An Act

HOUSE BILL 11-1031

BY REPRESENTATIVE(S) Miklosi, Casso, Duran, Ferrandino, Fields, Fischer, Labuda, Lee, McCann, Pace, Ryden, Schafer S., Solano, Todd, Tyler, Williams A., Wilson, Court, Hullinghorst, Pabon;
also SENATOR(S) Foster, Bacon, Boyd, Guzman, Heath, Hodge, Hudak, Jahn, Newell, Schwartz, Spence, Steadman, White.

CONCERNING THE CREATION OF CREATIVE DISTRICTS, AND, IN CONNECTION THEREWITH, AUTHORIZING SPECIFIED LOCAL GOVERNMENTS TO DESIGNATE A PORTION OF THEIR TERRITORY AS A CREATIVE DISTRICT SUBJECT TO CERTIFICATION BY THE CREATIVE INDUSTRIES DIVISION WITHIN THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT.

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

SECTION 1. Part 3 of article 48.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-48.5-314. Creative districts - creation - certification - powers of coordinator and division - legislative declaration - definitions. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(I) A CREATIVE DISTRICT IS A WELL-RECOGNIZED, DESIGNATED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

MIXED-USE AREA OF A COMMUNITY IN WHICH A HIGH CONCENTRATION OF CULTURAL FACILITIES, CREATIVE BUSINESSES, OR ARTS-RELATED BUSINESSES SERVE AS THE ANCHOR OF ATTRACTION. IN CERTAIN CASES, MULTIPLE VACANT PROPERTIES IN CLOSE PROXIMITY MAY EXIST WITHIN A COMMUNITY THAT WOULD BE SUITABLE FOR REDEVELOPMENT AS A CREATIVE DISTRICT. CREATIVE DISTRICTS MAY BE FOUND IN ALL SIZES OF COMMUNITIES, FROM SMALL AND RURAL TO LARGE AND URBAN. CREATIVE DISTRICTS MAY BE HOME TO BOTH NONPROFIT AND FOR-PROFIT CREATIVE INDUSTRIES AND ORGANIZATIONS.

(II) THE ARTS AND CULTURE TRANSCEND BOUNDARIES OF RACE, AGE, GENDER, LANGUAGE, AND SOCIAL STATUS. CREATIVE DISTRICTS PROMOTE AND IMPROVE THEIR COMMUNITIES IN PARTICULAR AND THE STATE MORE GENERALLY IN MANY WAYS. SPECIFICALLY, SUCH DISTRICTS:

(A) ATTRACT ARTISTS AND CREATIVE ENTREPRENEURS TO A COMMUNITY, THEREBY INFUSING THE COMMUNITY WITH ENERGY AND INNOVATION, WHICH ENHANCES THE ECONOMIC AND CIVIC CAPITAL OF THE COMMUNITY;

(B) CREATE A HUB OF ECONOMIC ACTIVITY THAT HELPS AN AREA BECOME AN APPEALING PLACE TO LIVE, VISIT, AND CONDUCT BUSINESS, COMPLEMENTS ADJACENT BUSINESSES, AND RESULTS IN THE CREATION OF NEW ECONOMIC OPPORTUNITIES AND JOBS IN BOTH THE CULTURAL SECTOR AND OTHER LOCAL INDUSTRIES. CULTURAL RESOURCES ATTRACT BUSINESSES AND ASSIST IN THE RECRUITMENT OF EMPLOYEES.

(C) ARE A HIGHLY ADAPTABLE ECONOMIC DEVELOPMENT TOOL THAT IS ABLE TO TAKE A COMMUNITY'S UNIQUE CONDITIONS, ASSETS, NEEDS, AND OPPORTUNITIES INTO ACCOUNT, THEREBY ADDRESSING THE NEEDS OF LARGE AND SMALL AND RURAL AND URBAN AREAS;

(D) ESTABLISH MARKETABLE TOURISM ASSETS THAT HIGHLIGHT THE DISTINCT IDENTITY OF COMMUNITIES, ATTRACT IN-STATE, OUT-OF-STATE, AND EVEN INTERNATIONAL VISITORS, AND BECOME ESPECIALLY ATTRACTIVE DESTINATIONS FOR CULTURAL, RECREATIONAL, AND BUSINESS TRAVELERS;

(E) REVITALIZE AND BEAUTIFY NEIGHBORHOODS, CITIES, AND LARGER REGIONS, REVERSE URBAN DECAY, PROMOTE THE PRESERVATION OF HISTORIC BUILDINGS, AND FACILITATE A HEALTHY MIXTURE OF BUSINESS

