

CHAPTER 185

LABOR AND INDUSTRY

HOUSE BILL 16-1288

BY REPRESENTATIVE(S) Kraft-Tharp and Wist, Duran, Ginal, Hamner, Lebsock, Lontine, McCann, Mitsch Bush, Pettersen, Priola, Ryden, Salazar, Williams, Young, Hullinghorst, Lee, Melton, Pabon, Rosenthal; also SENATOR(S) Tate and Merrifield, Donovan, Heath, Hill, Johnston, Newell, Todd.

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

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

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

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

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

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

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

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

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

classroom.

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

PART 4
INDUSTRY INFRASTRUCTURE GRANT PROGRAM

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

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

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

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

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

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

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

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

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

(2) "INDUSTRY-DEFINED COMPETENCIES" MEANS THE SPECIFIC KNOWLEDGE, SKILLS, AND ABILITIES THAT INDUSTRY LEADERS, INCLUDING, BUT NOT LIMITED TO, EMPLOYER ASSOCIATIONS, LABOR UNIONS, OR STATE AND LOCAL LABOR FEDERATIONS HAVE COLLECTIVELY IDENTIFIED AS BEING CRITICAL TO A SPECIFIC OCCUPATION OR GROUP OF OCCUPATIONS EFFECTIVELY. THESE COMPETENCIES ARE BOTH FOUNDATIONAL AND TASK-SPECIFIC.

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

24-46.3-402. Industry infrastructure grant program - creation. THE INDUSTRY INFRASTRUCTURE GRANT PROGRAM IS HEREBY CREATED IN THE STATE COUNCIL. THE PURPOSE OF THE PROGRAM IS TO PARTNER WITH ELIGIBLE NONPROFIT ENTITIES TO DEVELOP AND MAINTAIN THE INDUSTRY COMPETENCY STANDARDIZATION NEEDED TO SUPPORT BUSINESSES IN THEIR IMPLEMENTATION OF

WORK SITE TRAINING PROGRAMS. THE STATE COUNCIL SHALL ESTABLISH AND PUBLISH GUIDELINES FOR THE ADMINISTRATION OF THE GRANT PROGRAM, DISBURSEMENT OF MONEY, AND CONFIRMATION OF PRIVATE FUNDING COMMITMENTS.

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

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

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

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

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

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

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

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

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

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

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

(a) THE ELIGIBLE NONPROFIT ENTITY, IF ANY;

(b) INDUSTRY SECTORS IDENTIFIED;

(c) A LIST OF COMPETENCIES IN EACH SECTOR;

(d) USES OF AN ELIGIBLE NONPROFIT ENTITY'S COMMITTED PRIVATE FUNDING;

(e) THE NUMBER OF APPRENTICES IN EACH INDUSTRY THAT UTILIZED THE INDUSTRY-DEFINED COMPETENCIES CREATED IN SECTION 24-46.3-402; AND

(f) ANY OTHER MEASURABLE OUTCOMES THE STATE COUNCIL DEEMS APPROPRIATE. THE STATE COUNCIL SHALL INCLUDE THE REPORT IN THE ANNUAL COLORADO TALENT REPORT, DESCRIBED IN SECTION 24-46.3-103 (3) (a).

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

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

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

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

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

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

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

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

Approved: May 20, 2016