

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

PREAMENDED

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

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

HOUSE SPONSORSHIP

Duran and Bird,

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING LABOR REQUIREMENTS FOR ENERGY SECTOR**
102 **CONSTRUCTION.**

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 mechanical, electrical, or plumbing subcontractor is put under contract,

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article
3 92 of title 24 as follows:

4 **PART 3**
5 **ENERGY SECTOR PUBLIC WORKS PROJECTS**
6 **CRAFT LABOR REQUIREMENTS**

7 **24-92-301. Short title.** THE SHORT TITLE OF THIS PART 3 IS THE
8 "COLORADO ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR
9 REQUIREMENTS ACT".

10 **24-92-302. Legislative declaration.** (1) THE GENERAL ASSEMBLY
11 HEREBY FINDS AND DECLARES THAT:

12 (a) THE ENERGY INDUSTRY IN COLORADO IS UNDERGOING A
13 HISTORIC TRANSFORMATION TO ADDRESS THREATS POSED BY CLIMATE
14 CHANGE, WHICH INCLUDES EFFORTS TO DIVERSIFY CAPACITY, PROMOTE
15 THE DEVELOPMENT OF RENEWABLE AND OTHER CLEAN, NON-CARBON
16 GENERATION SOURCES, AND ELECTRIFY MAJOR SEGMENTS OF THE STATE'S
17 ECONOMY;

18 (b) THESE DEVELOPMENTS WILL REQUIRE MASSIVE INVESTMENTS
19 OF RESOURCES FROM THE STATE AND PUBLIC UTILITY COMPANIES, WHICH
20 WILL ULTIMATELY BE PAID BY RESIDENTS THROUGH FUTURE TAXES AND
21 UTILITY BILLS;

22 (c) THE SAFE AND COST-EFFECTIVE DELIVERY OF THESE PROJECTS
23 IS VITAL TO THE PUBLIC HEALTH AND WELFARE OF RESIDENTS AND THE
24 ECONOMIC SECURITY OF THE STATE, AND CRITICAL TO ENSURE THAT
25 ADEQUATE POWER IS PROVIDED TO COLORADO HOMES AND BUSINESSES;

26 (d) DEFICIENT PLANNING OF THESE RESOURCES CAN RESULT IN
27 ESCALATING UTILITY BILLS AND DANGEROUS POWER OUTAGES IF POWER

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

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

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

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

1 PROVEN TO BE THE MOST EFFECTIVE STRATEGY FOR PROVIDING
2 HIGH-LEVEL SKILLS TRAINING AND ENSURING NEEDED QUALIFICATION
3 CREDENTIALING FOR WORKERS IN THE CONSTRUCTION INDUSTRY.

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

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

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

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

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

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

1 SYSTEMS ARE ADEQUATELY STAFFED BY PROPERLY TRAINED AND
2 QUALIFIED CRAFT LABOR PERSONNEL.

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

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

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

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

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

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

26 (I) HAS THE PURPOSE OF GENERATING, TRANSMITTING, OR
27 DISTRIBUTING ELECTRICITY OR NATURAL GAS TO PROVIDE ENERGY TO

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

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

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

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

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

24 (I) POWER GENERATION WITH A NAMEPLATE GENERATION
25 CAPACITY OF ONE MEGAWATT OR HIGHER, INCLUDING GENERATION
26 SOURCED FROM WIND, SOLAR, GEOTHERMAL, HYDROGEN, NUCLEAR, OR
27 BIOENERGY, OR ANY PROJECT THAT GENERATES ELECTRICITY FROM THE

- 1 COMBUSTION OF OIL, GAS, OR OTHER FOSSIL FUELS; AND
- 2 (II) OTHER PROJECTS WITH A TOTAL PROJECT COST OF ONE MILLION
- 3 DOLLARS OR MORE THAT INCLUDE:
- 4 (A) POLLUTION CONTROLS;
- 5 (B) UTILITY GAS DISTRIBUTION;
- 6 (C) ELECTRIC TRANSMISSION PROJECTS;
- 7 (D) GEOTHERMAL SYSTEMS THAT ARE USED TO PROVIDE HEAT OR
- 8 HEATED WATER OR THAT OPERATE AS THERMAL SYSTEMS OR THERMAL
- 9 NETWORKS AS DEFINED IN LAW;
- 10 (E) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE
- 11 INSTALLATIONS;
- 12 (F) HYDROGEN-RELATED INFRASTRUCTURE CONSTRUCTION
- 13 PROJECTS;
- 14 (G) ANY PROJECT THAT TRANSPORTS OR STORES CARBON DIOXIDE
- 15 CAPTURED FROM POWER GENERATION; AND
- 16 (H) ANY OTHER CONSTRUCTION PROJECTS COVERED BY THIS PART
- 17 3.

18 (6) "FEDERAL PREVAILING WAGE AND APPRENTICESHIP

19 REQUIREMENTS" MEANS THE REQUIREMENTS UNDER:

20 (a) SECTIONS 45(b)(7) AND (8) OF TITLE 26 OF THE UNITED STATES

21 CODE, WHETHER APPLICABLE DIRECTLY OR UNDER A PROVISION OF THE

22 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, THAT

23 APPLIES SUCH SECTIONS OF THE UNITED STATES CODE; OR

24 (b) SECTIONS 48(a)(10) AND (11) OF TITLE 26 OF THE UNITED

25 STATES CODE, WHETHER APPLICABLE DIRECTLY OR UNDER A PROVISION

26 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED THAT

27 APPLIES SUCH SECTIONS OF THE UNITED STATES CODE.

1 (7) "FEDERAL "INFLATION REDUCTION ACT"" MEANS THE FEDERAL
2 "INFLATION REDUCTION ACT OF 2022", UNITED STATES CODE, TITLE 26,
3 INCLUDING BUT NOT LIMITED TO SECTIONS 30C, 45, 45B, 45L, 45Q, 45U,
4 45V, 45X, 45Y, 45Z, 48, 48C, 48E, AND 179D, AND ASSOCIATED
5 IMPLEMENTING RULES AND GUIDANCE PROMULGATED BY THE UNITED
6 STATES DEPARTMENT OF THE TREASURY AND THE UNITED STATES
7 INTERNAL REVENUE SERVICE, AS THE STATUTE AND IMPLEMENTING RULES
8 AND GUIDANCE MAY BE AMENDED FROM TIME TO TIME.

