

Summary of Annexation Proposals

Option	Description
1. Full Authority	Pursuant to Special Act as approved by referendum of the electorate, BCC's power to set local policy on annexation would be expanded from "voluntary" annexations to include "involuntary" or referendum annexations, and all other matters related thereto.
2. Preservation Areas	Pursuant to Special Act as approved by referendum of the electorate, the BCC is authorized to delineate "preservation areas" in the unincorporated area of Pinellas County. After such delineation, and after an affirmative vote of the electorate in the proposed preservation area, the BCC may formally establish the preservation areas for a period of time not greater than 10 years. Properties within preservation areas are not subject to annexation by municipalities.
3. Miscellaneous Revisions	<p>Pursuant to Special Act as approved by referendum of the electorate, several specific policies concerning annexation become effective in Pinellas County:</p> <ol style="list-style-type: none"> 1. Annexation is prohibited unless individual notice has been provided by certified mail to all property owners within the proposed annexation area at least 60 days prior to the first public hearing. 2. Annexation is prohibited without obtaining consent through a freeholder referendum held on a date certain. In the case of property owned by municipalities, the county or the state, consent need not be obtained but such property may not count toward satisfaction of the percentage of property owner approval requirements contained in law. 3. Cities are prohibited from proposing the annexation of property by referendum for a period of 10 years after the last such referendum, without the property owner's written consent. 4. Cities and the county are prohibited from offering any incentives or inducements to property owners in conjunction with an annexation proposal.

	<p>5. In the case of the annexation of property within enclaves, the annexing municipality shall establish incentives to mitigate any one-time costs applicable to an existing developed property within the area to be annexed. Such incentives must include the following:</p> <ul style="list-style-type: none"> a. Paying for the initial cost of extending public water and sewer service, and the total cost of any applicable impact fees for an existing structure; b. Water wells or septic tanks within the enclave which meet state health standards on the effective date of this act are deemed to meet the code requirements of the annexing jurisdiction.
<p>4. Non-Referendum Limitations</p>	<p>Pursuant to Special Act as approved by referendum of the electorate, cities are prohibited from annexing areas through the “non-referendum, referendum” process where the owner has not given express consent, unless the below conditions are met. Consent may be revocable up until the adoption of the annexation ordinance.</p> <ul style="list-style-type: none"> a. Seventy-five percent (75%) of the boundary of such a parcel is surrounded by the annexing city and/or property owners consenting to the annexation, and b. Property owners consenting to the proposed annexation (on both a parcel and acreage basis) exceed seventy-five percent (75%).
<p>5. Enclave Equity</p>	<p>Pursuant to Special Act as approved by referendum of the electorate, the BCC is required to establish a special MSTU in an enclave for the incremental increase in costs to the county in providing services in that area, which may include contract payments to the city for the provision of services in the enclave by the city.</p> <p>Cities are prohibited from refusing to annex an enclave parcel when an owner files a petition to annex.</p> <p>Cities are prohibited from annexing any parcel without the owner’s express permission.</p>

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OPTION 1: Full Authority

CHAPTER 2006-_____

Bill No. _____

AN ACT RELATING TO PINELLAS COUNTY; REQUIRING A REFERENDUM OF THE COUNTY ELECTORATE; PROVIDING SPECIAL ACT AUTHORITY TO FULLY REGULATE ANNEXATION PURSUANT TO CHARTER AUTHORITY; PROVIDING FOR THE AMENDMENT OF THE PINELLAS COUNTY CHARTER TO PROVIDE FOR CHARTER-BASED ANNEXATION AND CONTRACTION PROCEDURES TO WHICH GENERAL LAW WILL BE SUPPLEMENTAL; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, Pinellas County is an urbanized county with a population in excess of 900,000 residents, with 24 municipalities, and

WHEREAS, Pinellas County has numerous scattered unincorporated areas which reflect the haphazard manner in which annexation into municipalities has taken place over the years by the application of general annexation laws of the state, and

WHEREAS, with the active cooperation and support of the municipalities, and pursuant to statutory authority, the Pinellas County Charter was amended in 2000 to provide for an exclusive method of voluntary annexation, by ordinance of the Board of County Commissioners and further to provide for the delineation of exclusive annexation boundaries; and

WHEREAS, with the active cooperation and support of the municipalities, the Pinellas County Board of County Commissioners adopted an ordinance in 2000 to implement that charter based annexation authority; and

WHEREAS, the Pinellas County Charter was amended in 2000 to provide charter authority over voluntary annexation in the Board of County Commissioners; and

WHEREAS, with over four years of experience in administration of the ordinance, interjurisdictional disputes that have had an impact on economic development have been reduced. However, it has been recognized by the Annexation Task Force of the Pinellas Assembly and the Pinellas County Charter Review Commission that the statutory limitation of charter authority which applies only to voluntary annexation makes the exclusive annexation boundaries illusory and of little practical planning significance; and

WHEREAS, the Charter Review Commission recognizes that the existing annexation law fails to adequately address the issue of annexation in Pinellas County; and

1 WHEREAS, the first step in eliminating the barriers to effective home rule
2 annexation controls would be to expand the scope of charter authority to govern
3 referendum annexation and contraction; and
4

5 WHEREAS, the legislative delegation, representing Pinellas County, has final report of the
6 Annexation Task Force of the Pinellas Assembly composed of citizens charged with the study of
7 annexation in Pinellas County, and has met with the Pinellas County Charter Review
8 Commission composed of a legislator, local officials, and residents charged with review of, and
9 making recommendations to the citizens regarding Charter authority; and
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11 WHEREAS, one of the suggestions of both the Annexation Task Force of the Pinellas
12 Assembly and of the Charter Review Commission was that existing authority which applies only
13 to voluntary annexation was inadequate and they each recommended the implementation of full
14 home rule authority over annexation through the charter-based ordinance authority of the Board
15 of County Commissioners; and
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17 WHEREAS, principal of home rule recognizes the right of the electorate in Pinellas County
18 to consider alternative policies and operating procedures in this urban, densely populated county;
19 and
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21 WHEREAS, enactment of the alternative policies contained herein is contingent on
22 approval by the electorate of Pinellas County.
23

24 Be it Enacted by the Legislature of the State of Florida and pursuant to Article VIII,
25 Section 2(c) of the Florida Constitution:
26

27 Section 1. The Pinellas County board of county commissioners is authorized to control the
28 procedures, methods and limitations for all forms of annexation provided that the authority is
29 included in the special powers section of the Pinellas County Charter. The methods of
30 annexation and contraction provided by general law for all forms of annexation and contraction
31 shall not be effective in Pinellas County and all annexations in Pinellas County shall proceed
32 pursuant to County ordinance adopted pursuant to the authority provided in the Pinellas County
33 Charter.
34

35 Section 2. The Pinellas County Charter, Section 2.04(t) shall be amended to read as follows:
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37 (t) As provided by special law, all powers necessary to establish by ordinance the exclusive
38 method and criteria for municipal annexation and contraction, including the delineation of areas
39 eligible for annexation.
40

41 Section 3. Codification. The substantive provisions of this ordinance shall
42 be included and incorporated in the Pinellas County Code as an addition thereto, and
43 shall be appropriately renumbered to conform to the uniform numbering system of the
44 Pinellas County Code.
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1 Section 4. Interpretation. This act shall be construed to be consistent with and further
2 the purpose of Chapter 171, Florida Statutes, the Pinellas County Charter, and Pinellas
3 County Ordinance Number 00-63, as amended.
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5 Section 5. Severability If any section, subsection, sentence, clause or phrase of this
6 ordinance, is for any reason held illegal, invalid or unconstitutional by the decision of any
7 court of competent jurisdiction, such decision shall not affect the valid provisions thereof.
8 The county hereby declares that it would have adopted this ordinance, and each section,
9 subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more
10 sections, subsections, sentences, clauses or phrases be declared illegal, invalid or
11 unconstitutional. The invalidity of any portion of the ordinance shall not abate, reduce,
12 or otherwise affect any consideration or obligation required thereunder.
13

