

## CHAPTER 18

---

**EDUCATION - PUBLIC SCHOOLS**


---

**HOUSE BILL 96-1012**

BY REPRESENTATIVES Tool, Lamm, Martin, Paschall, and Sullivant;  
also SENATORS Dennis, Matsunaka, and Meiklejohn.

**AN ACT****CONCERNING THE REORGANIZATION OF SCHOOL DISTRICTS.**

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

**SECTION 1.** 22-30-105 (1) (b), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-105. Activation of the school district organization planning process.**

(1) The appointment of a school organization planning committee charged to study school district organization shall occur when the commissioner is notified that any of the following conditions exist:

(b) A petition committee, as defined in section 22-30-103 (10), presents a petition to the commissioner and to the county clerk and recorder of each county in which the headquarters of a school district ~~which~~ THAT will be affected by the actions of a planning committee are located requesting the appointment of a school organization planning committee. Such petition shall contain a statement indicating the school districts to be involved. If only one school district is involved, the petition shall be signed by ~~twenty-five~~ FIFTEEN percent of that school district's eligible electors. If multiple school districts are involved, the petition shall be signed by ~~twenty-five~~ FIFTEEN percent of the eligible electors in each involved school district; EXCEPT THAT, IF THE PETITION REQUESTS ONLY CONSIDERATION OF DETACHMENT AND ANNEXATION, THE PETITION SHALL BE SIGNED BY TWENTY-FIVE PERCENT OF THE ELIGIBLE ELECTORS RESIDING IN THE AREA TO BE DETACHED AND ANNEXED. IF MULTIPLE SCHOOL DISTRICTS ARE INVOLVED, THE PETITION DOES NOT REQUEST CONSIDERATION OF A DETACHMENT AND ANNEXATION, AND THE PUPIL ENROLLMENT OF A SCHOOL DISTRICT FOR PURPOSES OF THE "PUBLIC SCHOOL FINANCE ACT OF 1994" IS GREATER THAN THIRTY THOUSAND PUPILS, THE PETITION SHALL BE SIGNED BY FIVE PERCENT OF THE

---

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

ELIGIBLE ELECTORS IN THAT SCHOOL DISTRICT. Such petitions shall be deemed sufficient by the county clerk and recorder in the county of each involved school district. ONLY ONE SUCH PETITION MAY BE PRESENTED TO THE COMMISSIONER AND THE COUNTY CLERK AND RECORDER IN THE COUNTY OF EACH INVOLVED SCHOOL DISTRICT IN ANY THREE CONSECUTIVE CALENDAR YEARS.

**SECTION 2.** 22-30-106 (2) (a), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-106. School organization planning committee.** (2) The committee shall consist of the following appointed members:

(a) (I) If multiple school districts are involved in the study, two members appointed by the board of education in each school district affected by the study and one member appointed by the school district advisory accountability committee of each school district affected by the study. Such member shall be a parent of a child attending a public school in the affected area; EXCEPT THAT, IF THERE ARE NO PUBLIC SCHOOLS IN THE AFFECTED AREA, THE MEMBER SHALL RESIDE IN THE AFFECTED AREA AND BE A PARENT OF A CHILD ATTENDING A PUBLIC SCHOOL IN ONE OF THE AFFECTED SCHOOL DISTRICTS. IF NO SUCH PARENT RESIDES IN THE AFFECTED AREA, THE MEMBER SHALL BE A PERSON OWNING LAND LOCATED IN THE AFFECTED AREA.

(II) If a single school district is involved in the study, four members appointed by the school district board of education and three members appointed by the school district advisory accountability committee. The members appointed by the school district advisory accountability committee shall be parents of children attending public school in the affected area and members of school building advisory accountability committees; EXCEPT THAT, IF THERE ARE NO PUBLIC SCHOOLS IN THE AFFECTED AREA, THREE OF THE MEMBERS SHALL RESIDE IN THE AFFECTED AREA AND SHALL BE PARENTS OF CHILDREN ATTENDING PUBLIC SCHOOLS IN THE AFFECTED SCHOOL DISTRICT. IF FEWER THAN THREE SUCH PARENTS RESIDE IN THE AFFECTED AREA, THE REMAINING MEMBERS SHALL BE PERSONS OWNING LAND LOCATED IN THE AFFECTED AREA.

**SECTION 3.** 22-30-107 (1) (f) and (1) (g), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

**22-30-107. Duties of the committee.** (1) The committee shall have the following duties:

(f) (I) WHEN THE PROPOSED PLAN OF ORGANIZATION RESULTS IN THE CREATION OF A NEW SCHOOL DISTRICT, to file with the commissioner and the county clerk and recorder in each county affected by the proposed plan of organization a map and legal description of ~~any~~ THE new school district, the name of the county in which the new school district shall be headquartered, and the name and number by which the new school district shall be designated;

(II) WHEN THE PROPOSED PLAN OF ORGANIZATION RESULTS IN THE DETACHMENT AND ANNEXATION OF TERRITORY BETWEEN EXISTING SCHOOL DISTRICTS, TO FILE WITH THE COMMISSIONER AND THE COUNTY CLERK AND RECORDER IN EACH COUNTY AFFECTED BY THE PROPOSED PLAN OF ORGANIZATION A MAP AND LEGAL DESCRIPTION

OF THE SCHOOL DISTRICTS FOLLOWING THE DETACHMENT AND ANNEXATION;

(g) (I) To call for and make arrangements for elections to vote upon the final approved plan of organization as provided in section 22-30-117; ~~and;~~

(II) If the majority ~~vote~~ VOTES in favor of ~~such~~ THE final approved plan of organization AND THE FINAL APPROVED PLAN OF ORGANIZATION RESULTS IN THE CREATION OF A NEW SCHOOL DISTRICT, to call for an election to elect a board of education for the new school district as provided in section 22-30-122 AND, IF NECESSARY, AN ELECTION TO ADDRESS ANY FINANCIAL MATTERS, AS PROVIDED IN SECTION 22-30-121.5; EXCEPT THAT THE FINAL APPROVED PLAN OF ORGANIZATION AND FINANCIAL MATTERS MAY BE ADDRESSED IN THE SAME ELECTION;

