

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 28, 2019

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB19-138 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. Legislative declaration. (1) The general
3 assembly hereby finds and declares that:

4 (a) Under current law, taxpayers, subcontractors, and material
5 suppliers have payment protection on public construction projects through
6 bonding requirements and on private construction projects through
7 mechanic's liens, but no such payment protection exists on construction
8 projects using a public-private partnership funding agreement.

9 (b) Bonding protects the public interest, tax dollars, and property
10 owned by the taxpayers of Colorado and helps ensure that subcontractors
11 and materials suppliers involved in the construction or repair of a public
12 property are paid.

13 (2) Now, therefore, it is the intent of the general assembly to
14 ensure that current payment and performance bonding requirements for
15 public construction projects apply to construction projects using a
16 public-private partnership funding agreement."

17 Renumber succeeding sections accordingly.

18 Page 2, line 7, strike "PUBLIC REAL" and substitute "PUBLICLY OWNED".

19 Page 2, line 10, strike "(1)" and substitute "(1); and **add** (3)".

- 1 Page 2, line 12, strike "(a)".
- 2 Page 3, line 14, strike "(b)" and substitute "(3)".
- 3 Page 3, line 16, strike "CONSTRUCTION, COMPLETION, OR REPAIR" and
4 substitute "CONSTRUCTION OF ANY PUBLIC BUILDING OR THE PROSECUTION
5 OR COMPLETION OF ANY PUBLIC WORKS OR FOR REPAIRS UPON ANY PUBLIC
6 BUILDING OR PUBLIC WORKS".
- 7 Page 3, line 17, strike "PUBLIC REAL" and substitute "PUBLICLY OWNED".
- 8 Page 3, line 20, strike "(1)" and substitute "(1); and **add** (3)".
- 9 Page 3, line 21, strike "(a) A" and substitute "A".
- 10 Page 3, strike lines 22 through 27 and substitute "~~contractor who is
11 awarded a contract for more than fifty thousand dollars for the
12 construction, erection, repair, maintenance, or improvement of any
13 building, road, bridge, viaduct, tunnel, excavation, or other public works
14 for any county, city and county, municipality, school district, or other
15 political subdivision of the state, and a contractor who is awarded a
16 contract for more than one hundred fifty thousand dollars for the
17 construction, erection, repair, maintenance, or improvement of any
18 building, road, bridge, viaduct, tunnel, excavation, or other public works
19 for this state. Before entering upon the performance of any such work".~~
- 20 Page 4, strike lines 1 through 3.
- 21 Page 4, line 4, after "contract," insert "A CONTRACTOR".
- 22 Page 4, strike lines 17 through 22 and substitute:
23 "(3) THIS SECTION APPLIES TO:
24 (a) A CONTRACTOR WHO IS AWARDED A CONTRACT FOR MORE
25 THAN FIFTY THOUSAND DOLLARS FOR THE CONSTRUCTION, ERECTION,
26 REPAIR, MAINTENANCE, OR IMPROVEMENT OF ANY BUILDING, ROAD,
27 BRIDGE, VIADUCT, TUNNEL, EXCAVATION, OR OTHER PUBLIC WORKS FOR
28 ANY COUNTY, CITY AND COUNTY, MUNICIPALITY, SCHOOL DISTRICT, OR
29 OTHER POLITICAL SUBDIVISION OF THE STATE;
30 (b) A CONTRACTOR WHO IS AWARDED A CONTRACT FOR MORE
31 THAN ONE HUNDRED FIFTY THOUSAND DOLLARS FOR THE CONSTRUCTION,
32 ERECTION, REPAIR, MAINTENANCE, OR IMPROVEMENT OF ANY BUILDING,

1 ROAD, BRIDGE, VIADUCT, TUNNEL, EXCAVATION, OR OTHER PUBLIC WORKS
2 FOR THIS STATE; AND

3 (c) ALL CONTRACTS FOR MORE THAN ONE HUNDRED FIFTY
4 THOUSAND DOLLARS AWARDED TO A PRIVATE ENTITY FOR THE
5 CONSTRUCTION, ERECTION, REPAIR, MAINTENANCE, OR IMPROVEMENT OF
6 ANY BUILDING, ROAD, BRIDGE, VIADUCT, TUNNEL, EXCAVATION, OR OTHER
7 PUBLIC WORKS THAT IS SITUATED OR LOCATED ON PUBLICLY OWNED
8 PROPERTY USING ANY PUBLIC OR PRIVATE MONEY OR PUBLIC OR PRIVATE
9 FINANCING."

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