

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

ENGROSSED

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

LLS NO. 20-0501.01 Shelby Ross x4510

HOUSE BILL 20-1294

HOUSE SPONSORSHIP

Lontine,

SENATE SPONSORSHIP

Gonzales,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REPLACING THE TERM ILLEGAL ALIEN WITH**
102 **UNAUTHORIZED WORKER AS IT RELATES TO PUBLIC CONTRACTS**
103 **FOR SERVICES.**

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.

*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
Amended 2nd Reading
March 6, 2020

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. Unauthorized workers - 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 **UNAUTHORIZED WORKER** to perform work under the contract or who
9 knowingly contracts with a subcontractor who knowingly employs or
10 contracts with an ~~illegal alien~~ **UNAUTHORIZED WORKER** to perform work
11 under the contract. Prior to executing a public contract for services, each
12 prospective contractor shall certify that, at the time of the certification, it
13 does not knowingly employ or contract with an ~~illegal alien~~
14 **UNAUTHORIZED WORKER** who will perform work under the public contract
15 for services and that the contractor will participate in the e-verify program
16 or department program in order to confirm the employment eligibility of
17 all employees who are newly hired for employment to perform work
18 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 **UNAUTHORIZED WORKER** to perform work under the public contract for
23 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~~ **UNAUTHORIZED WORKER** to perform work
27 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 UNAUTHORIZED WORKER, 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~~ UNAUTHORIZED WORKER; 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~~ UNAUTHORIZED WORKER; 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 UNAUTHORIZED WORKER;

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.