

CHAPTER 302

GOVERNMENT - STATE

HOUSE BILL 94-1191

BY REPRESENTATIVES Faatz, Entz, Keller, Schauer, Berry, Kerns, Reeves, and Snyder;
also SENATORS Schroeder, Bishop, Casey, Feeley, Hopper, Johnson, Mares, Norton, Rizzuto, Ruddick, Tebedo, and Wattenberg.

AN ACT

CONCERNING ECONOMIC DEVELOPMENT, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

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

SECTION 1. Title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 46.3
Work Force Training

24-46.3-101. Work force training coordinating council - creation - membership. (1) THERE IS HEREBY CREATED WITHIN THE OFFICE OF THE GOVERNOR THE WORK FORCE TRAINING COORDINATING COUNCIL REFERRED TO IN THIS ARTICLE AS THE "COUNCIL". THE COUNCIL SHALL BE ESTABLISHED AS A HUMAN RESOURCES INVESTMENT COUNCIL IN ACCORDANCE WITH SECTION 701 OF THE FEDERAL "JOB TRAINING PARTNERSHIP ACT", AS AMENDED.

(2) THE COUNCIL SHALL BE COMPOSED OF NO MORE THAN TWENTY-ONE MEMBERS, INCLUDING, BUT NOT LIMITED TO:

- (a) THE COMMISSIONER OF EDUCATION;
- (b) THE EXECUTIVE OFFICER OF THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION;
- (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT;
- (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF SOCIAL SERVICES, TO BE

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

REPLACED ON JULY 1, 1994, BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

(e) THE DIRECTOR OF THE GOVERNOR'S JOB TRAINING OFFICE;

(f) THE DIRECTOR OF THE OFFICE OF BUSINESS DEVELOPMENT;

(g) A REPRESENTATIVE OF LOCAL PUBLIC EDUCATION APPOINTED BY THE GOVERNOR;

(h) A REPRESENTATIVE OF AN INSTITUTION OF HIGHER EDUCATION APPOINTED BY THE GOVERNOR;

(i) A REPRESENTATIVE OF A SECONDARY OR POSTSECONDARY VOCATIONAL EDUCATION INSTITUTION APPOINTED BY THE GOVERNOR;

(j) TWO REPRESENTATIVES OF COMMUNITY-BASED ORGANIZATIONS APPOINTED BY THE GOVERNOR;

(k) THREE REPRESENTATIVES OF BUSINESS AND INDUSTRY APPOINTED BY THE GOVERNOR;

(l) THREE REPRESENTATIVES OF ORGANIZED LABOR APPOINTED BY THE GOVERNOR; AND

(m) THREE LOCAL ELECTED OFFICIALS APPOINTED BY THE GOVERNOR.

(3) THE GOVERNOR MAY APPOINT A CHAIRPERSON OF THE COUNCIL FROM AMONG ITS MEMBERS OR FROM OUTSIDE THE COUNCIL IN THE GOVERNOR'S DISCRETION.

(4) THE INITIAL APPOINTED MEMBERS OF THE COUNCIL SHALL SERVE FOR STAGGERED TERMS OF ONE, TWO, AND THREE YEARS, AS SPECIFIED BY THE GOVERNOR IN MAKING THE APPOINTMENTS. THEREAFTER, APPOINTED MEMBERS SHALL SERVE FOR TERMS OF THREE YEARS.

(5) IN MAKING APPOINTMENTS PURSUANT TO THIS SECTION, THE GOVERNOR SHALL ENDEAVOR TO ENSURE THAT THE MEMBERSHIP OF THE COUNCIL REFLECTS THE REGIONAL AND ETHNIC DIVERSITY OF THE STATE AND INCLUDES REPRESENTATIVES OF RURAL AREAS OF THE STATE.

(6) THE COUNCIL SHALL MEET AT LEAST QUARTERLY.

24-46.3-102. Council - duties and functions. (1) IT IS THE RESPONSIBILITY OF THE COUNCIL TO ADVISE THE GOVERNOR AND THE GENERAL ASSEMBLY CONCERNING THE EMPLOYMENT AND TRAINING NEEDS OF THE STATE OF COLORADO.

