

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

REVISED

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

LLS NO. 23-0302.01 Nicole Myers x4326

SENATE BILL 23-292

SENATE SPONSORSHIP

Hansen and Fenberg, Coleman, Danielson, Exum, Hinrichsen, Marchman, Mullica, Roberts, Rodriguez, Bridges, Buckner, Cutter, Fields, Gonzales, Jaquez Lewis, Kolker, Priola, Sullivan, Winter F.

HOUSE SPONSORSHIP

Duran and Bird,

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING LABOR REQUIREMENTS FOR ENERGY SECTOR**
102 **CONSTRUCTION, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **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>.)

Current labor requirements for public projects. In 2019, the general assembly adopted an apprenticeship utilization law (apprenticeship utilization law) that requires the general contractor for a public project that does not receive federal money, and that is in the amount of one million dollars or more, to submit, at the time a

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.*

HOUSE
2nd Reading Unamended
May 4, 2023

SENATE
3rd Reading Unamended
May 1, 2023

SENATE
Amended 2nd Reading
April 28, 2023

mechanical, electrical, or plumbing subcontractor is put under contract, documentation to the contracting agency that identifies the contractors or subcontractors that will be used for specified aspects of the public project and certifies that all firms identified participate in specified apprenticeship programs.

At the same time, the general assembly also adopted a prevailing wage law (prevailing wage law) that requires any contractor who is awarded a contract for a public project by an agency of government for \$500,000 or more and that does not include federal money, and any subcontractors working on the public project, to pay their employees a prevailing wage at weekly intervals. The contractors and subcontractors are required to comply with prevailing wage enforcement provisions and requirements.

Energy sector public works projects. The bill creates a new category of public works projects defined as "energy sector public works projects", and requires these projects to comply with the requirements of the apprenticeship utilization law and the prevailing wage law for energy sector public works projects. An "energy sector public works project" is any project that:

- Has the purpose of generating, transmitting, or distributing electricity or natural gas for the purpose of providing energy to Colorado individual consumers and businesses;
- or
- Has the purpose of generating or distributing electricity or natural gas for the purpose of providing energy to Colorado individual consumers and businesses from utility customer funding as approved by a cooperative electric association.

With certain exceptions, the bill requires that a contract for an energy sector public works project include provisions that expressly require that all work performed under the contract comply with the state mechanical, electrical, and plumbing apprenticeship utilization law and the state prevailing wage law if the project is an electric power generation project with a nameplate generation capacity of one megawatt or higher or if the project is a project other than an electric power generation project with a total cost of one million dollars or more. All contracts with subcontractors on the project are also required to include such provisions. If the contract for an energy sector public works project does not include such provisions, the project will not be eligible to receive state funding or to receive required authorizations or approvals from the public utilities commission (PUC).

The lead contractor for an energy sector public works project is required to:

- Prepare certified payroll records for workers directly employed by the contractor and any subcontractors on the project and submit the records to the public utility or other

owner of the energy sector public works project weekly;
and

- Prepare a quarterly craft labor certification that attests that the lead contractor and all subcontractors are compliant with the apprenticeship utilization law and the prevailing wage law.

The public utility, cooperative electric association, independent power producer, or other owner of an energy sector public works project is required to maintain the records for all craft labor certifications and is required to either provide copies quarterly to the department of labor and employment or require the lead contractor to provide such copies.

The state auditor's office, in conjunction with the PUC and the department of labor and employment, is required to conduct periodic random audits of the labor certifications for energy sector public works projects.

Violations of the requirements for energy sector public works project contracts are subject to the penalties described in the apprenticeship utilization law and the prevailing wage law.

For projects funded in whole or in part by the state, the requirements to comply with the apprenticeship utilization law and the prevailing wage law apply only when the total project cost is one million dollars or more and the aggregated public assistance from the state is \$500,000 or more or when the project is a power generation project with a nameplate generation capacity of one megawatt or higher, and the aggregated public assistance from the state is \$500,000 or more.

The requirements to comply with the apprenticeship utilization law and the prevailing wage law do not apply to a project that is covered by a project labor agreement, work on an energy sector public works project performed by employees of a utility company, a utility-incentivized demand-side management or electrification program, a utility or state-funded building efficiency program, service agreements that were entered into on or before a certain date, projects that involve an electric distribution line with a specified capacity, work on an energy sector public works project put out to bid on or after January 1, 2024, that is qualified for and claims the increased federal production tax credit or investment tax credit amount, excluding any domestic content, energy community, or low-income community bonus credit, and projects that involve pipelines with a specified minimum yield strength.

Project labor agreements. In lieu of compliance with the apprenticeship utilization law and the prevailing wage law, a public utility, cooperative electric association, or independent power producer may incorporate a project labor agreement requirement for an energy sector public works project. A project labor agreement is a prehire collective bargaining agreement that establishes the terms and conditions of employment of the construction workforce on an energy sector public

works project. A project labor agreement is required to:

- Include provisions for resolving labor disputes and grievances;
- Guarantee against strikes and lockouts;
- Ensure a reliable source of trained and skilled labor;
- Further public policy objectives regarding improved employment opportunities for minorities, women, and other economically disadvantaged populations in the construction industry;
- Permit the selection of the lowest qualified responsible bidder or lowest qualified responsible offeror without regard to union or non-union status at other construction sites; and
- Bind all contractors and subcontractors on the energy sector public works project to the project labor agreement through the inclusion of appropriate bid specifications in all relevant bid documents.

The PUC is prohibited from denying approval of an energy sector public works project solely because it uses a project labor agreement.

The bill specifies which provisions of the apprenticeship utilization law for public projects apply to energy sector public works projects.

Regarding "best value" employment metrics that the PUC is required to consider when it evaluates electric resource acquisitions and requests for certificates of public convenience and necessity for construction or expansion of generating facilities, the bill:

- Requires the PUC to promulgate rules requiring utilities, when submitting annual progress reports for an electric resource acquisition, to collect and provide to the PUC information concerning the implementation of "best value" employment metrics;
- Requires the PUC to report annually to committees of reference of the general assembly concerning the information that is reported; and
- Repeals obsolete language requiring the state auditor to conduct a performance audit.

The bill adds enforcement mechanisms for the existing mechanical, electrical, and plumbing apprenticeship utilization requirements for gas demand-side management projects and beneficial electrification projects.

In addition, the bill requires that projects undertaken pursuant to specified existing state laws comply with the state mechanical, electrical, and plumbing apprenticeship utilization law and the state prevailing wage law.

1 ESCALATING UTILITY BILLS AND DANGEROUS POWER OUTAGES IF POWER
2 SUPPLY IS NOT MAINTAINED IN SUFFICIENT CAPACITY TO MEET FUTURE,
3 GROWING DEMAND. FOR THESE REASONS, APPROPRIATE MEASURES MUST
4 BE TAKEN TO PROTECT FUTURE ENERGY INVESTMENTS, PROMOTE
5 SUCCESSFUL CONSTRUCTION DELIVERY, AND PREVENT ERRORS IN THE
6 PLANNING AND DELIVERY OF NEW FACILITIES.

7 (e) ONE OF THE MOST CHALLENGING ASPECTS OF ENERGY FACILITY
8 CONSTRUCTION IS ENSURING THAT PROJECTS ARE SUPPORTED BY CAPABLE
9 CRAFT LABOR RESOURCES. IT IS ESSENTIAL FOR THESE PROJECTS TO BE
10 STAFFED BY A RELIABLE AND ADEQUATE SUPPLY OF PROPERLY TRAINED
11 WORKERS IN ALL APPLICABLE TRADES AND CRAFTS REQUIRED FOR THESE
12 FACILITIES.

13 (f) ENERGY SECTOR PUBLIC WORKS PROJECTS BUILT BY OR FOR THE
14 USE OF REGULATED UTILITIES, LIKE TRADITIONAL PUBLIC PROJECTS, ARE
15 OFTEN BUILT FOR THE COLLECTIVE BENEFIT OF ALL CITIZENS AND
16 RESIDENTS OF COLORADO. THESE PROJECTS ARE OFTEN FUNDED THROUGH
17 PUBLIC TAX DOLLARS OR THROUGH THE COLLECTIVE RESOURCES
18 ACQUIRED THROUGH COLORADO UTILITIES BILLING CUSTOMERS. LIKE TAX
19 DOLLARS, THESE RESOURCES ACQUIRED THROUGH UTILITY RATES SHOULD
20 DEMAND A HIGHER STANDARD OF PUBLIC BENEFIT BACK TO THE
21 CONSUMERS AND COMMUNITIES FROM WHICH THE RESOURCES WERE
22 COLLECTED.

23 (g) EXTENSIVE RESEARCH SHOWS THAT PREVAILING WAGE LAWS
24 ARE EFFECTIVE IN ATTRACTING BETTER QUALIFIED WORKERS TO PROJECTS
25 AND PROMOTING CRITICALLY NEEDED INVESTMENTS IN APPRENTICESHIP
26 TRAINING REQUIRED TO ENSURE ADEQUATE CRAFT LABOR SKILL LEVELS
27 AND PRODUCTIVITY. LIKEWISE, THE USE OF REGISTERED APPRENTICESHIP

1 TRAINING PROGRAMS AND PROJECT LABOR AGREEMENTS HAS BEEN
2 PROVEN TO BE THE MOST EFFECTIVE STRATEGY FOR PROVIDING
3 HIGH-LEVEL SKILLS TRAINING AND ENSURING NEEDED QUALIFICATION
4 CREDENTIALING FOR WORKERS IN THE CONSTRUCTION INDUSTRY.

