

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 11-0426.01 Bob Lackner

HOUSE BILL 11-1031

HOUSE SPONSORSHIP

Miklosi,

SENATE SPONSORSHIP

Foster,

House Committees
Local Government

Senate Committees
Local Government and Energy

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Am ended 2nd Reading
March 4, 2011

HOUSE
3rd Reading Unam ended
February 8, 2011

HOUSE
Am ended 2nd Reading
February 7, 2011

The bill authorizes counties and municipalities to designate a creative district within their territorial boundaries subject to certification by the division of creative industries within the Colorado office of economic development (division). The bill specifies the minimum criteria a local government must satisfy in order to have a district certified by the division. The bill outlines procedures to be followed in connection with the process for certification. The bill specifies the powers and duties of the division with respect to the certification process as well as the powers of a coordinator within the division responsible for administering the certification process.

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

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

5 **24-48.5-314. Creative districts - creation - certification -**
6 **powers of coordinator and division - legislative declaration -**
7 **definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES,
8 AND DECLARES THAT:

9 (I) A CREATIVE DISTRICT IS A WELL-RECOGNIZED, DESIGNATED
10 MIXED-USE AREA OF A COMMUNITY IN WHICH A HIGH CONCENTRATION OF
11 CULTURAL FACILITIES, CREATIVE BUSINESSES, OR ARTS-RELATED
12 BUSINESSES SERVE AS THE ANCHOR OF ATTRACTION. IN CERTAIN CASES,
13 MULTIPLE VACANT PROPERTIES IN CLOSE PROXIMITY MAY EXIST WITHIN A
14 COMMUNITY THAT WOULD BE SUITABLE FOR REDEVELOPMENT AS A
15 CREATIVE DISTRICT. CREATIVE DISTRICTS MAY BE FOUND IN ALL SIZES OF
16 COMMUNITIES, FROM SMALL AND RURAL TO LARGE AND URBAN. CREATIVE
17 DISTRICTS MAY BE HOME TO BOTH NONPROFIT AND FOR-PROFIT CREATIVE
18 INDUSTRIES AND ORGANIZATIONS.

19 (II) THE ARTS AND CULTURE TRANSCEND BOUNDARIES OF RACE,
20 AGE, GENDER, LANGUAGE, AND SOCIAL STATUS. CREATIVE DISTRICTS

1 PROMOTE AND IMPROVE THEIR COMMUNITIES IN PARTICULAR AND THE
2 STATE MORE GENERALLY IN MANY WAYS. SPECIFICALLY, SUCH DISTRICTS:

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

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

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

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

22 (E) REVITALIZE AND BEAUTIFY NEIGHBORHOODS, CITIES, AND
23 LARGER REGIONS, REVERSE URBAN DECAY, PROMOTE THE PRESERVATION
24 OF HISTORIC BUILDINGS, AND FACILITATE A HEALTHY MIXTURE OF
25 BUSINESS AND RESIDENTIAL ACTIVITY THAT CONTRIBUTES TO REDUCED
26 VACANCY RATES AND ENHANCED PROPERTY VALUES; AND

27 (F) PROVIDE A FOCAL POINT FOR CELEBRATING AND

1 STRENGTHENING A COMMUNITY'S UNIQUE CULTURAL IDENTITY, PROVIDING
2 COMMUNITIES WITH OPPORTUNITIES TO HIGHLIGHT EXISTING CULTURAL
3 AMENITIES AS WELL AS MECHANISMS TO RECRUIT AND ESTABLISH NEW
4 ARTISTS, CREATIVE INDUSTRIES, AND ORGANIZATIONS.

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

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

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

25 (b) "CREATIVE DISTRICT" OR "DISTRICT" MEANS A LAND AREA
26 DESIGNATED BY A LOCAL GOVERNMENT IN ACCORDANCE WITH THIS
27 SECTION THAT CONTAINS EITHER A HUB OF CULTURAL FACILITIES,

1 CREATIVE INDUSTRIES, OR ARTS-RELATED BUSINESSES OR MULTIPLE
2 VACANT PROPERTIES IN CLOSE PROXIMITY THAT WOULD BE SUITABLE FOR
3 REDEVELOPMENT AS A CREATIVE DISTRICT.

