

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0836.02 Kristen Forrestal x4217

HOUSE BILL 16-1302

HOUSE SPONSORSHIP

Duran and DelGrosso,

SENATE SPONSORSHIP

Newell,

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ALIGNMENT OF THE COLORADO STATUTES WITH
102 THE FEDERAL "WORKFORCE INNOVATION AND OPPORTUNITY
103 ACT".

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://www.leg.state.co.us/billsummaries>.)

The bill changes the title of the "Colorado Work Force Investment Act" to the "Colorado Workforce Innovation and Opportunity Act" and aligns the current state statute with the federal "Workforce Innovation and Opportunity Act" (federal act).

Passage of the federal act in July 2014, created inconsistencies

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

between Colorado statutes and federal law in regards to workforce development activities. This bill updates the language of the "Colorado Work Force Investment Act" to comport with the federal act. It also clarifies the roles that specific entities within Colorado play in work force development programs. It removes requirements that existed in state law that no longer apply due to the changes in federal law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-15.5-105, **amend**
3 (3) (a) as follows:

4 **8-15.5-105. Evaluation.** (3) The executive director, in
5 consultation with the appropriate heads of executive agencies, shall
6 prepare and furnish to the general assembly a study to determine the
7 feasibility of and appropriate procedure for placing displaced
8 homemakers in:

9 (a) Programs established under the federal ~~"Workforce Investment~~
10 ~~Act of 1998", 29 U.S.C. sec. 2801 et seq.~~ "WORKFORCE INNOVATION AND
11 OPPORTUNITY ACT", 29 U.S.C. SEC. 3101 ET SEQ.;

12 **SECTION 2.** In Colorado Revised Statutes, 8-75-204, **amend** (3)
13 as follows:

14 **8-75-204. Employee eligibility for unemployment benefits**
15 **under the work share plan - employee eligibility for job training.**

16 (3) An eligible employee may participate in training, including
17 employer-sponsored training and training funded through the federal
18 ~~"Workforce Investment Act of 1998", 29 U.S.C. sec. 2801 et seq.,~~
19 ~~"WORKFORCE INNOVATION AND OPPORTUNITY ACT", 29 U.S.C. SEC. 3101~~
20 ~~ET SEQ.,~~ to enhance job skills if the training program has been approved
21 by the department of labor and employment.

22 **SECTION 3.** In Colorado Revised Statutes, **amend** 8-83-201 as

1 follows:

2 **8-83-201. Short title.** THE SHORT TITLE OF this part 2 shall be
3 ~~known and may be cited as~~ IS the "Colorado ~~Work force Investment~~
4 WORKFORCE INNOVATION AND OPPORTUNITY Act".

5 **SECTION 4.** In Colorado Revised Statutes, 8-83-202, **amend** (1)
6 (a), (1) (e), and (2) (a) as follows:

7 **8-83-202. Legislative declaration.** (1) The general assembly
8 hereby finds and declares that:

9 (a) Passage of the federal "~~Workforce Investment Act of 1998~~",
10 ~~29 U.S.C. sec. 2801 et seq.~~, "WORKFORCE INNOVATION AND
11 OPPORTUNITY ACT", 29 U.S.C. SEC. 3101 ET SEQ., gives the state a unique
12 opportunity to develop a work force program and employment system
13 designed to meet the needs of employers, job seekers, and those who want
14 to further their careers;

15 (e) Therefore, it is in the state's best interest to adopt the Colorado
16 work force ~~investment~~ DEVELOPMENT program set forth in this part 2.

17 (2) The general assembly recommends that:

18 (a) To the extent possible, counties or multi-county areas integrate
19 their work force ~~investment~~ DEVELOPMENT program sources of funding
20 to maximize the resources available at the local level to provide the
21 services authorized under this part 2; and

22 **SECTION 5.** In Colorado Revised Statutes , **repeal and reenact,**
23 **with amendments,** 8-83-203 as follows:

24 **8-83-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "COLORADO WORK FORCE DEVELOPMENT PROGRAM" OR "WORK
27 FORCE DEVELOPMENT PROGRAM" MEANS THE PROGRAM OF WORK FORCE

1 DEVELOPMENT CREATED IN THIS PART 2.

2 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
3 EMPLOYMENT CREATED IN SECTION 24-1-121, C.R.S., OR ANY OTHER
4 STATE AGENCY SPECIFIED BY THE GOVERNOR THROUGH EXECUTIVE ORDER
5 OR OTHERWISE.

6 (3) "FEDERAL ACT" MEANS THE FEDERAL "WORKFORCE
7 INNOVATION AND OPPORTUNITY ACT", 29 U.S.C. SEC. 3101 ET SEQ.

8 (4) "LOCAL ELECTED OFFICIALS" MEANS THE BOARDS OF COUNTY
9 COMMISSIONERS OF THE COUNTY OR COUNTIES OPERATING WORK FORCE
10 DEVELOPMENT PROGRAMS; EXCEPT THAT, IN THE CASE OF A CITY AND
11 COUNTY, "LOCAL ELECTED OFFICIALS" MEANS THE MAYOR.

12 (5) "LOCAL PLAN" MEANS A PLAN, DEVELOPED AND EXECUTED BY
13 A WORK FORCE DEVELOPMENT BOARD AND SUB-AREA BOARD, THAT
14 OUTLINES THE FUNCTIONS AND RESPONSIBILITIES FOR DELIVERY OF
15 SERVICES WITHIN A WORK FORCE DEVELOPMENT AREA.

16 (6) "NATIONAL PROGRAM GRANT" MEANS A GRANT UNDER
17 SUBTITLE D OF TITLE I.

18 (7) "ONE-STOP OPERATOR" MEANS THE ENTITY SELECTED BY A
19 WORK FORCE BOARD, WITH CONCURRENCE BY THE LOCAL ELECTED
20 OFFICIALS, TO OPERATE THE ONE-STOP CAREER CENTER IN A LOCAL AREA.

21 (8) "ONE-STOP PARTNER" MEANS A PERSON OR ORGANIZATION
22 DESCRIBED IN SECTION 8-83-216.

23 (9) "PLANNING REGION" MEANS A SINGLE LOCAL AREA OR
24 MULTIPLE LOCAL AREAS THAT HAVE BEEN DESIGNATED BY THE STATE AS
25 A PLANNING REGION FOR THE PURPOSES OF DEVELOPING A REGIONAL PLAN.

26 (10) "RURAL CONSORTIUM LOCAL ELECTED OFFICIALS BOARD"
27 MEANS THE LOCAL ELECTED OFFICIALS APPOINTED BY EACH SUB-AREA

1 BOARD IN THE RURAL CONSORTIUM WORK FORCE DEVELOPMENT AREA TO
2 SERVE AS THE LOCAL ELECTED OFFICIAL FOR THE RURAL CONSORTIUM
3 WORK FORCE DEVELOPMENT AREA.

4 (11) "RURAL CONSORTIUM WORK FORCE DEVELOPMENT AREA" OR
5 "RURAL CONSORTIUM AREA" MEANS AN AREA DESIGNATED BY THE
6 GOVERNOR AS A FEDERAL WORK FORCE DEVELOPMENT AREA. A RURAL
7 CONSORTIUM WORK FORCE DEVELOPMENT AREA MAY CONTAIN ONE OR
8 MORE SUB-AREAS.

9 (12) "RURAL CONSORTIUM WORK FORCE DEVELOPMENT BOARD"
10 OR "RURAL CONSORTIUM BOARD" MEANS THE WORK FORCE BOARD
11 APPOINTED BY THE RURAL CONSORTIUM LOCAL ELECTED OFFICIALS
12 BOARD. THE RURAL CONSORTIUM WORK FORCE DEVELOPMENT BOARD
13 SERVES, ON BEHALF OF THE SUB-AREA BOARDS IN THE RURAL CONSORTIUM
14 AREA, AS THE WORK FORCE DEVELOPMENT BOARD FOR SPECIFIC
15 FUNCTIONS UNDER THE FEDERAL ACT.

16 (13) "STATE COUNCIL" MEANS THE STATE WORK FORCE
17 DEVELOPMENT COUNCIL CREATED IN SECTION 24-46.3-101, C.R.S.

