

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 10-0669.01 Nicole Myers

**SENATE BILL 10-158**

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**SENATE SPONSORSHIP**

**Newell,** Bacon, Carroll M., Gibbs, Heath, Hodge, Hudak, Johnston, Keller, Kester, Lundberg, Morse, Romer, Sandoval, Schwartz, Spence, Steadman, Tapia, Tochtrop, White, Whitehead, Williams

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**A BILL FOR AN ACT**

101     **CONCERNING THE CREATION OF THE CREATIVE INDUSTRIES DIVISION**  
102             **WITHIN THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT,**  
103             **AND, IN CONNECTION THEREWITH, RECODIFYING THE**  
104             **STATUTORY PROVISIONS THAT CREATE THE COLORADO OFFICE**  
105             **OF FILM, TELEVISION, AND MEDIA, THE COUNCIL ON CREATIVE**  
106             **INDUSTRIES, AND THE ART IN PUBLIC PLACES PROGRAM.**

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**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>.)*

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.*

**[Drafting note: This bill reorganizes existing provisions of statutory law for purposes of clarity. Section and subsection numbers and paragraph letters have changed, but no substantive amendments to the operative provisions have been made except where indicated by capitalized or stricken type. Where section and subsection numbers and paragraph letters have changed, the prior designations are indicated by bold, bracketed type.]**

Currently, the office of film, television, and media, the state council on the arts, and the art in public places program are all established within the Colorado office of economic development but are not placed in the same location in statute. The bill creates a creative industries division (division) within the Colorado office of economic development and reorganizes the statutory provisions that create the office of film, television, and media (office), the state council on the arts, and the art in public places program (program) into a new part. The bill renames the state council on the arts as the council on creative industries (council) and authorizes the council to establish policies for the council, the office, and the program. The bill specifies that the director of the council shall be the director of the division.

In addition, the bill requires the director of the Colorado office of economic development to make funding recommendations to the governor and the general assembly for the operation of the council, the program, and the office. The bill directs the general assembly to make annual appropriations to the division, in such form as the general assembly deems appropriate, for the operation of the council, the office, and the program.

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

2 **SECTION 1.** Article 48.5 of title 24, Colorado Revised Statutes,  
3 is amended BY THE ADDITION OF A NEW PART CONTAINING  
4 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

5 **PART 3**

6 **CREATIVE INDUSTRIES DIVISION**

7 **24-48.5-301. Creative industries division - funding**  
8 **recommendations.** (1) THERE IS HEREBY CREATED WITHIN THE  
9 COLORADO OFFICE OF ECONOMIC DEVELOPMENT THE CREATIVE  
10 INDUSTRIES DIVISION, WHICH SHALL BE REFERRED TO IN THIS PART 3 AS

1 THE "DIVISION". THE DIRECTOR OF THE DIVISION SHALL BE THE PERSON  
2 WHO IS APPOINTED DIRECTOR OF THE COUNCIL ON CREATIVE INDUSTRIES  
3 BY THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT.  
4 THE DIVISION SHALL BE COMPRISED OF THE OFFICE OF FILM, TELEVISION,  
5 AND MEDIA, THE COUNCIL ON CREATIVE INDUSTRIES, AND THE ART IN  
6 PUBLIC PLACES PROGRAM, AND THE DIRECTOR OF THE DIVISION SHALL  
7 OVERSEE SUCH OFFICE, COUNCIL, AND PROGRAM.

8 (2) THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC  
9 DEVELOPMENT SHALL MAKE FUNDING RECOMMENDATIONS TO THE  
10 GOVERNOR AND THE GENERAL ASSEMBLY FOR THE OPERATION OF THE  
11 COUNCIL ON CREATIVE INDUSTRIES, THE ART IN PUBLIC PLACES PROGRAM,  
12 AND THE OFFICE OF FILM, TELEVISION, AND MEDIA. THE GENERAL  
13 ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS TO THE DIVISION, IN  
14 SUCH FORM AS THE GENERAL ASSEMBLY DEEMS APPROPRIATE, FOR THE  
15 OPERATION OF THE COUNCIL, THE PROGRAM, AND THE OFFICE.

16 **24-48.5-302. [Formerly 24-48.8-102] Council on creative**  
17 **industries - legislative declaration.** (1) The general assembly finds and  
18 declares:

19 (a) That encouragement and support of the arts and humanities,  
20 while primarily a matter for private and local initiative, is also an  
21 appropriate matter of concern to the state government;

22 (b) That many of our citizens lack the opportunity to view, enjoy,  
23 or participate in living theatrical performances, musical concerts, operas,  
24 dance and ballet recitals, art exhibits, examples of fine architecture, and  
25 the performing and visual arts generally;

26 (c) That, with increasing leisure time, the practice and enjoyment  
27 of the arts and humanities are of increasing importance;

1 (d) That many of our citizens possess talents of an artistic and  
2 creative nature ~~which~~ THAT cannot be utilized to their fullest extent under  
3 existing conditions;

4 (e) That the general welfare of the people of the state will be  
5 promoted by giving further recognition to the arts and humanities as a  
6 vital part of our culture and heritage and as an important means of  
7 expanding the scope of our community life;

8 (f) That it is desirable to establish a ~~state~~ council on ~~the arts~~  
9 CREATIVE INDUSTRIES and to provide such recognition and assistance as  
10 will encourage and promote the state's artistic and cultural progress;

11 (g) That it is the policy of the state to cooperate with private  
12 patrons, private and public institutions, and professional and  
13 nonprofessional organizations concerned with the arts and humanities to  
14 ~~insure~~ ENSURE that the role of the arts and humanities in the life of our  
15 communities will continue to grow and to play an ever more significant  
16 part in the welfare and educational experience of our citizens and to  
17 establish the paramount position of this state in the nation and in the  
18 world as a cultural center;

19 (h) That all activities undertaken by the state in carrying out the  
20 policy set out in this section shall be directed toward encouraging and  
21 assisting, rather than in any way limiting, the freedom of artistic  
22 expression ~~which~~ THAT is essential for the well-being of the arts and  
23 humanities.

24 **24-48.5-303. [Formerly 24-48.8-103] Council on creative**  
25 **industries - establishment of council - members - term of office - chair**  
26 **- compensation.** (1) ~~(a)~~ There is hereby established within the  
27 ~~department of higher education~~ DIVISION a ~~state~~ council on ~~the arts~~

1 CREATIVE INDUSTRIES, referred to in this ~~article~~ PART 3 as the "council".  
2 ~~The council shall remain within the department of higher education~~  
3 ~~through June 30, 2006.~~ The council shall consist of eleven members,  
4 including the ~~chairman~~ CHAIR, to be appointed by the governor. The  
5 members of the council shall be broadly representative of the major fields  
6 of the arts and humanities AND RELATED CREATIVE INDUSTRIES and shall  
7 be appointed from among private citizens who are widely known for their  
8 competence and experience in connection with the arts and humanities  
9 AND RELATED CREATIVE INDUSTRIES, as well as their knowledge of  
10 community and state interests. In making these appointments, the  
11 governor shall seek and consider those recommended for membership by  
12 persons or organizations involved in civic, educational, business, labor,  
13 professional, cultural, ethnic, and performing and creative arts fields, as  
14 well as those with knowledge of community and state interests. At least  
15 one such person from each area designated shall be a member of the  
16 council, the membership to include both men and women.

17 ~~(b) (I) On and after July 1, 2006, the council and the powers,~~  
18 ~~duties, and functions of the council are transferred from the department~~  
19 ~~of higher education to the Colorado office of economic development.~~

20 ~~(II) On and after July 1, 2006, employees of the council whose~~  
21 ~~employment is deemed necessary by the director of the Colorado office~~  
22 ~~of economic development shall become employees of the Colorado office~~  
23 ~~of economic development. Any employees transferred to the Colorado~~  
24 ~~office of economic development who are classified employees in the state~~  
25 ~~personnel system shall retain all rights to the personnel system and~~  
26 ~~retirement benefits pursuant to the laws of this state, and their services~~  
27 ~~shall be deemed to have been continuous. All transfers and any~~

1 ~~abolishment of positions in the state personnel system shall be made and~~  
2 ~~processed in accordance with state personnel system laws and regulations.~~

3 ~~(HH) On and after July 1, 2006, all items of property, real and~~  
4 ~~personal, including office furniture and fixtures, books, documents, and~~  
5 ~~records of the council, are transferred to the Colorado office of economic~~  
6 ~~development and become property thereof.~~

7 (2) On and after July 1, 1990, members appointed to the council,  
8 except the ~~chairperson~~ CHAIR, shall hold office for terms of three years,  
9 commencing on July 1 of the year of appointment. Members of the  
10 council, except the ~~chairperson~~ CHAIR, shall not be eligible to serve for  
11 more than two consecutive terms nor be eligible for reappointment to the  
12 council during the three-year period following the expiration of the  
13 second of two consecutive terms. Members of the council shall hold  
14 office until the expiration of the appointed terms or until successors are  
15 duly appointed. Any vacancy occurring on the council other than by  
16 expiration of term shall be filled by the governor by the appointment of  
17 a qualified person for the unexpired term.

18 (3) The governor shall appoint a ~~chairperson~~ CHAIR of the council  
19 who is a person widely recognized for his or her knowledge, experience,  
20 and interest in the arts and humanities, as well as his or her knowledge of  
21 community and state interests. ~~He or she~~ THE CHAIR shall serve at the  
22 pleasure of the ~~appointing~~ governor, but not longer than six consecutive  
23 years, and shall not be eligible for reappointment during the three-year  
24 period following the expiration of such six-year period. ~~He or she~~ THE  
25 CHAIR shall advise the governor with respect to the development in the  
26 arts and humanities in the state of Colorado. If any vacancy occurs in the  
27 office of ~~chairperson~~ THE CHAIR, the governor shall fill within sixty days

1 the vacancy by the appointment of a qualified person in the same manner  
2 in which the original appointment was made.

3 (4) Members of the council shall serve without compensation, but  
4 each member shall be reimbursed for his or her necessary traveling and  
5 other expenses incurred in the performance of his or her official duties.

6 **24-48.5-304. [Formerly 24-48.8-104] Council on creative**  
7 **industries - meetings of council - quorum.** The council shall meet at  
8 the call of the ~~chairperson~~ CHAIR, but not less than twice during each  
9 calendar year. Five members of the council shall constitute a quorum.  
10 All meetings of the council shall be open and public, and all persons shall  
11 be permitted to attend any meeting of the council. The ~~chairperson~~ CHAIR  
12 shall vote only in case of a tie on any question voted on by the council.

13 **24-48.5-305. [Formerly 24-48.8-106] Council on creative**  
14 **industries - powers of the council.** (1) The council has the powers  
15 necessary to carry out the duties imposed upon it by this ~~article~~ PART 3,  
16 including, but not limited to, the power:

17 (a) To employ such administrative, technical, and other personnel,  
18 subject to the constitution and state personnel system laws of this state,  
19 as may be necessary for the performance of its powers and duties;

20 (b) To hold hearings, make and sign any agreements, and perform  
21 any acts ~~which~~ THAT may be necessary, desirable, or proper to carry out  
22 the purposes of ~~this article~~ THE COUNCIL;

23 (c) To request from any department, division, board, bureau,  
24 commission, or other agency of the state such reasonable assistance and  
25 data as will enable it properly to carry out its powers and duties under this  
26 ~~article~~ PART 3;

27 (d) To appoint such advisory committees as it deems advisable

1 and necessary to the carrying out of its powers and duties under this  
2 ~~article~~ PART 3;

3 (e) To accept, on behalf of the state of Colorado, and expend any  
4 federal funds granted by act of congress or by executive order for all or  
5 any of the purposes of ~~this article~~ THE COUNCIL; except that the council  
6 may expend such funds only upon appropriation by the general assembly  
7 if the federal funds require matching state contributions or capital outlay  
8 or create a commitment for future state funding;

9 (f) To accept any gifts, GRANTS, donations, or bequests for all or  
10 any of the purposes of ~~this article~~ THE COUNCIL;

11 (g) To propose methods AND PROCESSES to encourage private  
12 ~~initiative in~~ AND PUBLIC INITIATIVES THAT RECOGNIZE AND ENHANCE THE  
13 ROLE THAT the arts and humanities PLAY IN CREATIVE INDUSTRIES;

14 (h) To advise and consult with national foundations and other  
15 local, state, and federal departments and agencies on methods by which  
16 to coordinate and assist existing resources and facilities, with the purpose  
17 of fostering artistic and cultural endeavors toward the use of the arts and  
18 humanities both nationally and internationally, in the best interest of  
19 Colorado.

20 **24-48.5-306. [Formerly 24-48.8-107] Council on creative**  
21 **industries - duties of the council.** (1) The duties of the council shall be:

22 (a) To stimulate and encourage throughout the state the study and  
23 development of the arts and humanities, as well as public interest and  
24 participation therein;

25 (b) To take such steps as may be necessary and appropriate to  
26 encourage public interest in the cultural heritage of our state and to  
27 expand the state's cultural resources;



1 (c) To encourage and assist freedom of artistic expression  
2 essential for the well-being of the arts and humanities;

3 (d) To assist the communities and organizations within the state  
4 in originating and creating their own cultural and artistic programs;

5 (e) To make such surveys as may be deemed advisable of public  
6 and private institutions engaged within the state in artistic and cultural  
7 activities, including, but not limited to, humanities, music, theater, dance,  
8 painting, sculpture, photography, architecture, and allied arts and crafts,  
9 and to make recommendations concerning the appropriate methods to  
10 encourage participation in and appreciation of the arts and humanities in  
11 order to meet the legitimate needs and aspirations of persons in all parts  
12 of the state;

13 (f) To submit a report to the governor not later than ninety days  
14 after the end of each fiscal year and at such other times as the governor  
15 requests or the council deems appropriate.

