

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

**PREAMENDED**

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

LLS NO. 23-0302.01 Nicole Myers x4326

**SENATE BILL 23-292**

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**SENATE SPONSORSHIP**

**Hansen and Fenberg,** Coleman, Danielson, Exum, Hinrichsen, Marchman, Mullica,  
Roberts, Rodriguez

**HOUSE SPONSORSHIP**

**Duran and Bird,**

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**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101    **CONCERNING LABOR REQUIREMENTS FOR ENERGY SECTOR**  
102            **CONSTRUCTION, AND, IN CONNECTION THEREWITH, MAKING AN**  
103            **APPROPRIATION.**

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**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>.)*

**Current labor requirements for public projects.** In 2019, the general assembly adopted an apprenticeship utilization law (apprenticeship utilization law) that requires the general contractor for a public project that does not receive federal money, and that is in the amount of one million dollars or more, to submit, at the time a

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.*

mechanical, electrical, or plumbing subcontractor is put under contract, documentation to the contracting agency that identifies the contractors or subcontractors that will be used for specified aspects of the public project and certifies that all firms identified participate in specified apprenticeship programs.

At the same time, the general assembly also adopted a prevailing wage law (prevailing wage law) that requires any contractor who is awarded a contract for a public project by an agency of government for \$500,000 or more and that does not include federal money, and any subcontractors working on the public project, to pay their employees a prevailing wage at weekly intervals. The contractors and subcontractors are required to comply with prevailing wage enforcement provisions and requirements.

**Energy sector public works projects.** The bill creates a new category of public works projects defined as "energy sector public works projects", and requires these projects to comply with the requirements of the apprenticeship utilization law and the prevailing wage law for energy sector public works projects. An "energy sector public works project" is any project that:

- Has the purpose of generating, transmitting, or distributing electricity or natural gas for the purpose of providing energy to Colorado individual consumers and businesses;
- or
- Has the purpose of generating or distributing electricity or natural gas for the purpose of providing energy to Colorado individual consumers and businesses from utility customer funding as approved by a cooperative electric association.

With certain exceptions, the bill requires that a contract for an energy sector public works project include provisions that expressly require that all work performed under the contract comply with the state mechanical, electrical, and plumbing apprenticeship utilization law and the state prevailing wage law if the project is an electric power generation project with a nameplate generation capacity of one megawatt or higher or if the project is a project other than an electric power generation project with a total cost of one million dollars or more. All contracts with subcontractors on the project are also required to include such provisions. If the contract for an energy sector public works project does not include such provisions, the project will not be eligible to receive state funding or to receive required authorizations or approvals from the public utilities commission (PUC).

The lead contractor for an energy sector public works project is required to:

- Prepare certified payroll records for workers directly employed by the contractor and any subcontractors on the project and submit the records to the public utility or other

owner of the energy sector public works project weekly;  
and

- Prepare a quarterly craft labor certification that attests that the lead contractor and all subcontractors are compliant with the apprenticeship utilization law and the prevailing wage law.

The public utility, cooperative electric association, independent power producer, or other owner of an energy sector public works project is required to maintain the records for all craft labor certifications and is required to either provide copies quarterly to the department of labor and employment or require the lead contractor to provide such copies.

The state auditor's office, in conjunction with the PUC and the department of labor and employment, is required to conduct periodic random audits of the labor certifications for energy sector public works projects.

Violations of the requirements for energy sector public works project contracts are subject to the penalties described in the apprenticeship utilization law and the prevailing wage law.

For projects funded in whole or in part by the state, the requirements to comply with the apprenticeship utilization law and the prevailing wage law apply only when the total project cost is one million dollars or more and the aggregated public assistance from the state is \$500,000 or more or when the project is a power generation project with a nameplate generation capacity of one megawatt or higher, and the aggregated public assistance from the state is \$500,000 or more.

The requirements to comply with the apprenticeship utilization law and the prevailing wage law do not apply to a project that is covered by a project labor agreement, work on an energy sector public works project performed by employees of a utility company, a utility-incentivized demand-side management or electrification program, a utility or state-funded building efficiency program, service agreements that were entered into on or before a certain date, projects that involve an electric distribution line with a specified capacity, work on an energy sector public works project put out to bid on or after January 1, 2024, that is qualified for and claims the increased federal production tax credit or investment tax credit amount, excluding any domestic content, energy community, or low-income community bonus credit, and projects that involve pipelines with a specified minimum yield strength.

**Project labor agreements.** In lieu of compliance with the apprenticeship utilization law and the prevailing wage law, a public utility, cooperative electric association, or independent power producer may incorporate a project labor agreement requirement for an energy sector public works project. A project labor agreement is a prehire collective bargaining agreement that establishes the terms and conditions of employment of the construction workforce on an energy sector public

works project. A project labor agreement is required to:

- Include provisions for resolving labor disputes and grievances;
- Guarantee against strikes and lockouts;
- Ensure a reliable source of trained and skilled labor;
- Further public policy objectives regarding improved employment opportunities for minorities, women, and other economically disadvantaged populations in the construction industry;
- Permit the selection of the lowest qualified responsible bidder or lowest qualified responsible offeror without regard to union or non-union status at other construction sites; and
- Bind all contractors and subcontractors on the energy sector public works project to the project labor agreement through the inclusion of appropriate bid specifications in all relevant bid documents.

The PUC is prohibited from denying approval of an energy sector public works project solely because it uses a project labor agreement.

The bill specifies which provisions of the apprenticeship utilization law for public projects apply to energy sector public works projects.

Regarding "best value" employment metrics that the PUC is required to consider when it evaluates electric resource acquisitions and requests for certificates of public convenience and necessity for construction or expansion of generating facilities, the bill:

- Requires the PUC to promulgate rules requiring utilities, when submitting annual progress reports for an electric resource acquisition, to collect and provide to the PUC information concerning the implementation of "best value" employment metrics;
- Requires the PUC to report annually to committees of reference of the general assembly concerning the information that is reported; and
- Repeals obsolete language requiring the state auditor to conduct a performance audit.

The bill adds enforcement mechanisms for the existing mechanical, electrical, and plumbing apprenticeship utilization requirements for gas demand-side management projects and beneficial electrification projects.

In addition, the bill requires that projects undertaken pursuant to specified existing state laws comply with the state mechanical, electrical, and plumbing apprenticeship utilization law and the state prevailing wage law.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article  
3 92 of title 24 as follows:

4 **PART 3**  
5 **ENERGY SECTOR PUBLIC WORKS PROJECTS**  
6 **CRAFT LABOR REQUIREMENTS**

7 **24-92-301. Short title.** THE SHORT TITLE OF THIS PART 3 IS THE  
8 "COLORADO ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR  
9 REQUIREMENTS ACT".

10 **24-92-302. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
11 HEREBY FINDS AND DECLARES THAT:

12 (a) THE ENERGY INDUSTRY IN COLORADO IS UNDERGOING A  
13 HISTORIC TRANSFORMATION TO ADDRESS THREATS POSED BY CLIMATE  
14 CHANGE, WHICH INCLUDES EFFORTS TO DIVERSIFY CAPACITY, PROMOTE  
15 THE DEVELOPMENT OF RENEWABLE AND OTHER CLEAN, NON-CARBON  
16 GENERATION SOURCES, AND ELECTRIFY MAJOR SEGMENTS OF THE STATE'S  
17 ECONOMY;

18 (b) THESE DEVELOPMENTS WILL REQUIRE MASSIVE INVESTMENTS  
19 OF RESOURCES FROM THE STATE AND PUBLIC UTILITY COMPANIES, WHICH  
20 WILL ULTIMATELY BE PAID BY RESIDENTS THROUGH FUTURE TAXES AND  
21 UTILITY BILLS;

22 (c) THE SAFE AND COST-EFFECTIVE DELIVERY OF THESE PROJECTS  
23 IS VITAL TO THE PUBLIC HEALTH AND WELFARE OF RESIDENTS AND THE  
24 ECONOMIC SECURITY OF THE STATE, AND CRITICAL TO ENSURE THAT  
25 ADEQUATE POWER IS PROVIDED TO COLORADO HOMES AND BUSINESSES;

26 (d) DEFICIENT PLANNING OF THESE RESOURCES CAN RESULT IN

1 ESCALATING UTILITY BILLS AND DANGEROUS POWER OUTAGES IF POWER  
2 SUPPLY IS NOT MAINTAINED IN SUFFICIENT CAPACITY TO MEET FUTURE,  
3 GROWING DEMAND. FOR THESE REASONS, APPROPRIATE MEASURES MUST  
4 BE TAKEN TO PROTECT FUTURE ENERGY INVESTMENTS, PROMOTE  
5 SUCCESSFUL CONSTRUCTION DELIVERY, AND PREVENT ERRORS IN THE  
6 PLANNING AND DELIVERY OF NEW FACILITIES.

7 (e) ONE OF THE MOST CHALLENGING ASPECTS OF ENERGY FACILITY  
8 CONSTRUCTION IS ENSURING THAT PROJECTS ARE SUPPORTED BY CAPABLE  
9 CRAFT LABOR RESOURCES. IT IS ESSENTIAL FOR THESE PROJECTS TO BE  
10 STAFFED BY A RELIABLE AND ADEQUATE SUPPLY OF PROPERLY TRAINED  
11 WORKERS IN ALL APPLICABLE TRADES AND CRAFTS REQUIRED FOR THESE  
12 FACILITIES.

13 (f) ENERGY SECTOR PUBLIC WORKS PROJECTS BUILT BY OR FOR THE  
14 USE OF REGULATED UTILITIES, LIKE TRADITIONAL PUBLIC PROJECTS, ARE  
15 OFTEN BUILT FOR THE COLLECTIVE BENEFIT OF ALL CITIZENS AND  
16 RESIDENTS OF COLORADO. THESE PROJECTS ARE OFTEN FUNDED THROUGH  
17 PUBLIC TAX DOLLARS OR THROUGH THE COLLECTIVE RESOURCES  
18 ACQUIRED THROUGH COLORADO UTILITIES BILLING CUSTOMERS. LIKE TAX  
19 DOLLARS, THESE RESOURCES ACQUIRED THROUGH UTILITY RATES SHOULD  
20 DEMAND A HIGHER STANDARD OF PUBLIC BENEFIT BACK TO THE  
21 CONSUMERS AND COMMUNITIES FROM WHICH THE RESOURCES WERE  
22 COLLECTED.

23 (g) EXTENSIVE RESEARCH SHOWS THAT PREVAILING WAGE LAWS  
24 ARE EFFECTIVE IN ATTRACTING BETTER QUALIFIED WORKERS TO PROJECTS  
25 AND PROMOTING CRITICALLY NEEDED INVESTMENTS IN APPRENTICESHIP  
26 TRAINING REQUIRED TO ENSURE ADEQUATE CRAFT LABOR SKILL LEVELS  
27 AND PRODUCTIVITY. LIKewise, THE USE OF REGISTERED APPRENTICESHIP

1 TRAINING PROGRAMS AND PROJECT LABOR AGREEMENTS HAS BEEN  
2 PROVEN TO BE THE MOST EFFECTIVE STRATEGY FOR PROVIDING  
3 HIGH-LEVEL SKILLS TRAINING AND ENSURING NEEDED QUALIFICATION  
4 CREDENTIALING FOR WORKERS IN THE CONSTRUCTION INDUSTRY.

5 (h) BY PROVIDING PROJECT OWNERS, DEVELOPERS, AND  
6 CONTRACTORS UNIQUE AND UNPARALLELED ACCESS TO AN ADEQUATE  
7 SUPPLY OF WELL-TRAINED, HIGHLY SKILLED CRAFT LABOR IN AFFECTED  
8 PROJECT AREAS, CRAFT LABOR STANDARDS PROMOTE SUCCESSFUL  
9 PROJECT DELIVERY GOALS, INCLUDING QUALITY, SAFETY, TIMELINESS, AND  
10 COST-EFFICIENCY, BY PROVIDING EFFECTIVE QUALITY CONTROL OVER  
11 CRAFT LABOR SUPPLY CAPABILITIES, AS WELL AS RISK AVOIDANCE TO  
12 PREVENT DISRUPTIONS AND OTHER LABOR PERFORMANCE PROBLEMS  
13 CAUSED BY INADEQUATE CRAFT LABOR CAPABILITIES;

14 (i) FOR THESE REASONS, INCORPORATING PREVAILING WAGE  
15 STANDARDS AND APPRENTICESHIP REQUIREMENTS AND ENCOURAGING  
16 PROJECT LABOR AGREEMENTS FOR PUBLIC UTILITIES AND OTHER ENERGY  
17 FACILITY PLANNING AND CONSTRUCTION IS NECESSARY TO PROTECT AND  
18 PROMOTE THE PUBLIC'S INTEREST IN THESE PROJECTS;

19 (j) BY INCORPORATING WELL ESTABLISHED QUALITY CONTRACTING  
20 PROCUREMENT TOOLS, SUCH AS PREVAILING WAGES, APPRENTICESHIP  
21 UTILIZATION REQUIREMENTS, AND PROJECT LABOR AGREEMENTS INTO OUR  
22 ENERGY RESOURCE PLANNING, THE STATE OF COLORADO WILL HAVE THE  
23 CAPABILITIES TO BETTER PROTECT ITS ENERGY INVESTMENTS, IMPROVE  
24 CONSTRUCTION PROJECT DELIVERY IN THE ENERGY SECTOR, FULLY  
25 DOCUMENT AND EVALUATE THE DIRECTIVES SET FORTH IN SECTION  
26 40-2-129, AND CREATE A CLEAR SET OF STANDARDS FOR ENFORCEMENT TO  
27 ACHIEVE THE LAW'S INTENT FOR THE BENEFIT OF COLORADO WORKERS

1 AND THE COMMUNITIES WHERE THEY LIVE;

2 (k) USE OF THESE QUALITY CONTRACTING TOOLS IS ALREADY  
3 INCORPORATED INTO COLORADO'S TRADITIONAL PUBLIC PROCUREMENT  
4 LAW AS PREVAILING WAGE AND APPRENTICESHIP POLICIES ADOPTED IN  
5 SECTIONS 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92. IN ADDITION,  
6 PROJECT LABOR AGREEMENTS HAVE BEEN SUCCESSFULLY USED IN  
7 COLORADO IN THE PAST FOR PROJECTS IN THE ENERGY SECTOR AND THE  
8 BROADER PRIVATE SECTOR CONSTRUCTION INDUSTRY. THESE  
9 AGREEMENTS HAVE ALSO BEEN UPHELD BY THE COURTS, FOR EXAMPLE, IN  
10 *BLDG. & CONSTR. TRADES COUNCIL V. ASSOCIATED BUILDERS &*  
11 *CONTRACTORS OF MASS./R.I., INC.*, 507 U.S. 230, 231 (1993), DUE TO THEIR  
12 ABILITY TO HELP SECURE RELIABLE CRAFT LABOR STAFFING AND PROMOTE  
13 TIMELY PROJECT DELIVERY.

14 (l) DUE TO THEIR BENEFITS IN PROMOTING SUCCESSFUL PROJECT  
15 DELIVERY IN PROJECTS ASSISTED BY FEDERAL GRANTS AND TAX CREDITS,  
16 THE FEDERAL GOVERNMENT IS STRONGLY ENCOURAGING THE USE OF  
17 THESE QUALITY CONTRACTING TOOLS GENERALLY, AND ESPECIALLY IN  
18 THE ENERGY SECTOR, WHERE MAJOR FEDERAL ASSISTANCE PROGRAMS  
19 UNDER THE RECENT FEDERAL "INFLATION REDUCTION ACT OF 2022", PUB.  
20 L. 117-169, ARE PROVIDING APPROXIMATELY THREE HUNDRED SEVENTY  
21 BILLION DOLLARS IN FUNDING TO PROMOTE CLEAN ENERGY SOURCES  
22 ACROSS THE COUNTRY.

23 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT  
24 BECAUSE COST-EFFECTIVE, SAFE, AND EFFICIENT GENERATION,  
25 TRANSMISSION, AND DISTRIBUTION SYSTEMS IN THE ENERGY SECTOR ARE  
26 VITAL TO THE STATE'S ECONOMY AND THE PUBLIC WELFARE AND SAFETY,  
27 QUALITY CONTROL AND RISK AVOIDANCE MEASURES ARE NECESSARY TO



1 ENSURE THAT THE CONSTRUCTION OF PROJECTS NECESSARY FOR THESE  
2 SYSTEMS ARE ADEQUATELY STAFFED BY PROPERLY TRAINED AND  
3 QUALIFIED CRAFT LABOR PERSONNEL.

4 **24-92-303. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "CONSTRUCTION" MEANS THE CONSTRUCTION, ALTERATION, OR  
7 REPAIR OF AN ENERGY SECTOR PUBLIC WORKS PROJECT, CONSISTENT WITH  
8 AND INCLUDING THE SAME LIMITATIONS AS THE DEFINITION OF  
9 CONSTRUCTION AS ESTABLISHED IN SECTION 45(b)(7)(a) OF THE FEDERAL  
10 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND AS DESCRIBED  
11 IN ALL RELATED OFFICIAL GUIDANCE FROM THE FEDERAL INTERNAL  
12 REVENUE SERVICE AND THE UNITED STATES DEPARTMENT OF LABOR  
13 IMPLEMENTING THE APPLICABLE SECTIONS OF THE FEDERAL "INFLATION  
14 REDUCTION ACT".

15 (2) "COOPERATIVE ELECTRIC ASSOCIATION" HAS THE SAME  
16 MEANING AS SET FORTH IN SECTION 40-9.5-102 (1).

17 (3) "CRAFT LABOR" MEANS EMPLOYEES WHO ARE ENGAGED IN THE  
18 CONSTRUCTION OF AN ENERGY SECTOR PUBLIC WORKS PROJECT,  
19 INCLUDING ALL TRADES, CRAFTS, AND OCCUPATIONS, AND WHO ARE PAID  
20 HOURLY.

21 (4) "CRAFT LABOR CERTIFICATION" MEANS ALL DOCUMENTATION  
22 AND CERTIFICATION OF PAYROLL REQUIRED FOR AN ENERGY SECTOR  
23 PUBLIC WORKS PROJECT IN ACCORDANCE WITH THE REQUIREMENTS OF  
24 SECTION 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92.

25 (5) (a) "ENERGY SECTOR PUBLIC WORKS PROJECT" MEANS ANY  
26 PROJECT IN THE STATE THAT:

27 (I) HAS THE PURPOSE OF GENERATING, TRANSMITTING, OR

1       DISTRIBUTING ELECTRICITY OR NATURAL GAS TO PROVIDE ENERGY TO  
2       COLORADO INDIVIDUAL CONSUMERS AND BUSINESSES, IS BUILT BY OR FOR  
3       A PUBLIC UTILITY, INCLUDING ANY PROJECT FOR WHICH ENERGY IS  
4       PURCHASED THROUGH A POWER PURCHASER OR SIMILAR AGREEMENT, AND  
5       IS FUNDED IN WHOLE OR IN PART BY:

6           (A)   THE STATE, THROUGH DIRECT FUNDING, LOANS, LOAN  
7       GUARANTEES,        LAND TRANSFERS, TAX ASSISTANCE, INCLUDING TAX  
8       CREDITS, DEDUCTIONS, OR INCENTIVES, OR OTHER ASSISTANCE ALLOCATED  
9       OR APPROPRIATED BY THE STATE; OR

10          (B)   UTILITY CUSTOMER FUNDING AS APPROVED IN ANY  
11       PROCEEDING CONDUCTED BY THE PUBLIC UTILITIES COMMISSION AS PART  
12       OF AN ELECTRIC RESOURCE ACQUISITION OR REQUESTS FOR CERTIFICATES  
13       OF CONVENIENCE AND NECESSITY FOR CONSTRUCTION OR EXPANSION OF  
14       A PROJECT, INCLUDING BUT NOT LIMITED TO POLLUTION CONTROL OR FUEL  
15       CONVERSION UPGRADES AND CONVERSION OF EXISTING COAL-FIRED  
16       PLANTS TO NATURAL GAS PLANTS; OR

17          (II)   HAS THE PURPOSE OF GENERATING OR DISTRIBUTING  
18       ELECTRICITY OR NATURAL GAS FOR THE PURPOSES OF PROVIDING ENERGY  
19       TO COLORADO INDIVIDUAL CONSUMERS AND BUSINESSES FROM UTILITY  
20       CUSTOMER FUNDING AS APPROVED BY A COOPERATIVE ELECTRIC  
21       ASSOCIATION.

22          (b)   "ENERGY SECTOR PUBLIC WORKS PROJECT" INCLUDES THE  
23       FOLLOWING PROJECT TYPES, SO LONG AS THEY SATISFY THE CRITERIA IN  
24       SUBSECTION (5)(a)(I) OR (5)(a)(II) OF THIS SECTION:

25           (I)   POWER GENERATION WITH A NAMEPLATE GENERATION  
26       CAPACITY OF ONE MEGAWATT OR HIGHER, INCLUDING GENERATION  
27       SOURCED FROM WIND, SOLAR, GEOTHERMAL, HYDROGEN, NUCLEAR, OR

1 BIOENERGY, OR ANY PROJECT THAT GENERATES ELECTRICITY FROM THE  
2 COMBUSTION OF OIL, GAS, OR OTHER FOSSIL FUELS; AND

3 (II) OTHER PROJECTS WITH A TOTAL PROJECT COST OF ONE MILLION  
4 DOLLARS OR MORE THAT INCLUDE:

5 (A) POLLUTION CONTROLS;

6 (B) UTILITY GAS DISTRIBUTION;

7 (C) ELECTRIC TRANSMISSION PROJECTS;

8 (D) GEOTHERMAL SYSTEMS THAT ARE USED TO PROVIDE HEAT OR  
9 HEATED WATER OR THAT OPERATE AS THERMAL SYSTEMS OR THERMAL  
10 NETWORKS AS DEFINED IN LAW;

11 (E) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE         
12 INSTALLATIONS;

13 (F) HYDROGEN-RELATED INFRASTRUCTURE CONSTRUCTION  
14 PROJECTS;

15 (G) ANY PROJECT THAT TRANSPORTS OR STORES CARBON DIOXIDE  
16 CAPTURED FROM POWER GENERATION; AND

17 (H) ANY OTHER CONSTRUCTION PROJECTS COVERED BY THIS PART  
18 3.

19 (6) "FEDERAL PREVAILING WAGE AND APPRENTICESHIP  
20 REQUIREMENTS" MEANS THE REQUIREMENTS UNDER:

21 (a) SECTIONS 45(b)(7) AND (8) OF TITLE 26 OF THE UNITED STATES  
22 CODE, WHETHER APPLICABLE DIRECTLY OR UNDER A PROVISION OF THE  
23 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, THAT  
24 APPLIES SUCH SECTIONS OF THE UNITED STATES CODE; OR

25 (b) SECTIONS 48(a)(10) AND (11) OF TITLE 26 OF THE UNITED  
26 STATES CODE, WHETHER APPLICABLE DIRECTLY OR UNDER A PROVISION  
27 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED THAT

1 APPLIES SUCH SECTIONS OF THE UNITED STATES CODE.

2 (7) "FEDERAL "INFLATION REDUCTION ACT"" MEANS THE FEDERAL  
3 "INFLATION REDUCTION ACT OF 2022", UNITED STATES CODE, TITLE 26,  
4 INCLUDING BUT NOT LIMITED TO SECTIONS 30C, 45, 45B, 45L, 45Q, 45U,  
5 45V, 45X, 45Y, 45Z, 48, 48C, 48E, AND 179D, AND ASSOCIATED  
6 IMPLEMENTING RULES AND GUIDANCE PROMULGATED BY THE UNITED  
7 STATES DEPARTMENT OF THE TREASURY AND THE UNITED STATES  
8 INTERNAL REVENUE SERVICE, AS THE STATUTE AND IMPLEMENTING RULES  
9 AND GUIDANCE MAY BE AMENDED FROM TIME TO TIME.

10 (8) "LEAD CONTRACTOR" MEANS A GENERAL CONTRACTOR,  
11 CONSTRUCTION MANAGER, DEVELOPER, DESIGN BUILDER, OR OTHER PARTY  
12 THAT IS PRIMARILY RESPONSIBLE TO A PUBLIC UTILITY OR INDEPENDENT  
13 POWER PRODUCER FOR PERFORMING CONSTRUCTION UNDER A CONTRACT  
14 FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT.

15 (9) "PROJECT LABOR AGREEMENT" MEANS A PREHIRE COLLECTIVE  
16 BARGAINING AGREEMENT BETWEEN A LEAD CONTRACTOR AND  
17 CONSTRUCTION LABOR ORGANIZATIONS, INCLUDING BUT NOT LIMITED TO  
18 THE COLORADO BUILDING AND CONSTRUCTION TRADES COUNCIL AND ITS  
19 AFFILIATES OR A GROUP OF LABOR UNIONS COVERING THE AFFECTED  
20 TRADES NECESSARY TO PERFORM WORK ON A PROJECT, THAT ESTABLISHES  
21 THE TERMS AND CONDITIONS OF EMPLOYMENT OF THE CONSTRUCTION  
22 WORKFORCE ON AN ENERGY SECTOR PUBLIC WORKS PROJECT. A PROJECT  
23 LABOR AGREEMENT MUST INCLUDE PROVISIONS THAT:

24 (a) SET FORTH EFFECTIVE, IMMEDIATE, AND MUTUALLY BINDING  
25 PROCEDURES FOR RESOLVING JURISDICTIONAL LABOR DISPUTES AND  
26 GRIEVANCES ARISING BEFORE THE COMPLETION OF WORK;

27 (b) CONTAIN GUARANTEES AGAINST STRIKES, LOCKOUTS, OR

1 SIMILAR ACTIONS;

2 (c) ENSURE A RELIABLE SOURCE OF TRAINED, SKILLED, AND  
3 EXPERIENCED CONSTRUCTION CRAFT LABOR;

4 (d) FURTHER PUBLIC POLICY OBJECTIVES REGARDING IMPROVED  
5 EMPLOYMENT OPPORTUNITIES FOR MINORITIES, WOMEN, OR OTHER  
6 ECONOMICALLY DISADVANTAGED POPULATIONS IN THE CONSTRUCTION  
7 INDUSTRY, INCLUDING PERSONS FROM DISPROPORTIONATELY IMPACTED  
8 COMMUNITIES, TO THE EXTENT PERMITTED BY STATE AND FEDERAL LAW;

9 (e) PERMIT THE SELECTION OF THE LOWEST QUALIFIED  
10 RESPONSIBLE BIDDER OR LOWEST QUALIFIED RESPONSIBLE OFFEROR  
11 WITHOUT REGARD TO UNION OR NON-UNION STATUS AT OTHER  
12 CONSTRUCTION SITES;

13 (f) BIND ALL CONTRACTORS AND SUBCONTRACTORS ON THE  
14 ENERGY SECTOR PUBLIC WORKS PROJECT TO THE PROJECT LABOR  
15 AGREEMENT THROUGH THE INCLUSION OF APPROPRIATE BID  
16 SPECIFICATIONS IN ALL RELEVANT CONTRACT DOCUMENTS; AND

17 (g) INCLUDE OTHER TERMS AS THE PARTIES DEEM APPROPRIATE.

18 (10) "PUBLIC UTILITY" HAS THE SAME MEANING AS SET FORTH IN  
19 SECTION 40-1-103.

20 **24-92-304. Energy sector public works projects - craft labor**  
21 **employment - training - wage requirements.** (1) (a) EXCEPT AS  
22 OTHERWISE PROVIDED IN SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION,  
23 A CONTRACT BETWEEN PUBLIC UTILITIES, COOPERATIVE ELECTRIC  
24 ASSOCIATIONS, OR INDEPENDENT POWER PRODUCERS AND LEAD  
25 CONTRACTORS FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT MUST  
26 INCLUDE PROVISIONS EXPRESSLY REQUIRING THAT ALL WORK PERFORMED  
27 UNDER THE CONTRACT COMPLY WITH THE REQUIREMENTS OF SECTION

1 24-92-115 (7) AND THE REQUIREMENTS OF PART 2 OF THIS ARTICLE 92 IF  
2 THE PROJECT IS AN ELECTRIC POWER GENERATION PROJECT WITH A  
3 NAMEPLATE GENERATION CAPACITY OF ONE MEGAWATT OF HIGHER OR IF  
4 THE PROJECT IS A PROJECT SPECIFIED IN SUBSECTION 24-92-303 (5)(b)(II)  
5 WITH A TOTAL PROJECT COST OF ONE MILLION DOLLARS OR MORE. THESE  
6 REQUIREMENTS CONSTITUTE MATERIAL TERMS OF SUCH CONTRACTS.

7 (b) FOR PROJECTS FUNDED PURSUANT TO SECTION 24-92-303  
8 (5)(a)(I)(A), THE REQUIREMENTS OF THIS PART 3 APPLY ONLY WHEN:

9 (I) THE TOTAL PROJECT COST IS ONE MILLION DOLLARS OR MORE  
10 AND THE AGGREGATED PUBLIC ASSISTANCE FROM THE STATE IS FIVE  
11 HUNDRED THOUSAND DOLLARS OR MORE; OR

12 (II) THE PROJECT IS A POWER GENERATION PROJECT WITH A  
13 NAMEPLATE GENERATION CAPACITY OF ONE MEGAWATT OR HIGHER, AND  
14 THE AGGREGATED PUBLIC ASSISTANCE FROM THE STATE IS FIVE HUNDRED  
15 THOUSAND DOLLARS OR MORE.

16 (c) THE REQUIREMENTS OF THIS PART 3 DO NOT APPLY TO:

17 (I) A PROJECT THAT IS COVERED BY A PROJECT LABOR AGREEMENT;

18 (II) WORK ON AN ENERGY SECTOR PUBLIC WORKS PROJECT  
19 PERFORMED BY THE EMPLOYEES OF A UTILITY COMPANY;

20 (III) SO LONG AS COMPLIANCE WITH ANY APPLICABLE FEDERAL  
21 "INFLATION REDUCTION ACT" QUALIFICATION REQUIREMENTS IS A  
22 MATERIAL TERM OF THE AGREEMENT WITH A PUBLIC UTILITY,  
23 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT POWER PRODUCER,  
24 OR THE STATE, WORK ON AN ENERGY SECTOR PUBLIC WORKS PROJECT PUT  
25 OUT TO BID ON OR AFTER JANUARY 1, 2024, THAT IS QUALIFIED FOR AND  
26 CLAIMS THE INCREASED FEDERAL PRODUCTION TAX CREDIT OR  
27 INVESTMENT TAX CREDIT AMOUNT, EXCLUDING ANY DOMESTIC CONTENT,

1 ENERGY COMMUNITY, OR LOW-INCOME COMMUNITY BONUS CREDIT, AS A  
2 RESULT OF:

3 (A) SATISFYING THE PREVAILING WAGE AND APPRENTICESHIP  
4 REQUIREMENTS UNDER THE PROVISIONS OF THE FEDERAL "INFLATION  
5 REDUCTION ACT"; OR

6 (B) ACHIEVING THE START OF CONSTRUCTION PRIOR TO JANUARY  
7 29, 2023, PURSUANT TO THE PRINCIPLES OUTLINED IN THE FEDERAL  
8 INTERNAL REVENUE SERVICE GUIDANCE AND THE UNITED STATES  
9 DEPARTMENT OF LABOR GUIDANCE RELATED TO THE FEDERAL "INFLATION  
10 REDUCTION ACT" AS AMENDED OR SUPPLEMENTED FROM TIME TO TIME;

11 (IV) A UTILITY-INCENTIVIZED DEMAND-SIDE MANAGEMENT OR  
12 ELECTRIFICATION PROGRAM PURSUANT TO SECTION 40-3.2-105.5 OR  
13 40-3.2-105.6;

14 (V) UTILITY OR STATE-FUNDED BUILDING ENERGY EFFICIENCY  
15 PROGRAMS;

16 (VI) SERVICE AGREEMENTS THAT WERE ENTERED INTO BY A  
17 PUBLIC UTILITY, INDEPENDENT POWER PRODUCER, OR COOPERATIVE  
18 ELECTRIC ASSOCIATION ON OR BEFORE MARCH 1, 2023; EXCEPT THAT  
19 UPON RENEWAL OR ISSUANCE OF A NEW REQUEST FOR PROPOSALS, THE  
20 SERVICE AGREEMENT MUST COME INTO COMPLIANCE WITH THE  
21 REQUIREMENTS OF THIS SECTION;

22 (VII) PROJECTS THAT INVOLVE AN ELECTRIC DISTRIBUTION LINE  
23 WITH A CAPACITY OF 69KV OR LESS; AND

24 (VIII) PROJECTS THAT INVOLVE PIPELINES WITH A SPECIFIED  
25 MINIMUM YIELD STRENGTH LESS THAN THIRTY PERCENT.

26 (2) UNLESS THE CONTRACTUAL REQUIREMENTS SPECIFIED IN  
27 SUBSECTION (1) OF THIS SECTION ARE IN PLACE, AN AFFECTED PROJECT

1 SHALL NOT BE ELIGIBLE TO:

2 (a) RECEIVE FUNDING FROM THE STATE THROUGH GENERAL FUND  
3 APPROPRIATIONS, TAX CREDITS, TAX DEDUCTIONS, LAND TRANSFERS, OR  
4 OTHER FUNDING OR ASSISTANCE PROVIDED BY THE GENERAL ASSEMBLY OR  
5 A GOVERNMENT AGENCY; OR

6 (b) RECEIVE ANY APPROVALS OR AUTHORIZATIONS FROM THE  
7 PUBLIC UTILITIES COMMISSION, INCLUDING APPROVALS FOR UTILITY  
8 FUNDING OR FOR COMMENCEMENT OF THE PROJECT, INCLUDING A  
9 CERTIFICATE OF PUBLIC CONVENIENCE.

10 (3) THE LEAD CONTRACTOR ENGAGED TO PERFORM CONSTRUCTION  
11 SERVICES FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT MUST REQUIRE  
12 ALL SUBCONTRACTORS USED ON THE PROJECT TO COMPLY WITH SECTION  
13 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92 BY ENSURING THAT SUCH  
14 REQUIREMENTS ARE STIPULATED IN ALL SUBCONTRACTS. LEAD  
15 CONTRACTORS MUST TAKE ALL REASONABLY NECESSARY STEPS TO  
16 ENSURE COMPLIANCE BY MONITORING SUBCONTRACTORS.

17 (4) THE PUBLIC UTILITIES COMMISSION SHALL NOT FIND AN  
18 ENERGY SECTOR PUBLIC WORKS PROJECT TO BE IN COMPLIANCE WITH  
19 SECTION 40-2-129 UNLESS THE CONSTRUCTION CONTRACT FOR THE  
20 PROJECT INCLUDES PROVISIONS EXPRESSLY REQUIRING THAT ALL WORK  
21 PERFORMED UNDER THE CONTRACT COMPLY WITH THE REQUIREMENTS OF  
22 SECTION 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92. COMPLIANCE  
23 WITH THIS SUBSECTION (4) DOES NOT PREVENT THE COMMISSION FROM  
24 CONSIDERING ALL "BEST VALUE" EMPLOYMENT METRICS AS DEFINED IN  
25 SECTION 40-2-129, INCLUDING THOSE METRICS THAT ARE NOT DIRECTLY  
26 RELATED TO THE PROCUREMENT OF CRAFT LABOR AND APPRENTICESHIP  
27 TRAINING ON AN ENERGY SECTOR PUBLIC WORKS PROJECT.



1 (5) CONSISTENT WITH SECTION 24-92-203 (4), BIDDERS ON ENERGY  
2 SECTOR PUBLIC WORKS PROJECTS SHALL NOT ARTIFICIALLY DIVIDE THE  
3 OVERALL GENERATION CAPACITY OR OVERALL PROJECT COST OF AN  
4 ENERGY SECTOR PUBLIC WORKS PROJECT TO DELIBERATELY AVOID THE  
5 REQUIREMENTS TO COMPLY WITH SECTION 24-92-115 (7) AND PART 2 OF  
6 THIS ARTICLE 92. THE PUBLIC UTILITIES COMMISSION, THE STATE, A PUBLIC  
7 UTILITY, OR A COOPERATIVE ELECTRIC ASSOCIATION MAY STILL REQUIRE  
8 COMPLIANCE WITH PREVAILING WAGE AND APPRENTICESHIP UTILIZATION  
9 REQUIREMENTS IF THEY DETERMINE THAT A BIDDER HAS ARTIFICIALLY  
10 DIVIDED A PROJECT WITH THE INTENT OF AVOIDING THE REQUIREMENT TO  
11 COMPLY WITH THOSE SECTIONS.

12 **24-92-305. Energy sector public works projects - record**  
13 **keeping - reporting - craft labor certification - sanctions - compliance**  
14 **with best value employment metrics.** (1) THE LEAD CONTRACTOR FOR  
15 AN ENERGY SECTOR PUBLIC WORKS PROJECT SHALL PREPARE CERTIFIED  
16 PAYROLL RECORDS FOR CRAFT WORKERS DIRECTLY EMPLOYED BY THE  
17 CONTRACTOR, OBTAIN CERTIFIED PAYROLL RECORDS FROM ALL  
18 CONTRACTORS AND SUBCONTRACTORS ON THE PROJECTS, AND SUBMIT THE  
19 RECORDS TO THE PUBLIC UTILITY OR OTHER OWNER OF THE ENERGY  
20 SECTOR PUBLIC WORKS PROJECT ON A WEEKLY BASIS. EACH LEAD  
21 CONTRACTOR AND SUBCONTRACTOR SHALL CERTIFY, UNDER THE PENALTY  
22 OF PERJURY, THAT THE RECORDS PROVIDE COMPLETE AND ACCURATE  
23 INFORMATION FOR ALL CRAFT WORKERS EMPLOYED ON THE PROJECT.

24 (2) THE LEAD CONTRACTOR FOR AN ENERGY SECTOR PUBLIC  
25 WORKS PROJECT SHALL PREPARE A CRAFT LABOR CERTIFICATION ON A  
26 QUARTERLY BASIS FOR WORK THAT IS BEING PERFORMED UNDER AFFECTED  
27 PROJECTS.

1 (3) A CRAFT LABOR CERTIFICATION MUST INCLUDE THE  
2 FOLLOWING:

3 (a) A SWORN ATTESTATION, UNDER THE PENALTY OF PERJURY,  
4 THAT THE LEAD CONTRACTOR IS FULLY COMPLIANT WITH ALL  
5 EMPLOYMENT, TRAINING, AND WAGE REQUIREMENTS OF SECTION  
6 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92; AND

7 (b) AN IDENTICAL, EQUIVALENT CRAFT LABOR CERTIFICATION  
8 EXECUTED IN THE SAME MANNER BY ALL SUBCONTRACTORS  
9 PARTICIPATING IN THE ENERGY SECTOR PUBLIC WORKS PROJECT.

10 (4) THE PUBLIC UTILITY, COOPERATIVE ELECTRIC ASSOCIATION,  
11 INDEPENDENT POWER PRODUCER, OR OTHER OWNER OF AN ENERGY  
12 SECTOR PUBLIC WORKS PROJECT IS RESPONSIBLE FOR MAINTENANCE OF  
13 RECORDS FOR ALL CRAFT LABOR CERTIFICATIONS. THE PUBLIC UTILITY,  
14 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT POWER PRODUCER,  
15 OR OTHER OWNER OF AN ENERGY SECTOR PUBLIC WORKS PROJECT SHALL  
16 EITHER PROVIDE COPIES QUARTERLY OR REQUIRE BY CONTRACT THAT THE  
17 LEAD CONTRACTOR PROVIDE COPIES QUARTERLY, TO THE DEPARTMENT OF  
18 LABOR AND EMPLOYMENT FOR REVIEW AND OVERSIGHT PURPOSES.

19 (5) NO LATER THAN JANUARY 1, 2029, AND AT LEAST FIVE YEARS  
20 THEREAFTER, THE STATE AUDITOR'S OFFICE SHALL CONDUCT AN AUDIT OF  
21 THE COMMISSION'S APPROVAL OF ENERGY SECTOR PUBLIC WORKS  
22 PROJECTS. THE PURPOSE OF THE AUDIT IS TO ESTABLISH OVERSIGHT AND  
23 ACCOUNTABILITY FOR COMPLIANCE WITH SECTION 40-2-129, AND TO  
24 DETERMINE WHETHER A SAMPLE OF PROJECTS THAT HAVE BEEN APPROVED  
25 BY THE COMMISSION ARE FULLY COMPLIANT WITH ALL EMPLOYMENT,  
26 TRAINING, WAGE, AND APPRENTICESHIP REQUIREMENTS OF SECTION  
27 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92. THE AUDIT MUST

1 CONSIDER INFORMATION AND RECORDS RELATED TO THE CRAFT LABOR  
2 CERTIFICATIONS THAT ARE COLLECTED AND MAINTAINED BY THE  
3 DEPARTMENT OF LABOR AND EMPLOYMENT. THE DEPARTMENT OF LABOR  
4 AND EMPLOYMENT SHALL PROVIDE ANY INFORMATION NEEDED TO  
5 PERFORM THE AUDIT AS REQUESTED BY THE STATE AUDITOR'S OFFICE.

6 (a) THE AUDIT PROCESS MUST SELECT A SAMPLE OF PROJECTS FOR  
7 REVIEW AND ENSURE THAT THE SCOPE OF THE AUDIT ENCOMPASSES THE  
8 BROAD TYPES OF ENERGY SECTOR PUBLIC WORKS PROJECTS.

9 (b) UPON RELEASE OF THE AUDIT REPORT BY THE LEGISLATIVE  
10 AUDIT COMMITTEE, THE STATE AUDITOR MUST MAKE THE RESULTS OF THE  
11 AUDIT AVAILABLE TO THE PUBLIC.

12 (c) AFTER CONDUCTING TWO AUDITS UNDER THIS SUBSECTION (5),  
13 THE STATE AUDITOR MAY CONDUCT ADDITIONAL AUDITS IN THE STATE  
14 AUDITOR'S DISCRETION.

15 (6) VIOLATIONS OF THE REQUIREMENTS SPECIFIED IN THIS SECTION,  
16 INCLUDING WAGE AND HOUR VIOLATIONS, VIOLATIONS OF APPRENTICESHIP  
17 REQUIREMENTS, FALSIFICATION OF RECORDS, OR WILLFUL  
18 NON-COMPLIANCE, ARE SUBJECT TO THE PENALTIES AND ENFORCEMENT  
19 RIGHTS AND REMEDIES DESCRIBED IN SECTIONS 24-92-115 (3), 24-92-209,  
20 24-92-210, AND 24-109-105.

21 (7) IF AN ENERGY SECTOR PUBLIC WORKS PROJECT USES FEDERAL  
22 FUNDING THAT REQUIRES COMPLIANCE WITH THE FEDERAL "DAVIS-BACON  
23 ACT", 40 U.S.C. SEC. 3141 ET SEQ., OR RELATED STATUTES, THE OWNER  
24 OF THE ENERGY SECTOR PUBLIC WORKS PROJECT SHALL:

25 (a) NOTIFY THE PUBLIC UTILITIES COMMISSION OF THEIR INTENT TO  
26 USE FEDERAL FUNDING TO FUND, IN WHOLE OR IN PART, THE ENERGY  
27 SECTOR PUBLIC WORKS PROJECT; AND

1           (b) REQUIRE THE LEAD CONTRACTORS AND ALL OTHER  
2 CONTRACTORS AND SUBCONTRACTORS WORKING ON THE ENERGY SECTOR  
3 PUBLIC WORKS PROJECT TO PAY APPLICABLE FEDERALLY STIPULATED  
4 WAGE AND BENEFIT RATES AND PROVIDE CERTIFIED PAYROLL REPORTS TO  
5 THE PUBLIC UTILITIES COMMISSION IN THE SAME MANNER REQUIRED BY  
6 SUBSECTION (1) OF THIS SECTION.

7           **24-92-306. Energy sector public works projects - use of project**  
8 **labor agreements.** (1) A PUBLIC UTILITY, COOPERATIVE ELECTRIC  
9 ASSOCIATION, OR INDEPENDENT POWER PRODUCER IS AUTHORIZED TO  
10 INCORPORATE A PROJECT LABOR AGREEMENT REQUIREMENT FOR AN  
11 ENERGY SECTOR PUBLIC WORKS PROJECT IF THE PROJECT LABOR  
12 AGREEMENT WILL PROMOTE SUCCESSFUL PROJECT DELIVERY BY SECURING  
13 A SKILLED LABOR FORCE FOR THE PROJECT AND IF IT WILL PROMOTE  
14 COST-EFFICIENCY, SAFETY, QUALITY, AND TIMELY COMPLETION OF THE  
15 PROJECT.

16           (2) IF ALL CONSTRUCTION WORK ON AN ENERGY SECTOR PUBLIC  
17 WORKS PROJECT IS COVERED BY A PROJECT LABOR AGREEMENT, THE  
18 REQUIREMENTS OF SECTIONS 24-92-304 AND 24-92-305 DO NOT APPLY TO  
19 THE PROJECT.

20           (3) THE PUBLIC UTILITIES COMMISSION SHALL NOT DENY  
21 APPROVAL OF AN ENERGY SECTOR PUBLIC WORKS PROJECT SOLELY  
22 BECAUSE THE PROJECT OWNER VOLUNTARILY ELECTS TO USE A PROJECT  
23 LABOR AGREEMENT FOR THE PROJECT. THE PUBLIC UTILITIES COMMISSION  
24 MUST STATE ITS REASONS FOR DENIAL           IN WRITING WHEN IT ISSUES  
25 THE DECISION.

26           **24-92-307. Energy sector public works projects - existing**  
27 **authority of the public utilities commission.** NOTHING IN THIS SECTION

1 CONTRAVENES THE STATUTORY AUTHORITY OF THE PUBLIC UTILITIES  
2 COMMISSION TO CONSIDER OVERALL PROJECT COSTS, THE IMPACT OF A  
3 PROJECT ON UTILITY CUSTOMERS, OR THE IMPACT OF PROJECT COST ON  
4 UTILITY RATES.

5 **SECTION 2.** In Colorado Revised Statutes, 24-38.5-118, **add**  
6 (11) as follows:

7 **24-38.5-118. Geothermal energy grant program - creation -**  
8 **procedures - fund - report - definitions - repeal.** (11) **Grants awarded**  
9 **to energy sector public works projects - requirements.** ANY PROJECT  
10 THAT IS FUNDED IN WHOLE OR IN PART BY A GRANT AWARDED PURSUANT  
11 TO THIS SECTION AND THAT IS AN ENERGY SECTOR PUBLIC WORKS PROJECT,  
12 AS DEFINED IN SECTION 24-92-303 (5), MUST COMPLY WITH THE  
13 APPLICABLE REQUIREMENTS OF THE "COLORADO ENERGY SECTOR PUBLIC  
14 WORKS PROJECT CRAFT LABOR REQUIREMENTS ACT", PART 3 OF ARTICLE  
15 92 OF THIS TITLE 24.

16 **SECTION 3.** In Colorado Revised Statutes, 24-92-115, **add** (7)  
17 as follows:

18 **24-92-115. Apprenticeship utilization requirements -**  
19 **mechanical, electrical, and plumbing contracts - public projects -**  
20 **definition.** (7) (a) FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT, AS  
21 DEFINED IN SECTION 24-92-303 (5),      THE GENERAL CONTRACTOR OR  
22 OTHER FIRM TO WHICH THE CONTRACT IS AWARDED SHALL:

23 (I) IDENTIFY, AT THE TIME THEY ARE PUT UNDER CONTRACT, ALL  
24 CONTRACTORS OR SUBCONTRACTORS REQUIRED FOR THE PROJECT, OTHER  
25 THAN THOSE USED FOR ALL MECHANICAL, SHEET METAL, FIRE  
26 SUPPRESSION, SPRINKLER FITTING, ELECTRICAL, PLUMBING WORK, AND  
27 CONSTRUCTION CRAFT LABOR; AND

1           (II) CERTIFY THAT ALL CONTRACTORS OR SUBCONTRACTORS  
2 IDENTIFIED PARTICIPATE IN APPRENTICESHIP TRAINING PROGRAMS  
3 REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR'S  
4 EMPLOYMENT AND TRAINING ADMINISTRATION OR STATE APPRENTICESHIP  
5 AGENCIES RECOGNIZED BY THE UNITED STATES DEPARTMENT OF LABOR'S  
6 EMPLOYMENT AND TRAINING ADMINISTRATION AND HAVE A PROVEN  
7 RECORD OF GRADUATING APPRENTICES FOR AT LEAST THREE OF THE PAST  
8 FIVE YEARS.

9           (b) SUBSECTIONS (1)(a) TO (1)(c) OF THIS SECTION APPLY TO  
10 MECHANICAL, ELECTRICAL, AND PLUMBING CONTRACTORS AND  
11 SUBCONTRACTORS SUBJECT TO THIS SUBSECTION (7).

12           (c) CONTRACTORS AND SUBCONTRACTORS THAT ARE SUBJECT TO  
13 THE REQUIREMENTS OF THIS SUBSECTION (7) AND THAT PROVIDE  
14 CONSTRUCTION CRAFT LABOR MUST CERTIFY THAT ALL FIRMS IDENTIFIED  
15 PARTICIPATE IN APPRENTICESHIP TRAINING PROGRAMS THAT ARE  
16 REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR'S  
17 EMPLOYMENT AND TRAINING ADMINISTRATION OR A STATE  
18 APPRENTICESHIP AGENCY RECOGNIZED BY THE UNITED STATES  
19 DEPARTMENT OF LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION  
20 AND THAT:

21           (I) SATISFY TO THE GRADUATION REQUIREMENTS OF SUBSECTIONS  
22 (1)(a)(II)(A) TO (1)(a)(II)(C) OF THIS SECTION AT THE TIME THE CONTRACT  
23 OR SUBCONTRACT WAS EXECUTED; AND

24           (II) PROVIDE DOCUMENTATION REQUIRED IN SUBSECTION  
25 (1)(a)(III) OF THIS SECTION.

26           (d) UPON EVALUATION OF THE SUBMITTED BIDS, A PUBLIC UTILITY,  
27 INDEPENDENT POWER PRODUCER, OR COOPERATIVE ELECTRIC

1 ASSOCIATION MAY WAIVE THE REQUIREMENTS OF THIS SECTION IF IT  
2 DETERMINES THAT THERE IS SUBSTANTIAL EVIDENCE THAT THERE ARE NO  
3 RESPONSIVE ELIGIBLE CONTRACTORS OR SUBCONTRACTORS FOR ANY  
4 TRADES AVAILABLE TO FULFILL THE APPRENTICESHIP REQUIREMENTS FOR  
5 ONE OR MORE OF THE TRADES SUBJECT TO THIS SECTION. ANY PARTY  
6 EXERCISING A WAIVER PURSUANT TO THIS SUBSECTION (7)(d) SHALL  
7 DISCLOSE THE WAIVER ON A PUBLICLY ACCESSIBLE WEBSITE, INCLUDING  
8 THE CONTRACTOR OR SUBCONTRACTOR TO WHICH THE WAIVER APPLIES  
9 AND THE SPECIFIC RATIONALE FOR THE WAIVER.

10 (e) IN THE EVENT OF AN EXTREME WEATHER EVENT, A WILDFIRE,  
11 OR AN EMERGENCY DECLARED BY THE STATE OF COLORADO OR THE  
12 FEDERAL GOVERNMENT, A PUBLIC UTILITY OR COOPERATIVE ELECTRIC  
13 ASSOCIATION MAY WAIVE THE REQUIREMENTS OF THIS SUBSECTION (7)  
14 WHEN PERFORMING REPAIR WORK TO RESTORE ELECTRIC SERVICE TO  
15 CUSTOMERS OR ASSOCIATION MEMBERS WHEN IT CAN REASONABLY  
16 DEMONSTRATE THAT:

17 (I) THE CAPACITY NEEDED TO RESTORE POWER EXCEEDS THE  
18 PUBLIC UTILITY'S OR COOPERATIVE ELECTRIC ASSOCIATION'S AVAILABLE  
19 CAPACITY FOR EMERGENCY REPAIRS THROUGH ITS EMPLOYEES, STANDBY  
20 CONTRACTOR CAPACITY, OR APPLICABLE MUTUAL AID AGREEMENTS; AND

21 (II) A GOOD FAITH EFFORT TO IDENTIFY CONTRACTORS AND  
22 SUBCONTRACTORS THAT CAN COMPLY WITH THIS SUBSECTION (7) WAS  
23 MADE AND NO ELIGIBLE CONTRACTORS OR SUBCONTRACTORS WERE  
24 AVAILABLE FOR THE TIME FRAME FOR WHICH THE EMERGENCY CAPACITY  
25 WAS NEEDED.

26 **SECTION 4.** In Colorado Revised Statutes, 40-2-123, **add** (5) as  
27 follows:

1           **40-2-123. Energy technologies - consideration by commission**  
2   **- incentives - demonstration projects - definitions - repeal.** (5) ANY  
3 PROJECT APPROVED PURSUANT TO THIS SECTION THAT IS AN ENERGY  
4 SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN SECTION 24-92-303 (5),  
5 MUST COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE "COLORADO  
6 ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR REQUIREMENTS  
7 ACT", PART 3 OF ARTICLE 92 OF TITLE 24.

8           **SECTION 5.** In Colorado Revised Statutes, 40-2-127, **add** (3.7)  
9 as follows:

10           **40-2-127. Community energy funds - community solar**  
11 **gardens - definitions - rules - legislative declaration - repeal.**  
12 **(3.7) Energy sector public works projects.** IF THE DEVELOPMENT OF A  
13 COMMUNITY SOLAR GARDEN IS AN ENERGY SECTOR PUBLIC WORKS  
14 PROJECT, AS DEFINED IN SECTION 24-92-303 (5), THEN THE PROJECT MUST  
15 COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE "COLORADO  
16 ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR REQUIREMENTS  
17 ACT", PART 3 OF ARTICLE 92 OF TITLE 24.

18           **SECTION 6.** In Colorado Revised Statutes, 40-2-129, **amend**  
19 **(1)(a); repeal (4); and add (5) and (6)** as follows:

20           **40-2-129. New resource acquisitions - factors in determination**  
21 **- local employment - "best value" employment metrics - performance**  
22 **audit.** (1) (a) (I) When evaluating electric resource acquisitions and  
23 requests for a certificate of convenience and necessity for construction or  
24 expansion of generating facilities, including but not limited to pollution  
25 control or fuel conversion upgrades and conversion of existing coal-fired  
26 plants to natural gas plants, the commission shall consider, in all  
27 decisions involved in electric resource acquisition processes, best value



1 regarding employment of Colorado labor, as defined in section 8-17-101  
2 (2)(a), and positive impacts on the long-term economic viability of  
3 Colorado communities. To this end, the commission shall require utilities  
4 to obtain and provide to the commission the following information  
5 regarding "best value" employment metrics:

6 (A) The availability of training programs, including training  
7 through apprenticeship programs registered with the United States  
8 department of labor's office of apprenticeship or by state apprenticeship  
9 councils AGENCIES recognized by that office FOR ALL APPRENTICEABLE  
10 TRADES REQUIRED TO EFFECTIVELY DELIVER THE PROJECT TO  
11 COMPLETION;

12 (B) Employment of Colorado labor as compared to importation of  
13 out-of-state workers;

14 (C) THE ABILITY OF THE PROJECT TO EMPLOY WORKERS FROM  
15 TRADITIONALLY UNDERSERVED COMMUNITIES OR DISPROPORTIONATELY  
16 IMPACTED COMMUNITIES AS DEFINED IN SECTION 24-4-109 (2)(b)(II);

17 (D) HOW THE PROJECT SUPPORTS DOMESTIC MANUFACTURING  
18 THROUGH THE UTILIZATION OF COLORADO AND DOMESTICALLY PRODUCED  
19 MATERIALS, INCLUDING CONSIDERATION OF THE POTENTIAL FOR  
20 DOMESTICALLY MANUFACTURED MATERIALS BEING UNAVAILABLE IN THE  
21 MARKETPLACE;

22 (E) Long-term career opportunities; and

23 (F) Industry-standard wages, health care, and pension benefits.

24 (II) When a utility proposes to construct new facilities of its own,  
25 the utility shall supply similar information to the commission.

26 (4) (a) ~~The state auditor shall conduct or cause to be conducted a~~  
27 ~~performance audit of the commission's implementation of the "best value"~~

1 employment metrics requirements of this section, including review of:

2 ~~(I) The projects subject to subsection (1)(a) of this section that~~  
3 ~~have been approved in the previous ten years;~~

4 ~~(II) Whether the work done used contractors that met the criteria~~  
5 ~~specified in this section;~~

6 ~~(III) Any shortfalls in enforcement capacity or implementation by~~  
7 ~~the commission;~~

8 ~~(IV) Current enforcement procedures for investor-owned utilities,~~  
9 ~~independent power producers, and wholesale generation and transmission~~  
10 ~~electric cooperatives; and~~

11 ~~(V) Whether and how delayed rule-making proceedings have~~  
12 ~~prevented the "best value" employment metrics requirements of this~~  
13 ~~section from being implemented.~~

14 ~~(b) The governor's office, the commission, and commission staff~~  
15 ~~shall cooperate with stakeholders and the state auditor in conducting the~~  
16 ~~audit and making recommendations for reforms of, or potential~~  
17 ~~alternatives to, the implementation and enforcement of "best value"~~  
18 ~~employment metrics.~~

19 ~~(c) Upon completion of a performance audit, the state auditor shall~~  
20 ~~submit a written report to the legislative audit committee, together with~~  
21 ~~any findings and recommendations.~~

22 (5) THE COMMISSION SHALL PROMULGATE RULES REQUIRING  
23 UTILITIES, WHEN SUBMITTING ANNUAL PROGRESS REPORTS FOR AN  
24 ELECTRIC RESOURCE ACQUISITION, TO COLLECT AND PROVIDE TO THE  
25 COMMISSION INFORMATION CONCERNING THE IMPLEMENTATION OF "BEST  
26 VALUE" EMPLOYMENT METRICS, AS DESCRIBED IN SUBSECTION (1)(a) OF  
27 THIS SECTION, WHICH METRICS WERE APPROVED BY THE COMMISSION

1 DURING THE ACQUISITION PLANNING PROCESS AND WHICH ACQUISITIONS  
2 ARE UNDER CONSTRUCTION BY EITHER THE UTILITY OR BY OTHERS.

3 (6) (a) ON OR BEFORE DECEMBER 31, 2024, AND ON OR BEFORE  
4 DECEMBER 31 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL  
5 SUBMIT A REPORT TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE  
6 HOUSE OF REPRESENTATIVES AND THE TRANSPORTATION AND ENERGY  
7 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE  
8 REPORT MUST SUMMARIZE THE INFORMATION CONCERNING "BEST VALUE"  
9 EMPLOYMENT METRICS THAT IS REPORTED TO THE COMMISSION BY  
10 UTILITIES PURSUANT TO SUBSECTIONS (1)(a) AND (5) OF THIS SECTION AND  
11 INDICATE THE MANNER IN WHICH THE COMMISSION CONSIDERED THE  
12 INFORMATION.

13 (b) NOTWITHSTANDING THE LIMITATION DESCRIBED IN SECTION  
14 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT DESCRIBED IN  
15 SUBSECTION (6)(a) OF THIS SECTION CONTINUES IN PERPETUITY.

16 **SECTION 7.** In Colorado Revised Statutes, 40-3.2-105.5, **add**  
17 (5), (6), and (7) as follows:

18 **40-3.2-105.5. Labor standards for gas DSM projects.**

19 (5) (a) FOR A PLUMBING, MECHANICAL, OR ELECTRICAL PROJECT IN A NEW  
20 OR EXISTING INDUSTRIAL, COMMERCIAL, OR MULTIFAMILY RESIDENTIAL  
21 BUILDING THAT CONTAINS TWENTY THOUSAND SQUARE FEET OR MORE OF  
22 CONDITIONED FLOOR SPACE AND FOR WHICH A REBATE IS TO BE PROVIDED  
23 DIRECTLY TO THE CUSTOMER AS PART OF A GAS DSM PROGRAM, A UTILITY  
24 SHALL NOT ISSUE ANY REBATES OR INCENTIVES UNLESS THE LEAD  
25 GENERAL CONTRACTOR PERFORMING THE WORK FOR THE PROJECT SIGNS  
26 A NOTARIZED AFFIDAVIT UNDER PENALTY OF PERJURY STATING THAT ALL  
27 OF THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET AND PROVIDES

1 THE SIGNED AFFIDAVIT TO THE SPONSORING UTILITY. THE AFFIDAVIT  
2 MUST:

3 (I) IDENTIFY THE CONTRACTORS OR SUBCONTRACTORS THAT WILL  
4 BE USED FOR ALL MECHANICAL, SHEET METAL, FIRE SUPPRESSION,  
5 SPRINKLER FITTING, ELECTRICAL, AND PLUMBING WORK, REQUIRED ON THE  
6 PROJECT;

7 (II) CERTIFY THAT ALL FIRMS IDENTIFIED PARTICIPATE IN  
8 APPRENTICESHIP PROGRAMS REGISTERED WITH THE UNITED STATES  
9 DEPARTMENT OF LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION  
10 OR STATE APPRENTICESHIP AGENCIES RECOGNIZED BY THE UNITED STATES  
11 DEPARTMENT OF LABOR AND HAVE A PROVEN RECORD OF GRADUATING  
12 APPRENTICES AS FOLLOWS:

13 (A) BEGINNING JULY 1, 2021, THROUGH JUNE 30, 2026, A  
14 MINIMUM OF FIFTEEN PERCENT OF ITS APPRENTICES FOR AT LEAST THREE  
15 OF THE PAST FIVE YEARS;

16 (B) BEGINNING JULY 1, 2026, THROUGH JUNE 30, 2031, A  
17 MINIMUM OF TWENTY PERCENT OF APPRENTICES FOR AT LEAST THREE OF  
18 THE PAST FIVE YEARS; AND

19 (C) BEGINNING JULY 1, 2031, AND EACH YEAR THEREAFTER, A  
20 MINIMUM OF THIRTY PERCENT OF APPRENTICES FOR AT LEAST THREE OF  
21 THE PAST FIVE YEARS; AND

22 (III) SUPPLY SUPPORTING DOCUMENTATION FROM THE UNITED  
23 STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP OR STATE  
24 APPRENTICESHIP AGENCY VERIFYING THE INFORMATION PROVIDED IN THE  
25 CERTIFICATION SPECIFIED IN SUBSECTION (1)(a)(II) OF THIS SECTION.

26 (b) THE UTILITY MUST MAINTAIN A DATABASE OF THE  
27 INFORMATION CONTAINED IN THE AFFIDAVIT FOR EACH PROJECT AWARDED

1 A REBATE OR INCENTIVE.

2 (6) (a) TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF  
3 SUBSECTION (5) OF THIS SECTION, THE GENERAL CONTRACTOR OR OTHER  
4 FIRM TO WHICH THE CONTRACT IS AWARDED MUST AGREE TO PROVIDE  
5 ADDITIONAL DOCUMENTATION TO THE PARTICIPATING UTILITY OFFERING  
6 THE REBATE OR INCENTIVE REGARDING THE REQUIREMENTS FOR AFFECTED  
7 APPRENTICESHIP TRAINING PROGRAMS SPECIFIED IN SUBSECTION (5)(a) OF  
8 THIS SECTION.

9 (b) IF THE UTILITY OFFERING THE REBATE OR INCENTIVE  
10 DETERMINES THAT A MECHANICAL, ELECTRICAL, OR PLUMBING  
11 SUBCONTRACTOR HAS WILLFULLY FALSIFIED DOCUMENTATION OR  
12 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS AS REQUIRED TO  
13 COMPLY WITH THIS SECTION IN THE CONTRACT, THE UTILITY SHALL DIRECT  
14 THE CONTRACTOR TO TERMINATE THE SUBCONTRACTOR CONTRACT  
15 IMMEDIATELY AND THE SUBCONTRACTOR SHALL IMMEDIATELY BE  
16 REMOVED FROM THE PUBLIC PROJECT. THE UTILITY MAY ALSO DEBAR THE  
17 OFFENDING SUBCONTRACTORS FOR FUTURE PARTICIPATION IN REBATES OR  
18 INCENTIVE PROGRAMS ESTABLISHED UNDER THIS SECTION.

19 (c) IF AFTER ISSUING A REBATE OR INCENTIVE PURSUANT TO THIS  
20 SECTION, A UTILITY DETERMINES THAT A CONTRACTOR OR  
21 SUBCONTRACTOR HAS WILLFULLY VIOLATED ANY REQUIREMENT OF THIS  
22 SECTION, THE UTILITY MAY DEMAND A FULL REFUND OF THE REBATE OR  
23 INCENTIVE WITH REASONABLE PENALTIES AND INTEREST AND MAY PURSUE  
24 ANY REMEDY PROVIDED BY LAW.

25 (d) A UTILITY MUST MAINTAIN A LIST OF CONTRACTORS AND  
26 SUBCONTRACTORS THAT HAVE WILLFULLY FALSIFIED DOCUMENTATION OR  
27 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS OR THAT ARE

1 DEBARRED FROM RECEIVING FUTURE REBATES OR INCENTIVES AND MAKE  
2 THAT LIST AVAILABLE TO THEIR CUSTOMERS ON THEIR WEBSITE.

3 (7) (a) THE UTILITY THAT OFFERS THE REBATE OR INCENTIVE  
4 PURSUANT TO THIS SECTION MUST ESTABLISH PERIODIC AUDITS OF THE  
5 QUALIFYING REBATES THAT REPRESENT THE HIGHEST TWO PERCENT OF  
6 REBATES ISSUED BY DOLLAR AMOUNT AT LEAST EVERY THREE YEARS TO  
7 ENSURE THAT THE CONTRACTORS OR SUBCONTRACTORS MAINTAIN  
8 COMPLIANCE WITH THIS SECTION.

9 (b) IF THE AUDIT DETERMINES THAT THERE WERE WILLFUL  
10 VIOLATIONS OF THIS SECTION, THE UTILITY MAY DEMAND A FULL REFUND  
11 OF THE REBATE OR INCENTIVE WITH REASONABLE PENALTIES AND  
12 INTEREST AND MAY PURSUE ANY REMEDY PROVIDED BY LAW.

13 **SECTION 8.** In Colorado Revised Statutes, 40-3.2-105.6, **add**  
14 (5), (6), and (7) as follows:

15 **40-3.2-105.6. Labor standards for beneficial electrification**  
16 **projects.** (5) (a) FOR A BENEFICIAL ELECTRIFICATION PROJECT IN A NEW  
17 OR EXISTING INDUSTRIAL, COMMERCIAL, OR MULTIFAMILY RESIDENTIAL  
18 BUILDING THAT CONTAINS TWENTY THOUSAND SQUARE FEET OR MORE OF  
19 CONDITIONED FLOOR SPACE AND FOR WHICH A REBATE IS TO BE PROVIDED  
20 DIRECTLY TO THE CUSTOMER, A UTILITY SHALL NOT ISSUE ANY REBATES  
21 OR INCENTIVES UNLESS THE LEAD GENERAL CONTRACTOR PERFORMING  
22 THE WORK FOR THE PROJECT SIGNS A NOTARIZED AFFIDAVIT UNDER  
23 PENALTY OF PERJURY STATING THAT ALL OF THE REQUIREMENTS OF THIS  
24 SECTION HAVE BEEN MET AND PROVIDES THE SIGNED AFFIDAVIT TO THE  
25 SPONSORING UTILITY. THE AFFIDAVIT MUST:

26 (I) IDENTIFY THE CONTRACTORS OR SUBCONTRACTORS THAT WILL  
27 BE USED FOR ALL MECHANICAL, SHEET METAL, FIRE SUPPRESSION,

1 SPRINKLER FITTING, ELECTRICAL, AND PLUMBING WORK REQUIRED ON THE  
2 PROJECT;

3 (II) CERTIFY THAT ALL FIRMS IDENTIFIED PARTICIPATE IN  
4 APPRENTICESHIP PROGRAMS REGISTERED WITH THE UNITED STATES  
5 DEPARTMENT OF LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION  
6 OR STATE APPRENTICESHIP AGENCIES RECOGNIZED BY THE UNITED STATES  
7 DEPARTMENT OF LABOR AND HAVE A PROVEN RECORD OF GRADUATING  
8 APPRENTICES AS FOLLOWS:

9 (A) BEGINNING JULY 1, 2021, THROUGH JUNE 30, 2026, A  
10 MINIMUM OF FIFTEEN PERCENT OF ITS APPRENTICES FOR AT LEAST THREE  
11 OF THE PAST FIVE YEARS;

12 (B) BEGINNING JULY 1, 2026, THROUGH JUNE 30, 2031, A  
13 MINIMUM OF TWENTY PERCENT OF APPRENTICES FOR AT LEAST THREE OF  
14 THE PAST FIVE YEARS; AND

15 (C) BEGINNING JULY 1, 2031, AND EACH YEAR THEREAFTER, A  
16 MINIMUM OF THIRTY PERCENT OF APPRENTICES FOR AT LEAST THREE OF  
17 THE PAST FIVE YEARS; AND

18 (III) SUPPLY SUPPORTING DOCUMENTATION FROM THE UNITED  
19 STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP OR STATE  
20 APPRENTICESHIP AGENCY VERIFYING THE INFORMATION PROVIDED IN THE  
21 CERTIFICATION SPECIFIED IN SUBSECTION (1)(a)(II) OF THIS SECTION.

22 (b) THE UTILITY MUST MAINTAIN A DATABASE OF THE  
23 INFORMATION CONTAINED IN THE AFFIDAVIT FOR EACH PROJECT AWARDED  
24 A REBATE OR INCENTIVE.

25 (6) (a) TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF  
26 SUBSECTION (5) OF THIS SECTION, THE GENERAL CONTRACTOR OR OTHER  
27 FIRM TO WHICH THE CONTRACT IS AWARDED MUST AGREE TO PROVIDE

1 ADDITIONAL DOCUMENTATION TO THE PARTICIPATING UTILITY OFFERING  
2 THE REBATE OR INCENTIVE REGARDING THE REQUIREMENTS FOR AFFECTED  
3 APPRENTICESHIP TRAINING PROGRAMS SPECIFIED IN SUBSECTION (5)(a) OF  
4 THIS SECTION.

5 (b) IF THE UTILITY OFFERING THE REBATE OR INCENTIVE  
6 DETERMINES THAT A MECHANICAL, ELECTRICAL, OR PLUMBING  
7 SUBCONTRACTOR HAS WILLFULLY FALSIFIED DOCUMENTATION OR  
8 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS AS REQUIRED TO  
9 COMPLY WITH THIS SECTION IN THE CONTRACT, THE UTILITY SHALL DIRECT  
10 THE CONTRACTOR TO TERMINATE THE SUBCONTRACTOR CONTRACT  
11 IMMEDIATELY AND THE SUBCONTRACTOR MUST IMMEDIATELY BE  
12 REMOVED FROM THE PUBLIC PROJECT. THE UTILITY MAY DEBAR THE  
13 OFFENDING SUBCONTRACTORS FOR FUTURE PARTICIPATION IN REBATE OR  
14 INCENTIVE PROGRAMS ESTABLISHED UNDER THIS SECTION.

15 (c) IF AFTER ISSUING A REBATE OR INCENTIVE PURSUANT TO THIS  
16 SECTION, A UTILITY DETERMINES THAT A CONTRACTOR OR  
17 SUBCONTRACTOR HAS WILLFULLY VIOLATED ANY REQUIREMENT OF THIS  
18 SECTION, THE UTILITY MAY DEMAND A FULL REFUND OF THE REBATE OR  
19 INCENTIVE WITH REASONABLE PENALTIES AND INTEREST AND MAY PURSUE  
20 ANY REMEDY PROVIDED BY LAW.

21 (d) A UTILITY SHALL MAINTAIN A LIST OF CONTRACTORS AND  
22 SUBCONTRACTORS THAT HAVE WILLFULLY FALSIFIED DOCUMENTATION OR  
23 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS OR THAT ARE  
24 DEBARRED FROM RECEIVING FUTURE REBATES OR INCENTIVES AND MAKE  
25 THAT LIST AVAILABLE TO THEIR CUSTOMERS ON THEIR WEBSITE.

26 (7) (a) THE UTILITY THAT OFFERS THE REBATE OR INCENTIVE  
27 PURSUANT TO THIS SECTION MUST ESTABLISH PERIODIC AUDITS OF THE



1 QUALIFYING REBATES THAT REPRESENT THE HIGHEST TWO PERCENT OF  
2 REBATES ISSUED BY DOLLAR AMOUNT AT LEAST EVERY THREE YEARS TO  
3 ENSURE THAT THE CONTRACTORS OR SUBCONTRACTORS MAINTAIN  
4 COMPLIANCE WITH THIS SECTION.

5 (b) IF THE AUDIT DETERMINES THAT THERE WERE WILLFUL  
6 VIOLATIONS OF THIS SECTION, THE UTILITY MAY DEMAND A FULL REFUND  
7 OF THE REBATE OR INCENTIVE WITH REASONABLE PENALTIES AND  
8 INTEREST AND MAY PURSUE ANY REMEDY PROVIDED BY LAW.

9 **SECTION 9.** In Colorado Revised Statutes, 40-3.2-108, **add**  
10 (8)(e) as follows:

11 **40-3.2-108. Clean heat targets - legislative declaration -**  
12 **definitions - plans - rules - reports. (8) Employment and utility**  
13 **workforce.** (e) IF A PROJECT IN CONNECTION WITH A CLEAN HEAT PLAN,  
14 IS AN ENERGY SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN SECTION  
15 24-92-303 (5), THE PROJECT MUST COMPLY WITH THE APPLICABLE  
16 REQUIREMENTS OF THE "COLORADO ENERGY SECTOR PUBLIC WORKS  
17 PROJECT CRAFT LABOR REQUIREMENTS ACT", PART 3 OF ARTICLE 92 OF  
18 TITLE 24.

19 **SECTION 10.** In Colorado Revised Statutes, 40-5-107, **add**  
20 (3)(c) as follows:

21 **40-5-107. Electric vehicle programs - definitions - repeal.**  
22 (3) (c) AN ELECTRIC VEHICLE INFRASTRUCTURE PROJECT THAT IS AN  
23 ENERGY SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN SECTION  
24 24-92-303 (5), MUST COMPLY WITH THE APPLICABLE REQUIREMENTS OF  
25 THE "COLORADO ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR  
26 REQUIREMENTS ACT", PART 3 OF ARTICLE 92 OF TITLE 24.

27 **SECTION 11.** In Colorado Revised Statutes, 40-42-107, **add (4)**

1 as follows:

2 **40-42-107. Labor standards - apprenticeship - supervision.**

3 (4) ANY PROJECT FOR THE CONSTRUCTION, EXPANSION, OR MAINTENANCE  
4 OF FACILITIES UNDERTAKEN IN COLORADO PURSUANT TO THIS ARTICLE 42  
5 THAT IS AN ENERGY SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN  
6 SECTION 24-92-303 (5), MUST COMPLY WITH THE APPLICABLE  
7 REQUIREMENTS OF THE "COLORADO ENERGY SECTOR PUBLIC WORKS  
8 PROJECT CRAFT LABOR REQUIREMENTS ACT", PART 3 OF ARTICLE 92 OF  
9 TITLE 24.

10 **SECTION 12. Appropriation.** For the 2023-24 state fiscal year,  
11 \$108,401 is appropriated to the department of labor and employment for  
12 use by the division of labor standards and statistics. This appropriation is  
13 from the general fund and is based on an assumption that the division will  
14 require an additional 1.0 FTE. To implement this act, the division may  
15 use this appropriation for program costs related to labor standards.

16 **SECTION 13. Act subject to petition - effective date -**  
17 **applicability.** (1) This act takes effect January 1, 2024; except that, if a  
18 referendum petition is filed pursuant to section 1 (3) of article V of the  
19 state constitution against this act or an item, section, or part of this act  
20 within the ninety-day period after final adjournment of the general  
21 assembly, then the act, item, section, or part will not take effect unless  
22 approved by the people at the general election to be held in November  
23 2024 and, in such case, will take effect on the date of the official  
24 declaration of the vote thereon by the governor.

25 (2) This act only applies to any energy sector public works project  
26 for which a public utility or cooperative electric association invitation for  
27 bids or proposals is issued on or after January 1, 2024.