

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0746.01 Zach Blaes x4348

HOUSE BILL 23-1156

HOUSE SPONSORSHIP

Taggart,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODERNIZATION OF THE PUBLIC AIRPORT AUTHORITY**
102 **ACT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The "Public Airport Authority Act" (act) authorizes a county or a municipality, or a combination of counties and municipalities, to create an airport authority to operate an airport located within the county or municipality or the combination of counties and municipalities. The bill modernizes the act as follows:

- **Section 1** of the bill defines "inflation" as the annual

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

percentage change in the United States department of labor, bureau of labor statistics, consumer price index for Denver-Aurora-Lakewood for all items paid by all urban consumers, or its successor index;

- **Section 2** clarifies the extent of the power of a county, a municipality, or a combination of counties and municipalities, to terminate an airport authority by requiring that a terminating county, municipality, or combination assume the terminated authority's outstanding financial and contractual obligations and requiring that a terminating county, municipality, or combination operate and maintain the airport that the airport authority previously operated, and receive and hold title to the land on which the airport is located;
- **Section 3** clarifies that members of an airport authority's board of commissioners (board) do not receive compensation for their services, members of a board are subject to the statutory ethics and conflict of interest provisions that apply to local government officials, a member of a board who was appointed to fill a vacancy may be appointed to serve a successive term, and that board meetings are subject to statutory open meetings requirements;
- Section 3 changes the requirement that 60% of board members be present for a quorum to 50%;
- Section 3 clarifies that the majority vote of all members of a board is required for questions involving the inclusion in or exclusion from an airport authority of a municipality or county and for authorizing an expenditure greater than \$250,000;
- Section 3 modifies the process by which a board procures contracts, including updating the process for a board to award a contract to the lowest bidder after soliciting an invitation for bids and clarifying that the process to award a contract to the lowest bidder applies only to capital improvement projects and the purchase of new vehicles and equipment;
- **Section 4** clarifies an airport authority's powers to remove hazards and encroachments, impose fees on airport users to defray the cost of operating an airport, and regulate commercial activities conducted within an airport authority;
- Section 4 clarifies that an airport authority must follow local zoning regulations when erecting structures within an airport authority and that an airport authority may invest surplus money in a local government investment pool;

- Section 4 allows an airport authority to request that a county or municipality within which the airport authority is located levy a tax for the airport authority's benefit or modify or adopt certain local zoning regulations;
- **Section 5** clarifies that tenants or users of an airport that an airport authority operates are not entitled to any of the tax exemptions that apply to airport authorities; and
- **Section 6** makes a conforming amendment to clarify that a member of a board is a local government official.

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

2 **SECTION 1.** In Colorado Revised Statutes, 41-3-103, **add** (12.5)
3 as follows:

4 **41-3-103. Definitions.** As used in this ~~article~~ ARTICLE 3, unless
5 the context otherwise requires:

6 (12.5) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN
7 THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR
8 STATISTICS, CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD
9 FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

10 **SECTION 2.** In Colorado Revised Statutes, 41-3-104, **amend** (6)
11 as follows:

12 **41-3-104. Creation of authorities.** (6) ~~Any authority created~~
13 ~~pursuant to the provisions of this article shall cease to exist upon the~~
14 ~~filing with the director of the division of local government of a certified~~
15 ~~resolution of each county or municipality composing the authority~~
16 ~~requesting the termination of such authority; but adequate provisions shall~~
17 ~~be made for the payment of the outstanding bonds of the authority~~ A
18 COUNTY, A MUNICIPALITY, OR A COMBINATION MAY ADOPT A RESOLUTION
19 TERMINATING THE EXISTENCE OF AN AUTHORITY. A TERMINATING
20 RESOLUTION MUST REQUIRE THE COUNTY, THE MUNICIPALITY, OR THE

1 COMBINATION TERMINATING THE AUTHORITY TO:

2 (a) ASSUME THE REPAYMENT OBLIGATIONS OF ANY OF THE
3 AUTHORITY'S OUTSTANDING BONDS;