18 (14) "STATE PLAN" MEANS A PLAN, DEVELOPED BY THE GOVERNOR
19 WITH THE ASSISTANCE OF THE STATE COUNCIL AND BASED UPON LOCAL
20 PLANS, FOR THE DELIVERY OF SERVICES STATEWIDE UNDER THE FEDERAL
21 ACT.

22 (15) "SUB-AREA BOARD" MEANS THE WORK FORCE DEVELOPMENT
23 SUB-AREA BOARD OF A SUB-AREA WITHIN THE RURAL CONSORTIUM WORK
24 FORCE DEVELOPMENT AREA.

25 (16) "TITLE I" MEANS TITLE I OF THE FEDERAL ACT.

26 (17) "TITLE I MONEY" MEANS MONEY DISTRIBUTED PURSUANT TO
27 TITLE I.

1 (18) "WAGNER-PEYSER ACT" MEANS THE FEDERAL
2 "WAGNER-PEYSER ACT", 29 U.S.C. SEC. 49a ET SEQ.

3 (19) "WAGNER-PEYSER FUNDS" MEANS FEDERAL MONEYS
4 RECEIVED BY THE DEPARTMENT PURSUANT TO THE "WAGNER-PEYSER
5 ACT".

6 (20) "WORK FORCE BOARD" MEANS EITHER A LOCAL WORK FORCE
7 DEVELOPMENT BOARD OR A SUB-AREA BOARD.

8 (21) "WORK FORCE DEVELOPMENT AREA" MEANS A COUNTY,
9 MUNICIPALITY, CITY AND COUNTY, OR GROUP OF COUNTIES,
10 MUNICIPALITIES, OR CITIES AND COUNTIES THAT HAVE BANDED TOGETHER
11 THROUGH AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE A WORK
12 FORCE DEVELOPMENT PROGRAM AND IS DESIGNATED BY THE GOVERNOR
13 AS A FEDERAL WORK FORCE DEVELOPMENT AREA. THE RURAL
14 CONSORTIUM IS A WORK FORCE DEVELOPMENT AREA.

15 (22) "WORK FORCE DEVELOPMENT BOARD" MEANS THE WORK
16 FORCE DEVELOPMENT BOARD FOR A FEDERALLY DESIGNATED WORK FORCE
17 DEVELOPMENT AREA.

18 (23) "WORK FORCE DEVELOPMENT SUB-AREA" OR "SUB-AREA"
19 MEANS A COUNTY OR GROUP OF COUNTIES WITHIN THE RURAL
20 CONSORTIUM THAT WORK TOGETHER FOR THE PURPOSE OF IMPLEMENTING
21 PROGRAMS AUTHORIZED UNDER THE FEDERAL ACT AND HAS A SUB-AREA
22 BOARD.

23 **SECTION 6.** In Colorado Revised Statutes, 8-83-204, **amend** (1),
24 (2) (a), and (2) (e) as follows:

25 **8-83-204. Work force development program - legislative**
26 **declaration - purposes.** (1) The general assembly finds, determines, and
27 declares that this part 2 is adopted pursuant to the requirements of the

1 federal "~~Workforce Investment Act of 1998~~", ACT and is intended to
2 comply with the federal act's express requirements for participants in the
3 operation of work force ~~investment~~ DEVELOPMENT programs.

4 (2) The purposes of this part 2 are to:

5 (a) Establish a central, coordinated delivery system at the local or
6 regional level through which any citizen may look for a job, explore work
7 preparation and career development services, and access a range of
8 employment, training, and occupational education programs offering their
9 services through local or regional work force ~~investment~~ DEVELOPMENT
10 programs;

11 (e) Allow counties increased responsibility for the administration
12 of the work force ~~investment~~ DEVELOPMENT program, INCLUDING
13 DETERMINATION OF ANY EXPENDITURES OF TANF FUNDS FOR THE
14 PURPOSE OF CASH CONTRIBUTIONS TO INFRASTRUCTURE OF THE ONE-STOP
15 DELIVERY SYSTEM OR DELIVERY CONTRACTS. COUNTIES ARE
16 ENCOURAGED TO INCLUDE ALL THE PARTNERS OUTLINED IN THE FEDERAL
17 ACT.

18 **SECTION 7.** In Colorado Revised Statutes, **amend** 8-83-205 as
19 follows:

20 **8-83-205. Work force development program - creation -**
21 **administration.** (1) Under authority of the governor, the department
22 shall cooperate with the state council to help establish and operate a
23 network of work force ~~investment~~ DEVELOPMENT areas as set forth in this
24 part 2.

25 (2) Work force ~~investment~~ DEVELOPMENT areas may be
26 established at a ~~county~~ LOCAL GOVERNMENT level or at a ~~multi-county~~
27 MULTI-GOVERNMENT level through intergovernmental agreements reached

1 by the applicable local elected officials of the work force investment
2 DEVELOPMENT area and subject to approval by the governor.

3 (3) Local elected officials shall govern the operation of LOCAL
4 work force investment DEVELOPMENT areas with policy guidance from
5 work force boards appointed by the local elected officials. At the option
6 of the local elected officials and the work force board, work force
7 investment DEVELOPMENT programs may be operated by a county, the
8 department, other governmental agencies, nonprofit or not-for-profit
9 organizations, or private entities; except that Wagner-Peyser funds shall
10 not be used to award contracts to nonprofit or not-for-profit organizations
11 or private entities. BEGINNING JULY 1, 2017, THE ONE-STOP OPERATOR
12 MUST BE SELECTED IN ACCORDANCE WITH THE FEDERAL ACT AND LOCAL
13 POLICY IN THE WORK FORCE DEVELOPMENT AREA. An entity that applies
14 to become a work force program operator and is not selected may appeal
15 the decision through any available appeal process of the applicable local
16 governmental entity.

17 (3.5) IF NO QUALIFIED ONE-STOP OPERATOR RESPONDS TO THE
18 PROCUREMENT PROCESS IN A LOCAL WORK FORCE DEVELOPMENT AREA,
19 THE LOCAL ELECTED OFFICIALS FOR THAT AREA MAY DESIGNATE THE
20 ONE-STOP OPERATOR.

21 (4) If federal or state financial support for the provision of
22 employment and training services is eliminated or is reduced by an
23 amount that is considered substantial by the local elected officials, the
24 local elected officials are not required to continue funding or operating
25 work force investment DEVELOPMENT programs.

26 (5) The state council shall ensure that a LOCAL work force
27 investment DEVELOPMENT area may function as a federally designated

1 work force ~~investment~~ DEVELOPMENT area in applying for available
2 national program grants under the federal act. Each work force board may
3 apply for a grant for its own area in the manner it deems most appropriate.
4 A work force board may apply for a grant for its own area and receive any
5 corresponding ~~moneys~~ MONEY awarded exclusively or may apply through
6 other means and with other work force areas. Any grant ~~moneys~~ MONEY
7 awarded to a work force ~~investment~~ DEVELOPMENT area ~~shall be~~ IS a
8 direct pass-through from the federal government to the applicable work
9 force ~~investment~~ DEVELOPMENT area. ~~or areas.~~

10 (6) A LOCAL work force ~~investment~~ DEVELOPMENT area created
11 pursuant to this part 2 is authorized to operate with the same authority and
12 functions as if the area were a federally designated work force ~~investment~~
13 DEVELOPMENT area.

14 **SECTION 8.** In Colorado Revised Statutes, **amend** 8-83-206 as
15 follows:

16 **8-83-206. Local elected officials - function - authority.** The
17 local elected officials shall maintain a strong role in all phases and levels
18 of implementation of the federal act. The local elected officials of a work
19 force ~~investment~~ DEVELOPMENT area, in ~~agreement with~~ UPON
20 FAVORABLE RECOMMENDATION OF the work force board, are authorized
21 to award contracts for the administration, implementation, or operation
22 of any aspect of the work force ~~investment~~ DEVELOPMENT program to any
23 appropriate public, private, or nonprofit entity in accordance with
24 applicable county regulations and federal law; except that Wagner-Peyser
25 funds shall not be used to award contracts to private or nonprofit entities.