**SECTION 4.** 22-30-114 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended, and the said 22-30-114 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**22-30-114. Requirements for plan of organization.** (1) The plan of organization shall include, but shall not be limited to, consideration of the following:

(a) The educational needs of ~~the affected population~~ PUPILS IN THE AFFECTED SCHOOL DISTRICTS, including the convenience and welfare of pupils;

(b) The provision of diverse educational opportunities for students;

(c) Equalization of the educational opportunities provided to students in the affected ~~region~~ SCHOOL DISTRICTS;

(d) The efficiency and effectiveness of the various educational organization options being studied;

(e) Facility utilization;

(f) Establishment of boundaries for all existing or new school districts in the plan of organization by legal description;

(g) Equitable adjustment and distribution of all or any part of the properties and cash assets of the school districts whose boundaries may be affected by the creation or dissolution of a school district ~~or school districts~~ OR BY THE DETACHMENT AND ANNEXATION OF TERRITORY. THE PLAN OF ORGANIZATION MAY ALSO PROVIDE FOR EQUITABLE ADJUSTMENT OF THE LIABILITIES OF THE SCHOOL DISTRICTS, OTHER THAN BONDED INDEBTEDNESS, AT THE OPTION OF THE COMMITTEE. In considering an equitable adjustment of the assets of such school districts, the committee shall consider the outstanding general liabilities and obligations of the school districts ~~which~~ THAT may be so affected, the number of children attending public school in each such school district, the valuation for assessment of taxable property in each such school district, the amount of outstanding bonded indebtedness of each such school district, the purpose for which such bonded indebtedness was incurred, and the value, location, and disposition of all real properties located in the school districts ~~which~~ THAT may be affected by the creation or dissolution of a school district ~~or school districts~~ OR THE DETACHMENT AND ANNEXATION OF TERRITORY. In

considering an equitable adjustment of the assets of such school districts, the plan of organization may provide for authorization of new bonded indebtedness or assumption of outstanding bonded indebtedness by any school district ~~or school districts~~ in such proportions and for such purposes as the committee deems appropriate to equitably adjust and distribute such assets.

(h) Provision of a specific plan of representation for the members of the board of education of ~~each~~ ANY proposed NEW school district. Each ~~such~~ proposed NEW school district may be subdivided into five or seven director school districts or may have all directors elected at large or may have a combination thereof. The term of office of school directors in each ~~such reorganized~~ PROPOSED NEW school district shall be for four years.

(i) DATES FOR ONE OR MORE SPECIAL SCHOOL DISTRICT ELECTIONS TO ADDRESS THE FOLLOWING:

(I) ADOPTION OF THE FINAL APPROVED PLAN OF ORGANIZATION;

(II) ELECTION OF A BOARD OF DIRECTORS IF THE PLAN OF ORGANIZATION RESULTS IN THE CREATION OF A NEW SCHOOL DISTRICT; EXCEPT THAT SUCH PLAN SHALL NOT INTERFERE WITH THE REGULAR BIENNIAL ELECTION SCHEDULE; AND

(III) FINANCIAL ISSUES, IF NECESSARY, INCLUDING BUT NOT LIMITED TO AN INCREASE IN THE MILL LEVY, WHICH ELECTION SHALL BE HELD IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION;

(j) IF THE PLAN OF ORGANIZATION RESULTS IN THE CREATION OF A NEW SCHOOL DISTRICT, THE ESTIMATED MAXIMUM INCREASE IN THE MILL LEVY TO BE IMPOSED ON PROPERTY INCLUDED WITHIN THE NEW DISTRICT CONSIDERING THE FACTORS ENUMERATED IN SECTION 22-54-106 (2) (c). IF THE PLAN OF ORGANIZATION RESULTS IN THE DETACHMENT AND ANNEXATION OF TERRITORY BETWEEN EXISTING SCHOOL DISTRICTS, THE PLAN OF ORGANIZATION SHALL INCLUDE THE MILL LEVY OF THE ANNEXING DISTRICT THAT WILL BE IMPOSED ON THE AFFECTED TERRITORY.

(k) IF THE PLAN OF ORGANIZATION RESULTS IN THE CREATION OF A NEW SCHOOL DISTRICT, A SOURCE OF OPERATING FUNDS TO BE USED BY THE NEW SCHOOL DISTRICT PRIOR TO RECEIVING THE STATE SHARE OF THE TOTAL DISTRICT PROGRAM, PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, ON JULY 1 OF THE NEW SCHOOL DISTRICT'S FIRST BUDGET YEAR.

(3) IF THE REORGANIZATION RESULTS IN THE CREATION OF ONE OR MORE ADDITIONAL SCHOOL DISTRICTS WITHIN THE BOUNDARIES OF AN EXISTING SCHOOL DISTRICT, THE PLAN OF ORGANIZATION MAY INCLUDE:

(a) AUTHORIZATION FOR THE EXISTING SCHOOL DISTRICT AND THE NEW SCHOOL DISTRICT OR DISTRICTS TO ENTER INTO A REVENUE SHARING AGREEMENT. THE PLAN OF ORGANIZATION SHALL SPECIFY THE PERIOD OF TIME DURING WHICH REVENUE SHARING MAY OCCUR.

(b) PROVISIONS FOR CREATION OF A JOINT TAXATION DISTRICT AS PROVIDED IN PART 2 OF THIS ARTICLE.

**SECTION 5.** 22-30-115, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-115. Hearing on a plan of organization.** (1) When a plan of organization has been tentatively agreed upon by the committee, the PROPOSED plan of organization with the attached map and legal description of the PROPOSED boundaries of each ~~proposed~~ school district AFFECTED BY THE PROPOSED PLAN OF ORGANIZATION shall be filed with the commissioner and each affected board of education.

(2) (a) Within fifteen days ~~of~~ AFTER the filing of the PROPOSED plan of organization, the committee shall give notice of the filing of such plan of organization, map, and legal description by publication of said fact in a newspaper of general circulation in each area affected by the PROPOSED plan of organization and by causing to be posted a copy of said notice upon each public school building in which school was held during any part of the preceding twelve months and ~~which~~ THAT is located within the boundaries of any area affected by the plan of organization. If there is no newspaper of general circulation in the communities affected by the PROPOSED plan of organization, posting of public notice as provided in this subsection (2) shall be sufficient. Such public notice shall give the time and place of any meeting to be held within thirty days by the committee for hearings on such PROPOSED plan of organization. The committee shall hold a sufficient number of hearings to enable the residents of the affected area to receive adequate information and details of the plan of organization being considered. Any interested person may appear at such hearings and make comments on the PROPOSED plan of organization.

(b) NOTWITHSTANDING THE PROVISIONS CONCERNING THE POSTING OF NOTICE IN PUBLIC SCHOOLS IN PARAGRAPH (a) OF THIS SUBSECTION (2), IF THERE ARE NO PUBLIC SCHOOLS WITHIN THE BOUNDARIES OF AN AREA PROPOSED TO BE DETACHED AND EITHER ANNEXED OR ORGANIZED INTO A NEW SCHOOL DISTRICT, PUBLIC NOTICE OF THE MEETING SHALL BE POSTED IN AT LEAST THREE PUBLIC BUILDINGS LOCATED IN SUCH AREA. IF THERE ARE FEWER THAN THREE PUBLIC BUILDINGS LOCATED IN SUCH AREA, NOTICE SHALL BE MAILED TO EACH HOUSEHOLD IN SUCH AREA IN WHICH ONE OR MORE ELIGIBLE ELECTORS RESIDE.

**SECTION 6.** 22-30-116, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-116. Approval of the plan and submission to the commissioner.** After the public hearings required under section 22-30-115, the committee may make such changes in the proposed plan of organization as it deems appropriate. The committee shall formally approve the proposed plan of organization within sixty days after the last such public hearing. Within ten days ~~of~~ AFTER such approval, the committee shall forward to the commissioner a copy of the approved proposed plan of organization, with a map showing the proposed boundaries OF EACH SCHOOL DISTRICT AFFECTED BY THE PROPOSED PLAN OF ORGANIZATION. The commissioner shall either approve the proposed plan of organization as submitted by the committee or return the proposed plan of organization to the committee with suggested modifications or amendments. The commissioner and the committee shall work together to develop a plan of organization ~~which~~ THAT is mutually acceptable to both parties.

**SECTION 7.** 22-30-117, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-117. Special school district organization election scheduled.** (1) The plan of organization shall be approved by the commissioner and the committee within one hundred twenty days following the last public hearing held pursuant to section 22-30-115 and shall be designated as the final approved plan of organization. At that time, the committee shall call for and establish the date of a special school DISTRICT organization election wherein the eligible electors in each school district affected by the final approved plan of organization shall vote upon the adoption or rejection of the final approved plan of organization. The committee shall name a designated election official who shall be responsible for conducting the election. Such election shall be held ~~no more than forty-five days after the date that the final approved plan of organization is designated~~ ON THE DATE SPECIFIED IN THE FINAL APPROVED PLAN OF ORGANIZATION.

(2) IF THE ESTIMATED MAXIMUM INCREASE IN THE MILL LEVY FOR A NEW DISTRICT OR THE MILL LEVY TO BE IMPOSED ON ANNEXED TERRITORY, AS SET FORTH IN THE PLAN OF ORGANIZATION, REPRESENTS AN INCREASE IN THE LEVY IMPOSED ON ANY PROPERTY AFFECTED BY THE PLAN OF ORGANIZATION, THE QUESTION OF THE INCREASE IN THE MILL LEVY TO BE IMPOSED UPON THE AFFECTED TERRITORY SHALL BE SUBMITTED TO THE ELIGIBLE ELECTORS RESIDING IN THE AFFECTED TERRITORY PRIOR TO OR AT THE SPECIAL SCHOOL DISTRICT ORGANIZATION ELECTION AS THE FINAL APPROVED PLAN OF ORGANIZATION. APPROVAL OF THE INCREASED LEVY BY A MAJORITY OF THE ELIGIBLE ELECTORS VOTING ON THE QUESTION WHO RESIDE IN THE AFFECTED TERRITORY SHALL BE A PREREQUISITE TO THE IMPLEMENTATION OF THE PLAN OF ORGANIZATION.

**SECTION 8.** 22-30-119, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-119. Certificate of return - map.** (1) After the county clerk and recorder in each county in which the special school DISTRICT organization election is held has surveyed the returns of such election, a certificate of return shall be retained on file in each office of the county clerk and recorder.

(2) If the majority vote in each affected school district is in favor of the final approved plan of organization AND ANY INCREASE IN THE MILL LEVY TO BE IMPOSED ON TERRITORY AFFECTED BY THE PLAN OF ORGANIZATION IS APPROVED BY THE ELIGIBLE ELECTORS RESIDING WITHIN THE AFFECTED TERRITORY, THE PLAN OF ORGANIZATION SHALL BE DEEMED ADOPTED. IF THE PLAN OF ORGANIZATION IS ADOPTED AND IT RESULTS IN CREATION OF A NEW SCHOOL DISTRICT, the county clerk and recorder in each county in which the special school DISTRICT organization election was held shall furnish to the commissioner a map and legal description of the new school district with the name and number by which the same shall be designated. IF THE PLAN OF ORGANIZATION IS ADOPTED AND IT RESULTS IN THE DETACHMENT AND ANNEXATION OF TERRITORY BETWEEN EXISTING SCHOOL DISTRICTS, THE COUNTY CLERK AND RECORDER IN EACH COUNTY IN WHICH THE SPECIAL SCHOOL DISTRICT ORGANIZATION ELECTION WAS HELD SHALL FURNISH TO THE COMMISSIONER A MAP AND LEGAL DESCRIPTION OF THE AFFECTED SCHOOL DISTRICTS FOLLOWING DETACHMENT AND ANNEXATION OF THE TERRITORY.

**SECTION 9.** 22-30-120, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-120. New school district - powers.** (1) WHERE THE FINAL APPROVED PLAN OF ORGANIZATION RESULTS IN THE CREATION OF A NEW SCHOOL DISTRICT, if a majority of the votes cast in each affected school district in the special school DISTRICT organization election are in favor of the final approved plan of organization AND A MAJORITY OF THE ELIGIBLE ELECTORS RESIDING IN THE NEW SCHOOL DISTRICT VOTING ON THE QUESTION APPROVE THE ESTIMATED MAXIMUM INCREASE IN THE MILL LEVY, IF ANY, TO BE IMPOSED WITHIN THE NEW DISTRICT, THEN ~~upon the sixtieth day after certification of the results of said election by the county clerk and recorder in each county in which the special school organization election was held~~ ON THE DATE SPECIFIED IN THE FINAL APPROVED PLAN OF ORGANIZATION, BUT IN NO EVENT PRIOR TO THE CERTIFICATION OF THE SPECIAL SCHOOL DISTRICT ORGANIZATION ELECTION, the NEW school district shall become a body corporate and as such shall ~~reorganize~~ ORGANIZE under the name and number stated in the final approved plan of organization and in such name may take, hold, and convey property, both real and personal, and be a party to suits and contracts.

(2) IF THE FINAL APPROVED PLAN OF ORGANIZATION RESULTS IN THE DETACHMENT AND ANNEXATION OF TERRITORY BETWEEN EXISTING SCHOOL DISTRICTS AND A MAJORITY OF THE VOTES CAST IN EACH AFFECTED SCHOOL DISTRICT IN THE SPECIAL SCHOOL DISTRICT ORGANIZATION ELECTION ARE IN FAVOR OF THE FINAL APPROVED PLAN OF ORGANIZATION AND THE ELIGIBLE ELECTORS RESIDING WITHIN THE AFFECTED TERRITORY APPROVE THE IMPOSITION OF THE MILL LEVY IMPOSED IN THE ANNEXING SCHOOL DISTRICT, IF GREATER THAN THAT IMPOSED IN THE DETACHING SCHOOL DISTRICT, THE DETACHMENT AND ANNEXATION SHALL BE EFFECTIVE FOR ALL PURPOSES ON THE DATE SPECIFIED IN THE PLAN OF ORGANIZATION BUT IN NO EVENT PRIOR TO THE CERTIFICATION OF THE SPECIAL SCHOOL DISTRICT ORGANIZATION ELECTION. THE DETACHING SCHOOL DISTRICT AND THE ANNEXING SCHOOL DISTRICT SHALL CONTINUE AS BODIES CORPORATE IN THE SAME MANNER AS PRIOR TO THE DETACHMENT AND ANNEXATION.

**SECTION 10.** Article 30 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

**22-30-120.5. Effective date for purposes of school finance.** NOTWITHSTANDING THE PROVISIONS OF SECTION 22-30-120, FOR PURPOSES OF DETERMINING FUNDING UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, ANY PLAN OF ORGANIZATION APPROVED AT A SPECIAL SCHOOL DISTRICT ORGANIZATION ELECTION SHALL TAKE EFFECT ON THE NEXT JULY 1 FOLLOWING CERTIFICATION OF THE ELECTION RESULTS.

**SECTION 11.** 22-30-121, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-121. Rejection of final approved plan.** (1) THE PLAN OF ORGANIZATION SHALL BE DEEMED REJECTED if:

(a) The majority vote in any affected school district at the special school DISTRICT organization election is not in favor of the final approved plan of organization; OR

(b) A MAJORITY OF THE ELIGIBLE ELECTORS WHO RESIDE IN TERRITORY THAT WOULD BE SUBJECT TO AN INCREASE IN THE MILL LEVY, IF REQUIRED BY THE FINAL APPROVED PLAN OF ORGANIZATION, DOES NOT APPROVE THE MILL LEVY INCREASE.

(2) (a) IF THE FINAL APPROVED PLAN OF ORGANIZATION INVOLVES FEWER THAN THREE EXISTING SCHOOL DISTRICTS AND THE FINAL APPROVED PLAN OF ORGANIZATION IS REJECTED, the committee shall be dissolved.

(b) IF THE FINAL APPROVED PLAN OF ORGANIZATION INVOLVES THREE OR MORE EXISTING SCHOOL DISTRICTS AND THE FINAL APPROVED PLAN OF ORGANIZATION IS APPROVED IN AT LEAST TWO OF THE AFFECTED SCHOOL DISTRICTS, THE MEMBERS OF THE PLANNING COMMITTEE WHO WERE APPOINTED FROM THE APPROVING SCHOOL DISTRICTS MAY CONTINUE AS A PLANNING COMMITTEE AND PREPARE AND SUBMIT A NEW PLAN OF ORGANIZATION INVOLVING ONLY THOSE SCHOOL DISTRICTS IN WHICH THE PLAN OF ORGANIZATION WAS APPROVED.

