HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on <u>Judiciary</u>.
<u>SB26-074</u> be amended as follows:

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

2   "**SECTION 1.** In Colorado Revised Statutes, 38-26-107, **amend**
3   (1) as follows:
4   **38-26-107. Supplier may file statement - notice - withholding**
5   **funds.**
6   (1) Any person, as defined in section 2-4-401 (8), ~~C.R.S.,~~ that has
7   furnished labor, materials, EQUIPMENT, SERVICES, sustenance, or other
8   supplies used or consumed by a contractor or ~~his or her~~ THEIR
9   subcontractor in or about the performance of the work contracted to be
10   done or that supplies laborers, rental machinery, tools, or equipment to
11   the extent used in the prosecution of the work whose claim therefor has
12   not been paid by the contractor or the subcontractor may, at any time up
13   to and including the time of final settlement for the work contracted to be
14   done, file with the board, officer, person, or other contracting body by
15   whom the contract was awarded a verified statement of the amount due
16   and unpaid on account of the claim, WHETHER THE AMOUNT IS DISPUTED
17   OR UNDISPUTED. NOTHING IN THIS ARTICLE 26 PROHIBITS THE INCLUSION
18   OF COSTS OTHERWISE ALLOWED UNDER A CONTRACT IN A VERIFIED
19   STATEMENT OF CLAIM, INCLUDING COSTS INCURRED AS A RESULT OF
20   DELAY, LOST PRODUCTIVITY, OR OTHER DISRUPTION TO THE WORK. If the
21   amount of the contract awarded to the contractor exceeds one hundred
22   fifty thousand dollars, the board, officer, person, or other contracting
23   body by whom the contract was awarded shall, no later than ten days
24   before the final settlement is made, publish a notice of the final settlement
25   at least twice in a newspaper of general circulation in any county where
26   the work was contracted for or performed or in an electronic medium
27   approved by the executive director of the department of personnel. It is
28   unlawful for any person to divide a public works contract into two or
29   more separate contracts for the sole purpose of evading or attempting to
30   evade the requirements of this subsection (1).".

31   Renumber succeeding section accordingly.

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