(2) THE COUNCIL SHALL DEVELOP A COMPREHENSIVE WORK FORCE EMPLOYMENT AND TRAINING PLAN WHICH SHALL:

(a) IDENTIFY THE TRAINING AND EMPLOYMENT NEEDS OF THE COLORADO WORK FORCE AND RECOMMEND STEPS FOR MEETING THOSE NEEDS;

(b) ESTABLISH GOALS FOR THE DEVELOPMENT AND COORDINATION OF EDUCATION, EMPLOYMENT, AND TRAINING SYSTEMS IN THE STATE OF COLORADO;

(c) EVALUATE ALL STATE TRAINING PROGRAMS AND DETERMINE HOW WELL THE PROGRAMS ARE MEETING TRAINING NEEDS OF THE STATE OF COLORADO;

(d) MAKE RECOMMENDATIONS CONCERNING THE ORGANIZATIONAL STRUCTURE WHICH WILL BEST DELIVER EMPLOYMENT AND TRAINING SERVICES; AND

(e) MAKE RECOMMENDATIONS CONCERNING TRAINING PROGRAMS, INCLUDING APPRENTICESHIP AND YOUTH APPRENTICESHIP PROGRAMS.

(3) THE PLAN AND THE RECOMMENDATIONS REQUIRED TO BE MADE BY THE COUNCIL PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL BE PRESENTED TO THE GOVERNOR AND THE GENERAL ASSEMBLY NO LATER THAN JULY 1, 1995, FOR MODIFICATION, ADOPTION, IMPLEMENTATION, OR ANY COMBINATION THEREOF DURING THE 1996 REGULAR LEGISLATIVE SESSION. IF THE COUNCIL FINDS THAT THE RECOMMENDATIONS CANNOT BE IMPLEMENTED WITHOUT STATUTORY CHANGES, THE PROPOSED CHANGES SHALL BE INCLUDED IN THE RECOMMENDATIONS MADE TO THE GOVERNOR AND THE GENERAL ASSEMBLY. THE COUNCIL SHALL PRESENT A PROGRESS REPORT ON THE DEVELOPMENT OF THE WORK FORCE EMPLOYMENT AND TRAINING PLAN TO THE ECONOMIC DEVELOPMENT ADVISORY BOARD NO LATER THAN APRIL 1, 1995.

(4) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COUNCIL SEEK FEDERAL FUNDING TO SUPPORT ITS ACTIVITIES TO THE FULLEST EXTENT POSSIBLE.

SECTION 2. 24-49-101 (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-49-101. Colorado economic development advisory board - creation - membership. (2) The board shall consist of eight members from the private sector recognized for expertise in business development, capital or finance development, rural development, small business, transportation, and labor, which may include a private sector member of the Colorado economic development commission. Four of such 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. NO MORE THAN FIVE APPOINTED MEMBERS SHALL BE FROM THE SAME POLITICAL PARTY.

SECTION 3. 24-49-102 (1) (c) (III) and (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 24-49-102 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-49-102. Powers, duties, and functions of the Colorado economic development advisory board - repeal. (1) The Colorado economic development advisory board shall have the following powers, duties, and functions:

(b.5) (I) TO DEVELOP AN ECONOMIC DEVELOPMENT STRATEGIC PLAN THAT ADDRESSES THE ECONOMIC, EDUCATIONAL, ENVIRONMENTAL, AND REGIONAL NEEDS OF THE STATE OF COLORADO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-49-103.

(II) THIS PARAGRAPH (b.5) IS REPEALED, EFFECTIVE JULY 1, 1997.

(c) To review, evaluate, and make recommendations concerning:

(III) ~~The state's strategic economic development plan;~~

(4) Staff assistance for the board shall be provided JOINTLY by the ~~office of business development~~ OFFICES OF STATE PLANNING AND BUDGETING AND THE LEGISLATIVE COUNCIL.

SECTION 4. 24-49-102, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-49-102. Powers, duties, and functions of the Colorado economic development advisory board - repeal. (2.5) THE ADVISORY BOARD SHALL CONSULT WITH THE CHAIR AND VICE-CHAIR OF THE COLORADO ECONOMIC DEVELOPMENT COMMISSION AND THE CHAIR AND VICE-CHAIR OF THE WORK FORCE TRAINING COORDINATING COUNCIL IN PERFORMING ITS DUTIES WITH RESPECT TO THE STATE'S ECONOMIC DEVELOPMENT STRATEGIC PLAN.