16 **24-48.5-307. [Formerly 24-48.8-108] Council on creative**  
17 **industries - interference by council prohibited.** In carrying out its  
18 duties and powers under this ~~article~~ PART 3, the council shall never by  
19 action, directly or indirectly, interfere with the freedom of artistic  
20 expression of the established or contemplated cultural programs in any  
21 local community or institution, nor shall it make any recommendations  
22 that might be interpreted to be a form of censorship.

23 **24-48.5-308. [Formerly 24-48.8-109] Council on creative**  
24 **industries cash fund - creation.** (1) There is hereby created in the state  
25 treasury the ~~state~~ council on ~~the arts~~ CREATIVE INDUSTRIES cash fund,  
26 referred to in this section as the "fund". The fund shall consist of:

27 (a) Moneys transferred to the fund in accordance with section

1 12-47.1-701 (4) (a), C.R.S.; and

2 (b) Any moneys appropriated to the fund by the general assembly;

3 AND

4 (c) ANY GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT TO  
5 SECTION 24-48.5-305 (1) (f).

6 (2) The moneys in the fund shall be annually appropriated by the  
7 general assembly TO THE DIVISION for the purposes of ~~this article~~ THE  
8 COUNCIL, including administration of ~~this article~~ by the council. All  
9 moneys not expended or encumbered, and all interest earned on the  
10 investment or deposit of moneys in the fund, shall remain in the fund and  
11 shall not revert to the general fund at the end of any fiscal year. Any  
12 moneys not expended or encumbered from any appropriation at the end  
13 of any fiscal year shall remain available for expenditure in the next fiscal  
14 year without further appropriation.

15 **24-48.5-309. [Formerly 24-48.5-201] Film, television, and**  
16 **media - definitions.** As used in this ~~part 2~~ SECTION AND SECTIONS  
17 24-48.5-310 AND 24-48.5-311, unless the context otherwise requires:

18 (1) "Film" means any visual or audiovisual work, including,  
19 without limitation, a video game, that contains a series of related images,  
20 regardless of the medium by which the work is fixed and from which it  
21 can be viewed or reproduced, and that is primarily intended to be either:

22 (a) Commercially exploited by being shown in theaters, licensed  
23 for television exhibition, licensed for the home market, or otherwise; or

24 (b) For internal industrial, corporate, or institutional use.

25 (2) "Office" means the Colorado office of film, television, and  
26 media created pursuant to ~~section 24-48.5-202~~ SECTION 24-48.5-310.

27 (3) "Production activities" means the shooting of a film, support

1 activities related to such shooting, and any preshooting or postshooting  
2 activities that commence on or after July 1, 2009, and that are necessary  
3 to produce a finished film, including but not limited to editing and the  
4 creation of sets, props, costumes, and special effects.

5 (4) "Production company" means a person, including a  
6 corporation or other business entity, that engages in production activities  
7 for the purpose of producing all or any portion of a film in Colorado.

8 (5) "Qualified local expenditure" means a payment made by a  
9 production company operating in Colorado to a business in Colorado in  
10 connection with the production of a film that the production company is  
11 producing in Colorado. "Qualified local expenditure" shall include, but  
12 need not be limited to:

13 (a) Payments made in connection with developing or purchasing  
14 the story and scenario to be used for a film;

15 (b) Payments made for the costs of set construction and  
16 operations, wardrobe, accessories, and related services;

17 (c) Payments made for the costs of photography, sound  
18 synchronization, lighting, and related services;

19 (d) Payments made for the costs of editing, post-production,  
20 music, and related services;

21 (e) Payments made for the costs of renting facilities and  
22 equipment, including location fees, leasing vehicles, and providing food  
23 and lodging to people working on the film production;

24 (f) Payments for airfare purchased through a Colorado-based  
25 travel agency or company;

26 (g) Payments for insurance and bonding purchased through a  
27 Colorado-based insurance agent; and

1 (h) Payments for other direct costs incurred by the film production  
2 company that are deemed appropriate by the office.

3 (6) "Qualified payroll expenditure" means an expenditure of up  
4 to three million dollars per employee or contractor, made by a production  
5 company to pay the salaries of actors, management, and crew, who  
6 participate in the film production activities. In order for any salary to be  
7 considered a qualified payroll expenditure, all Colorado income taxes  
8 shall be withheld and paid either by the production company or the  
9 individual. Any expenditures in excess of three million dollars per  
10 employee or contractor shall be excluded.

11 **24-48.5-310. [Formerly 24-48.5-202] Film, television, and**  
12 **media.** (1) There is hereby created within the ~~Colorado office of~~  
13 ~~economic development~~ DIVISION the Colorado office of film, television,  
14 and media, the head of which shall be the director of the Colorado office  
15 of film, television, and media. The director of the office shall be assisted  
16 by a staff to fulfill the office's mission to promote Colorado as a location  
17 for making feature films, television shows, television commercials, still  
18 photography, music videos, and emerging mass media projects.  
19 BEGINNING ON JULY 1, 2010, THE DIRECTOR OF THE OFFICE SHALL REPORT  
20 TO THE DIRECTOR OF THE DIVISION.

21 (2) The office shall:

22 (a) Market Colorado as a destination for making feature films,  
23 television shows, television commercials, still photography, music videos,  
24 and new media projects;

25 (b) Assist production companies that are interested in conducting  
26 production activities in Colorado in scouting appropriate locations in the  
27 state for the production company's film;

1 (c) Assist state and local government agencies and organizations  
2 in the creation of permitting criteria for production companies that plan  
3 to conduct production activities on state or local government property;

4 (d) Assist production companies in determining the appropriate  
5 state or local government agencies to contact to apply for a permit to  
6 conduct production activities on state or local government property;

7 (e) Serve as a general liaison for production companies and assist  
8 in coordination efforts among production companies, any state or local  
9 government agency, and local businesses and individuals before, during,  
10 and after the production company conducts production activities in  
11 Colorado;

12 (f) Serve as a resource for local governments and communities  
13 around Colorado when a production company approaches the local  
14 government or community regarding the possibility of conducting  
15 production activities on the property of the local government or within the  
16 community;

17 (g) Administer the performance-based incentive for film  
18 production in Colorado as specified in ~~section 24-48.5-203~~ SECTION  
19 24-48.5-311;

20 (h) Conduct educational seminars to promote the film industry and  
21 people working in the film industry in Colorado; and

22 (i) Perform any other duties in furtherance of the office's mission  
23 as deemed necessary by the director of the office, ~~and~~ the director of the  
24 office of economic development, AND THE DIRECTOR OF THE DIVISION.