4 (b) ASSUME THE OBLIGATIONS OF ANY OF THE AUTHORITY'S
5 OUTSTANDING CONTRACTS ENTERED INTO PURSUANT TO THIS ARTICLE 3;

6 (c) ASSUME THE OPERATION AND MAINTENANCE OF THE AIRPORT
7 THAT THE AUTHORITY WAS AUTHORIZED TO OPERATE AND MAINTAIN; AND

8 (d) RECEIVE AND HOLD TITLE TO THE REAL PROPERTY ON WHICH
9 THE AIRPORT IS LOCATED AND THAT THE AUTHORITY IS AUTHORIZED TO
10 OPERATE AND MAINTAIN.

11 **SECTION 3.** In Colorado Revised Statutes, 41-3-105, **amend** (2),
12 (3), (5)(a), (5)(d), and (5)(h) as follows:

13 **41-3-105. Board of commissioners.** (2) The board of
14 ~~commissioners~~ of an authority created by the formation of a combination
15 ~~shall consist~~ CONSISTS of at least five members, but no more than nine
16 members, representing the counties or municipalities participating in the
17 combination. The authorizing resolution, filed with the director of the
18 ~~division of local government in the department of local affairs, as~~
19 ~~provided in~~ PURSUANT TO section 41-3-104 (1), ~~shall~~ MUST contain a
20 provision as to the representation of the counties and municipalities
21 participating in the combination. The members of the board of an
22 authority created by a combination ~~shall~~ MUST be appointed by resolution
23 of the governing boards of the counties or municipalities that are
24 members of the combination, WITH the initial appointments, at the
25 election of such municipality or county, to be made by the authorizing
26 resolution filed with the director of ~~said~~ THE DIVISION OF LOCAL
27 GOVERNMENT. If the county in which the airport is to be located is not a

1 member of the combination, then the member or members, if any, to
2 which ~~such~~ THE county is entitled shall be appointed by the board of
3 county commissioners of ~~such~~ THE county. The board created by the
4 independent action of a county ~~shall consist~~ CONSISTS of five members
5 who shall be appointed by the board of county commissioners of the
6 county, and initial appointments to ~~such~~ THE board, at the election of the
7 board of county commissioners, may be made in the authorizing
8 resolution filed with the director of ~~said~~ THE division OF LOCAL
9 GOVERNMENT. Board members from municipalities and counties in this
10 state ~~shall~~ MUST be taxpaying electors, as defined in section 1-1-104 (49),
11 ~~C.R.S.~~, at the time of ~~their~~ appointment ~~residing~~ AND MUST RESIDE in the
12 municipality or county from which appointed. After an authority is
13 organized by the formation of a combination, the inclusion of additional
14 counties or municipalities ~~shall entitle~~ ENTITLES the included
15 municipalities or counties to representation on the same basis as other
16 counties or municipalities. ~~Each member of the board may receive as~~
17 ~~compensation for his or her services a sum not in excess of sixty dollars~~
18 ~~per year. No member of the board shall receive any compensation as an~~
19 ~~employee of the authority or otherwise, other than that provided in this~~
20 ~~section, and~~ A MEMBER OF THE BOARD DOES NOT RECEIVE COMPENSATION
21 FOR THE MEMBER'S SERVICE ON THE BOARD. No member of the board shall
22 be interested in any contract or transaction with the authority except in ~~his~~
23 ~~or her~~ THE MEMBER'S official respective capacity. MEMBERS OF THE
24 BOARD ARE SUBJECT TO THE STANDARDS OF CONDUCT FOR LOCAL
25 GOVERNMENT OFFICIALS SPECIFIED IN ARTICLE 18 OF TITLE 24.

26 (3) The term of each member ~~shall be for~~ IS four years; except that
27 the terms of the members of the first board ~~shall be~~ ARE adjusted so that

1 the terms of one-half of the members shall expire AFTER two years
2 thereafter. At the first meeting of the board of a newly formed authority
3 the commissioners shall determine by lot which members shall serve for
4 two-year terms and which shall serve for four-year terms. At the
5 expiration of the term of any commissioner, a new appointment shall be
6 made by the appropriate governing board, and any member, INCLUDING
7 A MEMBER APPOINTED TO FILL A VACANCY, may be appointed to succeed
8 himself TO SERVE A SUCCESSIVE TERM.

