

CHAPTER 427

GOVERNMENT - STATE

HOUSE BILL 10-1333

BY REPRESENTATIVE(S) Vigil, Todd, Apuan, Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Hulinghorst, Kagan, Kefalas, Levy, Massey, McFadyen, McKinley, Middleton, Miklosi, Pace, Peniston, Pommer, Riesberg, Ryden, Scanlan, Schafer S., Solano, Soper, Tyler, Casso, Kerr A., Labuda, Primavera, Rice, Carroll T.;
also SENATOR(S) Schwartz and Newell, Bacon, Foster, Gibbs, Morse, Shaffer B., Tochtrop.

AN ACT

CONCERNING THE CREATION OF THE GREEN JOBS COLORADO TRAINING PROGRAM IN THE OFFICE OF THE GOVERNOR, AND, IN CONNECTION THEREWITH, CREATING THE GREEN JOBS COLORADO ADVISORY COUNCIL AND THE GREEN JOBS COLORADO TRAINING FUND, AND MAKING AN APPROPRIATION.

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

SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 38.9
Green Jobs Colorado Training Program

24-38.9-101. Legislative declaration. THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT AS COLORADO CONTINUES TO EXPAND ITS NEW ENERGY ECONOMY, THE STATE MUST ENSURE THAT COLORADO CITIZENS HAVE ACCESS TO THE NECESSARY SKILLS IN ORDER TO COMPETE FOR JOBS IN THE NEW ENERGY MARKET. THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT A SKILLED WORKFORCE IS ONE OF THE MOST IMPORTANT DRIVERS IN DETERMINING THE FUTURE GLOBAL COMPETITIVENESS OF COLORADO. THEREFORE, THE GENERAL ASSEMBLY FINDS THAT THE PURPOSE OF THE GREEN JOBS COLORADO TRAINING PROGRAM IS TO MAINTAIN COLORADO'S COMPETITIVE ADVANTAGE AND ENSURE THAT FUTURE WORKFORCE SUPPLY CAN MEET THE ONCOMING DEMAND FOR GREEN JOB SKILLS IN THE NEW ENERGY ECONOMY.

24-38.9-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(1) "APPLICANT" MEANS A REGIONAL, INDUSTRY-BASED PARTNERSHIP COMPRISED OF A LEAD APPLICANT, AN OFFICIAL FROM THE AFFECTED FEDERALLY RECOGNIZED WORKFORCE DEVELOPMENT REGION, AND REPRESENTATIVES FROM ONE OR MORE OF THE FOLLOWING GROUPS:

- (a) EMPLOYERS;
- (b) EDUCATORS;
- (c) TRAINING PROVIDERS;
- (d) ECONOMIC DEVELOPMENT ORGANIZATIONS;
- (e) YOUTH CORPS; OR
- (f) OTHER GROUPS CONVENED TO ANALYZE AND SOLVE INDUSTRY-SPECIFIC WORKFORCE PROBLEMS.

(2) "COUNCIL" MEANS THE GREEN JOBS COLORADO ADVISORY COUNCIL CREATED IN SECTION 24-38.9-103.

(3) "GREEN JOBS" MEANS OCCUPATIONS OR EMPLOYMENT POSITIONS IN THE WIND, SOLAR, ENERGY EFFICIENCY, OR RENEWABLE ENERGY INDUSTRIES.

(4) "LEAD APPLICANT" MEANS A CERTIFIED TRAINING PROVIDER INCLUDING, BUT NOT LIMITED TO:

- (a) A COMMUNITY OR JUNIOR COLLEGE;
- (b) AN AREA VOCATIONAL SCHOOL AS DEFINED IN SECTION 23-60-103 (1), C.R.S., INCLUDING THE EMILY GRIFFITH OPPORTUNITY SCHOOL, THE DELTA-MONTROSE AREA VOCATIONAL SCHOOL, AND THE AURORA TECH CENTER;
- (c) THE COLORADO YOUTH CORPS, THE COLORADO YOUTH CORPS ASSOCIATION, COLORADO YOUTH CONSERVATION CORPS, VETERANS GREEN JOBS, OR THEIR SUCCESSORS; OR
- (d) AN APPRENTICESHIP PROGRAM RECOGNIZED BY THE UNITED STATES DEPARTMENT OF LABOR OFFICE OF APPRENTICESHIP, OR ITS SUCCESSOR.

(5) "LEVEL ONE AND LEVEL TWO EVALUATIONS" MEAN THE FIRST TWO LEVELS OF THE DONALD KIRKPATRICK EVALUATION MODEL. LEVEL ONE AND LEVEL TWO INCLUDE:

- (a) THE REACTION OF THE TRAINEE, INCLUDING WHAT THE TRAINEE THOUGHT AND FELT ABOUT THE TRAINING; AND
- (b) AN ANALYSIS OF THE TRAINEE'S RESULTING INCREASE IN KNOWLEDGE OR CAPABILITY.

