

First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 05-0240.01 John Hershey

HOUSE BILL 05-1044

HOUSE SPONSORSHIP

Judd,

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

Judiciary

A BILL FOR AN ACT

101 CONCERNING THE INTERCEPTION OF THE PAYMENT OF SPECIFIED
102 CLAIMS TO SATISFY CERTAIN OBLIGATIONS OF THE CLAIMANT,
103 AND MAKING AN APPROPRIATION THEREFOR.

Bill Summary

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

Directs the state treasurer to offset outstanding court fines, fees, costs, and restitution against claims for unclaimed property. Authorizes the judicial department and the state treasurer to enter into a memorandum of understanding for this purpose.

Directs the state treasurer to offset child support obligations against claims for unclaimed property. Authorizes the department of human services and the state treasurer to enter into a memorandum of

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.

understanding for this purpose.

Directs the department of revenue to provide specified information to the state treasurer regarding persons who owe delinquent state taxes, penalties, or interest. If a person claiming unclaimed property owes delinquent state taxes, penalties, or interest, directs the state treasurer to suspend payment of the claim until the offset is made.

Specifies the priority of the offsets when a person claiming unclaimed property has multiple obligations subject to offset.

Requires a person filing a claim for unclaimed property to submit the person's social security number or federal employer identification number to the state treasurer. States that this number shall not become a public record.

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

2 **SECTION 1.** 16-11-101.6, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:

4 **16-11-101.6. Collection of fines and fees - methods - charges.**

5 (6) (a) THE JUDICIAL DEPARTMENT MAY ENTER INTO A MEMORANDUM OF
6 UNDERSTANDING WITH THE STATE TREASURER, ACTING AS THE
7 ADMINISTRATOR OF UNCLAIMED PROPERTY UNDER THE "UNCLAIMED
8 PROPERTY ACT", ARTICLE 13 OF TITLE 38, C.R.S., FOR THE PURPOSE OF
9 OFFSETTING AGAINST A CLAIM FOR UNCLAIMED PROPERTY THE AMOUNT OF
10 OUTSTANDING FINES, FEES, COSTS, OR SURCHARGES OWED PURSUANT TO
11 LAW OR AN ORDER ENTERED BY A COURT OF THIS STATE BY THE PERSON
12 CLAIMING UNCLAIMED PROPERTY. WHEN AN OFFSET IS TO BE MADE, THE
13 JUDICIAL DEPARTMENT OR THE COURT TO WHICH THE FINES, FEES, COSTS,
14 OR SURCHARGES ARE OWED SHALL NOTIFY THE DEFENDANT IN WRITING
15 THAT THE STATE INTENDS TO OFFSET THE DEFENDANT'S OUTSTANDING
16 FINES, FEES, COSTS, OR SURCHARGES AGAINST HIS OR HER CLAIM FOR
17 UNCLAIMED PROPERTY.

18 (b) THE STATE COURT ADMINISTRATOR MAY ADOPT RULES
19 ESTABLISHING THE PROCESS BY WHICH AN UNCLAIMED PROPERTY

1 CLAIMANT MAY OBJECT TO AN OFFSET AND REQUEST AN ADMINISTRATIVE
2 REVIEW. THE SOLE ISSUES TO BE DETERMINED AT THE ADMINISTRATIVE
3 REVIEW SHALL BE WHETHER THE PERSON IS REQUIRED TO PAY THE FINES,
4 FEES, COSTS, OR SURCHARGES PURSUANT TO LAW OR AN ORDER ENTERED
5 BY A COURT OF THIS STATE AND THE AMOUNT OF THE OUTSTANDING FINES,
6 FEES, COSTS, OR SURCHARGES.

7 (c) FOR PURPOSES OF THIS SUBSECTION (6), "CLAIM FOR
8 UNCLAIMED PROPERTY" MEANS A CASH CLAIM FILED IN ACCORDANCE WITH
9 SECTION 38-13-117, C.R.S.

