

CHAPTER 67

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 94-1014

BY REPRESENTATIVES Reeves, Anderson, Chlouber, Knox, Moellenberg, and Pierson;
also SENATOR Casey.

AN ACT

CONCERNING THE EFFECT OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION ON SCHOOL DISTRICT BONDED INDEBTEDNESS AUTHORIZED AT ELECTIONS HELD PRIOR TO NOVEMBER 4, 1992.

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

SECTION 1. Article 42 of title 22, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

22-42-128. Effect of article X, section 20 on bonded indebtedness authorized prior to November 4, 1992. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION PROVIDES THAT, BEGINNING ON NOVEMBER 4, 1992, SCHOOL DISTRICTS MUST HAVE VOTER APPROVAL IN ADVANCE FOR INCREASES IN BONDED INDEBTEDNESS AND PROPERTY TAX MILL LEVIES;

(b) A SIZEABLE AMOUNT OF BONDED INDEBTEDNESS HAD BEEN AUTHORIZED BY SCHOOL DISTRICT ELECTORS AT ELECTIONS HELD PURSUANT TO SECTION 22-42-102 PRIOR TO THE ADOPTION OF SECTION 20 OF ARTICLE X;

(c) IN APPROVING THE QUESTION OF INCURRING BONDED INDEBTEDNESS, THE VOTERS ACKNOWLEDGED THAT THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT WOULD ANNUALLY CERTIFY THE AMOUNT NEEDED FOR ITS BOND REDEMPTION FUND TO MAKE PRINCIPAL AND INTEREST PAYMENTS ON THE BONDS, THAT A PROPERTY TAX WOULD BE LEVIED ANNUALLY TO PRODUCE SUCH CERTIFIED AMOUNT, AND THAT THE PROPERTY TAX MILL LEVY WOULD BE RAISED OR LOWERED ANNUALLY TO PRODUCE

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

SUCH CERTIFIED AMOUNT;

(d) ONCE BONDED INDEBTEDNESS WAS INCURRED, THE VOTERS OF THE DISTRICT, AS WELL AS THE BONDHOLDERS, HAD A REASONABLE EXPECTATION THAT FURTHER VOTER APPROVAL WOULD NOT BE REQUIRED;

(e) THE PURPOSE OF SECTION 20 (4) OF ARTICLE X IS TO ALLOW THE ELECTORS OF SCHOOL DISTRICTS TO HAVE A VOICE IN BONDED INDEBTEDNESS INCREASES AND PROPERTY TAX MILL LEVY INCREASES;

(f) THE PURPOSE OF SECTION 20 (4) HAS ALREADY BEEN FULLY SATISFIED BECAUSE THE QUESTION OF INCURRING BONDED INDEBTEDNESS, AND THE METHOD FOR PAYING SUCH INDEBTEDNESS THROUGH AN ADJUSTMENT TO THE PROPERTY TAX MILL LEVY, HAS ALREADY BEEN APPROVED BY THE VOTERS AT ELECTIONS HELD PRIOR TO NOVEMBER 4, 1992; AND

(g) THE PURPOSE OF SECTION 20 (4) WOULD NOT BE FURTHER SATISFIED BY REQUIRING VOTER APPROVAL EACH TIME THE MILL LEVY NEEDS TO BE ADJUSTED TO PRODUCE THE REVENUE NECESSARY TO PAY SCHOOL DISTRICT BONDED INDEBTEDNESS AUTHORIZED AT ELECTIONS HELD PRIOR TO NOVEMBER 4, 1992.

(2) BONDED INDEBTEDNESS AUTHORIZED AT ELECTIONS HELD PURSUANT TO SECTION 22-42-102 PRIOR TO NOVEMBER 4, 1992, OR THE REFUNDING OF SUCH BONDED INDEBTEDNESS, WHICH INVOLVE A PROPERTY TAX MILL LEVY OR A PLEDGE OF A PROPERTY TAX MILL LEVY PURSUANT TO SECTION 22-42-118 TO PROVIDE REVENUES TO THE SCHOOL DISTRICT TO MAKE BONDED INDEBTEDNESS PAYMENTS OR TO COVER DEFAULT OR DEFICIENCIES IN BONDED INDEBTEDNESS PAYMENTS, IS NOT AFFECTED OR IMPAIRED BY THE PASSAGE OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

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: March 29, 1994