

CHAPTER 26

GOVERNMENT - STATE

HOUSE BILL 21-1075

BY REPRESENTATIVE(S) Lontine, Arndt, Bacon, Benavidez, Bernett, Caraveo, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jodeh, Kennedy, Kipp, Michaelson Jenet, Mullica, Ortiz, Ricks, Roberts, Sirota, Tipper, Valdez A., Valdez D., Weissman, Woodrow, Young, Garnett;
 also SENATOR(S) Gonzales, Bridges, Danielson, Donovan, Fenberg, Ginal, Hansen, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Rodriguez, Winter, Garcia.

AN ACT

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

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

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

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

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

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

8-17.5-102. Workers without authorization - prohibition - public contracts for services - rules. (1) A state agency or political subdivision shall not enter into or renew a public contract for services with a contractor who knowingly employs or contracts with ~~an illegal alien~~ A WORKER WITHOUT AUTHORIZATION to perform work under the contract or who knowingly contracts with a subcontractor who knowingly employs or contracts with ~~an illegal alien~~ A WORKER WITHOUT AUTHORIZATION to perform work under the contract. Prior to executing a public contract for services, each prospective contractor shall certify that, at the time of the

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

certification, it does not knowingly employ or contract with ~~an illegal alien~~ A WORKER WITHOUT AUTHORIZATION who will perform work under the public contract for services and that the contractor will participate in the e-verify program or department program in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the public contract for services.

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

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

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

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

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

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

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

SECTION 3. 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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 15, 2021