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

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

23 (a) SET FORTH EFFECTIVE, IMMEDIATE, AND MUTUALLY BINDING
24 PROCEDURES FOR RESOLVING JURISDICTIONAL LABOR DISPUTES AND
25 GRIEVANCES ARISING BEFORE THE COMPLETION OF WORK;

26 (b) CONTAIN GUARANTEES AGAINST STRIKES, LOCKOUTS, OR
27 SIMILAR ACTIONS;

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

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

8 (e) PERMIT THE SELECTION OF THE LOWEST QUALIFIED
9 RESPONSIBLE BIDDER OR LOWEST QUALIFIED RESPONSIBLE OFFEROR
10 WITHOUT REGARD TO UNION OR NON-UNION STATUS AT OTHER
11 CONSTRUCTION SITES;

12 (f) BIND ALL CONTRACTORS AND SUBCONTRACTORS ON THE
13 ENERGY SECTOR PUBLIC WORKS PROJECT TO THE PROJECT LABOR
14 AGREEMENT THROUGH THE INCLUSION OF APPROPRIATE BID
15 SPECIFICATIONS IN ALL RELEVANT CONTRACT DOCUMENTS; AND

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

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

19 **24-92-304. Energy sector public works projects - craft labor**
20 **employment - training - wage requirements.** (1) (a) EXCEPT AS
21 OTHERWISE PROVIDED IN SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION,
22 A CONTRACT BETWEEN PUBLIC UTILITIES, COOPERATIVE ELECTRIC
23 ASSOCIATIONS, OR INDEPENDENT POWER PRODUCERS AND LEAD
24 CONTRACTORS FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT MUST
25 INCLUDE PROVISIONS EXPRESSLY REQUIRING THAT ALL WORK PERFORMED
26 UNDER THE CONTRACT COMPLY WITH THE REQUIREMENTS OF SECTION
27 24-92-115 (7) AND THE REQUIREMENTS OF PART 2 OF THIS ARTICLE 92 IF

1 THE PROJECT IS AN ELECTRIC POWER GENERATION PROJECT WITH A
2 NAMEPLATE GENERATION CAPACITY OF ONE MEGAWATT OF HIGHER OR IF
3 THE PROJECT IS A PROJECT SPECIFIED IN SUBSECTION 24-92-303 (5)(b)(II)
4 WITH A TOTAL PROJECT COST OF ONE MILLION DOLLARS OR MORE. THESE
5 REQUIREMENTS CONSTITUTE MATERIAL TERMS OF SUCH CONTRACTS.

6 (b) FOR PROJECTS FUNDED PURSUANT TO SECTION 24-92-303
7 (5)(a)(I)(A), THE REQUIREMENTS OF THIS PART 3 APPLY ONLY WHEN:

8 (I) THE TOTAL PROJECT COST IS ONE MILLION DOLLARS OR MORE
9 AND THE AGGREGATED PUBLIC ASSISTANCE FROM THE STATE IS FIVE
10 HUNDRED THOUSAND DOLLARS OR MORE; OR

11 (II) THE PROJECT IS A POWER GENERATION PROJECT WITH A
12 NAMEPLATE GENERATION CAPACITY OF ONE MEGAWATT OR HIGHER, AND
13 THE AGGREGATED PUBLIC ASSISTANCE FROM THE STATE IS FIVE HUNDRED
14 THOUSAND DOLLARS OR MORE.

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

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

17 (II) WORK ON AN ENERGY SECTOR PUBLIC WORKS PROJECT
18 PERFORMED BY THE EMPLOYEES OF A UTILITY COMPANY;

19 (III) SO LONG AS COMPLIANCE WITH ANY APPLICABLE FEDERAL
20 "INFLATION REDUCTION ACT" QUALIFICATION REQUIREMENTS IS A
21 MATERIAL TERM OF THE AGREEMENT WITH A PUBLIC UTILITY,
22 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT POWER PRODUCER,
23 OR THE STATE, WORK ON AN ENERGY SECTOR PUBLIC WORKS PROJECT PUT
24 OUT TO BID ON OR AFTER JANUARY 1, 2024, THAT IS QUALIFIED FOR AND
25 CLAIMS THE INCREASED FEDERAL PRODUCTION TAX CREDIT OR
26 INVESTMENT TAX CREDIT AMOUNT, EXCLUDING ANY DOMESTIC CONTENT,
27 ENERGY COMMUNITY, OR LOW-INCOME COMMUNITY BONUS CREDIT, AS A

1 RESULT OF:

2 (A) SATISFYING THE PREVAILING WAGE AND APPRENTICESHIP
3 REQUIREMENTS UNDER THE PROVISIONS OF THE FEDERAL "INFLATION
4 REDUCTION ACT"; OR

5 (B) ACHIEVING THE START OF CONSTRUCTION PRIOR TO JANUARY
6 29, 2023, PURSUANT TO THE PRINCIPLES OUTLINED IN THE FEDERAL
7 INTERNAL REVENUE SERVICE GUIDANCE AND THE UNITED STATES
8 DEPARTMENT OF LABOR GUIDANCE RELATED TO THE FEDERAL "INFLATION
9 REDUCTION ACT" AS AMENDED OR SUPPLEMENTED FROM TIME TO TIME;

10 (IV) A UTILITY-INCENTIVIZED DEMAND-SIDE MANAGEMENT OR
11 ELECTRIFICATION PROGRAM PURSUANT TO SECTION 40-3.2-105.5 OR
12 40-3.2-105.6;

13 (V) UTILITY OR STATE-FUNDED BUILDING ENERGY EFFICIENCY
14 PROGRAMS;

