

CHAPTER 39

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 07-1042

BY REPRESENTATIVE(S) Labuda, Borodkin, Carroll M., Frangas, McGihon, Riesberg, Soper, Todd, and Stafford;
also SENATOR(S) Kester, Boyd, and Williams.

AN ACT

CONCERNING MEMBERSHIP ON SPECIFIED BOARDS THAT REGULATE MENTAL HEALTH PROFESSIONS.

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

SECTION 1. 12-43-302 (2), (3), and (4), Colorado Revised Statutes, are amended to read:

12-43-302. State board of psychologist examiners. (2) The board shall consist of seven members who are citizens of the United States and residents of the state of Colorado as follows:

(a) Three board members shall be licensed psychologists, AT LEAST TWO OF WHOM SHALL BE engaged ~~primarily~~ in THE direct practice OF PSYCHOLOGY; EXCEPT THAT, IF, AFTER A GOOD-FAITH ATTEMPT, THE GOVERNOR DETERMINES THAT AN APPLICANT FOR MEMBERSHIP ON THE BOARD PURSUANT TO THIS PARAGRAPH (a) WHO IS ENGAGED IN THE DIRECT PRACTICE OF PSYCHOLOGY IS NOT AVAILABLE TO SERVE ON THE BOARD FOR A PARTICULAR TERM, THE GOVERNOR MAY APPOINT A LICENSED PSYCHOLOGIST WHO IS NOT ENGAGED IN THE DIRECT PRACTICE OF PSYCHOLOGY.

(b) Four board members shall be representatives of the general public, ONE OF WHOM MAY BE A MENTAL HEALTH CONSUMER OR FAMILY MEMBER OF A MENTAL HEALTH CONSUMER. These individuals shall have never been psychologists, applicants or former applicants for licensure as psychologists, members of another mental health profession, or members of households that include psychologists or members of another mental health profession or otherwise have conflicts of interest or the appearance of such conflicts with their duties as board members.

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

(3) ~~No board member shall serve more than two full consecutive terms.~~

(4)(a) Each board member shall hold office until the expiration of such member's appointed term or until a successor is duly appointed. EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (4), the term of each member shall be four years, AND NO BOARD MEMBER SHALL SERVE MORE THAN TWO FULL CONSECUTIVE TERMS. Any vacancy occurring in board membership other than by expiration of a term shall be filled by the governor by appointment for the unexpired term of such member.

(b) THE TERMS OF OFFICE OF THE MEMBERS ON THE BOARD AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (b) SHALL BE MODIFIED AS FOLLOWS IN ORDER TO ENSURE STAGGERED TERMS OF OFFICE:

(I) THE SECOND TERM OF OFFICE OF THE LICENSED PSYCHOLOGIST BOARD MEMBER AND ONE OF THE TWO BOARD MEMBERS REPRESENTING THE GENERAL PUBLIC, WHOSE SECOND TERM WOULD OTHERWISE EXPIRE ON JUNE 30, 2010, SHALL EXPIRE ON MAY 31, 2008, AND THE GOVERNOR SHALL APPOINT ONE NEW LICENSED PSYCHOLOGIST AND ONE NEW REPRESENTATIVE OF THE GENERAL PUBLIC TO SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON JUNE 1, 2008.

(II) THE INITIAL TERM OF OFFICE OF THE ONE BOARD MEMBER REPRESENTING THE GENERAL PUBLIC WHOSE INITIAL TERM WOULD OTHERWISE EXPIRE ON JUNE 30, 2009, SHALL EXPIRE ON MAY 31, 2009, AND THE BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON JUNE 1, 2009, AND EXPIRING ON MAY 31, 2013. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON JUNE 1 OF THE APPLICABLE YEAR.

(III) THE INITIAL TERM OF OFFICE OF ONE OF THE TWO LICENSED PSYCHOLOGIST BOARD MEMBERS WHOSE INITIAL TERM WOULD OTHERWISE EXPIRE ON JUNE 30, 2010, SHALL EXPIRE ON MAY 31, 2009. THIS BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM, COMMENCING ON JUNE 1, 2009, AND EXPIRING ON MAY 31, 2013. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON JUNE 1 OF THE APPLICABLE YEAR.

(IV) THE INITIAL TERMS OF OFFICE OF THE REMAINING LICENSED PSYCHOLOGIST BOARD MEMBER AND THE OTHER BOARD MEMBER REPRESENTING THE GENERAL PUBLIC, WHOSE INITIAL TERMS WOULD OTHERWISE EXPIRE ON JUNE 30, 2010, SHALL EXPIRE ON MAY 31, 2010. EACH OF THESE BOARD MEMBERS SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON JUNE 1, 2010, AND EXPIRING ON MAY 31, 2014. ON AND AFTER THE EXPIRATION OF THESE BOARD MEMBERS' TERMS, PERSONS APPOINTED TO THESE POSITIONS ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON JUNE 1 OF THE APPLICABLE YEAR.

(V) THE SECOND TERM OF OFFICE OF THE REMAINING BOARD MEMBER

REPRESENTING THE GENERAL PUBLIC WHOSE SECOND TERM WOULD OTHERWISE EXPIRE ON JUNE 30, 2010, SHALL EXPIRE ON MAY 31, 2010. THE GOVERNOR SHALL APPOINT ONE NEW REPRESENTATIVE OF THE GENERAL PUBLIC TO SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON JUNE 1, 2010.

SECTION 2. 12-43-402 (2) (a), (3), and (4), Colorado Revised Statutes, are amended to read:

12-43-402. State board of social work examiners. (2) (a) Three board members shall be licensed clinical social workers, AT LEAST TWO OF WHOM SHALL BE engaged **primarily** in direct SOCIAL WORK practice; EXCEPT THAT, IF, AFTER A GOOD-FAITH ATTEMPT, THE GOVERNOR DETERMINES THAT AN APPLICANT FOR MEMBERSHIP ON THE BOARD PURSUANT TO THIS PARAGRAPH (a) WHO IS ENGAGED IN DIRECT SOCIAL WORK PRACTICE IS NOT AVAILABLE TO SERVE ON THE BOARD FOR A PARTICULAR TERM, THE GOVERNOR MAY APPOINT A LICENSED CLINICAL SOCIAL WORKER WHO IS NOT ENGAGED IN DIRECT SOCIAL WORK PRACTICE.

(3) (a) Each board member shall hold office until the expiration of such member's appointed term or until a successor is duly appointed. EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (3), the term of each member shall be four years, AND NO BOARD MEMBER SHALL SERVE MORE THAN TWO FULL CONSECUTIVE TERMS. Any vacancy occurring in board membership other than by expiration of a term shall be filled by the governor by appointment for the remainder of the unexpired term of such member.

(b) THE TERMS OF OFFICE OF THE MEMBERS ON THE BOARD AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (b) SHALL BE MODIFIED AS FOLLOWS IN ORDER TO ENSURE STAGGERED TERMS OF OFFICE:

(I) THE SECOND TERM OF OFFICE OF ONE OF THE TWO LICENSED CLINICAL SOCIAL WORKER BOARD MEMBERS WHO, AS OF JULY 25, 2010, WOULD HAVE SERVED TWO FOUR-YEAR TERMS, SHALL EXPIRE ON JUNE 30, 2008, AND THE GOVERNOR SHALL APPOINT A NEW LICENSED CLINICAL SOCIAL WORKER TO SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) COMMENCING ON JULY 1, 2008.

(II) THE INITIAL TERM OF OFFICE OF ONE OF THE BOARD MEMBERS REPRESENTING THE GENERAL PUBLIC WHOSE INITIAL TERM WOULD OTHERWISE EXPIRE ON JULY 25, 2010, SHALL EXPIRE ON JUNE 30, 2008, AND THE BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON JULY 1, 2008, AND EXPIRING ON JUNE 30, 2012. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) COMMENCING ON JULY 1 OF THE APPLICABLE YEAR.

(III) THE TERM OF OFFICE OF THE ONE MEMBER REPRESENTING THE GENERAL PUBLIC WHO, AS OF JULY 25, 2009, WOULD HAVE SERVED ONE FULL FOUR-YEAR TERM AND ONE PARTIAL FOUR-YEAR TERM, SHALL EXPIRE ON JUNE 30, 2009, AND THE MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON JULY 1, 2009, AND EXPIRING ON JUNE 30, 2013. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS

POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) COMMENCING ON JULY 1 OF THE APPLICABLE YEAR.

(IV) THE TERM OF OFFICE OF THE ONE LICENSED CLINICAL SOCIAL WORKER BOARD MEMBER WHO, AS OF JULY 25, 2010, WOULD HAVE SERVED ONE FULL FOUR-YEAR TERM AND ONE PARTIAL FOUR-YEAR TERM, SHALL EXPIRE ON JUNE 30, 2009, AND THE BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON JULY 1, 2009, AND EXPIRING ON JUNE 30, 2013. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) COMMENCING ON JULY 1 OF THE APPLICABLE YEAR.

(V) THE INITIAL TERMS OF OFFICE OF THE ONE REMAINING LICENSED CLINICAL SOCIAL WORKER BOARD MEMBER AND THE TWO REMAINING BOARD MEMBERS REPRESENTING THE GENERAL PUBLIC, WHOSE INITIAL TERMS WOULD OTHERWISE EXPIRE ON JULY 25, 2010, SHALL EXPIRE ON JUNE 30, 2010, AND EACH OF THESE BOARD MEMBERS SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM, COMMENCING ON JULY 1, 2010, AND EXPIRING ON JUNE 30, 2014. ON AND AFTER THE EXPIRATION OF THESE BOARD MEMBERS' TERMS, PERSONS APPOINTED TO THESE POSITIONS ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) COMMENCING ON JULY 1 OF THE APPLICABLE YEAR.

~~(4) No board member shall serve more than two full consecutive terms.~~

SECTION 3. 12-43-502 (3) and (4), Colorado Revised Statutes, are amended to read:

12-43-502. State board of marriage and family therapist examiners. (3) ~~No board member shall serve more than two full consecutive terms.~~

(4) (a) Each board member shall hold office until the expiration of his or her appointed term or until a successor is duly appointed. ~~and~~ EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (4), members shall serve terms of four years, AND NO MEMBER SHALL SERVE MORE THAN TWO FULL CONSECUTIVE TERMS. When the term of each board member expires, the governor shall appoint his or her successor for a term of four years. Any vacancy occurring in the board membership other than by the expiration of a term shall be filled by the governor by appointment for the remainder of the unexpired term of such member.

(b) THE TERMS OF OFFICE OF THE MEMBERS ON THE BOARD AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (b) SHALL BE MODIFIED AS FOLLOWS IN ORDER TO ENSURE STAGGERED TERMS OF OFFICE:

(I) THE SECOND TERM OF OFFICE OF ONE OF THE BOARD MEMBERS REPRESENTING THE GENERAL PUBLIC WHOSE SECOND TERM WOULD OTHERWISE EXPIRE ON AUGUST 12, 2010, SHALL EXPIRE ON JULY 31, 2008. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON AUGUST 1 OF THE APPLICABLE YEAR.

(II) THE INITIAL TERM OF OFFICE OF ONE OF THE MARRIAGE AND FAMILY

THERAPIST BOARD MEMBERS WHOSE INITIAL TERM WOULD OTHERWISE EXPIRE ON AUGUST 12, 2010, SHALL EXPIRE ON JULY 31, 2008, AND THE BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON AUGUST 1, 2008, AND EXPIRING ON JULY 31, 2012. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON AUGUST 1 OF THE APPLICABLE YEAR.

(III) THE TERM OF OFFICE OF THE ONE BOARD MEMBER REPRESENTING THE GENERAL PUBLIC WHO, AS OF AUGUST 12, 2009, WOULD HAVE SERVED ONE FULL FOUR-YEAR TERM AND ONE PARTIAL FOUR-YEAR TERM, SHALL EXPIRE ON JULY 31, 2009. THIS BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON AUGUST 1, 2009, AND EXPIRING ON JULY 31, 2013. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON AUGUST 1 OF THE APPLICABLE YEAR.

(IV) THE INITIAL TERM OF OFFICE OF ONE OF THE MARRIAGE AND FAMILY THERAPIST BOARD MEMBERS WHOSE INITIAL TERM WOULD OTHERWISE EXPIRE ON AUGUST 12, 2010, SHALL EXPIRE ON JULY 31, 2009, AND THE BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING AUGUST 1, 2009, AND EXPIRING ON JULY 31, 2013. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON AUGUST 1 OF THE APPLICABLE YEAR.

(V) THE INITIAL TERM OF OFFICE OF ONE OF THE MARRIAGE AND FAMILY THERAPIST BOARD MEMBERS WHOSE INITIAL TERM OF OFFICE WOULD OTHERWISE EXPIRE ON AUGUST 12, 2010, SHALL EXPIRE ON JULY 31, 2010, AND THE BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM, COMMENCING ON AUGUST 1, 2010, AND EXPIRING ON JULY 31, 2014. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON AUGUST 1 OF THE APPLICABLE YEAR.

(VI) THE SECOND TERM OF OFFICE OF ONE OF THE BOARD MEMBERS REPRESENTING THE GENERAL PUBLIC WHOSE SECOND TERM WOULD OTHERWISE EXPIRE ON AUGUST 12, 2010, SHALL EXPIRE ON JULY 31, 2010, AND THE GOVERNOR SHALL APPOINT ONE NEW REPRESENTATIVE OF THE GENERAL PUBLIC TO SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON AUGUST 1, 2010.

(VII) THE TERM OF OFFICE OF THE ONE BOARD MEMBER REPRESENTING THE GENERAL PUBLIC WHO, AS OF AUGUST 12, 2010, WOULD HAVE SERVED ONE FULL FOUR-YEAR TERM AND ONE PARTIAL FOUR-YEAR TERM, SHALL EXPIRE ON JULY 31, 2010. THIS BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON AUGUST 1, 2010, AND EXPIRING ON JULY 31, 2014. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON AUGUST 1 OF THE

APPLICABLE YEAR.

SECTION 4. 12-43-602 (3) and (4), Colorado Revised Statutes, are amended to read:

12-43-602. State board of licensed professional counselor examiners. (3) ~~No board member shall serve more than two full consecutive terms.~~

(4) (a) Each member shall hold office until the expiration of his or her appointed term or until a successor is duly appointed. ~~and EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (4), members shall serve terms of four years, AND NO MEMBER SHALL SERVE MORE THAN TWO FULL CONSECUTIVE TERMS.~~ When the term of each board member expires, the governor shall appoint his or her successor for a term of four years. Any vacancy occurring in the board membership other than by the expiration of a term shall be filled by the governor by appointment for the unexpired term of such member.

(b) THE TERMS OF OFFICE OF THE MEMBERS ON THE BOARD AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (b) SHALL BE MODIFIED AS FOLLOWS IN ORDER TO ENSURE STAGGERED TERMS OF OFFICE:

(I) THE TERMS OF OFFICE OF THE ONE LICENSED PROFESSIONAL COUNSELOR BOARD MEMBER AND ONE OF THE BOARD MEMBERS REPRESENTING THE GENERAL PUBLIC WHO, AS OF SEPTEMBER 12, 2010, WOULD HAVE SERVED ONE FULL FOUR-YEAR TERM AND ONE PARTIAL FOUR-YEAR TERM, SHALL EXPIRE ON AUGUST 31, 2008. EACH OF THESE BOARD MEMBERS SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM, COMMENCING ON SEPTEMBER 1, 2008, AND EXPIRING ON AUGUST 31, 2012. ON AND AFTER THE EXPIRATION OF THESE BOARD MEMBERS' TERMS, PERSONS APPOINTED TO THESE POSITIONS ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON SEPTEMBER 1 OF THE APPLICABLE YEAR.

(II) THE TERM OF OFFICE OF THE ONE BOARD MEMBER REPRESENTING THE PUBLIC WHOSE INITIAL TERM WOULD OTHERWISE EXPIRE ON SEPTEMBER 12, 2009, SHALL EXPIRE ON AUGUST 31, 2009, AND THE BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM, COMMENCING ON SEPTEMBER 1, 2009, AND EXPIRING ON AUGUST 31, 2013. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON SEPTEMBER 1 OF THE APPLICABLE YEAR.

(III) THE INITIAL TERM OF OFFICE OF ONE OF THE TWO LICENSED PROFESSIONAL COUNSELOR BOARD MEMBERS WHOSE INITIAL TERM OF OFFICE WOULD OTHERWISE EXPIRE ON SEPTEMBER 12, 2010, SHALL EXPIRE ON AUGUST 31, 2009. THIS BOARD MEMBER SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON SEPTEMBER 1, 2009, AND EXPIRING ON AUGUST 31, 2013. ON AND AFTER THE EXPIRATION OF THIS BOARD MEMBER'S TERM, PERSONS APPOINTED TO THIS POSITION ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON SEPTEMBER 1 OF THE APPLICABLE YEAR.

(IV) THE INITIAL TERMS OF OFFICE OF THE TWO REMAINING BOARD MEMBERS

REPRESENTING THE GENERAL PUBLIC AND THE ONE REMAINING LICENSED PROFESSIONAL COUNSELOR, WHOSE INITIAL TERMS WOULD OTHERWISE EXPIRE ON SEPTEMBER 12, 2010, SHALL EXPIRE ON AUGUST 31, 2010. EACH OF THESE BOARD MEMBERS SHALL BE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON SEPTEMBER 1, 2010, AND EXPIRING ON AUGUST 31, 2014. ON AND AFTER THE EXPIRATION OF THESE BOARD MEMBERS' TERMS, PERSONS APPOINTED TO THESE POSITIONS ON THE BOARD SHALL SERVE TERMS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) COMMENCING ON SEPTEMBER 1 OF THE APPLICABLE YEAR.

SECTION 5. 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 8, 2007, if adjournment sine die is on May 9, 2007); 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 21, 2007