

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 21-0897.01 Christy Chase x2008

HOUSE BILL 21-1285

HOUSE SPONSORSHIP

Benavidez and Herod, Amabile, Bacon, Bennett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Garnett, Gray, Jodeh, Kipp, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Roberts, Sirota, Snyder, Titone, Valdez A., Valdez D., Weissman, Young

SENATE SPONSORSHIP

Jaquez Lewis and Buckner,

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

Local Government
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE ALLOCATION OF GENERAL FUND MONEY TO PROVIDE**
102 **SUPPORT TO CREATIVE ARTS INDUSTRIES, AND, IN CONNECTION**
103 **THEREWITH, 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://leg.colorado.gov>.)

The bill:

- Transfers \$5 million from the general fund to the Colorado office of film, television, and media operational account cash fund and appropriates that amount to the governor's office for use in the 2021-22 state fiscal year by the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
June 4, 2021

HOUSE
3rd Reading Unamended
May 7, 2021

HOUSE
Amended 2nd Reading
May 5, 2021

Colorado office of film, television, and media in awarding performance-based incentives for film production in Colorado and for the loan guarantee program to finance production activities;

- For the 2020-21 state fiscal year, appropriates \$3.5 million, in addition to the amount appropriated pursuant to Senate Bill 20B-001, from the general fund to the creative industries cash fund for the arts relief program and removes the prohibition against an applicant that received a relief payment from the small business relief program from also receiving a relief payment under the arts relief program;
- For the 2020-21 state fiscal year, appropriates \$1.5 million from the general fund to the creative industries cash fund for allocation by the creative industries division to a nonprofit organization that administers grants to certain cultural facilities that focus on programming for and have board representation from defined historically marginalized and under-resourced communities; and
- Transfers any money appropriated for the small business relief program that is not encumbered or expended by June 30, 2021, to the creative industries cash fund for the arts relief program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-48.5-116, **amend**
3 (5)(a) introductory portion and (5)(a)(II) as follows:

4 **24-48.5-116. Film, television, and media - performance-based**
5 **incentive for film production in Colorado - Colorado office of film,**
6 **television, and media operational account cash fund - creation -**
7 **definition.** (5) (a) There is hereby created in the state treasury the
8 Colorado office of film, television, and media operational account cash
9 fund, referred to in this section as the "fund". The fund ~~shall consist~~
10 CONSISTS of:

11 (II) ~~Moneys~~ MONEY transferred to the fund, including three
12 million dollars that shall be transferred on July 1, 2012, AND FIVE MILLION
13 DOLLARS THAT SHALL BE TRANSFERRED ON JULY 1, 2021, from the general

1 fund AND UP TO ONE MILLION DOLLARS TRANSFERRED PURSUANT TO
2 SECTION 24-32-129 (3)(b)(II) to the Colorado office of film, television,
3 and media operational account cash fund; and

4 **SECTION 2.** In Colorado Revised Statutes, 24-48.5-301, **amend**
5 (2)(a)(V), (2)(a)(VI)(A), (2)(b)(IV), and (2)(b)(V)(A); and **add**
6 (2)(a)(VII), (2)(a)(VIII), and (2)(b)(VI) as follows:

7 **24-48.5-301. Creative industries division - creative industries**
8 **cash fund - creation - definition - repeal.** (2) (a) There is hereby
9 created in the state treasury the creative industries cash fund, referred to
10 in this section as the "fund". The fund consists of:

11 (V) Any gifts, grants, or donations from private or public sources
12 that the division is hereby authorized to seek and accept; ~~and~~

13 (VI)(A) Seven million five hundred thousand dollars appropriated
14 by the general assembly FROM THE GENERAL FUND to the fund, PURSUANT
15 TO SENATE BILL 20B-001, ENACTED IN 2020, FIRST EXTRAORDINARY
16 SESSION, AND THREE MILLION FIVE HUNDRED THOUSAND DOLLARS
17 APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE GENERAL FUND TO
18 THE FUND, PURSUANT TO THIS HOUSE BILL 21-1285, ENACTED IN 2021, for
19 the arts relief program established pursuant to section 24-48.5-316;

20 (VII) (A) UP TO TWELVE MILLION DOLLARS TRANSFERRED TO THE
21 FUND PURSUANT TO SECTION 24-32-129 (3)(b)(I).

22 (B) THIS SUBSECTION (2)(a)(VII) IS REPEALED, EFFECTIVE
23 DECEMBER 31, 2022.

24 (VIII) (A) ONE MILLION FIVE HUNDRED THOUSAND DOLLARS
25 APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE GENERAL FUND TO
26 THE FUND, FOR ALLOCATION IN ACCORDANCE WITH SECTION 24-48.5-317.

