

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0937.01 Richard Sweetman x4333

HOUSE BILL 22-1308

HOUSE SPONSORSHIP

McCormick,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Water

Senate Committees

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.

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 requires the department to create and maintain an online resource portal

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.

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 (3) The general assembly further declares that the state should
14 establish a temporary grant program to help agricultural employers
15 construct, modify, or develop infrastructure and programming for
16 workplace improvement for the benefit of agricultural employees, which
17 infrastructure and programming may concern:

18 (a) Heat stress protection;

19 (b) Acute and chronic injury prevention;

20 (c) Time-keeping equipment;

21 (d) Workforce housing improvements;

22 (e) The development of employee common areas;

23 (f) In-person training and technical assistance; and

24 (g) Other resources that help agricultural employers implement
25 recent changes to labor laws.

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

1 **35-1-104.7. Colorado agricultural workforce services program**
2 **- online resource portal - Colorado agricultural workplace**
3 **improvement grant program - rules - report - definitions - repeal.**

4 (1) THE COLORADO AGRICULTURAL WORKFORCE SERVICES PROGRAM IS
5 CREATED IN THE DEPARTMENT. THE PROGRAM CONSISTS OF:

6 (a) THE ONLINE RESOURCE PORTAL FOR AGRICULTURAL
7 EMPLOYEES AND AGRICULTURAL EMPLOYERS DESCRIBED IN SUBSECTION
8 (3) OF THIS SECTION; AND

9 (b) THE GRANT PROGRAM DESCRIBED IN SUBSECTION (4) OF THIS
10 SECTION.

11 (2) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM,
12 INCLUDING THE GRANT PROGRAM, IN ACCORDANCE WITH THIS SECTION.

13 (3) (a) AS PART OF THE PROGRAM, THE DEPARTMENT SHALL
14 ESTABLISH ON ITS OFFICIAL WEBSITE A PUBLICLY AVAILABLE PAGE THAT
15 INCLUDES A PORTAL TO RESOURCES FOR USE BY AGRICULTURAL
16 EMPLOYEES AND AGRICULTURAL EMPLOYERS. THE DEPARTMENT SHALL
17 ENSURE THAT THE RESOURCES OF THE PORTAL ARE AVAILABLE IN BOTH
18 ENGLISH AND SPANISH.

19 (b) FOR THE PURPOSES OF THE ONLINE PORTAL DESCRIBED IN THIS
20 SUBSECTION (3), THE DEPARTMENT SHALL CURATE VIDEO MODULES AND
21 OTHER RESOURCES TO HELP AGRICULTURAL EMPLOYERS COMPLY WITH
22 LABOR LAWS, INCLUDING THE SECTIONS SPECIFIED IN SUBSECTION
23 (3)(d)(II) OF THIS SECTION, AND HELP AGRICULTURAL EMPLOYEES
24 UNDERSTAND THE RIGHTS THEY ARE AFFORDED, INCLUDING LINKS TO
25 RELEVANT STATE AGENCIES AND NONGOVERNMENTAL ORGANIZATIONS.

26 (c) THE DEPARTMENT MAY INCLUDE IN THE ONLINE PORTAL
27 INFORMATION AND RESOURCES CONCERNING:

- 1 (I) AGRICULTURAL EMPLOYEE SAFETY AND WORKING CONDITIONS;
- 2 (II) AGRICULTURAL EMPLOYEE LABOR RIGHTS;
- 3 (III) MENTAL HEALTH;
- 4 (IV) AGRICULTURAL EMPLOYERS' LABOR REQUIREMENTS; AND
- 5 (V) OTHER RESOURCES FOR AGRICULTURAL EMPLOYEES OR
- 6 AGRICULTURAL EMPLOYERS.

7 (d) THE DEPARTMENT SHALL INCLUDE IN THE ONLINE PORTAL
8 INFORMATION REGARDING:

- 9 (I) A WAGE AND HOUR CALCULATOR; AND
- 10 (II) THE REQUIREMENTS OF SECTIONS 8-6-101.5, 8-6-120,
- 11 8-13.5-202, 8-13.5-203, AND 8-14.4-109.

12 (4) (a) THE COLORADO AGRICULTURAL WORKPLACE
13 IMPROVEMENT GRANT PROGRAM IS HEREBY CREATED WITHIN THE
14 DEPARTMENT TO PROVIDE GRANTS FOR THE PURPOSE OF MAKING
15 WORKPLACE IMPROVEMENTS OR IMPLEMENTING CHANGES NEEDED TO
16 COMPLY WITH LABOR AND WORKPLACE REQUIREMENTS.

17 (b) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM IN
18 ACCORDANCE WITH THIS SUBSECTION (4) AND, SUBJECT TO AVAILABLE
19 APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN THIS
20 SUBSECTION (4) OUT OF MONEY APPROPRIATED FOR THE PROGRAM.

21 (c) THE DEPARTMENT MAY DETERMINE MINIMUM ELIGIBILITY
22 REQUIREMENTS FOR GRANT RECIPIENTS; EXCEPT THAT THE DEPARTMENT
23 SHALL AWARD GRANTS ONLY:

24 (I) TO ENTITIES THAT PROVIDE SERVICES TO COLORADO
25 AGRICULTURAL EMPLOYERS OR AGRICULTURAL EMPLOYEES; AND

26 (II) FOR THE PURPOSES OF FACILITATING LABOR LAW COMPLIANCE,
27 IMPROVING WORKPLACES, AND PROVIDING EDUCATION TO AGRICULTURAL

1 EMPLOYEES TO HELP THEM UNDERSTAND THE RIGHTS THEY ARE
2 AFFORDED.

3 (d) IN AWARDING AND DECLINING TO AWARD GRANTS, THE
4 DEPARTMENT SHALL CONSIDER THE FOLLOWING CRITERIA:

5 (I) THE NUMBER OF AGRICULTURAL EMPLOYERS OR AGRICULTURAL
6 EMPLOYEES IMPACTED BY THE PROPOSED GRANT;

7 (II) THE AMOUNT OF MATCHING FUNDS, INCLUDING IN-KIND
8 MATCHES, ASSOCIATED WITH THE PROPOSED GRANT; AND

9 (III) THE GEOGRAPHIC DISTRIBUTION AND GEOGRAPHIC REACH OF
10 THE PROJECT FOR WHICH THE GRANT IS INTENDED.

11 (e) THE COMMISSIONER SHALL PROMULGATE RULES AS NECESSARY
12 TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE RULES MUST
13 SPECIFY THE MINIMUM ELIGIBILITY REQUIREMENTS FOR GRANT
14 RECIPIENTS, THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF
15 THE GRANT PROGRAM APPLICATION, AND ANY CRITERIA, IN ADDITION TO
16 THE CRITERIA DESCRIBED IN SUBSECTION (4)(d) OF THIS SECTION, THAT
17 THE DEPARTMENT USES IN AWARDING GRANTS.

18 (f) THE COMMISSIONER, OR THE COMMISSIONER'S DESIGNEE, SHALL
19 REVIEW APPLICATIONS RECEIVED PURSUANT TO THIS SUBSECTION (4).

20 (g) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1,
21 2026.

22 (5) ON OR BEFORE JANUARY 1, 2023, AND ON OR BEFORE JANUARY
23 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE
24 AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE OF THE HOUSE OF
25 REPRESENTATIVES AND THE AGRICULTURE AND NATURAL RESOURCES
26 COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, A
27 REPORT CONCERNING THE OPERATIONS OF THE PROGRAM, INCLUDING THE

1 GRANT PROGRAM, WHICH REPORT, AT A MINIMUM, INCLUDES THE
2 FOLLOWING INFORMATION CONCERNING THE GRANT PROGRAM FOR THE
3 DURATION OF THE GRANT PROGRAM:

- 4 (a) THE NUMBER OF GRANTS AWARDED IN THE PRECEDING YEAR;
- 5 (b) THE AMOUNT OF EACH GRANT; AND
- 6 (c) THE PURPOSE FOR WHICH EACH GRANT WAS AWARDED.

7 . (6) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
8 ASSEMBLY SHALL APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS FROM
9 THE GENERAL FUND TO THE DEPARTMENT TO IMPLEMENT THE PROGRAM,
10 INCLUDING THE GRANT PROGRAM. ANY UNUSED MONEY DOES NOT REVERT
11 TO THE GENERAL FUND BUT IS CONTINUOUSLY APPROPRIATED TO THE
12 DEPARTMENT.

13 (b) THE DEPARTMENT IS AUTHORIZED TO SEEK, SOLICIT, ACCEPT,
14 AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF THIS
15 SECTION.

16 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:

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

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

22 (c) "GRANT PROGRAM" MEANS THE COLORADO AGRICULTURAL
23 WORKPLACE IMPROVEMENT GRANT PROGRAM CREATED IN SUBSECTION (4)
24 OF THIS SECTION.

25 (d) "PROGRAM" MEANS THE COLORADO AGRICULTURAL
26 WORKFORCE SERVICES PROGRAM CREATED IN SUBSECTION (1) OF THIS
27 SECTION.

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