First Regular Session Seventy-third General Assembly STATE OF COLORADO

REVISED

This Version Includes All Amendments Adopted on Second Reading in the Second House

LLS NO. 21-0169.01 Yelana Love x2295

HOUSE BILL 21-1014

HOUSE SPONSORSHIP

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House Committees

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A BILL FOR AN ACT

101	CONCERNING THE ABILITY OF A PERSON TO VOLUNTARILY DISCLOSE
102	DISABILITY INFORMATION TO THE DEPARTMENT OF REVENUE.
103	AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION

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 bill adds an option for a person with a disability to request that the department of revenue place a discreet disability identifier symbol on the person's driver's license or identification card. The symbol must represent all types of disabilities, such as cognitive, neurological, or physical disabilities. SENATE Amended 2nd Reading June 4, 2021

HOUSE rd Reading Unamended May 10, 2021

HOUSE Amended 2nd Reading May 7, 2021

Shading denotes HOUSE amendment. <u>Double underlining denotes SENATE amendment.</u>

Capital letters or bold & italic numbers indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

The bill also requires the department to collect information that the owner of a vehicle voluntarily discloses about the disability of a person who is either authorized to drive, or a regular passenger of, the registered vehicle. The department shall make this information immediately available to a peace officer who queries information about the registered vehicle.

The department is required to notify peace officers about the creation of the disability identifier symbol and the availability of information regarding the disability of a driver or passenger of a motor vehicle.

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

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

- (a) People living with visible and invisible disabilities, including cognitive disabilities, neurological diversities, mental health disorders, sensory needs, chronic illness, chronic pain, and physical disabilities, are equal and valuable citizens of the state of Colorado;
- (b) According to a study published in 2016 by the Ruderman Family Foundation, up to half of all people killed by police in the United States have a disability, and almost all well-known cases of police brutality involve a person with a disability;
- (c) Colorado's law enforcement officers perform honorably, courageously, and selflessly, and their safety remains of paramount importance;
- (d) Law enforcement officers routinely encounter people living with disabilities such as neurodiversity or a mental health disorder while performing their duties;
- (e) In Colorado, there are multiple instances every year of people living with disabilities such as neurodiversity or a mental health disorder having force applied against them by police officers. At times it is found

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1	that the use of force is excessive, unjustified, or could have been avoided.
2	(f) Law enforcement officers may not have adequate training or
3	experience identifying or interacting with people living with disabilities
4	such as neurodiversity or a mental health disorder;
5	(g) Increasing an officer's knowledge of, and comfort with,
6	interactions with people with disabilities such as neurodiversity or a
7	mental health disorder will better serve Colorado's marginalized
8	populations, as well as protect law enforcement officers while performing
9	their duties;
10	(h) One way to avoid unnecessary escalation resulting from the
11	failure of law enforcement officers to identify a person with a disability
12	is by marking the person's driver's license or state identification card with
13	a simple, widely recognized symbol, such as that adopted by the Invisible
14	Disabilities Association, Inc., for this purpose, and by having disability
15	information about a driver or regular passenger attached to a vehicle
16	registration made available when law enforcement queries the vehicle's
17	registration information, which symbol will indicate that the person has
18	a disability that may result in behaviors or communications that may be
19	misinterpreted in a stressful situation; and
20	(i) By directing the department of revenue to issue drivers'
21	licenses and identification cards marked with such a symbol, the general
22	assembly hopes to eliminate or reduce the number of use-of-force
23	incidents between law enforcement officers and people with disabilities,
24	including neurodiversity or a mental health disorder.
25	SECTION 2. In Colorado Revised Statutes, 42-2-114, amend
26	(1)(b)(I); and add (12) as follows:

42-2-114. License issued - disability identifier symbol - fees -

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1 rules. (1) (b) (I) In the event IF the department issues a driver's license 2 that contains stored information, such license may include THE 3 DEPARTMENT SHALL INCLUDE IN THE STORED INFORMATION only the 4 information that is specifically referenced in paragraph (a) of this 5 subsection (1) and SUBSECTION (1)(a) OF THIS SECTION, that appears in 6 printed form on the face of the license issued by the department to the 7 licensee, and OR THAT IS any race or ethnicity information identified on 8 the application pursuant to UNDER section 42-2-107 (2)(a)(II); except that 9 such stored information THE DEPARTMENT shall not include IN THE 10 STORED INFORMATION: 11 (A) The licensee's social security number; OR 12 (B) THE FACT THAT THE LICENSEE HAS REQUESTED THAT A 13 DISABILITY IDENTIFIER SYMBOL BE PLACED ON THE LICENSEE'S DRIVER'S 14 LICENSE IN ACCORDANCE WITH SUBSECTION (12) OF THIS SECTION. 15 (12) (a) (I) AT AN APPLICANT'S REQUEST, AND UPON COMPLETION 16 OF THE APPLICATION PURSUANT TO SECTION (12)(a)(II)(A) OF THIS 17 SECTION, THE DEPARTMENT SHALL ISSUE TO THE APPLICANT A DRIVER'S 18 LICENSE BEARING A DISABILITY IDENTIFIER SYMBOL IF THE APPLICANT HAS 19 A DISABILITY AS DEFINED IN THE FEDERAL "AMERICANS WITH DISABILITIES 20 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND THE DISABILITY 21 INTERFERES WITH THE PERSON'S ABILITY TO EFFECTIVELY COMMUNICATE 22 WITH A PEACE OFFICER. 23 (II) (A) THE DEPARTMENT SHALL PROMULGATE A RULE CREATING 24 AN APPLICATION AND RENEWAL FORM THAT IS SIGNED BY A PROFESSIONAL, 25 UNDER PENALTY OF PERJURY, TO AFFIRM THAT AN APPLICANT MEETS THE 26 ELIGIBILITY REQUIREMENTS FOR A DISABILITY IDENTIFIER SYMBOL AND

SETTING OUT THE PENALTIES FOR AUTHORIZING A DISABILITY IDENTIFIER

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INTERFERES WITH THE APPLICANT'S ABILITY TO EFFECTIVELY
COMMUNICATE WITH A PEACE OFFICER.
(B) As used in this subsection (12)(a)(II), "Professional"
MEANS A PHYSICIAN LICENSED TO PRACTICE MEDICINE UNDER ARTICLE 240
OF THIS TITLE 12 OR PRACTICING MEDICINE UNDER SECTION 12-240-107
(3)(i), A PHYSICIAN ASSISTANT LICENSED UNDER SECTION 12-240-113, A
MENTAL HEALTH PROFESSIONAL LICENSED OR CERTIFIED PURSUANT TO
ARTICLE 245 OF TITLE 12, AN ADVANCED PRACTICE NURSE REGISTERED
UNDER SECTION 12-255-111, A PERSON WITH A MASTER'S DEGREE IN
REHABILITATION COUNSELING, OR A PHYSICIAN, PHYSICIAN ASSISTANT.
MENTAL HEALTH PROFESSIONAL, OR ADVANCED PRACTICE REGISTERED
NURSE AUTHORIZED TO PRACTICE PROFESSIONALLY BY ANOTHER STATE
THAT SHARES A COMMON BORDER WITH COLORADO.
(b) THE DISABILITY IDENTIFIER SYMBOL PLACED ON A DRIVER'S
LICENSE IN ACCORDANCE WITH THIS SUBSECTION (12) MUST BE DISCREET
AND MUST REPRESENT ALL TYPES OF DISABILITIES, INCLUDING COGNITIVE
DISABILITIES, NEUROLOGICAL DIVERSITIES, MENTAL HEALTH DISORDERS.
SENSORY NEEDS, CHRONIC ILLNESS, CHRONIC PAIN, AND PHYSICAL
DISABILITIES. THE DEPARTMENT SHALL DEVELOP THE SYMBOL BY RULE.
(c) THE DEPARTMENT SHALL NOT CHARGE A FEE FOR PLACING A
DISABILITY IDENTIFIER SYMBOL ON A DRIVER'S LICENSE.
(d) THE DEPARTMENT SHALL NOTIFY PEACE OFFICERS IN
COLORADO ABOUT THE VOLUNTARY DISABILITY IDENTIFIER SYMBOL
COLORADO ABOUT THE VOLUNTARY DISABLETT IDENTIFIER STIMBOL
CREATED IN THIS SUBSECTION (12), NOTING THAT THE SYMBOL IS NOT THE

SYMBOL BEFORE VERIFYING THAT THE APPLICANT HAS A DISABILITY THAT

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1	INCLUDING TRAINING IN RECOGNIZING PERSONS WITH DISABILITIES,
2	APPROPRIATE INTERACTIONS WITH PERSONS WITH DISABILITIES,
3	RESOURCES AVAILABLE TO PERSONS WITH DISABILITIES AND TO THOSE
4	INTERACTING WITH PERSONS WITH DISABILITIES, AND THE REQUIREMENTS
5	OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
6	U.S.C. SEC. 12101 ET SEQ., AS AMENDED.
7	(e) A PERSON MAY CHOOSE TO NO LONGER HAVE THE DISABILITY
8	IDENTIFIER SYMBOL ON THE PERSON'S DRIVER'S LICENSE. THE
9	DEPARTMENT SHALL ISSUE A PERSON A NEW DRIVER'S LICENSE WITHOUT
10	A DISABILITY IDENTIFIER SYMBOL AT THE REQUEST OF THE PERSON. THE
11	DEPARTMENT SHALL NOT CHARGE A FEE FOR THE ISSUANCE OF A NEW
12	DRIVER'S LICENSE WITHOUT THE DISABILITY IDENTIFIER SYMBOL. THE
13	DEPARTMENT SHALL NOT RETAIN ANY INFORMATION REGARDING A
14	PERSON'S DISABILITY WHEN THE PERSON CHOOSES TO REMOVE THE
15	DISABILITY IDENTIFIER SYMBOL FROM THE PERSON'S DRIVER'S LICENSE.
16	(f) By January 15, 2023, and each year thereafter, the
17	DEPARTMENT SHALL REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH
18	AND INSURANCE COMMITTEE AND TRANSPORTATION AND LOCAL
19	GOVERNMENT COMMITTEE AND THE SENATE HEALTH AND HUMAN
20	SERVICES COMMITTEE AND TRANSPORTATION AND ENERGY COMMITTEE,
21	OR THEIR SUCCESSOR COMMITTEES, ON THE PERCENTAGE OF PERSONS
22	ISSUED A DRIVER'S LICENSE WHO HAVE REQUESTED A DISABILITY
23	IDENTIFIER SYMBOL ISSUED IN ACCORDANCE WITH THIS SUBSECTION (12)
24	IN THE PREVIOUS CALENDAR YEAR.
25	SECTION 3. In Colorado Revised Statutes, 42-2-303, amend
26	(1)(b)(I); and add (6) as follows:
27	42-2-303. Contents of identification card - disability identifier

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symbol. (1) (b) (I) In the event IF the department issues an identification card that contains stored information, such card may include THE DEPARTMENT SHALL INCLUDE IN THE STORED INFORMATION only the information that is specifically referenced in paragraph (a) of this subsection (1), and SUBSECTION (1)(a) OF THIS SECTION, that appears in printed form on the face of the card issued by the department to the registrant, and OR THAT IS any race or ethnicity information identified on an application pursuant to UNDER section 42-2-302 (1)(a)(VI); except that such stored information THE DEPARTMENT shall not include IN THE STORED INFORMATION: (A) The registrant's social security number; OR (B) THE FACT THAT THE REGISTRANT HAS REQUESTED THAT A DISABILITY IDENTIFIER SYMBOL BE PLACED ON THE REGISTRANT'S IDENTIFICATION CARD IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION. (6) (a) (I) AT AN APPLICANT'S REQUEST, AND UPON COMPLETION OF THE APPLICATION PURSUANT TO SECTION (6)(a)(II)(A) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE TO THE APPLICANT AN IDENTIFICATION CARD BEARING A DISABILITY IDENTIFIER SYMBOL IF THE APPLICANT HAS A DISABILITY AS DEFINED IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND THE DISABILITY INTERFERES WITH THE PERSON'S ABILITY TO EFFECTIVELY COMMUNICATE WITH A PEACE OFFICER. (II) (A) THE DEPARTMENT SHALL PROMULGATE A RULE CREATING AN APPLICATION AND RENEWAL FORM THAT IS SIGNED BY A PROFESSIONAL, UNDER PENALTY OF PERJURY, TO AFFIRM THAT AN APPLICANT MEETS THE

ELIGIBILITY REQUIREMENTS FOR A DISABILITY IDENTIFIER SYMBOL AND

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1	SETTING OUT THE PENALTIES FOR AUTHORIZING A DISABILITY IDENTIFIER
2	SYMBOL BEFORE VERIFYING THAT THE PERSON HAS A DISABILITY THAT
3	INTERFERES WITH THE PERSON'S ABILITY TO EFFECTIVELY COMMUNICATE
4	WITH A PEACE OFFICER.
5	(B) AS USED IN THIS SECTION (6)(a)(II), "PROFESSIONAL" MEANS
6	A PHYSICIAN LICENSED TO PRACTICE MEDICINE UNDER ARTICLE 240 OF
7	TITLE 12 OR PRACTICING MEDICINE UNDER SECTION 12-240-107 (3)(i), A
8	PHYSICIAN ASSISTANT LICENSED UNDER SECTION 12-240-113, A MENTAL
9	HEALTH PROFESSIONAL LICENSED OR CERTIFIED UNDER ARTICLE 245 OF
10	TITLE 12, AN ADVANCED PRACTICE NURSE REGISTERED UNDER SECTION
11	12-255-111, A PERSON WITH A MASTER'S DEGREE IN REHABILITATION
12	COUNSELING, OR A PHYSICIAN, PHYSICIAN ASSISTANT, MENTAL HEALTH
13	PROFESSIONAL, OR ADVANCED PRACTICE REGISTERED NURSE AUTHORIZED
14	TO PRACTICE PROFESSIONALLY BY ANOTHER STATE THAT SHARES A
15	COMMON BORDER WITH COLORADO.
16	(b) The disability identifier symbol placed on an
17	IDENTIFICATION CARD IN ACCORDANCE WITH THIS SUBSECTION (6) MUST
18	BE DISCREET AND MUST REPRESENT ALL TYPES OF DISABILITIES,
19	INCLUDING COGNITIVE DISABILITIES, NEUROLOGICAL DIVERSITIES, MENTAL
20	HEALTH DISORDERS, SENSORY NEEDS, CHRONIC ILLNESS, CHRONIC PAIN,
21	AND PHYSICAL DISABILITIES. THE DEPARTMENT SHALL DEVELOP THE
22	SYMBOL BY RULE.
23	(c) THE DEPARTMENT SHALL NOT CHARGE A FEE FOR PLACING A
24	DISABILITY IDENTIFIER SYMBOL ON AN IDENTIFICATION CARD.
25	(d) The department shall notify peace officers in
26	COLORADO ABOUT THE VOLUNTARY DISABILITY IDENTIFIER SYMBOL
27	CREATED IN THIS SUBSECTION (6) , NOTING THAT THE SYMBOL IS NOT THE

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1	EXCLUSIVE OR ONLY DETERMINATION OF DISABILITY, AND DIRECTING
2	PEACE OFFICERS TO RELEVANT P.O.S.T. CURRICULUM RESOURCES,
3	INCLUDING TRAINING IN RECOGNIZING PERSONS WITH DISABILITIES,
4	APPROPRIATE INTERACTIONS WITH PERSONS WITH DISABILITIES,
5	RESOURCES AVAILABLE TO PERSONS WITH DISABILITIES AND TO THOSE
6	INTERACTING WITH PERSONS WITH DISABILITIES, AND THE REQUIREMENTS
7	OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42
8	U.S.C. SEC. 12101 ET SEQ., AS AMENDED.
9	(e) A PERSON MAY CHOOSE TO NO LONGER HAVE THE DISABILITY
10	IDENTIFIER SYMBOL ON THE PERSON'S IDENTIFICATION CARD. THE
11	DEPARTMENT SHALL ISSUE A PERSON A NEW IDENTIFICATION CARD
12	WITHOUT A DISABILITY IDENTIFIER SYMBOL AT THE REQUEST OF THE
13	PERSON. THE DEPARTMENT SHALL NOT CHARGE A FEE FOR THE ISSUANCE
14	OF A NEW IDENTIFICATION CARD WITHOUT THE DISABILITY IDENTIFIER
15	SYMBOL. THE DEPARTMENT SHALL NOT RETAIN ANY INFORMATION
16	REGARDING A PERSON'S DISABILITY WHEN THE PERSON CHOOSES TO
17	REMOVE THE DISABILITY IDENTIFIER SYMBOL FROM THE PERSON'S
18	IDENTIFICATION CARD.
19	(f) By January 15, 2023, and each year thereafter, the
20	DEPARTMENT SHALL REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH
21	AND INSURANCE COMMITTEE AND TRANSPORTATION AND LOCAL
22	GOVERNMENT COMMITTEE AND THE SENATE HEALTH AND HUMAN
23	SERVICES COMMITTEE AND TRANSPORTATION AND ENERGY COMMITTEE,
24	OR THEIR SUCCESSOR COMMITTEES, ON THE PERCENTAGE OF PERSONS
25	ISSUED AN IDENTIFICATION CARD WHO HAVE REQUESTED A DISABILITY
26	IDENTIFIER SYMBOL ISSUED IN ACCORDANCE WITH THIS SUBSECTION (6) IN
27	THE PREVIOUS CALENDAR YEAR.

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1	SECTION 4. In Colorado Revised Statutes, 42-3-113, add (9.5)
2	as follows:
3	42-3-113. Records of application and registration - disability
4	of a driver - definitions. (9.5) (a) <u>Upon completion of the</u>
5	APPLICATION CREATED PURSUANT TO SUBSECTION (9.5)(b) OF THIS
6	SECTION, WHEN REGISTERING OR RENEWING THE REGISTRATION OF A
7	VEHICLE PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL COLLECT
8	INFORMATION THAT THE OWNER OF A VEHICLE VOLUNTARILY DISCLOSES
9	ABOUT THE DISABILITY OF A PERSON WHO IS EITHER AUTHORIZED TO
10	DRIVE, OR A REGULAR PASSENGER OF, THE REGISTERED VEHICLE FOR A
11	PERSON WHO HAS A DISABILITY AS DEFINED IN THE FEDERAL "AMERICANS
12	WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND THE
13	DISABILITY INTERFERES WITH THE PERSON'S ABILITY TO EFFECTIVELY
14	COMMUNICATE WITH A PEACE OFFICER. THE DEPARTMENT SHALL MAKE
15	THIS INFORMATION IMMEDIATELY AVAILABLE TO A PEACE OFFICER WHO
16	QUERIES INFORMATION ABOUT THE REGISTERED VEHICLE.
17	(b) (I) THE DEPARTMENT SHALL PROMULGATE A RULE CREATING
18	AN APPLICATION AND RENEWAL FORM THAT IS SIGNED BY A PROFESSIONAL,
19	UNDER PENALTY OF PERJURY, TO AFFIRM THAT THE DRIVER OR REGULAR
20	PASSENGER OF A VEHICLE HAS A DISABILITY AND THE DISABILITY
21	INTERFERES WITH THE PERSON'S ABILITY TO EFFECTIVELY COMMUNICATE
22	WITH A PEACE OFFICER AND SETTING OUT THE PENALTIES FOR AFFIRMING
23	BEFORE VERIFYING THAT THE PERSON HAS A DISABILITY THAT THE
24	PERSON'S ABILITY TO EFFECTIVELY COMMUNICATE WITH A PEACE OFFICER.
25	(II) As used in this subsection (9.5)(b), "professional" means
26	A PHYSICIAN LICENSED TO PRACTICE MEDICINE UNDER ARTICLE 240 OF
27	TITLE 12 OR PRACTICING MEDICINE UNDER SECTION 12-240-107 (3)(i), A

