

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0672.01 Troy Bratton

HOUSE BILL 10-1333

HOUSE SPONSORSHIP

Vigil, Todd, Apuan, Court, Curry, Ferrandino, Fischer, Frangas, Gagliardi, Hullinghorst, Kagan, Kefalas, Levy, Massey, McFadyen, McKinley, Middleton, Miklosi, Pace, Peniston, Pommer, Riesberg, Ryden, Scanlan, Schafer S., Solano, Soper, Tyler

SENATE SPONSORSHIP

Schwartz and Newell,

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE GREEN JOBS COLORADO**
102 **TRAINING PROGRAM IN THE OFFICE OF THE GOVERNOR, AND, IN**
103 **CONNECTION THEREWITH, CREATING THE GREEN JOBS**
104 **COLORADO ADVISORY COUNCIL AND THE GREEN JOBS**
105 **COLORADO TRAINING FUND.**

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://www.leg.state.co.us/billsummaries>.)

The bill creates in the office of the governor the green jobs

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Colorado training program, which is a 2-year pilot program. The pilot program will offer grants to applicants who train individuals for jobs in the wind, solar, renewable energy, and energy efficiency industries.

The bill also creates the green jobs Colorado advisory council, which will review grant applications and award grants to applicants who meet the requirements specified in the bill.

The bill specifies that the pilot program is to be funded by federal funds received by the department of labor and employment for the purposes of the pilot program and by funds received from the governor's energy office.

Finally, the bill requires the executive director of the department of labor and employment to evaluate the green jobs Colorado training program and report his or her findings to the governor and the legislative committees of reference assigned in the bill.

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

2 **SECTION 1.** Title 24, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 38.9**

5 **Green Jobs Colorado Training Program**

6 **24-38.9-101. Legislative declaration.** THE GENERAL ASSEMBLY
7 FINDS, DETERMINES, AND DECLARES THAT AS COLORADO CONTINUES TO
8 EXPAND ITS NEW ENERGY ECONOMY, THE STATE MUST ENSURE THAT
9 COLORADO CITIZENS HAVE ACCESS TO THE NECESSARY SKILLS IN ORDER
10 TO COMPETE FOR JOBS IN THE NEW ENERGY MARKET. THE GENERAL
11 ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT A SKILLED
12 WORKFORCE IS ONE OF THE MOST IMPORTANT DRIVERS IN DETERMINING
13 THE FUTURE GLOBAL COMPETITIVENESS OF COLORADO. THEREFORE, THE
14 GENERAL ASSEMBLY FINDS THAT THE PURPOSE OF THE GREEN JOBS
15 COLORADO TRAINING PROGRAM IS TO MAINTAIN COLORADO'S
16 COMPETITIVE ADVANTAGE AND ENSURE THAT FUTURE WORKFORCE SUPPLY
17 CAN MEET THE ONCOMING DEMAND FOR GREEN JOB SKILLS IN THE NEW

1 ENERGY ECONOMY.

2 **24-38.9-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "APPLICANT" MEANS A REGIONAL, INDUSTRY-BASED
5 PARTNERSHIP COMPRISED OF A LEAD APPLICANT AND REPRESENTATIVES
6 FROM ONE OR MORE OF THE FOLLOWING GROUPS:

7 (a) WORKFORCE DEVELOPMENT ORGANIZATIONS;

8 (b) EMPLOYERS;

9 (c) EDUCATORS;

10 (d) TRAINING PROVIDERS;

11 (e) ECONOMIC DEVELOPMENT ORGANIZATIONS; [REDACTED]

12 (f) YOUTH CORPS; OR

13 (g) OTHER GROUPS CONVENED TO ANALYZE AND SOLVE
14 INDUSTRY-SPECIFIC WORKFORCE PROBLEMS.

15 (2) "COUNCIL" MEANS THE GREEN JOBS COLORADO ADVISORY
16 COUNCIL CREATED IN SECTION 24-38.9-103.

17 (3) "GREEN JOBS" MEANS OCCUPATIONS OR EMPLOYMENT
18 POSITIONS IN THE WIND, SOLAR, ENERGY EFFICIENCY, OR RENEWABLE
19 ENERGY INDUSTRIES.

