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SCHOOL LAWS

Enacted By

The Forty-Second General Assembly

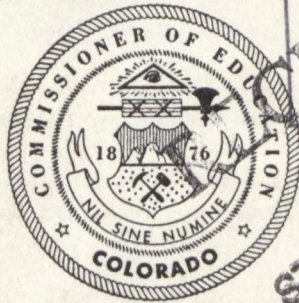
First Regular Session

STATE OF COLORADO

1959

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School Laws

Enacted By
The Forty-Second General Assembly
First Regular Session
STATE OF COLORADO
1959



OFFICE OF
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John H. Swenson,
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DENVER
1959

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AN ACT

House Bill No. 16

(Sb. 21, 22, 23)

CONCERNING OFFICE HOURS OF COUNTY OFFICERS AND
THE AMOUNT OF DELINQUENT DEVEDED BILLINGS
AND AN AMENDMENT

Enacted by the General Assembly of the State of Colorado

SECTION 1. The following provisions shall be
enacted, it hereby amended to read:

SECTION 2. Office Hours. All county officers shall
be required to be in their offices during the hours
which shall be fixed by the board of county commissioners
and shall be required to be in their offices during the hours
which shall be fixed by the board of county commissioners.

HOUSE BILLS

SECTION 3. The following provisions shall be
enacted, it hereby amended to read:

Approved by the Governor, April 25, 1901

AN ACT

House Bill No. 15

(Ch. 85, S.L. '59)

CONCERNING OFFICE HOURS OF COUNTY OFFICES AND
TO AMEND 35-1-9 COLORADO REVISED STATUTES
1953, AS AMENDED

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 35-1-9 Colorado Revised Statutes 1953, as amended, is hereby amended to read:

35-1-9. Office Hours. All county offices, except the county superintendent of schools, county assessor and county surveyor shall be kept open at least eight hours every working day, provided however, that in the discretion of the board of county commissioners, any or all county offices may be closed on Saturday, upon finding by the board of county commissioners that such closing would not work any hardship upon the general public. All clerks of court and sheriffs shall be subject, at all times, to the command of the people, and each thereof shall at all hours, night and day, be prepared to attend such duties as may reasonably be required of them.

Approved by the Governor April 28, 1959.

AN ACT

House Bill No. 72

(Ch. 95, S.L. '59)

CREATING A JUVENILE PAROLE BOARD AND A DIVISION OF JUVENILE PAROLE IN THE DEPARTMENT OF PUBLIC INSTITUTIONS: AND RELATING TO PAROLE OF JUVENILES.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Chapter 39, Colorado Revised Statutes 1953, as amended, is hereby amended by the addition thereto of a new article, to read:

39-20-1. Juvenile parole board—membership. (1) There is hereby created a juvenile parole board to consist of five members appointed by the governor, as follows: One member from the staff of the state department of public welfare; *one member from the staff of the state department of education*; one member from the staff of the state department of public institutions; one member from the staff of the boys' industrial school, and one member from the staff of the girls' training school. All members shall serve at the pleasure of the governor. The governor shall designate one member of the board to act as chairman.

39-20-2. Juvenile parole board—powers and duties. (1) The juvenile parole board shall meet not less than once a month. It shall have the authority to grant, refuse, suspend or revoke all paroles of juveniles committed to the state industrial school for boys and the state training school for girls. It may discharge juveniles from parole and may impose such conditions on the parole of juveniles as it may deem for the best interests of such juveniles and of the public. The board may act upon recommendation of the superintendent of either institution or on its own motion. In all cases the board shall consult the superintendent of the institution involved before granting a parole.

(2) All members of the board shall be reimbursed for expenses necessarily incurred in the performance of their duties.

(3) Clerical and other assistance for the board shall be furnished by the department of institutions.

39-20-3. Division of juvenile parole—organization. (1) There is hereby established in the state department of public institutions a division of juvenile parole, under the direction of the director of juvenile parole, who shall be appointed by the director of institutions pursuant to Article XII, Section 13 of the Colorado Constitution. The division of juvenile parole shall include the director of juvenile parole and all juvenile parole officers appointed hereunder. Such juvenile parole officers shall be appointed by the director of juvenile parole pursuant to Article XII, Section 13 of the Colorado Constitution and with the consent of the department of institutions.

(2) The director of juvenile parole is hereby authorized and directed to establish districts in the state for the administration of juvenile parole. The number of districts and their size shall be determined with reference to the number of counties using the parole services, their geographic location and the case load in each county. An office for the juvenile parole officer shall be provided in each such district.

39-20-4. Division of juvenile parole — powers and duties.

(1) The parole officer or officers in each district established hereunder shall, under the direction of the director of juvenile parole, supervise all juveniles living in the district who are on parole from the state industrial school for boys and the state training school for girls. He shall explain to such juveniles the conditions of their parole and shall aid them to observe such conditions. He may require periodic visits and reports from such juveniles. He may conduct such investigations or other activities as may be necessary to determine whether paroles are being violated, and to accomplish the rehabilitation of such juveniles.

(2) The director of juvenile parole, or the parole officers, whenever they have reason to believe that the conditions of parole have been violated by any parolee, shall have the right to arrest such suspected violator with or without warrant and to hold him in the nearest county jail or detention home for not more than ten days while an investigation is made of the suspected violation. If it is determined that no violation has occurred, then the suspected violator shall be immediately released; but, if it is determined that a violation has occurred and that the parole should

be revoked, the investigating officer shall file his written report and recommendation with the director of juvenile parole for action by the board as to suspension, revocation or continuance of parole. Within said ten day period, the board shall either revoke the parole of said parole violator, or, if within an interim of the meeting of the board, the director shall temporarily suspend the parole of said parolee and return him to the institution from whence he was paroled, there to await the further action of the board. No parolee shall be kept in jail by the department of juvenile parole for a period of more than ten days at any one period of time.

Whenever there is a reason to believe that a condition of parole has been violated and the alleged violator is without the state of Colorado or cannot be apprehended in the state of Colorado, the director of juvenile parole shall forthwith temporarily suspend the parole of such alleged violator, and shall thereafter report such facts to the board and the latter may forthwith revoke such parole.

(3) The parole officer or officers in each district shall also supervise the parole of those juveniles living within his district who are on parole from other states and are subject to the provisions of the interstate compact on juveniles, sections 74-8-1 to 74-8-8, Colorado Revised Statutes 1953 (Supp.). In doing so the officer may cooperate with the Colorado director of the interstate compact on juveniles.

(4) The director of juvenile parole shall assign one parole officer to the state industrial school for boys, and one parole officer to the state training school for girls.

(5) All parole officers shall keep full records of the work which they do and full accounts of all money received from persons under their charge.

(6) All parole officers, in performing the duties of their position, shall have the powers of peace officers.

SECTION 2. 105-1-9, Colorado Revised Statutes 1953, is hereby repealed and re-enacted, with amendments, to read:

105-1-9. Parole of boys. (1) When the juvenile parole board, after consultation with the superintendent of the institution, shall find that any boy detained in the state industrial school for boys has so far reformed as to justify parole, the board may release

such boy on parole, subject to such conditions as it may deem advisable. Boys released on parole shall then be subject to the supervision of the division of juvenile parole in the department of public institutions.

SECTION 3. 105-2-25, Colorado Revised Statutes 1953, is hereby repealed and re-enacted, with amendments, to read:

105-2-25. Parole of girls. (1) When the juvenile parole board, after consultation with the superintendent of the institution, shall find that any girl detained in the state training school for girls has so far reformed as to justify parole, the board may release such girl on parole, subject to such conditions as it may deem advisable. Girls released on parole shall then be subject to the control and supervision of the division of juvenile parole in the department of public institutions.

SECTION 4. This act shall become effective July 1, 1959.

Approved by the Governor April 9, 1959.

A N A C T

House Bill No. 111

(Ch. 57, S.L. '59)

RELATING TO TON MILE TAXES ON CERTAIN MOTOR VEHICLES OWNED BY COUNTIES.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 13-5-23 (14), Colorado Revised Statutes 1953 (Supp.), is hereby amended to read as follows:

13-5-23 (14) (a) No fee shall be charged for the registration or re-registration of a motor vehicle or trailer owned by the state, a county of the state, a city, a city and county, a town, a **school district**, or other political subdivision, provided, that vehicles which are leased by the state of Colorado or any political subdivision thereof shall be exempt from the payment of registration or re-registration fees if the agreement under which the said vehicles are leased has been approved by the department of revenue for exemption purposes, and said leased vehicles shall remain exempt from the payment of such fees only if operated under the leasing agreement in strict conformance with the rules and regulations which may be established by the department of revenue.

(b) Any truck, truck tractor, trailer, or semi-trailer owned by a county of the state and being operated on the public highways on official county business shall not be subject to any ton mile tax imposed by paragraph (e) of subsection (3) of this section.

Approved by the Governor March 30, 1959.

AN ACT

House Bill No. 208

(Ch. 213, S.L. '59)

CONCERNING THE ADMINISTRATION OF THE PUBLIC SCHOOLS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 123-21-3, Colorado Revised Statutes 1953, is hereby amended to read:

123-21-3. Instruction in English language. (1) Instruction in the common branches of study in the public schools of this state shall be conducted through the medium of the English language. During the time that the public schools of the district in which he is a resident are in session, no child of school age who has not completed the eighth grade shall be permitted to attend any school where the common branches of study are not taught through the medium of the English language.

Approved by the Governor, April 17, 1959.

A N A C T

House Bill No. 210

(Ch. 209, S.L. '59)

CONCERNING TEACHERS' CERTIFICATES AND EMPLOYMENT, AND THE STATE BOARD OF EXAMINERS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 123-1-8, Colorado Revised Statutes 1953 (Supp.), is hereby repealed and re-enacted with amendments to read:

123-1-8, (1) Effective July 1, 1959, the state board of examiners shall consist of the state commissioner of education, who shall serve as president of the board, and ten members to be appointed by the state board of education as follows:

(a) Two members shall be appointed from the faculty of any accredited college or university situated in the state of Colorado which provides teacher training facilities, provided such members shall first be recommended for appointment by the president of the college or university from which the appointment is made;

(b) One member shall be a superintendent of schools of a public school district in the state;

(c) Two members shall be lay persons; and

(d) Five members shall be certified classroom teachers who are actively engaged in teaching in the public schools of the state, and at least one each of whom shall be qualified by education and experience to represent at least one of the following areas of teaching interest; elementary education, secondary or junior college education, vocational education, humanities or fine arts, and physical sciences.

(2) The terms of office of all members of the state board of examiners existing upon the effective date of this act shall cease as of such date. Any such member shall be eligible for re-appointment to the said board as of July 1, 1959, provided such member meets the qualifications of any one category of appointment as specified in paragraphs (a), (b), or (d) of subsection

(1) of this section. Two members each of the said board shall be appointed to serve for terms of one, two, three, four, and five years, respectively, commencing July 1, 1959. Thereafter the terms of office of all appointed members shall be for five years commencing on July 1, of the year of appointment. Any vacancy on the board shall be filled by appointment by the state board of education for the balance of the unexpired term. On and after July 1, 1962, no appointed member may be appointed to succeed himself by reappointment to a new five year term.

(3) The members of the state board of examiners shall serve without compensation, but they shall be entitled to their necessary traveling and subsistence expenses while attending the meetings of the board. Other expenses of the board, such as clerical and stenographic assistance, postage, and printing, shall be paid from the funds created by the fees derived from the issuance of state certificates as determined by the state board of education, provided that said expenses shall not exceed the revenue derived from the fees.

SECTION 2. (1) On July 1, 1959, or within ten days thereafter, the legislative council shall appoint a committee to study teacher certification in the state, for the purpose of proposing revisions in existing statutory requirements as to such teacher certification.

(2) The committee shall be composed of two members of the state board of examiners appointed under the provisions of this act, three members of the standing education committee of the senate and four members of the standing education committee of the house of representatives of the forty-second general assembly. Said committee shall report its findings and recommendations to the forty-third general assembly on or before January 10, 1961, on which date the committee shall cease to function. The committee shall serve without compensation but shall be reimbursed for its actual and necessary traveling and subsistence expenses incurred in the performance of its duties.

(3) There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the committee created under the provisions of this section, the sum of two thousand eight hundred fifty dollars (\$2,850.00), or so much thereof as may be necessary, for the payment of the necessary expenses incurred by the committee in the performance of its duties. All expendi-

tures from the appropriation shall be approved by the chairman of the committee, and shall be payable by warrants drawn as provided by law.

SECTION 3. This act shall take effect on July 1, 1959.

Approved by the Governor May 18, 1959.

AN ACT

House Bill No. 226

(Ch. 210, S.L. '59)

CONCERNING THE POWERS OF SCHOOL BOARDS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 123-10-21, Colorado Revised Statutes 1953, is hereby amended by the addition of a new subsection (17) to read:

123-10-21. (17) To require the superintendent, principal, teacher, or any other person who is responsible for or has custody of any school activity funds, including athletic funds, class funds, hot lunch funds, or any other funds, sometimes referred to as school association funds amounting to five hundred dollars or more, to execute a surety bond in an amount to be fixed by the board, and the cost of any such bond shall be paid by the board from funds belonging to the district. An annual accounting of all such funds, including monies amounting to less than five hundred dollars, shall be made to the board by the responsible person for each such fund.

Approved by the Governor May 11, 1959.

A N A C T

House Bill No. 249

(Ch. 218, S.L. '59)

CONCERNING THE ELECTION OF BOARDS OF EDUCATION IN SCHOOL DISTRICTS OF THE FIRST CLASS HAVING A SCHOOL POPULATION OF MORE THAN SEVENTY THOUSAND, ELECTIONS TO CREATE BONDED INDEBTEDNESS IN SUCH SCHOOL DISTRICTS, AND PROVIDING PROCEDURES RELATING THERETO.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Chapter 123, Colorado Revised Statutes 1953, as amended, is hereby amended by the addition of a new article to read:

123-27-1. Date of elections. (1) The regular election for electing members of the board of education of each school district of the first class having a school population of more than seventy thousand shall be held biennially on the third Tuesday in May, beginning in the year 1959.

(2) Whenever the date of such election is identical to the date set for a municipal election in a city and county that is coterminus with such school district, such school election shall be combined with and held in conjunction with such municipal election.

123-27-2. Election procedures. (1) The school elections governed by this article shall be conducted and supervised by the county clerk, or election commission where such commission has been established, of the county or city and county within which such school district is located.

(2) **Electors.** Every elector qualified and registered to vote at a general election shall be entitled to vote at such school election provided he shall be so registered on or before the 15th day before such school election.

(3) **Candidates.** Any candidate for the office of member of

the board of education of such district shall be a qualified and registered elector of such district.

(4) **Nominations.** Any person who may desire to be a candidate for the office of member of the board of education shall file a written notice of such intention with the county clerk or election commission at least thirty days prior to the election date together with a certification of nomination signed by not less than fifty registered electors of said district, which certification shall contain the name of office for which the person is nominated, his post office address, place of residence and place of business. Each of the electors signing the same shall add to his signature his place of residence.

(5) **Notice.** The county clerk or election commission on the fifteenth day before such school election shall certify a list of the candidates whose names are entitled to appear on the ballot and shall publish the same in a newspaper of general circulation in the district.

(6) **Ballots and voting machines.** Either ballots, or voting machines of a type approved for use in general elections, may be used in such school elections. The county clerk or election commission shall prepare the ballots or voting machines for said election. Said ballots or voting machines shall contain the names of the candidates to be balloted for at said election, which names shall be arranged in alphabetical order according to surnames, and such words as will indicate the number of members of the board of education to be elected. Whenever such school election is combined with a municipal election, the county clerk or election commission shall permit and arrange for the joint use of said voting machines for balloting for candidates for municipal offices, for candidates for the board of education of said school district and for such other propositions that may be submitted to the electors of said school district or city and county.

(7) **Registration.** Registration requirements for such school elections shall be the same as those defined by state law governing any general election.

(8) **Conduct of election.** The appointment of judges and clerks of election, the printing of poll books and oath forms, the designation of precinct boundaries and polling places, the canvassing of the votes cast and other procedures pertaining to the

conduct of school elections required by general state laws to be done or performed by the secretary or board of education of the school district shall, in school districts of the first class having a school population of more than seventy thousand, be done and performed by the county clerk or the election commission. The county clerk or such election commission shall canvass the returns within five days of such election and shall certify the results thereof to the secretary of the board of education forthwith upon completion of such canvass.

Whenever the date of such school election is identical to the date set for a municipal election in a city and county that is coterminus with such school district, the county clerk or election commission shall arrange for the combining of such school election with said municipal election and in this regard shall designate as school election precincts and polling places the same election precincts and polling places established for such municipal election and shall designate the respective judges and clerks of such municipal election as judges and clerks respectively of such school election. It shall not be necessary to preserve school ballots cast or to lock any voting machine used for any period in excess of 15 days after such election unless otherwise ordered by the court.

(9) **Voting by absent electors.** Voting by absentee ballot shall be permitted at said school elections in the same manner and under the same conditions as are prescribed by law in general elections.

(10) **Costs of election.** If such school election is combined with a municipal election of a city and county that is coterminus with said school district, said school district shall be liable for any increased costs of conducting said election attributable to such combination. If such school election is not combined with a municipal election of a city and county that is coterminus with said school district, the board of education of such district shall pay the entire cost of said election. Any amounts so becoming due to such city and county from such school district shall be promptly paid upon presentation of a certified statement therefor by the county clerk or election commission.

(11) Except as provided in this article, members of the board of education of any school district of the first class having

a school population of more than seventy thousand, shall be subject to chapter 123, Colorado Revised Statutes 1953, as amended.

123-27-3. Bonded indebtedness—election. (1) A proposition to create bonded indebtedness may be submitted by the board of education of a school district of the first class having a school population of more than seventy thousand, on the date provided in this article for election of members of the board of education or at a special election called for the purpose, to the qualified electors of such districts who have paid a school tax therein in the year next preceding such election, for the purposes of the erecting or furnishing of school buildings, for purchasing grounds, or for funding a floating indebtedness, or for any of said purposes.

(2) The county or city and county election officials shall give notice of any such election on bonded indebtedness in the same manner and for the same length of time that is required by this article for notice of election of members of the board of education, and in addition to any other notice that by law may be required by them to be published. Such notice shall contain a statement of the amount of the bonded indebtedness proposed to be contracted, the purpose thereof, the maximum rate of interest to be paid, the time or times of maturity, and payment thereof.

(3) The ballot or voting machine shall contain a statement of the amount of bonded indebtedness proposed to be contracted, the purpose thereof, the maximum rate of interest to be paid, the time or times of maturity, and payment thereof, and the words "For the bonds" and the words "Against the bonds".

(4) The manner and place of conducting such elections, and all other election procedures relating thereto, shall be as provided in sections 123-27-1 and 123-27-2 of this article for the election of members of the board of education.

(5) Except as provided in this section, such bonded indebtedness and the creation thereof shall be subject to articles 11 and 12, chapter 123, Colorado Revised Statutes 1953.

Signed by the Governor March 20, 1959.

AN ACT

House Bill No. 272
(Ch. 216, S.L. '59)

and

Senate Bill No. 168
(Ch. 215, S.L. '59)

Amending S.B. 385 (Ch. 237 S.L. '57)

Amendments in Italics

RELATING TO ORGANIZATION OF SCHOOL DISTRICTS,
CREATING COUNTY COMMITTEES ON SCHOOL DIS-
TRICT ORGANIZATION AND MAKING AN APPROPRI-
ATION THEREFOR.

Be It Enacted by the General Assembly of the State of Colorado:

123-25-1. Act cited. This act may be cited as "The School District Organization Act of 1957."

123-25-2. Legislative declaration. The General Assembly hereby declares that this act is passed for the general improvement of the public schools in the state of Colorado; the equalization of the benefits and burdens of education throughout the various counties and communities of the state; to provide for the organization of the public school districts in the state, and the alteration of the boundaries of established districts and generally to enlarge the areas of school districts in the state in order to provide for the maintenance of a thorough and uniform system of free public schools throughout the state; to provide for high school education of the citizens of the state of school age who are qualified therefor; to make possible a higher degree of uniformity of school tax rate among school districts; and to have a wiser use of public funds expended for the support of the public school system of the state. To these ends this act shall be liberally construed.

