

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0599.01 Josh Schultz x5486

HOUSE BILL 26-1054

HOUSE SPONSORSHIP

Rutinel and Velasco,

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING WORKER SAFETY PROTECTIONS.**

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://leg.colorado.gov>.)

Section 1 of the bill requires an employer to ensure the employer's workplace is free from recognized hazards, as interpreted consistent with the federal occupational safety and health administration's interpretation of the general duty clause of the "Occupational Safety and Health Act of 1970" (OSH Act) as of September 1, 2025. Additionally, employers have the general duty to:

- Ensure that each workplace is constructed, equipped, arranged, operated, and conducted as to provide reasonable

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- and adequate protection to the lives, health, and safety of all individuals employed or working in the workplace; and
- Comply with standards for workplace health and safety adopted by rule by the division of labor standards and statistics in the department of labor and employment (division).

The bill authorizes the following actions to address workplace health and safety concerns:

- The attorney general or the division may refer workplace health and safety concerns to relevant state or local authorities;
- The attorney general, the division, a labor organization, or a person aggrieved by a violation of the bill may file a civil action;
- For each violation of the bill or of rules adopted pursuant to the bill, a court may order the person that violates the bill or rules to pay statutory damages to a person aggrieved by the violation; and
- A court may order a person that violates the bill or rules adopted pursuant to the bill to pay a penalty to the attorney general for each violation.

The bill creates the workplace health and safety fund (fund) into which penalties collected pursuant to the bill are credited. The money in the fund may be used by the division for specified purposes.

The bill authorizes the division to adopt rules:

- To replace any requirement of the OSH Act or the "Federal Mine Safety and Health Act of 1977" that is repealed, revoked, or amended in any manner that results in the federal protections of workers' rights or worker safety becoming less stringent;
- To define standards for workplace health and safety if there is no standard in effect under the OSH Act; and
- As necessary to implement the bill.

Sections 2 through 8 make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article
3 14.4 of title 8 as follows:

4 **PART 2**
5 **WORKPLACE HEALTH AND SAFETY**

1 **8-14.4-201. Short title.**

2 THE SHORT TITLE OF THIS PART 2 IS THE "COLORADO WORKER
3 SAFETY ACT".

4 **8-14.4-202. Definitions.**

5 AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7

8 (1) (a) "EMPLOYER" HAS THE MEANING SET FORTH IN SECTION
9 8-4-101 (6).

10 (b) "EMPLOYER" DOES NOT INCLUDE THE FEDERAL GOVERNMENT.

11 (2) "LABOR ORGANIZATION" MEANS AN EXCLUSIVE
12 REPRESENTATIVE, AS DEFINED IN SECTION 8-3.3-102 (13).

13 (3) "OSH ACT" MEANS THE FEDERAL "OCCUPATIONAL SAFETY
14 AND HEALTH ACT OF 1970", 29 U.S.C. SEC. 651 ET SEQ.

15 (4) "STRINGENT" MEANS A LAW, RULE, OR STANDARD'S OVERALL
16 EFFECTIVENESS IN PROTECTING THE RIGHTS AND SAFETY OF WORKERS. A
17 LAW, RULE, OR STANDARD IS CONSIDERED TO BE MORE STRINGENT IF IT
18 IMPOSES A SAFETY REQUIREMENT OR OBLIGATION ON EMPLOYERS THAT IS
19 STRICTER OR MORE DEMANDING THAN WHAT IS OTHERWISE IMPOSED BY
20 LAW OR IF IT PROVIDES FOR GREATER RIGHTS, BENEFITS, REMEDIES, OR
21 PROCEDURES FOR WORKERS THAN WHAT IS OTHERWISE PROVIDED BY LAW.

22 (5) "WORKER ORGANIZATION" MEANS A COMMUNITY-BASED
23 NONPROFIT OR MEMBERSHIP-BASED ORGANIZATION DEDICATED TO
24 SUPPORTING WORKERS, ASSISTING WORKERS WITH MUTUAL AID OR
25 PROTECTION IN CONNECTION WITH WORK, OR EMPOWERING VULNERABLE
26 WORKERS.

27 (6) "WORKPLACE" MEANS ANY PLACE WHERE AN EMPLOYER

1 REQUIRES A WORKER TO PERFORM TASKS, JOBS, OR PROJECTS FOR
2 COMPENSATION.

3 **8-14.4-203. General duty to maintain a safe workplace.**

4 (1) AN EMPLOYER SHALL ENSURE THE EMPLOYER'S WORKPLACE IS
5 FREE FROM RECOGNIZED HAZARDS, WHICH DUTY SHALL BE INTERPRETED
6 CONSISTENT WITH THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH
7 ADMINISTRATION'S INTERPRETATION OF THE GENERAL DUTY CLAUSE OF
8 THE OSH ACT, 29 U.S.C. SEC. 654 (a)(1), AS OF SEPTEMBER 1, 2025.

9 (2) AN EMPLOYER HAS THE GENERAL DUTY TO:

10 (a) ENSURE THAT EACH WORKPLACE IS CONSTRUCTED, EQUIPPED,
11 ARRANGED, OPERATED, AND CONDUCTED IN A MANNER AS TO PROVIDE
12 REASONABLE AND ADEQUATE PROTECTION TO THE LIVES, HEALTH, AND
13 SAFETY OF ALL INDIVIDUALS EMPLOYED OR WORKING IN THE WORKPLACE;
14 AND

15 (b) COMPLY WITH STANDARDS FOR WORKPLACE HEALTH AND
16 SAFETY THAT THE ATTORNEY GENERAL ADOPTS BY RULE PURSUANT TO
17 THIS PART 2.

18 **8-14.4-204. Enforcement - referral to state or local authorities**
19 **- statutory damages - civil action - injunction - withdrawal from**
20 **dangerous workplace.**

21 (1) THE ATTORNEY GENERAL MAY REFER WORKPLACE HEALTH
22 AND SAFETY CONCERNS TO RELEVANT STATE OR LOCAL AUTHORITIES,
23 INCLUDING THOSE CHARGED WITH ENFORCING BUILDING CODES,
24 SANITATION, FIRE RISK PREVENTION, AND INDUSTRIAL HAZARD
25 PREVENTION.

26 (2) (a) THE ATTORNEY GENERAL, A LABOR ORGANIZATION, A
27 WORKER ORGANIZATION, OR A PERSON AGGRIEVED BY A VIOLATION OF

1 THIS PART 2 MAY FILE A CIVIL ACTION AGAINST AN EMPLOYER THAT
2 VIOLATES THIS PART 2 FOR ALL AVAILABLE EQUITABLE RELIEF, INCLUDING
3 THE PREVENTION OF UNJUST ENRICHMENT; INJUNCTION; THE DETERRENCE
4 OF THE USE OF DANGEROUS MACHINERY, EQUIPMENT, OR DEVICES; AND
5 THE PREVENTION OF FURTHER WORK IN OR OCCUPANCY OF A DANGEROUS
6 WORKPLACE.

7 (b) AN ACTION BROUGHT BY AN AGGRIEVED PERSON PURSUANT TO
8 THIS SECTION MAY BE BROUGHT BY ONE OR MORE WORKERS ON BEHALF OF
9 THEMSELVES OR OTHER WORKERS SIMILARLY SITUATED.

10 (c) IF A COURT IMPOSES AN INJUNCTION OR A STOP WORK ORDER
11 LIMITING WORK OR PROHIBITING THE USE OF DANGEROUS MACHINERY,
12 EQUIPMENT, OR DEVICES OR AN INJUNCTION OR A STOP WORK ORDER FOR
13 A DANGEROUS WORKPLACE, THE EMPLOYER MUST EITHER:

14 (I) REASSIGN WORKERS TO WORK THAT DOES NOT INVOLVE
15 DANGEROUS MACHINERY, EQUIPMENT, OR DEVICES AND THAT DOES NOT
16 OCCUR IN THE DANGEROUS WORKPLACE; OR

17 (II) PAY WORKERS AT THEIR REGULAR RATE OF PAY FOR AT LEAST
18 THE FIRST TEN REGULAR WORKING DAYS IF THEY ARE UNABLE TO WORK
19 DUE TO THE INJUNCTION OR STOP WORK ORDER.

20 (d) THE COURT MAY AWARD A PERSON FOUND TO HAVE BEEN
21 AGGRIEVED BY A VIOLATION OF THIS PART 2 STATUTORY DAMAGES IN AN
22 AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS PER VIOLATION,
23 EXCEPT IF THE EMPLOYER:

24 (I) REPEATEDLY VIOLATES THIS PART 2 OR RULES ADOPTED
25 PURSUANT TO SECTION 8-14.4-205, IN WHICH CASE THE STATUTORY
26 DAMAGES FOR THE SECOND VIOLATION OR ANY SUBSEQUENT VIOLATION
27 MUST NOT EXCEED TEN THOUSAND DOLLARS; OR

1 (II) WILLFULLY VIOLATES THIS PART 2 OR RULES ADOPTED
2 PURSUANT TO SECTION 8-14.4-205 OR DEMONSTRATES PLAIN
3 INDIFFERENCE TO THIS PART 2 OR RULES ADOPTED PURSUANT TO SECTION
4 8-14.4-205, IN WHICH CASE THE STATUTORY DAMAGES FOR EACH
5 VIOLATION MUST NOT EXCEED SEVENTY THOUSAND DOLLARS PER
6 VIOLATION.

7 (e) IN ADDITION TO OTHER RELIEF AUTHORIZED BY THIS SECTION,
8 THE COURT MAY ORDER AN EMPLOYER THAT VIOLATES THIS SECTION TO
9 PAY A PENALTY FOR EACH VIOLATION OF THIS PART 2 OR RULES ADOPTED
10 PURSUANT TO SECTION 8-14.4-205. PENALTIES IMPOSED PURSUANT TO
11 THIS SUBSECTION (2)(e) SHALL BE CREDITED TO THE WORKPLACE HEALTH
12 AND SAFETY FUND CREATED IN SECTION 24-31-108 (7)(a). THE PENALTIES
13 MUST NOT EXCEED ONE THOUSAND DOLLARS PER VIOLATION, EXCEPT IF
14 THE EMPLOYER:

15 (I) REPEATEDLY VIOLATES THIS PART 2 OR RULES ADOPTED
16 PURSUANT TO SECTION 8-14.4-205, IN WHICH CASE THE PENALTY FOR THE
17 SECOND VIOLATION OR ANY SUBSEQUENT VIOLATION MUST NOT EXCEED
18 TEN THOUSAND DOLLARS; OR

19 (II) WILLFULLY VIOLATES THIS PART 2 OR RULES ADOPTED
20 PURSUANT TO SECTION 8-14.4-205 OR DEMONSTRATES PLAIN
21 INDIFFERENCE TO THIS PART 2 OR RULES ADOPTED PURSUANT TO SECTION
22 8-14.4-205, IN WHICH CASE THE PENALTY FOR EACH VIOLATION SHALL NOT
23 EXCEED SEVENTY THOUSAND DOLLARS.

24 (f) A COURT MAY AWARD THE ATTORNEY GENERAL, A LABOR
25 ORGANIZATION, A WORKER ORGANIZATION, OR A PERSON FOUND TO HAVE
26 BEEN AGGRIEVED BY A VIOLATION OF THIS PART 2 REASONABLE COSTS
27 AND ATTORNEY FEES INCURRED.

1 (g) EACH DAY A VIOLATION OF THIS PART 2 CONTINUES
2 CONSTITUTES A SEPARATE AND DISTINCT OFFENSE, AND EMPLOYMENT OF
3 ANY WORKER IN VIOLATION OF THIS PART 2 CONSTITUTES, WITH RESPECT
4 TO EACH WORKER EMPLOYED, A SEPARATE AND DISTINCT OFFENSE.

5 (h) THIS PART 2 SHALL NOT BE CONSTRUED TO REPLACE THE
6 "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF
7 THIS TITLE 8, AS THE APPROPRIATE MECHANISM FOR ADDRESSING
8 JOB-RELATED INJURIES.

9 (i) THIS PART 2 SHALL NOT BE CONSTRUED TO AUTHORIZE
10 INJUNCTIVE RELIEF THAT HAS THE PRIMARY PURPOSE OR EFFECT OF
11 INTERFERING WITH LAWFUL, CONSTITUTIONALLY PROTECTED ACTIVITY OF
12 THE PRESS, UNLESS SUCH RELIEF IS NECESSARY AND NARROWLY TAILORED
13 TO REMEDY A SPECIFIC WORKPLACE HEALTH OR SAFETY HAZARD.

14

8-14.4-205. Rules.

15 (1) IF, AT ANY TIME AFTER SEPTEMBER 1, 2025, ANY OSH ACT
16 HEALTH OR SAFETY STANDARD, OR RULE ADOPTED THEREUNDER, IS
17 REPEALED OR REVOKED, THE ATTORNEY GENERAL MAY, AS SOON AS
18 PRACTICABLE, ADOPT RULES ESTABLISHING A STATE STANDARD FOR
19 EMPLOYERS IN THE STATE THAT IS AS STRINGENT AS OR MORE STRINGENT
20 THAN THE FEDERAL OCCUPATIONAL HEALTH OR SAFETY STANDARD BEING
21 REPEALED OR REVOKED AS A MINIMUM STANDARD FOR EMPLOYERS IN THIS
22 STATE.

23 (2) ANY STANDARD ADOPTED PURSUANT TO SUBSECTION (1) OF
24 THIS SECTION MAY BE ENFORCED THROUGH SECTION 8-14.4-204.

25 (3) THE ATTORNEY GENERAL MAY ADOPT RULES AS NECESSARY TO
26 IMPLEMENT THIS PART 2.
27

1 **SECTION 2.** In Colorado Revised Statutes, 24-31-1302, **add** (3)
2 and (4) as follows:

3 **24-31-1302. Worker and employee protection unit - creation**
4 **- duties - court order - injunctive relief - attorney fees.**

5 (3) IF A PERSON, OR AN AGENT THEREOF, FAILS TO OBEY AN
6 INVESTIGATIVE DEMAND, SUBPOENA, WARRANT, OR OTHER INVESTIGATIVE
7 PROCESS ISSUED OR CONDUCTED PURSUANT TO SUBSECTION (2) OF THIS
8 SECTION, THE ATTORNEY GENERAL MAY APPLY TO THE APPROPRIATE
9 DISTRICT COURT FOR AN ORDER TO EFFECT THE PURPOSES OF THIS SECTION.
10 THE APPLICATION MUST STATE REASONABLE GROUNDS ON WHICH THE
11 ATTORNEY GENERAL BELIEVES THAT THE ORDER IS NECESSARY TO
12 INVESTIGATE A DEPRIVATION OF A PERSON'S RIGHTS, PRIVILEGES, OR
13 IMMUNITIES SECURED OR PROTECTED BY THE STATE CONSTITUTION OR
14 LAWS OF THE UNITED STATES OR THE STATE OF COLORADO. IF THE COURT
15 IS SATISFIED THAT REASONABLE GROUNDS EXIST, THE COURT IN ITS ORDER
16 MAY:

17 (a) REQUIRE THE ATTENDANCE OF OR THE PRODUCTION OF
18 DOCUMENTS BY A PERSON, OR BOTH;

19 (b) GRANT INJUNCTIVE RELIEF AS NECESSARY TO OBTAIN
20 COMPLIANCE WITH INVESTIGATIVE DEMANDS, SUBPOENAS, WARRANTS, OR
21 OTHER INVESTIGATIVE PROCESSES ISSUED OR CONDUCTED PURSUANT TO
22 SUBSECTION (2) OF THIS SECTION; AND

23 (c) GRANT FURTHER RELIEF AS MAY BE NECESSARY TO OBTAIN
24 COMPLIANCE WITH INVESTIGATIVE DEMANDS, SUBPOENAS, WARRANTS, OR
25 OTHER INVESTIGATIVE PROCESSES ISSUED OR CONDUCTED PURSUANT TO
26 SUBSECTION (2) OF THIS SECTION.