5 (h) BY PROVIDING PROJECT OWNERS, DEVELOPERS, AND
6 CONTRACTORS UNIQUE AND UNPARALLELED ACCESS TO AN ADEQUATE
7 SUPPLY OF WELL-TRAINED, HIGHLY SKILLED CRAFT LABOR IN AFFECTED
8 PROJECT AREAS, CRAFT LABOR STANDARDS PROMOTE SUCCESSFUL
9 PROJECT DELIVERY GOALS, INCLUDING QUALITY, SAFETY, TIMELINESS, AND
10 COST-EFFICIENCY, BY PROVIDING EFFECTIVE QUALITY CONTROL OVER
11 CRAFT LABOR SUPPLY CAPABILITIES, AS WELL AS RISK AVOIDANCE TO
12 PREVENT DISRUPTIONS AND OTHER LABOR PERFORMANCE PROBLEMS
13 CAUSED BY INADEQUATE CRAFT LABOR CAPABILITIES;

14 (i) FOR THESE REASONS, INCORPORATING PREVAILING WAGE
15 STANDARDS AND APPRENTICESHIP REQUIREMENTS AND ENCOURAGING
16 PROJECT LABOR AGREEMENTS FOR PUBLIC UTILITIES AND OTHER ENERGY
17 FACILITY PLANNING AND CONSTRUCTION IS NECESSARY TO PROTECT AND
18 PROMOTE THE PUBLIC'S INTEREST IN THESE PROJECTS;

19 (j) BY INCORPORATING WELL ESTABLISHED QUALITY CONTRACTING
20 PROCUREMENT TOOLS, SUCH AS PREVAILING WAGES, APPRENTICESHIP
21 UTILIZATION REQUIREMENTS, AND PROJECT LABOR AGREEMENTS INTO OUR
22 ENERGY RESOURCE PLANNING, THE STATE OF COLORADO WILL HAVE THE
23 CAPABILITIES TO BETTER PROTECT ITS ENERGY INVESTMENTS, IMPROVE
24 CONSTRUCTION PROJECT DELIVERY IN THE ENERGY SECTOR, FULLY
25 DOCUMENT AND EVALUATE THE DIRECTIVES SET FORTH IN SECTION
26 40-2-129, AND CREATE A CLEAR SET OF STANDARDS FOR ENFORCEMENT TO
27 ACHIEVE THE LAW'S INTENT FOR THE BENEFIT OF COLORADO WORKERS

1 AND THE COMMUNITIES WHERE THEY LIVE;

2 (k) USE OF THESE QUALITY CONTRACTING TOOLS IS ALREADY
3 INCORPORATED INTO COLORADO'S TRADITIONAL PUBLIC PROCUREMENT
4 LAW AS PREVAILING WAGE AND APPRENTICESHIP POLICIES ADOPTED IN
5 SECTIONS 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92. IN ADDITION,
6 PROJECT LABOR AGREEMENTS HAVE BEEN SUCCESSFULLY USED IN
7 COLORADO IN THE PAST FOR PROJECTS IN THE ENERGY SECTOR AND THE
8 BROADER PRIVATE SECTOR CONSTRUCTION INDUSTRY. THESE
9 AGREEMENTS HAVE ALSO BEEN UPHELD BY THE COURTS, FOR EXAMPLE, IN
10 *BLDG. & CONSTR. TRADES COUNCIL V. ASSOCIATED BUILDERS &*
11 *CONTRACTORS OF MASS./R.I., INC.*, 507 U.S. 230, 231 (1993), DUE TO THEIR
12 ABILITY TO HELP SECURE RELIABLE CRAFT LABOR STAFFING AND PROMOTE
13 TIMELY PROJECT DELIVERY.

14 (l) DUE TO THEIR BENEFITS IN PROMOTING SUCCESSFUL PROJECT
15 DELIVERY IN PROJECTS ASSISTED BY FEDERAL GRANTS AND TAX CREDITS,
16 THE FEDERAL GOVERNMENT IS STRONGLY ENCOURAGING THE USE OF
17 THESE QUALITY CONTRACTING TOOLS GENERALLY, AND ESPECIALLY IN
18 THE ENERGY SECTOR, WHERE MAJOR FEDERAL ASSISTANCE PROGRAMS
19 UNDER THE RECENT FEDERAL "INFLATION REDUCTION ACT OF 2022", PUB.
20 L. 117-169, ARE PROVIDING APPROXIMATELY THREE HUNDRED SEVENTY
21 BILLION DOLLARS IN FUNDING TO PROMOTE CLEAN ENERGY SOURCES
22 ACROSS THE COUNTRY.

23 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
24 BECAUSE COST-EFFECTIVE, SAFE, AND EFFICIENT GENERATION,
25 TRANSMISSION, AND DISTRIBUTION SYSTEMS IN THE ENERGY SECTOR ARE
26 VITAL TO THE STATE'S ECONOMY AND THE PUBLIC WELFARE AND SAFETY,
27 QUALITY CONTROL AND RISK AVOIDANCE MEASURES ARE NECESSARY TO

1 ENSURE THAT THE CONSTRUCTION OF PROJECTS NECESSARY FOR THESE
2 SYSTEMS ARE ADEQUATELY STAFFED BY PROPERLY TRAINED AND
3 QUALIFIED CRAFT LABOR PERSONNEL.

4 **24-92-303. Definitions.** AS USED IN THIS PART 3, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "CONSTRUCTION" MEANS THE CONSTRUCTION, ALTERATION, OR
7 REPAIR OF AN ENERGY SECTOR PUBLIC WORKS PROJECT, CONSISTENT WITH
8 AND INCLUDING THE SAME LIMITATIONS AS THE DEFINITION OF
9 CONSTRUCTION AS ESTABLISHED IN SECTION 45(b)(7)(a) OF THE FEDERAL
10 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND AS DESCRIBED
11 IN ALL RELATED OFFICIAL GUIDANCE FROM THE FEDERAL INTERNAL
12 REVENUE SERVICE AND THE UNITED STATES DEPARTMENT OF LABOR
13 IMPLEMENTING THE APPLICABLE SECTIONS OF THE FEDERAL "INFLATION
14 REDUCTION ACT".

15 (2) "COOPERATIVE ELECTRIC ASSOCIATION" HAS THE SAME
16 MEANING AS SET FORTH IN SECTION 40-9.5-102 (1).

17 (3) "CRAFT LABOR" MEANS EMPLOYEES WHO ARE ENGAGED IN THE
18 CONSTRUCTION OF AN ENERGY SECTOR PUBLIC WORKS PROJECT,
19 INCLUDING ALL TRADES, CRAFTS, AND OCCUPATIONS, AND WHO ARE PAID
20 HOURLY.

21 (4) "CRAFT LABOR CERTIFICATION" MEANS ALL DOCUMENTATION
22 AND CERTIFICATION OF PAYROLL REQUIRED FOR AN ENERGY SECTOR
23 PUBLIC WORKS PROJECT IN ACCORDANCE WITH THE REQUIREMENTS OF
24 SECTION 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92.

25 (5) (a) "ENERGY SECTOR PUBLIC WORKS PROJECT" MEANS ANY
26 PROJECT IN THE STATE THAT:

27 (I) HAS THE PURPOSE OF GENERATING, TRANSMITTING, OR

1 DISTRIBUTING ELECTRICITY OR NATURAL GAS TO PROVIDE ENERGY TO
2 COLORADO INDIVIDUAL CONSUMERS AND BUSINESSES, IS BUILT BY OR FOR
3 A PUBLIC UTILITY, INCLUDING ANY PROJECT FOR WHICH ENERGY IS
4 PURCHASED THROUGH A POWER PURCHASER OR SIMILAR AGREEMENT, AND
5 IS FUNDED IN WHOLE OR IN PART BY:

6 (A) THE STATE, THROUGH DIRECT FUNDING, LOANS, LOAN
7 GUARANTEES, LAND TRANSFERS, TAX ASSISTANCE, INCLUDING TAX
8 CREDITS, DEDUCTIONS, OR INCENTIVES, OR OTHER ASSISTANCE ALLOCATED
9 OR APPROPRIATED BY THE STATE; OR

10 (B) UTILITY CUSTOMER FUNDING AS APPROVED IN ANY
11 PROCEEDING CONDUCTED BY THE PUBLIC UTILITIES COMMISSION AS PART
12 OF AN ELECTRIC RESOURCE ACQUISITION OR REQUESTS FOR CERTIFICATES
13 OF CONVENIENCE AND NECESSITY FOR CONSTRUCTION OR EXPANSION OF
14 A PROJECT, INCLUDING BUT NOT LIMITED TO POLLUTION CONTROL OR FUEL
15 CONVERSION UPGRADES AND CONVERSION OF EXISTING COAL-FIRED
16 PLANTS TO NATURAL GAS PLANTS; OR

17 (II) HAS THE PURPOSE OF GENERATING OR DISTRIBUTING
18 ELECTRICITY OR NATURAL GAS FOR THE PURPOSES OF PROVIDING ENERGY
19 TO COLORADO INDIVIDUAL CONSUMERS AND BUSINESSES FROM UTILITY
20 CUSTOMER FUNDING AS APPROVED BY A COOPERATIVE ELECTRIC
21 ASSOCIATION.

