

CHAPTER 229

GOVERNMENT - STATE

HOUSE BILL 21-1263

BY REPRESENTATIVE(S) Roberts and Soper, Rich, Amabile, Bernett, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Gray, Herod, Hooton, Jackson, Kipp, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ricks, Snyder, Sullivan, Titone, Valdez A., Woodrow, Young, Garnett;
also SENATOR(S) Rodriguez and Hisey, Bridges, Donovan, Fenberg, Gonzales, Hansen, Kolker, Moreno, Priola, Rankin, Simpson, Winter, Zenzinger, Garcia.

AN ACT

CONCERNING THE CREATION OF THE COLORADO MEETING AND EVENTS INCENTIVE PROGRAM, 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, **add 24-49.7-109** as follows:

24-49.7-109. Colorado meeting and events incentive program - creation - policies - report - legislative declaration - definitions - repeal. (1) **THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:**

(a) **THE COVID-19 PANDEMIC HAS HAD SEVERE IMPACTS ON COLORADO RESIDENTS AND BUSINESSES, INCLUDING THOSE IN THE TOURISM AND TRAVEL INDUSTRIES;**

(b) **THE COVID-19 PANDEMIC AND THE CAPACITY RESTRICTIONS, SOCIAL DISTANCING, AND OTHER PUBLIC HEALTH MEASURES IMPLEMENTED TO CONTAIN THE SPREAD OF THE COVID-19 PANDEMIC HAVE LED TO THE CANCELLATION OR DELAY OF CONVENTIONS, MEETINGS, FESTIVALS, AND OTHER EVENTS THAT GENERATE BUSINESS AND REVENUE FOR COLORADO COMMUNITIES;**

(c) **OTHER EVENTS HAVE BEEN REDESIGNED TO ACCOMMODATE PUBLIC HEALTH MEASURES, WHICH MAY INCREASE COSTS TO ORGANIZERS AND PARTICIPATING BUSINESSES AND INDIVIDUALS;**

(d) **THE CANCELLATIONS, DELAYS, AND ADDITIONAL COSTS HAVE FURTHERED THE**

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.

ECONOMIC HARM OF THE COVID-19 PANDEMIC TO COLORADO COMMUNITIES, BUSINESSES, AND RESIDENTS ACROSS THE STATE BY ELIMINATING OR REDUCING A VALUABLE STREAM OF BUSINESS EARNINGS AND TAX REVENUES;

(e) CREATING INCENTIVES TO BRING MEETINGS AND EVENTS BACK TO COLORADO AND ENSURE THAT PLANNED EVENTS ARE NOT CANCELLED OR DELAYED WILL HELP PROVIDE NEEDED GROWTH AND RECOVERY TO THE TOURISM AND TRAVEL INDUSTRIES, WHICH PLAY AN ESSENTIAL ROLE IN THE STATE'S ECONOMY;

(f) ESTABLISHING A MEETING AND EVENTS INCENTIVE PROGRAM WILL ENCOURAGE MEETINGS AND EVENTS PLANNERS TO BOOK EVENTS IN COLORADO, BOLSTER THE TOURISM AND TRAVEL ECONOMY WITH PREDICTABLE AND SIGNIFICANT REVENUES FROM EVENTS, AND BUILD COLORADO'S MARKET SHARE FOR MEETINGS AND EVENTS-BASED TOURISM;

(g) CREATING A MEETING AND EVENTS INCENTIVE PROGRAM PROVIDES AN IMPORTANT MECHANISM TO ENSURE THE STATE'S ECONOMIC RECOVERY FROM THE DEVASTATING IMPACTS OF THE COVID-19 PANDEMIC;

(h) THE STATE MONEY CONTRIBUTED TO A MEETING AND EVENTS INCENTIVE PROGRAM THEREFORE SERVES AN IMPORTANT AND DISCRETE PUBLIC PURPOSE IN SECURING THE STATE'S ECONOMIC AND OVERALL RECOVERY FROM THE CRISIS CAUSED BY THE COVID-19 PANDEMIC; AND

(i) SUPPORTING THE STATE'S RECOVERY FROM THE CRISIS CAUSED BY THE COVID-19 PANDEMIC IS THE PRIMARY PURPOSE OF THE MEETING AND EVENTS INCENTIVE PROGRAM AND OUTWEIGHS ANY BENEFIT TO PRIVATE INDIVIDUALS OR ENTITIES.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COVID-19-RELATED COSTS" MEANS HARD COSTS THAT ARE DIRECTLY RELATED TO COMPLYING WITH PUBLIC HEALTH ORDERS OR OTHER MANDATES ISSUED BY A COMPETENT GOVERNMENT AUTHORITY IN RESPONSE TO THE COVID-19 PANDEMIC, AS DETERMINED BY THE OFFICE IN THE GUIDELINES ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(b) "ELIGIBLE EVENT" MEANS A MEETING, CONFERENCE, FESTIVAL, OR OTHER EVENT THAT:

(I) TAKES PLACE IN COLORADO BETWEEN JULY 1, 2021, AND DECEMBER 31, 2022;

(II) GENERATES AT LEAST TWENTY-FIVE PAID OVERNIGHT STAYS AT A LODGING ESTABLISHMENT AS DEFINED IN SECTION 6-25-201 (2), OR A HOTEL, MOTEL, RESORT, VACATION RENTAL, OR OTHER PUBLIC ESTABLISHMENT AS DEFINED IN SECTION 6-25-101 (3);

(III) CAN DEMONSTRATE A SIGNIFICANT ECONOMIC BENEFIT FOR A HOST COMMUNITY IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE OFFICE PURSUANT TO SUBSECTION (4) OF THIS SECTION; AND

(IV) MEETS ANY ADDITIONAL CRITERIA ESTABLISHED BY THE OFFICE IN THE GUIDELINES ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(c) "FUND" MEANS THE COLORADO MEETING AND EVENTS INCENTIVE PROGRAM FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

(d) "HARD COSTS" MEANS ACTUAL INCURRED COSTS ASSOCIATED WITH HOSTING AN EVENT, INCLUDING COSTS FOR RENTAL SPACE, FOOD, NONALCOHOLIC BEVERAGES, AUDIO-VISUAL EQUIPMENT AND OTHER TECHNOLOGY, TRANSPORTATION, OR OTHER ACTUAL INCURRED COSTS AS DETERMINED BY THE OFFICE IN THE GUIDELINES ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION. "HARD COSTS" DOES NOT INCLUDE THE PURCHASE OF ALCOHOL BEVERAGES AS DEFINED IN SECTION 44-3-103 (2).

(e) "PROGRAM" MEANS THE COLORADO MEETING AND EVENTS INCENTIVE PROGRAM CREATED IN SUBSECTION (3) OF THIS SECTION.

(3) (a) THERE IS HEREBY CREATED WITHIN THE OFFICE THE COLORADO MEETING AND EVENTS INCENTIVE PROGRAM TO PROVIDE REBATES AND DIRECT SUPPORT TO ELIGIBLE EVENTS. SUBJECT TO AVAILABLE APPROPRIATIONS, THE OFFICE SHALL PROVIDE REBATES AND DIRECT SUPPORT AS PROVIDED IN THIS SECTION AND PURSUANT TO THE GUIDELINES ADOPTED BY THE OFFICE PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE COSTS OF THE PROGRAM, INCLUDING THE COSTS OF MARKETING AND PROMOTION SHALL BE PAID OUT OF THE FUND.

(b) THE PROGRAM MAY PROVIDE:

(I) A REBATE OF UP TO TEN PERCENT OF THE HARD COSTS OF AN ELIGIBLE EVENT;

(II) A REBATE OF UP TO TWENTY-FIVE PERCENT FOR THE COVID-19-RELATED COSTS OF AN ELIGIBLE EVENT; AND

(III) DIRECT SUPPORT FOR ATTRACTING ELIGIBLE EVENTS THAT AFFECT MULTIPLE COUNTIES AND HAVE THE POTENTIAL TO GENERATE SIGNIFICANT ECONOMIC IMPACT; EXCEPT THAT THE TOTAL COSTS OF ALL SUCH DIRECT SUPPORT MUST NOT EXCEED FIVE PERCENT OF THE TOTAL APPROPRIATION FOR THE PROGRAM.

(c) THE PRIMARY ORGANIZER OR BOOKING AGENT OF AN ELIGIBLE EVENT MAY APPLY FOR REBATES FOR AN ELIGIBLE EVENT AS PROVIDED IN THIS SECTION, SUBJECT TO THE GUIDELINES ADOPTED BY THE OFFICE PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(4) (a) THE OFFICE SHALL ESTABLISH AND PUBLICIZE GUIDELINES FOR THE PROGRAM. AT A MINIMUM, THE GUIDELINES MUST ADDRESS:

(I) THE PROCESS FOR A PRIMARY ORGANIZER OR BOOKING AGENT TO APPLY FOR AND RECEIVE A REBATE UNDER THE PROGRAM;

(II) ANY ADDITIONAL ELIGIBILITY CRITERIA FOR ELIGIBLE EVENTS;

