



- allows the OFTM to charge a loan guarantee facility fee; and states that any loan guarantee made through the program shall not constitute or become an indebtedness, a debt, or liability of the state, nor shall the loan guarantee the giving, pledging, or loaning of the full faith and credit of the state;
- increases the amount of the performance-based incentive for film production in Colorado from 10 percent to 20 percent of the total amount of the production company's qualified local expenditures;
- in order to qualify for a performance-based incentive, increases the percentage of the workforce that must be comprised of Colorado residents from 25 percent to 50 percent;
- creates the Colorado Office of Film, Television, and Media Operational Account Cash Fund in the State Treasury to consist of moneys appropriated to the fund by the General Assembly, moneys transferred from the Creative Industries Cash Fund, and any gifts, grants, or donations from private or public sources;
- states that moneys in the fund shall be used for both the operation of the OFTM, for performance-based incentives for film production in Colorado, and for the loan guarantee program; and
- appropriates \$3.0 million General Fund for FY 2012-13 to the OFTM for allocation to the fund.

## **Background**

Currently, the Colorado Film Incentive Program offers producers a 10 percent cash rebate for production costs taking place in Colorado. The incentive program covers feature films, television pilots, television series, television commercials, music videos, industrials, documentaries and video game design and creation. To qualify for the program a Colorado production company must have qualified in-state spending of at least \$100,000 on a project while an out-of-state production company must have at least \$250,000 in qualifying expenses. In addition to the qualifying expenses, at least 25 percent of the workforce on every project must be filled by Colorado residents under current law.

In addition to the \$3.0 million appropriation in FY 2012-13 to the OFTM, it is anticipated that \$1.25 million in unused funds from the FY 2011-12 appropriation to the Creative Industries Cash Fund will be available to the OFTM without further appropriation for film incentives and loan guarantees in FY 2012-13.

## **State Revenue**

State revenue is expected to increase by \$50,000 to the Colorado Office of Film, Television, and Media Operational Account Cash Fund in FY 2012-13, and by \$25,000 in FY 2013-14. The bill authorizes the OFTM to provide loan guarantees for production activities of up to 20 percent of the entire budget for the production activities. The bill authorizes the OFTM to charge a loan guarantee facility fee based on the risk of the production activities. The fee will be calculated on the outstanding principal. Fee revenue will be deposited in the Colorado Office of Film, Television, and

Media Operational Account Cash Fund. If a production company defaults on a loan, moneys paid to satisfy the defaulted loan will be paid from the fund. The OFTM has established a goal of \$1.0 million in loan guarantees in FY 2012-13. Assuming a loan guarantee fee of 5 percent per year with a term of 18 months, loan guarantee fee revenue of \$50,000 is anticipated in FY 2012-13, with an additional \$25,000 in FY 2013-14. Additional loan guarantees in FY 2013-14 will potentially add to fee revenue beginning in FY 2013-14.

### **State Expenditures**

The bill appropriates \$3.0 million General Fund for FY 2012-13 to the OFTM. These funds, plus an additional \$1.25 million from unexpended appropriations to the Creative Industries Cash Fund for FY 2011-12, will be used for film incentives to reimburse up to 20 percent of qualified local expenditures made by approved production companies for production activities in Colorado. In addition, these funds may be used to back loan guarantees for production activities of up to 20 percent of a production company's expenditures for the production activities.

### **State Appropriations**

The bill appropriates \$3.0 million General Fund to the Colorado Office of Film, Television, and Media for allocation to the Colorado Office of Film, Television and Media Operational Account Cash Fund in FY 2012-13. The OEDIT requires a cash fund appropriation for these moneys in FY 2012-13.

### **Departments Contacted**

Governor's Office

State Treasurer