

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**

Local Government and Energy  
Appropriations

**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, AND 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://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.*

HOUSE  
3rd Reading Unamended  
March 3, 2010

HOUSE  
Amended 2nd Reading  
March 1, 2010

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.

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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, AN OFFICIAL FROM THE  
6 AFFECTED FEDERALLY RECOGNIZED WORKFORCE DEVELOPMENT REGION,  
7 AND REPRESENTATIVES FROM ONE OR MORE OF THE FOLLOWING GROUPS:

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9 (a) EMPLOYERS;

10 (b) EDUCATORS;

11 (c) TRAINING PROVIDERS;

12 (d) ECONOMIC DEVELOPMENT ORGANIZATIONS; [REDACTED]

13 (e) YOUTH CORPS; OR

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

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

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

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

23 (a) A COMMUNITY OR JUNIOR COLLEGE; [REDACTED]

24 (b) AN AREA VOCATIONAL SCHOOL AS DEFINED IN SECTION  
25 23-60-103 (1), C.R.S., INCLUDING THE EMILY GRIFFITH OPPORTUNITY  
26 SCHOOL, THE DELTA-MONTROSE AREA VOCATIONAL SCHOOL, AND THE  
27 AURORA TECH CENTER;

1           (c) THE COLORADO YOUTH CORPS, THE COLORADO YOUTH CORPS  
2           ASSOCIATION, COLORADO YOUTH CONSERVATION CORPS, VETERANS  
3           GREEN JOBS, OR THEIR SUCCESSORS; OR

4           (d) AN APPRENTICESHIP PROGRAM RECOGNIZED BY THE UNITED  
5           STATES DEPARTMENT OF LABOR OFFICE OF APPRENTICESHIP, OR ITS  
6           SUCCESSOR.

7           (5) "LEVEL ONE AND LEVEL TWO EVALUATIONS" MEAN THE FIRST  
8           TWO LEVELS OF THE DONALD KIRKPATRICK EVALUATION MODEL. LEVEL  
9           ONE AND LEVEL TWO INCLUDE:

10           (a) THE REACTION OF THE TRAINEE, INCLUDING WHAT THE TRAINEE  
11           THOUGHT AND FELT ABOUT THE TRAINING; AND

12           (b) AN ANALYSIS OF THE TRAINEE'S RESULTING INCREASE IN  
13           KNOWLEDGE OR CAPABILITY.

14           (6) "PILOT PROGRAM" MEANS THE GREEN JOBS COLORADO  
15           TRAINING PROGRAM CREATED IN SECTION 24-38.9-105.

16           **24-38.9-103. Green jobs Colorado advisory council - creation**  
17           **- appointments.** (1) THERE IS HEREBY CREATED IN THE OFFICE OF THE  
18           GOVERNOR THE GREEN JOBS COLORADO ADVISORY COUNCIL.

19           (2) THE COUNCIL SHALL CONSIST OF FOURTEEN MEMBERS, SEVEN  
20           OF WHOM SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE  
21           DEPARTMENT OF LABOR AND EMPLOYMENT, WHO SHALL APPOINT AT LEAST  
22           ONE MEMBER FROM EACH OF THE FOLLOWING: A NONPROFIT  
23           ORGANIZATION, A WORKFORCE TRAINING ORGANIZATION, A COMMUNITY  
24           OR JUNIOR COLLEGE, A CLEAN TECHNOLOGY INDUSTRY ASSOCIATION, A  
25           BUSINESS ORGANIZATION, AND A LABOR ORGANIZATION. THE MEMBERS  
26           APPOINTED BY THE EXECUTIVE DIRECTOR SHALL POSSESS RELEVANT  
27           EXPERIENCE RELATED TO GREEN JOBS OR GREEN JOB TRAINING. FOUR

1 LEGISLATIVE MEMBERS OF THE COUNCIL SHALL BE APPOINTED AS  
2 FOLLOWS: ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE  
3 HOUSE OF REPRESENTATIVES, ONE MEMBER SHALL BE APPOINTED BY THE  
4 PRESIDENT OF THE SENATE, ONE MEMBER SHALL BE APPOINTED BY THE  
5 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, AND ONE MEMBER  
6 SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. THE  
7 REMAINING THREE MEMBERS SHALL BE THE DIRECTOR OF THE GOVERNOR'S  
8 ENERGY OFFICE, THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC  
9 DEVELOPMENT, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
10 LABOR AND EMPLOYMENT.

11 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND  
12 EMPLOYMENT SHALL APPOINT THE INITIAL COUNCIL MEMBERS AS  
13 DESCRIBED IN SUBSECTION (2) OF THIS SECTION ON OR BEFORE AUGUST 1,  
14 2010. THE EXECUTIVE DIRECTOR SHALL APPOINT THE COUNCIL CHAIR AT  
15 THE TIME OF APPOINTMENT OF THE COUNCIL. THE MEMBERS SHALL SERVE,  
16 AND THE TERMS OF THE COUNCIL MEMBERS SHALL EXPIRE, AT THE  
17 PLEASURE OF THE EXECUTIVE DIRECTOR. UPON THE EXPIRATION OF A  
18 COUNCIL MEMBER'S TERM, THE COUNCIL MEMBER SHALL CONTINUE TO  
19 SERVE UNTIL A SUCCESSOR IS APPOINTED AS PROVIDED IN SUBSECTION (4)  
20 OF THIS SECTION.

21 (4) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND  
22 EMPLOYMENT SHALL APPOINT A QUALIFIED PERSON TO FILL A VACANCY ON  
23 THE COUNCIL FOR THE REMAINDER OF ANY UNEXPIRED TERM. IF THE  
24 EXECUTIVE DIRECTOR DOES NOT APPOINT A PERSON TO FILL THE VACANCY  
25 WITHIN SIXTY DAYS AFTER THE DATE THE VACANCY OCCURS, THE  
26 COUNCIL, BY A MAJORITY VOTE, SHALL APPOINT A QUALIFIED PERSON TO  
27 FILL THE VACANCY.

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

8 (6) COUNCIL MEMBERS SHALL NOT RECEIVE COMPENSATION FOR  
9 THEIR TIME NOR SHALL THEY BE REIMBURSED FOR ACTUAL AND  
10 NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THEIR OFFICIAL  
11 DUTIES, INCLUDING AN ALLOWANCE FOR MILEAGE AS PROVIDED IN  
12 SECTION 24-9-104 (2) (d).

13 **24-38.9-104. Powers and duties of the council.** (1) THE  
14 COUNCIL SHALL HAVE THE FOLLOWING POWERS, FUNCTIONS, AND DUTIES:

15 (a) ADMINISTERING THE PILOT PROGRAM ESTABLISHED IN SECTION  
16 24-38.9-105;

17 (b) RECEIVING AND REVIEWING APPLICATIONS FOR GRANTS FROM  
18 APPLICANTS;

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

21 (d) ESTABLISHING REPORTING REQUIREMENTS FOR APPLICANTS  
22 WHO ARE AWARDED GRANTS; AND

23 (e) DEVELOPING PROCEDURES RELATING TO THE COUNCIL'S  
24 INTERNAL OPERATIONS.

25 **24-38.9-105. Green jobs Colorado training program - creation**  
26 **- grants - training - priority.** (1) THE GREEN JOBS COLORADO TRAINING  
27 PROGRAM IS HEREBY CREATED. THE PILOT PROGRAM SHALL OFFER

1 GRANTS TO APPLICANTS THAT FOCUS ON DEVELOPING TRAINING  
2 PROGRAMS, STRATEGIES, AND CURRICULA FOR OCCUPATIONS IN THE WIND,  
3 SOLAR, ENERGY EFFICIENCY, AND RENEWABLE ENERGY INDUSTRIES.  
4 GRANTS AWARDED TO APPLICANTS SHALL BE USED FOR EITHER THE  
5 DEVELOPMENT OF A NEW PROGRAM OR THE IMPLEMENTATION OR  
6 EXPANSION OF AN EXISTING PROGRAM. GRANTS AWARDED TO APPLICANTS  
7 MAY ALSO BE USED TO COMPLEMENT ANY EXISTING GREEN JOBS TRAINING  
8 INITIATIVES EXPERIENCING A SHORTFALL IN RESOURCES. THE PILOT  
9 PROGRAM SHALL BE SUBJECT TO REVIEW AS SPECIFIED IN SECTION  
10 24-38.9-107.

