

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

PREAMENDED

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

LLS NO. 22-0394.01 Kristen Forrestal x4217

HOUSE BILL 22-1230

HOUSE SPONSORSHIP

Duran and Exum,

SENATE SPONSORSHIP

Fields and Priola,

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EMPLOYMENT SUPPORT AND JOB RETENTION**
102 **SERVICES PROGRAM.**

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:

- Expands the definition of "service provider" in the "Employment Support and Job Retention Services Program" (program) to include faith-based organizations and churches, community centers, neighborhood organizations, food banks, outreach providers, and local

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.

entities that provide employment services to community members;

- Modifies the eligibility criteria for receiving services and the list of reimbursable services under the program;
- Appropriates \$500,000 annually to the employment support and job retention services program cash fund (fund) and removes the requirement that the money be subject to annual appropriations and instead continuously appropriates the money in the fund;
- Repeals the current repeal date on the program and extends the program indefinitely; and
- Modifies the current reporting requirements to require the division of employment and training in the department of labor and employment to report on the efficacy of the program during the department's presentations at the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings.

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

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

4 (a) Employment support and job retention services are critical for
5 individuals pursuing skills and employment training to successfully attain
6 and retain an employment opportunity;

7 (b) The employment support and job retention services program
8 (program) has served as a lifeline for many Coloradans seeking
9 employment during the COVID-19 pandemic-induced economic
10 downturn and subsequent recovery, complementing the efforts of both the
11 state and federal governments to help the economy build back stronger
12 than it was before the pandemic;

13 (c) At an average cost of just over \$293 per eligible participant,
14 the program has served nearly 1,400 Colorado job seekers and newly
15 employed individuals pursuing an employment goal since its
16 implementation in January 2020;

1 (d) Ninety-three percent of service providers participating in the
2 program reported the program had a high, or extremely high, impact on
3 the long-term success of eligible participants, indicating administrative
4 efficacy and efficiency;

5 (e) With memorandums of understanding signed with service
6 providers representing 60 of Colorado's 64 counties, the program is truly
7 statewide and has helped both rural and urban Coloradans, women,
8 people of color, veterans, and others, and the modifications contained in
9 this legislation will enable the program to serve a broader range of
10 Coloradans, including those in marginalized communities;

11 (f) Because of the COVID-19 pandemic recovery efforts, demand
12 for the program is high, with funds expected to be exhausted in early
13 2022; and

14 (g) Reauthorization of the program beyond its scheduled repeal in
15 September 2022 is consistent with the state's goal of building back the
16 economy stronger than it was before by:

17 (I) Supporting all Coloradans by providing access to skills training
18 and credentialing to help them obtain economic security; and

19 (II) Helping businesses facing a uniquely challenging labor market
20 find the employees they need to thrive.

21 **SECTION 2.** In Colorado Revised Statutes, 8-83-401, **amend** (5)
22 as follows:

23 **8-83-401. Definitions.** As used in this part 4, unless the context
24 otherwise requires:

25 (5) "Service provider" means a public agency or nonprofit
26 community organization that provides employment, employment
27 preparation, EMPLOYMENT TRAINING, EDUCATION, and job retention

1 services to eligible individuals pursuant to a memorandum of
2 understanding with the administering entity. "SERVICE PROVIDER"
3 INCLUDES FAITH-BASED ORGANIZATIONS AND CHURCHES, COMMUNITY
4 CENTERS, NEIGHBORHOOD ORGANIZATIONS, FOOD BANKS, OUTREACH
5 PROVIDERS, AND SIMILAR LOCAL ENTITIES THAT PROVIDE SERVICES TO
6 MEMBERS OF THE COMMUNITY.

7 **SECTION 3.** In Colorado Revised Statutes, 8-83-404, **amend**
8 (1)(d), (4)(a), (5)(b) introductory portion, (5)(b)(I), (5)(b)(V), and
9 (5)(b)(XIII); and **add** (6) as follows:

10 **8-83-404. Administration of the program.** (1) The
11 administering entity shall:

12 (d) Ensure the fiscal responsibility of the program in ~~compliance~~
13 CONJUNCTION with the director;

14 (4) Notwithstanding any other federal or state law, in order to be
15 eligible to receive services for which a service provider may be
16 reimbursed under the program, an individual must:

17 (a) (I) Have a household income at or below the federal poverty
18 line; OR

19 (II) IF EMPLOYED:

20 (A) HAVE BEEN EMPLOYED FOR SIX MONTHS OR LESS BEFORE THE
21 DATE UPON WHICH ASSISTANCE IS REQUESTED; AND

22 (B) WITHIN NINETY DAYS BEFORE THE EMPLOYMENT START DATE,
23 HAVE HAD A HOUSEHOLD INCOME AT OR BELOW THE FEDERAL POVERTY
24 LINE.

25 (5) (b) Employment support, TRAINING, EDUCATION, and job
26 retention services that are eligible for reimbursement include:

27 (I) COSTS RELATED TO transportation, ~~or~~ vehicle UPKEEP AND

1 OPERATION, AND PARKING;

2 (V) Work tools and equipment, INCLUDING COMPUTERS, DIGITAL
3 DEVICES, AND COSTS ASSOCIATED WITH INTERNET CONNECTIVITY;

4 (XIII) Other expenses as they pertain to employment preparation,
5 job training, employment pursuit, EDUCATION, or job retention services
6 as determined by the director.

7 (6) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE
8 SELECTION OF, AND PAYMENTS TO, SERVICE PROVIDERS FOR SERVICES
9 PURSUANT TO THE PROGRAM ARE NOT SUBJECT TO THE "PROCUREMENT
10 CODE", ARTICLES 101 TO 112 OF TITLE 24.

11 **SECTION 4.** In Colorado Revised Statutes, 8-83-405, **amend** (2)
12 as follows:

13 **8-83-405. Reports required.** (2) ~~On or before December 1, 2021,~~
14 BEGINNING IN JANUARY 2023, the division shall ~~report~~ PROVIDE to the
15 business, labor, and technology committee of the senate and the business
16 affairs and labor committee of the house of representatives, or their
17 successor committees, ~~a comprehensive analysis~~ AN UPDATE concerning
18 the efficacy of the program DURING THE DEPARTMENT'S PRESENTATION AT
19 HEARINGS HELD PURSUANT TO THE "STATE MEASUREMENT FOR
20 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
21 GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

22 **SECTION 5.** In Colorado Revised Statutes, 8-83-406, **amend**
23 (1)(a), (1)(c), and (3) as follows:

24 **8-83-406. Employment support and job retention services**
25 **program cash fund - created.** (1) (a) The employment support and job
26 retention services program cash fund, referred to in this section as the
27 "fund", is hereby created in the state treasury. For the 2019-20 state fiscal

1 year, the general assembly shall appropriate seven hundred fifty thousand
2 dollars from the general fund to the fund. FOR THE 2022-23 STATE FISCAL
3 YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIVE HUNDRED
4 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND. FOR THE
5 2023-24 STATE FISCAL YEAR AND EACH YEAR THEREAFTER, THE GENERAL
6 ASSEMBLY SHALL APPROPRIATE MONEY FROM THE GENERAL FUND TO THE
7 FUND FOR THE PURPOSES OF THIS PART 4. ANY MONEY REMAINING IN THE
8 FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND DOES NOT
9 REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

10 (c) Money in the fund is ~~subject to annual appropriation by the~~
11 ~~general assembly~~ CONTINUOUSLY APPROPRIATED to the department for the
12 purposes of this part 4. ~~to the extent that in each fiscal year the general~~
13 ~~assembly may only appropriate up to two hundred fifty thousand dollars~~
14 ~~plus any unexpended money and interest accrued from the previous fiscal~~
15 ~~year.~~

16 (3) The division may use the money in the fund for the purposes
17 of this part 4, including administrative costs related to the program. The
18 administering entity may use money in the fund to operate the program.
19 The remainder of the money may be used only for reimbursements made
20 pursuant to section 8-83-404. ~~The director or the director's designee may~~
21 ~~expend money from the fund for the purposes of this part 4.~~

22 **SECTION 6.** In Colorado Revised Statutes, **amend** 8-83-407 as
23 follows:

24 **8-83-407. Repeal of part.** This part 4 is repealed, effective
25 ~~September 30, 2022~~ SEPTEMBER 1, 2029.

26 **SECTION 7. Effective date.** This act takes effect July 1, 2022.

27 **SECTION 8. 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, or safety.