

CHAPTER 211

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 95-1289

BY REPRESENTATIVES Moellenberg, Adkins, Anderson, Berry, Foster, Grampas, Kerns, Schauer, and Entz;
also SENATORS Wells, Feeley, Meiklejohn, Norton, and Wham.

AN ACT

CONCERNING VOTER APPROVAL FOR THE WEAKENING OF LIMITATIONS STATUTORILY IMPOSED ON SCHOOL DISTRICT DEBT FOR PURPOSES OF COMPLYING WITH SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

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

SECTION 1. Title 22, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 41.5
Voter Approval for Weakening of Debt
Limitations of School Districts**

22-41.5-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) IN PERFORMING ITS DUTIES UNDER SECTIONS 2 AND 15 OF ARTICLE IX, SECTION 20 OF ARTICLE X, AND SECTION 6 OF ARTICLE XI OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY MUST BALANCE THE INTERESTS OF ACHIEVING A THOROUGH AND UNIFORM PUBLIC SCHOOL SYSTEM, CONTROLLING PUBLIC DEBT, PRESERVING A LIMITED DEGREE OF LOCAL CONTROL, AND REASONABLY RESTRAINING MOST THE GROWTH OF GOVERNMENT;

(b) IN BALANCING THESE CONSTITUTIONAL INTERESTS THROUGH THE EXERCISE OF ITS LEGISLATIVE AUTHORITY, THE GENERAL ASSEMBLY HAS ENACTED LIMITATIONS ON THE ABILITY OF SCHOOL DISTRICTS TO INCUR INDEBTEDNESS;

(c) A STATUTORY RESTRICTION HAS BEEN IMPOSED ON THE AMOUNT OF BONDED INDEBTEDNESS THAT SCHOOL DISTRICTS CAN INCUR WITH VOTER APPROVAL FOR

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

CAPITAL IMPROVEMENTS;

(d) FROM TIME TO TIME, CHANGES TO SUCH LIMITATIONS IMPOSED ON SCHOOL DISTRICTS ARE NECESSARY IN ORDER TO KEEP THESE CONSTITUTIONAL INTERESTS PROPERLY BALANCED IN LIGHT OF CHANGING CIRCUMSTANCES;

(e) SECTION 20 (1) OF ARTICLE X OF THE STATE CONSTITUTION PROHIBITS THE WEAKENING OF "OTHER LIMITS ON DISTRICT REVENUE, SPENDING, AND DEBT" WITHOUT FUTURE VOTER APPROVAL;

(f) NO CHANGE IN SCHOOL DISTRICT DEBT OCCURS BY VIRTUE OF STATUTORY CHANGES THAT INCREASE A LIMIT WHEN THE DEBT WOULD NOT ACTUALLY INCREASE WITHOUT SCHOOL DISTRICT VOTER APPROVAL, AND ANY ACTUAL WEAKENING OCCURS ONLY WHEN SCHOOL DISTRICT VOTER APPROVAL IS OBTAINED UNDER AN INCREASED LIMIT; AND

(g) BY REQUIRING VOTERS TO GIVE APPROVAL AT THE SCHOOL DISTRICT LEVEL FOR ANY WEAKENING OF A SCHOOL DISTRICT LIMIT ON DEBT, THE VOTER APPROVAL REQUIREMENT OF SECTION 20 (1) OF ARTICLE X IS SATISFIED IN A MANNER ACHIEVING A REASONABLE RESULT THROUGH LEGISLATIVE HARMONIZATION OF CONSTITUTIONAL PROVISIONS.

22-41.5-102. Voter approval - weakening of limits on school district debt.

(1) WHENEVER ANY PROVISION OF THIS TITLE IMPOSES A LIMITATION ON THE DEBT OF SCHOOL DISTRICTS AND THE VOTERS OF A SCHOOL DISTRICT ARE REQUIRED BY LAW TO APPROVE ANY CHANGE IN DEBT SUBJECT TO THE LIMITATION, THE GENERAL ASSEMBLY SHALL NOT BE REQUIRED TO SEEK STATEWIDE VOTER APPROVAL TO AMEND THE STATUTORY PROVISION THAT IMPOSES THE LIMITATION.

(2) FOR PURPOSES OF SECTION 20 (1) OF ARTICLE X OF THE STATE CONSTITUTION, ANY WEAKENING OF A LIMITATION ON A SCHOOL DISTRICT'S DEBT SHALL OCCUR ONLY WHEN VOTER APPROVAL AT THE SCHOOL DISTRICT LEVEL IS OBTAINED AND VOTER APPROVAL OF THE MEASURE AT THE SCHOOL DISTRICT LEVEL SHALL SATISFY ANY VOTER APPROVAL REQUIREMENT OF SECTION 20 (1) OF ARTICLE X.

(3) ANY BALLOT QUESTION SEEKING VOTER APPROVAL OF A WEAKENING OF ANY LIMITATION ON SCHOOL DISTRICT DEBT MAY BE SUBMITTED TO THE ELIGIBLE ELECTORS OF A SCHOOL DISTRICT AS A SEPARATE BALLOT QUESTION OR AS PART OF A BALLOT QUESTION INCLUDING OTHER BALLOT ISSUES, SUCH AS THE AUTHORIZATION OF BONDED INDEBTEDNESS.

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: May 25, 1995