22 (b) "ENERGY SECTOR PUBLIC WORKS PROJECT" INCLUDES THE
23 FOLLOWING PROJECT TYPES, SO LONG AS THEY SATISFY THE CRITERIA IN
24 SUBSECTION (5)(a)(I) OR (5)(a)(II) OF THIS SECTION:

25 (I) POWER GENERATION WITH A NAMEPLATE GENERATION
26 CAPACITY OF ONE MEGAWATT OR HIGHER, INCLUDING GENERATION
27 SOURCED FROM WIND, SOLAR, GEOTHERMAL, HYDROGEN, NUCLEAR, OR

1 BIOENERGY, OR ANY PROJECT THAT GENERATES ELECTRICITY FROM THE
2 COMBUSTION OF OIL, GAS, OR OTHER FOSSIL FUELS OR AN ENERGY
3 STORAGE SYSTEM AS DEFINED BY SECTION 40-2-202 WITH AN ENERGY
4 RATING OF ONE MEGAWATT OF POWER CAPACITY OR FOUR MEGAWATT
5 HOURS OF USEABLE ENERGY CAPACITY OR HIGHER; AND

6 (II) OTHER PROJECTS WITH A TOTAL PROJECT COST OF ONE MILLION
7 DOLLARS OR MORE THAT INCLUDE:

8 (A) POLLUTION CONTROLS;

9 (B) UTILITY GAS DISTRIBUTION;

10 (C) ELECTRIC TRANSMISSION PROJECTS;

11 (D) GEOTHERMAL SYSTEMS THAT ARE USED TO PROVIDE HEAT OR
12 HEATED WATER OR THAT OPERATE AS THERMAL SYSTEMS OR THERMAL
13 NETWORKS AS DEFINED IN LAW;

14 (E) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE =====
15 INSTALLATIONS;

16 (F) HYDROGEN-RELATED INFRASTRUCTURE CONSTRUCTION
17 PROJECTS;

18 (G) ANY PROJECT THAT TRANSPORTS OR STORES CARBON DIOXIDE
19 CAPTURED FROM POWER GENERATION; AND

20 (H) ANY OTHER CONSTRUCTION PROJECTS COVERED BY THIS PART

21 3.

22 (6) "FEDERAL PREVAILING WAGE AND APPRENTICESHIP
23 REQUIREMENTS" MEANS THE REQUIREMENTS UNDER:

24 (a) SECTIONS 45(b)(7) AND (8) OF TITLE 26 OF THE UNITED STATES
25 CODE, WHETHER APPLICABLE DIRECTLY OR UNDER A PROVISION OF THE
26 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, THAT
27 APPLIES SUCH SECTIONS OF THE UNITED STATES CODE; OR

1 (b) SECTIONS 48(a)(10) AND (11) OF TITLE 26 OF THE UNITED
2 STATES CODE, WHETHER APPLICABLE DIRECTLY OR UNDER A PROVISION
3 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED THAT
4 APPLIES SUCH SECTIONS OF THE UNITED STATES CODE.

5 (7) "FEDERAL "INFLATION REDUCTION ACT"" MEANS THE FEDERAL
6 "INFLATION REDUCTION ACT OF 2022", UNITED STATES CODE, TITLE 26,
7 INCLUDING BUT NOT LIMITED TO SECTIONS 30C, 45, 45B, 45L, 45Q, 45U,
8 45V, 45X, 45Y, 45Z, 48, 48C, 48E, AND 179D, AND ASSOCIATED
9 IMPLEMENTING RULES AND GUIDANCE PROMULGATED BY THE UNITED
10 STATES DEPARTMENT OF THE TREASURY AND THE UNITED STATES
11 INTERNAL REVENUE SERVICE, AS THE STATUTE AND IMPLEMENTING RULES
12 AND GUIDANCE MAY BE AMENDED FROM TIME TO TIME.

13 (8) "LEAD CONTRACTOR" MEANS A GENERAL CONTRACTOR,
14 CONSTRUCTION MANAGER, DEVELOPER, DESIGN BUILDER, OR OTHER PARTY
15 THAT IS PRIMARILY RESPONSIBLE TO A PUBLIC UTILITY OR INDEPENDENT
16 POWER PRODUCER FOR PERFORMING CONSTRUCTION UNDER A CONTRACT
17 FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT.

18 (9) "PROJECT LABOR AGREEMENT" MEANS A PREHIRE COLLECTIVE
19 BARGAINING AGREEMENT BETWEEN A LEAD CONTRACTOR AND
20 CONSTRUCTION LABOR ORGANIZATIONS, INCLUDING BUT NOT LIMITED TO
21 THE COLORADO BUILDING AND CONSTRUCTION TRADES COUNCIL AND ITS
22 AFFILIATES OR A GROUP OF LABOR UNIONS COVERING THE AFFECTED
23 TRADES NECESSARY TO PERFORM WORK ON A PROJECT, THAT ESTABLISHES
24 THE TERMS AND CONDITIONS OF EMPLOYMENT OF THE CONSTRUCTION
25 WORKFORCE ON AN ENERGY SECTOR PUBLIC WORKS PROJECT. A PROJECT
26 LABOR AGREEMENT MUST INCLUDE PROVISIONS THAT:

27 (a) SET FORTH EFFECTIVE, IMMEDIATE, AND MUTUALLY BINDING

1 PROCEDURES FOR RESOLVING JURISDICTIONAL LABOR DISPUTES AND
2 GRIEVANCES ARISING BEFORE THE COMPLETION OF WORK;

3 (b) CONTAIN GUARANTEES AGAINST STRIKES, LOCKOUTS, OR
4 SIMILAR ACTIONS;

5 (c) ENSURE A RELIABLE SOURCE OF TRAINED, SKILLED, AND
6 EXPERIENCED CONSTRUCTION CRAFT LABOR;

7 (d) FURTHER PUBLIC POLICY OBJECTIVES REGARDING IMPROVED
8 EMPLOYMENT OPPORTUNITIES FOR MINORITIES, WOMEN, OR OTHER
9 ECONOMICALLY DISADVANTAGED POPULATIONS IN THE CONSTRUCTION
10 INDUSTRY, INCLUDING PERSONS FROM DISPROPORTIONATELY IMPACTED
11 COMMUNITIES, TO THE EXTENT PERMITTED BY STATE AND FEDERAL LAW;

12 (e) PERMIT THE SELECTION OF THE LOWEST QUALIFIED
13 RESPONSIBLE BIDDER OR LOWEST QUALIFIED RESPONSIBLE OFFEROR
14 WITHOUT REGARD TO UNION OR NON-UNION STATUS AT OTHER
15 CONSTRUCTION SITES;

16 (f) BIND ALL CONTRACTORS AND SUBCONTRACTORS ON THE
17 ENERGY SECTOR PUBLIC WORKS PROJECT TO THE PROJECT LABOR
18 AGREEMENT THROUGH THE INCLUSION OF APPROPRIATE BID
19 SPECIFICATIONS IN ALL RELEVANT CONTRACT DOCUMENTS; AND

20 (g) INCLUDE OTHER TERMS AS THE PARTIES DEEM APPROPRIATE.

21 (10) "PUBLIC UTILITY" HAS THE SAME MEANING AS SET FORTH IN
22 SECTION 40-1-103.

23 **24-92-304. Energy sector public works projects - craft labor**
24 **employment - training - wage requirements.** (1) (a) EXCEPT AS
25 OTHERWISE PROVIDED IN SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION,
26 A CONTRACT BETWEEN PUBLIC UTILITIES, COOPERATIVE ELECTRIC
27 ASSOCIATIONS, OR INDEPENDENT POWER PRODUCERS AND LEAD

1 CONTRACTORS FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT MUST
2 INCLUDE PROVISIONS EXPRESSLY REQUIRING THAT ALL WORK PERFORMED
3 UNDER THE CONTRACT COMPLY WITH THE REQUIREMENTS OF SECTION
4 24-92-115 (7) AND THE REQUIREMENTS OF PART 2 OF THIS ARTICLE 92 IF
5 THE PROJECT IS AN ELECTRIC POWER GENERATION PROJECT WITH A
6 NAMEPLATE GENERATION CAPACITY OF ONE MEGAWATT OF HIGHER OR IF
7 THE PROJECT IS A PROJECT SPECIFIED IN SUBSECTION 24-92-303 (5)(b)(II)
8 WITH A TOTAL PROJECT COST OF ONE MILLION DOLLARS OR MORE. THESE
9 REQUIREMENTS CONSTITUTE MATERIAL TERMS OF SUCH CONTRACTS.

10 (b) (I) FOR ENERGY SECTOR PUBLIC WORKS PROJECTS FUNDED
11 PURSUANT TO SECTION 24-92-303 (5)(a)(I)(A), THE REQUIREMENTS OF
12 THIS PART 3 APPLY ONLY WHEN THE PROJECT IS A POWER GENERATION
13 PROJECT WITH A NAMEPLATE GENERATION CAPACITY OF ONE MEGAWATT
14 OR HIGHER OR AN ENERGY STORAGE SYSTEM AS DEFINED BY SECTION
15 40-2-202 WITH AN ENERGY RATING OF ONE MEGAWATT OF POWER
16 CAPACITY OR FOUR MEGAWATT HOURS OF USEABLE ENERGY CAPACITY OR
17 HIGHER AND THE AGGREGATED PUBLIC ASSISTANCE FROM THE STATE IS
18 FIVE HUNDRED THOUSAND DOLLARS OR MORE.

19 (II) FOR ENERGY SECTOR PUBLIC WORKS PROJECTS UNDER
20 24-92-303(5)(b)(II), THE REQUIREMENTS OF THIS PART 3 APPLY ONLY
21 WHEN THE TOTAL PROJECT COST IS ONE MILLION DOLLARS OR MORE, AND
22 THE AGGREGATED PUBLIC ASSISTANCE FROM THE STATE, FUNDING FROM
23 A PUBLIC UTILITY, OR FUNDING FROM A COOPERATIVE ELECTRIC
24 ASSOCIATION IS FIVE HUNDRED THOUSAND DOLLARS OR MORE.

