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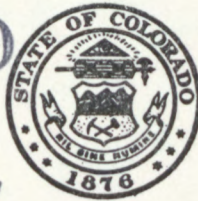
Enacted by
The Forty-Third General Assembly
First Regular Session
and
First Extraordinary Session
STATE OF COLORADO

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Byron W. Hansford, *Commissioner*

DENVER
1961

School Laws

Enacted by
The Forty-Third General Assembly
First Regular Session
and
First Extraordinary Session
STATE OF COLORADO

1961

Prepared by
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House Bill No. 100
(1935-36 Session)

CONCERNING INSTRUCTION PERMITS FOR MOTOR VEHICLES AND PROVISIONS RELATIVE TO INSTRUCTION PERMITS TO MINORS ENROLLED IN A DRIVER EDUCATION COURSE

As Amended by the General Assembly at its Regular Session, 1935-36 Calendar

SECTION 1. HOUSE BILLS

is hereby amended to read:

§3-5. Instruction permits for motor vehicles. Any person who complies with the provisions of this section shall be deemed to have complied with the provisions of the Motor Vehicle Code, and the Department of Transportation shall issue an instruction permit to such person. The Department shall also issue an instruction permit to any person who complies with the provisions of this section, and the Department shall also issue an instruction permit to any person who complies with the provisions of this section, and the Department shall also issue an instruction permit to any person who complies with the provisions of this section. Any such instruction permit may be renewed for a period of ninety days, with or without extension, and may be used for any motor vehicle which actually operates on the highways, except when operating a motor vehicle equipped with a trailer. Any such instruction permit may be renewed for a period of ninety days, with or without extension, and may be used for any motor vehicle which actually operates on the highways, except when operating a motor vehicle equipped with a trailer.

(b) Any minor of the age of sixteen years or over, who is enrolled in a driver education course, shall be eligible to receive an instruction permit of education, and may be so instructed and licensed in accordance with the provisions of sections 3-5 and 3-6, which pertain to instruction permits, and upon the presentation of a written or printed statement signed by the parent or guardian and the instructor of the course, which statement that said minor is enrolled in an approved driver education course, the department shall issue such permit, provided the applicant while having such permit in his possession, does not drive any motor vehicle which is a motor vehicle, or which is a motor vehicle used for instruction, and which is properly equipped for such instruction upon the highways when such

AN ACT

House Bill No. 3

(Ch. 65, S.L. '61)

CONCERNING AUTOMOBILES AND OTHER MOTOR VEHICLES AND PROVIDING FOR THE ISSUANCE OF INSTRUCTION PERMITS TO MINORS WHO ARE ENROLLED IN A DRIVER EDUCATION COURSE.

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

SECTION 1. 13-3-5 (1), Colorado Revised Statutes 1953, is hereby amended to read:

13-3-5. **Instruction permits and temporary licenses.** (1) (a) Any person, who except for his lack of instruction in operating a motor vehicle would otherwise be qualified to obtain an operator's license under this article, may apply for a temporary instruction permit, in accordance with sections 13-3-6 and 13-3-7, and the department shall issue such permit entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of ninety days when accompanied by a licensed operator or chauffeur who is actually occupying the seat beside the driver, except when operating a motorcycle or any motor driven cycle. Any such instruction permit may be renewed or a new permit issued for an additional period of sixty days.

(b) Any minor of the age of fifteen years or more within six months prior to his sixteenth birthday who is enrolled in a driver education course, accredited by the state department of education, may apply for a minor's instruction permit, in accordance with the provisions of sections 13-3-6 and 13-3-7, which pertain to instruction permits; and upon the presentation of a written or printed statement signed by the parent or guardian and the instructor of the driver education course that said minor is enrolled in an accredited driver education course, the department shall issue such permit entitling the applicant, while having such permit in his immediate possession, to drive any motor vehicle which is so marked as to indicate that it is the motor vehicle used for instruction and which is properly equipped for such instruction upon the highways when accom-

Procedure for application

Period of validity

Renewal

Age of applicant

Requirements for permit

Authorization to operate certain vehicles

panied by a driver education course instructor, who holds a valid operator's or chauffeur's license.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor February 24, 1961.

A N A C T

House Bill No. 4

(Ch. 190, S.L. '61)

CHANGING THE NAME OF "THE COLORADO STATE TRAINING SCHOOL FOR GIRLS" TO THE "MOUNT VIEW GIRLS' SCHOOL"

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

SECTION 1. **Name of school changed.** The Colorado state training school for girls at Morrison, Colorado, designated as the "Colorado state training school for girls" by section 105-2-1, Colorado Revised Statutes 1953, as amended (Supp.), and formerly designated as the "state industrial school for girls" by Section 1 of Chapter 15, Session Laws of Colorado 1897, shall hereafter be designated as the "Mount View Girls' School"; provided, that the legal effect of any statute heretofore designating such institution by any other name, or property rights heretofore acquired and obligations heretofore incurred under any other name, shall not be impaired by this act.

New name
of school

SECTION 2. **Effective date.** This act shall take effect on July 1, 1961.

SECTION 3. **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor March 30, 1961.

A N A C T

House Bill No. 34

(Ch. 189, S.L. '61)

CHANGING THE NAME OF THE "STATE INDUSTRIAL SCHOOL FOR BOYS" TO THE "LOOKOUT MOUNTAIN SCHOOL FOR BOYS."

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

SECTION 1. Name of school changed. The state industrial school for boys, designated as the "State industrial school for boys," by section 105-1-1, Colorado Revised Statutes 1953, shall hereafter be designated as the "Lookout Mountain School for Boys"; provided, that the legal effect of any statute heretofore designating such institution by any other name, or property rights heretofore acquired and obligations heretofore incurred under any other name, shall not be impaired by this act.

SECTION 2. Effective date. This act shall take effect July 1, 1961.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor March 27, 1961.

New name
of school

A N A C T

House Bill No. 65
(Ch. 220, S.L. '61)

and

House Bill No. 106
(Ch. 208, S.L. '61)

As Amending

THE SCHOOL DISTRICT ORGANIZATION ACT OF 1957

Act—how
cited

123-25-1. Short title.—This article may be cited as “The School District Organization Act of 1957.”

123-25-2. Legislative declaration.—The general assembly hereby declares that this article 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 article shall be liberally construed.

Purpose
of Act

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

Definitions

(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.

Commis-
sioner

School district

(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.

New district

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

Proposed 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.

County superintendent

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

Committee

(8) "Committee" shall mean the school planning committee provided for under section 123-25-4.

Taxpaying elector defined

(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.

School planning committee

123-25-4. School Planning Committee. (1) Within sixty days after the effective date of this article, 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, 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 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

Number of members

Representation of all classes of districts

In reorganized counties

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 article.

(2) 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.

Commissioner notifies county superintendent

County superintendents call meetings

Notice

Proxies

(3) 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 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.

Number of members established

Quorum

Nominations and election of committee

Alternates

Qualifications of members of planning committee

(4) Upon the election of members of the committee and their alternates, the county superintendent shall prepare a

Acceptance of membership

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.

Failure of member to accept

Notification of alternate

Failure of alternate to accept

County superintendent calls first meeting of committee

(5) 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.

Failure of majority to accept—new meeting called

(6) 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 non-acceptance shall be filled by the committee as provided in section 123-25-6.

Vacancies caused by non-acceptance of Sec. 6

Committee selects chairman and vice-chairman—county superintendent secretary

(7) 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.

Duties of committee

(8) (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 article;

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

(9) Upon the effective date of this subsection, 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 article 25 of chapter 123, 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 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

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

President of Board made member of county committee

board of such joint district shall be made a member of the county committee by the county superintendent; provided, 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 subsection (1) of this section shall be increased in accordance with the addition of members under the provisions of this section. [L. 59, p. 680].

Term of committee members

123-25-5. Term of committees.—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.

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

123-25-6. Vacancies.—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.

Absence causes vacancy

Committee meetings

123-25-7. Meetings — 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

Chairman calls

written request of three members of the committee upon notice mailed by the secretary to each member at least five days before such meeting.

Members request

123-25-8. Names certified to commissioner.—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.

Personnel certified to commissioner

123-25-9. Assistants to state board.—(1) 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.

Assistants to State Board

(2) 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.

Compensation

Expenses of Sec. 35 and Sec. 38

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:

Duties of commissioner and assistant

(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;

Study of plans, supply data

(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;

Aid committees

Publish reports

(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.

Conditions of plan

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

(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.

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

Requirements
for
submission
of plan

(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.

123-25-13. Organizational plan—requirements.— (1) 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.

Requirements
of plan

Disposition
of
property
and
assets

(2) 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.

Election
districts

Present boundaries disregarded

123-25-14. Present boundaries 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 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.

Joint committee approval for joint districts

123-25-15. Map and statements of benefits—filing.— (1)

Filing of map and statement of benefits

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 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.

Hearing

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

Notice of filing and hearing

and detail of said plan being considered. Any interested person may appear at such hearings and make objections to the proposed plan.

(3) 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.

Publication

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.

Submission of plan to commissioner

Commissioner amendments

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

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

Final approved plan

123-25-18. 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—publication.—The notice provided for in section 123-25-18 shall be published twice in some news-

Notice

paper 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 such 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.

123-25-20. Conduct of election.—At least five days before the special election three judges of election, who are qualified taxpaying 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 provided for in section 123-25-35.

123-25-21. Qualification of electors—ballot—meeting to explain plan.—Electors voting in said election shall be taxpaying electors as defined by section 123-25-3 (9). No 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.

(2) Ballots shall be unnumbered and shall be in form as follows:

OFFICIAL BALLOT

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

Conduct of special election on plan

Judges

Polling places

Certification of results

Judge compensation

Electors

Judges make list

Ballots

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.

(3) 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.

Meetings
to explain
plan

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.

Canvass
of votes

Certification
of results

Ballots
kept one
year

123-25-23. Result of election certified—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.

Results
certified
to
commissioner

(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—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

New
district

Body
corporate

Commissioner
may approve
old district
operation
to end
of year

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.

Preparation
of revised
plan

123-25-25. Revised plan—when.—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

New
district
first
class

123-25-26. Classification of new districts.—Any new school district created under the provisions of this article 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.

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

123-25-27. Boards of education.—(1) (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 of the board of education, the number having been established in section 123-25-13 (2), 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.

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

Terms of successors

(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.

Conduct

(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.

Chairman's duties

(2) 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.

Organization of new board of education

(3) 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 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.

Old boards

Term expires 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

Candidate for office of director must be resident of director district

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. [L. 59, p. 679]

Vacancy on board

Disposition of funds

District wholly embraced

123-25-28. Ownership of assets.—(1) 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.

District partly embraced

(2) 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 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 provided for in this article.

Union or county high schools partly embraced

123-25-29. Union or county high school assets.—(1) 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.

(2) 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 wholly embraced

(3) 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.

Union or county high schools in two or more new districts

123-25-30. 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.

Proceeds from sale of assets

123-25-31. Existing bonded indebtedness.—*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:*

Existing bonded indebtedness

(1) *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; or*

cf. Section 123-9-5 and 123-9-6

(2) *If the assumption of the bonded indebtedness is approved as provided in section 123-25-44, in the manner provided by law for the paying of any bonded indebtedness which the new district contracts pursuant to section 123-25-33.*

cf. Section 33

123-25-32. Limit of bonded indebtedness—new district.—*Any new district formed under this article shall have a limit*

Limit of bonded indebtedness

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, that if any new district shall assume the bonded indebtedness of any district or districts existing at the time of inclusion in the new district, pursuant to the provisions of section 123-25-44, such bonded indebtedness shall be included in the ten per cent limitation; and provided, 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.

Assumption included in limitation

New district may contract indebtedness

123-25-33. New district—bonded indebtedness.—Any new district formed under the provisions of this article 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.

Additional powers of board

123-25-34. Additional powers of board.—(1) 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 this article shall have the power and authority:

Rental of school buildings

(a) 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;

Payment of tuition or board and room

(b) To contract with any other school district maintaining a four-year, accredited high school, and whose course of study is approved 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.

(c) From time to time to propose revisions and redesignations of the boundaries of director districts in order to compensate for changes in school district boundary lines and for shifts in population of the electors of the school district at any regular or special election of the school district; provided that in no case shall any proposal for change in the boundaries of director districts be made within the period of forty (40) days next prior to any regular school elections.

Revision of
director
district
boundaries

Submit to
election

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.

State
school
organization
fund

123-25-36. Compensation—expenses.—(1) 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.

Compensation
members of
committee

(2) 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.

County
superin-
tendent

(3) 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 provided for in section 123-25-35 upon vouchers signed by the person rendering such service, approved by the county superintendent and commissioner.

Assistants
to county
superin-
tendents

(4) 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 organiza-

Travel
expenses

tion 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.

State board personnel

(5) 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.

Automobile travel

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

Auditing

(7) All vouchers on state 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.

Committee ceases to function

123-25-37. When committees cease 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.

Appropriation

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.

Other laws on boundary changes superseded

123-25-39. Application.—From and after the effective date of this article no school district shall be organized except under the provisions of this article, and no consolidation of existing school districts, annexation to existing districts, or formation

*The amount of \$11,687.00 was appropriated to the state school organization fund for the 1961-62 fiscal year by Part VII of House Bill No. 456.

of joint school districts, union high school districts, or county high school districts shall be made except as permitted under this article.

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. [L. 59, p. 680].

Attorney
General
legal
counsel

123-25-41. Dissolution and annexation of districts.—(1)
(a) Notwithstanding the provisions of section 123-25-39, 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:

County
Planning
Committee
may
dissolve
and
annex a
district—
when

(b) 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 section.

(c) 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.

(2) (a) If a county committee shall determine to dissolve and annex a district under the conditions set forth in subsection (1) of this section, 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

County
committee
notifies
county
superin-
tendent

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.

Territory annexed—approval of county committee and commissioner of education

(b) 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, that if such unorganized territory shall be contiguous 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 subsections (1) and (2) of this section 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.

Records etc., delivered to county superintendent

(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 123-25-28 to 123-25-31.

County superintendent notify county assessor

(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. [L. 59, p. 681].

Appeal to state board of education

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 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. [L. 59, p. 682].

Hearings held

123-25-43. Commissioner to prepare plans for reorganization

—when.—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. [L. 59, p. 683].

Commissioner prepares and transmits plans—when

123-25-44. Election on assuming the existing bonded indebtedness.

(1) *An election for the purpose of determining whether any new district, reorganized under the provisions of "The school district reorganization act of 1949" or organized under "The school district organization act of 1957," shall assume the bonded indebtedness of any district or districts existing at the time of inclusion in the new district, shall be held within the new district at any general school election held for the purpose of electing members of school boards and boards of education.*

Assumption of bonded indebtedness by certain districts

Election

(2) *If the board of education of the new district decides, by a majority vote of its members, to submit the issue of assuming the bonded indebtedness of any district or districts existing at the time of inclusion in the new district, to the qualified voters of the district, the secretary of the board of education shall prepare the ballots and may furnish separate*

Qualifications
of electors

ballot boxes specified in subsection (3) of this section. A qualified voter shall mean a person qualified to vote at bond elections of the new district as set forth in section 123-11-1.

Ballots

(3) The election on the question of the assumption of the bonded indebtedness as provided in subsection (1) of this section, shall be held in accordance with the general school election laws of the state. Separate ballots shall be furnished in each voting precinct within the new district for the use of the voters in voting on the proposed issue. The board may, in its discretion, furnish separate ballot boxes. The ballot shall contain a statement of the amount or separate amounts of the bonded indebtedness proposed to be assumed and which former school district or districts is or are presently paying the bonded indebtedness, and beneath such statement the ballot shall contain the words "For assuming the indebtedness of former school district No. ____ (or districts Nos. ____) now included in school district No. ____" and the words "Against assuming the indebtedness of former school district No. ____ (or districts Nos. ____) now included in school district No. ____," with suitable places opposite each group of words wherein the voter may indicate his approval or disapproval of the proposed issue by a crossmark (X). On the back of each ballot shall be printed the following endorsement: "Official Ballot of School District No. ____, in the county of _____ and state of Colorado," together with the date of the election, and a facsimile of the signature of the secretary of the district.

Challenge
of votes

(4) Any judge of election or any voter at the polls shall have the right to challenge anyone seeking to vote on the proposed issue on the ground of the person's disqualification, and if the person's vote is challenged, he shall not be entitled to vote on the proposed issue unless he takes an oath, to be administered by one of the judges of election, to the effect that he is qualified to vote on the proposed issue. Anyone making a false oath as to his qualification to vote on the proposed issue shall be guilty of a felony and upon conviction shall be punished as provided in cases of perjury under the laws of the state.

Canvass
of votes

(5) The votes cast on the proposed issue shall be canvassed by the board of education, the same as other votes cast at said election, in accordance with the provisions of section 123-10-12.

(6) If a majority of the persons voting on the proposed issue vote for the assumption of the bonded indebtedness, the public officials shall perform the duties set forth in sections 123-11-14 to 123-11-17, which are necessary to assure that the assumed bonded indebtedness is paid in the manner provided by law for the paying of any bonded indebtedness which the new district contracts.

Effect of favorable vote

THE SCHOOL DISTRICT REORGANIZATION ACT OF 1949

123-8-1. How article cited—This article may be cited as "The School District Reorganization Act of 1949" and shall be construed accordingly.

123-8-2. Legislative declaration—construction—The general assembly hereby declares this article 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 reorganizations 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 wise use of public funds expended for the support of the public school system of the state. To these ends this article shall be liberally construed.

123-8-3. Definitions—Whenever the following words or terms are used in this article they shall be taken to mean as follows:

(1) "State board," the state board of education or such board or body as may hereafter by law succeed to the duties of said state board of education.

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

(3) "School district," school district of the first, second and third classes consolidated districts, county high school and union high school districts.

(4) "New district," a district formed from all or parts of two or more districts under the provisions of this article.

AN ACT
HOUSE BILL NO. 106
(Ch. 208, S.L. '61)

As Amending

THE SCHOOL DISTRICT REORGANIZATION ACT OF 1949

Act—how
cited

123-8-1. How article cited—This article may be cited as "The School District Reorganization Act of 1949."

Legislative
declaration

123-8-2. Legislative declaration—construction.—The general assembly hereby declares this article 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 reorganizations 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 article shall be liberally construed.

Act
liberally
construed

Definitions

123-8-3. Definitions.—Whenever the following words or terms are used in this article they shall be taken to mean as follows:

(1) "State board," the state board of education, or such board or body as may hereafter by law succeed to the duties of said state board of education.

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

(3) "School district," school districts of the first, second, and third classes, consolidated districts, county high school and union high school districts.

(4) "New district," a district formed from all, or parts of two or more districts under the provisions of this article.

(5) "Proposed districts," an area composed of all, or parts, of two or more districts, the plan for the reorganization of which shall have been proposed by a county committee, or in case the same embraces parts of two, or more, counties by the county committees of the said counties.

(6) "County superintendent," county superintendent of schools.

123-8-4. County committee.—(1) Every two years there shall be elected in each county, a county committee of not less than seven nor more than eleven. In counties having more than forty school districts, the committee may be increased to fifteen but shall always have an odd number. One member of the county committee shall be elected from each first class school district within the county and one member from one of each two second class school districts.

County committee election

(2) Every two years the county superintendent shall call a meeting of the presidents of the board of education of all school districts and the chairman of high school districts within the county. The notice of such meeting shall be sent by registered mail and placed in the United States 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 committee as his proxy, who shall have the same rights as said president, or chairman, if attending personally.

County superintendent call meeting of district presidents

President or chairman designate proxy

(3) At said meeting the number of members of the county committee shall be established, within the limits herein provided, by a majority vote present. The members of the county committee shall then be selected at said meeting by nomination and 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 resident of the county in which elected. 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 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.

Number of members fixed

County superintendent forward notice of election—form of acceptance and duties of members

Failure to file acceptance—vacancies

County superintendent call meeting of committee—notice

Failure of majority to accept—new meeting called

Organization

Duties

(4) Upon the election of members of the county committee and their alternates the county superintendent shall prepare a written form of acceptance of membership on said committee and shall send by registered mail to each member selected one of such forms, together with a letter notifying such person of his election as a member of such county 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 county committee fails to accept such appointment within fifteen days of date of mailing of such notification he shall be dropped from such committee and a similar form of acceptance and notification shall be mailed by registered mail to his alternate. If such alternate does not accept such appointment to said county committee within fifteen days of date of mailing such notification then there shall be a vacancy in such county committee to be filled as provided in section 123-8-7, for filling of vacancies of the county committee.

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

(6) If acceptance shall not be received from a majority of the members of said county 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 the high school districts, at which meeting vacancies in said county committee shall be filled.

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

123-8-5. Duties of committee.—The county committee shall have and perform the following duties:

(1) To make a careful study of the public school system in its county.

(2) To co-operate with the state board and the commissioner in arriving at a plan of reorganization of school districts within said county.

(3) To pass upon and recommend any plan for the reorganization of the school districts in said county, or a portion thereof.

(4) To call for elections to vote upon such plan as provided herein.

(5) To make arrangements for such election.

(6) To assist in the dissemination of information to the electors of the proposed district as to the purpose and benefits of any such proposed plan.

(7) To co-operate with the county committee of adjoining counties in the event districts embracing two or more counties appears advisable.

(8) To make all certifications and perform all other acts specifically enjoined upon said county committee by this article.

(9) In general to do and perform any and all things reasonable or necessary to carry out the intent and purposes of this article; and perfect a reorganization of the school districts within the county in conformity with the spirit of this article.

123-8-6. Term of county committee.—The county committee shall continue as such until a complete plan of reorganization of all school districts within the county shall have been adopted or until July 1, 1954, whichever date may be earlier.

Complete plan

123-8-7. Vacancies—how filled.—In case of a vacancy in a county committee by death, resignation, removal from the county, or failure of both a committee member and alternate to accept under the provisions of section 123-8-4, the remaining members of the county committee shall have the authority to fill such vacancy. 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 may be declared vacant by majority vote of the remaining members of the committee and such vacancy filled by action of the remaining members of the committee.

Vacancies,
how filled

123-8-8. Meetings—notice.—Meetings of a county committee may be held at a time and place specified by the committee at a previous meeting, without further notice. Other meetings may be held 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

Meetings,
when and
where held
—notice

request of three members of the county committee. Notice of a meeting may be waived in writing by a committee member either before, at, or after such meeting.

Secretary
certify
personnel to
commissioner

123-8-9. Secretary to certify personnel.—When any county committee shall have been constituted, the secretary shall certify to the commissioner the names and postoffice 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.

Duty of com-
missioner to
make study
of plans in
other states

123-8-10. Duties of commissioner.—It shall be the duty of the commissioner to make a thorough study of the public school system in the various states, particularly in those states having a similar situation to that in Colorado; to make a thorough study and survey of the plan for the reorganization of the school districts in each county in the state and to make available to the county committees in each county of the state all information, facts, figures and statistics gained and acquired through such study and survey; to render to the various county committees such aid and assistance as may be reasonably required in each county, to the end that a proper plan of reorganization may be accomplished as soon as possible in every county in the state.

Conditions to
be given con-
sideration in
development
of reorganiza-
tion plan

123-8-11. Consideration of conditions.—In developing a plan of reorganization in any county, or part thereof, the county committee and commissioner shall give consideration to the following:

- (1) Educational needs of local communities.
- (2) Future use of existing school buildings, sites, playgrounds and facilities either for school purposes, or other community activities.
- (3) Convenience and welfare of pupils.
- (4) Equalization of costs and benefits of the public school system in the county.
- (5) Value, amount and location of the school properties involved in the proposed plan.
- (6) 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.

Nature of
indebtedness
given con-
sideration

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

(8) Terrain and topography of the counties and proposed districts.

(9) The manner and extent to which transportation should be furnished to pupils who will attend the schools in any proposed district, the approximate cost of such transportation and the manner in which such cost should be met and no such 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.

(10) Means of providing high school education for residents of any proposed districts of school age who are qualified therefor.

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

(12) It 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 director districts, said subdivisions to be equal in number to the number of members of the board of education. Said subdivision shall be as nearly as possible contiguous, compact and represent substantially the same number of people for each subdivision. Said plan shall designate from which director districts the members of the board of education shall be selected for the short term which shall be a term of office continuing until the first regular school board election held after said district becomes a body corporate, the intermediate term which shall continue until the second regular school board election held after the school district becomes a body corporate, the regular term which shall continue until the third regular school board election held after the school district becomes a body corporate.

Conditions upon which district organized

Plan designate terms of members of board of education

123-8-12. When plan submitted to vote.—No plan of re-organization shall be submitted to a vote unless:

(1) The plan shall have been approved by the county committee.

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

(3) The plan shall set forth all details as may have been determined by the county committee.

Conditions upon which plan submitted to vote

Plan contain proposals for adjustment of assets and liabilities of district involved

123-8-13. Contents of plan.—The plan for reorganization 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 county committee shall consider the number of children of school age resident therein and the assessed valuation of the property located in each district or parts of 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.

Present boundaries may be disregarded in plan

123-8-14. Old boundaries disregarded.—In working out any plan of reorganization of the school districts within a county, or any part thereof, 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 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 areas 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 unless the county committee of each county involved shall have approved such plan.

Map and statement of benefits filed with county superintendent

123-8-15. Map and statement of benefits.—(1) When a proposed plan of reorganization of the school districts within a county, or part thereof, shall have been tentatively agreed upon by a county committee, a map of the proposed district shall be prepared showing the boundaries thereof and a statement of the description of the boundaries of such proposed district, 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 county committee setting forth facts considered pertinent by said county committee for the information of the public as to the reasons for and benefits to be had from such proposal. The county committee shall fix a date and a place for hearing on such proposed plan.

(2) The county superintendent shall give notice of the filing of such map and statements by publication of 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 school house, in which school was 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 county committee for hearing on such proposed plan. Any interested person may appear at such hearing and make objections to the proposed plan.

Notice of filing of map and statement—
hearing

(3) 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 hearing. If there be no newspaper of general circulation in the district affected, posting of the notice shall be sufficient.

123-8-16. Submission to commissioner.—After such hearing the county committee may make any changes in such proposed plan as it may deem 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 county 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 county committee and conferences had with the commissioner, to the end that a mutually satisfactory plan may be perfected, if reasonably possible, provided, that final approval shall rest with the county committee. Maps and statements of such revised plan shall be filed with the county superintendent and notice of hearing thereon shall be given as provided in section 123-8-15 for any original plan.

Copy of plan, map and statement submitted to commissioner

Maps and revised plan filed

123-8-17. Designation of approved plan.—When a plan for reorganization of the school districts within a county, or any part thereof, has been approved by the county committee, it shall be designated as the final approved plan and shall be ready for submission to a vote as provided in sections 123-8-18 to 123-8-22.

Designated final approved plan—when

Committee set
date of special
election

123-8-18. Date of special election—notice.—The county committee shall set a date, not more than forty days after 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.

Said notice shall describe the boundaries of the proposed district. Where an entire district is to be included in the proposed district, reference to the legal name and number of such district shall constitute a description of the boundaries thereof. Said notice shall state that a map and plan of the proposed district is on file in the office of the county superintendent. It shall give the date of the special election, the hours the polls will be open, and the location of the polling places. It shall inform the voters that the purpose of the election is to vote upon the adoption, or rejection, of the proposed plan of reorganization in the area affected as shown by the map and plan in the office of the county superintendent. The original notice shall be signed by the chairman of the county committee.

Notice published and
posted

123-8-19. Notice published and posted.—The notice provided for in section 123-8-18 shall be published twice in some newspaper of general circulation in the area of the proposed district, and posted at each school house 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 shall be sufficient. Copies of such 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, and 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.

Conduct of
election

123-8-20. Conduct of election.—At least five days before the special election three judges of election shall be appointed by the county committee for each polling place in the proposed district. The polling places shall be conveniently located, preferably in existing school buildings. Polls shall be open from two p.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 county 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 reorganization fund.

123-8-21. Qualification of electors.—(1) Electors voting in said election shall be taxpaying electors, shall be of the age of twenty-one years, citizens of the United States, and shall 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. No previous registration shall be required except in first and second class districts. 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.

Qualification of electors

Judges make list of voters

(2) Ballots shall be unnumbered and shall be in form as follows:

Form of ballot

OFFICIAL BALLOT

For the plan of reorganization ()

Against the plan of reorganization ()

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 expresses his choice.

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

Meeting to explain plan, notice

123-8-22. Canvass of votes—certificate.—It shall be the duty of the county 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.

Canvass of votes

Result of
election
certified to
commissioner

123-8-23. Certification of result of election.—The county superintendent, within ten days from the filing in his office of the certificate as to the result of such election by the county committee, if the vote is in favor of said reorganization plan, shall certify such fact to the commissioner of education 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.

New district
body corporate
—powers

123-8-24. New district corporate body.—If a majority of the votes cast in a school district or part of a school district which is included in the proposed new district shall be in favor of reorganization, a new district, composed of all school districts so voting, shall on the sixtieth day after certification of the results of the election, become a body corporate under the name, style and number by which it is designated in the plan, and exercise all the rights, privileges and powers of such bodies; provided that the county committee, the county superintendent and the commissioner of education shall review the facts pertaining to the new district so created and if the county committee after consultation with the commissioner of education and the county superintendent shall by a majority vote decide that the new district so created is not a desirable district for a workable reorganization of such districts as have voted in favor of the plan, they shall not form a reorganized district, and the county committee shall continue its efforts to create an acceptable plan. The old district constituting a part of the new district may continue to function until the close of the school year and may use the funds on hand or received through existing tax levies for the expense of operation of such schools to the end of said school year. In such cases no division of property or assets of said district shall be made until the close of the school year.

Facts pertain-
ing to new
district subject
to review

Revised plan,
when

123-8-25. Revised plan, when prepared.—If the majority vote in a school district or part of a school district included in the said plan shall not be in favor of said reorganization, the county committee shall continue in its efforts to prepare a revised plan that is feasible and acceptable. When such a revised plan is approved by the county committee, it shall then be submitted to a vote in the manner provided in sections 123-8-18 to 123-8-22.

123-8-26. Classification and director of districts. — (1)

Classification
of new district

Whenever any new school district is created or has been created under the provisions of this article, such school district shall be a school district of the class as now provided by law. It shall have all the powers conferred thereon; provided, however, that all boards of education in such districts shall have five members.

(2) Where more than two former existing districts comprise a district already organized under the provisions of this article, a majority of the directors shall not be elected from any one district existing prior to reorganization. The county superintendent of the county, of a district reorganized shall, prior to sixty days before the next school election, divide the reorganized district into director districts, and determine the terms of the members as hereinafter provided.

Majority of
electors not
to be elected
from any one
prior existing
district

(3) After the original division of such a reorganized district into director districts, the county superintendent may from time to time change the boundaries of some or all of said director districts therein, with the consent of the majority of the directors, provided that in no case shall any change in the boundaries of director districts be made within the period of sixty days next prior to any regular school election.

(4) Directors shall be elected from the director districts in which they reside and whenever a director shall cease to reside in his director district his office shall become vacant and be filled as other vacancies are filled; provided, however, that a director continuing to reside in the school district who is no longer in his director district solely by reason of a change in the boundaries of such director district shall continue to hold his office for the remainder of his term. [L. 55, p. 786].

123-8-27. Special election to elect board.—(1)

Election of
board

The regular election for electing members of boards of education in districts heretofore or hereafter organized under the provisions of this article shall be held biennially on the first Monday in May of each odd numbered year.

(2) When a new district shall have been formed under the provisions of this article the chairman of the county committee shall call 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, and at such election five members of the board of education shall be

ected, one to serve until the next regular biennial election, two to serve until the second regular biennial election, and two to serve until the third biennial election. As each of said terms expire, successors shall be chosen for terms of six years each.

(3) In districts heretofore organized under the provisions of this article, two members of the board of education shall be elected at the regular biennial election to be held on the first Monday in May, 1953, to serve a term of two years. At a special election to be held on the first Monday in May, 1954, one member shall be elected, who shall have a term of three years, and at the regular biennial election of 1955, two members shall be elected, who shall have terms of four years each. As each of said terms expire, successors shall be chosen for terms of six years each.

(4) All of said elections shall be held in accordance with the laws governing elections in districts of the class in which the new district belongs, except that the number of directors, their terms and times of election, shall be governed by this article, and in all districts of any class organized under this article the president, secretary and treasurer shall be elected by the board of directors at the first meeting after each election, to hold office for a term of two years, and until their respective successors are elected and qualified. [L. 55, p. 788]

Disposition of funds

123-8-28. Disposition of funds.—(1) Unless otherwise provided in the plan, when a new district shall embrace all of the areas of a former district, the school funds of such former district 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.

Apportionment of funds in districts partly embraced in new district

(2) When only a part of a former district 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 levies shall be apportioned between the old district and the new district as provided in section 123-7-6. School buildings, grounds, playgrounds, furnishings and equipment therein situate 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 reorganization herein provided for.

123-8-29. Areas in high school districts.—(1) Unless otherwise provided in the plan when a new district shall embrace part of the 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 the properties and funds of the union or county high school district shall be retained by the union or county high school district. When a new district 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 funds then on hand or to be received under existing tax levies, after providing for all outstanding indebtedness and obligations, except bonded indebtedness, shall become the property of the new district.

Areas partly embraced in high school district withdrawn automatically

(2) In cases where a union or county high school district shall be partly or entirely included in two or more new districts, the properties or funds shall be divided as provided in section 123-7-6, unless the plan shall otherwise provide.

High school districts wholly embraced in new district—disposition of funds

123-8-30. Proceeds from sale of assets.—In the event lands, buildings, or lands and buildings shall be sold by a new district, the proceeds of such sale, less costs of selling, 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 as otherwise provided by law.

Disposition of proceeds of sale of assets

123-8-31. Bonded indebtedness of district 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 shall be paid:*

Existing bonded indebtedness

(1) *In the manner provided by sections 123-9-5 and 123-9-6, the duties therein assigned to the board of education of a united district to be performed by the board of education of the new district; or*

cf. Section 123-9-5 and 123-9-6

(2) *If the assumption of the bonded indebtedness is approved as provided in section 123-25-44, in the manner provided by law for the paying of any bonded indebtedness which the new district contracts pursuant to section 123-8-33.*

cf. Section 33

123-8-32. Limitation of bonded indebtedness. *Any new district shall have a limit of bonded indebtedness of ten per cent*

Limitation of bonded indebtedness

Assumption
included in
limitation

of the assessed valuation of the taxable property in such district. 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, that if any new district shall assume the bonded indebtedness of any district or districts existing at the time of inclusion in the new district, pursuant to the provisions of section 123-25-44, such bonded indebtedness shall be included in the ten per cent limitation; and provided, 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 districts 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 over ten per cent hereinabove provided not exceeding five per cent of the assessed valuation of the taxable property within such district.

New district
empowered to
contract
bonded
indebtedness

123-8-33. New district may contract indebtedness.—Any new district shall have the power and authority to contract bonded indebtedness under the same procedure for the issuance of bonds by a school district of its class as is provided by the laws of Colorado.

Additional
powers of
boards of
education of
new districts

123-8-34. Additional powers of boards.—In addition to the powers conferred by laws upon boards of education of school districts the board of education of any new district 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 said board may deem fair and reasonable under the circumstances; also such boards shall have the power and authority to contract with any school district maintaining a four year accredited high school, and whose course of study is approved 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 pay the cost of 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 high school; also, when deemed

necessary or expedient to contract with any other school district within the state maintaining a grade school, and whose course of study is approved by said board, for the payment of tuition and transportation to such other district of any resident of its school district.

123-8-35. Effect of failure to perform acts.—The failure to do and perform any of the acts and things enjoined to be done by this article at or within a certain time shall not invalidate any such acts and things done at a subsequent time.

Failure to perform acts no bar

123-8-36. County with one district not affected.—No county, or city and county, which has only one school district which embraces the entire county, or city and county, shall be affected in any way by the provisions of this article.

123-8-37. State school reorganization fund.—There is hereby established in the office of the state treasurer a fund to be known as the state school reorganization fund, which fund shall consist of such money as may be from time to time appropriated thereto by the general assembly.

State reorganization fund established

123-8-38. Compensation of committee.—(1) Members of the county committees shall not receive any compensation for their services, but shall be entitled to reimbursement for actual expenses incurred in the performance of their duties hereunder.

(2) 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.

No additional compensation to be paid members of committee or county superintendents

(3) On request by the county committee and approval by the commissioner, a county superintendent may employ temporary assistants for the performance of his duties hereunder, such assistants to be paid from the state school reorganization fund upon voucher signed by the person rendering such service approved by the county superintendent and the commissioner.

County superintendents may employ temporary assistants

(4) Reimbursement for travel and other expenses within the state of Colorado, of the county superintendent, his assistants, and of the members of the county committee and its employees including necessary supplies and travel expense within the state of Colorado, shall be made by the state controller from the state school reorganization fund upon vouchers signed by the person claiming reimbursement, and in case of members of the county committee, its assistants, and assistants to the

Travel and expenses, how paid

county superintendent, the voucher 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.

Compensation
and expenses,
how paid

(5) 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 controller upon voucher approved by the commissioner.

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

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

Application
of article

123-8-39. Application of article.—The provisions of this article for reorganization of school districts shall apply only to the creation of new districts under the provisions of this article and are in addition and supplemental to all present acts relating to school districts.

A N A C T
HOUSE BILL NO. 188
(Ch. 215, S.L. '61)

CONCERNING THE ADMINISTRATION OF THE PUBLIC SCHOOLS, TO AMEND 123-21-12, COLORADO REVISED STATUTES 1953 AND REPEALING 67-1-5 AND 67-1-8 COLORADO REVISED STATUTES 1953.

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

SECTION 1. 123-21-12, Colorado Revised Statutes 1953, is hereby amended to read:

123-21-12. School year—national holidays. The school year shall begin on the first day of July, and end on the thirtieth day of June. The term "national holidays" in this chapter, shall be construed to mean Thanksgiving day, Christmas day, New Year's day, Lincoln's birthday, Washington's birthday, Decoration day, Labor day, Independence day, and Veterans' day.

School year

Holidays

SECTION 2. 67-1-5 and 67-1-8, Colorado Revised Statutes 1953 are hereby repealed.

SECTION 3. 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 April 17, 1961.

A N A C T
HOUSE BILL NO. 206
(Ch. 211, S.L. '61)

TO AMEND 123-11-16, COLORADO REVISED STATUTES
1953, CONCERNING PAYMENT AND REDEMPTION OF
BONDS BY SCHOOL DISTRICTS.

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

SECTION 1. 123-11-16, Colorado Revised Statutes 1953,
is hereby amended to read:

123-11-16. Bond fund—payment and redemption. The
county treasurer shall collect such taxes the same as other
taxes are collected, keeping the same separate from other
funds received by him, which amount when collected shall be
turned over to the treasurer of such school district upon orders
signed and countersigned in the manner provided by law for
the execution of other school district orders. Such money shall
be used only in the payment and/or redemption of such bonds,
and such payment shall be made in the numerical order of
said bonds, beginning with bond numbered one. Redemption
of said bonds, prior to the respective maturities thereof may
be made in either direct or inverse numerical order as deter-
mined by the board in the resolution authorizing the issuance
of said bonds and set forth on the face of said bonds. The
redemption of said bonds, prior to maturity, shall be made in
the following manner: The treasurer of said school district,
immediately after receiving sufficient money therefor, shall
advertise in some newspaper published in the county in which
said school district is located, once a week for two consecutive
weeks, that on a certain day, named in said advertisement, not
less than four and not more than five weeks after the time of
the first publication thereof, he will redeem certain of said
bonds therein described by number, amount, and date of issue
thereof and shall give notice in said advertisement that after
the day so fixed for redemption, the interest on the bonds shall
cease. After the day of redemption so fixed in said notice
the bonds so advertised and called to be redeemed shall cease
to draw interest. In the event that bonds are made payable at

Bond fund

Remit to
district

Payment or
redemption
of bonds

Notice

the office of the county treasurer any redemption of such bonds shall also be made at the office of the county treasurer of the county, who shall make a minute of such payment or redemption to draw interest. In the event that bonds are made payable at some place other than the office of the county treasurer such bonds shall be redeemable at the place where payable and the treasurer of the district shall, immediately after the payment or redemption, inform the county treasurer that certain bonds, describing them by number, amount and date of issue have been paid or redeemed and cancelled, and said county treasurer shall make a minute of such payment or redemption upon his books. In all cases bonds when paid or redeemed shall be cancelled by the district treasurer and preserved by him and his successors for a period of one year after the date of their payment or redemption.

Inform
county
treasurer

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 13, 1961.

SECTION 2. 137-4-4, Colorado Revised Statutes 1959, as amended by section 3 of chapter 252, Session Laws of Colorado 1959, is hereby amended to read:

137-4-4. 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 o'clock on the assessment date in each year.

SECTION 3. 137-4-8 (2), Colorado Revised Statutes 1959, as enacted by section 2 of chapter 252, Session Laws of Colorado 1959, is hereby repealed.

A N A C T
HOUSE BILL NO. 227
(Ch. 216, S.L. '61)

CONCERNING PUBLIC SCHOOLS, AND THE DEFINITION
OF "SCHOOL AGE".

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

SECTION 1. 123-21-15, Colorado Revised Statutes 1953, is hereby amended to read:

123-21-15. School census—school age. A school census is hereby defined to be a census embracing all persons between the ages of six and twenty-one years. School age is hereby defined to be any age over six and under twenty-one years; provided that any child attaining school age during the school year may be admitted to school subject to the requirements for admission fixed by the school board of the district in which he applies for enrollment.

SECTION 2. **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 17, 1961.

School
census

Admission
to school

A N A C T
HOUSE BILL NO. 242

(Ch. 262, S.L. '61)

RELATING TO THE GENERAL PROPERTY TAX AND CONCERNING ASSESSMENT OF STRUCTURES.

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

SECTION 1. 137-12-13 (1), Colorado Revised Statutes 1953, as amended by section 1 of chapter 253, Session Laws of Colorado 1959, 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 existing on the assessment date within the various taxing districts, 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.

Tax levy

SECTION 2. 137-9-8, Colorado Revised Statutes 1953, as amended by section 3 of chapter 253, Session Laws of Colorado 1959, 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.

Lien

SECTION 3. 137-3-3 (2), Colorado Revised Statutes 1953, as enacted by section 2 of chapter 253, Session Laws of Colorado 1959, is hereby repealed.

SECTION 4. This act shall become effective on January 1, 1962.

SECTION 5. **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 21, 1961.

SECTION 1. 137-12-13 (1), Colorado Revised Statutes 1953, as amended by section 1 of chapter 333, Session Laws of

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 value of all taxable property existing on the assessment date within the various taxing districts 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. 137-9-8, Colorado Revised Statutes 1953, as amended by section 3 of chapter 323, Session Laws of Colorado 1959, 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 noon on the assessment date in each year.

SECTION 3. 137-3-3 (2), Colorado Revised Statutes 1953, as enacted by section 2 of chapter 323, Session Laws of Colorado 1959, is hereby repealed.

AN ACT
HOUSE BILL NO. 249
(Ch. 229, S.L. '61)

RELATING TO THE CLASSIFICATION OF STUDENTS FOR
TUITION PURPOSES AT THE STATE INSTITUTIONS
OF HIGHER EDUCATION.

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

SECTION 1. **Legislative intent.** It is the intent of the general assembly that the state institutions of higher education shall apply uniform rules, as herein prescribed and not otherwise, in determining whether students shall be classified as in-state students or out-of-state students for tuition purposes.

Legislative
intent

SECTION 2. **Definitions.** Wherever used in this act:

Definition
of words

(1) The word "institution" shall mean a Colorado college, university, or junior college supported partially or entirely by appropriations made by the general assembly.

