

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0274.02 Renee Leone x2695

HOUSE BILL 26-1340

HOUSE SPONSORSHIP

Winter T.,

SENATE SPONSORSHIP

Pelton R. and Hinrichsen,

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REQUIREMENTS FOR FORMERLY IRRIGATED
102 AGRICULTURAL LAND FOR WHICH AN AGRICULTURAL
103 IRRIGATION WATER RIGHT IN WATER DIVISION 2 IS CHANGED TO
104 ANOTHER BENEFICIAL USE.

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 requires a water right owner who changes the use of their water right in water division 2 from agricultural irrigation purposes to another beneficial use on or after January 1, 2027, to engage in

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.

revegetation or a conversion to dryland farming with effective erosion control and weed management on the formerly irrigated agricultural land. The bill implements a procedure that includes:

- The identification of a site-specific standard and evaluation methodology to measure and determine the success of the revegetation or conversion to dryland farming;
- A requirement that the water court appoint a third-party revegetation or dryland farming expert to conduct annual field reviews and issue reports concerning the success of the revegetation or conversion to dryland farming (maintenance period);
- After the conclusion of a maintenance period for formerly irrigated agricultural land, authorizing the water court to order additional maintenance periods or to limit the amount of water subject to the water right to the percentage of formerly irrigated agricultural land for which revegetation or conversion to dryland farming is complete; and
- Limitations on the percentage of water subject to the water right that can be used for the new beneficial use during the revegetation or conversion to dryland farming process.

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

2 **SECTION 1.** In Colorado Revised Statutes, 37-92-305, **add**
3 (4.5)(a.5) as follows:

4 **37-92-305. Standards with respect to rulings of the referee and**
5 **decisions of the water judge - definitions.**

6 (4.5) (a.5) THE TERMS AND CONDITIONS APPLICABLE TO CHANGES
7 OF USE OF WATER RIGHTS IN WATER DIVISION 2, FROM AGRICULTURAL
8 IRRIGATION PURPOSES TO OTHER BENEFICIAL USES, DECREED ON OR AFTER
9 JANUARY 1, 2027, ARE DESIGNED TO ACCOMPLISH REVEGETATION OR
10 CONVERSION TO DRYLAND FARMING, EROSION CONTROL, AND WEED
11 MANAGEMENT ON LAND FROM WHICH IRRIGATION WATER IS PERMANENTLY
12 REMOVED FOR OTHER BENEFICIAL USES. THE WATER COURT SHALL APPLY
13 REVEGETATION TERMS AND CONDITIONS IN A DECREE APPROVING A
14 SUBSEQUENT CHANGE OF USE OF A PREVIOUSLY CHANGED AGRICULTURAL

1 IRRIGATION WATER RIGHT ONLY IF THE PRIOR DECREE CHANGING THE
2 SAME AGRICULTURAL IRRIGATION WATER RIGHT DID NOT INCLUDE
3 REVEGETATION TERMS AND CONDITIONS PURSUANT TO THIS SUBSECTION
4 (4.5)(a.5). THE WATER RIGHT OWNER SHALL COMPLY WITH SUCH TERMS
5 AND CONDITIONS. THE TERMS AND CONDITIONS APPLICABLE TO WATER
6 DIVISION 2 INCLUDE:

7 (I) (A) WHEN APPLYING TO THE WATER COURT FOR A CHANGE OF
8 USE OF A WATER RIGHT PURSUANT TO THIS SUBSECTION (4.5)(a.5), THE
9 WATER RIGHT OWNER SHALL IDENTIFY FOR THE WATER COURT'S
10 CONSIDERATION A SITE-SPECIFIC STANDARD AND AN ASSOCIATED
11 SCIENTIFIC EVALUATION METHODOLOGY FOR THE FORMERLY IRRIGATED
12 AGRICULTURAL LAND TO MEASURE AND DETERMINE THE SUCCESS OF
13 REVEGETATION EFFORTS TO ESTABLISH A PRODUCTIVE, DIVERSE, AND
14 PERENNIAL VEGETATIVE COVER OR THE SUCCESS OF A CONVERSION TO
15 DRYLAND FARMING THAT RESULTS IN WEEDS AND SOIL EROSION BEING
16 EFFECTIVELY MANAGED. THE WATER COURT SHALL INCLUDE A STANDARD
17 AND EVALUATION METHODOLOGY IN THE DECREE APPROVING THE CHANGE
18 OF USE OF THE WATER RIGHT.

