

CHAPTER 233

GOVERNMENT - STATE

HOUSE BILL 22-1350

BY REPRESENTATIVE(S) McCluskie and Rich, Amabile, Bacon, Bennett, Bird, Duran, Esgar, Exum, Hooton, Jodeh, Kipp, Lindsay, McCormick, McLachlan, Michaelson Jenet, Mullica, Ricks, Roberts, Snyder, Sullivan, Titone, Valdez D.; also SENATOR(S) Bridges and Lundeen, Buckner, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Lee, Pettersen, Priola, Rodriguez, Winter, Woodward, Zenzinger.

AN ACT**CONCERNING THE CREATION OF A GRANT PROGRAM TO MEET WORKFORCE NEEDS THROUGHOUT THE STATE.**

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

SECTION 1. In Colorado Revised Statutes, **add** part 4 to article 48.5 of title 24 as follows:

PART 4
REGIONAL TALENT DEVELOPMENT INITIATIVES

24-48.5-401. Short title. THE SHORT TITLE OF THIS PART 4 IS THE "REGIONAL TALENT DEVELOPMENT INITIATIVE ACT".

24-48.5-402. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) THIS PART 4 IS INTENDED TO RESPOND TO THE NEGATIVE ECONOMIC IMPACTS CAUSED BY THE COVID-19 PANDEMIC AND RESULTING PUBLIC HEALTH EMERGENCY BY PROVIDING ASSISTANCE, AID, AND SUPPORTS TO UNEMPLOYED WORKERS, POPULATIONS DISPROPORTIONATELY IMPACTED BY THE PUBLIC HEALTH EMERGENCY, AND IMPACTED INDUSTRIES, SMALL BUSINESSES, AND NONPROFIT ORGANIZATIONS;

(b) MONEY ALLOCATED TO THE STATE PURSUANT TO THE "AMERICAN RESCUE PLAN ACT OF 2021" AND TRANSFERRED TO THE WORKERS, EMPLOYERS, AND WORKFORCE CENTERS CASH FUND CREATED IN SECTION 24-75-231 MAY BE USED FOR THE PURPOSES OF THIS PART 4; AND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) THE GRANT PROGRAM AND RELATED SERVICES DESCRIBED IN THIS PART 4 ARE IMPORTANT GOVERNMENT SERVICES.

24-48.5-403. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AMERICAN RESCUE PLAN ACT OF 2021" MEANS THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS THE ACT MAY BE SUBSEQUENTLY AMENDED.

(2) "APPLICANT" MEANS A COLLABORATION OF ENTITIES THAT:

(a) INCLUDES INDUSTRY AND EDUCATIONAL ENTITIES AND MAY ALSO INCLUDE LOCAL GOVERNMENTS, INSTITUTIONS OF HIGHER EDUCATION, AND NONPROFIT AND FOR-PROFIT ENTITIES AND ORGANIZATIONS; AND

(b) APPLIES FOR A GRANT FROM THE GRANT PROGRAM.

(3) "COVID-19" MEANS THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2.

(4) "DEPARTMENTS" MEANS:

(a) THE DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN SECTION 24-1-121;

(b) THE DEPARTMENT OF HIGHER EDUCATION CREATED IN SECTION 24-1-114; AND

(c) THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115.

(5) "EVIDENCE-BASED" MEANS THAT AN INITIATIVE IS EITHER:

(a) A PROVEN PROGRAM OR PRACTICE, AS DEFINED IN SECTION 2-3-210 (2)(d); OR

(b) AN EVIDENCE-INFORMED PROGRAM OR PRACTICE, AS DEFINED IN SECTION 2-3-210 (2)(a).

(6) "FUND" MEANS THE REGIONAL TALENT DEVELOPMENT INITIATIVE GRANT PROGRAM FUND CREATED IN SECTION 24-48.5-406.

(7) "GRANT PROGRAM" MEANS THE REGIONAL TALENT DEVELOPMENT INITIATIVE GRANT PROGRAM CREATED IN SECTION 24-48.5-405.

(8) "INTERMEDIARY" MEANS:

(a) A NONPROFIT ENTITY THAT HAS A PROVEN RECORD OF CONNECTING EDUCATION PROVIDERS, EMPLOYERS, OR OTHER CIVIC ORGANIZATIONS TO DEVELOP CAREER PATHWAYS AND ADDRESS WORKFORCE DEVELOPMENT NEEDS; OR

(b) A POST-SECONDARY EDUCATION PROVIDER THAT ADDRESSES ECONOMIC AND

WORKFORCE DEVELOPMENT NEEDS.