(2) The words "in-state student" shall mean a student who has been domiciled in Colorado for one year or more immediately preceding registration at any institution of higher learning in Colorado for any term or session for which domiciliary classification is claimed, provided, however, that attendance at an institution of higher learning within the state of Colorado shall not alone be sufficient to qualify for domicile in Colorado.

(3) The word "domicile" shall denote a person's true, fixed, and permanent home and place of habitation. It is the place where he intends to remain, and to which he expects to return when he leaves without intending to establish a new domicile elsewhere.

(4) The word "minor" shall mean a male or female person who has not attained the age of twenty-one years; the words "emancipated minor" shall mean a minor whose parents have entirely surrendered the right to the care, custody, and earnings of such minor and who no longer are under any duty to support or maintain such minor.

(5) The words "qualified person" shall mean a person qualified to determine his own domicile. A person over the age

of twenty-one years or an emancipated minor subject, however, to the provisions of section 3 (2) (b) of this act, is so qualified.

(6) The word "his" shall apply to the female as well as the male sex unless the context otherwise clearly requires.

(7) The words "annual teaching contract" shall mean a contract for teaching full time in a Colorado school or educational institution for a complete academic year approximating nine months.

SECTION 3. Presumptions and rules for determination of status. (1) Unless the contrary appears to the satisfaction of the registering authority of the institution at which a student is registering, it shall be presumed that:

(a) The domicile of an unemancipated minor is that of his father, or if no father that of his mother, or if there is a guardian of his person that of such guardian; provided that the court appointing such guardian shall certify that the primary purpose of such appointment is not to qualify such unemancipated minor as a resident of this state; or if one parent has custody of the minor that of such parent.

(b) The domicile of a married woman is normally that of her husband.

(c) A person does not gain or lose in-state status by reason of his presence in any state or country while a member of the armed forces of the United States; provided, that a member of the armed forces may obtain in-state status for himself, his spouse, or his children, after living in Colorado for one year, and complying with the provisions of this act.

(d) The establishment of a new domicile in Colorado by qualified person formerly domiciled in another state has occurred if he is physically present in Colorado without a present intention to return to such other state or to acquire a domicile at some other place outside of Colorado.

(e) Once established a domicile has not been lost by mere absence unaccompanied by intention to establish a new domicile.

(2) To aid the institutions in deciding whether a student, or parent, or guardian of the person of a student, is domiciled in Colorado the following rules shall be applied:

(a) Payment of Colorado income tax is highly persuasive evidence of domicile in Colorado.

(b) Nonpayment of Colorado income tax by a person whose income is sufficient to be taxed is highly persuasive evidence of non-Colorado domicile.

(c) A qualified person cannot establish a new domicile in Colorado if he lacks the intention of so doing.

(d) After a student has registered at an institution his classification for tuition purpose remains unchanged in the absence of satisfactory evidence to the contrary. Such evidence shall be reduced to writing and filed with the registering authority of the college. Changes in classification established by such evidence, and whether from out-of-state to in-state or the reverse, shall be in writing, signed by the registering authority of the college, and shall be given effect at the time of the student's next registration.

(2) An unemancipated minor shall qualify for a change in status only if his parents or legal guardian or person having legal custody shall have completed the requirements for establishing domicile as defined herein. An emancipated minor or adult student who has registered for more than five hours per term shall not qualify for a change in his classification for tuition purposes unless he shall have completed twelve continuous months of residence while not attending an institution of higher learning in the state or while serving in the armed forces.

SECTION 4. Resident classification. All in-state students, as herein above defined, shall be entitled to classification as such for tuition purposes at all institutions. All other students shall be regarded for such purpose as out-of-state students; provided, however, that regardless of age or domicile a person who has been under an annual teaching contract, as herein above defined within four months of the time of registration at an institution, and has complied with the obligations of that contract, and has paid the Colorado income tax, may be classified as an in-state student for tuition purposes.

Resident
classification

SECTION 5. Limitation upon applicability. This act shall not apply to American Indians applying for admission to the Fort Lewis school under applicable federal and state statutes.

American
Indians

SECTION 6. Effective date. This act shall take effect on September 1, 1961.

Approved by the Governor April 13, 1961.

A N A C T
HOUSE BILL NO. 276

(Ch. 60, S.L. '61)

RELATING TO APPRENTICES, AND TO ESTABLISH AN
APPRENTICESHIP COUNCIL AND PRESCRIBING ITS
FUNCTIONS.

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

Definition of
apprentice

SECTION 1. Apprentice defined. The term "apprentice," as used herein, shall mean a person at least sixteen years of age who has entered into a written agreement, hereinafter called an apprenticeship agreement, with an employer, an association of employers, an organization of employees, or their agents, or a joint apprenticeship committee, which apprenticeship agreement provides for not less than four thousand hours or two years of reasonably continuous employment for such person and for his participation in an approved program of training through employment and through related education and technical instruction.

Apprenticeship
council

SECTION 2. Apprenticeship council. There is hereby established within the industrial commission of Colorado an apprenticeship council consisting of six members, three of whom shall be appointed from and be representative of employers employing persons in recognized apprenticeable trades, and three of whom shall be appointed from, and be representative of employee organizations whose members are employed in recognized apprenticeable trades. The apprenticeship council members shall be appointed by the governor and shall serve without compensation, but shall be reimbursed for necessary expenses incurred in carrying out the provisions of this act. The terms of office of members of the apprenticeship council first appointed shall be as follows: One representative of each group being appointed for a three-year term, one each for a two-year term, and one each for a one-year term. Thereafter each member shall be appointed for a term of three years. One representative each from the state board for vocational education, the department of employment, and the United States department of labor, bureau of apprenticeship and train-

ing, may be designated by the apprenticeship council as advisors to the apprenticeship council, and their advice and counsel will be considered in matters pertaining to their respective areas of interest. The apprenticeship council shall elect a chairman and vice chairman from its membership. When the chairman is an employer representative, the vice chairman shall be an employee representative and vice versa.

SECTION 3. Powers and duties of the council. (1) The apprenticeship council shall seek voluntary cooperation of management and labor in the promotion of apprenticeship, and shall encourage and provide assistance to management and labor in establishing programs of voluntary apprenticeship for training in the arts and crafts. The apprenticeship council shall identify and have published the fundamentals of apprenticeship to be recommended, which in no case shall be less than the fundamentals as set forth by the national apprenticeship program promulgated by the federal committee on apprenticeship; provide the means for recognizing programs of apprenticeship which meet those fundamentals; provide for the registration, cancellation or suspension of apprenticeship agreements under recognized programs; and shall issue certificates of completion of apprenticeship when the provisions of the apprenticeship standards have been met successfully.

Power and
duties of
council

(2) Policies and procedures established as a result of this act shall be approved by the apprenticeship council before such policies or procedures can be made effective. The apprenticeship council may develop and have published informational and technical data pertaining to apprenticeship.

Approval
of policies

SECTION 4. Director, technical and clerical staff. The industrial commission is hereby authorized to appoint a director of apprenticeship and to appoint, employ or assign such clerical, technical and professional staff as shall be necessary to effectuate the purposes of this act, subject to approval by the apprenticeship council. The director of apprenticeship shall serve as executive secretary of the apprenticeship council, without vote.

Personnel

SECTION 5. Apprenticeship committees. Apprenticeship committees may be established by a trade, a group of trades or an industry. Apprenticeship committees may be established to guide or coordinate the activities of apprenticeship programs

Apprenticeship
committees

by a trade, a group of trades, or an industrial establishment which has needs and facilities for training apprentices.

Apprenticeship committees, where jointly operated, shall be composed of an equal number of employer and employee representatives in the trade or trades in which apprentices are to be employed. The duties of apprenticeship committees shall include establishing standards of apprenticeship for the trade or trades concerned; being responsible for the operation of the apprenticeship program in accordance with the apprenticeship standards; cooperating with vocational education authorities regarding the technical and theoretical subjects related to the trade or trades; and such other duties as may be necessary for the effective training and education of the apprentices.

When standards of apprenticeship, so established by apprenticeship committees, employers, or establishments conform to the fundamentals of apprenticeship recommended by the apprenticeship council, they shall be recognized and registered by the apprenticeship council.

Apprenticeship
agreements

SECTION 6. Apprenticeship agreements. Every apprenticeship agreement shall be signed by the apprentice, and if a minor, by his parent or guardian and the employer or program sponsor. The director of apprenticeship shall maintain a register of recognized apprenticeship programs and apprenticeship agreements under such programs. Each agreement shall contain the name of the parties to the contract; the name of the trade or craft in which training is to be provided; date of birth of the apprentice; the date on which the apprenticeship shall begin; and the number of hours or years to be spent to complete the apprenticeship.

Bargaining
agreements

SECTION 7. Relationship to bargaining agreements. Nothing in this act or any apprenticeship agreement registered under this act shall operate to invalidate any apprenticeship provision in any collective bargaining agreement between employers and employees.

Instruction
for
apprentices

SECTION 8. Related and supplemental instruction for apprentices. The apprenticeship council shall advise and cooperate with the state board for vocational education which shall have, upon request of the apprenticeship program sponsor, the responsibility for or coordination of related and supplemental instruction for apprentices, coordination of instruction

with job experiences, and the selection and training of teachers for such instruction.

SECTION 9. Limitations. The provisions of this act shall apply to a person, firm, corporation, or craft only after such person, firm, corporation, or craft has voluntarily elected to conform to its provisions. This act shall not apply to employers who, with their employees, are subject to the railway labor act of congress.

Voluntary application of act

SECTION 10. Constitutionality. 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 this act are declared to be severable.

SECTION 11. Repeal. Article 1 of chapter 9, Colorado Revised Statutes 1953, is hereby repealed.

SECTION 12. Effective date. This act shall take effect on July 1, 1961.

SECTION 13. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 18, 1961.

AN ACT
HOUSE BILL NO. 296
(Ch. 212, S.L. '61)

TO AMEND 123-17-14 AND 123-17-15, COLORADO REVISED STATUTES 1953, CONCERNING TEACHERS.

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

SECTION 1. 123-17-14, Colorado Revised Statutes 1953, is hereby amended to read:

123-17-14. **Teacher's oath of allegiance.** Any person now holding a certificate to teach in any public school in the state of Colorado or who shall hereafter be issued a certificate to teach in such public schools within the state of Colorado shall subscribe to the following oath or affirmation, provided, however, that any such person employed to teach in a temporary capacity who is a citizen of a nation other than the United States shall not be required to take such oath.

"I solemnly swear or affirm that I will support the Constitution of the state of Colorado and of the United States of America, and the laws of the state of Colorado and of the United States, and will teach, by precept or example, respect for the flags of the United States and of the state of Colorado, respect for law and order and undivided allegiance to the government of one country, the United States of America."

The said oath or affirmation shall be executed in triplicate and one copy filed in the office of the state commissioner of education, one copy retained by the applicant making such oath or affirmation, and one copy shall be filed with the officer or board in charge of any such public school.

SECTION 2. 123-17-15, Colorado Revised Statutes 1953, is hereby amended to read:

123-17-15. **Teachers in colleges and private schools to take oath.** Every teacher employed to teach in any private or parochial school or in any academy, college, or university or other institution of learning in the state of Colorado, before

Oath
required
with
certificate
for public
schools

Exception

Oath

Filing oath

Oath
requirement
for employ-
ment in
colleges and
private
schools

entering upon, or continuing, the discharge of his or her duties, shall be required to take the same oath or affirmation of allegiance as that prescribed for public school teachers in section 123-17-14; provided, however, that any such person employed to teach in a temporary capacity who is a citizen of a nation other than the United States shall not be required to take such oath. Such oath or affirmation shall be executed in triplicate and one copy filed in the office of the state commissioner of education, one copy retained by the person making such oath or affirmation, and one copy filed with the officer or board in charge of such private or parochial school, academy, college, or university or other institution of learning in which such person is employed, or is to be employed, within the state of Colorado.

Exceptions

SECTION 3. Safety Clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 18, 1961.

A N A C T
HOUSE BILL NO. 303
(Ch. 207, S.L. '61)

CONCERNING THE POWERS OF SCHOOL BOARDS AND
THE ADMINISTRATION OF SCHOOL DISTRICTS.

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

SECTION 1. 123-3-1 (1) and 123-3-1 (4), Colorado Revised Statutes 1953, as amended (Supp.), are hereby amended to read, respectively, as follows:

Board to
certify
amount of
money needed

Purposes
of levy

Duty of
commissioners
to levy

County
treasurer
credit
district
and report

(1) On or before the day designated by law for the board of county commissioners of each county to levy the requisite taxes for the then ensuing year, the school board in each school district shall certify to the board of county commissioners a statement showing the aggregate amount which, in the judgment of said school board, is necessary to be raised from a levy on the taxable property in said district, and from the payment of school fees by the game and fish commission as hereinafter provided, to create a special fund out of which to defray payment of all expenses of the district incurred for any of the purposes specified in article 10 of this chapter and all costs of the district incurred by reason of its participation in any employees' retirement program authorized by law; such statement shall show the itemized sums composing said aggregate amount and the purpose to which it is intended to devote each sum so itemized; but it shall be considered as having been made for information purposes only and not as having effected an appropriation of the sums so itemized to the purposes so shown. It shall thereupon be the duty of the board of county commissioners to levy, and to certify to the game and fish commission as to those lands and improvements thereon at the time of acquisition by the game and fish commission owned by the game and fish commission within the county, at the same time as other taxes are levied, such rate within the limits allowed by law, as will produce the aggregate amount so certified by the school board. The amount of such special tax, shall be placed in a separate column of the tax book, which shall be headed "special school tax." There shall also be a

column in said tax book in which shall be entered the number of the school district in which the property is listed. As collected, the tax shall be placed by the county treasurer to the credit of the proper district, and the amount placed to the credit of each district shall be reported to the secretary thereof at the end of each month and shall be subject to the order of the school board of the district.

(4) It shall be the duty of the county assessor and county treasurer to so arrange their tax schedules and books as to conform to the above provisions; and the county assessor shall list all property, both real and personal, in the school district in which the same may be on the assessment date.

Tax schedules

SECTION 2. 123-3-2, Colorado Revised Statutes 1953, is hereby amended to read:

123-3-2. It shall not be lawful for a school district board to reconsider the question of the levy of a special school tax after the same has been certified to the board of county commissioners, nor shall said board of county commissioners be charged with any discretion in the matter of such levy other than to ascertain if the law has been obeyed.

Not lawful to reconsider levy

Limitation on commissioners' discretion

SECTION 3. 123-10-21 (3) and 123-10-21 (4), Colorado Revised Statutes 1953, are hereby amended to read, respectively, as follows:

(3) To provide for furniture, equipment, library books and for everything needed in school buildings, and for the use of the school board.

(4) To procure such adequate insurance as may be determined from time to time; and to rent and repair school property, both real and personal.

SECTION 4. 123-19-3, Colorado Revised Statutes 1953, is hereby amended to read:

123-19-3. The money for the use of the public school teacher's retirement fund shall be secured by the special fund levy of the school district provided for in section 123-3-1 and from any gifts or bequests which may be made to said retirement fund.

SECTION 5. 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 April 18, 1961.

AN ACT
HOUSE BILL NO. 360

(Ch. 219, S.L. '61)

CONCERNING JUNIOR COLLEGES, AND CREATING A METHOD BY WHICH JUNIOR COLLEGE DISTRICTS SHALL RECEIVE FROM THE COUNTIES OF RESIDENCE OF STUDENTS NOT RESIDENT IN THE JUNIOR COLLEGE DISTRICT A PORTION OF THE COST OF MAINTAINING SUCH STUDENTS IN THE JUNIOR COLLEGE.

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

SECTION 1. Legislative declaration. The purpose of this act is to provide a method by which the junior college districts shall receive from the counties of residence of students not resident of the junior college districts a portion of the cost of maintaining such students in the junior colleges. This act shall be liberally interpreted to accomplish this purpose.

SECTION 2. Definitions. Unless otherwise indicated by the context, the following words and phases, when used in this act, shall mean:

- (1) "Junior college," any junior college organized under the provisions of article 23 of chapter 123, CRS 1953.
- (2) "State board," the state board of education.
- (3) "Junior college committee," the junior college committee as defined in article 23 of chapter 123, CRS 1953.
- (4) "County of residence," a county, or portion of a county, of the state of Colorado which is not in a junior college district, in which a student is a resident.
- (5) "District of residence," the junior college district in which a student is a resident.
- (6) "District," a junior college district created pursuant to article 23 of chapter 123, CRS 1953.
- (7) "Nondistrict student," a student who is a resident of a county, or portion of a county, of the state of Colorado which is not a portion of the junior college district which he is attending.

(8) "School year," July 1 to June 30.

(9) "Student credit hours produced," shall be calculated by multiplying the number of students enrolled in a class at the end of the fourth week of school of each quarter by the credit hours for that course in the catalog of the institution. The product of such multiplication shall be the total student credit hours produced.

(10) "Full-time-equivalent student," the number of full-time-equivalent students shall be determined by dividing the total student credit hours produced by forty-five if the institution uses quarter hour credits, or by thirty if the institution uses semester hour credits.

SECTION 3. Certificate of residency. Whenever a non-district student registers at a junior college he shall be required to make a notarized statement naming the county of which he is a resident and basis upon which he claims such residence.

Certificate
of residency

SECTION 4. State junior college tuition fund. There is hereby created in the office of the treasurer of the state of Colorado a continuing fund to be known as the "state junior college tuition fund," herein called the state tuition fund, into which shall be paid the proceeds of the county junior college tuition fund levy and other monies provided for by this act. Any monies remaining in such state tuition fund at the end of any fiscal year shall not revert to the state general fund but shall remain in such state tuition fund and shall be available for distribution thereafter. These monies may be invested as authorized by law but any interest earned shall accrue to this fund.

State junior
college
tuition fund

SECTION 5. County junior college tuition fund. There is hereby created in the office of county treasurer of each county a continuing fund to be known as "the county junior college tuition fund," herein called the county tuition fund, into which shall be paid the proceeds of the county junior college tuition fund levy or other monies provided by this act. Warrants upon such county tuition fund shall be paid to the state treasurer as provided in section 10. Any balance shall remain in the county tuition fund to decrease the county levy necessary in succeeding years. These monies may be invested as authorized by law but any interest earned shall accrue to this fund.

County junior
college
tuition fund

Committee
to furnish
information

SECTION 6. Junior college committees to furnish information. (1) Not later than July 15, each year, the junior college committee of each junior college district shall furnish to the state board the following data:

(a) The total student credit hours produced by all students who are residents of Colorado attending the junior college during the next preceding school year.

(b) The total student credit hours produced by all non-district students by counties of residence who attended the junior college during the next preceding school year.

State board
to certify
students
and sums
of money

SECTION 7. Certification of state board. (1) On or before October 1 of each year, the state board shall certify to the board of county commissioners of each county the following data:

(a) The total full-time-equivalent students resident in that county who attended a junior college outside their county of residence or outside that portion of the county of residence not lying in a junior college district during the next preceding school year.

(b) An amount equal to three hundred dollars for each full-time-equivalent nondistrict student for current operating expenses.

(c) An amount equal to two hundred dollars for each full-time-equivalent nondistrict student for use of buildings and equipment.

(d) A total amount to be raised by that county for the county junior college tuition fund, which shall be determined by multiplying the number of full-time-equivalent students determined under subsection (a) by the sum of the amounts in subsection (b) and (c).

Tax levy
for tuition
purposes

SECTION 8. County junior college tuition fund levy. For the purpose of paying each county's share of the cost of non-district students attending junior colleges in Colorado as defined by this act, it shall be the duty of the board of county commissioners of each county to levy, except in those counties levying in excess of the statutory limits for general fund purposes and welfare purposes and levying 12 mills under the public school foundation act, at the same time that other taxes are levied, a tax upon all taxable property in the county, or in that portion of that county lying outside of a junior college district, sufficient to raise the amount certified in accordance

Exceptions

with section 7 (d) less any remaining balance in the county tuition fund. The board of county commissioners of any county may transfer other county funds not otherwise committed to the county tuition fund which may have the effect of decreasing the amount of the levy necessary or which may make it unnecessary to levy a special tax.

SECTION 9. Payment of tax into junior college tuition fund. The monies from the tax levy or other county funds provided for in section 8 when collected shall be paid into the county tuition fund.

Moneys paid
to county
tuition fund

SECTION 10. Duty to make transfer of funds. The county treasurer shall, no later than August 15, each year, notify the board of county commissioners of the amount of funds collected and paid into the county tuition fund. The board of county commissioners shall order a warrant drawn in amount certified to it by the state board on the county treasurer of such county in favor of the state treasurer for deposit in the state junior college tuition fund.

County
treasurer
to transfer
moneys

SECTION 11. Duty of county treasurer to pay warrants. It shall be the duty of the county treasurer of the county upon which such warrants are drawn to pay the same from the county junior college tuition fund to the state treasurer.

County
treasurer
to pay
warrants

SECTION 12. Duty of state treasurer. The treasurer of the state of Colorado shall credit to the state junior college tuition fund all such payments from the county treasurers and shall, no later than September 15 of each year, notify the state board of the amount of funds from each county paid into the state junior college tuition fund. It shall be the duty of the state treasurer to pay such warrants as are drawn upon this fund by the state board in administering this act.

State
treasurer
to credit
fund and
notify
state board

SECTION 13. Apportionment of funds. It shall be the duty of the state board to determine the amounts to be apportioned to each fund of each junior college district from the state junior college tuition fund. No later than October 15, the state board shall order warrants drawn upon the state junior college tuition fund payable to each junior college district to which such funds are due. The treasurer of the junior college district shall credit such payments to the following funds of the district:

State board
to apportion
funds to
junior
colleges

(1) The amounts specified in section 7 (1) (b) shall be credited to the special fund of the junior college district.

(2) The amount specified in section 7 (1) (c) shall be credited to the capital reserve building fund of the junior college district.

Forms and procedures

SECTION 14. State board to furnish forms and prescribe procedures. The state board shall furnish the forms and prescribe the procedures required of junior college districts and of the various boards of county commissioners under the provisions of this act.

