

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

PREAMENDED

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

LLS NO. 13-0807.01 Jery Payne x2157

SENATE BILL 13-219

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Peniston,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REMEDIATION PERFORMED ON PROPERTY**
102 **CONTAMINATED BY AN ILLEGAL DRUG LABORATORY.**

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://www.leg.state.co.us/billsummaries>.)

Currently, the state board of health may promulgate rules for the cleanup of illegal drug labs. The bill requires the board to implement and promulgate rules addressing the following:

- ! Testing and evaluating contamination;
- ! Training and certifying people to assess and clean up illegal

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.*

- drug laboratories;
- ! Approval of consultants' or contractors' trainers; and
- ! Certifying that property meets the cleanup standards established by the board.

The board is also directed to establish fees and administrative penalties to implement these standards.

Currently, a person who documents cleaning up an illegal drug lab to the board's standards is immune from a lawsuit but the manufacturer of the illegal drugs is not immune. The bill adds, as a person who is not immune, a person convicted of possession of chemicals, supplies, or equipment with intent to manufacture the illegal drugs.

A person who violates a rule of the board is subject to a penalty of up to \$15,000. The bill sets procedures for notifying a person of an alleged violation and issuing an order and establishes standards for taking administrative action and determining the penalty.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** article 18.5
3 of title 25 as follows:

4 **25-18.5-101. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (1) "Board" means the state board of health in the department of
7 public health and environment.

8 (2) ~~(Deleted by amendment, L. 2009, (SB 09-060), ch. 140, p.~~
9 ~~600, § 1, effective April 20, 2009.)~~ "CERTIFIED INDUSTRIAL HYGIENIST"
10 MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE AMERICAN BOARD OF
11 INDUSTRIAL HYGIENE OR ITS SUCCESSOR.

12 (3) "CLEAN-UP STANDARDS" MEANS THE ACCEPTABLE STANDARDS
13 FOR THE REMEDIATION OF AN ILLEGAL DRUG LABORATORY INVOLVING
14 METHAMPHETAMINE, AS ESTABLISHED BY THE BOARD UNDER SECTION
15 25-18.5-102.

16 (4) "CONSULTANT" MEANS A CERTIFIED INDUSTRIAL HYGIENIST OR
17 INDUSTRIAL HYGIENIST WHO IS NOT AN EMPLOYEE, AGENT,

1 REPRESENTATIVE, PARTNER, JOINT VENTURE PARTICIPANT, OR
2 SHAREHOLDER OF THE CONTRACTOR OR OF A PARENT OR SUBSIDIARY
3 COMPANY OF THE CONTRACTOR, AND WHO HAS BEEN CERTIFIED UNDER
4 SECTION 25-18.5-106.

5 (5) "CONTRACTOR" MEANS A PERSON:

6 (a) HIRED TO DECONTAMINATE AN ILLEGAL DRUG LABORATORY IN
7 ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE BOARD UNDER
8 SECTION 25-18.5-102; AND

9 (b) CERTIFIED BY THE DEPARTMENT UNDER SECTION 25-18.5-106.

10 (6) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF
11 PUBLIC HEALTH AND ENVIRONMENT.

12 ~~(2.5)~~ (7) "Governing body" means the agency or office designated
13 by the city council or board of county commissioners where the property
14 in question is located. If there is no such designation, the governing body
15 shall be the county, district, or municipal public health agency, building
16 department, and law enforcement agency with jurisdiction over the
17 property in question.

18 ~~(2.7)~~ (8) "Illegal drug laboratory" means the areas where
19 controlled substances, as defined by section 18-18-102, C.R.S., have been
20 manufactured, processed, cooked, disposed of, used, or stored and all
21 proximate areas that are likely to be contaminated as a result of ~~such~~ THE
22 manufacturing, processing, cooking, disposal, use, or ~~storing~~ STORAGE.

23 (9) "INDUSTRIAL HYGIENIST" HAS THE SAME MEANING AS SET
24 FORTH IN SECTION 24-30-1402 (2.2), C.R.S.