Definitions

123-25-3. Definitions. (1) Unless otherwise indicated by the context, the following words and phrases when used in this act shall, for the purposes of this act, have the meanings respectively ascribed to them in this section.

(2) "State Board" shall mean the state board of education as provided in section 1, article IX of the Constitution of Colorado, or such board or body as may hereafter by law succeed to the duties of said state board of education.

State Board

(3) "Commissioner" shall mean the state commissioner of education, who is the chief state school officer.

Commissioner

(4) "School District" shall mean school districts of the first, second, and third classes, consolidated and joint districts, county high school and union high school districts.

School district

(5) "New district" shall mean a district formed from all or parts of two or more districts under the provisions of this act.

New district

(6) "Proposed district" shall mean an area composed of all or parts of two or more districts, the plan for the organization of which shall have been proposed by a school planning committee, or, in case the same embraces parts of two or more counties, by the school planning committee of the said counties.

Proposed district

(7) "County Superintendent" shall mean county superintendent of schools.

County superintendent

(8) "Committee" shall mean the school planning committee provided for under section 4 of this act.

Committee

(9) "Taxpaying electors" shall mean persons who are at least twenty-one years of age, citizens of the United States, and who have resided in the state for twelve months immediately preceding the election and shall have resided in the area of the proposed district for at least ninety days immediately preceding said election, and who in a calendar year last preceding said election shall have paid a tax, or be liable for a payment of such tax, upon real or personal property assessed to them and owned by them within the proposed district.

Taxpaying elector defined

123-25.4. School Planning Committee. (1) Within sixty days after the effective date of this act, there shall be elected in each county a school planning committee, hereinafter referred to as "the committee," of not less than nine nor more than thirteen members, said committee to serve for two years; *provided, however,* that in counties having more than forty school districts, the committee may be increased to fifteen; and *provided, further,* that members of said committee shall represent all classifications of districts within the county; and *provided further* that in the event any

School planning committee

Number of members

Representation of all classes of districts

In reorganized counties

county or city and county which has only one school district embracing the entire county or city and county or is a county in which a complete plan of reorganization under the provisions of Article 8, Chapter 123, Colorado Revised Statutes 1953, satisfactory to the commissioner on consideration of the standards set forth in section 123-25-11 has been effected, then in that event such committee shall not be elected unless a majority of the school districts (or if there shall be but one school district then a majority of the board of directors thereof) shall request that such committee be elected for the purpose of complying with the provisions of this act.

Commissioner notifies county superintendent

(2) **Commissioner notify county superintendent of provisions of act.** Within thirty days after the effective date of this article, the commissioner shall notify in writing each county superintendent of the provisions of this article and shall request the election of a committee as provided for in this article. County superintendents shall, within thirty days after the effective date of this article, call a meeting of the presidents of the boards of education of all school districts and the chairmen of high school districts within their county. The notice of such meeting shall be sent by certified mail and placed in the mails at least seven days before the date set for such meeting and shall state the time and place of such meeting. In the event the president of any board of education or the chairman of a high school district cannot personally attend said meeting, it shall be his duty to designate in writing a member of his board or high school committee as his proxy, who shall have the same rights as said president or chairman, if attending personally.

County superintendents call meetings

Notice

Proxies

Number of members established

(3) **Number of members and election.** At said meeting, the number of members of the committee shall be established, within the limits prescribed in this article, by a majority vote of those present, provided a quorum is in attendance. A quorum shall be a simple majority of the presidents of the boards of education and chairmen of high school districts notified under subsection (2) of this section, or their proxies. The members of the committee shall then be elected at said meeting by nomination and secret ballot. There shall also be elected by the same method an alternate for each member of the committee. Each member of the committee, and alternate, shall be a qualified taxpaying elector of the county in which elected, as defined in section 123-25-3(9). Due consideration in the selection of members of the committee and alternates shall be given to the interest theretofore shown by such persons in the

Quorum

Nominations and election of committee

Alternates

Qualifications of members of planning committee

affairs of the schools in the county, also the place of residence of such members and alternates, in order that all parts of the county may be duly represented.

(4) **County superintendent forward notice of election—acceptance—duties of members.** Upon the election of members of the committee and their alternates, the county superintendent shall prepare a written form of acceptance of membership on said committee, and shall send by certified mail to each member elected one of such forms, together with a letter notifying such person of his, or her, election as a member of such committee, the duties of such committee, and that acceptance as a member of such committee should be returned to the county superintendent within ten days. If such person so elected as a member of the committee fails to accept such election within fifteen days of the date of mailing of such notification, he, or she, shall be dropped from such committee and a similar form of acceptance and notification shall be mailed by certified mail to his, or her, alternate. If such alternate does not accept such election to said committee within fifteen days of date of mailing such notification, then there shall be a vacancy in such committee to be filled as provided for filling of vacancies on the committee under section 123-25-6.

Acceptance
of
membership

Failure of
member
to accept

Notifica-
tion of
alternate

Failure of
alternate
to accept

(5) **County superintendent call meeting of committee.** Upon the acceptance by a majority of the members of such committee, or their alternates, the county superintendent of schools shall call a meeting of such committee to be held at such time and place as he may designate and shall send notice thereof by certified mail to each member at least five days before the date set for such meeting.

County
superinten-
dent calls
first
meeting of
committee

(6) **Failure of majority of committee to accept—new meeting called.** If acceptance shall not be received as provided in subsection 4 of this section from a majority of the members of said committee, or their alternates, then a new meeting shall be called by the county superintendent of the presidents of the boards of education and chairmen of high school districts as provided in subsection (2) of this section, at which meeting vacancies in said committee shall be filled by election as provided in subsections (3) and (4) of this section, and so successively until a majority of this committee has been elected and accepted; and thereafter vacancies occasioned by nonacceptance shall be filled by the committee as provided in section 123-25-6.

Failure of
majority
to accept—
new
meeting
called

Vacancies
caused
by non-
acceptance
of
Sec. 6

Committee
selects
chairman
and vice-
chairman—
county
superin-
dent
secretary

Duties of
committee

(7) **Committee organization.** At its first meeting the committee shall select a chairman and vice-chairman. The county superintendent shall be a non-voting member of said committee and shall serve as the secretary thereof.

(8) **Duties of committee.** (a) The committee shall have and perform the following duties:

(b) The making of a careful study of the public school system in its county;

(c) To cooperate with the state board and the commissioner in arriving at a plan of organization of school districts within said county;

(d) To pass upon and recommend any plan for the organization of the school districts in said county, or portion thereof;

(e) To call for an election, or elections, to vote upon such plan as provided in section 123-25-18;

(f) To make arrangements for such election;

(g) To assist in the dissemination of information to the electors of the proposed district, or districts, as to the purpose and benefits of such proposed plan;

(h) To cooperate with the committee of adjoining counties in the event districts embracing two or more counties appear advisable;

(i) To make all certifications and perform all other acts specifically enjoined upon said committee by this act;

(j) In general, to do and perform all things reasonable or necessary to carry out the intent and purpose of this act and perfect an organization of the school districts within the county in conformity with the spirit of this act.

(9) *Upon the effective date of this act, the board of education of a joint school district located in two or more counties, which joint district has been formed by means other than under the provisions of chapter 237, Session Laws 1957, or article 8 of chapter 123, Colorado Revised Statutes 1953, may designate by a majority vote of its qualified school district electors one of the counties as the county in which the district will participate for county planning committee purposes on and after that date. The board of education*

Qualified
electors
in joint
district
designate
county in
which it
desires to
participate
for the
county
planning
committee
purpose

shall give notice of such election ten days prior to such election and shall conduct the election in the same manner as elections are otherwise provided by law for school board directors. The county committee selected by the electors shall have within its jurisdiction the territory of said joint district for the purposes of organizing school districts under this article. If no member of the board of such district is a member of said planning committee, the president of the board of such joint district shall be made a member of the county committee by the county superintendent; provided, further, that if there are two or more joint districts designating the same county for participation under this subsection, the county superintendent may designate no more than two such presidents as members of the committee and the number of committee members as provided in section 4 of this act shall be increased in accordance with the addition of members under the provisions of this section.

President
of Board
made
member
of
county
committee

123-25-5. Committee to continue until plan adopted. The committee shall continue as such until a complete plan of organization of all school districts within the area of jurisdiction of the committee satisfactory to the commissioner, on consideration of the standards in section 123-25-11, shall have been adopted, either by a vote of the electors in case of organization, or by approval of the commissioner in cases where no such organization may be necessary in the existing districts, or until June 30, 1959, whichever date may be earlier. Upon the expiration of the term of the original committee, subsequent committees shall be elected by the procedure under section 123-25-4 in each county in which no plan has been adopted; and each said subsequent committee shall have the powers and length of term of office as the original committee.

Term of
committee
members

123-25-6. Vacancies in committee. After the committee is instituted by acceptance of the majority as provided in section 123-25-4, in case of a vacancy in a committee by death, resignation, removal from the county, or failure of both a committee member and alternate to accept membership on a committee under the provisions of section 123-25-4, the majority members of the committee shall have authority to fill such vacancy or vacancies. If a member shall fail to attend two consecutive meetings, after due notice and without being excused by the committee, the office of such member shall be declared vacant and such vacancy filled by action of the remaining members of the committee.

Vacancies
in
committee
of section
4(4) and
(6)

Absence
causes
vacancy

Committee meetings

123-25-7. Meetings—when and where held—notice. Meetings of a committee may be held at a time and place specified by the committee at a previous meeting without further notice. The chairman may call special meetings upon notice mailed by the secretary to each member at least five days before such meeting. A meeting of the committee shall be called by the chairman on written request of three members of the committee upon notice mailed by the secretary to each member at least five days before such meeting.

Chairman calls

Members request

Personnel certified to commissioner

123-25-8. Secretary certify personnel of committee. When any committee shall have been constituted, as provided in section 123-25-4, the secretary thereof shall certify to the commissioner the names and post office addresses of each member of such committee, indicating the persons elected as chairman and vice-chairman; any change in the personnel or officers of such committee shall be likewise certified to the commissioner.

Assistants to State Board

123-25-9. Assistants to the state board. (1) *State board employ special assistants.* The state board shall have the power and authority to employ a special assistant to the commissioner, and such clerical and other assistants as may be necessary to render all reasonable assistance to the committees in the development and submission of a plan of organization in each county under the provisions of this article. Said special assistant to the commissioner, and other assistants, and clerical help in this section provided for shall work under the direction and supervision of the commissioner. All appointments provided for under this section shall be subject to the provisions of the constitution and laws of the state.

Compensation

Expenses of Sec. 35 and Sec. 38

(2) *Compensation and expenses.* The compensation of the special assistant, other assistants, clerical help and other expenses of the state board and the commissioner, including travel expenses of the commissioner, the special assistant and other assistants, incurred in the carrying out of provisions of this article shall be paid from the state school organization fund.

Duties of commissioner and assistant

123-25-10. Duties of commissioner and special assistant. (1) It shall be the duty of the commissioner and his special assistant if one be selected:

Study of plans, supply data

(2) To make a thorough study and survey of the plan, or plans, for the organization of school districts in each county in the state and to make available to the committees in each county of

the state all information, facts, figures and statistics as available within the department;

(3) To render to the various committees such aid and assistance as may be reasonably required in such county, including visits to such county and meetings with the committee, to the end that a proper plan of organization may be accomplished as soon as possible in every county in the state; and

Aid
committees

(4) To publish an annual report of progress of organization plans in the several counties on or before January 1, 1958, and each January 1 thereafter.

Publish
reports

123-25-11. Conditions for consideration in development of organization plan. (1) In developing a plan of organization in any county, or part thereof, the committee and commissioner shall give consideration to the following:

Conditions
of plan

(2) Educational needs of local communities.

(3) Maximum use of existing school buildings, sites, playgrounds and facilities either for school purposes, or other community activities.

(4) Convenience and welfare of pupils.

(5) Equalization of costs and benefits of the public school system in the county.

(6) Value, amount and location of school properties involved in the proposed plan.

(7) Nature and amount of all bonded, warrant, or other indebtedness of the districts, or parts of districts involved, including unsatisfied legal obligations and contracts of the districts involved, together with any cash or other assets of such districts.

(8) Existing highways and roads and particularly as to whether they are all-weather roads.

(9) Terrain and topography of the counties and existing attendance areas.

(10) The manner and extent to which transportation should be furnished to pupils who attend the school, or schools, in any proposed district, the approximate cost of such transportation and manner in which such cost should be met, and no plan shall provide for the closing of any school unless suitable provision is

made where necessary for the transportation of the pupils who would attend such school to some other school.

(11) Provide attendance units for students in grade one through grade six near enough each student to permit transportation of the student to and from school each day under normal weather and road conditions in no more than one hour round trip, provided however that exceptions to this subsection may be approved by the state department of education.

(12) Means of providing a twelve grade education for residents of any proposed districts of school age who are qualified therefor.

(13) Advisability of combining under one administrative head, high school and elementary school districts.

Requirements
for
submission
of plan

123-25-12. Requirements for submission of plan to vote. (1) No plan of organization shall be subject to a vote as in this article provided unless:

(2) The plan shall have been approved by the committee and the commissioner.

(3) The plan shall set forth the name and number by which the proposed district shall be designated.

(4) The plan shall set forth the considerations of section 123-25-11 and all other details as may have been determined by the committee and approved by the commissioner.

Requirements
of plan

123-25-13. Requirements of plan. (1) *Provisions for disposition of properties and assets.* The plan for organization shall contain a specific proposal for the equitable adjustment and distribution of all, or any part, of the properties and cash assets of the districts involved. In considering such equitable adjustment of the assets and liabilities as between the districts affected, the committee shall consider the number of children of school age resident therein and the assessed valuation of the property located in each district and in part of the districts involved and affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which, in the judgment of the committee, are of importance or essential in making the aforesaid equitable adjustment.

Disposition
of
property
and
assets

Election
districts

(2) *Election districts.* A plan shall provide a specific plan

of representation for the members of the board of education of the proposed district. Said proposed district shall be subdivided into five to seven director districts as recommended by the committee and commissioner. Each subdivision shall be represented by one director and shall be as nearly as practicable contiguous, compact, and shall contain substantially the same number of people as each other director district. The plan shall designate the director districts from which members of the board of education shall be elected, to serve until the next biennial election, and to serve until the second biennial election.

123-25-14. Present boundaries may be disregarded. In working out any plan of organization of the school districts within the county, or any part thereof, as provided in this article, the present district boundaries may be disregarded and districts, or parts of districts, may be included in a new district proposed to be organized, it being the intent hereof to provide, without regard to present boundaries, for the creation of larger administrative school units, or districts, having a broader tax base, in which, when it is necessary so to do, more than one attendance unit, or school may be maintained. A proposed district may include parts of one or more counties, *provided, however*, no plan for a proposed district situated in more than one county shall be submitted to a vote as herein provided for in section 123-25-18 unless the committee of each county involved shall have approved such plan.

Present boundaries disregarded

Joint committee approval for joint districts

123-25-15. Map and statements of benefits. (1) *Preparation and filing of map and statement.* When a proposed plan of organization of the school districts within a county, or part thereof, shall have been tentatively agreed upon by a committee, a map of the proposed district, or districts, shall be prepared showing the boundaries thereof and a statement of the description of the boundaries of such proposed district, or districts, and details of the plan; which map and statement shall be placed on file with the county superintendent, together with a statement prepared by the committee setting forth the considerations under section 123-25-11 herein and other facts considered pertinent by said committee for the information of the public as to the reasons for and benefits to be had from such proposal. The committee shall fix a date and place for a hearing on such proposed plan.

Filing of map and statement of benefits

Hearing

(2) *Notice of filing.* The county superintendent shall give notice of the filing of such map and statement by publication of

Notice of filing and hearing

said fact in a newspaper of general circulation in each of the proposed districts and by causing to be posted a copy of said notice upon each schoolhouse, in which school is held during any part of the preceding twelve months, located within any such proposed district, and in five other public places within any such proposed district, and which notice shall give the time and place of the meeting of the committee for hearings on such proposed plan. A sufficient number of hearings shall be held to enable the residents of existing districts, which will be affected by the proposed plan, to receive adequate information and detail of said plan being considered. Any interested person may appear at such hearings and make objections to the proposed plan.

Publication

(3) *One publication.* One publication of such notice shall be sufficient and said publication and posting of such notice as aforesaid shall be made at least ten days prior to the date of such hearings. If there be no newspaper of general circulation in the district or districts affected, then posting of the notice as provided in subsection (2) of this section shall be sufficient.

Submission
of plan
to
commis-
sioner

123-25-16. Copy of plan and maps submitted to commissioner.

After such hearings the committee may make any changes in such proposed plan as to it shall seem advisable and shall then approve such proposed plan. Thereupon a copy of such proposed plan, together with a map showing the boundaries of any proposed district and a statement showing the facts considered pertinent by the committee in arriving at its approval of such proposed plan, shall be submitted to the commissioner for consideration. If the commissioner shall desire to suggest any changes or amendments in such proposed plan, the commissioner's changes or amendments together with the proposed plan shall be returned to the committee and conferences had between the commissioner or his special assistant or other assistants to the end that a mutually satisfactory plan may be perfected, if reasonably possible. Maps and statement showing revised plan arrived at after conference with the commissioner or his assistants shall be filed with the county superintendent and hearings shall be held thereon and notice thereof given as provided in the preceding section for any original plan.

Commis-
sioner
amendments

Revised
plan—
filing—
hearings
Sec. 21(3)

Final
approved
plan

123-25-17. Approved plan. When a plan for organization of the school districts within a county, or any part thereof, has been approved by the committee and the commissioner, it shall be des-

igned as the "final approved plan" and shall be ready for submission to a vote as hereinafter provided.

123-25-18. Committee set date of special election—notice. The committee shall then set a date, not more than forty days after the final plan has been approved, for a special election wherein the voters in each proposed district may vote upon the adoption, or rejection, of such final approved plan and proceed to give notice thereof.

Special
election
on plan

123-25-19. Notice published and posted. The notice provided for in section 123-25-18 hereof shall be published twice in some newspaper of general circulation in the area of the proposed district, and posted at each schoolhouse in said area wherein school was held during any part of the preceding twelve months and in five other public places in said area. If there is no newspaper of general circulation in said area, the posting of said notice as provided in this section shall be sufficient. Copies of said notice shall be posted at least twenty days before the date of said election and if notice be published it shall be published at least two times; six or more days shall elapse between the first and second publication and the last publication shall be at least ten days before said election.

Notice

123-25-20. Conduct of election. At least five days before the special election three judges of election, who are qualified tax-paying electors of the district, shall be appointed by the committee for each polling place as designated by the committee in the proposed district. Such judges shall have the same power as provided by general law for school elections not inconsistent with this article. The polling places shall be conveniently located, preferably in existing school buildings. Polls shall be open from eight A. M. to seven P. M. In case any judge of election shall be absent or unable to act, the vacancy shall be filled by the qualified electors present including the other judges. Certification of the results of election shall be made by the judges to the secretary of the committee within twenty-four hours after the closing of the polls. Judges shall receive five dollars each for their services to be paid from the state school organization fund herein provided for in section 123-25-35.

Conduct
of special
election on
plan

Judges

Polling
places

Certification
of results

Judge
compensation

123-25-21. Qualification of electors and conduct of election. (1) *Qualification of electors.* Electors voting in said election shall be taxpaying electors as defined by section 123-25-3(9) of this act. No

Electors

Judges
make
list

previous registration shall be required except in cases where such registration is required in general laws pertaining to school district elections. The judges shall make a list of all voters voting at the election and shall deliver such list, together with the used and unused ballots to the secretary of the committee, with certification of results.

Ballots

(2) *Form of ballot.* Ballots shall be unnumbered and shall be in form as follows:

OFFICIAL BALLOT

For the plan of organization.....()

Against the plan of organization.....()

Each voter shall indicate his approval or disapproval of the proposition submitted by placing a cross mark (X) opposite the group of words on his ballot which express his choice.

Meetings
to explain
plan

(3) *Meeting to explain plan—notice.* Prior to such election a meeting or meetings, of the electors in the area to be included in the proposed district shall be held in a convenient place, or places, within the area, at which meeting, or meetings, the plan of organization of the school districts in such area shall be fully explained. The committee shall arrange for such meeting, or meetings, and shall give notice thereof through the public press and in such other manner as may be deemed best by the committee, or committees, as the case may be.