9 (5) The board, in addition to any other powers conferred by this
10 article, has the following powers:

11 (a) To fix the time and place at which its regular meetings shall be
12 ARE held, which place may be located within any municipality or county
13 forming a part of an authority created by a combination, or within the
14 county independently creating such authority; and shall provide for the
15 calling and holding of special meetings to organize, adopt bylaws and
16 rules of procedure, and select a chairman CHAIRPERSON and pro tem
17 chairman. Notice of time and place designated for all regular meetings
18 shall be posted in at least three places within each municipality and
19 county forming a part of the authority if created by the formation of a
20 combination, and, in addition, one such notice shall be posted,
21 irrespective of the procedure under which the authority is created, in the
22 county courthouse in the county wherein the airport is located and in the
23 county creating the authority. Such notices shall remain posted and shall
24 be changed in the event that the time or place of such regular meeting is
25 changed. Special meetings CHAIRPERSON. A SPECIAL MEETING may be
26 called by any officer or member of the board by informing the other
27 members of the date, time, and place of such THE SPECIAL meeting and

1 the purpose for which it is called. ~~and by posting as provided in this~~
2 ~~paragraph (a) at least three days previous to said meeting.~~ All business of
3 ~~the board shall be conducted only during such regular or special meetings,~~
4 ~~and all of such meetings shall be open to the public~~ ALL REGULAR OR
5 SPECIAL MEETINGS ARE SUBJECT TO THE OPEN MEETING AND NOTICE
6 REQUIREMENTS OF SECTION 24-6-402.

7 (d) To transact business only if a quorum of ~~sixty percent~~ FIFTY
8 PERCENT of the board is present at a regular or special meeting. ~~but all~~
9 THE BOARD MAY TAKE ACTION OR APPROVE ANY MATTER BY A MAJORITY
10 OF A QUORUM; EXCEPT THAT ALL questions involving the inclusion or
11 exclusion of a municipality or county in or from the authority or
12 authorizing any expenditures in excess of ~~ten thousand dollars shall~~
13 ~~require the affirmative majority vote of the board, and all other questions~~
14 ~~shall require the affirmative vote of not less than fifty percent of the board~~
15 TWO HUNDRED FIFTY THOUSAND DOLLARS MUST BE APPROVED BY A
16 MAJORITY OF THE MEMBERS OF THE BOARD. BEGINNING JANUARY 1, 2029,
17 AND EVERY FIVE YEARS THEREAFTER, THE TWO HUNDRED FIFTY
18 THOUSAND DOLLAR FIGURE SPECIFIED IN THIS SUBSECTION IS ADJUSTED
19 FOR INFLATION.

20 (h) To prescribe a method of auditing and allowing or rejecting
21 claims and demands and a method for ~~the letting of contracts on a fair and~~
22 ~~competitive basis for the construction of works, structures, or equipment~~
23 ~~or the performance or furnishing of labor, materials, or supplies as~~
24 ~~required for the carrying out of any of the purposes of this article; but, in~~
25 ~~cases where the amount involved is fifty thousand dollars or more, the~~
26 ~~board shall provide for the letting of contracts to the lowest responsible~~
27 ~~bidder after publication in the official newspaper of notices inviting bids,~~