20 (4) "LEAD APPLICANT" MEANS A CERTIFIED TRAINING PROVIDER
21 INCLUDING, BUT NOT LIMITED TO:

22 (a) A COMMUNITY COLLEGE; [REDACTED]

23 (b) THE COLORADO YOUTH CORPS, THE COLORADO YOUTH CORPS
24 ASSOCIATION, OR THEIR SUCCESSORS; OR

25 (c) AN APPRENTICESHIP PROGRAM RECOGNIZED BY THE UNITED
26 STATES DEPARTMENT OF LABOR OFFICE OF APPRENTICESHIP, OR ITS
27 SUCCESSOR.

1 (5) "PILOT PROGRAM" MEANS THE GREEN JOBS COLORADO
2 TRAINING PROGRAM CREATED IN SECTION 24-38.9-105.

3 **24-38.9-103. Green jobs Colorado advisory council - creation**
4 **- appointments.** (1) THERE IS HEREBY CREATED IN THE OFFICE OF THE
5 GOVERNOR THE GREEN JOBS COLORADO ADVISORY COUNCIL.

6 (2) THE COUNCIL SHALL CONSIST OF TEN MEMBERS, SEVEN OF
7 WHOM SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
8 DEPARTMENT OF LABOR AND EMPLOYMENT, WHO SHALL APPOINT AT LEAST
9 ONE MEMBER FROM EACH OF THE FOLLOWING: A NONPROFIT
10 ORGANIZATION, A WORKFORCE TRAINING ORGANIZATION, A COMMUNITY
11 COLLEGE, A CLEAN TECHNOLOGY INDUSTRY ASSOCIATION, A BUSINESS
12 ORGANIZATION, AND A LABOR ORGANIZATION. MEMBERS SHALL POSSESS
13 RELEVANT EXPERIENCE RELATED TO GREEN JOBS OR GREEN JOB TRAINING.
14 THE REMAINING THREE MEMBERS SHALL BE THE DIRECTOR OF THE
15 GOVERNOR'S ENERGY OFFICE, THE DIRECTOR OF THE COLORADO OFFICE OF
16 ECONOMIC DEVELOPMENT, AND THE EXECUTIVE DIRECTOR OF THE
17 DEPARTMENT OF LABOR AND EMPLOYMENT.

18 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
19 EMPLOYMENT SHALL APPOINT THE INITIAL COUNCIL MEMBERS AS
20 DESCRIBED IN SUBSECTION (2) OF THIS SECTION ON OR BEFORE AUGUST 1,
21 2010. THE EXECUTIVE DIRECTOR SHALL APPOINT THE COUNCIL CHAIR AT
22 THE TIME OF APPOINTMENT OF THE COUNCIL. THE MEMBERS SHALL SERVE,
23 AND THE TERMS OF THE COUNCIL MEMBERS SHALL EXPIRE, AT THE
24 PLEASURE OF THE EXECUTIVE DIRECTOR. UPON THE EXPIRATION OF A
25 COUNCIL MEMBER'S TERM, THE COUNCIL MEMBER SHALL CONTINUE TO
26 SERVE UNTIL A SUCCESSOR IS APPOINTED AS PROVIDED IN SUBSECTION (4)
27 OF THIS SECTION.

1 (4) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
2 EMPLOYMENT SHALL APPOINT A QUALIFIED PERSON TO FILL A VACANCY ON
3 THE COUNCIL FOR THE REMAINDER OF ANY UNEXPIRED TERM. IF THE
4 EXECUTIVE DIRECTOR DOES NOT APPOINT A PERSON TO FILL THE VACANCY
5 WITHIN SIXTY DAYS AFTER THE DATE THE VACANCY OCCURS, THE
6 COUNCIL, BY A MAJORITY VOTE, SHALL APPOINT A QUALIFIED PERSON TO
7 FILL THE VACANCY.

8 (5) THE COUNCIL SHALL CONVENE ITS FIRST MEETING NO LATER
9 THAN SEPTEMBER 1, 2010, AND SHALL MEET AT LEAST QUARTERLY
10 THEREAFTER; EXCEPT THAT THE CHAIR, UPON PROVIDING ADEQUATE
11 NOTICE, MAY CANCEL A MEETING IF THERE IS NO BUSINESS BEFORE THE
12 COUNCIL. THE MEETINGS OF THE COUNCIL SHALL ALSO BE HELD UPON
13 CALL OF THE CHAIR OR AT THE REQUEST OF AT LEAST THREE MEMBERS OF
14 THE COUNCIL.

15 (6) COUNCIL MEMBERS SHALL NOT RECEIVE COMPENSATION FOR
16 THEIR TIME BUT MAY BE REIMBURSED FOR ACTUAL AND NECESSARY
17 EXPENSES INCURRED IN THE DISCHARGE OF THEIR OFFICIAL DUTIES,
18 INCLUDING AN ALLOWANCE FOR MILEAGE AS PROVIDED IN SECTION
19 24-9-104 (2) (d).