SECTION 5. Article 49 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

24-49-103. Economic development strategic plan - preparation - contents - annual report - repeal. (1) THE ECONOMIC DEVELOPMENT ADVISORY BOARD SHALL DEVELOP AN ECONOMIC DEVELOPMENT STRATEGIC PLAN THAT ADDRESSES THE CURRENT AND PROJECTED ECONOMIC DEVELOPMENT NEEDS OF THE STATE OF COLORADO AND THE REGIONS WITHIN THE STATE AND SUBMIT THE PLAN TO THE GOVERNOR AND THE GENERAL ASSEMBLY NO LATER THAN JULY 1, 1995, FOR MODIFICATION, ADOPTION, IMPLEMENTATION, OR ANY COMBINATION THEREOF DURING THE 1996 REGULAR LEGISLATIVE SESSION. THE STRATEGIC PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(a) RECOMMENDED SHORT- AND LONG-TERM GOALS FOR THE ECONOMIC HEALTH AND STABILITY OF THE STATE AND RECOMMENDED GOALS, PRIORITIES, AND PROGRAM STANDARDS FOR STATE PROGRAMS AND POLICIES RELATED TO ECONOMIC DEVELOPMENT, INCLUDING, BUT NOT LIMITED TO, ECONOMIC DEVELOPMENT MARKETING, WORK FORCE EDUCATION AND TRAINING, ENVIRONMENTAL AND OTHER REGULATION, INFRASTRUCTURE IMPROVEMENTS, TAX POLICY, AND CAPITAL FORMATION;

(b) EVALUATION OF THE EFFECTIVENESS OF CURRENT STATE ECONOMIC DEVELOPMENT PROGRAMS AND POLICIES BASED ON THE GOALS, PRIORITIES, AND PROGRAM STANDARDS RECOMMENDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1); AND

(c) PROPOSED CHANGES IN THE ADMINISTRATION OF STATE ECONOMIC DEVELOPMENT PROGRAMS THAT WILL SUFFICIENTLY ENHANCE THEIR EFFECTIVENESS.

(2) IN CARRYING OUT ITS DUTIES UNDER THIS SECTION, THE BOARD SHALL:

(a) SEEK INFORMATION AND TESTIMONY FROM PROFESSIONAL ASSOCIATIONS, INDUSTRY AND ACADEMIC GROUPS, AND OTHER INSTITUTIONS WITH KNOWLEDGE OF AND INTEREST IN ECONOMIC DEVELOPMENT AND PLANNING AND FROM INDIVIDUALS WHO ARE EITHER CERTIFIED BY THE AMERICAN ECONOMIC DEVELOPMENT COUNCIL OR WHO HAVE AT LEAST FIVE YEARS OF PROFESSIONAL EXPERIENCE IN ECONOMIC DEVELOPMENT AND PLANNING;

(b) SEEK ASSISTANCE AND RECOMMENDATIONS FROM ALL STATE AND LOCAL AGENCIES AND OFFICES AND STATE EDUCATIONAL INSTITUTIONS THAT ADMINISTER ECONOMIC DEVELOPMENT PROGRAMS IN THE STATE CONCERNING THE ECONOMIC NEEDS OF THE STATE AND THE DEVELOPMENT AND IMPLEMENTATION OF THE STRATEGIC PLAN;

(c) ENSURE THAT THE PLAN RECOGNIZES AND ACCOMMODATES THE DIFFERENCES IN NEEDS AND OPPORTUNITIES IN THE VARIOUS REGIONS OF COLORADO, EVALUATES THE EFFECTIVENESS OF STATE ECONOMIC DEVELOPMENT PROGRAMS IN SATISFYING THE REGIONAL NEEDS, AND MAKES RECOMMENDATIONS FOR PROGRAM CHANGES WHICH WOULD ENHANCE REGIONAL ECONOMIC DEVELOPMENT SUPPORT.

(3) STAFF FOR EACH PROGRAM TO BE INCLUDED IN THE ECONOMIC DEVELOPMENT STRATEGIC PLAN SHALL COOPERATE WITH THE ECONOMIC DEVELOPMENT ADVISORY BOARD IN THE DEVELOPMENT OF THE PLAN.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 1997.

