

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

PREAMENDED

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

LLS NO. 19-0166.01 Yelana Love x2295

HOUSE BILL 19-1210

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A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE PROHIBITIONS ON A LOCAL**
102 **GOVERNMENT ESTABLISHING MINIMUM WAGE LAWS WITHIN ITS**
103 **JURISDICTION.**

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 establishing a minimum wage within its jurisdiction.

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
3rd Reading Unamended
March 11, 2019

HOUSE
Amended 2nd Reading
March 8, 2019

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Despite a statewide minimum wage rate, many Colorado
5 workers struggle to afford the basic necessities of life;

6 (b) The cost of living can vary significantly from one community
7 to another in Colorado;

8 (c) Addressing the minimum wage needs of workers is a matter
9 of both state and local concern;

10 (d) Local minimum wage laws that can exceed the minimum wage
11 required by state law offer local governments a way to address the
12 particular minimum wage needs of workers and businesses in their
13 jurisdiction;

14 (e) Studies of local minimum wage laws have shown that such
15 laws can increase earnings for workers without negatively affecting
16 employment;

17 (f) While state minimum wage laws can set a useful floor for
18 workers and businesses, local governments should be able to listen to
19 their residents and enact local minimum wage laws that better address
20 their unique needs; and

21 (g) Ensuring that workers in Colorado can support themselves and
22 their families benefits the larger economy and well-being of the state.

23 (2) Therefore, it is the intent of the general assembly to address
24 the needs of workers across the state by empowering local governments
25 to adopt local minimum wage laws requiring a higher minimum wage
26 than the state when local governments determine that such laws are in the
27 best interest of their jurisdiction.

1 **SECTION 2.** In Colorado Revised Statutes, **add** part 14 to article
2 1 of title 29 as follows:

3 PART 14
4 AUTHORITY OF LOCAL GOVERNMENT
5 TO ENACT MINIMUM WAGE

6 **29-1-1401. Authority of a local government to enact minimum**
7 **wage laws - definition.** (1) A LOCAL GOVERNMENT MAY ENACT LAWS
8 ESTABLISHING A MINIMUM WAGE FOR INDIVIDUALS PERFORMING WORK
9 WHILE PHYSICALLY WITHIN THE LOCAL GOVERNMENT'S JURISDICTION IN
10 ACCORDANCE WITH SECTION 8-6-101.

11 (2) AS USED IN THIS SECTION, "LOCAL GOVERNMENT" MEANS A:

- 12 (a) CITY;
- 13 (b) HOME RULE CITY;
- 14 (c) TOWN;
- 15 (d) TERRITORIAL CHARTER CITY;
- 16 (e) CITY AND COUNTY;
- 17 (f) COUNTY; OR
- 18 (g) HOME RULE COUNTY.

19 **SECTION 3.** In Colorado Revised Statutes, 8-3-102, **amend** (1)
20 introductory portion; and **repeal** (1)(g)(II), (1)(g)(II.5), and (1)(g)(III) as
21 follows:

22 **8-3-102. Legislative declaration.** (1) The public policy of the
23 state as to employment relations and collective bargaining, in the
24 furtherance of which this ~~article~~ ARTICLE 3 is enacted, is declared to be as
25 follows:

26 (g) (II) ~~No unit of local government, whether by acting through its~~
27 ~~governing body or an initiative, a referendum, or any other process, shall~~

1 enact any jurisdiction-wide law or ordinance with respect to minimum
2 wages unless specifically authorized to do so by this article; except that
3 a unit of local government may set minimum wages paid to its own
4 employees.

5 (II.5) Notwithstanding the provisions of subparagraph (II) of this
6 paragraph (g), any local government regulation or law pertaining to
7 minimum wages in effect as of January 1, 1999, shall remain in full force
8 and effect until such law is repealed by the local government entity that
9 enacted the law.

10 (III) If it is determined by the officer or agency responsible for
11 distributing federal moneys to a local government that compliance with
12 this paragraph (g) may cause denial of federal moneys that would
13 otherwise be available or would otherwise be inconsistent with
14 requirements of federal law, this section shall be suspended, but only to
15 the extent necessary to prevent denial of the moneys or to eliminate the
16 inconsistency with federal requirements.

