

CHAPTER 317

GOVERNMENT - STATE

HOUSE BILL 05-1307

BY REPRESENTATIVE(S) Penry, Berens, Boyd, Brophy, Buescher, Cloer, Coleman, Curry, Frangas, Hodge, Liston, Madden, Massey, McFadyen, Merrifield, Paccione, Pommer, Rose, Stafford, Sullivan, Todd, Weissmann, Kerr, and Plant;
also SENATOR(S) Taylor, Entz, Fitz-Gerald, Isgar, Johnson, Kester, and Teck.

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

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

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

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

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

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

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

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

FURTHER SUPPLEMENTAL OR ADDITIONAL APPROPRIATION.

(4) A GOVERNMENTAL BODY SHALL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, OR ANY SUCCESSOR COMMITTEE, ANY COST INCREASES ASSOCIATED WITH THE PROVISIONS OF THIS SECTION DURING THE PREVIOUS FISCAL YEAR.

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

SECTION 2. 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 that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 7, 2005