26 **SECTION 9.** In Colorado Revised Statutes, **amend** 8-83-207 as
27 follows:

1 **8-83-207. Local work force development boards - consortium**
2 **work force development boards - work force development boards -**
3 **authority - functions. (1)** ~~Designated LOCAL work force investment~~

4 ~~DEVELOPMENT boards are subject to this part 2 and the federal act.~~
5 ~~Designated LOCAL work force investment DEVELOPMENT boards operate~~
6 ~~for a federally designated work force investment DEVELOPMENT area.~~

7 ~~(2)(a) The consortium work force investment board shall delegate~~
8 ~~to the local work force investment boards the functions and requirements~~
9 ~~specified in this part 2 and in the federal act for work force boards.~~
10 ~~Subject to the limits specified in this part 2, the consortium board~~
11 ~~operates as the local work force investment board for the federally~~
12 ~~designated consortium work force investment area.~~

13 ~~(b) The consortium local elected officials board functions only as~~
14 ~~the local elected official for the consortium work force investment board.~~
15 ~~The consortium local elected officials board performs only those~~
16 ~~specified functions authorized in section 8-83-214.~~

17 ~~(3) Local work force investment boards operate as the work force~~
18 ~~boards for the local work force investment areas operating within the~~
19 ~~consortium work force investment area and as further specified in section~~
20 ~~8-83-213. To the extent possible, local work force investment boards are~~
21 ~~subject to the requirements contained in this part 2 and the federal act. If~~
22 ~~a local work force investment board finds that compliance with any such~~
23 ~~requirement is not practicable, the work force board shall include in its~~
24 ~~local plan a description of the requirement and an explanation of why~~
25 ~~compliance is impracticable. Requirements that may be so described and~~
26 ~~explained include work force board membership requirements as~~
27 ~~specified in section 8-83-210 youth council membership requirements~~

1 ~~listed in section 8-83-212, and requirements for partners described in~~
2 ~~section 8-83-216. Although each local work force investment board has~~
3 ~~such discretion, it is subject to the outcome and performance measures~~
4 ~~required by the federal act and as negotiated with the consortium work~~
5 ~~force investment board in approving the local plan. Each local work force~~
6 ~~investment board shall meet the intent and purposes of this part 2 and the~~
7 ~~federal act.~~

8 **SECTION 10.** In Colorado Revised Statutes, 8-83-208, **amend**
9 (1); and **repeal** (2), (3), and (4) as follows:

10 **8-83-208. Implementation - local plans.** (1) (a) The Colorado
11 work force ~~investment~~ DEVELOPMENT program shall be administered
12 according to the state ~~five-year~~ FOUR-YEAR plan prepared in accordance
13 with the local plans created pursuant to this section. Each ~~designated~~
14 LOCAL work force ~~investment~~ DEVELOPMENT area shall submit a plan that
15 meets the requirements of ~~subsection (2)~~ of this section to the governor
16 for approval.

17 (b) The RURAL consortium work force ~~investment~~ DEVELOPMENT
18 board shall develop a local plan that consists of a compilation of local
19 plans submitted by each ~~local work force investment~~ SUB-AREA board.
20 The RURAL consortium work force ~~investment~~ DEVELOPMENT board shall
21 ensure that the local plan for the consortium area, in total, meets the
22 requirements specified in ~~subsection (2)~~ of this section and shall submit
23 such plan to the governor for approval. ~~Local work force investment~~
24 SUB-AREA boards within the RURAL consortium work force ~~investment~~
25 DEVELOPMENT area shall submit local plans to the RURAL consortium
26 work force ~~investment~~ DEVELOPMENT board for approval.

27 (c) THE DETAILS OF THE LOCAL PLANS MUST BE IN ACCORDANCE

1 WITH FEDERAL LAW.

2 (2) ~~Local plans for work force investment areas.~~ Subject to the
3 approval of, and in partnership with, the local elected officials, each work
4 force board shall develop a comprehensive five-year local plan. The plan
5 shall include:

6 (a) ~~A description of:~~

7 (I) ~~The work force development needs of businesses, job seekers,~~
8 ~~and workers in the area;~~

9 (II) ~~The current and projected employment opportunities in the~~
10 ~~area; and~~

11 (III) ~~The job skills necessary to obtain such employment~~
12 ~~opportunities;~~

13 (b) ~~A description of the work force investment program to be~~
14 ~~established in the work force investment area, including:~~

15 (I) ~~How the work force board will ensure the continuous~~
16 ~~improvement of eligible providers of services through the system and~~
17 ~~ensure that such providers meet the employment needs of local employers~~
18 ~~and participants;~~

19 (II) ~~A copy of each memorandum of understanding between the~~
20 ~~work force board and each of the federally required one-stop partners~~
21 ~~concerning the operation of the work force investment program in the~~
22 ~~local area; and~~

23 (III) ~~A description of the local levels of performance negotiated~~
24 ~~with the governor and local elected officials, for the purpose of measuring~~
25 ~~the performance of the local area and to be used by the work force board~~
26 ~~for measuring the performance of the local fiscal agent, if designated,~~
27 ~~eligible providers, and the work force investment program in the local~~

1 area;

2 (c) ~~A description and assessment of the type and availability of~~
3 ~~adult and dislocated worker employment and training activities in the~~
4 ~~local area;~~

5 (d) ~~A description of how the work force board will coordinate~~
6 ~~work force investment activities carried out in the area with statewide~~
7 ~~rapid response activities, as appropriate;~~

8 (e) ~~A description and assessment of the type and availability of~~
9 ~~youth activities in the area, including an identification of successful~~
10 ~~providers of such activities;~~

11 (f) ~~A description of the process used by the work force board to~~
12 ~~provide an opportunity for public comment, including comment by~~
13 ~~representatives of businesses and labor organizations, where applicable,~~
14 ~~and input into the development of the local plan before submission of the~~
15 ~~plan;~~

16 (g) ~~Identification of the entity responsible for the disbursement of Title~~
17 ~~I moneys described in section 8-83-221 as determined by the local elected~~
18 ~~officials or the governor pursuant to said section;~~

19 (h) ~~A description of the competitive process to be used to award~~
20 ~~the grants and contracts in the work force investment area for activities~~
21 ~~implemented pursuant to this part 2; and~~

22 (i) ~~Such other information as the governor may require.~~

23 (3) **Process.** ~~Prior to the date the work force board submits a local~~
24 ~~plan under this section, the work force board shall:~~

25 (a) ~~Make available copies of the local plan to the public through~~
26 ~~such means as public hearings and local news media including, where~~
27 ~~feasible, the internet;~~

1 ~~(b) Allow members of the work force board and members of the~~
2 ~~public, including representatives of business and labor organizations, to~~
3 ~~submit comments on the proposed plan to the work force board beginning~~
4 ~~on the date on which the proposed local plan is made available and~~
5 ~~continuing for a period of thirty days; and~~

6 ~~(c) Include with the local plan submitted to the governor under~~
7 ~~this section any such comments that represent disagreement with the plan.~~

8 (4) **Plan submission and approval.** A local plan submitted to the
9 governor under this section is considered approved by the governor at the
10 end of the ninety-day period that begins on the day the governor receives
11 the plan, unless the governor makes a written determination during the
12 ninety-day period that:

13 ~~(a) Deficiencies in activities carried out under this part 2 have~~
14 ~~been identified, and the area has not made acceptable progress in~~
15 ~~implementing corrective measures to address the deficiencies; or~~

16 ~~(b) The plan does not comply with requirements under the federal~~
17 ~~act.~~

18 **SECTION 11.** In Colorado Revised Statutes, 8-83-209, **amend**
19 **(1); and repeal (2) and (3) as follows:**

20 **8-83-209. State work force development plan.** (1) In
21 accordance with the federal act, the governor shall submit to the federal
22 government a state plan that outlines a ~~five-year~~ FOUR-YEAR strategy for
23 the Colorado work force ~~investment~~ DEVELOPMENT program that meets
24 the requirements of the federal act. In addition to the plan requirements
25 specified in ~~subsection (2) of this section~~ THE FEDERAL ACT, the state plan
26 must be based upon and consistent with the local plans submitted to the
27 governor pursuant to section 8-83-208. THE DETAILS OF THE STATE PLAN

