

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 13-0626.01 Julie Pelegrin x2700

SENATE BILL 13-218

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Young,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING WORKFORCE DEVELOPMENT FOR KEY INDUSTRIES IN**
102 **COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **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 the Colorado key industries workforce program to provide moneys to state institutions of higher education (institution) to assist students who are seeking bachelor's degrees, including a bachelor's of applied science degree, in key industry sectors. To receive a grant, an

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.

SENATE
Amended 2nd Reading
April 18, 2013

institution submits an application that must demonstrate that:

- ! The institution has partnered with a business in a key industry that expects to employ students who complete the bachelor's degree and that the business is agreeing to pay a dollar-for-dollar match to the institution for the grant moneys received;
- ! The institution has entered into the necessary agreements with other institutions to ensure transferability of credits; and
- ! There is a recognized workforce need for persons who hold the type of bachelor's degree that the institution will provide.

The department of higher education (department) will review the applications and recommend to the Colorado key industries workforce program grant board (grant board), created in the bill, those applicants that should receive a grant and the amount and duration of the grant. The grant board will select grant recipients from among the applicants that the department recommends. In awarding grants, the department and the grant board will consider specific criteria, including:

- ! The need for the type of bachelor's degrees the applicant's program will offer;
- ! Whether there is an existing population of students who are likely to enroll in the program; and
- ! The cost structure of the program.

Students who enroll in a bachelor's degree program that receives a grant are eligible for stipends from the Colorado opportunity fund.

The grants are payable from the Colorado key industries workforce program fund (fund), created in the bill. The fund consists of moneys appropriated by the general assembly.

The department must prepare an annual report concerning the grant moneys issued, how the grant moneys are used, and the graduation and employment success of students who obtain bachelor's degrees through a program that receives a grant.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 19.6 to
3 title 23 as follows:

4 **ARTICLE 19.6**

5 **Colorado Key Industries Workforce Program**

6 **23-19.6-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND

1 MAY BE CITED AS THE "COLORADO KEY INDUSTRIES WORKFORCE ACT".

2 **23-19.6-102. Legislative declaration.** (1) THE GENERAL
3 ASSEMBLY FINDS THAT:

4 (a) THE CONTINUED GROWTH IN THE COLORADO ECONOMY
5 REQUIRES A FLEXIBLE AND EFFICIENT SYSTEM THAT ENSURES THAT
6 INSTITUTIONS OF HIGHER EDUCATION PROVIDE THE DEGREE PROGRAMS
7 MOST NEEDED TO PRODUCE THE HIGHLY TRAINED AND READY WORKFORCE
8 REQUIRED BY THE STATE'S KEY INDUSTRIES;

9 (b) THIS SYSTEM IS BEST ACCOMPLISHED THROUGH A PARTNERSHIP
10 BETWEEN THESE KEY INDUSTRIES AND INSTITUTIONS OF HIGHER
11 EDUCATION THAT WILL ENSURE THAT THE DEGREE PROGRAMS THAT ARE
12 AVAILABLE ARE THE ONES MOST NEEDED BY INDUSTRY;

13 (c) INDUSTRIES AND INSTITUTIONS OF HIGHER EDUCATION MUST
14 COLLABORATE TO QUICKLY AND STRATEGICALLY TARGET THE STATE'S
15 SCARCE RESOURCES TO THE CRITICAL DEGREE PROGRAMS THAT ARE
16 IDENTIFIED BY SPECIFIC WORKFORCE NEEDS; AND

17 (d) CREATING A SYSTEM THAT FOSTERS COLORADO INDUSTRY AND
18 HIGHER EDUCATION PARTNERSHIPS WILL HELP ENSURE THAT COLORADO'S
19 CITIZENS HAVE ACCESS TO THE DEGREE PROGRAMS AND EDUCATIONAL
20 OPPORTUNITIES THEY NEED TO MEET THE NEEDS OF COLORADO'S
21 INDUSTRIES AND THAT COLORADO INDUSTRIES EMPLOY THESE CITIZENS
22 RATHER THAN SEEKING EMPLOYEES FROM OTHER STATES.

