

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 18-0966.01 Yelana Love x2295

HOUSE BILL 18-1368

HOUSE SPONSORSHIP

Danielson and Melton,

SENATE SPONSORSHIP

Merrifield and Moreno,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE PROHIBITIONS ON LOCAL**
102 **GOVERNMENTS ENACTING MINIMUM WAGE LAWS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows a unit of local government to enact laws increasing the minimum wage within its jurisdiction.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 26, 2018

HOUSE
2nd Reading Unamended
April 23, 2018

1 **SECTION 1.** In Colorado Revised Statutes, **add** 29-1-116 as
2 follows:

3 **29-1-116. Authority of a local government to enact minimum**
4 **wage laws.** A LOCAL GOVERNMENT MAY ENACT A LAW OR ORDINANCE
5 ESTABLISHING A MINIMUM WAGE FOR INDIVIDUALS PERFORMING WORK
6 WHILE PHYSICALLY WITHIN THE LOCAL GOVERNMENT'S JURISDICTION IN
7 ACCORDANCE WITH SECTION 8-6-101.

8 **SECTION 2.** In Colorado Revised Statutes, 8-3-102, **amend** (1)
9 introductory portion; and **repeal** (1)(g) as follows:

10 **8-3-102. Legislative declaration.** (1) The public policy of the
11 state as to employment relations and collective bargaining, in the
12 furtherance of which this ~~article~~ ARTICLE 3 is enacted, is declared to be as
13 follows:

14 ~~(g) (f) The general assembly hereby finds and determines that the~~
15 ~~matters contained in this article have important statewide ramifications~~
16 ~~for the labor force in this state. The general assembly, therefore, declares~~
17 ~~that the matters contained in this article are of statewide concern.~~

18 ~~(H) No unit of local government, whether by acting through its~~
19 ~~governing body or an initiative, a referendum, or any other process, shall~~
20 ~~enact any jurisdiction-wide law or ordinance with respect to minimum~~
21 ~~wages unless specifically authorized to do so by this article; except that~~
22 ~~a unit of local government may set minimum wages paid to its own~~
23 ~~employees.~~

24 ~~(H.5) Notwithstanding the provisions of subparagraph (H) of this~~
25 ~~paragraph (g), any local government regulation or law pertaining to~~
26 ~~minimum wages in effect as of January 1, 1999, shall remain in full force~~
27 ~~and effect until such law is repealed by the local government entity that~~

1 enacted the law.

2 ~~(HH) If it is determined by the officer or agency responsible for~~
3 ~~distributing federal moneys to a local government that compliance with~~
4 ~~this paragraph (g) may cause denial of federal moneys that would~~
5 ~~otherwise be available or would otherwise be inconsistent with~~
6 ~~requirements of federal law, this section shall be suspended, but only to~~
7 ~~the extent necessary to prevent denial of the moneys or to eliminate the~~
8 ~~inconsistency with federal requirements.~~

9 **SECTION 3.** In Colorado Revised Statutes, 8-6-101, **amend** (3);
10 **repeal** (2); and **add** (4) as follows:

11 **8-6-101. Minimum wage of workers - authority of local**
12 **government to enact minimum wage increase - definition.** (2) ~~The~~
13 ~~general assembly hereby finds and determines that issues related to the~~
14 ~~wages of workers in Colorado have important statewide ramifications for~~
15 ~~the labor force in this state. The general assembly, therefore, declares that~~
16 ~~the minimum wages of workers in this state are a matter of statewide~~
17 ~~concern.~~

18 (3) (a) ~~No unit of local government, whether by acting through its~~
19 ~~governing body or an initiative, a referendum, or any other process, shall~~
20 ~~enact any jurisdiction-wide laws with respect to minimum wages; except~~
21 ~~that a unit of local government may set minimum wages paid to its own~~
22 ~~employees~~ A UNIT OF LOCAL GOVERNMENT ACTING THROUGH ITS
23 GOVERNING BODY, OR THE RESIDENTS OF A MUNICIPALITY ACTING
24 THROUGH THEIR INITIATIVE OR REFERENDUM POWERS, MAY ENACT A LAW
25 OR ORDINANCE ESTABLISHING A MINIMUM WAGE FOR INDIVIDUALS
26 PERFORMING WORK WHILE PHYSICALLY WITHIN THE LOCAL GOVERNMENT'S
27 JURISDICTION. IN ACCORDANCE WITH SECTION 30-11-103.5, A COUNTY

