

CHAPTER 284

GOVERNMENT - STATE

HOUSE BILL 10-1264

BY REPRESENTATIVE(S) Priola, Acree, Apuan, Casso, DelGrosso, Gerou, Kefalas, Kerr J., Labuda, Lambert, Liston, Loooper, Massey, Primavera, Rice, Summers, Todd, McFadyen, Murray, Nikkel, Roberts;
also SENATOR(S) Heath, Bacon, Gibbs, Newell, Penry, Romer, Williams.

AN ACT

**CONCERNING THE ESTABLISHMENT OF AN INCENTIVE PROCESS WHEREBY STATE EMPLOYEES CAN
SUBMIT SUGGESTIONS FOR STATE AGENCY IMPROVEMENTS THAT RESULT IN COST SAVINGS.**

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

SECTION 1. Article 50 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 9
STATE EMPLOYEES' IDEAS THAT IMPROVE STATE
GOVERNMENT OPERATIONS**

24-50-901. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT IT IS THE POLICY OF THIS STATE TO CONCENTRATE ON IMPROVING THE EFFICIENCY AND EFFECTIVENESS OF STATE GOVERNMENT IN ORDER TO PROVIDE BETTER SERVICE TO THE RESIDENTS AND TAXPAYERS OF THE STATE OF COLORADO, TO INCREASE STATE GOVERNMENT PRODUCTIVITY, AND TO DECREASE STATE GOVERNMENT COSTS AND WASTE. THE GENERAL ASSEMBLY RECOGNIZES THAT ONE METHOD OF ACHIEVING A MORE EFFICIENT AND EFFECTIVE STATE GOVERNMENT IS TO ENCOURAGE THE INVOLVEMENT OF STATE EMPLOYEES IN THE DEVELOPMENT OF INNOVATIVE IDEAS THAT WILL INCREASE THE PRODUCTIVITY AND SERVICE LEVEL OF STATE GOVERNMENT WHILE DECREASING THE COSTS OF STATE GOVERNMENT. THE GENERAL ASSEMBLY REALIZES THAT EMPLOYEE INCENTIVE PROGRAMS THAT REWARD STATE EMPLOYEES FOR INNOVATIVE IDEAS BY ALLOWING AND INCENTIVIZING THE EMPLOYEES TO SHARE THE COST SAVINGS RESULTING FROM SUCH INNOVATIVE IDEAS WILL HELP ENCOURAGE EMPLOYEE INVOLVEMENT IN MAKING STATE GOVERNMENT MORE EFFICIENT AND EFFECTIVE. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT REWARDING STATE EMPLOYEES' IDEAS MAY

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

ALSO INCREASE EMPLOYEE MORALE AND ENTHUSIASM, DECREASE EMPLOYEE TURNOVER, AND IMPROVE CUSTOMER SERVICE.

24-50-902. Definitions. AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) (a) "EMPLOYEE" MEANS, EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), ALL STATE EMPLOYEES, INCLUDING THOSE EMPLOYEES WITHIN THE STATE PERSONNEL SYSTEM AND THOSE EXEMPT FROM THE STATE PERSONNEL SYSTEM AS SPECIFIED IN SECTION 13 (2) OF ARTICLE XII OF THE STATE CONSTITUTION.

(b) "EMPLOYEE" DOES NOT INCLUDE:

(I) AN EMPLOYEE OF THE OFFICE OF STATE PLANNING AND BUDGETING, THE OFFICE OF THE STATE AUDITOR, THE JOINT BUDGET COMMITTEE, OR THE DEPARTMENT OF PERSONNEL;

(II) AN ELECTED OFFICIAL OR MEMBER OF THE GENERAL ASSEMBLY; OR

(III) THE EXECUTIVE DIRECTOR, PROGRAM MANAGER, DIVISION DIRECTOR, OR BUDGET OFFICER OF A PRINCIPAL DEPARTMENT, THE PRESIDENT OF A COLLEGE OR UNIVERSITY, OR A DEPUTY OF SUCH DIRECTOR, OFFICER, OR PRESIDENT.

(2) "EXECUTIVE DIRECTOR" MEANS A STATE AGENCY'S EXECUTIVE DIRECTOR OR SIMILAR SENIOR LEVEL MANAGER OR MANAGING DIRECTOR.

(3) "IDEA APPLICATION" MEANS THE APPLICATION DESCRIBED IN SECTION 24-50-903 (1) (a).

(4) "PROJECTED SAVINGS" MEANS AN AMOUNT CALCULATED BY A STATE AGENCY THAT MAY BE REALIZED BY THE AGENCY DIRECTLY AS A RESULT OF AN EMPLOYEE'S IDEA APPLICATION.

(5) "SAVINGS REALIZED" MEANS AN AMOUNT CALCULATED BY A STATE AGENCY THAT WAS ACTUALLY REALIZED BY THE AGENCY DIRECTLY AS A RESULT OF AN EMPLOYEE'S IDEA APPLICATION.

(6) "STATE AGENCY" MEANS ANY DEPARTMENT, BOARD, BUREAU, COMMISSION, DIVISION, INSTITUTION, OFFICE, OR OTHER AGENCY OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCH OF THE STATE GOVERNMENT, INCLUDING INSTITUTIONS OF HIGHER EDUCATION.

24-50-903. State employee idea application. (1) (a) (I) NO LATER THAN OCTOBER 1, 2010, THE STATE PERSONNEL DIRECTOR, OR HIS OR HER DESIGNEE, SHALL CREATE AND MAKE PUBLICLY AVAILABLE TO ALL EMPLOYEES ON THE DEPARTMENT OF PERSONNEL'S WEB SITE AN IDEA APPLICATION, SUBSTANTIALLY SIMILAR TO THE AIR FORCE FORM AF 1000, TO ALLOW EMPLOYEES TO SUGGEST STATE AGENCY IMPROVEMENTS THAT MAY RESULT IN COST SAVINGS AT THE STATE AGENCY WHERE THE EMPLOYEE WORKS. EACH STATE AGENCY EXECUTIVE DIRECTOR SHALL CREATE AGENCY-SPECIFIC SUPPLEMENTAL SUBMISSION MATERIALS TO THE

IDEA APPLICATION IF SUCH MATERIALS ARE DEEMED NECESSARY BY THE EXECUTIVE DIRECTOR TO MANAGE THE SUBMISSION PROCESS. EACH STATE AGENCY SHALL POST SUCH MATERIALS ON THEIR RESPECTIVE WEB SITES.

(II) THE IDEA APPLICATION SHALL NOT BE USED FOR IDEAS THAT:

(A) WOULD RESULT FROM OBVIOUS AND PROGRESSIVE NORMAL BUSINESS PRACTICES, SUCH AS A FORESEEABLE EXPECTATION THAT THE IDEA WOULD BE IMPLEMENTED IN A REASONABLE TIME FRAME AS A RESULT OF EVOLVING BUSINESS OR INDUSTRY PRACTICE;

(B) ARE OBVIOUS SOLUTIONS TO MANDATED BUDGET CUTS, SUCH AS ABOLISHING VACANT FUNDED POSITIONS OR REDUCING STAFF THROUGH LAYOFFS;

(C) RESULT IN COST AVOIDANCE AS THE METHOD OF DOCUMENTING COST SAVINGS, SUCH AS NO OR LOWERED INCREASES IN COSTS FOR STAFF, SUPPLIES, OR EQUIPMENT;

(D) RESULT IN REVENUE ENHANCEMENT AS THE METHOD OF DOCUMENTING COST SAVINGS, SUCH AS NEW OR INCREASED FEES FOR SERVICES; OR

(E) SIMPLY SHIFT THE COST FROM ONE STATE AGENCY TO ANOTHER.

(b) NO LATER THAN OCTOBER 1, 2010, THE STATE PERSONNEL DIRECTOR, OR HIS OR HER DESIGNEE, SHALL ESTABLISH STANDARD EVALUATION CRITERIA SUBSTANTIALLY SIMILAR TO THE EVALUATION CRITERIA USED TO EVALUATE THE AIR FORCE FORM AF 1000, BY WHICH ALL IDEA APPLICATIONS SHALL BE EVALUATED. THE STATE PERSONNEL DIRECTOR, OR HIS OR HER DESIGNEE, SHALL MAKE SUCH CRITERIA AVAILABLE TO ALL EXECUTIVE DIRECTORS. EACH STATE AGENCY EXECUTIVE DIRECTOR MAY ESTABLISH ADDITIONAL EVALUATION CRITERIA SPECIFIC TO HIS OR HER AGENCY IF SUCH CRITERIA ARE DEEMED NECESSARY BY THE EXECUTIVE DIRECTOR TO MANAGE THE SUBMISSION PROCESS.

(c) (I) ANY EMPLOYEE MAY COMPLETE AN IDEA APPLICATION. FOR PROCESSING, THE EMPLOYEE SHALL SUBMIT THE IDEA APPLICATION TO THE EXECUTIVE DIRECTOR OF THE EMPLOYEE'S STATE AGENCY. AN EMPLOYEE SHALL NOT BE RETALIATED AGAINST FOR SUBMITTING AN IDEA APPLICATION.

