

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

PREAMENDED

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

LLS NO. 25-0492.03 Nicole Myers x4326

HOUSE BILL 25-1130

HOUSE SPONSORSHIP

Carter and Duran,

SENATE SPONSORSHIP

Danielson,

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LABOR REQUIREMENTS FOR CERTAIN CONSTRUCTION**
102 **PROJECTS.**

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>.)

For public projects and energy sector public works projects, current law requires that any contractor or subcontractor that will perform mechanical, electrical, or plumbing work on the project participate in an apprenticeship program that:

- Is registered with either the United States department of labor or a state apprenticeship agency recognized by the

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.

United States department of labor and that has a proven record of graduating apprentices for at least 3 of the past 5 years (registered apprenticeship program); and

- Satisfies specified graduation requirements (registered apprenticeship program that satisfies specified graduation requirements).

Currently, for energy sector public works projects, these requirements also apply to a contractor or subcontractor that employs construction laborers on the project. In addition, for energy sector public works projects, current law requires that all other contractors or subcontractors participate in a registered apprenticeship program.

Apprenticeship utilization requirements. The bill aligns the apprenticeship utilization requirements for public projects and energy sector public works projects and specifies that for both types of projects:

- Any contractor or subcontractor that will perform mechanical, electrical, or plumbing work or employ construction laborers on the project is required to participate in a registered apprenticeship program that satisfies specified graduation requirements; and
- Any other contractor or subcontractor that will perform work on the project is required to demonstrate a minimal training requirement by participating in a registered apprenticeship program.

The bill also aligns current statutory provisions for public projects and energy sector public works projects in connection with the apprenticeship utilization requirements, including provisions that:

- Require the lead contractor for a project to identify all contractors and subcontractors that will perform work on the project;
- Require the lead contractor for a project to certify that all contractors and subcontractors that perform work on the project satisfy the applicable apprenticeship utilization requirements;
- Require the contract for a project to include the apprenticeship utilization requirements;
- Require the lead contractor for a project to provide documentation to prove compliance with the apprenticeship utilization requirements;
- Allow waivers of the apprenticeship utilization requirements under specified circumstances; and
- Allow an apprenticeship program that does not satisfy the criteria specified in the bill to petition the department of labor and employment for conditional approval for the purposes of the bill.

Project labor agreements for public projects. The bill authorizes

an agency of government to incorporate a project labor agreement requirement for a public project if the project labor agreement will promote successful project delivery by securing a skilled labor force for the project and if it will promote cost-efficiency, safety, quality, and timely completion of the project. If all construction work on the public project is covered by a project labor agreement, the apprenticeship utilization requirements specified in the bill and the current statutory prevailing wage requirements for a public project do not apply to the project. The provisions in the bill regarding project labor agreements for public projects are parallel to the current statutory provisions regarding project labor agreements for energy sector public works projects.

County opt in to state apprenticeship utilization and prevailing wage requirements. The bill allows a county to opt in to the state apprenticeship utilization and prevailing wage requirements. A county that intends to opt in to such requirements may request, through a process specified in the bill, that the department of personnel collaborate with the county regarding the implementation, application, and enforcement of the state apprenticeship utilization and prevailing wage requirements. The bill allows the department of personnel or other agencies of government and a county that opts in to the state apprenticeship utilization and prevailing wage requirements to enter into an intergovernmental agreement to address the rights and obligations of the parties in connection with the implementation, administration, and enforcement of such requirements.

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

SECTION 1. In Colorado Revised Statutes, **add 24-92-115.5** as follows:

24-92-115.5. Public projects - use of project labor agreements

- definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AGENCY OF GOVERNMENT" HAS THE MEANING SET FORTH IN SECTION 24-92-201 (1).

(b) "CRAFT LABOR" MEANS EMPLOYEES WHO ARE ENGAGED IN THE CONSTRUCTION OF A PUBLIC PROJECT, INCLUDING ALL TRADES, CRAFTS, AND OCCUPATIONS THAT ARE PAID HOURLY.

(c) "LEAD CONTRACTOR" MEANS A GENERAL CONTRACTOR,

1 CONSTRUCTION MANAGER, DEVELOPER, DESIGN BUILDER, OR OTHER PARTY
2 THAT IS PRIMARILY RESPONSIBLE TO AN AGENCY OF GOVERNMENT FOR
3 PERFORMING CONSTRUCTION UNDER A CONTRACT FOR A PUBLIC PROJECT.