25 ~~(3)~~ (10) "Property" means anything that may be the subject of
26 ownership, including ~~but not limited to~~, land, buildings, structures, and
27 vehicles.

1 (4) (11) "Property owner", for the purposes of real property,
2 means the person holding record fee title to real property. "Property
3 owner" also means the person holding the title to a manufactured home.

4 **25-18.5-102. Illegal drug laboratories - rules.** (1) The board
5 shall promulgate ~~health-protective rules that establish procedures for~~
6 ~~testing and evaluation of contamination and the acceptable standards for~~
7 ~~the cleanup of illegal drug laboratories involving methamphetamine.~~ IN
8 ACCORDANCE WITH SECTION 24-4-103, C.R.S., AS NECESSARY TO
9 IMPLEMENT THIS ARTICLE, INCLUDING:

10 (a) PROCEDURES FOR TESTING CONTAMINATION, EVALUATING
11 CONTAMINATION, AND ESTABLISHING THE ACCEPTABLE STANDARDS FOR
12 CLEANUP OF ILLEGAL DRUG LABORATORIES INVOLVING
13 METHAMPHETAMINE;

14 (b) PROCEDURES FOR A TRAINING AND CERTIFICATION PROGRAM
15 FOR PEOPLE INVOLVED IN THE ASSESSMENT, DECONTAMINATION, AND
16 SAMPLING OF ILLEGAL DRUG LABORATORIES. THE BOARD MAY DEVELOP
17 DIFFERENT LEVELS OF TRAINING AND CERTIFICATION REQUIREMENTS
18 BASED ON A PERSON'S PRIOR EXPERIENCE IN THE ASSESSMENT,
19 DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES.

20 (c) A DEFINITION OF "ASSESSMENT", "DECONTAMINATION", AND
21 "SAMPLING" FOR PURPOSES OF THIS ARTICLE;

22 (d) PROCEDURES FOR THE APPROVAL OF PERSONS TO TRAIN
23 CONSULTANTS OR CONTRACTORS IN THE ASSESSMENT, DECONTAMINATION,
24 OR SAMPLING OF ILLEGAL DRUG LABORATORIES; AND

25 (e) PROCEDURES FOR CONTRACTORS AND CONSULTANTS TO ISSUE
26 CERTIFICATES OF COMPLIANCE TO PROPERTY OWNERS UPON COMPLETION
27 OF ASSESSMENT, DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG

1 LABORATORIES TO CERTIFY THAT THE REMEDIATION OF THE PROPERTY
2 MEETS THE CLEAN-UP STANDARDS ESTABLISHED BY THE BOARD UNDER
3 PARAGRAPH (a) OF THIS SUBSECTION (1).

4 (2) THE BOARD SHALL ESTABLISH FEES FOR THE FOLLOWING:

5 (a) CERTIFICATION OF PERSONS INVOLVED IN THE ASSESSMENT,
6 DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES;

7 (b) MONITORING OF PERSONS INVOLVED IN THE ASSESSMENT,
8 DECONTAMINATION, AND SAMPLING OF ILLEGAL DRUG LABORATORIES, IF
9 NECESSARY TO ENSURE COMPLIANCE WITH THIS ARTICLE; AND

10 (c) APPROVAL OF PERSONS INVOLVED IN TRAINING FOR
11 CONSULTANTS OR CONTRACTORS UNDER PARAGRAPH (d) OF SUBSECTION
12 (1) OF THIS SECTION.

13 (3) THE BOARD SHALL ADOPT RULES FOR DETERMINING
14 ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THIS ARTICLE, BASED ON
15 THE FACTORS ENUMERATED IN SECTION 25-18.5-107 (2) (g).