23 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT CREATING
24 THE COLORADO KEY INDUSTRIES WORKFORCE PROGRAM IS NECESSARY TO
25 FACILITATE PARTNERSHIPS BETWEEN KEY COLORADO INDUSTRIES AND
26 INSTITUTIONS OF HIGHER EDUCATION AND ENSURE THAT THE STATE'S
27 WORKFORCE HAS THE SPECIFIC TRAINING AND EDUCATION REQUIRED BY

1 THE STATE'S KEY INDUSTRIES.

2 **23-19.6-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER
5 EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-114,
6 C.R.S.

7 (2) "GRANT BOARD" MEANS THE COLORADO KEY INDUSTRIES
8 WORKFORCE PROGRAM GRANT BOARD CREATED IN SECTION 23-19.6-105.

9 (3) "KEY INDUSTRIES" MEANS THE FOLLOWING INDUSTRIES:

10 (a) ADVANCED MANUFACTURING;

11 (b) AEROSPACE;

12 (c) BIOSCIENCE;

13 (d) CREATIVE INDUSTRIES, INCLUDING DESIGN, FILM AND MEDIA,
14 HERITAGE, LITERARY AND PUBLISHING, PERFORMING ARTS, AND VISUAL
15 ARTS AND CRAFTS;

16 (e) DEFENSE AND HOMELAND SECURITY;

17 (f) ELECTRONICS;

18 (g) ENERGY AND NATURAL RESOURCES;

19 (h) FINANCIAL SERVICES;

20 (i) FOOD AND AGRICULTURE;

21 (j) HEALTH AND WELLNESS;

22 (k) INFRASTRUCTURE ENGINEERING;

23 (l) TECHNOLOGY AND INFORMATION;

24 (m) TOURISM AND OUTDOOR RECREATION; AND

25 (n) TRANSPORTATION AND LOGISTICS.

26 (4) "PROGRAM" MEANS THE COLORADO KEY INDUSTRIES
27 WORKFORCE PROGRAM CREATED IN SECTION 23-19.6-104.

1 (5) "STATE INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"
2 HAS THE SAME MEANING AS PROVIDED IN SECTION 23-18-102 (10); EXCEPT
3 THAT IT INCLUDES A JUNIOR COLLEGE THAT IS PART OF A JUNIOR COLLEGE
4 DISTRICT ORGANIZED PURSUANT TO ARTICLE 71 OF THIS TITLE.

5 **23-19.6-104. Colorado key industries workforce program -**
6 **created - administration.** (1) THERE IS CREATED WITHIN THE
7 DEPARTMENT THE COLORADO KEY INDUSTRIES WORKFORCE PROGRAM TO
8 ASSIST STATE INSTITUTIONS OF HIGHER EDUCATION AND KEY INDUSTRY
9 BUSINESSES TO DEVELOP THE WORKFORCE NEEDED TO MEET THE DEMAND
10 IN KEY INDUSTRIES. A STATE INSTITUTION OF HIGHER EDUCATION IN
11 PARTNERSHIP WITH OTHER INSTITUTIONS AND IN PARTNERSHIP WITH ONE
12 OR MORE KEY INDUSTRY BUSINESSES MAY APPLY FOR A GRANT FROM THE
13 PROGRAM TO SUBSIDIZE NONTRADITIONAL STUDENTS WHO HAVE
14 OBTAINED ASSOCIATE DEGREES, INCLUDING BUT NOT LIMITED TO
15 ASSOCIATE OF APPLIED SCIENCE DEGREES, AND ARE SEEKING BACHELOR'S
16 DEGREES, INCLUDING BUT NOT LIMITED TO BACHELOR'S DEGREES IN
17 APPLIED SCIENCES.

18 (2) TO APPLY FOR A GRANT THROUGH THE PROGRAM, A STATE
19 INSTITUTION OF HIGHER EDUCATION MUST SUBMIT TO THE DEPARTMENT
20 AN APPLICATION THAT, AT A MINIMUM, INCLUDES:

21 (a) A DESCRIPTION OF THE BACHELOR'S DEGREE PROGRAM THAT IS
22 THE SUBJECT OF THE GRANT APPLICATION; ==

23 (b) EVIDENCE THAT THE INSTITUTION HAS PARTNERED WITH AT
24 LEAST ONE KEY INDUSTRY BUSINESS THAT ANTICIPATES EMPLOYING THE
25 STUDENTS WHO COMPLETE THE BACHELOR'S DEGREE PROGRAM AND THAT
26 HAS AGREED TO PROVIDE DOLLAR-FOR-DOLLAR MATCHING FUNDS FOR THE
27 MONEYS THAT THE INSTITUTION RECEIVES THROUGH THE PROGRAM;

1 (c) EVIDENCE THAT THE INSTITUTION HAS ENTERED INTO
2 AGREEMENTS WITH OTHER INSTITUTIONS TO ENSURE THE
3 TRANSFERABILITY OF CREDITS EARNED THROUGH THE APPLYING
4 INSTITUTION'S DEGREE PROGRAM SUCH THAT A STUDENT WHO COMPLETES
5 A TWO-YEAR DEGREE MAY ENROLL AS A JUNIOR AT A FOUR-YEAR
6 INSTITUTION AND COMPLETE A FOUR-YEAR DEGREE WITHIN TWO YEARS;
7 AND

8 (d) EVIDENCE THAT THERE IS A NEED WITHIN A KEY INDUSTRY FOR
9 EMPLOYEES WHO HOLD THE TYPE OF DEGREE THAT THE APPLYING
10 INSTITUTION WILL OFFER. EVIDENCE OF INDUSTRY NEED MAY INCLUDE,
11 BUT NEED NOT BE LIMITED TO, EVIDENCE FROM THE MOST RECENT ANNUAL
12 REPORT REGARDING STATE WORKFORCE NEED PROJECTIONS AND
13 CREDENTIAL PRODUCTION CREATED PURSUANT TO SECTION 23-1-130,
14 REPORTS FROM THE OFFICE OF ECONOMIC DEVELOPMENT CREATED IN
15 SECTION 24-48.5-101, C.R.S., OR A REQUEST FROM ONE OR MORE KEY
16 INDUSTRY BUSINESSES.

17 (3) THE DEPARTMENT SHALL REVIEW EACH APPLICATION RECEIVED
18 PURSUANT TO THIS SECTION AND RECOMMEND TO THE GRANT BOARD
19 WHETHER THE APPLICANT SHOULD RECEIVE A GRANT AND, IF SO, THE
20 AMOUNT OF THE GRANT AND THE DURATION OF THE GRANT. IN SELECTING
21 THOSE APPLICANTS TO RECOMMEND FOR A GRANT, THE DEPARTMENT
22 SHALL CONSIDER, AT A MINIMUM, THE FOLLOWING CRITERIA:

23 (a) WHETHER THE DEGREES THAT WILL RESULT FROM THE
24 BACHELOR'S DEGREE PROGRAM ARE NEEDED FOR THE GROWTH OF KEY
25 INDUSTRIES IN COLORADO;

26 (b) THE LEVEL OF DEMAND WITHIN THE KEY INDUSTRIES FOR THE
27 DEGREES THAT WILL RESULT FROM THE BACHELOR'S DEGREE PROGRAM;

1 (c) WHETHER THERE IS AN EXISTING POPULATION OF STUDENTS
2 THAT IS LIKELY TO ENROLL IN THE BACHELOR'S DEGREE PROGRAM; AND

3 (d) THE COST STRUCTURE OF THE BACHELOR'S DEGREE PROGRAM,
4 INCLUDING BUT NOT LIMITED TO THE PERCENTAGE OF COSTS TO BE PAID BY
5 THE INSTITUTION, ANY PARTNERING BUSINESS, AND THE STUDENTS.

6 (4) STUDENTS WHO ENROLL IN A BACHELOR'S DEGREE PROGRAM
7 THAT RECEIVES A GRANT PURSUANT TO THIS ARTICLE AND THAT IS NOT
8 OPERATED BY A JUNIOR DISTRICT COLLEGE ARE ELIGIBLE TO RECEIVE
9 STIPENDS FROM THE COLORADO OPPORTUNITY FUND CREATED IN SECTION
10 23-18-201.

