

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0311.01 Josh Schultz x5486

**HOUSE BILL 26-1005**

---

**HOUSE SPONSORSHIP**

**Mabrey and Bacon**, Duran, Boesenecker, Brown, Camacho, Clifford, Espenoza, Froelich, Garcia, Gilchrist, Hamrick, Jackson, Lieder, Lindsay, Lukens, Martinez, Mauro, McCormick, Phillips, Rydin, Sirota, Stewart K., Stewart R., Titone, Velasco, Woodrow, Zokaie

**SENATE SPONSORSHIP**

**Danielson and Jodeh**, Bridges, Cutter, Exum, Gonzales J., Hinrichsen, Kipp, Kolker, Lindstedt, Marchman, Sullivan, Wallace, Weissman

---

**House Committees**

Business Affairs & Labor  
Finance  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO REDUCE BARRIERS IN THE "LABOR PEACE**  
102            **ACT" TO PROMOTE GOOD FAITH COLLECTIVE BARGAINING**  
103            **NEGOTIATIONS, AND, IN CONNECTION THEREWITH, REDUCING AN**  
104            **APPROPRIATION.**

---

**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 makes the following changes to the "Labor Peace Act":

- Specifies that employees' right to bargain collectively includes the right to bargain collectively concerning any

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

- mandatory subject of bargaining;
- Eliminates the requirement for a second election to negotiate a union security agreement clause in the collective bargaining process;
- Declares that it is not an unfair labor practice for an employer to refuse to agree to a lawful proposal made by the exclusive representative of the employees, or for the exclusive representative of the employees to refuse to agree to a lawful proposal made by the employer, concerning a mandatory subject of bargaining if the refusing party has bargained in good faith with the other party; and
- Requires employers and employees, through their exclusive representative, to bargain in good faith.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-3-102, **amend**  
 3 (1)(a), (1)(b), (1)(c), and (1)(e) as follows:

4 **8-3-102. Legislative declaration.**

5 (1) The public policy of the state as to employment relations and  
 6 collective bargaining, in the furtherance of which this article 3 is enacted,  
 7 is declared to be as follows:

8 (a) It recognizes that there are three major interests involved,  
 9 namely: That of the public, the employee, and the employer. ~~These three~~  
 10 ~~interests are to a considerable extent interrelated.~~ It is the policy of the  
 11 state to protect and promote each of these interests with due regard to ~~the~~  
 12 ~~situation and to the rights of the others~~ THE RIGHTS OF ALL INVOLVED.

13 (b) Industrial peace, ~~regular and adequate income~~ FAIR WAGES  
 14 AND BENEFITS for the employee, and uninterrupted production of goods  
 15 and services ~~are promotive of~~ PROMOTE all of these interests. They are  
 16 largely dependent upon the maintenance of ~~fair, friendly, and mutually~~  
 17 ~~satisfactory~~ GOOD FAITH employment relations and the availability of  
 18 suitable machinery for the peaceful adjustment of whatever legitimate

1 controversies may arise. ~~It is recognized that certain employers, including~~  
2 ~~farmers and farmer cooperatives, in addition to their general employer~~  
3 ~~problems, face special problems arising from perishable commodities and~~  
4 ~~seasonal production which require adequate consideration.~~ It is also  
5 recognized that whatever may be the rights of disputants with respect to  
6 each other in any controversy regarding employment relations, they  
7 should not be permitted in the conduct of their controversy to intrude  
8 directly or indirectly into the primary rights of third parties to earn a  
9 livelihood, transact business, and engage in the ordinary affairs of life by  
10 any lawful means and free from ~~molestation~~, interference, intimidation,  
11 restraint, or coercion.

12 (c) ~~Negotiations~~ of Terms and conditions of work should BE  
13 NEGOTIATED IN GOOD FAITH BY ALL PARTIES AND result from voluntary  
14 agreement between AN employer and ~~employee~~ ITS EMPLOYEES AND  
15 WITHOUT UNDUE INTERFERENCE BY THE STATE. For the purpose of such  
16 negotiation, ~~an employee has~~ EMPLOYEES HAVE the right, if ~~he desires~~  
17 DESIRED, to associate with ~~others~~ EACH OTHER in organizing and  
18 bargaining collectively through representatives of ~~his own~~ THE  
19 EMPLOYEES' free choosing without intimidation or coercion from any  
20 source.