1 MUST BE IN ACCORDANCE WITH FEDERAL LAW.

2 (2) **Content.** The state plan must include:

3 (a) ~~A description of the state council, including how the state~~
4 ~~council collaborated in the development of the state plan and a~~
5 ~~description of how the state council will continue to collaborate in~~
6 ~~carrying out the functions of the state council specified in section~~
7 ~~8-83-224;~~

8 (b) ~~A description of state-imposed requirements for the Colorado~~
9 ~~work force investment program;~~

10 (c) ~~A description of the performance accountability standards that~~
11 ~~apply to work force activities;~~

12 (d) ~~Information describing:~~

13 (I) ~~The needs of the state with regard to current and projected~~
14 ~~employment opportunities, by occupation;~~

15 (II) ~~The job skills necessary to obtain such employment~~
16 ~~opportunities;~~

17 (III) ~~The skills and economic needs of the state's existing work~~
18 ~~force; and~~

19 (IV) ~~The type and availability of work force activities in the state;~~

20 (e) ~~An identification of the work force investment areas in the~~
21 ~~state, designated work force investment areas, the consortium work force~~
22 ~~investment area, and the local work force investment areas in the~~
23 ~~consortium area, including a description of the process used for the~~
24 ~~designation of such areas;~~

25 (f) ~~Identification of the criteria to be used by local elected officials~~
26 ~~for the appointment of members of work force boards;~~

27 (g) ~~The detailed plans required under the "Wagner-Peyser Act";~~

1 ~~(h) A description of the procedures that will be taken by the state~~
2 ~~to assure coordination of and avoid duplication among:~~

3 ~~(I) Work force investment activities authorized pursuant to the~~
4 ~~federal act and this part 2;~~

5 ~~(II) Additional federal programs authorized to be included in work~~
6 ~~force systems;~~

7 ~~(i) A description of the common data collection and reporting~~
8 ~~processes used for the programs and activities described in paragraph (h)~~
9 ~~of this subsection (2);~~

10 ~~(j) A description of the process used by the state, consistent with~~
11 ~~the process for local plans specified in section 8-83-208 (3), to provide an~~
12 ~~opportunity for public comment, including comment by representatives~~
13 ~~of businesses and representatives of labor organizations, and input into~~
14 ~~development of the plan before submission of the plan;~~

15 ~~(k) Information identifying how the state will use Title I moneys~~
16 ~~the state receives under the federal act to leverage other federal, state,~~
17 ~~local, and private resources in order to maximize the effectiveness of such~~
18 ~~resources and to expand the participation of business, employees, and~~
19 ~~individuals in the Colorado work force investment program;~~

20 ~~(l) Assurances that the state will continue to provide, in~~
21 ~~accordance with federal requirements for fiscal control, accounting~~
22 ~~procedures that may be necessary to ensure the proper disbursement of,~~
23 ~~and accounting for, Title I moneys paid by the federal government to the~~
24 ~~state and allocated to the work force investment areas;~~

25 ~~(m) A description of the methods and factors the state will use in~~
26 ~~distributing Title I moneys to local areas for youth activities and adult~~
27 ~~employment and training activities, in accordance with section 8-83-223;~~

1 ~~(n) A description of how the state consulted with the local elected~~
2 ~~officials in work force investment areas throughout the state in~~
3 ~~determining such money distribution, in accordance with section~~
4 ~~8-83-223;~~

5 ~~(o) A description of the formula for the allocation of Title I~~
6 ~~moneys to work force investment areas for dislocated worker employment~~
7 ~~and training activities, in accordance with section 8-83-223;~~

8 ~~(p) Information specifying the actions that constitute a conflict of~~
9 ~~interest prohibited in the state as set forth for members of the state council~~
10 ~~described in section 24-46.3-101, C.R.S., or members of work force~~
11 ~~boards;~~

12 ~~(q) A description of the strategy of the state for assisting local~~
13 ~~governments in the development and implementation of a fully~~
14 ~~operational work force investment program in the state;~~

15 ~~(r) A description of the appeals process allowing a county or~~
16 ~~group of counties that requests but is not granted authority to form a work~~
17 ~~force investment area to submit an appeal of such decision to the state~~
18 ~~council;~~

19 ~~(s) A description of the competitive process to be used by the state~~
20 ~~to award grants and contracts in the state for activities carried out by the~~
21 ~~state under this part 2; and~~

22 ~~(t) A description of the employment and training activities and~~
23 ~~youth activities provided by work force investment areas.~~

24 ~~(3) The state plan must also include, to the extent practicable, how~~
25 ~~the state will pursue coordination and integration with other applicable~~
26 ~~federal and state programs in work force investment areas.~~

27 **SECTION 12.** In Colorado Revised Statutes, 8-83-210, **amend**

1 (1); and **repeal** (2) (a), (2) (c), and (2) (f) as follows:

2 **8-83-210. Work force boards - membership.** (1) There shall be
3 established, in each LOCAL work force ~~investment~~ DEVELOPMENT area of
4 the state, a work force board, which the local elected officials of the
5 LOCAL work force ~~investment~~ DEVELOPMENT area shall appoint to oversee
6 the one-stop career center or LOCAL work force ~~investment~~ DEVELOPMENT
7 program in that county or area. Work force boards operate in partnership
8 with and subject to the approval of the local elected officials for the work
9 force ~~investment~~ DEVELOPMENT area. Such boards are authorized to
10 operate only with the approval of the local elected officials. Subject to
11 requirements under the federal act, the local elected officials shall
12 determine the membership and functions of the boards.

13 (2) Membership of each such board must include, at a minimum:

14 (a) ~~Representatives of business in the work force investment area~~
15 ~~who are owners of businesses, who represent businesses with~~
16 ~~employment opportunities that reflect the employment opportunities of~~
17 ~~the local area, and who are appointed from among individuals nominated~~
18 ~~by local business organizations and business trade associations;~~

19 (c) ~~Representatives of organized labor for those work force~~
20 ~~investment areas that have organized labor organizations;~~

21 (f) ~~Representatives of each of the work force partners for the work~~
22 ~~force investment area.~~

23 **SECTION 13.** In Colorado Revised Statutes, 8-83-211, **amend**
24 (1) introductory portion, (1) (b), (1) (j), and (1) (k); and **add** (1) (l) as
25 follows:

26 **8-83-211. Functions of work force boards.** (1) Each work force
27 board shall, in partnership with and subject to the approval of the local

1 elected officials for the work force ~~investment~~ DEVELOPMENT area,
2 conduct the following functions:

3 (b) Designate, certify, and oversee work force ~~investment~~
4 DEVELOPMENT programs;

5 (j) Coordinate and develop employer linkages with work force
6 ~~investment~~ DEVELOPMENT activities carried out in the local area,
7 including coordination of economic development strategies; ~~and~~

8 (k) Promote participation of private employers with the work
9 force ~~investment~~ DEVELOPMENT program while ensuring the effective
10 provision, through the work force system, of connecting, brokering, and
11 coaching activities through intermediaries such as the one-stop operator
12 in the local area or through other organizations to assist such employers
13 in meeting their hiring needs; AND

14 (l) FULFILL OTHER FUNCTIONS OUTLINED IN THE FEDERAL ACT.