16 **25-18.5-103. Discovery of illegal drug laboratory - property**
17 **owner - cleanup - liability.** (1) (a) Upon notification from a peace
18 officer that chemicals, equipment, or supplies indicative of an illegal drug
19 laboratory are located on a property, or when an illegal drug laboratory
20 used to manufacture methamphetamine is otherwise discovered and the
21 property owner has received notice, the owner of any contaminated
22 property shall meet the clean-up standards for property established by the
23 board in section 25-18.5-102; except that a property owner may, ~~at his or~~
24 ~~her option and~~ subject to paragraph (b) of this subsection (1), elect instead
25 to demolish the contaminated property. If the owner elects to demolish
26 the contaminated property, the governing body or, if none has been
27 designated, the county, district, or municipal public health agency,

1 building department, or law enforcement agency with jurisdiction over
2 ~~the area where the property is located~~ may require the owner to fence off
3 the property or otherwise make it inaccessible to persons for occupancy
4 or intrusion.

5 (b) An owner of any personal property within a structure or
6 vehicle contaminated by illegal drug laboratory activity ~~shall have~~ HAS ten
7 days after the date of discovery of the laboratory or contamination to
8 remove or clean ~~his or her personal~~ THE property according to board rules
9 AND PARAGRAPH (c) OF THIS SUBSECTION (1). If the personal property
10 owner fails to remove the personal property within ten days, the owner of
11 the structure or vehicle may dispose of the personal property during the
12 clean-up process without liability to the owner of the personal property
13 for ~~such~~ THE disposition.

14 (c) A PERSON WHO REMOVES PERSONAL PROPERTY OR DEBRIS
15 FROM A DRUG LABORATORY SHALL SECURE THE PROPERTY AND DEBRIS TO
16 PREVENT THEFT OR EXPOSING ANOTHER PERSON TO ANY TOXIC OR
17 HAZARDOUS CHEMICALS UNTIL THE PROPERTY AND DEBRIS IS
18 APPROPRIATELY DISPOSED OF OR CLEANED ACCORDING TO BOARD RULES.

19 (2) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS
20 SUBSECTION (2), once a property owner has ~~met the clean-up standards~~
21 ~~and documentation requirements established by the board, as evidenced~~
22 ~~by a copy of the results provided to the governing body,~~ RECEIVED
23 CERTIFICATES OF COMPLIANCE FROM A CONTRACTOR AND A CONSULTANT
24 IN ACCORDANCE WITH SECTION 25-18.5-102 (1) (e) or has demolished the
25 property, OR MET THE CLEAN-UP STANDARDS AND DOCUMENTATION
26 REQUIREMENTS OF THIS SECTION AS IT EXISTED BEFORE THE EFFECTIVE
27 DATE OF THIS SUBSECTION (2), AS AMENDED, THE PROPERTY OWNER:

1 (I) ~~compliance with subsection (1) of this section shall establish~~
2 ~~immunity for the property owner~~ SHALL FURNISH COPIES OF THE
3 CERTIFICATES OF COMPLIANCE TO THE GOVERNING BODY; AND

4 (II) IS IMMUNE from a suit BROUGHT BY A CURRENT OR FUTURE
5 OWNER, RENTER, OCCUPANT, OR NEIGHBOR OF THE PROPERTY for ~~alleged~~
6 ~~health-based civil actions brought by any future owner, renter, or other~~
7 ~~person who occupies such property, or a neighbor of such property, in~~
8 ~~which the alleged cause of the injury or loss is the existence of the illegal~~
9 ~~drug laboratory used to manufacture methamphetamine; except that~~
10 ~~immunity from a civil suit is not established for the~~ THAT ALLEGE INJURY
11 OR LOSS ARISING FROM THE ILLEGAL DRUG LABORATORY.

12 (b) A person convicted for the ~~production~~ MANUFACTURE of
13 methamphetamine OR FOR POSSESSION OF CHEMICALS, SUPPLIES, OR
14 EQUIPMENT WITH INTENT TO MANUFACTURE METHAMPHETAMINE IS NOT
15 IMMUNE FROM SUIT.

