

CHAPTER 23

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 96-1217

BY REPRESENTATIVES Dean, Martin, May, Epps, Lamborn, Morrison, Berry, Chlouber, and McElhany;
also SENATORS Wells, R. Powers, Tebedo, and Duke.

AN ACT

CONCERNING THE ALTERATION OF SCHOOL DISTRICT BOUNDARIES WITH LESS THAN FORTY ACRES OF TAX-EXEMPT PROPERTY.

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

SECTION 1. 22-30-128 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended, and the said 22-30-128 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-30-128. Detachment and annexation of territory - exemptions 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 SUBSECTION (1) AND SUBSECTIONS (2) TO (6) OF this section, without complying with the school district organization planning process as specified in this article.

(7) (a) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE OR SUBSECTIONS (1) TO (6) OF THIS SECTION, WHERE A NOT-FOR-PROFIT ENTITY THAT IS EXEMPT FROM PROPERTY TAXATION UNDER THE CONSTITUTION OR STATE LAW OWNS FORTY ACRES OR LESS IN ONE SCHOOL DISTRICT THAT ADJOINS PROPERTY OWNED BY THE ENTITY IN ANOTHER SCHOOL DISTRICT, THE PROPERTY IN THE FIRST SCHOOL DISTRICT MAY BE DETACHED AND ANNEXED TO SAID ADJOINING SCHOOL DISTRICT AS PROVIDED IN THIS SUBSECTION (7).

(b) THE BOARDS OF EDUCATION OF THE DETACHING AND ANNEXING SCHOOL DISTRICTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (7) SHALL EACH ADOPT

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

A RESOLUTION BY A TWO-THIRDS MAJORITY VOTE AGREEING TO THE DETACHMENT OF THE TERRITORY. 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.

(c) FOLLOWING ADOPTION OF THE RESOLUTIONS, THE BOARDS OF EDUCATION OF 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 SUBSECTION (7).

(d) THE PROPOSED DETACHMENT AND ANNEXATION OF TERRITORY SHALL TAKE EFFECT IMMEDIATELY UPON THE COMMISSIONER'S APPROVAL OF THE RESOLUTIONS UNDER PARAGRAPH (c) OF THIS SUBSECTION (7).

(e) AFTER CERTIFICATION, AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (7), THE COMMISSIONER SHALL FORWARD TO THE COUNTY CLERK AND RECORDER AND 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.

(f) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE DECEMBER 31, 1998.

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 20, 1996