

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 16-0850.01 Yelana Love x2295

HOUSE BILL 16-1288

HOUSE SPONSORSHIP

Kraft-Tharp and Wist,

SENATE SPONSORSHIP

Tate and Merrifield,

House Committees

Business Affairs and Labor
Finance
Appropriations

Senate Committees

Business, Labor, & Technology
Finance

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN INDUSTRY INFRASTRUCTURE**
102 **GRANT PROGRAM WITHIN THE STATE WORK FORCE**
103 **DEVELOPMENT COUNCIL.**

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://www.leg.state.co.us/billsummaries>.)

The bill creates the industry infrastructure grant program (program) within the state work force development council (council). The council is required to work with an authorized entity to award grants to entities that develop and maintain industry competency standardization to support businesses in their implementation of work site training

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 25, 2016

HOUSE
Amended 2nd Reading
April 22, 2016

programs that are organized in conjunction with education entities.

The bill creates the industry infrastructure fund to pay for the program. The fund consists of general fund money, a donation from the authorized nonprofit entity, and any other gifts, grants, or donations that the council receives.

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

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

4 (a) Consistently, across industries and businesses of all sizes, a
5 lack of experiential learning is one of the most significant barriers to a
6 reliable supply of skilled talent ready for high-quality careers;

7 (b) Colorado has a highly educated work force; however, too
8 many of these individuals are underemployed due to a lack of on-the-job
9 training and work experience;

10 (c) To close this gap, businesses must lead the development of
11 generally accepted industry-specific competencies with which education
12 and training in schools, labs, and in-the-workplace learning can align;

13 (d) Colorado is known nationally as a leader in public-private
14 partnerships, showing that industry has acknowledged that businesses
15 must play a critical role not only in determining and defining the
16 competencies needed but also in providing opportunities for training in
17 the workplace; and

18 (e) Colorado has implemented several innovations in education
19 and work force development, which provide the foundation for this work,
20 and we can build upon that to integrate deep workplace training alongside
21 the theories taught in the classroom.

22 **SECTION 2.** In Colorado Revised Statutes, **add** part 4 to article
23 46.3 of title 24 as follows:

1 PART 4

2 INDUSTRY INFRASTRUCTURE GRANT PROGRAM

3 **24-46.3-401. Definitions.** AS USED IN THIS PART 4, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:

5 (1) (a) "ELIGIBLE NONPROFIT ENTITY" MEANS AN ENTITY THAT:

6 (I) COLLABORATES WITH THE COLORADO WORK FORCE
7 DEVELOPMENT COUNCIL TO ADMINISTER THE INDUSTRY INFRASTRUCTURE
8 GRANT PROGRAM;

9 (II) PARTNERS WITH BUSINESS ENTITIES TO ENSURE ACCESS TO
10 TRAINING OPPORTUNITIES FOR STUDENTS;

11 (III) PROVIDES SUPPORT TO INDUSTRY ASSOCIATIONS AND
12 TRAINING PARTNERS;

13 (IV) COORDINATES MULTI-INDUSTRY LEAD COMPETENCY
14 IDENTIFICATION TO INFORM THE DEVELOPMENT OF WORKPLACE LEARNING
15 CURRICULUM;

16 (V) SERVES AS A TRANSLATIONAL MEDIUM BETWEEN
17 GOVERNMENT, EDUCATION, AND BUSINESSES IN ORDER TO CREATE A
18 COMMON NOMENCLATURE; AND

19 (VI) PROVIDES DOCUMENTATION DEMONSTRATING A FUNDING
20 COMMITMENT OF AT LEAST THREE HUNDRED THOUSAND DOLLARS AND A
21 SIGNED AFFIDAVIT INDICATING THAT THE FUNDING COMMITMENT SHALL
22 BE USED FOR THE PURPOSES LISTED IN SECTION 24-46.3-403.

23 (b) "ELIGIBLE NONPROFIT ENTITY" DOES NOT INCLUDE AN
24 ORGANIZATION EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(c)
25 (4) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

26 (2) "INDUSTRY-DEFINED COMPETENCIES" MEANS THE SPECIFIC
27 KNOWLEDGE, SKILLS, AND ABILITIES THAT INDUSTRY LEADERS,

1 INCLUDING, BUT NOT LIMITED TO, EMPLOYER ASSOCIATIONS, LABOR
2 UNIONS, OR STATE AND LOCAL LABOR FEDERATIONS HAVE COLLECTIVELY
3 IDENTIFIED AS BEING CRITICAL TO A SPECIFIC OCCUPATION OR GROUP OF
4 OCCUPATIONS EFFECTIVELY. THESE COMPETENCIES ARE BOTH
5 FOUNDATIONAL AND TASK-SPECIFIC.

6 (3) "STATE COUNCIL" MEANS THE STATE WORK FORCE
7 DEVELOPMENT COUNCIL CREATED IN SECTION 24-46.3-101.

8 **24-46.3-402. Industry infrastructure grant program - creation.**

9 THE INDUSTRY INFRASTRUCTURE GRANT PROGRAM IS HEREBY
10 CREATED IN THE STATE COUNCIL. THE PURPOSE OF THE PROGRAM IS TO
11 PARTNER WITH ELIGIBLE NONPROFIT ENTITIES TO DEVELOP AND
12 MAINTAIN THE INDUSTRY COMPETENCY STANDARDIZATION NEEDED TO
13 SUPPORT BUSINESSES IN THEIR IMPLEMENTATION OF WORK SITE TRAINING
14 PROGRAMS. THE STATE COUNCIL SHALL ESTABLISH AND PUBLISH
15 GUIDELINES FOR THE ADMINISTRATION OF THE GRANT PROGRAM,
16 DISBURSEMENT OF MONEY, AND CONFIRMATION OF PRIVATE FUNDING
17 COMMITMENTS.