27 (B) THIS SUBSECTION (2)(a)(VIII) IS REPEALED, EFFECTIVE

1 DECEMBER 31, 2022.

2 (b) The money in the fund shall be annually appropriated to the
3 division for the operation of the division, and for the following:

4 (IV) For need-based funding for infrastructure development in
5 creative districts as authorized by section 24-48.5-314 (5)(b), to the extent
6 that the general assembly appropriates money to the fund for that purpose;
7 **and**

8 (V) (A) With regard to the amount appropriated to the fund
9 pursuant to subsection (2)(a)(VI) of this section AND THE AMOUNT
10 TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (2)(a)(VII) OF THIS
11 SECTION, for the arts relief program established pursuant to section
12 24-48.5-316.

13 (VI) (A) WITH REGARD TO THE AMOUNT APPROPRIATED TO THE
14 FUND PURSUANT TO SUBSECTION (2)(a)(VIII) OF THIS SECTION, FOR
15 ALLOCATION PURSUANT TO SECTION 24-48.5-317.

16 (B) THIS SUBSECTION (2)(b)(VI) IS REPEALED, EFFECTIVE
17 DECEMBER 31, 2022.

18 **SECTION 3.** In Colorado Revised Statutes, 24-48.5-316, **amend**
19 (3) and (4) introductory portion; and **repeal** (2)(b) as follows:

20 **24-48.5-316. COVID-19 relief program for arts, cultural, and**
21 **entertainment artists, crew members, and organizations - definitions**
22 **- report - repeal. (2) Arts relief program. (b) ~~Notwithstanding any~~**
23 **~~provision of law to the contrary, an arts, culture, and entertainment artist,~~**
24 **~~crew member, or organization that receives an arts relief payment~~**
25 **~~pursuant to this section is not eligible for any other relief payments from~~**
26 **~~the small business relief program created in section 24-32-129, enacted~~**
27 **~~by Senate Bill 20B-001, enacted in the first extraordinary session of the~~**

1 ~~seventy-second general assembly. An organization that applies for an arts~~
2 ~~relief payment pursuant to this section shall certify that the organization~~
3 ~~neither applied for nor received any other relief payments from the small~~
4 ~~business relief program created in section 24-32-129, enacted by Senate~~
5 ~~Bill 20B-001, enacted in the first extraordinary session of the~~
6 ~~seventy-second general assembly.~~

7 (3) **Funding.** For the 2020-21 AND 2021-22 state fiscal year
8 YEARS, the general assembly shall appropriate ~~seven million five hundred~~
9 ~~thousand~~ A TOTAL OF ELEVEN MILLION dollars from the general fund to the
10 creative industries cash fund created in section 24-48.5-301 (2) for the
11 arts relief program. The division may use up to five percent of the amount
12 appropriated pursuant to this section for its administrative costs in
13 administering or contracting with a third party to administer the arts relief
14 program.

15 (4) **Report.** By November 1, 2021, AND NOVEMBER 1, 2022, the
16 division shall submit a report to the governor, the business, labor, and
17 technology committee of the senate or its successor committee, and the
18 business affairs and labor committee of the house of representatives or its
19 successor committee detailing how the money was allocated through the
20 arts relief program, including:

21 **SECTION 4.** In Colorado Revised Statutes, **add** 24-48.5-317 as
22 follows:

23 **24-48.5-317. Allocation of funding for tier III cultural facilities**
24 **servicing historically marginalized and under-resourced communities**
25 **- repeal.** (1) THE DIVISION SHALL ALLOCATE MONEY APPROPRIATED TO
26 THE CREATIVE INDUSTRIES CASH FUND PURSUANT TO SECTION 24-48.5-301
27 (2)(a)(VIII) TO A NONPROFIT ORGANIZATION THAT ADMINISTERS THE

1 COMMUNITY ARTS, CULTURE, TRANSFORMATION, AND SCIENCE (ACTS)
2 FUND, OR ANY SUCCESSOR FUND, TO AWARD CAPACITY-BUILDING GRANTS
3 TO CULTURAL FACILITIES DESCRIBED IN SECTION 32-13-107 (3)(c) THAT
4 SATISFY THE FOLLOWING CRITERIA:

5 (a) THE CULTURAL FACILITY'S MISSION STATES A SPECIFIC FOCUS
6 ON DEFINED HISTORICALLY MARGINALIZED AND UNDER-RESOURCED
7 COMMUNITIES OR THE CULTURAL FACILITY FOCUSES AT LEAST FIFTY-ONE
8 PERCENT OF ITS PROGRAMMING ON ENGAGING AND SUPPORTING DEFINED
9 HISTORICALLY MARGINALIZED AND UNDER-RESOURCED COMMUNITIES;
10 AND

11 (b) AT LEAST FIFTY-ONE PERCENT OF THE BOARD OF DIRECTORS OR
12 STAFF OF THE CULTURAL FACILITY CONSISTS OF INDIVIDUALS FROM
13 DEFINED HISTORICALLY MARGINALIZED AND UNDER-RESOURCED
14 COMMUNITIES.

