

CHAPTER 165

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 95-1351

BY REPRESENTATIVES George, Schwarz, and Tucker;
also SENATORS Ament and L. Powers.

AN ACT

CONCERNING DETACHMENT AND ANNEXATION OF TERRITORY BETWEEN EXISTING SCHOOL DISTRICTS WHERE THE TERRITORY WAS ERRONEOUSLY INCLUDED ON THE PROPERTY TAX ROLLS OF THE ANNEXING SCHOOL DISTRICT.

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

SECTION 1. Article 30 of title 22, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

22-30-128. Detachment and annexation of territory - exemption from school district organization planning process. (1) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE, WHERE TERRITORY IN A SCHOOL DISTRICT HAS BEEN ERRONEOUSLY INCLUDED ON THE PROPERTY TAX ROLLS OF AN ADJOINING SCHOOL DISTRICT FOR AT LEAST ONE YEAR AND THE ERROR WAS UNINTENTIONAL, SAID TERRITORY MAY BE DETACHED AND ANNEXED TO SAID ADJOINING SCHOOL DISTRICT AS PROVIDED IN THIS SECTION, WITHOUT COMPLYING WITH THE SCHOOL DISTRICT ORGANIZATION PLANNING PROCESS AS SPECIFIED IN THIS ARTICLE.

(2) (a) THE BOARDS OF EDUCATION OF THE DETACHING AND ANNEXING SCHOOL DISTRICTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL EACH ADOPT A RESOLUTION AGREEING TO THE DETACHMENT AND ANNEXATION OF THE TERRITORY ERRONEOUSLY INCLUDED ON THE ANNEXING SCHOOL DISTRICT'S PROPERTY TAX ROLLS. THE RESOLUTIONS SHALL INCLUDE A LEGAL DESCRIPTION OF THE TERRITORY TO BE DETACHED AND ANNEXED AND A LEGAL DESCRIPTION OF THE NEW BOUNDARIES OF THE SCHOOL DISTRICTS FOLLOWING DETACHMENT AND ANNEXATION. THE PROPOSED NEW SCHOOL DISTRICT BOUNDARIES SHALL CORRESPOND TO THE LEGAL DESCRIPTION OF THE TERRITORY TO BE DETACHED AND ANNEXED.

(b) FOLLOWING ADOPTION OF THE RESOLUTIONS, THE BOARDS OF EDUCATION OF

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

THE SCHOOL DISTRICTS SHALL SUBMIT TO THE COMMISSIONER A CERTIFIED COPY OF THEIR RESPECTIVE RESOLUTIONS AND A MAP OF THE DETACHING AND ANNEXING SCHOOL DISTRICTS AFTER THE PROPOSED DETACHMENT AND ANNEXATION OF TERRITORY. THE COMMISSIONER SHALL APPROVE THE RESOLUTIONS IF THE COMMISSIONER OR HIS OR HER DESIGNEE DETERMINES THAT THEY COMPLY WITH THE PROVISIONS OF THIS SECTION.

(3) (a) AFTER APPROVAL OF THE RESOLUTIONS BY THE COMMISSIONER, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, THE BOARD OF EDUCATION OF THE DETACHING SCHOOL DISTRICT SHALL CALL FOR AND ESTABLISH THE DATE OF A SPECIAL SCHOOL ORGANIZATION ELECTION WHEREIN THE ELIGIBLE ELECTORS WHO RESIDE WITHIN THE TERRITORY PROPOSED TO BE DETACHED AND ANNEXED SHALL VOTE UPON THE DETACHMENT AND ANNEXATION. THE BOARD OF EDUCATION OF THE DETACHING SCHOOL DISTRICT SHALL NAME A DESIGNATED ELECTION OFFICIAL WHO SHALL BE RESPONSIBLE FOR CONDUCTING THE ELECTION.

(b) IF A SPECIAL SCHOOL ORGANIZATION ELECTION IS HELD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) AND THERE IS NO SUITABLE POLLING PLACE WITHIN THE TERRITORY TO BE DETACHED AND ANNEXED, THE BOARD OF EDUCATION OF THE DETACHING SCHOOL DISTRICT SHALL DESIGNATE ONE OR MORE POLLING PLACES BEYOND THE LIMITS OF SAID TERRITORY.