17 **SECTION 4.** In Colorado Revised Statutes, 8-6-101, **amend** (3);
18 **repeal** (2); and **add** (4), (5), (6), (7), (8), and (9) as follows:

19 **8-6-101. Legislative declaration - minimum wage of workers**
20 **- authority of a local government to enact minimum wage laws -**
21 **enforcement - definition.** (2) ~~The general assembly hereby finds and~~
22 ~~determines that issues related to the wages of workers in Colorado have~~
23 ~~important statewide ramifications for the labor force in this state. The~~
24 ~~general assembly, therefore, declares that the minimum wages of workers~~
25 ~~in this state are a matter of statewide concern.~~

26 (3) (a) ~~No unit of local government, whether by acting through its~~
27 ~~governing body or an initiative, a referendum, or any other process, shall~~

1 ~~enact any jurisdiction-wide laws with respect to minimum wages; except~~
2 ~~that a unit of local government may set minimum wages paid to its own~~
3 ~~employees~~ NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL
4 GOVERNMENT MAY ENACT THROUGH ITS GOVERNING BODY OR, WHEN
5 AVAILABLE, THROUGH ITS INITIATIVE OR REFERENDUM POWERS, LAWS
6 ESTABLISHING MINIMUM WAGES FOR INDIVIDUALS PERFORMING, OR
7 EXPECTED TO PERFORM, FOUR OR MORE HOURS OF WORK FOR AN
8 EMPLOYER IN ANY GIVEN WEEK WITHIN THE GEOGRAPHIC BOUNDARIES OF
9 THE LOCAL GOVERNMENT'S JURISDICTION. MINIMUM WAGES ESTABLISHED
10 IN ACCORDANCE WITH THIS SECTION MAY EXCEED THE STATEWIDE
11 MINIMUM WAGE ESTABLISHED IN ACCORDANCE WITH SECTION 15 OF
12 ARTICLE XVIII OF THE STATE CONSTITUTION, ANY OTHER MINIMUM WAGE
13 ESTABLISHED BY STATE LAW, OR ANY MINIMUM WAGE ESTABLISHED BY
14 FEDERAL LAW; EXCEPT THAT A LOCAL GOVERNMENT THAT ENACTS A
15 MINIMUM WAGE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL
16 PROVIDE A TIP OFFSET FOR EMPLOYEES OF ANY BUSINESS OR ENTERPRISE
17 THAT PREPARES AND OFFERS FOR SALE FOOD OR BEVERAGES FOR
18 CONSUMPTION EITHER ON OR OFF THE PREMISES LESS THAN OR EQUAL TO
19 THE TIP OFFSET PROVIDED IN SECTION 15 OF ARTICLE XVIII OF THE STATE
20 CONSTITUTION. THE TIP OFFSET APPLIES ONLY TO EMPLOYEES WHO
21 REGULARLY RECEIVE TIPS AND ONLY WHEN A TIP OFFSET IS PERMITTED BY
22 STATE LAW. A LOCAL GOVERNMENT SHALL NOT INCLUDE IN ITS MINIMUM
23 WAGE LAWS TIME SPENT IN THE LOCAL GOVERNMENT'S JURISDICTION BY
24 AN EMPLOYEE SOLELY FOR THE PURPOSE OF TRAVELING THROUGH THE
25 LOCAL GOVERNMENT'S JURISDICTION FROM A POINT OF ORIGIN OUTSIDE OF
26 THE LOCAL GOVERNMENT'S BOUNDARIES TO A DESTINATION OUTSIDE OF
27 THE LOCAL GOVERNMENT'S BOUNDARIES, WITH NO EMPLOYMENT-RELATED

1 OR COMMERCIAL STOPS IN THE LOCAL GOVERNMENT'S JURISDICTION,
2 EXCEPT FOR REFUELING OR THE EMPLOYEE'S PERSONAL MEALS OR
3 ERRANDS.