15 **SECTION 14.** In Colorado Revised Statutes, **repeal** 8-83-212 as
16 follows:

17 **8-83-212. Youth council.** ~~(1) Each work force board shall~~
18 ~~establish, as a subgroup within the work force board, a youth council. The~~
19 ~~work force board shall appoint the youth council with the cooperation and~~
20 ~~approval of the local elected officials. Members of the youth council who~~
21 ~~are not members of the work force board are voting members of the youth~~
22 ~~council but are not voting members of the work force board.~~

23 ~~(2) **Membership.** Membership of the youth council must be as~~
24 ~~required under the federal act and must include:~~

25 ~~(a) Members of the work force board with a special interest or~~
26 ~~expertise in youth policy;~~

27 ~~(b) Representatives of youth service agencies, including juvenile~~

1 justice and local law enforcement agencies, and representatives of local
2 public housing authorities;

3 (c) ~~Parents of eligible youth seeking assistance under the youth~~
4 ~~grant provisions of the federal act that may include parents representing~~
5 ~~issues affecting youth with disabilities;~~

6 (d) ~~Individuals, including former participants and representatives~~
7 ~~or organizations, that have experience relating to youth activities;~~

8 (e) ~~Representatives of the federal job corps if represented in the~~
9 ~~local area; and~~

10 (f) ~~Other individuals as the board, in cooperation with and with~~
11 ~~the approval of the local elected officials, determine to be appropriate.~~

12 (3) ~~**Duties.** The youth council shall perform the following duties~~
13 ~~as specified in the federal act:~~

14 (a) ~~Develop the portion of the local plan relating to eligible youth,~~
15 ~~as determined by the chairperson of the work force board;~~

16 (b) ~~Subject to the approval of the work force board and consistent~~
17 ~~with section 123 of the federal act, recommend eligible providers of youth~~
18 ~~activities to be awarded grants or contracts on a competitive basis by the~~
19 ~~board to carry out youth activities;~~

20 (c) ~~Conduct performance oversight of eligible providers of youth~~
21 ~~activities in the local area;~~

22 (d) ~~Coordinate youth activities authorized under section 129 of the~~
23 ~~federal act in the local area; and~~

24 (e) ~~Other duties determined to be appropriate by the chairperson~~
25 ~~of the work force board.~~

26 **SECTION 15.** In Colorado Revised Statutes, **add** 8-83-212.5 as
27 follows:

1 **8-83-212.5. Work force development board standing**

2 **committees.** (1) A WORK FORCE DEVELOPMENT BOARD MAY DESIGNATE
3 STANDING COMMITTEES THAT INCLUDE WORK FORCE DEVELOPMENT
4 BOARD MEMBERS AND MEMBERS OF THE PUBLIC WITH APPROPRIATE
5 EXPERIENCE, AS FOLLOWS:

6 (a) A STANDING COMMITTEE THAT INCLUDES REPRESENTATIVES OF
7 ONE-STOP PARTNERS TO PROVIDE INFORMATION AND ASSIST WITH
8 OPERATIONAL AND OTHER ISSUES RELATING TO THE ONE-STOP DELIVERY
9 SYSTEM AS ESTABLISHED IN SECTION 121 OF THE FEDERAL ACT;

10 (b) A STANDING COMMITTEE THAT INCLUDES REPRESENTATIVES OF
11 COMMUNITY-BASED ORGANIZATIONS WITH A DEMONSTRATED RECORD OF
12 SUCCESS IN SERVING YOUTH TO PROVIDE INFORMATION AND ASSIST WITH
13 PLANNING, OPERATIONAL, AND OTHER ISSUES RELATING TO THE PROVISION
14 OF SERVICES TO YOUTH;

15 (c) A STANDING COMMITTEE TO PROVIDE INFORMATION AND TO
16 ASSIST WITH OPERATIONAL AND OTHER ISSUES RELATING TO THE
17 PROVISION OF SERVICES TO INDIVIDUALS WITH DISABILITIES, INCLUDING
18 ISSUES RELATING TO COMPLIANCE WITH 29 U.S.C. SEC. 3248, AND
19 APPLICABLE SECTIONS OF THE "AMERICAN DISABILITIES ACT OF 1990", 42
20 U.S.C. SEC. 12101 ET SEQ., REGARDING PROGRAMMATIC AND PHYSICAL
21 ACCESS TO THE SERVICES, PROGRAMS, AND ACTIVITIES OF THE ONE-STOP
22 DELIVERY SYSTEM AND APPROPRIATE TRAINING FOR STAFF CONCERNING
23 THE PROVISION OF SUPPORT OR ACCOMMODATION TO, AND FINDING
24 EMPLOYMENT OPPORTUNITIES FOR, INDIVIDUALS WITH DISABILITIES; AND

25 (d) ANY ADDITIONAL STANDING COMMITTEES THAT THE WORK
26 FORCE DEVELOPMENT BOARDS DEEM NECESSARY.

27 (2) THIS SECTION DOES NOT PROHIBIT ANOTHER ENTITY FROM

1 ADDRESSING THE ISSUES SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

2 **SECTION 16.** In Colorado Revised Statutes, 8-83-213, **amend**
3 (1), (2) introductory portion, (2) (a), (2) (b), (2) (f), (2) (g), (2) (h), (2) (i),
4 (2) (j), and (3) as follows:

5 **8-83-213. Rural consortium work force development board.**

6 (1) The RURAL consortium local elected officials board in a THE RURAL
7 consortium work force ~~investment~~ DEVELOPMENT area shall establish and
8 appoint a RURAL consortium work force ~~investment~~ DEVELOPMENT board.
9 At a minimum, the membership of the RURAL consortium board must
10 consist of representatives who are members of ~~local work force~~
11 ~~investment~~ SUB-AREA boards. The RURAL consortium board shall meet the
12 membership requirements under the federal act for a work force board for
13 each ~~local work force investment area~~ SUB-AREA of the RURAL consortium
14 AREA; except that members, as appropriate, may represent more than one
15 entity specified by the federal act for the purpose of meeting ~~local work~~
16 ~~force investment~~ SUB-AREA board membership requirements. The RURAL
17 consortium board shall develop its own operational procedures.

18 (2) **Functions of rural consortium board - delegation to**
19 **sub-area boards.** Unless otherwise specified in this section and subject
20 to federal law, the RURAL consortium board shall delegate to the ~~local~~
21 ~~work force investment~~ SUB-AREA boards in the RURAL consortium area
22 such ~~local work force investment~~ SUB-AREA board authority and functions
23 specified under this part 2 and the federal act. Authority and functions of
24 the RURAL consortium board are limited to the following:

25 (a) Meeting the federal membership requirements for a ~~designated~~
26 LOCAL work force ~~investment~~ DEVELOPMENT board for the local work
27 force ~~investment areas~~ SUB-AREAS;

1 (b) Negotiating with, and approving local plans submitted by,
2 ~~local work force investment~~ SUB-AREA boards;

3 (f) Making recommendations to the governor concerning
4 procedures to temporarily replace or correct a ~~local work force investment~~
5 DEVELOPMENT area that is out of compliance with its local plan, as
6 appropriate;

7 (g) Facilitating and coordinating ~~local work force investment area~~
8 SUB-AREA grant applications, as appropriate;

9 (h) Ensuring that any grant ~~moneys~~ MONEY awarded to a ~~local~~
10 work force ~~investment~~ DEVELOPMENT area ~~or areas are~~ IS a direct
11 pass-through from the federal government to the eligible ~~local work force~~
12 ~~investment~~ DEVELOPMENT area; ~~or areas~~;

13 (i) ~~Establishing as a subgroup within the consortium board, a~~
14 ~~youth council appointed by the consortium board in cooperation with the~~
15 ~~consortium local elected officials board. Establishment of a consortium~~
16 ~~youth council must meet the federal act requirements for youth council~~
17 ~~membership. The consortium youth council shall review and comment,~~
18 ~~as appropriate, upon that portion of the local plan relating to eligible~~
19 ~~youth and shall submit the plan to the consortium work force investment~~
20 ~~board. Subject to federal law, the consortium board shall delegate to the~~
21 ~~local work force investment boards in the consortium area duties and~~
22 ~~functions specified in the federal act and in section 8-83-212 concerning~~
23 ~~youth councils~~ STANDING COMMITTEES PURSUANT TO SECTION 8-83-212.5;

24 (j) Subject to federal law, delegating to the ~~local work force~~
25 ~~investment~~ SUB-AREA boards in the RURAL consortium area duties and
26 functions specified in the federal act and in ~~sections~~ SECTION 8-83-216
27 ~~and 8-83-217~~ outlining requirements for one-stop partners. ~~and the~~

1 memorandum of understanding between work force boards and one-stop
2 partners:

3 (3) **Work force development sub-area boards.** (a) To the extent
4 possible and as outlined in the applicable local plan, each ~~local~~ work
5 force ~~investment~~ DEVELOPMENT SUB-AREA board shall function as set
6 forth in the federal act. In carrying out its duties, the ~~local~~ work force
7 ~~investment~~ DEVELOPMENT SUB-AREA board shall operate in partnership
8 with, and BE subject to the approval of, the local elected officials for the
9 ~~designated~~ LOCAL work force ~~investment~~ DEVELOPMENT area.