27 (4) COSTS AND ATTORNEY FEES SHALL BE AWARDED TO THE

1 ATTORNEY GENERAL WHERE THE ATTORNEY GENERAL SUCCESSFULLY
2 ENFORCES THIS SECTION.

3 **SECTION 3.** In Colorado Revised Statutes, 24-31-1303, **amend**
4 (1)(b) and (2)(b); and **add** (3) as follows:

5 **24-31-1303. Worker misclassification - wage determinations**
6 **- investigation and enforcement by the unit - coordination with**
7 **department of labor and employment.**

8 (1) (b) The unit may investigate and enforce an alleged
9 misclassification that is not described in subsection (1)(a) of this section
10 if the unit provides written notice to the division of unemployment
11 insurance of the unit's intent to pursue a misclassification investigation.
12 ~~and the division of unemployment insurance:~~

13 ~~(I) Declines to investigate the matter;~~

14 ~~(II) Has investigated the matter and made a formal determination;~~

15 ~~or~~

16 ~~(III) Fails to respond to the unit within thirty days after the date~~
17 ~~of the notice.~~

18 (2) (b) If the division of labor standards and statistics has not
19 referred a wage determination to the unit, the unit may enforce the wage
20 determination if the unit provides written notice to the division of labor
21 standards and statistics of the unit's intent to enforce the wage
22 determination. ~~and the division of labor standards and statistics:~~

23 ~~(I) Declines to pursue enforcement of the wage determination;~~

24 ~~(II) Has attempted to pursue enforcement of the wage~~
25 ~~determination and has been unsuccessful in enforcing the determination~~
26 ~~in full after the later of twelve months after the determination or the~~
27 ~~conclusion of any appeals;~~

1 ~~(III) Fails to respond to the unit within thirty days after the date~~
2 ~~of the notice; or~~

3 ~~(IV) Has not initiated an investigation.~~

4 (3) THE UNIT MAY INVESTIGATE AND ENFORCE AN ALLEGED
5 VIOLATION OF PART 2 OF ARTICLE 14.4 OF TITLE 8.

6 **SECTION 4.** In Colorado Revised Statutes, 24-31-101, **amend**
7 (1)(i)(XXX) and (1)(i)(XXXI); and **add** (1)(i)(XXXII) as follows:

8 **24-31-101. Powers and duties of attorney general.**

9 (1) The attorney general:

10 (i) May independently initiate and bring civil and criminal actions
11 to enforce state laws, including actions brought pursuant to:

12 (XXX) Beginning January 1, 2026, part 10 of article 12 of title 38;

13 **and**

14 (XXXI) Section 13-16-126; AND

15 (XXXII) PART 2 OF ARTICLE 14.4 OF TITLE 8.

16 **SECTION 5.** In Colorado Revised Statutes, 8-14.4-101, **amend**
17 the introductory portion as follows:

18 **8-14.4-101. Definitions.**

19 As used in this ~~article 14.4~~ PART 1, unless the context otherwise
20 requires:

21 **SECTION 6.** In Colorado Revised Statutes, 8-14.4-102, **amend**
22 (2)(b) and (4) as follows:

23 **8-14.4-102. Prohibition against discrimination based on claims**
24 **related to health and safety.**

25 (2) (b) A contract or agreement that violates subsection (2)(a) of
26 this section is void and unenforceable as contrary to the public policy of
27 this state. A principal's attempt to impose such a contract or agreement is

1 an adverse action in violation of this ~~article 14.4~~ PART 1.

2 (4) A principal shall not discriminate, take adverse action, or
3 retaliate against a worker based on the worker opposing any practice the
4 worker reasonably believes is unlawful under this ~~article 14.4~~ PART 1 or
5 for making a charge, testifying, assisting, or participating in any manner
6 in an investigation, proceeding, or hearing as to any matter the worker
7 reasonably believes to be unlawful under this ~~article 14.4~~ PART 1.

8 **SECTION 7.** In Colorado Revised Statutes, 8-14.4-103, **amend**
9 (1) as follows:

10 **8-14.4-103. Principal post notice of rights - rules.**

11 (1) A principal shall post notice of a worker's rights under this
12 ~~article 14.4~~ PART 1 in a conspicuous location on the principal's premises.

13 **SECTION 8.** In Colorado Revised Statutes, 8-14.4-104, **amend**
14 (1) introductory portion as follows:

15 **8-14.4-104. Relief for aggrieved person.**

16 (1) A person may seek relief for a violation of this ~~article 14.4~~
17 PART 1 by:

18 **SECTION 9.** In Colorado Revised Statutes, 8-14.4-105, **amend**
19 (1)(a), (1)(b)(I), and (2)(a) as follows:

20 **8-14.4-105. Enforcement by the division - rules.**

21 (1) (a) Within two years after an alleged violation of this ~~article~~
22 ~~14.4~~ PART 1, an aggrieved individual or whistleblower may file a
23 complaint against a principal with the division as specified in this
24 subsection (1).

25 (b) Until the date the division makes a complaint form publicly
26 available:

27 (I) An aggrieved individual or whistleblower may file a complaint

1 of a violation of this ~~article 14.4~~ PART 1 with the division in any form, by
2 mail or electronic mail;

3 (2) The division shall either:

4 (a) Investigate alleged principal violations of, or interference with
5 rights or responsibilities under, this ~~article 14.4~~ PART 1 and complaints
6 filed with the division by aggrieved individuals and whistleblowers; or

7 **SECTION 10.** In Colorado Revised Statutes, 8-14.4-106, **amend**
8 (1), (2) introductory portion, (3)(a), (3)(b), and (4) as follows:

9 **8-14.4-106. Relief authorized.**

10 (1) An aggrieved individual may, within ninety days after
11 exhausting administrative remedies pursuant to section 8-14.4-105,
12 commence an action in district court against a principal for a violation of
13 this ~~article 14.4~~ PART 1.

14 (2) A court may order affirmative relief that the court determines
15 to be appropriate, including the following relief, against a respondent who
16 is found to have engaged in a discriminatory, adverse, or retaliatory
17 employment practice prohibited by this ~~article 14.4~~ PART 1:

18 (3) (a) In addition to the relief available pursuant to subsection (2)
19 of this section, in a civil action brought by a plaintiff under this ~~article~~
20 ~~14.4~~ PART 1 against a defendant who is found to have engaged in an
21 intentional discriminatory, adverse, or retaliatory employment practice,
22 the plaintiff may recover compensatory and punitive damages as specified
23 in this subsection (3).

24 (b) A plaintiff may recover punitive damages against a defendant
25 if the plaintiff demonstrates by clear and convincing evidence that the
26 defendant engaged in a discriminatory, adverse, or retaliatory
27 employment practice with malice or reckless indifference to the rights of

1 the plaintiff. However, if the defendant demonstrates good faith efforts
2 to comply with this ~~article 14.4~~ PART 1 and to prevent discriminatory,
3 adverse, and retaliatory employment practices in the workplace, the court
4 shall not award punitive damages against the defendant.

5 (4) If a plaintiff in a civil action filed under this ~~article 14.4~~ PART
6 1 seeks compensatory or punitive damages pursuant to subsection (3) of
7 this section, any party to the civil action may demand a trial by jury.

8 **SECTION 11.** In Colorado Revised Statutes, 8-14.4-107, **amend**
9 (1), (2)(a), (2)(b), and (3)(a) as follows:

10 **8-14.4-107. Whistleblower enforcement - qui tam - definition.**

11 (1) As used in this section, "whistleblower" means a worker with
12 knowledge of an alleged violation of this ~~article 14.4~~ PART 1 or the
13 worker's representative.

14 (2) (a) A whistleblower who has exhausted the administrative
15 remedies pursuant to section 8-14.4-105 may bring a civil action against
16 a principal for a violation of this ~~article 14.4~~ PART 1 on behalf of the state
17 in district court pursuant to this section. The state may intervene in the
18 action to prosecute in its own name.

19 (b) At the time that the action is filed, the whistleblower shall give
20 written notice to the division of the specific provisions of this ~~article 14.4~~
21 PART 1 alleged to have been violated.

