

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

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 AN UNEMPLOYMENT
19 RATE THAT IS HIGHER THAN FOUR PERCENT FOR THE STATE, AS A WHOLE,
20 OR FOR A WORK FORCE DEVELOPMENT AREA.

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

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

26 **24-46.3-503. Stimulus investments in reskilling, upskilling, and**
27 **next-skilling workers program - creation.** (1) THE STIMULUS

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

- 13 (a) CAREER COUNSELING;
- 14 (b) CAREER AND ACADEMIC EXPLORATION AND PLANNING;
- 15 (c) TUITION;
- 16 (d) EMPLOYER-PROVIDED TRAINING;
- 17 (e) NEEDS-BASED SERVICES;
- 18 (f) TRANSPORTATION;
- 19 (g) EQUIPMENT;
- 20 (h) RETENTION SERVICES;
- 21 (i) PROGRAM IMPLEMENTATION AND ADMINISTRATION, INCLUDING
22 REPORTING ACTIVITIES; AND
- 23 (j) OTHER PURPOSES DETERMINED BY THE STATE COUNCIL THAT
24 ARE RELATED TO TRAINING UNEMPLOYED AND UNDEREMPLOYED
25 COLORADANS DURING TIMES OF SUBSTANTIAL UNEMPLOYMENT.

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

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

6 (3) (a) THE STATE COUNCIL, IN COLLABORATION WITH THE
7 DEPARTMENT, SHALL ALLOCATE THE FUNDING AVAILABLE FOR THE
8 PROGRAM AS FOLLOWS:

9 (I) TWENTY MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS
10 TO WORK FORCE DEVELOPMENT AREAS FOR THE PROGRAM;

11 (II) THREE MILLION DOLLARS FOR THE GRANT PROGRAM
12 ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION; AND

13 (III) ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FOR
14 THE DEPARTMENT FOR OUTREACH AND RECRUITMENT, PROVIDING ACCESS
15 TO DIGITAL PLATFORMS FOR CAREER NAVIGATION, ISSUING LICENSES FOR
16 VIRTUAL TRAINING COURSES, AND IMPLEMENTING, ADMINISTERING, AND
17 REPORTING ON THE PROGRAM.

18 (b) IF, ON JUNE 30, 2022, ANY PORTION OF THE MONEY ALLOCATED
19 TO THE DEPARTMENT PURSUANT TO SUBSECTION (3)(a)(III) OF THIS
20 SECTION IS UNENCUMBERED AND UNEXPENDED, THE STATE COUNCIL
21 SHALL ALLOCATE THE REMAINING MONEY IN ACCORDANCE WITH
22 SUBSECTIONS (3)(a)(I) AND (3)(a)(II) OF THIS SECTION.

23 (4) (a) THE STATE COUNCIL SHALL ESTABLISH A GRANT PROGRAM
24 TO AWARD FUNDING TO OTHER PARTNERS, INCLUDING LOCAL
25 GOVERNMENTS, INSTITUTIONS OF HIGHER EDUCATION, AND
26 COMMUNITY-BASED NONPROFIT ORGANIZATIONS, FOR USE IN PROVIDING
27 THE SUPPORTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. THE

1 RECIPIENTS OF FUNDING ARE RESPONSIBLE FOR WORKING WITH
2 INDIVIDUALS WHO QUALIFY FOR THE PROGRAM AND ADMINISTERING
3 AVAILABLE FUNDS TO OR ON BEHALF OF QUALIFIED INDIVIDUALS.

4 (b) THE STATE COUNCIL SHALL DISTRIBUTE THE FUNDING
5 THROUGH A COMPETITIVE APPLICATION PROCESS THAT CONSIDERS THE
6 RELATIVE NEED IN AN AREA AND THE ABILITY OF THE APPLICANT TO
7 SUPPORT INDIVIDUALS, AS WELL AS OTHER CRITERIA THAT THE STATE
8 COUNCIL AND THE DEPARTMENT DETERMINE ARE RELEVANT BASED ON THE
9 ECONOMIC CONDITIONS AT THE TIME APPLICATIONS ARE BEING
10 CONSIDERED.

11 **24-46.3-504. Funding for program.** (1) FOR THE 2020-21 STATE
12 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY-FIVE
13 MILLION DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT FOR
14 ALLOCATION TO THE STATE COUNCIL FOR THE PROGRAM. ANY MONEY
15 APPROPRIATED IN THE 2020-21 STATE FISCAL YEAR THAT IS NOT
16 ENCUMBERED OR EXPENDED AT THE END OF THAT STATE FISCAL YEAR
17 REMAINS AVAILABLE FOR EXPENDITURE BY THE STATE COUNCIL IN THE
18 NEXT TWO STATE FISCAL YEARS WITHOUT FURTHER APPROPRIATION.

19 (2) THE STATE COUNCIL SHALL USE THE MONEY APPROPRIATED
20 PURSUANT TO THIS SECTION FOR THE PURPOSES SPECIFIED IN SECTION
21 24-46.3-503 AND SHALL ALLOCATE THE MONEY AS SPECIFIED IN THAT
22 SECTION.

23 (3) NEITHER THE DEPARTMENT NOR THE STATE COUNCIL SHALL
24 USE MONEY APPROPRIATED PURSUANT TO THIS SECTION TO ADD
25 PERMANENT FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OR
26 THE STATE COUNCIL.

27 **24-46.3-505. Reports.** (1) IN DECEMBER 2022 AND DECEMBER

1 2023, THE STATE COUNCIL SHALL REPORT ON THE ACTIVITIES AND
2 OUTCOMES RESULTING FROM THE PROGRAM IN THE PRIOR STATE FISCAL
3 YEAR AS PART OF THE ANNUAL COLORADO TALENT REPORT PREPARED
4 PURSUANT TO SECTION 24-46.3-103 (3).

5 (2) EACH APPLICANT THAT RECEIVES FUNDING UNDER THE
6 PROGRAM SHALL REPORT TO THE STATE COUNCIL ON THE MEASURABLE
7 OUTCOMES ACHIEVED, INCLUDING THE NUMBER OF PARTICIPANTS SERVED,
8 THE NUMBER OF SHORT-TERM TRAINING PROGRAMS COMPLETED, AND ANY
9 OTHER INFORMATION THAT THE STATE COUNCIL DETERMINES APPROPRIATE
10 TO DEMONSTRATE THE SUCCESS OF THE GRANT.

11 **24-46.3-506. Repeal of part.** THIS PART 5 IS REPEALED, EFFECTIVE
12 JUNE 30, 2024.

13 **SECTION 4. Appropriation.** For the 2020-21 state fiscal year,
14 \$25,000,000 is appropriated to the department of labor and employment
15 for use by the Colorado work force development council. This
16 appropriation is from the general fund. To implement this act, the council
17 may use this appropriation for the reskilling, upskilling, and next-skilling
18 workers program.

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