

CHAPTER 308

LABOR AND INDUSTRY

HOUSE BILL 21-1264

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AN ACT

CONCERNING THE ALLOCATION OF STATE MONEY FOR WORKFORCE DEVELOPMENT ACTIVITIES TO INCREASE THE SKILLS OF COLORADO WORKERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add 8-83-227** as follows:

8-83-227. Additional funding for workforce development activities - state funding not subject to federal law limitations. (1) THE DEPARTMENT MAY RECEIVE AND EXPEND MONEY FROM THE GENERAL FUND OR ANY OTHER STATE SOURCE APPROPRIATED BY THE GENERAL ASSEMBLY OR PASSED THROUGH ANOTHER ENTITY FOR PURPOSES OF DISTRIBUTING STATE FUNDS TO WORK FORCE DEVELOPMENT AREAS TO IMPLEMENT WORKFORCE DEVELOPMENT ACTIVITIES, INCLUDING THE FUNCTIONS, ACTIVITIES, AND SERVICES AUTHORIZED PURSUANT TO THIS PART 2.

(2) ANY LIMITATIONS OR REQUIREMENTS IMPOSED ON THE USE OF MONEY RECEIVED PURSUANT TO THE FEDERAL ACT OR THE **WAGNER-PEYSER ACT** DO NOT APPLY TO STATE MONEY APPROPRIATED OR PASSED THROUGH TO THE DEPARTMENT PURSUANT TO THIS SECTION.

(3) FOR ANY APPROPRIATION MADE BY THE GENERAL ASSEMBLY OR PASS-THROUGH OF MONEY FROM ANOTHER ENTITY PURSUANT TO THIS SECTION, THE DIVISION, IN PARTNERSHIP WITH THE STATE COUNCIL, SHALL DETERMINE THE USE OF, AND ANY LIMITATIONS ON THE USE OF, THE MONEY FOR WORKFORCE DEVELOPMENT

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.

ACTIVITIES TO ADDRESS THE ECONOMIC AND LABOR MARKET CONDITIONS.

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

(a) The COVID-19 pandemic that spread to Colorado in February of 2020 has led to extensive job losses throughout the state;

(b) The devastating effects of the COVID-19 pandemic have disproportionately impacted communities of color as well as women and low-income, senior, and disabled populations in the state;

(c) In order to assist states in recovering from the impacts the COVID-19 pandemic has had on states' economies, on March 11, 2021, the federal government enacted the "American Rescue Plan Act of 2021" (ARPA), pursuant to which Colorado will receive \$3,828,761,790 from the federal coronavirus state fiscal recovery fund to be used for certain specified purposes, including "to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality";

(d) Under the authority granted under section 602 (f) of the ARPA, the secretary of the United States treasury adopted regulations providing further guidance to states regarding the authorized uses of the money allocated to states from the federal coronavirus state fiscal recovery fund to respond to the public health emergency or its negative economic impacts, which include:

(I) Assistance to unemployed workers, including job training for individuals who want and are available for work;

(II) Aid to impacted industries to respond to the negative economic impacts of the COVID-19 public health emergency; and

(III) Programs, services, or other assistance for populations disproportionately impacted by the COVID-19 public health emergency, such as programs or services that address or mitigate the impact of the public health emergency on education;

(e) A program to award funding to work force development areas, local governments, institutions of higher education, and community-based nonprofit organizations to support reskilling, upskilling, and next-skilling workers who lost employment or have remained unemployed due to the COVID-19 public health emergency and its negative economic impacts, including providing short-term training to obtain an industry-recognized certificate and related services, that will aid unemployed workers, including those from communities disproportionately impacted by the public health emergency, and that will assist employers and nonprofit organizations working with these unemployed workers, is a program to respond to the public health emergency and its negative economic impacts on workers and industry;

(f) A program through which local work force development boards award grants

to drive innovation to build in-demand skills, connect workers and learners to quality jobs, and drive employer engagement in talent development will provide job training assistance to unemployed workers and will aid impacted industries;

(g) Likewise, statewide innovation initiatives to support employers and trade associations in developing training programs for use in multiple counties, to align statewide activities in partnership with local work force development areas for skills-based hiring and talent development, and to engage and provide support to local work force development boards and community leaders in designing and implementing statewide work force innovative initiatives are programs, services, or other assistance to respond to the public health emergency and its negative economic impacts on workers and industry;

(h) Additionally, allocating federal funding to:

(I) Postsecondary career and technical education (CTE) providers to expand CTE equipment, facility, and industry capacity in key CTE job demand areas will encourage high-wage, demand-driven training and short-term program growth to meet post-pandemic demand and will provide job training to unemployed workers, assist industries negatively impacted by the public health emergency, and address the impacts of the public health emergency on education by expanding the availability of and access to CTE programs in key job demand areas; and

(II) The adult education and literacy program established in article 10 of title 22, Colorado Revised Statutes, that provides next-level education and training to many Colorado unemployed adults will provide training to adults disproportionately impacted by the COVID-19 public health emergency for better employment outcomes.

(2) Therefore, the general assembly determines that the programs enacted under the "Investments in Reskilling, Upskilling, and Next-skilling Workers Act" and the "Work Force Innovation Act" and the allocation of federal funding to expand CTE equipment, facility, and industry capacity in key CTE job demand areas and to the adult education and literacy program are appropriate uses of the money transferred to Colorado under the federal "American Rescue Plan Act of 2021" to respond to the COVID-19 public health emergency and its negative impacts on Colorado's economy, including its workers, industries, and education systems.

SECTION 3. In Colorado Revised Statutes, **add** parts 6 and 7 to article 46.3 of title 24 as follows:

PART 6
INVESTMENTS IN RESKILLING,
UPSKILLING, AND NEXT-SKILLING WORKERS

24-46.3-601. Short title. THE SHORT TITLE OF THIS PART 6 IS THE "INVESTMENTS IN RESKILLING, UPSKILLING, AND NEXT-SKILLING WORKERS ACT".

24-46.3-602. Definitions. AS USED IN THIS PART 6 AND PART 7 OF THIS ARTICLE 46.3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AMERICAN RESCUE PLAN ACT OF 2021" OR "ARPA" MEANS THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS THE ACT MAY BE SUBSEQUENTLY AMENDED.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(3) "INCUMBENT WORKER" MEANS A WORKER WHO QUALIFIES AS AN INCUMBENT WORKER UNDER 20 CFR 680.780.

(4) "INDUSTRY-RECOGNIZED CREDENTIAL" MEANS A CREDENTIAL THROUGH A PROGRAM OR OFFERING QUALIFIED UNDER THE CAREER DEVELOPMENT SUCCESS PROGRAM PURSUANT TO SECTION 22-54-138.

(5) "NEXT-SKILLING" MEANS ACTIVITIES TO DEVELOP FUTURE-READY SKILLS NECESSARY FOR EMPLOYMENT IN THE TWENTY-FIRST CENTURY AND INCLUDES THE FOCUS AREAS OF HUMAN SKILLS, DIGITAL SKILLS, BUSINESS SKILLS, GROWTH MIND-SET, AND A LIFELONG LEARNING MIND-SET.

(6) "PROGRAM" MEANS THE INVESTMENTS IN RESKILLING, UPSKILLING, AND NEXT-SKILLING WORKERS PROGRAM CREATED IN SECTION 24-46.3-603.