15 (VI) SERVICE AGREEMENTS THAT WERE ENTERED INTO BY A
16 PUBLIC UTILITY, INDEPENDENT POWER PRODUCER, OR COOPERATIVE
17 ELECTRIC ASSOCIATION ON OR BEFORE MARCH 1, 2023; EXCEPT THAT
18 UPON RENEWAL OR ISSUANCE OF A NEW REQUEST FOR PROPOSALS, THE
19 SERVICE AGREEMENT MUST COME INTO COMPLIANCE WITH THE
20 REQUIREMENTS OF THIS SECTION;

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

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

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

1 (a) RECEIVE FUNDING FROM THE STATE THROUGH GENERAL FUND
2 APPROPRIATIONS, TAX CREDITS, TAX DEDUCTIONS, LAND TRANSFERS, OR
3 OTHER FUNDING OR ASSISTANCE PROVIDED BY THE GENERAL ASSEMBLY OR
4 A GOVERNMENT AGENCY; OR

5 (b) RECEIVE ANY APPROVALS OR AUTHORIZATIONS FROM THE
6 PUBLIC UTILITIES COMMISSION, INCLUDING APPROVALS FOR UTILITY
7 FUNDING OR FOR COMMENCEMENT OF THE PROJECT, INCLUDING A
8 CERTIFICATE OF PUBLIC CONVENIENCE.

9 (3) THE LEAD CONTRACTOR ENGAGED TO PERFORM CONSTRUCTION
10 SERVICES FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT MUST REQUIRE
11 ALL SUBCONTRACTORS USED ON THE PROJECT TO COMPLY WITH SECTION
12 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92 BY ENSURING THAT SUCH
13 REQUIREMENTS ARE STIPULATED IN ALL SUBCONTRACTS. LEAD
14 CONTRACTORS MUST TAKE ALL REASONABLY NECESSARY STEPS TO
15 ENSURE COMPLIANCE BY MONITORING SUBCONTRACTORS.

16 (4) THE PUBLIC UTILITIES COMMISSION SHALL NOT FIND AN
17 ENERGY SECTOR PUBLIC WORKS PROJECT TO BE IN COMPLIANCE WITH
18 SECTION 40-2-129 UNLESS THE CONSTRUCTION CONTRACT FOR THE
19 PROJECT INCLUDES PROVISIONS EXPRESSLY REQUIRING THAT ALL WORK
20 PERFORMED UNDER THE CONTRACT COMPLY WITH THE REQUIREMENTS OF
21 SECTION 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92. COMPLIANCE
22 WITH THIS SUBSECTION (4) DOES NOT PREVENT THE COMMISSION FROM
23 CONSIDERING ALL "BEST VALUE" EMPLOYMENT METRICS AS DEFINED IN
24 SECTION 40-2-129, INCLUDING THOSE METRICS THAT ARE NOT DIRECTLY
25 RELATED TO THE PROCUREMENT OF CRAFT LABOR AND APPRENTICESHIP
26 TRAINING ON AN ENERGY SECTOR PUBLIC WORKS PROJECT.

27 (5) CONSISTENT WITH SECTION 24-92-203 (4), BIDDERS ON ENERGY

1 SECTOR PUBLIC WORKS PROJECTS SHALL NOT ARTIFICIALLY DIVIDE THE
2 OVERALL GENERATION CAPACITY OR OVERALL PROJECT COST OF AN
3 ENERGY SECTOR PUBLIC WORKS PROJECT TO DELIBERATELY AVOID THE
4 REQUIREMENTS TO COMPLY WITH SECTION 24-92-115 (7) AND PART 2 OF
5 THIS ARTICLE 92. THE PUBLIC UTILITIES COMMISSION, THE STATE, A PUBLIC
6 UTILITY, OR A COOPERATIVE ELECTRIC ASSOCIATION MAY STILL REQUIRE
7 COMPLIANCE WITH PREVAILING WAGE AND APPRENTICESHIP UTILIZATION
8 REQUIREMENTS IF THEY DETERMINE THAT A BIDDER HAS ARTIFICIALLY
9 DIVIDED A PROJECT WITH THE INTENT OF AVOIDING THE REQUIREMENT TO
10 COMPLY WITH THOSE SECTIONS.

11 **24-92-305. Energy sector public works projects - record**
12 **keeping - reporting - craft labor certification - sanctions - compliance**
13 **with best value employment metrics.** (1) THE LEAD CONTRACTOR FOR
14 AN ENERGY SECTOR PUBLIC WORKS PROJECT SHALL PREPARE CERTIFIED
15 PAYROLL RECORDS FOR CRAFT WORKERS DIRECTLY EMPLOYED BY THE
16 CONTRACTOR, OBTAIN CERTIFIED PAYROLL RECORDS FROM ALL
17 CONTRACTORS AND SUBCONTRACTORS ON THE PROJECTS, AND SUBMIT THE
18 RECORDS TO THE PUBLIC UTILITY OR OTHER OWNER OF THE ENERGY
19 SECTOR PUBLIC WORKS PROJECT ON A WEEKLY BASIS. EACH LEAD
20 CONTRACTOR AND SUBCONTRACTOR SHALL CERTIFY, UNDER THE PENALTY
21 OF PERJURY, THAT THE RECORDS PROVIDE COMPLETE AND ACCURATE
22 INFORMATION FOR ALL CRAFT WORKERS EMPLOYED ON THE PROJECT.

23 (2) THE LEAD CONTRACTOR FOR AN ENERGY SECTOR PUBLIC
24 WORKS PROJECT SHALL PREPARE A CRAFT LABOR CERTIFICATION ON A
25 QUARTERLY BASIS FOR WORK THAT IS BEING PERFORMED UNDER AFFECTED
26 PROJECTS.