Exchange students

SECTION 15. Transfer of students from one district to another. A junior college committee of one junior college district is hereby authorized to enter into a contract with a junior college committee of another junior college district concerning the current operating and capital outlay costs of students exchanged between the two districts.

Tuition and fees

SECTION 16. Committee to fix tuition and fees. Any public junior college committee in Colorado may charge tuition, but such tuition must be uniform for all students resident in the state of Colorado. Special fees may be fixed and charged by the junior college committee but such fees shall be identical in amount for all students resident in the state of Colorado. Junior college committee may fix and charge tuition and other fees for out-of-state students.

Rules and regulations

SECTION 17. Rules and regulations. The state board of education is hereby authorized to promulgate and adopt reasonable rules and regulations, not inconsistent with the provisions of this act, for the implementation of the provisions of this act in accordance with legislative intent.

SECTION 18. Effective date. This act shall become effective on July 1, 1961.

SECTION 19. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 7, 1961.

A N A C T
HOUSE BILL NO. 365
(Ch. 67, S.L. '61)

As Amending

Chapter 55, S.L. '59
(Relating to School Buses)

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 said 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 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; provided, that such lights need not be actuated when stopping*

at locations where the local traffic regulatory authority shall have by prior written designation declared such actuation unnecessary.

(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.

A N A C T
HOUSE BILL NO. 376

(Ch. 209, S.L. '61)

and

HOUSE BILL NO. 303

(Ch. 207, S.L. '61)

As Amending

POWERS OF SCHOOL BOARD

123-10-21. Powers of school board.—Every school board, unless otherwise especially provided by law, shall have power, and it shall be their duty:

(1) To employ or discharge teachers, mechanics and laborers, and to fix and order paid their wages; to determine the rate of tuition for nonresident pupils, and to fix the compensation to be allowed the secretary for the time necessarily spent in the service of the district, as required by law, or as directed by the board; provided, it shall be unlawful to pay any other member of the board from the district funds for his services as a member of such board.

Employment;
wages;
tuition

Payments
to other
members
prohibited

(2) To enforce the rules and general regulations of the state commissioner of education, to fix the course of study, the exercises and kind of text books to be used; provided, that but one kind of text book of the same grade or branch of study shall be used in the same department of a school, and that after the adoption of any book, it shall not be changed in less than four years, unless the price thereof shall be unwarrantably advanced, or the mechanical quality lowered, or the supply stopped.

Regulations;
course of
study

Adoption of
text books

(3) To provide for furniture, equipment, library books and for everything needed in school buildings, and for the use of the school board.

Items needed
for school
buildings or
by board

(4) To procure such adequate insurance as may be determined from time to time; and to rent and repair school property, both real and personal.

Insurance

(5) To build or remove school houses, and to purchase or sell school lots, when directed by a vote of the district so to do.

Schoolhouses

Holding property

(6) To hold in trust for their district all real or personal property for the benefit of the school thereof.

Exclusion of pupils

(7) To suspend or expel pupils from school, who refuse to obey the rules thereof, and to exclude from school, children under six years of age.

Number of teachers

(8) To determine the number of teachers that shall be employed, and length of time over and above three months that the school shall be kept; to fix the time for the opening or closing of schools, and for the dismissal of primary pupils before the regular time for closing the schools.

Books for indigent children

(9) To provide books for indigent children on the written statement of the teachers that the parents of such children are not able to purchase them, and to furnish free text books for the use of all pupils when authorized to do so by a majority vote of the district as expressed at any regular or special meeting.

Free text books—when

Requirement of books

(10) To require all pupils to be furnished with the proper and suitable books as a condition of membership in school.

Exclusion of immoral publications

(11) To exclude from school and school libraries, all books, tracts, papers and other publications of an immoral or pernicious tendency.

Law enforcement

(12) To require teachers to conform to the law.

Annual report

(13) To make an annual report as required by law, to the county superintendent, on or before the first day of August of each year, in the manner and form, and on the blanks prescribed and furnished by the commissioner of education.

Report to commissioner of education

(14) To make a report directly to the state commissioner whenever instructed by him so to do.

Non-resident pupils

(15) Whenever a pupil resident in one district desires to attend high school or any other school in another school district of any character, whether in another county or not, either because of convenience or of lack of either high school or other school provisions in the district in which such pupil is resident or for any other reason whatsoever which shall appear sufficient to both the board of directors of the district wherein such pupil is resident and of the district in which such pupil desires to attend school, the said boards of directors shall have authority to make arrangements therefor by agreement, including arrangements for reasonable compensation from the funds

Tuition payments for non-residents

of the district in which such pupil is resident, to be paid to the district in which such pupil desires to attend and any such arrangement so made shall be enforceable at law.

(16) Any school district not providing its own elementary, junior high school or high school, shall not be eligible to receive any funds from the state public school fund or the county public school fund if it refuses to pay tuition for any resident pupil for attendance at a school of his choice for which such pupil is qualified, in another district within the state which is not maintained by the district of residence of the pupil.

School district refusing to pay tuition—
forfeit state funds

No district shall be required under the provisions of this section to pay tuition in excess of the total current cost per pupil in the school of attendance, plus fifteen per cent, and less the average amount per pupil received by the school of attendance from the state public school fund and the county public school fund.

Amount of tuition

Said current cost shall be separately estimated by the school of attendance as to elementary, junior high school and high school. Such current cost and the amount to be deducted on account of funds received from the state and county public school funds shall be determined upon the cost and the amount received during the school year immediately preceding that in which such tuition is being paid.

Manner of determining current cost and amount to be deducted

In case the district of residence of a tuition pupil has not made for the current year, the special levy required of districts receiving funds from the state public school fund, no deduction shall be made from the tuition charged for funds received from the state and county public school funds by the district of attendance.

No deduction to be made—when

Any board of education paying tuition under the provisions of this section may appeal to the state board of education for a determination as to the reasonableness of the amount of said current cost as computed by the district of attendance, and the determination of the board as to a fair and equitable current cost shall be final.

Board may appeal as to reasonableness of current cost

Boards of education shall have authority to enter into agreements for the payment of tuition upon such terms as shall appear reasonable to the contracting boards of education; provided, it shall not be lawful for any board of education to pay tuition at a rate higher than that provided for in this section.

Boards may enter into agreements for payment of tuition

Surety bond

(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. [L. 59, p. 671].

Joint contract

(18) *Two or more boards of education may jointly contract with each other or with boards of regents, boards of trustees, and junior college committees for the performance of any service, activity, or undertaking which each of the school districts entering into such contract is authorized by law to perform. Such contract shall set forth fully the purposes, powers, rights, obligation, and the responsibilities, financial and otherwise, of the contracting parties. Any such contract may include, among other things, the joint purchase or renting of necessary facilities, equipment, and supplies. Any state or federal financial assistance which would accrue to said contracting school districts, if said contracting districts were performing services as a single district, shall be apportioned by the state board of education on the basis of the contractual obligations and paid separately to said contracting districts in the manner prescribed by law. Any contract or agreement made pursuant to this subsection and 88-2-2, CRS 1953, may extend for not more than five years.*

A N A C T
HOUSE BILL NO. 410
(Ch. 223, S.L. '61)

RELATING TO THE EDUCATION OF MIGRANT CHILDREN

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

SECTION 1. Title. This act shall be known as the Migrant Children Educational Act. Act cited

SECTION 2. Definitions. (1) As used in this act, unless the context requires otherwise: Definition of words

(a) "Board" means the state board of education.

(b) "Migrant child" means a child of school age who is in the custody of migrant agricultural workers, whether or not they are his parents.

(c) "Migrant agricultural worker" means an individual engaged in agricultural labor in this state who is residing in a school district which is not his regular domicile during the performance of such agricultural labor.

SECTION 3. General purpose. In order to facilitate the education of migrant children who are unable to receive continuous education during the regular school term, and in order to develop fully the capacities and potentialities of migrant children for the benefit of themselves and society, a program for the education of migrant children is hereby established.

SECTION 4. Administration. (1) The board is hereby empowered to employ necessary personnel, to pay necessary travel expenses, and to purchase supplies and equipment as may be needed to carry out the administration of the provisions of this act. The board is further empowered to make such rules and regulations as may be necessary for the proper and efficient administration of the program for the education of migrant children as provided in this act. Administration of act

(2) Any school district of the state which maintains a school or schools in the district, and wherein there are migrant children as defined herein, may make application to the board to participate in the program established by this act. School

districts participating in said program shall administer these programs in their respective districts in accord with applicable rules and regulations. Established standards shall be applicable equally in every school district.

SECTION 5. Regular school session requirements. (1) The following standards shall apply during the regular terms of school:

(a) The residence of a migrant child, for purposes of education, shall be the school district where the migrant child is receiving shelter and the necessities of life and the provisions of section 123-10-22, CRS 1953, shall not apply to this section.

(b) Migrant children shall attend school while residing in any school district in the state of Colorado when the regular terms of schools are in session, unless excused in compliance with provisions of section 123-20-1, CRS 1953.

(c) The school district board of education shall have power and the duty to enforce the attendance of migrant children in schools in the school district where the child resides.

(d) The payment of additional, necessary costs in administering and maintaining the program authorized by this act shall be undertaken jointly by the state and the participating school district. The per capita additional cost of educating a migrant child in each school district participating in the program established by this act may include the following expenses, under rules and regulations prescribed by the board:

(i) Salaries of personnel, assistants to teachers, clerical, health, and custodial employees; and specialized instructional services as needed.

(ii) Necessary additional textbooks, educational supplies and equipment.

(iii) School lunch operation.

(iv) School bus transportation.

(v) Provision of an operation of physical plant, including rent, heat, light, water, repairs, adjustments, and maintenance, if regular school facilities are not used.

(vi) Provision of and operation of the school plant, when owned by the school district, shall be a contribution of the district.

(2) Upon submission and approval by the state board of itemized statements from the local school boards of the participating school districts for additional expenses incurred by them in conducting said programs, such districts shall be reimbursed for additional expenses listed in subsections (1) (d) (i) through (v), of this section. Application by participating school districts for reimbursement shall be made on forms prescribed by the board, at such time or times during the year as determined by the board.

SECTION 6. Summer schools. (1) The program established under this section of this act shall be under the general supervision of the state board of education. An educational program for migrant children may be operated within the period from the termination of the regular school term in the spring until the regular school term convenes in the fall.

Summer
schools

(2) Any school district of the state which maintains a school or schools in the district and wherein there are migrant children in the summer period, may make application to the board to participate in the program established by this section. From such applications the board shall select school districts to operate special terms for migrant children according to funds available, the number of migrant children in the school districts, and other criteria determined by the board.

(3) Residence requirements shall be the same as those set forth in section 5 of this act.

(4) The school district board of education shall have the authority to determine whether attendance at summer special terms shall be voluntary or compulsory. If attendance is compulsory, migratory children as herein defined shall attend unless excused in compliance with section 123-20-1, CRS 1953.

(5) School districts participating in the program established by this section shall be reimbursed from state funds for actual costs incurred in the operation of special terms, including allotments for classroom units and supervisory units based upon the formulas stated in the following paragraphs. The participating school district shall also receive reimbursement for the net cost of its school lunch operation, under rules and regulations of the board; and reimbursement for school bus operation at rates fixed by the board. The school district shall

report all such costs on forms prescribed by the board, according to rules and regulations of the board.

Classroom
units

Classroom Unit (CU) Formula. A classroom unit (CU) shall consist of fifteen children in average daily attendance. The number of classroom units and fractions thereof shall be multiplied by the number of school days in the term plus one day in order to determine the number of daily classroom units allowable. The number of daily classroom units shall be multiplied by the cash value of state aid for a daily classroom unit in order to determine the total amount of classroom unit state aid. The value of the daily classroom unit state aid shall be determined annually by the state board of education.

Supervisory
units

Supervisory Unit (SU) Formula. The number of supervisory units in a school of one to ten or more teachers shall be 1.00 plus .05 for each classroom unit allowable through ten, to a maximum of 1.50 for ten teachers, plus .02 for each teacher beyond ten teachers. The number of supervisory units shall be multiplied by the number of days in the term plus two days in order to determine the number of daily supervisory units allowable. The number of daily supervisory units shall be multiplied by the cash value of state aid for a daily classroom unit in order to determine the total amount of supervisory unit state aid.

Appropriation

SECTION 7. Appropriation. There is hereby appropriated to the board, for the year beginning July 1, 1961, out of the contingency reserve of the state public school fund created by 126-26-13 (2),* Colorado Revised Statutes 1953 (Supp.), the sum of ninety-nine thousand dollars (\$99,000.00) for the purpose of carrying out the provisions of this act. This amount shall be apportioned: Special terms, fifty-eight thousand dollars (\$58,000.00); regular term state aid, twenty-five thousand dollars (\$25,000.00); state department of education, sixteen thousand dollars (\$16,000.00).

SECTION 8. Constitutionality clause. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other

*This statutory citation is an obvious error and should be 123-26-13 (2).

provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 24, 1961.

A N A C T
HOUSE BILL NO. 430
(Ch. 213, S.L. '61)

RELATING TO TEACHERS AND TEACHER CERTIFICATION.

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

SECTION 1. This act may be cited as "The Teacher Certification Act of 1961."

SECTION 2. (1) It is hereby declared to be the policy of the state of Colorado to provide quality education in the schools of the state and to this end further to raise the standards for the certification of teachers and to encourage the professional development of those presently certificated. It is further the policy of the state that teachers in Colorado be of good moral character, have a thorough grounding in the moral, ethical, and philosophical roots of our civilization, have a broad educational background in the liberal arts, hold at least a bachelor's degree, have a thorough and up-to-date knowledge in depth of their subject matter, and have an adequate foundation of professional education including student teaching or its equivalent.

(2) It is also declared to be the policy of the state to safeguard the welfare of our children against unqualified, incompetent, and immoral teachers, to improve the instructional programs in the schools of the state, to encourage wiser use of the services of teachers, and to permit maximum flexibility of standards for the certification of teachers in accordance with changing educational concepts and programs. To these ends this act shall be liberally construed.

SECTION 3. Unless otherwise clearly indicated by the written context the following words and phrases when used in this act shall have the meanings ascribed in this section:

(1) "State board of education" shall mean the state board of education established by section 1, article IX of the state constitution.

Act—how
cited

Legislative
declaration

Definition
of words

(2) "State board of teacher certification" shall mean the state board of teacher certification hereinafter created.

(3) "Board of education" shall mean and include the board of education, board of directors, or high school committee of any school district in the state, except junior college districts.

(4) "School districts" shall mean and include all school districts of first, second, and third classes, consolidated and joint school districts, county high school and union high school districts of the state, except junior college districts.

(5) "Teacher" shall mean and include any person employed to instruct, or to administer, direct, or supervise the instructional program in a school in the state.

(6) "Standard institution of higher learning" shall mean and include only those institutions of higher learning which offer at least a four-year program of studies leading to a bachelor's or higher degree, or the equivalent thereof, which shall be comparable to a similar program of studies offered by the universities and colleges of this state organized and existing pursuant to sections 124-2-1, 124-6-1, 124-7-1, 124-8-1, and 124-10-1, CRS 1953.

(7) "Approved program of preparation" shall mean and include a program of study leading to graduation from a standard institution of higher learning and shall include liberal arts courses, preparation in the subjects to be taught, and a sequence of professional education courses including student teaching or the equivalent thereof. Such program shall be comparable to a program which is now or may be required of students preparing to be teachers at the colleges or universities of Colorado referred to in subsection (6). Provided, however, that an applicant who has been awarded a bachelor's degree from a standard institution of higher learning may qualify for a certificate upon the satisfactory completion of a sequence of professional education courses, including student teaching or the equivalent thereof, in any standard institution of higher learning.

(8) "Certificate" shall mean and include the license to teach in the instructional program of a school district, or to administer, supervise or direct such program.

(9) "Endorsement" shall mean and include the designation on a certificate or letter of authorization of grade level, subject matter, or service specialization in accordance with the preparation, training, or experience of the holder of such certificate or letter of authorization.

(10) "Year of study" shall mean two semesters or three quarters, during which a student carries a normal load as defined by the institution.

SECTION 4. The state universities and colleges specified in subsection (6) of section 3 of this act are hereby declared to be standard institutions of higher learning; and the programs of each of said universities and colleges as specified in subsection (7) of said section are hereby declared to be approved programs of preparation within the meaning of this act.

SECTION 5. The state department of education is hereby designated as the sole agency authorized to issue teachers' certificates, which shall consist of the following types: type A, teacher certificate; type B, professional teacher certificate; type C, vocational teacher certificate; type D, school administrator certificate; and type E, special services certificate. Certificates of types A, C, and E, shall be valid for a period of five years from date of issuance. Certificates of types B and D shall be valid for a period of ten years from date of issuance.

SECTION 6. (1) An applicant for a teacher certificate, type A, shall be of good moral character, shall possess competence and ability, evidenced by satisfactory completion of an approved program of preparation, and shall have been awarded at least a bachelor's degree by a standard institution of higher learning; provided, however, that the requirement for a bachelor's degree shall be waived by any applicant who was regularly employed as a teacher in the public schools of this state during each of the five calendar years immediately preceding the effective date of this act. Such non-degree teacher shall not qualify, however, as the holder of a graduate certificate for the purposes of 123-26-12 and 123-26-15 CRS 1953 as amended. Completion of the sequence of professional education courses may be waived for an applicant who has demonstrated teaching ability and attained a satisfactory score on tests covering such courses.

Standard institutions of higher learning and approved programs of preparation

Department of education to issue certificates —types

Type A certificate

(2) An applicant for a professional teacher certificate, type B, or a school administrator certificate, type D, shall be of good moral character and shall have satisfactorily completed a minimum of three years of service under a certificate of type A, or an equivalent certificate, and one or more years of study and preparation beyond the bachelor's degree leading toward an advanced degree from a standard institution of higher learning.

Types
B and D
certificates

(3) An applicant for a vocational teacher certificate, type C, shall be of good moral character and shall have satisfactorily completed a program of preparation for teaching in a particular trade or vocational area, consisting of formal training or experience totaling five or more calendar years of which not more than two calendar years shall have been devoted to the formal training portion of the program.

Type C
certificate

(4) An applicant for a special services certificate, type E, shall be of good moral character and shall have satisfactorily completed a program of preparation in one of the following special service areas: school nurse, school social worker, speech therapist, school psychologist, or librarian, and shall have been awarded a degree in the special service area by a standard institution of higher learning. For the purposes of 123-18-2, Colorado Revised Statutes 1953, type E certificates shall be special permits, unless the local school board shall by resolution elect to consider them as regular certificates. No person having so secured tenure shall thereafter lose it by subsequent repeal or modification of such resolution.

Type E
certificate

(5) Each applicant for a certificate may be required to submit a statement from the designated recommending official of the standard institution of higher learning or training agency, which statement shall certify that the applicant has completed the program in a satisfactory manner and in good standing.

Recommendations

SECTION 7. The state board of education is hereby authorized to issue letters of authorization to persons of good moral character, notwithstanding the qualifications herein prescribed for certificates, and said letters of authorization may be issued as follows: type I, recognized expert; type II, special teacher; type III, intern teacher; and type IV, emergency teacher. A letter of authorization shall be valid for a period of one year and shall be subject to renewal for three additional

State board
to issue
letters of
authorization

one year periods notwithstanding requirements for the renewal of a certificate.

Type I
letter

(1) An applicant for letter of authorization, type I, shall possess outstanding talent in a particular area of specialization, demonstrated ability and knowledge therein, and enjoy wide recognition as an authority in such area. His services must have been requested by a board of education and shall be limited to his area of specialization.

Type II
letter

(2) An applicant for letter of authorization, type II, shall have been awarded at least a bachelor's degree from a standard institution of higher learning or shall have completed a program of study in a foreign institution of higher learning, and in either case shall have scored satisfactorily on recognized teacher examinations; provided that the services of the applicant have been requested by a school or board of education.

Type III
letter

(3) An applicant for letter of authorization, type III, shall have been awarded at least a bachelor's degree from a standard institution of higher learning but need not have completed the sequence of professional education courses. A type III letter of authorization shall be valid only while the holder serves as an intern in a program approved by the state board of education.

Type IV
letter

(4) A letter of authorization, type IV, may be issued by the state board of education permitting an applicant to teach at a particular grade level or in a special academic or vocational area when in the judgment of said board an emergency exists and such action is essential to the preservation of good instructional programs in the public schools and to the educational well-being of the children enrolled therein.

Fee

SECTION 8. The fee for the examination and review of an application for a certificate or letter of authorization or any renewal thereof shall be five dollars. Upon determination of eligibility of an applicant to receive a certificate or letter of authorization, such certificate or letter of authorization shall be issued without the payment of an additional fee. All fees hereunder shall be paid to the department of revenue and shall be credited to the general fund of the state.

Expiration

SECTION 9. A certificate or letter of authorization shall expire as herein prescribed, notwithstanding the provisions of

section 3 (7) of chapter 37, Session Laws of Colorado 1959, and may be renewed upon application and payment of the prescribed fee. An applicant for renewal of a certificate shall submit proof of satisfactory completion of not less than six semester hours of credit earned in a standard institution of higher learning within the previous five year period, which hours of credit shall be applicable to certificates of type B or type D; except that an applicant for renewal of a vocational teacher or special certificate shall submit evidence of additional training or experience.

Renewal

SECTION 10. The state board of education is hereby authorized to cause a certificate or letter of authorization to be endorsed, which endorsement may specify the grade level, subject matter area, or other specialization which may be appropriate to an applicant's preparation, training and experience; provided that the endorsement shall not necessarily be construed as restricting or limiting the holder of a certificate or letter of authorization to the performance of only those services which may be related to such endorsement. Nor, for the purposes of 123-18-5, Colorado Revised Statutes 1953, shall the absence of an endorsement be construed as a lack of qualification in any particular field or subject area.