AND RESIDENTIAL ACTIVITY THAT CONTRIBUTES TO REDUCED VACANCY RATES AND ENHANCED PROPERTY VALUES; AND

(F) PROVIDE A FOCAL POINT FOR CELEBRATING AND STRENGTHENING A COMMUNITY'S UNIQUE CULTURAL IDENTITY, PROVIDING COMMUNITIES WITH OPPORTUNITIES TO HIGHLIGHT EXISTING CULTURAL AMENITIES AS WELL AS MECHANISMS TO RECRUIT AND ESTABLISH NEW ARTISTS, CREATIVE INDUSTRIES, AND ORGANIZATIONS.

(b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS THAT THE STATE PROVIDE LEADERSHIP AND A HELPING HAND TO LOCAL COMMUNITIES DESIROUS OF CREATING THEIR OWN CREATIVE DISTRICTS BY, AMONG OTHER THINGS, CERTIFYING DISTRICTS, OFFERING AVAILABLE INCENTIVES TO ENCOURAGE BUSINESS DEVELOPMENT, EXPLORING NEW INCENTIVES THAT ARE DIRECTLY RELATED TO CREATIVE ENTERPRISES, FACILITATING LOCAL ACCESS TO STATE ASSISTANCE, ENHANCING THE VISIBILITY OF CREATIVE DISTRICTS, PROVIDING TECHNICAL ASSISTANCE AND PLANNING HELP, ENSURING BROAD AND EQUITABLE PROGRAM BENEFITS, AND FOSTERING A SUPPORTIVE CLIMATE FOR THE ARTS AND CULTURE, THEREBY CONTRIBUTING TO THE DEVELOPMENT OF HEALTHY COMMUNITIES ACROSS THE STATE AND IMPROVING THE QUALITY OF LIFE OF THE STATE'S RESIDENTS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COORDINATOR" MEANS THE PERSON EMPLOYED ON THE PROFESSIONAL STAFF OF THE DIVISION WHO IS RESPONSIBLE FOR OVERSEEING THE DUTIES AND RESPONSIBILITIES OF THE DIVISION UNDER THIS SECTION AND PERFORMING THE SPECIFIC TASKS DELEGATED TO SUCH PERSON UNDER THIS SECTION.

(b) "CREATIVE DISTRICT" OR "DISTRICT" MEANS A LAND AREA DESIGNATED BY A LOCAL GOVERNMENT IN ACCORDANCE WITH THIS SECTION THAT CONTAINS EITHER A HUB OF CULTURAL FACILITIES, CREATIVE INDUSTRIES, OR ARTS-RELATED BUSINESSES OR MULTIPLE VACANT PROPERTIES IN CLOSE PROXIMITY THAT WOULD BE SUITABLE FOR REDEVELOPMENT AS A CREATIVE DISTRICT.

(c) "LOCAL GOVERNMENT" MEANS A CITY AND COUNTY, COUNTY, CITY, OR TOWN.

(d) "STATE-CERTIFIED CREATIVE DISTRICT" MEANS A CREATIVE DISTRICT WHOSE APPLICATION FOR CERTIFICATION HAS BEEN APPROVED BY THE DIVISION PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(3) (a) A LOCAL GOVERNMENT MAY DESIGNATE A CREATIVE DISTRICT WITHIN ITS TERRITORIAL BOUNDARIES SUBJECT TO CERTIFICATION AS A STATE-CERTIFIED CREATIVE DISTRICT BY THE DIVISION PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(b) IN ORDER TO RECEIVE CERTIFICATION AS A STATE-CERTIFIED CREATIVE DISTRICT UNDER THIS SECTION, A DISTRICT MUST SATISFY THE CRITERIA SPECIFIED IN THIS PARAGRAPH (b) AND ANY ADDITIONAL CRITERIA REQUIRED BY THE DIVISION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION. AT A MINIMUM, THE DISTRICT MUST:

(I) COMPRISE A GEOGRAPHICALLY CONTIGUOUS AREA;

(II) BE DISTINGUISHED BY PHYSICAL, ARTISTIC, OR CULTURAL RESOURCES THAT PLAY A VITAL ROLE IN THE QUALITY AND LIFE OF A COMMUNITY, INCLUDING ITS ECONOMIC AND CULTURAL DEVELOPMENT;

(III) BE THE SITE OF A CONCENTRATION OF ARTISTIC OR CULTURAL ACTIVITY, A MAJOR ARTS OR CULTURAL INSTITUTION OR FACILITY, ARTS AND ENTERTAINMENT BUSINESSES, AN AREA WITH ARTS AND CULTURAL ACTIVITIES, OR ARTISTIC OR CULTURAL PRODUCTION; AND

(IV) BE ENGAGED IN THE PROMOTIONAL, PRESERVATION, AND EDUCATIONAL ASPECTS OF THE ARTS AND CULTURE OF THE COMMUNITY AND CONTRIBUTE TO THE PUBLIC THROUGH INTERPRETIVE, EDUCATIONAL, OR RECREATIONAL USES.