16 (3) A person who removes personal property or debris from a drug
17 laboratory shall secure the property and debris to prevent theft or
18 exposing another person to any toxic or hazardous chemicals until the
19 property and debris is appropriately disposed of or cleaned according to
20 board rules.

21 **25-18.5-104. Entry into illegal drug laboratories.** (1) If a
22 structure or vehicle has been determined to be contaminated or if a
23 governing body or law enforcement agency issues a notice of probable
24 contamination, the owner of the structure or vehicle shall not permit any
25 person to have access to the structure or vehicle unless:

26 (a) The person is trained or certified to handle contaminated
27 property ~~pursuant to~~ UNDER board rules or federal law; OR

1 (b) THE OWNER HAS RECEIVED CERTIFICATES OF COMPLIANCE
2 UNDER SECTION 25-18.5-102 (1) (e).

3 **25-18.5-105. Drug laboratories - governing body - authority.**

4 (1) GOVERNING BODIES MAY DECLARE an illegal drug laboratory that has
5 not met the clean-up standards set by the board in section 25-18.5-102
6 ~~shall be deemed~~ a public health nuisance.

7 (2) Governing bodies may enact ordinances or resolutions to
8 enforce this article, including ~~but not limited to~~, preventing unauthorized
9 entry into contaminated property; requiring contaminated property to meet
10 clean-up standards before it is occupied; notifying the public of
11 contaminated property; coordinating services and sharing information
12 between law enforcement, building, public health, and social services
13 agencies and officials; and charging reasonable inspection and testing
14 fees.

15 **25-18.5-106. Powers and duties of department.** (1) THE
16 DEPARTMENT SHALL IMPLEMENT, COORDINATE, AND OVERSEE THE RULES
17 PROMULGATED BY THE BOARD IN ACCORDANCE WITH THIS ARTICLE,
18 INCLUDING:

19 (a) THE CERTIFICATION OF PERSONS INVOLVED IN THE
20 ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG
21 LABORATORIES.

22 (b) THE APPROVAL OF PERSONS TO TRAIN CONSULTANTS AND
23 CONTRACTORS IN THE ASSESSMENT, DECONTAMINATION, OR SAMPLING OF
24 ILLEGAL DRUG LABORATORIES.

25 **25-18.5-107. Enforcement.** (1) A PERSON THAT VIOLATES ANY
26 RULE PROMULGATED BY THE BOARD UNDER SECTION 25-18.5-102 IS
27 SUBJECT TO AN ADMINISTRATIVE PENALTY NOT TO EXCEED FIFTEEN

1 THOUSAND DOLLARS PER DAY PER VIOLATION UNTIL THE VIOLATION IS
2 CORRECTED.

3 (2) (a) WHENEVER THE DEPARTMENT HAS REASON TO BELIEVE
4 THAT A PERSON HAS VIOLATED ANY RULE PROMULGATED BY THE BOARD
5 UNDER SECTION 25-18.5-102, THE DEPARTMENT SHALL NOTIFY THE
6 PERSON, SPECIFYING THE RULE ALLEGED TO HAVE BEEN VIOLATED AND
7 THE FACTS ALLEGED TO CONSTITUTE THE VIOLATION.

8 (b) THE DEPARTMENT SHALL EITHER:

9 (I) SEND THE NOTICE BY CERTIFIED OR REGISTERED MAIL, RETURN
10 RECEIPT REQUESTED, TO THE ALLEGED VIOLATOR'S LAST-KNOWN
11 ADDRESS; OR

12 (II) PERSONALLY SERVE THE NOTICE UPON THE ALLEGED VIOLATOR
13 OR THE ALLEGED VIOLATOR'S AGENT.

14 (c) THE ALLEGED VIOLATOR HAS THIRTY DAYS FOLLOWING
15 RECEIPT OF THE NOTICE TO SUBMIT A WRITTEN RESPONSE CONTAINING
16 DATA, VIEWS, AND ARGUMENTS CONCERNING THE ALLEGED VIOLATION
17 AND POTENTIAL CORRECTIVE ACTIONS.