(6) "PILOT PROGRAM" MEANS THE GREEN JOBS COLORADO TRAINING PROGRAM CREATED IN SECTION 24-38.9-105.

24-38.9-103. Green jobs Colorado advisory council - creation - appointments. (1) THERE IS HEREBY CREATED IN THE OFFICE OF THE GOVERNOR THE GREEN JOBS COLORADO ADVISORY COUNCIL.

(2) THE COUNCIL SHALL CONSIST OF SEVENTEEN MEMBERS, SEVEN OF WHOM SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, WHO SHALL APPOINT AT LEAST ONE MEMBER FROM EACH OF THE FOLLOWING: A NONPROFIT ORGANIZATION, A COMMUNITY OR JUNIOR COLLEGE, A CLEAN TECHNOLOGY INDUSTRY ASSOCIATION, A BUSINESS ORGANIZATION, AN INVESTOR-OWNED UTILITY, A RURAL ELECTRIC ASSOCIATION, AND A LABOR ORGANIZATION. THE MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR SHALL POSSESS RELEVANT EXPERIENCE RELATED TO GREEN JOBS OR GREEN JOB TRAINING. FOUR LEGISLATIVE MEMBERS OF THE COUNCIL SHALL BE APPOINTED AS FOLLOWS: ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE, ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, AND ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. THE REMAINING SIX MEMBERS SHALL BE THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE, THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE CHAIR OF THE COLORADO WORKFORCE DEVELOPMENT COUNCIL OR ITS SUCCESSOR, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, OR THEIR RESPECTIVE DESIGNEES.

(3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL APPOINT THE INITIAL NONLEGISLATIVE COUNCIL MEMBERS AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION ON OR BEFORE AUGUST 1, 2010. THE EXECUTIVE DIRECTOR SHALL APPOINT THE COUNCIL CHAIR AT THE TIME OF APPOINTMENT OF THE COUNCIL. THE NONLEGISLATIVE MEMBERS SHALL SERVE, AND THE TERMS OF THE COUNCIL MEMBERS SHALL EXPIRE, AT THE PLEASURE OF THE EXECUTIVE DIRECTOR. UPON THE EXPIRATION OF A NONLEGISLATIVE COUNCIL MEMBER'S TERM, THE MEMBER SHALL CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

(4) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL APPOINT A QUALIFIED PERSON TO FILL A VACANCY ON THE COUNCIL FOR THE REMAINDER OF ANY UNEXPIRED TERM OF A NONLEGISLATIVE MEMBER. IF THE EXECUTIVE DIRECTOR DOES NOT APPOINT A PERSON TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER THE DATE THE VACANCY OCCURS, THE COUNCIL, BY A MAJORITY VOTE, SHALL APPOINT A QUALIFIED PERSON TO FILL THE VACANCY.

(5) THE COUNCIL SHALL CONVENE ITS FIRST MEETING NO LATER THAN SEPTEMBER 1, 2010, AND SHALL MEET AT LEAST QUARTERLY THEREAFTER; EXCEPT THAT THE CHAIR, UPON PROVIDING ADEQUATE NOTICE, MAY CANCEL A MEETING IF THERE IS NO BUSINESS BEFORE THE COUNCIL. THE MEETINGS OF THE COUNCIL SHALL ALSO BE HELD UPON CALL OF THE CHAIR OR AT THE REQUEST OF AT LEAST THREE MEMBERS OF THE COUNCIL.

(6) COUNCIL MEMBERS SHALL NOT RECEIVE COMPENSATION FOR THEIR TIME NOR SHALL THEY BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THEIR OFFICIAL DUTIES, INCLUDING AN ALLOWANCE FOR MILEAGE AS PROVIDED IN SECTION 24-9-104 (2) (d).

24-38.9-104. Powers and duties of the council. (1) THE COUNCIL SHALL HAVE THE FOLLOWING POWERS, FUNCTIONS, AND DUTIES:

- (a) ADMINISTERING THE PILOT PROGRAM ESTABLISHED IN SECTION 24-38.9-105;
- (b) RECEIVING AND REVIEWING APPLICATIONS FOR GRANTS FROM APPLICANTS;
- (c) AWARDING GRANTS TO APPLICANTS WHO MEET THE CRITERIA SPECIFIED IN SECTION 24-38.9-105;
- (d) ESTABLISHING REPORTING REQUIREMENTS FOR APPLICANTS WHO ARE AWARDED GRANTS; AND
- (e) DEVELOPING PROCEDURES RELATING TO THE COUNCIL'S INTERNAL OPERATIONS.

(2) (a) IN ADDITION TO THE POWERS, FUNCTIONS, AND DUTIES SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE COUNCIL MAY COORDINATE THE ACTIVITIES OF ANY STATE DEPARTMENT, OFFICE, OR AGENCY IN SO FAR AS THOSE ACTIVITIES RELATE TO GREEN JOBS. THE COUNCIL MAY ALSO ACCUMULATE DATA RELATING TO SUCH ACTIVITIES FOR THE PURPOSE OF COORDINATION AND EFFICIENCY.

(b) UPON COMPLETION OF THE PILOT PROGRAM, THE COLORADO WORKFORCE DEVELOPMENT COUNCIL OR ITS SUCCESSOR SHALL CARRY OUT THE COORDINATION POWERS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

24-38.9-105. Green jobs Colorado training program - creation - grants - training - priority. (1) THE GREEN JOBS COLORADO TRAINING PROGRAM IS HEREBY CREATED. THE PILOT PROGRAM SHALL OFFER GRANTS TO APPLICANTS THAT FOCUS ON DEVELOPING TRAINING PROGRAMS, STRATEGIES, AND CURRICULA FOR OCCUPATIONS IN THE WIND, SOLAR, ENERGY EFFICIENCY, AND RENEWABLE ENERGY INDUSTRIES. GRANTS AWARDED TO APPLICANTS SHALL BE USED FOR EITHER THE DEVELOPMENT OF A NEW PROGRAM OR THE IMPLEMENTATION OR EXPANSION OF AN EXISTING PROGRAM. GRANTS AWARDED TO APPLICANTS MAY ALSO BE USED TO COMPLEMENT ANY EXISTING GREEN JOBS TRAINING INITIATIVES EXPERIENCING A SHORTFALL IN RESOURCES. THE PILOT PROGRAM SHALL BE SUBJECT TO REVIEW AS SPECIFIED IN SECTION 24-38.9-107.

(2) APPLICANTS FOR GRANTS SHALL SUBMIT APPLICATIONS TO THE COUNCIL. SUBMITTED APPLICATIONS SHALL:

- (a) SEEK TO PROVIDE AT LEAST ONE OF THE FOLLOWING TRAINING METHODS:
 - (1) CERTIFICATE PROGRAMS THAT MEET INDUSTRY-RECOGNIZED STANDARDS, AS DETERMINED BY THE COUNCIL, IN THE WIND, SOLAR, ENERGY EFFICIENCY, OR RENEWABLE ENERGY INDUSTRIES;

(II) ON-THE-JOB TRAINING PROGRAMS THAT COMBINE WORKPLACE TRAINING WITH RELATED INSTRUCTION BY PERSONS QUALIFIED OR LICENSED IN THE FIELD OR TRADE. SUCH TRAINING MAY INCLUDE PAID COOPERATIVE EDUCATION PROGRAMS.

(III) SKILL UPGRADING OR RETRAINING, WITH A COMMITMENT BY AN EMPLOYER OR GROUP OF EMPLOYERS TO EMPLOY A QUALIFIED INDIVIDUAL WHO SUCCESSFULLY COMPLETES THE TRAINING;

(IV) EMPLOYMENT AND TRAINING PROGRAMS THAT ARE ACCREDITED BY THE COLORADO YOUTH CORPS ASSOCIATION OR ITS SUCCESSOR SUCH AS THE COLORADO YOUTH CORPS.

(b) SEEK TO CREATE OR EXPAND PROGRAMS THAT MEET STATE- OR NATIONALLY RECOGNIZED INDUSTRY STANDARDS;

(c) ENSURE COMPLIANCE WITH ANY REPORTING REQUIREMENTS ESTABLISHED BY THE COUNCIL; AND

(d) ENSURE COMPLIANCE WITH COMPETENCY STANDARDS PURSUANT TO STATE LAW.

(3) THE COUNCIL SHALL GIVE PRIORITY TO APPLICATIONS THAT:

(a) DEMONSTRATE THE HIGH LIKELIHOOD OF JOB OFFERS TO INDIVIDUALS THAT COMPLETE A TRAINING PROGRAM; AND

(b) FOCUS ON CERTIFICATE PROGRAMS OR CURRICULA THAT TARGET LOW-INCOME ADULTS AND YOUTH, ENTRY-LEVEL OR INCUMBENT WORKERS, AND DISLOCATED WORKERS IN DECLINING INDUSTRIES.

(4) IN ADDITION TO MEETING THE APPLICATION REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, ALL APPLICANTS SHALL PLEDGE TO PROVIDE AT LEAST TWENTY PERCENT OF THE OVERALL COSTS OF A TRAINING PROGRAM, FIFTY PERCENT OF WHICH MAY BE USED FOR ANY ADMINISTRATIVE COSTS OR OTHER INDIRECT COSTS OF THE TRAINING PROGRAM. ANY FEDERAL MONEYS RECEIVED BY THE STATE AND AWARDED TO AN APPLICANT PURSUANT TO THIS ARTICLE SHALL BE USED ONLY FOR DIRECT TRAINING PROGRAM COSTS.

24-38.9-106. Funding. THE PILOT PROGRAM MAY BE FUNDED BY THE USE OF FEDERAL MONEYS RECEIVED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT FOR THE PURPOSES OF THE PILOT PROGRAM AND BY THE USE OF MONEYS FROM THE GOVERNOR'S ENERGY OFFICE.

24-38.9-107. Review of program - report to governor and legislature.

(1) UPON COMPLETION OF THE PILOT PROGRAM, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL CONDUCT AN EVALUATION OF THE PILOT PROGRAM AND SHALL REPORT THE FINDINGS TO THE GOVERNOR, THE BUSINESS AFFAIRS AND LABOR COMMITTEE IN THE HOUSE OF REPRESENTATIVES, AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE IN THE SENATE, OR ANY SUCCESSOR COMMITTEES. FOR PURPOSES OF THE REPORT TO THE LEGISLATIVE COMMITTEES, THE BUSINESS AFFAIRS AND LABOR COMMITTEE IN THE HOUSE OF

REPRESENTATIVES AND THE BUSINESS, LABOR AND TECHNOLOGY COMMITTEE IN THE SENATE MAY HOLD A JOINT HEARING.

(2) THE REPORT REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE FOLLOWING:

- (a) THE NAME AND GEOGRAPHICAL AREA OF GRANT RECIPIENTS;
- (b) THE AMOUNT OF GRANT MONEYS DISTRIBUTED TO EACH ENTITY;
- (c) THE NUMBER OF INDIVIDUALS WHO RECEIVED OR ARE RECEIVING TRAINING SERVICES UNDER THE PILOT PROGRAM;
- (d) THE DEMOGRAPHICS, AS AVAILABLE, OF THE INDIVIDUALS WHO RECEIVED OR ARE RECEIVING TRAINING SERVICES UNDER THE PILOT PROGRAM;
- (e) THE TYPE OF TRAINING SERVICES PROVIDED;
- (f) THE NAME OF THE SPECIFIC ORGANIZATION PROVIDING THE TRAINING;
- (g) LEVEL ONE AND LEVEL TWO EVALUATIONS AS DEFINED IN SECTION 24-38.9-102 (5);
- (h) THE NUMBER OF INDIVIDUALS PLACED IN FULL-TIME EMPLOYMENT AS A RESULT OF THE TRAINING AND THE LENGTH OF TIME THAT THEY HAVE BEEN EMPLOYED IN A GREEN JOB; AND
- (i) ANY RECOMMENDATIONS FOR PILOT PROGRAM IMPROVEMENT SUGGESTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(3) THE GOVERNOR, IN CONSULTATION WITH THE LEGISLATIVE COMMITTEES SPECIFIED IN SUBSECTION (1) OF THIS SECTION, SHALL REVIEW THE FINDINGS AND RECOMMENDATIONS OF THE REPORT REQUIRED BY SAID SUBSECTION (1) TO DETERMINE THE OVERALL EFFECTIVENESS OF THE PILOT PROGRAM. OVERALL EFFECTIVENESS SHALL BE BASED, AT A MINIMUM, ON REGIONAL IMPACT, THE NUMBER OF INDIVIDUALS TRAINED AND PLACED INTO EMPLOYMENT, AND THE LENGTH OF TIME EACH INDIVIDUAL WAS EMPLOYED IN A GREEN JOB.

24-38.9-108. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JUNE 30, 2012.

SECTION 2. Appropriation - adjustments to the 2010 long bill. (1) The general assembly anticipates that, for the fiscal year beginning July 1, 2010, the department of governor-lieutenant governor-state planning and budgeting, office of the governor, governor's energy office, will receive the sum of one hundred thousand dollars (\$100,000) in federal funds for the implementation of this act. Said sum shall be from funds received through the American Recovery and Reinvestment Act of 2009. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) In addition to any other appropriation, there is hereby appropriated to the department of labor and employment, division of employment and training, employment and training programs, workforce investment act, for the fiscal year beginning July 1, 2010, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department governor-lieutenant governor-state planning and budgeting out of the appropriation made in subsection (1) of this section.

(3) For the implementation of this act, the federal funds appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2010, to the department of labor and employment, division of employment and training, employment and training programs, for workforce investment act, is increased by 1.4 FTE.

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, and safety.

Approved: June 11, 2010