

CHAPTER 299

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 96-237

BY SENATOR Wells;
also REPRESENTATIVES Anderson and Adkins.

AN ACT

CONCERNING THE EFFECT OF SECTION 22-54-102 (3), COLORADO REVISED STATUTES, ON LOCAL GOVERNMENTS' AUTHORITY TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR SCHOOL DISTRICT CAPITAL PROJECTS.

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

SECTION 1. 22-54-102 (3), Colorado Revised Statutes, 1995 Repl. Vol., as enacted by House Bill 96-1354, enacted at the Second Regular Session of the Sixtieth General Assembly, 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.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, nothing in this subsection (3) shall be construed to:

(I) Limit or restrict a county's power to require the reservation or dedication of sites and land areas for schools or the payment of moneys in lieu thereof pursuant to section 30-28-133 (4) (a), C.R.S., or to limit a local government's ability to accept and expend impact fees or other similar development charges or fees contributed voluntarily on or before December 31, 1997, to fund the capital projects of school

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

districts according to the terms of agreements voluntarily entered into on or before the effective date of this act between all affected parties;

(II) AFFECT ANY AGREEMENTS ENTERED INTO BEFORE MAY 1, 1996, THAT WERE THE SUBJECT OF LITIGATION PENDING BEFORE THE COLORADO SUPREME COURT ON MAY 1, 1996. IF A SUPREME COURT DECISION AFFIRMS THE RIGHT TO IMPOSE IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES OR FEES, A LOCAL GOVERNMENT THAT HAD IMPOSED SUCH FEES OR CHARGES PRIOR TO MAY 1, 1996, MAY IMPOSE AND COLLECT SUCH FEES AND CHARGES UNTIL JULY 1, 1997. IF A DECISION OF THE SUPREME COURT REJECTS THE RIGHT TO IMPOSE SUCH FEES OR CHARGES, SUCH LOCAL GOVERNMENT MAY IMPOSE AND COLLECT SUCH FEES AND CHARGES IN CONNECTION WITH OR AS REQUIRED BY A VOLUNTARY AGREEMENT ENTERED INTO BEFORE JULY 1, 1996, FOR THE TERM OF THE AGREEMENT. IN EITHER EVENT, ALL SUCH IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES OR FEES SHALL BE APPROPRIATED ON OR BEFORE DECEMBER 31, 1997.

(III) GRANT AUTHORITY TO LOCAL GOVERNMENTS TO REQUIRE THE RESERVATION OR DEDICATION OF SITES AND LAND AREAS FOR SCHOOLS OR THE PAYMENT OF MONEYS IN LIEU THEREOF; HOWEVER, THE PROHIBITION ON IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES OR FEES CONTAINED IN THIS SUBSECTION (3) SHALL NOT BE CONSTRUED TO RESTRICT THE AUTHORITY OF ANY LOCAL GOVERNMENT TO REQUIRE THE RESERVATION OR DEDICATION OF SITES AND LAND AREAS FOR SCHOOLS OR THE PAYMENT OF MONEYS IN LIEU THEREOF IF SUCH LOCAL GOVERNMENT OTHERWISE HAS SUCH AUTHORITY GRANTED BY LAW.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 1996