Endorsement

SECTION 11. (1) There is hereby created the state board of teacher certification consisting of the commissioner of education, who shall serve as chairman, and ten members to be appointed by the state board of education as follows: two members shall be appointed from the faculties of universities or colleges situated in this state which provide approved programs of preparation, provided such members shall first be recommended for appointment by the presidents of the universities or colleges from which the appointment is made; one member shall be a superintendent of schools of a public school district in the state; two members shall be lay persons who are residents of this state; and five members shall be certificated classroom teachers who are actively engaged in teaching in the public schools of this state, and each of whom shall be qualified by education and experience to represent at least one of the following areas of teaching: elementary education, secondary education, vocational education, humanities or fine arts, social sciences and physical sciences.

State board
of teacher
certification

(2) On the effective date of this act, the members of the state board of examiners appointed pursuant to 123-1-8, Colorado Revised Statutes 1953, as amended, shall become members of the state board of teacher certification for the balance of their respective terms. The terms of office of all appointed members shall be for five years commencing on July 1 of the year of appointment. Vacancies on the board shall be filled by appointment by the state board of education for the remainder of the unexpired term. From and after July 1, 1962, no member shall be appointed to succeed himself.

(3) The members of the state board of teacher certification shall serve without compensation, but shall be reimbursed for any necessary expenses incurred in the performance of their duties.

Duties of
state board
of teacher
certification

SECTION 12. It shall be the duty of the state board of teacher certification (1) to investigate and determine, from time to time, and to publish its findings as to which institutions of higher learning meet the requirements of a standard institution of higher learning; which programs of study meet the requirements of an approved program of preparation; what qualifications, preparations, training, or experience shall be required for the issuance of a school administrator certificate; and what endorsements may be appropriate for each type of certificate or letter of authorization, and the requirements for each such endorsement.

The findings and recommendations of the state board of teacher certification on the foregoing matters shall be subject to review by the state board of education upon the motion of any member thereof, the commissioner of education, or upon appeal by the applicant or holder.

(2) To make such periodic visits as may be necessary to the colleges and universities of Colorado in order to observe and evaluate the programs of preparation offered therein.

(3) To conduct or arrange for research pertinent or essential to implement the provisions of this act, with the approval of the state board of education, including but not limited to teacher employment, teacher certification, and teacher preparation programs in institutions of higher learning.

(4) To advise and cooperate with the state board of education, institutions of higher learning in the state of Colorado,

and professional organizations within and without the state, concerning matters relating to the preparation, recruitment and selection of teachers.

(5) To perform such other advisory duties and functions as may be requested by the commissioner of education or the state board of education.

SECTION 13. (1) If any person shall obtain a teacher's certificate or letter of authorization through misrepresentation or fraud, or through misleading information or untruthful statement submitted or offered with the intent to misrepresent, or mislead, or to conceal the truth, said certificate or letter of authorization may be annulled by the state board of education in the manner prescribed in section 14.

Annulment

(2) A certificate or letter of authorization may be suspended in the manner prescribed in section 14, for a period not exceeding twelve months for insubordination, neglect of duty, immorality, or if the state board of education finds and determines that the holder thereof abandoned or refused to fulfill the obligations of his employment agreement and said abandonment or refusal was not due to mental or physical disability. No certificate or letter of authorization shall be suspended for such reason if the holder thereof shall have given the board of education of the employing school district thirty days written notice of refusal or intention to abandon his obligations thereunder, or if the board of education of the employing school district shall have accepted his resignation.

Suspension

(3) A certificate or letter of authorization may be revoked in the manner prescribed in section 14, notwithstanding the provisions of subsection (2), if the holder thereof has become professionally incompetent, otherwise unable to perform teaching duties, or morally unfit to perform services in the public schools. A certificate or letter of authorization held by a person who has been adjudicated mentally incompetent by a court of competent jurisdiction shall be revoked by operation of law without hearing, notwithstanding provisions of section 14.

Revocation

SECTION 14. Procedures for the denial, annulment, suspension, or revocation of a certificate or letter of authorization shall be in accordance with the provisions of chapter 37, Session

Procedures for denial, suspension or revocation

Laws of Colorado 1959, except that: (a) where judicial review is pending or the time in which to seek judicial review has not elapsed, the state board of education may take emergency action relating to annulment, suspension, or revocation of a certificate or letter of authorization, and (b) the expiration date of a certificate or letter of authorization shall not be extended even though judicial review is pending or the time for seeking such review has not elapsed.

Hearing
commissioner

SECTION 15. The state board of education is hereby authorized to appoint a hearing commissioner who may preside at hearings on the denial, annulment, suspension, or revocation of a certificate or letter of authorization. When so appointed, he shall reduce his findings to written form and submit them to the state board of education and shall not participate in the deliberations of said board.

Rules and
regulations

SECTION 16. The state board of education is hereby authorized to adopt or prescribe rules and regulations not inconsistent with the provisions of this act, for its proper administration. Said board is authorized to make arrangements with standard institutions of higher learning in this state whereby applications of graduating students may be submitted and processed prior to graduation and whereby certificates issued by the board may be delivered by the institution to the applicant.

Validity of
certificates
heretofore
issued

SECTION 17. This act shall not be construed as invalidating any certificate theretofore issued pursuant to law and said certificate shall remain valid until the date of expiration, except as herein provided for the annulment, suspension, or revocation of a certificate.

SECTION 18. 123-10-24, Colorado Revised Statutes 1953, is hereby amended to read:

Additional
powers of
first class
districts

123-10-24. (1) All school boards in districts of the first class, in addition to the powers now conferred upon them by law, shall have power to establish and maintain out of the school funds of the district continuation schools, part time schools, evening schools, vocational schools, schools for aliens, or other opportunity schools. All such schools shall be open to all persons regardless of age, whom the superintendent and principal of such school shall judge to be morally desirable

and mentally able to profit by the instruction given in such school. In like manner, boards of education in districts of the first class may at their discretion establish and maintain open air schools, playgrounds and museums.

SECTION 19. 123-10-26, Colorado Revised Statutes 1953, is hereby amended to read:

123-10-26. (1) The school board of any school district in the state shall have power to establish and maintain free kindergartens in connection with the public schools of said district, for the instruction of children between three and six years of age, residing in said district, and shall establish such courses of training, study and discipline, and such rules and regulations governing such preparatory or kindergarten schools as said board may deem best. Nothing in this section shall be construed to change the law relating to the taking of the census of the school population, or the apportionment of the state and county school funds among the several counties and districts of this state. The cost of establishing and maintaining such kindergartens shall be paid from the special school fund of said districts, and the said kindergartens shall be a part of the public school system, and governed as far as practicable in the same manner and by the same officers as is provided by law for the government of the other public schools of this state.

Kindergartens

SECTION 20. 123-17-1, Colorado Revised Statutes 1953, is hereby amended to read:

123-17-1. (1) No district board shall employ any person to teach in any of the public schools of the state except in junior colleges and in adult education programs, unless such person shall have a certificate or letter of authorization to teach, issued in the manner prescribed by law. No teacher shall be dismissed without good cause shown.

Employment
by districts

SECTION 21. 123-17-3, Colorado Revised Statutes 1953, is hereby amended to read:

123-17-3. No warrant for expenditure of public funds shall be drawn in favor of any person for services as teacher, principal, supervisor, or superintendent in any of the public schools of the state, except in junior colleges and adult education programs, unless such person shall hold a legal certificate or letter of authorization, granted as provided by law, duly

Expenditure
of funds
to employ

registered in the office of the county superintendent of schools of the county wherein the services are to be rendered; said certificate or letter of authorization to be in force during the full period of employment. Any teacher, principal or superintendent who shall serve in any school without possessing a legal certificate or letter of authorization, duly registered, shall forfeit all claim to compensation out of the school fund for the time he serves without such certificate or letter of authorization.

SECTION 22. 123-22-10, Colorado Revised Statutes 1953, is hereby amended to read:

123-22-10. Those districts which provide speech correction and other approved supplementary teaching services may claim reimbursement up to eighty per cent of the cost of the teaching services not including transportation or equipment, providing the correctionist and other personnel hold a valid certificate issued pursuant to law with an appropriate endorsement thereon and the employment assignment relates to said endorsement.

SECTION 23. 123-1-3 (a), Colorado Revised Statutes 1953, is hereby amended to read:

(a) The state board of teacher certification.

SECTION 24. Section 7 of chapter 60, Session Laws of Colorado 1960, is hereby amended to read:

Section 7. (1) Psychological evaluations shall be administered by qualified psychologists employed by a school district, college, hospital, clinic, or other institution in the state approved by the state department of education.

(2) No person shall be employed as a teacher in any demonstration unit authorized by this act who does not hold a valid certificate issued pursuant to law.

(3) Assistants may be employed to aid the teacher.

(4) The local school board of a participating district is hereby authorized to contract for and employ such teachers and assistants as needed in the program authorized by this act.

SECTION 25. 123-1-7 (6), 123-1-8, as amended by chapter 209, Session Laws of Colorado 1959, 123-17-4 to 123-17-9, 123-17-

Reimbursement for supplementary teaching services

Psychological evaluations

Certificate required

Teacher aids

Authority to employ

11, 123-17-17, 124-5-12, and 124-5-13, Colorado Revised Statutes 1953, are hereby repealed.

SECTION 26. 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 of this act, or the application thereof, which can be given validity or effect without said invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 27. 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 April 19, 1961.

12-17-17, 12-17-18 and 12-17-19, Colorado Revised Statutes
are hereby repealed and the following provisions shall be

SECTION 28. If any provision of this act or the applica-
tion thereof to any person or circumstance is held invalid such
invalidity shall not affect other provisions of this act or the
application thereof which can be given valid and effect with-
out said invalid provision or application, and to this end the
provisions of this act are declared to be severable.

SECTION 27. The general assembly hereby finds, deter-
mines and declares that it is necessary for the immediate
preservation of the public health, safety and interest

Approved by the Governor April 10, 1966, 12-17-17
and certain general laws and certain provisions of the
constitution of the state of Colorado are hereby amended
and new provisions of the constitution are hereby added
and the amendments and new provisions are hereby adopted
and the amendments and new provisions are hereby approved
and the amendments and new provisions are hereby approved
and the amendments and new provisions are hereby approved

SECTION 23. 123-1-3 (a), Colorado Revised Statutes 1963,
is hereby amended to read:

(a) The state board of teacher certification

SECTION 24. Section 7 of chapter 95, Session Laws of
Colorado 1966, is hereby amended to read:

Section 7. (1) Psychological evaluations shall be ad-
ministered by qualified psychologists employed by a school
district, college, hospital, clinic, or other institution in the state
and approved by the state department of education.

(2) No person shall be employed as a teacher in any
demonstration school authorized by this act who does not hold
a valid certificate (except pursuant to law).

(3) Assistants may be employed to aid the teacher.

(4) The local school board of a participating district is
hereby authorized to contract for and employ such teachers
and assistants as needed in the program authorized by this act.

SECTION 25. 123-1-7 (6), 123-1-3, as amended by chapter
204, Session Laws of Colorado 1965, 123-17-1 to 123-17-9, 123-17-

Colorado Revised Statutes 1963

Repealed
and the following
provisions shall be

Psychological
evaluations

Teacher
employment

Teacher
assistants

Authority
to contract

AN ACT
SENATE BILL NO. 12
(Ch. 22, S. 1, '61)

TO ESTABLISH THE SOUTHERN COLORADO STATE
COLLEGE AT PUEBLO, COLORADO

Enacted by the General Assembly of the State of Colorado

SECTION 1. Chapter 22, Colorado Revised Statutes 1953
is amended to read as follows: **SENATE BILLS**

124-18-1. A state college, to be known as and designated as
Southern Colorado State College, a larger establishment at
Pueblo, Colorado, which college shall be a state educational
institution and shall be under the control of the board of
state colleges in Colorado. It designated as section 124-18-1,
Colorado Revised Statutes 1953, as amended.

124-18-2. The objects of the Southern Colorado State College
shall be to provide and offer such educational instruction
in the field of liberal arts and sciences, and to provide
and offer instruction in vocational, technical, and
industrial technology and adult education, and to confer all degrees and certificates
and to render all degrees and certificates which shall be
the courses of study offered in said college.

124-18-3. No later than September 1, 1962, the trustees
shall have developed and adopted a comprehensive plan of
courses of study to be provided and offered in said college,
the projected development of the campus of said college, and
the estimated operating expenses, in accordance with
the projected development of the campus of said college, for
at least five years in advance. Copies thereof shall be submitted
to the governor and the general assembly.

124-18-4. The Southern Colorado State College may acquire
the Pueblo Junior College organization and assets, including
equipment, pursuant to the provisions of article 25 of chapter 22, Colorado
Revised Statutes of 1953, as amended, or as Pueblo Chapter 10
of 1953, based upon a plan of disbursement which shall have been
approved by said board of trustees, and then shall be adopted

SENATE BILLS

SENATE BILLS

A N A C T
SENATE BILL NO. 32
(Ch. 228, S.L. '61)

TO ESTABLISH THE SOUTHERN COLORADO STATE COLLEGE AT PUEBLO, COLORADO.

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

SECTION 1. Chapter 124, Colorado Revised Statutes 1953, as amended is hereby amended by adding a new article to read:

124-18-1. A state college, to be known and designated as "Southern Colorado State College," is hereby established at Pueblo, Colorado, which college shall be a state educational institution and shall be under the control of the trustees of the state colleges in Colorado, so designated in section 124-5-1, Colorado Revised Statutes 1953, as amended.

Southern
Colorado
State
College
established

124-18-2. The objects of the Southern Colorado State College shall be to provide and offer such courses of instruction in the field of liberal arts and sciences as may be determined by said trustees of the state colleges in Colorado, and further, may provide and offer instruction in vocational-technical training, industrial technology and adult education on a terminal basis, and to confer all degrees and certificates appropriate to the courses of study offered in said college.

Objects of
college

124-18-3. No later than September 1, 1962, the trustees shall have developed and adopted a comprehensive plan of courses of study to be provided and offered in said college, the projected development of the campus of said college and capital costs and estimated operating expenses for a period of at least five years in advance. Copies thereof shall be submitted to the governor and the general assembly.

Plan for
courses
of study

124-18-4. The Southern Colorado State College may evolve from the Pueblo Junior College organized and now existing pursuant to the provisions of article 23 of chapter 123, Colorado Revised Statutes of 1953, as amended, on or before September 1, 1963, based upon a plan of dissolution which shall have been approved by said board of trustees, and then shall be adopted

Authority to
dissolve
junior college
district and
transfer assets

by electors of the Pueblo County Junior College District providing for transfer of the property and assets of said district to the Southern Colorado State College. Following the adoption of such plan of dissolution, but not sooner than September 1, 1963, the trustees of the state colleges in Colorado shall accept the property and assets of said Pueblo County Junior College District in accordance with said plan.

Trustees
to have
general
supervision

124-18-5. The trustees of the state colleges in Colorado shall have general supervision of Southern Colorado State College and the control and direction of the funds and appropriations made thereto, and shall have power to receive, demand and hold for the uses and purposes of said college all money, lands, and other property as may be donated, devised or conveyed thereto, and to apply the same in such manner as shall best serve the objects and interests of the said college.

Authority
to acquire
and hold
property

124-18-6. The trustees of the state colleges in Colorado shall also have power to take and hold by gift, devise, purchase, or through exercise of the power of eminent domain pursuant to law, so much additional land as may become necessary for the location and construction of such additional buildings, structures and other facilities as may be required for the uses and purposes of said college.

Appropriation

124-18-7. There is hereby appropriated to the trustees from monies in the state treasury not otherwise appropriated the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be needed for the purposes set forth in section 124-18-3.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor March 25, 1961.

AN ACT
SENATE BILL NO. 34
(Ch. 224, S.L. '61)

RELATING TO COLORADO STATE EDUCATIONAL INSTITUTIONS.

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

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

124-1-1. Colorado educational institutions — annual reports. The president of the board of regents of the University of Colorado, the president of the board of trustees of the School of Mines, the president of the state board of agriculture for the Colorado State University and the Fort Lewis A. and M. College, the president of the board of trustees of the Colorado State College, Western State College, Adams State College of Colorado, Southern Colorado State College, the president of the board of trustees of the Colorado School for Deaf and Blind, on the first day of July of each year, shall make a report to the governor of the state and to the state commissioner of education covering the work of their respective institutions for the twelve months previous.

Annual reports

SECTION 2. 50-2-5, Colorado Revised Statutes 1953, is hereby amended to read:

50-2-5. Educational boards of control have right of eminent domain. The regents of the University of Colorado, the state board of agriculture for the Colorado State University and the Fort Lewis A. and M. College, the trustees of the School of Mines, Colorado State College, Western State College, Adams State College, and the Southern Colorado State College shall have the power to acquire real property, which they may deem necessary, by the exercise of eminent domain through condemnation proceedings in accordance with law.

Eminent domain

SECTION 3. **Operative date.** This act shall become operative upon the date on which the dissolution of the Pueblo Junior College district shall become effective.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor March 25, 1961.

A N A C T
SENATE BILL NO. 35

(Ch. 221, S.L. '61)

and

SENATE BILL NO. 130

(Ch. 222, S.L. '61)

As Amending

THE PUBLIC SCHOOL FOUNDATION ACT

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

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

(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 statues enacted pursuant thereto. [L. 57, p. 697].

(10) "Urban real property" as used in this article shall include those classes of property reported to the Colorado tax commission by the county assessors as urban property pursuant to the rules of the tax commission.

(11) "Sales ratio" is that number which represents the per cent that the assessed valuation of urban real property is of its sales price as reported pursuant to the provisions of the "Realty Recording Act," sections 118-6-21 to 118-6-33, Colorado Revised Statutes 1953 (Supp.), as determined for the three periods, viz: July 1, 1957 to June 30, 1958, July 1, 1958 to June 30, 1959, and July 1, 1959 to December 31, 1960, from statistical studies conducted by the legislative council or its successor as designated by law.

(12) "Adjusted assessed value" of any county is that number which results from the following computation for the purposes of administering this article, only:

(a) The difference between the sales ratio of the county and the average sales ratio of all counties of the state shall be computed to the nearest one-tenth by subtracting the smaller of the two numbers from the larger.

(b) The resulting difference determined in (a) shall be divided by the sales ratio of the county with the resulting quotient carried to the nearest one-tenth of a per cent.

(c) The certified assessed valuation of all locally assessed urban real properties in the county shall be multiplied by the quotient determined in (b).

(d) The result obtained by the multiplication process in (c) shall be added to the certified assessed valuation of all locally assessed urban real properties if the sales ratio of the county is a smaller amount than the average sales ratio of all counties of the state, and the result obtained in (c) shall be subtracted from the same certified assessed valuation of all locally assessed urban real properties if the sales ratio of the county is a larger amount than the average sales ratio of all counties of the state.

(e) The result obtained in (d) shall be added to the certified assessed valuation in the county of all locally assessed real

properties other than urban real properties; state assessed properties; equities in state school lands; all producing metal mines as defined in 137-5-3, Colorado Revised Statutes 1953; leasehold interests in lands producing oil and gas, and all personal property.

(f) The number resulting from the completion of steps (a) through (e) of this subsection shall be rounded to the nearest one thousand dollars and shall accordingly become the "adjusted assessed value" of the county for purposes of administering this article.

123-26-3. Classroom units.—(1) A classroom unit shall be the basis for equalization support under the provisions of this article. 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, to effect the purposes of this article, 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 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

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

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) of this section 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. [L. 57, p. 698].

State board to make annual report to general assembly

Definition of aggregate days of attendance

123-26-4. Aggregate days of attendance — 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 subsection (1), (2) and (3) of this section by the figure one hundred seventy-two. [L. 57, p. 699].

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, as repealed by section 123-26-24, 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. [L. 57, p. 699].

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 article and monies now allocated by law to the county public school fund created by section 123-6-7, Colorado Revised Statutes 1953, repealed by section 123-26-24. [L. 57, p. 700].

County public school fund a continuing fund—created in county treasurer's office

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 and a general county school fee of twelve mills on each separate tract of land owned by the game and fish commission, including any improvements which may have existed on such land at the time*

12 mill county levy provided

*This section was amended by Senate Bill No. 130 which contained an expiration date of June 30, 1961. The expiration date, however, was repealed by House Bill No. 1 of the First Extraordinary Session.

ownership of said land was assumed by the game and fish commission within the county consistent with the standards as set forth in section 137-3-17. If a levy of twelve mills will produce a sum greater than the total aggregate value of all of the classroom unit values as provided for in this article of all eligible school districts 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.

(3) Upon receipt of a certification of general county school fees due from a board of county commissioners, the game and fish commission shall cause to have properly drawn and signed vouchers issued which the state controller shall honor by issuing warrants upon the "game cash fund" established by section 62-2-5, which warrants shall be payable to the county treasurer of the certifying counties, payment of such "general county school fees" shall be due on the last day of February of each year. The claim established by the certificate of general county school fees due by the respective counties shall constitute a preferred claim on the "game cash fund" and the certifying counties shall be treated as preferred creditors and paid in full. The game and fish commission shall have all the rights and obligations as to valuation and assessment and as to the certificate of general county school fees due, before the county board of equalization, the state board of equalization and Colorado tax commission, as granted or imposed upon private taxpayers. It shall be the duty of the county treasurer upon receipt of payment of general county school fees from the "game cash fund" to deposit the same in the county public school fund as provided in section 123-26-6.

123-26-8. Declaration of policy.—With regard to the operation of this article, 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 article. 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. [L. 57, p. 701].

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

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 article shall receive any funds from the county public school fund or the state public school fund provided for in sections 123-26-5 and 123-26-6. 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 123-26-4. 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 article. [L. 57, p. 701].

Minimum days of school

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 provide by section 123-26-12, 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. [L. 57, p. 702].

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

Distribution of county public school fund

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

Basis for amount provided for each classroom unit

Proration when money is insufficient

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. [L. 58, p. 263].

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 that would be produced at a one hundred per cent rate by multiplying the adjusted assessed value of said county by twelve mills, 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. [L. 60, p. 188].

(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 article, 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. [L. 57, p. 702].

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 article shall be determined by the state board.

Amount of distribution of state public school fund determined by state board

(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.

