

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0937.01 Richard Sweetman x4333

HOUSE BILL 22-1308

HOUSE SPONSORSHIP

McCormick, Amabile, Bacon, Bennett, Herod, Hooton, Lindsay, Lontine, McCluskie,
McLachlan, Michaelson Jenet, Ricks, Titone, Young

SENATE SPONSORSHIP

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House Committees

Agriculture, Livestock, & Water
Appropriations

Senate Committees

Appropriations

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE COLORADO AGRICULTURAL
102 WORKFORCE SERVICES PROGRAM IN THE DEPARTMENT OF
103 AGRICULTURE TO PROVIDE RESOURCES SPECIFIC TO
104 AGRICULTURAL EMPLOYMENT, AND, IN CONNECTION
105 THEREWITH, 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 Colorado agricultural workforce services program (program) in the department of agriculture (department) and

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.

SENATE
Amended 2nd Reading
May 6, 2022

HOUSE
3rd Reading Unamended
May 2, 2022

HOUSE
Amended 2nd Reading
April 29, 2022

requires the department to create and maintain an online resource portal for agricultural employees and employers.

The bill also creates the Colorado agricultural workplace improvement grant program (grant program) and requires the department to administer the grant program and, subject to available appropriations, award grants. The department may determine minimum eligibility requirements for grant recipients; however, the department may award grants only:

- To entities that provide services to Colorado agricultural employers or agricultural employees; and
- For the purpose of facilitating labor law compliance, improving workplaces, and providing education to agricultural employees to help them understand their legal rights.

On or before January 1, 2023, and on or before January 1 each year thereafter, the department shall submit to the agriculture, livestock, and water committee of the house of representatives and the agriculture and natural resources committee of the senate a report concerning the operations of the program, including the grant program.

For the 2022-23 state fiscal year, the general assembly must appropriate \$500,000 from the general fund to the department to implement the program, including the grant program. Any unused money does not revert to the general fund but is continuously appropriated to the department.

The grant program is repealed, effective January 1, 2026.

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 that:

4 (a) Agriculture is one of the largest and most significant economic
5 sectors in Colorado;

6 (b) Agricultural employers and agricultural employees have the
7 right to safe, dignified working conditions, and their economic needs are
8 interdependent;

9 (c) Farms and ranches must be economically viable in order to
10 offer competitive wages for their employees and spread economic success
11 within their communities and to the next generation; and

1 (d) Agricultural employees should expect fair wages that can lead
2 to healthy, safe, and prosperous lives.

3 (2) The general assembly therefore declares that the state should
4 establish a multilingual online resource portal to offer services, technical
5 assistance, training, and educational resources for agricultural employers
6 and agricultural employees in order to:

7 (a) Improve working conditions;

8 (b) Ensure compliance with, and implementation of, state and
9 federal labor laws, including newly enacted labor laws and regulations;
10 and

11 (c) Allow agricultural employees to gain an understanding of the
12 rights they are afforded.

13 ==

14 **SECTION 2.** In Colorado Revised Statutes, **add** 35-1-104.7 as
15 follows:

16 **35-1-104.7. Colorado agricultural workforce services program**
17 **- online resource portal - definitions.** (1) THE COLORADO
18 AGRICULTURAL WORKFORCE SERVICES PROGRAM IS CREATED IN THE
19 DEPARTMENT. THE PROGRAM INCLUDES THE ONLINE RESOURCE PORTAL
20 DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

21 (2) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM IN
22 ACCORDANCE WITH THIS SECTION.

23 (3) (a) AS PART OF THE PROGRAM, THE DEPARTMENT MAY
24 ESTABLISH ON ITS OFFICIAL WEBSITE A PUBLICLY AVAILABLE PAGE THAT
25 INCLUDES A PORTAL TO RESOURCES FOR USE BY AGRICULTURAL
26 EMPLOYEES AND AGRICULTURAL EMPLOYERS. THE DEPARTMENT SHALL
27 ENSURE THAT THE RESOURCES OF THE PORTAL ARE AVAILABLE IN BOTH

1 ENGLISH AND SPANISH.

2 (b) FOR THE PURPOSES OF THE ONLINE PORTAL DESCRIBED IN THIS
3 SUBSECTION (3), THE DEPARTMENT MAY CURATE VIDEO MODULES AND
4 OTHER RESOURCES TO HELP AGRICULTURAL EMPLOYERS COMPLY WITH
5 LABOR LAWS, INCLUDING THE SECTIONS SPECIFIED IN SUBSECTION
6 (3)(d)(II) OF THIS SECTION, AND HELP AGRICULTURAL EMPLOYEES
7 UNDERSTAND THE RIGHTS THEY ARE AFFORDED, INCLUDING LINKS TO
8 RELEVANT STATE AGENCIES AND NONGOVERNMENTAL ORGANIZATIONS.

9 (c) THE DEPARTMENT MAY INCLUDE IN THE ONLINE PORTAL
10 INFORMATION AND RESOURCES CONCERNING:

11 (I) AGRICULTURAL EMPLOYEE SAFETY AND WORKING CONDITIONS;

12 (II) AGRICULTURAL EMPLOYEE LABOR RIGHTS;

13 (III) MENTAL HEALTH;

14 (IV) AGRICULTURAL EMPLOYERS' LABOR REQUIREMENTS; AND

15 (V) OTHER RESOURCES FOR AGRICULTURAL EMPLOYEES OR
16 AGRICULTURAL EMPLOYERS.

17 (d) THE DEPARTMENT SHALL INCLUDE IN THE ONLINE PORTAL
18 INFORMATION REGARDING:

19 (I) A WAGE AND HOUR CALCULATOR; AND

20 (II) THE REQUIREMENTS OF SECTIONS 8-6-101.5, 8-6-120,
21 8-13.5-202, 8-13.5-203, AND 8-14.4-109.

22 (e) IN ESTABLISHING AND MAINTAINING THE ONLINE PORTAL
23 DESCRIBED IN THIS SUBSECTION (3), THE DEPARTMENT MAY CONSULT WITH
24 THE COLORADO COOPERATIVE EXTENSION SERVICE DESCRIBED IN PART 7
25 OF ARTICLE 31 OF TITLE 23.

26

27 (4) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL

1 ASSEMBLY SHALL APPROPRIATE ONE HUNDRED THOUSAND DOLLARS FROM
2 THE GENERAL FUND TO THE DEPARTMENT TO IMPLEMENT THE ONLINE
3 RESOURCE PORTAL DESCRIBED IN SUBSECTION (3) OF THIS SECTION. ANY
4 UNUSED MONEY DOES NOT REVERT TO THE GENERAL FUND BUT IS
5 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT.

6 (b) THE DEPARTMENT IS AUTHORIZED TO SEEK, SOLICIT, ACCEPT,
7 AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF THIS
8 SECTION.

9 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "AGRICULTURAL EMPLOYEE" HAS THE MEANING SET FORTH IN
12 SECTION 8-2-206 (1)(b).

13 (b) "AGRICULTURAL EMPLOYER" HAS THE MEANING SET FORTH IN
14 SECTION 8-3-104 (1).

15 ==

16 (c) "PROGRAM" MEANS THE COLORADO AGRICULTURAL
17 WORKFORCE SERVICES PROGRAM CREATED IN SUBSECTION (1) OF THIS
18 SECTION.

19 **SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal
20 year, \$100,000 is appropriated to the department of agriculture. This
21 appropriation is from the general fund. To implement this act, the
22 department may use this appropriation as follows:

23 (a) \$29,086 for use by the commissioners office and
24 administrative services for personal services, which amount is based on
25 an assumption that the office will require an additional 0.4 FTE; and

26 (b) \$70,914 for use by the agricultural markets division for the
27 agriculture workforce development program.

1 (2) For the 2022-23 state fiscal year, \$42,859 is appropriated to
2 the department of labor and employment for use by the division of labor
3 standards and statistics. This appropriation is from the general fund and
4 is based on an assumption that the division will require an additional 0.5
5 FTE. To implement this act, the division may use this appropriation for
6 program costs related to labor standards.

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2022 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.