

**COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF LABOR**

**NOTICE OF PUBLIC HEARING CONCERNING
PROPOSED COLORADO MINIMUM WAGE ORDER NUMBER 29
AND REPEAL OF OBSOLETE RULE, 7 CCR 1101-13**

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to the adoption of Colorado Minimum Wage Order Number 29, 7 CCR 1103-1, under the authority granted the Division of Labor in § 8-1-107(2)(p), § 8-6-106, § 8-6-108(2), and § 8-6-109, C.R.S. (2012). The Division additionally proposes to repeal an unrelated and obsolete rule, 7 CCR 1101-13, entitled General Regulation No. 1 Regular Public Meetings.

Date and Time of Hearing: **Thursday, November 1, 2012, at 2:00 p.m.**

Place of Hearing: **Colorado Division of Labor
633 17th Street, Second Floor, Suite 200
Denver, CO 80202**

This hearing will be held in accordance with the provisions of the Colorado Administrative Procedures Act, § 24-4-101, et seq., C.R.S. (2012), to receive any testimony, written data, views, or arguments which interested parties may wish to submit regarding the proposed Colorado Minimum Wage Order, or pertaining to the repeal of the separate obsolete rule.

It is proposed, in accordance with Article XVIII, Section 15, of the Colorado Constitution, that the Director of the Division of Labor adopt Colorado Minimum Wage Order Number 29, 7 CCR 1103-1, to reflect the new state minimum wage.

Pursuant to Article XVIII, Section 15, of the Colorado Constitution, Colorado Minimum Wage Order Number 29 will establish a new state minimum wage of \$7.78 per hour.

Colorado Minimum Wage Order Number 29 differs from the current Colorado Minimum Wage Order Number 28 in the state minimum wage.

The Division also proposes to repeal an unrelated and obsolete rule, 7 CCR 1101-13, General Regulation No. 1 Regular Public Meetings, in the course of this rulemaking. This rule is no longer applicable, as it pertains to the operation of the Industrial Commission, which was abolished in 1986.

Copies of the proposed Colorado Minimum Wage Order Number 29 and General Regulation No. 1 Regular Public Meetings shall be available at least five days before the hearing at www.coloradolaborlaw.gov or:

Colorado Division of Labor
633 17th Street, Suite 200
Denver, Colorado 80202

STATEMENT OF BASIS AND PURPOSE

COLORADO MINIMUM WAGE ORDER NUMBER 29, 7 CCR 1103-1

REPEAL OF OBSOLETE RULE, 7 CCR 1101-13

BASIS: § 8-1-107(2)(p), § 8-6-106, § 8-6-108(2), and § 8-6-109 C.R.S. (2012), provide the Director of the Division of Labor with the authority to adopt rules and regulations pertaining to state minimum wage rates and workplace conditions.

PURPOSE: The purpose of Colorado Minimum Wage Order Number 29 is to reflect the new state minimum wage of \$7.78 per hour. The new state minimum wage is required by Article XVIII, Section 15 of the Colorado Constitution, which provides:

Section 15. State minimum wage rate.

Effective January 1, 2007, Colorado's minimum wage shall be increased to \$6.85 per hour and shall be adjusted annually for inflation, as measured by the Consumer Price Index used for Colorado. This minimum wage shall be paid to employees who receive the state or federal minimum wage. No more than \$3.02 per hour in tip income may be used to offset the minimum wage of employees who regularly receive tips.

REPEAL OF OBSOLETE RULE: The Division also proposes to repeal an unrelated and obsolete rule, 7 CCR 1101-13, General Regulation No. 1 Regular Public Meetings, in the course of this rulemaking. This rule is no longer applicable, as it pertains to the operation of the Industrial Commission, which was abolished in 1986.

Pursuant to § 24-4-103(4)(b), C.R.S. (2012), the Director finds that: 1) there is a demonstrated need for the new rules and the repeal of the obsolete rules; 2) the proper statutory authority exists for the new rules and the repeal of the obsolete rules; 3) to the extent practicable, the new rules are clearly stated so that their meaning will be understood by any party required to comply with the rules; 4) the new rules do not conflict with other provisions of law; and 5) the duplicating or overlapping of the new rules is explained by the agency proposing the rules.

To ensure sufficient time for consideration prior to adopting final rules, comments must be provided to the Division by the close of business on November 5, 2012. Comments will be accepted at any time prior to the hearing.

Comments may be delivered by mail, faxed to 303-318-8400, or emailed to Isabel.cummings@state.co.us.

Comment Deadline: November 5, 2012