21 (e) In order to preserve and promote the interests of the public, the  
22 ~~employee~~ EMPLOYEES, and the employer alike, the state shall establish  
23 standards of fair conduct in employment relations and provide a  
24 convenient, expeditious, and impartial tribunal by which these interests  
25 may have their respective rights and obligations adjudicated, without  
26 limiting the jurisdiction of the courts to ~~protect property~~ PREVENT  
27 VIOLENCE, and to prevent and punish the commission of unlawful acts.

1 ~~While limiting individual and group rights of aggression and defense, the~~  
2 ~~state substitutes processes of justice for the more primitive methods of~~  
3 ~~trial by combat.~~

4           **SECTION 2.** In Colorado Revised Statutes, **amend** 8-3-106 as  
5 follows:

6           **8-3-106. Rights of employees.**

7           In accordance with ~~the provisions of this article~~ ARTICLE 3,  
8 employees have the right of self-organization and the right to form, join,  
9 or assist labor organizations; to bargain collectively, INCLUDING THE  
10 RIGHT TO BARGAIN COLLECTIVELY CONCERNING ANY MANDATORY  
11 SUBJECT OF BARGAINING, through representatives of their own free  
12 choosing; and to engage in lawful, concerted activities for the purpose of  
13 collective bargaining or other mutual aid or protection. Each employee  
14 also has the right to refrain from any ~~of~~ such activities. The rights of each  
15 employee are essential rights, and nothing contained in this ~~article~~  
16 ARTICLE 3 shall be so construed ~~as~~ to infringe upon or have any operation  
17 against or in conflict with such rights.

18           **SECTION 3.** In Colorado Revised Statutes, 8-3-108, **amend**  
19 (1)(c)(I) and (1)(c)(III); and **repeal** (1)(c)(II) and (1)(c)(IV) as follows:

20           **8-3-108. What are unfair labor practices.**

21           (1) It is an unfair labor practice for an employer, individually or  
22 in concert with others, to:

23           (c) (I) Encourage or discourage membership in ~~any~~ A labor  
24 organization, employee agency, committee, association, or representation  
25 plan by discrimination in regard to hiring, tenure, or other terms or  
26 conditions of employment; except that an employer shall not be  
27 prohibited from entering into an all-union agreement with the

1 representatives of his THE EMPLOYER'S employees in a collective  
2 bargaining unit. if such all-union agreement is approved by the  
3 affirmative vote of at least a majority of all the employees eligible to vote  
4 or three-quarters or more of the employees who actually voted, whichever  
5 is greater, by secret ballot in favor of such all-union agreement in an  
6 election provided for in this paragraph (c) conducted under the  
7 supervision of the director. Where the collective bargaining unit involved  
8 is currently recognized under sections 8 or 9 of the "National Labor  
9 Relations Act", as amended, (49 Stat. 449; 61 Stat. 136), or where the  
10 collective bargaining unit involved is currently recognized by reason of  
11 certification by the director or the national labor relations board, or where  
12 such units were so recognized at the time of an election provided for in  
13 this paragraph (c), there is and shall be deemed to have been no need for  
14 a certification election as a precedent to an election provided for in this  
15 paragraph (c) in such collective bargaining unit on the issue of an  
16 all-union agreement. The employees in such a recognized or certified unit  
17 within this state shall be the only employees eligible to vote in an election  
18 provided for in this paragraph (c) held in such unit.

19 (II) (A) Any agreement as defined in section 8-3-104 (1.5)  
20 between an employer and a labor organization in existence on June 29,  
21 1977, which has not been voted upon by the employees covered by it  
22 may, by written mutual agreement of such employer and labor  
23 organization, be ratified and upon such ratification shall be filed with the  
24 director. Any agreement as defined in section 8-3-104 (1.5) between an  
25 employer and a labor organization in existence on June 29, 1977, which  
26 has not been ratified and filed, as provided in this subsection (1)(c)(II),  
27 shall not be legal, valid, or enforceable during the remaining term of that

1 labor contract unless and until either the employer, the labor organization,  
2 or at least twenty percent of the employees covered by such agreement  
3 file a petition upon forms provided by the division, demanding an election  
4 submitting the question of the all-union agreement to the employees  
5 covered by such agreement and said agreement is approved by the  
6 affirmative vote of at least a majority of all the employees eligible to vote  
7 or three-quarters or more of the employees who actually voted, whichever  
8 is greater, by secret ballot in favor of such all-union agreement in an  
9 election provided for in this subsection (1)(c) conducted under the  
10 supervision of the director.

11 (B) Upon filing of such instrument of ratification with the  
12 director, the director shall certify that such agreement complies with the  
13 provisions of section 8-3-104 (1.5) notwithstanding the absence of any  
14 other election requirements of this article 3, and by virtue of such  
15 ratification and certification, such agreement shall be deemed legal, valid,  
16 and enforceable to the extent permitted under the provisions of this article  
17 3, subject to the provisions of subsection (1)(c)(II)(D) of this section.

18 (C) Within two weeks after the certification by the director  
19 provided for in sub-subparagraph (B) of this subparagraph (II), the  
20 employer which is a party to such agreement shall post or give written  
21 notice to all employees covered by such agreement on the date of  
22 ratification of the fact that the agreement has been ratified and certified  
23 pursuant to the provisions of this subparagraph (II) and of the right of  
24 such employees to file a petition demanding an election as provided in  
25 sub-subparagraph (D) of this subparagraph (II). Proof of giving of notice  
26 shall be filed with the director within twenty days after the certification  
27 by the director provided for in sub-subparagraph (B) of this subparagraph

1     (H):

2             (D) ~~Within forty-five days after the certification by the director~~  
3 ~~provided for in sub-subparagraph (B) of this subparagraph (H) twenty~~  
4 ~~percent of the employees covered by such agreement may file a petition,~~  
5 ~~upon forms provided by the division, demanding an election submitting~~  
6 ~~the question of ratification of such agreement to the employees covered~~  
7 ~~by such agreement. If ratification of the agreement is approved by the~~  
8 ~~affirmative vote of at least a majority of all the employees eligible to vote~~  
9 ~~or three-quarters or more of the employees who actually voted, whichever~~  
10 ~~is greater, in said election, the agreement shall be conclusively deemed~~  
11 ~~ratified. Such election shall be held as promptly as possible following the~~  
12 ~~filing of the petition. In the event that a certified contract expires or is~~  
13 ~~terminated prior to the conducting of such an election, such certification~~  
14 ~~shall be applicable to any subsequent agreement between the same parties~~  
15 ~~until such election may be held.~~

16             (III) The director shall declare ~~any such~~ AN all-union agreement  
17 terminated whenever

18             (A) ~~He~~ THE DIRECTOR finds that the labor organization involved  
19 HAS unreasonably ~~has~~ refused to receive as a member ~~any~~ AN employee  
20 of ~~such~~ THE employer, and ~~any person~~ AN interested INDIVIDUAL may  
21 come before the director, as provided in section 8-3-110, and ask the  
22 performance of this duty. ~~or~~

23             (B) ~~The employer or twenty percent of the employees covered by~~  
24 ~~such agreement file a petition with the director on forms provided by the~~  
25 ~~division seeking to revoke such all-union agreement and, in an election~~  
26 ~~conducted under the supervision of the director, there is not an~~  
27 ~~affirmative vote of at least a majority of all the employees eligible to vote~~

1 ~~or three-quarters or more of the employees who actually voted, whichever~~  
2 ~~is greater, in such election by secret ballot in favor of such all-union~~  
3 ~~agreement. Such petition may only be filed within a time period between~~  
4 ~~one hundred twenty and one hundred five days prior to the end of the~~  
5 ~~collective bargaining agreement or prior to a triennial anniversary of the~~  
6 ~~date of such agreement, and the division must complete said election~~  
7 ~~within sixty days prior to the termination or triennial anniversary of said~~  
8 ~~collective bargaining agreement. The director may conduct an election~~  
9 ~~within a collective bargaining unit no more often than once during the~~  
10 ~~term of any collective bargaining agreement or once every three years in~~  
11 ~~the case of agreements for a period longer than three years.~~

