

## CHAPTER 368

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**AGRICULTURE**

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**HOUSE BILL 22-1308**

BY REPRESENTATIVE(S) McCormick, Amabile, Bacon, Bernett, Herod, Hooton, Lindsay, Lontine, McCluskie, McLachlan, Michaelson Jenet, Ricks, Titone, Young, Kipp, Woodrow;  
also SENATOR(S) Donovan, Fields, Hinrichsen, Jaquez Lewis, Pettersen, Rankin, Simpson, Story, Winter.

**AN ACT**

**CONCERNING THE CREATION OF THE COLORADO AGRICULTURAL WORKFORCE SERVICES PROGRAM IN THE DEPARTMENT OF AGRICULTURE TO PROVIDE RESOURCES SPECIFIC TO AGRICULTURAL EMPLOYMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds that:

(a) Agriculture is one of the largest and most significant economic sectors in Colorado;

(b) Agricultural employers and agricultural employees have the right to safe, dignified working conditions, and their economic needs are interdependent;

(c) Farms and ranches must be economically viable in order to offer competitive wages for their employees and spread economic success within their communities and to the next generation; and

(d) Agricultural employees should expect fair wages that can lead to healthy, safe, and prosperous lives.

(2) The general assembly therefore declares that the state should establish a multilingual online resource portal to offer services, technical assistance, training, and educational resources for agricultural employers and agricultural employees in order to:

(a) Improve working conditions;

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(b) Ensure compliance with, and implementation of, state and federal labor laws, including newly enacted labor laws and regulations; and

(c) Allow agricultural employees to gain an understanding of the rights they are afforded.

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

**35-1-104.7. Colorado agricultural workforce services program - online resource portal - definitions.** (1) THE COLORADO AGRICULTURAL WORKFORCE SERVICES PROGRAM IS CREATED IN THE DEPARTMENT. THE PROGRAM INCLUDES THE ONLINE RESOURCE PORTAL DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(2) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM IN ACCORDANCE WITH THIS SECTION.

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

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

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

(I) AGRICULTURAL EMPLOYEE SAFETY AND WORKING CONDITIONS;

(II) AGRICULTURAL EMPLOYEE LABOR RIGHTS;

(III) MENTAL HEALTH;

(IV) AGRICULTURAL EMPLOYERS' LABOR REQUIREMENTS; AND

(V) OTHER RESOURCES FOR AGRICULTURAL EMPLOYEES OR AGRICULTURAL EMPLOYERS.

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

(I) A WAGE AND HOUR CALCULATOR; AND

(II) THE REQUIREMENTS OF SECTIONS 8-6-101.5, 8-6-120, 8-13.5-202, 8-13.5-203,

AND 8-14.4-109.

(e) IN ESTABLISHING AND MAINTAINING THE ONLINE PORTAL DESCRIBED IN THIS SUBSECTION (3), THE DEPARTMENT MAY CONSULT WITH THE COLORADO COOPERATIVE EXTENSION SERVICE DESCRIBED IN PART 7 OF ARTICLE 31 OF TITLE 23.

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

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

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

(c) "PROGRAM" MEANS THE COLORADO AGRICULTURAL WORKFORCE SERVICES PROGRAM CREATED IN SUBSECTION (1) OF THIS SECTION.

**SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal year, \$100,000 is appropriated to the department of agriculture. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

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

(b) \$70,914 for use by the agricultural markets division for the agriculture workforce development program.

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

**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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 3, 2022