

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0573.02 Jennifer Berman x3286

HOUSE BILL 22-1151

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HOUSE SPONSORSHIP

Catlin and Roberts,

SENATE SPONSORSHIP

Bridges and Simpson,

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House Committees

Agriculture, Livestock, & Water

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO INCENTIVIZE WATER-WISE LANDSCAPES,  
102 AND, IN CONNECTION THEREWITH, CREATING A STATE PROGRAM  
103 TO FINANCE THE VOLUNTARY REPLACEMENT OF IRRIGATED  
104 TURF.

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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 the Colorado water conservation board (board) to develop a statewide program to provide financial incentives for the voluntary replacement of irrigated turf with water-wise landscaping (turf

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

replacement program). The bill defines water-wise landscaping as a water- and plant-management practice that emphasizes using plants with lower water needs. Local governments, certain districts, Native American tribes, and nonprofit organizations with their own turf replacement programs may apply to the board for money to help finance their turf replacement programs. The board will contract with one or more third parties to administer one or more turf replacement programs in areas where local turf replacement programs do not exist.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 37-60-134 as  
3 follows:

4           **37-60-134. State turf replacement program - creation -**  
5 **administration - turf replacement fund - creation - legislative**  
6 **declaration - definitions.** (1) THE GENERAL ASSEMBLY FINDS AND  
7 DECLARES THAT:

8           (a) PROMOTING THE EFFICIENT AND MAXIMUM UTILIZATION OF  
9 COLORADO'S WATER RESOURCES BY DECREASING THE AMOUNT OF  
10 IRRIGATED TURF CAN:

11           (I) INCREASE COMMUNITIES' RESILIENCE REGARDING DROUGHT  
12 AND CLIMATE CHANGE;

13           (II) REDUCE THE SALE OF AGRICULTURAL WATER RIGHTS IN  
14 RESPONSE TO INCREASED DEMAND FOR MUNICIPAL WATER USE; AND

15           (III) PROTECT RIVER FLOWS;

16           (b) IRRIGATION OF OUTDOOR LANDSCAPING ACCOUNTS FOR  
17 NEARLY HALF OF WATER USE WITHIN THE MUNICIPAL AND INDUSTRIAL  
18 SECTORS OF THE STATE AND IS MOSTLY USED FOR IRRIGATION OF  
19 NONNATIVE TURF GRASS;

20           (c) WHILE THERE ARE APPROPRIATE AND IMPORTANT USES FOR  
21 IRRIGATED TURF, INCLUDING FOR PARKS, SPORTS FIELDS, PLAYGROUNDS,

1 AND PORTIONS OF RESIDENTIAL YARDS, MUCH OF THE TURF IN THE STATE  
2 IS NONESSENTIAL AND IS LOCATED IN AREAS THAT RECEIVE LITTLE, IF ANY,  
3 USE. SUCH IRRIGATED TURF COULD BE REPLACED WITH WATER-WISE  
4 LANDSCAPING WITHOUT IMPACTING QUALITY OF LIFE OR LANDSCAPE  
5 FUNCTIONALITY.

6 (d) EXAMPLES OF NONESSENTIAL TURF INCLUDE TURF USED FOR:

7 (I) MEDIANS;

8 (II) AREAS ADJACENT TO OPEN SPACES OR TRANSPORTATION  
9 CORRIDORS;

10 (III) AREAS SLOPED WITH MORE THAN A TWENTY-FIVE PERCENT  
11 GRADE;

12 (IV) STORM WATER DRAINAGE AND DETENTION BASINS;

13 (V) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTIES;

14 (VI) COMMON ELEMENTS IN A COMMON INTEREST COMMUNITY, AS  
15 THOSE TERMS ARE DEFINED IN SECTION 38-33.3-103; AND

16 (VII) PORTIONS OF RESIDENTIAL YARDS;

17 (e) WATER-WISE LANDSCAPING MUST PLAY A CRITICAL ROLE IN  
18 PROVIDING SUBSTANTIAL AND PERMANENT WATER SAVINGS AND IN  
19 MINIMIZING WATER WASTE IN COLORADO COMMUNITIES;

