

An Act

SENATE BILL 20B-001

BY SENATOR(S) Winter and Priola, Bridges, Crowder, Danielson, Donovan, Fields, Foote, Ginal, Gonzales, Hansen, Lee, Moreno, Pettersen, Rankin, Story, Tate, Todd, Williams A., Zenzinger, Garcia;
also REPRESENTATIVE(S) Herod and Sandridge, Arndt, Benavidez, Bird, Buckner, Buentello, Caraveo, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Garnett, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez A., Valdez D., Weissman, Woodrow, Young.

CONCERNING SUPPORT FOR ENTITIES IMPACTED BY SEVERE CAPACITY RESTRICTIONS DUE TO THE COVID-19 PANDEMIC, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Due to the COVID-19 pandemic and the ongoing public health emergency that Colorado has been battling since March of 2020, many

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

small businesses in the state, including those that are subject to mandatory capacity restrictions, have suffered severe declines in revenue during the pandemic;

(b) Small, minority-owned, and women-owned businesses are among those most impacted by the pandemic;

(c) Arts venues and artists have also been severely impacted by the pandemic and associated public health restrictions;

(d) The closure of small businesses in the state also has a devastating effect on employees of those businesses, will further strain the state's unemployment insurance program, and will have other ripple effects throughout the state; and

(e) As more counties in the state move to heightened restrictions on business operations to help contain COVID-19 and to protect the health of all Coloradans, it is imperative that the state provide relief to those small businesses in the most severely restricted counties in order to stem the tide of business closures, protect the state's economy and its communities, and help small businesses continue their operations and retain their employees.

(2) The general assembly further declares that the executive branch will continue to develop a framework to certify businesses that demonstrate exemplary compliance with public health orders during the pandemic through an evidence-based certification program that is aligned with the state's objectives to contain the COVID-19 virus.

SECTION 2. In Colorado Revised Statutes, add 24-32-129 as follows:

24-32-129. Small business relief program - address negative effects of capacity limits due to COVID-19 pandemic - distribution through local governments - definitions - report - repeal.

(1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COVID-19" MEANS THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2.

(b) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.

(c) "ELIGIBLE COUNCIL OF GOVERNMENTS" MEANS A COUNCIL OF GOVERNMENTS THAT INCLUDES AT LEAST ONE ELIGIBLE COUNTY OR, IF APPLICABLE, AT LEAST ONE ELIGIBLE MUNICIPALITY.

(d) "ELIGIBLE COUNTY" MEANS A COUNTY OR CITY AND COUNTY THAT IS:

(I) AS OF DECEMBER 31, 2020, UNDER SEVERE CAPACITY RESTRICTIONS, AS DETERMINED THROUGH A STATEWIDE OR LOCAL PUBLIC HEALTH ORDER THAT HAS BEEN IN EFFECT SINCE DECEMBER 10, 2020, OR EARLIER AND THAT INCLUDES THE FOLLOWING RESTRICTIONS:

(A) THE CLOSURE OF RESTAURANTS FOR IN-PERSON, INDOOR DINING;

(B) THE CLOSURE OF BARS AND THE PROHIBITION OF INDOOR EVENTS;
AND

(C) A LIMIT OF THE LESSER OF TEN PERCENT CAPACITY OR TEN PEOPLE PER ROOM OR POOL FOR GYMS, RECREATION CENTERS, AND INDOOR POOLS; AND

(II) IN GOOD-FAITH COMPLIANCE WITH THE EXECUTIVE ORDERS PERTAINING TO THE PUBLIC HEALTH EMERGENCY DUE TO COVID-19 AND ALL APPLICABLE STATEWIDE AND LOCAL PUBLIC HEALTH ORDERS THAT ESTABLISH SEVERE CAPACITY RESTRICTIONS, AS DETERMINED BY THE DIVISION IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND AS DEMONSTRATED BY:

(A) THE COUNTY'S GOOD-FAITH EFFORTS TO ENFORCE OR PROMOTE COMPLIANCE WITH APPLICABLE EXECUTIVE AND PUBLIC HEALTH ORDERS WITHIN THE SCOPE OF ITS AUTHORITY AND IN CONSIDERATION OF AVAILABLE RESOURCES, INCLUDING ENGAGING LAW ENFORCEMENT TO ENFORCE EXECUTIVE AND PUBLIC HEALTH ORDER VIOLATIONS; AND

(B) THE COUNTY NOT ADOPTING A PUBLIC HEALTH ORDER OR ENFORCEMENT POLICY THAT IS LESS RESTRICTIVE THAN A STATEWIDE PUBLIC HEALTH ORDER ADOPTED BY THE DEPARTMENT OF PUBLIC HEALTH AND

ENVIRONMENT, UNLESS THE COUNTY HAS OBTAINED A VARIANCE OR OTHER EXEMPTION FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(e) "ELIGIBLE ECONOMIC DEVELOPMENT DISTRICT" MEANS AN ECONOMIC DEVELOPMENT DISTRICT DESIGNATED BY THE UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION THAT INCLUDES AT LEAST ONE ELIGIBLE COUNTY OR, IF APPLICABLE, AT LEAST ONE ELIGIBLE MUNICIPALITY.

(f) "ELIGIBLE INDUSTRY CATEGORY" MEANS A:

(I) RESTAURANT, INCLUDING ANY LIQUOR LICENSED ESTABLISHMENT HOLDING A HOTEL AND RESTAURANT LICENSE PURSUANT TO SECTION 44-3-413;

(II) BAR, INCLUDING A LIQUOR LICENSED ESTABLISHMENT HOLDING ONE OR MORE OF THE FOLLOWING LICENSES:

(A) A LIMITED WINERY LICENSE UNDER SECTION 44-3-403;

(B) A BEER AND WINE LICENSE UNDER SECTION 44-3-411;

(C) A HOTEL AND RESTAURANT LICENSE UNDER SECTION 44-3-413;

(D) A TAVERN LICENSE UNDER SECTION 44-3-414;

(E) AN OPTIONAL PREMISES LICENSE UNDER SECTION 44-3-415;

(F) A RETAIL GAMING TAVERN LICENSE UNDER SECTION 44-3-416;

(G) A BREW PUB LICENSE UNDER SECTION 44-3-417;

(H) A CLUB LICENSE UNDER SECTION 44-3-418;

(I) AN ARTS LICENSE UNDER SECTION 44-3-419;

(J) A RACETRACK LICENSE UNDER SECTION 44-3-420;

(K) A VINTNER'S RESTAURANT LICENSE UNDER SECTION 44-3-422;

(L) A DISTILLERY PUB LICENSE UNDER SECTION 44-3-426;

