CARE ACTIVITIES, INCLUDING:

(A) THE USE OF INSTITUTIONAL AND ENGINEERING CONTROLS TO ENSURE SITE CONDITIONS REMAIN PROTECTIVE OF PUBLIC HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT; AND

(B) POST-CLOSURE MONITORING.

(b) WHEN EXPENDING ANY MONEY PURSUANT TO THIS SECTION, THE DEPARTMENT, THE COMMISSION, AND ANY ELIGIBLE LOCAL GOVERNMENT THAT RECEIVES A GRANT FROM THE GRANT PROGRAM SHALL GIVE PRIORITY TO MITIGATING THE RISKS POSED BY SOLID WASTE IN ACCORDANCE WITH SECTION 30-20-101.5 (2) AND RULES PROMULGATED BY THE COMMISSION CONCERNING THE MANAGEMENT OF SOLID WASTE.

(6) **Advisory committee created.** (a) THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM ADVISORY COMMITTEE IS CREATED IN THE DEPARTMENT TO REVIEW GRANT APPLICATIONS AND ADVISE THE DEPARTMENT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION. ON OR BEFORE MAY 1, 2024, THE COMMISSION SHALL APPOINT FIVE MEMBERS TO THE ADVISORY COMMITTEE, INCLUDING:

(I) TWO MEMBERS REPRESENTING LOCAL GOVERNMENTS;

(II) TWO MEMBERS REPRESENTING THE DEPARTMENT; AND

(III) ONE MEMBER WITH TECHNICAL EXPERTISE WHO IS NOT AFFILIATED WITH A LOCAL GOVERNMENT OR WITH THE DEPARTMENT.

(b) THE MEMBERS OF THE ADVISORY COMMITTEE SERVE TERMS OF THREE YEARS; EXCEPT THAT:

(I) ONE OF THE MEMBERS INITIALLY APPOINTED PURSUANT TO SUBSECTION (6)(a)(I) OF THIS SECTION SERVES AN INITIAL TERM OF ONE YEAR; AND

(II) ONE OF THE MEMBERS INITIALLY APPOINTED PURSUANT TO SUBSECTION (6)(a)(II) OF THIS SECTION SERVES AN INITIAL TERM OF TWO YEARS.

(c) THE MEMBERS OF THE ADVISORY COMMITTEE SERVE WITHOUT COMPENSATION.

(7) **Rules.** (a) ON OR BEFORE JUNE 1, 2024, THE COMMISSION SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THE GRANT PROGRAM AS DESCRIBED IN THIS SECTION. AT A MINIMUM, THE RULES MUST INCLUDE:

(I) PROCEDURES AND TIMELINES BY WHICH AN ELIGIBLE LOCAL GOVERNMENT MAY APPLY FOR A GRANT;

(II) SAFEGUARDS THAT ENSURE THAT THE DEPARTMENT AWARDS GRANTS ON A FAIR AND EQUITABLE BASIS CONSISTENT WITH ESTABLISHED PRIORITIES;

(III) CRITERIA FOR EVALUATING GRANT APPLICATIONS AND AWARDING GRANTS;

(IV) CRITERIA FOR DETERMINING GRANT AMOUNTS;

(V) REPORTING REQUIREMENTS FOR GRANT RECIPIENTS; AND

(VI) THE CIRCUMSTANCES, IF ANY, UNDER WHICH A GRANT APPLICANT MAY BE REQUIRED TO DEMONSTRATE MATCHING FUNDS.

(b) WHEN DEVELOPING CRITERIA FOR EVALUATING GRANT APPLICATIONS AND AWARDING GRANTS PURSUANT TO SUBSECTION (7)(a)(III) OF THIS SECTION, THE COMMISSION SHALL REQUIRE THAT THE DEPARTMENT:

(I) BEFORE FINALIZING ANY DECISION TO AWARD OR DENY A GRANT, INTERVIEW AN OFFICIAL OF THE APPLICANT ELIGIBLE LOCAL GOVERNMENT WHO IS FAMILIAR WITH THE CLOSED LANDFILL SITE THAT IS THE BASIS OF THE GRANT APPLICATION;

(II) GIVE PRIORITY TO GRANT APPLICATIONS THAT CONCERN REMEDIATION EFFORTS AT CLOSED LANDFILLS THAT ARE SUBJECT TO EXISTING COMPLIANCE ORDERS AND AT CLOSED LANDFILLS THAT POSE THE GREATEST ACTUAL RISK TO PUBLIC HEALTH AND THE ENVIRONMENT. WHEN DETERMINING ACTUAL RISK TO PUBLIC HEALTH AND THE ENVIRONMENT, THE COMMISSION SHALL REQUIRE THE DEPARTMENT TO:

(A) PRIORITIZE REMEDIATION THAT ENABLES THE STATE AND LOCAL GOVERNMENTS TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT IN A MANNER THAT MAKES EFFICIENT USE OF LIMITED GRANT FUNDING; AND

(B) CONSIDER AN ELIGIBLE LOCAL GOVERNMENT'S TECHNICAL ASSESSMENT OF THE ACTUAL RISK POSED TO PUBLIC HEALTH AND THE ENVIRONMENT.

