

CHAPTER 46

GENERAL ASSEMBLY

SENATE BILL 06-033

BY SENATOR(S) Owen, Entz, Lamborn, May R., Tapia, Taylor, and Williams;
also REPRESENTATIVE(S) Coleman, Borodkin, and Ragsdale.

AN ACT

CONCERNING THE ELIMINATION OF OBSOLETE STATUTORY LANGUAGE.

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

SECTION 1. Repeal. 8-46-102 (2) (a) (II), Colorado Revised Statutes, is repealed as follows:

8-46-102. Funding for subsequent injury fund and major medical insurance fund. (2) (a) (II) ~~In addition to the tax paid pursuant to subparagraph (f) of this paragraph (a), on and after July 1, 1992, until the subsequent injury fund assessment made in January, 1995, notwithstanding the provisions of sections 10-3-209 (1) (c) and 10-6-128 (3), C.R.S., for the purpose of repaying advances to the subsequent injury fund from the general fund in the amount of seven hundred thousand dollars in February, 1992, and three million dollars in March, 1992, to be repaid in four equal installments over a period not to exceed thirty months, with interest at a rate not to exceed three percent per annum, every person, partnership, association, and corporation, whether organized under the laws of this state or of any other state or country, every mutual company or association, every captive insurance company, and every other insurance carrier, including Pinnacle Assurance, insuring employers in this state against liability for personal injury to their employees or death caused thereby under the provisions of articles 40 to 47 of this title shall, as provided in this subsection (2), pay a subsequent injury fund solvency surcharge upon the premiums received in this state, whether or not in cash, or on account of business done in this state for such insurance in this state at a rate not to exceed twenty-three one-hundredths of one percent. Such insurance carriers shall be credited with all cancelled or returned premiums actually refunded during the year of such insurance.~~

SECTION 2. Repeal. 8-46-108, Colorado Revised Statutes, is repealed as

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

follows:

8-46-108. Legislative council study of subsequent injury fund. ~~The legislative council shall, through a request for proposals, contract for an independent study of the subsequent injury fund to be paid for from moneys in the subsequent injury fund not to exceed fifty thousand dollars. Such study shall include, but not be limited to, the actuarial condition of the subsequent injury fund. Additionally, the study shall provide for evaluating alternative mechanisms for effective management of the subsequent injury fund. The results of the study required by this section shall be reported to the general assembly no later than February 10, 1993.~~

SECTION 3. Repeal. 8-46-109 (3), Colorado Revised Statutes, is repealed as follows:

8-46-109. Legislative declaration - claims management. (3) ~~On or before January 1, 1995, the executive director of the department of labor and employment shall submit a detailed proposal to the members of the house and senate business affairs and labor committees regarding a request for proposals to effectuate a portfolio transfer of present and future claims of the subsequent injury fund and its future liability to a private insurance carrier. Following review by said committees and the incorporation of any changes required thereby, the executive director shall proceed to accept proposals for such transfer subject to all applicable laws and rules governing state bids and procurements.~~

SECTION 4. Repeal. 8-47-101 (3) (b), Colorado Revised Statutes, is repealed as follows:

8-47-101. Division of workers' compensation - creation - powers, duties, and functions - transfer of functions - change of statutory references. (3) (b) ~~On July 1, 1991, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the division of labor pertaining to the duties and functions transferred to the division of workers' compensation pursuant to section 24-1-121 (3), C.R.S., are transferred to the division of workers' compensation and shall become the property thereof.~~

SECTION 5. 8-73-101 (2), Colorado Revised Statutes, is amended to read:

8-73-101. Payment of benefits. (2) An individual's eligibility and benefit amounts shall be determined weekly. Unemployment insurance benefit checks shall be issued once every two weeks; except that the division, when it determines it to be necessary for proper administration of articles 70 to 82 of this title, including the effecting of administrative economies, may issue benefit checks on a weekly basis. Under no circumstance shall benefit checks be issued less frequently than once every two weeks. ~~This subsection (2) shall be implemented by the division no later than July 1, 1985.~~

SECTION 6. 13-3-104 (1), Colorado Revised Statutes, is amended to read:

13-3-104. State shall fund courts. (1) ~~On and after January 1, 1970,~~ The state of Colorado shall provide funds by annual appropriation for the operations, salaries, and other expenses of all courts of record within the state, except for county courts

in the city and county of Denver and municipal courts. ~~On January 1, 1970, all supplies and equipment assigned or belonging to courts of record, except motor vehicles, shall be transferred to and become the property of the judicial department of the state. Such transfer of supplies and equipment shall not apply to the county court of the city and county of Denver or to municipal courts.~~

SECTION 7. 13-3-108 (5), Colorado Revised Statutes, is amended to read:

13-3-108. Maintenance of court facilities - capital improvements. (5) ~~On and after July 1, 1975,~~ Construction or remodeling of any court or court-related facility shall be commenced only with prior approval of the chief justice of the Colorado supreme court after consultation with the board of county commissioners; except that a board of county commissioners, at its discretion, may take such actions.

SECTION 8. 13-4-103 (1), Colorado Revised Statutes, is amended to read:

13-4-103. Number of judges - qualifications. (1) ~~Effective January 1, 1988, the number of judges of the court of appeals shall be thirteen. Effective July 1, 1988,~~ The number of judges of the court of appeals shall be sixteen.

SECTION 9. 24-31-203 (2), Colorado Revised Statutes, is amended to read:

24-31-203. State solicitor - qualifications - appointment - duties. (2) The state solicitor shall be the head of the division of state solicitor general and shall provide such legal services for each state agency as may be designated by the attorney general. ~~On and after July 1, 1973,~~ No state agency shall appoint or employ any person to perform legal services except in accordance with the provisions of this part 2.

SECTION 10. Repeal. 24-31-205, Colorado Revised Statutes, is repealed as follows:

24-31-205. Transfer of personnel and appropriations. ~~Effective July 1, 1973, any person employed at that time to provide legal services shall automatically become assistant state solicitors general within the division of state solicitor general. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state, and their services shall be deemed to have been continuous.~~

SECTION 11. Repeal. 24-31-206, Colorado Revised Statutes, is repealed as follows:

24-31-206. Transfer and appropriation of funds. ~~All moneys appropriated for expenditure by any state agency for the fiscal year beginning July 1, 1973, or remaining to the credit thereof and not revertible by law to the general fund on July 1, 1973, for those activities transferred to the department of law are hereby transferred and appropriated for expenditure by the division of state solicitor general on and after July 1, 1973.~~

SECTION 12. Repeal. 24-32-111, Colorado Revised Statutes, is repealed as follows:

24-32-111. Statewide program for identification of matters of state interest as part of local land use planning. ~~(1) The department of local affairs shall conduct a statewide program encouraging counties and municipalities to prepare, as a part of the comprehensive plan provided for in section 30-28-106 and part 2 of article 23 of title 31, C.R.S., a complete and detailed identification and designation of all matters of state interest within each county by June 30, 1976. The general assembly shall appropriate funds for this purpose to the department of local affairs for distribution to participating counties. Each county desiring to participate in the identification and designation of matters of state interest program established by this section shall be allocated an equal amount by the department of local affairs from the funds so appropriated, to be expended by each county separately or through an organized group of counties or counties and municipalities. The department of local affairs, in cooperation with applicable state agencies, shall establish reasonable standards relative to the scope, detail, and accuracy of the program and shall insure that all information is comparable for each county. Each county shall, after consultation with the municipality, prepare such identification and designation for territory located within these municipalities which request such preparation and in any municipality which fails to undertake an identification and designation of matters of state interest program. Each county shall, upon request of the municipality, assist the municipality in such program.~~

~~(2) The general assembly shall appropriate to the department of local affairs funds to assist counties and municipalities participating in the identification and designation of matters of state interest program, where additional assistance is deemed by the department of local affairs to be necessary. The department of local affairs shall also allocate such funds upon request of any county participating in the identification and designation of matters of state interest program under subsection (1) of this section for implementation of supplemental planning in that county, or to any municipality, based upon priorities established by the department of local affairs and on the need and capabilities of each county and municipality.~~

SECTION 13. 24-32-207, Colorado Revised Statutes, is amended to read:

24-32-207. Reference in contracts, documents. Whenever the state planning office is referred to or designated by any contract or other document in connection with the duties and functions transferred by this part 2 to the division of planning, such reference or designation shall be deemed to apply to the division of planning. ~~All contracts entered into by the state planning office prior to July 1, 1971, in connection with the duties and functions transferred to the division of planning by this part 2 are hereby validated, with the division of planning succeeding to all the rights and obligations of such contracts. Any appropriation of funds from prior fiscal years open to satisfy obligations incurred under such contracts are hereby transferred and appropriated to the division of planning for the payment of such obligations.~~

SECTION 14. Repeal. 24-32-717 (5), Colorado Revised Statutes, is repealed as follows:

24-32-717. Home investment trust fund - short-term loans. (5) ~~Effective July 1, 1992, all moneys remaining in the revolving fund created pursuant to this section, as this section existed prior to said date, shall be transferred to the home investment~~

trust fund created by this section:

SECTION 15. Repeal. 24-32-804, Colorado Revised Statutes, is repealed as follows:

24-32-804. Transfer of property and records. ~~The Colorado rural development commission shall be abolished effective July 1, 1973. All of the books, records, reports, equipment, property, accounts, liabilities, and funds of the Colorado rural development commission which pertain to the powers, duties, and functions vested by this part 8 in the office shall be transferred to the department of local affairs on July 1, 1973.~~

SECTION 16. Repeal. 24-32-2106 (2) (b), Colorado Revised Statutes, is repealed as follows:

24-32-2106. Financing. (2) (b) ~~Any moneys remaining in the disaster emergency fund, as such fund existed prior to March 12, 1992, shall be transferred on March 12, 1992, to the disaster emergency fund created by paragraph (a) of this subsection (2).~~

SECTION 17. 24-32-2115, Colorado Revised Statutes, is amended to read:

24-32-2115. Merit system. ~~On and after January 1, 2000;~~ In accordance with section 13 (4) of article XII of the state constitution, the state personnel board may provide personnel services pursuant to contract to civil defense employees of the political subdivisions of the state, except where such employees are covered by another federally approved merit system.

SECTION 18. 24-32-3001 (9), Colorado Revised Statutes, is amended to read:

24-32-3001. Community-based access grant program - powers and duties of department of local affairs - definitions - legislative declaration. (9) ~~On or before April 1, 2000, the department shall report to and make an appearance before the business affairs and labor and capital development committees of the House and Senate. Thereafter,~~ The department shall report to and make an appearance before the capital development committee at the conclusion of each fiscal year of operation of this program.

SECTION 19. Repeal. 24-33.5-105 (2), Colorado Revised Statutes, is repealed as follows:

24-33.5-105. Transfer of functions. (2) ~~On July 1, 1984, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the department of local affairs, the department of military affairs, and the state department of highways, pertaining to the duties and functions transferred to the department pursuant to section 24-1-128.6, are transferred to the department of public safety and become the property thereof.~~

SECTION 20. 24-33.5-503 (1) (q), Colorado Revised Statutes, is amended to read:

24-33.5-503. Duties of division. (1) The division has the following duties:

(q) To review existing policies relating to the issuance and use of no-knock search warrants pursuant to part 3 of article 3 of title 16, C.R.S. ~~The division shall submit to the governor and the general assembly by January 1, 2001, a report concerning model policies pertaining to the issuance and use of no-knock search warrants. In compiling information for such report, the division shall contact heads of law enforcement agencies across the state, the state court administrator, the elected district attorney in each judicial district, the chief district court judge in each judicial district, the chief county court judge in each county, and any other person or agency the division deems helpful.~~

SECTION 21. 24-33.5-507 (2), Colorado Revised Statutes, is amended to read:

24-33.5-507. Application for grants - disbursements from fund - regulations.

(2) The executive director shall promulgate rules and regulations prescribing the procedures to be followed in the making, filing, and evaluation of grant applications, criteria for evaluation, and any other regulations necessary for administering the fund. ~~The regulations specified in this subsection (2) shall be promulgated on or before January 1, 1985.~~

SECTION 22. 24-33.5-1206.1 (1), Colorado Revised Statutes, is amended to read:

24-33.5-1206.1. Registration required. (1) ~~On or after January 1, 1991,~~ No person shall act, assume to act, or advertise as a fire suppression contractor who is not registered as a fire suppression contractor with the administrator.

SECTION 23. 24-33.5-1608 (1), Colorado Revised Statutes, is amended to read:

24-33.5-1608. Building security and occupant protection. (1) ~~Within twelve months after June 3, 2002,~~ The director shall adopt rules concerning safety and security to protect state personnel and property owned or leased by the state, including, but not limited to, facilities, buildings, and grounds. Unless under a state of emergency or alert as defined by the rules, such facilities, buildings, and grounds shall remain open to the public.

SECTION 24. 24-33.5-1609 (1), Colorado Revised Statutes, is amended to read:

24-33.5-1609. Continuity of state government operations. (1) ~~Within twelve months after June 3, 2002,~~ The director shall adopt rules concerning the continuity of state government operations to provide guidance to state departments and agencies in developing viable and executable contingency plans for continuity of operations.

SECTION 25. 28-5-709 (1) (a), Colorado Revised Statutes, is amended to read:

28-5-709. Colorado state veterans trust fund - created - report - repeal.

(1) (a) There is hereby created in the state treasury the Colorado state veterans trust fund that shall consist of the moneys appropriated thereto pursuant to subsection (2) of this section. In addition, the state treasurer may credit to the trust fund any public

or private gifts, grants, or donations received prior to July 1, 2002, by the department of human services or, on or after July 1, 2002, by the department of military and veterans affairs for implementation of the purposes specified in this subsection (1). ~~and any moneys transferred to the trust fund pursuant to section 28-5-710 (1).~~

SECTION 26. Repeal. Article 32 of title 35, Colorado Revised Statutes, is repealed as follows:

ARTICLE 32
Farmer' Chemist for Sugar Factories

35-32-101. Definitions. ~~As used in this article, unless the context otherwise requires:~~

(1) ~~"Farmer" means the person in whose name the contract for the growing of beets is made with the sugar factory, in the event that there is a contract, and, in the event that there is no contract, it shall include the person actually farming the land upon which said beets were grown, whether said person is owner or tenant; but, in determining a majority of the farmers, only one vote shall be given to all persons having a joint interest in any specific acreage of beets, but such persons having such joint interest shall count as one farmer for such purpose.~~

(2) ~~"Sugar factory" includes all persons, corporations, or associations operating any plant for the manufacture of beet sugar and, for the proper construction of this article, includes the officers, agents, and employees of any such person, corporation, or association.~~

35-32-102. Farmers' chemist. ~~A majority of the farmers raising sugar beets under contract or otherwise, for any sugar factory within the state of Colorado, are authorized to select a thorough and competent chemist, examined and certified by the department of chemistry at Colorado state university, to be paid by the farmers employing him. The duties of such chemist shall be to observe the weighing, docking, taking of samples, and analyzing of all beets delivered to the factory for which he is designated and to observe and investigate all other matters necessary to determine the quantity, quality, and value of the beets. Said chemist shall make and keep such records as he deems necessary for the purpose of comparing his readings and observations with the records of the sugar factory and for such other purposes as he may be directed by the farmers. Such chemist shall possess all the powers of an inspector of weights and measures for the purpose of testing all scales used at such sugar factory for weighing sugar beets or any materials used in making analyses of sugar beets.~~

35-32-103. Sugar factory to post list. ~~Every sugar factory in the state of Colorado, not later than the first day of July of each year, shall post in its local office in a conspicuous and public place, for the inspection of the public, a list of the names of all farmers raising beets for delivery to such factory, either by contract or otherwise, giving, in connection with the name, the number of acres devoted to beets and the location of the farm upon which said beets are growing or to be grown.~~

35-32-104. Chemist has access to scales. Whenever a majority of the farmers growing beets for said factory, either by contract or otherwise, certify in writing to any beet sugar factory the name of the chemist chosen by them, the sugar factory, through its proper officers, agents, and employees, shall permit such chemist access to all scales, dumps, beet sheets, bins, chemical laboratories, apparatus, and all other buildings or structures forming a part of or pertaining to the sugar factory, and shall permit said chemist to secure samples of beets from each lot delivered by each farmer employing him; and shall permit said chemist to inspect all matters pertaining to the deductions made by said factory from the gross weight of said beets and the system whereby the tare on said beets is measured and adjusted; and shall permit said chemist to have full and complete access to all of the chemical laboratories pertaining to said factory where the chemical analysis of beets is made; and shall permit said chemist to inspect the analysis of said beets as made by the sugar factory and to check or compare therewith any analysis of the same lot or lots of beets made by him; but nothing contained in this article shall be construed as giving said chemist any right, privilege, or authority to make an inspection of any sugar factory further than to determine the matters set forth in this article.

35-32-105. Inspector of laboratory apparatus. The head of the department of chemistry at Colorado state university is hereby made state inspector of laboratory apparatus used in sugar beet analyses. It is his duty, or that of his designee, to test any instrument used in sugar beet analyses in any sugar factory of this state when requested to do so by any of the farmers selling beets to such a factory. The expense of making such tests shall be borne by the farmers making such request except when any of the apparatus so tested is found at fault, in which case the expense shall be borne by the sugar factory at fault. Such expense may be collected, as any debt, in the name of the people of the state of Colorado for the benefit of said state inspector, together with the cost of collection; and the district attorney of the district in which such test was made shall bring the action in any court of competent jurisdiction. In no case shall said inspector receive more than ten dollars per day for time actually and necessarily spent in making such test and his necessary traveling expenses. Every owner or lessee, without previous notice, shall give said inspector free and unobstructed access to all apparatus to be tested. No instrument found defective or incorrect shall thereafter be used until corrected.

35-32-106. Sugar solution. Whenever any local chemist desires to test any polariscope used in testing sugar beets in the factory where he is stationed, Colorado state university, through said state inspector of laboratory apparatus, shall furnish to said local chemist at cost a sufficient quantity of a standardized pure sugar solution. Said chemist shall possess all the powers of the state inspector for testing such apparatus by means of said solution.

35-32-107. Organization voluntary - violations - penalties. The organization of the farmers for the purpose of selecting a chemist shall be voluntary, and all persons participating in the selection of such chemist shall contribute to the costs and expenses, including salary, of maintaining such chemist, and no sugar factory shall be required to accept or receive more than one chemist for each operating shift of said factory. Each sugar factory violating the terms of this article shall suffer a penalty of one hundred dollars for each day of such violation, said penalty to be recovered in the name of the people of the state of Colorado upon relation of any farmers included within the majority employing the chemist designated pursuant to

~~the terms of this article for such factory, and any such penalty shall be paid into the road fund of the county wherein such sugar factory is located. The district attorney of the district in which such sugar factory is located is directed to prosecute all violations of this article.~~

SECTION 27. Repeal. 35-40-103, Colorado Revised Statutes, is repealed as follows:

~~**35-40-103. Disbursements from fund.** All disbursements from the predatory animal fund shall be by warrants issued according to law, upon itemized vouchers drawn by the department for all lawful expenses incurred in carrying out the provisions of this part 1.~~

SECTION 28. Repeal. 35-40-104 (3), Colorado Revised Statutes, is repealed as follows:

~~**35-40-104. Predatory animal control license fee on sheep - predatory animal fund.** (3) Any moneys collected and credited pursuant to this section shall be transmitted to the state treasurer, who shall credit the same to a separate fund known as the predatory animal fund, which fund is hereby created. Such fund shall be administered by the department of agriculture for the purposes set forth in sections 35-40-101 to 35-40-106 until exhausted.~~

SECTION 29. 35-40-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

35-40-104. Predatory animal control license fee on sheep - predatory animal fund. (5) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE PREDATORY ANIMAL FUND ON THE EFFECTIVE DATE OF THIS SUBSECTION (5) SHALL BE TRANSFERRED TO THE GENERAL FUND.

SECTION 30. Repeal. 35-40-105, Colorado Revised Statutes, is repealed as follows:

~~**35-40-105. Furs, specimens to be sold.** All furs, skins, and specimens taken by hunters whose salaries may be paid out of the fund provided for in section 35-40-104, shall be sold, after advertisement of such sale as may be prescribed by said department upon sealed bids. The proceeds of all such sales shall be paid to the state treasurer to be credited by him to the predatory animal fund which said predatory animal fund shall be used for and made permanently available for the purpose of carrying out the provisions of sections 35-40-101 to 35-40-106 until exhausted.~~

SECTION 31. Repeal. 35-40-107, Colorado Revised Statutes, is repealed as follows:

~~**35-40-107. Bounty on coyote, wolf.** Any person who kills any wolf, coyote, or any number of such animals within this state, shall receive a premium of one dollar for each coyote killed, and for each wolf killed two dollars, to be paid as provided in sections 35-40-107 to 35-40-112.~~

SECTION 32. Repeal. 35-40-108, Colorado Revised Statutes, is repealed as follows:

35-40-108. Scalps produced, claimant. ~~(1) Any person claiming any premium shall produce the scalps, including the entire ears, to the county treasurer of the county in which the wolf or coyote was killed, within three months after the killing, and shall take or subscribe the following oath (or affirmation) before the treasurer:~~

~~"I do solemnly swear (or affirm) that the scalp (or scalps) here produced by me this day is (or are) of a wolf, or coyote (as the case may be, giving number), within the county of and that the said animal (or animals) was (or were) killed by within the boundaries of the state of Colorado."~~

~~(2) The treasurer shall append the usual jurat to such oath, subscribed by him as such officer.~~

SECTION 33. Repeal. 35-40-109, Colorado Revised Statutes, is repealed as follows:

35-40-109. Bounties paid by state. ~~All such bounties shall be paid by the state treasurer in the manner as provided in sections 35-40-107 to 35-40-112.~~

SECTION 34. Repeal. 35-40-110, Colorado Revised Statutes, is repealed as follows:

35-40-110. Record of scalps delivered - warrant for payment. ~~It is the duty of the county treasurer of each county wherein the wolf or coyote was killed to keep a suitable and separate book for recording the killings. He shall keep an accurate account of all scalps delivered together with the day and date of their receipt and the name of the person delivering the same and issue to the person delivering the scalps and complying with the provisions of sections 35-40-107 to 35-40-112 an order upon the controller for the amount due to such person. Upon receipt of said order the controller shall draw his warrant in favor of such person upon the treasurer of the state who shall pay the same out of moneys in the treasury not otherwise appropriated.~~

SECTION 35. Repeal. 35-40-111, Colorado Revised Statutes, is repealed as follows:

35-40-111. Scalp taken out of state - penalty. ~~Any person offering, for the purpose of obtaining said bounty, the scalp of any coyote or wolf that was killed outside of the boundaries of the state of Colorado, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each such offense, together with all costs attending such suit.~~

SECTION 36. Repeal. 35-40-112, Colorado Revised Statutes, is repealed as follows:

35-40-112. County treasurer to administer oath. ~~Any county treasurer shall be authorized to administer oaths for the purposes of sections 35-40-107 to~~

~~35-40-112:~~

SECTION 37. 35-40-115 (5) (e), Colorado Revised Statutes, is amended to read:

35-40-115. Enforcement. (5) (e) Moneys collected from any civil penalties under the provisions of this section shall be paid to the state treasurer, who shall credit the same to the ~~predatory animal~~ GENERAL fund.

SECTION 38. Repeal. 43-2-147 (2) and (3), Colorado Revised Statutes, are repealed as follows:

~~43-2-147. Access to public highways. (2) After consultation with units of local government, the commission, on or before November 15, 1979, shall submit a state highway access code to the legislative council. The legislative council may appoint a committee to review the code and it shall transmit the code and any findings thereon to the senate committee on transportation and the house of representatives committee on transportation and energy at the beginning of the 1980 session of the general assembly.~~

~~(3) In reviewing the state highway access code, the legislative committees of reference may approve, approve with modifications, or reject the code. Failure of either or both committees to act on or before March 15, 1980, shall be deemed approval thereof. Should, however, either or both committees specifically reject the code, the committee shall make necessary changes in the access code and resubmit it to the committee of reference at the next regular session of the general assembly.~~

SECTION 39. Repeal. 43-4-402 (2) (b), Colorado Revised Statutes, is repealed as follows:

~~43-4-402. Source of revenues - allocation of moneys. (2) (b) Notwithstanding any provision of paragraph (a) of this subsection (2) to the contrary, on March 5, 2003, the state treasurer shall deduct three hundred fifty-seven thousand dollars from the portion of the fund that would otherwise be allocated to the division of alcohol and drug abuse in the department of human services and transfer such sum to the general fund.~~

SECTION 40. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 31, 2006