

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0842.01 John Hershey

HOUSE BILL 08-1266

HOUSE SPONSORSHIP

Witwer,

SENATE SPONSORSHIP

Veiga,

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE FILING OF NOTICES RELATED TO LIENS WITH THE**
102 **SECRETARY OF STATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Allows a secured party as well as a debtor to file a correction statement to a financing statement to perfect a security interest or agricultural lien. States that the filing of a correction statement does not amend the financing statement.

Eliminates the requirement that the secretary of state (secretary) provide information on federal tax lien notices to persons requesting information on records filed with the secretary.

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

Eliminates the requirement that the fee for filing and indexing a record submitted to the secretary in writing be at least twice the amount of the fee for a record communicated by another medium authorized by the secretary.

Corrects references to the international association of commercial administrators.

Repeals a provision requiring the secretary to accept documents for filing that are sent by facsimile transmission.

Requires a person filing a document with the secretary to declare that the document does not contain a taxpayer identification number. Prohibits the secretary from making a record publicly accessible until the secretary removes any taxpayer identification numbers in the record to the extent practicable.

Allows the secretary to remove a social security number, employer identification number, electronic mail address, telephone number, password, pass code, and other personal identifying information from a record before making the record publicly accessible. Allows the secretary to remove such personal identifying information from a currently public record upon receipt of a request showing good cause and supported by documents required by the secretary of state. Requires the secretary to retain the unaltered record from which information is removed for public access and to allow inspection of the unaltered record only for good cause, notwithstanding the open records law.

Enacts the "Colorado Statutory Lien Registration Act", which:

- ! Specifies the information that a notice of a designated statutory lien (notice of lien) or an amendment to a notice of lien (notice of amendment) filed with the secretary shall or may contain;
- ! States that a notice of lien or notice of amendment shall not contain a social security number, employer identification number, or individual taxpayer identification number unless required by law;
- ! Specifies the circumstances in which the secretary shall or may refuse to accept a notice of lien or notice of amendment for filing;
- ! Requires the secretary to mark, maintain, and index notices of lien and notices of amendment;
- ! Requires the secretary to notify a person who presents a notice of lien or notice of amendment for filing if the secretary refuses to accept the notice;
- ! Allows the secretary to remove a notice of lien from the secretary's records one year after the notice expires;
- ! Requires the filing office to provide to any person upon request specified information regarding any notice of lien or notice of amendment on file with the office that

- designates a particular owner;
 - ! States that a notice of lien or notice of amendment that the secretary wrongfully refuses to accept is effective as a filed record except as against a purchaser of the property described in the notice who gives value in reasonable reliance on the absence of the record in the records of the secretary; and
 - ! Directs the secretary to adopt rules to implement the act.
- Defines terms.

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

2 **SECTION 1.** 4-9-518 (a), Colorado Revised Statutes, is amended,
3 and the said 4-9-518 is further amended BY THE ADDITION OF A
4 NEW SUBSECTION, to read:

5 **4-9-518. Claim concerning inaccurate or wrongfully filed**
6 **record.** (a) (1) ~~ANY~~ ANY person NAMED AS A DEBTOR may file in the
7 filing office a correction statement with respect to a record indexed there
8 under the ~~person's~~ DEBTOR'S name if the person believes that the record
9 is inaccurate or was wrongfully filed.

10 (2) ANY PERSON NAMED AS A SECURED PARTY MAY FILE IN THE
11 FILING OFFICE A CORRECTION STATEMENT WITH RESPECT TO A RECORD
12 FILED THERE IN WHICH THE PERSON IS IDENTIFIED AS A SECURED PARTY,
13 CONSIGNOR, LESSOR, OR THE LIKE IF THE PERSON BELIEVES THE RECORD IS
14 INACCURATE OR WAS WRONGFULLY FILED.

15 (3) ANY PERSON WHO INCORRECTLY FILES AN AMENDMENT
16 AFFECTING A RECORD MAY FILE A CORRECTION STATEMENT WITH RESPECT
17 TO THE RECORD.