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

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

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

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

18 (I) COMPRISE A GEOGRAPHICALLY CONTIGUOUS AREA;

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

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

26 (IV) BE ENGAGED IN THE PROMOTIONAL, PRESERVATION, AND
27 EDUCATIONAL ASPECTS OF THE ARTS AND CULTURE OF THE COMMUNITY

1 AND CONTRIBUTE TO THE PUBLIC THROUGH INTERPRETIVE, EDUCATIONAL,
2 OR RECREATIONAL USES.

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

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

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

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

26 (III) CERTIFICATION SHALL BE BASED UPON THE CRITERIA
27 SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION AS WELL

1 AS ANY ADDITIONAL CRITERIA REQUIRED BY THE DIVISION THAT IN ITS
2 DISCRETION WILL FURTHER THE PURPOSES OF THIS SECTION. THE DIVISION
3 MAY REQUEST THAT AN APPLICANT PROVIDE RELEVANT INFORMATION
4 SUPPORTING AN APPLICATION. ANY ADDITIONAL ELIGIBILITY CRITERIA
5 SHALL BE POSTED BY THE DIVISION ON ITS PUBLIC WEB SITE.

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

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

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

20 (5) (a) THE COORDINATOR SHALL:

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

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

26 (III) WITH THE APPROVAL OF THE DIVISION, DEVELOP STANDARDS
27 AND POLICIES FOR THE CERTIFICATION OF STATE-CERTIFIED CREATIVE

1 DISTRICTS IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (3) OF
2 THIS SECTION AND SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION
3 (4) OF THIS SECTION. ANY APPROVED STANDARDS AND POLICIES SHALL BE
4 POSTED ON THE DIVISION'S PUBLIC WEB SITE.

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

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

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

21 (b) IN ADDITION TO ANY POWERS EXPLICITLY GRANTED TO THE
22 DIVISION UNDER THIS SECTION, THE DIVISION SHALL HAVE SUCH
23 ADDITIONAL POWERS AS ARE NECESSARY TO CARRY OUT THE PURPOSES OF
24 THIS SECTION. WHERE AUTHORIZED BY LAW, SUCH POWERS MAY INCLUDE
25 OFFERING INCENTIVES TO STATE-CERTIFIED CREATIVE DISTRICTS TO
26 ENCOURAGE BUSINESS DEVELOPMENT, EXPLORING NEW INCENTIVES THAT
27 ARE DIRECTLY RELATED TO CREATIVE ENTERPRISES, FACILITATING LOCAL

1 ACCESS TO STATE ECONOMIC DEVELOPMENT ASSISTANCE, ENHANCING THE
2 VISIBILITY OF STATE-CERTIFIED CREATIVE DISTRICTS, PROVIDING
3 STATE-CERTIFIED CREATIVE DISTRICTS WITH TECHNICAL ASSISTANCE AND
4 PLANNING AID, ENSURING BROAD AND EQUITABLE PROGRAM BENEFITS,
5 AND FOSTERING A SUPPORTIVE CLIMATE FOR THE ARTS AND CULTURE
6 WITHIN THE STATE; EXCEPT THAT, NOTWITHSTANDING ANY OTHER
7 PROVISION OF THIS SECTION, A CREATIVE DISTRICT CREATED PURSUANT TO
8 THIS SECTION SHALL NOT BE ELIGIBLE TO RECEIVE ANY FORM OF
9 FINANCIAL INCENTIVE THAT IS DERIVED FROM MONEYS ALLOCATED TO THE
10 LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND CREATED IN SECTION
11 12-47.1-1601 (1) (a), C.R.S., WITHOUT THE CONSENT OF THE APPLICABLE
12 ELIGIBLE LOCAL GOVERNMENTAL ENTITY OR ENTITIES, AS DEFINED IN
13 SECTION 12-47.1-1601 (4) (b), C.R.S., INSIDE THE TERRITORIAL
14 BOUNDARIES OF WHICH THE CREATIVE DISTRICT IS LOCATED.

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

21 **SECTION 2. Act subject to petition - effective date.** This act
22 shall take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part shall not take effect

1 unless approved by the people at the general election to be held in
2 November 2012 and shall take effect on the date of the official
3 declaration of the vote thereon by the governor.