10 (b) **Membership.** Notwithstanding section 8-83-210 (3), the local
11 elected officials shall appoint members of each ~~local~~ work force
12 ~~investment~~ DEVELOPMENT SUB-AREA board. Membership, to the extent
13 possible, must meet the requirements of the federal act.

14 (c) **Functions.** Notwithstanding section 8-83-211, at a minimum,
15 functions of the ~~local~~ work force ~~investment~~ DEVELOPMENT SUB-AREA
16 board must be as set forth in this part 2 and the federal act. In addition,
17 each ~~local work force investment~~ SUB-AREA board shall:

18 (I) Upon the approval of and in partnership with the local elected
19 officials, develop a comprehensive ~~five-year~~ FOUR-YEAR local plan for its
20 ~~local work force investment area~~ DEVELOPMENT SUB-AREA and shall
21 submit the local plan for approval to the RURAL consortium work force
22 ~~investment~~ DEVELOPMENT board. The plan must include a description of
23 those requirements under the federal act that the ~~local~~ work force
24 ~~investment~~ DEVELOPMENT SUB-AREA board determines cannot be
25 reasonably met while still fulfilling the intent and purposes of the federal
26 act.

27 (II) Apply for federal grants. Each ~~local~~ work force ~~investment~~

1 DEVELOPMENT SUB-AREA board may apply for national program grants on
2 behalf of the ~~area~~ SUB-AREA or in partnership with any other work force
3 ~~investment~~ DEVELOPMENT area. Any national program grant ~~moneys~~
4 MONEY awarded to a ~~local~~ work force ~~investment area~~ DEVELOPMENT
5 sub-area are a direct pass-through from the federal government to the
6 applicable work force ~~investment area or areas~~ DEVELOPMENT SUB-AREA.

7 (III) To the extent possible and as outlined in the local plan, with
8 the agreement of the local elected officials and notwithstanding ~~the~~
9 ~~provisions of sections~~ SECTION 8-83-216, and ~~8-83-217~~, designate or
10 certify the one-stop partners; and ~~develop and negotiate the memorandum~~
11 ~~of understanding as set forth in sections 8-83-216 and 8-83-217~~;

12 (IV) ~~Establish, as a subgroup within the local work force~~
13 ~~investment board, a youth council to be appointed by the work force~~
14 ~~board in cooperation with the local elected officials. To the extent~~
15 ~~possible and as outlined in the local plan, the youth council's membership~~
16 ~~and functions must be as set forth in the federal act and section 8-83-212.~~

17 (V) Oversee the one-stop system in the ~~local~~ work force
18 ~~investment~~ DEVELOPMENT area.

19 **SECTION 17.** In Colorado Revised Statutes, **amend** 8-83-214 as
20 follows:

21 **8-83-214. Rural consortium local elected officials board.** (1) In
22 order to satisfy requirements under the federal act for the role of local
23 elected officials in a work force area, there shall be a RURAL consortium
24 local elected officials board for the ~~local~~ RURAL consortium work force
25 ~~investment~~ DEVELOPMENT board. The RURAL consortium local elected
26 officials board consists of one local elected official appointed by each
27 ~~local~~ work force ~~investment~~ DEVELOPMENT area in the consortium.

1 Membership is for a term of two years, which term may be renewable.

2 (2) Functions of the RURAL consortium local elected officials
3 board are to appoint members to the RURAL consortium work force
4 ~~investment~~ DEVELOPMENT board and ensure that the RURAL consortium
5 work force ~~investment~~ DEVELOPMENT board meets federal requirements
6 for membership and delegate fiscal responsibility and contractual
7 responsibility to the local elected officials of local work force ~~investment~~
8 DEVELOPMENT areas. The RURAL consortium local elected officials board
9 shall develop its own operational procedures.

10 **SECTION 18.** In Colorado Revised Statutes, **amend** 8-83-215 as
11 follows:

12 **8-83-215. Designation of local work force development areas.**

13 (1) Subject to section ~~H6(a)~~ 106 of chapter 2 of the federal act
14 concerning designation of work force DEVELOPMENT areas, ~~any current~~
15 ~~or previously recognized service delivery area operating before August~~
16 ~~7, 1998, may automatically be designated as a work force investment area~~
17 ON AN ANNUAL BASIS, ANY COUNTY, MUNICIPALITY, CITY AND COUNTY,
18 OR COMBINATION MAY PETITION THE GOVERNOR TO FORM A NEW WORK
19 FORCE DEVELOPMENT AREA.

20 (2) ~~If an area does not qualify for automatic designation, on an~~
21 ~~annual basis any county or group of counties may petition the governor~~
22 ~~to form a new work force investment area.~~

23 (3) Subject to the governor's approval, counties, MUNICIPALITIES,
24 OR A CITY AND COUNTY may choose, through intergovernmental
25 agreements, to band together to form a work force ~~investment~~
26 DEVELOPMENT area for an area consisting of more than one county,
27 MUNICIPALITY, OR CITY AND COUNTY or may choose to operate a work

1 force investment DEVELOPMENT area as a single county UNIT. If the
2 proposed work force investment DEVELOPMENT area meets the minimum
3 federal requirements for an area as set forth in the federal act, the
4 governor should not unreasonably withhold approval of the work force
5 investment DEVELOPMENT area.

6 (4) (a) The governor may authorize and approve as a federally
7 designated work force investment DEVELOPMENT area any area that
8 applies and qualifies as specified in subsection (1) of this section.

9 (b) ~~Automatic designation as a designated work force investment~~
10 ~~area shall be granted to any unit of local government with a population of~~
11 ~~five hundred thousand or more.~~

12 (c) ~~Automatic temporary designation as a designated work force~~
13 ~~investment area shall be granted to any unit or units of local government~~
14 ~~with a total population of two hundred thousand or more that constituted~~
15 ~~a service delivery area before August 7, 1998, and that requests such~~
16 ~~designation. Temporary designation is for a period of not more than two~~
17 ~~years; except that the period may be extended until the end of the period~~
18 ~~covered by the five-year plan if the work force investment area has~~
19 ~~substantially met the local performance measures and sustained the fiscal~~
20 ~~integrity of its Title I moneys.~~

21 (5) (a) The governor shall designate an additional federally
22 designated work force investment DEVELOPMENT area for the state,
23 specified as the "RURAL consortium of local work force investment areas
24 SUB-AREAS", which consists of all approved local work force investment
25 areas. ~~Any current or previously recognized service delivery area~~
26 ~~operating after August 7, 1998, may enter into or withdraw from the~~
27 ~~consortium of local work force investment areas DEVELOPMENT~~

1 SUB-AREAS. Such decision shall be allowed on an annual basis, with
2 notice to be given by February 1, for any designation to go into effect for
3 the subsequent program year by July 1 of the same year.

4 (b) Any approved ~~local~~ work force ~~investment~~ DEVELOPMENT area
5 in the RURAL consortium work force ~~investment~~ DEVELOPMENT area shall
6 operate with the same authority as, and function as if it were, a ~~federally~~
7 ~~designated~~ LOCAL work force ~~investment~~ DEVELOPMENT area.

8 **SECTION 19.** In Colorado Revised Statutes, **add** 8-83-215.5 as
9 follows:

10 **8-83-215.5. Designation of planning regions.** (1) IN ACCORDANCE
11 WITH 29 U.S.C. SEC. 3121, EVERY TWO YEARS THE STATE COUNCIL, IN
12 CONSULTATION WITH LOCAL ELECTED OFFICIALS, SHALL CONDUCT A
13 PROCESS TO IDENTIFY PLANNING REGIONS. A LOCAL AREA MUST NOT BE
14 PLACED IN A PLANNING REGION WITHOUT THE SUPPORT AND AGREEMENT
15 OF THE WORK FORCE DEVELOPMENT BOARD AND THE CHIEF ELECTED
16 OFFICIAL.

17 (2) LOCAL CHIEF ELECTED OFFICIALS MAY REVIEW THE REGIONAL
18 PLANNING AREA DESIGNATION EVERY TWO YEARS BEFORE AN UPDATED
19 STATE PLAN IS SUBMITTED.