14 Section 6. Effective Date; Referendum Question Except for this section, which
15 shall take effect only upon becoming law, this act shall take effect upon the approval of
16 this act and the implementing charter amendment by a majority vote of the electors of
17 Pinellas County voting in a referendum election, which shall be called by the Board of
18 County Commissioners prior to November 7, 2006. The ballot question for this
19 amendment shall be as follows:
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21 BALLOT TITLE: APPROVE A SPECIAL ACT AND AMENDMENT OF THE COUNTY CHARTER
22 TO PROVIDE FOR FULL HOME RULE AUTHORITY CONCERNING ANNEXATION POLICY BY
23 THE BOARD OF COUNTY COMMISSIONERS
24

25 BALLOT QUESTION: Shall a Special Act of the Legislature and an implementing
26 Amendment to Section 2.02(c) of the Pinellas County Charter be approved to grant full
27 home rule authority over annexation to the board of county commissioners?
28

29 [] YES FOR APPROVAL
30

31 [] NO FOR REJECTION
32

33 Approved by the Governor _____
34 Filed in Office of Secretary of State _____
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OPTION 2 – Preservation Areas

CHAPTER 2006-_____

Bill No. _____

AN ACT RELATING TO PINELLAS COUNTY; REQUIRING A REFERENDUM OF THE COUNTY ELECTORATE; PROVIDING AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY AND AMENDING THE PINELLAS COUNTY CHARTER TO PROVIDE FOR CHARTER AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS TO ESTABLISH COMMUNITY PRESERVATION AREAS THAT WOULD BE IMMUNE FROM ANNEXATION FOR A PERIOD OF UP TO 10 YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR INTERPRETATION; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Be it Enacted by the Legislature of the State of Florida and pursuant to Article VIII, Section 2(c) of the Florida Constitution:

Section 1. The Pinellas County board of county commissioners is granted the authority to establish, and thereafter, alter or abolish, by ordinance, community preservation areas in the unincorporated portions of the county that consist of identifiable communities which have expressed an interest in preserving their unincorporated character. These areas shall not be subject to annexation by any municipality under any procedure otherwise permitted by law for a period of not more than ten (10) years from the date of their designation. Designation as a community preservation area shall expire at the end of ten years unless reestablished by the board of county commissioners by the same procedures established below for the original designation.

- a. The identifiable community shall initially be boundary delineated by resolution of the board of county commissioners and protection of that area so delineated shall not, in the reasonable legislative judgment of the board of county commissioners, interfere with the ability of the municipality to continue to annex remaining properties that can contribute to the city as a unified whole and not prevent any such incorporated citizens from fully associating and trading with each other, socially and economically.
- b. Once a community is delineated by resolution, the board of county commissioners shall call a referendum to determine if there is a sufficient expression of interest in preserving their unincorporated character to warrant designation as a community preservation area. A majority vote of the electors in the area delineated by resolution shall enable the board of county commissioners to establish the community preservation area.

Section 2. Section 2.04 of the Pinellas County Charter is amended to add a new subsection to read as follows:

(u) to establish, and thereafter alter or abolish, by ordinance authorized by special act, community preservation areas in the unincorporated portions of the county which consist of areas otherwise immune from voluntary annexation pursuant to subsection (t) or identifiable communities which have expressed an interest in preserving their unincorporated character. These areas shall not be subject to annexation by any municipality under any procedure otherwise permitted by law. Community preservation areas shall consist of the following:

1. Areas lying within the boundaries established pursuant to subsection (t) of this Section 2.04 that are unavailable for voluntary municipal annexation.
2. Areas lying within the municipal boundaries established pursuant to subsection (t) of this Section 2.04 that are otherwise available for municipal annexation but for the fact that the area has been identified by the board of county commissioners, by resolution pursuant to special act, as boundary delineated communities eligible for a referendum pursuant to special act and subsequent to such referendum, has been established as a community protection area by ordinance of the board of county commissioners.

Section 3. Codification. The substantive provisions of this ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 4. Interpretation. This act shall be construed to be consistent with and further the purpose of Chapter 171, Florida Statutes, the Pinellas County Charter, and Pinellas County Ordinance Number 00-63, as amended.

Section 5. Severability If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application, and to this end the provisions of this act are declared severable.

Section 6. Effective Date; Referendum Question Except for this section, which shall take effect only upon becoming law, this act shall take effect upon the approval of this act and the implementing charter amendment by a majority vote of the electors of Pinellas County voting in a referendum election, which shall be called by the Board of County Commissioners prior to November 7, 2006. The ballot question for this amendment shall be as follows:

BALLOT TITLE: APPROVE A SPECIAL ACT AND AMEND COUNTY CHARTER TO PROVIDE AUTHORITY FOR THE BOARD OF COUNTY COMMISSIONERS TO CREATE COMMUNITY PROTECTION AREAS THAT ARE IMMUNE FROM ANNEXATION FOR NOT MORE THAN 10 YEARS

BALLOT QUESTION: Shall a Special Act of the Legislature and an implementing Amendment to Section 2.04 of the Pinellas County Charter be approved to grant authority

for the Board of County Commissioners to establish Community Protection Areas that are immune from annexation for not more than 10 years?

[] YES FOR APPROVAL

[] NO FOR REJECTION

Approved by the Governor _____
Filed in Office of Secretary of State _____

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OPTION 3 – Misc. Revisions

CHAPTER 2006-_____

Bill No. _____

AN ACT RELATING TO PINELLAS COUNTY; REQUIRING A REFERENDUM OF THE COUNTY ELECTORATE; PROVIDING FOR SPECIAL PROVISIONS GOVERNING ANNEXATION NOTWITHSTANDING THE PROVISIONS OF GENERAL LAW; PROVIDING SPECIAL NOTICE TO AFFECTED PROPERTY OWNERS; PROVIDING FOR A FREEHOLDER REFERENDUM FOR NONELECTOR OWNERS; PROVIDING FOR A 10-YEAR PERIOD DURING WHICH A PARCEL MAY NOT BE SUBJECT TO A REFERENDUM ANNEXATION INITIATIVE WITHOUT THE PROPERTY OWNER'S EXPRESS PERMISSION; PROHIBITING INCENTIVES IN THE ANNEXATION PROCESS WITH EXCEPTIONS FOR THE ANNEXATION OF PROPERTIES IN ENCLAVES; PROVIDING FOR CODIFICATION; PROVIDING FOR INTERPRETATION; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Be It Enacted by the Legislature of the State of Florida:

Section 1. Notwithstanding any other provision of law, no municipality in Pinellas County may annex any unincorporated territory pursuant to Section 171.0413 Florida Statutes unless individual notice has been provided by certified mail to all property owners within the proposed annexation area at least 60 days prior to the first public hearing.

Section 2. Notwithstanding any other provision of law, no municipality in Pinellas County may subject any property to an annexation pursuant to Section 171.0413(5) or (6) without obtaining their consent through a freeholder referendum held on a date certain. The consent of municipalities, the county or the state need not be obtained through referendum but any such acreage may not count toward satisfaction of the percentage of property owner approval requirements contained in Section 171.0413(5) or (6) Florida Statutes.

Section 3. Notwithstanding any other provision of law, no municipality in Pinellas County, without the property owner's written permission, may subject any property to an annexation referendum pursuant to Section 171.0413 Florida Statutes, for a period of 10 years from the last date that such property was last subject to a referendum annexation.

Section 4. Notwithstanding any other provision of law, neither an annexing municipality nor the County may offer, negotiate, agree to provide, or provide, any material incentives or inducements to property owners in conjunction or connection with an annexation proposal. Material incentives or inducements, which may include but not be limited to, and by way of example, cash or in-kind rewards, tax relief, improvements to private property, impact fee reductions or waivers, up-zoning or zoning or land use, or waivers of development obligations or fees including but not limited to improvements to public infrastructure, do not serve a valid public purpose and are ultra vires. Similarly, no annexing municipality in Pinellas County may refuse to provide or delay permit issuance in the connection with the provision of water or sewer

1 services that they are otherwise obligated to provide in order to induce the signing of an
2 agreement to annex.

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4 Section 5. In the case of the annexation of property within enclaves, the annexing
5 municipality shall establish incentives to mitigate any one-time costs applicable to an existing
6 developed property within the area to be annexed, which incentives must include the following:
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- 8 a. The municipal jurisdiction shall pay for all of the initial cost of extending public water
9 and sewer service to a property for which such services are not currently provided.
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11 b. The municipal jurisdiction shall pay the total cost of any applicable impact fees for an
12 existing structure.
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14 c. Any water well or septic tank within the enclave to be annexed which meets state health
15 standards on the effective date of this act shall be deemed to meet the municipal code
16 requirements of the annexing municipal jurisdiction. The annexing municipal
17 jurisdiction may not require a person who continues to own the property if the well water
18 or septic tank, as applicable, receives a satisfactory biennial inspection conducted at the
19 property owner's expense.
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21 Section 6. Codification. The substantive provisions of this ordinance shall be included
22 and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately
23 renumbered to conform to the uniform numbering system of the Pinellas County Code.
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25 Section 7. Interpretation. This act shall be construed to be consistent with and further the
26 purpose of Chapter 171, Florida Statutes, the Pinellas County Charter, and Pinellas County
27 Ordinance Number 00-63, as amended.
28

29 Section 8. Severability. If any provision of this act or its application to any person or
30 circumstance is held invalid, the invalidity does not affect other provisions or application, and to
31 this end the provisions of this act are declared severable.
32

33 Section 9. Effective Date; Referendum Question Except for this section, which shall take
34 effect only upon becoming law, this act shall take effect upon the approval of this act by a
35 majority vote of the electors of Pinellas County voting in a referendum election, which shall be
36 called by the Board of County Commissioners prior to November 7, 2006. The ballot question
37 for this amendment shall be as follows:
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39 **BALLOT TITLE: APPROVE A SPECIAL ACT TO ENHANCE PROPERTY OWNERS**
40 **RIGHTS WITH RESPECT TO GENERAL LAW ANNEXATION BY PROVIDING**
41 **ENHANCED NOTICE, FREEHOLDER ELECTIONS OF NONELECTORS, PROTECTION**
42 **FROM RECURRING REFERENDUMS, AND PROHIBITING INCENTIVES WITH**
43 **EXCEPTIONS**
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45 **BALLOT QUESTION: Shall a Special Act of the Legislature be approved to establish special**
46 **restrictions on the general law process for annexing properties?**

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YES FOR APPROVAL

NO FOR REJECTION

Approved by the Governor _____

Filed in Office of Secretary of State _____

1 BALLOT TITLE: APPROVE A SPECIAL ACT TO PROVIDE SPECIAL
2 RESTRICTIONS ON THE ANNEXATION OF NON-ELECTOR OWNED
3 PROPERTIES

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5 BALLOT QUESTION: Shall a Special Act of the Legislature be approved to establish
6 special restrictions on the general law process for annexing non-elector owned
7 properties?

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9 YES FOR APPROVAL

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11 NO FOR REJECTION

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13 Approved by the Governor _____

14 Filed in Office of Secretary of State _____

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1 OPTION 5 – Enclave Equity and Property Owner Decision

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3 CHAPTER 2006-____

4
5 Bill No. _____

6
7 AN ACT RELATING TO PINELLAS COUNTY; REQUIRING A REFERENDUM OF THE
8 COUNTY ELECTORATE; PROVIDING FOR SPECIAL PROVISIONS GOVERNING
9 ANNEXATION NOTWITHSTANDING THE PROVISIONS OF GENERAL LAW; PROVIDING
10 AUTHORITY FOR AN MUNICIPAL SERVICES TAXING UNIT TO TAX ENCLAVES FOR
11 THE INCREMENTAL INCREASE IN COSTS OF PROVIDING SERVICES TO ENCLAVES;
12 REQUIRING MUNICIPAL ACCEPTANCE OF VOLUNTARY ANNEXATION PETITIONS
13 FROM ENCLAVE PROPERTIES; PROVIDING FOR INTERPRETATION; PROVIDING FOR
14 CODIFICATION; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE

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16 WHEREAS, although prohibited by law, enclaves have been created as a result of municipal
17 annexation activities; and

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19 WHEREAS, the creation of such enclaves creates a burden on the county resulting in
20 additional expenditures required to provide services over and above those required to service
21 non-enclave properties; and

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23 WHEREAS, regardless of the desire to not force the annexation of any property owner,
24 unincorporated citizens outside of enclaves are presently absorbing the additional costs of service
25 to the enclaves created by the municipalities; and

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27 WHEREAS, enclaves persist despite methods that are designed to foster the elimination of
28 enclaves, which is public policy under general law; and

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30 WHEREAS, at least part of the reason that these methods have failed to close enclaves is that
31 property owners have been unwilling to annex; and

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33 WHEREAS, in fully urbanized Pinellas County, no property owner should be required to
34 annex without their consent; and

35
36 WHEREAS, requiring enclave properties, alone, to bear the burden of the incremental costs to
37 the County of providing services to their properties may result in a willingness to annex and will,
38 at the least, relieve the remaining unincorporated properties from bearing that burden, and

39
40 WHEREAS, requiring the municipalities to annex those enclave properties is appropriate since
41 it was the municipalities themselves who created the enclaves.

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43 Be It Enacted by the Legislature of the State of Florida:

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45 Section 1. Pinellas County is authorized and hereby required to establish a special municipal
46 services taxing unit, the sole purpose of which is to tax enclave properties, as defined under

1 general law, for the incremental increase in costs to the county in providing services to enclaves.
2 The increase costs may include contract payments to the municipalities for the provision of
3 services to the enclave properties by the municipalities on behalf of the county.
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5 Section 2. Notwithstanding any other provision of law, no municipality in Pinellas County
6 may refuse to annex an enclave parcel when an owner files a petition to annex.
7

8 Section 3. Notwithstanding any other provision of law, no municipality in Pinellas County
9 may annex any parcel without the owner's express permission.
10

11 Section 4. Interpretation. This act shall be construed to be consistent with and further the
12 purpose of Chapter 171, Florida Statutes, the Pinellas County Charter, and Pinellas County
13 Ordinance Number 00-63, as amended.
14

15 Section 5. Codification. The substantive provisions of this ordinance shall be included
16 and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately
17 renumbered to conform to the uniform numbering system of the Pinellas County Code.
18

19 Section 6. Severability. If any provision of this act or its application to any person or
20 circumstance is held invalid, the invalidity does not affect other provisions or application, and to
21 this end the provisions of this act are declared severable.
22

23 Section 7. Effective Date; Referendum Question Except for this section, which shall take
24 effect only upon becoming law, this act shall take effect upon the approval of this act by a
25 majority vote of the electors of Pinellas County voting in a referendum election, which shall be
26 called by the Board of County Commissioners prior to November 7, 2006. The ballot question
27 for this amendment shall be as follows:
28

29 **BALLOT TITLE: APPROVE A SPECIAL ACT TO REQUIRE OWNER APPROVAL OF**
30 **ANY ANNEXATION AND REQUIRING A MUNICIPAL SERVICES TAXING UNIT TO**
31 **ASSESS AGAINST ENCLAVE PROPERTIES, THE INCREASED COSTS TO THE**
32 **COUNTY TO PROVIDE SERVICES TO THOSE PROPERTIES**
33

34 **BALLOT QUESTION: Shall a Special Act of the Legislature be approved to require owner**
35 **approval of any annexation and to require establishment of a municipal services taxing unit to be**
36 **paid by enclave property owners for extra expenses incurred by the county in providing services**
37 **to enclave properties?**
38

39 [] YES FOR APPROVAL
40

41 [] NO FOR REJECTION
42

43 Approved by the Governor _____
44 Filed in Office of Secretary of State _____
45

46 Section 7. Effective Date This act shall take effect upon becoming a law.