1 ACTING THROUGH ITS BOARD OF COUNTY COMMISSIONERS MAY PLACE ON
2 THE BALLOT A QUESTION REGARDING THE ESTABLISHMENT OF A MINIMUM
3 WAGE. THE MINIMUM WAGE ESTABLISHED IN ACCORDANCE WITH THIS
4 SUBSECTION (3) MAY EXCEED THE STATEWIDE MINIMUM WAGE
5 ESTABLISHED IN ACCORDANCE WITH SECTION 15 OF ARTICLE XVIII OF THE
6 STATE CONSTITUTION.

7 (b) ~~Notwithstanding the provisions of paragraph (a) of this~~
8 ~~subsection (3), any local government regulation or law pertaining to~~
9 ~~minimum wages in effect as of January 1, 1999, shall remain in full force~~
10 ~~and effect until such law is repealed by the local government entity that~~
11 ~~enacted the law.~~ A UNIT OF LOCAL GOVERNMENT ACTING THROUGH ITS
12 GOVERNING BODY, THE RESIDENTS OF A MUNICIPALITY ACTING THROUGH
13 THEIR INITIATIVE OR REFERENDUM POWERS, OR THE RESIDENTS OF A
14 COUNTY ACTING THROUGH THEIR REFERENDUM POWERS, THAT ADOPTS A
15 MINIMUM WAGE EXCEEDING THE STATEWIDE MINIMUM WAGE IN
16 ACCORDANCE WITH THIS SUBSECTION (3) MAY ADOPT PROVISIONS FOR THE
17 LOCAL ENFORCEMENT OF THAT REQUIREMENT, INCLUDING:

18 (I) A PRIVATE RIGHT OF ACTION TO ENFORCE THE REQUIREMENT IN
19 A COURT OF COMPETENT JURISDICTION; AND

20 (II) AT LEVELS THAT MAY EXCEED THOSE SET BY STATE LAW:

21 (A) FINES AND PENALTIES;

22 (B) UNPAID WAGES;

23 (C) LIQUIDATED DAMAGES;

24 (D) INTEREST; AND

25 (E) COSTS AND ATTORNEYS FEES PAYABLE TO ANY AFFECTED
26 EMPLOYEE,

27 ~~(c) If it is determined by the officer or agency responsible for~~

1 distributing federal moneys to a local government that compliance with
2 this subsection (3) may cause denial of federal moneys that would
3 otherwise be available or would otherwise be inconsistent with
4 requirements of federal law, this section shall be suspended, but only to
5 the extent necessary to prevent denial of the moneys or to eliminate the
6 inconsistency with federal requirements.

7 (4) FOR PURPOSES OF THIS SECTION, "LOCAL GOVERNMENT" MEANS
8 A COUNTY, CITY AND COUNTY, OR MUNICIPALITY.

9 **SECTION 4.** In Colorado Revised Statutes, 8-12-102, **repeal** (2)
10 as follows:

11 **8-12-102. Legislative declaration.** (2) (a) ~~The general assembly~~
12 ~~hereby finds and determines that certain issues related to youth~~
13 ~~employment in Colorado have important statewide ramifications for the~~
14 ~~labor force in this state. In particular, the general assembly declares that~~
15 ~~the issue of minimum wages, as it relates to youth employment in this~~
16 ~~state, is a matter of statewide concern.~~

17 (b) ~~No unit of local government, whether by acting through its~~
18 ~~governing body or an initiative, a referendum, or any other process, shall~~
19 ~~enact any jurisdiction-wide law or ordinance with respect to the minimum~~
20 ~~wages earned by young people unless otherwise specifically authorized~~
21 ~~to do so by this article; except that a unit of local government may enact~~
22 ~~such provisions with respect to its own employees.~~

23 **SECTION 5. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2018 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.