20 **SECTION 20.** In Colorado Revised Statutes, 8-83-216, **amend**
21 (1) introductory portion; and **repeal** (1) (a) and (2) as follows:

22 **8-83-216. Required and optional partners of work force**
23 **boards.** (1) **Required partners.** Each work force board, with the
24 agreement of the local elected officials, is authorized to designate or
25 certify ~~the following~~ partners OUTLINED IN THE FEDERAL ACT for purposes
26 of participating in the delivery of services for the one-stop system or work
27 force ~~investment~~ DEVELOPMENT program in the LOCAL work force

1 investment DEVELOPMENT area:

2 (a) ~~Work force investment programs;~~

3 (2) **Optional partners.** ~~Optional partners may include:~~

4 (a) ~~Programs authorized under part A of Title IV of the federal~~
5 ~~"Social Security Act", 42 U.S.C. sec. 601;~~

6 (b) ~~Programs authorized under the federal "Food Stamp Act of~~
7 ~~1977", 7 U.S.C. sec. 2011 et seq.;~~

8 (c) ~~Programs authorized under the federal "National and~~
9 ~~Community Service Act of 1990", 42 U.S.C. sec. 12501 et seq.;~~

10 (d) ~~Programs resulting from the federal "Ticket to Work and Work~~
11 ~~Incentives Improvement Act of 1999", Pub.L. 106-170; and~~

12 (e) ~~Other appropriate federal, state, or local programs, including~~
13 ~~programs in the private sector.~~

14 **SECTION 21.** In Colorado Revised Statutes, 8-83-217, **repeal** (2)
15 as follows:

16 **8-83-217. Memorandum of understanding - one-stop partners.**

17 (2) **One-stop operators.** (a) ~~Consistent with the requirements of the~~
18 ~~federal act for one-stop partners, the work force board, with the~~
19 ~~agreement of the local elected official, is authorized to designate or~~
20 ~~certify one-stop operators and to terminate for cause the eligibility of such~~
21 ~~operators.~~

22 (b) ~~To be eligible to receive moneys to operate a one-stop career~~
23 ~~center, an entity, which may be a consortium of entities, must be~~
24 ~~designated or certified as a one-stop operator by any of the following~~
25 ~~three methods:~~

26 (I) ~~If a one-stop system or work force investment program was~~
27 ~~established in a local area prior to August 7, 1998, the work force board~~

1 and local elected official for that area may agree with each other and with
2 the governor, on a case-by-case basis, to designate or certify as a one-stop
3 operator an entity carrying out activities under such preexisting system or
4 program, subject to the requirements of section 8-83-216 and this section
5 and of the memorandum of understanding.

6 ~~(H) An entity may be selected for designation or certification as~~
7 ~~a one-stop operator through a competitive process.~~

8 ~~(HH) An entity may be selected for designation or certification as~~
9 ~~a one-stop operator in accordance with an agreement reached between the~~
10 ~~work force board and a consortium of entities that, at a minimum,~~
11 ~~includes three or more of the required one-stop partners described in~~
12 ~~section 8-83-216 and may be a public or private entity, or consortium of~~
13 ~~entities, of demonstrated effectiveness in the local area and may include~~
14 ~~the following:~~

15 ~~(A) A postsecondary educational institution;~~

16 ~~(B) An employment service agency established under the federal~~
17 ~~"Wagner-Peyser Act";~~

18 ~~(C) A private, nonprofit organization, which may include a~~
19 ~~community-based organization;~~

20 ~~(D) A private for-profit entity;~~

21 ~~(E) A government agency; and~~

22 ~~(F) Another interested organization or entity, which may include~~
23 ~~a local chamber of commerce or other business organization.~~

24 ~~(c) Elementary schools and secondary schools are not eligible for~~
25 ~~designation or certification as one-stop operators; except that~~
26 ~~nontraditional public secondary schools and area vocational education~~
27 ~~schools shall be eligible for such designation or certification.~~

1 **SECTION 22.** In Colorado Revised Statutes, 8-83-218, **amend**
2 (3) as follows:

3 **8-83-218. Core services.** (3) At the option of the local elected
4 officials, other services for job seekers and employers may be offered to
5 meet the needs of a work force ~~investment~~ DEVELOPMENT area.

6 **SECTION 23.** In Colorado Revised Statutes, 8-83-220, **amend**
7 (1) as follows:

8 **8-83-220. Encouragement of in-demand programs - legislative**
9 **declaration.** (1) ~~The consortium work force investment board shall~~
10 ~~encourage work force investment programs and work force investment~~
11 ~~areas to enroll individuals in educational programs related to practical~~
12 ~~nursing.~~ THE STATE WORK FORCE DEVELOPMENT COUNCIL SHALL
13 ENCOURAGE WORK FORCE DEVELOPMENT PROGRAMS AND WORK FORCE
14 DEVELOPMENT AREAS TO ENROLL INDIVIDUALS IN EDUCATIONAL
15 PROGRAMS RELATED TO INDUSTRIES THAT ARE IN DEMAND IN THAT WORK
16 FORCE DEVELOPMENT AREA. THE GENERAL ASSEMBLY FINDS THAT
17 COLORADO IS FACING A SHORTAGE IN SEVERAL DIFFERENT INDUSTRIES
18 AND THAT HAVING LOCAL AREAS ENCOURAGING INDIVIDUALS TO FOLLOW
19 A CAREER PATH IN A MARKETABLE INDUSTRY IN THAT AREA FURTHER
20 BENEFITS COLORADO RESIDENTS.

21 **SECTION 24.** In Colorado Revised Statutes, **amend** 8-83-221 as
22 follows:

23 **8-83-221. Title I and Title III allocation.** ~~As specified in section~~
24 ~~191(a) of the federal act, Title I moneys received by the state under the~~
25 ~~federal act are subject to appropriation by the general assembly,~~
26 ~~consistent with the terms and conditions required under the federal act.~~
27 The local elected officials or their designee shall serve as the local grant

1 recipient for the Title I ~~moneys~~ AND TITLE III MONEY allocated to the
2 work force ~~investment~~ DEVELOPMENT area by the governor for the
3 purposes of a work force ~~investment~~ DEVELOPMENT area's administration
4 and implementation of the work force investment program pursuant to the
5 allocation formula described in section 8-83-223. The department shall
6 contract directly with each local work force investment area board. In
7 order to assist in the administration of Title I ~~moneys~~ AND TITLE III
8 MONEY, the local elected officials may designate an entity to serve as a
9 local grant sub-recipient for ~~such moneys~~ THE MONEY or as a local fiscal
10 agent. Except when the designee is the department, a designation does not
11 relieve the local elected officials of the liability for any misuse of grant
12 ~~moneys~~ MONEY.

13 **SECTION 25.** In Colorado Revised Statutes, **amend** 8-83-222 as
14 follows:

15 **8-83-222. County distribution formula - use of money.** Subject
16 to available appropriations by the general assembly, the department shall
17 allocate Title I ~~moneys~~ AND TITLE III MONEY to each work force
18 ~~investment~~ DEVELOPMENT area for the operation of the work force
19 ~~investment~~ DEVELOPMENT program in that work force ~~investment~~
20 DEVELOPMENT area.