25 **24-48.5-311. [Formerly 24-48.5-203] Film, television, and**  
26 **media - performance-based incentive for film production in Colorado**  
27 **- film, television, and media operational account cash fund - creation**

1    **- repeal.** (1) Subject to the provisions of this section, on or after July 1,  
2    2009, any production company that spends at least seventy-five percent  
3    of its production expenditures for a film on qualified local expenditures  
4    and at least seventy-five percent of its payroll expenditures for a film on  
5    qualified local payroll expenditures shall be allowed to claim a  
6    performance-based incentive in an amount as follows:

7           (a) For a production company that originates the film production  
8    in Colorado, an amount equal to ten percent of the total amount of the  
9    production company's qualified local expenditures and qualified payroll  
10   expenditures if the total of such expenditures equals or exceeds one  
11   hundred thousand dollars; and

12          (b) For a production company that does not originate the film  
13   production activities in Colorado, an amount equal to ten percent of the  
14   total amount of the production company's qualified local expenditures and  
15   qualified payroll expenditures if the total of such expenditures equals or  
16   exceeds one million dollars.

17          (2) (a) In order for a production company to claim a  
18   performance-based incentive for film production activities in Colorado  
19   pursuant to this section, the production company shall apply to the office,  
20   in a manner to be determined by the office, prior to beginning production  
21   activities in the state. The application shall include a statement of intent  
22   by the production company to produce a film in Colorado for which the  
23   production company will be eligible to receive the incentive. The  
24   production company shall submit, in conjunction with the application, any  
25   documentation necessary to demonstrate that the production company's  
26   projected qualified local expenditures and qualified payroll expenditures  
27   will satisfy the expenditures specified in paragraph (a) or (b) of

1 subsection (1) of this section, as applicable.

2 (b) The office shall review each application submitted by a  
3 production company before the production company begins work on a  
4 film in Colorado. Based on the information provided in the production  
5 company's application, the office shall make an initial determination of  
6 whether the production company will be eligible to receive a  
7 performance-based incentive and estimate the amount of the incentive  
8 that will be due to the production company. The ~~office~~ COUNCIL shall  
9 grant conditional written approval to every production company that,  
10 based on the information provided by the production company, will  
11 satisfy the requirements of this section and be eligible to claim an  
12 incentive.

13 (c) Upon completion of production activities in Colorado, a  
14 production company that received conditional approval for a  
15 performance-based incentive from the office shall submit financial  
16 documents to the office that detail the expenses incurred in the course of  
17 the film production activities in Colorado, along with a signed affidavit  
18 stating that the financial documents are an accurate accounting of the  
19 production company's qualified local expenditures and qualified payroll  
20 expenditures. If the amount of the production company's actual qualified  
21 local expenditures and qualified payroll expenditures equal or exceed the  
22 production company's projected qualified local expenditures and qualified  
23 payroll expenditures submitted to the office pursuant to paragraph (a) of  
24 this subsection (2), the office shall issue an incentive to the production  
25 company.

26 (d) The office shall develop procedures for the administration of  
27 this section, including application guidelines for production companies

1 applying to receive a performance-based incentive and for the office to  
2 issue payment of the incentives pursuant to this section.

3 (3) The office shall include data regarding the number of  
4 production companies that claimed the performance-based incentive  
5 pursuant to this section and the total amount of all incentives claimed  
6 during the most recent fiscal year for which such information is available  
7 in an annual report to the general assembly.

8 (4) There is hereby created in the state treasury the Colorado  
9 office of film, television, and media operational account cash fund,  
10 referred to in this section as the "fund". The fund shall consist of:

11 ~~(a) (I) Moneys transferred to the fund as specified in section~~  
12 ~~24-46-105.8 (4) (a).~~

13 ~~(II) This paragraph (a) is repealed, effective January 1, 2010.~~

14 ~~(b)~~ (a) Moneys transferred to the fund in accordance with section  
15 12-47.1-701 (4) (a) (V) (A), C.R.S.;

16 ~~(c)~~ (b) Any gifts, grants, or donations from private or public  
17 sources that the office is hereby authorized to seek and accept; and

18 ~~(d)~~ (c) Any moneys appropriated to the fund by the general  
19 assembly.

20 (5) (a) The moneys in the fund shall be continuously appropriated  
21 to the ~~office~~ DIVISION for the operation of the office and for the  
22 performance-based incentive for film production in Colorado as specified  
23 in subsection (1) of this section.

24 (b) The total amount of performance-based incentives that the  
25 office issues pursuant to this section in any fiscal year shall not exceed the  
26 amount appropriated to the office to be used for the purposes of this  
27 section in the applicable fiscal year. If the office receives applications for



1 incentives that exceed the amount appropriated by the general assembly  
2 for the fiscal year, the office shall issue incentives to production  
3 companies in the order in which the commission received applications  
4 until the amount appropriated has been expended.

5 (c) All moneys not expended or encumbered, and all interest  
6 earned on the investment or deposit of moneys in the fund, shall remain  
7 in the fund and shall not revert to the general fund at the end of any fiscal  
8 year.

9 **24-48.5-312. [Formerly 24-80.5-101] Art in public places**  
10 **program - allocations from capital construction costs - guidelines -**

11 **fund created - definitions.** (1) (a) The state of Colorado, in recognition  
12 of its responsibility to create a more humane environment of distinction,  
13 enjoyment, and pride for all of its citizens and in recognition that public  
14 art is a resource ~~which~~ THAT stimulates the vitality and economy of the  
15 state's communities and ~~which~~ THAT provides opportunity for artists and  
16 other skilled workers to practice their crafts, declares it to be a matter of  
17 state policy that, when appropriate, a portion of each capital construction  
18 appropriation be allocated for the acquisition of works of art to be placed  
19 in public places.

20 (b) There is hereby established an art in public places program to  
21 be administered by the ~~state council; on the arts.~~ EXCEPT THAT, ON AND  
22 AFTER JULY 1, 2010, THE PROGRAM SHALL BE ADMINISTERED BY THE  
23 DIRECTOR OF THE DIVISION. All works of art purchased and  
24 commissioned under the art in public places program shall become a part  
25 of the state art collection developed, administered, and operated by the  
26 ~~state council. on the arts.~~ All works of art purchased or commissioned  
27 under this section prior to March 19, 1987, shall be considered a part of

1 the state art collection to be administered by the state council. ~~on the arts.~~

2 (2) As used in this section, unless the context otherwise requires:

3 (a) "Architect" means the person or firm designing the public  
4 construction project. "Architect" includes architects, landscape architects,  
5 interior designers, and other design professionals.

6 (b) "Artist" means a practitioner in the visual arts generally  
7 recognized by his peers or critics as a professional who produces works  
8 of art. "Artist" does not include the architect of a public building under  
9 construction or any member of ~~his architectural~~ THE ARCHITECT'S firm.

10 (c) "Public construction project" means a capital construction  
11 project subject to the provisions of section 24-30-1303 (3).

12 (d) "Works of art" means all forms of original creations of visual  
13 art including, but not limited to:

14 (I) Sculpture, in any material or combination of materials, whether  
15 in the round, bas-relief, high relief, mobile, fountain, kinetic, or  
16 electronic; ~~or~~

17 (II) Painting, whether portable or permanently fixed, as in the case  
18 of murals; ~~or~~

19 (III) Mosaics; ~~or~~

20 (IV) Photographs; ~~or~~

21 (V) Crafts made from clay, fiber and textiles, wood, glass, metal,  
22 plastics, or any other material, or any combination thereof; ~~or~~

23 (VI) Calligraphy; ~~or~~

24 (VII) Mixed media composed of any combination of forms or  
25 media; ~~or~~

26 (VIII) Unique architectural stylings or embellishments, including  
27 architectural crafts; ~~or~~

1 (IX) Environmental landscaping; ~~or~~ AND  
2 (X) Restoration or renovation of existing works of art of historical  
3 significance.

4 (3) (a) (I) Each capital construction appropriation for a public  
5 construction project shall include as a nondeductible item an allocation  
6 of not less than one percent of the capital construction costs to be used for  
7 the acquisition of works of art; except that the requirements specified in  
8 this subparagraph (I) shall not apply to:

9 (A) Capital construction appropriations covered by ~~section~~  
10 ~~24-80.5-102~~ SECTION 24-48.5-313;

11 (B) Agricultural facilities where livestock are housed or  
12 agricultural products are grown;

13 (C) The diagnostic center located in the city and county of  
14 Denver;

15 (D) The facilities authorized by section 1 of ~~Senate Bill No. 101~~  
16 ~~SENATE BILL 86-101, enacted at the second regular session of the~~  
17 ~~fifty-fifth general assembly~~ IN 1986;

18 (E) The Front Range community college - Larimer campus,  
19 Mount Antero and Blanca Peak buildings renovation, phase 2 of 2;

20 (F) The Pueblo community college - industrial  
21 technology/technical education renovation, phase 1 of 2 and phase 2 of  
22 2;

23 (G) The Morgan community college - automotive programs  
24 relocation, phase 1 of 2 and phase 2 of 2;

25 (H) The Fort Lewis college - exercise science/athletic facilities,  
26 phase 1 of 2 and phase 2 of 2;

27 (I) Department of public safety - Colorado state patrol, Grand

1 Junction troop office construction;

2 (J) Department of public safety - Colorado state patrol, Castle  
3 Rock troop office construction - office portion only; and

4 (K) Department of personnel - North campus upgrades.

5 ~~(H) and (HH) Repealed.~~

6 ~~(IV)~~ (II) Notwithstanding the provisions of subparagraph (I) of  
7 this paragraph (a), the percentage of the capital construction costs for the  
8 juvenile detention and juvenile commitment beds authorized by sections  
9 15 and 16 of House Bill 94-1340, enacted ~~at the second regular session~~  
10 ~~of the fifty-ninth general assembly~~ IN 1994, and sections 25, 26, and 27  
11 of House Bill 95-1352, enacted ~~at the first regular session of the sixtieth~~  
12 ~~general assembly~~ IN 1995, allocated to acquisition of works of art shall be  
13 one-tenth of one percent. It is the intent of the general assembly that  
14 these allocations be utilized to acquire artworks produced by residents of  
15 the state's juvenile facilities.

16 (b) If the allocation provided for in paragraph (a) of this  
17 subsection (3) is equal to or greater than one thousand dollars, the ~~state~~  
18 ~~council on the arts~~ shall select a jury as described in paragraph (a) of  
19 ~~subsection (5)~~ SUBSECTION (6) of this section.

20 (c) If the allocation provided for in paragraph (a) of this  
21 subsection (3) is less than one thousand dollars, the ~~state~~ council ~~on the~~  
22 ~~arts~~ may, at its discretion, either select a jury or direct that the funds be  
23 held within the works of art in public places fund described in ~~subsection~~  
24 ~~(6)~~ SUBSECTION (7) of this section for the acquisition of works of art for  
25 the state agency for which the capital construction project is to be  
26 constructed. Whenever the funds for any state agency equal or exceed  
27 one thousand dollars, the ~~state~~ council ~~on the arts~~ shall select a jury as

1 described in paragraph (a) of ~~subsection (5)~~ SUBSECTION (6) of this  
2 section.

3 (d) The works of art acquired under this ~~article~~ PART 3 shall be  
4 placed in a publicly accessible location within the state agency for which  
5 the capital construction project is to be constructed. A collection of  
6 works of art may be selected for placement within the state agency and,  
7 at the discretion of the state agency and the ~~state~~ council, ~~on the arts~~,  
8 made available for loan, circulation, and exhibition in other public  
9 facilities.

10 (4) The office of state planning and budgeting, in both the  
11 planning and review stages in the construction of state buildings and other  
12 public facilities, shall be responsible for insuring compliance with the  
13 provisions of subsection (3) of this section.

14 ~~(4.5)~~ (5) The administration of the art in public places program  
15 includes supervision of the jury process ~~which~~ THAT convenes to select  
16 the site and the artwork, contracting, purchase, commissioning, and  
17 reviewing of design, execution, and placement. Acceptance of works of  
18 art shall be the responsibility of the ~~state~~ council. ~~on the arts~~. These  
19 activities shall be conducted in consultation with the executive directors  
20 of the respective state agencies. The administration of the art in public  
21 places program shall not include bearing the costs of maintaining or  
22 insuring the works of art. Such costs shall be the responsibility of the  
23 respective state agencies.

24 ~~(5)~~ (6) All works of art acquired with funds allocated under  
25 subsection (3) of this section shall be contracted for separately from all  
26 other items in the original construction plans pursuant to the following  
27 guidelines:

1 (a) Selection of artists shall be by the jury method. The state  
2 council ~~on the arts~~ shall select jury members and convene juries. Jury  
3 recommendations shall be presented to the state council ~~on the arts~~ for  
4 review and final approval. Any significant changes in the design or  
5 construction of the work of art occurring after such final approval of the  
6 artist shall be subject to the approval of both the jury and the state  
7 council. ~~on the arts~~. The council shall determine which changes shall be  
8 considered significant for the purposes of this paragraph (a). Each jury  
9 shall contain at least the following:

10 (I) A representative from the contracting state agency for which  
11 the capital construction project is to be constructed; ~~and~~

12 (II) The architect; ~~and~~

13 (III) A professional artist; ~~and~~

14 (IV) A representative from each community in which a capital  
15 construction project is to be constructed; ~~and~~

16 (V) A member of the state council; ~~on the arts~~; ~~and~~

17 ~~(VI) Repealed.~~

18 ~~(VII)~~ (VI) A representative from the contracting state agency who  
19 is a tenant or future tenant of the capital construction site; ~~and~~

20 ~~(VIII)~~ (VII) A member of the state house of representatives to be  
21 appointed by the speaker of the house; ~~and~~

22 ~~(IX)~~ (VIII) A member of the state senate to be appointed by the  
23 president of the senate.

24 ~~(b) Repealed.~~

25 ~~(c)~~ (b) Residents of Colorado shall be the participants of this  
26 program except for artists from other states and territories who have  
27 achieved national recognition in their specific forms of expression.

1           ~~(d)~~ (c) Jury members who are not state employees shall be  
2 reimbursed for actual and necessary travel expenses incurred in fulfilling  
3 their duties under this section. Such expenses shall be deducted from the  
4 one percent allocation for art.

5           ~~(6)~~ (7) (a) There is hereby created in the state treasury the works  
6 of art in public places fund, any moneys in which are hereby appropriated  
7 to the ~~state council on the arts~~ DIVISION, which fund shall be used  
8 exclusively for the following purpose: THE purchase of works of art,  
9 taking into consideration the artist's preliminary site visit, the design fee,  
10 the total costs of construction and installation of the work of art, jury  
11 expenses, and program administration in compliance with the provisions  
12 of ~~subsection (5)~~ SUBSECTION (6) of this section.

13           (b) All moneys allocated for the acquisition of works of art  
14 pursuant to subsection (3) of this section shall be transmitted to the state  
15 treasurer, who shall credit the same to the works of art in public places  
16 fund. Any unexpended moneys shall remain in the fund at the end of the  
17 fiscal year and shall not revert to the capital construction fund.

18           (c) If any moneys allocated for the acquisition of works of art  
19 pursuant to subsection (3) of this section are not expended after the jury  
20 has been convened and has rendered its decision, such moneys shall  
21 remain in the works of art in public places fund to be used for the capital  
22 construction project for which they were allocated or shall revert to the  
23 general fund.

24           ~~(d) Notwithstanding any provision of this subsection (6) to the~~  
25 ~~contrary, on March 5, 2003, the state treasurer shall deduct one hundred~~  
26 ~~forty-five thousand one hundred thirty-eight dollars from the works of art~~  
27 ~~in public places fund and transfer such sum to the general fund.~~

1           (7) (8) Nothing in this section shall be construed to preclude the  
2 placement of works of art in public places other than those placed  
3 pursuant to this section.

4           **24-48.5-313. [Formerly 24-80.5-102] Art in public places -**  
5 **works of art in correctional and juvenile facilities.** (1) Each capital  
6 construction appropriation for a correctional facility shall include as a  
7 nondeductible item an allocation of not less than one-tenth of one percent  
8 of the capital construction costs to be used for a prison inmate art fund.  
9 The moneys in such fund shall be used for materials to allow inmates to  
10 create works of art to be included in the construction of or to be placed  
11 permanently in such facility. The department of corrections shall  
12 administer by rule a competitive program among the inmates of such  
13 facility in order to determine which art projects and inmates shall receive  
14 an incentive award not to exceed two hundred dollars each. The ~~state~~  
15 ~~council on the arts~~ shall appoint one of its members to serve in an  
16 advisory capacity to the department of corrections on the implementation  
17 of this subsection (1).

18           (2) For the purposes of subsection (1) of this section, "correctional  
19 facility" means any state facility in which persons are or may be lawfully  
20 held in custody as a result of conviction of a crime.

21           (3) (a) On and after January 1, 1998, each capital construction  
22 appropriation for a juvenile correctional facility shall include as a  
23 nondeductible item an allocation of not less than one-tenth of one percent  
24 of the capital construction costs to be used for a juvenile art fund. The  
25 moneys in such fund shall be used for materials to allow juveniles housed  
26 by the department of human services to create works of art to be included  
27 in the construction of or to be placed permanently in juvenile facilities.



1 The ~~state council on the arts~~ shall appoint one of its members to serve in  
2 an advisory capacity to the department of human services on the  
3 implementation of this subsection (3).

4 (b) As used in this subsection (3), "juvenile correctional facility"  
5 means any facility operated by or under contract with the department of  
6 human services pursuant to section 19-2-403, C.R.S.

7 **SECTION 2.** 12-47.1-701 (4) (a) (IV) (A), (4) (a) (IV) (A.5), (4)  
8 (a) (IV) (B), (4) (a) (V) (A), (4) (a) (V) (C), and (4) (a) (VI), Colorado  
9 Revised Statutes, are amended to read:

10 **12-47.1-701. Limited gaming fund.** (4) (a) At the end of each  
11 fiscal year, the state treasurer shall distribute the balance remaining in the  
12 limited gaming fund in accordance with the provisions of section 9 (5) (b)  
13 (II) of article XVIII of the state constitution and paragraph (c) of  
14 subsection (1) of this section; except that:

15 (IV) (A) Except as provided in subparagraph (VI) of this  
16 paragraph (a) and sub-subparagraphs (A.5) and (B) of this subparagraph  
17 (IV), for the 2005-06 fiscal year and each fiscal year thereafter, of the  
18 portion of limited gaming fund moneys that would otherwise be  
19 transferred to the general fund pursuant to section 9 (5) (b) (II) of article  
20 XVIII of the state constitution, after the transfer to the local government  
21 limited gaming impact fund required by section 12-47.1-1601, nineteen  
22 million dollars shall be transferred to the Colorado travel and tourism  
23 promotion fund created in section 24-49.7-106, C.R.S., one million five  
24 hundred thousand dollars shall be transferred to the ~~state council on the~~  
25 ~~arts~~ CREATIVE INDUSTRIES cash fund created in ~~section 24-48.8-109~~  
26 SECTION 24-48.5-308, C.R.S., and three million dollars shall be  
27 transferred to the new jobs incentives cash fund created in section

1 24-46-105.7, C.R.S. For purposes of the transfers occurring at the end of  
2 the 2006-07 fiscal year and each fiscal year thereafter, no later than June  
3 1, 2007, and no later than June 1 of each calendar year thereafter, the  
4 executive director of the department of revenue shall adjust the dollar  
5 amounts specified in this sub-subparagraph (A) to reflect the percentage  
6 change in the consumer price index for the Denver metropolitan area. As  
7 used in this sub-subparagraph (A), "percentage change in the consumer  
8 price index for the Denver metropolitan area" means the percentage  
9 change between the two published annual estimates of the consumer price  
10 index for the Denver-Boulder-Greeley combined statistical area for all  
11 urban consumers, all goods, as defined and officially reported by the  
12 bureau of labor statistics in the United States department of labor, or its  
13 successor index, for the two calendar years immediately preceding the  
14 calendar year in which the adjustment is made.

15 (A.5) If, based on the March revenue forecast prepared by the  
16 legislative council, the joint budget committee determines that the amount  
17 of general fund revenues for the fiscal year in which the forecast is  
18 prepared will be insufficient to cover the amount of general fund  
19 appropriations to be made for that fiscal year as included in the joint  
20 budget committee's appropriations report, the joint budget committee,  
21 acting by bill, shall determine the amount of limited gaming fund moneys,  
22 if any, that should be transferred to the state council on the arts CREATIVE  
23 INDUSTRIES cash fund, the new jobs incentives cash fund, and the  
24 Colorado travel and tourism promotion fund at the end of that fiscal year.

25 (B) If the joint budget committee, pursuant to sub-subparagraph  
26 (A.5) of this subparagraph (IV), does not determine the amount of limited  
27 gaming fund moneys, if any, to be transferred to the funds specified in

1 sub-subparagraph (A) of this subparagraph (IV) and if, based on the June  
2 revenue forecast prepared by the legislative council, the state treasurer  
3 determines that the amount of general fund revenues for the fiscal year in  
4 which the forecast is prepared will be insufficient to cover the amount of  
5 general fund appropriations to be made for that fiscal year as included in  
6 the joint budget committee's appropriations report, the state treasurer shall  
7 transfer to the general fund from the moneys that would otherwise be  
8 transferred to the ~~state~~ council on ~~the arts~~ CREATIVE INDUSTRIES cash  
9 fund, the new jobs incentives cash fund, and the Colorado travel and  
10 tourism promotion fund pursuant to sub-subparagraph (A) of this  
11 subparagraph (IV) at the end of the fiscal year an amount equal to the  
12 lesser of the full amount that would otherwise be transferred to the ~~state~~  
13 council on ~~the arts~~ CREATIVE INDUSTRIES cash fund, the new jobs  
14 incentives cash fund, and the Colorado travel and tourism promotion fund  
15 or the amount necessary to cover the amount of general fund  
16 appropriations to be made for the fiscal year as included in the joint  
17 budget committee's appropriations report. Any reduction in the amounts  
18 transferred to the ~~state~~ council on ~~the arts~~ CREATIVE INDUSTRIES cash  
19 fund, the new jobs incentives cash fund, and the Colorado travel and  
20 tourism promotion fund required by this sub-subparagraph (B) shall be  
21 pro-rated based on the amounts otherwise required to be transferred to  
22 said funds pursuant to sub-subparagraph (A) of this subparagraph (IV).

23 (V) (A) Except as provided in subparagraph (VI) of this paragraph  
24 (a) and sub-subparagraphs (B), (C), and (E) of this subparagraph (V), for  
25 the 2006-07, 2007-08, and 2008-09 fiscal years, of the portion of limited  
26 gaming fund moneys that would otherwise be transferred to the general  
27 fund pursuant to section 9 (5) (b) (II) of article XVIII of the state

1 constitution, after the transfer to the local government limited gaming  
2 impact fund required by section 12-47.1-1601, six hundred thousand  
3 dollars shall be transferred to the film incentives cash fund created in  
4 section 24-46-105.8, C.R.S. Except as provided in sub-subparagraphs (B)  
5 and (C) of this subparagraph (V), for the 2009-10 fiscal year and each  
6 fiscal year thereafter, of the portion of limited gaming fund moneys that  
7 would otherwise be transferred to the general fund pursuant to section 9  
8 (5) (b) (II) of article XVIII of the state constitution, after the transfer to  
9 the local government limited gaming impact fund required by section  
10 12-47.1-1601, six hundred thousand dollars shall be transferred to the  
11 Colorado office of film, television, and media operational account cash  
12 fund created in ~~section 24-48.5-203~~ SECTION 24-48.5-311, C.R.S. For  
13 purposes of the transfers occurring at the end of the 2006-07 fiscal year  
14 and each fiscal year thereafter, no later than June 1, 2007, and no later  
15 than June 1 of each calendar year thereafter, the executive director shall  
16 adjust the dollar amounts specified in this sub-subparagraph (A) to reflect  
17 the percentage change in the consumer price index for the Denver  
18 metropolitan area. As used in this sub-subparagraph (A), "percentage  
19 change in the consumer price index for the Denver metropolitan area"  
20 means the percentage change between the two published annual estimates  
21 of the consumer price index for the Denver-Boulder-Greeley combined  
22 statistical area for all urban consumers, all goods, as defined and  
23 officially reported by the bureau of labor statistics in the United States  
24 department of labor for the two calendar years immediately preceding the  
25 calendar year in which the adjustment is made.

26 (C) If the joint budget committee, pursuant to sub-subparagraph  
27 (B) of this subparagraph (V), does not determine the amount of limited

1 gaming fund moneys, if any, to be transferred to the film incentives cash  
2 fund or the Colorado office of film, television, and media operational  
3 account cash fund specified in sub-subparagraph (A) of this subparagraph  
4 (V) and if, based on the June revenue forecast prepared by the legislative  
5 council, the state treasurer determines that the amount of general fund  
6 revenues for the fiscal year in which the forecast is prepared will be  
7 insufficient to cover the amount of general fund appropriations to be  
8 made for that fiscal year as included in the joint budget committee's  
9 appropriations report, the state treasurer shall transfer to the general fund  
10 from the moneys that would otherwise be transferred to the film  
11 incentives cash fund or the Colorado office of film, television, and media  
12 operational account cash fund pursuant to sub-subparagraph (A) of this  
13 subparagraph (V) at the end of the fiscal year an amount equal to the  
14 lesser of the full amount that would otherwise be transferred to the film  
15 incentives cash fund or the Colorado office of film, television, and media  
16 operational account cash fund or the amount necessary to cover the  
17 amount of general fund appropriations to be made for the fiscal year as  
18 included in the joint budget committee's appropriations report. Any  
19 reduction in the amount transferred to the film incentives cash fund or the  
20 Colorado office of film, television, and media operational account cash  
21 fund required by this sub-subparagraph (C) and the amounts transferred  
22 to the ~~state council on the arts~~ CREATIVE INDUSTRIES cash fund, the new  
23 jobs incentives cash fund, and the Colorado travel and tourism promotion  
24 fund required by sub-subparagraph (B) of subparagraph (IV) of this  
25 paragraph (a) shall be pro-rated based on the amounts otherwise required  
26 to be transferred to said funds pursuant to sub-subparagraph (A) of this  
27 subparagraph (V) and sub-subparagraph (A) of subparagraph (IV) of this

1 paragraph (a).

2 (VI) For the 2008-09 fiscal year, of the portion of limited gaming  
3 fund moneys that would otherwise be transferred to the general fund  
4 pursuant to section 9 (5) (b) (II) of article XVIII of the state constitution,  
5 after the transfer to the local government limited gaming impact fund  
6 required by section 12-47.1-1601, fifteen million five hundred  
7 seventy-eight thousand six hundred ninety-nine dollars shall be  
8 transferred to the Colorado travel and tourism promotion fund created in  
9 section 24-49.7-106, C.R.S., one million two hundred thousand  
10 twenty-six dollars shall be transferred to the ~~state council on the arts~~  
11 CREATIVE INDUSTRIES cash fund created in ~~section 24-48.8-109~~ SECTION  
12 24-48.5-308, C.R.S., one million four hundred thousand fifty-two dollars  
13 shall be transferred to the new jobs incentives cash fund created in section  
14 24-46-105.7, C.R.S., one million dollars shall be transferred to the  
15 innovative higher education research fund created in section 23-19.7-104,  
16 C.R.S., and four hundred eighty thousand eleven dollars shall be  
17 transferred to the film incentives cash fund created in section  
18 24-46-105.8, C.R.S. If when making the transfers in June 2009 the  
19 treasurer determines that the portion of limited gaming fund moneys that  
20 would otherwise be transferred to the general fund pursuant to section 9  
21 (5) (b) (II) of article XVIII of the state constitution, after the transfer to  
22 the local government limited gaming impact fund required by section  
23 12-47.1-1601, is insufficient to make the transfers set forth in this  
24 subparagraph (VI), the transfers shall be proportionally reduced.

25 **SECTION 3.** 24-1-137, Colorado Revised Statutes, is amended  
26 to read:

27 **24-1-137. Effect of decrease in the length of terms of office for**

1 **certain state boards, commissions, authorities, and agencies.** Persons  
2 who are holding office on June 15, 1987, and who were appointed to  
3 terms of office pursuant to sections 11-2-102, 12-4-103, 12-22-104,  
4 12-32-103, 12-33-103, 12-36-103, 12-40-106, 12-60-102, 22-80-104,  
5 23-9-103, 23-15-104, 23-40-104, 23-41-102, 24-32-706, 24-42-102,  
6 25-25-104, 29-1-503, 29-4-704, 34-60-104, 35-41-101, 35-65-401,  
7 35-75-104, 39-2-123, and 40-2-101, C.R.S., as said sections existed prior  
8 to June 15, 1987, shall continue to serve in such office, but such service  
9 shall be at the pleasure of the governor, who may appoint a replacement  
10 to serve for the unexpired term of any member. However, if the governor  
11 has not appointed any such replacement on or before November 15, 1987,  
12 then the person who is holding such office on June 15, 1987, shall no  
13 longer be subject to replacement pursuant to this section but shall be  
14 subject to whatever removal provisions may otherwise apply for such  
15 office. Any such member for whom a replacement has been appointed  
16 shall continue to serve until his or her successor is duly qualified.  
17 Appointments to new terms of office made after June 15, 1987, shall be  
18 made for terms of four years as prescribed by law; except that such  
19 provision shall not apply to terms of office of persons appointed pursuant  
20 to section 23-9-103, C.R.S., as it existed prior to July 1, 2006, or to  
21 ~~section 24-48.8-103~~ SECTION 24-48.5-303, which is the former section  
22 23-9-103, C.R.S.

23 **SECTION 4.** 24-37.5-402 (4), Colorado Revised Statutes, is  
24 amended to read:

25 **24-37.5-402. Definitions.** As used in this part 4, unless the  
26 context otherwise requires:

27 (4) "Department of higher education" means the Colorado

1 commission on higher education, collegeinvest, the Colorado student loan  
2 program, the Colorado college access network, the private occupational  
3 school division, AND the state historical society. ~~and the state council on~~  
4 ~~the arts.~~

5 **SECTION 5.** 24-46-105.8 (4) (a), Colorado Revised Statutes, is  
6 amended to read:

7 **24-46-105.8. Performance-based incentive for film production**  
8 **in Colorado - film incentives cash fund - definitions - repeal.**

9 (4) (a) For the 2006-07, 2007-08, and 2008-09 fiscal years, the general  
10 assembly shall annually appropriate the moneys transferred to the fund  
11 pursuant to section 12-47.1-701 (4) (a) (V), C.R.S., to the commission to  
12 be used for performance-based incentives for the motion picture industry  
13 pursuant to the provisions of this section. Any moneys remaining in the  
14 fund on July 1, 2009, shall be transferred to the Colorado office of film,  
15 television, and media operational account cash fund created in ~~section~~  
16 ~~24-48.5-203~~ SECTION 24-48.5-311.

17 **SECTION 6.** The introductory portion to 43-1-404 (1) and  
18 43-1-404 (1) (e) (III), Colorado Revised Statutes, are amended to read:

19 **43-1-404. Advertising devices allowed - exception.** (1) The  
20 following advertising devices as defined in section 43-1-403 may be  
21 erected and maintained when in compliance with all provisions of this  
22 part 4 and the rules ~~and regulations~~ adopted by the department:

23 (e) (III) The department shall consult with the ~~state council on the~~  
24 ~~arts~~ CREATIVE INDUSTRIES and the state historical society to determine  
25 places of cultural importance which are eligible to erect advertising  
26 devices pursuant to sub-subparagraph (C) of subparagraph (I) of this  
27 paragraph (e). It is the intent of the general assembly that no state



1 moneys nor any federal funds be used to erect such advertising devices.

2 **SECTION 7. Repeal of provisions being relocated in this act.**

3 Part 2 of article 48.5 of title 24, article 48.8 of title 24, and article 80.5 of  
4 title 24, Colorado Revised Statutes, are repealed.

5 **SECTION 8. Repeal of provisions not being relocated in this**

6 **act.** 24-48.8-101 and 24-48.8-105, Colorado Revised Statutes, are  
7 repealed.

8 **SECTION 9. Specified effective date.** This act shall take effect

9 July 1, 2010.

10 **SECTION 10. Safety clause.** The general assembly hereby finds,

11 determines, and declares that this act is necessary for the immediate

12 preservation of the public peace, health, and safety.