(9) "OFFICE" MEANS THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

(10) "PROGRAM ADMINISTRATOR" MEANS:

(a) THE OFFICE;

(b) A STATE AGENCY DESIGNATED PURSUANT TO SECTION 24-48.5-405 (1)(a)(II)(B); OR

(c) ONE OR MORE THIRD PARTIES WITH WHOM THE OFFICE CONTRACTS PURSUANT TO SECTION 24-48.5-405 (1)(a)(II)(B).

(11) "SELECTION COMMITTEE" MEANS THE SELECTION COMMITTEE APPOINTED PURSUANT TO SECTION 24-48.5-405 (5) TO REVIEW AND MAKE RECOMMENDATIONS ON GRANT APPLICATIONS.

(12) "STEERING COMMITTEE" MEANS THE STEERING COMMITTEE ESTABLISHED PURSUANT TO SECTION 24-48.5-404.

(13) "THIRD-PARTY ADMINISTRATOR" MEANS ONE OR MORE THIRD PARTIES WITH WHOM THE OFFICE CONTRACTS PURSUANT TO SECTION 24-48.5-405 (1)(a) TO SERVE AS THE PROGRAM ADMINISTRATOR.

24-48.5-404. Steering committee - creation - duties. (1) THE OFFICE SHALL ASSEMBLE A STEERING COMMITTEE FOR PURPOSES OF SUPPORTING THE PROGRAM ADMINISTRATOR IN IMPLEMENTING AND ADMINISTERING THE GRANT PROGRAM, INCLUDING DEVELOPING AN APPLICATION PROCESS AND ESTABLISHING GRANT APPLICATION SELECTION AND PRIORITIZATION CRITERIA. THE STEERING COMMITTEE MUST CONSIST OF NO FEWER THAN FIVE AND NO MORE THAN EIGHT MEMBERS, AT LEAST ONE OF WHOM MUST REPRESENT A RURAL AREA OF THE STATE. MEMBERS OF THE STEERING COMMITTEE MUST BE BUSINESS, CIVIC, EDUCATION, AND NONPROFIT PROFESSIONALS AND INCLUDE AT LEAST ONE REPRESENTATIVE OF A TWO-YEAR INSTITUTION OF HIGHER EDUCATION AND AT LEAST ONE REPRESENTATIVE OF A FOUR-YEAR INSTITUTION OF HIGHER EDUCATION.

(2) IN COORDINATION WITH THE PROGRAM ADMINISTRATOR, THE STEERING COMMITTEE SHALL:

(a) ENGAGE PROFESSIONAL AND SUPPORT STAFF, INCLUDING CONSULTANTS, THIRD-PARTY CONTRACTORS, INTERMEDIARIES, AND OFFICE STAFF, TO ASSIST THE PROGRAM ADMINISTRATOR AND THE STEERING COMMITTEE IN PERFORMING THEIR ACTIVITIES;

(b) ESTABLISH A PROCESS FOR ENTITIES TO APPLY FOR GRANTS TO FUND TALENT DEVELOPMENT INITIATIVES;

(c) DEVELOP GRANT APPLICATION SELECTION AND PRIORITIZATION CRITERIA THAT ARE TRANSPARENT, ARE EVIDENCE-BASED, ARE REGIONALLY EQUITABLE,

ENCOURAGE INNOVATION, AND ARE BASED ON THE GOALS SPECIFIED IN SECTION 24-48.5-405 (1)(c); AND

(d) OUTLINE A CLEAR AND TRANSPARENT EVALUATION PROCESS.

24-48.5-405. Regional talent development initiative grant program - creation - administration - eligibility - application review - report. (1) (a) (I) THERE IS CREATED IN THE OFFICE THE REGIONAL TALENT DEVELOPMENT INITIATIVE GRANT PROGRAM. THE OFFICE, IN COLLABORATION WITH THE DEPARTMENTS AND THE STEERING COMMITTEE, SHALL IDENTIFY REGIONS THROUGHOUT THE STATE, USING THE MAP OF REGIONAL OFFICES OF THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS AS A GUIDE, TO INFORM THE SELECTION OF APPLICANTS.

(II) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(II)(B) OF THIS SECTION, THE OFFICE SHALL ADMINISTER THE GRANT PROGRAM.

(B) THE DIRECTOR OF THE OFFICE MAY DESIGNATE ANOTHER STATE AGENCY, OR THE OFFICE MAY CONTRACT WITH ONE OR MORE THIRD PARTIES, TO ADMINISTER THE PROGRAM.