20 **24-38.9-104. Powers and duties of the council.** (1) THE
21 COUNCIL SHALL HAVE THE FOLLOWING POWERS, FUNCTIONS, AND DUTIES:

22 (a) ADMINISTERING THE PILOT PROGRAM ESTABLISHED IN SECTION
23 24-38.9-105;

24 (b) RECEIVING AND REVIEWING APPLICATIONS FOR GRANTS FROM
25 APPLICANTS;

26 (c) AWARDING GRANTS TO APPLICANTS WHO MEET THE CRITERIA
27 SPECIFIED IN SECTION 24-38.9-105;

1 (d) ESTABLISHING REPORTING REQUIREMENTS FOR APPLICANTS
2 WHO ARE AWARDED GRANTS; AND

3 (e) DEVELOPING PROCEDURES RELATING TO THE COUNCIL'S
4 INTERNAL OPERATIONS.

5 **24-38.9-105. Green jobs Colorado training program - creation**

6 **- grants - training - priority.** (1) THE GREEN JOBS COLORADO TRAINING
7 PROGRAM IS HEREBY CREATED. THE PILOT PROGRAM SHALL OFFER
8 GRANTS TO APPLICANTS THAT FOCUS ON DEVELOPING TRAINING
9 PROGRAMS, STRATEGIES, AND CURRICULA FOR OCCUPATIONS IN THE WIND,
10 SOLAR, ENERGY EFFICIENCY, AND RENEWABLE ENERGY INDUSTRIES.
11 GRANTS AWARDED TO APPLICANTS SHALL BE USED FOR EITHER THE
12 DEVELOPMENT OF A NEW PROGRAM OR THE IMPLEMENTATION OR
13 EXPANSION OF AN EXISTING PROGRAM. THE PILOT PROGRAM SHALL BE
14 SUBJECT TO REVIEW AS SPECIFIED IN SECTION 24-38.9-107.

15 (2) APPLICANTS FOR GRANTS SHALL SUBMIT APPLICATIONS TO THE
16 COUNCIL. SUBMITTED APPLICATIONS SHALL:

17 (a) SEEK TO PROVIDE AT LEAST ONE OF THE FOLLOWING TRAINING
18 METHODS:

19 (I) CERTIFICATE PROGRAMS THAT MEET INDUSTRY-RECOGNIZED
20 STANDARDS, AS DETERMINED BY THE COUNCIL, IN THE WIND, SOLAR,
21 ENERGY EFFICIENCY, OR RENEWABLE ENERGY INDUSTRIES;

22 (II) ON-THE-JOB TRAINING PROGRAMS THAT COMBINE WORKPLACE
23 TRAINING WITH RELATED INSTRUCTION BY PERSONS QUALIFIED OR
24 LICENSED IN THE FIELD OR TRADE. SUCH TRAINING MAY INCLUDE PAID
25 COOPERATIVE EDUCATION PROGRAMS.

26 (III) SKILL UPGRADING OR RETRAINING, WITH A COMMITMENT BY
27 AN EMPLOYER OR GROUP OF EMPLOYERS TO EMPLOY A QUALIFIED

1 INDIVIDUAL WHO SUCCESSFULLY COMPLETES THE TRAINING;

2 (IV) EMPLOYMENT AND TRAINING PROGRAMS THAT ARE
3 ACCREDITED BY THE COLORADO YOUTH CORPS ASSOCIATION OR ITS
4 SUCCESSOR SUCH AS THE COLORADO YOUTH CORPS.

5 (b) SEEK TO CREATE OR EXPAND PROGRAMS THAT MEET STATE- OR
6 NATIONALLY RECOGNIZED INDUSTRY STANDARDS;

7 (c) ENSURE COMPLIANCE WITH ANY REPORTING REQUIREMENTS
8 ESTABLISHED BY THE COUNCIL; AND

9 (d) ENSURE COMPLIANCE WITH COMPETENCY STANDARDS
10 PURSUANT TO STATE LAW.

11 (3) THE COUNCIL SHALL GIVE PRIORITY TO APPLICATIONS THAT:

12 (a) DEMONSTRATE THE HIGH LIKELIHOOD OF JOB OFFERS TO
13 INDIVIDUALS THAT COMPLETE A TRAINING PROGRAM; AND

14 (b) FOCUS ON CERTIFICATE PROGRAMS OR CURRICULA THAT
15 TARGET LOW-INCOME ADULTS AND YOUTH, ENTRY-LEVEL OR INCUMBENT
16 WORKERS, AND DISLOCATED WORKERS IN DECLINING INDUSTRIES.