(M) A LODGING AND ENTERTAINMENT LICENSE UNDER SECTION 44-3-428;

(N) A FERMENTED MALT BEVERAGE LICENSE UNDER SECTION 44-4-107 (1)(b); OR

(O) A FERMENTED MALT BEVERAGE LICENSE UNDER SECTION 44-4-107 (1)(c);

(III) BREWERY, LICENSED PURSUANT TO SECTION 44-3-407 (1)(b)(I) AND THAT OPERATES AN ATTACHED SALES ROOM PURSUANT TO SECTION 44-3-407 (1)(b);

(IV) WINERY, LICENSED PURSUANT TO SECTION 44-3-402 (1) OR 44-3-403 AND THAT OPERATES AN ATTACHED SALES ROOM PURSUANT TO SECTION 44-3-402 (2) OR 44-3-403 (2)(e);

(V) DISTILLERY, LICENSED PURSUANT TO SECTION 44-3-402 (1) AND THAT OPERATES AN ATTACHED SALES ROOM PURSUANT TO SECTION 44-3-402 (7);

(VI) CATERER;

(VII) MOVIE THEATER; OR

(VIII) FITNESS AND RECREATIONAL SPORTS CENTER.

(g) "ELIGIBLE LOCAL GOVERNMENT" MEANS AN ELIGIBLE COUNTY, ELIGIBLE COUNCIL OF GOVERNMENTS, OR ELIGIBLE ECONOMIC DEVELOPMENT DISTRICT; EXCEPT THAT, IF A COUNTY IS DETERMINED BY THE DIVISION TO BE INELIGIBLE BASED ON THE COUNTY'S FAILURE TO MEET THE CRITERIA SPECIFIED IN SUBSECTION (1)(d) OF THIS SECTION OR IF A COUNTY IS UNABLE TO ADMINISTER THE RELIEF PROGRAM, ELIGIBLE MUNICIPALITIES WITHIN THE COUNTY, EITHER ACTING SEPARATELY OR AS A GROUP, CONSTITUTE AN ELIGIBLE LOCAL GOVERNMENT AND MAY PARTICIPATE IN THE RELIEF PROGRAM.

(h) "ELIGIBLE MUNICIPALITY" MEANS A MUNICIPALITY THAT IS:

(I) AS OF DECEMBER 31, 2020, UNDER SEVERE CAPACITY

RESTRICTIONS, AS DETERMINED THROUGH A STATEWIDE OR LOCAL PUBLIC HEALTH ORDER THAT HAS BEEN IN EFFECT SINCE DECEMBER 10, 2020, OR EARLIER AND THAT INCLUDES THE FOLLOWING RESTRICTIONS:

(A) THE CLOSURE OF RESTAURANTS FOR IN-PERSON, INDOOR DINING;

(B) THE CLOSURE OF BARS AND THE PROHIBITION OF INDOOR EVENTS;
AND

(C) A LIMIT OF THE LESSER OF TEN PERCENT CAPACITY OR TEN PEOPLE PER ROOM OR POOL FOR GYMS, RECREATION CENTERS, AND INDOOR POOLS; AND

(II) IN GOOD-FAITH COMPLIANCE WITH THE EXECUTIVE ORDERS PERTAINING TO THE PUBLIC HEALTH EMERGENCY DUE TO COVID-19 AND ALL APPLICABLE STATEWIDE AND LOCAL PUBLIC HEALTH ORDERS THAT ESTABLISH SEVERE CAPACITY RESTRICTIONS, AS DETERMINED BY THE DIVISION IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND AS DEMONSTRATED BY:

(A) THE MUNICIPALITY'S GOOD-FAITH EFFORTS TO ENFORCE OR PROMOTE COMPLIANCE WITH APPLICABLE EXECUTIVE AND PUBLIC HEALTH ORDERS WITHIN THE SCOPE OF ITS AUTHORITY AND IN CONSIDERATION OF AVAILABLE RESOURCES, INCLUDING ENGAGING LAW ENFORCEMENT TO ENFORCE EXECUTIVE AND PUBLIC HEALTH ORDER VIOLATIONS; AND

(B) THE MUNICIPALITY NOT ADOPTING A PUBLIC HEALTH ORDER OR ENFORCEMENT POLICY THAT IS LESS RESTRICTIVE THAN A STATEWIDE PUBLIC HEALTH ORDER ADOPTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, UNLESS THE MUNICIPALITY HAS OBTAINED A VARIANCE OR OTHER EXEMPTION FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(i) "ELIGIBLE SMALL BUSINESS" MEANS A SMALL BUSINESS THAT:

(I) IS LOCATED IN AN ELIGIBLE COUNTY OR, IF APPLICABLE, AN ELIGIBLE MUNICIPALITY, AS OF THE TIME OF APPLICATION FOR RELIEF;

(II) IS CURRENTLY OPERATING IN THE STATE, AS EVIDENCED BY:

(A) VERIFICATION OF THE SMALL BUSINESS'S COLORADO INCOME TAX ACCOUNT NUMBER OR, FOR A SMALL BUSINESS THAT IS EXEMPT FROM FILING A COLORADO INCOME TAX RETURN, THE COLORADO TAX EXEMPT CERTIFICATE NUMBER; AND

(B) THE SMALL BUSINESS'S RECEIPT FROM ITS MOST RECENT PAYMENT OF UNEMPLOYMENT INSURANCE PAYROLL TAXES;

(III) IS ENGAGED IN AN ELIGIBLE INDUSTRY CATEGORY, AS VERIFIED BY ITS NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE;

(IV) DEMONSTRATES ITS INTENT TO CONTINUE OPERATING IN THE STATE FOR AT LEAST SIX MONTHS;

(V) PROVIDES EVIDENCE OF AT LEAST TWENTY PERCENT REVENUE LOSS SINCE MARCH 26, 2020, DUE TO THE RESTRICTIONS IMPOSED ON THE BUSINESS UNDER THE GOVERNOR'S EXECUTIVE ORDER D 2020 017, ORDERING COLORADANS TO STAY AT HOME, AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S AMENDED PUBLIC HEALTH ORDER 20-24 IMPLEMENTING STAY-AT-HOME REQUIREMENTS; EXCEPT THAT THIS SUBSECTION (1)(i)(V) DOES NOT APPLY TO A SMALL BUSINESS THAT BEGAN OPERATING ON OR AFTER JANUARY 1, 2020, AND ON OR BEFORE MARCH 26, 2020;

(VI) HAS A VALID BUSINESS LICENSE AND IS IN GOOD STANDING WITH THE AGENCY THAT ISSUED THE BUSINESS LICENSE; AND

(VII) CERTIFIES TO THE ELIGIBLE LOCAL GOVERNMENT TO WHICH THE SMALL BUSINESS APPLIES FOR A RELIEF PAYMENT UNDER THE RELIEF PROGRAM THAT THE SMALL BUSINESS:

(A) HAS NOT APPLIED FOR NOR RECEIVED ANY OTHER RELIEF PAYMENTS FROM THE ARTS RELIEF PROGRAM CREATED IN SECTION 24-48.5-316, ENACTED BY SENATE BILL 20B-001, ENACTED IN THE FIRST EXTRAORDINARY SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY; AND

(B) IS IN COMPLIANCE WITH THE EXECUTIVE ORDERS PERTAINING TO THE PUBLIC HEALTH EMERGENCY DUE TO COVID-19 AND ALL APPLICABLE

STATEWIDE AND LOCAL PUBLIC HEALTH ORDERS, INCLUDING CAPACITY RESTRICTIONS.

(j) "SMALL BUSINESS" MEANS A CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER BUSINESS ENTITY THAT:

(I) HAS ITS HEADQUARTERS LOCATED IN AND IS DOING BUSINESS IN COLORADO;

(II) HAS AT LEAST ONE FULL-TIME EMPLOYEE; EXCEPT THAT THE REQUIREMENT TO HAVE ONE EMPLOYEE DOES NOT APPLY TO A SMALL BUSINESS THAT IS A SOLE PROPRIETORSHIP; AND

(III) (A) FOR A SMALL BUSINESS THAT WAS OPERATING BEFORE JANUARY 1, 2020, HAD ANNUAL RECEIPTS OF LESS THAN TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE 2019 CALENDAR YEAR; AND

(B) FOR A SMALL BUSINESS THAT BEGAN OPERATING ON OR AFTER JANUARY 1, 2020, AND ON OR BEFORE MARCH 26, 2020, HAD ANNUAL RECEIPTS OF LESS THAN TWO MILLION FIVE HUNDRED THOUSAND DOLLARS IN THE 2020 CALENDAR YEAR.

(k) "SMALL BUSINESS RELIEF PROGRAM" OR "RELIEF PROGRAM" MEANS THE SMALL BUSINESS RELIEF PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) **Small business relief program.** (a) (I) (A) THERE IS CREATED IN THE DIVISION THE SMALL BUSINESS RELIEF PROGRAM TO ALLOCATE MONEY TO ELIGIBLE LOCAL GOVERNMENTS TO PROVIDE RELIEF PAYMENTS TO ELIGIBLE SMALL BUSINESSES OPERATING WITHIN THE GEOGRAPHICAL BOUNDARIES OF THOSE ELIGIBLE LOCAL GOVERNMENTS. THE DIVISION SHALL DEVELOP A PROCESS FOR ELIGIBLE LOCAL GOVERNMENTS TO APPLY FOR AN ALLOCATION OF AVAILABLE MONEY TO PROVIDE RELIEF PAYMENTS TO ELIGIBLE SMALL BUSINESSES OPERATING WITHIN THEIR BOUNDARIES.

(B) AN ELIGIBLE LOCAL GOVERNMENT THAT CHOOSES TO APPLY TO PARTICIPATE IN THE RELIEF PROGRAM MUST SUBMIT AN APPLICATION TO THE DIVISION BY JANUARY 8, 2021, AND BY JANUARY 15, 2021, THE DIVISION SHALL ALLOCATE THE MONEY APPROPRIATED PURSUANT TO SUBSECTION (3)

OF THIS SECTION TO ELIGIBLE LOCAL GOVERNMENTS. EXCEPT AS PROVIDED IN SUBSECTIONS (2)(a)(II) AND (2)(a)(III) OF THIS SECTION, THE DIVISION SHALL ALLOCATE MONEY TO ELIGIBLE LOCAL GOVERNMENTS BASED ON THE POPULATION OF THE ELIGIBLE LOCAL GOVERNMENTS, AS DETERMINED PURSUANT TO THE MOST RECENTLY PUBLISHED POPULATION ESTIMATES FROM THE STATE DEMOGRAPHER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS.

(II) FOR PURPOSES OF THE ALLOCATION TO AN ELIGIBLE LOCAL GOVERNMENT THAT IS AN ELIGIBLE MUNICIPALITY, THE DIVISION SHALL ALLOCATE THE MONEY TO THE ELIGIBLE MUNICIPALITY BASED ON THE PROPORTION OF THE POPULATION OF THE COUNTY IN WHICH THE ELIGIBLE MUNICIPALITY IS LOCATED THAT IS ATTRIBUTABLE TO THE ELIGIBLE MUNICIPALITY.

(III) THE DIVISION SHALL SET ASIDE TEN PERCENT OF THE TOTAL AMOUNT APPROPRIATED PURSUANT TO SUBSECTION (3) OF THIS SECTION TO DISTRIBUTE ADDITIONAL AMOUNTS TO ELIGIBLE COUNTIES THAT:

(A) DEMONSTRATE HIGH NEEDS, AS DETERMINED BY THE DIVISION;
AND

(B) HAVE A POPULATION OF NOT MORE THAN ONE HUNDRED THOUSAND PEOPLE.

(b) (I) THE DIVISION MAY ALLOCATE UP TO THE AMOUNT APPROPRIATED TO THE DIVISION PURSUANT TO SUBSECTION (3) OF THIS SECTION TO ELIGIBLE LOCAL GOVERNMENTS IN THE STATE UNDER THE RELIEF PROGRAM; EXCEPT THAT THE DIVISION MAY USE UP TO FIVE PERCENT OF THE APPROPRIATED AMOUNT FOR THE DIVISION'S AND ELIGIBLE LOCAL GOVERNMENTS' ADMINISTRATIVE COSTS IN OPERATING AND ADMINISTERING THE RELIEF PROGRAM.

(II) ELIGIBLE SMALL BUSINESSES MAY RECEIVE RELIEF PAYMENTS AS FOLLOWS, REDUCED AS NECESSARY BY THE ELIGIBLE LOCAL GOVERNMENT TO AVOID EXCEEDING THE TOTAL AMOUNT ALLOCATED TO THE ELIGIBLE LOCAL GOVERNMENT PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION:

(A) FOR AN ELIGIBLE SMALL BUSINESS THAT HAD LESS THAN FIVE HUNDRED THOUSAND DOLLARS IN RECEIPTS IN THE 2019 CALENDAR YEAR,

A RELIEF PAYMENT OF UP TO THREE THOUSAND FIVE HUNDRED DOLLARS;

(B) FOR AN ELIGIBLE SMALL BUSINESS THAT HAD FIVE HUNDRED THOUSAND DOLLARS OR MORE BUT NOT MORE THAN ONE MILLION DOLLARS IN RECEIPTS IN THE 2019 CALENDAR YEAR, A RELIEF PAYMENT OF UP TO FIVE THOUSAND DOLLARS; AND

(C) FOR AN ELIGIBLE SMALL BUSINESS THAT HAD ONE MILLION DOLLARS OR MORE BUT NOT MORE THAN TWO MILLION FIVE HUNDRED THOUSAND DOLLARS IN RECEIPTS IN THE 2019 CALENDAR YEAR, A RELIEF PAYMENT OF UP TO SEVEN THOUSAND DOLLARS.

(c) (I) EACH ELIGIBLE LOCAL GOVERNMENT SHALL ESTABLISH A PROCESS FOR SMALL BUSINESSES TO APPLY FOR AND DEMONSTRATE ELIGIBILITY FOR RELIEF PAYMENTS AND THE AMOUNT FOR WHICH A SMALL BUSINESS IS ELIGIBLE UNDER THE RELIEF PROGRAM. AN ELIGIBLE LOCAL GOVERNMENT MAY USE ANY NEW OR EXISTING PROCESSES AVAILABLE IN THE LOCAL GOVERNMENT, INCLUDING PROCESSES AVAILABLE THROUGH INTERGOVERNMENTAL AGREEMENTS WITH OTHER ELIGIBLE LOCAL GOVERNMENTS OR POLITICAL SUBDIVISIONS AND CONTRACTS WITH PUBLIC OR PRIVATE ENTITIES, TO ENABLE THE ELIGIBLE LOCAL GOVERNMENT TO:

(A) PROVIDE THE RELIEF PAYMENTS TO ELIGIBLE SMALL BUSINESSES IN THE LEAST COSTLY AND MOST EXPEDITIOUS AND EFFICIENT MANNER; AND

(B) ENCOURAGE AND FACILITATE THE EQUITABLE DISTRIBUTION OF RELIEF PAYMENTS TO ELIGIBLE SMALL BUSINESSES WITHIN THE MUNICIPALITIES AND POLITICAL SUBDIVISIONS LOCATED WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE ELIGIBLE LOCAL GOVERNMENT.

(II) EACH ELIGIBLE LOCAL GOVERNMENT THAT RECEIVES AN ALLOCATION FROM THE DIVISION PURSUANT TO THE RELIEF PROGRAM SHALL:

(A) ALLOW SMALL BUSINESSES LOCATED WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE ELIGIBLE LOCAL GOVERNMENT A SPECIFIED PERIOD OF NOT LESS THAN TWENTY-ONE DAYS DURING WHICH TO APPLY FOR RELIEF PAYMENTS;

(B) NOT DISTRIBUTE RELIEF PAYMENTS BASED ON THE ORDER IN WHICH APPLICATIONS ARE SUBMITTED OR RECEIVED; AND

(C) COLLECT SUFFICIENT INFORMATION FROM SMALL BUSINESS APPLICANTS TO ENABLE THE ELIGIBLE LOCAL GOVERNMENT TO ISSUE AN INTERNAL REVENUE SERVICE FORM 1099 TO AN ELIGIBLE SMALL BUSINESS THAT RECEIVES A RELIEF PAYMENT PURSUANT TO THIS SECTION.

(III) ELIGIBLE LOCAL GOVERNMENTS THAT APPLY TO PARTICIPATE IN THE RELIEF PROGRAM MUST COMMUNICATE INFORMATION ABOUT THE RELIEF PROGRAM IN A MANNER THAT INFORMS SMALL BUSINESSES LOCATED WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE ELIGIBLE LOCAL GOVERNMENT ABOUT THE RELIEF PROGRAM AND HOW AND WHEN TO APPLY FOR RELIEF PAYMENTS.

(IV) ELIGIBLE LOCAL GOVERNMENTS SHALL DETERMINE THE RELIEF PAYMENT AMOUNT FOR EACH ELIGIBLE SMALL BUSINESS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE ELIGIBLE LOCAL GOVERNMENT BASED ON THE PAYMENT AMOUNTS SPECIFIED IN SUBSECTION (2)(b)(II) OF THIS SECTION, REDUCED AS NECESSARY BASED ON THE TOTAL AMOUNT ALLOCATED TO THE ELIGIBLE LOCAL GOVERNMENT PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, AND SHALL MAKE THE DISTRIBUTION OF RELIEF PAYMENTS AS SOON AS PRACTICABLE AFTER RECEIVING THE MONEY FROM THE DIVISION, BUT NO LATER THAN FEBRUARY 12, 2021. AN ELIGIBLE LOCAL GOVERNMENT SHALL PROVIDE AN INTERNAL REVENUE SERVICE FORM 1099 TO EACH ELIGIBLE SMALL BUSINESS TO WHICH IT DISTRIBUTES A RELIEF PAYMENT PURSUANT TO THIS SECTION.

(V) IF, AFTER DISTRIBUTING RELIEF PAYMENTS TO ALL ELIGIBLE SMALL BUSINESSES IN THE ELIGIBLE LOCAL GOVERNMENT, THE ELIGIBLE LOCAL GOVERNMENT HAS MONEY REMAINING FROM ITS ALLOCATION FROM THE DIVISION, THE ELIGIBLE LOCAL GOVERNMENT MAY ACCEPT APPLICATIONS FROM AND DISTRIBUTE THE REMAINING MONEY TO OTHER BUSINESSES IN THE ELIGIBLE LOCAL GOVERNMENT THAT MEET ALL THE REQUIREMENTS SPECIFIED IN SUBSECTIONS (1)(i) AND (1)(j) OF THIS SECTION EXCEPT SUBSECTION (1)(j)(III) OF THIS SECTION. THE ELIGIBLE LOCAL GOVERNMENT SHALL NOT DISTRIBUTE MORE THAN SEVEN THOUSAND DOLLARS TO ANY BUSINESS THAT IS ELIGIBLE FOR A RELIEF PAYMENT PURSUANT TO THIS SUBSECTION (2)(c)(V).

(VI) IF AN ELIGIBLE MUNICIPALITY RECEIVES AN ALLOCATION FROM THE DIVISION PURSUANT TO THIS SECTION AND, AFTER DISTRIBUTING RELIEF PAYMENTS TO ALL ELIGIBLE SMALL BUSINESSES LOCATED WITHIN THE

GEOGRAPHICAL BOUNDARIES OF THE ELIGIBLE MUNICIPALITY, HAS MONEY REMAINING FROM ITS ALLOCATION FROM THE DIVISION, THE ELIGIBLE MUNICIPALITY MAY ACCEPT APPLICATIONS FROM AND DISTRIBUTE RELIEF PAYMENTS TO ELIGIBLE SMALL BUSINESSES LOCATED:

(A) IN AN UNINCORPORATED AREA OF THE COUNTY IN WHICH THE ELIGIBLE MUNICIPALITY IS LOCATED; AND

(B) WITHIN A ONE-MILE RADIUS OF THE GEOGRAPHICAL BOUNDARIES OF THE ELIGIBLE MUNICIPALITY.

(d) THE DIVISION MAY DEVELOP POLICIES AND PROCEDURES NECESSARY FOR THE OPERATION OF THE RELIEF PROGRAM, INCLUDING:

(I) THE APPLICATION AND INFORMATION SUBMITTAL PROCESS; AND

(II) A REQUIREMENT THAT EACH ELIGIBLE LOCAL GOVERNMENT THAT RECEIVES AN ALLOCATION PROVIDE A REPORT TO THE DIVISION DESCRIBING HOW THE MONEY WAS DISTRIBUTED TO ELIGIBLE SMALL BUSINESSES AND HOW MUCH OF THE ALLOCATION THE ELIGIBLE LOCAL GOVERNMENT USED FOR ADMINISTRATIVE COSTS, DETAILING HOW THE MONEY FOR ADMINISTRATIVE COSTS WAS SPENT.

(e) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AN ELIGIBLE SMALL BUSINESS THAT RECEIVES A RELIEF PAYMENT PURSUANT TO THE RELIEF PROGRAM:

(I) IS NOT ELIGIBLE FOR ANY OTHER RELIEF PAYMENTS FROM THE ARTS RELIEF PROGRAM CREATED IN SECTION 24-48.5-316, ENACTED BY SENATE BILL 20B-001, ENACTED IN THE FIRST EXTRAORDINARY SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY; AND

(II) IS REQUIRED TO RETURN ANY RELIEF PAYMENT RECEIVED PURSUANT TO THE RELIEF PROGRAM IF THE ELIGIBLE SMALL BUSINESS IS FOUND TO BE OUT OF COMPLIANCE WITH ANY ELIGIBILITY CRITERIA SPECIFIED IN SUBSECTION (1)(i) OF THIS SECTION.

(3) **Funding.** FOR THE 2020-21 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THIRTY-SEVEN MILLION DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT OF LOCAL AFFAIRS FOR USE BY THE

DIVISION IN ACCORDANCE WITH THIS SECTION.

(4) **Report.** (a) AS PART OF ITS REPORT PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" BEFORE THE 2022 LEGISLATIVE SESSION, THE DIVISION SHALL SUBMIT A REPORT TO THE LOCAL GOVERNMENT COMMITTEE OF THE SENATE OR ITS SUCCESSOR COMMITTEE AND THE TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR ITS SUCCESSOR COMMITTEE, DETAILING HOW RELIEF PROGRAM MONEY WAS ALLOCATED, INCLUDING:

(I) THE LIST OF ELIGIBLE LOCAL GOVERNMENTS THAT RECEIVED AN ALLOCATION UNDER THE PROGRAM;

(II) THE AMOUNT EACH ELIGIBLE LOCAL GOVERNMENT RECEIVED, DETAILING HOW MUCH OF EACH ALLOCATION TO EACH ELIGIBLE LOCAL GOVERNMENT WAS:

(A) DISTRIBUTED BY THE ELIGIBLE LOCAL GOVERNMENT TO ELIGIBLE SMALL BUSINESSES; AND

(B) SPENT BY THE ELIGIBLE LOCAL GOVERNMENT FOR ADMINISTRATIVE COSTS, SPECIFYING THE PURPOSES FOR WHICH THE MONEY WAS SPENT;

(III) INFORMATION ABOUT THE ELIGIBLE SMALL BUSINESSES THAT RECEIVED RELIEF PAYMENTS AND THE AMOUNT OF THE PAYMENTS; AND

(IV) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

(b) THE DIVISION SHALL ALSO SUBMIT THE REPORT TO THE GOVERNOR.

(5) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2022.

SECTION 3. In Colorado Revised Statutes, 39-21-113, **add** (28) as follows:

39-21-113. Reports and returns - rule. (28) NOTWITHSTANDING

ANY OTHER PROVISION OF THIS SECTION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL PROVIDE THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, OR ANY ELIGIBLE LOCAL GOVERNMENT, AS DEFINED IN SECTION 24-32-129 (1)(g), WITH ANY INFORMATION OBTAINED PURSUANT TO THIS SECTION THAT IS NECESSARY TO VERIFY THE ELIGIBILITY OF A SMALL BUSINESS FOR A RELIEF PAYMENT PURSUANT TO SECTION 24-32-129. ANY INFORMATION PROVIDED TO THE DIVISION OR TO AN ELIGIBLE LOCAL GOVERNMENT PURSUANT TO THIS SUBSECTION (28) REMAINS CONFIDENTIAL, AND ANY EMPLOYEE OF THE DIVISION OR AN ELIGIBLE LOCAL GOVERNMENT SHALL BE SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (4) OF THIS SECTION AND THE PENALTIES CONTAINED IN SUBSECTION (6) OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 24-48.5-301, **amend** (2)(a)(IV), (2)(a)(V), (2)(b) introductory portion, (2)(b)(III), and (2)(b)(IV); and **add** (2)(a)(VI) and (2)(b)(V) as follows:

24-48.5-301. Creative industries division - creative industries cash fund - creation - definition - repeal. (2) (a) There is hereby created in the state treasury the creative industries cash fund, referred to in this section as the "fund". The fund consists of:

(IV) ~~Moneys~~ MONEY appropriated to the fund by the general assembly, including, but not limited to, ~~moneys~~ MONEY appropriated for the purpose of providing need-based funding for infrastructure development within creative districts as authorized by section 24-48.5-314 (5)(b); ~~and~~

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

(VI) (A) SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE FUND FOR THE ARTS RELIEF PROGRAM ESTABLISHED PURSUANT TO SECTION 24-48.5-316.

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

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

(III) For the purchase of works of art pursuant to the art in public places program, taking into consideration the artist's preliminary site visit, the design fee, the total costs of construction and installation of the work of art, jury expenses, and program administration in compliance with the provisions of section 24-48.5-312 (6); ~~and~~

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

(V) (A) WITH REGARD TO THE AMOUNT APPROPRIATED TO THE FUND PURSUANT TO SUBSECTION (2)(a)(VI) OF THIS SECTION, FOR THE ARTS RELIEF PROGRAM ESTABLISHED PURSUANT TO SECTION 24-48.5-316.

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

SECTION 5. In Colorado Revised Statutes, **add** 24-48.5-316 as follows:

24-48.5-316. COVID-19 relief program for arts, cultural, and entertainment artists, crew members, and organizations - definitions - report - repeal. (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ARTS, CULTURE, AND ENTERTAINMENT ARTIST OR CREW MEMBER" MEANS AN INDIVIDUAL INVOLVED IN THE MUSIC, THEATER, MOTION PICTURE, TELEVISION, DANCE, OR VISUAL ARTS INDUSTRY.

(b) "ARTS, CULTURE, AND ENTERTAINMENT ORGANIZATION" MEANS A NONPROFIT OR FOR-PROFIT ORGANIZATION INVOLVED IN THE MUSIC, THEATER, MOTION PICTURE, TELEVISION, DANCE, OR VISUAL ARTS INDUSTRY.

(c) "COVID-19" MEANS THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2.

(2) **Arts relief program.** (a) (I) THE DIVISION SHALL ADMINISTER OR CONTRACT WITH A THIRD PARTY TO ADMINISTER AN ARTS RELIEF

PROGRAM TO PROVIDE RELIEF PAYMENTS TO ARTS, CULTURE, AND ENTERTAINMENT ARTISTS, CREW MEMBERS, AND ORGANIZATIONS THAT MEET ELIGIBILITY CRITERIA DEVELOPED BY THE DIVISION. WHEN DETERMINING ELIGIBILITY FOR AND THE SIZE OF AN ARTS RELIEF PAYMENT, THE DIVISION SHALL:

(A) CONSIDER THE TYPE OF ARTS, CULTURE, AND ENTERTAINMENT ARTIST, CREW MEMBER, OR ORGANIZATION THAT IS APPLYING FOR AN ARTS RELIEF PAYMENT, THE IMPACT OF THE COVID-19 PANDEMIC ON THE ARTIST'S, CREW MEMBER'S, OR ORGANIZATION'S BUSINESS MODEL, IF APPLICABLE, THE SIZE OF THE ORGANIZATION, IF THE APPLICANT IS AN ORGANIZATION, AND THE AVAILABILITY OF AND THE ARTIST'S, CREW MEMBER'S, OR ORGANIZATION'S ACCESS TO OTHER RELIEF OR GRANT FUNDING; AND

(B) PRIORITIZE ARTS, CULTURE, AND ENTERTAINMENT ORGANIZATIONS WHOSE VENUES ARE DETERMINED TO BE AT THE HIGHEST RISK OF PERMANENT CLOSURE.

(II) THE DIVISION SHALL NOT DISTRIBUTE RELIEF PAYMENTS BASED ON THE ORDER IN WHICH APPLICATIONS ARE SUBMITTED OR RECEIVED.

(III) THE DIVISION SHALL COLLECT SUFFICIENT INFORMATION FROM APPLICANTS TO ENABLE THE DIVISION TO ISSUE AN INTERNAL REVENUE SERVICE FORM 1099 TO AN APPLICANT THAT RECEIVES A RELIEF PAYMENT PURSUANT TO THIS SECTION. WHEN ISSUING A RELIEF PAYMENT TO AN APPLICANT, THE DIVISION SHALL PROVIDE THE INTERNAL REVENUE SERVICE FORM 1099 TO THE APPLICANT.

(b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AN ARTS, CULTURE, AND ENTERTAINMENT ARTIST, CREW MEMBER, OR ORGANIZATION THAT RECEIVES AN ARTS RELIEF PAYMENT PURSUANT TO THIS SECTION IS NOT ELIGIBLE FOR ANY OTHER RELIEF PAYMENTS FROM THE SMALL BUSINESS RELIEF PROGRAM CREATED IN SECTION 24-32-129, ENACTED BY SENATE BILL 20B-001, ENACTED IN THE FIRST EXTRAORDINARY SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY. AN ORGANIZATION THAT APPLIES FOR AN ARTS RELIEF PAYMENT PURSUANT TO THIS SECTION SHALL CERTIFY THAT THE ORGANIZATION NEITHER APPLIED FOR NOR RECEIVED ANY OTHER RELIEF PAYMENTS FROM THE SMALL BUSINESS RELIEF PROGRAM CREATED IN SECTION 24-32-129, ENACTED BY SENATE BILL

20B-001, ENACTED IN THE FIRST EXTRAORDINARY SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY.

(3) **Funding.** FOR THE 2020-21 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE CREATIVE INDUSTRIES CASH FUND CREATED IN SECTION 24-48.5-301 (2) FOR THE ARTS RELIEF PROGRAM. THE DIVISION MAY USE UP TO FIVE PERCENT OF THE AMOUNT APPROPRIATED PURSUANT TO THIS SECTION FOR ITS ADMINISTRATIVE COSTS IN ADMINISTERING OR CONTRACTING WITH A THIRD PARTY TO ADMINISTER THE ARTS RELIEF PROGRAM.

(4) **Report.** BY NOVEMBER 1, 2021, THE DIVISION SHALL SUBMIT A REPORT TO THE GOVERNOR, THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE OR ITS SUCCESSOR COMMITTEE, AND THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR ITS SUCCESSOR COMMITTEE DETAILING HOW THE MONEY WAS ALLOCATED THROUGH THE ARTS RELIEF PROGRAM, INCLUDING:

(a) THE LIST OF ARTS RELIEF PAYMENT RECIPIENTS AND THE AMOUNT ALLOCATED TO EACH RECIPIENT;

(b) THE TYPES OF ARTS, CULTURE, AND ENTERTAINMENT ARTISTS, CREW MEMBERS, AND ORGANIZATIONS THAT RECEIVED ARTS RELIEF PAYMENTS; AND

(c) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

(5) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2022.

SECTION 6. In Colorado Revised Statutes, 25-4-1607, **amend** (10) as follows:

25-4-1607. Fees - repeal. (10) (a) County or district boards of health created in part 5 of article 1 of this ~~title~~ TITLE 25 shall collect fees under this section if the county or district boards of health are authorized by the department to enforce this part 16 and any rules promulgated pursuant to this part 16.

(b) (I) NOTWITHSTANDING SUBSECTION (10)(a) OF THIS SECTION, STARTING JANUARY 1, 2020, THROUGH DECEMBER 31, 2021, COUNTY OR DISTRICT BOARDS OF HEALTH AND THE CITY AND COUNTY OF DENVER MAY CONTRACT WITH THE DEPARTMENT TO RECEIVE MONEY FROM THE STATE IN LIEU OF CHARGING ESTABLISHMENTS AN ANNUAL LICENSING FEE.

(II) THIS SUBSECTION (10)(b) IS REPEALED, EFFECTIVE DECEMBER 31, 2022.

SECTION 7. In Colorado Revised Statutes, 44-3-501, **add** (6) as follows:

44-3-501. State fees - rules - one-time fee waiver - repeal.

(6) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE FOLLOWING FEES IMPOSED PURSUANT TO THIS SECTION ARE WAIVED FOR TWELVE MONTHS FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION (6):

(I) LICENSE FEES IMPOSED PURSUANT TO SUBSECTIONS (1)(a)(IV), (1)(g), (1)(h), (1)(i), (1)(j), (1)(k), (1)(l), (1)(m), (1)(n), (1)(o), (1)(p), (1)(q), AND (1)(v) OF THIS SECTION AND PURSUANT TO SECTION 44-4-105;

(II) APPLICATION FEES IMPOSED PURSUANT TO SUBSECTION (3)(a)(I), (3)(a)(XII), AND (3)(a)(XIII) OF THIS SECTION AND PURSUANT TO REGULATION 47-302 (F), 1 CCR 203-2; AND

(III) ALL FEES ASSOCIATED WITH THE RENEWAL OF A LICENSE.

(b) THE WAIVER OF FEES SPECIFIED IN SUBSECTION (6)(a) OF THIS SECTION APPLIES TO THE FOLLOWING LICENSE TYPES:

(I) A LIMITED WINERY LICENSE UNDER SECTION 44-3-403;

(II) A BEER AND WINE LICENSE UNDER SECTION 44-3-411;

(III) A HOTEL AND RESTAURANT LICENSE UNDER SECTION 44-3-413;

(IV) A TAVERN LICENSE UNDER SECTION 44-3-414;

(V) AN OPTIONAL PREMISES LICENSE UNDER SECTION 44-3-415;

- (VI) A RETAIL GAMING TAVERN LICENSE UNDER SECTION 44-3-416;
- (VII) A BREW PUB LICENSE UNDER SECTION 44-3-417;
- (VIII) A CLUB LICENSE UNDER SECTION 44-3-418;
- (IX) AN ARTS LICENSE UNDER SECTION 44-3-419;
- (X) A RACETRACK LICENSE UNDER SECTION 44-3-420;
- (XI) A VINTNER'S RESTAURANT LICENSE UNDER SECTION 44-3-422;
- (XII) A DISTILLERY PUB LICENSE UNDER SECTION 44-3-426;
- (XIII) A LODGING AND ENTERTAINMENT LICENSE UNDER SECTION 44-3-428;
- (XIV) A FERMENTED MALT BEVERAGE LICENSE UNDER SECTION 44-4-107 (1)(b); AND
- (XV) A FERMENTED MALT BEVERAGE LICENSE UNDER SECTION 44-4-107 (1)(c).

(c) THE GENERAL ASSEMBLY SHALL APPROPRIATE AN AMOUNT NOT TO EXCEED ONE MILLION EIGHT HUNDRED SEVENTY-EIGHT THOUSAND DOLLARS FROM THE GENERAL FUND TO THE LIQUOR ENFORCEMENT DIVISION AND STATE LICENSING AUTHORITY CASH FUND FOR USE BY THE DEPARTMENT TO OFFSET THE REDUCTION IN FEE REVENUES USED BY THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS OF THE LIQUOR ENFORCEMENT DIVISION AND THE STATE LICENSING AUTHORITY IN THE ADMINISTRATION AND ENFORCEMENT OF ARTICLES 3 TO 5 OF THIS TITLE 44.

(d) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE DECEMBER 31, 2022.

SECTION 8. In Colorado Revised Statutes, **add** 24-49.5-106 as follows:

24-49.5-106. COVID-19 relief for minority-owned businesses - definitions - repeal. (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE

CONTEXT OTHERWISE REQUIRES:

(a) "CARES ACT" MEANS THE "CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT", PUB.L. 116-136, 134 STAT. 281 (2020), AS AMENDED.

(b) "COVID-19" MEANS THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2.

(c) "MINORITY-OWNED BUSINESS" MEANS A BUSINESS THAT IS AT LEAST FIFTY-ONE PERCENT OWNED, OPERATED, AND CONTROLLED BY AN INDIVIDUAL WHO IS A MEMBER OF A MINORITY GROUP, INCLUDING AN INDIVIDUAL WHO IS AFRICAN AMERICAN, ASIAN-INDIAN, ASIAN-PACIFIC AMERICAN, HISPANIC AMERICAN, OR NATIVE AMERICAN.

(2) Relief payments, grants, and loans to minority-owned businesses. (a) (I) THE OFFICE SHALL USE A PORTION OF THE MONEY APPROPRIATED PURSUANT TO SUBSECTION (4) OF THIS SECTION, INCLUDING A PORTION ANNUALLY FOR ADMINISTRATIVE COSTS, TO ADMINISTER A PROGRAM TO PROVIDE:

(A) RELIEF PAYMENTS TO MINORITY-OWNED BUSINESSES THAT HAVE BEEN MOST IMPACTED BY COVID-19 AND HAVE LACKED MEANINGFUL ACCESS TO FEDERAL LOANS AND GRANTS UNDER THE CARES ACT; AND

(B) GRANTS AND LOANS TO MINORITY-OWNED BUSINESSES FOR START-UP AND GROWTH CAPITAL.

(II) THE DIRECTOR SHALL ESTABLISH A PROCESS FOR MINORITY-OWNED BUSINESSES TO APPLY FOR A RELIEF PAYMENT, GRANT, OR LOAN UNDER THE PROGRAM, INCLUDING THE DEADLINE FOR APPLYING, THE INFORMATION AND DOCUMENTATION REQUIRED TO BE SUBMITTED TO THE OFFICE TO DEMONSTRATE ELIGIBILITY FOR A RELIEF PAYMENT, GRANT, OR LOAN, AND ANY OTHER REQUIREMENTS SPECIFIED BY THE DIRECTOR.

(b) THE OFFICE SHALL ESTABLISH POLICIES SETTING FORTH THE PARAMETERS AND ELIGIBILITY FOR THE PROGRAM, INCLUDING:

(I) THE TERMS OF AND ELIGIBILITY FOR A RELIEF PAYMENT, GRANT,

OR LOAN;

(II) CAPS ON THE AMOUNT OF A RELIEF PAYMENT, GRANT, OR LOAN;

(III) DEADLINES FOR APPLYING FOR A RELIEF PAYMENT, GRANT, OR LOAN;

(IV) GRANT REQUIREMENTS AND LOAN REPAYMENT TERMS; AND

(V) ANY OTHER POLICIES NECESSARY TO OPERATE THE PROGRAM.

