

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

INTRODUCED

LLS NO. 10-0640.02 Debbie Haskins

SENATE BILL 10-106

SENATE SPONSORSHIP

Bacon, Boyd, Newell, Sandoval

HOUSE SPONSORSHIP

Looper,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A FOOD SYSTEMS ADVISORY COUNCIL.**

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://www.leg.state.co.us/billsummaries>.)

The bill creates a 17-member food systems advisory council (council). The executive directors or their designees from the departments of public health and environment, agriculture, human services, education, and local affairs are 5 of the members of the council. The remaining 12 members are appointed by the governor, the president of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of

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.*

representatives as outlined in the bill. Those 12 appointive members are representatives of 6 functional areas: Nutrition and health; agricultural production; food wholesalers and food retailers; anti-hunger and food assistance programs; economic development; and local government.

The purposes of the council are to:

- ! Identify and use existing studies of the food system and examples of best practices, whenever possible;
- ! Collaborate with other task forces, committees, or organizations with similar purposes;
- ! Develop local food policies for Colorado that contribute to building robust, resilient, and long-term local food economies;
- ! Develop policy recommendations regarding hunger and food access;
- ! Support the efforts of, be a resource to, and receive input from local and regional food policy councils in the state;
- ! Advise and recommend actions that state and local governments, businesses, agriculture, and consumers can take to build robust, resilient, and long-term local food economies.

The bill lists several policy issues that the council will consider and study. The council may appoint subcommittees in the following areas: Local and regional food councils, local government, and school districts. The council may also appoint other subcommittees.

The council may accept gifts, grants, donations, or federal funds to fund the work of the council. The council will annually report its findings and recommendations, including proposals for legislation or for administrative action, to the general assembly, the governor, and the commissioner of agriculture.

As an advisory committee, the council will undergo a sunset review and be repealed, effective July 1, 2013, unless extended by the general assembly.

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

2 **SECTION 1.** Title 24, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 37.3**

5 **Colorado Food Systems Advisory Council**

6 **24-37.3-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

1 (a) IN SEPTEMBER 2009, THE FEDERAL CENTERS FOR DISEASE
2 CONTROL AND PREVENTION REPORTED THAT NO STATE IN THE UNITED
3 STATES WAS MEETING NATIONAL GOALS FOR THE AMOUNT OF FRUITS AND
4 VEGETABLES THAT AMERICANS SHOULD BE EATING. AS A RESULT, THE
5 CENTERS FOR DISEASE CONTROL AND PREVENTION IDENTIFIED THE
6 CREATION OF FOOD POLICY COUNCILS CONSISTING OF
7 MULTI-STAKEHOLDER ORGANIZATIONS AS AN EFFECTIVE WAY TO SUPPORT
8 SYSTEM CHANGES TO IMPROVE LOCAL FOOD ECONOMIES.

9 (b) FOOD POLICY COUNCILS FORMED IN OTHER STATES HAVE BEEN
10 EFFECTIVE IN BRINGING TOGETHER A BROAD ARRAY OF FOOD-RELATED
11 GOVERNMENT AND NONGOVERNMENT CONSTITUENCIES TO EMPLOY A
12 FOOD SYSTEMS APPROACH THAT FACILITATES POLICY EVALUATION AND
13 PROGRAM DEVELOPMENT AT EVERY STAGE OF THE FOOD PROCESS FROM
14 FARM TO TABLE;

15 (c) FORMATION OF A STATE FOOD ADVISORY COUNCIL WILL
16 BENEFIT COLORADO AGRICULTURISTS AND OTHERS INVOLVED IN ALL
17 ASPECTS OF AGRICULTURAL PRODUCTION;

18 (d) CREATION OF A STATE FOOD ADVISORY COUNCIL WILL PROVIDE
19 INCREASED FOCUS ON THE ECONOMIC DEVELOPMENT OPPORTUNITIES OF
20 COLORADO'S FOOD SYSTEM ALONG WITH IMPROVEMENTS TO
21 AGRICULTURAL PRODUCTION, COMMUNITY WELL-BEING, AND PUBLIC
22 HEALTH.

23 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT BUILDING
24 LOCAL FOOD ECONOMIES WILL CREATE JOBS, STIMULATE STATEWIDE
25 ECONOMIC DEVELOPMENT, AND CIRCULATE MONEY FROM LOCAL FOOD
26 SALES WITHIN LOCAL COMMUNITIES. THE GENERAL ASSEMBLY FINDS THAT
27 BUILDING ROBUST, RESILIENT, AND LONG-TERM LOCAL FOOD ECONOMIES

1 IN COLORADO WILL PRESERVE AND PROTECT THE NATURAL ENVIRONMENT,
2 INCREASE CONSUMER ACCESS TO FRESH, HEALTHY, AND SAFE FOODS, AND
3 PROVIDE GREATER FOOD SECURITY FOR ALL COLORADANS.

4 **24-37.3-102. Colorado food systems advisory council - created**
5 **- membership - terms - vacancies.** (1) THERE IS HEREBY CREATED THE
6 COLORADO FOOD SYSTEMS ADVISORY COUNCIL, REFERRED TO IN THIS
7 ARTICLE AS THE "COUNCIL". THE COUNCIL IS CREATED AS AN ADVISORY
8 COMMITTEE TO FOSTER A HEALTHY AND AVAILABLE FOOD SUPPLY TO ALL
9 COLORADO RESIDENTS WHILE ENHANCING THE STATE'S AGRICULTURAL
10 AND NATURAL RESOURCES, ENCOURAGING ECONOMIC GROWTH,
11 EXPANDING THE VIABILITY OF AGRICULTURE, AND IMPROVING THE HEALTH
12 OF OUR COMMUNITIES AND RESIDENTS. THE COUNCIL'S ROLE IS TO MAKE
13 RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND TO APPROPRIATE
14 REGULATORY AGENCIES, NOT TO CREATE POLICY. THE COUNCIL SHALL
15 USE A METHOD OF DIALOG AND CONSENSUS DECISION-MAKING TO ARRIVE
16 AT ITS RECOMMENDATIONS.

17 (2) THE COUNCIL CONSISTS OF SEVENTEEN MEMBERS AS FOLLOWS:

18 (a) THE EXECUTIVE DIRECTOR OF OR HIS OR HER DESIGNEE FROM
19 EACH OF THE FOLLOWING STATE DEPARTMENTS:

20 (I) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

21 (II) THE DEPARTMENT OF AGRICULTURE;

22 (III) THE DEPARTMENT OF HUMAN SERVICES;

23 (IV) THE DEPARTMENT OF EDUCATION;

24 (V) THE DEPARTMENT OF LOCAL AFFAIRS;

25 (b) TWELVE MEMBERS WHO REPRESENT AND HAVE EXPERTISE IN
26 ONE OF SIX FUNCTIONAL AREAS OF FOOD SYSTEMS AS FOLLOWS:

27 (I) TWO MEMBERS WHO REPRESENT NUTRITION AND HEALTH;

1 (II) TWO MEMBERS WHO REPRESENT AGRICULTURAL PRODUCTION;

2 (III) TWO MEMBERS WHO REPRESENT FOOD WHOLESALERS OR
3 FOOD RETAILERS;

4 (IV) TWO MEMBERS WHO REPRESENT ANTI-HUNGER AND FOOD
5 ASSISTANCE PROGRAMS;

6 (V) TWO MEMBERS WHO REPRESENT ECONOMIC DEVELOPMENT;

7 (VI) TWO MEMBERS WHO REPRESENT LOCAL GOVERNMENT;

8 (c) THE MEMBERS DESCRIBED IN PARAGRAPH (b) OF THIS
9 SUBSECTION (2) SHALL BE APPOINTED AS FOLLOWS:

10 (I) THE GOVERNOR SHALL APPOINT ONE MEMBER WHO REPRESENTS
11 AGRICULTURAL PRODUCTION, ONE MEMBER WHO REPRESENTS A FOOD
12 WHOLESALER, ONE MEMBER WHO REPRESENTS ECONOMIC DEVELOPMENT,
13 AND ONE MEMBER WHO REPRESENTS LOCAL GOVERNMENT;

14 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
15 APPOINT ONE MEMBER WHO REPRESENTS ANTI-HUNGER AND FOOD
16 ASSISTANCE PROGRAMS AND ONE MEMBER WHO REPRESENTS NUTRITION
17 AND HEALTH;

18 (III) THE PRESIDENT OF THE SENATE SHALL APPOINT ONE MEMBER
19 WHO REPRESENTS ANTI-HUNGER AND FOOD ASSISTANCE PROGRAMS AND
20 ONE MEMBER WHO REPRESENTS NUTRITION AND HEALTH;

21 (IV) THE MINORITY LEADER OF THE HOUSE SHALL APPOINT ONE
22 MEMBER WHO REPRESENTS A FOOD RETAILER AND ONE MEMBER WHO
23 REPRESENTS LOCAL GOVERNMENT;

24 (V) THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE
25 MEMBER WHO REPRESENTS AGRICULTURAL PRODUCTION AND ONE
26 MEMBER WHO REPRESENTS ECONOMIC DEVELOPMENT.

27 (3) IN MAKING APPOINTMENTS TO THE COUNCIL, THE APPOINTING

1 AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE COUNCIL
2 REFLECTS THE ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE
3 AND INCLUDES GEOGRAPHIC REPRESENTATION OF ALL AREAS OF THE
4 STATE. THE APPOINTING AUTHORITIES SHALL ALSO CONSIDER MAKING
5 APPOINTMENTS OF PERSONS WHO HAVE EXPERTISE IN MORE THAN ONE
6 FUNCTIONAL AREA.

7 (4) EACH MEMBER OF THE COUNCIL WHO IS APPOINTED PURSUANT
8 TO SUBSECTION (2) OF THIS SECTION SHALL SERVE AT THE PLEASURE OF
9 THE APPOINTING AUTHORITY WHO APPOINTED THE MEMBER. EACH
10 MEMBER OF THE COUNCIL SHALL SERVE A THREE-YEAR TERM; EXCEPT
11 THAT THE MEMBERS INITIALLY APPOINTED PURSUANT TO SUBPARAGRAPHS
12 (I) AND (III) OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION SHALL
13 SERVE TWO-YEAR TERMS.

14 (5) THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL
15 APPOINTMENTS TO THE COUNCIL NO LATER THAN OCTOBER 1, 2010.

16 (6) ANY VACANCY ON THE COUNCIL RESULTING FROM THE
17 RESIGNATION OF A MEMBER OR OTHERWISE SHALL BE FILLED IN THE SAME
18 MANNER IN WHICH THE ORIGINAL APPOINTMENT WAS MADE, AND THE
19 TERM SHALL BE FOR THE BALANCE OF THE UNEXPIRED TERM OF THE
20 MEMBER WHOSE TERM IS VACANT.

21 (7) A MAJORITY OF THE MEMBERS OF THE COUNCIL SHALL ELECT
22 A CHAIR AND A VICE-CHAIR WHO SHALL SERVE FOR TWO-YEAR TERMS.

23 (8) EACH MEMBER OF THE COUNCIL SHALL SERVE WITHOUT
24 COMPENSATION, BUT MAY BE REIMBURSED FROM THE FOOD SYSTEMS
25 ADVISORY COUNCIL FUND CREATED IN SECTION 24-37.3-105 FOR ACTUAL
26 AND NECESSARY SUBSISTENCE AND TRAVEL EXPENSES INCURRED IN THE
27 PERFORMANCE OF HIS OR HER DUTIES AS A MEMBER OF THE COUNCIL.

1 (9) THE CHAIR SHALL CALL THE MEETINGS AND NOTIFY THE
2 MEMBERS OF EACH MEETING BEING CALLED AT LEAST SEVEN DAYS BEFORE
3 THE DATE ON WHICH THE MEETING IS TO OCCUR. MEETINGS SHALL BE
4 HELD AS OFTEN AS THE CHAIR DEEMS NECESSARY, BUT NOT LESS THAN
5 FOUR TIMES EACH CALENDAR YEAR. THE CHAIR SHALL ARRANGE FOR THE
6 LOCATION AND STAFFING OF THE MEETINGS, THE COST OF WHICH SHALL BE
7 PAID OUT OF THE FOOD SYSTEMS ADVISORY COUNCIL FUND CREATED IN
8 SECTION 24-37.3-105. A QUORUM FOR THE TRANSACTION OF BUSINESS
9 CONSISTS OF TEN MEMBERS OF THE COUNCIL.

10 **24-37.3-103. Council - purpose and duties.** (1) THE PURPOSE
11 OF THE COUNCIL IS TO:

12 (a) IDENTIFY AND USE EXISTING STUDIES OF THE FOOD SYSTEM AND
13 EXAMPLES OF BEST PRACTICES, WHENEVER POSSIBLE;

14 (b) WORK WITH OTHER TASK FORCES, COMMITTEES, OR
15 ORGANIZATIONS THAT ARE PURSUING SIMILAR INITIATIVES OR STUDIES TO
16 THE PURPOSES AND DUTIES OUTLINED IN THIS ARTICLE FOR THE COUNCIL
17 AND TO DEVELOP RELATIONSHIPS WITH OTHER TASK FORCES, COMMITTEES,
18 OR ORGANIZATIONS TO COLLABORATE ON SIMILAR EFFORTS;

19 (c) DEVELOP LOCAL FOOD POLICIES FOR COLORADO THAT
20 CONTRIBUTE TO BUILDING ROBUST, RESILIENT, AND LONG-TERM LOCAL
21 FOOD ECONOMIES;

22 (d) DEVELOP POLICY RECOMMENDATIONS REGARDING HUNGER
23 AND FOOD ACCESS;

24 (e) SUPPORT THE EFFORTS OF, BE A RESOURCE TO, AND RECEIVE
25 INPUT FROM LOCAL AND REGIONAL FOOD POLICY COUNCILS IN THE STATE;

26 (f) RECOMMEND ACTIONS THAT STATE AND LOCAL GOVERNMENTS,
27 BUSINESSES, AGRICULTURISTS, AND CONSUMERS CAN TAKE TO BUILD

1 ROBUST, RESILIENT, AND LONG-TERM LOCAL FOOD ECONOMIES.

2 (2) IN DEVELOPING ROBUST, RESILIENT, AND LONG-TERM LOCAL
3 FOOD POLICIES FOR COLORADO, THE COUNCIL SHALL CONSIDER, BUT NOT
4 BE LIMITED TO, THE FOLLOWING POLICY ISSUES:

5 (a) (I) AN EXAMINATION OF FOODS MADE AVAILABLE TO CHILDREN
6 IN PUBLIC SCHOOLS AND CONSIDERATION OF WAYS TO IMPROVE THE
7 NUTRITIONAL QUALITY OF THOSE FOODS AND INCREASE THE CHILDREN'S
8 ACCESS TO LOCALLY GROWN FOODS.

9 (II) IN DESIGNING RECOMMENDATIONS ON IMPROVING SCHOOL
10 NUTRITION AND INCREASED ACCESS TO LOCALLY GROWN FOODS, THE
11 COUNCIL SHALL INCORPORATE INPUT FROM AND COORDINATE WITH THE
12 WORK OF THE COLORADO CAMPAIGN TO END CHILDHOOD HUNGER BY 2015
13 INITIATED BY EXECUTIVE ORDER OF THE GOVERNOR.

14 (b) A STUDY OF EFFORTS TO MAKE LOCAL HEALTHY, SAFE FOODS
15 AVAILABLE UNDER PUBLIC ASSISTANCE PROGRAMS, INCLUDING THE
16 POSSIBILITY OF USING FOOD STAMPS AT LOCAL FARMERS' MARKETS;

17 (c) AN IN-DEPTH EXAMINATION OF LOCAL AND REGIONAL EFFORTS
18 TO STRENGTHEN AND DEVELOP ROBUST, RESILIENT, AND LONG-TERM
19 LOCAL FOOD ECONOMIES BY SUPPORTING AND PROMOTING URBAN,
20 SUBURBAN, AND RURAL AGRICULTURAL PRODUCTION, IDENTIFYING AND
21 DEVELOPING SOLUTIONS TO REGULATORY AND POLICY BARRIERS, AND
22 STRENGTHENING LOCAL INFRASTRUCTURE AND ENTREPRENEURIAL
23 EFFORTS;

24 (d) THE POTENTIAL IMPACTS THAT THE PRODUCTION OF LOCAL
25 HEALTHY, SAFE FOODS WOULD HAVE ON ECONOMIC DEVELOPMENT IN
26 COLORADO, BOTH THE DIRECT IMPACTS FOR THE PRODUCERS OF LOCAL
27 FOOD AND THE ACTUAL AND POTENTIAL INDIRECT IMPACTS, SUCH AS

1 ENCOURAGING RESTAURANTS TO FEATURE LOCALLY RAISED
2 AGRICULTURAL PRODUCTS AND PROMOTING FOOD AND WINE TOURISM;

3 (e) ANY OTHER POLICY ISSUES THE COUNCIL CONSIDERS
4 PERTINENT.

5 **24-37.3-104. Subcommittees of the council.** (1) (a) THE
6 COUNCIL MAY CREATE SUBCOMMITTEES, AS DEEMED NECESSARY, TO
7 CARRY OUT THE WORK OF THE COUNCIL, INCLUDING SUBCOMMITTEES
8 FOCUSING ON:

9 (I) LOCAL AND REGIONAL FOOD COUNCILS;

10 (II) LOCAL GOVERNMENT;

11 (III) SCHOOL DISTRICTS.

12 (b) THE COUNCIL MAY CREATE OTHER SUBCOMMITTEES AS
13 DEEMED NECESSARY.

14 (c) THE SUBCOMMITTEES SHALL INCLUDE REPRESENTATIVES OF
15 THE COUNCIL AND MAY INCLUDE PERSONS APPOINTED BY THE CHAIR AND
16 THE VICE-CHAIR OF THE COUNCIL WHO ARE NOT MEMBERS OF THE
17 COUNCIL.

18 (2) THE COUNCIL MAY ENGAGE IN ANY OTHER ACTIVITY THE
19 COUNCIL DETERMINES IS NECESSARY TO ACCOMPLISH THE PURPOSES
20 OUTLINED IN THIS ARTICLE.

21 **24-37.3-105. Fund - acceptance of gifts, grants, or donations.**

22 (1) THE COUNCIL IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR
23 DONATIONS, INCLUDING IN-KIND DONATIONS, FROM PRIVATE OR PUBLIC
24 SOURCES FOR THE PURPOSES OF THIS ARTICLE; EXCEPT THAT THE COUNCIL
25 MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
26 CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER
27 LAW OF THE STATE. THE COUNCIL IS ALSO AUTHORIZED TO ACCEPT AND

1 EXPEND FEDERAL FUNDS AVAILABLE FOR FOOD POLICY COUNCILS. THE
2 COUNCIL SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED
3 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO
4 SHALL CREDIT THE SAME TO THE FOOD SYSTEMS ADVISORY COUNCIL FUND,
5 WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS
6 THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
7 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE COUNCIL FOR THE
8 DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS
9 ARTICLE. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF
10 THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
11 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT
12 AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.
13 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND
14 AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
15 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.
16 IF, AT THE TIME THIS ARTICLE IS REPEALED PURSUANT TO SECTION
17 24-37.3-107, THE FUND CONTAINS A BALANCE OF UNENCUMBERED AND
18 UNEXPENDED MONEYS, THOSE MONEYS SHALL REVERT TO THE GENERAL
19 FUND.

20 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO
21 GENERAL FUNDS BE APPROPRIATED FOR THE COUNCIL.

22 (3) MONEYS IN THE FUND MAY BE USED FOR THE FOLLOWING
23 PURPOSES:

24 (a) THE ACTUAL AND NECESSARY EXPENSES INCURRED BY
25 MEMBERS OF THE COUNCIL FOR SERVING ON THE COUNCIL; AND

26 (b) THE COSTS OF STAFFING THE COUNCIL.

27 **24-37.3-106. Reports - recommendations.** COMMENCING

1 OCTOBER 1, 2011, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR
2 THEREAFTER, THE COUNCIL SHALL REPORT ITS FINDINGS AND
3 RECOMMENDATIONS, INCLUDING ANY LEGISLATIVE PROPOSALS OR
4 PROPOSALS FOR ADMINISTRATIVE ACTION, TO THE GENERAL ASSEMBLY,
5 THE GOVERNOR, AND THE COMMISSIONER OF AGRICULTURE.

6 **24-37.3-107. Repeal of article.** THIS ARTICLE IS REPEALED,
7 EFFECTIVE JULY 1, 2013. PRIOR TO SUCH REPEAL, THE FOOD SYSTEMS
8 ADVISORY COUNCIL SHALL BE REVIEWED AS PROVIDED FOR IN SECTION
9 2-3-1203, C.R.S.

10 **SECTION 2.** 2-3-1203 (3) (z), Colorado Revised Statutes, is
11 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

12 **2-3-1203. Sunset review of advisory committees.** (3) The
13 following dates are the dates for which the statutory authorization for the
14 designated advisory committees is scheduled for repeal:

15 (z) July 1, 2013:

16 (VI) THE COLORADO FOOD SYSTEMS ADVISORY COUNCIL CREATED
17 IN SECTION 24-37.3-102, C.R.S.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 shall take effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part shall not take effect
25 unless approved by the people at the general election to be held in
26 November 2010 and shall take effect on the date of the official
27 declaration of the vote thereon by the governor.