

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0226.01 Bart Miller

SENATE BILL 11-025

SENATE SPONSORSHIP

Carroll,

HOUSE SPONSORSHIP

Ferrandino,

Senate Committees
Finance

House Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING ACCOUNTABILITY FOR STATE PROCUREMENT, AND, IN**
102 **CONNECTION THEREWITH, ENACTING THE "COLORADO**
103 **TAXPAYER EMPOWERMENT ACT OF 2011".**

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 enacts the "Colorado Taxpayer Empowerment Act of 2011". Current law makes state procurement information available to the public. **Section 2** of the bill requires each contract entered into by a governmental body under the state "Procurement Code" to contain a

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 Unam ended
March 22, 2011

HOUSE
Am ended 2nd Reading
March 21, 2011

SENATE
3rd Reading Unam ended
February 22, 2011

SENATE
Am ended 2nd Reading
February 21, 2011

provision reflecting this current law and specifies that, with the exception of records exempt from inspection under the "Colorado Open Records Act", upon request, records relating to the costs of or any performance measures under the contract are available to the contracting governmental body, the president of the senate, the speaker of the house of representatives, the minority leaders of the senate and house of representatives, and legislative oversight committees of the general assembly. Authorizes the executive director of the department of personnel and administration to promulgate rules for the administration of the provisions enacted in the bill.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Colorado Taxpayer Empowerment Act of 2011".

4 **SECTION 2.** 24-101-401, Colorado Revised Statutes, is amended
5 to read:

6 **24-101-401. Public access to procurement information - rules**
7 **- repeal.** (1) Except as provided in section 24-103-202 (4), procurement
8 information ~~shall be~~ IS a public record and ~~shall be~~ IS available to the
9 public as provided in sections 24-72-203 and 24-72-204.

10 (2) (a) TO THE EXTENT NOT PROHIBITED BY FEDERAL LAW,
11 EACH CONTRACT ENTERED INTO BY A GOVERNMENTAL BODY PURSUANT
12 TO THIS CODE SHALL SPECIFY THAT THE CONTRACT AND PERFORMANCE
13 MEASURES AND STANDARDS UNDER ARTICLE 103.5 OF THIS TITLE ARE
14 OPEN TO INSPECTION BY THE PUBLIC AS PROVIDED IN SECTIONS 24-72-203
15 AND 24-72-204.

16 (b) (I) EACH AGREEMENT ENTERED INTO BY A GOVERNMENTAL
17 BODY WITH A CERTIFIED EMPLOYEE ORGANIZATION FOR STATE EMPLOYEES
18 UNDER EXECUTIVE ORDER D 028 07, OR ANY SIMILAR SUCCESSOR
19 EXECUTIVE ORDER WITH RESPECT TO THE EXISTENCE OF A CERTIFIED
20 EMPLOYEE ORGANIZATION FOR STATE EMPLOYEES, SHALL SPECIFY THAT

1 THE AGREEMENT IS OPEN TO PUBLIC INSPECTION AS PROVIDED IN SECTIONS
2 24-72-203 AND 24-72-204.

3 (II) IF EXECUTIVE ORDER D 028 07, OR ANY SIMILAR SUCCESSOR
4 EXECUTIVE ORDER WITH RESPECT TO THE EXISTENCE OF A CERTIFIED
5 EMPLOYEE ORGANIZATION FOR STATE EMPLOYEES, IS RESCINDED OR
6 ALTERED BY THE GOVERNOR IN ANY WAY TO CREATE A SITUATION WHERE
7 A CERTIFIED EMPLOYEE ORGANIZATION FOR STATE EMPLOYEES NO LONGER
8 REPRESENTS STATE EMPLOYEES, THE GOVERNOR SHALL PROVIDE WRITTEN
9 NOTICE OF THIS FACT TO THE REVISOR OF STATUTES.

10 (III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE UPON THE
11 RECEIPT BY THE REVISOR OF STATUTES OF THE WRITTEN NOTICE UNDER
12 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b).

13 **SECTION 3. Effective date - applicability.** This act shall take
14 effect July 1, 2011, and shall apply to all state contracts on or after said
15 date.

16 **SECTION 4. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.