27 (3) A CRAFT LABOR CERTIFICATION MUST INCLUDE THE

1 FOLLOWING:

2 (a) A SWORN ATTESTATION, UNDER THE PENALTY OF PERJURY,
3 THAT THE LEAD CONTRACTOR IS FULLY COMPLIANT WITH ALL
4 EMPLOYMENT, TRAINING, AND WAGE REQUIREMENTS OF SECTION
5 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92; AND

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

9 (4) THE PUBLIC UTILITY, COOPERATIVE ELECTRIC ASSOCIATION,
10 INDEPENDENT POWER PRODUCER, OR OTHER OWNER OF AN ENERGY
11 SECTOR PUBLIC WORKS PROJECT IS RESPONSIBLE FOR MAINTENANCE OF
12 RECORDS FOR ALL CRAFT LABOR CERTIFICATIONS. THE PUBLIC UTILITY,
13 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT POWER PRODUCER,
14 OR OTHER OWNER OF AN ENERGY SECTOR PUBLIC WORKS PROJECT SHALL
15 EITHER PROVIDE COPIES QUARTERLY OR REQUIRE BY CONTRACT THAT THE
16 LEAD CONTRACTOR PROVIDE COPIES QUARTERLY, TO THE DEPARTMENT OF
17 LABOR AND EMPLOYMENT FOR REVIEW AND OVERSIGHT PURPOSES.

18 (5) NO LATER THAN JANUARY 1, 2029, AND AT LEAST FIVE YEARS
19 THEREAFTER, THE STATE AUDITOR'S OFFICE SHALL CONDUCT AN AUDIT OF
20 THE COMMISSION'S APPROVAL OF ENERGY SECTOR PUBLIC WORKS
21 PROJECTS. THE PURPOSE OF THE AUDIT IS TO ESTABLISH OVERSIGHT AND
22 ACCOUNTABILITY FOR COMPLIANCE WITH SECTION 40-2-129, AND TO
23 DETERMINE WHETHER A SAMPLE OF PROJECTS THAT HAVE BEEN APPROVED
24 BY THE COMMISSION ARE FULLY COMPLIANT WITH ALL EMPLOYMENT,
25 TRAINING, WAGE, AND APPRENTICESHIP REQUIREMENTS OF SECTION
26 24-92-115 (7) AND PART 2 OF THIS ARTICLE 92. THE AUDIT MUST
27 CONSIDER INFORMATION AND RECORDS RELATED TO THE CRAFT LABOR

1 CERTIFICATIONS THAT ARE COLLECTED AND MAINTAINED BY THE
2 DEPARTMENT OF LABOR AND EMPLOYMENT. THE DEPARTMENT OF LABOR
3 AND EMPLOYMENT SHALL PROVIDE ANY INFORMATION NEEDED TO
4 PERFORM THE AUDIT AS REQUESTED BY THE STATE AUDITOR'S OFFICE.

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

8 (b) UPON RELEASE OF THE AUDIT REPORT BY THE LEGISLATIVE
9 AUDIT COMMITTEE, THE STATE AUDITOR MUST MAKE THE RESULTS OF THE
10 AUDIT AVAILABLE TO THE PUBLIC.

11 (c) AFTER CONDUCTING TWO AUDITS UNDER THIS SUBSECTION (5),
12 THE STATE AUDITOR MAY CONDUCT ADDITIONAL AUDITS IN THE STATE
13 AUDITOR'S DISCRETION.

14 (6) VIOLATIONS OF THE REQUIREMENTS SPECIFIED IN THIS SECTION,
15 INCLUDING WAGE AND HOUR VIOLATIONS, VIOLATIONS OF APPRENTICESHIP
16 REQUIREMENTS, FALSIFICATION OF RECORDS, OR WILLFUL
17 NON-COMPLIANCE, ARE SUBJECT TO THE PENALTIES AND ENFORCEMENT
18 RIGHTS AND REMEDIES DESCRIBED IN SECTIONS 24-92-115 (3), 24-92-209,
19 24-92-210, AND 24-109-105.

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

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

27 (b) REQUIRE THE LEAD CONTRACTORS AND ALL OTHER

1 CONTRACTORS AND SUBCONTRACTORS WORKING ON THE ENERGY SECTOR
2 PUBLIC WORKS PROJECT TO PAY APPLICABLE FEDERALLY STIPULATED
3 WAGE AND BENEFIT RATES AND PROVIDE CERTIFIED PAYROLL REPORTS TO
4 THE PUBLIC UTILITIES COMMISSION IN THE SAME MANNER REQUIRED BY
5 SUBSECTION (1) OF THIS SECTION.

6 **24-92-306. Energy sector public works projects - use of project**
7 **labor agreements.** (1) A PUBLIC UTILITY, COOPERATIVE ELECTRIC
8 ASSOCIATION, OR INDEPENDENT POWER PRODUCER IS AUTHORIZED TO
9 INCORPORATE A PROJECT LABOR AGREEMENT REQUIREMENT FOR AN
10 ENERGY SECTOR PUBLIC WORKS PROJECT IF THE PROJECT LABOR
11 AGREEMENT WILL PROMOTE SUCCESSFUL PROJECT DELIVERY BY SECURING
12 A SKILLED LABOR FORCE FOR THE PROJECT AND IF IT WILL PROMOTE
13 COST-EFFICIENCY, SAFETY, QUALITY, AND TIMELY COMPLETION OF THE
14 PROJECT.

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

19 (3) THE PUBLIC UTILITIES COMMISSION SHALL NOT DENY
20 APPROVAL OF AN ENERGY SECTOR PUBLIC WORKS PROJECT SOLELY
21 BECAUSE THE PROJECT OWNER VOLUNTARILY ELECTS TO USE A PROJECT
22 LABOR AGREEMENT FOR THE PROJECT. THE PUBLIC UTILITIES COMMISSION
23 MUST STATE ITS REASONS FOR DENIAL IN WRITING WHEN IT ISSUES
24 THE DECISION.

25 **24-92-307. Energy sector public works projects - existing**
26 **authority of the public utilities commission.** NOTHING IN THIS SECTION
27 CONTRAVENES THE STATUTORY AUTHORITY OF THE PUBLIC UTILITIES

1 COMMISSION TO CONSIDER OVERALL PROJECT COSTS, THE IMPACT OF A
2 PROJECT ON UTILITY CUSTOMERS, OR THE IMPACT OF PROJECT COST ON
3 UTILITY RATES.