(III) THE STEERING COMMITTEE AND THE SELECTION COMMITTEE APPOINTED PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL SUPPORT AND ADVISE THE PROGRAM ADMINISTRATOR IN IMPLEMENTING AND ADMINISTERING THE GRANT PROGRAM PURSUANT TO THIS PART 4. THE OFFICE IS RESPONSIBLE FOR MAKING GRANT AWARD DECISIONS IN ACCORDANCE WITH THIS SECTION.

(b) THE PURPOSE OF THE GRANT PROGRAM IS TO PROVIDE GRANTS TO APPLICANTS IN IDENTIFIED REGIONS IN ORDER TO CREATE OR EXPAND TALENT DEVELOPMENT INITIATIVES ACROSS THE STATE THAT MEET REGIONAL LABOR MARKET NEEDS AND THE GRANT PROGRAM GOALS SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION.

(c) IN PRIORITIZING GRANT APPLICATIONS AND AWARDING GRANTS, THE OFFICE, IN COLLABORATION WITH THE DEPARTMENTS AND THE SELECTION COMMITTEE, SHALL STRIVE TO MEET THE FOLLOWING GRANT PROGRAM GOALS:

(I) TO MEET WORKFORCE DEVELOPMENT NEEDS IN IDENTIFIED REGIONS OF THE STATE AS THE REGIONS WORK TO RECOVER FROM THE NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PANDEMIC;

(II) TO CREATE INTENTIONAL PATHWAYS BETWEEN KINDERGARTEN THROUGH TWELFTH GRADE EDUCATION, HIGHER EDUCATION, AND EMPLOYMENT THAT ALLOW LEARNERS AND EARNERS TO TRANSITION MORE EASILY INTO AND OUT OF EACH SYSTEM AND THAT ENSURE A HIGHLY SKILLED AND WELL-EDUCATED WORKFORCE; AND

(III) TO PROVIDE MORE OPPORTUNITIES FOR REGIONAL LEARNERS AND EARNERS TO BE MORE ECONOMICALLY MOBILE AND EARN A LIVING WAGE IN AN IN-DEMAND, HIGH-SKILL, HIGH-WAGE OCCUPATION.

(2) THE PROGRAM ADMINISTRATOR, WITH DIRECTION FROM THE STEERING

COMMITTEE, SHALL:

(a) CONTRACT WITH A THIRD PARTY, WHICH MAY INCLUDE A PHILANTHROPIC FOUNDATION, TO CONDUCT A STATEWIDE LANDSCAPE ANALYSIS THAT IDENTIFIES STATEWIDE NEEDS, OPPORTUNITIES, AND CHALLENGES BASED ON EXISTING OR PREVIOUS GRANT OPPORTUNITIES TO ADDRESS THE SAME ISSUES AND CHALLENGES THAT THE GRANT PROGRAM WILL ADDRESS;

(b) ESTABLISH A PROCESS FOR ENTITIES TO APPLY FOR:

(I) GRANTS TO FUND TALENT DEVELOPMENT INITIATIVES, WHICH APPLICATION PROCESS MUST BE AVAILABLE NO LATER THAN DECEMBER 1, 2022; AND

(II) TECHNICAL ASSISTANCE TO BE PROVIDED TO ENTITIES BEFORE SUBMITTING A GRANT APPLICATION;

(c) ESTABLISH AT LEAST TWO GRANT APPLICATION DEADLINES, WHICH MAY INCLUDE A PLANNING PHASE AND A FUNDING PHASE; AND

(d) ESTABLISH POLICIES SETTING FORTH THE PARAMETERS AND ELIGIBILITY FOR THE GRANT PROGRAM.

(3) TO BE ELIGIBLE FOR A GRANT, AN APPLICANT MUST, AT A MINIMUM, INCLUDE WITH ITS GRANT APPLICATION:

(a) A DETAILED PROPOSAL AND OPERATIONS PLAN FOR A TALENT DEVELOPMENT INITIATIVE TO SERVE A PARTICULAR REGION AND THAT MEETS THE GOALS SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION;

(b) INFORMATION ABOUT HOW THE PROPOSED TALENT DEVELOPMENT INITIATIVE MEETS THE ECONOMIC DEVELOPMENT GOALS OF THE REGION OR THE NEEDS OF THE REGION AS DETERMINED PURSUANT TO AN INDUSTRY-LED OR OTHER ASSESSMENT OF THE ECONOMIC DEVELOPMENT NEEDS OF THE REGION, INCLUDING THE MOST RECENT COLORADO TALENT PIPELINE REPORT PREPARED PURSUANT TO SECTION 24-46.3-103;

(c) PROPOSED METRICS AND DATA TO BE TRACKED TO EVALUATE THE SUCCESS OF THE PROPOSED INITIATIVE;

(d) INFORMATION ABOUT HOW THE PROPOSED INITIATIVE WILL BE SUSTAINABLE AFTER THE GRANT CONCLUDES; AND

(e) IF AN APPLICANT IS APPLYING FOR A GRANT FOR AN INITIATIVE DESCRIBED IN SUBSECTION (4)(a)(II) OF THIS SECTION, INFORMATION SUPPORTING THE ASSERTION THAT THE INITIATIVE IS EVIDENCE-BASED AND CAN BE SCALED TO MEET ADDITIONAL DEMANDS.

(4) IN DEVELOPING THE GRANT APPLICATION SELECTION CRITERIA PURSUANT TO SECTION 24-48.5-404 (2)(c), THE STEERING COMMITTEE SHALL:

(a) PROVIDE FOR AT LEAST TWO CATEGORIES OF GRANT AWARDS THAT DIFFERENTIATE BETWEEN INITIATIVE TYPES, WHICH MAY INCLUDE:

(I) SEED FUNDING FOR INNOVATIVE WAYS TO MEET THE GOALS SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION; AND

(II) EXPANSION FUNDING FOR INITIATIVES THAT ARE EVIDENCE-BASED AND CAN BE SCALED TO MEET ADDITIONAL DEMANDS;

(b) PROVIDE FOR ADDITIONAL CONSIDERATION FOR RURAL AND LOWER-WEALTH APPLICANTS DUE TO THEIR UNIQUE NEEDS;

(c) PRIORITIZE APPLICANTS THAT:

(I) CONTRIBUTE SIGNIFICANT MATCHING FUNDS FROM PHILANTHROPIC, BUSINESS, AND OTHER TYPES OF ORGANIZATIONS AND INTEREST AREAS TO MEET THE GRANT PROGRAM GOALS; OR

(II) PROPOSE PROJECTS THAT AIM TO MEET URGENT STATE NEEDS IN CRITICAL WORKFORCE SHORTAGE AREAS SUCH AS HEALTH CARE AND EARLY CHILDHOOD AND KINDERGARTEN THROUGH TWELFTH GRADE EDUCATION; AND

(d) PROVIDE FOR CONSIDERATION OF INITIATIVES THAT ARE EVIDENCE-BASED AND CAN BE SCALED TO MEET ADDITIONAL DEMANDS AND, FOR AN INITIATIVE THAT IS CLASSIFIED AS EVIDENCE-BASED PURSUANT TO SECTION 24-48.5-403 (5)(b), THAT INCLUDES A PLAN TO EVALUATE THE INITIATIVE'S EFFECT ON EARNINGS AND OTHER OUTCOMES USING ONE OF THE METHODOLOGIES DESCRIBED IN SECTION 2-3-210 (2)(d).

(5) (a) THE PROGRAM ADMINISTRATOR, WITH ADVICE FROM THE STEERING COMMITTEE, SHALL APPOINT A SELECTION COMMITTEE CONSISTING OF MEMBERS WHO HAVE EXPERTISE AND EXPERIENCE AS EMPLOYERS, IN EDUCATION, OR IN OTHER RELEVANT AREAS.

(b) THE SELECTION COMMITTEE SHALL REVIEW GRANT APPLICATIONS IN ACCORDANCE WITH THE PROCESSES AND CRITERIA SPECIFIED IN AND DEVELOPED PURSUANT TO THIS SECTION AND SHALL MAKE GRANT AWARD RECOMMENDATIONS TO THE OFFICE BASED ON THOSE PROCESSES AND CRITERIA. THE OFFICE SHALL MAKE FINAL DETERMINATIONS AND AWARD GRANTS BASED ON THE CRITERIA SPECIFIED IN AND DEVELOPED PURSUANT TO THIS SECTION.

(6) (a) THE STEERING COMMITTEE SHALL ESTABLISH REQUIREMENTS FOR EACH GRANT RECIPIENT TO COLLECT AND SHARE INFORMATION ABOUT THE IMPLEMENTATION AND PROGRESS OF THE TALENT DEVELOPMENT INITIATIVE FOR WHICH THE GRANT RECIPIENT RECEIVED A GRANT AWARD.

