

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

**INTRODUCED**

LLS NO. 09-0030.01 Kate Meyer

**HOUSE BILL 09-1088**

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**HOUSE SPONSORSHIP**

**Balmer,** Benefield, Looper, Todd

**SENATE SPONSORSHIP**

**Newell,**

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**House Committees**  
State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CERTIFICATION OF PUBLIC BENEFIT NONPROFIT ENTITIES**  
102 **AS LOCAL PUBLIC PROCUREMENT UNITS.**

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**Bill Summary**

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

Allows the executive director of the department of personnel to certify a public benefit nonprofit entity as a local public procurement unit. Conditions such certification on the public benefit nonprofit entity using any procured supplies, services, or construction in the furtherance of its stated nonprofit purpose. Defines "public benefit nonprofit entity" as an organization that receives funds from federal, state, or local governmental sources and is exempt from federal taxation under section 501 (c) (3) 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.*

the federal internal revenue code.

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

2 **SECTION 1.** 24-110-101, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **24-110-101. Definitions.** As used in this article, unless the  
5 context otherwise requires:

6 (3.5) "PUBLIC BENEFIT NONPROFIT ENTITY" MEANS AN  
7 ORGANIZATION THAT IS EXEMPT FROM FEDERAL TAXATION UNDER 26  
8 U.S.C. SEC. 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF  
9 1986", AS AMENDED, AND THAT RECEIVES FUNDS FROM FEDERAL, STATE,  
10 OR LOCAL GOVERNMENTAL SOURCES.

11 **SECTION 2.** 24-110-207.5 (1), Colorado Revised Statutes, is  
12 amended to read:

13 **24-110-207.5. Certification of certain entities as local public**  
14 **procurement units - rules.** (1) The executive director may certify any  
15 of the following entities as a local public procurement unit:

16 (a) Any nonprofit community mental health center, as defined in  
17 section 27-1-201, ~~(1)~~, C.R.S., any nonprofit community mental health  
18 clinic, as defined in section 27-1-201, ~~(2)~~, C.R.S., any nonprofit  
19 community centered board, as defined in section 27-10.5-102, ~~(3)~~, C.R.S.,  
20 or any nonprofit service agency, as defined in section 27-10.5-102, ~~(28)~~,  
21 C.R.S., ~~so long as~~ IF the entity uses the supplies, services, or construction  
22 procured for the public mental health system or the public  
23 developmentally disabled system; ~~or~~

24 (b) Any nonprofit entity eligible to receive funds pursuant to  
25 section 24-32-705 or 24-32-717, ~~so long as~~ IF the entity uses the supplies,

1 services, or construction procured for the rehabilitation, construction,  
2 acquisition, or provision of low- or moderate-income housing; OR

3 (c) ANY PUBLIC BENEFIT NONPROFIT ENTITY, IF THE ENTITY USES  
4 THE SUPPLIES, SERVICES, OR CONSTRUCTION PROCURED IN THE  
5 FURTHERANCE OF ITS STATED NONPROFIT PURPOSE.

6 **SECTION 3. Act subject to petition - effective date.** This act  
7 shall take effect at 12:01 a.m. on the day following the expiration of the  
8 ninety-day period after final adjournment of the general assembly that is  
9 allowed for submitting a referendum petition pursuant to article V,  
10 section 1 (3) of the state constitution, (August 4, 2009, if adjournment  
11 sine die is on May 6, 2009); except that, if a referendum petition is filed  
12 against this act or an item, section, or part of this act within such period,  
13 then the act, item, section, or part, if approved by the people, shall take  
14 effect on the date of the official declaration of the vote thereon by  
15 proclamation of the governor.