

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

INTRODUCED

LLS NO. 21-0904.01 Christy Chase x2008

HOUSE BILL 21-1264

HOUSE SPONSORSHIP

Sullivan and Young,

SENATE SPONSORSHIP

Kolker and Hisey,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ALLOCATION OF STATE MONEY FOR WORKFORCE**
102 **DEVELOPMENT ACTIVITIES TO INCREASE THE SKILLS OF**
103 **COLORADO WORKERS, AND, IN CONNECTION THEREWITH,**
104 **MAKING AN APPROPRIATION.**

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>.)

The bill creates the stimulus investments in reskilling, upskilling, and next-skilling workers program (program) as an initiative of the state work force development council (state council) to facilitate training for

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

unemployed and underemployed workers in the state during times of substantial unemployment, defined as a statewide unemployment rate that exceeds 4%. The bill appropriates \$25 million for the program and directs the state council to use the money to support individuals in need of:

- Reskilling, which supports unemployed and underemployed workers to change industries in order to return to work or obtain more appropriate work based on their skills;
- Upskilling, which assists workers in increasing skill levels to retain or advance in their employment; or
- Next-skilling, which supports workers in developing future-ready skills necessary for employment in the twenty-first century.

The state council, in collaboration with the department of labor and employment, is directed to allocate funding to local work force development areas and to develop a grant program to award grants to other partners to provide reskilling, upskilling, and next-skilling supports to eligible individuals for up to 13 months.

Starting in 2022, as part of the Colorado talent report, the state council is directed to report on the activities and outcomes resulting from the program. The program repeals on June 30, 2024.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds, determines, and declares that:

4 (a) The COVID-19 pandemic that spread to Colorado in February
5 of 2020 has led to extensive job losses throughout the state;

6 (b) The devastating effects of the COVID-19 pandemic have
7 disproportionately impacted communities of color as well as women and
8 low-income, senior, and disabled populations in the state;

9 (c) The state of Colorado has an obligation to invest in its
10 economy, including investing in skills training and work-related
11 education to help Colorado workers obtain and retain meaningful
12 employment that helps them achieve economic self-sufficiency;

13 (d) The state work force development council, in collaboration

1 with community-based organizations, the state community college
2 system, the department of higher education, the department of human
3 services, and other partners, has created a nationally recognized
4 workforce development infrastructure that has a proven track record of
5 training Colorado workers for the 21st-century economy;

6 (e) Therefore, it is the intent of the general assembly that the
7 money appropriated in this act be utilized to help those disproportionately
8 impacted by the COVID-19 pandemic so that they may receive the skills
9 training and work-related education they need to participate in the
10 economic recovery and achieve economic self-sufficiency.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 8-83-227 as
12 follows:

13 **8-83-227. Additional funding for workforce development**
14 **activities - state funding not subject to federal law limitations.**

15 (1) THE DEPARTMENT MAY RECEIVE AND EXPEND MONEY FROM THE
16 GENERAL FUND OR ANY OTHER STATE SOURCE APPROPRIATED BY THE
17 GENERAL ASSEMBLY OR PASSED THROUGH ANOTHER ENTITY FOR PURPOSES
18 OF DISTRIBUTING STATE FUNDS TO WORK FORCE DEVELOPMENT AREAS TO
19 IMPLEMENT WORKFORCE DEVELOPMENT ACTIVITIES, INCLUDING THE
20 FUNCTIONS, ACTIVITIES, AND SERVICES AUTHORIZED PURSUANT TO THIS
21 PART 2.

22 (2) ANY LIMITATIONS OR REQUIREMENTS IMPOSED ON THE USE OF
23 MONEY RECEIVED PURSUANT TO THE FEDERAL ACT OR THE
24 WAGNER-PEYSER ACT DO NOT APPLY TO STATE MONEY APPROPRIATED OR
25 PASSED THROUGH TO THE DEPARTMENT PURSUANT TO THIS SECTION.

