

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

**ENGROSSED**

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

LLS NO. 23-0302.01 Nicole Myers x4326

**SENATE BILL 23-292**

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**SENATE SPONSORSHIP**

**Hansen and Fenberg,** Coleman, Danielson, Exum, Hinrichsen, Marchman, Mullica,  
Roberts, Rodriguez

**HOUSE SPONSORSHIP**

**Duran and Bird,**

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**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

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

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**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.*

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.

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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

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.