25 (c) THE REQUIREMENTS OF THIS PART 3 DO NOT APPLY TO:

26 (I) A PROJECT THAT IS COVERED BY A PROJECT LABOR AGREEMENT;

27 (II) WORK ON AN ENERGY SECTOR PUBLIC WORKS PROJECT

1 PERFORMED BY THE EMPLOYEES OF A UTILITY COMPANY;

2 (III) SO LONG AS COMPLIANCE WITH ANY APPLICABLE FEDERAL
3 "INFLATION REDUCTION ACT" QUALIFICATION REQUIREMENTS IS A
4 MATERIAL TERM OF THE AGREEMENT WITH A PUBLIC UTILITY,
5 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT POWER PRODUCER,
6 OR THE STATE, WORK ON AN ENERGY SECTOR PUBLIC WORKS PROJECT PUT
7 OUT TO BID ON OR AFTER JANUARY 1, 2024, THAT IS QUALIFIED FOR AND
8 CLAIMS THE INCREASED FEDERAL PRODUCTION TAX CREDIT OR
9 INVESTMENT TAX CREDIT AMOUNT, EXCLUDING ANY DOMESTIC CONTENT,
10 ENERGY COMMUNITY, OR LOW-INCOME COMMUNITY BONUS CREDIT, AS A
11 RESULT OF:

12 (A) SATISFYING THE PREVAILING WAGE AND APPRENTICESHIP
13 REQUIREMENTS UNDER THE PROVISIONS OF THE FEDERAL "INFLATION
14 REDUCTION ACT"; OR

15 (B) ACHIEVING THE START OF CONSTRUCTION PRIOR TO JANUARY
16 29, 2023, PURSUANT TO THE PRINCIPLES OUTLINED IN THE FEDERAL
17 INTERNAL REVENUE SERVICE GUIDANCE AND THE UNITED STATES
18 DEPARTMENT OF LABOR GUIDANCE RELATED TO THE FEDERAL "INFLATION
19 REDUCTION ACT" AS AMENDED OR SUPPLEMENTED FROM TIME TO TIME;

20 (IV) A UTILITY-INCENTIVIZED DEMAND-SIDE MANAGEMENT OR
21 ELECTRIFICATION PROGRAM PURSUANT TO SECTION 40-3.2-105.5 OR
22 40-3.2-105.6;

23 (V) UTILITY OR STATE-FUNDED BUILDING ENERGY EFFICIENCY
24 PROGRAMS;

25 (VI) SERVICE AGREEMENTS THAT WERE ENTERED INTO BY A
26 PUBLIC UTILITY, INDEPENDENT POWER PRODUCER, OR COOPERATIVE
27 ELECTRIC ASSOCIATION ON OR BEFORE MARCH 1, 2023; EXCEPT THAT

1 UPON RENEWAL OR ISSUANCE OF A NEW REQUEST FOR PROPOSALS, THE
2 SERVICE AGREEMENT MUST COME INTO COMPLIANCE WITH THE
3 REQUIREMENTS OF THIS SECTION;

4 (VII) PROJECTS THAT INVOLVE AN ELECTRIC DISTRIBUTION LINE
5 WITH A CAPACITY OF 69KV OR LESS; AND

6 (VIII) PROJECTS THAT INVOLVE PIPELINES WITH A SPECIFIED
7 MINIMUM YIELD STRENGTH LESS THAN THIRTY PERCENT.

8 (2) UNLESS THE CONTRACTUAL REQUIREMENTS SPECIFIED IN
9 SUBSECTION (1) OF THIS SECTION ARE IN PLACE, AN AFFECTED PROJECT
10 SHALL NOT BE ELIGIBLE TO:

11 (a) RECEIVE FUNDING FROM THE STATE THROUGH GENERAL FUND
12 APPROPRIATIONS, TAX CREDITS, TAX DEDUCTIONS, LAND TRANSFERS, OR
13 OTHER FUNDING OR ASSISTANCE PROVIDED BY THE GENERAL ASSEMBLY OR
14 A GOVERNMENT AGENCY; OR

15 (b) RECEIVE ANY APPROVALS OR AUTHORIZATIONS FROM THE
16 PUBLIC UTILITIES COMMISSION, INCLUDING APPROVALS FOR UTILITY
17 FUNDING OR FOR COMMENCEMENT OF THE PROJECT, INCLUDING A
18 CERTIFICATE OF PUBLIC CONVENIENCE.

19 (3) THE LEAD CONTRACTOR ENGAGED TO PERFORM CONSTRUCTION
20 SERVICES FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT MUST REQUIRE
21 ALL SUBCONTRACTORS USED ON THE PROJECT TO COMPLY WITH SECTION
22 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92 BY ENSURING THAT SUCH
23 REQUIREMENTS ARE STIPULATED IN ALL SUBCONTRACTS. LEAD
24 CONTRACTORS MUST TAKE ALL REASONABLY NECESSARY STEPS TO
25 ENSURE COMPLIANCE BY MONITORING SUBCONTRACTORS.

26 (4) THE PUBLIC UTILITIES COMMISSION SHALL NOT FIND AN
27 ENERGY SECTOR PUBLIC WORKS PROJECT TO BE IN COMPLIANCE WITH

1 SECTION 40-2-129 UNLESS THE CONSTRUCTION CONTRACT FOR THE
2 PROJECT INCLUDES PROVISIONS EXPRESSLY REQUIRING THAT ALL WORK
3 PERFORMED UNDER THE CONTRACT COMPLY WITH THE REQUIREMENTS OF
4 SECTION 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92. COMPLIANCE
5 WITH THIS SUBSECTION (4) DOES NOT PREVENT THE COMMISSION FROM
6 CONSIDERING ALL "BEST VALUE" EMPLOYMENT METRICS AS DEFINED IN
7 SECTION 40-2-129, INCLUDING THOSE METRICS THAT ARE NOT DIRECTLY
8 RELATED TO THE PROCUREMENT OF CRAFT LABOR AND APPRENTICESHIP
9 TRAINING ON AN ENERGY SECTOR PUBLIC WORKS PROJECT.

10 (5) CONSISTENT WITH SECTION 24-92-203 (4), BIDDERS ON ENERGY
11 SECTOR PUBLIC WORKS PROJECTS SHALL NOT ARTIFICIALLY DIVIDE THE
12 OVERALL GENERATION CAPACITY OR OVERALL PROJECT COST OF AN
13 ENERGY SECTOR PUBLIC WORKS PROJECT TO DELIBERATELY AVOID THE
14 REQUIREMENTS TO COMPLY WITH SECTION 24-92-115 (7) AND PART 2 OF
15 THIS ARTICLE 92. THE PUBLIC UTILITIES COMMISSION, THE STATE, A PUBLIC
16 UTILITY, OR A COOPERATIVE ELECTRIC ASSOCIATION MAY STILL REQUIRE
17 COMPLIANCE WITH PREVAILING WAGE AND APPRENTICESHIP UTILIZATION
18 REQUIREMENTS IF THEY DETERMINE THAT A BIDDER HAS ARTIFICIALLY
19 DIVIDED A PROJECT WITH THE INTENT OF AVOIDING THE REQUIREMENT TO
20 COMPLY WITH THOSE SECTIONS.

21 **24-92-305. Energy sector public works projects - record**
22 **keeping - reporting - craft labor certification - sanctions - compliance**
23 **with best value employment metrics.** (1) THE LEAD CONTRACTOR FOR
24 AN ENERGY SECTOR PUBLIC WORKS PROJECT SHALL PREPARE CERTIFIED
25 PAYROLL RECORDS FOR CRAFT WORKERS DIRECTLY EMPLOYED BY THE
26 CONTRACTOR, OBTAIN CERTIFIED PAYROLL RECORDS FROM ALL
27 CONTRACTORS AND SUBCONTRACTORS ON THE PROJECTS, AND SUBMIT THE

1 RECORDS TO THE PUBLIC UTILITY OR OTHER OWNER OF THE ENERGY
2 SECTOR PUBLIC WORKS PROJECT ON A WEEKLY BASIS. EACH LEAD
3 CONTRACTOR AND SUBCONTRACTOR SHALL CERTIFY, UNDER THE PENALTY
4 OF PERJURY, THAT THE RECORDS PROVIDE COMPLETE AND ACCURATE
5 INFORMATION FOR ALL CRAFT WORKERS EMPLOYED ON THE PROJECT.

6 (2) THE LEAD CONTRACTOR FOR AN ENERGY SECTOR PUBLIC
7 WORKS PROJECT SHALL PREPARE A CRAFT LABOR CERTIFICATION ON A
8 QUARTERLY BASIS FOR WORK THAT IS BEING PERFORMED UNDER AFFECTED
9 PROJECTS.

10 (3) A CRAFT LABOR CERTIFICATION MUST INCLUDE THE
11 FOLLOWING:

12 (a) A SWORN ATTESTATION, UNDER THE PENALTY OF PERJURY,
13 THAT THE LEAD CONTRACTOR IS FULLY COMPLIANT WITH ALL
14 EMPLOYMENT, TRAINING, AND WAGE REQUIREMENTS OF SECTION
15 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92; AND

16 (b) AN IDENTICAL, EQUIVALENT CRAFT LABOR CERTIFICATION
17 EXECUTED IN THE SAME MANNER BY ALL SUBCONTRACTORS
18 PARTICIPATING IN THE ENERGY SECTOR PUBLIC WORKS PROJECT.