(b) BY NOVEMBER 1, 2023, AND BY EACH NOVEMBER 1 THEREAFTER, THE OFFICE, IN COLLABORATION WITH THE STEERING COMMITTEE, SHALL PUBLISH A REPORT SUMMARIZING THE USE OF THE MONEY THAT WAS AWARDED AS GRANTS UNDER THE GRANT PROGRAM IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR. THE REPORT MUST SPECIFY OR IDENTIFY, AT A MINIMUM:

(I) THE AMOUNT OF GRANT MONEY DISTRIBUTED TO EACH GRANT RECIPIENT;

(II) A DESCRIPTION OF EACH GRANT RECIPIENT'S USE OF THE GRANT MONEY;

(III) THE AMOUNT OF GRANTS AWARDED IN AND NUMBER OF GRANT RECIPIENTS FROM EACH REGION OF THE STATE;

(IV) INFORMATION REGARDING THE SPECIFIC OUTCOME MEASURES IDENTIFIED IN THE GRANT APPLICATIONS;

(V) THE LESSONS LEARNED, PROMISING PRACTICES, EVIDENCE-BASED STANDARDS OF PROGRAM OUTCOMES, AND METRICS, AS DETERMINED AND OUTLINED BY THE STEERING COMMITTEE; AND

(VI) ANY OTHER INFORMATION REGARDING THE GRANT PROGRAM THE OFFICE DETERMINES APPROPRIATE TO INCLUDE IN THE REPORT.

(c) THE OFFICE AND ANY PERSON THAT RECEIVES MONEY FROM THE OFFICE, INCLUDING THE PROGRAM ADMINISTRATOR, SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION 24-75-226 (5).

24-48.5-406. Regional talent development initiative grant program fund.

(1) (a) THERE IS CREATED IN THE STATE TREASURY THE REGIONAL TALENT DEVELOPMENT INITIATIVE GRANT PROGRAM FUND. THREE DAYS AFTER THE EFFECTIVE DATE OF THIS PART 4, THE STATE TREASURER SHALL TRANSFER NINETY-ONE MILLION DOLLARS FROM THE WORKERS, EMPLOYERS, AND WORKFORCE CENTERS CASH FUND CREATED IN SECTION 24-75-231 (2)(a) TO THE FUND AS FOLLOWS:

(I) EIGHTY-NINE MILLION ONE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED EIGHTY-FOUR DOLLARS FROM MONEY THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND UNDER SECTION 9901 OF TITLE IX, SUBTITLE M OF THE "AMERICAN RESCUE PLAN ACT OF 2021"; AND

(II) ONE MILLION EIGHT HUNDRED SEVENTY-SIX THOUSAND EIGHT HUNDRED SIXTEEN DOLLARS FROM MONEY THAT ORIGINATED FROM THE GENERAL FUND.

(b) THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE OFFICE FOR USE IN ACCORDANCE WITH THIS PART 4.

(2) OF THE AMOUNT TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (1) OF THIS SECTION, NOT MORE THAN SEVEN PERCENT MAY BE USED FOR THE ADMINISTRATIVE COSTS INCURRED BY THE OFFICE, THE DEPARTMENTS, THE STEERING COMMITTEE, AND THE PROGRAM ADMINISTRATOR IN ADMINISTERING THE GRANT PROGRAM.

(3) THE OFFICE AND ANY PERSON THAT RECEIVES MONEY FROM THE OFFICE, INCLUDING A GRANT RECIPIENT, THE PROGRAM ADMINISTRATOR, A CONSULTANT, A CONTRACTOR, OR AN INTERMEDIARY, SHALL ADHERE TO THE COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND BUDGETING AND THE STATE

CONTROLLER IN ACCORDANCE WITH SECTION 24-75-226 (5).

24-48.5-407. Repeal of part. THIS PART 4 IS REPEALED, EFFECTIVE JULY 1, 2028.

SECTION 2. In Colorado Revised Statutes, 24-75-231, **add** (2)(c) as follows:

24-75-231. Workers, employers, and workforce centers cash fund - creation - allowable uses - definitions - repeal. (2) (c) THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2)(c), THE STATE TREASURER SHALL TRANSFER THIRTY-TWO MILLION THREE HUNDRED SEVENTY-THREE THOUSAND ONE HUNDRED EIGHTY-FOUR DOLLARS FROM THE MONEY IN THE FUND THAT ORIGINATED FROM THE GENERAL FUND TO THE GENERAL FUND.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 26, 2022