Provision for contingency reserve

(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 article.

Purpose 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:

Basis for distribution of contingency reserve

- (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.

(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.

Application to state board for supplemental support

(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

State board to make investigation

which such district is located, said sum to be forthwith credited by the county treasurer to the special fund of such district.

(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.

(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.

(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.

(8) (a) The remaining portion of said state public school fund after deduction of the payments to junior colleges as determined under section 123-26-16 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:

(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

Direct
grant
reserve

State board
determine
distribution

Certification
of direct
grant
reserve
April 20

Payment
of direct
grant
reserve
May 1

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

Preliminary
payments

first and December first in the succeeding years shall be preliminary payments allocated on the basis of the preceding June first payment. [L. 57, p. 703].

(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 year of distribution, and the adjusted assessed value for the preceding calendar year, which calculations shall constitute the entitlement of each district for the current school year. [L. 60, p. 188].

Adjusted payments constitute entitlement

(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.

Special provision for overpayment and refunds thereof

(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 article, 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. [L. 57, p. 703].

State board certify quarterly to state treasurer amount to be paid each county

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 article. 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 article, and the filing of such certificate 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.

(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:

(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.

(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 article. [L. 57, p. 705].

(6) (a) *On or before October fifth of each year, the Colorado tax commission shall certify to the state board the locally and state assessed valuation, combined, of all taxable property within each school district and each county in the state, together with the tax assessment in each county for each of the following classifications of property: locally assessed urban real properties; locally assessed real properties other than urban real properties; state assessed properties; equities in state school lands; all producing metal mines as defined in section 137-5-3, Colorado Revised Statutes 1953; leasehold interests in lands producing oil and gas; and all*

County superintendent certify information to state board

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

By Oct. 15 county superintendent make certification to state board

Tax commission to certify assessed valuation of classification of property

personal property. On or before November fifth of each year, the Colorado tax commission shall certify to the state board the special school district levy for each school district in the state, the county levy as defined in section 123-26-7, Colorado Revised Statutes 1953 (Supp.), and at 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, said Colorado 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.

Tax abatements

(b) On or before November 15, 1961, the legislative council or its successor as designated by law, shall report to the state board the sales ratio for the three periods as set forth in section 123-26-2 (11), as amended by section 1 of this act, for each county in the state and for the state as a whole.

Legislative council to report sales ratio

(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) shall certify to the county superintendent such increase in average daily attendance.

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

(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.

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

(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.

County superintendent by Dec. 15 certify certain information to state board

(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. [L. 57, p, 705].

Computation
of classroom
unit values

123-25-15. 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 are 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 allowable classroom units shall be entitled to no greater number of classroom units than the number of equivalent full-time teachers actually employed. 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. [L. 57, p. 707].

Assignment
of
classroom
units

123-26-16. Junior colleges—grants.—(1) Any junior college district heretofore organized shall be entitled to a direct grant of two thousand one hundred 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

Direct
grant to
junior
college

Junior college
district
make report
to state
board

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.

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 two thousand one hundred 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. [L. 60, p. 190].

Junior colleges entitled to direct grant—when

(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. [L. 57, p. 708].

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

Money received may be used for current operating uses

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.

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

(2) No county treasurer shall charge a collection fee upon monies received from the state public school fund. [L. 57, p. 708].

No collection fee charged by county treasurer

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

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

Board of
education
notify state
board and
county
treasurer of
administration
headquarters

Additional
levies
allowed

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 123-26-14, 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. [L. 57, p. 709].

123-26-19. Other levies allowed.—(1) Nothing in this article 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 article.

(2) Nothing contained in this article shall in any wise affect the rights of school districts to monies allowable or payable to such school districts under existing statutes. [L. 57, p. 709].

123-26-20. Fiscal year.—The fiscal year of each school district shall be as provided by the board of education of said district. [L. 57, p. 710].

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 article. [L. 57, p. 710].

State board make rules

123-26-22. Districts qualified to participate in first distribution.—The county levy required by section 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. [L. 57, p. 710].

County levy—when made

123-26-23. Disposition of existing county public school funds and levies.—On and after January 1, 1958, any unused balances in the county public school fund, created by section 123-6-7, as repealed by section 123-26-24, or any moneys 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 section 123-26-6. Until December 31, 1957, any moneys in the said county public school fund shall be apportioned under the laws relating thereto, as repealed by section 123-26-24. [L. 57, p. 710].

Disposition of present county public school funds and levies

123-26-24. Application of article.—Sections 123-6-1 to 123-6-23, Colorado Revised Statutes 1953, are hereby repealed as of January 1, 1958; provided, that for the period from the effective date of this article 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 repealed sections 123-6-1 to 123-6-23 shall be made; and

Repeal of statutes

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 provisions of said laws. [L. 57, p. 710].

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

Minimum
financial
assistance

123-26-26. No county to receive less support under minimum equalization program.—No county, in the fiscal year beginning on July 1, 1961, shall receive any less moneys per classroom unit from the state public school fund for the support of the minimum equalization program of the county than the moneys per classroom unit paid to said county for the same program from the state public school fund for the fiscal year ending June 30, 1961; provided, that if such county has fewer classroom units in any such future year than in 1960-1961, the state's share of the support of each such unit in 1960-1961 shall be otherwise deducted, and if such county shall have a greater assessed valuation per classroom unit in any such future year than in 1960-61, the resultant decrease in state support for each such unit shall be allowed.

NOTE: The sum of \$34,906,000.00 was appropriated for the Public School Foundation Act for the 1961-62 fiscal year. The Act directed the Legislative Council to continue the sales ratio study during the 1961 calendar year and appropriated \$30,000.00 to the Council for this purpose. The Act also directed the Council to study and recommend a formula for the distribution of state moneys to the public schools and appropriated \$5,500.00 to the Council for this purpose. Under House Bill No. 410, the sum of \$99,000.00 was appropriated for migrant education purposes from the contingency reserve of the state public school fund for the 1961-62 fiscal year.

A N A C T
SENATE BILL NO. 65
(Ch. 195, S.L. '61)

CONCERNING PUBLIC EMPLOYEES' RETIREMENT.

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

SECTION 1. 111-1-11, Colorado Revised Statutes 1953, is hereby amended to read:

111-1-11. (1) Whenever any member of the retirement association has been an employee of the state for a period of thirty-five years, or has been an employee of the state for twenty years or more and has attained the age of sixty years, or has been an employee of the state for thirty years and attained the age of fifty-five years, and is otherwise qualified for retirement benefits, he shall be eligible for retirement for superannuation, but such retirement shall not be compulsory. Such retirement shall be made upon the application of the member or of someone acting in his behalf and subject to such rules as the retirement board may prescribe. Upon retirement the member shall receive an annuity for the remainder of his life equal to fifty per cent of the average of the highest monthly salary received by such member during any period of five consecutive years of service contained within the ten years of service immediately preceding his retirement, except any such retirement annuity in excess of three hundred dollars per month payable prior to age sixty shall be reduced by an amount equal to one-half of one per cent of the annuity multiplied by the number of months and fraction of a month, in the period from the beginning date of the annuity to the date the member would attain age sixty.

Eligibility

Limitation on retirement annuity

(2) Whenever any member of the retirement system has been an employee of the state and affiliated with the retirement system for a period of five years or more and has attained the age of sixty-five years, and is otherwise qualified for retirement benefits, and is not otherwise eligible for retirement, such member shall be eligible for retirement for superannuation provided such member has made regular monthly payments into the retirement fund for such period, or longer. The member

Super-annuation

upon retirement shall receive a monthly annuity for the remainder of his life equal to one-twentieth part of fifty per cent of the average of the highly monthly salary received by such member during any period of five consecutive years of service contained within the ten years of service immediately preceding his retirement, multiplied by the number of years service covered by monthly contributions and membership, not to exceed twenty years.

Retirement
prior to
July 1, 1961

(3) The provisions of the law prior to the effective date of this act shall be applicable to all persons retiring prior to July 1, 1961, and no annuity effective before said date shall be affected by this act.

SECTION 2. 111-1-12, Colorado Revised Statutes 1953, is hereby amended to read:

Optional
forms of
annuities

111-1-12. Optional forms of annuities. Effective July 1, 1961, any member making application for retirement for superannuation as provided in section 111-1-11, and any member making application for retirement for disability as provided in section 111-1-15, may elect to receive his retirement annuity or disability annuity, if approved, in any of the following forms: except, that any member who retires for superannuation or disability shall not be eligible to participate in the survivor benefits provided in article 8 of chapter 111, CRS 1953 (Supp.). After an election has been made on any of the following options by a retiring member, and the same has been approved by the retirement board, no further change or alteration in the plan of payment may be made by the board or the retiring member or his co-beneficiary, if one is designated. If no option is elected by a member prior to the effective date of his retirement, he shall be considered to have automatically elected to receive his benefit as a regular retirement annuity under option 1.

Single life
ordinary
annuity

Option 1. A single life, ordinary annuity, payable for the life of the primary annuitant only, and terminating at his death, without refund of any kind to the estate of the deceased annuitant or his or her beneficiary, upon his death, of any difference between the amount paid into the retirement fund by such member and the amount withdrawn by annuity payments prior to death.

Reduced
single life
refund
annuity

Option 2. A reduced single life, refund annuity, which is the actuarial equivalent of the annuity payable under option 1, payable for the life only of the primary annuitant with a

refund on the death of the annuitant, to his designated beneficiary, or if none, to the estate of the deceased annuitant, of any difference between the amount paid into the retirement fund by the annuitant during his lifetime, and the amount drawn as an annuity after retirement.

Option 3. A reduced joint life, ordinary annuity, which is the actuarial equivalent of the annuity payable under option 1, payable for the joint lives of the primary annuitant, the retired member, and that of his designated co-beneficiary, having an insurable interest in his life, without refund of any kind to the estates of either of the co-annuitants upon the death of the survivor, of any difference between the amount paid into the retirement fund by the primary annuitant and the amount withdrawn by the joint annuitants prior to death.

Reduced
joint life
ordinary
annuity

Option 4. A reduced joint life, ordinary annuity, which is the actuarial equivalent of the annuity payable under option 1, payable to the primary annuitant and his designated co-beneficiary, having an insurable interest in his life, in an amount monthly which shall be decreased by one-half upon the death of either of them, and payable to the primary annuitant and his designated co-beneficiary, or the survivor of them, so long as either of them shall live, without refund of any kind to the estates of either of the co-annuitants upon the death of the survivor, of any difference between the amount paid into the retirement fund by the primary annuitant during his lifetime and the amount withdrawn prior to the death of the survivor of the joint annuitants.

Reduced
joint life
annuity

Reduced
joint life
annuity—
decrease
upon death

SECTION 3. 111-1-14 (7), Colorado Revised Statutes 1953, as amended (Supp.), is hereby amended to read:

111-1-14. State highway patrol. (7) Retirement shall be made upon application of the member or of someone acting in his behalf, and subject to such rules as the retirement board may prescribe. Upon retirement the member shall receive an annuity for the remainder of his life equal to fifty per cent of the average of the highest monthly salary received by such member during any period of five consecutive years of service, contained within the ten years of service immediately preceding his retirement.

State
highway
patrol

SECTION 4. 111-1-15, Colorado Revised Statutes 1953, is hereby amended to read:

111-1-15. Disability retirement-annuity. (1) Whenever any member of the retirement association, who has been an employee of the state and has paid regular monthly assessments to the retirement fund for a period of five years, or more, and is under the superannuated retirement age, after examination by one or more physicians selected by the board, is found to have been permanently incapacitated, mentally or physically, by injuries sustained not intentionally self-inflicted while in the actual performance of duty, the member shall become entitled to the full retirement annuity for superannuation, and whenever such a member shall suffer permanent partial disability by injuries sustained not intentionally self-inflicted while in the actual performance of duty such member shall become entitled to a partial retirement annuity in such percentage of a full retirement annuity as in the judgment of the retirement board shall measure the decrease in his earning capacity caused by such permanent partial disability.

(2) Whenever any member of the retirement association who has been an employee of the state and has paid regular monthly assessments to the retirement fund for not less than fifteen consecutive years, and is under the superannuated retirement age, after examination by one or more physicians selected by the board is found to be permanently incapable, either mentally or physically, of performing his or her regular employment duties, from any cause other than injury sustained while in the actual performance of duty, such member shall become entitled to the full retirement annuity for superannuation, so long as such disability continues, and in case of recovery therefrom such annuity shall continue until the annuitant has been reinstated in his former position, or has been re-offered his former position in state service or a position in public or private employment, in which the compensation, combined with his retirement allowance is equal to or in excess of the compensation earned while last engaged in the public service. If such mental or physical disability results from intentionally self-inflicted injuries no annuity whatsoever shall be payable.

SECTION 5. 111-1-26 (1) and (2), Colorado Revised Statutes 1953, as amended (Supp.), is hereby repealed.

SECTION 6. 111-1-27, Colorado Revised Statutes 1953 (Supp.), is hereby repealed.

SECTION 7. 111-2-3, Colorado Revised Statutes 1953, is hereby amended by the addition of a new subsection to read:

111-2-3. Exemption of present employees of covered subdivisions. (3) Effective July 1, 1961, any municipality having less than five employees covered by the provisions of article 2 of chapter 111, CRS 1953, may by resolution or ordinance of the governing body, as the case may be, withdraw its affiliation with the public employees' retirement association, said withdrawal to be effective on the first day of the calendar month following the receipt of notice of such action by the retirement board; except that any member, whose rights will be terminated by the action of any such municipality, shall have the right to a refund of the full amount of accumulated deductions standing to the credit of his individual account without interest, or, if qualified, shall have the option of leaving his account in the retirement association and drawing a deferred annuity at age sixty-five pursuant to the provisions of section 111-1-9 (4). The provisions of this subsection shall become inoperative and of no effect after January 1, 1962.

Certain municipalities may withdraw

SECTION 8. 111-2-10, Colorado Revised Statutes 1953, as amended (Supp.), is hereby amended to read:

111-2-10. (1) Whenever any member of said retirement system has been employed by a municipality, affiliated with the retirement system for a period of twenty years or more and has attained the age of sixty years, or whenever any such member has been in such covered public service for a period of thirty years and has attained the age of fifty-five years, he shall be eligible for retirement for superannuation. Such retirement shall be made upon the application of the member or of someone acting in his behalf, and subject to such rules as the retirement board may prescribe. On and after said date, upon such retirement any such retiring municipal employee member shall receive an annuity for the remainder of his life equal to fifty per cent of the average of the highest monthly salary received by such member during any period of five consecutive years of service contained within the ten years of service immediately preceding his retirement, except any such retirement annuity in excess of three hundred dollars per month payable prior to age sixty shall be reduced by an amount equal to one-half of one per cent of the annuity multiplied by the number of months and fraction of a month, in the period

Retirement for superannuation—20 years affiliation

Amount of benefits

Exception

from the beginning date of the annuity to the date the member would attain age sixty.

Retirement
for super-
annuation
—5 years
affiliation

(2) Whenever any member of said retirement system has been employed by a municipality, affiliated with the retirement system, for a period of five years or more and has attained the age of sixty-five years, and is not otherwise eligible for retirement, such member shall be eligible for retirement for superannuation provided such member has made regular monthly payments into the retirement fund for such period, or longer. Such member upon retirement shall receive a monthly annuity for the remainder of his life equal to one-twentieth part of fifty per cent of the average of the highest monthly salary received by such member during any period of five consecutive years of service contained within the ten years of service immediately preceding retirement, multiplied by the number of years of service covered by monthly contributions and membership, not to exceed twenty years.

Retirement
prior to
July 1, 1961

(3) The provisions of the law prior to the effective date of this act shall be applicable to all persons retiring prior to July 1, 1961, and no annuity effective before said date shall be affected by this act.

SECTION 9. 111-2-11, Colorado Revised Statutes 1953, is hereby amended to read:

School
district
employees
—20 years
affiliation

111-2-11. (1) Whenever any member of said retirement system has been employed by a school district, affiliated with the retirement system for a period of twenty years or more and has attained the age of sixty years, or whenever any such member has been in such covered public service for a period of thirty-five years, and has attained the age of fifty-five years, he shall be eligible for retirement for superannuation. Such retirement shall be made upon the application of the member or of someone acting in his behalf, and subject to such rules as the retirement board may prescribe. On and after said date, upon such retirement any such retiring school district employee member shall receive an annuity for the remainder of his life equal to fifty per cent of the average of the highest monthly salary received by such member during any period of five consecutive years of service contained within the ten years of service immediately preceding his retirement except any such retirement annuity in excess of three hundred dollars

Amount of
benefit

per month payable prior to age sixty shall be reduced by an amount equal to one-half of one per cent of the annuity multiplied by the number of months and fraction of a month, in the period from the beginning date of the annuity to the date the member would attain age sixty.

Exception

(2) Whenever any member of said retirement system has been employed by a school district, affiliated with the retirement system for a period of five years or more and has attained the age of sixty-five years, and is not otherwise eligible for retirement, such member shall be eligible for retirement for superannuation provided such member has made regular monthly payments into the retirement fund for such period, or longer. Such member upon retirement shall receive a monthly annuity for the remainder of his life equal to one-twentieth part of fifty per cent of the average of the highest monthly salary received by such member during any period of five consecutive years of service contained within the ten years of service immediately preceding his retirement, multiplied by the number of years of service covered by monthly contributions and membership, not to exceed twenty years.

School district employees—
5 years
affiliation

(3) The provisions of the law prior to the effective date of this act shall be applicable to all persons retiring prior to July 1, 1961, and no annuity effective before said date shall be affected by this act.

Retirement
prior to
July 1, 1961

SECTION 10. 111-2-12, Colorado Revised Statutes 1953, is hereby amended to read:

111-2-12. Optional forms of annuities. Effective July 1, 1961, any member making application for retirement for superannuation as provided in section 111-2-11, and any member making application for retirement for disability as provided in section 111-2-13, may elect to receive his retirement annuity or disability annuity, if approved, in any of the following forms; except, that any member who retires for superannuation or disability shall not be eligible to participate in the survivor benefits provided in article 8 of chapter 111, CRS 1953 (Supp.). After an election has been made of any of the following options by a retiring member, and the same has been approved by the retirement board, no further change or alteration in the plan of payment may be made by the board or the retiring member or his co-beneficiary, if one is designated. If no option is elected

Optional
forms of
annuities

by a member prior to the effective date of his retirement, he shall be considered to have automatically elected to receive his benefit as a regular retirement annuity under option 1.

Single life
ordinary
annuity

Option 1. A single life, ordinary annuity, payable for the life of the primary annuitant only, and terminating at his death, without refund of any kind to the estate of the deceased annuitant or his beneficiary, upon his death, of any difference between the amount paid into the retirement fund by such member and the amount withdrawn by annuity payments prior to death.

Reduced
single life
refund
annuity

Option 2. A reduced single, refund annuity, which is the actuarial equivalent of the annuity payable under option 1, payable for the life only of the primary annuitant with a refund on the death of the annuitant, to his designated beneficiary, or if none, to the estate of the deceased annuitant, of any difference between the amount paid into the retirement fund by said annuitant during his lifetime, and the amount drawn as annuity after retirement.

Reduced
joint life
ordinary
annuity

Option 3. A reduced joint life, ordinary annuity, which is the actuarial equivalent of the annuity payable under option 1, payable for the joint lives of the primary annuitant, the retired member, and that of his designated co-beneficiary, having an insurable interest in his life, without refund of any kind to the estates of either of the co-annuitants upon the death of the survivor, of any difference between the amount paid into the retirement fund by the primary annuitant and the amount withdrawn by the joint annuitants prior to death.

Reduced
joint life—
decrease
by death

Option 4. A reduced joint life, ordinary annuity, which is the actuarial equivalent of the annuity payable under option 1, payable to the primary annuitant and his designated co-beneficiary, having an insurable interest in his life, in an amount monthly which shall be decreased by one-half upon the death of either of them, and payable to the primary annuitant and his designated co-beneficiary, or the survivor of them, so long as either of them shall live, without refund of any kind to the estates of either of the co-annuitants upon the death of the survivor, of any difference between the amount paid into the retirement fund by the primary annuitant during his lifetime and the amount withdrawn prior to the death of the survivor of the joint annuitants.

SECTION 11. 111-8-1, Colorado Revised Statutes 1953 (Supp.), is hereby amended to read:

111-8-1. Reserve fund created. There is hereby created a survivors' benefit reserve fund, within the public employees' retirement fund provided for in chapter 111, Colorado Revised Statutes 1953, in which shall be accumulated reserves for the payment of survivor annuities, payable as provided in this article, and from which said survivor annuities shall be paid. If survivor benefits become payable under this article on account of the death of a member, said member's accumulated deductions shall be transferred to the survivors' benefit reserve fund. If the aggregate amount of survivors' benefit payments received by the eligible survivor of the member prior to the death or remarriage of said surviving recipient is less than the accumulated deductions credited to the said deceased member's individual account in the retirement system at the time of his or her death, the remainder shall be paid in a lump sum to such person or persons as the member shall have nominated as beneficiary by written designation duly executed and filed with the retirement system. In the event there be no such designated beneficiary or beneficiaries surviving, then such remainder, if any, shall be paid to the legal representative of the deceased member.

Reserve fund

SECTION 12. 111-8-2, Colorado Revised Statutes 1953 (Supp.), is hereby amended to read:

111-8-2. Eligibility for annuity—definitions. Upon the death of an active member of the public employees' retirement association who has three or more years of credited service rendered immediately preceding such member's death, certain dependents of said deceased member shall receive annuities subject to the conditions hereinafter set forth in this article; except that the benefits hereunder shall be payable without regard to years of credited service if said member dies from service incurred injuries, as may be determined by the board. The term "widow" as used in this article shall include a deceased member's widower whom the retirement board finds to have been dependent upon the said member for at least fifty per cent of his support. "Final average salary" as used in this article is hereby defined to mean the average of the highest monthly salary received by the member during any

Eligibility and definitions

period of five consecutive years of service contained within the ten years of service immediately preceding his death, or if the deceased member did not have ten years service, the average of the highest monthly salary received during any period of five consecutive years of service, or less, if more than three but less than five years of service have been credited to said member.

SECTION 13. 111-8-3, Colorado Revised Statutes 1953 (Supp.), is hereby amended to read:

Widow's
annuity

111-8-3. Widow's annuity — three years' service. The widow of a deceased member, provided said member has three years of service credit, shall receive a survivor annuity equal to fifty per cent of the monthly retirement annuity to which said deceased member would have been entitled had he retired the day preceding the date of his death, notwithstanding that he might not have attained an age to become eligible to retire for superannuation, and said member's annuity to be based on two and one-half per cent of his final average salary as defined hereinabove, multiplied by the number of years and any fraction of a year, of his credited service, not to exceed twenty years; except that said survivor annuity shall not be less than one hundred twenty-five dollars per month or twenty-five per cent of the final average salary, whichever is smaller. The survivor annuity shall begin upon the said widow's application for same filed with the retirement board on or after her attainment of age sixty-two years. The survivor annuity provided for herein shall be in addition to, but shall not be paid concurrently with, the annuities provided in section 111-8-5. No survivor annuity shall be paid hereunder to said widow after her remarriage subsequent to said member's death.

SECTION 14. 111-8-6, Colorado Revised Statutes 1953 (Supp.), is hereby amended to read:

Children's
annuity

111-8-6. Children—annuity. If the said deceased member leaves an unmarried child or children under age eighteen years and no annuities have been or will be payable under sections 111-8-3, 111-8-4, or 111-8-5 on account of said member's death, each such child shall receive an annuity of seventy-five dollars per month; provided, that if there be more than two such children, each such child shall receive an annuity of an equal share of two hundred dollars per month, subject to the condition that

in no case shall the annuity payable to any one child exceed seventy-five dollars month. The said child's annuity shall terminate upon his adoption, marriage, attainment of age eighteen years, death, or if the retirement board finds said child is physically and mentally able to attend regularly scheduled classes in a duly accredited school and fails to attend such classes, whichever event occurs first; except that if any such child is found by the board to be mentally or physically incapacitated from providing for himself subsequent to reaching age eighteen, said annuity shall continue to be paid for the life of such child or until any such disability is removed, as may be determined by the board, or until such child is married or adopted.

SECTION 15. This act shall become effective July 1, 1961.

SECTION 16. 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 April 11, 1961.

A N A C T
SENATE BILL NO. 80
(Ch. 194, S.L. '61)

CONCERNING THE INVESTMENT OF RETIREMENT
FUNDS.

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

SECTION 1. 111-1-7, Colorado Revised Statutes 1953, as amended by chapter 49, Session Laws of Colorado 1958, is hereby amended to read:

111-1-7. State treasurer to invest funds. (1) The retirement board, from time to time, shall certify in writing to the state treasurer for investment, such portions of the retirement fund as in its judgment may not be immediately required for the payment of refunds or annuities. The state treasurer shall thereupon invest the sum so certified, at market price, in such of the following classes of investment securities as may be designated by the retirement board. Any such investment securities purchased shall be sold by the state treasurer only upon the written request of the retirement board when necessary to provide money for the payment of refunds or annuities to members, or in order to exchange any such securities for others of the kind specified in this section as the retirement board shall deem to be in the best interests of the retirement fund.

(2) The retirement board shall be the trustees of the funds of the public employees' retirement association and the retirement board shall have full power and authority to invest and re-invest such funds in:

(a) Class 1. Bonds or warrants of the United States, the state of Colorado, or in the bonds of any other state of the United States.

(b) Class 2. General obligation bonds of any city, town, or school district of the state of Colorado, the assessed valuation of which city, town, or school district in the year preceding the year in which such bonds may be purchased shall equal or exceed two million dollars.

(c) Class 3. Obligations secured by first liens on real estate, or by pledge of specific income, or revenue, and issued, insured, or guaranteed by any agency or instrumentality of the United States or the state of Colorado.

(d) Class 4. Notes, bonds, or debentures which are direct obligations of United States or Canadian corporations engaged in the production, transportation, distribution, or sale of electricity or gas, or the operation of telephone or telegraph systems or water works, or any combination of them and provided further, that said obligations shall, at the time of purchase, be designated as investment grade securities by any two nationally recognized investment services as may, from time to time, be designated by the retirement board.

(e) Class 5. In stocks, preferred or common, of corporations created or existing under the laws of the United States, or any state, district or territory thereof, which shall at the time of purchase, be designated as investment grade securities by any two nationally recognized investment services as may, from time to time, be designated by the retirement board.

(3) Such investments for the respective divisions of the retirement system shall be limited in their acquisitions and retention in the above classes of securities as follows:

(a) Classes 1, 2 and 3 or any combination thereof: up to any amount but not less than sixty per cent.

(b) Class 4. In any amount not to exceed thirty per cent.

(c) Class 5. In any amount not to exceed ten per cent, but not more than one per cent of the assets of any division of the retirement system shall be invested in the securities of any single corporation.

SECTION 2. Safety Clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 1, 1961.

A N A C T
SENATE BILL NO. 84

(Ch. 218, S.L. '61)

and

HOUSE BILL NO. 250

(Ch. 217, S.L. '61)

As Amending

THE JUNIOR COLLEGE ORGANIZATION ACT

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 twelfth-grade school population, as determined by the immediately preceding school census of four hundred or more and an assessed valuation at the time of organization of such district of sixty 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 district shall be entirely included or entirely excluded.*

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 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

Junior college part of public school system

Definition of junior college

Districts may be organized—when

Handling of petition for formation of junior college districts

county superintendents of public schools of the counties in which a part of the district is located. [L. 57, p. 673].

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. [L. 57, p. 674].

Organizing
junior college
district

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, 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

Notice of
regular or
special
meeting

Secretary to
post notice

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. [L. 57, p. 674].

Conduct of election

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 school district board, or other qualified electors appointed by them shall act as judges of the election.

Result 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 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, 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. [L. 57, p. 675].

When junior college district may not be organized— proviso

123-23-10. Election of committee—members and terms.—

Election of committee members— terms of office

(1) All public junior college districts established under the provisions of "The Junior College Organization Act," now existing or hereafter organized, shall have a board of control known as the committee consisting of five members elected at public elections, except as provided in subparagraph (f) of this section, for staggered terms of six years each in the manner hereinafter provided, except those districts coterminous with a first class public school district choosing the alternative as provided in section 123-23-12 (1) (b).

(a) The regular election of members of a junior college committee shall be held on the first Monday in May in odd-numbered years except that in a junior college district coterminous with a city and county of the state such elections shall be held on the date of the municipal elections as provided

Regular election of committee

for first class public school districts in section 123-27-1, CRS 1953.

Existing junior college district committee

(b) The committees of junior college districts existing on the date of this act shall determine the number of vacancies existing and the length of term of each vacancy for the next and subsequent regular elections for committee members. This shall be done so that there will be no more than two vacancies at any regular election and so that following the third regular election after the effective date of this act each committee member will have a term of six years and no more than two vacancies will occur regularly at any election.

Term of office

Committee member districts

(c) The committee of any junior college district may establish committee member districts for the junior college district if it determines that such districts are in the best interests of the junior college district. Such committee member district shall be established on the basis of nearly equal population or on the basis of geography and population in the case where the junior college district consists of more than one county.

Existing terms of office

(d) Committee members in existing junior college districts on the effective date of this act, whose term of office shall not have expired, shall continue to hold office and perform the duties thereof during the term for which they were appointed or elected and these unexpired terms shall be considered when establishing the new terms and vacancies under subsection (1) (b) of this section.

Cost of election

(e) The cost of such election of committee members as provided in this section shall be paid by the junior college district in which the elections are conducted.

School directors may elect committee members

(f) If the committee of any existing junior college district so elects, committee members may be elected by a majority vote of all of the directors of the respective school districts within the junior college district present at a meeting called by the county superintendent of schools for that purpose, not sooner than thirty days prior to the expiration of the term, or terms, of any committee member, or committee members, of the junior college district, unless a petition or petitions, in writing be signed and sworn to by not less than five per centum of the qualified electors of the district be filed with the secretary of the district at least sixty days prior to the expiration of the term, or terms, of such committee member, or committee

Exception

members, demanding that the successor, or successors, of the committee member, or committee members, whose term, or terms, is, or are, about to expire, be elected by the qualified electors of the junior college district in which event, such election shall be called as provided in section 123-23-11.

123-23-11. Election of first committee—new district.—(1)

In all junior college districts organized under the provisions of "The Junior College Organization Act" or other applicable statutes, after the effective date of this act, except those districts coterminous with a first class public school district, the first committee shall be elected in the following manner:

(a) An election for members of the first committee shall be called within sixty days of the successful election to organize the junior college district.

(b) At such election, a five member committee shall be elected; two members for six-year terms or until the third regular school election; two members for four-year terms or until the second regular school election; and one member for a two-year term or until the first regular school election.

(c) The county superintendent or county superintendents of the county or portions of counties included in the new junior college district shall call and conduct such election in the manner provided in sections 123-23-14 through 123-23-19.

(d) The costs of such election of committee members as provided in this section shall be paid by the junior college district in which the elections are conducted.

123-23-12. Provision for choice of election methods.—(1)

(a) In a junior college district coterminous with a first class public school district, at the time the question of organizing a junior college district shall be submitted to the qualified electors of a proposed junior college district at an organization election as provided in section 123-23-5, there will be submitted to qualified electors of the proposed district at the same election the question of whether the board of directors of the existing first class public school district shall serve as the committee of the junior college district.

(b) If at such an election the majority of the votes cast thereon are in favor of the formation of the junior college district and the majority of the votes cast thereon are in favor of the board of directors of the first class school district

Election of first committee—new district

Election date

Term of office

Cost of election

Elections in junior college districts coterminous with first class district

School board may serve as committee

acting as the committee of the junior college district, the board of directors of the first class district will immediately assume the duties and responsibilities as the committee for the new junior college district. When the respective terms of the members of the board of directors of the first class district expire their membership on the committee of the junior college district also terminates, and their successors shall also be members of the committee of the junior college district.

Alternative
election
method

(c) If at such election the majority of the votes cast thereon shall be in favor of the formation of the junior college district but the majority of votes cast thereon shall be against the board of directors of the school district serving as the committee of the junior college district, the committee of the junior college district shall be elected by the method set out in section 123-23-11.

Election of
members of
committee of
junior colleges
hereafter
organized

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.

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. [L. 51, p. 523].

Committee
divide
district into
precincts

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. [L. 51, p. 523].

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 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. [L. 57, p. 676].

Candidates file notice of intention and certificate of nomination

Content of certificate of nomination

Secretary publish list of candidates

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:

Form of ballot

“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. [L. 51, p. 523].

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, that if there be no newspaper published in the junior college district, notice by posting shall be sufficient. [L. 57, p. 676].

Judges of election—
appointment—
—compensation

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. [L. 51, p. 523].

Qualification of voters

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.

General laws apply

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. [L. 51, p. 523].

Organization of committee

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. [L. 51, p. 523].

213-23-21. 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.

Meetings of junior college committee

123-23-22. District body corporate.—Each regular 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," 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.

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 committee

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

Duties of president

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.

Duties of
treasurer

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.

Credits
accepted by
state insti-
tutions

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

Annexation
to junior
college
district

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:

(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. [L. 57, p. 677].

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. [L. 47, p. 622].

Dissolution
of district
procedures

123-23-31. Withdrawal of county.—[Repealed by L. 57, p. 677].

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

Powers and
duties

Empowered to
issue bonds

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. [L. 47, p. 624].

Cooperate with state for vocational education

Act—how cited

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

Bonds as legal investment

123-23-34. Bonds as legal investments.—Any junior college districts 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 in school districts of this state. [L. 56, p. 190].

A N A C T
SENATE BILL NO. 117

(Ch. 210, S.L. '61)

As Amending

Sections 123-10-56 to 123-10-66, C.R.S., 1953.

(Relating to The Public School Transportation Fund)

123-10-56. Declaration of policy—eligibility of districts.—

(1) It is hereby declared to be the policy of the state of Colorado to furnish aid to school districts of the state qualifying hereunder in the transportation of pupils to and from their place of residence to the school of their attendance, and allowances for board in lieu of transportation. [L. 56, p. 186].

State to furnish aid to school district for transportation

(2) In order for a public school district to be eligible to qualify under sections 123-10-56 to 123-10-66, such district shall have made the minimum levy for school purposes required by law. [L. 60, p. 184].

Eligibility of school district to participate in transportation fund

123-10-57. Creation of fund.—There is hereby created in the office of the treasurer of the state of Colorado a fund to be known as "Public school transportation fund," which shall consist of such funds as may be appropriated by the general assembly for the purposes of sections 123-10-56 to 123-10-66, to be held by the state treasurer and paid out as provided in sections 123-10-56 to 123-10-66. [L. 56, p. 186].

Transportation fund created in office of state treasurer

123-10-58. Method of payment.—(1) (a) Each school district of the state of Colorado actually furnishing transportation in buses owned or rented and operated by such district or under contract with the district, shall be entitled to payment from said school transportation fund as follows: [L. 57, p. 710].

Method of payment to school district

(b) *For each mile actually traveled during the periods referred to in section 123-10-59 (2), CRS supplement by said bus in the transportation of regularly enrolled pupils to and from their place of residence and the public school in which enrolled, ten cents per mile.*

Ten cents per mile

(c) *For each pupil regularly enrolled in a public school, actually transported to and from their place of residence to and from the public school in which enrolled, where their place of residence is one mile or more by public or private road from*

Three cents per day

the school in which enrolled, three cents per day for each day of such transportation during the periods referred to in section 123-10-59 (2), CRS supplement.

Fifteen cents per day for board in lieu of transportation

(d) For each pupil whose place of residence is one mile or more from the public school in which such pupil is enrolled and who is temporarily residing during the periods referred to in section 123-10-59 (2) CRS supplement at a place other than his or her residence nearer the school of attendance, for the purpose of attending such school, and where the district pays a board allowance in lieu of furnishing transportation, fifteen cents for each day such board is paid by the district, in no event to exceed one-third of the amount actually paid by the district or for more than one hundred eighty days.

(2) Notwithstanding the provisions of subsection (1) of this section, no school district furnishing transportation, as provided therein, shall be entitled to receive a larger amount in payment than seventy-five per cent of the amount said district has actually expended in furnishing such transportation. [L. 57, p. 710].

Certification by boards by June 20

123-10-59. Certifications—made by boards.—(1) On or before June 20 of each year the board of education of each school district entitled to and desiring assistance under section 123-10-56 to 123-10-66 shall certify to the county superintendent of schools in the county in which such district is located, on forms to be provided by the state commissioner of education, the following information:

Forms

Miles traveled by school buses

(2) The actual number of miles traveled by a school bus owned or rented and operated by the district or under contract with the district, in the transportation of regularly enrolled pupils to and from their place of residence and the public school in which enrolled during the twelve months ending June 30 of the year in which such report is made.

Number of regularly enrolled pupils transported in buses

(3) The total number of pupils regularly enrolled in any public school actually transported to and from their place of residence and the school in which enrolled, in buses owned or rented and operated by the district or under contract with the district during each day of the period referred to in subsection (2) of this section, where the place of residence is one mile or more by public or private road from the school in which enrolled.

(4) The total number of days of the period referred to in subsection (2) of this section during which each pupil whose place of residence is one mile or more by public or private road from the school of enrollment actually attended such school and temporarily resided at a place other than his or her residence, for the purpose of attending such school, where the district paid a board allowance in lieu of furnishing transportation.

Days board paid in lieu of transportation

(5) The amount of any board actually paid by the district in cases under section 123-10-58 (1) (d).

Amount of board paid

(6) If a third class district, a certification that transportation of pupils during the period referred to in the report was duly authorized by a majority vote of the qualified electors at a general or special election of such school district.

Additional requirements for third class districts

(7) The reports required under this section shall contain a certification by the president and secretary of the board of education that the statements contained in said report are just and true. [L. 56, p. 187].

President and secretary to certify

123-10-60. Certification by county superintendent.—On or before August 1 of each year the county superintendent of schools shall report to the state commissioner of education, on forms supplied by the commissioner, a consolidated report of all information submitted under subsections (2) to (6) of section 123-10-59. [L. 56, p. 188].

County superintendent to certify by August 1

123-10-61. Certification to and payment by state treasurer.—On or before August 15 of each year, the state commissioner of education shall certify to the state treasurer the amount of money to which all of the school districts in each county of the state shall be entitled under the provisions of sections 123-10-56 to 123-10-66, and the state treasurer shall thereupon pay from said public school transportation fund to the county treasurer of each county the amount of money to which all of the districts of such county shall be entitled under sections 123-10-56 to 123-10-66. The said county treasurer shall thereupon credit to the special fund of each district in his county the money which such district is entitled to receive in accordance with the certification of the county superintendent of schools provided for in section 123-10-60. [L. 56, p. 188].

Commissioner to certify entitlements to state treasurer

123-10-62. Deficiency in fund.—In the event the moneys in said public school transportation fund on June 30 of any

Deficiency in fund

year shall not be sufficient to pay the allowance to which all of the districts of the state may be entitled for the twelve months preceding said date, then said state treasurer shall prorate all of such funds remaining on said date to all of the districts of the state in the proportion which each district's share bears to the amount available, and the county treasurer shall likewise prorate the funds received for his county among the districts of the county in the proportion which each district's share bears to the amount available. [L. 56, p. 188].

Requirements
for
participation

123-10-63. Requirements for participation.—The state commissioner of education shall not include in the certification to the state treasurer, and no payment from the public school transportation fund shall be made to any district which has not filed on or before the time provided in sections 123-10-59 to 123-10-61 the certifications required; has not complied with the rules and regulations promulgated by the state board of education under the authority of section 123-10-65; being a third class district, has not certified that payment of transportation has been authorized by a majority vote of the qualified voters voting at a general or special election of said school district; and did not during the year immediately preceding make a sufficient minimum special fund levy to participate in distribution of the state public school fund under the provisions of section 123-6-11, Colorado Revised Statutes 1953, or as the same may be hereafter amended. [L. 56, p. 189].

Minimum levy
prerequisite
for
entitlement

123-10-64. Limitations as to allowance—minimum county levies.—No district shall be included in the certification of the state commissioner of education to the state treasurer, and no payment from the public school transportation fund shall be made to any district, which is situated in a county which has not during the year immediately preceding made the minimum county levy required by section 123-6-8, Colorado Revised Statutes 1953, or as the same may be hereafter amended.* [L. 56, p. 189].

Rules and
regulations

123-10-65. Rules and regulations.—The state board of education is hereby authorized to prepare rules and regulations for the administration of sections 123-10-56 to 123-10-66. Such rules and regulations shall include reasonable and adequate

*Section 123-6-8 was qualifiedly repealed effective January 1, 1958; refer to sections 123-10-56 (2) and 123-26-7.

standards of safety in the maintenance and operation of buses, length of bus routes, number of children to be transported in the various types of buses, and such other rules and regulations pertaining to transportation as will promote the welfare of the students and afford reasonable protection to the public. [L. 56, p. 189].

123-10-66. County treasurer's fees.—No fees shall be charged by the county treasurers of the state for receiving or crediting funds of the districts received under sections 123-10-56 to 123-10-66. [L. 56, p. 189].

No fees to be charged by county treasurer

NOTE: The sum of \$2,450,000.00 was appropriated by Senate Bill No. 117 to the Public School Transportation Fund for the 1961-62 fiscal year, and the appropriation specified reimbursement, under the method of allocation, for the transportation of those children who must necessarily attend out-of-state schools.

A N A C T
SENATE BILL NO. 130
(Ch. 222, S.L. '61)

CONCERNING THE PUBLIC SCHOOL FOUNDATION ACT.

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

SECTION 1. 123-26-7, Colorado Revised Statutes 1953 (Supp.), as amended by section 1 of chapter 217, Session Laws of Colorado 1959, is hereby amended to read:

County
levies

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 and a general county school fee of twelve mills on each separate tract of land owned by the game and fish commission, including any improvements which may have existed on such land at the time ownership of said land was assumed by the game and fish commission within the county consistent with the standards as set forth in section 137-3-17. If a levy of twelve mills will produce a sum greater than the total aggregate value of all of the classroom unit values as provided for in this article of all eligible school districts 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.

(3) Upon receipt of a certification of general county school fees due from a board of county commissioners, the

game and fish commission shall cause to have properly drawn and signed vouchers issued which the state controller shall honor by issuing warrants upon the "game cash fund" established by section 62-2-5, which warrants shall be payable to the county treasurer of the certifying counties, payment of such "general county school fees" shall be due on the last day of February of each year. The claim established by the certificate of general county school fees due by the respective counties shall constitute a preferred claim on the "game cash fund" and the certifying counties shall be treated as preferred creditors and paid in full. The game and fish commission shall have all the rights and obligations as to valuation and assessment and as to the certificate of general county school fees due, before the county board of equalization, the state board of equalization and Colorado tax commission, as granted or imposed upon private taxpayers. It shall be the duty of the county treasurer upon receipt of payment of general county school fees from the "game cash fund" to deposit the same in the county public school fund as provided in section 123-26-6.

