

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 22-0937.01 Richard Sweetman x4333

HOUSE BILL 22-1308

HOUSE SPONSORSHIP

McCormick,

SENATE SPONSORSHIP

Donovan,

House Committees

Agriculture, Livestock, & Water
Appropriations

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, 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.

HOUSE
Amended 2nd Reading
April 30, 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 (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 (e) IN ESTABLISHING AND MAINTAINING THE ONLINE PORTAL
13 DESCRIBED IN THIS SUBSECTION (3), THE DEPARTMENT MAY CONSULT WITH
14 THE COLORADO COOPERATIVE EXTENSION SERVICE DESCRIBED IN PART 7
15 OF ARTICLE 31 OF TITLE 23.

16 (4) (a) THE COLORADO AGRICULTURAL WORKPLACE
17 IMPROVEMENT GRANT PROGRAM IS HEREBY CREATED WITHIN THE
18 DEPARTMENT TO PROVIDE GRANTS FOR THE PURPOSE OF HELPING
19 EMPLOYERS MAKE WORKPLACE IMPROVEMENTS OR IMPLEMENT CHANGES
20 NEEDED TO COMPLY WITH LABOR AND WORKPLACE REQUIREMENTS.

21 (b) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM IN
22 ACCORDANCE WITH THIS SUBSECTION (4) AND, SUBJECT TO AVAILABLE
23 APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN THIS
24 SUBSECTION (4) OUT OF MONEY APPROPRIATED FOR THE PROGRAM.

25 (c) THE DEPARTMENT MAY DETERMINE MINIMUM ELIGIBILITY
26 REQUIREMENTS FOR GRANT RECIPIENTS; EXCEPT THAT THE DEPARTMENT
27 SHALL AWARD GRANTS ONLY:

1 (I) To:
2 (A) COLORADO AGRICULTURAL EMPLOYERS; OR
3 (B) ENTITIES THAT PROVIDE SERVICES TO COLORADO
4 AGRICULTURAL EMPLOYERS, INCLUDING RESOURCES FOR THE BENEFIT OF
5 AGRICULTURAL EMPLOYEES; AND

6 (II) FOR THE PURPOSES OF FACILITATING LABOR LAW COMPLIANCE,
7 IMPROVING WORKPLACES, AND PROVIDING EDUCATION TO AGRICULTURAL
8 EMPLOYEES TO HELP THEM UNDERSTAND THE RIGHTS THEY ARE
9 AFFORDED.

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

12 (I) THE NUMBER OF AGRICULTURAL EMPLOYERS OR AGRICULTURAL
13 EMPLOYEES IMPACTED BY THE PROPOSED GRANT;

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

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

18 (e) THE COMMISSIONER SHALL PROMULGATE RULES AS NECESSARY
19 TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE RULES MUST
20 SPECIFY THE MINIMUM ELIGIBILITY REQUIREMENTS FOR GRANT
21 RECIPIENTS, THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF
22 THE GRANT PROGRAM APPLICATION, AND ANY CRITERIA, IN ADDITION TO
23 THE CRITERIA DESCRIBED IN SUBSECTION (4)(d) OF THIS SECTION, THAT
24 THE DEPARTMENT USES IN AWARDING GRANTS.

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

27 (g) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1,

1 2026.

2 (5) ON OR BEFORE JANUARY 1, 2023, AND ON OR BEFORE JANUARY
3 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE
4 AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE OF THE HOUSE OF
5 REPRESENTATIVES AND THE AGRICULTURE AND NATURAL RESOURCES
6 COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, A
7 REPORT CONCERNING THE OPERATIONS OF THE PROGRAM, INCLUDING THE
8 GRANT PROGRAM, WHICH REPORT, AT A MINIMUM, INCLUDES THE
9 FOLLOWING INFORMATION CONCERNING THE GRANT PROGRAM FOR THE
10 DURATION OF THE GRANT PROGRAM:

11 (a) THE NUMBER OF GRANTS AWARDED IN THE PRECEDING YEAR;

12 (b) THE AMOUNT OF EACH GRANT; AND

13 (c) THE PURPOSE FOR WHICH EACH GRANT WAS AWARDED.

14 (6) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
15 ASSEMBLY SHALL APPROPRIATE TWO HUNDRED FIFTEEN THOUSAND
16 DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT TO IMPLEMENT
17 THE ONLINE RESOURCE PORTAL DESCRIBED IN SUBSECTION (3) OF THIS
18 SECTION. ANY UNUSED MONEY DOES NOT REVERT TO THE GENERAL FUND
19 BUT IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT.

20 (b) THE DEPARTMENT IS AUTHORIZED TO SEEK, SOLICIT, ACCEPT,
21 AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF THIS
22 SECTION.

23 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

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

27 (b) "AGRICULTURAL EMPLOYER" HAS THE MEANING SET FORTH IN

1 SECTION 8-3-104 (1).

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

5 (d) "PROGRAM" MEANS THE COLORADO AGRICULTURAL
6 WORKFORCE SERVICES PROGRAM CREATED IN SUBSECTION (1) OF THIS
7 SECTION.

8 **SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal
9 year, \$215,000 is appropriated to the department of agriculture. This
10 appropriation is from the general fund. To implement this act, the
11 department may use this appropriation as follows:

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

15 (b) \$185,914 for use by the agricultural markets division for the
16 agriculture workforce development program.

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

23 **SECTION 4. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly; except
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2022 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.