18 (d) WITHIN FIFTEEN DAYS AFTER RECEIVING NOTICE OF AN
19 ALLEGED VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST AN
20 INFORMAL CONFERENCE WITH DEPARTMENT PERSONNEL TO DISCUSS THE
21 ALLEGED VIOLATION. THE DEPARTMENT SHALL HOLD THE INFORMAL
22 CONFERENCE WITHIN THE THIRTY DAYS ALLOWED FOR A WRITTEN
23 RESPONSE.

24 (e) AFTER CONSIDERATION OF ANY WRITTEN RESPONSE AND
25 INFORMAL CONFERENCE, THE DEPARTMENT SHALL ISSUE A LETTER, WITHIN
26 THIRTY DAYS AFTER THE DATE OF THE INFORMAL CONFERENCE OR
27 WRITTEN RESPONSE, WHICHEVER IS LATER, AFFIRMING OR DISMISSING THE

1 VIOLATION. IF THE DEPARTMENT AFFIRMS THE VIOLATION, THE
2 DEPARTMENT SHALL ISSUE AN ADMINISTRATIVE ORDER WITHIN ONE
3 HUNDRED EIGHTY DAYS AFTER THE TIME FOR A WRITTEN RESPONSE HAS
4 EXPIRED. THE ADMINISTRATIVE ORDER MUST INCLUDE ANY REMAINING
5 CORRECTIVE ACTIONS THAT THE VIOLATOR SHALL TAKE AND ANY
6 ADMINISTRATIVE PENALTY THAT THE DEPARTMENT DETERMINES IS
7 APPROPRIATE.

8 (f) THE DEPARTMENT SHALL SERVE AN ADMINISTRATIVE ORDER
9 UNDER THIS ARTICLE ON THE PERSON SUBJECT TO THE ORDER BY
10 PERSONAL SERVICE OR BY REGISTERED MAIL, RETURN RECEIPT REQUESTED,
11 AT THE PERSON'S LAST-KNOWN ADDRESS. AN ORDER MAY BE PROHIBITORY
12 OR MANDATORY IN EFFECT. THE ORDER IS EFFECTIVE IMMEDIATELY UPON
13 ISSUANCE UNLESS OTHERWISE PROVIDED IN THE ORDER.

14 (g) IN DETERMINING THE AMOUNT OF AN ADMINISTRATIVE
15 PENALTY, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING FACTORS:

16 (I) THE SERIOUSNESS OF THE VIOLATION;

17 (II) WHETHER THE VIOLATION WAS INTENTIONAL, RECKLESS, OR
18 NEGLIGENT;

19 (III) ANY IMPACT ON, OR THREAT TO, THE PUBLIC HEALTH OR
20 ENVIRONMENT AS A RESULT OF THE VIOLATION;

21 (IV) THE VIOLATOR'S DEGREE OF RECALCITRANCE;

22 (V) WHETHER THE VIOLATOR HAS HAD A PRIOR VIOLATION AND,
23 IF SO, THE NATURE AND SEVERITY OF THE PRIOR VIOLATION;

24 (VI) THE ECONOMIC BENEFIT THE VIOLATOR RECEIVED AS A
25 RESULT OF THE VIOLATION;

26 (VII) WHETHER THE VIOLATOR VOLUNTARILY, TIMELY, AND
27 COMPLETELY DISCLOSED THE VIOLATION BEFORE THE DEPARTMENT

1 DISCOVERED IT;

2 (VIII) WHETHER THE VIOLATOR FULLY AND PROMPTLY
3 COOPERATED WITH THE DEPARTMENT FOLLOWING DISCLOSURE OR
4 DISCOVERY OF THE VIOLATION; AND

5 (IX) ANY OTHER RELEVANT AGGRAVATING OR MITIGATING
6 CIRCUMSTANCES.

