

CHAPTER 23

GOVERNMENT - LOCAL

HOUSE BILL 11-1113

BY REPRESENTATIVE(S) Holbert, Barker, Becker, Beezley, Gardner B., Kerr J., Nikkel, Scott, Stephens, Summers;
also SENATOR(S) Foster, Aguilar.

AN ACT

CONCERNING THE PROVISION OF INFORMATION PERTAINING TO IMPACT FEES IMPOSED BY LOCAL GOVERNMENTS.

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

SECTION 1. 29-1-803, Colorado Revised Statutes, is amended to read:

29-1-803. Deposit of land development charge. (1) ~~Except as otherwise provided in this section,~~ All moneys from land development charges collected, including any such moneys collected but not expended prior to January 1, 1991, shall be deposited or, if collected for another local government, transmitted for deposit, in an interest-bearing account which clearly identifies the category, account, or fund of capital expenditure for which such charge was imposed. Each such category, account, or fund shall be accounted for separately. The determination as to whether the accounting requirement shall be by category, account, or fund and by aggregate or individual land development shall be within the discretion of the local government. Any interest or other income earned on moneys deposited in said interest-bearing account shall be credited to the account. AT LEAST ONCE ANNUALLY, THE LOCAL GOVERNMENT SHALL PUBLISH ON ITS OFFICIAL WEB SITE, IF ANY, IN A CLEAR, CONCISE, AND USER-FRIENDLY FORMAT INFORMATION DETAILING THE ALLOCATION BY DOLLAR AMOUNT OF EACH LAND DEVELOPMENT CHARGE COLLECTED TO AN ACCOUNT OR AMONG ACCOUNTS, THE AVERAGE ANNUAL INTEREST RATE ON EACH ACCOUNT, AND THE TOTAL AMOUNT DISBURSED FROM EACH ACCOUNT, DURING THE LOCAL GOVERNMENT'S MOST RECENT FISCAL YEAR.

(2) ~~Any county, city and county, or municipality shall be required to comply with the provisions of subsection (1) of this section requiring the deposit or transmittal of land development charges collected but not expended prior to January 1, 1991, only if such land development charges were collected on or after January 1, 1986.~~

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

SECTION 2. Act subject to petition - effective date - applicability. (1) This act shall take effect December 31, 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 the ninety-day period after final adjournment of the general assembly, 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.

(2) The provisions of this act shall apply to the 2011 and subsequent local government fiscal years.

Approved: March 11, 2011