24-49-104. Economic development program performance criteria - legislative declaration - repeal. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT A COMPREHENSIVE AND COORDINATED ECONOMIC DEVELOPMENT STRATEGIC PLAN REQUIRES THAT EXISTING STATE ECONOMIC DEVELOPMENT PROGRAMS AND POLICIES, AS WELL AS NEWLY CREATED PROGRAMS AND POLICIES, DEVELOP AND USE COMMON PROGRAM PERFORMANCE CRITERIA. THE CREATION AND USE OF SUCH CRITERIA PROVIDE ELECTED OFFICIALS AND PROGRAM MANAGERS WITH THE NECESSARY INFORMATION TO DETERMINE THE EFFECTIVE AND EFFICIENT USE OF PUBLIC FUNDS FOR ECONOMIC DEVELOPMENT PURPOSES. IT IS, THEREFORE, THE INTENT OF THE GENERAL ASSEMBLY THAT THE ECONOMIC DEVELOPMENT ADVISORY BOARD, AS PART OF THE STRATEGIC PLAN DEVELOPED PURSUANT TO SECTION 24-49-103 AND AFTER CONSULTATION WITH MANAGERS OF STATE ECONOMIC DEVELOPMENT PROGRAMS THAT ARE PART OF THE ECONOMIC DEVELOPMENT STRATEGIC PLAN, SHALL RECOMMEND MEASURABLE, RESULT-ORIENTED PERFORMANCE CRITERIA CONSISTENT WITH THIS SECTION.

(2) THE PROGRAM PERFORMANCE CRITERIA RECOMMENDED BY THE ECONOMIC DEVELOPMENT ADVISORY BOARD SHALL BE BASED ON FACTORS INCLUDING BUT NOT LIMITED TO THOSE SET FORTH IN SUBSECTIONS (3) AND (4) OF THIS SECTION.

(3) IN THE DEVELOPMENT AND EVALUATION OF THE CRITERIA PROPOSED FOR EACH ECONOMIC DEVELOPMENT PROGRAM, PRIMARY CONSIDERATION SHALL BE GIVEN TO:

(a) THE DEGREE TO WHICH THE PROGRAM AND ITS PRODUCTS AND SERVICES ENCOURAGE PROGRAM PARTICIPANTS TO CONSIDER AND EMPLOY PRACTICES BASED ON THE HIGHEST INTERNATIONAL STANDARDS IN THEIR INDUSTRY, WHETHER THOSE

PRACTICES INVOLVE PRODUCT QUALITY, INCREASED PRODUCTIVITY, IMPROVED MANAGEMENT PRACTICES, APPLICATION OF TECHNOLOGY, OR OTHER PRACTICES THAT IMPROVE AN INDUSTRY'S GLOBAL COMPETITIVENESS;

(b) THE LEVEL OF RESOURCES, WHETHER MONETARY OR IN-KIND, CONTRIBUTED TO THE PROGRAM BY THOSE PARTICIPATING IN THE PROGRAM; AND

(c) THE NUMBER OF FIRMS JOINTLY PARTICIPATING IN THE PROGRAM.

(4) IN THE DEVELOPMENT AND EVALUATION OF THE CRITERIA PROPOSED FOR EACH ECONOMIC DEVELOPMENT PROGRAM, SECONDARY CONSIDERATION SHALL BE GIVEN TO:

(a) THE EXTENT TO WHICH THE PROGRAM INCREASES THE EXPORT OF PRODUCTS AND SERVICES FROM THE STATE TO NATIONAL AND INTERNATIONAL MARKETS;

(b) THE EXTENT TO WHICH THE PROGRAM ASSISTS INDUSTRIES WITH PRODUCTS AND SERVICES THAT SUBSTITUTE FOR PRODUCTS AND SERVICES THAT WOULD OTHERWISE BE IMPORTED INTO THE STATE;

(c) THE EXTENT TO WHICH THE PROGRAM INVOLVES INCREASING THE VALUE-ADDED COMPONENT OF THE INDUSTRY'S PRODUCTS AND SERVICES;

(d) THE DEGREE TO WHICH THE PROGRAM COMPLEMENTS THE STATE'S ECONOMIC STRENGTHS OR ADDRESSES THE STATE'S ECONOMIC WEAKNESSES;

(e) THE EXTENT TO WHICH THE PROGRAM IMPROVES THE DIVERSIFICATION OF THE STATE'S ECONOMIC BASE; AND

(f) THE DEGREE TO WHICH THE PROGRAM SUPPORTS OR ENCOURAGES THE CREATION OF JOBS THAT PAY WAGES ABOVE THE NATIONAL OR COLORADO AVERAGE FOR THE INDUSTRY.

