

CHAPTER 345

GOVERNMENT- STATE

SENATE BILL 00-219

BY SENATORS Lacy, Owen, Tanner, Blickensderfer, Evans, Hernandez, and Powers;
also REPRESENTATIVES Tool, Berry, Saliman, Gotlieb, Mitchell, Scott, and Taylor.

AN ACT

CONCERNING THE CONSOLIDATION OF ECONOMIC DEVELOPMENT FUNCTIONS WITHIN AN OFFICE OF
ECONOMIC DEVELOPMENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 24-48.5-101 (1), the introductory portion to 24-48.5-101 (2), and 24-48.5-101 (3), (4), and (5), Colorado Revised Statutes, are amended to read:

24-48.5-101. Colorado office of economic development - creation. (1) There is hereby created within the office of the governor the Colorado office of ~~business~~ ECONOMIC development, the head of which shall be the director of the office of ~~business~~ ECONOMIC development, which office is hereby created. The director of the office, who shall also serve as the special assistant to the governor for economic development, shall be assisted by an assistant director, which office is hereby created, and a staff for ~~business~~ ECONOMIC development, including but not limited to small business, finance, and marketing.

(2) The Colorado office of ~~business~~ ECONOMIC development shall:

(3) The Colorado office of ~~business~~ ECONOMIC development shall advise and provide guidance to coordinate activities of small business development centers and the business advancement center operated by the university of Colorado.

(4) The Colorado office of ~~business~~ ECONOMIC development shall provide staff support for the gateway computer network.

(5) The Colorado office of ~~business~~ ECONOMIC development shall encourage investment of public pension funds in economic development activities in this state.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 24-48.5-102 (1) and (2), Colorado Revised Statutes, are amended to read:

24-48.5-102. Small business assistance center. (1) In addition to the powers and duties specified in section 24-48.5-101, the Colorado office of ~~business~~ ECONOMIC development shall include the small business assistance center, which shall provide comprehensive information on the federal, state, and local requirements necessary to begin a business and shall make this information available to the public.

(2) The small business assistance center shall have the authority to accept and expend moneys from sources other than the state of Colorado for the purpose of performing specific projects, studies, or procedures, or to provide assistance. Such projects, studies, procedures, or assistance shall be reviewed and approved by the Colorado office of ~~business~~ ECONOMIC development and shall be consistent with the duties, authority, and purposes of the Colorado office of ~~business~~ ECONOMIC development as established in this article. Any receipt and expenditure of funds shall be reported to the general assembly as part of the office's annual budget request.

SECTION 3. Article 48.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

24-48.5-103. [Formerly 24-32-308] Motion picture and television advisory commission abolished - reestablished. (1) Effective July 1, 1986, the motion picture and television advisory commission is abolished, and the terms of the members of the advisory commission serving as such immediately prior to July 1, 1986, are terminated.

(2) There is hereby established the motion picture and television advisory commission IN THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, referred to in this section and ~~section 24-32-309~~ SECTION 24-48.5-404 as the "commission". The commission shall consist of nine members. The director of the ~~division of commerce and development~~ OFFICE shall be ex officio a nonvoting member of the commission and shall act as ~~chairman~~ CHAIR thereof. The remaining eight members shall be appointed by the governor, with the consent of the senate, and at least one member shall be appointed from each congressional district in this state. A vacancy on the commission occurs whenever any member moves out of the congressional district from which he OR SHE was appointed. A member who moves out of such congressional district shall promptly notify the governor of the date of such move, but such notice is not a condition precedent to the occurrence of the vacancy. The governor shall fill the vacancy by appointment for the unexpired term. No more than five of the appointed members of the commission shall be members of the same major political party. Of the members appointed to take office on July 1, 1986, two shall serve for a term ending July 1, 1987; two shall serve for a term ending July 1, 1988; two shall serve for a term ending July 1, 1989; and two shall serve for a term ending July 1, 1990. Thereafter members shall be appointed for four-year terms. Such appointed members shall be appointed from the motion picture and telecommunications industries, shall have knowledge of the problems of motion picture and television filming and production, and shall have a prior record of promoting motion picture and television production in the state of Colorado.

(3) Members of the commission shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

~~(4) Repealed.~~

24-48.5-104. [Formerly 24-32-309] Functions of commission - legislative declaration. (1) The commission shall have the following functions:

(a) To promote the use of locations in Colorado for the filming of motion pictures, television films, and commercials by the motion picture industry, the telecommunications industry, and independent film producers;

(b) To develop, advertise, and disseminate graphic presentations to the motion picture and telecommunications industries concerning the many possible sites in Colorado ~~which~~ THAT are suitable for production use and to promote the use of motion picture and television technicians and support personnel located throughout the state of Colorado. To facilitate this function, the commission shall have the full cooperation of state agencies and departments including, but not limited to, the state council on the arts, the Colorado tourism board, and representatives of the ski industry. To further facilitate this function, state lands, equipment, and manpower may, as practicable, be supplied at no charge or at a nominal charge upon demonstration by the user of sufficient liability insurance to cover such uses.

(c) To report annually to the general assembly on the status of the motion picture and television industry in this state.

(2) (a) The general assembly hereby finds and declares that the motion picture and telecommunications industries are vital to the general welfare and economic well-being of the state and its citizens and that the continued health and expansion of these industries requires a long-term investment by the state in the planning, promotion, and development of Colorado as a quality motion picture and telecommunications center.

(b) The general assembly further finds and declares it to be the policy of this state to promote the development of the motion picture and telecommunications industries in Colorado. To that end, it is further declared to be the policy of the state of Colorado that all state departments shall cooperate with the Colorado motion picture and television advisory commission created in ~~section 24-32-308~~ SECTION 24-48.5-105 and that such departments shall assist the commission in its efforts by making property and services available to the commission.

24-48.5-105. Transfer of functions - Colorado customized training program - motion picture and television advisory commission - Colorado economic development commission - contracts - continuation of regulations. (1) ON AND AFTER JULY 1, 2000, THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS PREVIOUSLY VESTED IN THE FOLLOWING PROGRAMS AND COMMISSIONS CONCERNING THE DUTIES AND FUNCTIONS TRANSFERRED TO THE OFFICE PURSUANT TO THIS SECTION:

(a) THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION, A COMMISSION CURRENTLY WITHIN THE DIVISION OF COMMERCE AND DEVELOPMENT OF THE DEPARTMENT OF LOCAL AFFAIRS; AND

(b) THE COLORADO ECONOMIC DEVELOPMENT COMMISSION, A COMMISSION CURRENTLY IN THE DEPARTMENT OF LOCAL AFFAIRS.

(2) ON JULY 1, 2000, EMPLOYEES OF THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION AND COLORADO ECONOMIC DEVELOPMENT COMMISSION WHOSE PRINCIPAL DUTIES AND FUNCTIONS CONCERN THE DUTIES AND FUNCTIONS TRANSFERRED TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT PURSUANT TO THIS SECTION AND WHOSE EMPLOYMENT IN SAID OFFICE IS DEEMED NECESSARY BY THE DIRECTOR OF SUCH OFFICE TO CARRY OUT THE PURPOSES OF THIS ARTICLE SHALL BE TRANSFERRED TO SUCH OFFICE AND SHALL BECOME EMPLOYEES THEREOF. ANY EMPLOYEES WHO ARE CLASSIFIED EMPLOYEES IN THE STATE PERSONNEL SYSTEM SHALL RETAIN ALL RIGHTS TO THE PERSONNEL SYSTEM AND RETIREMENT BENEFITS UNDER THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH THE STATE PERSONNEL SYSTEM LAWS AND RULES.

(3) ON AND AFTER JULY 1, 2000, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION AND COLORADO ECONOMIC DEVELOPMENT COMMISSION PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT PURSUANT TO THIS SECTION ARE TRANSFERRED TO SAID OFFICE AND BECOME PROPERTY THEREOF.

(4) WHENEVER THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION OR COLORADO ECONOMIC DEVELOPMENT COMMISSION IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT PURSUANT TO THIS SECTION, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO SUCH OFFICE. ALL CONTRACTS ENTERED INTO BY THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION OR COLORADO ECONOMIC DEVELOPMENT COMMISSION PRIOR TO JULY 1, 2000, IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO SAID OFFICE PURSUANT TO THIS SECTION ARE HEREBY VALIDATED, WITH SUCH OFFICE SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH CONTRACTS. ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED PURSUANT TO SUCH CONTRACTS ARE HEREBY TRANSFERRED AND APPROPRIATED TO SUCH OFFICE FOR THE PAYMENT OF SAID OBLIGATIONS.

(5) ON AND AFTER JULY 1, 2000, THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS PREVIOUSLY VESTED IN THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE JOINT ADMINISTRATION OF THE COLORADO CUSTOMIZED TRAINING PROGRAM, A PROGRAM WITHIN THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION.

SECTION 4. 23-60-306 (3) (a), Colorado Revised Statutes, is amended, and the

said 23-60-306 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

23-60-306. Colorado customized training program - creation - policy - functions of the state board for community colleges and occupational education.

(3) (a) There is hereby created the Colorado customized training program within the board. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, said program shall be operated as a joint effort with the department of local affairs and in cooperation with the department of labor and employment, the department of human services, and state and local education agencies.

(6) ON AND AFTER JULY 1, 2000, THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS PREVIOUSLY VESTED IN THE DEPARTMENT OF LOCAL AFFAIRS UNDER THIS SECTION.

SECTION 5. 23-60-307 (3) (a), the introductory portion to 23-60-307 (3) (b), and 23-60-307 (4) Colorado Revised Statutes, are amended to read:

23-60-307. Colorado existing industry training program - creation - policy - functions of the state board for community colleges and occupational education.

(3) (a) There is hereby created the Colorado existing industry training program within the state board for community colleges and occupational education. Said program shall be jointly administered by the state board of community colleges and occupational education and the COLORADO office of economic development in cooperation with the ~~department of local affairs~~, department of labor and employment, governor's job training office, state and local education agencies and private industry councils (in the planning and review process), and approved joint apprenticeship programs.

(b) The program shall provide training or retraining workers for companies being affected by major technological change or for situations where training is deemed crucial for the company and for worker retention. The program shall give first priority to Colorado-based industries which are being affected by technological change, causing a decline in business which may result in dislocation of its work force by imminent layoffs which may impact the community where the company is located. No preference in selection shall be given based on the location of a business in the state. The determinations required by this paragraph (b) shall be made after considering the financial condition of applicant companies, on-site visits to applicant companies, and joint evaluations thereof by the state board for community colleges and occupational education and the COLORADO office of economic development as joint operators of the program. Training or retraining under the program may include any of the following or any combination thereof:

(4) There is hereby created in the state treasury the Colorado existing industry training cash fund ~~which~~ THAT shall consist of all moneys credited thereto pursuant to this subsection (4) and as otherwise provided by law. ~~For the purpose of providing start-up moneys for the Colorado existing industry training program for the period beginning July 1, 1989, and ending June 30, 1990, subject to the provisions of section 8-72-105(1), C.R.S., an expenditure in the amount of three hundred thousand dollars shall be made from the unemployment revenue fund, created in section 8-77-106,~~

~~C.R.S., and paid to the state treasurer, who shall credit such moneys to the Colorado existing industry training cash fund, and such moneys may be expended from the fund by the Colorado existing industry training program beginning on and after June 7, 1989, to carry out the purposes of this section. The general assembly shall make annual appropriations for fiscal years commencing on or after July 1, 1990, from the Colorado existing industry training cash fund to the state board for community colleges and occupational education for allocation to the Colorado existing industry training program for the implementation of this section. and the general assembly shall determine sources of continued funding for the Colorado existing industry training program for such fiscal years.~~

SECTION 6. 24-46-102 (2) and (3), Colorado Revised Statutes, are amended to read:

24-46-102. Colorado economic development commission - creation - membership. (2) There is hereby created the Colorado economic development commission IN THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, referred to in this article as the "commission". ~~The commission shall exercise its powers and perform its duties and functions specified in this article under the department of local affairs as if the same were transferred to the department by a type 2 transfer as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.~~

(3) The commission shall consist of ~~nine~~ THE GOVERNOR OR THE GOVERNOR'S DESIGNEE AND EIGHT members who shall be appointed no later than August 1, 1996, as follows: four members shall be appointed by the governor; two members shall be appointed by the speaker of the house of representatives; AND two members shall be appointed by the president of the senate. ~~and one member shall be the executive director of the department of local affairs.~~ No member of the general assembly shall be appointed as a member of the commission. The governor shall appoint at least one person from west of the continental divide and one person from the eastern slope predominately from the rural area. Members shall serve at the pleasure of their appointing authority.

SECTION 7. 24-46-106, Colorado Revised Statutes, is amended to read:

24-46-106. Repeal of article. This article is repealed, effective ~~July 1, 2001~~ JULY 1, 2006.

SECTION 8. 39-30-103 (4) (e), Colorado Revised Statutes, is amended to read:

39-30-103. Zones established - termination. (4) (e) Effective January 1, 1997, all decisions concerning the designation or termination of enterprise zones or portions thereof shall be made by the Colorado economic development commission created in section 24-46-102, C.R.S., upon the recommendations of the ~~executive~~ director of the ~~department of local affairs~~ COLORADO OFFICE OF ECONOMIC DEVELOPMENT; except that no termination decision shall be effective prior to July 1, 1997, and no termination decision shall be effective prior to the submission of a report on the termination decision by the commission to the general assembly.

SECTION 9. 39-30-103.5 (1) (a) (I), (1) (e), (6) and (7), Colorado Revised

Statutes, are amended to read:

39-30-103.5. Credit against tax - contributions to enterprise zone administrators to implement economic development plans. (1) (a) (I) Except as otherwise provided in subparagraph (II) of this paragraph (a), for income tax years commencing on or after ~~January 1, 1989~~ JANUARY 1, 2000, any taxpayer who makes a monetary or in-kind contribution for the purpose of implementing the economic development plan for the enterprise zone to the person or agency ~~which~~ THAT has been designated as the enterprise zone administrator by the ~~department of local affairs~~ COLORADO ECONOMIC DEVELOPMENT COMMISSION shall be allowed a credit against the income tax imposed by article 22 of this title in an amount equal to fifty percent of the total value of the contribution as certified by the enterprise zone administrator.

(e) On or before ~~November 1, 1996~~ NOVEMBER 1, 2000, and November 1 of each year thereafter, each zone administrator shall provide to the ~~executive director of the department of local affairs~~ COLORADO ECONOMIC DEVELOPMENT COMMISSION a list of all programs, projects, and organizations to which taxpayers may contribute during the next calendar year for the purpose of implementing the economic development plan of the zone and receiving a tax credit pursuant to this section. The list shall be accompanied by a description of each program, project, or organization, including the purpose and relationship of the program, project, or organization to the economic development goals of the enterprise zone, the expected benefits of the program, project, or organization to the enterprise zone, and an estimate of the amount of potential contributions to the program, project, or organization during the next calendar year. ~~No later than December 1 of each year, the executive director of the department of local affairs shall forward the lists of programs, projects, or organizations submitted by zone administrators to the Colorado economic development commission established pursuant to article 46 of title 24, C.R.S.~~ Any modifications to a list, including programs, projects, or organizations that are to be added thereto, shall be submitted to the ~~department of local affairs~~ COMMISSION by the zone administrator no later than thirty days after the modification is made. ~~The department of local affairs shall report any such modifications to the Colorado economic development commission within thirty days of receipt.~~ Commencing July 1, 1999, the commission is authorized to hold hearings and review any new program, project, or organization included on a list that is submitted to the commission pursuant to this section, any modification to a list, and any other program, project, or organization that the commission determines has changed materially. A list or modification of a list that is submitted to the commission pursuant to this section shall not be considered final until thirty days after the commission has received such information. The commission shall approve any program, project, or organization that it determines is eligible under the requirements of this section or is essential to the mission of the enterprise zone upon a majority vote of the members of the commission present at a meeting at which such approval is considered. The commission shall notify the zone administrator of any program, project, or organization that is not approved within thirty days of receipt of the list or modification of the list. Any program, project, or organization not approved by the commission may request that the commission reconsider its decision within thirty days after the date the notice indicating that the program, project, or organization was not approved was provided to the zone administrator. A zone administrator may accept contributions for any program, project, or organization it has submitted

pursuant to this paragraph (e).

(6) No later than ninety days after making a certification of value pursuant to subsection (1) of this section, the enterprise zone administrator making the certification shall report to the ~~executive director of the department of local affairs~~ COLORADO ECONOMIC DEVELOPMENT COMMISSION the total value of the contribution as certified by the administrator, the source of the contribution, the purpose of the contribution, and the relationship of the stated purpose of the contribution to the enterprise zone's goals or job creation objectives.

(7) The ~~department of local affairs~~ COLORADO ECONOMIC DEVELOPMENT COMMISSION or the enterprise zone administrator may release information concerning the source and amount of contributions made pursuant to this section, as well as the amount of the credits allowed pursuant to this section.

SECTION 10. Repeal of provisions being relocated in this act. 24-32-308 and 24-32-309, Colorado Revised Statutes, are repealed.

SECTION 11. Appropriation - adjustments to the 2000 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the department of local affairs, executive director's office, for health, life, and dental, short-term disability, salary survey and senior executive service, and anniversary increases, is decreased by twenty-two thousand six hundred forty-two dollars (\$22,642).

(b) The general fund appropriation to the department of local affairs, executive director's office, leased space, is decreased by forty thousand seven hundred sixty-six dollars (\$40,766).

(c) The appropriation to the department of local affairs, economic development, local affairs programs, motion picture and television production, for program costs, is decreased by three hundred sixty-three thousand one hundred seventy-two dollars (\$363,172) and 4.5 FTE. Said sum shall be from the general fund.

(d) The appropriation to the department of local affairs, economic development, local affairs programs, economic development commission, for general economic incentives and marketing, is decreased by one million one hundred eighty-four thousand one hundred seventy-nine dollars (\$1,184,179) and 2.5 FTE. Said sum shall be from the general fund.

(e) The appropriation to the department of local affairs, economic development, department of higher education programs, for Colorado first customized job training, is decreased by three million one hundred thirty-three thousand four hundred dollars (\$3,133,400). Said sum shall be from the general fund.

(f) The appropriation to the department of local affairs, economic development, department of higher education programs, for existing industry training, is decreased by one million one hundred twenty-five thousand two hundred twenty dollars (\$1,125,220). Said sum shall be from the general fund.

(g) The letter note indicating the source of the appropriation to the department of higher education, division of occupational education, for Colorado first customized job training, and for existing industry training, is changed from transfers from the department of local affairs, economic development section, to transfers from the governor - lieutenant governor - state planning and budgeting, office of economic development, pursuant to this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of economic development, for the fiscal year beginning July 1, 2000, the sum of five million eight hundred sixty-nine thousand three hundred seventy-nine dollars (\$5,869,379) and 7.0 FTE. Of said sum, twenty-two thousand six hundred forty-two dollars (\$22,642) shall be for centrally appropriated items, forty thousand seven hundred sixty-six dollars (\$40,766) shall be for leased space, three hundred sixty-three thousand one hundred seventy-two dollars (\$363,172) and 4.5 FTE shall be for motion picture and television production, one million one hundred eighty-four thousand one hundred seventy-nine dollars (\$1,184,179) and 2.5 FTE shall be for the economic development commission, three million one hundred thirty-three thousand four hundred dollars (\$3,133,400) shall be for Colorado first customized job training, and one million one hundred twenty-five thousand two hundred twenty dollars (\$1,125,220) shall be for existing industry training.

SECTION 12. Effective date. This act shall take effect July 1, 2000.

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

Approved: June 1, 2000