Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 02-0788.01 Nicole Hoffman **HOUSE BILL** 02-1343

HOUSE SPONSORSHIP

Cadman, and Lee

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

CONCERNING THE LIMITATION OF A SCHOOL DISTRICT'S RESPONSIBILITY TO BEAR THE COSTS OF CONSTRUCTING CAPITAL FACILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prevents any local government from imposing an impact fee or other similar development charge on a school district to fund expenditures by the local government on capital facilities upon land that is not a current or anticipated future public school site.

States that a local government shall not require a school district to bear any cost of capital facilities upon land that is not a current or anticipated future public school site as a condition of granting land-use

approval for a public school. Requires that for any capital facility for which a school district is required to bear any cost as a condition of land-use approval, there shall be an essential nexus between the capital facility and the public school, and such capital facility shall be constructed on the land that is the current or anticipated future public school site.

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

SECTION 1. 29-20-104.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

29-20-104.5. Impact fees. (6.5) NO LOCAL GOVERNMENT SHALL IMPOSE AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE ON A SCHOOL DISTRICT TO FUND EXPENDITURES BY THE LOCAL GOVERNMENT ON CAPITAL FACILITIES UPON ANY LAND THAT IS NOT A CURRENT OR ANTICIPATED FUTURE PUBLIC SCHOOL SITE. NOTHING IN THIS SUBSECTION (6.5) SHALL BE CONSTRUED TO PREVENT A LOCAL GOVERNMENT FROM REQUIRING A SCHOOL DISTRICT TO BEAR THE COSTS OF CAPITAL FACILITIES UPON ANY LAND THAT IS A CURRENT OR ANTICIPATED FUTURE PUBLIC SCHOOL SITE.

SECTION 2. 29-20-203, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

29-20-203. Conditions on land-use approvals. (3) IN IMPOSING CONDITIONS UPON THE GRANTING OF A LAND-USE APPROVAL FOR A PUBLIC SCHOOL, NO LOCAL GOVERNMENT SHALL REQUIRE A SCHOOL DISTRICT TO BEAR ANY COST OF ANY CAPITAL FACILITY UPON LAND THAT IS NOT A CURRENT OR ANTICIPATED FUTURE PUBLIC SCHOOL SITE. FOR ANY CAPITAL FACILITY FOR WHICH A SCHOOL DISTRICT IS REQUIRED TO BEAR ANY COST AS A CONDITION OF GRANTING A LAND-USE APPROVAL, THERE SHALL BE AN ESSENTIAL NEXUS BETWEEN THE CAPITAL FACILITY AND THE PUBLIC

SCHOOL, AND SUCH CAPITAL FACILITY SHALL BE CONSTRUCTED ON THE LAND THAT IS THE CURRENT OR ANTICIPATED FUTURE SITE OF SUCH SCHOOL.

SECTION 3. Effective date - applicability. (1) 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.

(2) The provisions of this act shall apply to development plans concerning a current or future school site submitted to any local government by any school district on or after the applicable effective date of this act.