1 ~~subject to the right of said board to reject any and all proposals and to~~
2 ~~readvertise for bids as provided in this section. The procedures above~~
3 ~~described shall be subject to the approval of the board of county~~
4 ~~commissioners of any county independently creating an authority under~~
5 ~~the provisions of this article, and any action on the part of the board to~~
6 ~~raise or increase revenue from any source whatsoever for the purposes of~~
7 ~~the authority shall also be subject to such approval. The board shall be~~
8 ~~bound to carry out any action requested by the board of county~~
9 ~~commissioners~~ PROCURING CONTRACTS TO CARRY OUT THE AUTHORITY'S
10 PURPOSES PURSUANT TO THIS ARTICLE 3, INCLUDING CONTRACTS FOR THE
11 CONSTRUCTION OF WORKS AND STRUCTURES, EQUIPMENT, THE
12 PERFORMANCE OF LABOR OR SERVICES, OR THE FURNISHING OF SUPPLIES
13 OR MATERIALS. THE BOARD SHALL COMPLY WITH THE REQUIREMENTS OF
14 **ARTICLE 91** OF TITLE 24 WHEN PROCURING AND ENTERING INTO A
15 CONSTRUCTION CONTRACT. FOR ANY CONTRACT INVOLVING FEDERAL
16 FUNDS, THE BOARD SHALL COMPLY WITH ALL APPLICABLE FEDERAL
17 STATUTES, REGULATIONS, GUIDELINES, AND POLICIES. FOR ALL CAPITAL
18 IMPROVEMENT PROJECTS AND THE PURCHASE OF NEW VEHICLES AND NEW
19 EQUIPMENT, THE BOARD SHALL:

20 (I) SOLICIT THE CONTRACT BY AN INVITATION FOR BIDS. AN
21 INVITATION FOR BIDS MAY INCLUDE CRITERIA FOR THE BOARD TO
22 DETERMINE ACCEPTABILITY OF A BID, INCLUDING INSPECTION, TESTING,
23 QUALITY, WORKMANSHIP, DELIVERY, AND SUITABILITY FOR A PARTICULAR
24 PURPOSE. ANY CRITERIA THAT THE BOARD CONSIDERS IN EVALUATING THE
25 BID MUST BE OBJECTIVELY MEASURABLE.

26 (II) INCLUDE WITHIN AN INVITATION FOR BIDS A PURCHASE
27 DESCRIPTION AND ALL CONTRACTUAL TERMS AND CONDITIONS

1 APPLICABLE TO THE PROCUREMENT;

2 (III) PROVIDE ADEQUATE PUBLIC NOTICE OF THE INVITATION FOR
3 BIDS WITHIN A REASONABLE TIME PRIOR TO THE TIME THE BOARD SETS FOR
4 THE OPENING OF BIDS;

5 (IV) RECORD THE AMOUNT OF EACH BID AND THE NAME OF EACH
6 BIDDER, WHICH THE BOARD SHALL KEEP OPEN FOR PUBLIC INSPECTION;

7 (V) ALLOW THE WITHDRAWAL OF AN INADVERTENTLY ERRONEOUS
8 BID BEFORE THE BID IS AWARDED IF THE BIDDER SUBMITS DOCUMENTARY
9 EVIDENCE THAT CLEARLY AND CONVINCINGLY DEMONSTRATES AN ERROR
10 WAS MADE;

11 (VI) AWARD THE CONTRACT WITH REASONABLE PROMPTNESS TO
12 THE LOW RESPONSIBLE BIDDER WHOSE BID MEETS THE CRITERIA SET FORTH
13 IN THE INVITATION FOR BIDS; EXCEPT THAT THE BOARD SHALL RESOLVE
14 ANY TIE IN ACCORDANCE WITH SECTION 24-103-902; AND

15 (VII) MAINTAIN FOR PUBLIC INSPECTION ALL BIDS AND BID
16 DOCUMENTS IN ACCORDANCE WITH SECTIONS 24-72-203 AND 24-72-204.

17 **SECTION 4.** In Colorado Revised Statutes, 41-3-106, **amend**
18 (1)(d), (1)(h), (1)(k), and (1)(l); and **add** (1)(m) and (1)(n) as follows:

19 **41-3-106. Powers of an authority.** (1) An authority has the
20 following powers:

21 (d) To enter into contracts and agreements affecting the affairs of
22 the authority, including, but not limited to, contracts with the United
23 States, the state of Colorado, ~~and~~ an adjoining state, if a combination
24 includes a municipality or county from the adjoining state, AND ANY
25 COUNTY OR MUNICIPALITY FROM WHICH THE AUTHORITY ORIGINATED;