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

6 **24-38.5-118. Geothermal energy grant program - creation -**
7 **procedures - fund - report - definitions - repeal.** (11) **Grants awarded**
8 **to energy sector public works projects - requirements.** ANY PROJECT
9 THAT IS FUNDED IN WHOLE OR IN PART BY A GRANT AWARDED PURSUANT
10 TO THIS SECTION AND THAT IS AN ENERGY SECTOR PUBLIC WORKS PROJECT,
11 AS DEFINED IN SECTION 24-92-303 (5), MUST COMPLY WITH THE
12 APPLICABLE REQUIREMENTS OF THE "COLORADO ENERGY SECTOR PUBLIC
13 WORKS PROJECT CRAFT LABOR REQUIREMENTS ACT", PART 3 OF ARTICLE
14 92 OF THIS TITLE 24.

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

17 **24-92-115. Apprenticeship utilization requirements -**
18 **mechanical, electrical, and plumbing contracts - public projects -**
19 **definition.** (7) (a) FOR AN ENERGY SECTOR PUBLIC WORKS PROJECT, AS
20 DEFINED IN SECTION 24-92-303 (5), THE GENERAL CONTRACTOR OR
21 OTHER FIRM TO WHICH THE CONTRACT IS AWARDED SHALL:

22 (I) IDENTIFY, AT THE TIME THEY ARE PUT UNDER CONTRACT, ALL
23 CONTRACTORS OR SUBCONTRACTORS REQUIRED FOR THE PROJECT, OTHER
24 THAN THOSE USED FOR ALL MECHANICAL, SHEET METAL, FIRE
25 SUPPRESSION, SPRINKLER FITTING, ELECTRICAL, PLUMBING WORK, AND
26 CONSTRUCTION CRAFT LABOR; AND

27 (II) CERTIFY THAT ALL CONTRACTORS OR SUBCONTRACTORS

1 IDENTIFIED PARTICIPATE IN APPRENTICESHIP TRAINING PROGRAMS
2 REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR'S
3 EMPLOYMENT AND TRAINING ADMINISTRATION OR STATE APPRENTICESHIP
4 AGENCIES RECOGNIZED BY THE UNITED STATES DEPARTMENT OF LABOR'S
5 EMPLOYMENT AND TRAINING ADMINISTRATION AND HAVE A PROVEN
6 RECORD OF GRADUATING APPRENTICES FOR AT LEAST THREE OF THE PAST
7 FIVE YEARS.

8 (b) SUBSECTIONS (1)(a) TO (1)(c) OF THIS SECTION APPLY TO
9 MECHANICAL, ELECTRICAL, AND PLUMBING CONTRACTORS AND
10 SUBCONTRACTORS SUBJECT TO THIS SUBSECTION (7).

11 (c) CONTRACTORS AND SUBCONTRACTORS THAT ARE SUBJECT TO
12 THE REQUIREMENTS OF THIS SUBSECTION (7) AND THAT PROVIDE
13 CONSTRUCTION CRAFT LABOR MUST CERTIFY THAT ALL FIRMS IDENTIFIED
14 PARTICIPATE IN APPRENTICESHIP TRAINING PROGRAMS THAT ARE
15 REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR'S
16 EMPLOYMENT AND TRAINING ADMINISTRATION OR A STATE
17 APPRENTICESHIP AGENCY RECOGNIZED BY THE UNITED STATES
18 DEPARTMENT OF LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION
19 AND THAT:

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

23 (II) PROVIDE DOCUMENTATION REQUIRED IN SUBSECTION
24 (1)(a)(III) OF THIS SECTION.

25 (d) UPON EVALUATION OF THE SUBMITTED BIDS, A PUBLIC UTILITY,
26 INDEPENDENT POWER PRODUCER, OR COOPERATIVE ELECTRIC
27 ASSOCIATION MAY WAIVE THE REQUIREMENTS OF THIS SECTION IF IT

1 DETERMINES THAT THERE IS SUBSTANTIAL EVIDENCE THAT THERE ARE NO
2 RESPONSIVE ELIGIBLE CONTRACTORS OR SUBCONTRACTORS FOR ANY
3 TRADES AVAILABLE TO FULFILL THE APPRENTICESHIP REQUIREMENTS FOR
4 ONE OR MORE OF THE TRADES SUBJECT TO THIS SECTION. ANY PARTY
5 EXERCISING A WAIVER PURSUANT TO THIS SUBSECTION (7)(d) SHALL
6 DISCLOSE THE WAIVER ON A PUBLICLY ACCESSIBLE WEBSITE, INCLUDING
7 THE CONTRACTOR OR SUBCONTRACTOR TO WHICH THE WAIVER APPLIES
8 AND THE SPECIFIC RATIONALE FOR THE WAIVER.

9 (e) IN THE EVENT OF AN EXTREME WEATHER EVENT, A WILDFIRE,
10 OR AN EMERGENCY DECLARED BY THE STATE OF COLORADO OR THE
11 FEDERAL GOVERNMENT, A PUBLIC UTILITY OR COOPERATIVE ELECTRIC
12 ASSOCIATION MAY WAIVE THE REQUIREMENTS OF THIS SUBSECTION (7)
13 WHEN PERFORMING REPAIR WORK TO RESTORE ELECTRIC SERVICE TO
14 CUSTOMERS OR ASSOCIATION MEMBERS WHEN IT CAN REASONABLY
15 DEMONSTRATE THAT:

16 (I) THE CAPACITY NEEDED TO RESTORE POWER EXCEEDS THE
17 PUBLIC UTILITY'S OR COOPERATIVE ELECTRIC ASSOCIATION'S AVAILABLE
18 CAPACITY FOR EMERGENCY REPAIRS THROUGH ITS EMPLOYEES, STANDBY
19 CONTRACTOR CAPACITY, OR APPLICABLE MUTUAL AID AGREEMENTS; AND

20 (II) A GOOD FAITH EFFORT TO IDENTIFY CONTRACTORS AND
21 SUBCONTRACTORS THAT CAN COMPLY WITH THIS SUBSECTION (7) WAS
22 MADE AND NO ELIGIBLE CONTRACTORS OR SUBCONTRACTORS WERE
23 AVAILABLE FOR THE TIME FRAME FOR WHICH THE EMERGENCY CAPACITY
24 WAS NEEDED.

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

27 **40-2-123. Energy technologies - consideration by commission**

1 **- incentives - demonstration projects - definitions - repeal.** (5) ANY
2 PROJECT APPROVED PURSUANT TO THIS SECTION THAT IS AN ENERGY
3 SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN SECTION 24-92-303 (5),
4 MUST COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE "COLORADO
5 ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR REQUIREMENTS
6 ACT", PART 3 OF ARTICLE 92 OF TITLE 24.

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

9 **40-2-127. Community energy funds - community solar**
10 **gardens - definitions - rules - legislative declaration - repeal.**
11 **(3.7) Energy sector public works projects.** IF THE DEVELOPMENT OF A
12 COMMUNITY SOLAR GARDEN IS AN ENERGY SECTOR PUBLIC WORKS
13 PROJECT, AS DEFINED IN SECTION 24-92-303 (5), THEN THE PROJECT MUST
14 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 6.** In Colorado Revised Statutes, 40-2-129, **amend**
18 (1)(a); **repeal** (4); and **add** (5) and (6) as follows:

19 **40-2-129. New resource acquisitions - factors in determination**
20 **- local employment - "best value" employment metrics - performance**
21 **audit.** (1) (a) (I) When evaluating electric resource acquisitions and
22 requests for a certificate of convenience and necessity for construction or
23 expansion of generating facilities, including but not limited to pollution
24 control or fuel conversion upgrades and conversion of existing coal-fired
25 plants to natural gas plants, the commission shall consider, in all
26 decisions involved in electric resource acquisition processes, best value
27 regarding employment of Colorado labor, as defined in section 8-17-101

1 (2)(a), and positive impacts on the long-term economic viability of
2 Colorado communities. To this end, the commission shall require utilities
3 to obtain and provide to the commission the following information
4 regarding "best value" employment metrics:

5 (A) The availability of training programs, including training
6 through apprenticeship programs registered with the United States
7 department of labor's office of apprenticeship or by state apprenticeship
8 councils AGENCIES recognized by that office FOR ALL APPRENTICEABLE
9 TRADES REQUIRED TO EFFECTIVELY DELIVER THE PROJECT TO
10 COMPLETION;

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

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

16 (D) HOW THE PROJECT SUPPORTS DOMESTIC MANUFACTURING
17 THROUGH THE UTILIZATION OF COLORADO AND DOMESTICALLY PRODUCED
18 MATERIALS, INCLUDING CONSIDERATION OF THE POTENTIAL FOR
19 DOMESTICALLY MANUFACTURED MATERIALS BEING UNAVAILABLE IN THE
20 MARKETPLACE;

21 (E) Long-term career opportunities; and

22 (F) Industry-standard wages, health care, and pension benefits.

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

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

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

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

5 ~~(III) Any shortfalls in enforcement capacity or implementation by~~
6 ~~the commission;~~

7 ~~(IV) Current enforcement procedures for investor-owned utilities,~~
8 ~~independent power producers, and wholesale generation and transmission~~
9 ~~electric cooperatives; and~~

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

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

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

21 (5) THE COMMISSION SHALL PROMULGATE RULES REQUIRING
22 UTILITIES, WHEN SUBMITTING ANNUAL PROGRESS REPORTS FOR AN
23 ELECTRIC RESOURCE ACQUISITION, TO COLLECT AND PROVIDE TO THE
24 COMMISSION INFORMATION CONCERNING THE IMPLEMENTATION OF "BEST
25 VALUE" EMPLOYMENT METRICS, AS DESCRIBED IN SUBSECTION (1)(a) OF
26 THIS SECTION, WHICH METRICS WERE APPROVED BY THE COMMISSION
27 DURING THE ACQUISITION PLANNING PROCESS AND WHICH ACQUISITIONS

1 ARE UNDER CONSTRUCTION BY EITHER THE UTILITY OR BY OTHERS.

2 (6) (a) ON OR BEFORE DECEMBER 31, 2024, AND ON OR BEFORE
3 DECEMBER 31 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL
4 SUBMIT A REPORT TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
5 HOUSE OF REPRESENTATIVES AND THE TRANSPORTATION AND ENERGY
6 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE
7 REPORT MUST SUMMARIZE THE INFORMATION CONCERNING "BEST VALUE"
8 EMPLOYMENT METRICS THAT IS REPORTED TO THE COMMISSION BY
9 UTILITIES PURSUANT TO SUBSECTIONS (1)(a) AND (5) OF THIS SECTION AND
10 INDICATE THE MANNER IN WHICH THE COMMISSION CONSIDERED THE
11 INFORMATION.

12 (b) NOTWITHSTANDING THE LIMITATION DESCRIBED IN SECTION
13 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT DESCRIBED IN
14 SUBSECTION (6)(a) OF THIS SECTION CONTINUES IN PERPETUITY.

15 **SECTION 7.** In Colorado Revised Statutes, 40-3.2-105.5, **add**
16 (5), (6), and (7) as follows:

17 **40-3.2-105.5. Labor standards for gas DSM projects.**

18 (5) (a) FOR A PLUMBING, MECHANICAL, OR ELECTRICAL PROJECT IN A NEW
19 OR EXISTING INDUSTRIAL, COMMERCIAL, OR MULTIFAMILY RESIDENTIAL
20 BUILDING THAT CONTAINS TWENTY THOUSAND SQUARE FEET OR MORE OF
21 CONDITIONED FLOOR SPACE AND FOR WHICH A REBATE IS TO BE PROVIDED
22 DIRECTLY TO THE CUSTOMER AS PART OF A GAS DSM PROGRAM, A UTILITY
23 SHALL NOT ISSUE ANY REBATES OR INCENTIVES UNLESS THE LEAD
24 GENERAL CONTRACTOR PERFORMING THE WORK FOR THE PROJECT SIGNS
25 A NOTARIZED AFFIDAVIT UNDER PENALTY OF PERJURY STATING THAT ALL
26 OF THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET AND PROVIDES
27 THE SIGNED AFFIDAVIT TO THE SPONSORING UTILITY. THE AFFIDAVIT