(c) IF A MAJORITY OF THE ELIGIBLE ELECTORS VOTING AT THE SPECIAL SCHOOL ORGANIZATION ELECTION HELD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) VOTE IN FAVOR OF THE DETACHMENT AND ANNEXATION, OR IF NO ELIGIBLE ELECTORS VOTE IN THE ELECTION, THE TERRITORY SHALL BE DETACHED AND ANNEXED UPON THE THIRTIETH DAY AFTER THE DATE OF THE ELECTION; EXCEPT THAT, IF THE DETACHING AND ANNEXING SCHOOL DISTRICTS AND THE COUNTY ASSESSOR HAVE LOCATED THE TERRITORY IN THE ANNEXING SCHOOL DISTRICT FOR LONGER THAN ONE TAX YEAR SINCE THE FILING OF THE PLAT FOR A SUBDIVISION LOCATED WITHIN THE TERRITORY, THE DETACHMENT AND ANNEXATION SHALL BE EFFECTIVE AS OF THE DATE THAT THE APPROVED SUBDIVISION PLAT WAS ACCEPTED FOR RECORDATION AND FILED IN THE COUNTY IN WHICH THE TERRITORY IS LOCATED.

(4) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, THE DETACHING SCHOOL DISTRICT NEED NOT CALL A SPECIAL SCHOOL ORGANIZATION ELECTION IF THE BOARD OF EDUCATION OF THE DETACHING SCHOOL DISTRICT SUBMITS THE RESOLUTIONS REQUIRED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION AND CERTIFIES TO THE COMMISSIONER THAT:

(I) TEN OR FEWER ELIGIBLE ELECTORS RESIDE WITHIN THE TERRITORY TO BE DETACHED AND ANNEXED AND THAT EACH OF THESE ELIGIBLE ELECTORS HAS SUBMITTED TO THE BOARD OF EDUCATION OF THE DETACHING SCHOOL DISTRICT A NOTARIZED STATEMENT OF CONSENT TO THE PROPOSED DETACHMENT AND ANNEXATION; OR

(II) NO ELIGIBLE ELECTORS RESIDE WITHIN THE TERRITORY PROPOSED TO BE DETACHED.

(b) IF NO ELECTION IS HELD AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THE PROPOSED DETACHMENT AND ANNEXATION OF TERRITORY SHALL TAKE

EFFECT ON THE THIRTIETH DAY AFTER THE COMMISSIONER'S APPROVAL OF THE RESOLUTIONS UNDER PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION.

(5) AFTER THE ELECTION, AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, OR CERTIFICATION, AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, THE COMMISSIONER SHALL FORWARD TO THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE ELECTION IS HELD AND TO THE COUNTY ASSESSOR OF THE COUNTY IN WHICH THE TERRITORY IS LOCATED COPIES OF THE RESOLUTIONS SUBMITTED UNDER THIS SECTION, INCLUDING THE LEGAL DESCRIPTIONS OF THE SCHOOL DISTRICTS AFTER DETACHMENT AND ANNEXATION, AND A MAP OF THE NEW BOUNDARIES FOR THE SCHOOL DISTRICTS.

(6) THE ASSETS AND LIABILITIES OF THE SCHOOL DISTRICT FROM WHICH TERRITORY WAS DETACHED PURSUANT TO THIS SECTION SHALL BE APPORTIONED, DISTRIBUTED, AND PAID IN THE MANNER PRESCRIBED IN SECTIONS 22-30-123 AND 22-30-124.

SECTION 2. 22-30-102 (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-30-102. Legislative declaration. (3) The general assembly further finds and declares that, EXCEPT AS PROVIDED IN SECTION 22-30-128, no reorganization of a school district shall occur without the appointment of a school organization planning committee to study the school organization and develop a plan for reorganization of the school district.

SECTION 3. 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: May 22, 1995