



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 24-0124 Date: February 6, 2024
Prime Sponsors: Rep. Duran; Froelich Bill Status: House Business & Labor
Sen. Danielson; Jaquez Lewis Fiscal Analyst: Colin Gaiser | 303-866-2677
colin.gaiser@coleg.gov

Bill Topic: WAGE CLAIMS CONSTRUCTION INDUSTRY CONTRACTORS

Summary of Fiscal Impact: [X] State Revenue [] State Transfer [] Local Government
[X] State Expenditure [] TABOR Refund [] Statutory Public Entity

The bill expands general contractor liability for wage claims involving their subcontractors. It increases state expenditures and may increase state revenue on an ongoing basis beginning in FY 2024-25.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$256,094 to the Colorado Department of Labor and Employment.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 24-1008

Table with 4 columns: Category, Sub-category, Budget Year FY 2024-25, and Out Year FY 2025-26. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

Under the bill, a general contractor and a subcontractor that is the direct employer of an employee are jointly liable for debts owed based on a wage claim or investigation. The bill requires that a subcontractor that receives a written demand for payment forward the demand to the general contractor within three business days. Subcontractors that fail to do this will be fined \$2,000, paid to the general contractor, plus any other owed amounts.

The bill also allows a general contractor to require that a subcontractor provide pay data and contact information for employees of the subcontractor, plus an affidavit attesting to whether the contractor has participated in a civil or administrative proceeding within the last five years and the outcome of the proceeding.

Assumptions

The Division of Labor Standards & Statistics (DLSS) in the CDLE receives an average of 353 wage complaints per year against construction industry employers. Because the bill will add a second liable party to construction-related wage complaints, the fiscal note assumes the bill will increase the volume of construction complaints by 5 percent, or 18 complaints per year.

The bill will also increase the time required for investigations. Currently, complaint-based investigations in the construction industry take an average of 55 hours. The bill adds a second liable party to these complaints, which adds an estimated 10 percent more work to the investigation. The fiscal note assumes the average investigation time will increase by 5.5 hours.

State Revenue

The bill may increase state revenue from fines and filing fees beginning in FY 2024-25. These revenue streams are subject to TABOR.

Labor and Employment. The bill may increase fine revenue to the Wage Theft Enforcement Fund in the CDLE, as the bill may lead to an increase in the number of complaints. The fiscal note assumes an additional 18 construction-related complaints as a result of the bill. Because the CDLE may waive fines to encourage the employer to pay the employee all wages and penalties, any increase in revenue is expected to be minimal.

Judicial Department. The Judicial Department may see a small increase in revenue from additional case filings as a result of the bill. Any revenue impact is expected to be minimal.

State Expenditures

The bill increases state expenditures in the CDLE and the Department of Law by about \$300,000 in FY 2024-25 and \$183,000 in FY 2025-26, paid from the General Fund. Expenditures are shown in Table 2 and detailed below.

**Table 2
Expenditures Under HB 24-1008**

	FY 2024-25	FY 2025-26
Department of Labor and Employment		
Personal Services	\$175,458	\$139,803
Operating Expenses	\$2,816	\$2,304
Capital Outlay Costs	\$20,010	-
Software Licenses	\$6,602	\$6,602
Centrally Appropriated Costs ¹	\$42,195	\$34,171
FTE – Personal Services	2.2 FTE	1.8 FTE
CDLE Subtotal	\$247,080	\$182,880
Department of Law		
Legal Services	\$51,208	-
FTE – Legal Services	0.2 FTE	-
Law Subtotal	\$51,208	-
Total Cost	\$298,288	\$182,880
Total FTE	2.4 FTE	1.8 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Labor and Employment. The Division of Labor Standards and Statistics in the CDLE requires 1.7 FTE annually for compliance investigation staff to address an increase in the volume and complexity of construction-related complaints and investigations (see Assumptions section above). The CDLE also requires 0.5 FTE in FY 2024-25 and 0.1 FTE in FY 2025-26 and ongoing to stand up the program, update labor law guidance publications and outreach presentations, update internal documents to comply with the bill's requirements, and translate updates to outreach materials into Spanish. Standard operating and capital outlay costs are included and first-year costs assume a July 2024 start date.

Department of Law. The Department of Law requires 400 hours of legal services (0.2 FTE) at a rate of \$128.02 per hour in FY 2024-25 only to provide general counsel and legal support addressing a variety of current state construction contracts that would need to be redrafted based on the requirements of this bill.

Judicial Department. The bills may increase the number of construction-related wage claims and increase workload for the trial courts in the Judicial Department. Any workload increase is absorbable within existing resources.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature. It applies to wage claims and investigations that begin on or after that date.

State Appropriations

For FY 2024-25, the bill requires the following General Fund appropriations:

- \$204,886 to the Department of Labor and Employment, and 2.2 FTE; and
- \$51,208 to the Department of Law, and 0.2 FTE.

State and Local Government Contacts

Judicial Personnel	Labor Regulatory Agencies	Law
-----------------------	------------------------------	-----

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).