(II) THE IDENTITY OF AN EMPLOYEE WHO SUBMITS AN IDEA APPLICATION SHALL REMAIN CONFIDENTIAL AND SHALL BE REDACTED FROM THE APPLICATION UNTIL THE EMPLOYEE HAS BEEN DETERMINED TO BE ELIGIBLE FOR AN HONORARY AWARD AS SPECIFIED IN PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION, EXCEPT THAT THE IDENTITY OF THE EMPLOYEE MAY BE MADE KNOWN TO THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, FOR PURPOSES OF OBTAINING REASONABLY NECESSARY ADDITIONAL INFORMATION RELATED TO THE IDEA APPLICATION.

(III) (A) THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL PROVIDE NOTIFICATION OF RECEIPT OF THE IDEA APPLICATION TO THE EMPLOYEE WITHIN FIFTEEN DAYS AFTER SUBMISSION OF SUCH APPLICATION. THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, MAY AUTOMATICALLY DENY AN IDEA APPLICATION IF HE OR SHE DEEMS SUCH APPLICATION TO BE DUPLICATIVE OF ANOTHER APPLICATION

THAT WAS SUBMITTED WITHIN THE PRIOR TWELVE-MONTH PERIOD OR DUPLICATIVE OF A RECOMMENDATION CONTAINED IN AN AUDIT REPORT FROM THE OFFICE OF THE STATE AUDITOR OR ANY PRIVATELY CONTRACTED AUDITOR, A JOINT BUDGET COMMITTEE STAFF DOCUMENT, OR ANY OTHER PUBLISHED EVALUATION OF COLORADO STATE GOVERNMENT. THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL PROVIDE NOTICE OF AN AUTOMATIC DENIAL WITHIN FIFTEEN DAYS PURSUANT TO THIS SUB-SUBPARAGRAPH (A).

(B) THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL CAUSE, WITHIN FORTY-FIVE BUSINESS DAYS FROM THE DATE OF SUBMISSION OF AN IDEA APPLICATION THAT WAS NOT AUTOMATICALLY DENIED FOR REASONS LISTED IN THIS SECTION OR AGENCY-SPECIFIC EVALUATION CRITERIA AS DEVELOPED BY AN EXECUTIVE DIRECTOR, A PROJECTED SAVINGS CALCULATION TO BE MADE.

(C) THE EXECUTIVE DIRECTOR SHALL RESPOND WITH A DECISION EITHER APPROVING OR DENYING THE EMPLOYEE'S IDEA APPLICATION WITHIN SIXTY BUSINESS DAYS AFTER THE DATE OF SUBMISSION OF THE IDEA APPLICATION. FOR ANY IDEA APPLICATION THAT IS APPROVED, THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL IDENTIFY, TO THE EXTENT POSSIBLE, ANY STATE LAWS OR RULES THAT WOULD NEED TO BE CHANGED AS PART OF THE REVIEW AND APPROVAL PROCESS. THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL SUBMIT A REQUEST FOR LEGISLATION TO THE COMMITTEE OF REFERENCE ASSIGNED TO SUCH EXECUTIVE DIRECTOR'S STATE AGENCY REGARDING ANY APPROVED IDEA APPLICATION THAT REQUIRES LEGISLATION FOR IMPLEMENTATION. IDEA APPLICATIONS THAT DO NOT REQUIRE LEGISLATION FOR IMPLEMENTATION SHALL BE IMPLEMENTED BY THE STATE AGENCY AS SOON AS REASONABLY POSSIBLE, AND NO LATER THAN JULY 1 OF THE FISCAL YEAR FOLLOWING ACCEPTANCE OF THE IDEA APPLICATION.

(IV) A COPY OF ANY EMPLOYEE'S IDEA APPLICATION THAT IS NOT APPROVED, ALONG WITH A COPY OF THE EXECUTIVE DIRECTOR'S RESPONSE, AND ANY DOCUMENT INDICATING THE PROJECTED SAVINGS SHALL BE SUBMITTED BY THE DIRECTOR TO THE OFFICE OF STATE PLANNING AND BUDGETING CREATED IN SECTION 24-37-102, C.R.S., WITHIN SIXTY BUSINESS DAYS AFTER SUBMISSION OF THE IDEA APPLICATION FOR THE OFFICE OF STATE PLANNING AND BUDGETING TO REVIEW.

(V) THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL MAINTAIN COPIES OF ALL IDEA APPLICATIONS THAT ARE SUBMITTED, ALONG WITH THE FOLLOWING INFORMATION FOR APPROVED IDEA APPLICATIONS:

(A) A DESCRIPTION OF THE INNOVATIVE IDEA IMPLEMENTED;

(B) THE TOTAL SAVINGS ACHIEVED IN THE FIRST FISCAL YEAR OR FIRST FULL TWELVE-MONTH PERIOD AFTER FULL IMPLEMENTATION;

(C) THE TOTAL DOLLARS AWARDED AS AN INCENTIVE TO THE EMPLOYEE WHO SUBMITTED THE IDEA APPLICATION;

(D) ANY AFFECTED GENERAL APPROPRIATIONS ACT LINE ITEM, IF APPLICABLE;
AND

(E) AN EVALUATION OF THE EFFECTIVENESS IN ACHIEVING THE GOALS SET FORTH IN SECTION 24-50-901 OF THE IMPLEMENTED IDEA AND THE HONORARY AWARD TO THE EMPLOYEE.

(2) COMMENCING ON OR AFTER OCTOBER 1, 2010, ALL STATE AGENCIES SHALL ADVERTISE THAT THE IDEA APPLICATION IS AVAILABLE ON THE DEPARTMENT OF PERSONNEL'S WEB SITE ON ANY TYPE OF ELECTRONIC PAYROLL STATEMENTS ISSUED TO EMPLOYEES AND IN ANY ELECTRONIC BROADCAST COMMUNICATION MADE TO EMPLOYEES, SO LONG AS THE ADVERTISEMENT FOR THE IDEA APPLICATION OCCURS AT LEAST MONTHLY.

(3) THE IDEA APPLICATION AND THE ADVERTISEMENT DESCRIBED IN SUBSECTION (2) OF THIS SECTION SHALL INCLUDE INFORMATION RELATED TO THE HONORARY AWARD SPECIFIED IN PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION THAT AN EMPLOYEE MAY EARN.

(4)(a) ONCE AN IDEA APPLICATION IS SUBMITTED, REVIEWED, AND ACCEPTED BY THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, THE EMPLOYEE SHALL BE INFORMED OF THE HONORARY AWARD HE OR SHE MAY EARN.

(b) THIRTEEN MONTHS AFTER THE INNOVATIVE IDEA DESCRIBED IN THE IDEA APPLICATION IS FULLY IMPLEMENTED, THE EXECUTIVE DIRECTOR SHALL CALCULATE THE SAVINGS REALIZED FOR THE FIRST TWELVE MONTHS OF FULL IMPLEMENTATION. ALL DOCUMENTATION OF THE SAVINGS REALIZED CALCULATION SHALL BE FORWARDED TO THE STATE AUDITOR FOR REVIEW AND VERIFICATION NO LATER THAN TWO MONTHS AFTER THE TWELVE MONTHS OF FULL IMPLEMENTATION OF THE INNOVATIVE IDEA DESCRIBED IN THE IDEA APPLICATION. THE STATE AUDITOR SHALL HAVE ONE HUNDRED TWENTY DAYS FROM RECEIPT OF THE SAVINGS REALIZED CALCULATION TO:

(I) CONDUCT THE REVIEW AND VERIFICATION OF THE SAVINGS REALIZED CALCULATION; AND

(II) SUBMIT A REPORT WITH HIS OR HER FINDINGS, RECOMMENDATIONS, AND CONCLUSIONS TO THE LEGISLATIVE AUDIT COMMITTEE, WHICH SHALL HOLD A PUBLIC HEARING FOR THE PURPOSES OF A REVIEW OF THE REPORT.

(c) THE STATE AUDITOR'S REPORT DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (4) SHALL BE SUBMITTED TO THE EXECUTIVE DIRECTOR WHO APPROVED THE IDEA APPLICATION AND TO ANY MEMBERS OF THE GENERAL ASSEMBLY WHO CARRIED ANY LEGISLATION TO IMPLEMENT THE IDEA.

(d) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH (d), AND UNLESS OTHERWISE PROHIBITED, THE SAVINGS REALIZED AS VERIFIED BY THE STATE AUDITOR AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (4) SHALL BE DISTRIBUTED, NO LATER THAN THE LAST DAY OF THE EIGHTEENTH MONTH FOLLOWING THE IMPLEMENTATION OF THE INNOVATIVE IDEA, AS FOLLOWS:

(A) FIVE PERCENT, UP TO FIVE THOUSAND DOLLARS, OF THE SAVINGS REALIZED AS A ONE-TIME HONORARY AWARD TO THE EMPLOYEE WHO SUBMITTED THE IDEA

APPLICATION;

(B) TWENTY-FIVE PERCENT, UP TO TWENTY-FIVE THOUSAND DOLLARS, OF THE SAVINGS REALIZED TO THE STATE AGENCY THAT THE EMPLOYEE'S IDEA APPLICATION DIRECTLY AFFECTS; AND

(C) THE REMAINDER AFTER DISTRIBUTIONS ARE MADE PURSUANT TO SUB-SUBPARAGRAPHS (A) AND (B) OF THIS SUBPARAGRAPH (I) TO THE STATE GENERAL FUND.

(II) FOR A STATE AGENCY THAT CONSTITUTES AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE SAVINGS REALIZED AS VERIFIED BY THE STATE AUDITOR AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (4) SHALL BE DISTRIBUTED, NO LATER THAN THE LAST DAY OF THE EIGHTEENTH MONTH FOLLOWING THE IMPLEMENTATION OF THE INNOVATIVE IDEA, AS FOLLOWS:

(A) FIVE PERCENT, UP TO FIVE THOUSAND DOLLARS, OF THE SAVINGS REALIZED AS A ONE-TIME HONORARY AWARD TO THE EMPLOYEE WHO SUBMITTED THE IDEA APPLICATION;

(B) THE REMAINDER, AFTER THE DISTRIBUTION MADE PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), TO THE STATE AGENCY AND TO THE GENERAL FUND. THE AMOUNT DISTRIBUTED TO THE GENERAL FUND SHALL BE THE SAME PERCENTAGE OF THE SAVINGS REALIZED THAT THE STATE AGENCY RECEIVES IN TOTAL ANNUAL REVENUES FROM THE STATE GENERAL FUND.

(III) IF THE SAVINGS REALIZED RESULT IN SAVINGS OF FEDERAL MONEYS, THE FEDERAL MONEYS SAVED SHALL NOT BE DISTRIBUTED AS SPECIFIED IN THIS PARAGRAPH (d) BUT SHALL EITHER BE USED FOR A REALLOCATION OF MONEYS WITHIN THE STATE AGENCY OR SHALL REVERT, DEPENDING ON THE USE SPECIFIED FOR THOSE PARTICULAR FEDERAL MONEYS.

(IV) IF THE SAVINGS REALIZED RESULT IN SAVINGS OF MONEYS FROM PUBLIC OR PRIVATE GRANTS, GIFTS, AWARDS, OR DONATIONS WHERE THE USE OF SUCH MONEYS IS RESTRICTED, SUCH RESTRICTED MONEYS SHALL NOT BE DISTRIBUTED AS SPECIFIED IN THIS PARAGRAPH (d) BUT SHALL EITHER BE USED FOR A REALLOCATION OF MONEYS WITHIN THE STATE AGENCY OR SHALL REVERT, DEPENDING ON THE USE SPECIFIED FOR SUCH PARTICULAR RESTRICTED MONEYS.

(e) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (e), THE STATE AGENCY MAY USE THE DISTRIBUTION SPECIFIED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION (4) FOR ANY PROJECTS THAT WOULD INCREASE THAT STATE AGENCY'S EFFICIENCY OR IMPROVE SERVICES PROVIDED TO STATE RESIDENTS, BUT THE DISTRIBUTION SHALL NOT BE USED TO HIRE ADDITIONAL FULL-TIME EQUIVALENT EMPLOYEES OR FOR PERSONNEL SERVICES EXPENDITURES OTHER THAN THE DISTRIBUTION SPECIFIED IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION (4).

(II) ANY SAVINGS REALIZED DISTRIBUTED TO THE DEPARTMENT OF

TRANSPORTATION PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION (4) SHALL BE TRANSFERRED TO THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219, C.R.S., AND SHALL ONLY BE USED FOR MATERIAL COSTS OF ROAD AND BRIDGE REPAIRS.

(III) THIS PARAGRAPH (e) SHALL NOT APPLY TO A STATE AGENCY THAT CONSTITUTES AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(5) NOTHING IN THIS PART 9 SHALL BE CONSTRUED TO PROVIDE EMPLOYEES WITH ANY GRIEVANCE, DISPUTE RESOLUTION, OR APPEALS PROCESS WITH REGARD TO ANY IDEA APPLICATION SUBMITTED BY THE EMPLOYEE.

SECTION 2. Act subject to petition - 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 26, 2010