18
19 **24-46.3-403. Use of grant money.** (1) AN ELIGIBLE NONPROFIT
20 ENTITY MAY ONLY USE GRANT MONEY TO:

21 (a) IDENTIFY INDUSTRY-SPECIFIC STANDARDS AND ASSESSMENTS
22 FOR ACCOUNTABILITY AND IMPLEMENTATION OF COMPETENCIES WITHIN
23 WORK FORCE PROGRAMS;

24 (b) IMPLEMENT INDUSTRY-DEFINED COMPETENCIES WITHIN WORK
25 FORCE PROGRAMS;

26 (c) ASSIST BUSINESSES AND INDUSTRY ASSOCIATIONS WITH HUMAN
27 RESOURCES TRAINING AND DEVELOPMENT; AND

1 (d) COLLABORATE WITH ENTITIES TO FACILITATE TRAINING AND
2 EDUCATION BETWEEN THE CLASSROOM AND BUSINESSES.

3 **24-46.3-404. Industry infrastructure fund - creation.** (1) THE
4 INDUSTRY INFRASTRUCTURE FUND, REFERRED TO IN THIS SECTION AS THE
5 "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND
6 CONSISTS OF GIFTS, GRANTS, AND DONATIONS TO THE FUND AND ANY
7 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
8 TRANSFER TO THE FUND.

9 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
10 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
11 FUND TO THE FUND.

12 (3) STATE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED
13 TO THE STATE COUNCIL TO ADMINISTER THE INDUSTRY INFRASTRUCTURE
14 GRANT PROGRAM.

15 (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
16 AND UNENCUMBERED STATE MONEY IN THE FUND ON JULY 1, 2019, TO THE
17 GENERAL FUND.

18 (5) ON SEPTEMBER 1, 2016, AND ON SEPTEMBER 1 OF THE
19 SUBSEQUENT TWO YEARS, THE STATE TREASURER SHALL TRANSFER THREE
20 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
21 INDUSTRY INFRASTRUCTURE FUND CREATED IN THIS SECTION.

22 **24-46.3-405. Reporting.** (1) ON OR BEFORE JANUARY 1, 2017,
23 AND ON OR BEFORE JANUARY 1 OF THE NEXT THREE YEARS THEREAFTER,
24 THE STATE COUNCIL SHALL PREPARE A REPORT ON THE GRANT PROGRAM
25 THAT INCLUDES INFORMATION ON:

- 26 (a) THE ELIGIBLE NONPROFIT ENTITY, IF ANY;
- 27 (b) INDUSTRY SECTORS IDENTIFIED;

- 1 (c) A LIST OF COMPETENCIES IN EACH SECTOR; ■
2 (d) USES OF AN ELIGIBLE NONPROFIT ENTITY'S COMMITTED
3 PRIVATE FUNDING;
4 (e) THE NUMBER OF APPRENTICES IN EACH INDUSTRY THAT
5 UTILIZED THE INDUSTRY-DEFINED COMPETENCIES CREATED IN SECTION
6 24-46.3-402; AND
7 (f) ANY OTHER MEASURABLE OUTCOMES THE STATE COUNCIL
8 DEEMS APPROPRIATE. THE STATE COUNCIL SHALL INCLUDE THE REPORT IN
9 THE ANNUAL COLORADO TALENT REPORT, DESCRIBED IN SECTION
10 24-46.3-103 (3) (a).

11 **24-46.3-406. Applicability of other laws.** NOTWITHSTANDING
12 ANY OTHER LAW TO THE CONTRARY, THE WORK FORCE DEVELOPMENT
13 COUNCIL AND THE EXPENDITURE OF MONEY PURSUANT TO THIS PART 4 IS
14 NOT SUBJECT TO THE PROVISIONS OF THE "PROCUREMENT CODE",
15 ARTICLES 101 TO 112 OF THIS TITLE.

16 **24-46.3-407. Repeal.** THIS PART 4 IS REPEALED, EFFECTIVE JULY
17 1, 2021.

18 **SECTION 3.** In Colorado Revised Statutes, 24-46.3-103, **amend**
19 (3) (a) (VI) and (3) (a) (VII); and **add** (3) (a) (VIII) as follows:

20 **24-46.3-103. Key industries talent pipeline working group.**
21 (3) (a) In doing the work specified in subsection (2) of this section, the
22 state council, in partnership with the department of higher education, the
23 department of education, the department of labor and employment, and
24 the Colorado office of economic development, shall coordinate the
25 production of an annual Colorado talent report. In preparing the annual
26 Colorado talent report, the state council, the departments, and the office
27 may use previously collected data and are not required to collect new data

1 for the purposes of the report. The talent report shall:

2 (VI) Include recommendations related to advancing talent pipeline
3 and career pathways development; and

4 (VII) Include recommendations regarding the alignment and
5 consistency of data nomenclature, collection practices, and data-sharing;

6 AND

7 (VIII) INCLUDE THE REPORT REGARDING THE INDUSTRY
8 INFRASTRUCTURE GRANT PROGRAM, PREPARED AS REQUIRED BY SECTION
9 24-46.3-405.

10

11 **SECTION 4. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2016 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.