22 (3) The proceeds of any judgment entered pursuant to this section
23 shall be distributed as follows:

24 (a) Seventy-five percent to the division for enforcement of this
25 ~~article 14.4~~ PART 1; and

26 **SECTION 12.** In Colorado Revised Statutes, 24-31-108, **amend**
27 (4) and **add** (7) as follows:

1 **24-31-108. Receipt of money - subject to appropriation -**
2 **exception for custodial money - legal services cash fund - creation -**
3 **workplace health and safety fund - creation - definition.**

4 (4) There is hereby created in the state treasury the legal services
5 cash fund. ~~also referred to in this subsection (4) as the "fund"~~ The
6 department shall transmit all money received from state agencies as
7 payment for legal services to the state treasurer, who shall credit the same
8 to the LEGAL SERVICES CASH fund. The money in the LEGAL SERVICES
9 CASH fund and all interest earned on such money is subject to annual
10 appropriation by the general assembly to the department for the direct and
11 indirect costs associated with providing legal services to state
12 governmental entities and for any of the department's litigation expenses.
13 Any unexpended money in the LEGAL SERVICES CASH fund at the end of
14 the fiscal year remains in the LEGAL SERVICES CASH fund and shall not be
15 credited or transferred to any other fund.

16 (7) (a) THE STATE TREASURER SHALL CREDIT PENALTIES
17 COLLECTED FOR THE STATE PURSUANT TO PART 2 OF ARTICLE 14.4 OF
18 TITLE 8 TO THE WORKPLACE HEALTH AND SAFETY FUND, WHICH FUND IS
19 CREATED IN THE STATE TREASURY. THE MONEY IN THE WORKPLACE
20 HEALTH AND SAFETY FUND MAY BE USED BY THE ATTORNEY GENERAL TO
21 COVER DIRECT AND INDIRECT COSTS ASSOCIATED WITH:

22 (I) ENFORCEMENT ACTIVITIES AUTHORIZED IN PART 2 OF ARTICLE
23 14.4 OF TITLE 8;

24 (II) CREATING, DISTRIBUTING, SHARING, AND PUBLICIZING
25 MATERIALS DESIGNED TO EDUCATE WORKERS AND EMPLOYERS ABOUT
26 THEIR OBLIGATIONS UNDER THE FEDERAL "OCCUPATIONAL SAFETY AND
27 HEALTH ACT OF 1970", 29 U.S.C. SEC. 651 ET SEQ.; PART 2 OF ARTICLE

1 14.4 OF TITLE 8; AND RELATED REGULATIONS AND POLICIES; AND
2 (III) RULE-MAKING CONDUCTED PURSUANT TO PART 2 OF ARTICLE
3 14.4 OF TITLE 8.

4 (b) (I) MONEY IN THE WORKPLACE HEALTH AND SAFETY FUND IS
5 CONTINUOUSLY APPROPRIATED TO THE ATTORNEY GENERAL FOR USE IN
6 IMPLEMENTING THE PURPOSES SET FORTH IN SUBSECTION (7)(a) OF THIS
7 SECTION.

8 (II) THE STATE TREASURER MAY INVEST ANY MONEY IN THE
9 WORKPLACE HEALTH AND SAFETY FUND NOT EXPENDED PURSUANT TO
10 SUBSECTION (7)(a) OF THIS SECTION FOR THE PURPOSES OF PART 2 OF
11 ARTICLE 14.4 OF TITLE 8 AS PROVIDED BY LAW. THE STATE TREASURER
12 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
13 INVESTMENT AND DEPOSIT OF MONEY IN THE WORKPLACE HEALTH AND
14 SAFETY FUND TO THE WORKPLACE HEALTH AND SAFETY FUND. ANY
15 UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE
16 WORKPLACE HEALTH AND SAFETY FUND AT THE END OF A FISCAL YEAR
17 REMAINS IN THE WORKPLACE HEALTH AND SAFETY FUND AND SHALL NOT
18 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

19 (c) THE LIMITATIONS SPECIFIED IN SECTION 24-75-402 DO NOT
20 APPLY TO THE WORKPLACE HEALTH AND SAFETY FUND.

21 **SECTION 13. Applicability.** This act applies to conduct
22 occurring on or after the effective date of this act.

23 **SECTION 14. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.