

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

**REREVISED**

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

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

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**Senate Committees**

Business, Labor and Technology

**House Committees**

Business Affairs and Labor

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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.*

HOUSE  
3rd Reading Unam ended  
March 16, 2010

HOUSE  
Am ended 2nd Reading  
March 15, 2010

SENATE  
3rd Reading Unam ended  
February 26, 2010

SENATE  
2nd Reading Unam ended  
February 24, 2010



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

8 (2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
9 CREATIVE INDUSTRIES CASH FUND, REFERRED TO IN THIS SECTION AS THE  
10 "FUND". THE FUND SHALL CONSIST OF:

11 (I) (A) MONEYS TRANSFERRED TO THE FUND PURSUANT TO  
12 SECTIONS 24-48.5-308 (3), 24-48.5-311 (5) (d), AND 24-48.5-312 (7) (b).

13 (B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2011.

14 (II) MONEYS TRANSFERRED TO THE FUND IN ACCORDANCE WITH  
15 SECTION 12-47.1-701 (4), C.R.S.;

16 (III) MONEYS CREDITED TO THE FUND BY THE STATE TREASURER  
17 FOR PURPOSES OF THE ART IN PUBLIC PLACES PROGRAM PURSUANT TO  
18 SECTION 24-48.5-312 (7) (b.5);

19 (IV) MONEYS APPROPRIATED TO THE FUND BY THE GENERAL  
20 ASSEMBLY; AND

21 (V) ANY GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC  
22 SOURCES THAT THE DIVISION IS HEREBY AUTHORIZED TO SEEK AND  
23 ACCEPT.

24 (b) THE MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED  
25 TO THE DIVISION FOR THE OPERATION OF THE DIVISION, AND FOR THE  
26 FOLLOWING:

27 (I) FOR PURPOSES OF THE COUNCIL ON CREATIVE INDUSTRIES,

1 INCLUDING THE ADMINISTRATION OF THE COUNCIL;

2 (II) FOR THE OPERATION OF THE COLORADO OFFICE OF FILM,  
3 TELEVISION, AND MEDIA AND FOR THE PERFORMANCE-BASED INCENTIVE  
4 FOR FILM PRODUCTION IN COLORADO AS SPECIFIED IN SECTION  
5 24-48.5-311 (1); AND

6 (III) FOR THE PURCHASE OF WORKS OF ART PURSUANT TO THE ART  
7 IN PUBLIC PLACES PROGRAM, TAKING INTO CONSIDERATION THE ARTIST'S  
8 PRELIMINARY SITE VISIT, THE DESIGN FEE, THE TOTAL COSTS OF  
9 CONSTRUCTION AND INSTALLATION OF THE WORK OF ART, JURY EXPENSES,  
10 AND PROGRAM ADMINISTRATION IN COMPLIANCE WITH THE PROVISIONS OF  
11 SECTION 24-48.5-312 (6).

12 (c) ALL MONEYS NOT EXPENDED OR ENCUMBERED, AND ALL  
13 INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEYS IN THE  
14 FUND, SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE  
15 GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR.  
16 ANY MONEYS NOT EXPENDED OR ENCUMBERED FROM ANY APPROPRIATION  
17 AT THE END OF ANY FISCAL YEAR SHALL REMAIN AVAILABLE FOR  
18 EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER  
19 APPROPRIATION.

20 **24-48.5-302. [Formerly 24-48.8-102] Council on creative**  
21 **industries - legislative declaration.** (1) The general assembly finds and  
22 declares:

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

26 (b) That many of our citizens lack the opportunity to view, enjoy,  
27 or participate in living theatrical performances, musical concerts, operas,

1 dance and ballet recitals, art exhibits, examples of fine architecture, and  
2 the performing and visual arts generally;

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

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

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

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

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

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

1           **24-48.5-303. [Formerly 24-48.8-103] Council on creative**  
2           **industries - establishment of council - members - term of office - chair**  
3           **- compensation.** (1) (a) There is hereby established within the

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

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

24          (H) ~~On and after July 1, 2006, employees of the council whose~~  
25          ~~employment is deemed necessary by the director of the Colorado office~~  
26          ~~of economic development shall become employees of the Colorado office~~  
27          ~~of economic development. Any employees transferred to the Colorado~~

1 office of economic development who are classified employees in the state  
2 personnel system shall retain all rights to the personnel system and  
3 retirement benefits pursuant to the laws of this state, and their services  
4 shall be deemed to have been continuous. All transfers and any  
5 abolishment of positions in the state personnel system shall be made and  
6 processed in accordance with state personnel system laws and regulations.

7 (HH) On and after July 1, 2006, all items of property, real and  
8 personal, including office furniture and fixtures, books, documents, and  
9 records of the council, are transferred to the Colorado office of economic  
10 development and become property thereof.

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

22 (3) The governor shall appoint a ~~chairperson~~ CHAIR of the council  
23 who is a person widely recognized for his or her knowledge, experience,  
24 and interest in the arts and humanities, as well as his or her knowledge of  
25 community and state interests. ~~He or she~~ THE CHAIR shall serve at the  
26 pleasure of the ~~appointing~~ governor, but not longer than six consecutive  
27 years, and shall not be eligible for reappointment during the three-year

1 period following the expiration of such six-year period. ~~He or she~~ THE  
2 CHAIR shall advise the governor with respect to the development in the  
3 arts and humanities in the state of Colorado. If any vacancy occurs in the  
4 office of ~~chairperson~~ THE CHAIR, the governor shall fill within sixty days  
5 the vacancy by the appointment of a qualified person in the same manner  
6 in which the original appointment was made.

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

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

17 **24-48.5-305. [Formerly 24-48.8-106] Council on creative**  
18 **industries - powers of the council.** (1) The council has the powers  
19 necessary to carry out the duties imposed upon it by this ~~article~~ PART 3,  
20 including, but not limited to, the power:

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

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

27 (c) To request from any department, division, board, bureau,

1 commission, or other agency of the state such reasonable assistance and  
2 data as will enable it properly to carry out its powers and duties under this  
3 ~~article~~ PART 3;

4 (d) To appoint such advisory committees as it deems advisable  
5 and necessary to the carrying out of its powers and duties under this  
6 ~~article~~ PART 3;

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

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

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

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

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

26 (a) To stimulate and encourage throughout the state the study and  
27 development of the arts and humanities, as well as public interest and

1 participation therein;

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

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

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

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

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

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

27 **24-48.5-308. [Formerly 24-48.8-109] State council on the arts**

1 **cash fund - creation - repeal.** (1) There is hereby created in the  
2 state treasury the state council on the arts cash fund, referred to in this  
3 section as the "fund". FOR FISCAL YEARS PRIOR TO THE 2010-11 FISCAL  
4 YEAR, the fund shall consist of:

5 (a) Moneys transferred to the fund in accordance with section  
6 12-47.1-701 (4) (a), C.R.S.; and

7 (b) Any moneys appropriated to the fund by the general assembly.  
8

9 (2) FOR FISCAL YEARS PRIOR TO THE 2010-11 FISCAL YEAR, the  
10 moneys in the fund shall be annually appropriated by the general  
11 assembly for the purposes of THE COUNCIL, including administration of  
12 ~~this article~~ by the council. All moneys not expended or encumbered, and  
13 all interest earned on the investment or deposit of moneys in the fund,  
14 shall remain in the fund and shall not revert to the general fund at the end  
15 of any fiscal year. Any moneys not expended or encumbered from any  
16 appropriation at the end of any fiscal year shall remain available for  
17 expenditure in the next fiscal year without further appropriation.

18 (3) ANY MONEYS REMAINING IN THE FUND ON JULY 1, 2010, SHALL  
19 BE TRANSFERRED TO THE CREATIVE INDUSTRIES CASH FUND CREATED IN  
20 SECTION 24-48.5-301.

21 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

22 **24-48.5-309. [Formerly 24-48.5-201] Film, television, and**  
23 **media - definitions.** As used in this ~~part 2~~ SECTION AND SECTIONS  
24 24-48.5-310 AND 24-48.5-311, unless the context otherwise requires:

25 (1) "Film" means any visual or audiovisual work, including,  
26 without limitation, a video game, that contains a series of related images,  
27 regardless of the medium by which the work is fixed and from which it

1 can be viewed or reproduced, and that is primarily intended to be either:

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

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

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

7 (3) "Production activities" means the shooting of a film, support  
8 activities related to such shooting, and any preshooting or postshooting  
9 activities that commence on or after July 1, 2009, and that are necessary  
10 to produce a finished film, including but not limited to editing and the  
11 creation of sets, props, costumes, and special effects.

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

15 (5) "Qualified local expenditure" means a payment made by a  
16 production company operating in Colorado to a business in Colorado in  
17 connection with the production of a film that the production company is  
18 producing in Colorado. "Qualified local expenditure" shall include, but  
19 need not be limited to:

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

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

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

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

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

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

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

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

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

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

- 1           (2) The office shall:
- 2           (a) Market Colorado as a destination for making feature films,  
3 television shows, television commercials, still photography, music videos,  
4 and new media projects;
- 5           (b) Assist production companies that are interested in conducting  
6 production activities in Colorado in scouting appropriate locations in the  
7 state for the production company's film;
- 8           (c) Assist state and local government agencies and organizations  
9 in the creation of permitting criteria for production companies that plan  
10 to conduct production activities on state or local government property;
- 11           (d) Assist production companies in determining the appropriate  
12 state or local government agencies to contact to apply for a permit to  
13 conduct production activities on state or local government property;
- 14           (e) Serve as a general liaison for production companies and assist  
15 in coordination efforts among production companies, any state or local  
16 government agency, and local businesses and individuals before, during,  
17 and after the production company conducts production activities in  
18 Colorado;
- 19           (f) Serve as a resource for local governments and communities  
20 around Colorado when a production company approaches the local  
21 government or community regarding the possibility of conducting  
22 production activities on the property of the local government or within the  
23 community;
- 24           (g) Administer the performance-based incentive for film  
25 production in Colorado as specified in ~~section 24-48.5-203~~ SECTION  
26 24-48.5-311;
- 27           (h) Conduct educational seminars to promote the film industry and

1 people working in the film industry in Colorado; and

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

5 **24-48.5-311. [Formerly 24-48.5-203] Film, television, and**  
6 **media - performance-based incentive for film production in Colorado**  
7 **- film, television, and media operational account cash fund - creation**

8 **- repeal.** (1) Subject to the provisions of this section, on or after July 1,  
9 2009, any production company that spends at least seventy-five percent  
10 of its production expenditures for a film on qualified local expenditures  
11 and at least seventy-five percent of its payroll expenditures for a film on  
12 qualified local payroll expenditures shall be allowed to claim a  
13 performance-based incentive in an amount as follows:

14 (a) For a production company that originates the film production  
15 in Colorado, an amount equal to ten percent of the total amount of the  
16 production company's qualified local expenditures and qualified payroll  
17 expenditures if the total of such expenditures equals or exceeds one  
18 hundred thousand dollars; and

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

24 (2) (a) In order for a production company to claim a  
25 performance-based incentive for film production activities in Colorado  
26 pursuant to this section, the production company shall apply to the office,  
27 in a manner to be determined by the office, prior to beginning production

1 activities in the state. The application shall include a statement of intent  
2 by the production company to produce a film in Colorado for which the  
3 production company will be eligible to receive the incentive. The  
4 production company shall submit, in conjunction with the application, any  
5 documentation necessary to demonstrate that the production company's  
6 projected qualified local expenditures and qualified payroll expenditures  
7 will satisfy the expenditures specified in paragraph (a) or (b) of  
8 subsection (1) of this section, as applicable.

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

20 (c) Upon completion of production activities in Colorado, a  
21 production company that received conditional approval for a  
22 performance-based incentive from the office shall submit financial  
23 documents to the office that detail the expenses incurred in the course of  
24 the film production activities in Colorado, along with a signed affidavit  
25 stating that the financial documents are an accurate accounting of the  
26 production company's qualified local expenditures and qualified payroll  
27 expenditures. If the amount of the production company's actual qualified

1 local expenditures and qualified payroll expenditures equal or exceed the  
2 production company's projected qualified local expenditures and qualified  
3 payroll expenditures submitted to the office pursuant to paragraph (a) of  
4 this subsection (2), the office shall issue an incentive to the production  
5 company.

6 (d) The office shall develop procedures for the administration of  
7 this section, including application guidelines for production companies  
8 applying to receive a performance-based incentive and for the office to  
9 issue payment of the incentives pursuant to this section.

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

15 (4) (a) There is hereby created in the state treasury the Colorado  
16 office of film, television, and media operational account cash fund,  
17 referred to in this section as the "fund". ~~FOR FISCAL YEARS PRIOR TO THE~~  
18 ~~2010-11 FISCAL YEAR,~~ the fund shall consist of:

19 ~~(a) (I) Moneys transferred to the fund as specified in section~~  
20 ~~24-46-105.8 (4) (a).~~

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

22 ~~(b) (I) Moneys transferred to the fund in accordance with section~~  
23 ~~12-47.1-701 (4) (a) (V) (A), C.R.S.;~~

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

26 ~~(d) (III) Any moneys appropriated to the fund by the general~~  
27 ~~assembly.~~

1 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2011

2 (5) (a) FOR FISCAL YEARS PRIOR TO THE 2010-11 FISCAL YEAR, the  
3 moneys in the fund shall be continuously appropriated to the office for the  
4 operation of the office and for the performance-based incentive for film  
5 production in Colorado as specified in subsection (1) of this section.

6 (b) ~~The total amount of performance-based incentives that  
7 the office issues pursuant to this section in any fiscal year shall not exceed  
8 the amount appropriated to the office to be used for the purposes of this  
9 section in the applicable fiscal year. If the office receives applications for  
10 incentives that exceed the amount appropriated by the general assembly  
11 for the fiscal year, the office shall issue incentives to production  
12 companies in the order in which the commission received applications  
13 until the amount appropriated has been expended.~~

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

18 (d) ANY MONEYS REMAINING IN THE FUND ON JULY 1, 2010, SHALL  
19 BE TRANSFERRED TO THE CREATIVE INDUSTRIES CASH FUND CREATED IN  
20 SECTION 24-48.5-301.

21 (e) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2011.

22 (6) THE TOTAL AMOUNT OF PERFORMANCE-BASED INCENTIVES  
23 THAT THE OFFICE ISSUES PURSUANT TO THIS SECTION IN ANY FISCAL YEAR  
24 SHALL NOT EXCEED THE AMOUNT APPROPRIATED TO THE DIVISION TO BE  
25 USED FOR THE PURPOSES OF THIS SECTION IN THE APPLICABLE FISCAL  
26 YEAR. IF THE OFFICE RECEIVES APPLICATIONS FOR INCENTIVES THAT  
27 EXCEED THE AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE

1 FISCAL YEAR, THE OFFICE SHALL ISSUE INCENTIVES TO PRODUCTION  
2 COMPANIES IN THE ORDER IN WHICH THE COMMISSION RECEIVED  
3 APPLICATIONS UNTIL THE AMOUNT APPROPRIATED HAS BEEN EXPENDED.

4 **24-48.5-312. [Formerly 24-80.5-101] Art in public places**  
5 **program - allocations from capital construction costs - guidelines -**  
6 **fund created - definitions - repeal.**

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

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

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

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

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

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

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

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

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

14 (III) Mosaics; ~~or~~

15 (IV) Photographs; ~~or~~

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

18 (VI) Calligraphy; ~~or~~

19 (VII) Mixed media composed of any combination of forms or  
20 media; ~~or~~

21 (VIII) Unique architectural stylings or embellishments, including  
22 architectural crafts; ~~or~~

23 (IX) Environmental landscaping; ~~or~~ AND

24 (X) Restoration or renovation of existing works of art of historical  
25 significance.

26 (3) (a) (I) Each capital construction appropriation for a public  
27 construction project shall include as a nondeductible item an allocation

1 of not less than one percent of the capital construction costs to be used for  
2 the acquisition of works of art; except that the requirements specified in  
3 this subparagraph (I) shall not apply to:

4 (A) Capital construction appropriations covered by ~~section~~  
5 ~~24-80.5-102~~ SECTION 24-48.5-313;

6 (B) Agricultural facilities where livestock are housed or  
7 agricultural products are grown;

8 (C) The diagnostic center located in the city and county of  
9 Denver;

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

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

15 (F) The Pueblo community college - industrial  
16 technology/technical education renovation, phase 1 of 2 and phase 2 of  
17 2;

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

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

22 (I) Department of public safety - Colorado state patrol, Grand  
23 Junction troop office construction;

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

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

27 ~~(H) and (H)~~ Repealed.

1           ~~(IV)~~ (II) Notwithstanding the provisions of subparagraph (I) of  
2 this paragraph (a), the percentage of the capital construction costs for the  
3 juvenile detention and juvenile commitment beds authorized by sections  
4 15 and 16 of House Bill 94-1340, enacted ~~at the second regular session~~  
5 ~~of the fifty-ninth general assembly~~ IN 1994, and sections 25, 26, and 27  
6 of House Bill 95-1352, enacted ~~at the first regular session of the sixtieth~~  
7 ~~general assembly~~ IN 1995, allocated to acquisition of works of art shall be  
8 one-tenth of one percent. It is the intent of the general assembly that  
9 these allocations be utilized to acquire artworks produced by residents of  
10 the state's juvenile facilities.

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

15           (c) If the allocation provided for in paragraph (a) of this  
16 subsection (3) is less than one thousand dollars, the ~~state council on the~~  
17 ~~arts~~ may, at its discretion, either select a jury or direct that the funds be  
18 held within the works of art in public places fund described in ~~subsection~~  
19 ~~(6)~~ SUBSECTION (7) of this section for the acquisition of works of art for  
20 the state agency for which the capital construction project is to be  
21 constructed. Whenever the funds for any state agency equal or exceed  
22 one thousand dollars, the ~~state council on the arts~~ shall select a jury as  
23 described in paragraph (a) of ~~subsection (5)~~ SUBSECTION (6) of this  
24 section.

25           (d) The works of art acquired under this ~~article~~ PART 3 shall be  
26 placed in a publicly accessible location within the state agency for which  
27 the capital construction project is to be constructed. A collection of

1 works of art may be selected for placement within the state agency and,  
2 at the discretion of the state agency and the ~~state council, on the arts,~~  
3 made available for loan, circulation, and exhibition in other public  
4 facilities.

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

9 ~~(4.5)~~ (5) The administration of the art in public places program  
10 includes supervision of the jury process ~~which~~ THAT convenes to select  
11 the site and the artwork, contracting, purchase, commissioning, and  
12 reviewing of design, execution, and placement. Acceptance of works of  
13 art shall be the responsibility of the ~~state council, on the arts.~~ These  
14 activities shall be conducted in consultation with the executive directors  
15 of the respective state agencies. The administration of the art in public  
16 places program shall not include bearing the costs of maintaining or  
17 insuring the works of art. Such costs shall be the responsibility of the  
18 respective state agencies.

19 ~~(5)~~ (6) All works of art acquired with funds allocated under  
20 subsection (3) of this section shall be contracted for separately from all  
21 other items in the original construction plans pursuant to the following  
22 guidelines:

23 (a) Selection of artists shall be by the jury method. The ~~state~~  
24 ~~council on the arts~~ shall select jury members and convene juries. Jury  
25 recommendations shall be presented to the ~~state council on the arts~~ for  
26 review and final approval. Any significant changes in the design or  
27 construction of the work of art occurring after such final approval of the

1 artist shall be subject to the approval of both the jury and the ~~state~~  
2 council. ~~on the arts~~. The council shall determine which changes shall be  
3 considered significant for the purposes of this paragraph (a). Each jury  
4 shall contain at least the following:

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

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

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

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

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

12 ~~(VI) Repealed.~~

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

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

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

19 ~~(b) Repealed.~~

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

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

27 ~~(6)~~ (7) (a) There is hereby created in the state treasury the works

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

8 (b) PRIOR TO THE 2010-11 FISCAL YEAR, all moneys allocated for  
9 the acquisition of works of art pursuant to subsection (3) of this section  
10 shall be transmitted to the state treasurer, who shall credit the same to the  
11 works of art in public places fund. Any unexpended moneys shall remain  
12 in the fund at the end of the fiscal year and shall not revert to the capital  
13 construction fund. ANY MONEYS REMAINING IN THE WORKS OF ART IN  
14 PUBLIC PLACES FUND ON JULY 1, 2010, SHALL BE TRANSFERRED TO THE  
15 CREATIVE INDUSTRIES CASH FUND CREATED IN SECTION 24-48.5-301.

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

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

26 (e) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2011.

27 (8) FOR THE 2010-11 FISCAL YEAR AND EACH FISCAL YEAR

1     THEREAFTER, ALL MONEYS ALLOCATED FOR THE ACQUISITION OF WORKS  
2     OF ART PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL BE  
3     TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME  
4     TO THE CREATIVE INDUSTRIES CASH FUND CREATED IN SECTION  
5     24-48.5-301.

6             (7) (9) Nothing in this section shall be construed to preclude the  
7     placement of works of art in public places other than those placed  
8     pursuant to this section.

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

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

26             (3) (a) On and after January 1, 1998, each capital construction  
27    appropriation for a juvenile correctional facility shall include as a

1 nondeductible item an allocation of not less than one-tenth of one percent  
2 of the capital construction costs to be used for a juvenile art fund. The  
3 moneys in such fund shall be used for materials to allow juveniles housed  
4 by the department of human services to create works of art to be included  
5 in the construction of or to be placed permanently in juvenile facilities.  
6 The ~~state council on the arts~~ shall appoint one of its members to serve in  
7 an advisory capacity to the department of human services on the  
8 implementation of this subsection (3).

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

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

15 **12-47.1-701. Limited gaming fund.** (4) (a) At the end of each  
16 fiscal year, the state treasurer shall distribute the balance remaining in the  
17 limited gaming fund in accordance with the provisions of section 9 (5) (b)  
18 (II) of article XVIII of the state constitution and paragraph (c) of  
19 subsection (1) of this section; except that:

20 (IV) (A) Except as provided in subparagraph (VI) of this  
21 paragraph (a) and sub-subparagraphs (A.5) and (B) of this subparagraph  
22 (IV), for the 2005-06 fiscal year and each fiscal year thereafter, of the  
23 portion of limited gaming fund moneys that would otherwise be  
24 transferred to the general fund pursuant to section 9 (5) (b) (II) of article  
25 XVIII of the state constitution, after the transfer to the local government  
26 limited gaming impact fund required by section 12-47.1-1601, nineteen  
27 million dollars shall be transferred to the Colorado travel and tourism

1 promotion fund created in section 24-49.7-106, C.R.S., one million five  
2 hundred thousand dollars shall be transferred to the state council on the  
3 arts cash fund created in ~~section 24-48.8-109~~ SECTION 24-48.5-308,  
4 C.R.S., and three million dollars shall be transferred to the new jobs  
5 incentives cash fund created in section 24-46-105.7, C.R.S.; EXCEPT  
6 THAT, FOR THE 2010-11 FISCAL YEAR AND EACH FISCAL YEAR  
7 THEREAFTER, THE AMOUNT THAT WOULD OTHERWISE BE TRANSFERRED TO  
8 THE STATE COUNCIL ON THE ARTS CASH FUND PURSUANT TO THIS  
9 SUB-SUBPARAGRAPH (A) SHALL INSTEAD BE TRANSFERRED TO THE  
10 CREATIVE INDUSTRIES CASH FUND, CREATED IN SECTION 24-48.5-301,  
11 C.R.S. For purposes of the transfers occurring at the end of the 2006-07  
12 fiscal year and each fiscal year thereafter, no later than June 1, 2007, and  
13 no later than June 1 of each calendar year thereafter, the executive  
14 director of the department of revenue shall adjust the dollar amounts  
15 specified in this sub-subparagraph (A) to reflect the percentage change in  
16 the consumer price index for the Denver metropolitan area. As used in  
17 this sub-subparagraph (A), "percentage change in the consumer price  
18 index for the Denver metropolitan area" means the percentage change  
19 between the two published annual estimates of the consumer price index  
20 for the Denver-Boulder-Greeley combined statistical area for all urban  
21 consumers, all goods, as defined and officially reported by the bureau of  
22 labor statistics in the United States department of labor, or its successor  
23 index, for the two calendar years immediately preceding the calendar year  
24 in which the adjustment is made.

25 (A.5) If, based on the March revenue forecast prepared by the  
26 legislative council, the joint budget committee determines that the amount  
27 of general fund revenues for the fiscal year in which the forecast is

1 prepared will be insufficient to cover the amount of general fund  
2 appropriations to be made for that fiscal year as included in the joint  
3 budget committee's appropriations report, the joint budget committee,  
4 acting by bill, shall determine the amount of limited gaming fund moneys,  
5 if any, that should be transferred to the state council on the arts cash fund  
6 OR THE CREATIVE INDUSTRIES CASH FUND, AS APPLICABLE, the new jobs  
7 incentive cash fund, and the Colorado travel and tourism promotion fund  
8 at the end of that fiscal year.

9 (B) If the joint budget committee, pursuant to sub-subparagraph  
10 (A.5) of this subparagraph (IV), does not determine the amount of limited  
11 gaming fund moneys, if any, to be transferred to the funds specified in  
12 sub-subparagraph (A) of this subparagraph (IV) and if, based on the June  
13 revenue forecast prepared by the legislative council, the state treasurer  
14 determines that the amount of general fund revenues for the fiscal year in  
15 which the forecast is prepared will be insufficient to cover the amount of  
16 general fund appropriations to be made for that fiscal year as included in  
17 the joint budget committee's appropriations report, the state treasurer shall  
18 transfer to the general fund from the moneys that would otherwise be  
19 transferred to the state council on the arts cash fund OR THE CREATIVE  
20 INDUSTRIES CASH FUND, AS APPLICABLE, the new jobs incentives cash  
21 fund, and the Colorado travel and tourism promotion fund pursuant to  
22 sub-subparagraph (A) of this subparagraph (IV) at the end of the fiscal  
23 year an amount equal to the lesser of the full amount that would otherwise  
24 be transferred to the state council on the arts cash fund OR THE CREATIVE  
25 INDUSTRIES CASH FUND, AS APPLICABLE, the new jobs incentives cash  
26 fund, and the Colorado travel and tourism promotion fund or the amount  
27 necessary to cover the amount of general fund appropriations to be made

1 for the fiscal year as included in the joint budget committee's  
2 appropriations report. Any reduction in the amounts transferred to the  
3 state council on the arts cash fund OR THE CREATIVE INDUSTRIES CASH  
4 FUND, AS APPLICABLE, the new jobs incentives cash fund, and the  
5 Colorado travel and tourism promotion fund required by this  
6 sub-subparagraph (B) shall be pro-rated based on the amounts otherwise  
7 required to be transferred to said funds pursuant to sub-subparagraph (A)  
8 of this subparagraph (IV).

9 (V) (A) Except as provided in subparagraph (VI) of this paragraph  
10 (a) and sub-subparagraphs (B), (C), and (E) of this subparagraph (V), for  
11 the 2006-07, 2007-08, and 2008-09 fiscal years, of the portion of limited  
12 gaming fund moneys that would otherwise be transferred to the general  
13 fund pursuant to section 9 (5) (b) (II) of article XVIII of the state  
14 constitution, after the transfer to the local government limited gaming  
15 impact fund required by section 12-47.1-1601, six hundred thousand  
16 dollars shall be transferred to the film incentives cash fund created in  
17 section 24-46-105.8, C.R.S. Except as provided in sub-subparagraphs (B)  
18 and (C) of this subparagraph (V), for the 2009-10 fiscal year and each  
19 fiscal year thereafter, of 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, six hundred thousand dollars shall be transferred to the  
24 Colorado office of film, television, and media operational account cash  
25 fund created in ~~section 24-48.5-203~~ SECTION 24-48.5-311, C.R.S., EXCEPT  
26 THAT, FOR THE 2010-11 FISCAL YEAR AND EACH FISCAL YEAR  
27 THEREAFTER, THE AMOUNT THAT WOULD OTHERWISE BE TRANSFERRED TO

1 THE COLORADO OFFICE OF FILM, TELEVISION, AND MEDIA OPERATIONAL  
2 ACCOUNT CASH FUND PURSUANT TO THIS SUB-SUBPARAGRAPH (A) SHALL  
3 INSTEAD BE TRANSFERRED TO THE CREATIVE INDUSTRIES CASH FUND,  
4 CREATED IN SECTION 24-48.5-301, C.R.S. For purposes of the transfers  
5 occurring at the end of the 2006-07 fiscal year and each fiscal year  
6 thereafter, no later than June 1, 2007, and no later than June 1 of each  
7 calendar year thereafter, the executive director shall adjust the dollar  
8 amounts specified in this sub-subparagraph (A) to reflect the percentage  
9 change in the consumer price index for the Denver metropolitan area. As  
10 used in this sub-subparagraph (A), "percentage change in the consumer  
11 price index for the Denver metropolitan area" means the percentage  
12 change between the two published annual estimates of the consumer price  
13 index for the Denver-Boulder-Greeley combined statistical area for all  
14 urban consumers, all goods, as defined and officially reported by the  
15 bureau of labor statistics in the United States department of labor for the  
16 two calendar years immediately preceding the calendar year in which the  
17 adjustment is made.

18 (C) If the joint budget committee, pursuant to sub-subparagraph  
19 (B) of this subparagraph (V), does not determine the amount of limited  
20 gaming fund moneys, if any, to be transferred to the film incentives cash  
21 fund, ~~or~~ the Colorado office of film, television, and media operational  
22 account cash fund, OR THE CREATIVE INDUSTRIES CASH FUND, AS  
23 APPLICABLE, specified in sub-subparagraph (A) of this subparagraph (V)  
24 and if, based on the June revenue forecast prepared by the legislative  
25 council, the state treasurer determines that the amount of general fund  
26 revenues for the fiscal year in which the forecast is prepared will be  
27 insufficient to cover the amount of general fund appropriations to be

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

25

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

1           **24-1-137. Effect of decrease in the length of terms of office for**  
2 **certain state boards, commissions, authorities, and agencies.** Persons  
3 who are holding office on June 15, 1987, and who were appointed to  
4 terms of office pursuant to sections 11-2-102, 12-4-103, 12-22-104,  
5 12-32-103, 12-33-103, 12-36-103, 12-40-106, 12-60-102, 22-80-104,  
6 23-9-103, 23-15-104, 23-40-104, 23-41-102, 24-32-706, 24-42-102,  
7 25-25-104, 29-1-503, 29-4-704, 34-60-104, 35-41-101, 35-65-401,  
8 35-75-104, 39-2-123, and 40-2-101, C.R.S., as said sections existed prior  
9 to June 15, 1987, shall continue to serve in such office, but such service  
10 shall be at the pleasure of the governor, who may appoint a replacement  
11 to serve for the unexpired term of any member. However, if the governor  
12 has not appointed any such replacement on or before November 15, 1987,  
13 then the person who is holding such office on June 15, 1987, shall no  
14 longer be subject to replacement pursuant to this section but shall be  
15 subject to whatever removal provisions may otherwise apply for such  
16 office. Any such member for whom a replacement has been appointed  
17 shall continue to serve until his or her successor is duly qualified.  
18 Appointments to new terms of office made after June 15, 1987, shall be  
19 made for terms of four years as prescribed by law; except that such  
20 provision shall not apply to terms of office of persons appointed pursuant  
21 to section 23-9-103, C.R.S., as it existed prior to July 1, 2006, or to  
22 ~~section 24-48.8-103~~ SECTION 24-48.5-303, which is the former section  
23 23-9-103, C.R.S.

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

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

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

6

7 **SECTION 5.** The introductory portion to 43-1-404 (1) and  
8 43-1-404 (1) (e) (III), Colorado Revised Statutes, are amended to read:

9 **43-1-404. Advertising devices allowed - exception.** (1) The  
10 following advertising devices as defined in section 43-1-403 may be  
11 erected and maintained when in compliance with all provisions of this  
12 part 4 and the rules ~~and regulations~~ adopted by the department:

13 (e) (III) The department shall consult with the ~~state council on the~~  
14 ~~arts~~ CREATIVE INDUSTRIES and the state historical society to determine  
15 places of cultural importance which are eligible to erect advertising  
16 devices pursuant to sub-subparagraph (C) of subparagraph (I) of this  
17 paragraph (e). It is the intent of the general assembly that no state  
18 moneys nor any federal funds be used to erect such advertising devices.

19 **SECTION 6. Repeal of provisions being relocated in this act.**  
20 Part 2 of article 48.5 of title 24, article 48.8 of title 24, and article 80.5 of  
21 title 24, Colorado Revised Statutes, are repealed.

22 **SECTION 7. Repeal of provisions not being relocated in this**  
23 **act.** ~~24-46-105.8 (4) (a), 24-48.8-101,~~ and 24-48.8-105, Colorado  
24 Revised Statutes, are repealed.

25 **SECTION 8. Specified effective date.** This act shall take effect  
26 July 1, 2010.

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