11 **23-19.6-105. Colorado key industries workforce program**
12 **grant board - created - duties - repeal.** (1) THERE IS CREATED IN THE
13 DEPARTMENT THE COLORADO KEY INDUSTRIES WORKFORCE PROGRAM
14 GRANT BOARD. THE GRANT BOARD EXERCISES ITS POWERS AND PERFORMS
15 ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE GRANT
16 BOARD WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER
17 AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968",
18 ARTICLE 1 OF TITLE 24, C.R.S. THE GRANT BOARD CONSISTS OF ELEVEN
19 MEMBERS AS FOLLOWS:

20 (a) THE DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT OR
21 HIS OR HER DESIGNEE; AND

22 (b) TEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE
23 ADVICE AND CONSENT OF THE SENATE, AS FOLLOWS:

24 (I) A BUSINESS PERSON FROM EACH OF SEVEN OF THE KEY
25 INDUSTRY SECTORS;

26 (II) A PERSON WHO REPRESENTS STATE INSTITUTIONS OF HIGHER
27 EDUCATION THAT OFFER PRIMARILY TWO-YEAR DEGREES;

1 (III) A PERSON WHO REPRESENTS STATE INSTITUTIONS OF HIGHER
2 EDUCATION THAT OFFER FOUR-YEAR DEGREES AND ARE NOT RESEARCH
3 UNIVERSITIES; AND

4 (IV) A PERSON WHO REPRESENTS STATE INSTITUTIONS OF HIGHER
5 EDUCATION THAT ARE RESEARCH UNIVERSITIES.

6 (2) (a) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS
7 TO THE GRANT BOARD NO LATER THAN SEPTEMBER 1, 2013. THE
8 GOVERNOR SHALL CONSIDER ETHNICITY, GENDER, AND GEOGRAPHIC
9 REPRESENTATION IN APPOINTING THE MEMBERS OF THE GRANT BOARD.

10 (b) EACH OF THE APPOINTED MEMBERS OF THE GRANT BOARD
11 SERVES AT THE PLEASURE OF THE GOVERNOR. EACH MEMBER OF THE
12 BOARD SERVES A FOUR-YEAR TERM; EXCEPT THAT, OF THE MEMBERS
13 INITIALLY APPOINTED, FOUR SERVE FOUR-YEAR TERMS, THREE SERVE
14 THREE-YEAR TERMS, AND THREE SERVE TWO-YEAR TERMS. IF A VACANCY
15 ARISES, THE GOVERNOR SHALL APPOINT A PERSON TO FILL THE VACANCY
16 FOR THE REMAINDER OF THE TERM.

17 (c) EACH MEMBER OF THE GRANT BOARD SERVES WITHOUT
18 COMPENSATION BUT MAY RECEIVE REIMBURSEMENT FROM MONEYS IN THE
19 COLORADO KEY INDUSTRIES WORKFORCE PROGRAM FUND CREATED IN
20 SECTION 23-19.6-106 FOR THE ACTUAL AND NECESSARY EXPENSES THE
21 MEMBER INCURS IN THE PERFORMANCE OF HIS OR HER DUTIES AS A
22 MEMBER OF THE GRANT BOARD.

23 (3) (a) THE GRANT BOARD SHALL ELECT A CHAIR FROM AMONG ITS
24 MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS, AS
25 DETERMINED BY THE GRANT BOARD. A MEMBER IS NOT ELIGIBLE TO SERVE
26 AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

27 (b) THE GRANT BOARD SHALL MEET AS OFTEN AS NECESSARY AT

1 THE CALL OF THE CHAIR TO COMPLETE THE DUTIES ASSIGNED TO THE
2 GRANT BOARD. UPON REQUEST OF THE CHAIR OF THE GRANT BOARD, THE
3 DEPARTMENT SHALL PROVIDE STAFF ASSISTANCE AS NECESSARY TO ASSIST
4 THE GRANT BOARD IN COMPLETING THE DUTIES ASSIGNED TO IT.

5 (4) THE GRANT BOARD SHALL CONSIDER THE RECOMMENDATIONS
6 FOR AWARDING GRANTS THAT THE DEPARTMENT SUBMITS TO THE GRANT
7 BOARD PURSUANT TO SECTION 23-19.6-104 (3) AND AWARD GRANTS FROM
8 AMONG THE RECOMMENDED APPLICANTS. THE GRANT BOARD SHALL
9 CONSIDER, AT A MINIMUM, THE CRITERIA SPECIFIED IN SECTION
10 23-19.6-104 (3) IN SELECTING THE GRANT RECIPIENTS.

11 (5) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

12 (b) PRIOR TO REPEAL, THE GRANT BOARD SHALL BE REVIEWED AS
13 PROVIDED IN SECTION 2-3-1203, C.R.S.

14 **23-19.6-106. Colorado key industries workforce program fund**
15 **- created.** (1) THERE IS CREATED IN THE STATE TREASURY THE
16 COLORADO KEY INDUSTRIES WORKFORCE PROGRAM FUND, REFERRED TO
17 IN THIS SECTION AS THE "FUND", CONSISTING OF MONEYS THAT THE
18 GENERAL ASSEMBLY APPROPRIATES TO THE FUND. THE MONEYS IN THE
19 FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
20 ASSEMBLY TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS
21 ASSOCIATED WITH IMPLEMENTING THIS ARTICLE.

22 (2) (a) THE STATE TREASURER MAY INVEST AS PROVIDED BY LAW
23 ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS
24 ARTICLE. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
25 INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE
26 FUND TO THE FUND.

27 (b) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING

1 IN THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND
2 AND MUST NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
3 ANOTHER FUND.

4 **23-19.6-107. Annual report.** (1) FOR EACH YEAR IN WHICH THE
5 DEPARTMENT PAYS GRANTS THROUGH THE PROGRAM, THE DEPARTMENT
6 SHALL PREPARE A REPORT DESCRIBING, AT A MINIMUM:

7 (a) THE GRANT RECIPIENTS AND THE TYPES OF BACHELOR'S DEGREE
8 PROGRAMS THAT RECEIVE GRANTS;

9 (b) THE AMOUNT OF GRANT MONEYS PAID TO EACH RECIPIENT AND
10 THE DURATION OF EACH RECIPIENT'S GRANT;

11 (c) THE NUMBER OF STUDENTS ENROLLED IN AND GRADUATING
12 FROM EACH BACHELOR'S DEGREE PROGRAM THAT RECEIVES A GRANT; AND

13 (d) THE PERCENTAGE OF STUDENTS FROM EACH PROGRAM THAT
14 ARE EMPLOYED IN A POSITION THAT REQUIRES THE BACHELOR'S DEGREE
15 THAT THE STUDENT EARNED THROUGH THE PROGRAM.

16 (2) THE DEPARTMENT SHALL POST THE REPORT ON ITS WEB SITE
17 AND NOTIFY THE GOVERNOR, THE COLORADO COMMISSION ON HIGHER
18 EDUCATION, AND THE EDUCATION COMMITTEES OF THE SENATE AND
19 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, WHEN THE
20 REPORT IS POSTED. THE DEPARTMENT SHALL PROVIDE A COPY OF THE
21 REPORT TO ANY NOTIFIED PERSON UPON REQUEST.

22 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
23 (jj.5) as follows:

24 **2-3-1203. Sunset review of advisory committees.** (3) The
25 following dates are the dates for which the statutory authorization for the
26 designated advisory committees is scheduled for repeal:

27 (jj.5) SEPTEMBER 1, 2023:

1 (I) THE COLORADO KEY INDUSTRIES WORKFORCE PROGRAM GRANT
2 BOARD CREATED IN SECTION 23-19.6-105, C.R.S.

3 **SECTION 3. Appropriation.** (1) In addition to any other
4 appropriation, for the fiscal year beginning July 1, 2013, there is hereby
5 appropriated, out of any moneys in the general fund not otherwise
6 appropriated, to the department of higher education to be credited to the
7 Colorado key industries workforce program fund created in section
8 23-19.6-106, Colorado Revised Statutes, the sum of \$500,000, to be used
9 for purposes consistent with the creation of the fund.

10 (2) In addition to any other appropriation, there is hereby
11 appropriated, out of the Colorado key industries workforce program fund,
12 to the department of higher education, for the fiscal year beginning July
13 1, 2013, the sum of \$500,000 and 0.2 FTE, or so much thereof as may be
14 necessary, for allocation to the Colorado commission on higher education
15 to facilitate partnerships between key industries and institutions of higher
16 education as provided in article 19.6 of title 23, Colorado Revised
17 Statutes.

18 **SECTION 4. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2014 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.