

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0501.01 Shelby Ross x4510

HOUSE BILL 20-1294

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HOUSE SPONSORSHIP

Lontine,

SENATE SPONSORSHIP

Gonzales,

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House Committees

State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING REPLACING THE TERM ILLEGAL ALIEN WITH  
102 UNDOCUMENTED IMMIGRANT AS IT RELATES TO PUBLIC  
103 CONTRACTS FOR SERVICES.

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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 replaces the term "illegal alien" with "undocumented immigrant" as it relates to public contracts for services.

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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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-17.5-102, **amend**  
3 (1), (2)(a), (2)(b) introductory portion, and (2)(b)(III) as follows:

4 **8-17.5-102. Undocumented immigrants - prohibition - public**  
5 **contracts for services - rules.** (1) A state agency or political subdivision  
6 shall not enter into or renew a public contract for services with a  
7 contractor who knowingly employs or contracts with an ~~illegal alien~~  
8 UNDOCUMENTED IMMIGRANT to perform work under the contract or who  
9 knowingly contracts with a subcontractor who knowingly employs or  
10 contracts with an ~~illegal alien~~ UNDOCUMENTED IMMIGRANT to perform  
11 work under the contract. Prior to executing a public contract for services,  
12 each prospective contractor shall certify that, at the time of the  
13 certification, it does not knowingly employ or contract with an ~~illegal~~  
14 ~~alien~~ UNDOCUMENTED IMMIGRANT who will perform work under the  
15 public contract for services and that the contractor will participate in the  
16 e-verify program or department program in order to confirm the  
17 employment eligibility of all employees who are newly hired for  
18 employment to perform work under the public contract for services.

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

21 (I) Knowingly employ or contract with an ~~illegal alien~~  
22 UNDOCUMENTED IMMIGRANT to perform work under the public contract  
23 for services; or

24 (II) Enter into a contract with a subcontractor that fails to certify  
25 to the contractor that the subcontractor shall not knowingly employ or  
26 contract with an ~~illegal alien~~ UNDOCUMENTED IMMIGRANT to perform  
27 work under the public contract for services.

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

3 (III) A provision that, if the contractor obtains actual knowledge  
4 that a subcontractor performing work under the public contract for  
5 services knowingly employs or contracts with an ~~illegal~~ alien  
6 UNDOCUMENTED IMMIGRANT, the contractor shall be required to:

7 (A) Notify the subcontractor and the contracting state agency or  
8 political subdivision within three days that the contractor has actual  
9 knowledge that the subcontractor is employing or contracting with an  
10 ~~illegal~~ alien UNDOCUMENTED IMMIGRANT; and

11 (B) Terminate the subcontract with the subcontractor if, within  
12 three days of receiving the notice required pursuant to ~~sub-subparagraph~~  
13 ~~(A) of this subparagraph (II)~~ SUBSECTION (2)(b)(III)(A) OF THIS SECTION,  
14 the subcontractor does not stop employing or contracting with the ~~illegal~~  
15 ~~alien~~ UNDOCUMENTED IMMIGRANT; except that the contractor shall not  
16 terminate the contract with the subcontractor if during such three days the  
17 subcontractor provides information to establish that the subcontractor has  
18 not knowingly employed or contracted with an ~~illegal~~ alien  
19 UNDOCUMENTED IMMIGRANT;

20 **SECTION 2. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly (August  
23 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect  
27 unless approved by the people at the general election to be held in

1 November 2020 and, in such case, will take effect on the date of the  
2 official declaration of the vote thereon by the governor.