(c) NOTWITHSTANDING THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (3), IN SPECIAL CIRCUMSTANCES A CREATIVE DISTRICT MAY OBTAIN CERTIFICATION BY THE DIVISION IF THE LAND AREA PROPOSED FOR CERTIFICATION AS A DISTRICT CONTAINS MULTIPLE VACANT PROPERTIES IN CLOSE PROXIMITY THAT WOULD BE SUITABLE FOR REDEVELOPMENT AS A CREATIVE DISTRICT. IT SHALL NOT BE A REQUIREMENT OF CERTIFICATION THAT THE PROPOSED DISTRICT CONTAIN ANY PRECISE MIX OF FOR-PROFIT OR NONPROFIT INDUSTRIES OR ORGANIZATIONS.

(d) TWO OR MORE LOCAL GOVERNMENTS MAY JOINTLY APPLY FOR CERTIFICATION OF A CREATIVE DISTRICT THAT EXTENDS ACROSS A COMMON BOUNDARY.

(4) (a) (I) NOT LATER THAN JULY 1, 2012, THE COORDINATOR SHALL CREATE A PROCESS FOR THE REVIEW OF APPLICATIONS SUBMITTED BY LOCAL GOVERNMENTS FOR CERTIFICATION OF STATE-CERTIFIED CREATIVE DISTRICTS. THE APPLICATION SHALL BE SUBMITTED ON A STANDARD FORM DEVELOPED AND APPROVED BY THE DIVISION. THE COORDINATOR SHALL MAKE A RECOMMENDATION TO THE DIVISION FOR ACTION ON EACH APPLICATION FOR CERTIFICATION.

(II) AFTER REVIEWING AN APPLICATION FOR CERTIFICATION, THE DIVISION SHALL APPROVE OR REJECT THE APPLICATION OR SEND IT BACK TO THE APPLICANT WITH A REQUEST FOR CHANGES OR ADDITIONAL INFORMATION. REJECTED APPLICANTS MAY REAPPLY WITHOUT PREJUDICE.

(III) CERTIFICATION SHALL BE BASED UPON THE CRITERIA SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION AS WELL AS ANY ADDITIONAL CRITERIA REQUIRED BY THE DIVISION THAT IN ITS DISCRETION WILL FURTHER THE PURPOSES OF THIS SECTION. THE DIVISION MAY REQUEST THAT AN APPLICANT PROVIDE RELEVANT INFORMATION SUPPORTING AN APPLICATION. ANY ADDITIONAL ELIGIBILITY CRITERIA SHALL BE POSTED BY THE DIVISION ON ITS PUBLIC WEB SITE.

(IV) IF THE DIVISION APPROVES AN APPLICATION FOR CERTIFICATION, IT SHALL NOTIFY THE APPLICANT IN WRITING AND SHALL SPECIFY THE TERMS AND CONDITIONS OF THE DIVISION'S APPROVAL, INCLUDING THE TERMS AND CONDITIONS SET FORTH IN THE APPLICATION AND AS MODIFIED BY WRITTEN AGREEMENT BETWEEN THE APPLICANT AND THE DIVISION.

(b) UPON APPROVAL BY THE DIVISION OF AN APPLICATION FOR CERTIFICATION BY A LOCAL GOVERNMENT, A CREATIVE DISTRICT SHALL BECOME A STATE-CERTIFIED CREATIVE DISTRICT WITH ALL OF THE ATTENDANT BENEFITS UNDER THIS SECTION.

(c) THE DIVISION MAY REMOVE A CERTIFICATION PREVIOUSLY GRANTED UNDER THIS SECTION FOR FAILURE BY A LOCAL GOVERNMENT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION OR ANY AGREEMENT EXECUTED THEREUNDER.