26 (3) FOR ANY APPROPRIATION MADE BY THE GENERAL ASSEMBLY
27 OR PASS-THROUGH OF MONEY FROM ANOTHER ENTITY PURSUANT TO THIS

1 SECTION, THE DIVISION, IN PARTNERSHIP WITH THE STATE COUNCIL, SHALL
2 DETERMINE THE USE OF, AND ANY LIMITATIONS ON THE USE OF, THE
3 MONEY FOR WORKFORCE DEVELOPMENT ACTIVITIES TO ADDRESS THE
4 ECONOMIC AND LABOR MARKET CONDITIONS.

5 **SECTION 3.** In Colorado Revised Statutes, **add** part 5 to article
6 46.3 of title 24 as follows:

7 PART 5

8 STIMULUS INVESTMENTS IN RESKILLING,
9 UPSKILLING, AND NEXT-SKILLING WORKERS

10 **24-46.3-501. Short title.** THE SHORT TITLE OF THIS PART 5 IS THE
11 "STIMULUS INVESTMENTS IN RESKILLING, UPSKILLING, AND
12 NEXT-SKILLING WORKERS ACT".

13 **24-46.3-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
16 EMPLOYMENT.

17 (2) "INCUMBENT WORKER" MEANS A WORKER WHO QUALIFIES AS
18 AN INCUMBENT WORKER UNDER 20 CFR 680.780.

19 (3) "INDUSTRY-RECOGNIZED CREDENTIAL" MEANS A CREDENTIAL
20 THROUGH A PROGRAM OR OFFERING QUALIFIED UNDER THE CAREER
21 DEVELOPMENT SUCCESS PROGRAM PURSUANT TO SECTION 22-54-138.

22 (4) "NEXT-SKILLING" MEANS ACTIVITIES TO DEVELOP
23 FUTURE-READY SKILLS NECESSARY FOR EMPLOYMENT IN THE
24 TWENTY-FIRST CENTURY AND INCLUDES THE FOCUS AREAS OF HUMAN
25 SKILLS, DIGITAL SKILLS, BUSINESS SKILLS, GROWTH MINDSET, AND A
26 LIFELONG LEARNING MINDSET.

27 (5) "PROGRAM" MEANS THE STIMULUS INVESTMENTS IN

1 RESKILLING, UPSKILLING, AND NEXT-SKILLING WORKERS PROGRAM
2 CREATED IN SECTION 24-46.3-503.

3 (6) (a) "RESKILLING" MEANS ACTIVITIES TO:

4 (I) SUPPORT UNEMPLOYED AND UNDEREMPLOYED INDIVIDUALS
5 WHO NEED OR WANT TO CHANGE INDUSTRIES IN ORDER TO RETURN TO
6 FULL-TIME WORK OR WHO NEED OR WANT TO OBTAIN MORE APPROPRIATE
7 WORK BASED ON THEIR SKILLS; AND

8 (II) HELP UNEMPLOYED AND UNDEREMPLOYED INDIVIDUALS
9 ACHIEVE ECONOMIC SELF-SUFFICIENCY.

10 (b) "RESKILLING" MAY INCLUDE TECHNICAL TRAINING FOR NEW
11 POSITIONS AND NEW CAREERS AND ENTREPRENEURIAL TRAINING FOR
12 INDIVIDUALS WHO WISH TO PURSUE SELF-EMPLOYMENT AND BUSINESS
13 OWNERSHIP.

14 (7) "SHORT-TERM TRAINING" MEANS A TRAINING PROGRAM THAT
15 IS NOT MORE THAN THIRTEEN MONTHS IN DURATION.

16 (8) "STATE COUNCIL" MEANS THE STATE WORK FORCE
17 DEVELOPMENT COUNCIL CREATED PURSUANT TO SECTION 24-46.3-101.

18 (9) "SUBSTANTIAL UNEMPLOYMENT" MEANS A STATEWIDE
19 UNEMPLOYMENT RATE THAT IS HIGHER THAN FOUR PERCENT.

20 (10) "UPSKILLING" MEANS ACTIVITIES TO INCREASE THE SKILL
21 LEVELS OF AN INCUMBENT WORKER SO THE WORKER IS ABLE TO RETAIN
22 EMPLOYMENT AND ADVANCE WITHIN A COMPANY.

23 (11) "WORK FORCE DEVELOPMENT AREA" HAS THE SAME MEANING
24 AS SET FORTH IN SECTION 8-83-203 (22).

25 **24-46.3-503. Stimulus investments in reskilling, upskilling, and**
26 **next-skilling workers program - creation.** (1) THE STIMULUS
27 INVESTMENTS IN RESKILLING, UPSKILLING, AND NEXT-SKILLING WORKERS

1 PROGRAM IS HEREBY CREATED AS AN INITIATIVE OF THE STATE COUNCIL
2 AS A MEANS TO TRAIN UNEMPLOYED AND UNDEREMPLOYED COLORADANS
3 DURING TIMES OF SUBSTANTIAL UNEMPLOYMENT. IN ANY STATE FISCAL
4 YEAR IN WHICH MONEY IS APPROPRIATED FOR THE PROGRAM PURSUANT TO
5 SECTION 24-46.3-504, THE STATE COUNCIL SHALL USE THE MONEY
6 ALLOCATED TO THE PROGRAM TO SUPPORT INDIVIDUALS IN NEED OF
7 RESKILLING, UPSKILLING, OR NEXT-SKILLING, INCLUDING PROVIDING
8 ASSISTANCE TO ALLOW INDIVIDUALS TO ACCESS AND PARTICIPATE IN
9 SHORT-TERM TRAINING TO OBTAIN AN INDUSTRY-RECOGNIZED
10 CREDENTIAL. THE STATE COUNCIL MAY USE THE MONEY FOR THE
11 FOLLOWING RESKILLING, UPSKILLING, OR NEXT-SKILLING PURPOSES:

- 12 (a) CAREER COUNSELING;
- 13 (b) CAREER AND ACADEMIC EXPLORATION AND PLANNING;
- 14 (c) TUITION;
- 15 (d) EMPLOYER-PROVIDED TRAINING;
- 16 (e) NEEDS-BASED SERVICES;
- 17 (f) TRANSPORTATION;
- 18 (g) EQUIPMENT;
- 19 (h) RETENTION SERVICES;
- 20 (i) PROGRAM IMPLEMENTATION AND ADMINISTRATION, INCLUDING
21 REPORTING ACTIVITIES; AND

22 (j) OTHER PURPOSES DETERMINED BY THE STATE COUNCIL THAT
23 ARE RELATED TO TRAINING UNEMPLOYED AND UNDEREMPLOYED
24 COLORADANS DURING TIMES OF SUBSTANTIAL UNEMPLOYMENT.

25 (2) AN INDIVIDUAL MAY RECEIVE SUPPORT THROUGH THE
26 PROGRAM AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION FOR UP TO
27 THIRTEEN CONSECUTIVE MONTHS WHILE PURSUING AN

1 INDUSTRY-RECOGNIZED CREDENTIAL. THE STATE COUNCIL, IN
2 COLLABORATION WITH THE DEPARTMENT, SHALL DEVELOP THE
3 ELIGIBILITY CRITERIA FOR INDIVIDUALS TO RECEIVE SUPPORT THROUGH
4 THE PROGRAM.

5 (3) (a) THE STATE COUNCIL, IN COLLABORATION WITH THE
6 DEPARTMENT, SHALL DETERMINE THE AMOUNT OF FUNDING AVAILABLE,
7 AND ALLOCATE FUNDING, TO WORK FORCE DEVELOPMENT AREAS FOR USE
8 IN PROVIDING THE SUPPORTS SPECIFIED IN SUBSECTION (1) OF THIS
9 SECTION. ADDITIONALLY, THE STATE COUNCIL SHALL ESTABLISH A GRANT
10 PROGRAM TO AWARD FUNDING TO OTHER PARTNERS, INCLUDING LOCAL
11 GOVERNMENTS, INSTITUTIONS OF HIGHER EDUCATION, AND
12 COMMUNITY-BASED NONPROFIT ORGANIZATIONS, FOR USE IN PROVIDING
13 THE SUPPORTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. THE
14 RECIPIENTS OF FUNDING ARE RESPONSIBLE FOR WORKING WITH
15 INDIVIDUALS WHO QUALIFY FOR THE PROGRAM AND ADMINISTERING
16 AVAILABLE FUNDS TO OR ON BEHALF OF QUALIFIED INDIVIDUALS.