20 (f) LOCAL JURISDICTIONS SHOULD ESTABLISH POLICIES THAT  
21 REDUCE NONESSENTIAL TURF USED FOR NEW DEVELOPMENTS OR  
22 REDEVELOPED AREAS AND INCREASE THE USE OF WATER-WISE  
23 LANDSCAPING;

24 (g) THE STATE MUST PRIORITIZE THE USE OF WATER-WISE  
25 LANDSCAPING FOR EXISTING AND NEW STATE GOVERNMENT PROPERTIES;

26 (h) TURF REPLACEMENT PROGRAMS PROVIDE A PROVEN AND  
27 EFFECTIVE STRATEGY FOR REDUCING OUTDOOR WATER DEMAND

1 SIGNIFICANTLY, AND EVIDENCE FROM EXISTING PROGRAMS  
2 DEMONSTRATES THAT, FOR EACH ACRE OF TURF REMOVED, ONE TO TWO  
3 ACRE-FEET PER YEAR OF WATER SAVINGS CAN BE REALIZED, MEANING  
4 THAT FOR EVERY ONE HUNDRED ACRES OF TURF CONVERTED TO  
5 WATER-WISE LANDSCAPES, UP TO TWO HUNDRED ACRE-FEET PER YEAR OF  
6 WATER MAY BE CONSERVED; AND

7 (i) THE BOARD SHOULD DEVELOP A STATE TURF REPLACEMENT  
8 PROGRAM TO INCENTIVIZE THE VOLUNTARY REPLACEMENT OF IRRIGATED  
9 TURF ON RESIDENTIAL PROPERTIES AND COMMERCIAL, INSTITUTIONAL, OR  
10 INDUSTRIAL PROPERTIES AS A MEANS OF RESPONDING TO INCREASED  
11 WATER DEMAND THROUGHOUT THE STATE.

12 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
13 REQUIRES:

14 (a) "CAMPUS" MEANS A COLLECTION OF TWO OR MORE BUILDINGS  
15 THAT ARE OWNED AND OPERATED BY THE SAME PERSON AND HAVE A  
16 SHARED PURPOSE AND FUNCTION AS A SINGLE PROPERTY.

17 (b) "COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL" OR "CII":

18 (I) MEANS THE COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL  
19 SECTOR IN THE STATE; AND

20 (II) INCLUDES LOCAL GOVERNMENTS, SCHOOLS, AND BUSINESSES.

21 (c) "DISTRICT" MEANS:

22 (I) A DISTRICT OR SPECIAL DISTRICT FORMED PURSUANT TO TITLE  
23 32, INCLUDING A METROPOLITAN DISTRICT, AS DEFINED IN SECTION  
24 32-1-103 (10); A WATER AND SANITATION DISTRICT, AS DEFINED IN  
25 SECTION 32-1-103 (24); AND A WATER DISTRICT, AS DEFINED IN SECTION  
26 32-1-103 (25);

27 (II) A WATER CONSERVANCY DISTRICT ESTABLISHED UNDER

1 ARTICLE 45 OF THIS TITLE 37; OR

2 (III) A WATER CONSERVATION DISTRICT ESTABLISHED UNDER

3 ARTICLE 46, 47, 48, OR 50 OF THIS TITLE 37.

4 (d) "ELIGIBLE ENTITY" MEANS ANY OF THE FOLLOWING ENTITIES

5 THAT ALREADY ADMINISTER OR PLAN TO ADMINISTER A TURF

6 REPLACEMENT PROGRAM IN THE STATE:

7 (I) A LOCAL GOVERNMENT;

8 (II) A DISTRICT;

9 (III) A NATIVE AMERICAN TRIBE; OR

10 (IV) A NONPROFIT ORGANIZATION.

11 (e) "INVASIVE PLANT SPECIES" MEANS PLANTS THAT ARE NOT

12 NATIVE TO THE STATE AND THAT:

13 (I) ARE INTRODUCED INTO THE STATE ACCIDENTALLY OR

14 INTENTIONALLY;

15 (II) HAVE NO NATURAL COMPETITORS OR PREDATORS IN THE STATE

16 BECAUSE THE STATE IS OUTSIDE OF THEIR COMPETITORS' OR PREDATORS'

17 RANGE; AND

18 (III) HAVE HARMFUL EFFECTS ON THE STATE'S ENVIRONMENT OR

19 ECONOMY OR BOTH.

20 (f) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE

21 MUNICIPALITY, COUNTY, OR CITY AND COUNTY.

22 (g) (I) "RESIDENTIAL PROPERTY" MEANS ANY REAL PROPERTY

23 UPON WHICH A DWELLING IS CONSTRUCTED.

24 (II) "RESIDENTIAL PROPERTY" INCLUDES:

25 (A) BOTH UNITS AND COMMON ELEMENTS IN A COMMON INTEREST

26 COMMUNITY, AS THOSE TERMS ARE DEFINED IN SECTION 38-33.3-103; AND

27 (B) SINGLE-FAMILY DETACHED PROPERTIES AND SINGLE-FAMILY

1 ATTACHED PROPERTIES THAT ARE NOT IN A COMMON INTEREST  
2 COMMUNITY.

3 (h) "SCHOOL" MEANS:

4 (I) A PUBLIC SCHOOL MAINTAINED AND OPERATED BY A SCHOOL  
5 DISTRICT CREATED PURSUANT TO ARTICLE 30 OF TITLE 22;

6 (II) A DISTRICT CHARTER SCHOOL AS DEFINED IN SECTION  
7 22-11-103 (12);

8 (III) AN INSTITUTE CHARTER SCHOOL AS DEFINED IN SECTION  
9 22-11-103 (17);

10 (IV) A PRIVATE SCHOOL AS DEFINED IN SECTION 22-30.5-103 (6.5);

11 (V) A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN  
12 SECTION 23-1-108 (7)(g)(II); OR

13 (VI) A PRIVATE INSTITUTION OF HIGHER EDUCATION AS DEFINED  
14 IN SECTION 23-18-102 (9).

15 (i) "TURF" MEANS CONTINUOUS PLANT COVERAGE CONSISTING OF  
16 NONNATIVE GRASSES OR GRASSES THAT HAVE NOT BEEN HYBRIDIZED FOR  
17 ARID CONDITIONS AND WHICH, WHEN REGULARLY MOWED, FORM A DENSE  
18 GROWTH OF LEAF BLADES AND ROOTS.

19 (j) "TURF REPLACEMENT FUND" OR "FUND" MEANS THE TURF  
20 REPLACEMENT FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

21 (k) "TURF REPLACEMENT PROGRAM" OR "PROGRAM" MEANS A  
22 PROGRAM THROUGH WHICH FINANCIAL COMPENSATION OR IN-KIND OR  
23 SUBSIDIZED GOODS OR SERVICES ARE PROVIDED TO ASSIST WITH THE  
24 VOLUNTARY REPLACEMENT OF IRRIGATED TURF FOR:

25 (I) RESIDENTIAL PROPERTIES; AND

26 (II) CII PROPERTIES, INCLUDING INDUSTRIAL AND BUSINESS  
27 CAMPUSES.

1 (I) "WATER-WISE LANDSCAPE" OR "WATER-WISE LANDSCAPING":

2 (I) MEANS A WATER- AND PLANT- MANAGEMENT PRACTICE THAT:

3 (A) IS INTENDED TO BE FUNCTIONAL AND ATTRACTIVE;

4 (B) EMPHASIZES THE USE OF PLANTS THAT REQUIRE LOWER  
5 SUPPLEMENTAL WATER, SUCH AS NATIVE AND DROUGHT-TOLERANT  
6 PLANTS; AND

7 (II) PRIORITIZES THE FOLLOWING SEVEN KEY PRINCIPLES:

8 (A) PLANNING AND DESIGN FOR WATER CONSERVATION, BEAUTY,  
9 AND UTILITY;

10 (B) IMPROVING SOIL;

11 (C) APPLYING EFFICIENT IRRIGATION;

12 (D) LIMITING TURF TO HIGH TRAFFIC, ESSENTIAL AREAS;

13 (E) SELECTING PLANTS THAT HAVE LOW WATER DEMAND;

14 (F) APPLYING MULCH; AND

15 (G) MAINTAINING THE LANDSCAPE.

16 (3) ON OR BEFORE JULY 1, 2023, THE BOARD SHALL DEVELOP A  
17 STATE TURF REPLACEMENT PROGRAM:

18 (a) TO PROVIDE MONEY TO AN ELIGIBLE ENTITY THAT ITSELF  
19 PROVIDES MATCHING MONEY IN AN AMOUNT UP TO FIFTY PERCENT OF THE  
20 DIRECT AND INDIRECT COSTS THAT THE ELIGIBLE ENTITY AND ANY THIRD  
21 PARTY IT CONTRACTS WITH IN DEVELOPING OR IMPLEMENTING A TURF  
22 REPLACEMENT PROGRAM WILL INCUR; OR

23 (b) THROUGH ONE OR MORE THIRD-PARTY CONTRACTORS CHOSEN  
24 IN ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION, TO ADMINISTER  
25 ONE OR MORE TURF REPLACEMENT PROGRAMS IN AREAS THROUGHOUT THE  
26 STATE IN WHICH NO ELIGIBLE ENTITY HAS DEVELOPED OR IS PLANNING TO  
27 IMPLEMENT A TURF REPLACEMENT PROGRAM DURING A SPECIFIED

1 IRRIGATION SEASON. TURF REPLACEMENT PROGRAMS DEVELOPED  
2 PURSUANT TO THIS SUBSECTION (3)(b) MAY SERVE RESIDENTIAL  
3 PROPERTIES; COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTIES;  
4 OR BOTH.

5 (4) (a) WITH REGARD TO AN ELIGIBLE ENTITY APPLICANT SEEKING  
6 MONEY FOR A TURF REPLACEMENT PROGRAM THAT IT ADMINISTERS OR  
7 PLANS TO ADMINISTER, THE ELIGIBLE ENTITY MAY APPLY TO THE BOARD  
8 IN THE FORM AND MANNER DETERMINED BY THE BOARD FOR MONEY TO  
9 ASSIST THE ELIGIBLE ENTITY IN PROVIDING TURF REPLACEMENT FOR:

10 (I) ITS OWN PROPERTY;

11 (II) RESIDENTIAL PROPERTY WITHIN THE ELIGIBLE ENTITY'S  
12 BOUNDARIES OR SERVICE AREA; OR

13 (III) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTY  
14 LOCATED WITHIN THE ELIGIBLE ENTITY'S BOUNDARIES OR SERVICE AREA.

15 (b) AN ELIGIBLE ENTITY AWARDED MONEY:

16 (I) MAY USE A PORTION OF THE MONEY TO COVER ITS DIRECT AND  
17 INDIRECT COSTS, INCLUDING THE DIRECT AND INDIRECT COSTS INCURRED  
18 BY ANY THIRD-PARTY CONTRACTOR, IN DEVELOPING AND ADMINISTERING  
19 A TURF REPLACEMENT PROGRAM; AND

20 (II) IS ENCOURAGED TO REQUIRE THAT ITS PROGRAM PARTICIPANTS  
21 UPDATE IRRIGATION SYSTEMS TO EFFICIENTLY IRRIGATE WATER-WISE  
22 LANDSCAPING AS A CONDITION OF PARTICIPATING IN THE ELIGIBLE  
23 ENTITY'S TURF REPLACEMENT PROGRAM.

24 (c) THE BOARD'S APPLICATION REQUIREMENTS FOR APPLICATIONS  
25 RECEIVED PURSUANT TO THIS SUBSECTION (4) MUST INCLUDE A  
26 REQUIREMENT THAT THE ELIGIBLE ENTITY DEMONSTRATE TO THE  
27 SATISFACTION OF THE BOARD THAT:



1 (I) THE ELIGIBLE ENTITY HAS MATCHING MONEY AS REQUIRED  
2 UNDER SUBSECTION (3)(a) OF THIS SECTION;

3 (II) THE ELIGIBLE ENTITY WILL START USING ANY MONEY  
4 AWARDED FOR IMPLEMENTATION OF A TURF REPLACEMENT PROGRAM  
5 WITHIN TWELVE MONTHS AFTER BEING AWARDED THE MONEY;

6 (III) IF THE ELIGIBLE ENTITY HAS AN EXISTING TURF REPLACEMENT  
7 PROGRAM, THE ELIGIBLE ENTITY WILL USE THE MONEY AWARDED IN A  
8 MANNER THAT EXPANDS ITS TURF REPLACEMENT PROGRAM, EITHER BY  
9 INCREASING THE FINANCIAL INCENTIVES OFFERED PER PROPERTY OR BY  
10 EXPANDING THE ANNUAL TOTAL ACREAGE OF TURF REPLACED UNDER THE  
11 PROGRAM; AND

12 (IV) THE ELIGIBLE ENTITY WILL NOT ALLOW THE USE OF MONEY  
13 FOR THE REPLACEMENT OF TURF WITH ANY OF THE FOLLOWING:

- 14 (A) IMPERMEABLE CONCRETE;
- 15 (B) ARTIFICIAL TURF;
- 16 (C) WATER FEATURES SUCH AS FOUNTAINS;
- 17 (D) INVASIVE PLANT SPECIES; OR
- 18 (E) TURF.

19 (5) (a) THE BOARD SHALL CONTRACT WITH ONE OR MORE THIRD  
20 PARTIES, SELECTED IN COMPLIANCE WITH THE "PROCUREMENT CODE",  
21 ARTICLES 101 TO 112 OF TITLE 24, TO ADMINISTER ONE OR MORE TURF  
22 REPLACEMENT PROGRAMS IN ACCORDANCE WITH SUBSECTION (3)(b) OF  
23 THIS SECTION. THE BOARD AND THIRD-PARTY CONTRACTOR OR  
24 CONTRACTORS MAY USE MONEY FROM THE TURF REPLACEMENT FUND TO  
25 COVER THEIR DIRECT AND INDIRECT COSTS IN DEVELOPING AND  
26 ADMINISTERING ONE OR MORE TURF REPLACEMENT PROGRAMS UNDER THIS  
27 SUBSECTION (5). THE BOARD AND THIRD-PARTY CONTRACTOR OR

1 CONTRACTORS SHALL COLLABORATE TO DEVELOP ONE OR MORE TURF  
2 REPLACEMENT PROGRAMS THAT:

3 (I) ARE BASED ON INDUSTRY BEST PRACTICES AND THAT MAY THEN  
4 SERVE AS A MODEL FOR TURF REPLACEMENT PROGRAMS THAT ELIGIBLE  
5 ENTITIES ADMINISTER;

6 (II) ARE DESIGNED TO REQUIRE THAT:

7 (A) REMOVED TURF BE REPLACED WITH A MINIMUM PERCENTAGE  
8 OF LIVING PLANT SPECIES;

9 (B) LOW OR MEDIUM WATER-USE PLANT SPECIES OR BOTH ARE  
10 USED INSTEAD OF HIGH WATER-USE PLANT SPECIES IN REPLACING THE  
11 TURF; AND

12 (C) THERE IS AN EMPHASIS ON USING NATIVE AND  
13 POLLINATOR-FRIENDLY PLANT SPECIES;

14 (III) OFFER REBATES OR IN-KIND OR SUBSIDIZED GOODS OR  
15 SERVICES TO PROPERTY OWNERS IN AN AMOUNT THAT BALANCES  
16 INCENTIVIZING PROPERTY OWNERS TO VOLUNTARILY PARTICIPATE IN THE  
17 PROGRAM WHILE NOT DISCOURAGING ELIGIBLE ENTITIES IN THE AREA  
18 FROM DEVELOPING AND ADMINISTERING A LOCAL PROGRAM TO SERVE THE  
19 AREA.

20 (b) THE BOARD SHALL ESTABLISH THE RESPONSIBILITIES OF THE  
21 THIRD-PARTY CONTRACTOR OR CONTRACTORS IN MANAGING THE  
22 PROGRAM PURSUANT TO THIS SUBSECTION (5), WHICH RESPONSIBILITIES  
23 MUST INCLUDE:

24 (I) ENSURING ALL PROJECT WORK IS BEING COMPLETED IN AN  
25 EFFICIENT MANNER AND WITHIN THE PROJECT BUDGET;

26 (II) DEVELOPING AND SUBMITTING PROGRAM INVOICES TO THE  
27 BOARD; AND

1 (III) PROVIDING THE BOARD WITH PROGRESS REPORTS ABOUT THE  
2 PROGRAM AND A FINAL REPORT REGARDING USE OF THE MONEY AWARDED  
3 FOR THE PROGRAM.

4 (c) A RESIDENTIAL PROPERTY OWNER OR CII PROPERTY OWNER OR  
5 MANAGER MAY APPLY TO A THIRD-PARTY CONTRACTOR, IN A FORM AND  
6 MANNER DETERMINED BY THE BOARD AND THE THIRD-PARTY  
7 CONTRACTOR, FOR MONEY FOR TURF REPLACEMENT ON THE APPLICANT'S  
8 PROPERTY AS PART OF A TURF REPLACEMENT PROGRAM ESTABLISHED  
9 PURSUANT TO THIS SUBSECTION (5). THE APPLICATION DEVELOPED BY THE  
10 BOARD AND THIRD-PARTY CONTRACTOR MUST INFORM AN APPLICANT  
11 THAT APPLICANTS RECEIVING MONEY UNDER THIS SUBSECTION (5):

12 (I) MAY USE THE MONEY TO COVER THE COST OF ALL DESIGN,  
13 MATERIALS, PLANTINGS, AND LABOR REQUIRED TO COMPLETE  
14 LANDSCAPING AND IRRIGATION SYSTEM MODIFICATIONS TO REMOVE TURF  
15 AND REPLACE IT WITH WATER-WISE LANDSCAPING;

16 (II) ARE ENCOURAGED TO UPDATE IRRIGATION SYSTEMS TO  
17 EFFICIENTLY IRRIGATE WATER-WISE LANDSCAPING AS PART OF THE  
18 APPLICANTS' PARTICIPATION IN THE PROGRAM; AND

19 (III) SHALL NOT USE THE MONEY TO REPLACE TURF WITH ANY OF  
20 THE FOLLOWING:

- 21 (A) IMPERMEABLE CONCRETE;
- 22 (B) ARTIFICIAL TURF;
- 23 (C) WATER FEATURES SUCH AS FOUNTAINS;
- 24 (D) INVASIVE PLANT SPECIES; OR
- 25 (E) TURF.

26 (6) (a) (I) THE TURF REPLACEMENT FUND IS HEREBY CREATED IN  
27 THE STATE TREASURY TO BE ADMINISTERED BY THE BOARD FOR

1 IMPLEMENTATION OF THIS SECTION. THE FUND CONSISTS OF MONEY THAT  
2 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND,  
3 ANY FEDERAL MONEY THAT THE BOARD RECEIVES FOR THE PROGRAM, AND  
4 ANY GIFTS, GRANTS, OR DONATIONS THAT THE BOARD RECEIVES FROM  
5 PRIVATE OR PUBLIC SOURCES PURSUANT TO SUBSECTION (6)(a)(II) OF THIS  
6 SECTION. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
7 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
8 FUND TO THE FUND.

9 (II) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
10 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
11 THIS SECTION.

12 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
13 ASSEMBLY, THE BOARD MAY EXPEND MONEY FROM THE FUND TO  
14 IMPLEMENT THIS SECTION.

15 **SECTION 2. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly; except  
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
19 of the state constitution against this act or an item, section, or part of this  
20 act within such period, then the act, item, section, or part will not take  
21 effect unless approved by the people at the general election to be held in  
22 November 2022 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.