(7) (a) "RESKILLING" MEANS ACTIVITIES TO:

(I) SUPPORT UNEMPLOYED AND UNDEREMPLOYED INDIVIDUALS WHO NEED OR WANT TO CHANGE INDUSTRIES IN ORDER TO RETURN TO FULL-TIME WORK OR WHO NEED OR WANT TO OBTAIN MORE APPROPRIATE WORK BASED ON THEIR SKILLS; AND

(II) HELP UNEMPLOYED AND UNDEREMPLOYED INDIVIDUALS ACHIEVE ECONOMIC SELF-SUFFICIENCY.

(b) "RESKILLING" MAY INCLUDE TECHNICAL TRAINING FOR NEW POSITIONS AND NEW CAREERS AND ENTREPRENEURIAL TRAINING FOR INDIVIDUALS WHO WISH TO PURSUE SELF-EMPLOYMENT AND BUSINESS OWNERSHIP.

(8) "SHORT-TERM TRAINING" MEANS A TRAINING PROGRAM THAT IS NOT MORE THAN THIRTEEN MONTHS IN DURATION.

(9) "STATE COUNCIL" MEANS THE STATE WORK FORCE DEVELOPMENT COUNCIL CREATED PURSUANT TO SECTION 24-46.3-101.

(10) "SUBSTANTIAL UNEMPLOYMENT" MEANS AN UNEMPLOYMENT RATE THAT IS HIGHER THAN FOUR PERCENT FOR THE STATE, AS A WHOLE, OR FOR A WORK FORCE DEVELOPMENT AREA.

(11) "UPSKILLING" MEANS ACTIVITIES TO INCREASE THE SKILL LEVELS OF AN INCUMBENT WORKER SO THE WORKER IS ABLE TO RETAIN EMPLOYMENT AND ADVANCE WITHIN A COMPANY.

(12) "WORK FORCE DEVELOPMENT AREA" HAS THE SAME MEANING AS SET FORTH IN SECTION 8-83-203 (22).

24-46.3-603. Investments in reskilling, upskilling, and next-skilling workers program - creation. (1) THE INVESTMENTS IN RESKILLING, UPSKILLING, AND NEXT-SKILLING WORKERS PROGRAM IS HEREBY CREATED AS AN INITIATIVE OF THE STATE COUNCIL AS A MEANS TO TRAIN UNEMPLOYED AND UNDEREMPLOYED COLORADANS DURING TIMES OF SUBSTANTIAL UNEMPLOYMENT. IN ANY STATE FISCAL YEAR IN WHICH MONEY IS APPROPRIATED FOR THE PROGRAM PURSUANT TO SECTION 24-46.3-604, THE STATE COUNCIL SHALL USE THE MONEY ALLOCATED TO THE PROGRAM TO SUPPORT INDIVIDUALS IN NEED OF RESKILLING, UPSKILLING, OR NEXT-SKILLING, INCLUDING PROVIDING ASSISTANCE TO ALLOW INDIVIDUALS TO ACCESS AND PARTICIPATE IN SHORT-TERM TRAINING TO OBTAIN AN INDUSTRY-RECOGNIZED CREDENTIAL. THE STATE COUNCIL MAY USE THE MONEY FOR THE FOLLOWING RESKILLING, UPSKILLING, OR NEXT-SKILLING PURPOSES:

- (a) CAREER COUNSELING;
- (b) CAREER AND ACADEMIC EXPLORATION AND PLANNING;
- (c) TUITION;
- (d) EMPLOYER-PROVIDED TRAINING;
- (e) NEEDS-BASED SERVICES;
- (f) TRANSPORTATION;
- (g) EQUIPMENT;
- (h) RETENTION SERVICES;
- (i) PROGRAM IMPLEMENTATION AND ADMINISTRATION, INCLUDING REPORTING ACTIVITIES; AND
- (j) OTHER PURPOSES DETERMINED BY THE STATE COUNCIL THAT ARE RELATED TO TRAINING UNEMPLOYED AND UNDEREMPLOYED COLORADANS DURING TIMES OF SUBSTANTIAL UNEMPLOYMENT.

(2) AN INDIVIDUAL MAY RECEIVE SUPPORT THROUGH THE PROGRAM AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION FOR UP TO THIRTEEN CONSECUTIVE MONTHS WHILE PURSUING AN INDUSTRY-RECOGNIZED CREDENTIAL. THE STATE COUNCIL, IN COLLABORATION WITH THE DEPARTMENT, SHALL DEVELOP THE ELIGIBILITY CRITERIA FOR INDIVIDUALS TO RECEIVE SUPPORT THROUGH THE PROGRAM.

(3) (a) THE STATE COUNCIL, IN COLLABORATION WITH THE DEPARTMENT, SHALL ALLOCATE THE FUNDING AVAILABLE FOR THE PROGRAM AS FOLLOWS:

(I) TWENTY MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO WORK FORCE DEVELOPMENT AREAS FOR THE PROGRAM;

(II) THREE MILLION DOLLARS FOR THE GRANT PROGRAM ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION; AND

(III) ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FOR THE DEPARTMENT FOR OUTREACH AND RECRUITMENT, PROVIDING ACCESS TO DIGITAL PLATFORMS FOR CAREER NAVIGATION, ISSUING LICENSES FOR VIRTUAL TRAINING COURSES, AND IMPLEMENTING, ADMINISTERING, AND REPORTING ON THE PROGRAM.

(b) IF, ON JUNE 30, 2022, ANY PORTION OF THE MONEY ALLOCATED TO THE DEPARTMENT PURSUANT TO SUBSECTION (3)(a)(III) OF THIS SECTION IS UNENCUMBERED AND UNEXPENDED, THE STATE COUNCIL SHALL ALLOCATE THE REMAINING MONEY IN ACCORDANCE WITH SUBSECTIONS (3)(a)(I) AND (3)(a)(II) OF THIS SECTION.

(4) (a) THE STATE COUNCIL SHALL ESTABLISH A GRANT PROGRAM TO AWARD FUNDING TO OTHER PARTNERS, INCLUDING LOCAL GOVERNMENTS, INSTITUTIONS OF HIGHER EDUCATION, AND COMMUNITY-BASED NONPROFIT ORGANIZATIONS, FOR USE IN PROVIDING THE SUPPORTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. THE RECIPIENTS OF FUNDING ARE RESPONSIBLE FOR WORKING WITH INDIVIDUALS WHO QUALIFY FOR THE PROGRAM AND ADMINISTERING AVAILABLE FUNDS TO OR ON BEHALF OF QUALIFIED INDIVIDUALS.

(b) THE STATE COUNCIL SHALL DISTRIBUTE THE FUNDING THROUGH A COMPETITIVE APPLICATION PROCESS THAT CONSIDERS THE RELATIVE NEED IN AN AREA AND THE ABILITY OF THE APPLICANT TO SUPPORT INDIVIDUALS, AS WELL AS OTHER CRITERIA THAT THE STATE COUNCIL AND THE DEPARTMENT DETERMINE ARE RELEVANT BASED ON THE ECONOMIC CONDITIONS AT THE TIME APPLICATIONS ARE BEING CONSIDERED.

