

## CHAPTER 298

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**GOVERNMENT - STATE**


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SENATE BILL 08-231

BY SENATOR(S) Veiga;  
 also REPRESENTATIVE(S) Vaad, Buescher, Marshall, Soper, and Summers.

**AN ACT**

CONCERNING THE TRANSFER OF WORK FORCE DEVELOPMENT RESPONSIBILITIES FROM THE DEPARTMENT OF LOCAL AFFAIRS TO THE DEPARTMENT OF LABOR AND EMPLOYMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** 24-46.3-101 (1) and (8), Colorado Revised Statutes, are amended to read:

**24-46.3-101. State work force development council - creation - membership - definitions.** (1) There ~~are~~ <sup>is</sup> hereby created within the department of ~~local affairs~~ LABOR AND EMPLOYMENT, ALSO REFERRED TO IN THIS ARTICLE AS THE "DEPARTMENT", the state work force development council, also referred to in this article as the "state council". ~~and the office of work force development.~~ The state council shall be established as a state work force investment board in accordance with the federal "Workforce Investment Act of 1998", 29 U.S.C. SEC. 2801 ET SEQ., as amended, also referred to in this article as the "federal act". ~~The office of work force development shall provide logistical and staff support to the state council and shall operate under the supervision of the executive director of the department of local affairs.~~

(8) ~~The office of work force development~~ STAFF OF THE DEPARTMENT, in consultation with the state council and governor, shall establish an annual budget for basic state council functions, activities, meetings, travel, per diem, reports, and staff. Funding for the state council's budget shall come from a portion of the administrative moneys available to the mandatory and additional federal partner programs specified in ~~section 121~~ 29 U.S.C. SEC. 2841 (b) (1) and (b) (2). ~~of the federal act.~~ The amount of the administrative moneys from each mandatory and additional federal partner program to be transferred to the state council shall be

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

determined by the office of state planning and budgeting, proportionate to the annual federal partner program or activity grant amounts to the state and appropriated by the general assembly. In addition to the federal partner programs grant funding, the state council shall seek other federal, state, and private grants, gifts, and contributions to fund state council special duties, demonstration projects, and initiatives.

**SECTION 2.** 24-46.3-102, Colorado Revised Statutes, is amended to read:

**24-46.3-102. Transfer of functions.** (1) ~~The state council and the office of work force development~~ STAFF OF THE DEPARTMENT shall, on and after July 1, ~~2000~~ 2008, execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested in the ~~work force coordinating council within the governor's office~~ OF WORK FORCE DEVELOPMENT prior to said date concerning the duties and functions transferred to the ~~state council and the office of work force development~~ STAFF OF THE DEPARTMENT pursuant to this section.

(2) (a) On and after July 1, ~~2000~~ 2008, the officers and employees of the ~~work force coordinating council~~ OFFICE OF WORK FORCE DEVELOPMENT prior to said date whose duties and functions concerned the duties and functions transferred to the ~~state council and the office of work force development~~ STAFF OF THE DEPARTMENT pursuant to this section shall be transferred to the ~~state council and the office of work force development~~; except that they shall continue to be employees of the ~~governor's office and shall serve at the pleasure of the governor~~ DEPARTMENT.

(b) Any such employees who are classified employees in the state personnel system shall retain all rights to the personnel system and retirement benefits pursuant to 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 state personnel system laws and regulations.

(3) On July 1, ~~2000~~ 2008, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the ~~work force coordinating council~~ OFFICE OF WORK FORCE DEVELOPMENT prior to said date pertaining to the duties and functions transferred to the ~~state council and the office of work force development~~ STAFF OF THE DEPARTMENT pursuant to this section, are transferred to the ~~state council and the office of work force development~~ DEPARTMENT and become the property thereof.

(4) Whenever the ~~work force coordinating council~~ OFFICE OF WORK FORCE DEVELOPMENT is referred to or designated by a contract or other document in connection with the duties and functions transferred to the ~~state council and the office of work force development~~ STAFF OF THE DEPARTMENT pursuant to this article, such reference or designation shall be deemed to apply to the ~~state council~~ DEPARTMENT. All contracts entered into by the ~~work force coordinating council~~ OFFICE OF WORK FORCE DEVELOPMENT prior to July 1, ~~2000~~ 2008, in connection with the duties and functions transferred to the ~~state council and the office of work force development~~ STAFF OF THE DEPARTMENT pursuant to this section are hereby validated, with the ~~state council~~ DEPARTMENT 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 the ~~state council~~ DEPARTMENT for the payment of such obligations.