19 (B) THE STANDARD IDENTIFIED PURSUANT TO SUBSECTION
20 (4.5)(a.5)(I)(A) OF THIS SECTION MUST INCLUDE WEED MANAGEMENT
21 PROVISIONS DESIGNED TO PROTECT THE SOIL RESOURCE, PREVENT WEED
22 INFESTATIONS, AND PROTECT THE AVAILABLE SOIL MOISTURE. AT A
23 MINIMUM, SUCH PROVISIONS MUST INCLUDE REQUIREMENTS THAT WEED
24 INFESTATIONS BE CONTROLLED BY METHODS SUCH AS MOWING, HERBICIDE
25 APPLICATION, BIOLOGICAL CONTROL, OR A COMBINATION OF MOWING,
26 HERBICIDE APPLICATION, AND BIOLOGICAL CONTROL. NOXIOUS WEEDS
27 MUST BE CONTROLLED PURSUANT TO THE "COLORADO NOXIOUS WEED

1 ACT", ARTICLE 5.5 OF TITLE 35.

2 (C) IF, PRIOR TO APPLYING TO THE WATER COURT FOR THE CHANGE
3 OF USE OF THE WATER RIGHT, THE WATER RIGHT OWNER HAS, PURSUANT
4 TO SECTION 24-65.1-501, OBTAINED A PERMIT OR ENTERED INTO AN
5 INTERGOVERNMENTAL AGREEMENT THAT REQUIRES REVEGETATION OR
6 CONVERSION TO DRYLAND FARMING ON THE FORMERLY IRRIGATED
7 AGRICULTURAL LAND FROM THE LOCAL PERMIT AUTHORITY WHERE THE
8 FORMERLY IRRIGATED AGRICULTURAL LAND IS LOCATED, THE COURT
9 SHALL USE THE STANDARD AND EVALUATION METHODOLOGY SET FORTH
10 IN THE PERMIT OR INTERGOVERNMENTAL AGREEMENT.

11 (D) IF THE WATER RIGHT OWNER HAS NOT ENTERED INTO AN
12 INTERGOVERNMENTAL AGREEMENT OR OBTAINED A PERMIT PURSUANT TO
13 SECTION 24-65.1-501 AND THE LOCAL LAND USE AUTHORITY WITH
14 JURISDICTION OVER THE FORMERLY IRRIGATED AGRICULTURAL LAND HAS
15 ADOPTED A STANDARD AND EVALUATION METHODOLOGY FOR
16 REVEGETATION OR CONVERSION TO DRYLAND FARMING, THE COURT SHALL
17 USE THAT STANDARD AND EVALUATION METHODOLOGY.

18 (II) IF, FOLLOWING A CHANGE OF USE OF A WATER RIGHT
19 PURSUANT TO THIS SUBSECTION (4.5)(a.5), THE WATER COURT FINDS THAT
20 A WATER RIGHT OWNER, WITHIN A REASONABLE AMOUNT OF TIME, IS
21 IRRIGATING THE FORMERLY IRRIGATED AGRICULTURAL LAND WITH
22 ANOTHER SOURCE OF WATER; IS RE-IRRIGATING THE LAND WITH THE
23 WATER FROM THE SAME WATER RIGHT, AS AUTHORIZED BY THE WATER
24 COURT; OR IS CONVERTING THE LAND FROM IRRIGATED AGRICULTURAL
25 LAND TO ANOTHER USE IN WHICH WEEDS AND SOIL EROSION ARE
26 ADEQUATELY CONTROLLED, THE WATER COURT MAY DEEM THE TERMS
27 AND CONDITIONS SET FORTH IN THIS SUBSECTION (4.5)(a.5) SATISFIED.

1 (III) (A) UPON ISSUING A CHANGE-OF-USE DECREE PURSUANT TO
2 THIS SUBSECTION (4.5)(a.5), THE WATER COURT SHALL APPOINT, AND THE
3 WATER RIGHT OWNER SHALL PAY FOR THE SERVICES OF, A NEUTRAL
4 THIRD-PARTY REVEGETATION OR CONVERSION TO DRYLAND FARMING
5 EXPERT, WHO SHALL EVALUATE THE PROGRESS OF THE REVEGETATION OR
6 CONVERSION TO DRYLAND FARMING ON THE FORMERLY IRRIGATED
7 AGRICULTURAL LAND AND DETERMINE WHEN AND TO WHAT EXTENT THE
8 REVEGETATION OR CONVERSION TO DRYLAND FARMING IS ESTABLISHED IN
9 ACCORDANCE WITH THE STANDARD AND EVALUATION METHODOLOGY
10 IDENTIFIED PURSUANT TO SUBSECTION (4.5)(a.5)(I) OF THIS SECTION.

11 (B) THE THIRD-PARTY EXPERT SHALL CONDUCT AN ANNUAL FIELD
12 REVIEW OF THE FORMERLY IRRIGATED AGRICULTURAL LAND ON A
13 FIELD-BY-FIELD BASIS AND PRODUCE A STATUS REPORT AT LEAST
14 ANNUALLY UNTIL COMPLETE SUCCESSFUL REVEGETATION OR CONVERSION
15 TO DRYLAND FARMING HAS OCCURRED, AS DETERMINED BY THE
16 THIRD-PARTY EXPERT AND CONFIRMED BY THE WATER COURT.

17 (C) AT LEAST TWENTY DAYS PRIOR TO THE FIELD REVIEW, THE
18 WATER RIGHT OWNER SHALL GIVE NOTICE OF THE OCCURRENCE OF THE
19 THIRD-PARTY EXPERT'S FIELD REVIEW TO THE OWNER OF THE FORMERLY
20 IRRIGATED AGRICULTURAL LAND AND THE PARTIES TO THE CHANGE OF USE
21 OF THE WATER RIGHT PROCEEDING, AND THE PARTIES SHALL HAVE AN
22 OPPORTUNITY TO PARTICIPATE IN THE FIELD REVIEW.

23 (D) THE THIRD-PARTY EXPERT SHALL STATE IN EACH STATUS
24 REPORT THE PERCENTAGE OF THE FORMERLY IRRIGATED AGRICULTURAL
25 LAND ON WHICH REVEGETATION OR DRYLAND FARMING IS SUCCESSFULLY
26 ESTABLISHED IN ACCORDANCE WITH THE STANDARD AND EVALUATION
27 METHODOLOGY IDENTIFIED PURSUANT TO SUBSECTION (4.5)(a.5)(I) OF

1 THIS SECTION.

2 (E) THE THIRD-PARTY EXPERT SHALL PROVIDE A STATUS REPORT
3 TO THE WATER RIGHT OWNER, AND THE WATER RIGHT OWNER SHALL
4 SUBMIT THE STATUS REPORT TO THE OWNER OF THE FORMERLY IRRIGATED
5 AGRICULTURAL LAND, THE WATER COURT, THE DIVISION OF WATER
6 RESOURCES, AS DESCRIBED IN SECTION 24-33-104 (1)(e), AND THE PARTIES
7 TO THE CHANGE OF USE OF THE WATER RIGHT PROCEEDING WITHIN
8 TWENTY DAYS AFTER RECEIVING THE STATUS REPORT FROM THE
9 THIRD-PARTY EXPERT. THE WATER COURT SHALL GIVE THE PARTIES SIXTY
10 DAYS TO COMMENT ON OR REBUT THE STATUS REPORT OR THE STATUS OF
11 THE PREVIOUSLY IRRIGATED LANDS.

