

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

ENGROSSED

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

LLS NO. 10-0669.01 Nicole Myers

SENATE BILL 10-158

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

HOUSE SPONSORSHIP

Rice, Ryden

Senate Committees

Business, Labor and Technology

House Committees

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.**

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.

SENATE
2nd Reading Unamended
February 24, 2010

[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.

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.