(III) CRITERIA FOR DETERMINING WHO IS THE PRIMARY ORGANIZER OR BOOKING

AGENT OF AN ELIGIBLE EVENT THAT CAN APPLY FOR AND RECEIVE A REBATE FOR THE ELIGIBLE EVENT;

(IV) THE DOCUMENTATION OR REPORTING REQUIRED FROM RECIPIENTS UNDER THE PROGRAM;

(V) THE PERCENTAGE REBATE THAT IS AVAILABLE FOR HARD COSTS AND COVID-19-RELATED COSTS FOR ELIGIBLE EVENTS; AND

(VI) THE HARD COSTS AND COVID-19-RELATED COSTS THAT ARE ELIGIBLE FOR REBATES UNDER THE PROGRAM. THE OFFICE SHALL CONSULT WITH INDUSTRY STAKEHOLDERS IN DETERMINING WHICH HARD COSTS AND COVID-19-RELATED COSTS ARE ELIGIBLE FOR REBATES UNDER THE PROGRAM.

(b) IN ESTABLISHING THE GUIDELINES FOR THE PROGRAM, THE OFFICE SHALL CONSIDER MECHANISMS TO:

(I) MAKE REBATES AND DIRECT SUPPORT AVAILABLE EQUITABLY AND PROPORTIONALLY ACROSS THE STATE;

(II) PRIORITIZE EVENTS WITH THE POTENTIAL TO GENERATE LOCAL BUSINESS EARNINGS AND LOCAL TAX REVENUES;

(III) ATTRACT NEW ELIGIBLE EVENTS TO THE STATE THROUGH THE USE OF REBATES AND DIRECT SUPPORT; AND

(IV) MAKE REBATES AND DIRECT SUPPORT AVAILABLE TO RETAIN EXISTING ELIGIBLE EVENTS WHERE THERE IS A DEMONSTRATED LIKELIHOOD OF CANCELLATION, DELAY, OR RELOCATION IN THE ABSENCE OF SUPPORT AND THE CANCELLATION, DELAY, OR RELOCATION WOULD CREATE SIGNIFICANT HARM FOR LOCAL BUSINESS EARNINGS AND LOCAL TAX REVENUES.

(c) THE OFFICE MAY MODIFY OR AMEND THE GUIDELINES TO RESPOND TO CHANGES IN THE SEVERITY OF THE COVID-19 PANDEMIC, MODIFICATIONS TO PUBLIC HEALTH ORDERS AND OTHER RESPONSES TO THE COVID-19 PANDEMIC, OR CHANGES IN OTHER CIRCUMSTANCES RELATED TO THE COVID-19 PANDEMIC AND THE RECOVERY FROM THE COVID-19 PANDEMIC.

(5) (a) THE COLORADO MEETING AND EVENTS INCENTIVE PROGRAM FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND IN ACCORDANCE WITH SUBSECTION (5)(d) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES OR TRANSFERS TO THE FUND.

(b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE OFFICE FOR THE PURPOSES SPECIFIED IN THIS SECTION. THE OFFICE MAY EXPEND UP TO SEVEN PERCENT OF THE MONEY APPROPRIATED TO THE FUND TO PAY FOR ITS DIRECT AND INDIRECT COSTS IN IMPLEMENTING AND ADMINISTERING THIS SECTION. AS USED IN

THIS SUBSECTION (5)(c), "DIRECT AND INDIRECT COSTS" DOES NOT INCLUDE THE COSTS OF MARKETING AND PROMOTING THE PROGRAM.

(d) ON THE EFFECTIVE DATE OF THIS SECTION, THE STATE TREASURER SHALL TRANSFER TEN MILLION DOLLARS FROM THE GENERAL FUND TO THE COLORADO MEETING AND EVENTS INCENTIVE PROGRAM FUND CREATED IN SUBSECTION (5)(a) OF THIS SECTION.

(e) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND AT THE END OF THE FISCAL YEAR ON JUNE 30, 2023, TO THE GENERAL FUND.

(6) THE OFFICE MAY CONTRACT WITH A THIRD PARTY OR PARTIES TO ADMINISTER THE PROGRAM.

(7) ON OR BEFORE JULY 1, 2022, AND ON OR BEFORE JULY 1, 2023, THE OFFICE SHALL SUBMIT A REPORT DETAILING THE EXPENDITURE OF MONEY APPROPRIATED TO THE PROGRAM TO THE GOVERNOR AND TO THE HOUSE OF REPRESENTATIVES BUSINESS AFFAIRS AND LABOR COMMITTEE AND THE SENATE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

(8) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2024.

SECTION 2. 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