

CHAPTER 228

GOVERNMENT - STATE

HOUSE BILL 21-1285

BY REPRESENTATIVE(S) Benavidez and Herod, Amabile, Bacon, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gray, Jodeh, Kipp, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Roberts, Sirota, Snyder, Titone, Valdez A., Valdez D., Weissman, Young, Garnett, Gonzales-Gutierrez, Hooton, Jackson, Sullivan; also SENATOR(S) Jaquez Lewis and Buckner, Bridges, Donovan, Fenberg, Fields, Ginal, Hansen, Kolker, Lee, Pettersen, Story, Zenzinger, Garcia.

AN ACT

CONCERNING THE ALLOCATION OF GENERAL FUND MONEY TO PROVIDE SUPPORT TO CREATIVE ARTS INDUSTRIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

(II) ~~Moneys~~ MONEY transferred to the fund, including three million dollars that shall be transferred on July 1, 2012, AND FIVE MILLION DOLLARS THAT SHALL BE TRANSFERRED ON JULY 1, 2021, from the general fund AND UP TO ONE MILLION DOLLARS TRANSFERRED PURSUANT TO SECTION 24-32-129 (3)(b)(II) to the Colorado office of film, television, and media operational account cash fund; and

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

24-48.5-301. Creative industries division - creative industries cash fund -

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

creation - definition - repeal. (2) (a) There is hereby created in the state treasury the creative industries cash fund, referred to in this section as the "fund". The fund consists of:

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

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

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

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

(VIII) (A) ONE MILLION FIVE HUNDRED THOUSAND DOLLARS APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE GENERAL FUND TO THE FUND, FOR ALLOCATION IN ACCORDANCE WITH SECTION 24-48.5-318.

(B) THIS SUBSECTION (2)(a)(VIII) IS REPEALED, EFFECTIVE DECEMBER 31, 2022.

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

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

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

(VI) (A) WITH REGARD TO THE AMOUNT APPROPRIATED TO THE FUND PURSUANT TO SUBSECTION (2)(a)(VIII) OF THIS SECTION, FOR ALLOCATION PURSUANT TO SECTION 24-48.5-318.

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

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

24-48.5-316. COVID-19 relief program for arts, cultural, and entertainment artists, crew members, and organizations - definitions - report - repeal.

(2) **Arts relief program.** (b) ~~Notwithstanding any provision of law to the contrary, an arts, culture, and entertainment artist, crew member, or organization that receives~~

~~an arts relief payment pursuant to this section is not eligible for any other relief payments from the small business relief program created in section 24-32-129, enacted by Senate Bill 20B-001, enacted in the first extraordinary session of the seventy-second general assembly. An organization that applies for an arts relief payment pursuant to this section shall certify that the organization neither applied for nor received any other relief payments from the small business relief program created in section 24-32-129, enacted by Senate Bill 20B-001, enacted in the first extraordinary session of the seventy-second general assembly.~~

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

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

SECTION 4. In Colorado Revised Statutes, **add** 24-48.5-318 as follows:

24-48.5-318. Allocation of funding for tier III cultural facilities serving historically marginalized and under-resourced communities - repeal. (1) THE DIVISION SHALL ALLOCATE MONEY APPROPRIATED TO THE CREATIVE INDUSTRIES CASH FUND PURSUANT TO SECTION 24-48.5-301 (2)(a)(VIII) TO A NONPROFIT ORGANIZATION THAT ADMINISTERS THE COMMUNITY ARTS, CULTURE, TRANSFORMATION, AND SCIENCE (ACTS) FUND, OR ANY SUCCESSOR FUND, TO AWARD CAPACITY-BUILDING GRANTS TO CULTURAL FACILITIES DESCRIBED IN SECTION 32-13-107 (3)(c) THAT SATISFY THE FOLLOWING CRITERIA:

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

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

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

ORGANIZATION REGARDING THE USE OF THE MONEY ALLOCATED PURSUANT TO THIS SECTION.

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

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

24-32-129. Small business relief program - address negative effects of capacity limits due to COVID-19 pandemic - distribution through local governments - definitions - report - repeal. (3) Funding. (a) For the 2020-21 state fiscal year, the general assembly shall appropriate thirty-seven million dollars from the general fund to the department of local affairs for use by the division in accordance with this section.

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

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

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

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

(b) For the 2020-21 state fiscal year, \$5,000,000 is appropriated to the office of the governor for use by economic development programs. This appropriation is from reappropriated funds in the creative industries cash fund under subsection (1)(a) of this section. To implement this act, the office may use the appropriation for the council on creative industries as follows:

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

(II) \$1,500,000 for allocation in accordance with section 24-48.5-318, C.R.S.

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

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

(b) Except as set forth in subsection (3)(c) of this section, for the 2021-22 state fiscal year, up to \$1,000,000 is appropriated to the office of the governor for economic development programs. This appropriation is from the Colorado office of film, television, and media operational account cash fund created in section 24-48.5-116 (5)(a), C.R.S. To implement this act, the office may use this appropriation for the Colorado office of film, television, and media in accordance with section 24-48.5-116 (5)(b), C.R.S.

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

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

Approved: June 14, 2021