**SECTION 3.** 24-1-121 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-1-121. Department of labor and employment - creation.** (3) The department of labor and employment shall consist of the following divisions:

(f) THE STATE WORK FORCE DEVELOPMENT COUNCIL, CREATED BY ARTICLE 46.3 OF THIS TITLE, WHICH SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF LABOR AND EMPLOYMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER.

**SECTION 4. Repeal.** 24-1-125 (2) (1), Colorado Revised Statutes, is repealed as follows:

**24-1-125. Department of local affairs - creation.** (2) The department of local affairs shall consist of the following divisions:

(1) ~~The office of work force development and the state work force development council, created by article 46.3 of this title, which shall exercise their powers and perform their duties and functions under the department of local affairs as if the same were transferred to the department by a type 2 transfer.~~

**SECTION 5.** 8-71-221, Colorado Revised Statutes, is amended to read:

**8-71-221. Allocation process.** Subject to federal law and available appropriations, within thirty days after receipt of the federal appropriation from the United States department of labor, the local elected officials from each work force investment area in the state shall develop an allocation formula for each work force investment area. Development of the allocation formula by the local elected officials shall be facilitated through a statewide association of county commissioners, referred to in this section as Colorado counties, incorporated, or CCI. CCI shall ensure that the local elected officials from each work force investment area have an opportunity to participate in the development and final approval of the recommendations for allocation formulas. The department and the ~~office of work force development~~ STATE WORK FORCE DEVELOPMENT COUNCIL created in section 24-46.3-101, C.R.S., shall provide technical assistance to CCI as requested in the development of recommended allocations. The local elected officials shall recommend the allocation formula to be applied and each allocation for adult, youth, and dislocated worker services under Title I of the federal act. CCI shall forward the local elected officials' recommendations to the state council pursuant to section 8-71-222 (2) (f) for review and comment. The state council shall then submit such recommendations, together with the state council's comments, to the joint budget committee of the general assembly for review and comment before forwarding such recommendations to the governor for final determination. If the local elected officials cannot agree on an allocation, the local elected officials shall prepare alternatives and CCI shall submit the alternatives to the state council for review and comment and submission to the joint budget committee, which shall

select one such alternative and forward it to the governor for final determination. The local elected officials and CCI shall develop their own operational procedures. Any moneys received by the state under Title I of the federal act, together with any associated state full-time equivalent personnel positions, shall be subject to appropriation by the general assembly.

**SECTION 6.** 26-2-712 (4) (a), Colorado Revised Statutes, is amended to read:

**26-2-712. State department duties - authority. (4) Performance measurements.** (a) The state department shall develop performance goals and a formula for measuring a county's progress toward meeting such performance goals in administering and implementing the works program with county block grants. The state department shall provide data gathered on behalf of each county to the general assembly on a quarterly basis regarding employment- and training-related performance measures for the works program. Such data shall include wages earned by works program participants upon leaving the program, job retention rates, and other related information. Such data shall be provided through the state department's computerized systems, if available. Counties shall not be required to provide additional manual or computerized systems to gather such data. The state department shall work with the ~~Colorado office of workforce development~~ STATE WORK FORCE DEVELOPMENT COUNCIL to gather data on works program participants who participate in training and job placement programs offered by work force development boards and the result of such participation. Such data shall be provided to the state auditor's office on at least an annual basis as a part of the works program audit pursuant to section 26-2-723.

**SECTION 7. Transfers of appropriations.** (1) From the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2008, to the department of local affairs, executive director's office, for the work force development council, the sum of four hundred sixty-six thousand sixteen dollars (\$466,016) and 4.0 FTE is hereby transferred to the department of labor and employment, division of employment and training, for the implementation of this act. Said sum shall be from reappropriated funds transferred from other state agencies.

(2) From the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2008, to the department of local affairs, executive director's office, for work force improvement grants, the sum of eight hundred seventy thousand dollars (\$870,000) and 1.0 FTE is hereby transferred to the department of labor and employment, division of employment and training, for the implementation of this act. Of said sum, twenty thousand dollars (\$20,000) shall be cash funds from donations, and eight hundred fifty thousand dollars (\$850,000) and 1.0 FTE shall be from federal funds.

**SECTION 8. Effective date.** This act shall take effect July 1, 2008.

**SECTION 9. 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: May 27, 2008