

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

PREAMENDED

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

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
Appropriations

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 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 EVALUATION AND PROGRAM
13 DEVELOPMENT AT EVERY STAGE OF THE FOOD PROCESS FROM FARM TO
14 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 FOOD SUPPLY AVAILABLE 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 THE
14 APPROPRIATE REGULATORY AGENCIES, NOT TO CREATE POLICY. THE
15 COUNCIL SHALL USE A METHOD OF DIALOGUE AND CONSENSUS
16 DECISION-MAKING TO ARRIVE AT ITS RECOMMENDATIONS.

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

18 (a) THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, OF EACH
19 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 (b) NINE MEMBERS APPOINTED BY THE GOVERNOR WHO REPRESENT
25 AND HAVE EXPERTISE IN ONE OF FIVE FUNCTIONAL AREAS OF FOOD
26 SYSTEMS, AS FOLLOWS:

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

1 (II) THREE MEMBERS WHO REPRESENT AGRICULTURAL
2 PRODUCTION;

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

5 (IV) ONE MEMBER WHO REPRESENTS ANTI-HUNGER AND FOOD
6 ASSISTANCE PROGRAMS;

7 (V) ONE MEMBER WHO REPRESENTS ECONOMIC DEVELOPMENT.

8 (3) IN MAKING APPOINTMENTS TO THE COUNCIL, THE GOVERNOR
9 SHALL ENSURE THAT THE MEMBERSHIP OF THE COUNCIL INCLUDES
10 GEOGRAPHIC REPRESENTATION FROM ALL AREAS OF THE STATE. THE
11 GOVERNOR SHALL ALSO CONSIDER APPOINTING PERSONS WHO HAVE
12 EXPERTISE IN MORE THAN ONE FUNCTIONAL AREA. NO MORE THAN FIVE
13 MEMBERS OF THE COUNCIL APPOINTED BY THE GOVERNOR SHALL BE
14 MEMBERS OF THE SAME POLITICAL PARTY.

15 (4) EACH MEMBER OF THE COUNCIL WHO IS APPOINTED PURSUANT
16 TO SUBSECTION (2) OF THIS SECTION SHALL SERVE AT THE PLEASURE OF
17 THE APPOINTING AUTHORITY WHO APPOINTED THE MEMBER. EACH
18 MEMBER OF THE COUNCIL SHALL SERVE A THREE-YEAR TERM; EXCEPT
19 THAT THE GOVERNOR SHALL APPOINT FOUR MEMBERS TO SERVE
20 TWO-YEAR TERMS.

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

23 (6) ANY VACANCY ON THE COUNCIL SHALL BE FILLED IN THE SAME
24 MANNER IN WHICH THE ORIGINAL APPOINTMENT WAS MADE, AND THE
25 TERM SHALL BE FOR THE BALANCE OF THE UNEXPIRED TERM OF THE
26 MEMBER WHOSE TERM IS VACANT.

27 (7) A MAJORITY OF THE MEMBERS OF THE COUNCIL SHALL ELECT

1 A CHAIR AND A VICE-CHAIR WHO SHALL SERVE FOR TWO-YEAR TERMS.

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

7 (9) THE CHAIR SHALL CALL THE MEETINGS AND NOTIFY THE
8 MEMBERS OF EACH MEETING BEING CALLED AT LEAST SEVEN DAYS IN
9 ADVANCE. MEETINGS SHALL BE HELD AS OFTEN AS THE CHAIR DEEMS
10 NECESSARY, BUT NOT LESS THAN FOUR TIMES EACH CALENDAR YEAR. A
11 QUORUM FOR THE TRANSACTION OF BUSINESS CONSISTS OF SEVEN
12 MEMBERS OF THE COUNCIL.

13 **24-37.3-103. Council - purpose and duties.** (1) THE PURPOSE
14 OF THE COUNCIL IS TO:

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

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

22 (c) DEVELOP LOCAL FOOD RECOMMENDATIONS THAT PROMOTE
23 THE BUILDING OF ROBUST, RESILIENT, AND LONG-TERM LOCAL FOOD
24 ECONOMIES;

25 (d) DEVELOP RECOMMENDATIONS REGARDING HUNGER AND FOOD
26 ACCESS;

27 (e) COLLABORATE WITH, SERVE AS A RESOURCE TO, AND RECEIVE

1 INPUT FROM LOCAL AND REGIONAL FOOD POLICY COUNCILS IN THE STATE;

2 (f) COLLABORATE WITH THE DEPARTMENT OF AGRICULTURE IN
3 PROMOTING THE MARKETING PROGRAM KNOWN AS "COLORADO PROUD",
4 WHICH HELPS CONSUMERS, RESTAURANTS, AND RETAILERS TO IDENTIFY
5 AND PURCHASE COLORADO FOOD AND AGRICULTURAL PRODUCTS; AND

6 (g) DEVELOP RECOMMENDATIONS FOR ACTIONS THAT STATE AND
7 LOCAL GOVERNMENTS, BUSINESSES, AGRICULTURISTS, AND CONSUMERS
8 CAN TAKE TO BUILD ROBUST, RESILIENT, AND LONG-TERM LOCAL FOOD
9 ECONOMIES.

10 (2) IN DEVELOPING ITS RECOMMENDATIONS, THE COUNCIL SHALL
11 CONSIDER, BUT NOT BE LIMITED TO, THE FOLLOWING AREAS OF INTEREST:

12 (a) (I) AN EXAMINATION OF FOODS MADE AVAILABLE TO
13 CHILDREN, INCLUDING THOSE IN PUBLIC SCHOOLS, AND CONSIDERATION OF
14 WAYS TO IMPROVE THE NUTRITIONAL QUALITY OF THOSE FOODS AND
15 INCREASE CHILDREN'S ACCESS TO LOCALLY GROWN FOODS.

16 (II) IN DESIGNING RECOMMENDATIONS TO IMPROVE SCHOOL
17 NUTRITION AND INCREASE ACCESS TO LOCALLY GROWN FOODS, THE
18 COUNCIL SHALL INCORPORATE INPUT FROM, AND COORDINATE WITH THE
19 WORK OF, THE COLORADO CAMPAIGN TO END CHILDHOOD HUNGER BY
20 2015, INITIATED BY EXECUTIVE ORDER OF THE GOVERNOR.

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

24 (c) AN IN-DEPTH EXAMINATION OF LOCAL AND REGIONAL EFFORTS
25 TO STRENGTHEN AND DEVELOP ROBUST, RESILIENT, AND LONG-TERM
26 LOCAL FOOD ECONOMIES BY SUPPORTING AND PROMOTING URBAN,
27 SUBURBAN, AND RURAL AGRICULTURAL PRODUCTION; IDENTIFYING AND

1 DEVELOPING SOLUTIONS TO REGULATORY AND POLICY BARRIERS; AND
2 STRENGTHENING LOCAL INFRASTRUCTURE AND ENTREPRENEURIAL
3 EFFORTS;

4 (d) THE POTENTIAL IMPACTS THAT THE PRODUCTION OF LOCAL,
5 HEALTHY, AND SAFE FOODS WOULD HAVE ON ECONOMIC DEVELOPMENT IN
6 COLORADO, INCLUDING BOTH THE DIRECT IMPACTS FOR THE PRODUCERS
7 OF LOCAL FOOD AND THE ACTUAL AND POTENTIAL INDIRECT IMPACTS,
8 SUCH AS ENCOURAGING RESTAURANTS TO FEATURE LOCALLY RAISED
9 AGRICULTURAL PRODUCTS AND PROMOTING FOOD AND WINE TOURISM;
10 AND

11 (e) ANY OTHER ISSUES THE COUNCIL CONSIDERS PERTINENT.

12 **24-37.3-104. Subcommittees of the council.** (1) (a) THE
13 COUNCIL MAY CREATE SUBCOMMITTEES, AS THE COUNCIL DEEMS
14 NECESSARY, TO CARRY OUT THE WORK OF THE COUNCIL. THESE
15 SUBCOMMITTEES MAY INCLUDE BUT ARE NOT LIMITED TO:

16 (I) LOCAL AND REGIONAL FOOD COUNCILS;

17 (II) LOCAL GOVERNMENT;

18 (III) SCHOOL DISTRICTS, THE MEMBERS OF WHICH SHALL INCLUDE
19 PERSONS WITH EXPERTISE IN NUTRITION AND IN SCHOOL FINANCING; AND

20 (IV) A COORDINATION SUBCOMMITTEE TO COLLABORATE WITH
21 OTHER TASK FORCES, COMMITTEES, AND ORGANIZATIONS, INCLUDING THE
22 INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK FORCE CREATED IN
23 SECTION 22-82.6-104, C.R.S.

24 (b) THE SUBCOMMITTEES SHALL INCLUDE REPRESENTATIVES OF
25 THE COUNCIL AND MAY INCLUDE PERSONS APPOINTED BY THE CHAIR AND
26 THE VICE-CHAIR OF THE COUNCIL WHO ARE NOT MEMBERS OF THE
27 COUNCIL.

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

4 **24-37.3-105. Fund - acceptance of gifts, grants, or donations.**

5 (1) FOR THE PURPOSES OF CARRYING OUT THE DUTIES OF THE COUNCIL,
6 THE COUNCIL IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR
7 DONATIONS, INCLUDING IN-KIND DONATIONS, FROM PRIVATE OR PUBLIC
8 SOURCES FOR THE PURPOSES OF THIS ARTICLE; EXCEPT THAT THE COUNCIL
9 MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
10 CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER
11 LAW OF THE STATE. THE COUNCIL IS ALSO AUTHORIZED TO ACCEPT AND
12 EXPEND FEDERAL FUNDS AVAILABLE FOR FOOD POLICY COUNCILS. THE
13 COUNCIL SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED
14 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO
15 SHALL CREDIT THE SAME TO THE FOOD SYSTEMS ADVISORY COUNCIL FUND,
16 WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS
17 THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
18 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE COUNCIL FOR THE
19 DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS
20 ARTICLE. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF
21 THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED
22 BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT
23 AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.
24 ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND
25 AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
26 REVERT OR BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
27 ANOTHER FUND; EXCEPT THAT, IF, AT THE TIME THIS ARTICLE IS REPEALED

1 PURSUANT TO SECTION 24-37.3-107, THE FUND CONTAINS A BALANCE OF
2 UNENCUMBERED AND UNEXPENDED MONEYS, THOSE MONEYS SHALL
3 REVERT TO THE GENERAL FUND.

4 (2) MONEYS IN THE FUND MAY BE USED FOR THE FOLLOWING
5 PURPOSES:

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

8 (b) THE COSTS OF STAFFING THE COUNCIL; AND

9 (c) THE COSTS OF PREPARING AND SUBMITTING THE ANNUAL
10 REPORT REQUIRED BY SECTION 24-37.3-106.

11 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO MONEYS
12 FROM THE GENERAL FUND BE APPROPRIATED FOR THE COUNCIL.

13 (4) IF THE COUNCIL DOES NOT RECEIVE SUFFICIENT MONEYS
14 THROUGH GIFTS, GRANTS, AND DONATIONS PURSUANT TO SUBSECTION (1)
15 OF THIS SECTION TO CARRY OUT THE DUTIES OF THE COUNCIL, THE
16 COUNCIL SHALL NOT MEET AND SHALL NOT PREPARE AN ANNUAL REPORT
17 PURSUANT TO SECTION 24-37.3-106 UNTIL SUCH TIME AS SUFFICIENT
18 MONEYS BECOME AVAILABLE.

19 **24-37.3-106. Reports - recommendations.** COMMENCING
20 OCTOBER 1, 2011, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR
21 THEREAFTER, THE COUNCIL SHALL REPORT ITS FINDINGS AND
22 RECOMMENDATIONS, INCLUDING ANY LEGISLATIVE PROPOSALS OR
23 PROPOSALS FOR ADMINISTRATIVE ACTION, TO THE GENERAL ASSEMBLY,
24 THE GOVERNOR, AND THE COMMISSIONER OF AGRICULTURE PURSUANT TO
25 SECTION 24-1-136 (9). NO LATER THAN JANUARY 31, 2012, AND EVERY
26 JANUARY THEREAFTER, THE COUNCIL SHALL ALSO REPORT ITS FINDINGS
27 AND RECOMMENDATIONS, INCLUDING ANY LEGISLATIVE PROPOSALS, TO

1 THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE; THE SENATE
2 HEALTH AND HUMAN SERVICES COMMITTEE; THE HOUSE AGRICULTURE,
3 LIVESTOCK, AND NATURAL RESOURCES COMMITTEE; AND THE SENATE
4 AGRICULTURE AND NATURAL RESOURCES COMMITTEE OR THEIR
5 SUCCESSOR COMMITTEES.

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.