26 (h) To regulate, when acting singly, or by agreement, when acting
27 jointly with any other municipality or county, the receiving, deposit, and

1 removal and the embarkation of passengers or property to or from the
2 airport; to regulate or prohibit any airport hazard ~~to exact and require~~
3 ~~charges, fees, and rentals, together with a lien to enforce the payment~~ IN
4 THE SAME MANNER THAT A COUNTY OR MUNICIPALITY IS AUTHORIZED TO
5 REMOVE A HAZARD PURSUANT TO SECTION 41-4-108 OR AN
6 ENCROACHMENT PURSUANT TO SECTION 41-4-109; TO IMPOSE CHARGES,
7 FEES, AND RENTALS ON USERS OF THE AUTHORITY'S AIRPORT AND
8 FACILITIES TO DEFRAY THE COSTS OF OPERATING, MAINTAINING, AND
9 IMPROVING THE AIRPORT; to lease or assign for operation ~~such~~ ANY space,
10 ~~or~~ area, appurtenances, appliances, or other conveniences necessary or
11 useful in connection ~~therewith~~ WITH OPERATING THE AIRPORT; ~~EXCEPT~~
12 ~~AS RELATED TO THE PRICE, ROUTE, OR SERVICE OF AN AIR CARRIER, TO~~
13 ~~REGULATE A COMMERCIAL ACTIVITY THAT ANY PERSON CONDUCTS AT AN~~
14 ~~AIRPORT~~; to own and operate aircraft; to employ pilots; to provide rules
15 and regulations governing the use of ~~such~~ THE airport and facilities and
16 the use of other property and means of transportation within or over ~~said~~
17 THE airport, landing field, and navigation facilities; to perform any duties
18 necessary or consistent with the regulation of air traffic; ~~to enter into~~
19 ~~contracts or otherwise cooperate with the United States, the state, an~~
20 ~~adjoining state, if a combination includes a municipality or county from~~
21 ~~the adjoining state, or other public or private agencies~~; and to exercise
22 such powers as may be required or consistent with the promotion of
23 aeronautics and the furtherance of commerce and navigation by air;

24 (k) To construct and maintain works and establish and maintain
25 facilities, within or without the boundaries of the municipalities or
26 counties constituting members of the authority or within or without the
27 boundaries of the county independently creating an authority pursuant to

1 the provisions of this article, across or along any public street or highway
2 or in, upon, under, or over any vacant public lands, which public lands are
3 now, or may become, the property of the state; but the authority shall
4 promptly restore any ~~such~~ street or highway to its former state of
5 usefulness as nearly as may be and shall not use the ~~same~~ STREET OR
6 HIGHWAY in such manner as to completely or unnecessarily impair the
7 usefulness ~~thereof~~ OF THE STREET OR HIGHWAY. WHEN EXERCISING ITS
8 POWER PURSUANT TO THIS SUBSECTION (1)(k), AN AUTHORITY SHALL
9 COMPLY WITH ALL APPLICABLE LOCAL ZONING AND BUILDING
10 REGULATIONS, EXCEPT TO THE EXTENT THAT ANY ZONING OR BUILDING
11 REGULATIONS ARE PREEMPTED BY FEDERAL LAW, AND ALL GUIDELINES
12 AND REGULATIONS OF THE UNITED STATES DEPARTMENT OF
13 TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION.

14 (l) To invest any surplus money in the treasury of the authority,
15 including ~~such~~ money in any sinking or trust fund established for the
16 purpose of retiring bonds at or prior to maturity not required for the
17 immediate necessities of the authority, IN ANY LOCAL GOVERNMENT
18 INVESTMENT POOL TRUST FUND PURSUANT TO PART 7 OF ARTICLE 75 OF
19 TITLE 24, OR in securities meeting the investment requirements
20 established in part 6 of article 75 of title 24. ~~C.R.S. Such~~ ANY investment
21 IN SECURITIES may be made by direct purchase of any issue of ~~such~~
22 securities, or part thereof, at the original sale of the ~~same~~ THE SECURITIES
23 or by the subsequent purchase of ~~such~~ THE securities. Any securities ~~thus~~
24 purchased and held BY AN AUTHORITY may be sold, unless ~~such~~ THE sale
25 is prohibited by any agreement under which the ~~same~~ THE SECURITIES
26 have been or ~~shall~~ WILL be deposited and the proceeds ~~thereof~~ OF THE
27 SECURITIES reinvested in securities as provided in this paragraph (l). Sales