19 (4) THE PUBLIC UTILITY, COOPERATIVE ELECTRIC ASSOCIATION,
20 INDEPENDENT POWER PRODUCER, OR OTHER OWNER OF AN ENERGY
21 SECTOR PUBLIC WORKS PROJECT IS RESPONSIBLE FOR MAINTENANCE OF
22 RECORDS FOR ALL CRAFT LABOR CERTIFICATIONS. THE PUBLIC UTILITY,
23 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT POWER PRODUCER,
24 OR OTHER OWNER OF AN ENERGY SECTOR PUBLIC WORKS PROJECT SHALL
25 EITHER PROVIDE COPIES QUARTERLY OR REQUIRE BY CONTRACT THAT THE
26 LEAD CONTRACTOR PROVIDE COPIES QUARTERLY, TO THE DEPARTMENT OF
27 LABOR AND EMPLOYMENT FOR REVIEW AND OVERSIGHT PURPOSES.

1 (5) NO LATER THAN JANUARY 1, 2029, AND AT LEAST FIVE YEARS
2 THEREAFTER, THE STATE AUDITOR'S OFFICE SHALL CONDUCT AN AUDIT OF
3 THE COMMISSION'S APPROVAL OF ENERGY SECTOR PUBLIC WORKS
4 PROJECTS. THE PURPOSE OF THE AUDIT IS TO ESTABLISH OVERSIGHT AND
5 ACCOUNTABILITY FOR COMPLIANCE WITH SECTION 40-2-129, AND TO
6 DETERMINE WHETHER A SAMPLE OF PROJECTS THAT HAVE BEEN APPROVED
7 BY THE COMMISSION ARE FULLY COMPLIANT WITH ALL EMPLOYMENT,
8 TRAINING, WAGE, AND APPRENTICESHIP REQUIREMENTS OF SECTION
9 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92. THE AUDIT MUST
10 CONSIDER INFORMATION AND RECORDS RELATED TO THE CRAFT LABOR
11 CERTIFICATIONS THAT ARE COLLECTED AND MAINTAINED BY THE
12 DEPARTMENT OF LABOR AND EMPLOYMENT. THE DEPARTMENT OF LABOR
13 AND EMPLOYMENT SHALL PROVIDE ANY INFORMATION NEEDED TO
14 PERFORM THE AUDIT AS REQUESTED BY THE STATE AUDITOR'S OFFICE.

15 (a) THE AUDIT PROCESS MUST SELECT A SAMPLE OF PROJECTS FOR
16 REVIEW AND ENSURE THAT THE SCOPE OF THE AUDIT ENCOMPASSES THE
17 BROAD TYPES OF ENERGY SECTOR PUBLIC WORKS PROJECTS.

18 (b) UPON RELEASE OF THE AUDIT REPORT BY THE LEGISLATIVE
19 AUDIT COMMITTEE, THE STATE AUDITOR MUST MAKE THE RESULTS OF THE
20 AUDIT AVAILABLE TO THE PUBLIC.

21 (c) AFTER CONDUCTING TWO AUDITS UNDER THIS SUBSECTION (5),
22 THE STATE AUDITOR MAY CONDUCT ADDITIONAL AUDITS IN THE STATE
23 AUDITOR'S DISCRETION.

24 (6) VIOLATIONS OF THE REQUIREMENTS SPECIFIED IN THIS SECTION,
25 INCLUDING WAGE AND HOUR VIOLATIONS, VIOLATIONS OF APPRENTICESHIP
26 REQUIREMENTS, FALSIFICATION OF RECORDS, OR WILLFUL
27 NON-COMPLIANCE, ARE SUBJECT TO THE PENALTIES AND ENFORCEMENT

1 RIGHTS AND REMEDIES DESCRIBED IN SECTIONS 24-92-115 (3), 24-92-209,
2 24-92-210, AND 24-109-105.

3 (7) IF AN ENERGY SECTOR PUBLIC WORKS PROJECT USES FEDERAL
4 FUNDING THAT REQUIRES COMPLIANCE WITH THE FEDERAL "DAVIS-BACON
5 ACT", 40 U.S.C. SEC. 3141 ET SEQ., OR RELATED STATUTES, THE OWNER
6 OF THE ENERGY SECTOR PUBLIC WORKS PROJECT SHALL:

7 (a) NOTIFY THE PUBLIC UTILITIES COMMISSION OF THEIR INTENT TO
8 USE FEDERAL FUNDING TO FUND, IN WHOLE OR IN PART, THE ENERGY
9 SECTOR PUBLIC WORKS PROJECT; AND

10 (b) REQUIRE THE LEAD CONTRACTORS AND ALL OTHER
11 CONTRACTORS AND SUBCONTRACTORS WORKING ON THE ENERGY SECTOR
12 PUBLIC WORKS PROJECT TO PAY APPLICABLE FEDERALLY STIPULATED
13 WAGE AND BENEFIT RATES AND PROVIDE CERTIFIED PAYROLL REPORTS TO
14 THE PUBLIC UTILITIES COMMISSION IN THE SAME MANNER REQUIRED BY
15 SUBSECTION (1) OF THIS SECTION.

16 **24-92-306. Energy sector public works projects - use of project**
17 **labor agreements.** (1) A PUBLIC UTILITY, COOPERATIVE ELECTRIC
18 ASSOCIATION, OR INDEPENDENT POWER PRODUCER IS AUTHORIZED TO
19 INCORPORATE A PROJECT LABOR AGREEMENT REQUIREMENT FOR AN
20 ENERGY SECTOR PUBLIC WORKS PROJECT IF THE PROJECT LABOR
21 AGREEMENT WILL PROMOTE SUCCESSFUL PROJECT DELIVERY BY SECURING
22 A SKILLED LABOR FORCE FOR THE PROJECT AND IF IT WILL PROMOTE
23 COST-EFFICIENCY, SAFETY, QUALITY, AND TIMELY COMPLETION OF THE
24 PROJECT.

25 (2) IF ALL CONSTRUCTION WORK ON AN ENERGY SECTOR PUBLIC
26 WORKS PROJECT IS COVERED BY A PROJECT LABOR AGREEMENT, THE
27 REQUIREMENTS OF SECTIONS 24-92-304 AND 24-92-305 DO NOT APPLY TO

1 THE PROJECT.

2 (3) THE PUBLIC UTILITIES COMMISSION SHALL NOT DENY
3 APPROVAL OF AN ENERGY SECTOR PUBLIC WORKS PROJECT SOLELY
4 BECAUSE THE PROJECT OWNER VOLUNTARILY ELECTS TO USE A PROJECT
5 LABOR AGREEMENT FOR THE PROJECT. THE PUBLIC UTILITIES COMMISSION
6 MUST STATE ITS REASONS FOR DENIAL IN WRITING WHEN IT ISSUES
7 THE DECISION.

8 **24-92-307. Energy sector public works projects - existing**
9 **authority of the public utilities commission.** NOTHING IN THIS SECTION
10 CONTRAVENES THE STATUTORY AUTHORITY OF THE PUBLIC UTILITIES
11 COMMISSION TO CONSIDER OVERALL PROJECT COSTS, THE IMPACT OF A
12 PROJECT ON UTILITY CUSTOMERS, OR THE IMPACT OF PROJECT COST ON
13 UTILITY RATES.

14 **SECTION 2.** In Colorado Revised Statutes, 24-38.5-118, **add**
15 (11) as follows:

16 **24-38.5-118. Geothermal energy grant program - creation -**
17 **procedures - fund - report - definitions - repeal.** (11) **Grants awarded**
18 **to energy sector public works projects - requirements.** ANY PROJECT
19 THAT IS FUNDED IN WHOLE OR IN PART BY A GRANT AWARDED PURSUANT
20 TO THIS SECTION AND THAT IS AN ENERGY SECTOR PUBLIC WORKS PROJECT,
21 AS DEFINED IN SECTION 24-92-303 (5), MUST COMPLY WITH THE
22 APPLICABLE REQUIREMENTS OF THE "COLORADO ENERGY SECTOR PUBLIC
23 WORKS PROJECT CRAFT LABOR REQUIREMENTS ACT", PART 3 OF ARTICLE
24 92 OF THIS TITLE 24.

25 **SECTION 3.** In Colorado Revised Statutes, 24-92-115, **add** (7)
26 as follows:

27 **24-92-115. Apprenticeship utilization requirements -**

1 **mechanical, electrical, and plumbing contracts - public projects -**

2 **definition.** (7) (a) FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT, AS
3 DEFINED IN SECTION 24-92-303 (5), THE GENERAL CONTRACTOR OR
4 OTHER FIRM TO WHICH THE CONTRACT IS AWARDED SHALL:

5 (I) IDENTIFY, AT THE TIME THEY ARE PUT UNDER CONTRACT, ALL
6 CONTRACTORS OR SUBCONTRACTORS REQUIRED FOR THE PROJECT, OTHER
7 THAN THOSE USED FOR ALL MECHANICAL, SHEET METAL, FIRE
8 SUPPRESSION, SPRINKLER FITTING, ELECTRICAL, PLUMBING WORK, AND
9 CONSTRUCTION CRAFT LABOR; AND

10 (II) CERTIFY THAT ALL CONTRACTORS OR SUBCONTRACTORS
11 IDENTIFIED PARTICIPATE IN APPRENTICESHIP TRAINING PROGRAMS
12 REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR'S
13 EMPLOYMENT AND TRAINING ADMINISTRATION OR STATE APPRENTICESHIP
14 AGENCIES RECOGNIZED BY THE UNITED STATES DEPARTMENT OF LABOR'S
15 EMPLOYMENT AND TRAINING ADMINISTRATION AND HAVE A PROVEN
16 RECORD OF GRADUATING APPRENTICES FOR AT LEAST THREE OF THE PAST
17 FIVE YEARS.

18 (b) SUBSECTIONS (1)(a) TO (1)(c) OF THIS SECTION APPLY TO
19 MECHANICAL, ELECTRICAL, AND PLUMBING CONTRACTORS AND
20 SUBCONTRACTORS SUBJECT TO THIS SUBSECTION (7).

21 (c) CONTRACTORS AND SUBCONTRACTORS THAT ARE SUBJECT TO
22 THE REQUIREMENTS OF THIS SUBSECTION (7) AND THAT PROVIDE
23 CONSTRUCTION CRAFT LABOR MUST CERTIFY THAT ALL FIRMS IDENTIFIED
24 PARTICIPATE IN APPRENTICESHIP TRAINING PROGRAMS THAT ARE
25 REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR'S
26 EMPLOYMENT AND TRAINING ADMINISTRATION OR A STATE
27 APPRENTICESHIP AGENCY RECOGNIZED BY THE UNITED STATES

1 DEPARTMENT OF LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION
2 AND THAT:

3 (I) SATISFY TO THE GRADUATION REQUIREMENTS OF SUBSECTIONS
4 (1)(a)(II)(A) TO (1)(a)(II)(C) OF THIS SECTION AT THE TIME THE CONTRACT
5 OR SUBCONTRACT WAS EXECUTED; AND

6 (II) PROVIDE DOCUMENTATION REQUIRED IN SUBSECTION
7 (1)(a)(III) OF THIS SECTION.

8 (d) UPON EVALUATION OF THE SUBMITTED BIDS, A PUBLIC UTILITY,
9 INDEPENDENT POWER PRODUCER, OR COOPERATIVE ELECTRIC
10 ASSOCIATION MAY WAIVE THE REQUIREMENTS OF THIS SECTION IF IT
11 DETERMINES THAT THERE IS SUBSTANTIAL EVIDENCE THAT THERE ARE NO
12 RESPONSIVE ELIGIBLE CONTRACTORS OR SUBCONTRACTORS FOR ANY
13 TRADES AVAILABLE TO FULFILL THE APPRENTICESHIP REQUIREMENTS FOR
14 ONE OR MORE OF THE TRADES SUBJECT TO THIS SECTION. ANY PARTY
15 EXERCISING A WAIVER PURSUANT TO THIS SUBSECTION (7)(d) SHALL
16 DISCLOSE THE WAIVER ON A PUBLICLY ACCESSIBLE WEBSITE, INCLUDING
17 THE CONTRACTOR OR SUBCONTRACTOR TO WHICH THE WAIVER APPLIES
18 AND THE SPECIFIC RATIONALE FOR THE WAIVER.

19 (e) IN THE EVENT OF AN EXTREME WEATHER EVENT, A WILDFIRE,
20 OR AN EMERGENCY DECLARED BY THE STATE OF COLORADO OR THE
21 FEDERAL GOVERNMENT, A PUBLIC UTILITY OR COOPERATIVE ELECTRIC
22 ASSOCIATION MAY WAIVE THE REQUIREMENTS OF THIS SUBSECTION (7)
23 WHEN PERFORMING REPAIR WORK TO RESTORE ELECTRIC SERVICE TO
24 CUSTOMERS OR ASSOCIATION MEMBERS WHEN IT CAN REASONABLY
25 DEMONSTRATE THAT:

26 (I) THE CAPACITY NEEDED TO RESTORE POWER EXCEEDS THE
27 PUBLIC UTILITY'S OR COOPERATIVE ELECTRIC ASSOCIATION'S AVAILABLE

1 CAPACITY FOR EMERGENCY REPAIRS THROUGH ITS EMPLOYEES, STANDBY
2 CONTRACTOR CAPACITY, OR APPLICABLE MUTUAL AID AGREEMENTS; AND

3 (II) A GOOD FAITH EFFORT TO IDENTIFY CONTRACTORS AND
4 SUBCONTRACTORS THAT CAN COMPLY WITH THIS SUBSECTION (7) WAS
5 MADE AND NO ELIGIBLE CONTRACTORS OR SUBCONTRACTORS WERE
6 AVAILABLE FOR THE TIME FRAME FOR WHICH THE EMERGENCY CAPACITY
7 WAS NEEDED.

8 **SECTION 4.** In Colorado Revised Statutes, 40-2-123, **add** (5) as
9 follows:

10 **40-2-123. Energy technologies - consideration by commission**
11 **- incentives - demonstration projects - definitions - repeal.** (5) ANY
12 PROJECT APPROVED PURSUANT TO THIS SECTION THAT IS AN ENERGY
13 SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN SECTION 24-92-303 (5),
14 MUST COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE "COLORADO
15 ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR REQUIREMENTS
16 ACT", PART 3 OF ARTICLE 92 OF TITLE 24.

17 **SECTION 5.** In Colorado Revised Statutes, 40-2-127, **add** (3.7)
18 as follows:

19 **40-2-127. Community energy funds - community solar**
20 **gardens - definitions - rules - legislative declaration - repeal.**
21 **(3.7) Energy sector public works projects.** IF THE DEVELOPMENT OF A
22 COMMUNITY SOLAR GARDEN IS AN ENERGY SECTOR PUBLIC WORKS
23 PROJECT, AS DEFINED IN SECTION 24-92-303 (5), THEN THE PROJECT MUST
24 COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE "COLORADO
25 ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR REQUIREMENTS
26 ACT", PART 3 OF ARTICLE 92 OF TITLE 24.

27 **SECTION 6.** In Colorado Revised Statutes, 40-2-129, **amend**

1 (1)(a); **repeal** (4); and **add** (5) and (6) as follows:

2 **40-2-129. New resource acquisitions - factors in determination**
3 **- local employment - "best value" employment metrics - performance**

4 **audit.** (1) (a) (I) When evaluating electric resource acquisitions and
5 requests for a certificate of convenience and necessity for construction or
6 expansion of generating facilities, including but not limited to pollution
7 control or fuel conversion upgrades and conversion of existing coal-fired
8 plants to natural gas plants, the commission shall consider, in all
9 decisions involved in electric resource acquisition processes, best value
10 regarding employment of Colorado labor, as defined in section 8-17-101
11 (2)(a), and positive impacts on the long-term economic viability of
12 Colorado communities. To this end, the commission shall require utilities
13 to obtain and provide to the commission the following information
14 regarding "best value" employment metrics:

15 (A) The availability of training programs, including training
16 through apprenticeship programs registered with the United States
17 department of labor's office of apprenticeship or by state apprenticeship
18 councils AGENCIES recognized by that office FOR ALL APPRENTICEABLE
19 TRADES REQUIRED TO EFFECTIVELY DELIVER THE PROJECT TO
20 COMPLETION;

21 (B) Employment of Colorado labor as compared to importation of
22 out-of-state workers;

23 (C) THE ABILITY OF THE PROJECT TO EMPLOY WORKERS FROM
24 TRADITIONALLY UNDERSERVED COMMUNITIES OR DISPROPORTIONATELY
25 IMPACTED COMMUNITIES AS DEFINED IN SECTION 24-4-109 (2)(b)(II);

26 (D) HOW THE PROJECT SUPPORTS DOMESTIC MANUFACTURING
27 THROUGH THE UTILIZATION OF COLORADO AND DOMESTICALLY PRODUCED

1 MATERIALS, INCLUDING CONSIDERATION OF THE POTENTIAL FOR
2 DOMESTICALLY MANUFACTURED MATERIALS BEING UNAVAILABLE IN THE
3 MARKETPLACE:

- 4 (E) Long-term career opportunities; and
- 5 (F) Industry-standard wages, health care, and pension benefits.

6 (II) When a utility proposes to construct new facilities of its own,
7 the utility shall supply similar information to the commission.

8 ~~(4) (a) The state auditor shall conduct or cause to be conducted a~~
9 ~~performance audit of the commission's implementation of the "best value"~~
10 ~~employment metrics requirements of this section, including review of:~~

11 ~~(I) The projects subject to subsection (1)(a) of this section that~~
12 ~~have been approved in the previous ten years;~~

13 ~~(II) Whether the work done used contractors that met the criteria~~
14 ~~specified in this section;~~

15 ~~(III) Any shortfalls in enforcement capacity or implementation by~~
16 ~~the commission;~~

17 ~~(IV) Current enforcement procedures for investor-owned utilities,~~
18 ~~independent power producers, and wholesale generation and transmission~~
19 ~~electric cooperatives; and~~

20 ~~(V) Whether and how delayed rule-making proceedings have~~
21 ~~prevented the "best value" employment metrics requirements of this~~
22 ~~section from being implemented.~~

23 (b) ~~The governor's office, the commission, and commission staff~~
24 ~~shall cooperate with stakeholders and the state auditor in conducting the~~
25 ~~audit and making recommendations for reforms of, or potential~~
26 ~~alternatives to, the implementation and enforcement of "best value"~~
27 ~~employment metrics.~~

1 (c) ~~Upon completion of a performance audit, the state auditor shall~~
2 ~~submit a written report to the legislative audit committee, together with~~
3 ~~any findings and recommendations.~~

4 (5) THE COMMISSION SHALL PROMULGATE RULES REQUIRING
5 UTILITIES, WHEN SUBMITTING ANNUAL PROGRESS REPORTS FOR AN
6 ELECTRIC RESOURCE ACQUISITION, TO COLLECT AND PROVIDE TO THE
7 COMMISSION INFORMATION CONCERNING THE IMPLEMENTATION OF "BEST
8 VALUE" EMPLOYMENT METRICS, AS DESCRIBED IN SUBSECTION (1)(a) OF
9 THIS SECTION, WHICH METRICS WERE APPROVED BY THE COMMISSION
10 DURING THE ACQUISITION PLANNING PROCESS AND WHICH ACQUISITIONS
11 ARE UNDER CONSTRUCTION BY EITHER THE UTILITY OR BY OTHERS.

12 (6) (a) ON OR BEFORE DECEMBER 31, 2024, AND ON OR BEFORE
13 DECEMBER 31 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL
14 SUBMIT A REPORT TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
15 HOUSE OF REPRESENTATIVES AND THE TRANSPORTATION AND ENERGY
16 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE
17 REPORT MUST SUMMARIZE THE INFORMATION CONCERNING "BEST VALUE"
18 EMPLOYMENT METRICS THAT IS REPORTED TO THE COMMISSION BY
19 UTILITIES PURSUANT TO SUBSECTIONS (1)(a) AND (5) OF THIS SECTION AND
20 INDICATE THE MANNER IN WHICH THE COMMISSION CONSIDERED THE
21 INFORMATION.

22 (b) NOTWITHSTANDING THE LIMITATION DESCRIBED IN SECTION
23 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT DESCRIBED IN
24 SUBSECTION (6)(a) OF THIS SECTION CONTINUES IN PERPETUITY.

25 **SECTION 7.** In Colorado Revised Statutes, 40-3.2-105.5, **add**
26 (5), (6), and (7) as follows:

27 **40-3.2-105.5. Labor standards for gas DSM projects.**

1 (5) (a) FOR A PLUMBING, MECHANICAL, OR ELECTRICAL PROJECT IN A NEW
2 OR EXISTING INDUSTRIAL, COMMERCIAL, OR MULTIFAMILY RESIDENTIAL
3 BUILDING THAT CONTAINS TWENTY THOUSAND SQUARE FEET OR MORE OF
4 CONDITIONED FLOOR SPACE AND FOR WHICH A REBATE IS TO BE PROVIDED
5 DIRECTLY TO THE BUILDING OWNER AS PART OF A GAS DSM PROGRAM, A
6 UTILITY SHALL NOT ISSUE ANY REBATES OR INCENTIVES UNLESS THE LEAD
7 GENERAL CONTRACTOR PERFORMING THE WORK FOR THE PROJECT SIGNS
8 A NOTARIZED AFFIDAVIT UNDER PENALTY OF PERJURY STATING THAT ALL
9 OF THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET AND PROVIDES
10 THE SIGNED AFFIDAVIT TO THE SPONSORING UTILITY. THE AFFIDAVIT
11 MUST:

12 (I) IDENTIFY THE CONTRACTORS OR SUBCONTRACTORS THAT WILL
13 BE USED FOR ALL MECHANICAL, SHEET METAL, FIRE SUPPRESSION,
14 SPRINKLER FITTING, ELECTRICAL, AND PLUMBING WORK, REQUIRED ON THE
15 PROJECT;

16 (II) CERTIFY THAT ALL FIRMS IDENTIFIED PARTICIPATE IN
17 APPRENTICESHIP PROGRAMS REGISTERED WITH THE UNITED STATES
18 DEPARTMENT OF LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION
19 OR STATE APPRENTICESHIP AGENCIES RECOGNIZED BY THE UNITED STATES
20 DEPARTMENT OF LABOR AND HAVE A PROVEN RECORD OF GRADUATING
21 APPRENTICES AS FOLLOWS:

22 (A) BEGINNING JULY 1, 2021, THROUGH JUNE 30, 2026, A
23 MINIMUM OF FIFTEEN PERCENT OF ITS APPRENTICES FOR AT LEAST THREE
24 OF THE PAST FIVE YEARS;

25 (B) BEGINNING JULY 1, 2026, THROUGH JUNE 30, 2031, A
26 MINIMUM OF TWENTY PERCENT OF APPRENTICES FOR AT LEAST THREE OF
27 THE PAST FIVE YEARS; AND

1 (C) BEGINNING JULY 1, 2031, AND EACH YEAR THEREAFTER, A
2 MINIMUM OF THIRTY PERCENT OF APPRENTICES FOR AT LEAST THREE OF
3 THE PAST FIVE YEARS; AND

4 (III) SUPPLY SUPPORTING DOCUMENTATION FROM THE UNITED
5 STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP OR STATE
6 APPRENTICESHIP AGENCY VERIFYING THE INFORMATION PROVIDED IN THE
7 CERTIFICATION SPECIFIED IN SUBSECTION (1)(a)(II) OF THIS SECTION.

8 (b) THE UTILITY MUST MAINTAIN A DATABASE OF THE
9 INFORMATION CONTAINED IN THE AFFIDAVIT FOR EACH PROJECT AWARDED
10 A REBATE OR INCENTIVE.

11 (c) THIS SUBSECTION (5) DOES NOT APPLY TO A GAS DSM
12 PROGRAM THAT IS LIMITED TO IN-UNIT WORK IN A MULTIFAMILY BUILDING,
13 AS UNDERTAKEN BY THE OWNER OR TENANT OF THE MULTIFAMILY
14 BUILDING OR UNIT.

15 (6) (a) TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF
16 SUBSECTION (5) OF THIS SECTION, THE GENERAL CONTRACTOR OR OTHER
17 FIRM TO WHICH THE CONTRACT IS AWARDED MUST AGREE TO PROVIDE
18 ADDITIONAL DOCUMENTATION TO THE PARTICIPATING UTILITY OFFERING
19 THE REBATE OR INCENTIVE REGARDING THE REQUIREMENTS FOR AFFECTED
20 APPRENTICESHIP TRAINING PROGRAMS SPECIFIED IN SUBSECTION (5)(a) OF
21 THIS SECTION.

22 (b) IF THE UTILITY OFFERING THE REBATE OR INCENTIVE
23 DETERMINES THAT A MECHANICAL, ELECTRICAL, OR PLUMBING
24 SUBCONTRACTOR HAS WILLFULLY FALSIFIED DOCUMENTATION OR
25 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS AS REQUIRED TO
26 COMPLY WITH THIS SECTION IN THE CONTRACT, THE UTILITY SHALL DIRECT
27 THE CONTRACTOR TO TERMINATE THE SUBCONTRACTOR CONTRACT

1 IMMEDIATELY AND THE SUBCONTRACTOR SHALL IMMEDIATELY BE
2 REMOVED FROM THE PUBLIC PROJECT. THE UTILITY MAY ALSO DEBAR THE
3 OFFENDING SUBCONTRACTORS FOR FUTURE PARTICIPATION IN REBATES OR
4 INCENTIVE PROGRAMS ESTABLISHED UNDER THIS SECTION.

5 (c) IF AFTER ISSUING A REBATE OR INCENTIVE PURSUANT TO THIS
6 SECTION, A UTILITY DETERMINES THAT A CONTRACTOR OR
7 SUBCONTRACTOR HAS WILLFULLY VIOLATED ANY REQUIREMENT OF THIS
8 SECTION, THE UTILITY MAY DEMAND A FULL REFUND OF THE REBATE OR
9 INCENTIVE WITH REASONABLE PENALTIES AND INTEREST AND MAY PURSUE
10 ANY REMEDY PROVIDED BY LAW.

11 (d) A UTILITY MUST MAINTAIN A LIST OF CONTRACTORS AND
12 SUBCONTRACTORS THAT HAVE WILLFULLY FALSIFIED DOCUMENTATION OR
13 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS OR THAT ARE
14 DEBARRED FROM RECEIVING FUTURE REBATES OR INCENTIVES AND MAKE
15 THAT LIST AVAILABLE TO THEIR CUSTOMERS ON THEIR WEBSITE.

16 (7) (a) THE UTILITY THAT OFFERS THE REBATE OR INCENTIVE
17 PURSUANT TO THIS SECTION MUST ESTABLISH PERIODIC AUDITS OF THE
18 QUALIFYING REBATES THAT REPRESENT THE HIGHEST TWO PERCENT OF
19 REBATES ISSUED BY DOLLAR AMOUNT AT LEAST EVERY THREE YEARS TO
20 ENSURE THAT THE CONTRACTORS OR SUBCONTRACTORS MAINTAIN
21 COMPLIANCE WITH THIS SECTION.

22 (b) IF THE AUDIT DETERMINES THAT THERE WERE WILLFUL
23 VIOLATIONS OF THIS SECTION, THE UTILITY MAY DEMAND A FULL REFUND
24 OF THE REBATE OR INCENTIVE WITH REASONABLE PENALTIES AND
25 INTEREST AND MAY PURSUE ANY REMEDY PROVIDED BY LAW.