24-46.3-604. Funding for program. (1) FOR THE 2021-22 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY-FIVE MILLION DOLLARS FROM THE WORKERS, EMPLOYERS, AND WORKFORCE CENTERS CASH FUND CREATED IN SECTION 24-75-231 (2)(a) TO THE DEPARTMENT FOR ALLOCATION TO THE STATE COUNCIL FOR THE PROGRAM. ANY MONEY APPROPRIATED IN THE 2021-22 STATE FISCAL YEAR THAT IS NOT ENCUMBERED OR EXPENDED AT THE END OF THAT STATE FISCAL YEAR REMAINS AVAILABLE FOR EXPENDITURE BY THE STATE COUNCIL IN SUBSEQUENT STATE FISCAL YEARS WITHOUT FURTHER APPROPRIATION, SUBJECT TO THE REQUIREMENTS FOR OBLIGATING AND EXPENDING MONEY RECEIVED UNDER THE ARPA AS SPECIFIED IN SECTION 24-75-226 (4)(d).

(2) THE STATE COUNCIL SHALL USE THE MONEY APPROPRIATED PURSUANT TO THIS SECTION FOR THE PURPOSES SPECIFIED IN SECTION 24-46.3-603 AND SHALL ALLOCATE THE MONEY AS SPECIFIED IN THAT SECTION.

(3) NEITHER THE DEPARTMENT NOR THE STATE COUNCIL SHALL USE MONEY APPROPRIATED PURSUANT TO THIS SECTION TO ADD PERMANENT FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OR THE STATE COUNCIL.

(4) THE STATE COUNCIL SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 24-75-226 (4) AND (5) REGARDING THE OBLIGATION, EXPENDITURE, AND TRACKING OF MONEY ALLOCATED TO THE STATE COUNCIL PURSUANT TO THIS SECTION.

24-46.3-605. Reports. (1) IN DECEMBER 2022 AND EACH DECEMBER THEREAFTER THROUGH DECEMBER 2026, THE STATE COUNCIL SHALL REPORT ON THE

ACTIVITIES AND OUTCOMES RESULTING FROM THE PROGRAM IN THE PRIOR STATE FISCAL YEAR AS PART OF THE ANNUAL COLORADO TALENT REPORT PREPARED PURSUANT TO SECTION 24-46.3-103 (3). THE STATE COUNCIL SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 24-75-226 (5) REGARDING REPORTING ON MONEY ALLOCATED TO THE STATE COUNCIL PURSUANT TO SECTION 24-46.3-604.

(2) EACH APPLICANT THAT RECEIVES FUNDING UNDER THE PROGRAM SHALL REPORT TO THE STATE COUNCIL ON THE MEASURABLE OUTCOMES ACHIEVED, INCLUDING THE NUMBER OF PARTICIPANTS SERVED, THE NUMBER OF SHORT-TERM TRAINING PROGRAMS COMPLETED, AND ANY OTHER INFORMATION THAT THE STATE COUNCIL DETERMINES APPROPRIATE TO DEMONSTRATE THE SUCCESS OF THE GRANT.

24-46.3-606. Repeal of part. THIS PART 6 IS REPEALED, EFFECTIVE JULY 1, 2027.

PART 7 WORK FORCE INNOVATION ACT

24-46.3-701. Short title. THE SHORT TITLE OF THIS PART 7 IS THE "WORK FORCE INNOVATION ACT".

24-46.3-702. Definitions. AS USED IN THIS PART 7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADULT EDUCATION PROGRAM" HAS THE SAME MEANING AS "ADULT EDUCATION AND LITERACY PROGRAMS", AS DEFINED IN SECTION 22-10-103 (1).

(2) "APPRENTICESHIP SPONSOR" MEANS AN EMPLOYER, ASSOCIATION, COMMITTEE, OR ORGANIZATION THAT OPERATES AN APPRENTICESHIP PROGRAM REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR.

(3) "COLORADO WORK FORCE CENTER" MEANS AN AMERICAN JOBS CENTER ESTABLISHED PURSUANT TO THE FEDERAL "WORKFORCE INVESTMENT ACT OF 1998", 29 U.S.C. SEC. 2801 ET SEQ., AND REAUTHORIZED IN THE FEDERAL "WORKFORCE INNOVATION AND OPPORTUNITIES ACT OF 2014", PUB.L. 113-128, THAT IS OPERATING IN COLORADO AND OFFERS TRAINING REFERRALS, CAREER COUNSELING, JOB LISTINGS, AND SIMILAR EMPLOYMENT-RELATED SERVICES.

(4) "CONNECTING COLORADO DATABASE" MEANS THE LABOR EXCHANGE SYSTEM ADMINISTERED BY THE DEPARTMENT TO CONNECT INDIVIDUALS TO JOBS AND TO MANAGE DATA AND PRODUCE REPORTS REQUIRED BY THE UNITED STATES DEPARTMENT OF LABOR.

(5) "COVID-19" MEANS THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2.

(6) "COVID-19 PUBLIC HEALTH EMERGENCY" OR "PUBLIC HEALTH EMERGENCY" MEANS THE PERIOD BEGINNING ON JANUARY 1, 2020, AND EXTENDING UNTIL THE TERMINATION OF THE NATIONAL EMERGENCY CONCERNING THE COVID-19 OUTBREAK DECLARED PURSUANT TO THE FEDERAL "NATIONAL EMERGENCIES ACT", 50 U.S.C. SEC. 1601 ET SEQ.

(7) "ECONOMIC DEVELOPMENT CORPORATION" MEANS AN ORGANIZATION WHOSE MISSION IS TO PROMOTE ECONOMIC DEVELOPMENT WITHIN A SPECIFIC GEOGRAPHICAL AREA.

(8) "ELIGIBLE APPLICANT" MEANS:

(a) A PUBLIC OR PRIVATE SECTOR EMPLOYER, EMPLOYER ORGANIZATION, OR TRADE ASSOCIATION;

(b) AN APPRENTICESHIP SPONSOR;

(c) A COMMUNITY-BASED ORGANIZATION;

(d) A COLORADO WORK FORCE CENTER; OR

(e) A SECTOR PARTNERSHIP RECOGNIZED BY THE STATE COUNCIL.

(9) "LOCAL EDUCATION PROVIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-20.5-102 (4).

(10) "PROPRIETARY TRAINING PROVIDER" MEANS A TRAINING PROGRAM OPERATED BY THE PRIVATE SECTOR.

(11) "SECTOR PARTNERSHIP" MEANS AN INDUSTRY-SPECIFIC, REGIONAL PARTNERSHIP LED BY BUSINESS IN PARTNERSHIP WITH ECONOMIC DEVELOPMENT, EDUCATION, AND WORK FORCE DEVELOPMENT ENTITIES.

(12) "STATEWIDE WORK FORCE INNOVATION INITIATIVE" MEANS A STATEWIDE ACTIVITY DEVELOPED PURSUANT TO SECTION 24-46.3-705.

(13) "SUBAPPLICANT" MEANS:

(a) AN INSTITUTION OF HIGHER EDUCATION;

(b) A PUBLIC LIBRARY;

(c) A LOCAL EDUCATION PROVIDER;

(d) AN ADULT EDUCATION PROGRAM;

(e) A PROPRIETARY TRAINING PROVIDER;

(f) AN ECONOMIC DEVELOPMENT CORPORATION; OR

(g) A NONPROFIT ORGANIZATION.

(14) "WORK FORCE DEVELOPMENT BOARD" HAS THE SAME MEANING AS SET FORTH IN SECTION 8-83-203 (23).

(15) "WORK FORCE INNOVATION GRANT PROGRAM" OR "GRANT PROGRAM" MEANS THE WORK FORCE INNOVATION GRANT PROGRAM CREATED IN SECTION 24-46.3-704.

24-46.3-703. Funding for work force innovation - grant program - statewide initiatives - allocation of ARPA money. (1) FOR THE 2021-22 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THIRTY-FIVE MILLION DOLLARS FROM THE WORKERS, EMPLOYERS, AND WORKFORCE CENTERS CASH FUND CREATED IN SECTION 24-75-231 (2)(a) TO THE DEPARTMENT FOR ALLOCATION TO THE STATE COUNCIL FOR THE FOLLOWING PURPOSES:

(a) SEVENTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS FOR ALLOCATION TO WORK FORCE DEVELOPMENT BOARDS FOR THE WORK FORCE INNOVATION GRANT PROGRAM AND PURPOSES SPECIFIED IN SECTION 24-46.3-704 (1)(b); EXCEPT THAT A WORK FORCE DEVELOPMENT BOARD SHALL RETURN TO THE STATE COUNCIL ANY MONEY ALLOCATED TO AND NOT EXPENDED OR OBLIGATED BY THE WORK FORCE DEVELOPMENT BOARD BY JANUARY 1, 2024; AND

(b) SEVENTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS, PLUS ANY AMOUNT RETURNED TO THE STATE COUNCIL PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, FOR STATEWIDE WORK FORCE INNOVATION INITIATIVES.

(2) THE STATE COUNCIL AND DEPARTMENT MAY USE UP TO TWELVE PERCENT OF THE AMOUNT APPROPRIATED PURSUANT TO THIS SECTION FOR COSTS ASSOCIATED WITH IMPLEMENTING AND ADMINISTERING THIS PART 7 AND FOR THE EVALUATION ACTIVITIES REQUIRED PURSUANT TO SECTION 24-46.3-706.

(3) ANY MONEY APPROPRIATED PURSUANT TO THIS SECTION THAT IS NOT EXPENDED OR ENCUMBERED AT THE END OF THE 2021-22 STATE FISCAL YEAR REMAINS AVAILABLE FOR EXPENDITURE IN SUBSEQUENT FISCAL YEARS WITHOUT FURTHER APPROPRIATION, SUBJECT TO THE REQUIREMENTS FOR OBLIGATING AND EXPENDING MONEY RECEIVED UNDER THE ARPA AS SPECIFIED IN SECTION 24-75-226 (4)(d).

(4) THE STATE COUNCIL SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 24-75-226 (4) AND (5) REGARDING THE OBLIGATION, EXPENDITURE, AND TRACKING OF AND REPORTING ON THE USE OF ANY ARPA MONEY ALLOCATED TO THE STATE COUNCIL PURSUANT TO THIS SECTION.

24-46.3-704. Work force innovation grant program - creation - local boards to administer - eligibility for grants - use of grants - grant proposal requirements - other innovation activities performed by local boards - reporting to statewide database. (1) (a) THE WORK FORCE INNOVATION GRANT PROGRAM IS HEREBY CREATED FOR THE PURPOSE OF PROMOTING INNOVATION IN ORDER TO IMPROVE OUTCOMES FOR LEARNERS AND WORKERS, INCLUDING UNDERSERVED POPULATIONS, BY PROMOTING PARTNERSHIPS AND HELPING PREPARE COLORADANS FOR WELL-PAYING, QUALITY JOBS. THE STATE COUNCIL SHALL ADMINISTER THE PROGRAM AND SHALL DISTRIBUTE THE MONEY ALLOCATED TO THE PROGRAM PURSUANT TO SECTION 24-46.3-703 (1)(a) TO WORK FORCE DEVELOPMENT BOARDS BASED ON A FORMULA THAT CONSIDERS THE FOLLOWING FACTORS IN EACH WORK FORCE DEVELOPMENT AREA:

(I) THE SHARE OF UNEMPLOYMENT CLAIMS;

(II) THE TOTAL JOBS LOST AND THE TOTAL JOBS LOST IN THE INDUSTRIES MOST

IMPACTED BY THE PUBLIC HEALTH EMERGENCY; AND

(III) OTHER FACTORS DETERMINED BY THE STATE COUNCIL.

(b) (I) THE WORK FORCE DEVELOPMENT BOARDS SHALL USE THE MONEY DISTRIBUTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION:

(A) TO AWARD GRANTS TO ELIGIBLE APPLICANTS THROUGH A COMPETITIVE PROCESS, CONSISTENT WITH SUBSECTIONS (2) AND (3) OF THIS SECTION;

(B) FOR OUTCOMES-BASED OR PAY-FOR-PERFORMANCE CONTRACTS WITH GRANT RECIPIENTS, CONSISTENT WITH SUBSECTIONS (2) AND (3) OF THIS SECTION;

(C) FOR NEW PROGRAM DEVELOPMENT;

(D) TO EXPAND ACCESS TO EXISTING PROGRAMS;

(E) FOR OUTREACH AND ENGAGEMENT, ESPECIALLY TO MARGINALIZED OR DISPROPORTIONATELY IMPACTED POPULATIONS; AND

(F) FOR CAREER COACHING AND NAVIGATION FOR INDIVIDUALS.

(II) WORK FORCE DEVELOPMENT BOARDS MAY USE UP TO TEN PERCENT OF THE MONEY DISTRIBUTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION FOR ADMINISTRATIVE COSTS ASSOCIATED WITH PERFORMING THE ACTIVITIES SPECIFIED IN SUBSECTION (1)(b)(I) OF THIS SECTION.

(2) (a) AN APPLICANT FOR A GRANT FROM A WORK FORCE DEVELOPMENT BOARD:

(I) MUST DEMONSTRATE THAT THE APPLICANT IS AN ELIGIBLE APPLICANT;

(II) MAY APPLY FOR A GRANT IN PARTNERSHIP WITH ONE OR MORE SUBAPPLICANTS; AND

(III) IS ENCOURAGED TO APPLY FOR A GRANT WITH PARTNERS IN ORDER TO SUPPORT TRANSFORMATIVE STRATEGIES FOCUSED ON SYSTEMIC ALIGNMENT WITH COLORADO WORK FORCE CENTERS.

(b) IF APPLYING WITH ONE OR MORE SUBAPPLICANTS, AN APPLICANT MUST IDENTIFY THE SPECIFIC ROLE EACH SUBAPPLICANT WILL SERVE AND THE REASON WHY THE APPLICANT AND SUBAPPLICANT HAVE PARTNERED IN THE APPLICATION, INCLUDING HOW THE LEAD APPLICANT WILL DISTRIBUTE MONEY TO SUBAPPLICANTS AND WHAT AMOUNTS WOULD BE SHARED AMONG THE APPLICANT AND SUBAPPLICANTS.

(c) THE WORK FORCE DEVELOPMENT BOARDS MAY PARTNER WITH EACH OTHER TO ADMINISTER GRANTS.

(d) ALL GRANTS AWARDED PURSUANT TO THIS SECTION MUST BE OBLIGATED BY DECEMBER 31, 2024, AND EXPENDED BY DECEMBER 31, 2026.

(3) THE WORK FORCE DEVELOPMENT BOARDS SHALL AWARD GRANTS TO ELIGIBLE APPLICANTS APPLYING FOR GRANTS FOR PROPOSALS THAT WILL BUILD IN-DEMAND SKILLS, CONNECT WORKERS AND LEARNERS TO QUALITY JOBS, AND DRIVE EMPLOYER ENGAGEMENT IN TALENT DEVELOPMENT IN ANY OF THE FOLLOWING AREAS:

(a) SUPPORTING WORK-BASED LEARNING, SKILL DEVELOPMENT, TRAINING COMPLETION, AND QUALITY JOB PLACEMENT THROUGH THE FOLLOWING:

(I) PROVIDING QUALITY EDUCATION AND TRAINING FOR RESKILLING, UPSKILLING, AND NEXT-SKILLING INDIVIDUALS WHO ARE IN COVID-19-IMPACTED HOUSEHOLDS AND UNDERSERVED POPULATIONS THAT WERE DISPROPORTIONATELY IMPACTED BY THE COVID-19 PUBLIC HEALTH EMERGENCY, WHICH MAY INCLUDE ENTREPRENEURSHIP; DIGITAL LITERACY AND INCLUSION ACTIVITIES; WORK FORCE READINESS; ON-THE-JOB TRAINING; SHORT-TERM, IN-DEMAND CREDENTIALS; OR APPRENTICESHIPS;

(II) BUILDING ACCOUNTABLE PARTNERSHIPS AND SYSTEMS TO DRAMATICALLY IMPROVE OUTCOMES OR DECREASE COSTS FOR WORKERS AND LEARNERS TO ACCESS QUALITY EDUCATION AND TRAINING;

(III) PROVIDING SUPPORTIVE SERVICES AND EQUIPMENT TO WORKERS AND LEARNERS WITH BARRIERS TO ACCESSING EDUCATION, TRAINING, AND JOB PLACEMENT;

(IV) INCREASING ACCESS TO CAREER COUNSELING AND NAVIGATION PROGRAMS FOR IN-SCHOOL AND OUT-OF-SCHOOL WORKERS AND LEARNERS;

(V) DEVELOPING NEW, WORK-BASED LEARNING PROGRAMS IN PARTNERSHIP WITH EMPLOYERS; OR

(VI) INCREASING ACCESS TO ENGLISH-AS-A-SECOND-LANGUAGE AND OTHER CAREER READINESS PROGRAMS THAT ENABLE EQUITABLE ACCESS AND INTEGRATION;

(b) SUPPORTING EMPLOYERS AND SMALL BUSINESSES TO MITIGATE FINANCIAL HARDSHIPS RESULTING FROM THE PUBLIC HEALTH EMERGENCY OR PROVIDING GREATER OPPORTUNITIES FOR COMMUNITIES DISPROPORTIONATELY AFFECTED BY COVID-19 TO ENGAGE IN TALENT DEVELOPMENT THROUGH THE FOLLOWING:

(I) INCREASING ADOPTION OF SKILLS-BASED PRACTICES, INCLUDING INCENTIVIZING NEW SKILLS-BASED HIRES;

(II) DEVELOPING OR EXPANDING INCUMBENT WORKER TRAINING AND WORK-BASED LEARNING PROGRAMS IN PARTNERSHIP WITH COLORADO WORK FORCE CENTERS, TRAINING PROVIDERS, COMMUNITY-BASED ORGANIZATIONS, LOCAL EDUCATION PROVIDERS, AND INSTITUTIONS OF HIGHER EDUCATION; OR

(III) BUILDING NEW INTERNAL PATHWAYS FOR EXISTING EMPLOYEES; AND

(c) INCREASING PARTICIPATION BY UNDERSERVED COMMUNITIES, INCLUDING BLACK, INDIGENOUS, AND PEOPLE OF COLOR, PEOPLE WITH DISABILITIES, NEW AMERICANS, EX-OFFENDERS, AND OLDER WORKERS, THROUGH THE FOLLOWING:

(I) ADOPTING FOCUSED OUTREACH STRATEGIES SPECIFIC TO UNDERSERVED COMMUNITIES;

(II) INCREASING PARTNERSHIP WITH COMMUNITY-BASED ORGANIZATIONS THAT SERVE THESE POPULATIONS IN ORDER TO SUPPORT EXISTING TRUSTED MESSENGERS THAT CAN ENHANCE OUTREACH; OR

(III) IMPROVING LANGUAGE ACCESS, TO INCLUDE AMERICAN SIGN LANGUAGE, TO ENSURE OUTREACH AND PARTICIPATION.

(4) AN APPLICANT SHOULD ADDRESS THE FOLLOWING IN ITS PROJECT PROPOSAL:

(a) THE NEED FOR THE PROJECT, SPECIFYING HOW AND WHY THE PROJECT IS DESIGNED TO MEET THE NEED BASED ON DATA AND EVIDENCE;

(b) THE PROPOSED IMPACT OF THE PROJECT, INCLUDING HOW THE PROJECT WILL IMPROVE OUTCOMES FOR WORKERS AND STUDENTS OR INCREASE EMPLOYER ENGAGEMENT;

(c) THE PARTNERSHIPS FOSTERED BY THE PROJECT, INCLUDING THE DEGREE TO WHICH THE PROJECT HAS SUPPORT FROM COMMUNITY-BASED ORGANIZATIONS SUCH AS LOCAL CHAMBERS OF COMMERCE, NONPROFIT ORGANIZATIONS, BUSINESSES, OR FAITH-BASED ORGANIZATIONS;

(d) THE SUSTAINABILITY OF THE PROJECT, SPECIFYING HOW THE PROJECT WILL CONTINUE AFTER THE GRANT TERM EXPIRES;

(e) THE GOVERNANCE OF THE PROJECT, SPECIFYING HOW THE PROJECT WILL ENSURE APPROPRIATE ADMINISTRATION, MONITORING, REPORTING, AND COMPLIANCE FOR THE GRANT;

(f) THE INNOVATION OF THE PROJECT, SPECIFYING HOW THE PROJECT SUPPORTS INNOVATIVE, LOCALLY DRIVEN SOLUTIONS TO RESPOND TO COMMUNITY NEEDS; AND

(g) THE EQUITY OF THE PROJECT, SPECIFYING HOW THE PROJECT WILL IMPROVE EDUCATION AND ECONOMIC OUTCOMES FOR UNDERSERVED POPULATIONS OR COMMUNITIES.

(5) EACH WORK FORCE DEVELOPMENT BOARD THAT AWARDS GRANTS TO ELIGIBLE APPLICANTS PURSUANT TO THIS SECTION SHALL REPORT INFORMATION AS REQUIRED BY SECTION 24-46.3-706 TO THE CONNECTING COLORADO DATABASE TO TRACK PARTICIPANTS AND FACILITATE AN EVALUATION OF THE GRANT RECIPIENT'S USE OF THE GRANT AWARD AND THE OUTCOMES ACHIEVED.

(6) EACH ELIGIBLE APPLICANT THAT RECEIVES A GRANT PURSUANT TO THIS SECTION SHALL COMPLY WITH ANY REPORTING REQUIREMENTS AS DETERMINED BY THE STATE CONTROLLER PURSUANT TO SECTION 24-75-226.

24-46.3-705. Statewide work force innovation initiatives - development - stakeholder process - distribution of money for initiatives. (1) THE STATE COUNCIL SHALL USE THE MONEY ALLOCATED PURSUANT TO SECTION 24-46.3-703

(1)(b) FOR STATEWIDE WORK FORCE INNOVATION INITIATIVES DESIGNED TO PERFORM THE ACTIVITIES SPECIFIED IN SUBSECTION (2) OF THIS SECTION TO ADDRESS THE NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY.