4 (b) ~~Notwithstanding the provisions of paragraph (a) of this~~
5 ~~subsection (3), any local government regulation or law pertaining to~~
6 ~~minimum wages in effect as of January 1, 1999, shall remain in full force~~
7 ~~and effect until such law is repealed by the local government entity that~~
8 ~~enacted the law.~~ A LOCAL GOVERNMENT THAT ENACTS ANY MINIMUM
9 WAGE LAWS IN ACCORDANCE WITH THIS SUBSECTION (3) MAY ADOPT
10 PROVISIONS FOR THE LOCAL ENFORCEMENT OF THE LAWS, INCLUDING:

11 (I) A PRIVATE RIGHT OF ACTION TO ENFORCE THE REQUIREMENT IN
12 A COURT OF COMPETENT JURISDICTION;

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

14 (A) FINES AND PENALTIES;

15 (B) PAYMENT OF UNPAID WAGES OR UNPAID OVERTIME BASED ON
16 THOSE WAGES;

17 (C) LIQUIDATED DAMAGES;

18 (D) INTEREST;

19 (E) COSTS AND ATTORNEY FEES PAYABLE TO ANY AFFECTED
20 PREVAILING EMPLOYEE; AND

21 (F) COSTS AND ATTORNEY FEES PAYABLE TO THE LOCAL
22 GOVERNMENT OR ITS DESIGNATED ENFORCEMENT DEPARTMENTS;

23 (III) PROCEDURES FOR THE LOCAL GOVERNMENT TO ORDER ANY
24 APPROPRIATE OR EQUITABLE RELIEF; AND

25 (IV) OTHER PROVISIONS NECESSARY FOR THE EFFICIENT AND
26 COST-EFFECTIVE ENFORCEMENT OF LOCAL MINIMUM WAGE LAWS.

27 (c) (I) ~~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. EXCEPT AS PROVIDED IN
7 SUBSECTION (3)(c)(II) OF THIS SECTION, A LOCAL MINIMUM WAGE
8 ADOPTED BY A COUNTY IS ONLY ENFORCEABLE WITHIN THE
9 UNINCORPORATED PORTION OF THE COUNTY.

10 (II) ONE OR MORE CONTIGUOUS COUNTIES AND ANY MUNICIPALITY
11 WITHIN EACH COUNTY MAY ENTER INTO INTERGOVERNMENTAL
12 AGREEMENTS TO ESTABLISH LOCAL MINIMUM WAGE LAWS WITHIN THE
13 UNINCORPORATED PORTION OF EACH COUNTY AND WITHIN EACH
14 MUNICIPALITY. AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO IN
15 ACCORDANCE WITH THIS SUBSECTION (3)(c) MUST ESTABLISH THE MANNER
16 IN WHICH A LOCAL GOVERNMENT MINIMUM WAGE LAW WILL BE ENFORCED
17 AND ADMINISTERED.

18 (d) BEFORE ENACTING A MINIMUM WAGE LAW, A LOCAL
19 GOVERNMENT SHALL CONSULT WITH SURROUNDING LOCAL GOVERNMENTS
20 AND ENGAGE STAKEHOLDERS, INCLUDING CHAMBERS OF COMMERCE,
21 SMALL AND LARGE BUSINESSES, BUSINESSES THAT EMPLOY TIPPED
22 WORKERS, WORKERS, LABOR UNIONS, AND COMMUNITY GROUPS.

23 (4) FOR PURPOSES OF THIS SECTION, "LOCAL GOVERNMENT" MEANS

24 A:

- 25 (a) CITY;
- 26 (b) HOME RULE CITY;
- 27 (c) TOWN;

1 (d) TERRITORIAL CHARTER CITY;

2 (e) CITY AND COUNTY;

3 (f) COUNTY; OR

4 (g) HOME RULE COUNTY.

5 (5) IF ANY PROVISION OF THIS SECTION IS FOUND BY A COURT OF
6 COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, THE REMAINING
7 PROVISIONS OF THIS SECTION ARE VALID, UNLESS IT APPEARS TO THE
8 COURT THAT THE VALID PROVISIONS OF THIS SECTION ARE SO ESSENTIALLY
9 AND INSEPARABLY CONNECTED WITH, AND SO DEPENDENT UPON, THE VOID
10 PROVISION THAT IT CANNOT BE PRESUMED THE LEGISLATURE WOULD HAVE
11 ENACTED THE VALID PROVISIONS WITHOUT THE VOID ONE; OR UNLESS THE
12 COURT DETERMINES THAT THE VALID PROVISIONS, STANDING ALONE, ARE
13 INCOMPLETE AND ARE INCAPABLE OF BEING EXECUTED IN ACCORDANCE
14 WITH THE LEGISLATIVE INTENT.