10 **SECTION 2.** Article 18.5 of title 16 , Colorado Revised Statutes,
11 is amended BY THE ADDITION OF A NEW SECTION to read:

12 **16-18.5-106.7. Unclaimed property offset.** (1) THE JUDICIAL
13 DEPARTMENT MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
14 THE STATE TREASURER, ACTING AS THE ADMINISTRATOR OF UNCLAIMED
15 PROPERTY UNDER THE "UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE
16 38, C.R.S., FOR THE PURPOSE OF OFFSETTING AGAINST A CLAIM FOR
17 UNCLAIMED PROPERTY THE UNPAID AMOUNT OF RESTITUTION THE PERSON
18 MAKING THE CLAIM HAS BEEN ORDERED TO PAY PURSUANT TO SECTION
19 18-1.3-603 OR 19-2-918, C.R.S. WHEN AN OFFSET IS TO BE MADE, THE
20 JUDICIAL DEPARTMENT OR THE COURT IN WHICH THE PERSON'S
21 RESTITUTION OBLIGATION IS PENDING SHALL NOTIFY THE PERSON IN
22 WRITING THAT THE STATE INTENDS TO OFFSET THE AMOUNT OF THE
23 PERSON'S UNPAID RESTITUTION OBLIGATION AGAINST HIS OR HER CLAIM
24 FOR UNCLAIMED PROPERTY.

25 (2) THE STATE COURT ADMINISTRATOR MAY ADOPT RULES
26 ESTABLISHING THE PROCESS BY WHICH AN UNCLAIMED PROPERTY
27 CLAIMANT MAY OBJECT TO AN OFFSET AND REQUEST AN ADMINISTRATIVE

1 REVIEW. THE SOLE ISSUES TO BE DETERMINED AT THE ADMINISTRATIVE
2 REVIEW SHALL BE WHETHER THE PERSON IS REQUIRED TO PAY RESTITUTION
3 PURSUANT TO AN ORDER ENTERED BY A COURT OF THIS STATE AND THE
4 AMOUNT OF THE OUTSTANDING RESTITUTION.

5 (3) FOR PURPOSES OF THIS SECTION, "CLAIM FOR UNCLAIMED
6 PROPERTY" MEANS A CASH CLAIM FILED IN ACCORDANCE WITH SECTION
7 38-13-117, C.R.S.

8 **SECTION 3.** Article 13 of title 26, Colorado Revised Statutes,
9 is amended BY THE ADDITION OF A NEW SECTION to read:

10 **26-13-118.5. Unclaimed property offset.** (1) THE STATE
11 DEPARTMENT MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
12 THE STATE TREASURER, ACTING AS THE ADMINISTRATOR OF UNCLAIMED
13 PROPERTY UNDER THE "UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE
14 38, C.R.S., FOR THE PURPOSE OF OFFSETTING AGAINST A CLAIM FOR
15 UNCLAIMED PROPERTY THE AMOUNT OF CURRENT CHILD SUPPORT, CHILD
16 SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD SUPPORT
17 ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT WHEN COMBINED
18 WITH MAINTENANCE OWED BY THE PERSON CLAIMING THE UNCLAIMED
19 PROPERTY.

20 (2) THE STATE DEPARTMENT SHALL NOTIFY AN OBLIGATED PERSON
21 IN WRITING THAT THE STATE INTENDS TO OFFSET THE PERSON'S CURRENT
22 CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT,
23 CHILD SUPPORT ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT
24 WHEN COMBINED WITH MAINTENANCE AGAINST THE PERSON'S CLAIM FOR
25 UNCLAIMED PROPERTY. THE NOTIFICATION SHALL INCLUDE INFORMATION
26 ON THE PERSON'S RIGHT TO OBJECT TO THE OFFSET AND TO REQUEST AN
27 ADMINISTRATIVE REVIEW.

1 (3) FOR PURPOSES OF THIS SECTION, "CLAIM FOR UNCLAIMED
2 PROPERTY" MEANS A CASH CLAIM SUBMITTED IN ACCORDANCE WITH
3 SECTION 38-13-117, C.R.S.

4 **SECTION 4.** 38-13-117 (1) and (3) (a), Colorado Revised
5 Statutes, are amended to read:

6 **38-13-117. Filing of claim with administrator.** (1) A person,
7 excluding another state, this state, or a governmental agency of this state,
8 claiming an interest in any property paid or delivered to the administrator
9 may file with him or her a claim on a form prescribed by the
10 administrator and verified by the claimant. If the value of the property
11 claimed is one hundred dollars or less, the administrator may waive the
12 requirement that the claimant verify the claim. THE ADMINISTRATOR
13 SHALL REQUIRE THE CLAIMANT TO SUBMIT HIS OR HER SOCIAL SECURITY
14 NUMBER OR FEDERAL EMPLOYER IDENTIFICATION NUMBER, WHICHEVER IS
15 APPLICABLE. THE SOCIAL SECURITY NUMBER OR FEDERAL EMPLOYER
16 IDENTIFICATION NUMBER SHALL NOT BECOME PART OF THE PUBLIC
17 RECORDS OF THE ADMINISTRATOR.

18 (3) (a) SUBJECT TO THE PROVISIONS OF SECTIONS 38-13-117.3,
19 38-13-117.5, AND 38-13-117.7, if a claim is allowed, the administrator
20 shall pay over or deliver to the claimant the property or the amount the
21 administrator actually received or the net proceeds if it has been sold by
22 the administrator, together with any additional amount required by
23 section 38-13-114. If the property claimed was interest-bearing to the
24 owner on the date of surrender by the holder, the administrator also shall
25 pay simple interest at a rate of six percent a year or any lesser rate the
26 property earned while in the possession of the holder. Such interest
27 begins to accrue when the property is delivered to the administrator and

1 ceases on the expiration of five years after delivery or the date on which
2 payment is made to the owner. No interest on interest-bearing property
3 is payable for any period before July 1, 1987.

4 **SECTION 5.** Article 13 of title 38, Colorado Revised Statutes,
5 is amended BY THE ADDITION OF THE FOLLOWING NEW
6 SECTIONS to read:

7 **38-13-117.3. Claims offset for child support.** (1) BEFORE
8 PAYING A CLAIM PURSUANT TO SECTION 38-13-117 (3), THE
9 ADMINISTRATOR SHALL OFFSET AGAINST THE AMOUNT OF THE CLAIM THE
10 CLAIMANT'S OBLIGATIONS TO PAY CURRENT CHILD SUPPORT, CHILD
11 SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD SUPPORT
12 ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT WHEN COMBINED
13 WITH MAINTENANCE. THE ADMINISTRATOR MAY ENTER INTO A
14 MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF HUMAN
15 SERVICES TO IMPLEMENT THIS SECTION AND SECTION 26-13-118.5, C.R.S.

16 (2) (a) IF A CLAIMANT OWES CURRENT CHILD SUPPORT, CHILD
17 SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD SUPPORT
18 ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT WHEN COMBINED
19 WITH MAINTENANCE, AND ALSO OWES RESTITUTION OR FINES, FEES, COSTS,
20 OR SURCHARGES AS DESCRIBED IN SECTION 38-13-117.5 OR DELINQUENT
21 STATE TAXES, PENALTIES, OR INTEREST AS DESCRIBED IN SECTION
22 38-13-117.7, OR BOTH, THE UNCLAIMED PROPERTY OFFSET AGAINST THE
23 CURRENT CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD
24 SUPPORT, CHILD SUPPORT ARREARAGES, CHILD SUPPORT COSTS, OR CHILD
25 SUPPORT WHEN COMBINED WITH MAINTENANCE SHALL TAKE PRIORITY AND
26 BE APPLIED FIRST.

