

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 05-0842.01 Esther van Mourik

HOUSE BILL 05-1307

HOUSE SPONSORSHIP

Penry,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources
State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PREFERENCE FOR THE PURCHASE OF COLORADO**
102 **AGRICULTURAL PRODUCTS BY STATE GOVERNMENTAL ENTITIES.**

Bill Summary

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

Establishes a state contract preference for purchase of agricultural products grown, raised, or processed in the state unless the head of a governmental body determines such a preference would be inconsistent with the public interest or the cost is unreasonable.

Applies the preference to contracts governed by the "Procurement Code".

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.*

HOUSE
3rd Reading Unamended
April 20, 2005

HOUSE
Amended 2nd Reading
April 19, 2005

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

2 **SECTION 1.** 8-18-103 (1) and (2) (d), Colorado Revised
3 Statutes, are amended, and the said 8-18-103 is further amended BY THE
4 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

5 **8-18-103. Preference for state agricultural products.** (1) When
6 purchasing agricultural products, a governmental body, as defined in
7 section 24-101-301 (10), C.R.S., shall ~~give preference to products~~
8 ~~produced in the state by~~ AWARD THE CONTRACT TO a resident bidder, as
9 defined in section 8-19-102 (2), WHO PRODUCES PRODUCTS IN THE STATE,
10 subject to the conditions in subsection (2) of this section.

11 (2) The preference in subsection (1) of this section shall apply
12 only if the following conditions are met:

13 (d) (I) The resident bidder's bid or quoted price for products
14 produced in the state does not exceed the lowest bid or price quoted for
15 products produced outside the state OR THE RESIDENT BIDDER'S BID OR
16 QUOTED PRICE REASONABLY EXCEEDS THE LOWEST BID OR PRICE QUOTED
17 FOR PRODUCTS PRODUCED OUTSIDE THE STATE.

18 (II) FOR PURPOSES OF THIS PARAGRAPH (d), "REASONABLY
19 EXCEEDS" SHALL OCCUR WHEN THE HEAD OF THE GOVERNMENTAL BODY,
20 OR OTHER PUBLIC OFFICER CHARGED BY LAW WITH THE DUTY TO
21 PURCHASE SUCH PRODUCTS, AT HIS OR HER SOLE DISCRETION, DETERMINES
22 SUCH HIGHER BID TO BE REASONABLE AND CAPABLE OF BEING PAID OUT OF
23 THAT GOVERNMENTAL BODY'S EXISTING BUDGET, WITHOUT ANY FURTHER
24 SUPPLEMENTAL OR ADDITIONAL APPROPRIATION.

25 (4) A GOVERNMENTAL BODY SHALL REPORT TO THE JOINT BUDGET
26 COMMITTEE OF THE GENERAL ASSEMBLY, OR ANY SUCCESSOR COMMITTEE,
27 ANY COST INCREASES ASSOCIATED WITH THE PROVISIONS OF THIS SECTION

1 DURING THE PREVIOUS FISCAL YEAR.

2 (5) THIS SECTION SHALL APPLY TO CONTRACTS GOVERNED BY THE
3 "PROCUREMENT CODE" IN ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

4 (6) WITH RESPECT TO THE STATE'S PROCUREMENT OF
5 AGRICULTURAL PRODUCTS:

6 (a) STATE OFFICIALS SHALL NOT HAVE THE AUTHORITY TO AGREE
7 TO BIND THE STATE OF COLORADO TO INTERNATIONAL TRADE
8 AGREEMENTS RELATED TO GOVERNMENT PROCUREMENT, NOR TO GIVE
9 CONSENT TO THE FEDERAL GOVERNMENT TO BIND THE STATE TO SUCH
10 TRADE AGREEMENTS. ONLY THE GENERAL ASSEMBLY, ACTING BY BILL,
11 SHALL HAVE THE AUTHORITY TO ENTER IN TO SUCH BINDING AGREEMENTS.

12 (b) ANY AGREEMENT ENTERED INTO OR CONSENT GIVEN BY A
13 STATE OFFICIAL AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (6)
14 IS INVALID.

15 **SECTION 2. Effective date.** This act shall take effect at 12:01
16 a.m. on the day following the expiration of the ninety-day period after
17 final adjournment of the general assembly that is allowed for submitting
18 a referendum petition pursuant to article V, section 1 (3) of the state
19 constitution (August 10, 2005, if adjournment sine die is on May 11,
20 2005); except that, if a referendum petition is filed against this act or an
21 item, section, or part of this act within such period, then the act, item,
22 section, or part, if approved by the people, shall take effect on the date of
23 the official declaration of the vote thereon by proclamation of the
24 governor.