

CHAPTER 99

LABOR AND INDUSTRY

SENATE BILL 99-014

BY SENATORS Lamborn, Powers, Chlouber, Andrews, Arnold, Congrove, Hillman, Lacy, Musgrave, and Tebedo;
also REPRESENTATIVES McElhany, Pfiffner, Larson, Hoppe, King, Lee, May, McKay, Nunez, Paschall, Sinclair, Spence, and Young.

AN ACT

CONCERNING A PROHIBITION ON LOCAL GOVERNMENTS ENACTING CERTAIN LOCAL LABOR LAWS.

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

SECTION 1. 8-3-102 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-3-102. Legislative declaration - matter of statewide concern - prohibition on local enactments. (1) The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this article is enacted, is declared to be as follows:

(g) (I) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT THE MATTERS CONTAINED IN THIS ARTICLE HAVE IMPORTANT STATEWIDE RAMIFICATIONS FOR THE LABOR FORCE IN THIS STATE. THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT THE MATTERS CONTAINED IN THIS ARTICLE ARE OF STATEWIDE CONCERN.

(II) NO UNIT OF LOCAL GOVERNMENT, WHETHER BY ACTING THROUGH ITS GOVERNING BODY OR AN INITIATIVE, A REFERENDUM, OR ANY OTHER PROCESS, SHALL ENACT ANY JURISDICTION-WIDE LAW OR ORDINANCE WITH RESPECT TO MINIMUM WAGES UNLESS SPECIFICALLY AUTHORIZED TO DO SO BY THIS ARTICLE; EXCEPT THAT A UNIT OF LOCAL GOVERNMENT MAY SET MINIMUM WAGES PAID TO ITS OWN EMPLOYEES.

(II.5) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (g), ANY LOCAL GOVERNMENT REGULATION OR LAW PERTAINING TO MINIMUM WAGES IN EFFECT AS OF JANUARY 1, 1999, SHALL REMAIN IN FULL FORCE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AND EFFECT UNTIL SUCH LAW IS REPEALED BY THE LOCAL GOVERNMENT ENTITY THAT ENACTED THE LAW.

(III) IF IT IS DETERMINED BY THE OFFICER OR AGENCY RESPONSIBLE FOR DISTRIBUTING FEDERAL MONEYS TO A LOCAL GOVERNMENT THAT COMPLIANCE WITH THIS PARAGRAPH (g) MAY CAUSE DENIAL OF FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE OR WOULD OTHERWISE BE INCONSISTENT WITH REQUIREMENTS OF FEDERAL LAW, THIS SECTION SHALL BE SUSPENDED, BUT ONLY TO THE EXTENT NECESSARY TO PREVENT DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH FEDERAL REQUIREMENTS.

SECTION 2. 8-6-101, Colorado Revised Statutes, is amended to read:

8-6-101. Legislative declaration - minimum wage of workers - matter of statewide concern - prohibition on local minimum wage enactments. (1) The welfare of the state of Colorado demands that workers be protected from conditions of labor ~~which~~ THAT have a pernicious effect on their health and morals, and it is therefore declared, in the exercise of the police and sovereign power of the state of Colorado, that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

(2) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT ISSUES RELATED TO THE WAGES OF WORKERS IN COLORADO HAVE IMPORTANT STATEWIDE RAMIFICATIONS FOR THE LABOR FORCE IN THIS STATE. THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT THE MINIMUM WAGES OF WORKERS IN THIS STATE ARE A MATTER OF STATEWIDE CONCERN.

(3) (a) NO UNIT OF LOCAL GOVERNMENT, WHETHER BY ACTING THROUGH ITS GOVERNING BODY OR AN INITIATIVE, A REFERENDUM, OR ANY OTHER PROCESS, SHALL ENACT ANY JURISDICTION-WIDE LAWS WITH RESPECT TO MINIMUM WAGES; EXCEPT THAT A UNIT OF LOCAL GOVERNMENT MAY SET MINIMUM WAGES PAID TO ITS OWN EMPLOYEES.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), ANY LOCAL GOVERNMENT REGULATION OR LAW PERTAINING TO MINIMUM WAGES IN EFFECT AS OF JANUARY 1, 1999, SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL SUCH LAW IS REPEALED BY THE LOCAL GOVERNMENT ENTITY THAT ENACTED THE LAW.

(c) IF IT IS DETERMINED BY THE OFFICER OR AGENCY RESPONSIBLE FOR DISTRIBUTING FEDERAL MONEYS TO A LOCAL GOVERNMENT THAT COMPLIANCE WITH THIS SUBSECTION (3) MAY CAUSE DENIAL OF FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE OR WOULD OTHERWISE BE INCONSISTENT WITH REQUIREMENTS OF FEDERAL LAW, THIS SECTION SHALL BE SUSPENDED, BUT ONLY TO THE EXTENT NECESSARY TO PREVENT DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH FEDERAL REQUIREMENTS.

SECTION 3. 8-12-102, Colorado Revised Statutes, is amended to read:

8-12-102. Legislative declaration. (1) It is the policy of this state to foster the economic, social, and educational development of young people through employment.

Work is an integral factor in providing a sense of purpose, direction, and self-esteem necessary to the overall physical and mental health of an individual. In the first part of this century, state and federal laws and regulations were needed to prevent the exploitation of child labor. Unfortunately, such legislation also has tended, on occasion, to limit and curtail opportunities for minors to participate in reasonable work experiences. Young people, especially those who have completed high school or occupational training and no longer are in school, should not be denied employment opportunities because of arbitrary minimum age limits. Work, however, should be coordinated with schooling wherever appropriate. Work and study combined must be developed in the interest of the youth to be trained.

(2) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT CERTAIN ISSUES RELATED TO YOUTH EMPLOYMENT IN COLORADO HAVE IMPORTANT STATEWIDE RAMIFICATIONS FOR THE LABOR FORCE IN THIS STATE. IN PARTICULAR, THE GENERAL ASSEMBLY DECLARES THAT THE ISSUE OF MINIMUM WAGES, AS IT RELATES TO YOUTH EMPLOYMENT IN THIS STATE, IS A MATTER OF STATEWIDE CONCERN.

(b) NO UNIT OF LOCAL GOVERNMENT, WHETHER BY ACTING THROUGH ITS GOVERNING BODY OR AN INITIATIVE, A REFERENDUM, OR ANY OTHER PROCESS, SHALL ENACT ANY JURISDICTION-WIDE LAW OR ORDINANCE WITH RESPECT TO THE MINIMUM WAGES EARNED BY YOUNG PEOPLE UNLESS OTHERWISE SPECIFICALLY AUTHORIZED TO DO SO BY THIS ARTICLE; EXCEPT THAT A UNIT OF LOCAL GOVERNMENT MAY ENACT SUCH PROVISIONS WITH RESPECT TO ITS OWN EMPLOYEES.

SECTION 4. Effective date. This act shall take effect upon passage.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 14, 1999