15 (6) A LOCAL GOVERNMENT THAT ENACTS A LOCAL MINIMUM WAGE
16 LAW PURSUANT TO THIS SECTION MUST SPECIFY THAT AN INCREASE IN THE
17 LOCAL MINIMUM WAGE MUST TAKE EFFECT ON THE SAME DATE AS A
18 SCHEDULED INCREASE TO THE STATEWIDE MINIMUM WAGE REQUIRED
19 UNDER SECTION 15 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

20 (7) IF A LOCAL GOVERNMENT ENACTS A LOCAL MINIMUM WAGE
21 LAW REQUIRING A MINIMUM WAGE THAT EXCEEDS THE STATEWIDE
22 MINIMUM WAGE, THE LOCAL GOVERNMENT MAY ONLY INCREASE THE
23 LOCAL MINIMUM WAGE EACH YEAR BY UP TO ONE DOLLAR AND
24 SEVENTY-FIVE CENTS OR FIFTEEN PERCENT, WHICHEVER IS HIGHER, UNTIL
25 THE LOCAL MINIMUM WAGE REACHES THE AMOUNT ENACTED BY THE
26 LOCAL GOVERNMENT.

27 (8) (a) BY JULY 1, 2021, THE EXECUTIVE DIRECTOR OF THE

1 DEPARTMENT OF LABOR AND EMPLOYMENT SHALL ISSUE A WRITTEN
2 REPORT REGARDING LOCAL MINIMUM WAGE LAWS IN THE STATE. THE
3 REPORT MUST INCLUDE THE LOCATION, NATURE, AND SCOPE OF ENACTED
4 LOCAL MINIMUM WAGE LAWS. TO THE EXTENT FEASIBLE, THE EXECUTIVE
5 DIRECTOR SHALL ALSO INCLUDE IN THE REPORT ECONOMIC DATA,
6 INCLUDING JOBS, EARNINGS, AND SALES TAX REVENUE, IN THE
7 JURISDICTION OF ANY LOCAL GOVERNMENT THAT HAS ENACTED A LOCAL
8 MINIMUM WAGE LAW PURSUANT TO THIS SECTION, AS WELL AS DATA FOR
9 NEIGHBORING JURISDICTIONS, RELEVANT REGIONS, AND THE STATE. THE
10 REPORT MAY INCLUDE RECOMMENDATIONS FOR POSSIBLE IMPROVEMENTS
11 TO THIS SECTION.

12 (b) THE EXECUTIVE DIRECTOR SHALL UPDATE THE REPORT BY JULY
13 1 EACH YEAR THEREAFTER IF AN ADDITIONAL LOCAL GOVERNMENT
14 ENACTS A MINIMUM WAGE LAW AFTER JULY 1 OF THE YEAR PRIOR.

15 (c) (I) THE EXECUTIVE DIRECTOR SHALL SUBMIT THE REPORT
16 REQUIRED IN THIS SUBSECTION (8) TO THE SENATE LOCAL GOVERNMENT
17 COMMITTEE AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION AND
18 LOCAL GOVERNMENT COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

19 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
20 REQUIRED IN THIS SUBSECTION (8) CONTINUES INDEFINITELY.

21 (9) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR
22 AND EMPLOYMENT SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE
23 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IF A LOCAL
24 GOVERNMENT ENACTS A MINIMUM WAGE THAT EXCEEDS THE STATEWIDE
25 MINIMUM WAGE.

26 (b) IF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
27 CARE POLICY AND FINANCING RECEIVES NOTICE PURSUANT TO SUBSECTION

1 (9)(a) OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL, AS SOON AS
2 PRACTICABLE, SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE WITH
3 RECOMMENDATIONS ABOUT WHETHER PROVIDER RATES NEED TO BE
4 INCREASED TO ACCOMMODATE THE LOCAL GOVERNMENT'S MINIMUM
5 WAGE INCREASE AND IF ESTABLISHING A FUND TO PASS THROUGH THOSE
6 INCREASES TO FACILITIES IN THE JURISDICTION OF THE LOCAL
7 GOVERNMENT THAT HAS RAISED THE MINIMUM WAGE IS NECESSARY.

8 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
9 REQUIRED IN THIS SUBSECTION (9) CONTINUES INDEFINITELY.

10 **SECTION 5.** In Colorado Revised Statutes, 8-12-102, **repeal** (2)
11 as follows:

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

18 ~~(b) 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 the minimum~~
21 ~~wages earned by young people unless otherwise specifically authorized~~
22 ~~to do so by this article; except that a unit of local government may enact~~
23 ~~such provisions with respect to its own employees.~~

24 **SECTION 6. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.