17 (4) IN ADDITION TO MEETING THE APPLICATION REQUIREMENTS
18 SPECIFIED IN SUBSECTION (2) OF THIS SECTION, ALL APPLICANTS SHALL
19 PLEDGE TO PROVIDE AT LEAST TWENTY PERCENT OF THE OVERALL COSTS
20 OF A TRAINING PROGRAM.

21 **24-38.9-106. Funding.** THE PILOT PROGRAM MAY BE FUNDED BY
22 THE USE OF FEDERAL MONEYS RECEIVED BY THE DEPARTMENT OF LABOR
23 AND EMPLOYMENT FOR THE PURPOSES OF THE PILOT PROGRAM AND BY THE
24 USE OF MONEYS FROM THE GOVERNOR'S ENERGY OFFICE.

25 **24-38.9-107. Review of program - report to governor and**
26 **legislature.** (1) UPON COMPLETION OF THE PILOT PROGRAM, THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT

1 SHALL CONDUCT AN EVALUATION OF THE PILOT PROGRAM AND SHALL
2 REPORT THE FINDINGS TO THE GOVERNOR, THE BUSINESS AFFAIRS AND
3 LABOR COMMITTEE IN THE HOUSE OF REPRESENTATIVES, AND THE
4 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE IN THE SENATE, OR ANY
5 SUCCESSOR COMMITTEES. FOR PURPOSES OF THE REPORT TO THE
6 LEGISLATIVE COMMITTEES, THE BUSINESS AFFAIRS AND LABOR COMMITTEE
7 IN THE HOUSE OF REPRESENTATIVES AND THE BUSINESS, LABOR AND
8 TECHNOLOGY COMMITTEE IN THE SENATE MAY HOLD A JOINT HEARING.

9 (2) THE REPORT REQUIRED BY SUBSECTION (1) OF THIS SECTION
10 SHALL INCLUDE THE FOLLOWING:

11 (a) THE NAME AND GEOGRAPHICAL AREA OF GRANT RECIPIENTS;

12 (b) THE AMOUNT OF GRANT MONEYS DISTRIBUTED TO EACH
13 ENTITY;

14 (c) THE NUMBER OF INDIVIDUALS WHO RECEIVED OR ARE
15 RECEIVING TRAINING SERVICES UNDER THE PILOT PROGRAM;

16 (d) THE DEMOGRAPHICS, AS AVAILABLE, OF THE INDIVIDUALS WHO
17 RECEIVED OR ARE RECEIVING TRAINING SERVICES UNDER THE PILOT
18 PROGRAM;

19 (e) THE TYPE OF TRAINING SERVICES PROVIDED;

20 (f) THE NAME OF THE SPECIFIC ORGANIZATION PROVIDING THE
21 TRAINING;

22 (g) THE NUMBER OF INDIVIDUALS PLACED IN FULL-TIME
23 EMPLOYMENT AS A RESULT OF THE TRAINING AND THE LENGTH OF TIME
24 THAT THEY HAVE BEEN EMPLOYED IN A GREEN JOB; AND

25 (h) ANY RECOMMENDATIONS FOR PILOT PROGRAM IMPROVEMENT
26 SUGGESTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR
27 AND EMPLOYMENT.

1 (3) THE GOVERNOR, IN CONSULTATION WITH THE LEGISLATIVE
2 COMMITTEES SPECIFIED IN SUBSECTION (1) OF THIS SECTION, SHALL
3 REVIEW THE FINDINGS AND RECOMMENDATIONS OF THE REPORT REQUIRED
4 BY SAID SUBSECTION (1) TO DETERMINE THE OVERALL EFFECTIVENESS OF
5 THE PILOT PROGRAM. OVERALL EFFECTIVENESS SHALL BE BASED, AT A
6 MINIMUM, ON REGIONAL IMPACT, THE NUMBER OF INDIVIDUALS TRAINED
7 AND PLACED INTO EMPLOYMENT, AND THE LENGTH OF TIME EACH
8 INDIVIDUAL WAS EMPLOYED IN A GREEN JOB.

9 **24-38.9-108. Repeal of article.** THIS ARTICLE IS REPEALED,
10 EFFECTIVE JUNE 30, 2012.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.