(2) THE STATE COUNCIL SHALL CONDUCT A STAKEHOLDER PROCESS TO ENGAGE WORK FORCE DEVELOPMENT BOARDS AND COMMUNITY LEADERS IN THE DESIGN OF STATEWIDE INITIATIVES, WHICH MAY INCLUDE THE FOLLOWING ACTIVITIES:

(a) SUPPORTING EMPLOYERS AND TRADE ASSOCIATIONS THAT OPERATE IN MULTIPLE COUNTIES IN DEVELOPING TRAINING PROGRAMS;

(b) MANAGING ALIGNMENT OF STATEWIDE ACTIVITIES IN PARTNERSHIP WITH WORK FORCE DEVELOPMENT AREAS FOR SKILLS-BASED HIRING AND TALENT DEVELOPMENT ACTIVITIES;

(c) CAPACITY BUILDING AND TECHNICAL ASSISTANCE ACTIVITIES, SUCH AS STAFF OR CONTRACTORS TO SUPPORT THE ADMINISTRATION OF LOCAL COMPETITIONS AND RELATED ACTIVITIES AND CONTRACTING WITH LOCAL OR NATIONAL EXPERTS ON EVIDENCE-BASED POLICY, RESULTS-BASED CONTRACTING, RIGOROUS EVALUATION DESIGN, AND IMPLEMENTATION SCIENCE;

(d) CAPACITY BUILDING AND TECHNICAL ASSISTANCE FOR COMMUNITY-BASED ORGANIZATIONS TO INCREASE KNOWLEDGE AND UNDERSTANDING OF WORK FORCE PROGRAMMING;

(e) TESTING SIMILAR PROGRAMS IN MULTIPLE LOCATIONS TO ASSESS WHAT WORKS SO THAT SUCCESSFUL PRACTICES USED IN SPECIFIC LOCATIONS CAN BE SCALED OR REPLICATED IN OTHER LOCATIONS;

(f) EXECUTING AND MANAGING CONTRACTS WITH EXTERNAL EVALUATORS IN ACCORDANCE WITH SECTION 24-46.3-706;

(g) PERFORMING MONITORING AND COMPLIANCE ACTIVITIES NECESSARY TO DEMONSTRATE FISCAL INTEGRITY; AND

(h) CONDUCTING OUTREACH AND COMMUNICATION CAMPAIGNS TO REACH COLORADANS, INCLUDING UNDERSERVED AND DISPROPORTIONATELY IMPACTED POPULATIONS, WHO MAY BENEFIT FROM AVAILABLE PROGRAMS.

(3) (a) THE STATE COUNCIL SHALL DISTRIBUTE MONEY IN ACCORDANCE WITH STATE AND FEDERAL PROCUREMENT GUIDELINES FOR STATEWIDE WORK FORCE INNOVATION INITIATIVES DEVELOPED PURSUANT TO THIS SECTION THAT WILL PERFORM ACTIVITIES SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

(b) ANY PERSON THAT RECEIVES MONEY FOR A STATEWIDE WORK FORCE INNOVATION INITIATIVE PURSUANT TO THIS SECTION SHALL:

(I) REPORT INFORMATION AS REQUIRED BY SECTION 24-46.3-706 TO THE CONNECTING COLORADO DATABASE TO FACILITATE AN EVALUATION OF THE ACTIVITIES AND THE OUTCOMES ACHIEVED; AND

(II) COMPLY WITH ANY REPORTING REQUIREMENTS AS DETERMINED BY THE STATE CONTROLLER PURSUANT TO SECTION 24-75-226.

24-46.3-706. Evaluation - grant-funded projects and programs - statewide innovation initiatives. (1) THE STATE COUNCIL SHALL CONDUCT OR FACILITATE AN EVALUATION OF ALL PROGRAMS, PROJECTS, AND INITIATIVES FUNDED PURSUANT TO THIS PART 7 ON EITHER A STATEWIDE LEVEL OR WORK FORCE DEVELOPMENT AREA LEVEL.

(2) ANY WORK FORCE DEVELOPMENT BOARD OR PERSON THAT RECEIVES MONEY OR A GRANT PURSUANT TO SECTION 24-46.3-704 OR 24-46.3-705 MUST USE THE CONNECTING COLORADO DATABASE TO REPORT INFORMATION ABOUT HOW THE RECIPIENT USED THE MONEY, THE OUTCOMES ACHIEVED, AND ANY OTHER INFORMATION NECESSARY TO FACILITATE THE EVALUATION REQUIRED BY THIS SECTION.

(3) IN ADDITION TO THE REQUIREMENTS OF SECTION 24-75-226 (5), PROGRAMS, PROJECTS, AND INITIATIVES FUNDED PURSUANT TO THIS PART 7 MUST BE EVALUATED TO:

(a) DETERMINE WHETHER THE PROGRAM, PROJECT, OR INITIATIVE DEMONSTRATES AN IMPACT ON WORK FORCE DEVELOPMENT AND INNOVATION IN THE FOLLOWING AREAS:

- (I) SKILL OR COMPETENCY ATTAINMENT;
- (II) INDUSTRY-RECOGNIZED CREDENTIAL ATTAINMENT;
- (III) GRADUATION OR CREDENTIAL ATTAINMENT RATES;
- (IV) JOB PLACEMENT; AND
- (V) JOB QUALITY;

(b) SPECIFY THE PERCENTAGE OF MONEY THAT WAS ALLOCATED, DISTRIBUTED, OR AWARDED TO INSTITUTIONS OF HIGHER EDUCATION THROUGH SCHOLARSHIPS OR OTHER MECHANISMS.

24-46.3-707. Repeal of part. THIS PART 7 IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 4. In Colorado Revised Statutes, **add** 24-75-231 as follows:

24-75-231. Workers, employers, and workforce centers cash fund - creation - allowable uses - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AMERICAN RESCUE PLAN ACT OF 2021" MEANS THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS THE ACT MAY BE SUBSEQUENTLY AMENDED.

(b) "COVID-19" MEANS THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE

ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2.

(c) "COVID-19 PUBLIC HEALTH EMERGENCY" OR "PUBLIC HEALTH EMERGENCY" MEANS THE PERIOD BEGINNING ON JANUARY 1, 2020, AND EXTENDING UNTIL THE TERMINATION OF THE NATIONAL EMERGENCY CONCERNING THE COVID-19 OUTBREAK DECLARED PURSUANT TO THE FEDERAL "NATIONAL EMERGENCIES ACT", 50 U.S.C. SEC. 1601 ET SEQ.

(d) "DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT IDENTIFIED IN SECTION 24-1-110 AND THE JUDICIAL DEPARTMENT. THE TERM ALSO INCLUDES THE OFFICE OF THE GOVERNOR, INCLUDING ANY OFFICES CREATED THEREIN.

(e) "FUND" MEANS THE WORKERS, EMPLOYERS, AND WORKFORCE CENTERS CASH FUND CREATED IN SUBSECTION (2)(a) OF THIS SECTION OR AN IDENTICAL COMPANION FUND CREATED BY OPERATION OF SECTION 24-75-226 (4)(c).

(2) (a) THE WORKERS, EMPLOYERS, AND WORKFORCE CENTERS CASH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND IN ACCORDANCE WITH SUBSECTION (2)(b) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. TO RESPOND TO THE PUBLIC HEALTH EMERGENCY OR ITS NEGATIVE ECONOMIC IMPACTS, THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE FUND TO RESPOND TO THE NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY, INCLUDING FOR THE FOLLOWING PURPOSES:

(I) TO PROVIDE ASSISTANCE TO UNEMPLOYED WORKERS, INCLUDING JOB TRAINING FOR INDIVIDUALS WHO WANT TO AND ARE AVAILABLE FOR WORK;

(II) TO PROVIDE ASSISTANCE TO HOUSEHOLDS;

(III) FOR PROGRAMS, SERVICES, OR OTHER ASSISTANCE FOR POPULATIONS DISPROPORTIONATELY IMPACTED BY THE COVID-19 PUBLIC HEALTH EMERGENCY, SUCH AS PROGRAMS OR SERVICES THAT ADDRESS OR MITIGATE THE IMPACTS OF THE PUBLIC HEALTH EMERGENCY ON EDUCATION;

(IV) TO PROVIDE AID TO IMPACTED INDUSTRIES, SMALL BUSINESSES, AND NONPROFIT ORGANIZATIONS TO RESPOND TO THE NEGATIVE ECONOMIC IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY THROUGH THE PROVISION OF RELATED EDUCATIONAL AND JOB TRAINING SERVICES; AND

(V) FOR ADMINISTRATIVE COSTS RELATED TO THE PURPOSES SPECIFIED IN SUBSECTIONS (2)(a)(I) TO (2)(a)(IV) OF THIS SECTION.

(b) (I) THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2)(b)(I), THE STATE TREASURER SHALL TRANSFER:

(A) TWO HUNDRED MILLION DOLLARS FROM THE "AMERICAN RESCUE PLAN ACT OF 2021" CASH FUND CREATED IN SECTION 24-75-226 TO THE FUND; AND

(B) TWENTY-FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

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

(3) A DEPARTMENT MAY EXPEND MONEY APPROPRIATED FROM THE FUND FOR PURPOSES PERMITTED UNDER THE "AMERICAN RESCUE PLAN ACT OF 2021" AND SHALL NOT USE THE MONEY FOR ANY PURPOSE PROHIBITED BY THAT ACT. A DEPARTMENT OR ANY PERSON WHO RECEIVES MONEY FROM THE FUND SHALL COMPLY WITH ANY REQUIREMENTS SET FORTH IN SECTION 24-75-226.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 5. In Colorado Revised Statutes, **add** part 2 to article 8 of title 23 as follows:

PART 2
CAREER AND TECHNICAL EDUCATION
EQUIPMENT, FACILITY, AND
INSTRUCTION CAPACITY FUNDING

23-8-201. Funding for technical education equipment, facilities, and instruction capacity - allocation to CTE providers - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COLORADO TALENT REPORT" MEANS THE ANNUAL COLORADO TALENT REPORT PREPARED PURSUANT TO SECTION 24-46.3-103 (3).

(b) "CTE PROVIDER" MEANS ANY OF THE FOLLOWING THAT PROVIDES CAREER OR TECHNICAL EDUCATION PROGRAMS APPROVED BY THE BOARD:

(I) AN AREA TECHNICAL COLLEGE AS DEFINED IN SECTION 23-60-103 (1);

(II) A COMMUNITY COLLEGE INCLUDED IN THE STATE SYSTEM OF COMMUNITY AND TECHNICAL COLLEGES PURSUANT TO SECTION 23-60-205;

(III) COLORADO MESA UNIVERSITY ESTABLISHED PURSUANT TO SECTION 23-53-101; OR

(IV) A LOCAL DISTRICT COLLEGE AS DEFINED IN SECTION 23-71-102 (1)(a).

(c) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-114.

(2) (a) FOR THE 2021-22 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TEN MILLION DOLLARS FROM THE WORKERS, EMPLOYERS, AND WORKFORCE CENTERS CASH FUND CREATED IN SECTION 24-75-231 (2)(a) TO THE DEPARTMENT FOR ALLOCATION BY THE BOARD IN ACCORDANCE WITH THE PROGRAM APPROVAL PROCESS IDENTIFIED IN SECTIONS 23-8-102 AND 23-60-202 TO CTE PROVIDERS TO EXPAND EQUIPMENT, FACILITY, AND INSTRUCTION CAPACITY IN KEY CAREER AND TECHNICAL EDUCATION JOB DEMAND AREAS AS IDENTIFIED IN THE COLORADO TALENT REPORT.

(b) ANY MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (2) THAT IS NOT EXPENDED OR ENCUMBERED AT THE END OF THE 2021-22 STATE FISCAL YEAR REMAINS AVAILABLE FOR EXPENDITURE IN SUBSEQUENT FISCAL YEARS WITHOUT FURTHER APPROPRIATION, SUBJECT TO THE REQUIREMENTS FOR OBLIGATING AND EXPENDING MONEY RECEIVED UNDER THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS THE ACT MAY BE SUBSEQUENTLY AMENDED, AS SPECIFIED IN SECTION 24-75-226 (4)(d).

(3) THE BOARD SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 24-75-226 (4) AND (5) REGARDING THE OBLIGATION, EXPENDITURE, AND TRACKING OF AND REPORTING ON THE USE OF ANY MONEY APPROPRIATED TO THE DEPARTMENT AND ALLOCATED TO THE BOARD PURSUANT TO THIS SECTION.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 6. In Colorado Revised Statutes, 22-5-106, **amend** (1)(b) as follows:

22-5-106. Financing, budgeting, and accounting. (1) (b) A board of cooperative services may finance all or a portion of the costs of an approved career and technical education program from funds received pursuant to PART 1 OF article 8 of title 23.

SECTION 7. In Colorado Revised Statutes, 22-32-118, **amend** (2)(b) as follows:

22-32-118. Summer schools - continuation, evening, and community education programs. (2) (b) In addition to the authority granted to a board of education in ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, a board may establish and maintain community education programs in cooperation with any unit of local government, quasi-governmental agency, institution of higher education, or civic organization and may pay for such programs by a fee or tuition charged or out of moneys of the school district. Attendance in community education programs shall not be considered in computing pupil enrollment under article 54 of this title and ~~articles 8 and 60~~ TITLE 22 AND PART 1 OF ARTICLE 8 AND ARTICLE 60 of title 23. ~~C.R.S.~~

SECTION 8. In Colorado Revised Statutes, 22-38-115, **amend** (2) as follows:

22-38-115. Funding. (2) A pilot school may have access to any public or private funding sources available for vocational training, including any funds available pursuant to PART 1 OF article 8 of title 23. ~~C.R.S.~~

SECTION 9. In Colorado Revised Statutes, 22-54-107, **amend** (3) as follows:

22-54-107. Buy-out of categorical programs - total program reserve fund levy. (3) For purposes of this section, "categorical program support funds that the district would otherwise be eligible to receive from the state" means amounts that the district would have received from the state but that will be received instead from property tax revenues by reason of this section and includes funds pursuant to the "Exceptional Children's Educational Act", article 20 of this title 22; funds pursuant to the "English Language Proficiency Act", article 24 of this title 22; transportation aid pursuant to article 51 of this title 22; small attendance center aid pursuant to

section 22-54-122; and career and technical education aid pursuant to PART 1 OF article 8 of title 23. Funds received by an administrative unit under the "Exceptional Children's Educational Act", article 20 of this title 22, as reimbursement for services provided to children counted in the pupil enrollment of a district are considered as funds that a district would otherwise be eligible to receive for purposes of this subsection (3).