12 (IV) (A) ONCE THE WATER COURT RECEIVES THE THIRD-PARTY
13 EXPERT'S STATUS REPORT INDICATING THAT SUCCESSFUL REVEGETATION
14 OR DRYLAND FARMING IS ESTABLISHED ON FORMERLY IRRIGATED
15 AGRICULTURAL ACRES OF LAND ON A FARM-BY-FARM BASIS, AND IF THE
16 WATER COURT AGREES, THEN A FIVE-YEAR MAINTENANCE PERIOD BEGINS,
17 DURING WHICH THE WATER RIGHT OWNER SHALL MAINTAIN THE
18 REVEGETATION OR DRYLAND FARMING ACHIEVED ON THE FORMERLY
19 IRRIGATED AGRICULTURAL LAND.

20 (B) WITHIN NINETY DAYS BEFORE NOVEMBER 1 OF THE FINAL
21 YEAR OF THE MAINTENANCE PERIOD, THE THIRD-PARTY EXPERT OR, IF
22 THAT PERSON IS NO LONGER AVAILABLE, A DIFFERENT THIRD-PARTY
23 EXPERT APPOINTED BY THE COURT SHALL CONDUCT A FIELD REVIEW OF
24 THE FORMERLY IRRIGATED AGRICULTURAL LAND. THE THIRD-PARTY
25 EXPERT SHALL PRODUCE A MAINTENANCE REPORT. THE MAINTENANCE
26 REPORT MUST INDICATE THE EXTENT TO WHICH THE REVEGETATION OR
27 DRYLAND FARMING ACHIEVED CONTINUES TO BE SUCCESSFUL AND

1 IDENTIFY ANY PORTIONS OF THE FORMERLY IRRIGATED AGRICULTURAL
2 LAND ON WHICH REVEGETATION OR DRYLAND FARMING IS NO LONGER
3 SUCCESSFUL IN ACCORDANCE WITH THE STANDARD AND EVALUATION
4 METHODOLOGY IDENTIFIED PURSUANT TO SUBSECTION (4.5)(a.5)(I) OF
5 THIS SECTION.

6 (C) THE THIRD-PARTY EXPERT SHALL PROVIDE THE MAINTENANCE
7 REPORT TO THE WATER RIGHT OWNER ON OR BEFORE DECEMBER 1 OF THE
8 FINAL YEAR OF THE MAINTENANCE PERIOD, AND THE WATER RIGHT OWNER
9 SHALL SUBMIT THE MAINTENANCE REPORT TO THE OWNER OF THE
10 FORMERLY IRRIGATED AGRICULTURAL LAND, THE WATER COURT, THE
11 DIVISION OF WATER RESOURCES, AND THE PARTIES TO THE CHANGE OF USE
12 OF THE WATER RIGHT PROCEEDING WITHIN TWENTY DAYS AFTER
13 RECEIVING THE MAINTENANCE REPORT FROM THE THIRD-PARTY EXPERT.
14 THE WATER COURT SHALL GIVE THE PARTIES SIXTY DAYS TO COMMENT ON
15 OR REBUT THE MAINTENANCE REPORT OR THE STATUS OF THE PREVIOUSLY
16 IRRIGATED LANDS.

17 (D) IF, AT THE CONCLUSION OF THE MAINTENANCE PERIOD AND
18 AFTER THE WATER COURT'S REVIEW OF THE THIRD-PARTY EXPERT'S
19 MAINTENANCE REPORT, THE WATER COURT DETERMINES THAT COMPLETE
20 REVEGETATION OR CONVERSION TO DRYLAND FARMING IS SUCCESSFUL ON
21 ALL PORTIONS OF THE FORMERLY IRRIGATED AGRICULTURAL LAND, THE
22 WATER COURT MAY DEEM THE TERMS AND CONDITIONS SET FORTH IN THIS
23 SUBSECTION (4.5)(a.5) SATISFIED.