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1	PHYSICIAN ASSISTANT LICENSED UNDER SECTION 12-240-113, A MENTAL
2	HEALTH PROFESSIONAL LICENSED OR CERTIFIED UNDER ARTICLE 245 OF
3	TITLE 12, AN ADVANCED PRACTICE NURSE REGISTERED UNDER SECTION
4	12-255-111, A PERSON WITH A MASTER'S DEGREE IN REHABILITATION
5	COUNSELING, OR A PHYSICIAN, PHYSICIAN ASSISTANT, MENTAL HEALTH
6	PROFESSIONAL, OR ADVANCED PRACTICE NURSE AUTHORIZED TO PRACTICE
7	PROFESSIONALLY BY ANOTHER STATE THAT SHARES A COMMON BORDER
8	WITH COLORADO.
9	(c) THE DEPARTMENT SHALL NOT CHARGE A FEE FOR COLLECTING
10	OR MAKING THIS INFORMATION AVAILABLE TO PEACE OFFICERS.
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12	(d) AN OWNER OF A VEHICLE MAY CHOOSE TO NO LONGER HAVE
13	THE INFORMATION REGARDING A DISABILITY AVAILABLE TO A PEACE
14	OFFICER WHO QUERIES THE VEHICLE REGISTRATION. AT AN OWNER'S
15	REQUEST, THE DEPARTMENT SHALL REMOVE THE DISABILITY INFORMATION
16	ATTACHED TO THE OWNER'S VEHICLE REGISTRATION. THE DEPARTMENT
17	SHALL NOT RETAIN ANY DISABILITY INFORMATION FOR AN OWNER WHO
18	CHOOSES TO REMOVE DISABILITY INFORMATION FROM THE OWNER'S
19	VEHICLE REGISTRATION.
20	(e) By January 15, 2023, and each year thereafter, the
21	DEPARTMENT SHALL REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH
22	AND INSURANCE COMMITTEE AND TRANSPORTATION AND LOCAL
23	GOVERNMENT COMMITTEE AND THE SENATE HEALTH AND HUMAN
24	SERVICES COMMITTEE AND TRANSPORTATION AND ENERGY COMMITTEE,
25	OR THEIR SUCCESSOR COMMITTEES, ON THE PERCENTAGE OF PERSONS
26	REGISTERING A VEHICLE WHO HAVE DISCLOSED DISABILITY INFORMATION
27	IN ACCORDANCE WITH THIS SUBSECTION (9.5) IN THE PREVIOUS CALENDAR

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1	YEAR.
2	SECTION 5. Appropriation. (1) For the 2021-22 state fiscal
3	year, <u>\$89,298</u> is appropriated to the department of revenue. This
4	appropriation is from the general fund. To implement this act, the
5	department may use this appropriation as follows:
6	(a) \$55,800 for use by the division of motor vehicles for DRIVES
7	maintenance and support;
8	(b) \$3,498 for drivers license documents; and
9	(c) \$30,000 for the purchase of information technology services.
10	(2) For the 2021-22 state fiscal year, \$30,000 is appropriated to
11	the office of the governor for use by the office of information technology.
12	This appropriation is from reappropriated funds received from the
13	department of revenue under subsection (1)(c) of this section. To
14	implement this act, the office may use this appropriation to provide
15	information technology services for the department of revenue.
16	SECTION 6. Act subject to petition - effective date. This act
17	takes effect July 1, 2022; except that, if a referendum petition is filed
18	pursuant to section 1 (3) of article V of the state constitution against this
19	act or an item, section, or part of this act within such period, then the act,
20	item, section, or part will not take effect unless approved by the people
21	at the general election to be held in November 2022 and, in such case,
22	will take effect on the date of the official declaration of the vote thereon
23	by the governor.

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