1 SUBSECTION (1)(l). THE SALE of any securities ~~thus~~ purchased and held
2 ~~shall~~ BY THE AUTHORITY MUST be made at ~~such time so that~~ A TIME WHEN
3 the proceeds may be applied to the purposes ~~for which~~ THAT the money
4 with which the securities were originally purchased was placed in the
5 treasury of the authority.

6 (m) NOTWITHSTANDING SUBSECTION (1)(e) OF THIS SECTION, TO
7 REQUEST THAT A COUNTY OR MUNICIPALITY IN WHICH THE AUTHORITY IS
8 LOCATED LEVY A TAX WITHIN THAT COUNTY OR MUNICIPALITY FOR THE
9 AUTHORITY'S BENEFIT THAT IS CONSISTENT WITH THE COLORADO
10 CONSTITUTION AND THE POWER OF A COUNTY OR MUNICIPALITY TO LEVY
11 A TAX; AND

12 (n) TO REQUEST, CONSISTENT WITH ALL APPLICABLE GUIDELINES
13 AND REGULATIONS OF THE UNITED STATES DEPARTMENT OF
14 TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, THAT A COUNTY
15 OR MUNICIPALITY ADOPT OR MODIFY EXISTING ZONING REGULATIONS
16 REGARDING:

17 (I) THE PREVENTION OR ELIMINATION OF HAZARDS TO AIR
18 NAVIGATION;

19 (II) THE INSTALLATION, OPERATION, AND MAINTENANCE OF
20 NAVIGATIONAL MARKING AND LIGHTING ON STRUCTURES OR TREES IN
21 AREAS SURROUNDING THE AIRPORT AN AUTHORITY OPERATES;

22 (III) COMPATIBLE LAND USES IN AREAS IMMEDIATELY
23 SURROUNDING THE AIRPORT THE AUTHORITY OPERATES; OR

24 (IV) THE CRITERIA FOR AREAS SURROUNDING AIRPORTS SPECIFIED
25 IN SECTION 24-65.1-202 (5)(a).

26 **SECTION 5.** In Colorado Revised Statutes, **amend** 41-3-107 as
27 follows:

1 **41-3-107. Legal status of authorities - tax exemption.** (1) An
2 authority created pursuant to this article is hereby declared to be a
3 political subdivision of the state, exercising essential governmental
4 powers for a public purpose. The general assembly, therefore, finds:

5 (a) That no authority, or county independently creating an
6 authority, ~~shall be~~ IS required to pay any general ad valorem taxes upon
7 an airport or any facilities connected therewith located within the state
8 nor upon the interest of the authority therein;

9 (b) That bonds issued under this article and the income therefrom
10 ~~shall be~~ ARE free and exempt from taxation by the state, or any political
11 subdivision of the state, with the exception of transfer, inheritance, and
12 estate taxes; AND

13 (c) THE TAX EXEMPTIONS SPECIFIED IN THIS SECTION DO NOT
14 APPLY TO ANY TENANTS OR USERS OF THE AIRPORT THAT AN AUTHORITY
15 OPERATES.

16 **SECTION 6.** In Colorado Revised Statutes, 24-18-102, **amend**
17 (6) as follows:

18 **24-18-102. Definitions.** As used in this part 1, unless the context
19 otherwise requires:

20 (6) "Local government official" means an elected or appointed
21 official of a local government, but does not include an employee of a
22 local government. LOCAL GOVERNMENT OFFICIAL INCLUDES A MEMBER OF
23 THE BOARD OF COMMISSIONERS OF ANY AIRPORT AUTHORITY CREATED
24 PURSUANT TO ARTICLE 3 OF TITLE 41.

25 **SECTION 7. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2024 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.