

CHAPTER 278

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 14-1093

BY REPRESENTATIVE(S) Duran, Fischer, Hamner, Kraft-Tharp, McCann, Mitsch Bush, Pabon, Pettersen, Rosenthal, Ryden, Salazar, Tyler, Young, Becker, Fields, Hullinghorst, Schafer; also SENATOR(S) Newell, Johnston, Kefalas, Kerr, Todd.

AN ACT

CONCERNING THE ESTABLISHMENT OF THE CREATIVE DISTRICT COMMUNITY LOAN FUND, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-48.5-315 as follows:

24-48.5-315. Creative district community loan fund - creation - use of fund - reporting. (1) THE CREATIVE DISTRICT COMMUNITY LOAN FUND IS CREATED IN THE STATE TREASURY. THE PRINCIPAL OF THE FUND CONSISTS OF MONEYS APPROPRIATED OR TRANSFERRED TO THE FUND BY THE GENERAL ASSEMBLY, MATCHING MONEYS LEVERAGED BY THE DIVISION FROM ANY COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION, AS DESCRIBED IN SECTION 38-38-100.3 (20) (j), C.R.S., WITH WHICH THE DIVISION ENTERS INTO A MEMORANDUM OF UNDERSTANDING REGARDING LOAN PARTICIPATION AND ADMINISTRATION OF THE FUND, AND ANY OTHER MONEYS LEVERAGED IN THE FUND BY ANY FOUNDATION OR OTHER PUBLIC OR PRIVATE PERSON. ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF THE FUND AND ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND UNLESS EXPENDED AS AUTHORIZED BY PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION.

(2) (a) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY AND SUBJECT TO THE FOLLOWING LIMITATIONS, THE DIVISION MAY MAKE OR PARTICIPATE IN LOANS OR LOAN GUARANTEES FROM THE CREATIVE DISTRICT COMMUNITY LOAN FUND TO ANY PERSON WHO IS DEVELOPING, CONSTRUCTING, OR REDEVELOPING COMMERCIAL REAL ESTATE, MIXED-USE PROJECTS, COMMUNITY FACILITIES, OR INFRASTRUCTURE SUCH AS SIDEWALK IMPROVEMENTS, PATHWAYS FOR WAYFARING,

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

AND SIGNAGE, WITHIN A STATE-CERTIFIED CREATIVE DISTRICT OR A PROPOSED CREATIVE DISTRICT THAT IS A CANDIDATE FOR CERTIFICATION THAT WILL SUPPORT THE PURPOSES OR GROWTH OF THE DISTRICT:

(I) THE MAXIMUM AMOUNT THAT THE DIVISION MAY LOAN FROM THE FUND FOR ANY SINGLE PROJECT IS TWO HUNDRED FIFTY THOUSAND DOLLARS;

(II) ONE OR MORE PUBLIC OR PRIVATE ENTITIES MUST PROVIDE MATCHING MONEYS OR IN-KIND CONTRIBUTIONS OF PROPERTY, OR BOTH, WITH A TOTAL VALUE EQUAL TO AT LEAST THREE TIMES THE AMOUNT LOANED BY THE FUND;

(III) THE DIVISION SHALL GIVE HIGHER PRIORITY TO A LOAN OR LOAN GUARANTEE APPLICATION FOR A PROJECT THAT IS IDENTIFIED IN OR COMPATIBLE WITH A DISTRICT'S STRATEGIC PLAN.

(b) THE DIVISION MAY RETAIN UP TO EIGHT PERCENT OF THE MONEYS TRANSFERRED OR APPROPRIATED BY THE GENERAL ASSEMBLY TO THE CREATIVE DISTRICT COMMUNITY LOAN FUND IN A FISCAL YEAR TO OFFSET ITS ADMINISTRATIVE COSTS UNDER THIS SECTION.

(c) ANY UNEXPENDED AND UNENCUMBERED MONEYS FROM AN APPROPRIATION MADE PURSUANT TO THIS SUBSECTION (2) REMAIN AVAILABLE FOR EXPENDITURE BY THE DIVISION IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

(d) THE PRIORITY OF ANY LIENS FILED IN CONNECTION WITH A LOAN MADE BY, PARTICIPATED IN, OR GUARANTEED BY THE DIVISION AS AUTHORIZED BY PARAGRAPH (a) OF THIS SUBSECTION (2) IS DETERMINED EXCLUSIVELY BY THE ORDER IN WHICH THE LIENS WERE FILED.

(3) THE OFFICE OF ECONOMIC DEVELOPMENT SHALL INCLUDE IN ITS ANNUAL REPORT SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO SECTION 24-48.5-101 A SUMMARY OF ALL LOANS AND LOAN GUARANTEES MADE OR PARTICIPATED IN PURSUANT TO SUBSECTION (2) OF THIS SECTION DURING THE PRECEDING FISCAL YEAR. THE SUMMARY MUST INCLUDE, AT A MINIMUM:

(a) THE AMOUNT OF EACH LOAN OR LOAN GUARANTEE;

(b) A DESCRIPTION OF THE PROJECT FOR WHICH THE DIVISION MADE EACH LOAN OR LOAN GUARANTEE INCLUDING A DESCRIPTION OF THE RECIPIENT'S USE OF THE LOAN MADE OR GUARANTEED;

(c) A DESCRIPTION OF ANY ECONOMIC IMPACTS, INCLUDING BUT NOT LIMITED TO JOB CREATION OR RETENTION AND CAPITAL INVESTMENT OR RETENTION IN THE STATE RESULTING FROM THE LOAN OR LOAN GUARANTEE.

SECTION 2. Appropriation - adjustments to 2014 long bill. (1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$100,000.

(2) In addition to any other appropriation, for the fiscal year beginning July 1, 2014, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the creative district community loan fund created in section 24-48.5-315 (1), Colorado Revised Statutes, the sum of \$100,000, to be used for purposes consistent with the creation of the fund.

(3) In addition to any other appropriation, there is hereby appropriated, out of the creative district community loan fund, to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2014, the sum of \$100,000, or so much thereof as may be necessary, to be allocated to economic development programs for the creative district community loan program.

SECTION 3. Act subject to petition - effective date. This act takes 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 6, 2014, if adjournment sine die is on May 7, 2014); 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 will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 29, 2014