(c) THE OFFICE SHALL COLLECT SUFFICIENT INFORMATION FROM MINORITY-OWNED BUSINESSES APPLYING FOR A RELIEF PAYMENT OR GRANT PURSUANT TO THIS SUBSECTION (2) TO ENABLE THE DIVISION TO ISSUE AN INTERNAL REVENUE SERVICE FORM 1099 TO A MINORITY-OWNED BUSINESS THAT RECEIVES A RELIEF PAYMENT OR GRANT. WHEN ISSUING A RELIEF PAYMENT OR GRANT TO A MINORITY-OWNED BUSINESS, THE DIVISION SHALL PROVIDE THE INTERNAL REVENUE SERVICE FORM 1099 TO THE RELIEF PAYMENT OR GRANT RECIPIENT.

(3) **Technical support.** THE OFFICE SHALL USE A PORTION OF THE MONEY APPROPRIATED PURSUANT TO SUBSECTION (4) OF THIS SECTION, INCLUDING A PORTION ANNUALLY FOR STAFF AND ADMINISTRATIVE SUPPORT, TO INCREASE THE OFFICE'S ABILITY TO PROVIDE TECHNICAL ASSISTANCE AND CONSULTING SUPPORT TO MINORITY-OWNED BUSINESSES ACROSS THE STATE. THE TECHNICAL ASSISTANCE AND CONSULTING SUPPORT MAY INCLUDE:

(a) PROVIDING MINORITY-OWNED BUSINESS LEADERS WITH EXPANDED PROFESSIONAL DEVELOPMENT AND NETWORKING OPPORTUNITIES;

(b) INCREASING THE AVAILABILITY OF THE OFFICE'S EXISTING PROGRAMMING AND TECHNICAL SUPPORT, INCLUDING THROUGH THE SMALL BUSINESS DEVELOPMENT CENTER;

(c) DESIGNING STATEWIDE CERTIFICATION OPPORTUNITIES; AND

(d) CONDUCTING STATEWIDE AND LOCAL OUTREACH CAMPAIGNS TO EDUCATE BUSINESS OWNERS AND ENTREPRENEURS OF PROGRAMMING AND TECHNICAL SUPPORT.

(4) **Funding.** THE GENERAL ASSEMBLY SHALL APPROPRIATE FOUR MILLION DOLLARS FROM THE GENERAL FUND TO THE COLORADO ECONOMIC DEVELOPMENT FUND CREATED IN SECTION 24-46-105 FOR USE IN ACCORDANCE WITH THIS SECTION IN THE 2020-21 AND 2021-22 STATE FISCAL YEARS.

(5) **Report.** BY NOVEMBER 1, 2021, AND NOVEMBER 1, 2022, THE OFFICE SHALL SUBMIT A REPORT TO THE GOVERNOR, THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE OR ITS SUCCESSOR COMMITTEE, AND THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR ITS SUCCESSOR COMMITTEE, DETAILING HOW THE OFFICE IS EXPENDING THE MONEY APPROPRIATED FOR THE PURPOSES OF THIS SECTION.

(6) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2022.

SECTION 9. In Colorado Revised Statutes, 24-46-105, **add** (6) as follows:

24-46-105. Colorado economic development fund - creation - repeal. (6) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE COMMISSION SHALL ALLOCATE MONEY APPROPRIATED TO THE FUND PURSUANT TO SECTION 24-49.5-106 (4) TO THE MINORITY BUSINESS OFFICE CREATED IN SECTION 24-49.5-102 FOR USE IN ACCORDANCE WITH SECTION 24-49.5-106.

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

SECTION 10. Appropriation. (1) For the 2020-21 state fiscal year, \$37,000,000 is appropriated to the department of local affairs for use by the division of local government. This appropriation is from the general fund and is based on an assumption that the department will require an additional 2.1 FTE. To implement this act, the division may use this appropriation for relief to small businesses.

(2) (a) For the 2020-21 state fiscal year, \$7,500,000 is appropriated to the creative industries cash fund created in section 24-48.5-301 (2)(a), C.R.S. This appropriation is from the general fund. The office of the governor is responsible for the accounting related to this appropriation.

(b) For the 2020-21 state fiscal year, \$7,500,000 is appropriated to the office of the governor for use by economic development programs. This appropriation is from reappropriated funds in the creative industries cash fund under subsection (2)(a) of this section. To implement this act, the office may use the appropriation for the council on creative industries.

(3) For the 2020-21 state fiscal year, \$4,000,000 is appropriated to the economic development fund created in section 24-46-105 (1), C.R.S. This appropriation is from the general fund. The office of the governor is responsible for the accounting related to this appropriation.

(4) (a) For the 2020-21 state fiscal year, \$6,780,000 is appropriated to the food protection cash fund created in section 25-4-1608 (1), C.R.S. This appropriation is from the general fund. The department of public health and environment is responsible for the accounting related to this appropriation.

(b) (I) For the 2020-21 state fiscal year, \$6,780,000 is appropriated to the department of public health and environment for use by the division of environmental health and sustainability. This appropriation is from reappropriated funds in the food protection cash fund under subsection (4)(a) of this section. To implement this act, the division may use the appropriation for the environmental health programs.

(II) Any money appropriated in this subsection (4)(b) not expended prior to July 1, 2021, is further appropriated to the department for the 2021-22 state fiscal year for the same purpose.

(5) For the 2020-21 state fiscal year, \$1,891,775 is appropriated to the department of revenue. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$13,775 for the division of taxation for tax administration IT system (GenTax) support; and

(b) (I) \$1,878,000 for use by the liquor and tobacco enforcement division for personal services.

(II) Any money appropriated in this subsection (5)(b) not expended prior to July 1, 2021, is further appropriated to the department for the

2021-22 state fiscal year for the same purpose.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

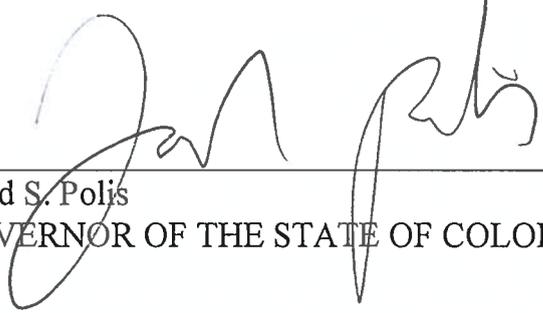

Leroy M. Garcia
PRESIDENT OF
THE SENATE


KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED December 07, 2020 at 10:48 am
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO