



# Legislative Council Staff

## Research Note

Version: Final

Date: 2/21/2017

### Bill Number

House Bill 17-1068

### Sponsors

*Representative Benavidez*  
*Senator Moreno*

### Short Title

*Prevailing Wages For Colorado*  
*Department of Transportation*  
*Public-private Initiatives*

### Research Analyst

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### Status

The bill was postponed indefinitely by the Senate Transportation Committee on February 21, 2017.

### Background

The Colorado Department of Transportation (CDOT) is currently authorized to enter into public-private partnerships for transportation infrastructure projects.

**Infrastructure public-private partnerships.** A public-private partnership occurs when a government entity contracts with a private entity to design, finance, construct, operate, or maintain an infrastructure project, such as a road or municipal water system. Current Colorado law allows CDOT to solicit and enter into public-private partnerships. In 2009, the General Assembly adopted Senate Bill 09-108, known as the Funding Advancements for Surface Transportation and Economic Recovery Act (FASTER), which established the High-Performance Transportation Enterprise (HPTE) in CDOT. According to the bill, HPTE was created to seek out public-private partnerships for the purpose of completing surface transportation infrastructure projects. The U.S. Highway 36 Express Lanes project was the first HPTE venture to rely on a private consortium to finance, build, operate, and maintain a major roadway under a long-term contract.

**Federal Davis Bacon Act.** The federal Davis-Bacon and Related Acts law governs wage requirements for contractors and subcontractors performing federally funded or assisted contracts for construction, alteration, and repair in excess of \$2,000. The law requires that contractors and subcontractors pay locally prevailing wages and fringe benefits in qualifying occupations. The U.S.

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Department of Labor determines the locally prevailing wage. Thirty states, such as Wyoming and New Mexico, have state prevailing wage laws, usually with higher dollar threshold amounts. Additionally, some local governments, such as the City and County of Denver, have prevailing wage laws.

## House Action

***House Transportation & Energy Committee (February 1, 2017).*** At the hearing, representatives from the Colorado Workers for Innovative and New Solutions, the Service Employees International Union, the Colorado Carpenters Union, and the Colorado AFL-CIO testified in support of the bill. The committee adopted amendment L.003, and referred the bill, as amended, to the House Committee of the Whole.

Amendment L.003 clarifies that the bill covers public-private partnership proposals that anticipate using federal money, and that prevailing wage provisions in the bill apply to the statewide bridge enterprise and the HPTE.

***House second reading (February 6, 2017).*** The House adopted the House Transportation and Energy committee report. The House passed the bill on second reading with no amendments.

***House third reading (February 7, 2017).*** The House passed the bill on third reading with no amendments.

## Senate Action

***Senate Transportation Committee (February 21, 2017).*** At the hearing, a representative from the Colorado Workers for Innovative and New Solutions testified in support of the bill. A representative of CDOT answered committee questions. The committee postponed the bill indefinitely.