SECTION 10. In Colorado Revised Statutes, 22-55-102, **amend** the introductory portion and (4)(g) as follows:

22-55-102. Definitions. As used in this ~~article~~ ARTICLE 55, unless the context otherwise requires:

(4) "Categorical programs" includes only the following programs:

(g) Career and technical education as described in PART 1 OF article 8 of title 23; ~~C.R.S.;~~

SECTION 11. In Colorado Revised Statutes, 23-8-102, **amend** (1) introductory portion, (1)(a), and (4) as follows:

23-8-102. School districts, boards of cooperative services, and institute charter schools conducting career and technical education courses - eligibility for state money. (1) An education provider of the state conducting a course of career and technical education approved pursuant to section 23-8-103 by the board is entitled to career and technical education program support from ~~moneys~~ MONEY appropriated for that purpose by the general assembly. The amount of career and technical education program support that an education provider is entitled to receive pursuant to ~~the provisions of this article~~ THIS PART 1 shall be computed as follows:

(a) The cost of providing the approved career and technical education programs of the education provider shall be computed in accordance with ~~paragraph (c) of this subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION. The cost so computed shall be divided by the number of full-time equivalent students to be served by the programs, and the result shall be designated, for purposes of this ~~article~~ PART 1, as the education provider's career and technical education program cost per full-time equivalent student.

(4) ~~Moneys~~ MONEY made available under this ~~article~~ PART 1 shall be distributed quarterly on the basis of the report of actual expenditures furnished to the board by participating education providers at the end of the previous fiscal year. As soon as practicable after July 1 of each year, beginning in 1971, each participating education provider shall file with the board a report of actual expenditures for all career and technical education programs for which the education provider is eligible to receive ~~moneys~~ MONEY pursuant to ~~the provisions of this article~~ THIS PART 1 during the preceding twelve-month period.

SECTION 12. In Colorado Revised Statutes, 23-8-103, **amend** (3) and (4) as follows:

23-8-103. Standards for eligibility for grants - rules. (3) In approving career

and technical education programs and career and technical education program support ~~moneys~~ MONEY under this ~~article~~ PART 1, the board shall attempt to avoid unnecessary duplication in either facilities or staffing for career and technical education in an education provider or within an area of this state; and, where feasible, sharing of facilities shall be required by the board.

(4) The board shall adopt such rules as may be necessary to administer ~~the provisions of this article~~ THIS PART 1.

SECTION 13. In Colorado Revised Statutes, 23-8-104, **amend** (2) introductory portion and (2)(e) as follows:

23-8-104. Reports. (2) Notwithstanding section 24-1-136 (1)(a)(I), on or before February 28, 2009, and on or before February 28 each year thereafter, the board shall submit a report to the joint budget committee and to the education committees of the house of representatives and the senate, or any successor committees, on the implementation and results of programs funded pursuant to this ~~article 8~~ PART 1, including:

(e) Other aspects of the programs that will enable the general assembly to evaluate the results, cost effectiveness, and viability of the approved programs and to determine whether or not this ~~article~~ PART 1 should be extended.

SECTION 14. In Colorado Revised Statutes, 23-60-306, **amend** (5) as follows:

23-60-306. Colorado customized training program - creation - policy - functions of the state board for community colleges and occupational education - report. (5) ~~The provisions~~ PART 1 of article 8 of this title 23, concerning state assistance for career and technical education program support, ~~shall~~ DOES not apply to the Colorado customized training program.

SECTION 15. In Colorado Revised Statutes, 23-60-307, **amend** (6) as follows:

23-60-307. Colorado existing industry training program - creation - policy - functions of the state board for community colleges and occupational education. (6) ~~The provisions~~ PART 1 of article 8 of this title 23, concerning state assistance for career and technical education program support, ~~shall~~ DOES not apply to the Colorado existing industry training program.

SECTION 16. In Colorado Revised Statutes, 24-4-102, **amend** the introductory portion and (3)(a) as follows:

24-4-102. Definitions. As used in this ~~article~~ ARTICLE 4, unless the context otherwise requires:

(3) "Agency" means any board, bureau, commission, department, institution, division, section, or officer of the state, except those in the legislative branch or judicial branch and except:

(a) State educational institutions administered pursuant to title 23, ~~C.R.S.~~, except PART 1 OF article 8, parts 2 and 3 of article 21, and parts 2 to 4 of article 31 of title

23; ~~C.R.S.~~;

SECTION 17. In Colorado Revised Statutes, 24-32-703, **amend** (8) as follows:

24-32-703. Definitions. As used in this part 7, unless the context otherwise requires:

(8) "State agency" means any board, bureau, commission, department, institution, division, section, office, or officer of the state, except those in the legislative branch or judicial branch and except state educational institutions administered pursuant to title 23, ~~C.R.S.~~; excluding PART 1 OF article 8, parts 2 and 3 of article 21, and parts 2 to 4 of article 31 of title 23. ~~C.R.S.~~

SECTION 18. In Colorado Revised Statutes, 29-3.5-101, **amend** the introductory portion and (3) as follows:

29-3.5-101. Definitions. As used in this ~~article~~ ARTICLE 3.5, unless the context otherwise requires:

(3) "State agency" means any board, bureau, commission, department, institution, division, section, or officer of the state, except those in the legislative branch or judicial branch and except state educational institutions administered pursuant to title 23, ~~C.R.S.~~; except PART 1 OF article 8, parts 2 and 3 of article 21, and parts 2 to 4 of article 31 of title 23. ~~C.R.S.~~

SECTION 19. Appropriation. (1) For the 2021-22 state fiscal year, \$25,000,000 is appropriated to the department of labor and employment for use by the Colorado work force development council. This appropriation is from the workers, employers, and workforce centers cash fund created in section 24-75-231 (2)(a), C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. To implement this act, the council may use this appropriation for the investments in reskilling, upskilling, and next-skilling workers program.

(2) For the 2021-22 state fiscal year, \$35,000,000 is appropriated to the department of labor and employment for use by the Colorado work force development council. This appropriation is from the workers, employers, and workforce centers cash fund created in section 24-75-231 (2)(a), C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. To implement this act, the council may use this appropriation for "Work Force Innovation Act" programs under part 7 of article 46.3 of title 24, C.R.S.

(3) For the 2021-22 state fiscal year, \$10,000,000 is appropriated to the department of higher education. This appropriation is from the workers, employers, and workforce centers cash fund created in section 24-75-231 (2)(a), C.R.S., and of money the state received from the federal coronavirus state fiscal recovery fund. To implement this act, the department may use this appropriation for career and technical education equipment, facility, and instruction capacity funding.

(4) (a) For the 2021-22 state fiscal year, \$5,000,000 is appropriated to the department of education. This appropriation is from the workers, employers, and workforce centers cash fund created in section 24-75-231 (2)(a), C.R.S., and of

money the state received from the federal coronavirus state fiscal recovery fund. To implement this act, the department may use this appropriation for the adult education and literacy grant program.

(b) Any money appropriated pursuant to subsection (4)(a) of this section that is not expended or encumbered at the end of the 2021-22 state fiscal year remains available for expenditure in subsequent fiscal years without further appropriation.

SECTION 20. Effective date. This act takes effect upon passage; except that sections 2 through 19 of this act take effect only if Senate Bill 21-288 becomes law and, in which case, sections 2 through 19 of this act take effect either upon the effective date of this act or one day after the passage of Senate Bill 21-288, whichever is later.

SECTION 21. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 23, 2021