Canvass
of votes

123-25-22. Canvass of votes—certificate. It shall be the duty of the committee to meet and canvass the returns and certification of said election and to declare the result thereof within five days after the closing of the polls. A certificate of such canvass and results thereof shall be forthwith filed in the office of the county superintendent. Ballots, lists of voters and certifications shall be filed in the office of the county superintendent and kept there for a period of one year after the election.

Certification
of results

Ballots
kept one
year

Results
certified
to
commis-
sioner

123-25-23. Result of election certified to commissioner—contests. (1) The county superintendent shall within ten days from the filing in his office of the certificate as to the result of such election by the committee, if the vote be in favor of said organization plan, certify such fact to the commissioner and shall furnish to the commissioner a map and description of such new district together with the name and number by which the same shall be designated.

(2) Contest of such election may be had in the county court wherein all, or a greater part, of the area of the proposed district is situated and the procedure shall be as provided in article 17 of chapter 49, Colorado Revised Statutes 1953, for the contest of election of county officers.

Contest
of
election

123-25-24. New district—body corporate—powers. If a majority of the votes cast in the area of the proposed new district shall vote in favor of said organization the same new district shall upon the sixtieth day after certification of the results of said election to the county superintendent, be and become a body corporate under the name, style and number in the plan, and in that name may take, hold and convey property, both real and personal, and be a party to suits and contracts in the same manner and form as municipal corporations of this state; *provided* that on approval of the commissioner the old districts constituting a part of the new district may continue to function and operate the schools therein until the close of the school year, and to use the funds on hand or received through existing levies for the expense of the operation of such schools to the end of said school year and no apportionment or division of property or assets of said districts as herein provided shall be made until the close of the school year.

New
district

Body
corporate

Commis-
sioner may
approve
old
district
operation
to end
of year

123-25-25. When revised plan prepared. If the majority vote at said election shall not be in favor of the plan of organization the committee shall continue in its efforts in an attempt to prepare a revised plan which might be acceptable. If a revised plan is approved by the committee, it shall be submitted for the approval of the commissioner and if approved by him it shall be submitted to a vote under the procedure provided for submission of original plan.

Preparation
of revised
plan

123-25-26. Classification of new districts. Any new school district created under the provisions of this act shall become a district of the first class regardless of population, and all laws governing first-class districts shall be applicable to such new districts where not inconsistent with this article.

New
district
first
class

123-25-27. Board of Education. (1) *Special election, notice and conduct.* (a) When a new district shall have been formed under the provisions of this article the chairman of the committee shall call for a special election in such new district for the selection of a board of education for the district, to be held on the day the new district becomes a body corporate. At such election five to seven members

Board of
Education
Election
date cf.
Sec. 13(2)

of the board of education, the number having been established in section 123-25-13 (2) herein, shall be elected as follows:

Five
directors
—terms

(b) When five members of a board of education are to be elected at such election, two shall be elected to serve until the next regular biennial school election, and three shall be elected to serve until the second regular biennial school election.

Six
directors
—terms

(c) When six directors are to be elected at such election, three shall be elected to serve until the next regular biennial school election, and three to serve until the second regular biennial school election.

Seven
directors
—terms

(d) When seven directors are to be elected at such election, three shall be elected to serve until the next regular biennial school election, and four to serve until the second regular biennial school election.

Terms of
successors

(e) As each of any of said terms expires, successors shall be chosen for terms of four years each.

Conduct

(f) Said election shall be held in accordance with the laws covering elections in school districts of a first class, except as otherwise provided in this article.

Chairman's
duties

(g) The chairman of the committee shall appoint judges of election, designate the polling place or places, and the hours during which the polls will be open, and in the absence of the secretary of the committee, he shall act as secretary with reference to such elections.

Organiza-
tion of new
board of
education

(2) *Organization.* After the first election of members of the board of education, the members so elected for such new district shall meet within ten days after the date of the organizational election and shall elect officers as provided by law for a district of the first class and thereupon enter upon and perform all the duties and exercise all the powers of the board of education of a district of the first class.

Old
boards

(3) *Old boards of education.* When members of the board of education of the new district assume their duties as herein provided, the board of education of any district or districts situated wholly within said new district shall cease to function and the terms of office of the members thereof shall thereupon automatically expire, save and except, however, that if the schools in the old districts which are included in the new district continue to operate under the

Term
expires

provisions of section 123-25-24, the boards of education of the old districts shall continue to act as such for the purpose only of carrying on the operation of said schools until the end of the school year, and at the end of said school year the said boards of education shall have no further power and authority and the terms of the members thereof shall automatically expire. The board of education for the new district shall have full power and authority even if schools are held therein as above provided to make all necessary contracts for teachers, adopt budget, make contracts for transportation and do all other things necessary to be done with reference to the business affairs of said new district for succeeding school years.

cf. Sec.
24

New
board's
power
for new
year

(4) *Any person desiring to be a candidate for the office of director of a new district formed under the provisions of this article shall be a resident of the director district which he seeks to represent. Such candidate shall be nominated in the manner provided in section 123-10-7, except that the certificate of nomination shall be signed by at least fifty qualified electors of the director district in which such candidate resides, or by at least forty per cent of the qualified electors in such director district, whichever is less. If a member of the board of education shall become, during his term of office, a nonresident of the director district from which elected, he shall be deemed thereby to vacate his office. If any vacancy for any cause shall occur on the board, the same shall be filled, by a majority vote of the remaining members, by the appointment of a resident of the director district in which the vacancy occurs, and such appointee shall hold his office for the remainder of the unexpired term and until his successor shall be duly elected and qualified.*

Candidate
for
office of
director
must be
resident
of director
district

Vacancy
on
board

123-25-28. Disposition of funds. (1) *District wholly in new district.* Unless otherwise provided in the plan, when a new district formed under this act shall embrace all of the area of a school district, or districts, the school funds of such former district, or districts except funds for the retirement of bonded indebtedness then on hand or to be received under existing tax levies, after providing for all outstanding debts, except bonded indebtedness, shall become the property of the new district.

Disposition
of funds

District
wholly
embraced

(2) *District or districts partly in new district.* When only a part of a former district, or districts is embraced within a new district, a division of funds, except for the retirement of bonded indebtedness then on hand or to be received under existing tax levies shall be apportioned between the old district, or districts, and the

District
partly
embraced

new district as provided in section 123-7-6, Colorado Revised Statutes 1953. School buildings, grounds, playgrounds, furnishings and equipment therein situated shall be the property of the new district in which located, and none of such property shall be moved, or otherwise disposed of, in contemplation of any organization herein provided for.

Union or
county
high
schools
partly
embraced

123-25-29. Union or county high schools in new district. (1) *Areas partly embraced in union and county high schools.* Unless otherwise provided in the plan, when a new district formed under this article shall embrace part of an area of a union or county high school district, such area shall be automatically withdrawn from the union or county high school district, except for the purpose of paying its portion of any existing bonded indebtedness as provided by law. In such case properties within its retained area and funds of the union or county high school district shall be retained by the union or county high school district.

Union or
county
high
schools
wholly
embraced

(2) *High school or union district wholly embraced.* When a new district formed under this act shall embrace all of a union or county high school district, such union or county high school district shall be automatically dissolved and the properties and funds, except for the retirement of bonded indebtedness then on hand or to be received under existing tax levies shall, after providing for all outstanding indebtedness and obligations, except bonded indebtedness, become the property of the new district.

Union or
county
high
schools
in two
or more
new
districts

(3) *Union or county high school partly or entirely in two or more new districts.* In cases where a union or county high school district shall be partly or entirely included in two or more new districts formed under this article the properties or funds shall be divided as provided in section 123-7-6, Colorado Revised Statutes 1953, unless the plan shall otherwise provide.

Proceeds
from sale
of assets

123-25-30. Proceeds from sale of assets. In the event lands, buildings or land and buildings shall be sold by a new district formed under this article, the proceeds of such sale, less costs of sale, shall be applied first to the payment of unpaid principal and interest of bonded indebtedness, if any, of the former district, in which such property be situated at the time of its inclusion in the new district. If there be no such indebtedness, then, the proceeds of any such sale shall be used only for capital expenditures of the new district.

123-25-31. Bonded indebtedness of districts included. The

bonded indebtedness of any district existing at the time of inclusion of all or any part of its area in a new district under this article, shall be paid in the manner provided by sections 123-9-5 and 123-9-6, Colorado Revised Statutes 1953, for payment of bonded indebtedness and the duties therein assigned to the board of education of a united district shall be performed by the board of education of the new district organized under this article.

Bonded
indebtedness,
and
123-9-6
CRS '53

123-25-32. Limit of bonded indebtedness of new district. Any new district formed under this article shall have a limit of bonded indebtedness of ten per cent of the assessed valuation of the taxable property in such district for the year next preceding the date of said bonds. The indebtedness of the former districts or parts of districts, constituting the new district, shall not be considered in fixing the limit of such ten per cent; *provided, however,* that if the board of education of such new district shall determine that an emergency exists and that the limit of bonded indebtedness of such new district hereinbefore set forth prevents such district from meeting such emergency, said board may make application to the Colorado tax commission for permission to incur an additional bonded indebtedness of not exceeding five per cent of the assessed valuation of the taxable property within such district, and on receiving such permission such district may contract an additional indebtedness of five per cent of the assessed valuation of the taxable property within such district.

Limit of
indebtedness

Emergency
increase
in limit

123-25-33. New district may contract indebtedness. Any new district formed under the provisions of this act shall have the power and authority to contract bonded indebtedness under the same procedure for the issuance of bonds by a school district of the first class as is now provided by the laws of Colorado or as the same may be amended.

New
district
may
contract in-
debtedness

123-25-34. Additional powers of the board. In addition to the powers conferred by law upon boards of education of school districts of the first class, the board of education of any new district formed under the article shall have the power and authority to rent to any community organization any school building within such district not needed for school purposes at such rental as the school board may deem fair and reasonable under the circumstances; also such boards shall have the power and authority to contract with any other school district maintaining a four-year, accredited high school, and whose course of study is approved

Additional
powers
of board

Rental of
buildings to
community
organizations

Contract for
payment
of high
school
tuition—

Pay trans-
portation
or board
and room

Other
tuition

State
school
organization
fund

Compensation
Members of
committee

County
superin-
tendent

Assistants
to county
superin-
tendents

Travel
expenses

by said board, for the payment to such district of tuition of any resident of its district of school age and qualified to attend high school and to pay the transportation of such resident to and from such high school, or, in lieu thereof, with the consent of the parents or guardian, to pay the board and room, or part thereof, of such resident while attending such school; also, when deemed necessary or expedient, to contract with any other school district within the state, maintaining an accredited school, and whose course of study is approved by said board, for the payment of tuition to such other district of any resident of its school district.

123-25-35. State school organization fund. There is hereby established in the office of the state treasurer a fund to be known as the "State School Organization Fund," which fund shall consist of such money as may be from time to time appropriated thereto by the General Assembly; said fund to be administered by the commissioner.

123-25-36. Compensation of committee. (1) *Members of the committee.* Members of the committee shall not receive any compensation for their services, but shall be entitled to reimbursement for actual expenses incurred for performance of their duties hereunder.

(2) *County superintendents.* County superintendents in their respective counties shall not receive any additional compensation for their services, but shall be entitled to reimbursement for any extra expenses incurred in the performance of their duties hereunder.

(3) *Assistants to county superintendents.* On request by the committee and approval by the commissioner, a county superintendent may employ temporary assistants to be paid from the state school organization fund herein provided for in section 123-25-35 upon vouchers signed by the person rendering such service, approved by the county superintendent and commissioner.

(4) *Travel expenses.* Reimbursement for travel and other expenses within the state of Colorado, of the county superintendent, his assistants employed under this article, and of the members of the committee and its employees, including necessary supplies and travel expenses within the state of Colorado, shall be made by the state treasurer from the state school organization fund upon vouchers signed by the person claiming reimbursement, and in case of

members of the committee, its assistants, and assistants to the county superintendent, the vouchers shall be approved by the county superintendent and by the commissioner, or in case the claimant is a county superintendent, the voucher shall be approved by the commissioner only.

(5) *Compensation and expenses of state board.* Payment of compensation to and expenses of the personnel appointed by the state board together with the expenses of the commissioner, including clerical help, supplies and travel expense shall be made by the state treasurer upon vouchers approved by the commissioner.

State
board
personnel

(6) *Automobile travel.* All travel by automobile shall be reimbursed at the rate of seven cents per mile, actual travel.

Automobile
travel

(7) *Auditing.* All vouchers on school organization fund after their approval, prior to payment by the state treasurer, shall be referred to the division of accounts and control for audit.

Auditing

123-25-37. When committee ceases to function. On June 30, 1959, except in cases where a final plan is ready to be submitted to a vote, or where a new district has been formed but the election of its board of education has not been held, all school planning committees shall cease to function, and a subsequent committee shall thereupon be elected in accordance with sections 123-25-4 and 123-25-5.

Committee
ceases to
function

123-25-38. Appropriation*. There is hereby appropriated out of monies in the state treasury not otherwise appropriated to the state school organization fund the sum of \$55,000.00, or so much thereof as may be necessary to be expended for necessary expenses of any committee and the state department of education, but not to exceed \$500.00 for each such committee, or for travel expenses of any representative of the state department of education for fulfilling the purposes provided in this article. Said appropriation shall become available upon the effective date of this article.

Appropriation

123-25-39. Application of act. From and after the effective date of this act no school district shall be organized except under the provisions of this act, and no consolidation of existing school districts, annexation to existing districts, or formation of joint school districts, union high school districts, or county high school districts shall be made except as permitted under this article.

Other
laws on
boundary
changes
superseded

* (See S. B. 193, on Page 87 of this compilation of School Laws 1959, for appropriations).

Attorney
General
legal
counsel

123-25-40. Duties of the attorney general. *In addition to any other powers and duties of the attorney general as set forth in section 3-9-1, Colorado Revised Statutes 1953, the attorney general shall be the legal counsel and advisor of the state board of education, the commissioner of education, and also, when requested by the commissioner of education, shall be the legal counsel and advisor of any of the county school planning committees organized pursuant to the provisions of this article, for purposes related to the proper administration of this article. It shall be the duty of the attorney general, at the request of the commissioner of education, to prosecute and defend any suit or suits relating to the organization of school districts pursuant to this article.*

County
Planning
Committee
may
dissolve
and
annex a
district—
When

123-25-41. (1) *Notwithstanding the provisions of section 39 of this article, the general assembly determines and declares that a county school planning committee, with the approval of the commissioner and without being required to follow the other procedures for organizing new districts as provided in this article, may dissolve and annex a district or districts under the jurisdiction of the committee when either of the following conditions exists:*

(a) *When any school district shall have failed to establish and operate a school within the district during the current or any subsequent school year after the effective date of this act.*

(b) *When the board of education of any school district which maintains one or more schools within the district but which district does not provide within such schools a full twelve-grade educational program may request the committee to dissolve such district.*

County
Committee
notifies
County
Superin-
tendent

(2) *If a county committee shall determine to dissolve and annex a district under the conditions set forth in section 41 (1), the committee shall notify in writing the county superintendent of schools and the secretary of each district affected, that effective on the tenth day following the date of such notice, such district shall be declared to be dissolved and immediately thereupon all or any part of such resultant unorganized territory shall be annexed to and shall become a part of one or more adjacent school districts operating a school program grades one through twelve and having its designated headquarters within the county. The annexation of territory shall be in accordance with the legal description of territory as shall be prepared by the county committee and submitted to the county superintendent of schools and the commissioner of education. Provided, however, that if such unorganized territory shall be con-*

tiguous to a district which does not have its designated headquarters within the county and which is located in whole or in part in an adjoining county or counties, and which operates a school program grades one through twelve, the territory may be annexed to such contiguous district upon the approval of the county committee of the adjoining county or counties and the legal description of territory so annexed also shall be submitted to the county superintendent of schools in the adjoining county or counties. The territory annexed under the provisions of section 41 (1) and (2) shall thereafter be governed by the board of education of the district to which such territory is annexed unless and until the organization of such district shall be altered under the provisions of this article.

Territory annexed—
Approval of county committee and commissioner of education

(3) *Within ten days following receipt of notice of the dissolution of a district, the secretary of such district shall deliver to the county superintendent of schools in which county the district has its designated headquarters for custody thereafter all financial and other records of such district, and the disposition of funds, the proceeds from sale of assets, and the payment of bonded indebtedness of the dissolved district shall be as provided by the committee with the approval of the commissioner and in accord with the applicable provisions of sections 28, 29, 30 and 31 of this article.*

Records etc., delivered to county superintendent

(4) *Within ten days following receipt of notice of the dissolution of a district, the county superintendent shall give notice of such dissolution to the county assessor of the proper county.*

County Superintendent notify County Assessor

123-25-42. Appeal to the state board of education. *Whenever under the provisions of this article, the commissioner shall fail to approve any plan, or part of any plan, submitted to him by a committee, after approval of such plan by the committee, the committee shall have the right to appeal the disapproval of the commissioner to the state board of education. Any committee wishing to make such appeal to the board shall petition the chairman of the board, in writing, for a hearing on the reasonableness of such disapproval by the commissioner. Upon receipt of any such petition the chairman of the board shall fix a time for the hearing of the petition, not more than thirty days after receipt thereof, and shall cause notice of such hearing to be given to the committee by service of such notice upon the county superintendent serving as secretary of the committee, by mailing a copy thereof to said county superintendent, who shall in turn notify each member of the committee of such notice. All such hearings shall be held in such places as the*

Appeal to State Board of Education

Hearings held

board may designate, and shall be open to the public. The board, upon the completion of any such hearing, shall rule upon the reasonableness of the commissioner's disapproval or veto, and shall make its decision as to and resolve the points at issue between the committee and commissioner, and such decision of the board shall be final.

Commissioner prepares and transmits plans—
When

123-25-43. *The commissioner of education shall prepare for each county which has not completed its reorganization plan as of November 1, 1959, a plan of recommended organization and shall transmit his plan to the respective county, the members of the general assembly, and the governor, on or before January 1, 1960.*

123-25-44. Severability clause. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

123-25-45. 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 by the Governor May 18, 1959.

AN ACT
House Bill No. 273
(Ch. 55, S.L. '59)

RELATING TO SCHOOL BUSES.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 13-4-84, Colorado Revised Statutes 1953, as amended, is hereby amended to read as follows:

13-4-84. School buses—stops—signs—passing. (1) The driver of a vehicle upon any highway, road or street, upon meeting or overtaking from either direction any school bus which has stopped, shall stop his vehicle before reaching such school bus if there is in operation on said school bus visual signal lights as specified in subsection (2) of this section, and said driver shall not proceed until the visual signal lights are no longer being actuated; provided, that in the case of small passenger type vehicles having a seating capacity of not more than six, and if such vehicles are operated as school buses but not owned by the school district, no such visual signal lights need be displayed or actuated.

(2) Every school bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and except as provided in subsection (1) of this section in the case of small passenger type vehicles, shall display four visual signal lights which shall be two alternating flashing red lights visible to the drivers of vehicles approaching from the front of said bus and two alternating flashing red lights visible to the drivers of vehicles approaching from the rear of such bus; said visual signal lights shall be mounted as high as practicable, be as widely spaced laterally as practicable, and shall be located on the same level. Said lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight, and which signal lights shall be actuated by the driver of said school bus whenever such vehicle is being stopped for the purpose of receiving or discharging school children not less than two hundred feet prior to the point at which such bus is to be stopped, and at no other time; except, that such lights need not be actuated at locations where the board of educa-

tion of the school district or its duly authorized agent shall by prior written designation declare such actuation unnecessary or undesirable.

(3) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway.

(4) Every school bus shall stop as far to the right off the highway, road or street as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus.

Approved by the Governor May 19, 1959.

A N A C T

House Bill No. 291

(Ch. 33, S.L. '59)

RELATING TO THE EXECUTIVE BUDGET AND PROVIDING A METHOD OF BUDGETING AND PLANNING FOR CAP- ITAL CONSTRUCTION PROJECTS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Definitions. (1) For purposes of this act capital construction is defined to include any and all of the following:

(a) Construction, reconstruction, remodeling or repair of any building or utility system where the cost will be ten thousand dollars or more including the value of materials and labor either state supplied or by contracts,

(b) the purchase of land regardless of the value thereof,

(c) site development or improvement wherein the cost will be five thousand dollars or more including the value of materials and labor either state supplied or by contract, provided, however, that the value of inmate labor shall not be included,

(d) equipment, the need for which is occasioned by an addition to or remodeling or expansion of any existing building or utility system covered in (a) above,

(e) any item of instructional or scientific equipment if the cost will exceed five thousand dollars,

(f) all non-expendable or semi-expendable equipment necessary to the operation of any new building, utility system or site, or the need for which is occasioned by changing the function of an existing facility,

(g) funds for services of architects or engineers to prepare plans and specifications and supervise the construction of any projects included above.

(2) Pre-preliminary planning is defined as the initial review of a proposed project, as defined in subsection (1), by the state division of planning for any of the following items:

(a) Conformance with long range development plans,

- (b) technical and economic feasibility of the project,
- (c) preparation of outline plans and specifications and
- (d) preparation of pre-preliminary cost estimates.

SECTION 2. 3-3-1 (8), Colorado Revised Statutes 1953, is hereby amended to read:

3-3-1. (8) (a) To arrange for the preparation by the state budget officer, under the direction of the governor, of the executive budget for the ensuing fiscal year, which budget shall set forth all proposed expenditures including costs of administration, operation, maintenance, and capital construction of all branches, departments, institutions, and offices of state government. Such budget shall include all interest and debt redemption charges during such fiscal year and shall set forth the anticipated revenues of the state and any additional means proposed for financing expenditures.

(b) The governor shall transmit to the general assembly a budget message which shall describe the important features of the budget and shall embrace a general summary, setting forth in aggregate amounts the proposed expenditures by major functions of government together with the anticipated revenues by principal source. The message shall compare this data for the last completed fiscal year, the current fiscal year and the proposed budget year. The detailed budget schedules submitted as provided by section 3-3-3 shall include statements of the indebtedness of state government, showing the debt redemption requirements, the debt authorized and unissued, and the condition of the sinking fund, and shall be supported by such supplementary schedules as are required. Separate schedules for capital construction shall be submitted as necessary.

(c) At all times the controller shall make available to the governor-elect, if there is a governor-elect who is not the governor, all information in his possession on which the budget is based.

SECTION 3. 3-3-3, Colorado Revised Statutes 1953, is hereby amended to read:

3-3-3. Estimates of expenditures and income. (1) On or before October first of each year, all departments, institutions and other agencies of the state government, and all agencies receiving state funds or fees or other moneys under the authority of the

state, shall prepare, on blanks furnished them by the division of accounts and control, and submit to said division estimates of their expenditure requirements, together with all anticipated income from fees and all other sources, for the ensuing fiscal year, compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year. The expenditure estimates shall be classified to set forth the data of funds, organization units, character and objects of expenditures; the organization units may be subclassified by functions and activities, or in any other manner at the discretion of the controller. In the event any department, institution or other agency of the state government, whether its funds be derived from state funds or from other moneys collected under the authority of the state, shall fail and neglect to submit estimates of its expenditure requirements, the controller shall have the power and authority, from any data at hand in his office or which, in his discretion, he may examine or obtain elsewhere, to make and enter an arbitrary budget for such department, institution or agency in accordance with such data as he may have at hand or obtain as aforesaid, and may charge the cost thereof to the department, institution or agency affected, including the cost of making any investigation upon which such arbitrary assessment is or may be based.

(2) All departments, institutions and agencies which intend to submit a request, to the governor and the general assembly, for funds for capital construction as defined in this act shall, except as to projects submitted exclusively under the definition set out in section 1, subsection (1) (e) of this act, first discuss such project with the state division of planning prior to July 1 of each year and request development of pre-preliminary plans. The planning division shall advise with the agency concerning the project, discussing the underlying assumptions and policies, but, if unable to agree, the division shall nevertheless develop the pre-preliminary plans in accordance with the wishes of the requesting agency, and shall transmit them to such agency prior to making them available to the state budget officer not later than November 15 of each year.

(3) The agency shall reimburse the state division of planning for any pre-preliminary planning services performed for the latter under contract and for architect and engineering work done by the planning division. In the event a project is approved

by the general assembly, such costs shall be included as part of the total cost of the project.

(4) No institution or agency shall be barred from making a budget request for capital construction because of any failure on the part of the division of planning to meet the above deadline, if such agency has made the pre-preliminary planning request by the date herein indicated. In submitting requests for capital construction, each institution and agency shall prepare such schedules as are required by the division of accounts and control together with such supplementary data as it may deem appropriate.

(5) Requests for capital construction shall be submitted to the general assembly, by the governor, in the same manner as are requests for operating funds. The governor shall transmit to the general assembly, as part of the executive budget, the budget for capital construction, showing the requests of the institutions and agencies together with his recommendations. There shall also be transmitted to the general assembly the pre-preliminary reports of the division of planning for those projects recommended by the governor. Any additional reports whether on projects recommended or rejected by the governor, shall be made available to the general assembly upon request.

SECTION 4. Capital construction fund. (1) There is hereby created the capital construction fund to which shall be allocated such revenues as the general assembly may from time to time determine. All unappropriated balances in said fund at the close of any fiscal year shall remain therein and not revert to the general fund. Anticipation warrants may be issued against the revenues of the fund as provided by law.

SECTION 5. Appropriation for capital construction. (1) The general assembly shall appropriate for capital construction in such form, in such amounts, and from such funds as it deems necessary, and may appropriate either for construction or for planning of any project.

SECTION 6. Junior college capital construction. Capital construction projects of junior colleges involving the expenditure of any state funds shall be subject to the provisions of this act.

SECTION 7. Exceptions to capital construction budget procedure. Section 3 (2), (3), (4), and (5) and sections 4, and 5 of this act shall not apply to those projects constructed or to be con-

structed with funds derived from the taxes heretofore imposed by sections 71-3-15, 124-2-38, 124-6-14, 124-7-15, 124-8-13, 124-9-24, and 124-10-44, nor to construction, reconstruction or maintenance of highways or the acquisition of highway right-of-way.

This act shall not apply to immediate repairs or construction of any state buildings if such are necessary as a result of fire, flood, explosion, riot or an Act of God. Such emergencies must be declared as such by the Governor.

SECTION 8. This act shall take effect from and after July 1, 1959.

Approved by the Governor March 20, 1959.

A N A C T

House Bill No. 372

(Ch. 211, S.L. '59)

CONCERNING SCHOOLS, AND REQUIRING THE POSTING OF A LISTING OF ALL EXPENDITURES AND DISBURSEMENTS MADE BY THE BOARD OF EDUCATION OF CERTAIN SCHOOL DISTRICTS IN ADMINISTERING THE DISTRICT.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 123-10-37, Colorado Revised Statutes 1953, is hereby amended to read:

123-10-37. Publication and posting of financial statements.

(1) It shall be the duty of the boards of directors of all school districts in school districts of the first and second class in the several counties of this state to publish semiannually within twenty days after the close of business June thirtieth and December thirty-first of each year, a complete report of the financial conditions of said school district, showing all receipts and disbursements from each and every fund, so itemized as to give the general public definite information as to the financial condition of said district. Such publication shall be made once in a newspaper of general circulation printed and published within said district; provided, that if there be no newspaper published within said district, then such publication shall be made once in a newspaper having a general circulation within said district.

(2) In addition to the publication of financial statements required of school districts by subsection (1) of this section, the board of education of any such school district, shall, beginning with February 1 of each year, and for a period of ninety days thereafter, post a listing, which may be typewritten or mimeographed, of all expenditures and disbursements made by the board in administering such school district during the preceding fiscal year, showing the date of the expenditure, the person, firm, or corporation to whom or which the payment was made, and the

amount of the expenditure. Said posting shall be in the principal administrative offices of the board and shall be in the corridor or room easily accessible to the public and in which the public has the right of entry during all ordinary office hours.

SECTION 2. This act shall take effect on July 1, 1959.

Approved by the Governor May 15, 1959.

A N A C T

House Bill No. 373

(Ch. 109 S.L. '59)

CONCERNING ELECTIONS, AND PROVIDING THAT CERTAIN STUDENTS AT INSTITUTIONS OF LEARNING MAY BECOME QUALIFIED ELECTORS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 49-3-4, Colorado Revised Statutes 1953, is hereby amended to read:

49-3-4. Military service—students—paupers. (1) For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poorhouse or other asylum, nor while confined in public prison.

(2) The provisions of subsection (1) hereof notwithstanding, no person, otherwise qualified under the provisions of section 49-3-1, shall be denied the right to vote at any election held within this state solely because such person is a student at an institution of learning, if such student shall, at the time he registers or at any time up to and including the last day of registration before any election, file a written affidavit under oath, in such form as the county clerk or election commission shall prescribe, that he has established a domicile in this state, that he has abandoned his parental or former home as a domicile, and that he is not registered as an elector in any political subdivision of this state or of any other state. The fact that such affidavit has been filed shall be noted in the registration book.

SECTION 2. College or university residence. No provision in this act shall apply in the determination of residence or non-residence status of students for any college or university purpose.

Approved by the Governor May 18, 1959.

AN ACT

House Bill No. 452

(Ch. 253, S.L. '59)

RELATING TO THE GENERAL PROPERTY TAX AND PROVIDING FOR THE ASSESSMENT OF STRUCTURES COMMENCED AND COMPLETED AFTER THE OFFICIAL ASSESSMENT DATE IN ANY YEAR.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 137-12-13 (1), Colorado Revised Statutes 1953 (Supp.), is hereby amended to read:

137-12-13. Commissioners to order tax levy. (1) In all counties having a population of less than three hundred thousand, the board of county commissioners shall, on or before the first day of November in each year, levy against the valuation of all taxable property by an order to be entered in the record of their proceedings, the requisite taxes for the year for county purposes, for county high school purposes, for general school purposes, and for all other purposes required by law; and in all counties having a population in excess of three hundred thousand, the board of county commissioners or other body authorized to levy county taxes shall, on or before the second Tuesday in December of each year, similarly levy all such taxes.

SECTION 2. 137-3-3, Colorado Revised Statutes 1953, as amended, is hereby amended to read:

137-3-3. (1) If any taxable personal property shall be brought into this state for any purpose whatsoever at any time subsequent to twelve meridian on the assessment date, the owner thereof shall at once file a schedule, listing such property, with the assessor of the county wherein such taxable property shall be located, and such property shall thereupon be listed by the assessor and be assessed for the then current year. Upon failure of the owner to file such schedule, the assessor shall proceed to list and assess such property, the assessment to be based upon the best information available to him. If any such taxable personal property brought into the state after twelve meridian on the assessment

date in any year shall not remain in the state until the next succeeding assessment date, then such property shall be valued for assessment at such proportion of its full assessed value as the time within the state bears to the full year, but in no event shall such time for computation be less than ninety days except as otherwise provided for by law.

(2) Where construction of any improvement, building or structure, not otherwise exempt, is completed subsequent to twelve meridian on the assessment date of the then current year, the owner thereof shall on the date such improvement is purchased or occupied, whichever event first occurs, file a schedule, listing such property, with the assessor of the county wherein such property shall be located, and such property shall thereupon be listed by the assessor and be assessed for a pro rata share for said year, valued at such proportion of its full assessed value as the number of months such structure has been listed and assessed as heretofore required bears to the full year. Upon failure of the owner to file a schedule, the assessor shall list and assess such property based on the best information available to him. It shall be the duty of the assessor to furnish the owner of the structure with notice as required by section 137-3-37, and the period in which the owner may seek administrative and judicial review of such assessment is hereby extended to the following year.

SECTION 3. 137-9-8, Colorado Revised Statutes 1953, as amended, is hereby amended to read:

137-9-8. Lien attaches—when. The lien of general taxes for the current tax year shall attach to all property, real and personal, not exempt by law, at twelve meridian on the assessment date in each year, provided, however, that if any taxable property shall fall within the provisions of subsections (1) or (2), of section 137-3-3, said lien shall attach to such property on the day such property is completed, listed and assessed as heretofore required.

SECTION 4. This act shall become effective on January 1, 1960.

Approved by the Governor May 19, 1959.

AN ACT

House Bill No. 467

(Ch. 218, S.L. '59)

CONCERNING THE EXECUTIVE DEPARTMENT, CREATING A DEPARTMENT OF REHABILITATION, PRESCRIBING ITS FUNCTIONS, POWERS, AND DUTIES, TRANSFERRING THERETO CERTAIN FUNCTIONS, POWERS, AND DUTIES, AND REPEALING CERTAIN SECTIONS OF THE COLORADO REVISED STATUTES 1953, AS AMENDED.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Department created. There is hereby created within the executive branch of the state government a department of rehabilitation primarily concerned with vocational rehabilitation, which is hereby declared to be educational in nature and the sole state agency to administer the state plan for vocational rehabilitation in cooperation with the federal government. The department is created for the purpose of coordinating and strengthening programs of rehabilitation for disabled and non-disabled persons to the end that they may attain their maximum potential in employment, self-care, and independent living.

SECTION 2. Director—divisions—personnel. The governor shall appoint the director of the department who shall be competent in the field of rehabilitation and public administration. Subject to the availability of duly appropriated funds, and with the approval of the governor, the director shall appoint the heads of such administrative divisions within the department and such other personnel as in his opinion are necessary to perform the duties of his office and to carry out the purposes of this act.

SECTION 3. Duties of director. The duties of the director of the department shall be to manage, supervise, and control all rehabilitation services, programs, and functions which are hereby established in or which may be transferred to the department by law.

SECTION 4. Functions of the department. The department shall manage, control, and supervise all rehabilitation programs hereinafter provided, including but not limited to:

(1) All duties and functions now assigned to the vocational rehabilitation division of the state board for vocational education;

(2) All duties and functions now assigned to the division of rehabilitation for the blind;

(3) All duties and functions relating to home teaching of and teachers for the adult blind heretofore vested in, exercised by, or imposed upon the state department of public welfare, whether by law, rule, or regulation; and

(4) Other duties and functions assigned by this act.

SECTION 5. Administrative regulations. The director is hereby authorized and directed to:

(1) Make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, and investigation and determination thereof for vocational rehabilitation services, procedures for fair hearings, the establishment and operation of rehabilitation facilities and workshops, and such other regulations as may be necessary to carry out the purpose of this act;

(2) Make certification for disbursement, in accordance with regulations, of funds available for carrying out the purposes of this act; and

(3) Accept and use gifts made unconditionally, by will or otherwise, for carrying out the purposes of this act. Gifts made under such conditions as in the judgment of the director are proper and consistent with the provisions of this act, may be accepted and shall be held, invested, reinvested, and used in accordance with the conditions of the gift.

SECTION 6. Rehabilitation of handicapped. (1) Except as otherwise provided by law, the department shall provide rehabilitation services to handicapped persons determined to be eligible therefor.

(2) For the purposes of this act, a "handicapped person" means:

(a) Any individual who has a physical or mental condition which materially limits, contributes to limiting, or, if not corrected, will probably result in limiting, his activities or functioning and which constitutes a substantial handicap to employment

but which is of such nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation; or

(b) An individual of not less than employable age who is under such physical or mental disability as to require institutional care or attendance in his household continuously, or for a substantial portion of the time, but who can be reasonably expected, as a result of rehabilitation services, to achieve such ability of independent living that he will no longer require such institutional care or such attendance in his household; or

(c) An individual who does not have a substantial physical or mental handicap, who is receiving aid from public funds, and who otherwise may be expected to remain a public charge of the county or state; and further, who is "vocationally handicapped" because of lack of training, experience, skills, or other factors which, if corrected, would lead to self-support instead of dependency; who is either responsible for his own maintenance or is the responsible head of a household, and who has a potential capacity which would warrant development with a reasonable chance for employment after rehabilitation services.

(3) The director is hereby authorized and directed to:

(a) Cooperate with other departments, agencies, and institutions, both public and private, in providing the services authorized by this act to handicapped individuals, in studying the problems involved therein, and in establishing, developing, and providing, in conformity with the purposes of this act, such programs, facilities, and services as may be necessary or desirable;

(b) Enter into reciprocal agreements with other states to provide for the services authorized by this act to residents of the states concerned;

(c) Establish and operate rehabilitation facilities and workshops and make grants to public and other nonprofit organizations for such purposes;

(d) Supervise the operation of vending stands and other small business established pursuant to this act to be conducted by severely handicapped individuals;

(e) Provide training and instruction (including the establishment and maintenance of such research fellowships and

traineeships with such stipends and allowances as may be deemed necessary) in matters relating to vocational rehabilitation;

(f) Provide home teaching of and teachers for the adult blind;

(g) Provide such medical, diagnostic, physical restoration, training, and other rehabilitation services as may be needed to enable disabled individuals to attain the maximum degree of self-care; and

(h) Provide for the return to full or partial self-support of non-disabled recipients of public assistance whose capacity to earn a living is impaired.

(4) (a) Vocational rehabilitation services shall be provided directly or through public or private instrumentalities to any handicapped individual:

(i) Who is residing in the state at the time of filing his application thereof and whose rehabilitation, the department determines after full investigation, can be satisfactorily achieved, or

(ii) Who is eligible therefor under the terms of an agreement with another state or with the federal government.

(b) However, any goods or services other than diagnostic and related services (including transportation) required for the determination of eligibility for service and of the nature and scope of the services to be provided, guidance, training, and placement, shall be provided at the public cost only to the extent that the handicapped individual is found by the department to require financial assistance with respect thereto.

SECTION 7. Cooperation with federal government. (1) The department shall cooperate with the federal government in carrying out the purposes of any federal statutes pertaining to the purposes of this act, including the licensing of blind persons to operate vending stands on federal property, and is hereby authorized to adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes.

(2) Upon designation by the governor, the department may

undertake programs and services for the federal government relating to individuals under a physical or mental disability in addition to those provided herein.

SECTION 8. Repeal. Sections 16-4-1 to 16-4-14 and sections 145-2-1 to 145-2-6, Colorado Revised Statutes 1953, as amended, are hereby repealed.

SECTION 9. The state treasurer is hereby designated as the custodian of all funds received from the federal government for the purposes of carrying out the provisions of this act. The state treasurer shall make disbursements from such funds and from all state funds available for such purposes upon certification by the department. All funds, now or hereafter appropriated for or available to the division of vocational rehabilitation, the division of rehabilitation for the blind, and the services for the blind in the department of welfare are hereby transferred and made available to the department herein created.

SECTION 10. Succession. On the effective date of this act, the department shall succeed to all records, documents, and equipment in the hands of the state agencies concerned which have been used or acquired in the performance of the rights, powers, and duties of said state agencies.

SECTION 11. Invalidity of any provision. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared severable.

SECTION 12. There is hereby appropriated to the Department of Rehabilitation from any money in the State Treasury not otherwise appropriated the sum of \$18,000, or so much thereof as may be necessary for:

(1) Salary of Director—\$14,000.

(2) State payment to Retirement Fund and Travel and Subsistence for the fiscal year beginning July 1, 1959—\$4,000.

Approved by the Governor May 20, 1959.

AN ACT

House Bill No. 538

(Ch. 19, S.L. '59)

RELATING TO THE PUBLIC SCHOOLS, AND MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION FOR THE PURPOSE OF PROVIDING FUNDS FOR DISTRIBUTION DURING THE FISCAL YEAR BEGINNING JULY 1, 1959.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Appropriation for state public school fund—distribution. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the state department of education, for the purpose of providing funds for distribution during the fiscal year beginning July 1, 1959, under the provisions of article 26 of chapter 123, Colorado Revised Statutes 1953 (Supp.), as amended, the sum of twenty-three million eight hundred thousand dollars (\$23,800,000.00).

SECTION 2. Appropriation to public school transportation fund. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the public school transportation fund, for the fiscal year beginning July 1, 1959, the sum of one million three hundred sixty thousand dollars (\$1,360,000.00), for distribution under the provisions of sections 123-10-56 to 123-10-66, Colorado Revised Statutes 1953 (Supp.), as amended.

Any provision of said sections to the contrary notwithstanding, the moneys appropriated by this section shall also be used to transport children who must necessarily attend out-of-state schools, subject to the allocation by formula in the provisions of said sections.

Approved by the Governor May 11, 1959.

ACT 117
Session No. 71
(2005 S.S. 53)

TO RECOVER CIVIL DAMAGES FOR THE DESTRUCTION OF
WILFUL DESTRUCTION OF PROPERTY BY MURDER

As it Enacted by the General Assembly of the State of Georgia

SECTION 1. The state or any county, city, town, school district, or other political subdivision of the state, or any person, partnership, corporation, association, or other legal entity, whether incorporated or unincorporated, shall be liable for any damages in an amount not to exceed three hundred dollars if a court of competent jurisdiction finds the party or parties of any person, partnership, corporation, or other legal entity liable for such damages in any such case.

SENATE BILLS

any such county, city, town, school district, or other political subdivision of the state, or any person, partnership, corporation, association, or other legal entity, shall be liable to the actual damages in an amount not to exceed three hundred dollars for any such case.

Approved by the Governor May 18, 2005

AN ACT
House Bill No. 338
(C.S. 19, S.L. 1951)

RELATIVE TO THE PUBLIC SCHOOLS, AND MAKING AN
APPROPRIATION TO THE STATE DEPARTMENT OF
EDUCATION FOR THE PURPOSE OF PROVIDING
FUNDS FOR DISTRIBUTION DURING THE FISCAL
YEAR BEGINNING JULY 1, 1951.

Be It Enacted by the General Assembly of the State of Colorado

SECTION 1. Appropriation for state public school fund—
distribution. There is hereby appropriated out of any moneys in
the state treasury not otherwise appropriated, to the state Department of Education, a sum of \$1,360,000.00 for distribution during the fiscal year beginning July 1, 1951, under the provisions of article 25 of chapter 123, Colorado Revised Statutes 1950 (C.R.S.), as amended, the sum of \$1,360,000.00, one million three hundred thousand dollars (\$1,360,000.00).

SECTION 2. Appropriation to public school transportation fund. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the public school transportation fund, for the fiscal year beginning July 1, 1951, the sum of one million three hundred sixty thousand dollars (\$1,360,000.00), for distribution under the provisions of sections 123-10-26 to 123-10-30, Colorado Revised Statutes 1950 (C.R.S.), as amended.

Any provision of law to the contrary notwithstanding, the moneys appropriated by this section shall also be used to transport children who must necessarily attend out-of-state schools, subject to the allocation by formula in the provisions of said sections.

Approved by the Governor May 11, 1951.

A N A C T

Senate Bill No. 71

(Ch. 103, S.L. '59)

TO RECOVER CIVIL DAMAGES FOR THE MALICIOUS OR WILFUL DESTRUCTION OF PROPERTY BY MINORS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. The state or any county, city, town, **school district**, or other political subdivision of the state, or any person, partnership, corporation, association, or religious organization, whether incorporated or unincorporated, shall be entitled to recover damages in an amount not to exceed three hundred dollars in a court of competent jurisdiction from the parent or parents of any minor under the age of eighteen years, living with such parent or parents, who shall maliciously or wilfully destroy property, real, personal, or mixed, belonging to the state or to any such county, city, town, **school district**, or other political subdivision of the state, or to any such person, partnership, corporation, association, or religious organization. The recovery shall be limited to the actual damages in an amount not to exceed three hundred dollars, in addition to court costs.

Approved by the Governor May 18, 1959.

A N A C T

Senate Bill No. 112

(Ch. 221, S.L. '59)

RELATING TO THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE STATE COLLEGES IN COLORADO.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 124-5-1 (1), Colorado Revised Statutes 1953, as amended, is hereby amended to read:

124-5-1. (1) The Colorado State College, Western State College of Colorado, and Adams State College of Colorado shall be under the control of a board of seven trustees. The board shall be and is hereby declared a body corporate by the name and style of the trustees of the state colleges in Colorado, and as such and by its said name may hold property for the use of said schools, be party to all suits and contracts, and do all things thereto lawfully appertaining, in like manner as municipal corporations of this state. The trustees and their successors in office shall have perpetual succession, shall have a common seal, and may make bylaws and regulations for the well ordering and government of the schools and its business not repugnant to the constitution and laws of the state.

SECTION 2. 124-5-2, Colorado Revised Statutes 1953, is hereby amended to read:

124-5-2. The governor shall appoint, by the advice and with the consent of the senate, the seven trustees provided by section 124-5-1 (1), to serve for terms of six years and until their successors are elected and qualified. The six members of the board of trustees appointed by the governor before the effective date of this act shall continue their existing terms for the period for which they were appointed. The seventh trustee shall be appointed within thirty days after such effective date to serve until April 1, 1965, and until such appointment the board as constituted on said effective date shall continue to function with full legal effect. No more than one trustee of the seven trustees shall be a resident of the county in which either the Colorado

State College, or the Western State College of Colorado, or the Adams State College is located. Each trustee so appointed shall take and subscribe to the oath of office prescribed by the constitution of this state before entering upon the duties of his office, which oath shall be placed and kept on file in the office of the secretary of state.

Approved by the Governor May 18, 1959.

A N A C T

Senate Bill No. 130

(Ch. 212, S.L. '59)

RELATING TO SCHOOL BOND INDEBTEDNESS ELECTIONS AND PERTAINING TO THE QUALIFICATIONS OF ELECTORS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 123-11-8, Colorado Revised Statutes 1953, is hereby amended to read as follows:

123-11-8.* Qualifications of electors. In all school districts wherein by law it is required, as one of the qualifications of an elector for voting at elections of school directors, that his name shall appear upon the registration list of the voting precinct in which he resides, no person shall be allowed to vote on the question of contracting such bonded indebtedness, unless his name shall appear on such registration list and unless he shall own either real or personal property subject to a school tax in the school district at the time of such election. In such school districts and the voting precincts thereof the registration list shall be the same in all respects, as that required by law for election of school directors. In all such bond elections in all school districts, ballots shall be prepared for voting and cast in the same manner as provided by law for the preparation and casting of ballots at elections of school directors.

Approved by the Governor May 18, 1959.

*This Act applies only to school districts over 3,000 school population. See also 123-11-1, School Laws, 1956, for districts of 3,000 or less school population.

A N A C T

Senate Bill No. 139

(Ch. 232, S.L. '59)

CONCERNING PUBLIC RECORDS AND THE DIVISION OF STATE ARCHIVES, AND TRANSFERRING THE DIVISION FROM THE JURISDICTION OF THE STATE HISTORICAL SOCIETY TO THE EXECUTIVE DEPARTMENT OF THE STATE GOVERNMENT.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 1 of chapter 131, Colorado Revised Statutes 1953, is hereby amended by the addition of a new section 11 to read:

131-1-11. The state historical society shall continue as now organized and existing; namely, as an educational institution of the state considered as a part of the executive department for the purpose of determining the order of its appropriations; except that:

(a) The division of state archives and public records shall hereafter be a division of the executive department of the state government, separate, and apart from the state historical society;

(b) The state archivist shall consult with the state historical society with respect to the proposed destruction under article 3 of chapter 131, of any documentary, library, or museum materials, whether or not defined in section 131-3-1 as records, and shall not consent to the destruction of any such materials determined by the state historical society to be of historical value; and

(c) The installation of any museum display or exhibition of historical materials in the division of state archives and public records shall be with the guidance and counsel of the state historical society.

SECTION 2. 3-2-1, Colorado Revised Statutes 1953, as amended, is hereby amended by the addition of a new subsection (19) to read:

3-2-1. (19) Division of state archives and public records.

SECTION 3. 131-3-1, Colorado Revised Statutes 1953, is hereby amended to read:

131-3-1. Records defined. (1) For the purposes of this article and except as stated below, "records" means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government, or because of the value of the official governmental data contained therein.

(2) For the purposes of this article, the following are excluded from the definition of records:

(a) Materials preserved or appropriate for preservation because of the value of the data contained therein other than that of an official governmental nature, or because of the historical value of the materials themselves;

(b) Library books, pamphlets, newspapers, or museum material made, acquired, or preserved for reference, historical, or exhibition purposes;

(c) Private papers, manuscripts, letters, diaries, pictures, biographies, books, and maps, including materials and collections previously owned by persons other than the state or any political subdivision thereof and transferred by them to the state historical society;

(d) Extra copies of publications or duplicated documents preserved for convenience of reference; and

(e) Stocks of publications.

SECTION 4. 131-3-2, Colorado Revised Statutes 1953, is hereby repealed and re-enacted, with amendments, to read:

131-3-2. (1) The division of state archives shall hereafter be known as the division of state archives and public records, hereinafter referred to as "the division", and shall be a division of the executive department of the state government. The division

shall succeed to all records of the state of Colorado, or any political subdivision thereof, as the same are defined in section 131-3-1, which have been deposited in the state archives under article 3 of chapter 131, and the state historical society shall transfer such records to it. The division shall thereafter, except as provided in subsections (5), (6) and (7) of this section, be the official custodian and trustee for the state of all public records of whatever kind which are transferred to it under article 3 of chapter 131 from any public office of the state or any county, city or county, town, district, or political subdivision thereof.

(2) The chief administrative officer of the division shall be the state archivist who shall be professionally qualified and who shall be appointed by the governor subject to the provisions and exemptions of article XII, section 13, of the constitution.

(3) The state archivist shall be responsible for the proper administration of public records under article 3 of chapter 131. It shall be his duty to determine and direct the administrative and technical procedures of the division. He shall study the problems of preservation and disposition of records as defined in section 131-3-1 of this article, and based on such study shall formulate and put into effect, to the extent authorized by law, within the division or otherwise, such program or programs as he deems advisable or necessary for public records conservation by the state of Colorado or political subdivisions thereof.

(4) To effectuate the purposes of this article, the governor may direct any department, division, board, bureau, commission, institution, or agency of the state, or any political subdivision thereof to designate a records liaison officer to cooperate with and assist and advise the state archivist in the performance of the duties and functions of the division and to provide such other assistance and data as will enable the division properly to carry out its activities and effectuate the purposes of this article.

(5) Items in the present care, custody, and trusteeship of the state archivist which are not records, as defined by section 131-3-1, because of their historical, library, or museum interest or value shall be retained by the state historical society, and items which are not records, hereafter proposed for disposition under the provisions of article 3 of chapter 131, but determined to be of historical, library, or museum interest or value, shall be trans-

ferred to the historical society with its consent in accordance with provisions set forth in section 131-3-4.

(6) The state historical society, qualified students, and scholars approved by the society or the archivist, and other appropriate persons shall have the right of reasonable access to all records in the custody of the state archivist for purposes of historical reference, research, and information, and the state historical society shall have the privilege of museum display of original historical records, or facsimiles thereof, subject to the provisions of section 131-3-6. Copies of records as defined in section 131-3-1 having historical, library, or museum interest or value shall be furnished to the state historical society by the state archivist upon request of the society in accordance with the provisions of sections 131-3-3, and 131-3-7.

(7) In the event of disagreement between the state historical society and the division as to the custody of any records as defined in section 131-3-1, the governor with the advice of the attorney general shall make final and conclusive determination and order, and direct custody accordingly.

(8) Wherever in article 3 of chapter 131 the division of state archives is referred to, it shall mean the division of state archives and public records; wherever the division of state archives is referred to as a division of the state historical society, such jurisdiction of the society is hereby transferred to the executive department of the state government; and wherever the archivist is referred to it shall mean the state archivist, all as hereinbefore provided.

SECTION 5. This act shall in no way affect sections 131-3-2 through 131-3-10, except as hereinbefore set forth in section 131-3-2 (8).

SECTION 6. This act shall become effective on July 1, 1959.

Approved by the Governor March 30, 1959.

A N A C T

Senate Bill No. 142
(Ch. 214, S.L. '59)

Amending 123, Art. 23 (Supp.)

Amendments in Italics

RELATING TO JUNIOR COLLEGES.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 123-23-10, Colorado Revised Statutes 1953, as amended, is hereby amended to read:

123-23-1. Part of public school system. Junior colleges established in Colorado pursuant to the provisions of this article are hereby declared to be an integral part of the public school system of the state of Colorado.

123-23-2. Definitions. A junior college established pursuant to the provisions of this article within the state of Colorado is hereby defined to be an educational institution which shall provide not to exceed two years of training in the arts, sciences and humanities beyond the twelfth grade of the public high school curriculum or vocational education.

123-23-3. Districts organized—when. Junior college districts in Colorado may be organized in an area approved for organization by the state board of education which shall have had a school population, as determined by the immediately preceding school census, of thirty-five hundred or more and an assessed valuation at the time of organization of such district of twenty million dollars or more. A district may be entirely within one county or partly in two or more counties. Any existing first, second, or third class school districts shall be entirely included or entirely excluded.

Organization of junior college districts.

Approval of State Board of Education.

123-23-4. Petition of electors. A junior college district may be formed upon the petition of five hundred electors residing in the area of the proposed district and having the qualifications prescribed in section 123-23-7. If the petition is for the formation of a junior college district consisting of an area within a single

Handling of petition for formation of junior college districts.

county, it shall be filed with the county superintendent of public schools of such county, and if the petition is for the formation of a junior college district situated in two or more counties, a copy of the petition shall be filed with each of the county superintendents of public schools of the counties in which a part of the district is located.

Organizing
junior college
district.

123-23-5. Election to organize. Upon receipt of the petition provided in section 123-23-4, the county superintendent of public schools of such counties shall give notice to the qualified school electors of his county resident in the area of the proposed district located in such county that at the next regular meeting for the election of members of the board of education in the respective districts of the state, or at a special meeting which may be called for the purpose, the question of organizing a junior college district will be submitted to the qualified voters of the respective school districts located in the area of the proposed junior college district in the counties at such meeting.

Notice of
regular or
special
meeting.

123-23-6. Notice to be given—when. The notice herein provided shall be given not less than twenty days before the regular or special meeting at which the organization of the junior college district is to be submitted. The county superintendent of public schools of each county in which a part of the proposed district is located shall cause notices to be posted in each school district located in the area of the proposed junior college district, stating that such petition has been filed, and that a meeting will be held at which time the question of organizing a junior college district shall be submitted to the qualified voters of the district. The secretary of each board of education of each first, second, or third class school district located in the proposed junior college district, under direction of the county superintendent, shall cause written or printed notices to be posted in his district, specifying the purpose, the day, and the place or places of such election, and the time during which the ballot boxes shall be kept open, which shall be not less than three hours. If the meeting shall be a regular meeting for electing members of the board of education, the time and place specified in such notice shall be the same time and place or places at which the regular election of members of the board of education shall be held. If the meeting is one specially called for the purpose of submitting the question of the organization of a junior college district, the time shall be stated in such notice,

Secretary to
post notice.

and the place or places shall be the same at which the regular election of members of the boards of education are held. The time for said election shall be the same in all districts located in said proposed junior college district, and shall be determined by the county superintendent of the county in which the proposed junior college district is located, and if in more than one county, then by agreement among the respective county superintendents of schools. Said notices shall be posted at least twenty days previous to the time of such meeting, in at least three public places in the district, one of which shall be the general offices of the school district at the school house.

123-23-7. Qualifications of voters. Every legally qualified elector who is eligible to vote at a bond election of a school district and none other, shall be entitled to vote at any meeting upon the question of the organization of a junior college district. At the time and place of said meeting the qualified electors shall proceed to vote by ballot on the question of whether or not the proposed junior college district shall be organized. Those in favor of the organization shall vote for the organization and those opposed against the organization. The ballots upon the question of organization shall be deposited by the voters in a separate ballot box to be provided by each school district for the said purpose. The president, secretary and treasurer of the district school board, or other qualified electors appointed by them shall act as judges of the election.

Conduct of election.

123-23-8. Certification of returns. Immediately after the closing of the polls the judges shall open the ballot boxes and proceed to count the votes polled, and the counting thereof shall be commenced and continued until finished before the judges shall adjourn. As soon as all the ballots have been counted, the judges shall make out a certificate under their hands certifying the whole number of votes cast upon the question of organizing and the number of votes cast for organization and the number of votes cast against organization. Said certificate, together with the ballots cast upon the question, shall then be enclosed and sealed under suitable cover and directed to the county superintendent of the county in which such election is held and the packet thus sealed shall be sent by registered mail, where practicable; otherwise it shall be conveyed by one of the judges of the election, to be determined by lot if they

Result of election.

cannot agree otherwise, within three days after the closing of the polls.

Canvass of votes.

123-23-9. Canvass and record of votes. (1) On the tenth day after the holding of the election, or sooner if all returns be received, the county superintendent of the county shall proceed to open said returns and determine the results of the election in such county therefrom. Said county superintendent shall make and permanently preserve in his office a record of the total number of votes cast for organization and against organization. If said proposed junior college district be situated entirely within one county and it shall appear that the majority of the votes cast on the question on organizing a junior college district were in favor of such organization, then such district shall be formed in accordance with the provisions of this article.

Record of votes cast preserved in county superintendent's office.

(2) If said proposed junior college district be situated in two or more counties, then the respective county superintendents of schools shall, not less than ten nor more than twenty days after said election, meet and total the votes cast for and against such organization in all counties in which a part of the proposed district is located. If it shall appear that the majority of all votes cast in said proposed district were in favor of such organization, then such district shall be formed in accordance with the provisions of this article.

Procedure for counting votes if more than one county involved.

(3) In any case if it shall appear that the majority of the votes cast were not in favor of said organization, then such district shall not be organized, provided, however, that the provisions of this section shall not be construed to prevent the filing of a subsequent petition or petitions for the formation of a similar junior college district.

When junior college district may not be organized—proviso.

123-23-10. Election of committee. (1) *If a majority of the votes cast at said election shall be in favor of the organization of a junior college district, composed of more than one public school district, the county superintendent of schools of such county or counties shall so notify by letter the directors of the first, second, and third class school districts in said junior college district, and shall call a meeting of the directors of the respective school districts of the proposed junior college district, which meeting shall be held at the office of the county superintendent of schools of the county in which the buildings of the junior college are located, or are proposed to be located, not more than thirty days after the elec-*

County superintendent give notice of meeting of directors.

tion herein provided for. Such meetings shall be presided over by the county superintendent of the county where the meeting is held, and he shall appoint a temporary secretary. The assembled directors shall then proceed to elect five members, who may or may not be directors of school districts within the junior college district for what shall be known as the "..... Junior College Committee," which committee shall serve as the junior college committee for such district until the next regular election for such junior college district.

County superintendent preside at meeting—appoint secretary.

Committee members shall be qualified electors resident in said junior college district and, further, resident in the appropriate director district of the junior college district as provided below. If the junior college district hereafter organized shall consist of more than one entire county, then a system of director districts is hereby established. Each completely included county, or major portion thereof, shall be a director district with one member of the committee resident in that county or major portion thereof. If there are fewer than five entire counties or major portions thereof, then the remaining members shall be elected at large and these members may be resident anywhere in the junior college district. At the first and all future regular elections following the organization of the junior college district this plan of director districts shall be used in conjunction with the provisions of section 123-23-13.

Resident in director district.

(2) If a majority of the votes cast at said election shall be in favor of the organization of a junior college district which is coterminous with an existing first class district, the county superintendent of schools shall notify within five days the proper election authorities of the county or election commission of a city and county in which said first class district is situated and such authorities shall provide for an election of the directors of the district.

Provide for election.

(a) The election shall be held on the first Tuesday after the first Monday of the second month following the month in which the election establishing the district is held. Thereafter, the regular elections for directors shall be held on the first Monday in May except that the election shall be held on the date and hour set for municipal elections in a city or city and county that is coterminous with the district on any odd-numbered years that such regular municipal election is held.

Election held when—

Number of directors.

(b) Such junior college district shall have five directors, three of whom shall be elected on the basis of director districts, which shall be as nearly as possible equal in size on the basis of the number of qualified electors, and two of whom shall be elected at large. Such directors-at-large shall first be elected to serve until the second regular election as established in (a) of this subsection; such directors from director districts shall first be elected until the date of the first regular election as established in (b) of this subsection; terms of office for all directors shall thereafter be for four years each.

Petitions for candidates.

(c) Election authorities designated in subsection (2) of this section shall establish the required director districts and shall accept petitions for candidates for director thirty days prior to any election, shall publish the notice of election, prescribe the form of ballot or voting machine, appoint the judges and clerks of election, establish the precinct boundaries and polling places, canvass the votes cast, and perform these and other related functions in the same manner as prescribed by law for general elections.

(3) The costs of elections of school directors as provided in this section shall be paid by the junior college district in which the elections shall be conducted.