11 (2) APPLICANTS FOR GRANTS SHALL SUBMIT APPLICATIONS TO THE  
12 COUNCIL. SUBMITTED APPLICATIONS SHALL:

13 (a) SEEK TO PROVIDE AT LEAST ONE OF THE FOLLOWING TRAINING  
14 METHODS:

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

18 (II) ON-THE-JOB TRAINING PROGRAMS THAT COMBINE WORKPLACE  
19 TRAINING WITH RELATED INSTRUCTION BY PERSONS QUALIFIED OR  
20 LICENSED IN THE FIELD OR TRADE. SUCH TRAINING MAY INCLUDE PAID  
21 COOPERATIVE EDUCATION PROGRAMS.

22 (III) SKILL UPGRADING OR RETRAINING, WITH A COMMITMENT BY  
23 AN EMPLOYER OR GROUP OF EMPLOYERS TO EMPLOY A QUALIFIED  
24 INDIVIDUAL WHO SUCCESSFULLY COMPLETES THE TRAINING;

25 (IV) EMPLOYMENT AND TRAINING PROGRAMS THAT ARE  
26 ACCREDITED BY THE COLORADO YOUTH CORPS ASSOCIATION OR ITS  
27 SUCCESSOR SUCH AS THE COLORADO YOUTH CORPS.

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

3 (c) ENSURE COMPLIANCE WITH ANY REPORTING REQUIREMENTS  
4 ESTABLISHED BY THE COUNCIL; AND

5 (d) ENSURE COMPLIANCE WITH COMPETENCY STANDARDS  
6 PURSUANT TO STATE LAW.

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

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

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

13 (4) IN ADDITION TO MEETING THE APPLICATION REQUIREMENTS  
14 SPECIFIED IN SUBSECTION (2) OF THIS SECTION, ALL APPLICANTS SHALL  
15 PLEDGE TO PROVIDE AT LEAST TWENTY PERCENT OF THE OVERALL COSTS  
16 OF A TRAINING PROGRAM, FIFTY PERCENT OF WHICH MAY BE USED FOR ANY  
17 ADMINISTRATIVE COSTS OR OTHER INDIRECT COSTS OF THE TRAINING  
18 PROGRAM. ANY FEDERAL MONEYS RECEIVED BY THE STATE AND  
19 AWARDED TO AN APPLICANT PURSUANT TO THIS ARTICLE SHALL BE USED  
20 ONLY FOR DIRECT TRAINING PROGRAM COSTS.

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) LEVEL ONE AND LEVEL TWO EVALUATIONS AS DEFINED IN  
23 SECTION 24-38.9-102 (5);

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

27 (i) ANY RECOMMENDATIONS FOR PILOT PROGRAM IMPROVEMENT

1 SUGGESTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR  
2 AND EMPLOYMENT.

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

11 **24-38.9-108. Repeal of article.** THIS ARTICLE IS REPEALED,  
12 EFFECTIVE JUNE 30, 2012.

13 **SECTION 2. Appropriation - adjustments to the 2010 long**  
14 **bill.** (1) The general assembly anticipates that, for the fiscal year  
15 beginning July 1, 2010, the department of governor-lieutenant  
16 governor-state planning and budgeting, office of the governor, governor's  
17 energy office, will receive the sum of one hundred thousand dollars  
18 (\$100,000) in federal funds for the implementation of this act. Said sum  
19 shall be from funds received through the American Recovery and  
20 Reinvestment Act of 2009. Although these funds are not appropriated in  
21 this act, they are noted for the purpose of indicating the assumptions used  
22 relative to these funds.

23 (2) In addition to any other appropriation, there is hereby  
24 appropriated to the department of labor and employment, division of  
25 employment and training, employment and training programs, workforce  
26 investment act, for the fiscal year beginning July 1, 2010, the sum of one  
27 hundred thousand dollars (\$100,000), or so much thereof as may be

1 necessary, for the implementation of this act. Said sum shall be from  
2 reappropriated funds received from the department governor-lieutenant  
3 governor-state planning and budgeting of out of the appropriation made  
4 in subsection (1) of this section.

5 (3) For the implementation of this act, the federal funds  
6 appropriation made in the annual general appropriation act for the fiscal  
7 year beginning July 1, 2010, to the department of labor and employment,  
8 division of employment and training, employment and training programs,  
9 for workforce investment act, is increased by 1.4 FTE.

10 **SECTION 3. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.