24 (E) IF, AT THE CONCLUSION OF THE MAINTENANCE PERIOD AND
25 AFTER THE WATER COURT'S REVIEW OF THE THIRD-PARTY EXPERT'S
26 MAINTENANCE REPORT, THE WATER COURT DETERMINES THAT
27 REVEGETATION OR CONVERSION TO DRYLAND FARMING ON THE FORMERLY

1 IRRIGATED AGRICULTURAL LAND IS NOT SUCCESSFUL IN ACCORDANCE
2 WITH THE STANDARD AND EVALUATION METHODOLOGY IDENTIFIED
3 PURSUANT TO SUBSECTION (4.5)(a.5)(I) OF THIS SECTION, THE WATER
4 COURT MAY ORDER ADDITIONAL SUBSEQUENT MAINTENANCE PERIODS OR
5 MAY LIMIT THE WATER RIGHT OWNER'S USE OF THE WATER SUBJECT TO THE
6 WATER RIGHT TO THE PERCENTAGE OF THE FORMERLY IRRIGATED
7 AGRICULTURAL LAND ON WHICH THE WATER COURT DETERMINES
8 COMPLETE REVEGETATION OR CONVERSION TO DRYLAND FARMING IS
9 SUCCESSFUL. THE PROCEDURE SET FORTH IN THIS SUBSECTION
10 (4.5)(a.5)(IV) APPLIES TO EACH ADDITIONAL MAINTENANCE PERIOD
11 ORDERED BY THE WATER COURT.

12 (V) A WATER RIGHT OWNER WHOSE FORMERLY IRRIGATED
13 AGRICULTURAL LAND IS SUBJECT TO THIS SUBSECTION (4.5)(a.5) SHALL
14 RECORD A TEMPORARY ACCESS EASEMENT ON THE PROPERTY DEED OF THE
15 LAND THAT:

16 (A) GRANTS ACCESS TO THE THIRD-PARTY EXPERT ENGAGED
17 PURSUANT TO SUBSECTION (4.5)(a.5)(III) OF THIS SECTION AND ANY
18 OTHER INDIVIDUALS WHO REQUIRE ACCESS TO ENSURE ALL OF THE TERMS
19 AND CONDITIONS SET FORTH IN THIS SUBSECTION (4.5)(a.5) ARE BEING
20 MET;

21 (B) SPECIFICALLY REFERENCES THE ASSOCIATED WATER COURT
22 CASE NUMBER, IF AVAILABLE; AND

23 (C) MUST REMAIN IN EFFECT UNTIL THE WATER COURT
24 DETERMINES THAT ALL OF THE TERMS AND CONDITIONS SET FORTH IN THIS
25 SUBSECTION (4.5)(a.5) HAVE BEEN SATISFIED.

26 (VI) THE WATER COURT MAY NOT IMPOSE THE REQUIREMENT SET
27 FORTH IN SUBSECTION (4.5)(a.5)(V) OF THIS SECTION IF THE WATER RIGHT

1 OWNER FILED FOR THE CHANGE OF USE OF THE WATER RIGHT WITH THE
2 WATER COURT PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION
3 (4.5)(a.5) OR THE WATER RIGHT OWNER ACQUIRED THE WATER RIGHTS
4 SUBJECT TO THE CHANGE-OF-USE PROCEEDING PRIOR TO THE EFFECTIVE
5 DATE OF THIS SUBSECTION (4.5)(a.5).

6 (VII) A WATER RIGHT OWNER IMPLEMENTING A CHANGE OF USE OF
7 THEIR WATER RIGHT PURSUANT TO THIS SUBSECTION (4.5)(a.5) SHALL
8 ENSURE, WHEN DETERMINING THE PERCENTAGES OF THE WATER SUBJECT
9 TO THE WATER RIGHT THAT WILL BE USED FOR REVEGETATION OR
10 IRRIGATION AND FOR THE NEW BENEFICIAL USE, THAT:

11 (A) A MAXIMUM OF FIFTY PERCENT OF THE TOTAL WATER SUBJECT
12 TO THE WATER RIGHT IS USED FOR THE NEW BENEFICIAL USE UPON
13 ISSUANCE OF THE WATER COURT'S CHANGE-OF-USE DECREE;

14 (B) THE PERCENTAGE OF THE WATER RIGHT USED FOR THE NEW
15 BENEFICIAL USE INCREASES ABOVE FIFTY PERCENT OF THE TOTAL WATER
16 RIGHT ONLY IN PROPORTION TO THE PERCENTAGE OF THE FORMERLY
17 IRRIGATED AGRICULTURAL LAND THAT IS DETERMINED, IN THE MOST
18 RECENT STATUS REPORT COMPLETED BY THE THIRD-PARTY EXPERT
19 ENGAGED PURSUANT TO SUBSECTION (4.5)(a.5)(III) OF THIS SECTION, TO
20 HAVE REACHED ABOVE FIFTY PERCENT REVEGETATION IN ACCORDANCE
21 WITH THE STANDARD AND EVALUATION METHODOLOGY IDENTIFIED
22 PURSUANT TO SUBSECTION (4.5)(a.5)(I) OF THIS SECTION; AND

23 (C) IF, DUE TO EXTRAORDINARY CIRCUMSTANCES, SUCH AS
24 EXTREME DROUGHT, A CATASTROPHIC INFRASTRUCTURE FAILURE, OR A
25 PUBLIC HEALTH EMERGENCY, A HIGHER PERCENTAGE OF WATER SUBJECT
26 TO THE WATER RIGHT IS NEEDED FOR THE NEW BENEFICIAL USE THAN
27 SUBSECTION (4.5)(a.5)(VII)(A) OR (4.5)(a.5)(VII)(B) OF THIS SECTION

1 ALLOWS, PERMISSION HAS BEEN GRANTED BY THE WATER COURT BEFORE
2 INCREASING THE PERCENTAGE OF THE WATER SUBJECT TO THE WATER
3 RIGHT USED FOR THE NEW BENEFICIAL USE. SUCH PERMISSION IS
4 TEMPORARY AND MUST BE REQUESTED ON AN ANNUAL BASIS. SUCH
5 REQUEST MUST ALSO BE APPROVED BY THE BOARD OF COUNTY
6 COMMISSIONERS IN THE COUNTY WHERE THE FORMERLY IRRIGATED
7 AGRICULTURAL LAND IS LOCATED.

8 (VIII) NOTWITHSTANDING SUBSECTIONS (4.5)(a.5)(VII)(A) AND
9 (4.5)(a.5)(VII)(B) OF THIS SECTION:

10 (A) THE WATER COURT MAY CONSIDER ALTERNATIVE REASONABLE
11 REQUIREMENTS TO THOSE SET FORTH IN SUBSECTIONS (4.5)(a.5)(VII)(A)
12 AND (4.5)(a.5)(VII)(B) OF THIS SECTION IF THE WATER RIGHT OWNER HAS
13 COMPLIED WITH SUBSECTIONS (4.5)(a.5)(I)(A) AND (4.5)(a.5)(I)(B) OF
14 THIS SECTION AND PROVIDES THE LOCAL LAND USE AUTHORITY WITH
15 JURISDICTION OVER THE FORMERLY IRRIGATED AGRICULTURAL LAND A
16 PERFORMANCE BOND FOR THE TOTAL ANTICIPATED COST OF THE
17 REVEGETATION PROJECT, INCLUDING THE TOTAL ANTICIPATED COST FOR
18 CONTINGENCIES FOR PROVIDING SUPPLEMENTAL IRRIGATION WATER FOR
19 REVEGETATION PURPOSES, IF NEEDED, TO THE LOCAL LAND USE
20 AUTHORITY; AND

21 (B) IF THE WATER RIGHT OWNER HAS, PURSUANT TO SECTION
22 24-65.1-501, OBTAINED A PERMIT OR ENTERED INTO AN
23 INTERGOVERNMENTAL AGREEMENT THAT ESTABLISHES REQUIREMENTS
24 FOR THE TIMING OR PERCENTAGE OF WATER SUBJECT TO THE WATER RIGHT
25 THAT MAY BE USED FOR THE NEW BENEFICIAL USE IN CONNECTION WITH
26 SUCCESSFUL REVEGETATION OR CONVERSION TO DRYLAND FARMING, THE
27 WATER COURT SHALL ADOPT AND INCORPORATE THOSE REQUIREMENTS

1 INTO THE CHANGE-OF-USE DECREE AND NOT IMPOSE THE REQUIREMENTS
2 SET FORTH IN SUBSECTIONS (4.5)(a.5)(VII)(A) AND (4.5)(a.5)(VII)(B) OF
3 THIS SECTION.

4 **SECTION 2. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2026 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.