**SECTION 12.** Article 30 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

**22-30-121.5. New school district - election concerning financial matters.** WHEN THERE IS A REORGANIZATION UNDER THE PROVISIONS OF THIS ARTICLE AND THE FINAL APPROVED PLAN OF ORGANIZATION REQUIRES AN ELECTION CONCERNING FINANCIAL MATTERS, THE CHAIR OF THE COMMITTEE SHALL CALL FOR A SPECIAL ELECTION CONCERNING FINANCIAL MATTERS IN THE NEW OR ANNEXING SCHOOL DISTRICT. THE SPECIAL ELECTION SHALL BE HELD ON THE DATE SPECIFIED IN THE FINAL APPROVED PLAN OF ORGANIZATION AND MAY BE HELD IN CONJUNCTION WITH THE ELECTION ON THE APPROVED PLAN OF ORGANIZATION. IF A MILL LEVY INCREASE IS REQUIRED UNDER THE FINAL APPROVED PLAN OF ORGANIZATION FOR ANY TERRITORY AFFECTED BY THE FINAL APPROVED PLAN OF ORGANIZATION, APPROVAL OF SUCH A MILL LEVY INCREASE BY THE ELIGIBLE ELECTORS RESIDING IN SUCH TERRITORY IS A PREREQUISITE TO ADOPTION OF THE FINAL APPROVED PLAN OF ORGANIZATION.

**SECTION 13.** The introductory portion to 22-30-122 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-122. Election of school directors in new school districts.** (1) When a new school district is formed under the provisions of this ~~article~~ PART 1, the chair of the committee shall call for a special election in such new school district for the selection of a board of education for the school district, to be held on the day ~~the new school district becomes a body corporate pursuant to the provisions of section 22-30-120~~ SPECIFIED IN THE FINAL APPROVED PLAN OF ORGANIZATION. At such election, five or seven school directors, the number having been established in the final approved plan of organization pursuant to the provisions of section 22-30-114 (1) (h), shall be elected for four-year terms as follows:

**SECTION 14.** 22-30-124 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-124. Existing bonded indebtedness.** (1) The bonded indebtedness of any school district outstanding at the time of inclusion of all or any part of such school



district's territory in a new school district organized under this ~~article~~ PART 1, OR IN AN EXISTING SCHOOL DISTRICT AS PART OF A DETACHMENT AND ANNEXATION UNDER THIS PART 1, shall be paid in the following manner:

(a) All of said bonded indebtedness of such old school district shall be paid by the old school district ~~which~~ THAT issued and owes the same by a special tax levied from time to time as may be necessary by the board of education of the new school district OR THE ANNEXING SCHOOL DISTRICT, which special tax shall be levied upon the same taxable property ~~which~~ THAT would have been levied upon to pay said indebtedness of said old school district if no reorganization had occurred, except as is provided in this article to the contrary.

(b) If the assumption of all of said bonded indebtedness by one new school district OR AN ANNEXING SCHOOL DISTRICT has been approved as provided in section 22-30-125, such bonded indebtedness shall be paid in the manner provided by law for the paying of any bonded indebtedness ~~which~~ THAT the new school district contracts pursuant to section 22-30-127 OR THAT THE ANNEXING SCHOOL DISTRICT CONTRACTS PURSUANT TO ARTICLE 42 OF THIS TITLE.

(c) If the assumption of only a portion of said bonded indebtedness, as provided in the plan of organization, has been approved by any new OR ANNEXING school district, as provided in section 22-30-125, such portion of the bonded indebtedness shall be paid by a tax levied from time to time on all the taxable property located within the new OR ANNEXING school district.

**SECTION 15.** 22-30-125 (1), (2) (d), and (3), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

**22-30-125. Election on assuming the existing bonded indebtedness.** (1) The committee may submit the issue of assuming the bonded indebtedness of any school district, or of any portion thereof, existing at the time of inclusion in the proposed new school district OR PROPOSED TO BE INCLUDED IN A DETACHMENT AND ANNEXATION to the eligible electors of such new OR ANNEXING school district. If the committee so decides, the question shall be submitted at the special school district organization election.

(2) (d) If printed ballots are used, the ballot shall be printed or typewritten and shall contain the words "official ballot", ~~and~~ below WHICH SHALL BE set forth the amount of outstanding bonded indebtedness to be assumed, or that a proportional share of such amount is proposed to be assumed, as the case may be, by the new OR ANNEXING school district, the name and number of each old school district ~~which~~ THAT incurred said bonded indebtedness, and, if the ballot contains more than one amount to be assumed, the total of such amounts. ~~shall be indicated thereon.~~

(3) If a majority of the eligible electors voting on the proposed question vote for the assumption of the bonded indebtedness, the public officials shall perform the duties set forth in sections 22-42-117 to 22-42-121 ~~which~~ THAT are necessary to assure that the assumed bonded indebtedness is paid in the manner provided by law for the paying of any bonded indebtedness ~~which~~ THAT the new OR ANNEXING school district contracts.

**SECTION 16.** 22-30-126, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-126. Limit of bonded indebtedness - new school district.** (1) Any new school district organized under this article shall have a limit of bonded indebtedness of THE GREATER OF THE FOLLOWING:

(a) Twenty percent of the latest valuation for assessment of the taxable property in such school district, AS CERTIFIED BY THE COUNTY ASSESSOR TO THE BOARD OF COUNTY COMMISSIONERS; OR

(b) SIX PERCENT OF THE MOST RECENT DETERMINATION OF THE ACTUAL VALUE OF THE TAXABLE PROPERTY IN THE SCHOOL DISTRICT, AS CERTIFIED BY THE COUNTY ASSESSOR TO THE BOARD OF COUNTY COMMISSIONERS.

(2) The indebtedness of the old school districts or parts of school districts constituting the new school districts shall not be considered in fixing the limit of ~~such twenty percent~~ BONDED INDEBTEDNESS; but, if any new school district shall assume the bonded indebtedness of any school district or school districts, or a proportionate share thereof, existing at the time of inclusion in the new school district, pursuant to the provisions of section 22-30-125, such bonded indebtedness shall be included in the ~~twenty percent~~ limitation.

**SECTION 17.** Article 30 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW PART to read:

#### PART 2 JOINT TAXATION DISTRICTS

**22-30-201. Joint taxation districts - authorized.** (1) (a) A PLAN OF ORGANIZATION IN WHICH ONE OR MORE NEW SCHOOL DISTRICTS ARE FORMED WITHIN THE BOUNDARIES OF AN EXISTING SCHOOL DISTRICT MAY PROVIDE THAT ANY TWO OR MORE SCHOOL DISTRICTS INCLUDED IN THE PLAN SHALL COMPRISE A JOINT TAXATION DISTRICT. THE BOUNDARIES OF THE ORIGINAL SCHOOL DISTRICT SHALL BE THE BOUNDARIES OF THE JOINT TAXATION DISTRICT. A JOINT TAXATION DISTRICT FORMED PURSUANT TO THIS PART 2 SHALL BE A BODY CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE.

(b) A JOINT TAXATION DISTRICT MAY BE FORMED TO INCUR BONDED INDEBTEDNESS FOR THE PURPOSES LISTED IN SECTION 22-42-102 (2) (a) AND RAISE AND EXPEND PROPERTY TAXES TO RETIRE SUCH BONDED INDEBTEDNESS OR TO RAISE AND EXPEND ADDITIONAL LOCAL PROPERTY TAX REVENUES IN EXCESS OF THE PARTICIPATING SCHOOL DISTRICTS' TOTAL PROGRAM, PURSUANT TO SECTION 22-54-108.

(2) (a) A PLAN OF ORGANIZATION THAT INVOLVES A JOINT TAXATION DISTRICT MAY PROVIDE THAT TWO OR MORE SCHOOL DISTRICTS THAT RESULT FROM THE REORGANIZATION OF A SINGLE SCHOOL DISTRICT MAY SHARE THE VALUATION FOR ASSESSMENT OF THE TAXABLE PROPERTY IN EACH SCHOOL DISTRICT FOR THE PURPOSES STATED IN THE PLAN OF ORGANIZATION, AS LIMITED UNDER PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION.

(b) FOR THE PURPOSE OF DETERMINING THE LIMIT OF BONDED INDEBTEDNESS PURSUANT TO SECTION 22-42-104 FOR ANY SCHOOL DISTRICT THAT IS PARTICIPATING IN A JOINT TAXATION DISTRICT, A PORTION OF THE BONDED INDEBTEDNESS OF THE JOINT TAXATION DISTRICT, DETERMINED PURSUANT TO THE APPORTIONMENT FORMULA IN THE PLAN OF ORGANIZATION, SHALL BE ADDED TO THE BONDED INDEBTEDNESS OF THE SCHOOL DISTRICT. THE TOTAL BONDED INDEBTEDNESS OF THE JOINT TAXATION DISTRICT, AS APPORTIONED AMONG AND ADDED TO THE BONDED INDEBTEDNESS OF THE PARTICIPATING SCHOOL DISTRICTS, SHALL NOT CAUSE ANY OF THE PARTICIPATING SCHOOL DISTRICTS TO EXCEED ITS LIMIT OF BONDED INDEBTEDNESS PURSUANT TO SECTION 22-42-104.

(c) THE PLAN OF ORGANIZATION:

(I) MAY PLACE A LIMIT ON THE BONDING CAPACITY OF THE JOINT TAXATION DISTRICT IN ADDITION TO ANY OTHER LIMITATION ON BONDED INDEBTEDNESS;

(II) SHALL SPECIFY WHETHER THE JOINT TAXATION DISTRICT SHALL CONTINUE INDEFINITELY OR FOR A SPECIFIED PERIOD OF TIME;

(III) SHALL INCLUDE A FORMULA FOR THE EQUITABLE APPORTIONMENT OF TAX REVENUES FROM ANY PROPERTY TAX LEVIED BY THE JOINT TAXATION DISTRICT;

(IV) SHALL INCLUDE A FORMULA FOR APPORTIONING THE BONDED INDEBTEDNESS OF THE JOINT TAXATION DISTRICT FOR THE PURPOSES OF SECTION 22-42-104 AMONG THE PARTICIPATING SCHOOL DISTRICTS;

(V) SHALL PROVIDE THAT THE JOINT TAXATION DISTRICT BECOMES A BODY CORPORATE AT THE TIME THE REORGANIZATION BECOMES EFFECTIVE OR AT SOME OTHER TIME AS SPECIFIED IN THE PLAN OF ORGANIZATION.

**22-30-202. Joint taxation board.** (1) (a) ANY PLAN OF ORGANIZATION THAT ESTABLISHES A JOINT TAXATION DISTRICT SHALL PROVIDE FOR THE CREATION OF A JOINT TAXATION DISTRICT BOARD AND SHALL SPECIFY THE MEMBERSHIP OF THE BOARD AND THE METHOD OF ELECTION OR APPOINTMENT AND TERMS OF OFFICE FOR MEMBERS OF THE BOARD. A JOINT TAXATION DISTRICT BOARD SHALL CONSIST OF NOT FEWER THAN FIVE MEMBERS, WITH EACH PARTICIPATING SCHOOL DISTRICT BOARD OF EDUCATION ENTITLED TO AT LEAST ONE MEMBER ON THE JOINT TAXATION DISTRICT BOARD.

(b) THE JOINT TAXATION DISTRICT BOARD CREATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL HAVE THE POWERS GRANTED TO IT IN THE PLAN OF ORGANIZATION AS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS PART 2. THESE POWERS MAY INCLUDE, BUT ARE NOT LIMITED TO:

(I) CALLING FOR AND CERTIFYING ELECTIONS WITH REGARD TO BONDED INDEBTEDNESS;

(II) CALLING FOR AND CERTIFYING ELECTIONS TO RAISE AND EXPEND LOCAL PROPERTY TAX REVENUES IN EXCESS OF THE PARTICIPATING SCHOOL DISTRICTS' TOTAL PROGRAM, PURSUANT TO SECTION 22-54-108;

(III) ANY OTHER POWERS THAT A SCHOOL DISTRICT MAY HAVE WITH REGARD TO ISSUING, PAYING, OR REFUNDING BONDED INDEBTEDNESS OF THE JOINT TAXATION DISTRICT.

(2) FOR PURPOSES OF CALLING FOR AND CERTIFYING ELECTIONS WITH REGARD TO BONDED INDEBTEDNESS, REVENUE, OR SPENDING LIMITS THAT ARE UNDER THE AUTHORITY OF THE JOINT TAXATION DISTRICT BOARD PURSUANT TO THE PLAN OF ORGANIZATION, THE JOINT TAXATION DISTRICT BOARD SHALL ASSUME THE POWERS AND DUTIES GRANTED BY LAW TO A SCHOOL DISTRICT OR A SCHOOL DISTRICT BOARD OF EDUCATION.

**SECTION 18.** 22-43.5-102, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-43.5-102. Capital improvement zones - criteria.** (1) A school district capital improvement zone may be created in a school district pursuant to this article in order to contract bonded indebtedness for the purposes described in section 22-42-102 (2) provided all of the following criteria exist:

(a) A proposition by ballot for contracting bonded indebtedness for the purposes described in section 22-42-102 (2) was rejected by the eligible electors of the school district at the preceding election;

(b) The assessed valuation of the property within the proposed capital improvement zone is not less than one-sixth of the valuation for assessment of all taxable property located within the boundaries of the school district;

(c) The pupil enrollment or funded pupil count, whichever is applicable, of the district has increased by three percent of the district's pupil enrollment taken in October of the then current budget year or three hundred fifty pupils;

(d) More than five thousand pupils enrolled in the school district or at least ten percent of the pupils enrolled in the school district, whichever is less, reside within the proposed capital improvement zone;

(e) The area of the proposed capital improvement zone is situated within the boundaries of one school district only; and

(f) The area of the proposed capital improvement zone does not overlap any area of any other capital improvement zone.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE REQUIREMENTS OF PARAGRAPHS (a) TO (d) OF SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO CREATION OF A CAPITAL IMPROVEMENT ZONE IN A SCHOOL DISTRICT WITHIN THIRTY-SIX MONTHS AFTER:

(a) A SCHOOL DISTRICT ORGANIZATION ELECTION; OR

(b) IF THERE IS NO ELECTION:

(1) THE CREATION OF A PETITION COMMITTEE, AS DEFINED IN SECTION 22-30-103

(10); OR

(II) THE REJECTION BY THE BOARD OF EDUCATION IN THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION IN ANOTHER SCHOOL DISTRICT OF A RESOLUTION PURSUANT TO SECTION 22-30-105 (1) (a) REQUESTING THE APPOINTMENT OF A SCHOOL ORGANIZATION PLANNING COMMITTEE THAT WOULD AFFECT THE SCHOOL DISTRICT.

**SECTION 19.** 22-54-104 (5) (c) (II), Colorado Revised Statutes, 1995 Repl. Vol., is amended, and the said 22-54-104 (5) (c) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**22-54-104. District total program.** (5) For purposes of the formulas used in this section:

(c) (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH (c), a district's cost of living factor shall be determined by dividing the district's cost of living amount by the lowest cost of living amount of all districts in the state and rounding said amount to the nearest one-hundredth of one percent.

(IV) (A) THE DEPARTMENT OF EDUCATION SHALL PROMULGATE RULES AND REGULATIONS FOR THE ASSIGNMENT OF A COST OF LIVING FACTOR TO ANY NEW DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE, EXCEPT FOR NEW DISTRICTS THAT ARE CREATED AS THE RESULT OF A DECONSOLIDATION AS DESCRIBED IN SECTION 22-30-102 (2) (a), UNTIL THE COST OF LIVING FACTOR FOR SUCH DISTRICT IS CERTIFIED BY THE STAFF OF THE LEGISLATIVE COUNCIL PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c).

(B) THE RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS SUBPARAGRAPH (IV) SHALL BE DESIGNED TO PROVIDE NEITHER AN INCENTIVE NOR A DISINCENTIVE TO THE ORGANIZATION OF NEW DISTRICTS PURSUANT TO ARTICLE 30 OF THIS TITLE AND SHALL INCLUDE PROVISIONS TO ENSURE THAT THE COST OF LIVING FACTOR WITHIN A NEW DISTRICT IS NOT REDUCED SOLELY BECAUSE THE NEW DISTRICT IS THE RESULT OF A CONSOLIDATION OF EXISTING DISTRICTS. SUCH RULES AND REGULATIONS SHALL CONSIDER THE COST OF LIVING FACTORS ASSIGNED TO THE DISTRICTS THAT ARE AFFECTED BY THE ORGANIZATION OF THE NEW DISTRICT AND THE CIRCUMSTANCES OF THE NEW DISTRICT BASED ON THE MOST RECENT COST OF LIVING ANALYSIS PERFORMED BY THE LEGISLATIVE COUNCIL.

(C) NEW DISTRICTS THAT ARE CREATED AS THE RESULT OF A DECONSOLIDATION AS DESCRIBED IN SECTION 22-30-102 (2) (a) SHALL RETAIN THE COST OF LIVING FACTOR OF THE DISTRICT FROM WHICH THEY WERE SEPARATED UNTIL THE COST OF LIVING FACTOR FOR THE NEW DISTRICT IS CERTIFIED BY THE STAFF OF THE LEGISLATIVE COUNCIL PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c).

**SECTION 20.** 22-54-106 (2) (a), Colorado Revised Statutes, 1995 Repl. Vol., is amended, and the said 22-54-106 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**22-54-106. Local and state shares of district total program.** (2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (2) FOR REORGANIZED

DISTRICTS, for the 1994 property tax year and property tax years thereafter, each district shall levy the lesser of:

(I) The number of mills levied by the district for the immediately preceding property tax year;

(II) The number of mills that will generate property tax revenue in an amount equal to the district's total program for the applicable budget year minus the district's minimum state aid and minus the amount of specific ownership tax revenue paid to the district;

(III) The number of mills that may be levied by the district under the property tax revenue limitation imposed on the district by section 20 of article X of the state constitution. In the calculation of local growth for purposes of determining the property tax revenue limitation imposed on a district under this subparagraph (III), a district's student enrollment shall be the district's funded pupil count; or

(IV) 41.75 mills if the district's total program was not calculated pursuant to section 22-54-104.3 for the 1994-95 budget year.