7 (3) IF THE DEPARTMENT DETERMINES THAT A PERSON HAS BEEN
8 GROSSLY NONCOMPLIANT WITH THE RULES PROMULGATED BY THE BOARD
9 UNDER SECTION 25-18.5-102, THE DEPARTMENT MAY:

10 (a) SUSPEND OR REVOKE THE PERSON'S CERTIFICATION FOR THE
11 ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG
12 LABORATORIES; OR

13 (b) SUSPEND OR REVOKE THE APPROVAL OF A PERSON TO PROVIDE
14 TRAINING FOR CONSULTANTS OR CONTRACTORS PERFORMING
15 ASSESSMENT, DECONTAMINATION, OR SAMPLING OF ILLEGAL DRUG
16 LABORATORIES.

17 **25-18.5-108. Illegal drug laboratory fund.** THE ILLEGAL DRUG
18 LABORATORY FUND IS HEREBY ESTABLISHED IN THE STATE TREASURY. THE
19 DEPARTMENT SHALL TRANSFER THE FEES COLLECTED UNDER 25-18.5-102
20 (2) TO THE STATE TREASURER WHO SHALL CREDIT THESE FEES TO THE
21 FUND. THE GENERAL ASSEMBLY SHALL APPROPRIATE THE MONEYS IN THE
22 FUND FOR THE IMPLEMENTATION OF THIS ARTICLE. THE TREASURER SHALL
23 CREDIT TO THE FUND ALL INTEREST DERIVED FROM THE DEPOSIT AND
24 INVESTMENT OF MONEYS IN THE FUND. THE MONEYS IN THE FUND STAY IN
25 THE FUND AT THE END OF THE FISCAL YEAR AND DO NOT REVERT TO THE
26 GENERAL FUND OR ANY OTHER FUND.

27 **25-18.5-109. Judicial review.** THE DEPARTMENT'S DECISIONS ARE

1 SUBJECT TO JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 24-4-106,
2 C.R.S.

3 **SECTION 2.** In Colorado Revised Statutes, 38-35.7-103, **amend**
4 (2) (c) and (4) as follows:

5 **38-35.7-103. Disclosure - methamphetamine laboratory.**

6 (2) (c) If the seller receives ~~the~~ A notice referred to in paragraph (b) of
7 UNDER this subsection (2) ~~or if the seller receives the notice referred to in~~
8 ~~paragraph (a) of this subsection (2)~~ and does not elect to have the
9 property retested pursuant to paragraph (b) of UNDER this subsection (2),
10 then an illegal drug laboratory used to manufacture methamphetamine
11 ~~shall be deemed to have~~ HAS been discovered. ~~and the owner shall be~~
12 ~~deemed to have received notice pursuant to section 25-18.5-103 (1) (a),~~
13 ~~C.R.S.~~ Nothing in this section shall prohibit PROHIBITS a buyer from
14 purchasing the property and assuming liability pursuant to UNDER section
15 25-18.5-103, C.R.S., if, on the date of closing, the buyer provides notice
16 to the department of public health and environment AND GOVERNING
17 BODY of the purchase and assumption of liability and if the remediation
18 required by section 25-18.5-103, C.R.S., is completed within ninety days
19 after the date of closing.

20 (4) If the seller ~~became~~ BECOMES aware that the property was
21 once used for the production of methamphetamine and REMEDIATES the
22 property ~~was remediated~~ in accordance with the standards established
23 pursuant to BY section 25-18.5-102, C.R.S., and ~~evidence of such~~
24 ~~remediation was received by the applicable governing body in~~ RECEIVES
25 CERTIFICATES OF compliance ~~with the documentation requirements~~
26 ~~established pursuant to~~ UNDER section 25-18.5-102 (1) (e), C.R.S., then:

27 (a) The seller ~~shall~~ IS not be required to disclose that the property

1 was used as a methamphetamine laboratory to a buyer; and

2 (b) The property ~~shall be removed from~~ IS NO LONGER ELIGIBLE
3 FOR INCLUSION IN any government-sponsored informational service listing
4 properties that have been used for the production of methamphetamine.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2014 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.