27 (b) IF A CLAIMANT OWES BOTH RESTITUTION OR FINES, FEES,

1 COSTS, OR SURCHARGES AND DELINQUENT STATE TAXES, PENALTIES, OR
2 INTEREST, AFTER PAYMENT IN ACCORDANCE WITH PARAGRAPH (a) OF THIS
3 SUBSECTION (2), IF APPLICABLE, ANY REMAINING UNCLAIMED PROPERTY
4 SHALL BE APPLIED FIRST TOWARD THE PAYMENT OF THE OUTSTANDING
5 RESTITUTION OR FINES, FEES, COSTS, OR SURCHARGES AND PROCESSED IN
6 ACCORDANCE WITH SECTION 38-13-117.5 AND THEN APPLIED TO THE
7 PAYMENT OF DELINQUENT STATE TAXES, PENALTIES, OR INTEREST AND
8 PROCESSED IN ACCORDANCE WITH SECTION 38-13-117.7.

9 (c) IF A CLAIMANT OWES RESTITUTION OR FINES, FEES, COSTS, OR
10 SURCHARGES OR DELINQUENT STATE TAXES, PENALTIES, OR INTEREST,
11 AFTER PAYMENT IN ACCORDANCE WITH PARAGRAPH (a) OF THIS
12 SUBSECTION (2), IF APPLICABLE, ANY REMAINING UNCLAIMED PROPERTY
13 SHALL BE APPLIED TOWARD THE PAYMENT OF THE OUTSTANDING
14 RESTITUTION OR FINES, FEES, COSTS, OR SURCHARGES AND PROCESSED IN
15 ACCORDANCE WITH SECTION 38-13-117.5 OR TOWARD THE DELINQUENT
16 STATE TAXES, PENALTIES, OR INTEREST AND PROCESSED IN ACCORDANCE
17 WITH SECTION 38-13-117.7, WHICHEVER IS APPLICABLE.

18 **38-13-117.5. Claims offset for judicial restitution, fines, fees,**
19 **costs, or surcharges.** (1) BEFORE PAYING A CLAIM PURSUANT TO
20 SECTION 38-13-117 (3), THE ADMINISTRATOR SHALL OFFSET AGAINST THE
21 AMOUNT OF THE CLAIM THE CLAIMANT'S OUTSTANDING COURT FINES, FEES,
22 COSTS, OR SURCHARGES OR RESTITUTION. THE ADMINISTRATOR MAY
23 ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE JUDICIAL
24 DEPARTMENT TO IMPLEMENT THIS SECTION AND SECTIONS 16-11-101.6(6)
25 AND 16-18.5-106.7, C.R.S.

26 (2) IF A CLAIMANT OWES FINES, FEES, COSTS, OR SURCHARGES OR
27 RESTITUTION AS DESCRIBED IN THIS SECTION AND ALSO OWES CURRENT

1 CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT,
2 CHILD SUPPORT ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT
3 WHEN COMBINED WITH MAINTENANCE AS DESCRIBED IN SECTION
4 38-13-117.3 OR DELINQUENT STATE TAXES, PENALTIES, OR INTEREST AS
5 DESCRIBED IN SECTION 38-13-117.7, OR BOTH, THE UNCLAIMED PROPERTY
6 OFFSETS SHALL BE APPLIED IN ACCORDANCE WITH THE PRIORITY SET
7 FORTH IN SECTION 38-13-117.3 (2).

8 **38-13-117.7. Claims offset for state tax delinquencies.**

9 (1) BEFORE PAYING A CLAIM PURSUANT TO SECTION 38-13-117 (3), THE
10 ADMINISTRATOR SHALL COMPARE THE SOCIAL SECURITY NUMBER OR
11 FEDERAL EMPLOYER IDENTIFICATION NUMBER OF THE CLAIMANT WITH THE
12 NUMBERS CERTIFIED BY THE DEPARTMENT OF REVENUE FOR THE PURPOSE
13 OF THE UNCLAIMED PROPERTY OFFSET AS PROVIDED IN SECTION 39-21-121,
14 C.R.S.