(III) (A) CONSIDER GIVING PRIORITY TO GRANT APPLICATIONS RECEIVED FROM ELIGIBLE LOCAL GOVERNMENTS THAT COMMIT MATCHING FUNDS FROM OTHER SOURCES TO PAY THE COSTS OF THE REMEDIATION ACTIVITIES THAT ARE THE BASIS OF THE GRANT APPLICATION AND CONSIDER GIVING PRIORITY TO GRANT APPLICATIONS RECEIVED FROM ELIGIBLE LOCAL GOVERNMENTS BASED ON EXPENSES OCCURRED TO DATE BY THE ELIGIBLE LOCAL GOVERNMENTS IN ATTEMPTING TO IMPLEMENT THE REMEDIATION THAT IS THE BASIS OF THEIR GRANT APPLICATIONS.

(B) IN MAKING THE CONSIDERATIONS DESCRIBED IN SUBSECTION (7)(b)(III)(A) OF THIS SECTION, CONSIDER WHETHER CERTAIN ELIGIBLE LOCAL GOVERNMENTS SHOULD

BE REQUIRED TO CONTRIBUTE A LOWER AMOUNT OR PERCENTAGE OF MATCHING FUNDS THAN OTHER ELIGIBLE LOCAL GOVERNMENTS BASED ON POPULATION, AS DETERMINED PURSUANT TO THE MOST RECENTLY PUBLISHED POPULATION ESTIMATES FROM THE STATE DEMOGRAPHER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS.

(8) Cash fund created. (a) THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF:

(I) MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND FROM THE GENERAL FUND OR ANY OTHER FUND; AND

(II) MONEY CREDITED TO THE FUND AS GIFTS, GRANTS, AND DONATIONS PURSUANT TO SUBSECTION (8)(d) OF THIS SECTION.

(b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(c) THE MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR USE FOR THE PURPOSES SET FORTH IN THIS SECTION. THE DEPARTMENT MAY EXPEND UP TO TWO AND ONE-HALF PERCENT OF THE MONEY THAT IS ANNUALLY APPROPRIATED TO THE DEPARTMENT FROM THE FUND TO PAY ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT, THE COMMISSION, AND THE ADVISORY COMMITTEE.

(d) THE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF THIS SECTION AND SHALL TRANSMIT ANY MONEY RECEIVED FROM GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER FOR DEPOSIT IN THE FUND.

(e) ON AUGUST 31, 2033, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND TO THE GENERAL FUND.

(9) Evaluation and funding recommendations. ON OR BEFORE FEBRUARY 1, 2026, AND ON OR BEFORE FEBRUARY 1 EVERY THREE YEARS THEREAFTER, THE COMMISSION SHALL EVALUATE THE CURRENT AND FUTURE FINANCIAL NEEDS OF THE GRANT PROGRAM AND MAKE WRITTEN RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING FUNDING.

(10) Report. (a) ON OR BEFORE NOVEMBER 1, 2025, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL PREPARE AND POST ON ITS PUBLIC WEBSITE A REPORT THAT SUMMARIZES THE USE OF ALL GRANT MONEY AWARDED UNDER THE GRANT PROGRAM IN THE PRECEDING FISCAL YEAR. AT A MINIMUM, THE REPORT MUST INCLUDE:

(I) THE NUMBER OF GRANT APPLICANTS;

(II) THE AMOUNT OF GRANT MONEY REQUESTED BY EACH APPLICANT;

(III) THE ELIGIBLE LOCAL GOVERNMENTS THAT WERE AWARDED GRANTS;

(IV) THE AMOUNT OF GRANT MONEY AWARDED TO EACH GRANT RECIPIENT;

(V) A DESCRIPTION OF THE GRANT RECIPIENT'S USE OF THE GRANT MONEY; AND

(VI) THE AMOUNT OF MONEY REMAINING IN THE FUND ON THE DATE OF THE REPORT.

(b) THE DEPARTMENT MAY INCLUDE THE REPORT DESCRIBED IN SUBSECTION (10)(a) OF THIS SECTION IN THE DEPARTMENT'S ANNUAL REPORT TO THE COMMITTEES OF REFERENCE OF THE GENERAL ASSEMBLY PURSUANT TO SECTION 30-20-122 (1)(b).

(11) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033. PRIOR TO THE REPEAL, THE GRANT PROGRAM AND THE ADVISORY COMMITTEE ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 4. In Colorado Revised Statutes, 24-34-104, **add** (34)(a)(VIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (34) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2033:

(VIII) THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM AND THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM ADVISORY COMMITTEE CREATED IN SECTION 30-20-124.

SECTION 5. In Colorado Revised Statutes, 24-75-402, **add** (5)(ddd) as follows:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in the amount of fees - exclusions - definitions. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(ddd) THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM FUND CREATED IN SECTION 30-20-124 (8).

SECTION 6. Appropriation. (1) For the 2023-24 state fiscal year, \$15,000,000 is appropriated to the closed landfill remediation grant program fund created in section 30-20-124 (8), C.R.S. This appropriation is from the general fund. The department of public health and environment is responsible for the accounting related to this program.

(2) For the 2023-24 state fiscal year, \$170,702 is appropriated to the department of public health and environment. This appropriation is from reappropriated funds in the closed landfill remediation grant program fund under subsection (1) of this section. To implement this act, the department may use the appropriation for the solid waste control program, which amount is based on an assumption that the division will require an additional 0.8 FTE.

(3) For the 2023-24 state fiscal year, \$87,976 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of public health and environment under subsection (2) of this section and is based on an assumption that the department of law will require an additional 0.5 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of public health and environment.

SECTION 7. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: May 19, 2023