1 MUST:

2 (I) IDENTIFY THE CONTRACTORS OR SUBCONTRACTORS THAT WILL
3 BE USED FOR ALL MECHANICAL, SHEET METAL, FIRE SUPPRESSION,
4 SPRINKLER FITTING, ELECTRICAL, AND PLUMBING WORK, REQUIRED ON THE
5 PROJECT;

6 (II) CERTIFY THAT ALL FIRMS IDENTIFIED PARTICIPATE IN
7 APPRENTICESHIP PROGRAMS REGISTERED WITH THE UNITED STATES
8 DEPARTMENT OF LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION
9 OR STATE APPRENTICESHIP AGENCIES RECOGNIZED BY THE UNITED STATES
10 DEPARTMENT OF LABOR AND HAVE A PROVEN RECORD OF GRADUATING
11 APPRENTICES AS FOLLOWS:

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

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

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

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

25 (b) THE UTILITY MUST MAINTAIN A DATABASE OF THE
26 INFORMATION CONTAINED IN THE AFFIDAVIT FOR EACH PROJECT AWARDED
27 A REBATE OR INCENTIVE.

1 (6) (a) TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF
2 SUBSECTION (5) OF THIS SECTION, THE GENERAL CONTRACTOR OR OTHER
3 FIRM TO WHICH THE CONTRACT IS AWARDED MUST AGREE TO PROVIDE
4 ADDITIONAL DOCUMENTATION TO THE PARTICIPATING UTILITY OFFERING
5 THE REBATE OR INCENTIVE REGARDING THE REQUIREMENTS FOR AFFECTED
6 APPRENTICESHIP TRAINING PROGRAMS SPECIFIED IN SUBSECTION (5)(a) OF
7 THIS SECTION.

8 (b) IF THE UTILITY OFFERING THE REBATE OR INCENTIVE
9 DETERMINES THAT A MECHANICAL, ELECTRICAL, OR PLUMBING
10 SUBCONTRACTOR HAS WILLFULLY FALSIFIED DOCUMENTATION OR
11 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS AS REQUIRED TO
12 COMPLY WITH THIS SECTION IN THE CONTRACT, THE UTILITY SHALL DIRECT
13 THE CONTRACTOR TO TERMINATE THE SUBCONTRACTOR CONTRACT
14 IMMEDIATELY AND THE SUBCONTRACTOR SHALL IMMEDIATELY BE
15 REMOVED FROM THE PUBLIC PROJECT. THE UTILITY MAY ALSO DEBAR THE
16 OFFENDING SUBCONTRACTORS FOR FUTURE PARTICIPATION IN REBATES OR
17 INCENTIVE PROGRAMS ESTABLISHED UNDER THIS SECTION.

18 (c) IF AFTER ISSUING A REBATE OR INCENTIVE PURSUANT TO THIS
19 SECTION, A UTILITY DETERMINES THAT A CONTRACTOR OR
20 SUBCONTRACTOR HAS WILLFULLY VIOLATED ANY REQUIREMENT OF THIS
21 SECTION, THE UTILITY MAY DEMAND A FULL REFUND OF THE REBATE OR
22 INCENTIVE WITH REASONABLE PENALTIES AND INTEREST AND MAY PURSUE
23 ANY REMEDY PROVIDED BY LAW.

24 (d) A UTILITY MUST MAINTAIN A LIST OF CONTRACTORS AND
25 SUBCONTRACTORS THAT HAVE WILLFULLY FALSIFIED DOCUMENTATION OR
26 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS OR THAT ARE
27 DEBARRED FROM RECEIVING FUTURE REBATES OR INCENTIVES AND MAKE

1 THAT LIST AVAILABLE TO THEIR CUSTOMERS ON THEIR WEBSITE.

2 (7) (a) THE UTILITY THAT OFFERS THE REBATE OR INCENTIVE
3 PURSUANT TO THIS SECTION MUST ESTABLISH PERIODIC AUDITS OF THE
4 QUALIFYING REBATES THAT REPRESENT THE HIGHEST TWO PERCENT OF
5 REBATES ISSUED BY DOLLAR AMOUNT AT LEAST EVERY THREE YEARS TO
6 ENSURE THAT THE CONTRACTORS OR SUBCONTRACTORS MAINTAIN
7 COMPLIANCE WITH THIS SECTION.

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

12 **SECTION 8.** In Colorado Revised Statutes, 40-3.2-105.6, **add**
13 (5), (6), and (7) as follows:

14 **40-3.2-105.6. Labor standards for beneficial electrification**
15 **projects.** (5) (a) FOR A BENEFICIAL ELECTRIFICATION PROJECT IN A NEW
16 OR EXISTING INDUSTRIAL, COMMERCIAL, OR MULTIFAMILY RESIDENTIAL
17 BUILDING THAT CONTAINS TWENTY THOUSAND SQUARE FEET OR MORE OF
18 CONDITIONED FLOOR SPACE AND FOR WHICH A REBATE IS TO BE PROVIDED
19 DIRECTLY TO THE CUSTOMER, A UTILITY SHALL NOT ISSUE ANY REBATES
20 OR INCENTIVES UNLESS THE LEAD GENERAL CONTRACTOR PERFORMING
21 THE WORK FOR THE PROJECT SIGNS A NOTARIZED AFFIDAVIT UNDER
22 PENALTY OF PERJURY STATING THAT ALL OF THE REQUIREMENTS OF THIS
23 SECTION HAVE BEEN MET AND PROVIDES THE SIGNED AFFIDAVIT TO THE
24 SPONSORING UTILITY. THE AFFIDAVIT MUST:

25 (I) IDENTIFY THE CONTRACTORS OR SUBCONTRACTORS THAT WILL
26 BE USED FOR ALL MECHANICAL, SHEET METAL, FIRE SUPPRESSION,
27 SPRINKLER FITTING, ELECTRICAL, AND PLUMBING WORK REQUIRED ON THE

1 PROJECT;

2 (II) CERTIFY THAT ALL FIRMS IDENTIFIED PARTICIPATE IN
3 APPRENTICESHIP PROGRAMS REGISTERED WITH THE UNITED STATES
4 DEPARTMENT OF LABOR'S EMPLOYMENT AND TRAINING ADMINISTRATION
5 OR STATE APPRENTICESHIP AGENCIES RECOGNIZED BY THE UNITED STATES
6 DEPARTMENT OF LABOR AND HAVE A PROVEN RECORD OF GRADUATING
7 APPRENTICES AS FOLLOWS:

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

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

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

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

21 (b) THE UTILITY MUST MAINTAIN A DATABASE OF THE
22 INFORMATION CONTAINED IN THE AFFIDAVIT FOR EACH PROJECT AWARDED
23 A REBATE OR INCENTIVE.