12 (IV) ~~The director shall provide a means by which employees may~~  
13 ~~submit confidential petitions for an election under this paragraph (c), a~~  
14 ~~means for verifying the employment, status, and eligibility of petitioners,~~  
15 ~~and a means for determining the sufficiency of such petitions with respect~~  
16 ~~to the twenty percent signature requirement, all of which shall be~~  
17 ~~accomplished without disclosing the identification of such petitioners,~~  
18 ~~except as allowed under subparagraph (V) of this paragraph (c). This duty~~  
19 ~~shall apply to petitions filed pursuant to subparagraph (H)(A), (H)(D), or~~  
20 ~~(H)(B) of this paragraph (c).~~

21 **SECTION 4.** In Colorado Revised Statutes, 8-3-109, **amend** (3);  
22 and **add** (4) as follows:

23 **8-3-109. What are not unfair labor practices - obligation to**  
24 **bargain in good faith.**

25 (3) ~~It shall not be~~ IS NOT an unfair labor practice for an employer  
26 engaged primarily in the building and construction industry to enter into  
27 an all-union agreement. ~~except an agreement providing for an agency~~

1 ~~shop or modified agency shop, with a labor organization, which~~  
2 ~~agreement is limited in its coverage to employees who, upon their~~  
3 ~~employment, will be engaged in the building and construction industry,~~  
4 ~~if a copy of such agreement is filed with the director and certified by him~~  
5 ~~as provided in section 8-3-108 (1)(c)(II)(B). Such agreement may be~~  
6 ~~ratified as provided in section 8-3-108 (1)(c)(II)(C) or terminated by the~~  
7 ~~director as provided in section 8-3-108 (1)(c)(III).~~

8 (4) IT IS NOT AN UNFAIR LABOR PRACTICE FOR AN EMPLOYER TO  
9 REFUSE TO AGREE TO A LAWFUL PROPOSAL MADE BY THE EXCLUSIVE  
10 REPRESENTATIVE OF THE EMPLOYEES, OR FOR THE EXCLUSIVE  
11 REPRESENTATIVE OF THE EMPLOYEES TO REFUSE TO AGREE TO A LAWFUL  
12 PROPOSAL MADE BY THE EMPLOYER, CONCERNING A MANDATORY SUBJECT  
13 OF BARGAINING IF THE REFUSING PARTY HAS BARGAINED IN GOOD FAITH  
14 WITH THE OTHER PARTY. EMPLOYERS AND EMPLOYEES, THROUGH THEIR  
15 EXCLUSIVE REPRESENTATIVE, HAVE THE OBLIGATION TO BARGAIN IN GOOD  
16 FAITH. THE OBLIGATION TO BARGAIN IN GOOD FAITH DOES NOT COMPEL  
17 EITHER PARTY TO AGREE TO A PROPOSAL OR MAKE A CONCESSION.

18 **SECTION 5. Appropriation - adjustments to 2026 long bill.**

19 (1) Except as provided in subsection (2) of this section, to implement this  
20 act, the general fund appropriation made in the annual general  
21 appropriation act for the 2026-27 state fiscal year to the department of  
22 labor and employment for use by the division of labor standards and  
23 statistics for program costs related to labor standards is decreased by  
24 \$26,865, and the related FTE is decreased by 0.2 FTE.

25 (2) Subsection (1) of this section does not require a reduction of  
26 an appropriation in the annual general appropriation act for the 2026-27  
27 state fiscal year if:

1 (a) The amount of general fund appropriation made in the annual  
2 general appropriation act for the 2026-27 state fiscal year to the  
3 department of labor and employment for use by the division of labor  
4 standards and statistics for program costs related to labor standards is less  
5 than the amount of the adjustment required in subsection (1) of this  
6 section; or

7 (b) The annual general appropriation act for the 2026-27 state  
8 fiscal year does not include an appropriation to the department of labor  
9 and employment for use by the division of labor standards and statistics  
10 for program costs related to labor standards.

11 **SECTION 6. Effective date.** This act takes effect upon passage;  
12 except that section 5 of this act takes effect only if the annual general  
13 appropriation act for the 2026-27 state fiscal year becomes law, in which  
14 case section 5 takes effect upon the effective date of this act or of the  
15 annual general appropriation act for state fiscal year 2026-27, whichever  
16 is later.

17 **SECTION 7. Applicability.** This act applies to collective  
18 bargaining agreements entered into or renewed on or after the effective  
19 date of this act.

20 **SECTION 8. Safety clause.** The general assembly finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, or safety or for appropriations for  
23 the support and maintenance of the departments of the state and state  
24 institutions.