4 (d) "PROJECT LABOR AGREEMENT" MEANS A PREHIRE COLLECTIVE
5 BARGAINING AGREEMENT BETWEEN A LEAD CONTRACTOR FOR A PUBLIC
6 PROJECT OF AN AGENCY OF GOVERNMENT AND CONSTRUCTION LABOR
7 ORGANIZATIONS, INCLUDING BUT NOT LIMITED TO THE COLORADO
8 BUILDING AND CONSTRUCTION TRADES COUNCIL AND ITS AFFILIATES OR A
9 GROUP OF LABOR UNIONS COVERING THE AFFECTED TRADES NECESSARY
10 TO PERFORM WORK ON THE PUBLIC PROJECT, THAT ESTABLISHES THE
11 TERMS AND CONDITIONS OF EMPLOYMENT OF THE CONSTRUCTION
12 WORKFORCE ON THE PUBLIC PROJECT. A PROJECT LABOR AGREEMENT
13 MUST INCLUDE PROVISIONS THAT:

14 (I) SET FORTH EFFECTIVE, IMMEDIATE, AND MUTUALLY BINDING
15 PROCEDURES FOR RESOLVING JURISDICTIONAL LABOR DISPUTES AND
16 GRIEVANCES ARISING BEFORE THE COMPLETION OF WORK;

17 (II) CONTAIN GUARANTEES AGAINST STRIKES, LOCKOUTS, OR
18 SIMILAR ACTIONS;

19 (III) ENSURE A RELIABLE SOURCE OF TRAINED, SKILLED, AND
20 EXPERIENCED CRAFT LABOR;

21 (IV) FURTHER PUBLIC POLICY OBJECTIVES REGARDING IMPROVED
22 EMPLOYMENT OPPORTUNITIES FOR MINORITIES, WOMEN, OR OTHER
23 ECONOMICALLY DISADVANTAGED POPULATIONS IN THE CONSTRUCTION
24 INDUSTRY, INCLUDING PERSONS FROM DISPROPORTIONATELY IMPACTED
25 COMMUNITIES, TO THE EXTENT PERMITTED BY STATE AND FEDERAL LAW;

26 (V) PERMIT THE SELECTION OF THE LOWEST QUALIFIED
27 RESPONSIBLE BIDDER OR LOWEST QUALIFIED RESPONSIBLE OFFEROR

1 WITHOUT REGARD TO UNION OR NON-UNION STATUS AT OTHER
2 CONSTRUCTION SITES;

3 (VI) BIND ALL CONTRACTORS AND SUBCONTRACTORS ON THE
4 PUBLIC PROJECT TO THE PROJECT LABOR AGREEMENT THROUGH THE
5 INCLUSION OF APPROPRIATE BID SPECIFICATIONS IN ALL RELEVANT
6 CONTRACT DOCUMENTS; AND

7 (VII) INCLUDE OTHER TERMS AS THE PARTIES DEEM APPROPRIATE.

8 (e) "PUBLIC PROJECT" HAS THE MEANING SET FORTH IN SECTION
9 24-92-201 (5).

10 (2) AN AGENCY OF GOVERNMENT IS AUTHORIZED TO INCORPORATE
11 A PROJECT LABOR AGREEMENT REQUIREMENT FOR A PUBLIC PROJECT IN
12 THE AMOUNT OF ONE MILLION DOLLARS OR MORE IF THE PROJECT LABOR
13 AGREEMENT WILL PROMOTE SUCCESSFUL PROJECT DELIVERY BY SECURING
14 A SKILLED LABOR FORCE FOR THE PROJECT AND IF IT WILL PROMOTE COST
15 EFFICIENCY, SAFETY, QUALITY, AND TIMELY COMPLETION OF THE PROJECT.
16 THE DETERMINATION TO ENTER INTO A PROJECT LABOR AGREEMENT IS AT
17 THE DISCRETION OF THE AGENCY OF GOVERNMENT.

18 **SECTION 2.** In Colorado Revised Statutes, 24-92-115, **amend**
19 (1)(a) introductory portion as follows:

20 **24-92-115. Apprenticeship utilization requirements -**
21 **mechanical, electrical, and plumbing contracts - public projects -**
22 **definition.** (1) (a) Unless prohibited by applicable federal law, and
23 except as otherwise provided in subsection (1)(b) of this section, the
24 contract for any public ~~works~~ project that does not receive federal money,
25 including a public project that will have an integrated project delivery
26 contract pursuant to article 93 of this title 24, in the amount of one million
27 dollars or more shall require the general contractor or other firm to which

1 the contract is awarded to submit, at the time the mechanical, electrical,
2 or plumbing subcontractor is put under contract, documentation to the
3 agency of government that:

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect July 1, 2027; except that, if a referendum petition is filed
6 pursuant to section 1 (3) of article V of the state constitution against this
7 act or an item, section, or part of this act within the ninety-day period
8 after final adjournment of the general assembly, then the act, item,
9 section, or part will not take effect unless approved by the people at the
10 general election to be held in November 2026 and, in such case, will take
11 effect July 1, 2027, or on the date of the official declaration of the vote
12 thereon by the governor, whichever is later.