

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 17-0373.01 Nicole Myers x4326

HOUSE BILL 17-1068

HOUSE SPONSORSHIP

Benavidez,

SENATE SPONSORSHIP

(None),

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE DEPARTMENT OF**
102 **TRANSPORTATION CONSIDER ONLY PROPOSALS FOR**
103 **PUBLIC-PRIVATE INITIATIVES THAT WILL PAY PREVAILING**
104 **WAGES FOR CONSTRUCTION LABOR.**

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>.)

The state department of transportation (department) is currently authorized to solicit proposals and consider unsolicited proposals for public-private initiatives for certain public projects. The bill specifies that

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 department may consider proposals, whether solicited or unsolicited, for a public-private initiative only if the proposal includes labor costs for construction that use no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area set by the United States department of labor as directed by the federal "Davis-Bacon Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-1202, **add** (1.5)
3 as follows:

4 **43-1-1202. Department powers.** (1.5) THE DEPARTMENT MAY
5 CONSIDER A PROPOSAL FOR A PUBLIC-PRIVATE INITIATIVE THAT
6 ANTICIPATES USING FEDERAL MONEYS, WHETHER SOLICITED OR
7 UNSOLICITED, THAT IS SUBMITTED PURSUANT TO THIS PART 12 ONLY IF THE
8 PROPOSAL INCLUDES LABOR COSTS FOR CONSTRUCTION THAT USE NO LESS
9 THAN THE LOCALLY PREVAILING WAGES AND FRINGE BENEFITS FOR
10 CORRESPONDING WORK ON SIMILAR PROJECTS IN THE AREA SET BY THE
11 UNITED STATES DEPARTMENT OF LABOR AS DIRECTED BY THE FEDERAL
12 "DAVIS-BACON ACT", 40 U.S.C. 3141 ET SEQ.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 43-4-809.5 as
14 follows:

15 **43-4-809.5. Labor costs for construction.** THE DEPARTMENT,
16 THE BRIDGE ENTERPRISE, OR THE TRANSPORTATION ENTERPRISE MAY
17 CONSIDER A PROPOSAL FOR A PUBLIC-PRIVATE INITIATIVE THAT
18 ANTICIPATES USING FEDERAL MONEYS, WHETHER SOLICITED OR
19 UNSOLICITED, THAT IS SUBMITTED PURSUANT TO THIS PART 8 ONLY IF THE
20 PROPOSAL INCLUDES LABOR COSTS FOR CONSTRUCTION THAT USE NO LESS
21 THAN THE LOCALLY PREVAILING WAGES AND FRINGE BENEFITS FOR
22 CORRESPONDING WORK ON SIMILAR PROJECTS IN THE AREA SET BY THE

1 UNITED STATES DEPARTMENT OF LABOR AS DIRECTED BY THE FEDERAL
2 "DAVIS-BACON ACT", 40 U.S.C. 3141 ET SEQ.

3 **SECTION 3. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
5 the expiration of the ninety-day period after final adjournment of the
6 general assembly (August 9, 2017, if adjournment sine die is on May 10,
7 2017); except that, if a referendum petition is filed pursuant to section 1
8 (3) of article V of the state constitution against this act or an item, section,
9 or part of this act within such period, then the act, item, section, or part
10 will not take effect unless approved by the people at the general election
11 to be held in November 2018 and, in such case, will take effect on the
12 date of the official declaration of the vote thereon by the governor.

13 (2) This act applies to unsolicited proposals received and
14 proposals solicited on or after the applicable effective date of this act.