

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 18-0966.01 Yelana Love x2295

HOUSE BILL 18-1368

HOUSE SPONSORSHIP

Danielson and Melton,

SENATE SPONSORSHIP

Merrifield and Moreno,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE PROHIBITIONS ON LOCAL**
102 **GOVERNMENTS ENACTING MINIMUM WAGE LAWS.**

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 increasing the minimum wage within its jurisdiction.

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

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
2nd Reading Unamended
April 23, 2018

1 **SECTION 1.** In Colorado Revised Statutes, **add** 29-1-116 as
2 follows:

3 **29-1-116. Authority of a local government to enact minimum**
4 **wage laws.** A LOCAL GOVERNMENT MAY ENACT A LAW OR ORDINANCE
5 ESTABLISHING A MINIMUM WAGE FOR INDIVIDUALS PERFORMING WORK
6 WHILE PHYSICALLY WITHIN THE LOCAL GOVERNMENT'S JURISDICTION IN
7 ACCORDANCE WITH SECTION 8-6-101.

8 **SECTION 2.** In Colorado Revised Statutes, 8-3-102, **amend** (1)
9 introductory portion; and **repeal** (1)(g) as follows:

10 **8-3-102. Legislative declaration.** (1) The public policy of the
11 state as to employment relations and collective bargaining, in the
12 furtherance of which this ~~article~~ ARTICLE 3 is enacted, is declared to be as
13 follows:

14 ~~(g) (f) The general assembly hereby finds and determines that the~~
15 ~~matters contained in this article have important statewide ramifications~~
16 ~~for the labor force in this state. The general assembly, therefore, declares~~
17 ~~that the matters contained in this article are of statewide concern.~~

18 ~~(H) No unit of local government, whether by acting through its~~
19 ~~governing body or an initiative, a referendum, or any other process, shall~~
20 ~~enact any jurisdiction-wide law or ordinance with respect to minimum~~
21 ~~wages unless specifically authorized to do so by this article; except that~~
22 ~~a unit of local government may set minimum wages paid to its own~~
23 ~~employees.~~

24 ~~(H.5) Notwithstanding the provisions of subparagraph (H) of this~~
25 ~~paragraph (g), any local government regulation or law pertaining to~~
26 ~~minimum wages in effect as of January 1, 1999, shall remain in full force~~
27 ~~and effect until such law is repealed by the local government entity that~~

1 enacted the law.

2 ~~(HH) If it is determined by the officer or agency responsible for~~
3 ~~distributing federal moneys to a local government that compliance with~~
4 ~~this paragraph (g) may cause denial of federal moneys that would~~
5 ~~otherwise be available or would otherwise be inconsistent with~~
6 ~~requirements of federal law, this section shall be suspended, but only to~~
7 ~~the extent necessary to prevent denial of the moneys or to eliminate the~~
8 ~~inconsistency with federal requirements.~~

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

11 **8-6-101. Minimum wage of workers - authority of local**
12 **government to enact minimum wage increase - definition.** (2) ~~The~~
13 ~~general assembly hereby finds and determines that issues related to the~~
14 ~~wages of workers in Colorado have important statewide ramifications for~~
15 ~~the labor force in this state. The general assembly, therefore, declares that~~
16 ~~the minimum wages of workers in this state are a matter of statewide~~
17 ~~concern.~~

18 (3) (a) ~~No unit of local government, whether by acting through its~~
19 ~~governing body or an initiative, a referendum, or any other process, shall~~
20 ~~enact any jurisdiction-wide laws with respect to minimum wages; except~~
21 ~~that a unit of local government may set minimum wages paid to its own~~
22 ~~employees~~ A UNIT OF LOCAL GOVERNMENT ACTING THROUGH ITS
23 GOVERNING BODY, OR THE RESIDENTS OF A MUNICIPALITY ACTING
24 THROUGH THEIR INITIATIVE OR REFERENDUM POWERS, MAY ENACT A LAW
25 OR ORDINANCE ESTABLISHING A MINIMUM WAGE FOR INDIVIDUALS
26 PERFORMING WORK WHILE PHYSICALLY WITHIN THE LOCAL GOVERNMENT'S
27 JURISDICTION. IN ACCORDANCE WITH SECTION 30-11-103.5, A COUNTY

1 ACTING THROUGH ITS BOARD OF COUNTY COMMISSIONERS MAY PLACE ON
2 THE BALLOT A QUESTION REGARDING THE ESTABLISHMENT OF A MINIMUM
3 WAGE. THE MINIMUM WAGE ESTABLISHED IN ACCORDANCE WITH THIS
4 SUBSECTION (3) MAY EXCEED THE STATEWIDE MINIMUM WAGE
5 ESTABLISHED IN ACCORDANCE WITH SECTION 15 OF ARTICLE XVIII OF THE
6 STATE CONSTITUTION.

7 (b) ~~Notwithstanding the provisions of paragraph (a) of this~~
8 ~~subsection (3), any local government regulation or law pertaining to~~
9 ~~minimum wages in effect as of January 1, 1999, shall remain in full force~~
10 ~~and effect until such law is repealed by the local government entity that~~
11 ~~enacted the law.~~ A UNIT OF LOCAL GOVERNMENT ACTING THROUGH ITS
12 GOVERNING BODY, THE RESIDENTS OF A MUNICIPALITY ACTING THROUGH
13 THEIR INITIATIVE OR REFERENDUM POWERS, OR THE RESIDENTS OF A
14 COUNTY ACTING THROUGH THEIR REFERENDUM POWERS, THAT ADOPTS A
15 MINIMUM WAGE EXCEEDING THE STATEWIDE MINIMUM WAGE IN
16 ACCORDANCE WITH THIS SUBSECTION (3) MAY ADOPT PROVISIONS FOR THE
17 LOCAL ENFORCEMENT OF THAT REQUIREMENT, INCLUDING:

18 (I) A PRIVATE RIGHT OF ACTION TO ENFORCE THE REQUIREMENT IN
19 A COURT OF COMPETENT JURISDICTION; AND

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

21 (A) FINES AND PENALTIES;

22 (B) UNPAID WAGES;

23 (C) LIQUIDATED DAMAGES;

24 (D) INTEREST; AND

25 (E) COSTS AND ATTORNEYS FEES PAYABLE TO ANY AFFECTED
26 EMPLOYEE,

27 ~~(c) If it is determined by the officer or agency responsible for~~

1 ~~distributing federal moneys to a local government that compliance with~~
2 ~~this subsection (3) may cause denial of federal moneys that would~~
3 ~~otherwise be available or would otherwise be inconsistent with~~
4 ~~requirements of federal law, this section shall be suspended, but only to~~
5 ~~the extent necessary to prevent denial of the moneys or to eliminate the~~
6 ~~inconsistency with federal requirements.~~

7 (4) FOR PURPOSES OF THIS SECTION, "LOCAL GOVERNMENT" MEANS
8 A COUNTY, CITY AND COUNTY, OR MUNICIPALITY.

9 **SECTION 4.** In Colorado Revised Statutes, 8-12-102, **repeal** (2)
10 as follows:

11 **8-12-102. Legislative declaration.** (2) (a) ~~The general assembly~~
12 ~~hereby finds and determines that certain issues related to youth~~
13 ~~employment in Colorado have important statewide ramifications for the~~
14 ~~labor force in this state. In particular, the general assembly declares that~~
15 ~~the issue of minimum wages, as it relates to youth employment in this~~
16 ~~state, is a matter of statewide concern.~~

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

23 **SECTION 5. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2018 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.