17 (b) THE STATE COUNCIL SHALL DISTRIBUTE THE FUNDING
18 THROUGH A COMPETITIVE APPLICATION PROCESS THAT CONSIDERS THE
19 RELATIVE NEED IN AN AREA AND THE ABILITY OF THE APPLICANT TO
20 SUPPORT INDIVIDUALS, AS WELL AS OTHER CRITERIA THAT THE STATE
21 COUNCIL AND THE DEPARTMENT DETERMINE ARE RELEVANT BASED ON THE
22 ECONOMIC CONDITIONS AT THE TIME APPLICATIONS ARE BEING
23 CONSIDERED.

24 **24-46.3-504. Funding for program.** (1) FOR THE 2020-21 STATE
25 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY-FIVE
26 MILLION DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT FOR
27 ALLOCATION TO THE STATE COUNCIL FOR THE PROGRAM. ANY MONEY

1 APPROPRIATED IN THE 2020-21 STATE FISCAL YEAR THAT IS NOT
2 ENCUMBERED OR EXPENDED AT THE END OF THAT STATE FISCAL YEAR
3 REMAINS AVAILABLE FOR EXPENDITURE BY THE STATE COUNCIL IN THE
4 NEXT TWO STATE FISCAL YEARS WITHOUT FURTHER APPROPRIATION.

5 (2) THE STATE COUNCIL MAY USE THE MONEY APPROPRIATED
6 PURSUANT TO THIS SECTION FOR THE PURPOSES SPECIFIED IN SECTION
7 24-46.3-503.

8 (3) NEITHER THE DEPARTMENT NOR THE STATE COUNCIL SHALL
9 USE MONEY APPROPRIATED PURSUANT TO THIS SECTION TO ADD
10 PERMANENT FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OR
11 THE STATE COUNCIL, BUT THE STATE COUNCIL MAY USE A PORTION OF THE
12 MONEY FOR PERSONNEL FOR A LIMITED TIME AS NECESSARY TO
13 EFFECTIVELY IMPLEMENT, ADMINISTER, AND REPORT ON THE PROGRAM.

14 **24-46.3-505. Reports.** (1) IN DECEMBER 2022 AND DECEMBER
15 2023, THE STATE COUNCIL SHALL REPORT ON THE ACTIVITIES AND
16 OUTCOMES RESULTING FROM THE PROGRAM IN THE PRIOR STATE FISCAL
17 YEAR AS PART OF THE ANNUAL COLORADO TALENT REPORT PREPARED
18 PURSUANT TO SECTION 24-46.3-103 (3).

19 (2) EACH APPLICANT THAT RECEIVES FUNDING UNDER THE
20 PROGRAM SHALL REPORT TO THE STATE COUNCIL ON THE MEASURABLE
21 OUTCOMES ACHIEVED, INCLUDING THE NUMBER OF PARTICIPANTS SERVED,
22 THE NUMBER OF SHORT-TERM TRAINING PROGRAMS COMPLETED, AND ANY
23 OTHER INFORMATION THAT THE STATE COUNCIL DETERMINES APPROPRIATE
24 TO DEMONSTRATE THE SUCCESS OF THE GRANT.

25 **24-46.3-506. Repeal of part.** THIS PART 5 IS REPEALED, EFFECTIVE
26 JUNE 30, 2024.

27 **SECTION 4. Appropriation.** For the 2020-21 state fiscal year,

1 \$25,000,000 is appropriated to the department of labor and employment
2 for use by the Colorado work force development council. This
3 appropriation is from the general fund. To implement this act, the council
4 may use this appropriation for the reskilling, upskilling, and next-skilling
5 workers program.

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