21 **SECTION 26.** In Colorado Revised Statutes, **amend** 8-83-223 as
22 follows:

23 **8-83-223. Allocation process.** Subject to federal law and
24 available appropriations, within thirty days after receipt of the federal
25 appropriation from the United States department of labor, the local
26 elected officials from each work force ~~investment~~ DEVELOPMENT area in
27 the state shall ~~develop~~ RECOMMEND an allocation formula for TITLE I AND

1 TITLE III MONEY FOR each work force ~~investment~~ DEVELOPMENT area TO
2 BE IMPLEMENTED IN THE FOLLOWING PROGRAM YEAR. Development of the
3 allocation formula by the local elected officials ~~shall be facilitated~~ MUST
4 OCCUR through a statewide association of county commissioners, referred
5 to in this section as Colorado Counties, Incorporated, or CCI. CCI shall
6 ensure that the local elected officials from each work force ~~investment~~
7 DEVELOPMENT area have an opportunity to participate in the development
8 and final approval of the recommendations for allocation formulas. The
9 department and the state council shall provide technical assistance to CCI.
10 ~~as requested in the development of recommended allocations~~ The local
11 elected officials shall recommend the allocation formula to be applied ~~and~~
12 TO each allocation for adult, youth, and dislocated worker services under
13 Title I AND EMPLOYMENT SERVICES UNDER TITLE III. CCI shall forward
14 the local elected officials' recommendations to the state council pursuant
15 to section 8-83-224 (2) (f) for review and comment. The state council
16 shall then submit such recommendations, together with the state council's
17 comments, to the joint budget committee of the general assembly for
18 review and comment before forwarding such recommendations to the
19 governor for final determination AND UNTIED STATES DEPARTMENT OF
20 LABOR APPROVAL. If the local elected officials cannot agree on an
21 allocation, the local elected officials shall prepare alternatives and CCI
22 shall submit the alternatives WITH COMMENT to the state council, for
23 review and comment and submission to the joint budget committee,
24 which shall select one alternative and forward it to the governor for final
25 determination AND UNITED STATES DEPARTMENT OF LABOR APPROVAL.
26 The local elected officials and CCI shall develop their own operational
27 procedures. Any ~~moneys~~ MONEY received by the state under Title I AND

1 TITLE III OF THE FEDERAL ACT, together with any associated state
2 full-time equivalent personnel positions, are subject to appropriation by
3 the general assembly.

4 **SECTION 27.** In Colorado Revised Statutes, 8-83-224, **amend**
5 (1), (2) (c), (2) (d), (2) (i) and (2) (j); and **add** (2) (k) as follows:

6 **8-83-224. State council - duties.** (1) The state council shall
7 function as, and is intended to meet the requirements for, the state work
8 force ~~investment~~ DEVELOPMENT board referred to in the federal act. In
9 addition to performing the functions set forth in subsection (2) of this
10 section AND THE FEDERAL ACT, the state council shall serve in an advisory
11 role to the governor for those areas specified by the federal act and shall
12 serve as a conduit for information to local work force ~~investment~~
13 DEVELOPMENT areas, including facilitation of grant applications and
14 assistance to work force ~~investment~~ DEVELOPMENT areas to enable work
15 force ~~investment~~ DEVELOPMENT areas to successfully implement
16 programs under the federal act.

17 (2) The state council shall assist the governor in the following:

18 (c) Review of local plans submitted by the ~~designated~~ work force
19 ~~investment~~ DEVELOPMENT boards and THE RURAL consortium work force
20 ~~investment~~ DEVELOPMENT board;

21 (d) Designation of local work force ~~investment~~ DEVELOPMENT
22 areas;

23 (i) Development of an application for an incentive grant
24 authorized pursuant to the federal act; **and**

25 (j) Any other functions as requested by the governor; AND

26 (k) OTHER DUTIES OUTLINED IN THE FEDERAL ACT.

27 **SECTION 28.** In Colorado Revised Statutes, 8-83-225, **amend**

1 (1) introductory portion, (1) (e), and (1) (f), and (2) as follows:

2 **8-83-225. Colorado department of labor and employment -**
3 **functions.** (1) The DEPARTMENT SHALL SERVE AS THE ADMINISTRATIVE
4 ENTITY FOR TITLE I MONEY RECEIVED AND MONEY received pursuant to
5 TITLE III OF the federal act. The department also is responsible for:

6 (e) With input from the applicable work force ~~investment~~
7 DEVELOPMENT areas, continuing the centralized computer system that
8 links work force ~~investment~~ DEVELOPMENT programs and includes
9 training and technical support. A description of the state centralized
10 system and procedures for developing, maintaining, and training must be
11 included in the state plan required in section 8-83-209.

12 (f) Providing staff development and training services and
13 technical assistance to ~~local~~ work force ~~investment~~ DEVELOPMENT areas.

14 (2) The department shall provide ongoing consultation and
15 technical assistance to each work force ~~investment~~ DEVELOPMENT area for
16 the operation of work force investment programs.

17 **SECTION 29.** In Colorado Revised Statutes, 22-10-103, **amend**
18 (7) (g), (7) (h), and (11) (c) (I) as follows:

19 **22-10-103. Definitions.** As used in this article, unless the context
20 otherwise requires:

21 (7) "Local education provider" means one of the following entities
22 that the department recognizes as providing appropriate and effective
23 adult education and literacy programs:

24 (g) A LOCAL work force board, as defined in section 8-83-203,
25 C.R.S., that oversees a work force ~~investment~~ DEVELOPMENT program
26 described in the "Colorado ~~Workforce—Investment~~ WORKFORCE
27 INNOVATION AND OPPORTUNITY Act", part 2 of article 83 of title 8,

1 C.R.S.;

2 (h) A one-stop partner, as described in section 8-83-216, C.R.S.,
3 under the "Colorado ~~Workforce Investment~~ WORKFORCE INNOVATION
4 AND OPPORTUNITY Act", part 2 of article 83 of title 8, C.R.S.; or

5 (11) (c) For purposes of this subsection (11), a work force
6 development provider includes, but need not be limited to:

7 (I) A work force ~~investment~~ DEVELOPMENT program described in
8 the "Colorado ~~Workforce Investment~~ WORKFORCE INNOVATION AND
9 OPPORTUNITY Act", part 2 of article 83 of title 8, C.R.S.; and

10 **SECTION 30.** In Colorado Revised Statutes, 8-83-226, **amend**
11 (1) (c) and (1) (e) as follows:

12 **8-83-226. Responsibilities of governor.** (1) The governor shall
13 perform the following functions, as specified in the federal act:

14 (c) Designate federal work force ~~investment~~ DEVELOPMENT areas
15 in consultation with the local elected officials, including local work force
16 investment areas requesting to be a part of the federal work force
17 investment area comprising a consortium of work force areas;

18 (e) Certify designated work force investment boards and the
19 LOCAL consortium work force ~~investment~~ DEVELOPMENT board;

20 **SECTION 31.** In Colorado Revised Statutes, 24-46.3-101,
21 **amend** (1), (2) (b), and (8) as follows:

22 **24-46.3-101. State work force development council - creation**
23 **- membership - funding through gifts, grants, and donations - talent**
24 **pipeline cash fund.** (1) There is hereby created within the department of
25 labor and employment, also referred to in this article as the "department",
26 the state work force development council, also referred to in this article
27 as the "state council". The state council shall be established as a state

1 work force ~~investment~~ DEVELOPMENT board in accordance with the
2 federal "~~Workforce Investment Act of 1998~~", 29 U.S.C. sec. 2801 et seq.,
3 "WORKFORCE INNOVATION AND OPPORTUNITY ACT", 29 U.S.C. SEC. 3101
4 ET SEQ., as amended, also referred to in this article as the "federal act".

5 (2) Membership of the state council must include:

6 (b) Two members of the house of representatives, FROM
7 DIFFERENT POLITICAL PARTIES, ONE appointed by the speaker of the house
8 of representatives AND ONE APPOINTED BY THE MINORITY LEADER OF THE
9 HOUSE OF REPRESENTATIVES; and two members of the senate FROM
10 DIFFERENT POLITICAL PARTIES, ONE appointed by the president of the
11 senate AND ONE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

12 (8) The staff of the department, in consultation with the state
13 council and governor, shall establish an annual budget for basic state
14 council functions, activities, meetings, travel, per diem, reports, and staff.
15 Funding for the state council's budget shall come from a portion of the
16 administrative ~~moneys~~ MONEY available to the mandatory and additional
17 federal partner programs specified in ~~29 U.S.C. sec. 2841~~ 29 U.S.C. sec.
18 3151 (b) (1) AND (b) (2). The amount of the administrative ~~moneys~~
19 MONEY from each mandatory and additional federal partner program to
20 be transferred to the state council shall be determined by the office of
21 state planning and budgeting, proportionate to the annual federal partner
22 program or activity grant amounts to the state and appropriated by the
23 general assembly. In addition to the federal partner programs grant
24 funding, the state council shall seek other federal, state, and private
25 grants, gifts, and contributions to fund state council special duties,
26 demonstration projects, and initiatives.

27 **SECTION 32. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.