26 **SECTION 8.** In Colorado Revised Statutes, 40-3.2-105.6, **add**
27 (5), (6), and (7) as follows:

1 **40-3.2-105.6. Labor standards for beneficial electrification**
2 **projects.** (5) (a) FOR A BENEFICIAL ELECTRIFICATION PROJECT IN A NEW
3 OR EXISTING INDUSTRIAL, COMMERCIAL, OR MULTIFAMILY RESIDENTIAL
4 BUILDING THAT CONTAINS TWENTY THOUSAND SQUARE FEET OR MORE OF
5 CONDITIONED FLOOR SPACE AND FOR WHICH A REBATE IS TO BE PROVIDED
6 DIRECTLY TO THE BUILDING OWNER AS PART OF THE BENEFICIAL
7 ELECTRIFICATION PROGRAM, A UTILITY SHALL NOT ISSUE ANY REBATES OR
8 INCENTIVES UNLESS THE LEAD GENERAL CONTRACTOR PERFORMING THE
9 WORK FOR THE PROJECT SIGNS A NOTARIZED AFFIDAVIT UNDER PENALTY
10 OF PERJURY STATING THAT ALL OF THE REQUIREMENTS OF THIS SECTION
11 HAVE BEEN MET AND PROVIDES THE SIGNED AFFIDAVIT TO THE
12 SPONSORING UTILITY. THE AFFIDAVIT MUST:

13 (I) IDENTIFY THE CONTRACTORS OR SUBCONTRACTORS THAT WILL
14 BE USED FOR ALL MECHANICAL, SHEET METAL, FIRE SUPPRESSION,
15 SPRINKLER FITTING, ELECTRICAL, AND PLUMBING WORK REQUIRED ON THE
16 PROJECT;

17 (II) CERTIFY THAT ALL FIRMS IDENTIFIED PARTICIPATE IN
18 APPRENTICESHIP PROGRAMS REGISTERED WITH THE UNITED STATES
19 DEPARTMENT OF LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION
20 OR STATE APPRENTICESHIP AGENCIES RECOGNIZED BY THE UNITED STATES
21 DEPARTMENT OF LABOR AND HAVE A PROVEN RECORD OF GRADUATING
22 APPRENTICES AS FOLLOWS:

23 (A) BEGINNING JULY 1, 2021, THROUGH JUNE 30, 2026, A
24 MINIMUM OF FIFTEEN PERCENT OF ITS APPRENTICES FOR AT LEAST THREE
25 OF THE PAST FIVE YEARS;

26 (B) BEGINNING JULY 1, 2026, THROUGH JUNE 30, 2031, A
27 MINIMUM OF TWENTY PERCENT OF APPRENTICES FOR AT LEAST THREE OF

1 THE PAST FIVE YEARS; AND

2 (C) BEGINNING JULY 1, 2031, AND EACH YEAR THEREAFTER, A
3 MINIMUM OF THIRTY PERCENT OF APPRENTICES FOR AT LEAST THREE OF
4 THE PAST FIVE YEARS; AND

5 (III) SUPPLY SUPPORTING DOCUMENTATION FROM THE UNITED
6 STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP OR STATE
7 APPRENTICESHIP AGENCY VERIFYING THE INFORMATION PROVIDED IN THE
8 CERTIFICATION SPECIFIED IN SUBSECTION (1)(a)(II) OF THIS SECTION.

9 (b) THE UTILITY MUST MAINTAIN A DATABASE OF THE
10 INFORMATION CONTAINED IN THE AFFIDAVIT FOR EACH PROJECT AWARDED
11 A REBATE OR INCENTIVE.

12 (c) THIS SUBSECTION (5) DOES NOT APPLY TO A BENEFICIAL
13 ELECTRIFICATION PROJECT THAT IS LIMITED TO IN-UNIT WORK IN A
14 MULTIFAMILY BUILDING, AS UNDERTAKEN BY THE OWNER OR TENANT OF
15 THE MULTIFAMILY BUILDING OR UNIT.

16 (6) (a) TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF
17 SUBSECTION (5) OF THIS SECTION, THE GENERAL CONTRACTOR OR OTHER
18 FIRM TO WHICH THE CONTRACT IS AWARDED MUST AGREE TO PROVIDE
19 ADDITIONAL DOCUMENTATION TO THE PARTICIPATING UTILITY OFFERING
20 THE REBATE OR INCENTIVE REGARDING THE REQUIREMENTS FOR AFFECTED
21 APPRENTICESHIP TRAINING PROGRAMS SPECIFIED IN SUBSECTION (5)(a) OF
22 THIS SECTION.

23 (b) IF THE UTILITY OFFERING THE REBATE OR INCENTIVE
24 DETERMINES THAT A MECHANICAL, ELECTRICAL, OR PLUMBING
25 SUBCONTRACTOR HAS WILLFULLY FALSIFIED DOCUMENTATION OR
26 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS AS REQUIRED TO
27 COMPLY WITH THIS SECTION IN THE CONTRACT, THE UTILITY SHALL DIRECT

1 THE CONTRACTOR TO TERMINATE THE SUBCONTRACTOR CONTRACT
2 IMMEDIATELY AND THE SUBCONTRACTOR MUST IMMEDIATELY BE
3 REMOVED FROM THE PUBLIC PROJECT. THE UTILITY MAY DEBAR THE
4 OFFENDING SUBCONTRACTORS FOR FUTURE PARTICIPATION IN REBATE OR
5 INCENTIVE PROGRAMS ESTABLISHED UNDER THIS SECTION.

6 (c) IF AFTER ISSUING A REBATE OR INCENTIVE PURSUANT TO THIS
7 SECTION, A UTILITY DETERMINES THAT A CONTRACTOR OR
8 SUBCONTRACTOR HAS WILLFULLY VIOLATED ANY REQUIREMENT OF THIS
9 SECTION, THE UTILITY MAY DEMAND A FULL REFUND OF THE REBATE OR
10 INCENTIVE WITH REASONABLE PENALTIES AND INTEREST AND MAY PURSUE
11 ANY REMEDY PROVIDED BY LAW.

12 (d) A UTILITY SHALL MAINTAIN A LIST OF CONTRACTORS AND
13 SUBCONTRACTORS THAT HAVE WILLFULLY FALSIFIED DOCUMENTATION OR
14 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS OR THAT ARE
15 DEBARRED FROM RECEIVING FUTURE REBATES OR INCENTIVES AND MAKE
16 THAT LIST AVAILABLE TO THEIR CUSTOMERS ON THEIR WEBSITE.

17 (7) (a) THE UTILITY THAT OFFERS THE REBATE OR INCENTIVE
18 PURSUANT TO THIS SECTION MUST ESTABLISH PERIODIC AUDITS OF THE
19 QUALIFYING REBATES THAT REPRESENT THE HIGHEST TWO PERCENT OF
20 REBATES ISSUED BY DOLLAR AMOUNT AT LEAST EVERY THREE YEARS TO
21 ENSURE THAT THE CONTRACTORS OR SUBCONTRACTORS MAINTAIN
22 COMPLIANCE WITH THIS SECTION.

23 (b) IF THE AUDIT DETERMINES THAT THERE WERE WILLFUL
24 VIOLATIONS OF THIS SECTION, THE UTILITY MAY DEMAND A FULL REFUND
25 OF THE REBATE OR INCENTIVE WITH REASONABLE PENALTIES AND
26 INTEREST AND MAY PURSUE ANY REMEDY PROVIDED BY LAW.

27 **SECTION 9.** In Colorado Revised Statutes, 40-3.2-108, **add**

1 (8)(e) as follows:

2 **40-3.2-108. Clean heat targets - legislative declaration -**
3 **definitions - plans - rules - reports. (8) Employment and utility**
4 **workforce.** (e) IF A PROJECT IN CONNECTION WITH A CLEAN HEAT PLAN,
5 IS AN ENERGY SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN SECTION
6 24-92-303 (5), THE PROJECT MUST COMPLY WITH THE APPLICABLE
7 REQUIREMENTS OF THE "COLORADO ENERGY SECTOR PUBLIC WORKS
8 PROJECT CRAFT LABOR REQUIREMENTS ACT", PART 3 OF ARTICLE 92 OF
9 TITLE 24.

10 **SECTION 10.** In Colorado Revised Statutes, 40-5-107, **add**
11 (3)(c) as follows:

12 **40-5-107. Electric vehicle programs - definitions - repeal.**
13 (3) (c) AN ELECTRIC VEHICLE INFRASTRUCTURE PROJECT THAT IS AN
14 ENERGY SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN SECTION
15 24-92-303 (5), MUST COMPLY WITH THE APPLICABLE REQUIREMENTS OF
16 THE "COLORADO ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR
17 REQUIREMENTS ACT", PART 3 OF ARTICLE 92 OF TITLE 24.

18 **SECTION 11.** In Colorado Revised Statutes, 40-42-107, **add** (4)
19 as follows:

20 **40-42-107. Labor standards - apprenticeship - supervision.**
21 (4) ANY PROJECT FOR THE CONSTRUCTION, EXPANSION, OR MAINTENANCE
22 OF FACILITIES UNDERTAKEN IN COLORADO PURSUANT TO THIS ARTICLE 42
23 THAT IS AN ENERGY SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN
24 SECTION 24-92-303 (5), MUST COMPLY WITH THE APPLICABLE
25 REQUIREMENTS OF THE "COLORADO ENERGY SECTOR PUBLIC WORKS
26 PROJECT CRAFT LABOR REQUIREMENTS ACT", PART 3 OF ARTICLE 92 OF
27 TITLE 24.

1 **SECTION 12. Appropriation.** For the 2023-24 state fiscal year,
2 \$108,401 is appropriated to the department of labor and employment for
3 use by the division of labor standards and statistics. This appropriation is
4 from the general fund and is based on an assumption that the division will
5 require an additional 1.0 FTE. To implement this act, the division may
6 use this appropriation for program costs related to labor standards.

7 **SECTION 13.** Act subject to petition - effective date -
8 **applicability.** (1) This act takes effect January 1, 2024; except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within the ninety-day period after final adjournment of the general
12 assembly, then the act, item, section, or part will not take effect unless
13 approved by the people at the general election to be held in November
14 2024 and, in such case, will take effect on the date of the official
15 declaration of the vote thereon by the governor.

16 (2) This act only applies to any energy sector public works project
17 for which a public utility or cooperative electric association invitation for
18 bids or proposals is issued on or after January 1, 2024.