SECTION 2.* 123-26-12, Colorado Revised Statutes 1953 (Supp.), as amended, is hereby amended by the addition of a new subsection to read:

123-26-12. (4) For those counties which during the fiscal year 1960-61 the amount of the "adjusted assessed value" for 1960 as determined under section 3, chapter 59, Session Laws of Colorado 1960, is greater than the assessed valuation of the county for 1960 as certified by the tax commission under section 6, chapter 59, Session Laws of Colorado 1960, the difference shall be determined by subtraction and multiplied by twelve (12) mills. The amount so obtained shall be divided by the number of classroom units provided for the county in the fiscal year 1959-60 under section 123-26-3 (2) (a) through (f), and to which the district is entitled under section 123-26-15, in order to ascertain the amount of the sales ratio adjustment per classroom unit. The amount of deficiency for each county for the fiscal year 1959-60 as computed under section 123-26-12 (2), as it existed prior to being amended by Chapter 59 Session Laws of Colorado 1960, shall be divided by the number of classroom units provided for the county in the fiscal year 1959-60 under section 123-26-3 (2) (a) through (f), and to which the district is entitled under section 123-26-15, in order to obtain

Computation
of payments
to districts
for 1960-61
fiscal year

the amount of deficiency per classroom unit. The amount of prorated allocation made to each such county for the fiscal year 1959-60 under 123-26-13 (3) shall be divided by the number of classroom units provided for the county in the fiscal year 1959-60 under 123-26-3 (2) (a) through (f) and to which the district is entitled under 123-26-15 in order to obtain the amount of prorated allocation per classroom unit. The amount of the prorated allocation per classroom unit as defined shall be subtracted from the amount of the deficiency per classroom unit as defined to obtain the amount of the effect of the full implementation per classroom unit. The difference between the amounts of the effect of full implementation subtracted from the sales ratio adjustment per classroom unit as defined above when found to be a positive number shall represent the combined effect of full implementation of the minimum equalization program and the sales ratio adjustment. This amount shall be multiplied by the number of classroom units provided for the county in the fiscal year 1960-61 under section 123-26-3 (2) (a) through (f), and to which the district is entitled under section 123-26-15, and rounded to the nearest dollar. The amount so obtained shall be added to the amount determined under section 123-26-12 (2), for the year 1960-61 and shall be apportioned to the eligible districts in the county 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.

SECTION 3.* The provisions of this act shall be effective to and including June 30, 1961, only.

SECTION 4. 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 1, 1961.

*NOTE: Sections 2 and 3 of this act were repealed by House Bill No. 1 of the First Extraordinary Session.

A N A C T
SENATE BILL NO. 152
(Ch. 137, S.L. '61)

CREATING A LEGISLATIVE COMMITTEE ON EDUCATION
BEYOND HIGH SCHOOL; PROVIDING FOR ITS POW-
ERS, FUNCTIONS, AND STAFF; AND MAKING AN
APPROPRIATION THEREFOR.

*Be It Enacted by the General Assembly of the State of Colo-
rado:*

SECTION 1. **Legislative declaration.** It is hereby declared to be the policy of the general assembly that the work of the legislative committee on education beyond high school, which committee has been functioning for several sessions under authority of joint resolutions of the general assembly, be continued in order to provide legislative study of the problems and needs of higher education in Colorado. This expression of legislative interest and responsibility is needed not only to retain and further the initial results and findings of the present committee, but to continue to develop sound public policies to meet the state's responsibilities for education beyond high school.

Legislative
declaration

SECTION 2. **Creation of committee—expenses—staff.** (1) There is hereby established a joint committee of the senate and house of representatives to be known as the "Legislative Committee on Education Beyond High School," to consist of five members of the senate to be appointed by the president of the senate, and six members of the house of representatives to be appointed by the speaker of the house of representatives.

Creation of
legislative
committee on
education
beyond
high school

(2) The committee shall continue and function until March 1, 1963, and such later date as the general assembly may from time to time by resolution or act subsequently determine.

(3) In the conduct of this study the committee may retain such staff and other technical assistance as it may determine necessary. Members of the committee shall be entitled, under the provisions of section 3 of chapter 42, Session Laws of Colorado 1958, to per diem expenses and traveling expenses for attendance at committee meetings during the interim between

legislative sessions in the same manner and amounts as are provided in said chapter for interim committees of the general assembly authorized by joint resolution. Expenses authorized by this subsection shall be paid from the appropriations made to the legislative department, and providing for compensation and expenses of all members of the general assembly.

(4) The committee shall elect a chairman and vice-chairman and the chairman, with the advice of the committee, 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.

Powers and
function of
committee

SECTION 3. Powers and functions of committee. (1) The committee shall conduct a continuous study of the problems and needs of education beyond high school. It shall select the areas it deems most in need of study and legislative action from such fields as coordination of higher education, upgrading of higher education opportunities, need for student aid programs to assist the academically able, development of a state-wide testing program for the improvement of guidance and counseling of high school graduates, licensing of proprietary trade schools, student attrition, admission standards, and that segment of the public school system which affects education beyond high school.

(2) As a result of its study, the committee shall recommend to each session of the general assembly, policies which it believes will benefit higher education in Colorado and meet the state's responsibilities in such regard.

Appropriation

SECTION 4. Appropriation. All expenditures incurred in the conduct of the study shall be paid as provided by law upon vouchers signed by the chairman of the legislative committee. There is hereby appointed out of any moneys in the state treasury not otherwise appropriated, the sum of thirty thousand dollars, or so much thereof as may be necessary for this purpose from the effective date of this act to February 1, 1962.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 11, 1961.

A N A C T
SENATE BILL NO. 175

(Ch. 214, S.L. '61)

As Amending

Sections 123-19-15 to 123-19-19, C.R.S. 1953

(Relating to Teacher Emeritus)

Teachers
eligible

123-19-15. Teachers eligible.—(1) Sections 123-19-15 to 123-19-18 shall apply to all teachers retired from service of school districts of Colorado provided that said teachers:

(2) Shall have served at least twenty years in the employ of Colorado school districts or of an office or offices of Colorado county superintendent of schools, provided that no more than ten years of employment in the office of county superintendent may be applied to the total service required.

(3) Shall be at least sixty-five years of age;

(4) Shall have retired from teaching in the public schools of Colorado prior to July 1, 1967;

(5) Be a resident of Colorado as of the date of application;

(6) And if retiring from school service after January 1, 1952, shall have become a member of the public employees' retirement association or any available local school district retirement plan on or before January 1, 1952; provided, that teachers who re-enter teaching service after said date, and who are otherwise qualified, may qualify for such benefits if they become or shall become members of the public employees' retirement association or any available local school district retirement plan immediately upon returning to school service.

(7) If retiring from school service after January 1, 1952, prior to January 1, 1957, having first had the opportunity to join the public employees' retirement system as of January 1, 1952, and having failed to elect such option because the respective school authorities had not indicated to the respective teachers that they would lose their entitlements to receive benefits from the state teachers' emeritus retirement fund,

shall apply to the commissioner of education as otherwise specified in Section 123-19-16 on or before July 1, 1957, and shall execute respective affidavits that the conditions specified in this subsection are true and correct.

(8) If residing outside the state of Colorado at any time following entitlement under this section, shall not accept full-time teaching appointment; provided further, if residing either in or out of Colorado, shall not accept part-time teaching duties in excess of the equivalent of ten full-time teaching days per month. [L. 57, p. 671].

(9) *Regardless of age, shall have served at least forty years in the employ of Colorado school districts.*

123-19-16. Application for benefits.—Retiring teachers eligible under section 123-19-15 shall make application to the commissioner of education for pension benefits prior to July 1, 1967. There shall be no such applications accepted by the commissioner of education on or after July 1, 1967. [L. 57, p. 670].

123-19-17. Residents — furnishing of address.—Retired teachers who are declared eligible to receive the benefits of sections 123-19-15 to 123-19-18 shall not be required to maintain residence in the state of Colorado; provided, that all beneficiaries shall be required to advise the commissioner of education of their addresses at least once in every six month period. [L. 57, p. 670].

123-19-18. Teachers' retirement fund. (1) *There is created a state teachers' emeritus retirement fund from which the commissioner of education shall authorize payments from such appropriations as may be made to said fund. Persons qualifying for retirement benefits under sections 123-19-15 to 123-19-18 shall receive a monthly payment of one hundred twenty-five dollars per month, less any pension or retirement benefit received from other retirement or pension fund supported in whole or in part by the state or any of its political subdivisions. All payments made hereunder shall be prorated on any equal monthly basis within the limits of the appropriations made and no payment shall exceed one hundred twenty-five dollars.*

Teachers
retirement
fund

(2) **Effective date.** *This section shall take effect on July 1, 1961.*

123-19-19. Funds not subject to process or income tax.—

None of the monies, payments or other benefits mentioned in this article shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment or other legal process, and shall be exempt from any state income tax. [L. 55, p. 799].

Benefits not
subject to
process or
state income
tax

A N A C T
SENATE BILL NO. 177
(Ch. 82, S.L. '61)

CONCERNING THE COLORADO SCHOOL FOR THE DEAF
AND THE BLIND.

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

SECTION 1. 16-2-24, Colorado Revised Statutes 1953, is hereby amended to read:

16-2-24. Educational training — expenditures. (1) The superintendent of the Colorado school for the deaf and the blind is hereby authorized to expend any moneys necessary out of the appropriation for the support of the Colorado school for the deaf and the blind, to provide for the education training of eligible deaf-blind, or students who have a multiple physical handicap of hearing, sight, and speech, who are residents of the state of Colorado, in institutions located outside of the state of Colorado which are equipped to provide for the educational training of such students, or by the employment of a skilled person, as a home teacher, trained in the work of teaching deaf-blind students, or students who have a multiple physical handicap of hearing, sight, and speech; provided that the compensation of any such skilled person as a home teacher shall not be greater, in any one instance, than the expense of the education of any such deaf-blind pupils, or pupil who has a multiple physical handicap of hearing, sight, and speech, if resident in any named institution located outside of the state of Colorado.

Expenditure
for
educational
training

(2) In each instance, the institution selected or the skilled person employed for the educational training of such deaf-blind student, or student who has a multiple physical handicap of hearing, sight, and speech, shall be approved by the board of trustees of the Colorado school for the deaf and the blind.

SECTION 2. **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor, April 17, 1961.

A N A C T
SENATE BILL NO. 191
(Ch. 166, S.L. '61)

RELATING TO LIBRARIES.

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

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

84-1-1. Public policy. It is hereby declared to be the policy of the state, as a part of its provision for public education, to promote the establishment and development of publicly-supported free library service and bookmobile service throughout the state to encourage the development of libraries of all types and aid in their establishment, improvement and maintenance, and to encourage and assist in improving the technical proficiency of persons skilled in library science.

SECTION 2. 84-1-7 (2), Colorado Revised Statutes 1953, is hereby amended to read:

84-1-7. Powers and duties of the state librarian, with respect to other libraries in the state. (2) He shall serve as the agency of the state to receive and administer state or federal funds which may now or in the future be appropriated to further library development within the state, and shall establish regulations under which such grants shall be distributed for assisting in the establishment, improvement, or enlargement of libraries or library systems, for the making of studies of any library or group of libraries, and for the improvement of the technical knowledge and further training of professional persons employed by a library within the state; except that this provision shall not apply to appropriations made directly to any institution.

SECTION 3. **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 11, 1961.

State
policy

Powers and
duties of
state
librarian

A N A C T
SENATE BILL NO. 192
(Ch. 83, S.L. '61)

RELATING TO THE COLORADO SCHOOL FOR THE DEAF
AND BLIND AND PERMITTING THE SCHOOL TO
INSTITUTE A PROGRAM OF INSTRUCTION FOR
PARENTS OF DEAF AND BLIND CHILDREN.

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

SECTION 1. Article 2 of chapter 16, Colorado Revised Statutes 1953, is hereby amended by adding a new section to read:

16-2-32. Program for parents. In furtherance of the objectives of the Colorado school for the deaf and blind, the trustees, with the aid of the superintendent, may make such by-laws as are necessary to provide a program of instruction in understanding the needs, problems, and education of the deaf and blind, for parents of deaf and blind children who may attend any of the schools in Colorado. In addition to other provisions, the trustees may provide for the cooperation of the school with other interested state agencies in carrying out this program.

Programs
for
parents

SECTION 2. **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved by the Governor April 17, 1961.

SENATE BILL NUMBER
(CLASS, S.L. 81)

RELATING TO THE COLORADO SCHOOL FOR THE DEAF
AND BLIND AND PERMITTING THE SCHOOL TO
INSTITUTE A PROGRAM OF INSTRUCTION FOR
PARENTS OF DEAF AND BLIND CHILDREN

Be it enacted by the General Assembly of the State of Colo-
rado:

SECTION 1. Article 2 of chapter 16, Colorado Revised
Statutes, 1933, is hereby amended by adding a new section to
read:
16-2-32. Program for parents. In furtherance of the ob-
jectives of the Colorado school for the deaf and blind, the
trustees, with the aid of the superintendent, may make such
by-laws as are necessary to provide a program of instruction
in understanding the needs, problems and education of the
deaf and blind for parents of deaf and blind children who
may attend any of the schools in Colorado. In addition to other
provisions, the trustees may provide for the cooperation of the
school with other interested state agencies in carrying out this
program. The trustees are authorized to enter into contracts

SECTION 2. Salary clause. The general assembly hereby
finds, determines, and declares that it is necessary for the
immediate preservation of the public peace, health, and safety
of the State of Colorado that the Governor April 11, 1961,
approved by the Governor April 11, 1961,
and that the said act shall be in full force and effect from
and after the date of its passage by the general assembly.

Approved by the Governor April 11, 1961.

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HOUSE JOINT RESOLUTION NO. 2

WHEREAS, The laws of the State of Colorado pertaining to children were the subject of study by Legislative Council Christiancy and were by the forty-fourth General Assembly referred to the General Assembly;

WHEREAS, Additional work and study in the general coordination and arrangements of the Children's Law are needed so that a complete revision can be made; therefore,

Be it Resolved, That the Legislative Council Christiancy be authorized to perform the following duties:

RESOLUTIONS

1. That the Legislative Council Christiancy Council at all points a special committee be appointed to examine all laws, rules and regulations of the State of Colorado that in any manner may be connected with, or otherwise pertain to, child welfare matters such as juvenile delinquency, child support, child abuse and of the legislative council.

2. That the committee be authorized to examine and report the conduct of its duties during following periods: The needs of children with regard to residential care, placement, adoption, protection, including in particular cases where there is a physical disability or delinquency, and reports of the child going special care, the Youth Center, the child labor, including the operation and other of similar cases and the operation of conflicting agencies, or any other agencies with the Juvenile probation services and other services for juvenile juveniles.

3. That the Council shall report its findings and recommendations to the Forty-fourth General Assembly prior to, or upon the convening thereof in 1969.

4. That all expenditures incurred in the support of the study directed by this resolution shall be approved by the Chairman of the Legislative Council and shall be paid by vouchers and warrants as provided by law. Such amount shall be payable out of any appropriation made for internal studies of the Legislative Council. No more than \$1,000.00 shall be expended for this purpose during 1969.

RESOLUTIONS

HOUSE JOINT RESOLUTION NO. 9

WHEREAS, The laws of the State of Colorado pertaining to children were the subject of study by Legislative Council Committees authorized by the Fortieth, Forty-first, and Forty-second General Assemblies; and

WHEREAS, Additional work and study on the revision, codification, and amendments of the children's laws are needed, so that a complete revision can be made; now, therefore,

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

1. That the Legislative Council is hereby directed to appoint a special committee to continue the study of children's laws and child welfare in Colorado, and that such committee may be composed of lay members in addition to the legislative members, such lay members to be appointed at the discretion of the legislative members.

2. That the committee is authorized, but not limited to, in the conduct of its study, the following subjects: (a) The needs of children which can be controlled or improved by legislative enactment, including in particular those children who are dependent, neglected, or delinquent, and children otherwise requiring special care; (b) The laws affecting children, including the operation and effect of existing laws, and the existence of conflicting, obsolete, or otherwise undesirable laws; (c) Juvenile probation services and court services for handling juveniles.

3. That the Council shall report its findings and recommendations to the Forty-fourth General Assembly prior to or upon the convening thereof in 1963.

4. That all expenditures incurred in the conduct of the study directed by this resolution shall be approved by the Chairman of the Legislative Council, and shall be paid by vouchers and warrants as provided by law. Said moneys shall be payable out of any appropriation made for interim studies of the Legislative Council. No more than \$1,500.00 shall be expended for this purpose during 1961.

HOUSE JOINT RESOLUTION NO. 10

WHEREAS, A Legislative Council study of migratory labor problems in Colorado was authorized by a joint resolution of the Forty-second General Assembly, second session, 1960; and

WHEREAS, It was contemplated this study would take longer than one year to complete; and

WHEREAS, The Legislative Council reported to the present General Assembly on the progress made by the subcommittee appointed to make the migratory labor study, such report indicating the work yet to be completed; now, therefore,

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

1. That the Legislative Council shall continue the study of the various problems of the migrant laborer and his family including the following: Coordination of the efforts of the various state and other public agencies and all statewide and local organizations of charitable, religious, and ethnic groups in attempting solutions to the problems of migrant farm workers; cooperation between federal and state agencies to facilitate the recruitment, transportation and placement of migratory farm workers; economic problems affecting such workers; community cooperation in providing social services to such workers; schooling available to the children of such workers; and such problems as shall come within the purview of this study;

2. That the Council shall report its findings and recommendations to the Forty-fourth General Assembly prior to or upon the convening thereof in 1963;

3. That all expenditures incurred in the conduct of the study directed by this resolution shall be approved by the Chairman of the Legislative Council, and shall be paid by vouchers and warrants as provided by law. Said moneys shall be payable out of any appropriation made for interim studies of the Legislative Council. No more than \$5,000.00 shall be expended for this purpose during 1961.

HOUSE JOINT RESOLUTION NO. 14

WHEREAS, By chapter 219, Session Laws of Colorado 1959, the Forty-second General Assembly directed the Legislative Council to appoint a committee on educational endeavor; and

WHEREAS, The Legislative Council did appoint a committee in accordance with the directives of said law; and

WHEREAS, Said law did not provide funds to pay expenses of committee members; and

WHEREAS, The committee on educational endeavor has recommended in its report to this General Assembly that funds be made available to pay expenses of the committee; now, therefore,

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

That all expenditures incurred in the conduct of the study directed by chapter 219, Session Laws of Colorado 1959, shall be approved by the Chairman of the Legislative Council and shall be paid by vouchers and warrants drawn as provided by law. Said moneys shall be payable out of any appropriation made for interim studies of the Legislative Council. No more than \$2,500.00 shall be expended for these purposes in the calendar year 1961.

SENATE JOINT RESOLUTION NO. 28

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

1. That an interim committee be appointed composed of three members of the Senate, selected by the President thereof, and four members of the House of Representatives, selected by the Speaker thereof, to make a study of the salaries of county officials in the various counties throughout the State of Colorado.

2. That the committee report the results of its study to the Second Regular Session of the General Assembly within ten days after its convening in 1962, submitting a proper bill in connection therewith for consideration by this General Assembly.

3. That the Governor of the State of Colorado is hereby requested to include salaries of county officials among the subjects designated in writing for consideration by this General Assembly in said year.

Be It Further Resolved. That there is hereby allocated from the moneys appropriated to the legislative department by House Bill No. 6, enacted by this General Assembly and approved by the Governor on January 18, 1961, the sum of one thousand dollars (\$1,000.00), or so much thereof as may be necessary, for the purpose of defraying the actual and necessary expenses incurred by the committee pursuant to this Resolution. All expenditures shall be approved by the chairman of the committee and shall be payable by warrants drawn as provided by law.

1907
HOUSE BILL, NO. 1
CH. 5, S. 1, '07

REPEALING SECTIONS 1 AND 2 OF SENATE BILL, NO. 1,
ENACTED BY THE FIRST REGULAR SESSION OF THE
FORTY-THIRD GENERAL ASSEMBLY

As if enacted by the General Assembly of the Year of 1907.

SECTION 1. **ACTS OF THE**
FIRST EXTRAORDINARY SESSION

heretofore repealed.

SECTION 2. The general assembly hereby finds, declares,
and declares that it is necessary for the immediate
preservation of the public peace, health, and safety

Approved by the Governor June 17, 1907.

SENATE JOINT RESOLUTION NO. 24

Be It Enacted by the Senate of the Fortyninth General Assembly of the State of Colorado, the House of Representatives concurring therein:

1. That an interim committee be appointed composed of three members of the Senate, selected by the President thereof, and four members of the House of Representatives, selected by the Speaker thereof, to make a study of the salaries of county officials in the several counties of the State of Colorado.

FIRST EXTRAORDINARY SESSION

Be It Further Enacted That the Governor of the State of Colorado is hereby requested to include salaries of county officials among the subjects designated as worthy for consideration by this General Assembly in said year.

2. That the Governor of the State of Colorado is hereby requested to include salaries of county officials among the subjects designated as worthy for consideration by this General Assembly in said year.

Be It Further Enacted That there is hereby allocated from the moneys appropriated to the legislative department by House Bill No. 2, enacted by this General Assembly and approved by the Governor on January 15, 1961, the sum of one thousand dollars (\$1,000.00), or so much thereof as may be necessary, for the purpose of covering the actual and necessary expenses incurred by the committee pursuant to this Resolution. All expenditures shall be approved by the chairman of the committee and shall be payable by warrants drawn as provided by law.

Southwest Conference

AN ACT
HOUSE BILL NO. 1
(Ch. 5, S.L. '61)

REPEALING SECTIONS 2 AND 3 OF SENATE BILL NO. 130,
ENACTED BY THE FIRST REGULAR SESSION OF THE
FORTY-THIRD GENERAL ASSEMBLY.

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

SECTION 1. Sections 2 and 3 of Senate Bill No. 130, enacted by the first regular session of the forty-third general assembly and approved by the Governor on May 1, 1961, are hereby repealed.

SECTION 2. 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 June 12, 1961.

AN ACT
HOUSE BILL NO. 2
(Ch. 4, S.L. '61)

MAKING AN ADDITIONAL APPROPRIATION TO THE
TEACHERS' EMERITUS RETIREMENT FUND FOR THE
FISCAL YEAR 1961-1962.

*Be It Enacted by the General Assembly of the State of Colo-
rado:*

SECTION 1. In addition to any appropriation heretofore made for the fiscal year 1961-1962, there is hereby appropriated for said fiscal year, out of any moneys in the state treasury not otherwise appropriated, to the teachers' emeritus retirement fund, the sum of two hundred fifty thousand dollars (\$250,000.00), or so much thereof as may be necessary, to be expended by the commissioner of education in accordance with the provisions of sections 123-19-15 to 123-19-18, CRS 1953, as amended.

SECTION 2. 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 June 12, 1961.