(5) (a) THE COORDINATOR SHALL:

(I) REVIEW APPLICATIONS FOR CERTIFICATION AND MAKE A RECOMMENDATION TO THE DIVISION FOR ACTION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION;

(II) ADMINISTER AND PROMOTE AN APPLICATION PROCESS FOR THE CERTIFICATION OF CREATIVE DISTRICTS;

(III) WITH THE APPROVAL OF THE DIVISION, DEVELOP STANDARDS AND POLICIES FOR THE CERTIFICATION OF STATE-CERTIFIED CREATIVE DISTRICTS IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION AND SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION. ANY APPROVED STANDARDS AND POLICIES SHALL BE POSTED ON THE DIVISION'S PUBLIC WEB SITE.

(IV) REQUIRE PERIODIC WRITTEN REPORTS FROM ANY CREATIVE DISTRICT THAT HAS RECEIVED CERTIFICATION AS A STATE-CERTIFIED CREATIVE DISTRICT FOR THE PURPOSE OF REVIEWING THE ACTIVITIES OF THE DISTRICT, INCLUDING THE COMPLIANCE OF THE DISTRICT WITH THE POLICIES AND STANDARDS DEVELOPED UNDER THIS SECTION AND WITH THE CONDITIONS OF AN APPROVED APPLICATION FOR CERTIFICATION;

(V) IDENTIFY AVAILABLE PUBLIC AND PRIVATE RESOURCES, INCLUDING ANY APPLICABLE ECONOMIC DEVELOPMENT INCENTIVES AND OTHER TOOLS, THAT SUPPORT AND ENHANCE THE DEVELOPMENT AND MAINTENANCE OF CREATIVE DISTRICTS AND, WITH THE ASSISTANCE OF THE DIVISION, ENSURE THAT SUCH PROGRAMS AND SERVICES ARE ACCESSIBLE TO SUCH DISTRICTS; AND

(VI) WITH THE APPROVAL OF THE DIVISION, DEVELOP SUCH ADDITIONAL PROCEDURES AS MAY BE NECESSARY TO ADMINISTER THIS SECTION. ANY APPROVED PROCEDURES SHALL BE POSTED ON THE DIVISION'S PUBLIC WEB SITE.

(b) IN ADDITION TO ANY POWERS EXPLICITLY GRANTED TO THE DIVISION UNDER THIS SECTION, THE DIVISION SHALL HAVE SUCH ADDITIONAL POWERS AS ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS SECTION. WHERE AUTHORIZED BY LAW, SUCH POWERS MAY INCLUDE OFFERING INCENTIVES TO STATE-CERTIFIED CREATIVE DISTRICTS TO ENCOURAGE

BUSINESS DEVELOPMENT, EXPLORING NEW INCENTIVES THAT ARE DIRECTLY RELATED TO CREATIVE ENTERPRISES, FACILITATING LOCAL ACCESS TO STATE ECONOMIC DEVELOPMENT ASSISTANCE, ENHANCING THE VISIBILITY OF STATE-CERTIFIED CREATIVE DISTRICTS, PROVIDING STATE-CERTIFIED CREATIVE DISTRICTS WITH TECHNICAL ASSISTANCE AND PLANNING AID, ENSURING BROAD AND EQUITABLE PROGRAM BENEFITS, AND FOSTERING A SUPPORTIVE CLIMATE FOR THE ARTS AND CULTURE WITHIN THE STATE; EXCEPT THAT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A CREATIVE DISTRICT CREATED PURSUANT TO THIS SECTION SHALL NOT BE ELIGIBLE TO RECEIVE ANY FORM OF FINANCIAL INCENTIVE THAT IS DERIVED FROM MONEYS ALLOCATED TO THE LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND CREATED IN SECTION 12-47.1-1601 (1) (a), C.R.S., WITHOUT THE CONSENT OF THE APPLICABLE ELIGIBLE LOCAL GOVERNMENTAL ENTITY OR ENTITIES, AS DEFINED IN SECTION 12-47.1-1601 (4) (b), C.R.S., INSIDE THE TERRITORIAL BOUNDARIES OF WHICH THE CREATIVE DISTRICT IS LOCATED.

(6) THE CREATION OF A DISTRICT UNDER THIS SECTION MAY NOT BE USED TO PROHIBIT ANY PARTICULAR BUSINESS OR THE DEVELOPMENT OF RESIDENTIAL REAL PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT OR TO IMPOSE A BURDEN ON THE OPERATION OR USE OF ANY PARTICULAR BUSINESS OR PARCEL OF RESIDENTIAL REAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE DISTRICT.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012

and shall take effect on the date of the official declaration of the vote thereon by the governor.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED 10:22 3/22/11

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO