A BILL FOR AN ACT

CONCERNING THE REPEAL OF THE PROHIBITIONS ON LOCAL GOVERNMENTS ENACTING MINIMUM WAGE LAWS.

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 allows a unit of local government to enact laws increasing the minimum wage within its jurisdiction.

Be it enacted by the General Assembly of the State of Colorado:
SECTION 1. In Colorado Revised Statutes, add 29-1-116 as follows:

29-1-116. Authority of a local government to enact minimum wage laws. A local government may enact a law or ordinance establishing a minimum wage for individuals performing work while physically within the local government's jurisdiction in accordance with section 8-6-101.

SECTION 2. In Colorado Revised Statutes, 8-3-102, amend (1) introductory portion; and repeal (1)(g) as follows:

8-3-102. Legislative declaration. (1) The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this article is enacted, is declared to be as follows:

(g)(1) The general assembly hereby finds and determines that the matters contained in this article have important statewide ramifications for the labor force in this state. The general assembly, therefore, declares that the matters contained in this article are of statewide concern.

(II) No unit of local government, whether by acting through its governing body or an initiative, a referendum, or any other process, shall enact any jurisdiction-wide law or ordinance with respect to minimum wages unless specifically authorized to do so by this article; except that a unit of local government may set minimum wages paid to its own employees:

(II.5) Notwithstanding the provisions of subparagraph (II) of this paragraph (g), any local government regulation or law pertaining to minimum wages in effect as of January 1, 1999, shall remain in full force and effect until such law is repealed by the local government entity that
enacted the law:

(III) If it is determined by the officer or agency responsible for
distributing federal moneys to a local government that compliance with
this paragraph (g) may cause denial of federal moneys that would
otherwise be available or would otherwise be inconsistent with
requirements of federal law, this section shall be suspended, but only to
the extent necessary to prevent denial of the moneys or to eliminate the
inconsistency with federal requirements.

SECTION 3. In Colorado Revised Statutes, 8-6-101, amend (3);
repeal (2); and add (4) as follows:

8-6-101. Minimum wage of workers - authority of local
government to enact minimum wage increase - definition. (2) The
general assembly hereby finds and determines that issues related to the
wages of workers in Colorado have important statewide ramifications for
the labor force in this state. The general assembly, therefore, declares that
the minimum wages of workers in this state are a matter of statewide
concern:

(3) (a) No unit of local government, whether by acting through its
governing body or an initiative, a referendum, or any other process, shall
enact any jurisdiction-wide laws with respect to minimum wages; except
that a unit of local government may set minimum wages paid to its own
employees A UNIT OF LOCAL GOVERNMENT ACTING THROUGH ITS
GOVERNING BODY, OR THE RESIDENTS OF A MUNICIPALITY ACTING
THROUGH THEIR INITIATIVE OR REFERENDUM POWERS, MAY ENACT A LAW
OR ORDINANCE ESTABLISHING A MINIMUM WAGE FOR INDIVIDUALS
PERFORMING WORK WHILE PHYSICALLY WITHIN THE LOCAL GOVERNMENT'S
JURISDICTION. IN ACCORDANCE WITH SECTION 30-11-103.5, A COUNTY
ACTING THROUGH ITS BOARD OF COUNTY COMMISSIONERS MAY PLACE ON
THE BALLOT A QUESTION REGARDING THE ESTABLISHMENT OF A MINIMUM
WAGE. THE MINIMUM WAGE ESTABLISHED IN ACCORDANCE WITH THIS
SUBSECTION (3) MAY EXCEED THE STATEWIDE MINIMUM WAGE
ESTABLISHED IN ACCORDANCE WITH SECTION 15 OF ARTICLE XVIII OF THE
STATE CONSTITUTION.

(b) Notwithstanding the provisions of paragraph (a) of this
subsection (3), any local government regulation or law pertaining to
minimum wages in effect as of January 1, 1999, shall remain in full force
and effect until such law is repealed by the local government entity that
enacted the law. A UNIT OF LOCAL GOVERNMENT ACTING THROUGH ITS
GOVERNING BODY, THE RESIDENTS OF A MUNICIPALITY ACTING THROUGH
THEIR INITIATIVE OR REFERENDUM POWERS, OR THE RESIDENTS OF A
COUNTY ACTING THROUGH THEIR REFERENDUM POWERS, THAT ADOPTS A
MINIMUM WAGE EXCEEDING THE STATEWIDE MINIMUM WAGE IN
ACCORDANCE WITH THIS SUBSECTION (3) MAY ADOPT PROVISIONS FOR THE
LOCAL ENFORCEMENT OF THAT REQUIREMENT, INCLUDING:

(I) A PRIVATE RIGHT OF ACTION TO ENFORCE THE REQUIREMENT IN
A COURT OF COMPETENT JURISDICTION; AND

(II) AT LEVELS THAT MAY EXCEED THOSE SET BY STATE LAW:
(A) FINES AND PENALTIES;
(B) UNPAID WAGES;
(C) LIQUIDATED DAMAGES;
(D) INTEREST; AND
(E) COSTS AND ATTORNEYS FEES PAYABLE TO ANY AFFECTED
EMPLOYEE,

(c) If it is determined by the officer or agency responsible for
distributing federal moneys to a local government that compliance with
this subsection (3) may cause denial of federal moneys that would
otherwise be available or would otherwise be inconsistent with
requirements of federal law, this section shall be suspended, but only to
the extent necessary to prevent denial of the moneys or to eliminate the
inconsistencies with federal requirements.

(4) **For purposes of this section, "local government" means**
a county, city and county, or municipality.

**SECTION 4.** In Colorado Revised Statutes, 8-12-102, **repeal** (2)
as follows:

8-12-102. Legislative declaration. (2) (a) The general assembly
hereby finds and determines that certain issues related to youth
employment in Colorado have important statewide ramifications for the
labor force in this state. In particular, the general assembly declares that
the issue of minimum wages, as it relates to youth employment in this
state, is a matter of statewide concern:

(b) No unit of local government, whether by acting through its
governing body or an initiative, a referendum, or any other process, shall
enact any jurisdiction-wide law or ordinance with respect to the minimum
wages earned by young people unless otherwise specifically authorized
to do so by this article; except that a unit of local government may enact
such provisions with respect to its own employees.

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