(c) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (2), IF THERE IS A REORGANIZATION PURSUANT TO ARTICLE 30 OF THIS TITLE, EXCEPT FOR A DETACHMENT AND ANNEXATION, AND IF SUCH REORGANIZATION INVOLVES DISTRICTS WITH DIFFERING MILL LEVIES, THEN IN ITS FIRST YEAR OF OPERATION THE NEW DISTRICT SHALL LEVY A NUMBER OF MILLS THAT IS BASED ON THE TOTAL PROPERTY TAXES COLLECTED IN THE PRECEDING YEAR FROM PROPERTY INCLUDED WITHIN THE NEW DISTRICT DIVIDED BY THE TOTAL VALUATION FOR ASSESSMENT IN THE PRECEDING YEAR OF PROPERTY LOCATED WITHIN THE NEW DISTRICT BUT IN NO EVENT MORE THAN 41.75 MILLS. THIS PARAGRAPH (c) SHALL NOT APPLY TO ANY NEW DISTRICT WHOSE LEVY WOULD OTHERWISE BE CALCULATED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (2).

(II) IF THERE IS A DETACHMENT AND ANNEXATION PURSUANT TO ARTICLE 30 OF THIS TITLE AND IF SUCH DETACHMENT AND ANNEXATION INVOLVES DISTRICTS WITH DIFFERING MILL LEVIES, THEN IN THE FIRST YEAR AFTER THE DETACHMENT AND ANNEXATION THE ANNEXING DISTRICT SHALL CALCULATE ITS LEVY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2).

**SECTION 21.** 22-54-106, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**22-54-106. Local and state shares of district total program.** (10)(a) IF A NEW DISTRICT IS CREATED THROUGH A DECONSOLIDATION AS DESCRIBED IN SECTION 22-30-102 (2) (a), THE SPECIFIC OWNERSHIP TAX REVENUE PAYABLE TO THE NEW DISTRICT IN THE FIRST YEAR OF OPERATION SHALL BE AN AMOUNT EQUAL TO THE RATIO OF THE TOTAL VALUATION FOR ASSESSMENT OF TAXABLE PROPERTY LOCATED IN THE NEW DISTRICT TO THE TOTAL VALUATION FOR ASSESSMENT OF TAXABLE PROPERTY LOCATED IN THE OLD DISTRICT MULTIPLIED BY THE SPECIFIC OWNERSHIP TAX REVENUE PAYABLE TO THE OLD DISTRICT.

(b) COMMENCING WITH THE FIRST JULY SPECIFIC OWNERSHIP TAX PAYMENT DUE

AFTER THE NEW DISTRICT IS ESTABLISHED AND CONTINUING UNTIL THE NEW DISTRICT RECEIVES ITS FIRST PAYMENT OF SPECIFIC OWNERSHIP TAX REVENUES FROM THE COUNTY TREASURER, THE DEPARTMENT OF EDUCATION SHALL:

(I) INCREASE THE STATE'S SHARE OF THE NEW DISTRICT'S TOTAL PROGRAM BY AN AMOUNT EQUAL TO THE RATIO OF THE TOTAL VALUATION FOR ASSESSMENT OF TAXABLE PROPERTY LOCATED IN THE NEW DISTRICT TO THE TOTAL VALUATION FOR ASSESSMENT OF TAXABLE PROPERTY LOCATED IN THE OLD DISTRICT MULTIPLIED BY THE SPECIFIC OWNERSHIP TAX REVENUE PAYABLE TO THE OLD DISTRICT; AND

(II) REDUCE THE STATE'S SHARE OF THE OLD DISTRICT'S TOTAL PROGRAM BY THE SAME AMOUNT.

**SECTION 22.** 22-40-101 (2), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-40-101. Definitions.** As used in this article, unless the context otherwise requires:

(2) "School district" or "district" means a school district organized and existing pursuant to law OR A JOINT TAXATION DISTRICT ORGANIZED AND EXISTING PURSUANT TO PART 2 OF ARTICLE 30 OF THIS TITLE.

**SECTION 23.** 22-42-101 (6), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-42-101. Definitions.** As used in this article, unless the context otherwise requires:

(6) "School district" or "district" means a school district organized and existing pursuant to law OR A JOINT TAXATION DISTRICT ORGANIZED AND EXISTING PURSUANT TO PART 2 OF ARTICLE 30 OF THIS TITLE.

**SECTION 24.** 22-43-101 (4), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-43-101. Definitions.** As used in this article, unless the context otherwise requires:

(4) "School district" or "district" means a school district organized and existing pursuant to law OR A JOINT TAXATION DISTRICT ORGANIZED AND EXISTING PURSUANT TO PART 2 OF ARTICLE 30 OF THIS TITLE.

**SECTION 25.** 22-30-118, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-30-118. Meeting to explain final approved plan.** Prior to the special school DISTRICT organization election, the committee shall meet with the eligible electors of each area affected by the final approved plan of organization in a convenient place within each area to explain the final approved plan of organization. The committee shall arrange for such meeting and shall give public notice thereof as required in

section 22-30-115 (2) and in such other manner as may be deemed appropriate by the committee.

**SECTION 26.** 22-30-128 (3) and the introductory portion to 22-30-128 (4) (a), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

**22-30-128. Detachment and annexation of territory - exemption from school district organization planning process.** (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 DISTRICT 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 DISTRICT 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 DISTRICT 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 DISTRICT 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:

**SECTION 27. Effective date.** This act shall take effect July 1, 1996.

**SECTION 28. 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