

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

REVISED

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

LLS NO. 21-0146.01 Shelby Ross x4510

HOUSE BILL 21-1075

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A BILL FOR AN ACT

101 **CONCERNING REPLACING THE TERM "ILLEGAL ALIEN" WITH**
102 **"WORKER WITHOUT AUTHORIZATION" AS IT RELATES TO PUBLIC**
103 **CONTRACTS FOR SERVICES.**

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 replaces the term "illegal alien" with "worker without authorization" as it relates to public contracts for services.

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.

SENATE
2nd Reading Unamended
March 26, 2021

HOUSE
3rd Reading Unamended
March 3, 2021

HOUSE
2nd Reading Unamended
March 2, 2021

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-17.5-101, **amend**
3 the introductory portion; and **add** (9) as follows:

4 **8-17.5-101. Definitions.** As used in this ~~article~~ ARTICLE 17.5,
5 unless the context otherwise requires:

6 (9) "WORKER WITHOUT AUTHORIZATION" MEANS AN INDIVIDUAL
7 WHO IS UNABLE TO PROVIDE EVIDENCE THAT THE INDIVIDUAL IS
8 AUTHORIZED BY THE FEDERAL GOVERNMENT TO WORK IN THE UNITED
9 STATES.

10 **SECTION 2.** In Colorado Revised Statutes, 8-17.5-102, **amend**
11 (1), (2)(a), (2)(b) introductory portion, and (2)(b)(III) as follows:

12 **8-17.5-102. Workers without authorization - prohibition -**
13 **public contracts for services - rules.** (1) A state agency or political
14 subdivision shall not enter into or renew a public contract for services
15 with a contractor who knowingly employs or contracts with ~~an illegal~~
16 ~~alien~~ A WORKER WITHOUT AUTHORIZATION to perform work under the
17 contract or who knowingly contracts with a subcontractor who knowingly
18 employs or contracts with ~~an illegal alien~~ A WORKER WITHOUT
19 AUTHORIZATION to perform work under the contract. Prior to executing
20 a public contract for services, each prospective contractor shall certify
21 that, at the time of the certification, it does not knowingly employ or
22 contract with ~~an illegal alien~~ A WORKER WITHOUT AUTHORIZATION who
23 will perform work under the public contract for services and that the
24 contractor will participate in the e-verify program or department program
25 in order to confirm the employment eligibility of all employees who are
26 newly hired for employment to perform work under the public contract
27 for services.

1 (2) (a) Each public contract for services ~~shall~~ MUST include a
2 provision that the contractor shall not:

3 (I) Knowingly employ or contract with ~~an illegal alien~~ A WORKER
4 WITHOUT AUTHORIZATION to perform work under the public contract for
5 services; or

6 (II) Enter into a contract with a subcontractor that fails to certify
7 to the contractor that the subcontractor shall not knowingly employ or
8 contract with ~~an illegal alien~~ A WORKER WITHOUT AUTHORIZATION to
9 perform work under the public contract for services.

10 (b) Each public contract for services ~~shall~~ MUST also include the
11 following provisions:

12 (III) A provision that, if the contractor obtains actual knowledge
13 that a subcontractor performing work under the public contract for
14 services knowingly employs or contracts with ~~an illegal alien~~ A WORKER
15 WITHOUT AUTHORIZATION, the contractor shall be required to:

16 (A) Notify the subcontractor and the contracting state agency or
17 political subdivision within three days that the contractor has actual
18 knowledge that the subcontractor is employing or contracting with ~~an~~
19 ~~illegal alien~~ A WORKER WITHOUT AUTHORIZATION; and

20 (B) Terminate the subcontract with the subcontractor if, within
21 three days of receiving the notice required pursuant to ~~sub-subparagraph~~
22 ~~(A) of this subparagraph (H)~~ SUBSECTION (2)(b)(III)(A) OF THIS SECTION,
23 the subcontractor does not stop employing or contracting with the ~~illegal~~
24 ~~alien~~ WORKER WITHOUT AUTHORIZATION; except that the contractor shall
25 not terminate the contract with the subcontractor if during such three days
26 the subcontractor provides information to establish that the subcontractor
27 has not knowingly employed or contracted with ~~an illegal alien~~ A WORKER

1 WITHOUT AUTHORIZATION;

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2022 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.