

CHAPTER 147

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 00-1124

BY REPRESENTATIVES King, Lee, Mitchell, Nuñez, Plant, Saliman, Scott, and Spence;
also SENATORS Andrews and Lamborn.

AN ACT

CONCERNING PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, AUTHORIZING CHARTER SCHOOLS TO ENGAGE IN THE BUILDING PLANNING AND INSPECTION PROCESS AND AUTHORIZING PUBLIC SCHOOLS TO USE CAPITAL RESERVE FUND EXPENDITURES FOR CERTAIN PURPOSES.

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

SECTION 1. 22-30.5-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-30.5-104. Charter school - requirements - authority. (9) ALL DECISIONS REGARDING THE PLANNING, SITING, AND INSPECTION OF CHARTER SCHOOL FACILITIES SHALL BE MADE IN ACCORDANCE WITH SECTION 22-32-124, AND AS SPECIFIED BY CONTRACT WITH THE DISTRICT.

SECTION 2. 22-32-124, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-32-124. Building codes - zoning - planning. (1.5) PRIOR TO CONTRACTING FOR A FACILITY, A CHARTER SCHOOL SHALL ADVISE IN WRITING THE PLANNING COMMISSION, OR GOVERNING BODY IF NO PLANNING COMMISSION EXISTS, WHICH HAS JURISDICTION OVER THE TERRITORY IN WHICH THE SITE IS PROPOSED TO BE LOCATED. THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY MAY REQUEST THE CHARTER SCHOOL TO SUBMIT A SITE DEVELOPMENT PLAN FOR THE PROPOSED FACILITY, BUT MUST ISSUE SUCH REQUEST, IF ANY, WITHIN TEN DAYS AFTER RECEIVING THE WRITTEN ADVISEMENT. IF REQUESTED BY THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY, THE CHARTER SCHOOL, ACTING ON BEHALF OF ITS SPONSORING SCHOOL BOARD, SHALL SUBMIT SUCH A SITE DEVELOPMENT PLAN. THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY MAY REVIEW AND COMMENT ON SUCH PLAN TO THE GOVERNING BODY OF THE CHARTER SCHOOL, BUT MUST DO SO, IF AT ALL,

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

WITHIN THIRTY DAYS AFTER RECEIVING SUCH PLAN. THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY, IF NOT SATISFIED WITH THE RESPONSE TO SUCH COMMENTS, MAY REQUEST A HEARING BEFORE THE BOARD OF EDUCATION REGARDING SUCH PLAN. SUCH HEARING SHALL BE HELD, IF AT ALL, WITHIN THIRTY DAYS AFTER THE REQUEST OF THE RELEVANT PLANNING COMMISSION OR GOVERNING BODY. THE CHARTER SCHOOL THEN MAY PROCEED WITH ITS SITE DEVELOPMENT PLAN UNLESS PROHIBITED FROM DOING SO BY SCHOOL BOARD RESOLUTION.

SECTION 3. Article 42 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-42-129. Limitation on actions. NO ACTION SHALL BE BROUGHT QUESTIONING THE LEGALITY OF ANY BONDS OR LOANS AUTHORIZED BY THIS TITLE OR ANY RESOLUTION, PROCEEDING, OR CONTRACT IN CONNECTION WITH SUCH BONDS OR LOANS ON AND AFTER THIRTY DAYS FROM THE EFFECTIVE DATE OF THE RESOLUTION AUTHORIZING THE ISSUANCE OF SUCH BONDS OR THE EXECUTION OF ANY LOAN AGREEMENT.

SECTION 4. 22-45-101 (2), Colorado Revised Statutes, is amended to read:

22-45-101. Definitions. As used in this article, unless the context otherwise requires:

(2) "Capital outlay expenditures" means those expenditures ~~which~~ THAT result in the acquisition of fixed assets or additions to fixed assets ~~which~~ THAT the board anticipates will have benefits for more than one year. They are expenditures, WHETHER BY PURCHASE OR LEASE, for land or existing buildings, improvements of grounds, construction of buildings, additions to buildings, SOFTWARE LICENSING AGREEMENTS, or initial, additional, or replacement equipment. EQUIPMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THOSE ITEMS SET FORTH IN THE FINANCIAL POLICIES AND PROCEDURES HANDBOOK AUTHORIZED IN SECTION 22-44-203.

SECTION 5. 22-45-103 (1) (c) (I) (A), (1) (c) (I) (B), (1) (c) (I) (C), and (1) (c) (I) (F), Colorado Revised Statutes, are amended, and the said 22-45-103 (1) (c) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

22-45-103. Funds - repeal. (1) The following funds are created for each school district for purposes specified in this article:

(c) **Capital reserve fund.** (I) Moneys allocated pursuant to the provisions of section 22-54-105 (2) shall be transferred from the general fund and recorded in the capital reserve fund along with the revenues received pursuant to section 39-5-132, C.R.S. Such revenues may be supplemented by gifts, donations, and tuition receipts. Unencumbered moneys in the fund may be transferred to a fund or an account within the general fund established in accordance with generally accepted accounting principles solely for the management of risk-related activities as identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S., by resolution of the board of education when such transfer is deemed necessary by the board. Expenditures from the fund shall be limited to long-range capital outlay expenditures and shall be made only for the following purposes:

(A) ANY acquisition of land, ~~or improvements, and construction of structures thereon, or acquisition of land with existing structures thereon~~ OR ADDITION TO EXISTING STRUCTURES, and ACQUISITION OF equipment and furnishings; ~~therein~~;

(B) ~~Construction of additions to existing structures;~~

(C) ~~Procurement of equipment for new buildings and additions to existing buildings and installation thereof;~~

(F) ANY installment purchase agreements or lease agreements with an option to purchase for a period not to exceed twenty years ~~under which a school district becomes entitled to the use of real property and related equipment for a school site, building, or structure~~ AND ANY LEASE AGREEMENT WITHOUT THE OPTION TO PURCHASE ENTERED INTO BY A SCHOOL DISTRICT OR A CHARTER SCHOOL;

(G) ANY SOFTWARE LICENSING AGREEMENT IN EXCESS OF ONE THOUSAND DOLLARS.

SECTION 6. 22-54-102 (3) (a), Colorado Revised Statutes, is amended to read:

22-54-102. Legislative declaration - statewide applicability - intergovernmental agreements. (3) (a) Nothing in this article shall be construed to prohibit local governments from cooperating with school districts through intergovernmental agreements to fund, construct, maintain, or manage capital construction projects or other facilities as set forth in section 22-45-103 (1) (c) (I) (A) ~~(1) (c) (I) (B)~~; or (1) (c) (I) (D), including, but not limited to, swimming pools, playgrounds, or ball fields, as long as funding for such projects is provided solely from a source of local government revenue that is otherwise authorized by law except impact fees or other similar development charges or fees.

SECTION 7. 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 that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 12, 2000