18 (d) THE FILING OF A CORRECTION STATEMENT IS NOT EFFECTIVE AS
19 AN AMENDMENT TO A FILED FINANCING STATEMENT AND IS NOT
20 SUFFICIENT TO EFFECT A CHANGE IN THE MANNER IN WHICH THE FILING

1 OFFICE HAS INDEXED A FINANCING STATEMENT OR INFORMATION
2 CONTAINED IN A FINANCING STATEMENT.

3 **SECTION 2.** 4-9-523 (c), Colorado Revised Statutes, is amended
4 to read:

5 **4-9-523. Information from filing office - sale or license of**
6 **records.** (c) The filing office shall communicate or otherwise make
7 available in a record the following information to any person that requests
8 it:

9 (1) Whether there is on file on a date and time specified by the
10 filing office, but not a date earlier than three business days before the
11 filing office receives the request, any financing statement ~~or federal tax~~
12 ~~lien notice~~ that:

13 (A) Designates a particular debtor;

14 (B) Has not lapsed under section 4-9-515 with respect to all
15 secured parties of record; and

16 (C) If the request so states, has lapsed under section 4-9-515 and
17 a record of which is maintained by the filing office under section 4-9-522
18 (a);

19 (2) The date and time of filing of each financing statement; ~~and~~
20 ~~federal tax lien notice~~; and

21 (3) The information provided in each financing statement. ~~and~~
22 ~~federal tax lien notice.~~

23 **SECTION 3.** 4-9-525 (a), Colorado Revised Statutes, is amended
24 to read:

25 **4-9-525. Fees.** (a) Except as otherwise provided in subsection (f)
26 of this section and subject to section 24-75-402, C.R.S., fees for services
27 rendered by the secretary of state under this part 5 shall be determined

1 and collected pursuant to section 24-21-104, C.R.S. ~~except that if a~~
2 ~~record presented for filing is communicated to the secretary of state in~~
3 ~~writing, the fee for filing and indexing the record must be at least twice~~
4 ~~the amount of the fee for a record communicated by another medium~~
5 ~~authorized by the secretary of state.~~

6 **SECTION 4.** 4-9-526 (b) (2), Colorado Revised Statutes, is
7 amended to read:

8 **4-9-526. Filing-office rules.** (b) To keep the filing-office rules
9 and practices of the filing office in harmony with the rules and practices
10 of filing offices in other jurisdictions that enact substantially this part 5,
11 and to keep the technology used by the filing office compatible with the
12 technology used by filing offices in other jurisdictions that enact
13 substantially this part 5, the secretary of state, so far as is consistent with
14 the purposes, policies, and provisions of this article, in adopting,
15 amending, and repealing filing-office rules, shall:

16 (2) Consult the most recent version of the model rules
17 promulgated by the international association of ~~corporate~~ COMMERCIAL
18 administrators or any successor organization; and

19 **SECTION 5.** 4-9-527 (2), Colorado Revised Statutes, is amended
20 to read:

21 **4-9-527. Duty to report.** The secretary of state shall report
22 annually on or before June 30 to the governor and legislature on the
23 operation of the filing office. The report must contain a statement of the
24 extent to which:

25 (2) The filing-office rules are not in harmony with the most recent
26 version of the model rules promulgated by the international association
27 of ~~corporate~~ COMMERCIAL administrators, or any successor organization,




1 and the reasons for these variations.

2 **SECTION 6.** 4-9-529 (a), (d), and (e), Colorado Revised Statutes,
3 are amended to read:

4 **4-9-529. Electronic and other filings.** (a) ~~The secretary of state~~
5 ~~shall ensure that documents may be presented for filing by facsimile~~
6 ~~transmission. After filing, all documents so presented shall be retained~~
7 ~~in a form that facilitates location and reproduction of a true copy of any~~
8 ~~such document.~~

9 (d) To facilitate the filing of documents in the office of the
10 secretary of state electronically, ~~or by facsimile transmission,~~ the
11 secretary of state is hereby specifically authorized to adopt, by rule,
12 technical standards governing such filings and to reject documents that do
13 not comply with such standards. Such standards may include, without
14 limitation, the specification of commercially available software or the
15 dissemination of software compatible with the secretary of state's
16 reception, storage, and retrieval system. Where national standards are
17 available and have been promulgated by a recognized professional
18 organization, the secretary of state shall consider and may use such
19 national standards as the basis for the rules.

20 (e) ~~Nothing in this section shall be construed to imply that an~~
21 ~~effective filing may not be made by the presentation of a hard copy of the~~
22 ~~financing statement, in proper form, to the correct filing officer. It is the~~
23 ~~general assembly's intent that electronic filing be available in addition to,~~
24 ~~but not to the exclusion of, filing by traditional methods.~~

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1 OR OWNER OF A DESIGNATED STATUTORY LIEN IN A NOTICE OF LIEN OR
2 NOTICE OF AMENDMENT FILED IN THE OFFICE OF THE SECRETARY OF STATE
3 PURSUANT TO THIS ARTICLE.

4 (2) "CONTINUE" MEANS TO RENEW OR OTHERWISE EXTEND THE
5 EFFECTIVENESS OF A NOTICE OF LIEN.

6 (3) "DESIGNATED STATUTORY LIEN" MEANS:

7 (A) A HARVESTER'S LIEN PURSUANT TO ARTICLE 24.5 OF TITLE 38,
8 C.R.S.;

9 (B) AN AGISTOR'S LIEN PURSUANT TO PART 2 OF ARTICLE 20 OF
10 TITLE 38, C.R.S.;

11 (C) A HOSPITAL LIEN PURSUANT TO ARTICLE 27 OF TITLE 38,
12 C.R.S.;

13 (D) A RESTITUTION LIEN PURSUANT TO SECTION 16-18.5-104,
14 C.R.S.;

15 (E) A CHILD SUPPORT LIEN PURSUANT TO SECTION 14-10-122,
16 C.R.S.;

17 (F) A SECURITY INTEREST HELD BY A HOUSING AUTHORITY
18 PURSUANT TO SECTION 29-4-712, C.R.S.; OR

19 (G) ANY OTHER LIEN PROVIDED FOR BY A STATUTE OF THIS STATE
20 THAT REQUIRES OR EXPRESSLY PERMITS A NOTICE OR OTHER RECORD
21 CREATING, EVIDENCING, OR PERFECTING THE LIEN TO BE FILED IN THE
22 OFFICE OF THE SECRETARY OF STATE, EXCEPT AS PROVIDED IN SECTION
23 4-9.7-102 (b) AND (c).

24 (4) "NOTICE OF AMENDMENT" MEANS A RECORD FILED IN THE
25 OFFICE OF THE SECRETARY OF STATE PURSUANT TO THIS ARTICLE THAT
26 CHANGES, CORRECTS, CONTINUES, TERMINATES, SUBORDINATES, OR
27 OTHERWISE MODIFIES A NOTICE OF LIEN.

1 (5) "NOTICE OF LIEN" MEANS A RECORD FILED IN THE OFFICE OF
2 THE SECRETARY OF STATE PURSUANT TO THIS ARTICLE THAT IDENTIFIES
3 ONE OR MORE CLAIMANTS WITH RESPECT TO A DESIGNATED STATUTORY
4 LIEN; IDENTIFIES, TO THE EXTENT REQUIRED BY THE APPLICABLE
5 SUBSTANTIVE STATUTE, THE PROPERTY ASSERTED TO BE SUBJECT TO THE
6 LIEN; IDENTIFIES THE OWNER OR OWNERS OF THE PROPERTY; AND
7 OTHERWISE COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE.

8 (6) "OWNER" MEANS A PERSON IDENTIFIED IN A NOTICE OF LIEN OR
9 NOTICE OF AMENDMENT IN THE OFFICE OF THE SECRETARY OF STATE
10 PURSUANT TO THIS ARTICLE AS AN OWNER OF PROPERTY SUBJECT TO A
11 DESIGNATED STATUTORY LIEN.

12 (7) "RECORD", EXCEPT AS USED IN THE PHRASES "FOR RECORD",
13 "OF RECORD", "RECORD OR LEGAL TITLE", AND "RECORD OWNER", MEANS
14 INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS
15 STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN
16 PERCEIVABLE FORM.

17 (8) "SUBSTANTIVE STATUTE" MEANS THE STATUTE CREATING,
18 PROVIDING FOR, OR GIVING RISE TO A DESIGNATED STATUTORY LIEN.