24 (6) (a) TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF
25 SUBSECTION (5) OF THIS SECTION, THE GENERAL CONTRACTOR OR OTHER
26 FIRM TO WHICH THE CONTRACT IS AWARDED MUST AGREE TO PROVIDE
27 ADDITIONAL DOCUMENTATION TO THE PARTICIPATING UTILITY OFFERING

1 THE REBATE OR INCENTIVE REGARDING THE REQUIREMENTS FOR AFFECTED
2 APPRENTICESHIP TRAINING PROGRAMS SPECIFIED IN SUBSECTION (5)(a) OF
3 THIS SECTION.

4 (b) IF THE UTILITY OFFERING THE REBATE OR INCENTIVE
5 DETERMINES THAT A MECHANICAL, ELECTRICAL, OR PLUMBING
6 SUBCONTRACTOR HAS WILLFULLY FALSIFIED DOCUMENTATION OR
7 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS AS REQUIRED TO
8 COMPLY WITH THIS SECTION IN THE CONTRACT, THE UTILITY SHALL DIRECT
9 THE CONTRACTOR TO TERMINATE THE SUBCONTRACTOR CONTRACT
10 IMMEDIATELY AND THE SUBCONTRACTOR MUST IMMEDIATELY BE
11 REMOVED FROM THE PUBLIC PROJECT. THE UTILITY MAY DEBAR THE
12 OFFENDING SUBCONTRACTORS FOR FUTURE PARTICIPATION IN REBATE OR
13 INCENTIVE PROGRAMS ESTABLISHED UNDER THIS SECTION.

14 (c) IF AFTER ISSUING A REBATE OR INCENTIVE PURSUANT TO THIS
15 SECTION, A UTILITY DETERMINES THAT A CONTRACTOR OR
16 SUBCONTRACTOR HAS WILLFULLY VIOLATED ANY REQUIREMENT OF THIS
17 SECTION, THE UTILITY MAY DEMAND A FULL REFUND OF THE REBATE OR
18 INCENTIVE WITH REASONABLE PENALTIES AND INTEREST AND MAY PURSUE
19 ANY REMEDY PROVIDED BY LAW.

20 (d) A UTILITY SHALL MAINTAIN A LIST OF CONTRACTORS AND
21 SUBCONTRACTORS THAT HAVE WILLFULLY FALSIFIED DOCUMENTATION OR
22 WILLFULLY MISREPRESENTED THEIR QUALIFICATIONS OR THAT ARE
23 DEBARRED FROM RECEIVING FUTURE REBATES OR INCENTIVES AND MAKE
24 THAT LIST AVAILABLE TO THEIR CUSTOMERS ON THEIR WEBSITE.

25 (7) (a) THE UTILITY THAT OFFERS THE REBATE OR INCENTIVE
26 PURSUANT TO THIS SECTION MUST ESTABLISH PERIODIC AUDITS OF THE
27 QUALIFYING REBATES THAT REPRESENT THE HIGHEST TWO PERCENT OF

1 REBATES ISSUED BY DOLLAR AMOUNT AT LEAST EVERY THREE YEARS TO
2 ENSURE THAT THE CONTRACTORS OR SUBCONTRACTORS MAINTAIN
3 COMPLIANCE WITH THIS SECTION.

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

8 **SECTION 9.** In Colorado Revised Statutes, 40-3.2-108, **add**
9 (8)(e) as follows:

10 **40-3.2-108. Clean heat targets - legislative declaration -**
11 **definitions - plans - rules - reports. (8) Employment and utility**
12 **workforce.** (e) IF A PROJECT IN CONNECTION WITH A CLEAN HEAT PLAN,
13 IS AN ENERGY SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN SECTION
14 24-92-303 (5), THE PROJECT MUST COMPLY WITH THE APPLICABLE
15 REQUIREMENTS OF THE "COLORADO ENERGY SECTOR PUBLIC WORKS
16 PROJECT CRAFT LABOR REQUIREMENTS ACT", PART 3 OF ARTICLE 92 OF
17 TITLE 24.

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

20 **40-5-107. Electric vehicle programs - definitions - repeal.**
21 (3) (c) AN ELECTRIC VEHICLE INFRASTRUCTURE PROJECT THAT IS AN
22 ENERGY SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN SECTION
23 24-92-303 (5), MUST COMPLY WITH THE APPLICABLE REQUIREMENTS OF
24 THE "COLORADO ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR
25 REQUIREMENTS ACT", PART 3 OF ARTICLE 92 OF TITLE 24.

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

1 **40-42-107. Labor standards - apprenticeship - supervision.**

2 (4) ANY PROJECT FOR THE CONSTRUCTION, EXPANSION, OR MAINTENANCE
3 OF FACILITIES UNDERTAKEN IN COLORADO PURSUANT TO THIS ARTICLE 42
4 THAT IS AN ENERGY SECTOR PUBLIC WORKS PROJECT, AS DEFINED IN
5 SECTION 24-92-303 (5), MUST COMPLY WITH THE APPLICABLE
6 REQUIREMENTS OF THE "COLORADO ENERGY SECTOR PUBLIC WORKS
7 PROJECT CRAFT LABOR REQUIREMENTS ACT", PART 3 OF ARTICLE 92 OF
8 TITLE 24.

9 **SECTION 12. Act subject to petition - effective date -**

10 **applicability.** (1) This act takes effect January 1, 2024; except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within the ninety-day period after final adjournment of the general
14 assembly, then the act, item, section, or part will not take effect unless
15 approved by the people at the general election to be held in November
16 2024 and, in such case, will take effect on the date of the official
17 declaration of the vote thereon by the governor.

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