(5) IN EVALUATING ECONOMIC DEVELOPMENT PROGRAMS, PROGRAM MANAGERS AND THE BOARD SHALL ALSO CONSIDER THE EXTENT TO WHICH THE PROGRAM INVOLVES OTHER GOVERNMENT SERVICES OR PROGRAMS THAT ARE NOT USUALLY ASSOCIATED WITH AN ECONOMIC DEVELOPMENT PROGRAM, INCLUDING, BUT NOT LIMITED TO, MODIFICATION OF PROCEDURES FOR OBTAINING BUSINESS PERMITS, COORDINATION WITH LOCAL ECONOMIC DEVELOPMENT PROGRAMS, AND PLANS FOR INFRASTRUCTURE IMPROVEMENTS.

(6) THE PROGRAM PERFORMANCE CRITERIA RECOMMENDED FOR A SPECIFIC ECONOMIC DEVELOPMENT PROGRAM SHALL GIVE CONSIDERATION TO THE UNIQUENESS OF THE PROGRAM'S CLIENTELE AND PRACTICES.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 1997.

24-49-105. Local economic development - participation in federal programs.

ANY LOCAL GOVERNMENT MAY PARTICIPATE IN FEDERAL PROGRAMS TO DEVELOP NEW BUSINESS, EXPAND EXISTING BUSINESS, OR PROMOTE ECONOMIC DEVELOPMENT WITHIN ITS JURISDICTION. ANY LOCAL GOVERNMENT PARTICIPATING IN SUCH

PROGRAMS MAY ENTER INTO CONTRACTS FOR THE ADMINISTRATION OF SUCH PROGRAMS AND EXPEND MONEYS AS REQUIRED FOR PARTICIPATION IN SUCH PROGRAMS.

SECTION 6. 2-3-1401 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

2-3-1401. Oversight of economic development activities of state - business affairs and labor committees of senate and house of representatives - reports from governor to joint budget committee on economic development programs.

~~(3) The governor's office shall develop and submit to the general assembly by January 1, 1990, a draft five-year economic development strategic plan. The governor's office, after consultation with the business affairs and labor committees of the senate and house of representatives, shall submit a final plan to the general assembly by July 1, 1990. This plan shall include a definition of economic development, the goals and objectives of the state's economic development plan, a listing in order of priority of recommendations for initiatives and their costs, and an evaluation of the effectiveness of current state economic development programs, policies, organization, and recommended changes. This plan shall be updated and may be amended annually.~~

SECTION 7. 24-48.5-101 (2) (g), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-48.5-101. Colorado office of business development - creation. (2) The Colorado office of business development shall:

~~(g) Implement and update the targeted industries study;~~

SECTION 8. 43-1-1103, Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-1-1103. Transportation planning. (6) AS PART OF THE STATEWIDE PLANNING PROCESS AS PRESCRIBED BY RULES AND REGULATIONS PROMULGATED BY THE COMMISSION PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE DEPARTMENT SHALL REVIEW AND CONSIDER FOR INCLUSION IN THE STATEWIDE TRANSPORTATION PLAN ANY TRANSPORTATION IMPROVEMENT PROJECTS RELATED TO ECONOMIC DEVELOPMENT SET FORTH IN THE ECONOMIC DEVELOPMENT STRATEGIC PLAN DEVELOPED BY THE COLORADO ECONOMIC DEVELOPMENT ADVISORY BOARD PURSUANT TO SECTION 24-49-103, C.R.S.

SECTION 9. Appropriations. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado economic development fund created in section 24-46-105, Colorado Revised Statutes, not otherwise appropriated, to the office of the governor, for allocation to the Colorado work force training coordinating council, for the fiscal year beginning July 1, 1994, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, for payment of costs incurred by the council in performing its functions pursuant to article 46.3 of title 24, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado economic development fund created in section 24-46-105,

Colorado Revised Statutes, not otherwise appropriated, to the office of the governor, for allocation to the Colorado economic development advisory board, for the fiscal year beginning July 1, 1994, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, for payment of costs incurred by the board in developing the economic development strategic plan pursuant to section 24-49-103, Colorado Revised Statutes.

SECTION 10. 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, 1994