

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0207.02 Nicole Myers x4326

HOUSE BILL 19-1227

HOUSE SPONSORSHIP

Benavidez,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE DEPARTMENT OF PERSONNEL**
102 **CREATE A PREVAILING WAGE WORKING GROUP TO DETERMINE**
103 **THE APPROPRIATE MANNER IN WHICH TO IMPLEMENT A**
104 **PREVAILING WAGE REQUIREMENT FOR STATE CONTRACTS.**

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 bill requires the executive director of the department of personnel or his or her designee, in coordination with the executive director of the department of labor and employment or his or her

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

HOUSE
2nd Reading Unamended
April 9, 2019

designee, to convene a prevailing wage working group to meet during the interim following the first regular session of the seventy-second general assembly to determine the most efficient and appropriate manner in which to implement a prevailing wage requirement for state contracts. The bill specifies the aspects of a potential prevailing wage requirement that the working group is required to consider.

The prevailing wage working group is required to solicit input from subject matter experts during the course of its work and is required to submit to the general assembly its recommendations for the most efficient and appropriate manner in which to implement a prevailing wage requirement for state contracts.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 6 to article
3 101 of title 24 as follows:

4 **PART 6**

5 **PREVAILING WAGE WORKING GROUP**

6 **24-101-601. Prevailing wage working group - creation -**
7 **recommendations - repeal.** (1) THE EXECUTIVE DIRECTOR OR HIS OR HER
8 DESIGNEE, IN COORDINATION WITH THE EXECUTIVE DIRECTOR OF THE
9 DEPARTMENT OF LABOR AND EMPLOYMENT OR HIS OR HER DESIGNEE,
10 SHALL CONVENE A PREVAILING WAGE WORKING GROUP TO MEET DURING
11 THE INTERIM FOLLOWING THE FIRST REGULAR SESSION OF THE
12 SEVENTY-SECOND GENERAL ASSEMBLY TO DETERMINE THE MOST
13 EFFICIENT AND APPROPRIATE MANNER IN WHICH TO IMPLEMENT A
14 PREVAILING WAGE REQUIREMENT FOR STATE CONTRACTS. THE WORKING
15 GROUP SHALL CONSIDER:

16 (a) THE MANNER IN WHICH A SYSTEM COULD BE IMPLEMENTED TO
17 ALLOW CONTRACTORS AND SUBCONTRACTORS TO PROVIDE PAYROLL
18 RECORDS OR OTHER EVIDENCE THAT IT HAS PAID REQUIRED PREVAILING
19 WAGES TO ITS EMPLOYEES;

1 (b) THE MANNER IN WHICH A CONTRACTOR'S OR
2 SUBCONTRACTOR'S PAYROLL RECORDS OR OTHER EVIDENCE COULD BE
3 REVIEWED TO DETERMINE THAT THE CONTRACTOR OR SUBCONTRACTOR IS
4 IN COMPLIANCE WITH THE PREVAILING WAGE REQUIREMENT;

5 (c) THE MANNER IN WHICH THE STATE WOULD CONFIRM OR VERIFY
6 THAT THE WAGES PAID ARE IN ACCORDANCE WITH THE REQUIREMENTS OF
7 THE FEDERAL "DAVIS-BACON ACT", 40 U.S.C. 3141 ET SEQ.;

8 (d) APPROPRIATE ENFORCEMENT AND PENALTY STRUCTURES FOR
9 CONTRACTORS AND SUBCONTRACTORS WHO DO NOT COMPLY WITH THE
10 PREVAILING WAGE REQUIREMENT;

11 (e) THE MOST APPROPRIATE STATE AGENCIES OR DEPARTMENTS TO
12 BE RESPONSIBLE FOR ADMINISTERING AND OVERSEEING THE PREVAILING
13 WAGE REQUIREMENT; AND

14 (f) ANY OTHER CONSIDERATIONS DEEMED NECESSARY BY THE
15 WORKING GROUP IN CONNECTION WITH A POTENTIAL PREVAILING WAGE
16 REQUIREMENT FOR STATE CONTRACTS.

17 (2) THE PREVAILING WAGE WORKING GROUP SHALL SOLICIT INPUT
18 FROM SUBJECT MATTER EXPERTS, INCLUDING, BUT NOT NECESSARILY
19 LIMITED TO, VENDORS, LABOR ORGANIZATIONS, LEGAL PROFESSIONALS,
20 STATE EMPLOYEES WITH EXPERTISE IN STATE PROCUREMENT, AND STATE
21 EMPLOYEES WITH EXPERTISE IN PREVAILING WAGES SET BY THE UNITED
22 STATES DEPARTMENT OF LABOR AS DIRECTED BY THE FEDERAL
23 "DAVIS-BACON ACT", 40 U.S.C. 3141 ET SEQ.

24 (3) THE PREVAILING WAGE WORKING GROUP SHALL DO ITS WORK
25 WITHIN EXISTING RESOURCES OF THE DEPARTMENT.

26 (4) THE PREVAILING WAGE WORKING GROUP SHALL SUBMIT TO THE
27 GENERAL ASSEMBLY ITS RECOMMENDATIONS FOR THE MOST EFFICIENT

1 AND APPROPRIATE MANNER IN WHICH TO IMPLEMENT A PREVAILING WAGE
2 REQUIREMENT FOR STATE CONTRACTS ON OR BEFORE DECEMBER 31, 2019.

3 (5) THIS PART 6 IS REPEALED, EFFECTIVE JULY 1, 2020.

4 **SECTION 2. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.