19 (9) "TAXPAYER IDENTIFICATION NUMBER" MEANS A SOCIAL
20 SECURITY NUMBER, AN EMPLOYER IDENTIFICATION NUMBER, OR AN
21 INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER.

22 (10) "TERMINATE" MEANS TO RELEASE OR OTHERWISE EXTINGUISH
23 THE EFFECTIVENESS OF A NOTICE OF LIEN.

24 **4-9.7-104. Contents of a notice of lien or notice of amendment.**

25 (a) (1) A NOTICE OF LIEN SHALL STATE:

26 (A) THE NAME OF ONE OR MORE OWNERS;

27 (B) THE NAME OF ONE OR MORE CLAIMANTS;

1 (C) A CITATION TO THE SECTION OF THE SUBSTANTIVE STATUTE
2 PURSUANT TO WHICH THE NOTICE OF LIEN IS FILED;

3 (D) TO THE EXTENT REQUIRED BY THE APPLICABLE SUBSTANTIVE
4 STATUTE, AN IDENTIFICATION OF THE PROPERTY ASSERTED TO BE SUBJECT
5 TO A DESIGNATED STATUTORY LIEN AND ANY OTHER INFORMATION THAT
6 THE APPLICABLE SUBSTANTIVE STATUTE REQUIRES TO BE CONTAINED IN
7 OR INCLUDED WITH THE NOTICE OF LIEN;

8 (E) THAT ANY OTHER INFORMATION OR RECORD REQUIRED TO BE
9 FILED WITH THE OFFICE OF THE SECRETARY OF STATE PURSUANT TO THE
10 APPLICABLE SUBSTANTIVE STATUTE HAS BEEN INCLUDED WITH OR
11 ATTACHED TO THE NOTICE OF LIEN; AND

12 (F) SUCH ADDITIONAL INFORMATION AS THE SECRETARY OF STATE
13 MAY REQUIRE.

14 (2) A NOTICE OF LIEN MAY STATE:

15 (A) THE MAILING ADDRESS OF ONE OR MORE OWNERS; AND

16 (B) THE MAILING ADDRESS OF ONE OR MORE CLAIMANTS.

17 (b) (1) A NOTICE OF AMENDMENT SHALL STATE:

18 (A) THE ORIGINAL FILING NUMBER OF THE NOTICE OF LIEN TO
19 WHICH THE NOTICE OF AMENDMENT RELATES;

20 (B) THAT ANY OTHER INFORMATION OR RECORD REQUIRED TO BE
21 FILED WITH THE OFFICE OF THE SECRETARY OF STATE PURSUANT TO THE
22 APPLICABLE SUBSTANTIVE STATUTE HAS BEEN INCLUDED WITH OR
23 ATTACHED TO THE NOTICE OF AMENDMENT; AND

24 (C) ANY ADDITIONAL INFORMATION THAT THE SECRETARY OF
25 STATE REQUIRES.

26 (2) A NOTICE OF AMENDMENT MAY CONTAIN ANY INFORMATION
27 NECESSARY TO INDICATE THE MANNER AND EXTENT TO WHICH THE NOTICE

1 OF AMENDMENT AFFECTS THE NOTICE OF LIEN.

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3 (c) A NOTICE OF LIEN SHALL REMAIN EFFECTIVE FOR THE PERIOD
4 PROVIDED FOR BY THE APPLICABLE SUBSTANTIVE STATUTE OR UNTIL A
5 NOTICE OF AMENDMENT THAT TERMINATES THE NOTICE OF LIEN IS FILED
6 IN THE OFFICE OF THE SECRETARY OF STATE.

7 **4-9.7-105. Acceptance and refusal to accept for filing.** (a) THE
8 SECRETARY OF STATE SHALL REFUSE TO ACCEPT A NOTICE OF LIEN OR
9 NOTICE OF AMENDMENT FOR FILING IF:

10 (1) THE APPLICABLE FILING FEE IS NOT TENDERED;

11 (2) THE NOTICE IS NOT COMMUNICATED BY A METHOD OF
12 COMMUNICATION AUTHORIZED BY THE SECRETARY OF STATE;

13 (3) THE NOTICE OF LIEN DOES NOT STATE THE NAME OF AN OWNER;

14 (4) THE NOTICE OF LIEN DOES NOT STATE THE NAME OF A
15 CLAIMANT;

16 (5) THE NOTICE OF AMENDMENT DOES NOT INDICATE THE ORIGINAL
17 FILE NUMBER OF THE NOTICE OF LIEN TO WHICH THE NOTICE OF
18 AMENDMENT RELATES; OR

19 (6) THE NOTICE OF LIEN OR NOTICE OF AMENDMENT FAILS TO
20 STATE ANY ADDITIONAL INFORMATION THAT THE SECRETARY OF STATE
21 REQUIRES.

22 (b) THE SECRETARY OF STATE MAY REFUSE TO ACCEPT A NOTICE
23 OF LIEN OR NOTICE OF AMENDMENT FOR FILING IF THE [REDACTED] NOTICE OF
24 LIEN OR NOTICE OF AMENDMENT DOES NOT INCLUDE THE ADDRESS OF ONE
25 OR MORE CLAIMANTS.

26 (c) FILING DOES NOT OCCUR WITH RESPECT TO A NOTICE OF LIEN
27 OR NOTICE OF AMENDMENT THAT THE SECRETARY OF STATE REFUSES TO

1 ACCEPT FOR A REASON SET FORTH IN SUBSECTION (a) OR (b) OF THIS
2 SECTION.

3 **4-9.7-106. Duties of filing officer.** (a) IF A NOTICE OF LIEN IS
4 COMMUNICATED TO AND ACCEPTED BY THE SECRETARY OF STATE FOR
5 FILING, THE SECRETARY OF STATE SHALL CAUSE THE NOTICE TO BE
6 MARKED, MAINTAINED, AND INDEXED IN ACCORDANCE WITH THE
7 PROVISIONS OF SECTION 4-9-519 AS IF THE NOTICE WERE A FINANCING
8 STATEMENT AND EACH OWNER IDENTIFIED IN THE NOTICE WERE A DEBTOR
9 WITHIN THE MEANING OF SECTION 4-9-519.

10 (b) IF A NOTICE OF AMENDMENT IS COMMUNICATED TO AND
11 ACCEPTED BY THE SECRETARY OF STATE FOR FILING, THE SECRETARY OF
12 STATE SHALL:

13 (1) CAUSE THE NOTICE OF AMENDMENT TO BE MARKED,
14 MAINTAINED, AND INDEXED AS IF THE NOTICE WERE AN AMENDMENT OF A
15 FINANCING STATEMENT WITHIN THE MEANING OF SECTION 4-9-512;

16 (2) IF THE NOTICE OF AMENDMENT TERMINATES A NOTICE OF LIEN,
17 CAUSE THE NOTICE OF AMENDMENT TO BE MARKED, MAINTAINED, AND
18 INDEXED AS IF THE NOTICE WERE A TERMINATION STATEMENT WITHIN THE
19 MEANING OF SECTION 4-9-513; OR

20 (3) IF THE NOTICE OF AMENDMENT CONTINUES A NOTICE OF LIEN,
21 CAUSE THE NOTICE OF AMENDMENT TO BE MARKED, MAINTAINED, AND
22 INDEXED AS IF THE NOTICE WERE A CONTINUATION STATEMENT AS
23 DEFINED IN SECTION 4-9-102 (27) AND EXTEND THE EFFECTIVENESS OF THE
24 NOTICE OF LIEN BY THE APPROPRIATE PERIOD PURSUANT TO THE
25 APPLICABLE SUBSTANTIVE STATUTE.

26 (c) IF THE SECRETARY OF STATE REFUSES TO ACCEPT A NOTICE OF
27 LIEN OR NOTICE OF AMENDMENT FOR FILING, THE SECRETARY OF STATE

1 SHALL COMMUNICATE TO THE PERSON THAT PRESENTED THE RECORD THE
2 FACT OF AND REASON FOR THE REFUSAL. THE COMMUNICATION SHALL BE
3 MADE AT THE TIME AND IN THE MANNER PRESCRIBED BY THE RULES
4 ADOPTED BY THE SECRETARY OF STATE PURSUANT TO SECTION 4-9.7-109.

5 (d) THE SECRETARY OF STATE MAY REMOVE A NOTICE OF LIEN
6 FROM THE RECORDS OF THE SECRETARY OF STATE ONE YEAR AFTER THE
7 NOTICE EXPIRES IN ACCORDANCE WITH SECTION 4-9.7-104 (d).

8 (e) THE SECRETARY OF STATE SHALL COMMUNICATE OR
9 OTHERWISE MAKE AVAILABLE IN A RECORD THE FOLLOWING INFORMATION
10 TO ANY PERSON THAT REQUESTS THE INFORMATION:

11 (1) WHETHER THERE IS ON FILE ON A DATE AND TIME SPECIFIED BY
12 THE SECRETARY OF STATE ANY NOTICE OF LIEN OR NOTICE OF AMENDMENT
13 THAT:

14 (A) DESIGNATES A PARTICULAR OWNER; AND

15 (B) HAS NOT EXPIRED UNDER SECTION 4-9.7-104 (d); AND

16 (C) IF THE REQUEST SO STATES, HAS EXPIRED UNDER SECTION
17 4-9.7-104 (d) AND A RECORD OF WHICH IS MAINTAINED BY THE SECRETARY
18 OF STATE UNDER SUBSECTION (d) OF THIS SECTION;

19 (2) THE DATE AND TIME OF FILING OF EACH NOTICE OF LIEN AND
20 NOTICE OF AMENDMENT DESCRIBED IN PARAGRAPH (1) OF THIS
21 SUBSECTION (e); AND

22 (3) THE INFORMATION PROVIDED IN EACH NOTICE OF LIEN AND
23 NOTICE OF AMENDMENT DESCRIBED IN PARAGRAPH (1) OF THIS
24 SUBSECTION (e).

25 **4-9.7-107. Fees.** SUBJECT TO SECTION 24-75-402, C.R.S., FEES
26 FOR SERVICES RENDERED BY THE SECRETARY OF STATE UNDER THIS

1 ARTICLE SHALL BE DETERMINED AND COLLECTED PURSUANT TO SECTION
2 24-21-104, C.R.S.

3 **4-9.7-108. Effect of filing.** A NOTICE OF LIEN OR NOTICE OF
4 AMENDMENT THAT IS COMMUNICATED TO THE OFFICE OF THE SECRETARY
5 OF STATE WITH TENDER OF THE FILING FEE, BUT WHICH THE SECRETARY OF
6 STATE WRONGFULLY REFUSES TO ACCEPT, IS EFFECTIVE AS A FILED
7 RECORD IN THE RECORDS OF THE SECRETARY OF STATE EXCEPT AS
8 AGAINST A PURCHASER OF THE PROPERTY DESCRIBED IN THE NOTICE WHO
9 GIVES VALUE IN REASONABLE RELIANCE UPON THE ABSENCE OF THE
10 RECORD IN THE RECORDS OF THE SECRETARY OF STATE.

11 **4-9.7-109. Filing office - rules.** (a) THE SECRETARY OF STATE
12 SHALL ADOPT AND PUBLISH ANY RULES NECESSARY TO IMPLEMENT THIS
13 ARTICLE. THE RULES SHALL BE:

14 (1) CONSISTENT WITH THIS ARTICLE; AND

15 (2) ADOPTED AND PUBLISHED IN ACCORDANCE WITH THE "STATE
16 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

17 **SECTION 9. Effective date.** (1) Except as otherwise provided
18 by subsection (2) of this section, this act shall take effect at 12:01 a.m. on
19 the day following the expiration of the ninety-day period after final
20 adjournment of the general assembly that is allowed for submitting a
21 referendum petition pursuant to article V, section 1 (3) of the state
22 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
23 except that, if a referendum petition is filed against this act or an item,
24 section, or part of this act within such period, then the act, item, section,
25 or part, if approved by the people, shall take effect on the date of the
26 official declaration of the vote thereon by proclamation of the governor.

1 (2) Sections 6 through 9 of this act shall take effect
2 simultaneously with Senate Bill 06-188, enacted at the Second Regular
3 Session of the Sixty-fifth General Assembly; except that, if Senate Bill
4 06-188 takes effect during the ninety-day period after final adjournment
5 of the general assembly, sections 6 through 9 of this act shall take effect
6 in accordance with subsection (1) of this section.