15 (2) IF THE SOCIAL SECURITY NUMBER OR FEDERAL EMPLOYER
16 IDENTIFICATION NUMBER OF A CLAIMANT APPEARS AMONG THE NUMBERS
17 CERTIFIED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION
18 39-21-121, C.R.S., THE ADMINISTRATOR SHALL SUSPEND THE PAYMENT OF
19 THE CLAIM UNTIL THE REQUIREMENTS OF SECTION 39-21-121, C.R.S., ARE
20 MET. IF, AFTER CONSULTING WITH THE DEPARTMENT, THE ADMINISTRATOR
21 DETERMINES THAT THE CLAIMANT IS OBLIGATED TO PAY THE AMOUNTS
22 CERTIFIED UNDER SECTION 39-21-121, C.R.S., THE ADMINISTRATOR SHALL
23 WITHHOLD FROM THE AMOUNT OF THE UNCLAIMED PROPERTY PAID TO THE
24 CLAIMANT AN AMOUNT EQUAL TO THE AMOUNT OF DELINQUENT STATE
25 TAXES, PENALTIES, OR INTEREST. IF THE AMOUNT OF THE UNCLAIMED
26 PROPERTY IS LESS THAN OR EQUAL TO THE AMOUNT OF DELINQUENT STATE
27 TAXES, PENALTIES, OR INTEREST, THE ADMINISTRATOR SHALL WITHHOLD

1 THE ENTIRE AMOUNT OF THE UNCLAIMED PROPERTY. THE ADMINISTRATOR
2 SHALL TRANSMIT ANY UNCLAIMED PROPERTY SO WITHHELD TO THE
3 DEPARTMENT FOR DISBURSEMENT AS DIRECTED IN SECTION 39-21-121,
4 C.R.S.

5 (3) IF A CLAIMANT OWES DELINQUENT STATE TAXES, PENALTIES, OR
6 INTEREST AS DESCRIBED IN THIS SECTION AND ALSO OWES CURRENT CHILD
7 SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD
8 SUPPORT ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT WHEN
9 COMBINED WITH MAINTENANCE AS DESCRIBED IN SECTION 38-13-117.3 OR
10 RESTITUTION OR FINES, FEES, COSTS, OR SURCHARGES AS DESCRIBED IN
11 SECTION 38-13-117.5, OR BOTH, THE UNCLAIMED PROPERTY OFFSET SHALL
12 BE APPLIED IN ACCORDANCE WITH THE PRIORITY SET FORTH IN SECTION
13 38-13-117.3 (2).

14 **SECTION 6.** Part 1 of article 21 of title 39, Colorado Revised
15 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
16 read:

17 **39-21-121. Unclaimed property offset.** (1) (a) THE
18 DEPARTMENT SHALL PERIODICALLY CERTIFY TO THE STATE TREASURER,
19 ACTING AS THE ADMINISTRATOR OF UNCLAIMED PROPERTY UNDER THE
20 "UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE 38, C.R.S.,
21 INFORMATION REGARDING PERSONS WHO ARE LIABLE FOR THE PAYMENT
22 OF TAXES, PENALTIES, OR INTEREST IMPOSED PURSUANT TO ARTICLES 22
23 TO 33 OF THIS TITLE THAT ARE DELINQUENT AND IN DISTRAINT.

24 (b) THE INFORMATION DESCRIBED IN PARAGRAPH (a) OF THIS
25 SUBSECTION (1) SHALL INCLUDE THE SOCIAL SECURITY NUMBER OR
26 FEDERAL EMPLOYER IDENTIFICATION NUMBER, WHICHEVER IS APPLICABLE,
27 OF THE PERSON OWING THE DELINQUENT TAXES, PENALTIES, OR INTEREST,

1 THE AMOUNT OWED, AND ANY OTHER IDENTIFYING INFORMATION
2 REQUIRED BY THE STATE TREASURER.

3 (2) (a) PRIOR TO THE PAYMENT OF A CLAIM FOR UNCLAIMED
4 PROPERTY PURSUANT TO SECTION 38-13-117, C.R.S., THE STATE
5 TREASURER SHALL COMPARE THE SOCIAL SECURITY NUMBER OR FEDERAL
6 EMPLOYER IDENTIFICATION NUMBER, WHICHEVER IS APPLICABLE, OF THE
7 CLAIMANT WITH THOSE CERTIFIED BY THE DEPARTMENT PURSUANT TO
8 SUBSECTION (1) OF THIS SECTION. IF THE NAME AND ASSOCIATED SOCIAL
9 SECURITY NUMBER OR FEDERAL EMPLOYER IDENTIFICATION NUMBER OF A
10 CLAIMANT APPEARS AMONG THOSE CERTIFIED, THE STATE TREASURER
11 SHALL OBTAIN THE CURRENT ADDRESS OF THE CLAIMANT, SUSPEND THE
12 PAYMENT OF THE CLAIM, AND NOTIFY THE DEPARTMENT. THE
13 NOTIFICATION SHALL INCLUDE THE NAME, HOME ADDRESS, AND SOCIAL
14 SECURITY NUMBER OR FEDERAL EMPLOYER IDENTIFICATION NUMBER OF
15 THE CLAIMANT.

16 (b) AFTER RECEIPT OF THE NOTIFICATION FROM THE STATE
17 TREASURER THAT A PERSON CLAIMING UNCLAIMED PROPERTY PURSUANT
18 TO SECTION 38-13-117, C.R.S., APPEARS AMONG THOSE CERTIFIED BY THE
19 DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE
20 DEPARTMENT SHALL NOTIFY THE PERSON, IN WRITING, THAT THE STATE
21 INTENDS TO OFFSET THE PERSON'S DELINQUENT STATE TAXES, PENALTIES,
22 OR INTEREST LIABILITY AGAINST THE PERSON'S CLAIM FOR UNCLAIMED
23 PROPERTY.

24 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 38-13-117.3 (2),
25 C.R.S., UPON NOTIFICATION BY THE STATE TREASURER OF THE AMOUNTS
26 OF UNCLAIMED PROPERTY HELD PURSUANT TO SECTION 38-13-117.7,
27 C.R.S., THE DEPARTMENT SHALL APPLY SUCH AMOUNTS TO THE PERSON'S

1 DELINQUENT STATE TAX LIABILITY.

2 (4) THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO
3 ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING PROCEDURES TO IMPLEMENT
4 THIS SECTION.

5 (5) FOR PURPOSES OF THIS SECTION, "CLAIM FOR UNCLAIMED
6 PROPERTY" MEANS A CASH CLAIM SUBMITTED IN ACCORDANCE WITH
7 SECTION 38-13-117, C.R.S.

8 **SECTION 7. Appropriation.** In addition to any other
9 appropriation, there is hereby appropriated, out of any moneys in the
10 unclaimed property trust fund created in section 38-13-116.5, Colorado
11 Revised Statutes, not otherwise appropriated, to the department of the
12 treasury, for allocation to the unclaimed property program, for the fiscal
13 year beginning July 1, 2005, the sum of _____ dollars (\$ _____), or so
14 much thereof as may be necessary, for the implementation of this act.

15 **SECTION 8. Effective date.** This act shall take effect at 12:01
16 a.m. on the day following the expiration of the ninety-day period after
17 final adjournment of the general assembly that is allowed for submitting
18 a referendum petition pursuant to article V, section 1 (3) of the state
19 constitution (August 10, 2005, if adjournment sine die is on May 11,
20 2005); except that, if a referendum petition is filed against this act or an
21 item, section, or part of this act within such period, then the act, item,
22 section, or part, if approved by the people, shall take effect on the date of
23 the official declaration of the vote thereon by proclamation of the
24 governor.