15 (2) THE NONPROFIT ORGANIZATION TO WHICH THE DIVISION
16 ALLOCATES MONEY PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL
17 REPORT TO THE DIVISION REGARDING THE USE OF THE MONEY, INCLUDING
18 INFORMATION ABOUT THE RECIPIENTS OF CAPACITY-BUILDING GRANTS,
19 HOW MUCH MONEY WAS ALLOCATED TO EACH GRANT RECIPIENT, AND HOW
20 THE GRANT RECIPIENTS USED THE GRANT DOLLARS. AS PART OF THE
21 REPORT REQUIRED PURSUANT TO SECTION 24-48.5-316 (4), THE DIVISION
22 SHALL REPORT INFORMATION RECEIVED FROM THE NONPROFIT
23 ORGANIZATION REGARDING THE USE OF THE MONEY ALLOCATED
24 PURSUANT TO THIS SECTION.

25 (3) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2022.

26 **SECTION 5.** In Colorado Revised Statutes, 24-32-129, **amend**
27 (3) as follows:

1 **24-32-129. Small business relief program - address negative**
2 **effects of capacity limits due to COVID-19 pandemic - distribution**
3 **through local governments - definitions - report - repeal.**

4 (3) **Funding.** (a) For the 2020-21 state fiscal year, the general assembly
5 shall appropriate thirty-seven million dollars from the general fund to the
6 department of local affairs for use by the division in accordance with this
7 section.

8 (b) THE DEPARTMENT OF LOCAL AFFAIRS SHALL NOTIFY THE STATE
9 TREASURER IF, ON JUNE 30, 2021, THERE IS UNEXPENDED AND
10 UNENCUMBERED MONEY REMAINING FROM THE AMOUNT APPROPRIATED
11 TO THE DEPARTMENT PURSUANT TO THIS SUBSECTION (3). IF THE STATE
12 TREASURER IS SO NOTIFIED, THE STATE TREASURER SHALL TRANSFER:

13 (I) UP TO TWELVE MILLION DOLLARS OF THE UNEXPENDED AND
14 UNENCUMBERED AMOUNT TO THE CREATIVE INDUSTRIES CASH FUND
15 CREATED IN SECTION 24-48.5-301 FOR USE IN ACCORDANCE WITH SECTION
16 24-48.5-301 (2)(b)(V); AND

17 (II) UP TO ONE MILLION DOLLARS OF THE UNEXPENDED AND
18 UNENCUMBERED AMOUNT TO THE COLORADO OFFICE OF FILM, TELEVISION,
19 AND MEDIA OPERATIONAL ACCOUNT CASH FUND CREATED IN SECTION
20 24-48.5-116 (5)(a) FOR USE IN ACCORDANCE WITH SECTION 24-48.5-116
21 (5)(b).

22 **SECTION 6. Appropriation.** (1) (a) For the 2020-21 state fiscal
23 year, \$5,000,000 is appropriated to the creative industries cash fund
24 created in section 24-48.5-301 (2)(a), C.R.S. This appropriation is from
25 the general fund. The office of the governor is responsible for the
26 accounting related to this appropriation.

27 (b) For the 2020-21 state fiscal year, \$5,000,000 is appropriated

1 to the office of the governor for use by economic development programs.
2 This appropriation is from reappropriated funds in the creative industries
3 cash fund under subsection (1)(a) of this section. To implement this act,
4 the office may use the appropriation for the council on creative industries
5 as follows:

6 (I) \$3,500,000 for the arts relief program established pursuant to
7 section 24-48.5-316, C.R.S.; and

8 (II) \$1,500,000 for allocation in accordance with section
9 24-48.5-317, C.R.S.

10 (2) For the 2021-22 state fiscal year, \$5,000,000 is appropriated
11 to the office of the governor for use by economic development programs.
12 This appropriation is from the Colorado office of film, television, and
13 media operational account cash fund created in section 24-48.5-116
14 (5)(a), C.R.S. To implement this act, the office may use the appropriation
15 for the Colorado office of film, television, and media in accordance with
16 section 24-48.5-116 (5)(b), C.R.S.

17 (3) (a) Except as set forth in subsection (3)(c) of this section, for
18 the 2021-22 state fiscal year, up to \$12,000,000 is appropriated to the
19 office of the governor for use by economic development programs. This
20 appropriation is from the creative industries cash fund created in section
21 24-48.5-301 (2)(a), C.R.S. To implement this act, the office may use this
22 appropriation for the arts relief program established pursuant to section
23 24-48.5-316, C.R.S.

24 (b) Except as set forth in subsection (3)(c) of this section, for the
25 2021-22 state fiscal year, up to \$1,000,000 is appropriated to the office
26 of the governor for economic development programs. This appropriation
27 is from the Colorado office of film, television, and media operational

1 account cash fund created in section 24-48.5-116 (5)(a), C.R.S. To
2 implement this act, the office may use this appropriation for the Colorado
3 office of film, television, and media in accordance with section
4 24-48.5-116 (5)(b), C.R.S.

5 (c) The money appropriated by this subsection (3) becomes
6 available if transfers authorized by section 24-32-129 (3)(b), C.R.S. are
7 completed.

8 **SECTION 7. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety.