

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

REENGROSSED

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

LLS NO. 19-0166.01 Yelana Love x2295

HOUSE BILL 19-1210

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A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE PROHIBITIONS ON A LOCAL**
102 **GOVERNMENT ESTABLISHING MINIMUM WAGE LAWS WITHIN ITS**
103 **JURISDICTION.**

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 establishing a minimum wage within its jurisdiction.

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
3rd Reading Unamended
March 11, 2019

HOUSE
Amended 2nd Reading
March 8, 2019

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

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

4 (a) Despite a statewide minimum wage rate, many Colorado
5 workers struggle to afford the basic necessities of life;

6 (b) The cost of living can vary significantly from one community
7 to another in Colorado;

8 (c) Addressing the minimum wage needs of workers is a matter
9 of both state and local concern;

10 (d) Local minimum wage laws that can exceed the minimum wage
11 required by state law offer local governments a way to address the
12 particular minimum wage needs of workers and businesses in their
13 jurisdiction;

14 (e) Studies of local minimum wage laws have shown that such
15 laws can increase earnings for workers without negatively affecting
16 employment;

17 (f) While state minimum wage laws can set a useful floor for
18 workers and businesses, local governments should be able to listen to
19 their residents and enact local minimum wage laws that better address
20 their unique needs; and

21 (g) Ensuring that workers in Colorado can support themselves and
22 their families benefits the larger economy and well-being of the state.

23 (2) Therefore, it is the intent of the general assembly to address
24 the needs of workers across the state by empowering local governments
25 to adopt local minimum wage laws requiring a higher minimum wage
26 than the state when local governments determine that such laws are in the
27 best interest of their jurisdiction.

1 enact any jurisdiction-wide law or ordinance with respect to minimum
2 wages unless specifically authorized to do so by this article; except that
3 a unit of local government may set minimum wages paid to its own
4 employees.

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

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

17 **SECTION 4.** In Colorado Revised Statutes, 8-6-101, **amend** (3);
18 **repeal** (2); and **add** (4), (5), and (6) as follows:

19 **8-6-101. Legislative declaration - minimum wage of workers**
20 **- authority of a local government to enact minimum wage laws -**
21 **enforcement - definition.** (2) ~~The general assembly hereby finds and~~
22 ~~determines that issues related to the wages of workers in Colorado have~~
23 ~~important statewide ramifications for the labor force in this state. The~~
24 ~~general assembly, therefore, declares that the minimum wages of workers~~
25 ~~in this state are a matter of statewide concern.~~

26 (3) (a) ~~No unit of local government, whether by acting through its~~
27 ~~governing body or an initiative, a referendum, or any other process, shall~~

1 ~~enact any jurisdiction-wide laws with respect to minimum wages; except~~
2 ~~that a unit of local government may set minimum wages paid to its own~~
3 ~~employees~~ NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL
4 GOVERNMENT MAY ENACT THROUGH ITS GOVERNING BODY OR, WHEN
5 AVAILABLE, THROUGH ITS INITIATIVE OR REFERENDUM POWERS, LAWS
6 ESTABLISHING MINIMUM WAGES FOR INDIVIDUALS PERFORMING WORK
7 WHILE PHYSICALLY WITHIN THE LOCAL GOVERNMENT'S JURISDICTION.
8 MINIMUM WAGES ESTABLISHED IN ACCORDANCE WITH THIS SECTION MAY
9 EXCEED THE STATEWIDE MINIMUM WAGE ESTABLISHED IN ACCORDANCE
10 WITH SECTION 15 OF ARTICLE XVIII OF THE STATE CONSTITUTION, ANY
11 OTHER MINIMUM WAGE ESTABLISHED BY STATE LAW, OR ANY MINIMUM
12 WAGE ESTABLISHED BY FEDERAL LAW.

13 (b) ~~Notwithstanding the provisions of paragraph (a) of this~~
14 ~~subsection (3), any local government regulation or law pertaining to~~
15 ~~minimum wages in effect as of January 1, 1999, shall remain in full force~~
16 ~~and effect until such law is repealed by the local government entity that~~
17 ~~enacted the law.~~ A LOCAL GOVERNMENT THAT ENACTS ANY MINIMUM
18 WAGE LAWS IN ACCORDANCE WITH THIS SUBSECTION (3) MAY ADOPT
19 PROVISIONS FOR THE LOCAL ENFORCEMENT OF THE LAWS, INCLUDING:

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

22 (II) AT LEVELS THAT MAY EXCEED THOSE SET BY STATE LAW:

23 (A) FINES AND PENALTIES;

24 (B) PAYMENT OF UNPAID WAGES OR UNPAID OVERTIME BASED ON
25 THOSE WAGES;

26 (C) LIQUIDATED DAMAGES;

27 (D) INTEREST;

1 (E) COSTS AND ATTORNEY FEES PAYABLE TO ANY AFFECTED
2 PREVAILING EMPLOYEE; AND

3 (F) COSTS AND ATTORNEY FEES PAYABLE TO THE LOCAL
4 GOVERNMENT OR ITS DESIGNATED ENFORCEMENT DEPARTMENTS;

5 (III) PROCEDURES FOR THE LOCAL GOVERNMENT TO ORDER ANY
6 APPROPRIATE OR EQUITABLE RELIEF; AND

7 (IV) OTHER PROVISIONS NECESSARY FOR THE EFFICIENT AND
8 COST-EFFECTIVE ENFORCEMENT OF LOCAL MINIMUM WAGE LAWS.

9 ~~(c) (I) If it is determined by the officer or agency responsible for~~
10 ~~distributing federal moneys to a local government that compliance with~~
11 ~~this subsection (3) may cause denial of federal moneys that would~~
12 ~~otherwise be available or would otherwise be inconsistent with~~
13 ~~requirements of federal law, this section shall be suspended, but only to~~
14 ~~the extent necessary to prevent denial of the moneys or to eliminate the~~
15 ~~inconsistency with federal requirements. EXCEPT AS PROVIDED IN~~
16 ~~SUBSECTION (3)(c)(II) OF THIS SECTION, A LOCAL MINIMUM WAGE~~
17 ~~ADOPTED BY A COUNTY IS ONLY ENFORCEABLE WITHIN THE~~
18 ~~UNINCORPORATED PORTION OF THE COUNTY.~~

19 (II) ONE OR MORE CONTIGUOUS COUNTIES AND ANY MUNICIPALITY
20 WITHIN EACH COUNTY MAY ENTER INTO INTERGOVERNMENTAL
21 AGREEMENTS TO ESTABLISH LOCAL MINIMUM WAGE LAWS WITHIN THE
22 UNINCORPORATED PORTION OF EACH COUNTY AND WITHIN EACH
23 MUNICIPALITY. AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO IN
24 ACCORDANCE WITH THIS SUBSECTION (3)(c) MUST ESTABLISH THE MANNER
25 IN WHICH A LOCAL GOVERNMENT MINIMUM WAGE LAW WILL BE ENFORCED
26 AND ADMINISTERED.

27 (4) FOR PURPOSES OF THIS SECTION, "LOCAL GOVERNMENT" MEANS

1 A:

- 2 (a) CITY;
- 3 (b) HOME RULE CITY;
- 4 (c) TOWN;
- 5 (d) TERRITORIAL CHARTER CITY;
- 6 (e) CITY AND COUNTY;
- 7 (f) COUNTY; OR
- 8 (g) HOME RULE COUNTY.

9 (5) IF ANY PROVISION OF THIS SECTION IS FOUND BY A COURT OF
10 COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, THE REMAINING
11 PROVISIONS OF THIS SECTION ARE VALID, UNLESS IT APPEARS TO THE
12 COURT THAT THE VALID PROVISIONS OF THIS SECTION ARE SO ESSENTIALLY
13 AND INSEPARABLY CONNECTED WITH, AND SO DEPENDENT UPON, THE VOID
14 PROVISION THAT IT CANNOT BE PRESUMED THE LEGISLATURE WOULD HAVE
15 ENACTED THE VALID PROVISIONS WITHOUT THE VOID ONE; OR UNLESS THE
16 COURT DETERMINES THAT THE VALID PROVISIONS, STANDING ALONE, ARE
17 INCOMPLETE AND ARE INCAPABLE OF BEING EXECUTED IN ACCORDANCE
18 WITH THE LEGISLATIVE INTENT.

19 (6) A LOCAL GOVERNMENT THAT ENACTS A LOCAL MINIMUM WAGE
20 LAW PURSUANT TO THIS SECTION MUST SPECIFY THAT AN INCREASE IN THE
21 LOCAL MINIMUM WAGE MUST TAKE EFFECT ON THE SAME DATE AS A
22 SCHEDULED INCREASE TO THE STATEWIDE MINIMUM WAGE REQUIRED
23 UNDER SECTION 15 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

24 **SECTION 5.** In Colorado Revised Statutes, 8-12-102, **repeal** (2)
25 as follows:

26 **8-12-102. Legislative declaration.** (2) ~~(a) The general assembly~~
27 ~~hereby finds and determines that certain issues related to youth~~

1 employment in Colorado have important statewide ramifications for the
2 labor force in this state. In particular, the general assembly declares that
3 the issue of minimum wages, as it relates to youth employment in this
4 state, is a matter of statewide concern.

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

11 **SECTION 6. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2020 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.