Voters meet qualifications.

(4) The provisions of sections 123-23-14 through 123-23-19, shall not apply to districts organized under subsection (2) of this section provided that the voters qualified to vote in said director elections shall meet the qualifications required by section 123-23-19 and that the candidates for director positions shall otherwise meet the qualifications required by section 123-23-15.

Members hold office till term expires.

(5) The election of directors in districts organized and existing on the effective date of this act shall be elected and hold office as provided in 123-23-10 (2) (a), (b), and (c) of this act. Provided, however, that directors under such existing districts, whose term of office shall not have expired on the effective date of this act, shall continue to hold office and perform the duties thereof during the term for which they were appointed or elected.

Regular election, when held.

123-23-11. Date of election. The regular election for the election of members of a junior college committee, either heretofore or hereafter organized, shall be held on the first Monday of May, 1951, and on the first Monday of May of each second year thereafter; provided, however, that any junior college commit-

tee heretofore organized may be elected at the time and in the manner hereinafter provided.

123-23-12. Committees heretofore elected. Repealed 5-18-59.

123-23-13. Junior Colleges hereafter organized. At the first regular election following the organization of a junior college hereafter organized, five members of the junior college committee shall be elected, one to hold office for a term of two years, two for a term of four years, and two for a term of six years, and as each of said terms expires, a successor shall be elected for a term of six years.

Election of members of committee of junior colleges hereafter organized.

In the case of a vacancy in any junior college committee, a successor shall be chosen by the remaining members of the committee, and shall hold office until the next regular election, at which time a successor shall be elected to serve for the remainder of the unexpired term.

123-23-14. Precincts and polling places. Not less than thirty days before any election in any junior college district, the junior college committee of such junior college district shall by resolution divide the junior college district into such number of election precincts as they shall see fit, and fix the boundaries of the same, and in each case they shall designate one voting place in each of said election precincts; provided that said committee may at any time before the day of the election change the location of the voting place in an election precinct, and in case of such change the secretary shall forthwith post notice of such change at the old and new polling places. In case a junior college district shall consist of territory in more than one county, no voting precinct shall include territory in more than one county.

Committee divide district into precincts.

Change of voting place —notice.

123-23-15. Candidates for committee. Any person who may desire to be a candidate for the office of junior college committeeman and who is qualified to vote at the next general election in said junior college district, shall file a written notice of such intention with the secretary of the junior college committee at least eight days before the holding of the election for members of the junior college committee, and shall file with said notice a certificate of nomination signed by not less than fifty qualified electors of said junior college district, which certificate of nomination shall contain the name of the

Candidates file notice of intention and certificate of nomination.

Content of certificate of nomination.

office for which such person is nominated, and his post office address, place of residence, and, if in a city, the street number of his place of residence and place of business. Each of the electors signing the same shall add to his signature his place of residence. The secretary of the junior college committee, for five consecutive days preceding the day of said election, shall publish in some daily newspaper published in such district, or, when no daily newspaper is published in said district, then by posting a printed or written notice at each polling place and in not less than three other public places in said district, the names of all of the candidates who shall have been nominated.

Secretary
publish
list of
candidates.

Form of
ballot.

123-23-16. Form of ballot. The secretary of the junior college committee shall have printed ballots prepared, bearing the names of all candidates so nominated, which names shall be arranged in alphabetical order according to surnames of candidates; and on the ballot will be printed such words as will indicate the number of members of the committee to be elected and the term of office for which each person nominated is a candidate. All such ballots shall be uniform in every respect and of sufficient length and width to allow all the names of candidates to be printed in clear, plain type, and so as to give each elector an opportunity to designate by a cross mark (X) in a sufficient margin at the right of the name of each candidate, his choice of candidates. There shall be printed on the back of each ballot the following endorsement:

“Official ballot of.....Junior College District of the State of Colorado,” together with the date of the election and a facsimile of the signature of the secretary of the junior college committee.

Notice of
election.

123-23-17. Notice of election. The secretary of the junior college committee shall cause written or printed notices to be posted, specifying the day and place or places of such election, the boundaries of election precincts, the location of polling places, and the time during which the ballot boxes shall be kept open, which shall be from 7 o'clock A.M. to 7 o'clock P.M. Additional notices shall be posted at each polling place and at least three other public places in the district. If the district is situated in two or more counties, then such notice shall be posted in at least three public places in the area of the district in each county. Said notice shall also be published weekly for

the four weeks next preceding such election in a newspaper published in such district, provided, however, that if there be no newspaper published in the junior college district, notice by posting shall be sufficient.

123-23-18. Judges of election. At least five days before an election for members of the junior college committee, the junior college committee shall appoint three judges for each of the polling places in such district, who shall be paid by the junior college district not to exceed ten dollars per day for their services, plus mileage for one judge at the rate of fifteen cents per mile one way for each mile necessarily traveled in delivering ballots and certificates to the secretary of the junior college committee.

Judges of election—
appointment—
—compensation.

123-23-19. Qualification of voters. Each elector qualified to vote at a general election in the county of his residence and having been a resident of the junior college district for thirty days next preceding the date of the election, shall be eligible to vote at junior college district elections.

Qualification of voters.

In all cases where specific provision is not made herein, election of members of junior college committees shall be governed by general laws governing elections in school districts of the first class having a school population in excess of three thousand.

General laws apply.

123-23-20. District officers. Within ten days after the election of any junior college committee, said committee shall meet and select from among its members a president, a secretary and a treasurer for said junior college committee, who shall serve until the first meeting of said junior college committee following the election for members of said committee.

Organization of committee.

123-23-21. Regular meetings. The regular meetings of the junior college committee shall be held on the first Saturday of March, June, September and December of each year, and special meetings may be held upon call of the president or a majority of the committee and the secretary of the committee shall notify the members thereof.

123-23-22. District body corporate. Each regularly organized junior college district which may be formed, as provided in this article, is hereby declared to be a body corporate, by the name and style of ".....Junior College District,"

Meetings of junior college committee.

and in that name may hold property and be a party to suits and contracts, the same as municipal corporations in this state.

Legality of district and property powers.

123-23-23. Right to hold property. It shall be lawful for any junior college district in this state to take and hold, under the provisions of any law in force and effect providing for the exercise of the rights of eminent domain, so much real estate as may be necessary for the location and construction of a junior college building or buildings and convenient use of said junior college. Any real estate now owned by a public junior college or by the state of Colorado for a public junior college heretofore organized under the laws of the state of Colorado shall become the property of the junior college district wherein such property is situate.

Duties of committee.

123-23-24. Duties of committee. It shall be the duty of the junior college committee to determine financial and educational policies and provide for the proper execution of such by selecting competent administrators, instructors, and other personnel for the administration, operation and maintenance of the institution; to fix fee rates, to accept gifts, to purchase, hold, sell or rent property and equipment, and to promote the general welfare of the institution for the best interests of education and the junior college district.

Duties of president.

123-23-25. President—duties. The president shall preside at all meetings of the junior college committee of the junior college district and shall sign all orders on the county treasurer for the payment of money; provided, however, that no orders shall be drawn upon the county treasurer except in favor of parties to whom the junior college district has become lawfully indebted. He shall appear in behalf of the junior college district in all suits brought by or against the district, but in the event that the president is individually interested, this duty shall be performed by the secretary. In the absence of the president, the secretary shall preside at any meeting of the junior college committee.

Duties of secretary.

123-23-26. Secretary—duties. The secretary shall keep an accurate account of the expenses incurred by the junior college district and shall present the same to the committee whenever called upon. He shall give the required notice of all regular and special meetings. He shall keep the same records, and make the same reports as are required by law to be kept and made by secretaries of public school districts. Any or all of the special

duties of the secretary may be delegated by the junior college committee to a paid secretary who may be appointed by the junior college committee.

123-23-27. Treasurer—duties. The treasurer shall countersign all warrants drawn by the president and secretary of the county treasury and shall keep an account of the same. He shall take charge of all moneys received by the junior college committee on account of the junior college district. He shall render a statement of the finances of the district, as shown by the records of his office at the close of each school year and at any other time when required by the committee. The treasurer shall perform such additional duties and be subjected to such additional obligations as are imposed by law upon the treasurer of public school districts.

Duties of treasurer.

123-23-28. Credits accepted by state institutions. Credits received by students attending junior colleges shall be accepted in full by other states institutions of higher learning for provisional enrollment in such major courses for which the courses in the junior college qualify.

Credits accepted by state institutions.

123-23-29. Additions to district—procedure. (1) In case any first, second or third class school district, or group of such districts, adjacent to a junior college district desire to be annexed to such existing junior college district it or they may do so by the following procedure:

Annexation to junior college district.

(2) By obtaining approval of the already existing junior college district. Such approval shall be given only upon a majority vote of the electors of such existing junior college district as expressed by a majority polled at the time of the general school election held in such junior college district.

(3) By the school district or districts desiring to be annexed voting on the question of annexation at a general school election. If a single school district desires to be so annexed, such annexation shall be effected by a majority vote of the qualified electors of such district. If two or more school districts desire annexation as a group, such annexation shall be effected only by a majority vote in favor thereof in each such district desiring annexation. If there shall not be a majority vote in favor of such annexation in any district comprising such group, then such annexation shall not occur.

Dissolution
of district
procedures.

123-23-30. Dissolution of district. Any junior college district may be dissolved in the following manner. A plan for the dissolution of such junior college district may be submitted to the qualified electors of the junior college district at a special election held for that purpose. Such plan must provide for the payment of all district debts and liabilities and the distribution of all district assets. If the qualified electors shall authorize such dissolution by a vote of the majority of electors voting at such special elections, the junior college committee of the district shall proceed to the carrying out of the plan so authorized and upon accomplishment thereof, shall file its certificate of such fact with the county clerk of the county wherein the district is situate. Thereupon such district shall be considered at an end. If any property or funds shall remain in the hands of the junior college committee, credit after such dissolution of such property or funds shall be distributed as provided in such plan of dissolution for the distribution of the assets of such junior college district.

123-23-31. Withdrawal of county. Repealed April 30, 1957.

Powers and
duties.

123-23-32. Powers and duties. Each junior college district organized under the provisions of this article shall have and exercise all the powers, and perform all the duties accorded to and required of public school districts of the first class throughout the state, including, without limiting the generality of the foregoing, the power to issue negotiable interest bearing bonds and to refund the same and to provide for the payment thereof by taxation for the purposes, to the extent and in the manner provided by the laws applicable to such first class districts. Each such junior college district shall also have the power to pledge the revenues of the district as additional security for the payment of said bonds. Each such junior college district shall also have the power to issue bonds payable solely from the revenues, other than revenues derived from ad valorem taxes of the district without an election for the purposes provided by the laws applicable to such first class districts. In addition to any other powers hereby granted, junior college districts within this state are empowered and directed to cooperate with the state board for vocational education in carrying out the provisions of the national and state vocational education and rehabilitation acts or amendments thereto or any such acts providing for vocational education or vocational rehabilitation of physically disabled persons.

Empowered to
issue bonds.

Cooperate
with state for
vocational
education.

123-23-33. Short title. This article shall be known as "The Junior College Organization Act."

123-23-34. Bonds as legal investments. Any junior college district bonds issued or validated in accordance with the provisions of this article, shall be eligible for the investment of all funds which may be invested in bonds of school districts of this state.

Approved by the Governor May 18, 1959.

A N A C T

Senate Bill No. 168

(Ch. 215, S.L. '59)*

RELATING TO SCHOOL DIRECTORS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. 123-25-27, Colorado Revised Statutes 1953 (Supp.), is hereby amended by the addition thereto of a new subsection (4) to read:

123-25-27 (4) Any person desiring to be a candidate for the office of director of a new district formed under the provisions of this article shall be a resident of the director district which he seeks to represent. Such candidate shall be nominated in the manner provided in section 123-10-7, except that the certificate of nomination shall be signed by at least fifty qualified electors of the director district in which such candidate resides, or by at least forty per cent of the qualified electors in such director district, whichever is less. If a member of the board of education shall become, during his term of office, a non-resident of the director district from which elected, he shall be deemed thereby to vacate his office. If any vacancy for any cause shall occur on the board, the same shall be filled, by a majority vote of the remaining members, by the appointment of a resident of the director district in which the vacancy occurs, and such appointee shall hold his office for the remainder of the unexpired term and until his successor shall be duly elected and qualified.

Approved by the Governor May 18, 1959.

*See also H.B. 272, page 16.

A N A C T

Senate Bill No. 183

(Ch. 230, S.L. '59)

RELATING TO THE EXECUTIVE DEPARTMENT; TO CREATE AND ESTABLISH A STATE AGENCY FOR SURPLUS PROPERTY THEREIN, AND TO PRESCRIBE ITS POWERS, DUTIES, AND FUNCTIONS; TO AUTHORIZE THE APPROPRIATION OF FUNDS; AND TO DIRECT THE TRANSFER OF FUNCTIONS, EQUIPMENT, PROPERTY, AND FUNDS TO THE AGENCY CREATED HEREIN.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. **State agency for surplus property.** There is hereby created and established within the executive department, a Colorado state agency for surplus property, the powers and duties of which are provided in this act.

SECTION 2. **Director—staff.** The Colorado state agency for surplus property, hereinafter referred to as the "state agency," shall consist of a director, who shall be the executive officer of the state agency, the advisory committee hereinafter referred to, and such deputies, assistants, and employees as in the opinion of the director and the governor shall be necessary to carry out the provisions of this act. The director shall be the state purchasing agent. All deputies, assistants, and employees shall be appointed by the director pursuant to article 12, section 13, of the constitution, and shall receive such compensation and reimbursement of expenses incurred in the performance of their duties as other employees of the state government are paid.

SECTION 3. **Advisory committee.** (1) The governor shall appoint an advisory committee consisting of nine members, one each chosen from the respective administrative staff of the **state department of education**, the state department of public health, and the Colorado civil defense agency, and six others chosen as the governor may deem appropriate to provide equitable representation from among the several types of health, educational, and civil defense institutions and organizations eligible to receive

property distributed under this act. All appointments shall be for a term of four years, or until employment with the respective department, institutions, or organization terminates, whichever first occurs. Advisory committee members shall receive no compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties under this act.

(2) The Advisory committee shall have the following responsibilities and duties:

(a) to select from among its own membership a chairman and vice chairman and to adopt such bylaws as may be necessary to facilitate the work of the committee;

(b) to meet whenever requested to do so by the governor, the director of the state agency, or the chairman of the advisory committee;

(c) to keep itself informed concerning the activities and operations of the state agency;

(d) to act in a general advisory capacity to the governor and the director and whenever requested by the governor or the director, to make recommendations concerning the operation of the state agency;

(e) to foster public awareness and understanding of the objectives and functions of the state agency; and

(f) to stimulate participation and interest in the objectives and functions of the state agency.

SECTION 4. Authority and duties of the state agency for surplus property. (1) The state agency is hereby authorized and empowered:

(a) To acquire from the United States under and in conformance with the provisions of section 203 (j) of the Federal Property and Administrative Services Act of 1949, as amended, such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States as may be usable and necessary for educational purposes, public health purposes or civil defense, including research for any such purpose, and for such other purposes as may now or hereafter be authorized by federal law;

(b) to warehouse such property; and

(c) to distribute such property within the state to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities within the state, and to other non-profit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which are exempt from taxation under section 501 (c) (3) of the United States Internal Revenue Code of 1954, to civil defense organizations of the state, or political subdivisions and instrumentalities thereof, which are established pursuant to state law, and to such other types of institutions or activities as may now be or hereafter become eligible under federal law to acquire such property.

(2) The state agency is hereby authorized to receive applications from eligible institutions listed in Section 4 (1) (c) of this act for the acquisition of federal surplus real property, investigate the same, obtain expression of views respecting such applications from the appropriate health or educational authorities of the state, make recommendations as to the need of such applicant for the property, the merits of its proposed program of utilization, the suitability of the property for such purposes, and otherwise assist in the processing of such applications for acquisition of real and related personal property of the United States under section 203 (k) of the Federal Property and Administrative Services Act of 1949, as amended.

(3) For the purpose of executing its authority under this act, the state agency is authorized and empowered to adopt, amend, or rescind such rules and regulations and prescribe such requirements as may be deemed necessary; and take such other actions as are deemed necessary and suitable in the administration of this act, to assure maximum utilization by and benefit to health, educational and civil defense institutions and organizations within the state from property distributed under this act.

(4) The state agency is authorized and empowered to make such certifications, take such action, make such expenditures and enter into such contracts, agreements and undertakings for and in the name of the state (including cooperative agreements with any federal agencies providing for utilization by and exchange between them of the property facilities, personnel and services of each by the other with reimbursement), require such reports and make such investigations as may be required by law or regu-

lation of the United States in connection with the disposal of real property and the receipt, warehousing, and distribution of personal property received by the state agency from the United States.

(5) The state agency is authorized and empowered to act as clearing house of information for the public and private non-profit institutions, organizations and agencies referred to in subsection (1) of this section of this act and other institutions eligible to acquire federal surplus real property, to locate both real and personal property available for acquisition from the United States, to ascertain the terms and conditions under which such property may be obtained, to receive requests from the above mentioned institutions, organizations, and agencies and to transmit to them all available information in reference to such property, and to aid and assist such institutions, organizations, and agencies in every way possible in the consummation of acquisitions or transactions hereunder.

(6) The state agency, in the administration of this act, shall cooperate to the fullest extent consistent with the provisions of this act, with the departments or agencies of the United States and shall file a state plan of operation, operate in accordance therewith, and take such action as may be necessary to meet the minimum standards prescribed in accordance with the act, and make such reports in such form and containing such information as the United States or any of its departments or agencies may from time to time require, and it shall comply with the laws of the United States and the rules and regulations of any of the departments or agencies of the United States governing the allocation, transfer, use, or accounting for, property donable or donated to the state.

SECTION 5. Power of director to delegate. The director may delegate to any employee of the state agency such power and authority as he deems reasonable and proper for the effective administration of this act. The director of the state agency shall be bonded in an amount determined proper and sufficient by the governor, and the director may in his discretion, with the approval of the governor, bond any person in the employ of the state agency, handling moneys, signing checks, or receiving or distributing property from the United States under authority of this act.

SECTION 6. Transfer charges. The director is hereby authorized to make charges and to assess fees from the recipient of any surplus property acquired and distributed under this act. Any charges made or fees assessed by the state agency for the acquisition, warehousing, distribution, or transfer of any property of the United States for educational, public health, or civil defense purposes, including research for such purposes, and for such other purposes as may now or hereafter be authorized by federal law, shall be limited to reasonable administrative costs of the state agency and costs reasonably related to the care and handling in respect to its acquisition, receipt, warehousing, distribution, or transfer by the state agency and, in the case of real property, such charges and fees shall be limited to the reasonable administrative costs of the state agency incurred in effecting transfer.

SECTION 7. Authority of state or local subdivision to receive property—revocation of authority of officer. Any provision of law to the contrary notwithstanding, the governing board, or in case there be none, the executive head, of any state department, instrumentality, or agency, or of any city, county, **school district**, or other political subdivision may, by order or resolution, confer upon any officer or employee thereof continuing authority from time to time to secure the transfer to it of surplus property through the state agency under the provisions of section 203 (j) of the Federal Property and Administrative Services Act of 1949, as amended, and to obligate the state or political subdivision and its funds to the extent necessary to comply with the terms and conditions of such transfers. The authority conferred upon any such officer or employee by any such order or resolution shall remain in effect unless and until the order or resolution is duly revoked and written notice of such revocation shall have been received by the state agency.

SECTION 8. Records and property transferred. On the effective date of this act, the state agency shall succeed to all records, documents, equipment, materials, and property, in the hands of the agency known as the "Colorado surplus property agency," existing and functioning under an agreement between the state department of education, the department of public health, and the Colorado civil defense agency, and to all accounts receivable, accounts payable, claims and demands of said Colorado Surplus Property Agency, which have been used, acquired or in-

curred in the performance of the powers and duties of said agency hereby transferred to the state agency created by this act.

SECTION 9. Funds transferred. On the effective date of this act the agency known as the "Colorado surplus property agency," existing and functioning under an agreement between the state department of education, the state department of public health, and the Colorado civil defense agency, shall transfer any and all funds held by the said Colorado surplus property agency to the state treasurer, who shall credit such funds to the state agency and hold them separate and distinct from state funds for the use and purposes defined herein, and the state treasurer is authorized to make disbursements from such funds for the purposes designated, or for administrative costs upon warrants drawn by the state controller upon vouchers signed by the director or deputy director of the state agency.

SECTION 10. Purchases—how made. All purchases of equipment, supplies and material required for the operation of the state agency shall be made through the state purchasing agent.

SECTION 11. Revolving fund. There is hereby created a revolving fund into which all charges and fees made under the provisions of this act shall be paid for the use of the surplus agency in administering this act. The revolving fund shall continue as long as the act is in effect.

SECTION 12. Constitutionality clause. If any provision of this act or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Approved by the Governor May 8, 1959.

A N A C T
Senate Bill No. 193
(Ch. 253, S.L. '59)

CONCERNING SCHOOL DISTRICT ORGANIZATION AND
MAKING AN APPROPRIATION THEREFOR.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Effective July 1, 1959, any expenses approved by the commissioner of education in excess of five hundred dollars by any county planning committee under chapter 123, article 25, Colorado Revised Statutes 1953 (Supp.), for the two fiscal years commencing July 1, 1957, and concluding June 30, 1959, shall be authorized in an amount not to exceed two hundred additional dollars for counties embracing less than two thousand square miles or not to exceed five hundred dollars for counties embracing two thousand or more square miles, provided that electors in said counties shall have approved a county-wide plan of school district organization on or before June 30, 1959.

SECTION 2. For any county which has not completed school district organization plans as of July 1, 1959, and which appoints a new school planning committee as of that date, an approval of one hundred dollars of expenses as otherwise defined in 123-25-38 shall be permitted the commissioner of education for each whole or fractional part of one thousand square miles of territory under the jurisdiction of the county committee, provided that any county may receive up to two hundred fifty dollars.

Section 3. In addition to other allocations provided in this act, each county which has not completed its election for an approved plan of school district organization as of April 1, 1959, shall be allocated an amount of not to exceed two hundred dollars by the commissioner of education for necessary election under chapter 123, article 28.*

NOTE: This appears to be an error. There is no article 28 in chapter 123 and the reference should be to article 25.

SECTION 4. There is hereby appropriated out of revenues in the state treasury not otherwise appropriated to the state school

organization fund the sum of twenty-two thousand dollars (\$22,000.00), or so much thereof as may be necessary, in accordance with sections 1, 2, and 3 of this act for the period of July 1, 1959, through June 30, 1961. Any monies unspent or uncommitted to implement processes established in accordance with chapter 123, article 25, as of July 1, 1961, shall revert to the general fund of the state.

Approved by the Governor May 18, 1959.

NOTE: This appears to be an error. There is no article 25 in chapter 123 and the reference should be to article 23.

SECTION 4. There is hereby appropriated out of revenues in the state treasury not otherwise appropriated to the state school

A N A C T

Senate Bill No. 234

(Ch. 219, S.L. '59)

CONCERNING SCHOLASTIC ACHIEVEMENT AND MAKING AN APPROPRIATION THEREFOR.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. This act shall be known and may be cited as "The Scholastic Achievement Act".

SECTION 2. It is hereby declared to be the intent of the general assembly to improve the quality of education available to the youth and adults of the state of Colorado through special provisions and the application of programs of education to areas of scholastic endeavor, including the acceptance and implementation by the state of special educational incentives available under public laws of the Congress of the United States.

SECTION 3. The state board of education, hereinafter referred to as the "board", effective April 1, 1959, shall be designated as the agency to receive grants-in-aid from the federal government under the provisions of the National Defense Education Act of 1958, except as provided in subsection (2) (c) of this act, and shall administer said grants in accordance with the following:

(1) The board shall prepare a state plan in accordance with the requirements of the National Defense Education Act of 1958, and any amendments thereto, or any rules or regulations authorized under said act by the United States department of health, education, and welfare. Upon approval of such plan by the federal government, copies of the plan and any amendments to such plan shall be filed with the governor, with the joint budget committee of the general assembly, and with the legislative council.

(2) The requirements for the distribution of both federal and state moneys under the several titles of the National Defense Education Act of 1958, together with the requirements to be met by local school and educational authorities in this state, shall be as follows:

(a) With relation to Title III of the federal act, providing financial assistance for strengthening science, mathematics, and modern foreign language instruction, the board is hereby authorized to accept applications from local school districts, outlining the manner in which the districts will expend both federal and state moneys to implement said title. Each school district in each case shall contribute no less than thirty-five per cent of the total cost of the program approved under this title for such school district.

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(b) With relation to Title V of the federal act, providing for guidance counselling and testing, the board is hereby authorized to conduct a program of the testing of students in the schools of the state, and such program shall be administered and conducted by an agent of the board. In addition, the board is hereby authorized to accept applications from school districts to establish counselling and guidance programs to be conducted under the provisions of and consistent with the provisions of the federal act and of this act. Each school district in each case shall contribute no less than twenty-five per cent of the total cost of the program approved under this title for such school district.

(c) With relation to Title VIII of the federal act, concerning area vocational education programs, the state board for vocational education shall be the state agency administering this title. As nearly as is feasible, the board for vocational education shall approve area vocational education programs based on population areas, even if a program shall embrace more than one school district or parts of school districts; provided, the program may include single school districts whenever an adjacent district or districts in the same area do not agree to contribute its—or their pro rata share of the costs of the program. Each school district or the several school districts in an area program shall contribute no less than twenty-five per cent of the cost of any program approved under this title. When local costs are pro rated between districts, such proration shall be on the basis of the actual hours of student attendance in the program.

(d) With relation to any other title of the federal act, or regulations established by the United States department of health, education, and welfare, concerning the administration of said federal act, where a state agency is not otherwise delegated to administer said act, the state board of education is hereby designated

to administer participation by the state of Colorado in any program or programs authorized by said federal act. Included in such authorization, the board shall collect, analyze, and report statistical data relating to scholastic achievement and education in this state; shall develop guides for accounting procedures for school districts; shall conduct reviews, evaluations, and conferences concerning district reports and reporting; and shall expedite the processing of records of educational and statistical data through the use and operation of mechanical equipment, subject to the provisions of Title X of the National Defense Education Act of 1958, and subject to such other requirements established by law in this state for the processing, reporting, and use of statistical information and data.

(e) Any funds appropriated by the state or any school districts to implement the functioning in Colorado of any of the titles of the National Defense Education Act of 1958, shall be in addition to such other funds as are otherwise appropriated and shall provide for services or programs in addition to those otherwise provided as of the effective date of this act.

(f) The colleges and universities of the state under the control of the state and participating under Title II of the National Defense Education Act to provide long-term loans for students shall each establish a special student loan fund in accordance with said federal act. To each such fund shall be deposited federal funds available under said title and such state funds as the general assembly may appropriate annually to meet the requirement of each college and university matching ten per cent of such federal appropriations. Each such fund shall be used exclusively for student loan purposes. Any payments by any students repaying loans to the respective fund of the college or university shall be repaid to the federal agency as provided in said federal act and that of such repayments which is based on the state portion of the original loan and any interest paid on such portion shall be retained in such fund for the continuing purpose of further student loans consistent with the loan policy of said college or university. The loan fund so established for each college and university shall be retained for the purposes stated in this subparagraph whether or not Title II remains in effect under the federal act. Monies which become a part of said fund shall be used for no other purposes by any

college or university except for loans to students in attendance at such college or university.

Section 4. (1) There is hereby established the advisory committee on educational endeavor, hereinafter called the "committee". It shall advise the legislative council and the general assembly on matters relating to scholastic achievement, including but not limited to an interpretation of how students on all grade levels from primary school through college might best be assisted by the state in attaining their highest levels of achievement; how schools might best upgrade their educational opportunities; how local and state school authorities might best coordinate the planning and financing of both scholastic and vocational educational programs with available federal programs and resources; and how student guidance services in the public schools might best be performed.

(2) The committee created by subsection (1) of this section shall be appointed by the legislative council and shall report to and through the council to the general assembly. Such reports shall be made to the regular annual sessions of the general assembly.

(3) The committee shall be composed of eleven members, at least six of whom shall be lay citizens not specifically engaged in professional or vocational education pursuits. At least four members shall be full-time educators, and one of said four members shall be a teacher engaged in classroom instruction in the public schools, and one shall be a teacher engaged in classroom instruction in a private school, college, or university. The four, among them, shall represent in at least one instance, the elementary, secondary, and higher educational systems, respectively one member to be appointed at large. In addition to the eleven members, the council shall designate each two years, one member of each house of the general assembly as an ex officio member of the committee.

(4) On or before July 1 of each odd numbered year, the council shall appoint the members of the committee. As of July 1, 1959, five of said members shall be designated for a term of two years, and six for a term of four years. Thereafter, all appointments shall be for a term of four years. The chairman of the committee shall be designated by the council.

(5) Members of the committee shall serve without compensation. Necessary travel expenses of the members may be granted at the discretion of the council. Staff services shall be assigned as the council shall direct. The committee shall meet at least four times each year.

SECTION 5. Appropriation. There are hereby appropriated out of any moneys in the state treasury not otherwise appropriated the following sums to be used under the provisions of this act and the designated titles of the National Defense Education Act:

To the State Department of Education:

Title III. \$160,000 and \$37,000 for administration.

Title V. \$35,000.

Title X. \$20,000.

To the State Board of Vocational Education:

Title VIII. \$29,000.

Approved by the Governor May 15, 1959.

AN ACT

Senate Bill No. 329

(Ch. 217, S.L. '59)

Amending

Public School Foundation Act

(S.B. 217, Ch. 238 S.L. '57)

and

(S.B. 13, Ch. 51 S.L. '58)

Amendments in Italics

PUBLIC SCHOOL FOUNDATION ACT

RELATING TO EDUCATION AND TO FINANCING OF PUBLIC SCHOOLS.

Be It Enacted by the General Assembly of the State of Colorado:

Title

123-26-1. Short title. This act shall be known and cited as "The Public School Foundation Act".

Definitions

123-26-2. Definitions. (1) Unless otherwise indicated by the context, the following words and phrases, when used in this act, shall mean:

(2) "School district", any first, second or third class district, county high school district, union high school district, and joint school district.

(3) "Joint school district", a district organized under the provisions of section 123-7-5, as amended, or sections 123-8-1 to 123-8-39, as amended, Colorado Revised Statutes 1953, or otherwise as provided by law, and pertaining to territory in more than one county.

(4) "Junior college", any junior college organized under the provisions of article 23 of chapter 123, Colorado Revised Statutes 1953.

(5) "State board", the state board of education.

(6) "Board of education", the school board, board of directors, and board of education of school districts of the first, second

and third class, the high school committee in union and county high school districts, and the junior college committee in junior college districts.

(7) "County superintendent", the county superintendent of schools provided for in article XIV, section 8 of the constitution.

(8) "Teachers", any teacher, principal, supervisor or superintendent holding a valid certificate.

(9) "Public school income fund", the income from the public school fund as created by article IX of the constitution and statutes enacted pursuant thereto.

123-26-3. Classroom units. (1) A classroom unit shall be the basis for equalization support under the provisions of this act. The number of classroom units allowed any school district in no case shall be greater than the number of equivalent full time teachers employed by the district. No more than one hundred eighty days of school shall be used in computing the classroom units to which a district is entitled.

(2) (a) The number of classroom units, calculated to the major fraction of one-tenth unit, to which a school district is entitled shall be determined as follows:

(b) One classroom unit for the first fifteen pupils in average daily attendance, *provided* that regardless of the number of pupils, every school district maintaining a school shall be entitled to at least three fourths of one classroom unit.

(c) A second, third and fourth classroom unit for each additional twenty pupils in average daily attendance.

(d) One additional unit for each additional twenty-five pupils in average daily attendance.

(e) Districts having an increase in average daily attendance during the first twelve weeks of the current school year of seven per cent or more of the average daily attendance of the first twelve weeks of the previous school year, may, in the discretion of the state board, be allowed one additional classroom unit for each twenty-five pupils in average daily attendance in excess of such seven per cent increase.

(f) In the event that any county or union high school district

Additional
classroom
units for
attendance
center

Number
of
classroom
units

Districts
entitled
to at
least
three-
fourths of
one class-
room unit

Additional
classroom
units for
increased
attendance

Additional classroom units for attendance centers

maintains a school attendance center of less than one hundred and fifty pupils in average daily attendance or any other school district maintains a school attendance center of less than three hundred pupils in average daily attendance in a full twelve grade program, such district may make application to the state board for a determination of the needs of such school attendance center. If the state board shall determine that more than the number of classroom units as determined by subsections (2) (b) to (2) (e) are necessary for such school district to carry out a desirable educational program in such school attendance center, the state board may allow additional classroom units for such school district, *provided* that no more than three additional classroom units shall be allowed for each such school attendance center maintained by the respective district. The state board shall make an annual report to the general assembly of the additional units authorized under this subsection.

State Board to make annual report to General Assembly

Definition of aggregate days of attendance

123-26-4. Aggregate days of attendance and average daily attendance. (1) Aggregate days of attendance shall be the aggregate of all days of attendance in the public schools in any school district during the school year by all regularly enrolled pupils under twenty-one years of age and who have not completed the twelfth grade in any high school. No more than the first one hundred eighty days of school shall be used in computing aggregate days of attendance. Each school district shall be entitled to credit for one day of attendance for each full day's attendance by any such pupil. Attendance for more than one-half of the regular hours of school during a day shall count as a full day's attendance, and attendance for one-half or less than one-half of the regular hours of school during a day shall count as one-half day of attendance. Night school classes, a minimum of two hours, shall count as one-half day of attendance.

Aggregate days of attendance where new districts are formed

(2) In any case where a new school district is formed, the aggregate attendance during the preceding school year of all districts or portions thereof composing the new district, shall be used in determining the aggregate days of attendance.

(3) The state board is empowered to make final determination of the proper aggregate days of attendance under subsections (1) and (2) of this section for any school district involved.

Average daily attendance computed upon 172 days

(4) Average daily attendance shall be computed by dividing aggregate days of attendance as determined under subsections

(1), (2) and (3) of this section by the figure one hundred seventy-two.

123-26-5. State public school fund. (1) For the purpose of paying the state's share of the cost of the public school finance program, there is hereby created in the state treasurer's office a fund to be known as the "state public school fund", which is derived from the net balance of the public school income fund as of June 30, 1957, and quarterly thereafter, said net balance to be after allocation of funds from said public school income fund under statutes now in effect providing for such allocations; from any balances which may be in the state public school fund created by section 123-6-6, Colorado Revised Statutes 1953, repealed by this act, and from all monies allocated to said state public school fund by statutes now in effect; from such monies as may be appropriated to the state public school fund from time to time; and from such other sources as may be made available to the said fund.

Creation of State Public School Fund in State Treasurer's office

(2) The state public school fund shall be a continuing fund, and monies remaining in the fund at the end of any fiscal year shall not revert to the general fund of the state but shall remain in the state public school fund and shall be available for distribution thereafter.

State Public School Fund a continuing fund

123-26-6. County public school fund. There is hereby created in the office of the county treasurer of each county of the state a continuing fund to be known as the county public school fund, into which shall be paid the proceeds of the county levies and other monies provided for in this act, and monies now allocated by law to the county public school fund created by section 123-6-7, Colorado Revised Statutes 1953, repealed by this act.

County Public School Fund a continuing fund—created in county treasurer's office

SECTION 1. **123-26-7,** Colorado Revised Statutes 1953 (Supp.), as amended by section 1 of chapter 51, Session Laws of Colorado 1958, is hereby amended to read:

123-26-7. County levies. (1) *For the purpose of paying each county's share of the cost of the public school foundation program it shall be the duty of the board of county commissioners of each county to levy annually, at the same time that other taxes are levied for county purposes, a tax of twelve mills on all of the taxable property in the county. If a levy of twelve mills will produce a sum greater than the total aggregate value of all the classroom unit values as provided for in this article of all eligible school districts*

Twelve mill county levy provided

County commissioners petition State Board for amount of money needed

in any county, the board of county commissioners of such county may petition the state board for a determination of the amount of money which will be needed for the total aggregate classroom unit values of said county. The state board, immediately upon such determination, shall certify the amount to the board of county commissioners, and the board shall then make such levy as will produce such amount.

(2) A county or city and county consisting of one school district only shall be deemed to have made the necessary levy required by this section if the total general and special school levies of such county or city and county be not less than twelve mills.

Method to determine county's ability to be established by second regular session

123-26-8. Declaration of policy. With regard to the operation of this act, it is the intent of the first regular session of the Forty-first general assembly that the second regular session of the same general assembly shall establish the method for the determination of the ability of each county to support its share of the minimum equalization program provided in this act. Such method may include ratios of assessed valuations based on sales, loan values, independent appraisals or other related factors; or indices based on other economic data.

Minimum days of school

123-26-9. Minimum days of school. No school district maintaining a school term of fewer than one hundred seventy days in 1956-1957 nor fewer than one hundred seventy-two days from and after the effective date of this act shall receive any funds from the county public school fund or the state public school fund herein provided for. In the event of enforced closing of school by order of the board of education on account of public emergency, storms, or other acts of God, or upon order of a health officer having jurisdiction, the aggregate days of attendance for such closed period shall be computed upon the basis of average attendance during the balance of the school year in which school was held, *provided* that a reasonable effort be made to reopen the school as soon as permissible. Average attendance shall be the quotient obtained by dividing the actual number of days the school was in session into the total of all days of attendance, computed as defined for aggregate days of attendance in section 4 of this act. The state board shall be the authority to decide the merit of claims for benefits under this section. Such days of enforced closing shall be considered as school days under this act.

Closing of school in case of emergency

Computing average attendance

State Board decide merit of claims

123-26-10. Minimum salaries. No school district shall receive

any funds from the state public school fund unless such district shall pay each full-time teacher not less than sixty-five per cent of the classroom unit value as provided by section 12 of this act, and each part-time teacher not less than sixty-five per cent of the proportionate part of the classroom unit value allocated to each such part-time teacher.

Minimum salary of teachers required

123-26-11. Distribution of county public school fund. *Each eligible district in the county shall be entitled to participate in the county public school fund in proportion as the total classroom unit values of such school district bear to the total classroom unit values of all eligible districts in the county. Upon approval of the county superintendent of schools, a district shall be considered an eligible district if it is educating all or a portion of its children in a school district of another state, except that such funds as would be due it under this section shall not exceed the tuition and transportation paid by said district to the district of the other state. Under the provisions of this section, the days of attendance of pupils in the out-of-state district shall be considered the days of attendance to compute the classroom units in the district educating its children out-of-state. The state board shall determine the proportionate part of the county public school fund to be paid to each eligible district in each county and on or before January first of each year shall certify to the county treasurer the proportionate part of said fund to which each district is entitled, and furnish the county superintendent with a duplicate of certification. The proportion so certified by the state board shall be the basis on which the fund shall be distributed during the calendar year. The county treasurer at the end of each month shall credit the amounts of money in the county public school fund to the special funds of the respective districts in said proportion.*

State Board to determine proportionate share of county public school fund paid to each district

County treasurer credit amounts to special fund of each district

123-26-12. Minimum equalization program. (1) From and after July 1, 1957, the state of Colorado hereby undertakes to provide the deficiency in funds of any school district as follows:

(2) The deficiency between the sum of its share of the amount produced by the county levy, assuming one hundred per cent collection of such levy, and the aggregate amount required to provide four thousand five hundred dollars for each classroom unit served by teachers holding any valid certificates other than a graduate certificate, and five thousand two hundred dollars for each classroom unit served by teachers holding graduate certificates.

Basis for amount provided for each classroom unit

Proration when money is insufficient

(3) In the event that there is insufficient money in any year in the state public school fund to pay the amount required for full participation by the state under the provisions of this act, as determined by the state board, then the amount to be distributed to any school district shall be in the same proportion as the amount available in the state public school fund bears to the amount required for full participation by the state.

Amount of distribution of State Public School Fund determined by State Board

123-26-13. Distribution of state public school fund. (1) The amount which each county and each school district of the state shall be entitled to receive from the state public school fund under the provisions of this act shall be determined by the state board.

Provision for contingency reserve

(2) The state board shall withhold from normal distribution one and one-half per cent of the appropriation made by the general assembly from general revenues to the state public school fund, which amount is hereby designated as "contingency reserve." On May thirty-first of each year any balance of said contingency reserve shall not thereafter be held for contingency purposes but shall be distributed as are other monies in the state public school fund.

(3) The contingency reserve shall be for the purpose of providing supplemental support to school districts requiring assistance because of special circumstances or contingencies as provided in this act.

Basis for distribution of contingency reserve

(4) (a) The state board shall have power and authority to approve and order payments from said contingency reserve for assistance of such school districts found to be in need thereof upon consideration of any or all of the following:

(b) Financial emergencies caused by act of God.

(c) Temporary enrollments.

(d) Efforts of the district to provide sufficient funds for its own use.

(e) Standards of education maintained by the district.

(f) Geographical and physical factors which result in increased costs.

Application to State Board for supplemental support

(5) Applications for assistance shall be made to the state board and shall set forth fully the facts upon which the district relies for assistance. The truth of such facts shall be sworn to by

the president and secretary of the board of education of the district making the application before any officer authorized to administer oaths.

(6) The state board shall make such investigations as it shall deem proper, and if it finds that assistance should be granted upon the application, it shall determine the amount to be paid and by order upon the state treasurer, shall direct payment of such sum to the county treasurer of the county in which such district is located, said sum to be forthwith credited by the county treasurer to the special fund of such district.

State Board to make investigation

(7) (a) The state board shall withhold from normal distribution the June thirtieth, September thirtieth, December thirty-first and March thirty-first net balance receipts from the public school income fund, which amount is hereby designated as "direct grant reserve." The direct grant reserve shall be distributed to eligible school districts in the proportion that the aggregate days of attendance of each eligible school district bear to the total aggregate days of attendance of all eligible school districts in the state. The state board shall determine the proportionate share of all monies to be distributed on the basis of aggregate days of attendance in the school districts in the preceding school year.

Direct grant reserve

State Board determine distribution

(b) On or before April twentieth of each year, the state board shall certify to the state treasurer the amount of money to be paid to each county, and shall certify to the county treasurers the amount of money to be paid to each of the eligible school districts of their counties, and furnish the county superintendents with a duplicate of such certification.

Certification of Direct Grant Reserve April 20

(c) Not later than May first of each year, the state treasurer shall make distribution of said monies to the county treasurers, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled.

Payment of Direct Grant Reserve May 1

(8) (a) The remaining portion of said state public school fund after deduction of the payments to junior colleges as determined under section 16 of this act shall be distributed quarterly in such equal amounts as possible, on or about September first, December first, March first and June first. The state board shall determine on or before July first of each year an estimate of the amount of money which will be available to the said fund during the succeeding fiscal year. Payments shall be allocated to eligible school districts as follows:

Remainder distributed Sept. 1
Dec. 1
March 1
June 1

Preliminary payments

(b) The payments to be made on September first, nineteen hundred fifty-seven and December first, nineteen hundred fifty-seven shall be preliminary payments, allocated on the basis of classroom units as determined by average daily attendance and the number and salaries and types of certificates for teachers during the school year nineteen hundred fifty six-fifty seven and the assessed valuation for the tax year nineteen hundred fifty-six. The payments to be made on September first and December first in the succeeding years shall be preliminary payments allocated on the basis of the preceding June first payment.

Adjusted payments

(c) The payments to be made on March first and June first shall be adjusted payments, allocated on the basis of classroom units as determined by average daily attendance of the preceding school year, the number and salaries and types of certificates for teachers employed during the school year of distribution, and the assessed valuations for the preceding calendar year, which calculations shall constitute the entitlement of each district for the current school year.

Special provision for over payment and refunds thereof

(d) It is specifically provided that the state board may, if it determines that any district is likely to be overpaid in any of said quarterly payments, adjust such payments so as to eliminate such overpayment. In the event of overpayment to any school district, such amounts shall be refunded to the state public school fund by the school district to which such overpayment was made.

State Board certifying quarterly to State Treasurer amount to be paid each county

(9) As soon as the state board shall have determined the quarterly amounts to be paid to each eligible school district in all counties under this act, but not later than August fifteenth, November fifteenth, February fifteenth and May fifteenth, the state board shall certify to the state treasurer the amount of money to be paid each county, and shall certify to the county treasurer of the county the amount of money to be paid to each of the eligible school districts in his county and furnish the county superintendent with a duplicate of such certification. As soon as possible after such certification by the state board, but not later than September first, December first, March first and June first, the state treasurer shall make distribution of said monies to the county treasurers, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled.

State Board certify to county treasurer amount to be paid each district—County superintendent a copy

State treasurer make distribution to county treasurer

123-26-14. Report to state board. (1) (a) The secretary of the board of education of each school district electing to accept and be subject to the terms and conditions of this act, immediately upon the conclusion of each school term, shall certify to the county superintendent of the county in which such district is located:

Secretary certify to county superintendent certain information required

(b) That it has accepted and elected to be subject to the terms and provisions of this act, and the filing of such certification shall constitute such acceptance.

(c) The total aggregate days of attendance for the school year.

(d) The number of days that school was actually in session.

(2) On or before June twentieth of each year, the county superintendent shall certify to the state board all such information received from the boards of education of all districts in his county.

County superintendent certify information to State Board

(3) (a) On or before October first of each year, the secretary of the board of education of each eligible school district shall certify to the county superintendent:

Secretary of board not later than Oct. 1 makes certain certification to county superintendent

(b) A statement of salary paid to and the type of certificate and degree held by each teacher employed by such district at the time of such report.

(c) Any changes made in any of the information required to be reported under subsection (1) of this section.

(4) On or before October fifteenth of each year, the county superintendent shall certify to the state board all such information received from the boards of education of all districts in his county.

By Oct. 15 county superintendent make certification to State Board

(5) If the degree of any teacher employed by any district at the time of such certification to the state board cannot be authenticated, such teacher shall be considered as holding a non-graduate certificate for the purposes of this act.

(6) On or before October fifth of each year, the state tax commission shall certify to the state board the locally and state assessed valuation of all taxable property within each school district in the state. On or before November fifth of each year, the state tax commission shall certify to the state board the special school district levies for each school district in the state, and at

State Tax Commission certify to State Board certain information

the same time shall furnish the state board with a statement setting forth the appraised valuation of all locally and state assessed taxable property, as determined by the state board of equalization for assessment purposes, in each and every county of the state; *provided, however*, said tax commission shall make necessary corrections in the special school district levies when tax abatements have been allowed prior to November fifth in order that school district special levies will produce the same amount of revenue as called for in the annual budget of said school district.

Secretary of board certify to county superintendent any increases in average daily attendance

(7) On or before December tenth of each year, the secretary of the board of education of any district eligible for additional classroom units under the provisions of section 123-26-3 (2) (e) of this act, shall certify to the county superintendent such increase in average daily attendance.

Secretary of board by Nov. 15 certify certain information concerning high school graduates

(8) On or before November fifteenth of each year, the secretary of the board of education of each eligible school district shall certify to the county superintendent the number of high school graduates of the preceding school year who are attending an institution of higher education and, if possible, the names of such institutions and the number of such graduates attending thereat.

County superintendent by Dec. 15 certify certain information to State Board

(9) On or before December fifteenth, the county superintendent shall certify to the state board all such information received from the boards of education of all districts in his county.

(10) All reports and certifications required under subsections (1), (3) and (7) of this section shall be made in such manner and form as shall be prescribed by the state board.

Computation of classroom unit values

123-26-15. Classroom unit values. (1) The classroom unit values to which each district shall be entitled shall be determined by computing the number of classroom units to which such district is entitled, based on the average daily attendance for the preceding school year, and the teachers employed by the district. The classroom units so determined shall be assigned a value in accordance with the certificates held by the teachers employed. The teachers employed by the district as of October first of each year shall be considered in determining such classroom unit values.

Part time regularly employed teachers

(2) An aggregate of part-time regularly employed teachers may be included in computing classroom unit values, *provided* that the number of values so assigned to units shall not exceed the equivalent number of full-time teachers which the aggregate part-time

personnel actually totals. If any one of said part-time teachers in any one classroom unit does not hold a graduate certificate, the value assigned to such unit shall be the same value as that assigned to a teacher not holding a graduate certificate. The state board shall establish by rule standards for full-time and part-time teachers and upon the basis of such standards shall determine the credit to which any district is entitled for any part-time teachers in computing the classroom unit values allowable to any such district.

Value of each classroom unit

State Board define standards for full and part-time teachers

(3) A district which employs a fewer number of equivalent full-time teachers than the number of classroom units shall be entitled to no greater number than the number of classroom units of equivalent full-time teachers. A district that employs a larger number of full-time teachers than the number of allowable classroom units may first assign classroom unit values on the basis of those teachers holding graduate certificates.

Assignment of classroom units

123-26-16. Junior colleges. (1) Any junior college district heretofore organized shall be entitled to a direct grant of one thousand fifty dollars from the state public school fund for each seven students carrying an average of forty-five quarter hours or thirty semester hours of credit during the preceding regular academic year. On or before September first of each year, the junior college committee of each junior college district shall report to the state board the number of students and the quarter or semester hours credited to such students for the preceding regular academic year. Upon receipt of such information, the state board shall determine the amount of money which shall be paid to each such junior college district. In computing such amounts, the total number of quarter or semester hours shall be divided by the number forty-five if quarter hours, and by the number thirty if semester hours; the quotient arrived at in either case shall be divided by the number seven, and the quotient arrived at thereby shall be the number of direct grants to which each of said junior college districts shall be entitled; fractions of one-half or more shall be counted for an additional direct grant, and fractions of less than one-half shall be disregarded.

Direct grant to junior college

Junior college district make report to State Board

State Board determines amount paid to junior college district

Method of computation

(2) Junior colleges hereafter organized for the first school year shall be entitled to a direct grant of one thousand fifty dollars for each seven students enrolled and taking full-time work as of October first of the calendar year in which the junior college is organized, and thereafter such junior colleges shall be entitled to direct grants as provided in subsection (1) of this section.

Junior colleges entitled to direct grant—when

State Board certify to state treasurer amounts to be paid from state public school fund

Money received may be used for current operating uses

State public school fund not to be used for debt services or capital outlay

No collection fee charged by county treasurer

Classroom units for joint districts

Secretary certify information to each county superintendent of county involved

County superintendent to report to State Board

Monies paid to county treasurer in administrative headquarters

Payments made at end of each month

(3) On or before September fifteenth of each year, the state board shall certify to the state treasurer the amounts from the state public school fund to be paid junior colleges as direct grants, and upon such certification the state treasurer shall make distribution of such monies to the respective county treasurers of the counties in which the college buildings are located, and said monies shall be by each such county treasurer credited to a fund designated "For the expense of..... Junior College". Said monies shall be paid out on warrants regularly drawn on said county treasurer by the junior college committee and may be used for current operating costs.

123-26-17. Use of funds. (1) No funds received from the state public school fund shall be used by any school district for debt services or capital outlay.

(2) No county treasurer shall charge a collection fee upon monies received from the state public school fund.

123-26-18. Joint districts. (1) The classroom units to which a joint school district shall be entitled shall be calculated by the state board upon the total average daily attendance of all schools of the district, but the classroom units so calculated shall be assigned to each county in which the joint district is situated in the same proportion as the average daily attendance of pupils residing in each such county bears to the total average daily attendance of all pupils in the joint district. The secretary of the board of education of a joint district, at the time of making the reports and certifications as required by section 14 of this act, shall certify to the county superintendent of each county in which the district is located, the required information applicable to each such county, which information shall be included in the report of the county superintendent to the state board.

(2) Allocation of the county public school fund shall be made to a joint district partially located in such county upon the basis provided for in subsection (1) of this section.

(3) Payments of monies from the state public school fund shall be made to the county treasurer of the county in which the administrative headquarters of such joint district is situated.

(4) All funds collected by the county treasurer of a county in which a part of a joint district is situated shall be credited to such joint district and, at the end of each month, shall be paid

over to the treasurer of the county in which the administrative headquarters of such joint school district is situated and forthwith credited by such county treasurer to the appropriate fund of said joint district, and warrants of a joint district shall be drawn only upon the county treasurer of the county in which such administrative headquarters is situated. The county treasurer of the county in which such administrative headquarters is situated shall not charge any treasurer's collection fee upon monies so transferred to him from other counties.

(5) The board of education of a joint school district shall designate the location of its administrative headquarters and shall notify the state board and the county treasurer of each county in which such joint district is located of such designation.

Board of education notify State Board and county treasurer of administration headquarters

123-26-19. Other levies allowed. (1) Nothing in this act shall affect or limit the rights of school districts to make such levies as otherwise allowed by law in excess of the minimum levies provided in this act.

Additional levies allowed

(2) Nothing contained in this act shall in any wise affect the rights of school districts to monies allowable or payable to such school districts under existing statutes.

123-26-20. Fiscal year. The fiscal year of each school district shall be as provided by the board of education of said district.

Fiscal year determined

123-26-21. Rules and regulations. The state board is hereby directed and empowered to make reasonable rules and regulations for the administration of this act.

State Board make rules

123-26-22. Districts qualified to participate in first 1957 distribution. The county levy required by 123-26-7 shall first be made in the calendar year 1957, and the failure of any county to have made a county levy for school purposes in 1956 in the amount required by said section shall not deprive any school district or districts in such county which received monies during 1956-1957 under the provisions of "The Public School Finance Act of the State of Colorado", repealed by section 123-26-24, from participating in the first distribution in 1957 of monies from the state public school fund in accordance with the provisions of this article.

County levy—when made

123-26-23. Disposition of present county public school funds and levies. On and after January 1, 1958, any unused balances in the county public school fund repealed by this act, or any monies

Disposition of present county public school funds and levies

thereafter collected and payable into said fund from county levies or otherwise, shall upon receipt by the county treasurer be forthwith credited to the county public school fund of each county created by this act. Until December 31, 1957, any monies in the county school fund repealed by this act shall be apportioned under the laws relating thereto and repealed hereby.

Repeal
of statutes
construed

123-26-24. Repeal. 123-6-1 to 123-6-23, Colorado Revised Statutes 1953, are hereby repealed as of January 1, 1958; *provided, however,* that for the period from the effective date of this act until December 31, 1957, no distributions from the state public school fund, no county or school district levies and no reports or certifications required to be made by said laws repealed hereby, shall be made; and *provided, further,* that the repeal of said statutes shall not be construed as releasing any tax levies, or any interest or penalties thereon, made in the year 1956 or prior thereto under the provision of said laws.

Effective
date
of act.

123-26-25. Effective date. This act shall be in force and effect from and after July 1, 1957, except that section 14 of this act shall be in force and effect from and after June 1, 1957.

123-26-26. 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 by the Governor May 20, 1959.

RESOLUTIONS

RESOLUTIONS

Resolved, That the House of Representatives of the United States do hereby...

1. That the committee on the subject of the...

2. That the committee on the subject of the...

3. That the committee on the subject of the...

4. That the committee on the subject of the...

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RESOLUTIONS

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HOUSE JOINT RESOLUTION NO. 4

RELATING TO THE COMMITTEE ON EDUCATION BEYOND
HIGH SCHOOL.

WHEREAS, The Forty-first General Assembly at its second regular session enacted H. J. R. No. 6, directing that a legislative committee be appointed to conduct a study of the field of education beyond high school; and

WHEREAS, The General Assembly recognized that this study should be carried on over a period of several years; and

WHEREAS, The Legislative Committee on Education Beyond High School has, under the terms of H. J. R. 6, made good progress in outlining and initiating a comprehensive study on post-high school education which will provide answers to the many problems and issues related to this area; now, therefore,

Be It Resolved by the House of Representatives of the Forty-second General Assembly of the State of Colorado, the Senate concurring herein:

1. That the legislative study of the field of education beyond high school authorized in H. J. R. No. 6 (1958) be continued and that a nine-member legislative committee be appointed or reappointed to direct the study.

2. That this committee continue to be composed of five members of the House, to be appointed by the Speaker of the House, and four members of the Senate, to be appointed by the Lieutenant Governor.

3. That in the conduct of this study the committee may retain such technical assistance as it may determine necessary, and members of the committee shall receive per diem payments according to law, and shall be reimbursed for all necessary travel and subsistence expenses incurred in the performance of their duties.

4. That the committee shall elect a chairman and vice-chairman and that the chairman shall appoint or reappoint as soon as practicable an advisory committee which represents a cross-section of knowledge and interest in the field of education

beyond the high school in Colorado, but members of the advisory committee shall not receive any compensation or other reimbursement for their services or attendance at meetings.

5. That all expenditures incurred in the conduct of the study directed by this resolution shall be approved by the chairman of the legislative committee and shall be paid by vouchers and warrants drawn as provided by law, from the appropriations made to the Legislative Department by House Bill No. 2, enacted by the Forty-second General Assembly in its first regular session. No more than thirty-five thousand dollars (\$35,000.00) shall be expended for this purpose during 1959.

6. That the Legislative Committee on Education Beyond High School shall make such reports to the General Assembly during 1959 and 1960 as the progress of its studies may warrant.

HOUSE JOINT RESOLUTION NO. 15

WHEREAS, A high degree of public interest in the establishment of a four year liberal arts college located in the City of Pueblo has been evidenced by the introduction of several legislative proposals in recent sessions of the Colorado General Assembly intended to extend the course of study of the existing Pueblo Junior College in order to provide four years of training beyond the twelfth grade; and

WHEREAS, The City of Pueblo is the second largest city in the State of Colorado, and it and the surrounding territory are far removed from many of the institutions of higher education in the state; and because of these circumstances some study should be made as to the feasibility of affording an opportunity to the children from that section of the state of obtaining a college education closer to their homes; now, therefore,

Be It Resolved by the House of Representatives of the Forty-second General Assembly of the State of Colorado, the Senate concurring herein:

(1) That a legislative interim committee of five members composed of three members of the House and two members of the Senate shall be appointed by the Speaker of the House and the President of the Senate, respectively, to study the feasibility of establishing and financing a four year liberal arts college to be located in the City of Pueblo; and

(2) That the committee is hereby authorized, in its discretion, to request the assistance of the staff of the Legislative Council's Committee on Education Beyond the High School to aid it in the study authorized hereby; and

(3) That all expenditures incurred in the conduct of the study directed by this Resolution shall be paid from the appropriation made to the Legislative Department by House Bill No. 2 enacted by this General Assembly and approved by the Governor on January 21, 1959, but no more than two thousand dollars shall be expended for this purpose. All expenditures shall be paid by warrants, drawn as provided by law, upon vouchers approved by the chairman of the committee.

...and in furtherance of the purpose of this act, the board of trustees of the college shall have the authority to accept and receive gifts and donations of money, real estate, and personal property, and to use the same for the purposes herein provided.

WHEREAS, a high degree of public interest in the establishment of a four-year liberal arts college located in the City of Pueblo has been evidenced by the introduction of several legislative proposals in recent sessions of the Colorado General Assembly; and WHEREAS, it is the policy of the State of Colorado to encourage the establishment of such colleges in order to provide four years of training beyond the high school level, and

WHEREAS, the City of Pueblo is the second largest city in the State of Colorado and a well-developed territory, and the majority of the population of higher education in the state, and because of these circumstances, it is deemed to be made as to the feasibility of affording an opportunity to the children from that section of the state of obtaining a college education close to their homes; now, therefore,

Be It Enacted by the House of Representatives of the State of Colorado in General Assembly, that the Board of Trustees of the Pueblo College be and they are hereby authorized to accept and receive gifts and donations of money, real estate, and personal property, and to use the same for the purposes herein provided.

(1) That a legislative interim committee of five members, composed of three members of the House and two members of the Senate shall be appointed by the Speaker of the House and the President of the Senate, respectively, to study the feasibility of establishing and financing a four-year liberal arts college to be located in the City of Pueblo; and

(2) That the committee is hereby authorized, in its discretion, to request the assistance of the staff of the Legislative Committee on Education beyond the High School to aid it in the study authorized hereby; and

(3) That all expenditures incurred in the conduct of the study directed by this Resolution shall be paid from the appropriation made to the Legislative Department by House Bill No. 2, as acted by this General Assembly and approved by the Governor on January 21, 1950, but no more than two thousand dollars shall be expended for the purpose. All expenditures shall be paid by warrants drawn as provided by law, upon vouchers approved by the chairman of the committee.

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