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SCHOOL LAWS

Enacted by
The Forty-Fourth General Assembly
First Regular Session
STATE OF COLORADO

1963



COLORADO STATE
DEPARTMENT OF EDUCATION
Byron W. Hansford, *Commissioner*

DENVER
1963

School Laws

Enacted by

The Forty-Fourth General Assembly

First Regular Session

STATE OF COLORADO

1963

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Denver 2, Colorado

July 1963

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RELATIVE TO THE REGULATION OF THE BUSINESS OF THE STATE OF

AND TO PROVIDE FOR THE REGULATION OF THE BUSINESS OF THE STATE OF

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HOUSE BILLS

SECTION 1. The word "business" shall mean and include the carrying on of any trade, occupation, profession, or service for the purpose of gain or profit.

SECTION 2. The word "person" shall mean and include any individual, partnership, firm, association, corporation, or other legal entity.

SECTION 3. The word "license" shall mean and include any authority, privilege, or permission granted by the State to a person to engage in a business.

SECTION 4. The word "fee" shall mean and include any charge or payment made by a person to the State for the purpose of obtaining or maintaining a license.

SECTION 5. The word "regulate" shall mean and include to control, direct, or manage the business of a person.

SECTION 6. The State shall have the right to regulate the business of any person who is engaged in a business within the State, and to require such person to obtain a license from the State for the purpose of engaging in such business. The State shall also have the right to require such person to pay a fee for such license, and to suspend or revoke such license if such person fails to comply with the provisions of this act.

SECTION 7. The State shall have the right to require any person who is engaged in a business within the State to file with the State a statement of the assets and liabilities of such person, and to require such person to pay a fee for such statement. The State shall also have the right to require such person to file with the State a statement of the income and expenses of such person, and to require such person to pay a fee for such statement.

SECTION 8. The State shall have the right to require any person who is engaged in a business within the State to file with the State a statement of the net worth of such person, and to require such person to pay a fee for such statement.

SECTION 9. The State shall have the right to require any person who is engaged in a business within the State to file with the State a statement of the credit rating of such person, and to require such person to pay a fee for such statement.

A N A C T
House Bill No. 17
(Ch. 243, S.L. '63)

**RELATING TO PUBLIC SCHOOLS, PROVIDING FOR
COMPULSORY ATTENDANCE.**

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

SECTION 1. Short title. This act shall be known and may be cited as "The School Attendance Law of 1963."

SECTION 2. Definitions. Whenever used in this act:

(1) "Parent" means the mother or father of a child, or any other person having custody of a child.

(2) "Board of education" means the school board, board of directors, and board of education of a school district.

(3) "State board" means the state board of education.

(4) "Adult" means a person who has reached the age of twenty-one years.

(5) "Executive officer" means the superintendent of schools or that head administrative officer designated by the board of education to execute its policy decisions.

SECTION 3. Free Education. Any resident of this state who has attained the age of six years and is under the age of twenty-one is entitled to attend public school in the school district of which he is a resident at any time when the schools of the district are in session and without the payment of tuition, subject only to the limitations of sections 6 and 7 of this act.

SECTION 4. When tuition may be charged. (1) Tuition may be charged to resident or nonresident adult pupils subject to the provisions of section 123-10-21 (16), CRS 1953, and less any reimbursement by the state provided by section 14 of this act.

(2) Tuition may be charged for a pupil not a resident of the school district in which he attends school, subject to the provisions of section 123-10-21 (16), CRS 1953.

SECTION 5. Compulsory school attendance. (1) Every

child who has attained the age of seven years and is under the age of sixteen, except as provided by this section, shall attend public school for at least one hundred seventy-two days during each school year.

(2) The provisions of subsection (1) of this section shall not apply to a child:

(a) Who may be temporarily ill or injured or whose absence is approved by the administrator of the school of attendance;

(b) Who attends, for the same number of days, an independent or parochial school which provides a basic academic education (comparable) to that provided in the public schools of the state;

(c) Who is absent for an extended period due to physical, mental, or emotional disability;

(d) Who has been suspended, expelled, or denied admission in accordance with the provisions of this act;

(e) To whom a current age and school certificate or work permit has been issued pursuant to the "Child Labor Law of 1963";

(f) Who is in the custody of a court, or law enforcement authorities;

(g) Who is pursuing a work-study program under the supervision of a public school;

(h) Who has graduated from the twelfth grade; or

(i) Who is being instructed at home by a teacher certified pursuant to article 17 of chapter 123, CRS 1953, as amended, or under an established system of home study approved by the state board.

(3) Unless coming within one of the exceptions listed in subsection (2) of section 5 of this act, a child who is deaf or blind, and who has attained the age of six years, and is under the age of seventeen, shall attend, for at least one hundred seventy-two days during the school year, a school which provides suitable specialized instruction. The provisions of this subsection shall not apply to a child if the Colorado school for the deaf and the blind refuse him admission and it is impractical to arrange for attendance at a special education class, as provided in article 22 of chapter

123, CRS 1953, as amended, within daily commuting distance of the child's home. If any school providing instruction for deaf or blind children offers fewer than the necessary one hundred seventy-two days of instruction, the school shall file with the school district in which it is located a report showing the number of days classes were held and the names and ages of the children enrolled.

SECTION 6. Suspension, expulsion, and denial of admission. (1) No child who has attained the age of six years and is under the age of twenty-one shall be suspended or expelled from, or be denied admission to the public schools, except as provided by this act.

(2) In addition to the powers provided in section 123-10-21, CRS 1953, as amended, the board of education of each district, may:

(a) Delegate to any school principal within the district the power to suspend a pupil in his school for not more than five school days on the grounds stated in section 7 of this act, and

(b) Suspend on the grounds stated in section 7 of this act, a pupil from school for not more than another ten school days, or may delegate such power to its executive officer, provided that the latter may extend a suspension to an additional ten school days if necessary in order to present the matter to the next meeting of the board of education.

(c) Deny admission to, or expel for any period, not extending beyond the end of the school year, any child whom the board of education, in accordance with the limitations imposed by this act, shall determine does not qualify for admission to, or continued attendance at, the public schools of the district. A board of education may delegate such powers to its executive officer, provided that, at its next meeting, the latter shall report on each case acted upon, briefly describing the circumstances and the reasons for his action. When delegated, an appeal may be taken from the decision of the executive officer to the board of education. No board of education shall deny admission to, or expel, any child without a hearing, if one is requested by the parent of the child, at which evidence may be presented in his behalf. If the child is denied admission or expelled, he shall be entitled to a review of the decision of the board of education in accordance with section 9 of this act.

SECTION 7. Grounds for suspension, expulsion, and denial of admission. (1) The following shall be grounds for suspension or expulsion of a child from a public school during a school year:

- (a) Continued wilful disobedience or open and persistent defiance of proper authority;
- (b) Wilful destruction, or defacing, of school property;
- (c) Behavior which is inimicable to the welfare, safety, or morals of other pupils.

(2) The following shall be grounds for expulsion from or denial of admission to a public school:

- (a) Physical or mental disability such that the child cannot reasonably benefit from the programs available;
- (b) Physical or mental disability or disease such as to cause the attendance of the child suffering therefrom to be inimicable to the welfare of other pupils.

(3) The following shall constitute additional grounds for denial of admission to a public school:

- (a) Graduation from the twelfth grade of any school;
- (b) Failure to meet the requirements of age, by a child who has reached the age of six at a time after the beginning of the school year, as fixed by the board of education of the district in which the child applies for enrollment, as provided in section 123-21-15, CRS 1953, as amended;
- (c) Having been expelled during the same school year;
- (d) Not being a resident of the district, unless otherwise entitled to attend under the provisions of article 30, chapter 123, CRS 1953, as amended.

SECTION 8. Enforcement of compulsory school attendance. (1) The board of education of each school district shall designate one or more of the employees of the district to act as attendance officer for the district, or in cooperation with any court of record in the county, the probation officer of that court may be appointed the attendance officer. It shall be the attendance officer's duty in appropriate cases to counsel with students and parents and investigate the causes of nonattendance so as to enforce the provisions of this act which relate to compulsory attendance.

(2) The state commissioner of education shall designate an employee of the department of education whose duty it shall be to assist the individual school districts and to supervise the enforcement of compulsory school attendance for the entire state of Colorado.

SECTION 9. Judicial proceedings. (1) Those courts having jurisdiction over juvenile matters in a county shall have original jurisdiction over all matters arising out of the provisions of this act.

(2) If a child or his parent desires court review of an order of the board of education issued pursuant to this act, he shall notify the board in writing within five days after receiving official notification of the board's action. The board of education shall thereupon issue, or cause to be issued, to the child or his parent a statement of the reasons for the board's action. Within ten days thereafter the child or his parents may file with the court a petition requesting that the order of the board of education be set aside, to which shall be appended the statement of the board of education. No docket or other fee shall be collected by the court in connection with this proceeding.

(3) After the petition is filed, the court shall so notify the board and shall hold a hearing on the matter. If, from the matters presented to it, the court shall find that the board of education failed to comply with the provisions of this act or that the child should be permitted to enter or re-enter the schools of the district, the court shall set aside the order of the board of education and direct that the child be admitted to school. If the court shall find that the board of education complied with the provisions of this act and that under the circumstances the child should not be allowed to enter or re-enter the schools of the district, the court shall dismiss the petition.

(4) It shall be the duty of the attorney for the school district, or if there is none, the district attorney in the county in which the district is headquartered, to initiate proceedings for the enforcement of the compulsory attendance provisions of this act upon request by the attendance officer of the district or of the state. No district attorney shall charge the school district or attendance officer a fee for services rendered in the enforcement of this act.

(5) No court proceeding shall be initiated to compel

attendance at school until the parent and the child have been given notice by the attendance officer of the school district or of the state that proceedings will be initiated if the child does not comply with the provisions of this act. The notice shall be written, and shall be served in the manner provided for the service of summons. The notice shall state the date after which proceedings will be initiated, which date shall not be less than ten days from the date of the notice. The notice shall state the provisions of this act with which compliance is required and shall state that the proceedings will not be brought if the child complies with that provision before the filing of the proceeding.

(6) In the discretion of the court before which a proceeding to compel attendance is brought an order may be issued compelling the child to attend school as provided by this act.

(a) If the child refuses or neglects to obey the order, the court may determine that the child is a delinquent as defined by section 22-8-1 (2), CRS 1953, as amended, and upon so finding the court shall provide for the disposition of the child as provided in section 22-8-11, CRS 1953, as amended.

(b) If the parent refuses or neglects to obey the order, the court may order the parent to show cause why he should not be held in contempt of court, and if the parent fails to show cause, the court may confine the parent in the county jail until the order is complied with.

SECTION 10. Regulations. The state board may prescribe necessary rules and regulations for the administration of this act.

SECTION 11. Repeal. Article 20, chapter 123, section 123-10-21 (7), and sections 123-21-20 and 123-21-21, Colorado Revised Statutes 1953, are hereby repealed.

SECTION 12. 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 27, 1963.

AN ACT

House Bill No. 18

(Ch. 178, S.L. '63)

CONCERNING THE EMPLOYMENT OF MINORS AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF LAWS PERTAINING THERETO.

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

SECTION 1. Definitions. For the purposes of this act:

(1) "School day" means any day when normal classes are in session during the regular school year in the school district.

(2) "Minor" means any person under the age of eighteen.

(3) "School hours" shall mean eight-thirty a.m. to three-thirty p.m. as a standard, but this may be changed by the school board in a particular school district adopting different hours for its regular school day. In the event a school is running split-sessions so that classes are held over a longer period of time than a student is expected to attend, "school hours" shall mean that period during which a student is expected to be in school.

(4) "Employment" means any occupation engaged in for compensation in money or other valuable consideration, whether paid to the minor or to some other person including, but not by way of limitation, occupation as a servant, agent, subagent, or independent contractor, provided, however, that newsboys and newspaper carriers are not included within this definition.

SECTION 2. Minimum age requirements. (1) No minor under the age of fourteen shall be permitted employment in this state except as authorized by sections 3 and 7 of this act.

(2) On school days, during school hours no minor under the age of sixteen shall be permitted employment, unless he is excused from attendance at school pursuant to law.

SECTION 3. Permissible occupations at age twelve.

(1) Any minor twelve years of age and older shall be per-

mitted employment in any of the following occupations:

- (a) Agricultural work;
- (b) Sale and delivery of newspapers and periodicals, or the delivery of handbills, advertising, and the sale and delivery of articles of merchandise;
- (c) Shoeshining;
- (d) Baby sitting;
- (e) Gardening, care of lawns and cleaning of walks.

SECTION 4. Occupations prohibited under age sixteen. (1) No minor under the age of sixteen, except as engaged in agricultural work on farm or ranch, shall be permitted employment in any of the following occupations, which are hereby declared to be potentially detrimental to the health and welfare of such minor:

- (a) Any occupation in manufacturing;
- (b) Operation of any steam boiler;
- (c) Operation of any hazardous power driven machinery;
- (d) Work involving risk of falling from any elevated place;
- (e) Any occupation in a place where intoxicating beverages are served.

SECTION 5. Hazardous occupations prohibited under age eighteen. (1) No minor under the age of eighteen, except as engaged in agricultural work on a farm or ranch, shall be permitted employment in any of the following occupations, which are hereby declared to be hazardous, unless such employment is incidental to a program of apprentice training:

- (a) Manufacturing, transporting, or storing of explosives;
- (b) Mining, logging, oil drilling, or quarrying;
- (c) Any occupation involving exposure to radioactive substance or ionizing radiation, or to dangerous or poisonous acids, dyes, or gasses;
- (d) Operation of the following power-driven machin-

ery; woodworking machines, hoisting apparatus, freight and passenger elevators, metal forming machines, punching or shearing machines, bakery machines, paper products machines, shears, and automatic pin-setting machines;

(e) Slaughter of cattle, calves, hogs, sheep, lambs, goats, or horses, and rendering and packing of meat;

(f) Occupations directly involved in the manufacture of brick or other clay construction products or of silica refractory products;

(g) Wrecking or demolition;

(h) Roofing.

SECTION 6. Hours of work. (1) No minor under the age of sixteen shall be permitted to work between the hours of nine-thirty p.m. and five a.m., except as authorized by section 7 (2) of this act, nor shall he be permitted to work more than four hours on a school day unless he is excused from attendance at school pursuant to law. Baby sitters shall not be subject to the provisions of this subsection.

(2) No minor under the age of eighteen shall be permitted to work more than six consecutive days except in seasonal employment, or more than forty-eight hours in any week, or more than eight hours in any twenty hour period.

SECTION 7. Exemptions. (1) The provisions of this act, except sections 4 and 5, shall not apply to the following:

(a) School work or supervised educational activities;

(b) Home chores and miscellaneous tasks undertaken as a contribution to the community;

(c) Work done for a parent or guardian, except where the parent or guardian receives any payment therefor;

(d) Newsboys and newspaper carriers;

(2) Any minor employed as an actor, model, or performer shall be exempt from the provisions of subsection (1) of section 2 of this act and may work until ten p.m. if the next day is not a school day. If employed in this state for less than fifteen days in any twelve month period, such minor shall be exempt from the entire act except for sections 4 and 5.

SECTION 8. Age certificates. (1) Any employer desir-

ing proof of the age of any minor employee or prospective employee may require the minor to submit an age certificate. Upon request of a minor an age certificate shall be issued by or under the authority of the school superintendent of the district or county in which the applicant resides. The superintendents, principals, or headmasters of independent or parochial schools shall have the right to issue age certificates to minors who attend such schools.

(2) The age certificate shall show the age of the minor, the date of his birth, the date of issuance of the certificate, the name and position of the issuing officer, and the name, address, and description of the minor. It shall be signed by the issuing officer and by the minor in his presence. The issuing officer's file copy shall also show what evidence was accepted as proof of age.

(3) An age certificate shall not be issued unless the minor's birth certificate or a photo-copy or extract thereof is exhibited to the issuing officer, or unless such evidence was previously examined by the school authorities and the information is shown on the school records. If a birth certificate is not available, other documentary evidence such as baptismal certificate or a passport may be accepted. If such evidence is not available, the parent or guardian shall appear with the minor and shall make an oath before the judge or other officer of the juvenile or county court as to the age of the minor. Upon such further evidence or testimony as he may require, the judge or other officer shall thereupon issue an age certificate for the minor.

(4) The employer shall keep an age certificate received by him for the duration of the minor's employment and shall file all age certificates where they may be readily examined by an agent of the industrial commission. Upon termination of employment, the certificate shall be returned to the minor.

(5) The age certificate shall also show the school hours applicable and shall state that a separate work permit is required for minors under sixteen to work on regular school days between these hours.

SECTION 9. Work permits. (1) Any minor fourteen or fifteen years of age who wishes to work on school days during school hours must first secure a work permit. The work permit shall be issued only by the school district super-

intendent or some other person designated by the board of education and only in the following circumstances:

(a) If the minor is to be employed in an occupation not prohibited by sections 4 and 5 of this act and as evidence thereof presents a signed statement from his prospective employer, and

(b) If the parent or guardian of this minor consents to the employment, and

(c) If the issuing officer believes the best interests of the minor will be served by permitting him to work.

(2) Before a permit shall be issued the issuing officer should review the minor's school record and test scores, the recommendations of his counsellor and school principal, and any other pertinent data available. In making his determination, the issuing officer shall also consider the availability of vocational courses and school supervised work-study programs.

(3) The work permit shall show the name, address, and description of the minor, the name and address of the employer and the kind of work to be performed, and shall also require the signature of the parent and the minor in the presence of the issuing officer.

(4) If it appears desirable and practical for the minor to attend school part-time and work part-time, the work permit shall be issued with this limitation.

(5) If the issuing officer is in doubt about the legality of the minor's proposed employment, he shall consult with the industrial commission before issuing the permit.

(6) Upon termination for any reason of the employment authorized, the employer shall return the work permit directly to the issuing officer with a notation showing the date of termination and the reason therefor.

SECTION 10. Appeal from the denial of a work permit.

(1) If a minor is refused a work permit, he shall be entitled to a review by the court having jurisdiction of juvenile matters in the county in which he resides.

(2) The issuing official who refused to issue the work permit shall, upon demand, made within five days thereafter,

promptly furnish the minor with a written statement of the reasons for such refusal.

(3) Within five days after the receipt of such statement, the minor or parent or guardian may petition the court for an order directing the issuance of a work permit. The petition shall state the reasons for such an order and shall have attached to it the statement of the issuing officer obtained as provided in subsection (2).

(4) The court shall hold a hearing and receive such further testimony and evidence as it deems necessary. If the court finds that the issuance of a permit would be in the best interests of the minor, it shall grant the petition.

(5) No fee shall be charged by the court in such proceedings.

SECTION 11. Industrial commission — powers and duties. (1) The industrial commission shall enforce the provisions of this act and, in accordance with section 3-16-2, CRS 1953, as amended, shall have authority to promulgate regulations more specifically defining the occupations and equipment permitted or prohibited herein.

(2) The industrial commission may grant special exemptions in writing in individual cases from any provision of this act if it finds that to do so would be in the best interest of the minor involved.

(3) The industrial commission shall take necessary steps to inform employers, school authorities, and the general public regarding the provisions of this act, and shall work with other public and private agencies to minimize the obstacles to legitimate employment of minors.

(4) The industrial commission shall receive and investigate complaints and may from time to time visit employers and inspect pertinent records to determine compliance with this act.

(5) If investigation of any place of employment or complaint discloses a violation of this act, the industrial commission, upon written complaint of any member of its staff, may issue an order to cease and desist the act complained of, which order shall become effective immediately. At any time thereafter the commission may order the violating employer to pay a penalty of twenty dollars for each offense, and may

assess such penalty for each day that the offense is continued after issuance of the cease and desist order. The order imposing the penalty shall become final and the penalty due and payable thirty days after the order is entered, unless prior to that time the order has been modified or a hearing has been requested as provided by section 3-16-4, CRS 1953, as amended. All penalties imposed by this section shall be collected as provided in section 80-1-46, CRS 1953.

(6) After a hearing concerning a violation of this act, the industrial commission may make permanent its order compelling the violating employer to cease the act found to be in violation. The findings, orders, and penalties shall be subject to review pursuant to section 3-16-5, CRS 1953, as amended; provided that the proper proceedings for such review are commenced within thirty days after entry of such findings, orders, and penalties, and not thereafter.

(7) The industrial commission may apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act prohibited by this act.

SECTION 12. Violations—penalties. (1) Any person, having under his control a child under the age of sixteen years, who knowingly permits that child to be employed in violation of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, for each offense.

(2) Any person, firm, corporation, agent, manager, superintendent, or foreman, of any firm or corporation, who, by himself or through a subagent, foreman, superintendent, or manager, shall knowingly violate or knowingly fail to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than twenty dollars nor more than one hundred dollars, for each offense, and upon conviction of a subsequent offense, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not longer than ninety days, or both such fine and imprisonment, for each offense.

SECTION 13. Short title. This act shall be known and may be cited as the "Child Labor Law of 1963."

SECTION 14. **Repeal.** Article 8 of chapter 80, Colorado Revised Statutes 1953, is hereby repealed.

SECTION 15. **Effective date.** This act shall take effect on June 1, 1963.

SECTION 16. **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 27, 1963.

AN ACT
House Bill No. 49
(Ch. 234, S.L. '63)

**CONCERNING SCHOOL ELECTIONS AND BALLOTS
USED IN SUCH ELECTIONS.**

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

SECTION 1. 123-10-7, Colorado Revised Statutes 1953, is hereby amended to read:

123-10-7. Electors—candidates. (1) Every elector qualified to vote at a general election having been a resident of the school district for thirty days next preceding the date of election shall be entitled to vote at school elections; provided, that he has been first duly registered as hereinafter provided in this article, for districts having a school population of more than three thousand. In districts of the first and second classes any person who may desire to be a candidate for the office of school director shall file a written notice of such intention with the secretary of the school district in which he resides at least twenty days prior to the date for the holding of the election of school directors; provided, that in districts of the first class, the said candidates, in addition to filing such written notice, shall also file a certificate of nomination signed by not less than fifty qualified electors of said 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 said school district, shall publish for five consecutive days preceding the day of said election, in some daily newspaper published in said district, or in two consecutive issues next preceding the day of said election in some weekly, semi-weekly or tri-weekly newspaper published in said district, or, when no legal newspaper is published in said district, then by posting a printed or written notice in not less than five public places in such district and at each schoolhouse in such district for five consecutive days preceding the day of said election, the names of all candidates who shall have been nominated.

(2) In districts of the first class having a school population of more than three thousand, the said secretary shall have printed ballots prepared bearing the names of all candidates so nominated, which names shall be arranged in alphabetical order, according to the surnames of the candidates; and on the ballot shall be printed such words as will indicate the number of directors or members of the board of education to be elected. The extreme top part of each ballot, above the portion that contains the names of the candidates to be voted for, shall be divided by two perforated lines into two spaces, each of which shall be not less than an inch in width, the top portion to be called the stub, and the next portion to be called the duplicate stub. Nothing shall be printed on either stub except the number of the ballot, and the same number shall be printed on both stubs. All ballots shall be numbered consecutively by the secretary, and placed in packages, one package for each voting place within the district. All such ballots shall be uniform in every respect and of sufficient length and width to allow all the names of the candidates to be printed in clear, plain type and so as to give each elector an opportunity to designate by a cross-mark (X) in a sufficient margin at the right of the name of each candidate, his choice of candidates. There shall be printed on the back of each ballot the following endorsement:

“Official Ballot of 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 school district. In school districts having a school population of more than three thousand no person shall be permitted to vote at any school election without first having been registered in the manner required by the provisions of this article. Any person possessing all the qualifications of an elector in any school district, whose name appears upon the registration list made according to law, by the county clerk of the county in which the school election precinct in which such person resides is situated, ten days preceding any school election in such district shall be entitled to vote at such school election.

SECTION 2. 123-10-10, Colorado Revised Statutes 1953, is hereby amended to read:

123-10-10.* Conduct of elections. (1) Any person offering to vote at any school election in any district may be chal-

lenged by any legally qualified elector of the district and thereupon the judges of election or one of them may require him to answer, under oath, such questions touching his qualifications as a voter as they see fit. One of the judges shall administer to him an oath, as follows: "I do solemnly swear (or affirm) that I am a citizen of the United States; that I have resided in this state for one year immediately preceding this election; in this county ninety days and in this school district thirty days; that I am twenty-one years of age and that I have not previously voted at this election, so help me God." If this person so challenged shall refuse to make such oath or affirmation, his vote shall be rejected, and the judges may reject the vote of any person offering to vote if in their judgment the said voter is not qualified according to law, whether the said voter takes the said oath or not. Each candidate voted upon at any school election in any school district shall have the right to appoint in each school election precinct any person who is a qualified elector of such school district, to remain within the polling places during the casting and counting of votes and the declaration of the result thereof. Such watcher may also act as challenger when there is reason to believe that any person about to vote is not entitled to vote at such election precinct.

(2) If any elector shall vote more than once at any school election or shall deposit or offer to deposit in the ballot box at any school election more than one ballot, he shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less than fifty dollars and shall be imprisoned in the county jail for not less than three months. Prior to the time of any school election, the secretary of each school district of the first class shall provide ballot boxes and cause to be prepared one poll book for each voting place in his district. On the first page of said poll book shall be printed a blank form of oath to be taken by each of the judges of election and the clerk, if any, substantially as follows:

"I..... do solemnly swear (or affirm) that I will perform the duties of judge (or clerk) of election according to law, and to the best of my ability, that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting same; that I will not try to ascertain

*This section was also amended by H.B. 236, but H.B. 49 controls because it was signed by the Governor at a later date.

how any elector shall vote, and if in the discharge of my duties such knowledge comes to me, I will not disclose the same unless required to do so in some court of justice, so help me God."

Subscribed and sworn to before me this.....
day of....., A.D.

.....
Judge (or Clerk).

(3) The said oath shall be taken and subscribed by each of the judges and the clerk, if any, of election before any votes shall be received. Any of the judges of election shall have the power and authority to administer said oath.

(4) The next succeeding several pages of said poll book shall contain in one column, a series of numbers beginning with the number one and in an adjoining column, spaces opposite said numbers, in which a judge, or clerk, of election shall write the names and addresses of the electors as they respectively present themselves for voting. On one of the latter pages of said poll book shall be printed a blank form of certificate of return, substantially as follows:

To the Board of Education of School District No.....
in the county of..... in the state of Colorado:

At an election held at..... in election precinct
No..... of said school district on the.....
day of..... A. D..... the following
named persons received respectively the number of votes
placed opposite their names for the office of director or
member of the board of education of said school district,
to-wit:

A. B. received..... votes E. F. received votes

C. D. received..... votes G. H. received..... votes

The whole number of votes cast was.....

The number of excess ballots was.....

The number of unused ballots was.....

Attest:

R. S.,
Clerk,

J. K.,
O. P.,
L. M.,
Judges

(5) In school districts having a school population of more than three thousand, when any elector appears for voting he shall give his name and place of residence to one of the judges. If his name is found on the registration list, and if the judges are satisfied that he is a qualified elector, his name and address shall be entered by the judge or clerk of election having charge of the poll book in the column prepared for that purpose; provided, that it shall be entered in the poll book opposite the same number. If paper ballots are used, a judge shall give the elector a ballot with a number corresponding to the number opposite the elector's name, tearing it along the perforated line between the stub and the duplicate stub. Before giving the ballot to the elector, the judge shall place his own initials on the stub and the duplicate stub. The elector shall retire with the ballot within the enclosure and prepare it for casting by marking a cross (X) opposite the name of those candidates for whom he desires to vote. After having prepared his ballot, the elector shall return the same to the judge from whom he received it, so folded as to expose the initials written on the duplicate stub by the judge and the number thereon, but not to disclose the marks on the face thereof indicating the elector's vote. That judge shall examine the number and initials on the duplicate stub, and if they correspond to the number and initials on the stub, and the number in the poll book opposite the elector's name, the judge shall remove the duplicate stub, and return the ballot to the elector, who shall deposit it in the ballot box. In no case shall any judge permit a ballot to be deposited with the duplicate stub attached. The clerk of election may perform any of the duties of judge except the administering of oaths and passing upon the qualifications of voters and the legality, construction and interpretation of ballots; provided, however, that at all elections held for voting upon a proposition to create or contract a debt by loan for the purpose of erecting or furnishing school buildings, or purchasing school grounds, only such qualified electors of the district shall vote thereat as shall have paid a school tax in such district for the year next preceding such election.

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 May 7, 1963.

A N A C T

House Bill No. 114

(Ch. 235, S.L. '63)

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 through the twelfth grade only, and allowance for board in lieu of transportation.*

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), as amended, by said bus in the transportation of regularly enrolled pupils to and from their place of residence and the public school in which enrolled, fifteen cents per mile.*

Fifteen cents per mile

(c) *For each pupil regularly enrolled in a public school, actually transported to and from their place of resi-*

Three cents per day

dence 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 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), as amended.

(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.

Fifteen cents per day for board in lieu of transportation

(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].

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:

Certification by boards by June 20

Forms

(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.

Miles traveled by school 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 resi-

Number of regularly enrolled pupils transported in buses

dence 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 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].

Deficiency
in fund

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].

Requirements
for
participation

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].

Minimum levy
prerequisite
for
entitlement

123-10-65. Rules and regulations.—The state board of education is hereby authorized to prepare rules and regu-

Rules and
regulations

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

lations for the administration of sections 123-10-56 to 123-10-66. Such rules and regulations shall include reasonable and adequate 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].

No fees to be charged by county treasurer

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].

AN ACT

House Bill No. 121

Ch. 155, S.L. '63)

RELATING TO COMMUNITY CENTERS FOR MENTALLY RETARDED AND FOR SERIOUSLY HANDICAPPED PERSONS, PROVIDING FOR A STUDY PROGRAM AND FOR PILOT DEMONSTRATION PROJECTS.

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

SECTION 1. Declaration of purpose. The general assembly, in recognition of the wide and varied needs of the mentally retarded and of seriously handicapped citizens of this state and of the desirability of meeting these needs on the community level to the fullest extent possible, hereby establishes a comprehensive study program, including pilot demonstration projects, for the following purposes:

(1) To determine the best method or methods of establishing and organizing community centers for the mentally retarded and for the seriously handicapped, including the respective roles of the state and local governments and communities in the administration and financing of such centers.

(2) To encourage the development of preventative, habilitative, and treatment services through community programs and the improvement and expansion of existing community services.

(3) To alleviate the need for constant expansion of state institutions for the mentally retarded and for the seriously handicapped and for long-term custodial care of patients in such institutions.

(4) To provide a coordinated program of state and local services for the mentally retarded and for the seriously handicapped and to eliminate the duplication and overlap of such services.

SECTION 2. Director of institutions to make study. The director of institutions shall make a comprehensive study of the needs of mentally retarded and for seriously handicapped citizens of this state and the ways in which

these needs may be met on the community level. In making this study, the director of institutions shall give consideration to the following:

(1) Number and location of mentally retarded and of seriously handicapped persons;

(2) Survey and evaluation of the services now being provided on the community level for mentally retarded and for seriously handicapped persons by state and local agencies, community organizations, and private programs.

(3) Assessment of existing potential community resources for the provision of services for the mentally retarded and for the seriously handicapped; and

(4) Development of both short-term and long-term programs for the establishment of community centers for the mentally retarded and for the seriously handicapped, with special emphasis given to:

(a) Utilization and coordination of existing, and potential resources, facilities, and personnel on both the state and community levels;

(b) General community interest and participation;

(c) Short-term and future needs for additional facilities and personnel and the ways in which these needs may be met;

(d) Organization and administration of the community centers to meet legal requirements and to provide for state coordination to the extent necessary consistent with local initiative and responsibility;

(e) Immediate and projected costs of the community center program and possible savings because of resultant reduced need for expansion of institutional programs and facilities; and

(f) Methods of financing the community center program through state and local government funds, federal grants, and donations and the feasibility of creating local districts and of giving counties, municipalities, and school districts taxing powers for this purpose.

SECTION 3. Pilot demonstration projects. In making this study, the director of institutions may establish no more than two community center pilot demonstration projects to

provide an integrated program for the mentally retarded and for the seriously handicapped; provided, that such projects shall be established in communities which have already demonstrated an interest and willingness to participate in the community center program as demonstrated by existing programs and services, personnel, and facilities.

SECTION 4. State coordinating advisory board. There is hereby created a state coordinating advisory board to advise and consult with the director of institutions on the comprehensive study and the pilot demonstration projects authorized under this act, and to coordinate all state services provided by various state departments in their respective fields with local services. Said board shall consist of nine members to be appointed by the governor for terms of three years, except that of the members first appointed, three shall be appointed for three years, three for two years, and three for one year. Thereafter members shall be appointed for terms of three years except in the case of a vacancy, which shall be filled for the remainder of the unexpired term. The members of the advisory board shall serve without compensation, but shall be entitled to their reasonable expenses incurred in the performance of their duties, which shall be paid as a part of the expenses of the department in the general administration of this act. One member of the board shall represent the department of institutions, one member the department of health, one member the department of welfare, one member the department of education, and one member the department of rehabilitation. Four members shall be persons other than personnel of the above-named departments who have demonstrated interest and leadership in the care and treatment of the mentally retarded and of the seriously handicapped. A majority of the members of the board shall constitute a quorum, the presence of which at any meeting thereof duly called by the department shall have full and complete power to act upon and resolve any matter or question referred to it by the department.

SECTION 5. Report to the general assembly. On the convening of the general assembly in January, 1964, the director of institutions shall present a complete report on the study and pilot demonstration projects authorized by this act, with special emphasis on those matters set forth in section 2 of this act. The director of institutions shall include in this report his recommendations concerning plan-

ning, organization, order of priority, and estimated costs of a long-term program for community centers for the mentally retarded and for the seriously handicapped.

SECTION 6. Acceptance of federal grants. The director of institutions is authorized to accept, on behalf of the state, any grants of federal funds made available for any purposes consistent with the provisions of this act. The director, with the approval of the governor, shall have power to direct the disposition of any such grants so accepted in conformity with the terms and conditions under which given.

SECTION 7. Appropriation. There is hereby appropriated out of moneys in the state treasury not otherwise appropriated, to the department of institutions, the sum of sixty thousand dollars (\$60,000.00), or so much thereof as may be necessary, for the purposes of making the comprehensive study and establishing the pilot demonstration projects authorized by this act. Said appropriation shall become available to the department upon the effective date of this act, and shall remain available until June 30, 1964.

SECTION 8. 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, 1963.

AN ACT
House Bill No. 155
(Ch. 242, S.L. '63)

As Amending
Ch. 77, S.L. '62

THE PUBLIC SCHOOL FOUNDATION ACT.

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

SECTION 2. **Definitions.** Unless otherwise clearly indicated by the context, the following words and phrases when used herein shall have the meanings hereby ascribed: Definitions

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

(2) "Joint district" means a district organized under the provisions of section 123-7-5, CRS 1953, as amended, or under the provisions of article 8 of chapter 123, CRS 1953, as amended, or otherwise as provided by law, the territory of which is located in more than one county.

(3) "Junior college district" means any junior college district organized under the provisions of article 23 of chapter 123, CRS 1953, as amended.

(4) "State board" means the state board of education.

(5) "Board of education" means the school board, board of directors, and board of education of first, second, and third class school districts, the high school committee in union and county high school districts, and the junior college committee in junior college districts.

(6) "County superintendent" means the superintendent of schools of a county as provided for in section 8 of article XIV of the constitution.

(7) "Teacher" means any teacher, supervisor, principal, or superintendent holding a valid certificate.

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

(9) "Adjusted gross income" means the amount, determined pursuant to the provisions of section 138-1-10, CRS 1953, reported on an individual income tax return filed with the department of revenue for a taxable year.

(10) "Adjusted gross income of a county" means the aggregate of the amounts, determined pursuant to the provisions of section 138-1-10, CRS 1953, reported on all individual income tax returns filed with the department of revenue by residents of a county for a taxable year.

(11) "Classroom unit" means twenty-five pupils in average daily attendance in the schools of a district.

(12) "*Classroom unit value*" means the amount arbitrarily ascribed in dollars to a classroom unit as the measurement of county and state support of a minimum equalization program, and as the measurement of state support for classroom units arising through excess growth and for small attendance center factors.

(13) Repealed by Ch. 242, S.L. '63.

(14) Repealed by Ch. 242, S.L. '63.

(15) Repealed by Ch. 242, S.L. '63.

(16) "*Full-time equivalent teacher*" means the sum of one-tenth fractions of part-time regularly certified teachers if such part-time teachers are employed.

(17) "*Regular school year*" means that school program which begins on or about the first day of September and ends on or about the first day of June in the following year and in which program the majority of the school-age pupils of the district are enrolled.

Definition of
aggregate
days of
attendance

SECTION 3. 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 of a school district by all regularly enrolled pupils under twenty-one years of age, including pupils enrolled in kindergarten classes, who have not completed the twelfth grade in any high school, during the school year immediately preceding the state fiscal year for which an appropriation for the support of public schools is made. No more than the first one hundred eighty days of the regular school year shall be used in computing aggregate days of attendance. Each school district shall be entitled to credit for one day of at-*

tendance for each full day of attendance by such regularly enrolled pupil, but attendance in kindergarten classes shall be counted only as one-half day of attendance. Attendance for more than one-half of the regular hours of school during a day shall be counted as a full day of attendance, and attendance for one-half or less of the regular hours of school during a day shall be counted as one-half day of attendance; attendance in night school classes for a minimum of two hours shall be counted as one-half day of attendance.

(2) In any case where a new school district is formed or where the boundaries of a school district are changed during the regular school year, the aggregate days of attendance during the preceding school year in all districts or portions thereof which comprise the new district or the district that is formed from a boundary change shall be used in determining the aggregate days of attendance of such new district or district formed from a boundary change.

Aggregate days of attendance where boundaries are new

(3) The state board is authorized and empowered to make final determination of the aggregate days of attendance for any district under subsections (1) and (2) hereof.

Final determination

(4) Average daily attendance shall be computed by dividing aggregate days of attendance, as determined under subsections (1), (2) and (3) of this section, by the figure one hundred seventy-two.

Computation

SECTION 4. Classroom units. A classroom unit shall be the basis for determining minimum equalization support by each county and the state under the provisions of this act. A school district shall be entitled to one classroom unit for each twenty-five pupils in average daily attendance during the last completed school year calculated to the nearest one-tenth of a unit. No more than one hundred eighty days of the regular school year shall be taken into account in calculating the number of classroom units to which a school district may be entitled, and in no case shall a school district be entitled to a greater number of classroom units than the number of full-time and full-time equivalent teachers employed by such school district.

Number of classroom units

SECTION 5. Reports to state board. (1) At the end of each school year, the secretary of the board of education of each school district electing to accept and be subject to the terms and conditions of this act shall certify to the state

Secretary certify to county superintendent certain required information

board, furnishing the county superintendent with a copy of such certification:

(a) That the district has elected to accept and be subject to the terms and conditions of this act; the filing of such certification shall constitute acceptance;

(b) The total number of days during which school was actually in session during the school year just completed;

(c) The total aggregate days of attendance during said school year.

(2) *No later than October first of each year, the secretary of the board of education of each eligible school district shall certify to the state board the number of full-time and full-time equivalent teachers employed by such district as of the date of such certification, furnishing the county superintendent with a copy of such certification.*

Secretary to
certify to
state board

(3) 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 of 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, CRS 1953; leasehold interests in lands producing oil and gas; and all 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, and at the same time 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 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 commission
to certify
assessed
valuation of
classification
of property

Tax abatement

(4) Repealed by Ch. 242, S.L. '63.

SECTION 6. Required county support—shared county support—how determined. (1) To qualify for participation in the state minimum equalization program, each county of the state shall, at its sole cost, provide two hundred dollars for each of the actual number of classroom units as provided under sections 4 and 9 of this act to which all the school districts in such county are entitled, and the aggregate amount thereof shall be designated as required county support.

County required to provide money

(2) Each county's shared support of the state minimum equalization program shall be determined in the following manner:

Determination of each county's shared support

(a) No later than October first of each year the department of revenue shall furnish to the state board a statement setting forth the adjusted gross income of each county of the state for the preceding taxable year.

Statement of adjusted gross income

(b) No later than October fifth of each year the Colorado tax commission shall furnish to the state board a statement setting forth the appraised valuation of all locally and state assessed taxable property within each county of the state, as determined by the state board of equalization for assessment purposes.

Statement of appraised valuation

(c) The adjusted gross income of each county of the state for the second taxable year immediately preceding the state fiscal year for which an appropriation for the support of public schools is made shall be divided by the actual number of classroom units to which all the school districts in such county are entitled, and the resulting quotient, to the nearest full dollar, shall be designated as the adjusted gross income of the county per classroom unit; and the assessed valuation of each county of the state for the calendar year immediately preceding the state fiscal year for which an appropriation for the support of public schools is made shall be divided by the same divisor, and the resulting quotient, to the nearest full dollar, shall be designated as the assessed valuation of the county per classroom unit.

Computation

(d) Fifty-seven one-hundredths of one per cent of the sum of the two quotients obtained in subsection (c) above, to the nearest full dollar, shall be designated as the measure of shared county support per classroom unit under the state minimum equalization program, and such amount shall be provided for each classroom unit as provided in sections 4

and 9 of this act for each school district in such county, and when added to the measure of required county support shall not exceed the sum of fifty-two hundred dollars per classroom unit.

(e) *The measure of shared county support per classroom unit multiplied by the actual number of classroom units to which all the school districts in such county are entitled shall be the amount of such county's shared support under the state minimum equalization program.*

Board shall certify shared support to county commissioners

(3) Upon determination of the amount of each county's required support and the amount of its shared support of the state minimum equalization program, the state board shall certify such amounts to the board of county commissioners of each county, no later than October fifteenth of each year.

(4) Classroom units referred to in this section shall be calculated on the basis of aggregate days attendance during the preceding school year.

County commissioners to levy

SECTION 7. County school levy. (1) *To qualify for participation under this act and to provide funds to pay each county's required and shared support of the state minimum equalization program, it shall be the duty of the board of county commissioners in each county, at the same time that other taxes are levied for county purposes, to annually levy a tax on all of the taxable property within the county at a rate sufficient to produce an amount equal to the sum of the amounts certified by the state board as provided in subsection (3) of section 6 of this act, and such levy shall be designated as the county school levy.*

(2) Repealed by Ch. 242, S.L. '63.

(3) In all cases where a county or a city and county shall comprise one school district only, the inclusion of the county school levy with the special levy of the district shall constitute compliance with the provisions of this section.

Fund for proceeds of county school levy and other moneys

SECTION 8. 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 fund shall be paid the proceeds of the county school levy and other moneys provided for in this act, and other county school moneys; but only the moneys to be raised as provided under section 7 of*

this act, assuming one hundred per cent collection of the county school levy, shall be considered as the amount of county required and shared support.

SECTION 9. Distribution of county public school fund.

Participation
in the fund
by school
districts

(1) Each eligible school district in the county shall be entitled to participate in the county public school fund in the proportion that its total classroom unit value, determined as provided in section 6 of this act, is of the aggregate classroom unit value of all eligible school districts in the county. Upon approval of the county superintendent, a district shall be considered eligible if all or part of its pupils are attending school in a school district located in an adjoining state; in such event, the days of attendance of pupils in the schools of the out-of-state district shall be considered as the days of attendance to calculate the classroom units of the eligible district, except that the amount that may be due to it under this section shall not exceed the amount of tuition and transportation costs paid by said district to the out-of-state district.

(2) The state board shall determine the proportionate part of the county public school fund to be paid to each eligible school district in the county, and on or before December thirtieth of each year shall certify such determination to the county treasurer and furnish the county superintendent with a copy of such certification. The proportions so certified shall be the basis upon which the county public school funds shall be distributed during the following calendar year, and at the end of each month during such year, the county treasurer shall credit the proper proportions of the moneys in the county public school fund to the special funds of the eligible school districts in the county.

State board to
determine the
share to be paid
to each district

County
treasurer to
credit moneys
to special
funds

SECTION 10. State public school fund. (1) There is hereby created in the office of the state treasurer a fund to be known as the state public school fund. There shall be credited to said fund the net balance of the public school income fund existing as of June 30, 1962, and quarterly distributions from the public school income fund thereafter made; the state's share of all moneys received from the federal government pursuant to the provisions of section 100-8-2; and such moneys as may from time to time be appropriated by the general assembly to cover the state's share of the state minimum equalization program, contingency re-

State public
school fund
created in office
of state
treasurer

serve, excess growth, small attendance centers, and junior colleges.

Appropriated moneys revert
Moneys from other sources remain

(2) Any unexpended balance of appropriated moneys in the state public school fund at the end of each fiscal year shall revert to the general fund, but the balances derived from other sources shall remain in said fund and become available for distribution during the following fiscal year.

State shall provide funds

SECTION 11. State minimum equalization program—classroom unit value. *From and after July 1, 1963, the state of Colorado shall provide to each eligible school district in the state the difference between the aggregate amount required to provide five thousand four hundred dollars for each classroom unit in said district to which it is entitled under section 4 of this act and the sum of the amounts provided under section 6 (1) and (2) (d) of this act for said school district by the county or counties in which it is located, assuming one hundred per cent collection of the county school levy.*

Computation by state board of amount due each district from state public school fund

SECTION 12. Distribution of state public school fund.
(1) The amount which each eligible school district shall be entitled to receive from the state public school fund shall be computed by the state board.

State board to determine approximate amount

(2) *No later than June thirtieth of each year the state board shall determine the approximate amount of money in the state public school fund to become available for distribution to eligible school districts during the following fiscal year in four approximately equal quarterly amounts.*

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

(3) Upon determination of the amounts payable quarterly to each eligible school district, but no later than the fifteenth day of August, November, February and May of each fiscal year, the state board shall certify to the state treasurer the amount to be paid to each county of the state, and to the county treasurer of each county the amount thereof to be credited to each eligible school district in his county, and shall furnish the county superintendent with copies of such certifications. Upon receipt of such certification, but no later than the first day of September, December, March and June of each fiscal year, the state treasurer shall make distribution of the amounts so certified to the respective county treasurers, who shall forthwith credit to the special fund of each school district in his county the amount to which each such district shall be entitled.

(4) The state board shall take any action necessary to avoid the overpayment of state funds. If it be determined that any school district has been overpaid at any quarterly payment date, the state board shall adjust the next following quarterly payment to such district so as to recover the amount of such overpayment. In the event that an overpayment to any district cannot be so recovered, the amount of overpayment shall be refunded to the state public school fund by the district receiving the same.

Overpayment

Recovery of overpayment

(5) Should the amount of the appropriation made be less than the amount determined to be the state's actual share of the cost of the state minimum equalization program allowed school districts under this act, the amount to be distributed to any school district shall be in the same proportion as the amount of the appropriation made bears to the amount determined to be the state's actual share.

SECTION 13. Minimum days of school—school closings. (1) From and after the effective date of this act no district maintaining a school year of less than one hundred seventy-two days shall be entitled to receive any moneys from the county public school fund or from the state public school fund. In the event of enforced closing of school by order of the board of education of a school district because of public emergency, storm, or other act of God, or upon the 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 remainder of the school year during which school was held, provided, however, that a reasonable effort was 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 3 of this act. Days of enforced closing shall be considered as days of school under the provisions of this act.

No moneys to be received if less than minimum days of schools

Closing schools in emergency

Computation of average attendance

(2) The state board is authorized and empowered to determine the merit of all claims made pursuant to the provisions of this section.

Determination of claims

SECTION 14. Excess growth. (1) If during the first twelve weeks of a school year, a school district shall experience an increase in average daily attendance in excess of five per cent of its average daily attendance during the first

Increase in average daily attendance

Additional
classroom unit

Limitation

twelve weeks of the preceding school year, such school district may, at the discretion of the state board, be allowed one additional classroom unit for each twenty-five pupils in average daily attendance in excess of such five per cent increase; provided, that in no case shall the number of such classroom units together with the classroom units or fractional parts thereof provided under sections 4 and 15 of this act, exceed the number of full-time or full-time equivalent teachers actually employed by the school district. Any such percentage increase shall be certified by the secretary of the board of education of such school district to the county superintendent, and by him to the state board no later than December tenth of each year. The value of each classroom unit so allowed shall be five thousand two hundred dollars, which shall represent the state's share per classroom unit.

Appropriation

(2) The general assembly shall annually make a separate appropriation to the state board to cover the state's share of the estimated cost of additional classroom units allowed school districts by reason of excess growth. Should the amount of the appropriation made be less than the amount determined to be the state's actual share of the cost of additional classroom units allowed school districts by reason of excess growth, as determined by subsection (1) of this section, then the amount to be distributed to any school district shall be in the same proportion as the amount of the appropriation made bears to the amount determined to be the state's actual share; but should the amount of the appropriation made exceed the amount determined to be the state's actual share, then any unexpended balance of the appropriation shall revert to the general fund at the end of the fiscal year.

State board
shall direct
payment to
county
treasurer

(3) Upon determination of the amount to be paid to each eligible school district, the state board shall, by order upon the state treasurer, direct payment of such amount to the treasurer of the county in which the district is located or to the treasurer of the county in which its administrative headquarters is located, should it be a joint district, and such amount shall be forthwith credited to the special fund of the district.

SECTION 15. Small attendance centers. (1) In the event that any school district maintaining a full twelve-year program within the district shall necessarily operate one or

more isolated elementary or secondary school attendance centers having less than one hundred seventy-five pupils in average daily attendance in either an elementary or a secondary school attendance center because such center is located twenty or more miles from the nearest similar center or twenty or more miles from a similar center in the same district, if such district was organized either under articles 8 or 25 of chapter 123, CRS 1953, as amended, such school district shall be entitled to additional classroom units or one-tenth fraction thereof, in excess of those otherwise provided for in section 4 of this act, based on the average daily attendance of such isolated school attendance centers, to the maximum number of classroom units set out in the following table; provided, that in no case shall the classroom units or fractional parts thereof allowed under this section exceed the number of full-time and full-time equivalent teachers actually employed at the school attendance center, nor shall the additional classroom units or fractional parts thereof allowed under this section, together with the classroom units or fractional parts thereof provided under section 4 of this act and the additional classroom units provided under section 14 of this act, exceed the number of full-time and full-time equivalent teachers actually employed by such school district:

Less than 175
daily average
attendance

Additional
classroom units

Limitation

Average Daily Attendance	Elementary	Secondary	
	First to sixth grade or first to eighth grade units	Seventh to twelfth grades	Ninth to twelfth grades
25.0 or less	1½	1½	1½
25.1 to 50	2	4	4
50.1 to 75	3	5	5
75.1 to 100	4	6	6
100.1 to 125	5	7	7
125.1 to 150	6	7	7
150.1 to 175	—	7	7

The value of each classroom unit provided under this section shall be five thousand two hundred dollars, which shall represent the state's share per classroom unit.

(2) No later than June twentieth of each year, the secretary of the board of education of each such district shall certify to the state board, with a copy to the county superintendent, the following information:

Secretary of
the district
shall certify
information to
state board

(a) *The total number of days during which school was actually in session at each small attendance center during the last completed school year.*

(b) *The total aggregate days of attendance during the last completed school year at each elementary or secondary school attendance center.*

Appropriation
to state board

(3) The general assembly shall annually make a separate appropriation to the state board to cover the state's share of the estimated cost of additional classroom units allowed to school districts pursuant to the provisions of subsection (1) of this section. Should the amount of the appropriation made be less than the amount determined to be the state's actual share of the cost of additional classroom units allowed school districts as in subsection (1) of this section provided, then the amount to be distributed to any school district shall be in the same proportion as the amount of the appropriation made bears to the amount determined to be the state's actual share; but should the amount appropriated exceed the amount determined to be the state's actual share, then any unexpended balance of the appropriation shall revert to the general fund at the end of the fiscal year.

State board
shall direct
payment

(4) *Upon determination of the amount to be paid to each eligible school district, the state board shall, by order upon the state treasurer, direct payment of such amount to the treasurer of the county in which the school district is located, who shall forthwith credit such amount to the special fund of said school district.*

Counties
entitled to
additional
funds

SECTION 16. Low income counties. (1) *In any county in which the adjusted gross income per classroom unit, as determined in section 6 (c) of this act, shall be less than one hundred thousand dollars, each eligible school district there-to shall be entitled to the additional amount of two hundred dollars for each of the actual number of classrooms to which it is entitled under sections 4 and 18 of this act. Such additional state support shall be distributed to each county qualifying therefor from the contingency reserve, and all additional state support provided for in this subsection shall be a preferred claim upon any moneys in the contingency reserve.*

State board
shall direct
payment

(2) *Upon determination of the amount to be paid to each eligible school district in such county, the state board,*

by order upon the state treasurer, shall direct payment of such amount to the treasurer of the county, who shall forthwith credit such amount to the special fund of the school district.

SECTION 17. Contingency reserve. (1) *An amount determined by the general assembly shall be annually appropriated to the state board as a contingency reserve. The state board is authorized and empowered to approve and order payments from such contingency reserve for supplemental assistance to school districts determined to be in need thereof as the result of any or all of the following circumstances:*

Appropriation
for contingency
reserve

(a) *Financial emergencies caused by an act of God, or arising from extraordinary problems in the collection of taxes.*

When
contingency
reserve may
be used

(b) *Any contingency which could not have been reasonably foreseen at the time of the adoption of the annual budget.*

(c) *Unusual circumstances resulting from small-size conditions not otherwise provided for in this act. Small-size shall be that maximum number of pupils in attendance as set out in section 15 (1) of this act.*

(d) *Additional state support for districts in counties qualifying under the provisions of section 16 of this act.*

(2) *Application by a school district for supplemental assistance shall set forth fully the grounds upon which it relies for assistance, and shall be sworn to under oath by the president and secretary of the board of education of the district.*

Supplemental
assistance

(3) *The state board shall conduct such investigation as it shall deem proper, and if it finds that an application should be granted, it shall determine the amount to be paid and, by order upon the state treasurer, shall direct payment from the contingency reserve of such amount to the treasurer of the county in which the district is located, who shall forthwith credit such amount to the special fund of the district.*

Investigation

(4) *Any unexpended balance in the contingency reserve at the end of each fiscal year shall revert to the general fund.*

SECTION 18. Joint districts. (1) The board of education of a joint school district shall determine the location of its administrative headquarters and shall notify both the state board and the treasurer of each county in which the territory of such joint district is situated of such location.

Classroom units
calculated

(2) *The classroom units to which a joint district shall be entitled shall be calculated by the state board upon the total aggregate daily attendance of all public schools in the district, but the classroom units so calculated shall be assigned to each county in which the joint district is situated in the same proportion as the aggregate daily attendance of pupils residing in each such county bears to the total aggregate 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 required in section 5 of this act, shall certify to the state board the required information applicable to each such county, with a copy to the county superintendent of the headquarters county.*

Secretary shall
certify to
state board

(3) Allocation of moneys in the county public school fund to a joint district partially situated in a county shall be made on the basis set forth in subsection (2) of this section.

(4) All moneys collected by the county treasurer of a county in which part of a joint district is situated shall be credited to such joint district, and at the end of each month paid over to the treasurer of the county in which the administrative headquarters of such joint district is located, and forthwith credited by him to the appropriate fund of such joint district. The treasurer of the county in which the administrative headquarters of the joint district is located shall make no charge for collection of moneys transferred to him from other counties. Warrants of a joint district shall be drawn only upon the treasurer of the county in which its administrative headquarters is located.

Payment—
where made

(5) Payments of money from the state public school fund shall be made to the treasurer of the county in which the administrative headquarters of the joint district is located.

Fiscal year

SECTION 19. General provisions. (1) The fiscal year of each school district shall be as determined by its board of education.

(2) No moneys received from the state public school fund by any school district, other than by a junior college district, shall be used by it for debt service or capital outlay.

Debt service or capital outlay

(3) No county treasurer shall charge a collection fee upon any moneys distributed to his county or any school or junior college district located therein pursuant to the provisions of this act.

(4) Nothing contained in this act shall affect or limit the rights of school districts to make such other levies as are provided by law.

(5) Nothing contained in this act shall in any manner affect the rights of school districts to moneys allowable or payable to such school districts under the provisions of other existing laws.

SECTION 20. Rules and regulations. (1) The state board is authorized and empowered to make reasonable rules and regulations necessary for the administration of this act.

State board to make rules and regulations

(2) All reports and certifications required from secretaries of boards of education and county superintendents pursuant to the provisions of this act shall be made in such manner and form as may be prescribed by the state board.

SECTION 21. Balances in county funds, transferred.— On the effective date of this act, any existing balances in the county public school funds of the several counties of the state, theretofore provided for by law, shall be transferred to the county public school fund created by section 8 of this act, and any moneys thereafter collected from any county school levy theretofore made and other county school moneys shall be paid into said county public school fund.

Balances existing on effective date

SECTION 22. Junior college districts—grants. (1) Any junior college district heretofore organized, and operating as such during the entire school year of distribution under this act, shall be entitled to a direct grant from the state public school fund of two thousand six hundred dollars for each seven students carrying an average of forty-five quarter hours or thirty semester hours of credit during the preceding regular academic year. No later than September first of each year, the junior college committee of each junior college district shall certify to the state board the number

Direct grant to junior college district heretofore organized

Junior college committee shall certify to state board

of students and the quarter or semester hours credited to such students during the preceding regular academic year. Upon receipt of such certification, the state board shall determine the amount which shall be paid to each eligible junior college district. In determining such amounts, the total number of quarter or semester hours shall be divided by the figure forty-five, if quarter hours, and by the figure thirty, if semester hours; the quotient arrived at in either case shall be divided by the figure seven, and the resulting quotient shall be the number of direct grants to which each eligible junior college district shall be entitled; fractions of one-half or more shall be counted as an additional direct grant, and fractions of less than one-half shall be disregarded.

Determination of amount

Direct grant to junior college district hereafter organized

(2) A junior college district hereafter organized shall during its first regular academic year be entitled to a direct grant of two thousand one hundred dollars for each seven students enrolled and taking full-time courses as of October first of the calendar year in which the district was organized; thereafter such district shall be entitled to direct grants in the manner provided for in subsection (1) of this section.

(3) No later than September fifteenth of each year, the state board shall certify to the state treasurer the amount to be paid to eligible junior college districts as direct grants from the state public school fund, and upon such certification the state treasurer shall make distribution of such amounts to the respective treasurers of the counties in which the college buildings of the districts are located, who shall forthwith credit such amounts to a fund designated "For the expense of..... Junior College." Such moneys shall be paid out on warrants lawfully drawn on said county treasurers by the junior college committee, and may be used for current operating costs of the junior college or for capital construction.

May be used for current operating costs

Appropriation

(4) The general assembly shall annually make a separate appropriation to the state board to cover the aggregate amount of grants determined to be payable to eligible junior college districts pursuant to the provisions of this section. Should the amount of the appropriation be less than the aggregate amount of grants determined to be payable, then the amount to be distributed to any junior college district shall be in the same proportion as the amount of the appropriation made bears to the aggregate amount of grants deter-

mined to be payable; but should the amount of the appropriation made exceed the aggregate amount of grants determined to be payable, then any unexpended balance of the appropriation shall revert to the general fund at the end of the fiscal year.

SECTION 23. Repeal. Section 2 (13), (14), and (15), section 5 (4), section 7 (2), section 26, and section 27 of chapter 77, Session Laws of Colorado 1962, are hereby repealed.

SECTION 24. Appropriation—minimum equalization program. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the state public school fund, the sum of forty million eight hundred thousand dollars (\$40,800,000.00), which amount, together with other moneys heretofore appropriated to said fund, shall be distributed by the state board of education during the fiscal year beginning July 1, 1963, to eligible school districts of the state to provide the state's share of the state minimum equalization program, pursuant to the provisions of section 11 of "The Public School Foundation Act." Any unexpended balance of the appropriation made shall revert to the general fund at the end of the fiscal year.

Appropriation

SECTION 25. Other appropriations. There is also hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the state public school fund, the following sums:

Appropriations

(1) The sum of one million seven hundred fifty thousand dollars (\$1,750,000.00), to be distributed by the state board of education during the fiscal year beginning July 1, 1963, to provide the state's share of the cost of additional classroom units allowed eligible school districts of the state by reason of excess growth, pursuant to the provisions of section 14 of "The Public School Foundation Act."

Excess growth

(2) The sum of one million two hundred thousand dollars (\$1,200,000.00), to be distributed by the state board of education during the fiscal year beginning July 1, 1963, to provide the state's share of the cost of additional classroom units allowed eligible school districts of the state by reason of necessary operation of small attendance centers, pursuant to the provisions of section 15 of "The Public School Foundation Act."

Small attendance centers

Contingency
reserve

(3) *The sum of five hundred thousand dollars (\$500,000.00), to be used by the state board of education during the fiscal year beginning July 1, 1963 as a contingency reserve, and to be expended pursuant to the provisions of section 17 of "The Public School Foundation Act."*

Junior college
districts

(4) *The sum of one million three hundred forty-five thousand dollars (\$1,345,000.00), to be distributed by the state board of education during the fiscal year beginning July 1, 1963, to eligible junior college districts of the state, pursuant to the provisions of section 22 of "The Public School Foundation Act."*

Appropriation

(5) *Any unexpended balance of the appropriations made in the preceding subsections of this section shall revert to the general fund at the end of the fiscal year.*

SECTION 26. Repealed by Ch. 242, S.L. '63.

SECTION 27. Repealed by Ch. 242, S.L. '63.

SECTION 28. *There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, to the legislative council, the sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, for the purpose of processing certificates filed pursuant to the provisions of sections 118-6-21 through 118-6-33 during the calendar year beginning January 1, 1962, and ending December 31, 1962. The appropriation herein made shall become available for expenditure upon the passage of this act.*

Amended sections approved by the Governor April 30, 1963.

AN ACT
House Bill No. 158
(Ch. 237, S.L. '63)

As Amending

Art. 12, Ch. 123, C.R.S., 1953

**RELATING TO REFUNDING BONDS OF COLORADO
SCHOOL DISTRICTS**

123-12-1. Refunding bonds may be issued. (1) *Any school district in this state may issue negotiable coupon bonds to be denominated refunding bonds for the purpose of refunding any of the bonded indebtedness of such district, whether said indebtedness is due or not due, or has or may hereafter become payable or redeemable at the option of such district, or by consent of the bondholders, or by any lawful means, whether such bonded indebtedness be now existing or may hereafter be created.*

Any school district may issue refunding bonds

(2) (a) *The bonded indebtedness of any district outstanding at the time of the inclusion of all such district's area in another district or districts, by reorganization, consolidation, dissolution, or by any other lawful means, may be refunded by action of the board or boards of the district or districts including such area at the time of such refunding, whether or not such indebtedness has been assumed by the district or districts including such area.*

Bonded indebtedness of district included in another may be refunded

Action of the board

(b) *When an entire district having outstanding bonded indebtedness has been divided and parts thereof included within two or more other districts, by any lawful means, the refunding of such indebtedness shall require affirmative action by a majority of the members of the boards of each of the districts within which any part of the area of such district owing said indebtedness is then included, except as is hereinafter provided to the contrary.*

Bonded indebtedness of district included in several districts may be refunded

Affirmative action by board

(3) *The bonded indebtedness of any school district outstanding at the time a part or parts of said district are detached therefrom by any lawful means, and which district has retained its lawful corporate existence subsequent to the detachment of such land from said district may be refunded by action of the board of such district from which land has been detached with or without concurrence or action by the*

Bonded indebtedness of district from which parts are detached may be refunded

Action of board of original district

board of the district within which said detached land is included, and such districts from which land has been detached and which retain their corporate existence subsequent to the detachment are specifically exempted from the requirements and provisions of section 123-12-1 (2) (b), above.

One or more issues of outstanding bonds may be refunded

(4) Any such refunding bonds may be issued to refund one or more or all issues of outstanding bonds; provided, however, that no two or more issues of outstanding bonds may be refunded by a single issue of refunding bonds unless the taxable property, upon which tax levies are being made for payment of each such outstanding issue of bonds, is identical to the taxable property on which such levies are being made for the payment of all other outstanding bonds proposed to be refunded by such single issue of refunding bonds.

Definition of "school district" or "district"

(5) The words "school district" or "district," as the same are used in this article, shall be taken to mean and include consolidated school districts, united school districts, reorganized school districts, county high school districts, union high school districts, and all other school districts of every character.

Definition of "board of education" or "board"

(6) The words "board of education" or "board," as the same are used in this article, shall be taken to mean and include the governing body authorized by law to administer the affairs of any school district as hereinabove defined.

Necessity of submission to vote

123-12-2. Question of issuing refunding bonds. (1) Whenever the board of education of any school district shall deem it expedient to issue refunding bonds under the provisions of this article, and the net effective interest rate and the net interest cost of said issue of refunding bonds shall not exceed the net effective interest rate and the net interest cost of the outstanding bonds to be refunded, such refunding bonds may be issued without the submission of the question of issuing the same to a vote of the qualified electors of such district. In the event that two or more issues of outstanding bonds of a school district are to be refunded by the issuance of a single issue of refunding bonds, as provided in section 123-12-1 (4), the net interest cost and net effective interest rate on the bonds to be refunded shall be computed as if all of said bonds had originally been combined as a single issue aggregating the total of the smaller issues, and the results of this computation shall be compared with the net interest cost and net effective interest rate on the whole of the single re-

funding issue for purposes of determining the necessity of submitting the question of issuing such refunding bonds to a vote of the qualified electors of the district.

(2) If any district proposes to issue refunding bonds, on which issue the net interest cost or net effective interest rate shall exceed the net interest cost or net effective interest rate of the outstanding bonds to be refunded, the board shall cause the question of issuing such refunding bonds to be submitted to a vote of such qualified electors of the district as shall have paid a school tax therein in the year next preceding such election. Any such election shall be called and held as nearly as may be in the manner provided by law for elections on the question of the issuance of other school bonds of the issuing district, except that a petition shall not be required in union high school districts or county high school districts. A majority of all votes cast in favor of the proposition submitted shall be required for the issuance of such bonds.

Conduct of the election

(3) For the purposes of this article, the phrase "net interest cost" of a proposed issue of refunding bonds shall be defined as the total amount of interest to accrue on said refunding bonds from their date to their respective maturities, less the amount of any premium above par at which said refunding bonds are being or have been sold. "Net interest cost" of an outstanding issue of bonds to be refunded shall be defined as the total amount of interest which would accrue on said outstanding bonds from the date of the proposed refunding bonds to the respective maturity dates of said outstanding bonds to be refunded. In all cases the net interest cost shall be computed without regard to any option of redemption prior to the designated maturity dates of the bonds.

Definition of "net interest cost"

(4) For the purposes of this article the phrase "net effective interest rate" of a proposed issue of refunding bonds shall be defined as the net interest cost of said refunding issue divided by the sum of the products derived by multiplying the principal amounts of such refunding issue maturing on each maturity date by the number of years from the date of said proposed refunding bonds to their respective maturities. The "net effective interest rate" of an outstanding issue of bonds to be refunded shall be defined as the net interest cost of said issue to be refunded divided by the sum

Definition of "net effective interest rate"

of the products derived by multiplying the principal amounts of such issue to be refunded maturing on each maturity date by the number of years from the date of the proposed refunding bonds to the respective maturities of the bonds to be refunded. In all cases the net effective interest rate shall be computed without regard to any option of redemption prior to the designated maturity dates of the bonds.

Nature of
resolution

123-12-3. Authorization — form — interest. — Such refunding bonds shall be authorized by a resolution fixing the date, the denominations, the rate of interest, which rate shall not be more than eight per cent per annum in the case of *school districts*, and six per cent in the case of *county high school districts*, or *union high school districts*, the maturity dates, the last of which shall not be more than twenty-five years from the date of such refunding bonds, and the place or places of payment within or without the state of Colorado, of both principal and interest, and prescribing the form of such refunding bonds. Such bonds shall be negotiable in form, shall be executed in the name of the district, and signed by the president of the board of education or high school committee and have the seal of the district affixed thereto, attested by the secretary, and shall be countersigned by the county treasurer.

Nature of
bonds

Maturing of
bonds

The interest accruing on such refunding bonds shall be evidenced by semiannual interest coupons thereto attached, bearing the engraved facsimile signature of the president of the board of education or high school committee, and when so executed such coupons shall be the binding obligations of the district according to their import. Such refunding bonds shall mature serially, commencing not later than five years after the date of such bonds and maturing during a period not exceeding twenty-five years from the date thereof. The amount of such annual maturities shall be fixed by the board of education or high school committee and specified in the resolution authorizing the issuance of the refunding bonds. The right to redeem all or part of said bonds, prior to their maturity, and the order of any such redemption, may be reserved in the resolution authorizing the issuance of bonds and shall be set forth on the face of said bonds.

Exchange or
sale of the
refunding
bonds

123-12-4. Sale—proceeds—amounts. *Such refunding bonds may be exchanged dollar for dollar, for the bonds to be refunded, or they may be sold at not less than their par*

value, in a principal amount not exceeding the principal amount of the bonds to be refunded, as directed by the board of education and the proceeds thereof shall be applied only to the purpose for which such refunding bonds were issued. The principal amount of said refunding bonds may be the same or less than the principal amount of the bonds to be refunded, provided that due, adequate and sufficient provision has been made for the payment, or redemption, and retirement of said bonds to be refunded and the payment of the interest accruing thereon in accordance with this article.

123-12-5. Tax for payment of bonds. *The interest accruing on such refunding bonds prior to the time when the proceeds of tax levies are available therefor, shall be paid out of the general revenues or any other revenues of the district available therefor, and for the purpose of reimbursing such general revenues or other revenues and for the payment of subsequently accruing interest, the board of education shall certify and the board of county commissioners of each county in which the district is located shall levy annually a sufficient tax upon all the taxable property in the district fully to discharge such interest; and for the ultimate payment or redemption of such refunding bonds there shall be certified and levied annually such a tax upon all the taxable property in the district as will be sufficient to pay or redeem and discharge such bonds at or prior to their respective maturities; provided, however, that in the event the bonds to be redeemed and the interest thereon accruing would have been paid from taxes levied upon only part of the taxable property in the district, the taxes levied for payment or redemption of the refunding bonds, and the interest accruing thereon, shall be levied in the same manner and upon only the same taxable property as would have been levied for payment of the bonds to be refunded if no refunding of said bonds had been made and accomplished. As collected, all taxes levied for payment of interest on and for the payment or redemption of the principal of such bonds shall be kept by the county treasurer in a special fund to be used only for the payment of the interest upon and for the payment or redemption of the principal of such bonds, and such taxes shall be levied and collected in the same manner as other school district taxes.*

Payment of interest accruing

Each county shall levy a tax

123-12-6. Resolution not to be altered or repealed.— After refunding bonds are issued pursuant to this article,

No change in authorization of levy

the resolution authorizing the same and providing for the levy of taxes for the payment of interest upon and the principal of such refunding bonds shall not be altered or repealed until the refunding bonds so authorized shall have been fully paid.

Proceeds applied to payment, redemption and retirement or placed in escrow

123-12-7. Application of bond proceeds—procedures—limitations. (1) *The proceeds derived from the issuance of any refunding bonds under the provisions of this article shall either be immediately applied to the payment, or redemption, and retirement of the bonds to be refunded and the cost and expense incident to such procedures, or shall immediately be placed in escrow to be applied to the payment of said bonds upon their presentation therefor and the costs and expenses incident to such proceedings and for no other purpose or purposes whatsoever until the bonds being refunded have been paid in full and discharged, and all accrued interest thereon has also been paid in full, upon which occurrences the escrow shall terminate, and any funds remaining therein shall be returned to the district and may be used to pay other bonds of the district.*

Investment of escrowed proceeds

(2) *Any such escrowed proceeds, pending such use, may be invested or, if necessary, reinvested only in direct obligations of the United States of America, maturing at such times as to insure the prompt payment of the bonds refunded under the provisions of this article, and the interest accruing thereon.*

Amount of interest to be derived

(3) *Such escrowed proceeds and investments, together with any interest to be derived from such investments, shall be in an amount which at all times shall be sufficient to pay the bonds refunded as they become due at their respective maturities or as they are called for redemption and payment on prior redemption dates, as to principal, interest, any prior redemption premium due, and any charges of the escrow agent payable therefrom, the computations made in determining such sufficiency shall be verified by a certified public accountant.*

Board has power to enter escrow agreements

(4) *For the purpose of implementing the provisions of this article, the board of education of any school district shall have the power to enter into escrow agreements and to establish escrow accounts with any commercial bank having full trust powers located within the state of Colorado which is a member of the federal deposit insurance corporation,*

under protective covenants and agreements whereby such accounts shall be fully secured by direct obligations of the United States of America, or shall be invested in such direct obligations only, in such amounts as will be sufficient, and maturing at such times, so as to insure the prompt payment of the bonds refunded, and the interest accruing thereon, under the provisions of this article.

(5) In no event shall the aggregate amount of bonded indebtedness of any school district exceed the maximum allowable amount as determined pursuant to the statute applicable to such district; provided, however, that in determining and computing such aggregate amount of bonded indebtedness of any district, bonds which have been refunded, as provided in this article, either by immediate payment, or redemption, and retirement, or by the placement of the proceeds of refunding bonds in escrow, shall not be deemed outstanding indebtedness from and after the date on which sufficient moneys are placed with the paying agent of such outstanding bonds for the purpose of immediately paying, or redeeming, and retiring such bonds, or from and after the date on which the proceeds of said refunding bonds are placed in escrow.

Maximum allowable bonded indebtedness

(6) The issuance of refunding bonds by any school district for the purposes and in the manner authorized by this article, or under the provisions of any other law thereunto enabling, shall never be interpreted or taken to be the creation of an indebtedness such that the same would require the approval of the qualified electors of the district, and no such approval shall be required for the issuance of such refunding bonds except as is specifically required by the law under which said refunding bonds are sought to be issued or have been issued.

Approval of qualified electors—when required

(7) No bonds may be refunded under the provisions of this article unless the holders thereof voluntarily surrender said bonds for immediate exchange or immediate payment, or unless said bonds either mature or are callable for redemption prior to their maturity under their terms within ten years from the date of issuance of the refunding bonds, and provisions shall be made for paying, or redeeming, and discharging all of the bonds refunded within said period of time.

Requirements for refunding the bonds

Board shall
request
registration by
county clerk

123-12-8. Registration of refunding bonds. *Whenever any school district shall issue refunding bonds under the provisions of this article, the board of education shall make and enter in and upon its records a request that the county clerk and recorder of each county wherein such district is situated register said bonds in a book to be kept by him for that purpose, and when so registered, the legality thereof shall not be open to contest by such district, or by any other person or corporation in behalf of such district for any reason whatever, and a certified copy of the order of the board, so made and entered of record, shall be furnished to each of said county clerks and recorders by the board, and thereupon it shall be his duty to register said bonds, noting the name of the district and principal amount, the date of issuance and maturity and rate or rates of interest of said bonds. He shall receive a fee of ten cents for registering each bond.*

Amended sections approved by the Governor April 10, 1963.

AN ACT

House Bill No. 172

(Ch. 232, S.L. '63)

As Amending

Art. 3, Ch. 123, C.R.S., 1953

CONCERNING THE CAPITAL RESERVE BUILDING FUND

123-3-4. Capital reserve building fund.—(1) Notwithstanding any provision of any law inconsistent with the provisions of sections 123-3-4 to 123-3-6, any school board of a public school district and any committee of a junior college district shall have power to establish and maintain a capital reserve building fund herein referred to as the "fund," for the purpose of paying all or part of the cost of long-range, post-war and other planned future programs of building, improvements, referred betterments,* additions and added facilities.

Power to establish capital reserve building fund

(2) The school board of any district, and the committee of any junior college district, may include in the amount certified to the county commissioners as necessary to be levied annually such amount as said school boards, or committees, may deem necessary for the creation and maintenance of said fund, and by provision in the budget, may appropriate, transfer or credit to said funds any gifts, donations, or tuitions received by it. All unexpended balances of any appropriations lapse according to the law shall revert to said fund.

Included in the amount necessary to be levied

(3) If and when authorized by law to construct new buildings said school board and committees of junior college districts may use any part or all of such fund for such purpose.

123-3-5. Limitation of tax levy. *The tax authorized in section 123-3-4 shall not in any year exceed one mill, except in districts having an assessed valuation of two hundred fifty million dollars or more, wherein such tax shall not in*

Limitation on tax levy

*Clearly an error in C.R.S.; should read "deferred betterments."

any one year exceed two mills, and shall be levied, assessed, and collected as are other taxes; provided, that the tax may be in excess of any limits otherwise provided by law if approved by the Colorado tax commission.*

Fund kept
separately

123-3-6. Fund kept separately.—A budgetary account established pursuant to sections 123-3-4 to 123-3-7 shall be kept entirely separate and apart from all other funds. Boards of education of the *school districts* or the junior college committees may invest moneys belonging to the fund in such securities as are legal for the investment of funds of such district. The interest and income from the investments shall be a part of the fund.**

123-3-7. Duration of post-war fund.—Repealed by L. 57, p. 657, §2.

Amended section approved by the Governor April 29, 1963.

*For other tax limitations see 36-3-2 et seq.

**For legal investments for government units see 83-1-1 et seq. and article 4 of this chapter.

AN ACT

House Bill No. 206

(Ch. 145, S.L. '63)

CONCERNING THE LEGISLATIVE COMMITTEE ON EDUCATION BEYOND HIGH SCHOOL

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

SECTION 1. 63-2-25, Colorado Revised Statutes 1953 (1961 Supp.), is hereby repealed and re-enacted, with amendments to read:

63-2-25. Creation of committee—expenses—staff. (1)

There is hereby established a committee to be known as the "committee on education beyond high school," to consist of five members of the senate to be appointed by the president of the senate, six members of the house of representatives to be appointed by the speaker of the house of representatives, and one member to be appointed by the governor as an ex-officio member.

(2) In the conduct of its work, the committee may retain such staff and other technical assistance as it may determine necessary. Legislative members of the committee shall be entitled under the provisions of section 63-2-7 (4), as amended, to per diem expenses and all members shall be entitled to traveling expenses for attendance at committee meetings during the interim between legislative sessions in the same manner and amount 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. All expenses incurred in the work of the committee shall be paid as provided by law upon vouchers signed by the chairman.

(3) 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.

SECTION 2. Repeal. 63-2-27, Colorado Revised Statutes 1953 (1961 Supp.), is hereby repealed.

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, 1963.

AN ACT

House Bill No. 211

(Ch. 245, S.L. '63)

CONCERNING THE UNIVERSITY OF COLORADO.

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

SECTION 1. 124-2-34, Colorado Revised Statutes 1953, is hereby repealed and re-enacted, with amendments, to read:

124-2-34. Raising funds for university student memorial center. (1) For the purpose of raising funds from time to time for erecting, purchasing, otherwise acquiring, reconstructing, improving, adding to, extending, bettering, equipping, and furnishing, or any combination thereof, a student memorial center consisting of one or more buildings on the campus of the university of Colorado, the board of regents thereof, designated as "the regents of the university of Colorado," herein sometimes designated as the "board," is authorized and empowered to enter into contracts with any one or more persons or corporations advancing money for such purposes, under which contracts the board is authorized to pledge the net income from (a) the student memorial center, (b) its facilities, and (c) special student fees assessed for the purpose of financing the student memorial center or any part of such net income, to the repayment of any sums so advanced and interest thereon.

(2) The board shall not pledge the general income of the university or create any mortgage upon property belonging to such institution or obligate the state of Colorado for the purpose of repaying or receiving any funds raised or advanced under the provisions of this section.

(3) For the purpose of evidencing any such loan, the board may issue in its name and on its behalf, notes, debentures, bonds, or other evidences of indebtedness, herein sometimes designated as "obligations."

(4) Any obligations may be refunded by the board, subject to provisions concerning their payment and to any other contractual limitations in any proceedings authorizing the issuance of the obligations or otherwise appertaining

thereto, by the issuance of obligations to refund, pay, and discharge all or any part of outstanding obligations for the purpose of avoiding or terminating any default, of reducing interest costs or effecting other economies, or of modifying or eliminating restrictive contractual limitations concerning the outstanding obligations of the student memorial center, or any combination thereof.

(5) Any obligations issued for refunding purposes may either be delivered in exchange for the outstanding obligations being refunded or may be publicly or privately sold.

(6) No obligations may be refunded hereunder unless the holders thereof voluntarily surrender them for exchange or payment, or unless they either mature or are callable for prior redemption under their terms within ten years from the date of issuance of the refunding obligations. Provision shall be made for paying the obligations within said period of time. The principal amount of the refunding obligations may exceed the principal amount of the refunded obligations if the aggregate principal and interest costs of the refunding obligations do not exceed such unaccrued costs of the obligations refunded. The principal amount of the refunding obligations may also be less than or the same as the principal amount of the obligations being refunded so long as provision is duly and sufficiently made for the payment of the refunded obligations.

(7) The proceeds of refunding obligations shall either be immediately applied to the retirement of the obligations to be refunded or be placed in escrow in any state or national bank within the state which is a member of the federal deposit insurance corporation to be applied to the payment of the obligations being refunded upon their presentation therefor; provided, to the extent any incidental expenses have been capitalized, such refunding obligation proceeds may be used to defray such expenses; and any accrued interest and any premium appertaining to a sale of refunding obligations may be applied to the payment of the interest thereon and the principal thereof, or both interest and principal, or may be deposited in a reserve therefor, as the board may determine. Any such escrow shall not necessarily be limited to proceeds of refunding obligations but may include other moneys available for its purpose. Any proceeds in escrow, pending such use, may be invested or reinvested in

bills, certificates of indebtedness, notes, or bonds which are direct obligations of, or the principal and interest of which obligations are unconditionally guaranteed by, the United States of America. Such proceeds and investments in escrow, together with any interest to be derived from any such investment, shall be in an amount at all times sufficient as to principal, interest, any prior redemption premium due, and any charges of the escrow agent payable therefrom, to pay the obligations being refunded as they become due at their respective maturities or due at any designated prior redemption date or dates in connection with which the board shall exercise a prior redemption option. Any purchaser of any obligation issued hereunder shall in no manner be responsible for the application of the proceeds thereof by the board or any of its officers, agents, or employees.

(8) Refunding obligations may be made payable from any net revenues derived from the student memorial center, or any portion thereof, notwithstanding the pledge of such revenues for the payment of the outstanding obligations being refunded is thereby modified.

(9) Obligations for refunding and obligations for any other purpose authorized may be issued separately or issued in combination in one series or more.

(10) Obligations issued hereunder shall bear interest at such rate or rates not exceeding six per centum per annum, payable semiannually or annually, and evidenced by one or two sets of coupons, if any, executed with the facsimile or manually executed signature of any official or officials of the board, except that the first coupon or coupons appertaining to any obligation may evidence interest not in excess of one year, and such obligations may be in one series or more, may bear such date or dates, may mature at such time or times not exceeding forty years from their respective dates, may be designated or redesignated, may be in such denomination or denominations, may be payable in such medium of payment, at such place or places within or without the state, may carry such registration privileges, may be subject to such terms of prior redemption in advance of maturity in such order or by lot or otherwise at such time or times with or without a premium, may be executed in such manner, may bear such privileges for reissuance in the same or other denominations, may be so reissued without modification of

maturities and interest rates, and may be in such form, either coupon or registered, as may be provided by resolution of the board.

(11) The obligations shall never be sold at less than ninety-five per centum of the principal amount thereof and accrued interest thereon to the date of delivery, nor at a price which will result in a net interest cost to the board, including any discount, of more than six per centum per annum computed to the maturity or respective maturities of the obligations according to standard tables of bond values.

(12) Obligations may be issued with privileges for conversion or registration, or both, for payment as to principal or interest, or both; and where interest accruing on the obligations is not represented by interest coupons, the obligations may provide for the endorsing of payments of interest thereon; and the obligations generally shall be issued in such manner, in such form, either coupon or registered, with such recitals, terms, provisions for subordination of subsequently issued obligations, and such covenants and conditions, and with such other details, as may be provided by the board, except as herein otherwise provided.

(13) All obligations and the income therefrom shall be exempt from taxation, except inheritance, estate, and transfer taxes.

(14) All moneys received from the issuance of any obligations herein authorized shall be used solely for the purpose or purposes for which issued and the cost of any project designated by the board and herein authorized, including interest or discount on obligations, or both, cost of issuance of obligations, architectural, engineering, and inspection costs and legal expenses, costs of financial, professional and other estimates and advice, contingencies, any administrative, operating and other expenses of the board appertaining to a student memorial center prior to and during such acquisition or improvement and equipment, and additionally during a period of not exceeding one year after the completion thereof, as may be estimated and determined by the board in any resolution authorizing the issuance of any obligations or other instrument appertaining thereto, and all such other expenses as may be necessary or incident to the financing, acquisition, improvement, equipment, and completion of said center, or part thereof, and the placing of

the same in operation, and also such provision or reserves for working capital, operation, maintenance or replacement expenses, or for payment or security of principal of or interest on any obligations during or after such acquisition or improvement and equipment as the board may determine, and also reimbursements to the board or any bank or other corporation or other person of any moneys theretofore expended for the purposes of said center; provided that any accrued interest and any premium appertaining to a sale of obligations may be applied to the payment of the interest thereon and the principal thereof, or both interest and principal, or may be deposited in a reserve therefor, as the board may determine.

SECTION 2. Powers supplemental—powers in other laws—inconsistencies with other laws. The powers conferred hereby shall be in addition and supplemental to, and not in substitution for, and the limitations imposed hereby shall not affect the powers conferred by any other law. Obligations may be issued hereunder without regard to the provisions of any other law. Insofar as the provisions hereof are inconsistent with the provisions of any other law, the provisions hereof shall be controlling.

SECTION 3. Severability clause. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of 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 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 April 4, 1963.

AN ACT

House Bill No. 233

(Ch. 30, S.L. '63)

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR PAYMENT OF TEACHERS' EMERITUS RETIREMENT PENSIONS.

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

SECTION 1. Appropriation. In addition to any appropriation heretofore made for the current fiscal year, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the department of education the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, for the payment of teachers' emeritus retirement pensions as provided in 123-19-15 to 123-19-20, CRS 1953, as amended.

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 29, 1963.

AN ACT

House Bill No. 248

(Ch. 244, S.L. '63)

CONCERNING THE AUTHORITY OF GOVERNING
BOARDS OF STATE EDUCATIONAL INSTITUTIONS.

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

SECTION 1. 124-1-7, Colorado Revised Statutes 1953
(1961 Supp.), is hereby amended to read:

124-1-7. Pledge of income. (1) The governing board of any state educational institution which shall enter into such a contract for the advancement of moneys is hereby authorized in connection with or as a part of such contract to pledge the net income to be derived from the housing facility, dining facility, recreational facility, and health facility so constructed and equipped as security for the repayment of the moneys advanced therefor, together with interest thereon, and for the same purpose, the governing board is also hereby authorized to pledge the net income derived from other housing facilities, dining facilities, recreational facilities, and health facilities belonging to the institution which were not built with moneys appropriated to the institution by the state of Colorado, provided that such net income derived from such other housing facilities, dining facilities, recreational facilities, and health facilities be unpledged, or if pledged, be currently in excess of the amount required to amortize the advancements and interest thereon for which such net income shall have been obligated.

(2) Any advancement of moneys may be evidenced by bonds, warrants, or certificates of indebtedness to be executed by and on behalf of the educational institution receiving the advancement and containing such terms and provisions, including provisions for redemption prior to maturity, as may be determined by the governing board of such institution. Such bonds, warrants, or certificates of indebtedness may be sold at not less than par and accrued interest to the date of delivery. Any such bonds, warrants, or certificates of indebtedness may be refunded if in the judgment of

the governing board such refunding shall be to the best interests of the educational institution.

(3) In the event that the net income derived from any facility or facilities constructed and equipped under the provisions of this article shall exceed the amount required for the amortization of any advancement made therefor, together with interest thereon, then the governing board may retain such surplus net income and invest the same in such manner as in its judgment shall be for the best interests of the educational institution. Such surplus net income shall be available to the governing board for the purposes of altering or adding to any existing facility constructed pursuant to the provisions of this article and for the acquisition of sites for constructing and equipping additional facilities pursuant to such provisions.

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 27, 1963.

AN ACT

House Bill No. 272

(Ch. 241, S.L. '63)

As Amending

Art. 29, Ch. 123, C.R.S., 1953

RELATING TO THE TRAINING OF TRAINABLE MENTALLY RETARDED CHILDREN

123-29-1. Declaration of policy. In order to provide training for trainable mentally retarded children, through properly staffed training units, there is hereby established a program for trainable mentally retarded children in representative areas of the state, as set forth in this article.

123-29-2. Children under program. As used in this act, the term "trainable mentally retarded children" means children, not less than five nor more than eighteen years of age, who because of retarded intellectual development, as determined by individual psychological examination, are incapable of being educated profitably and efficiently through ordinary classroom instruction, or through the special educational facilities provided for the education of handicapped children under the provisions of article 22, chapter 123, Colorado Revised Statutes 1953, but who may be expected to benefit from training in a group setting designed to further their social adjustment and economic usefulness in their homes or in a sheltered environment.

Not less than
five nor more
than eighteen
years of age

123-29-3. State board of education to supervise program. The special training facilities established by this article shall be under the supervision of the state board of education, hereinafter called the "state board."

123-29-4. Selection of demonstration units. Any school district of the state which maintains a school or schools in the district and wherein trainable mentally retarded children may reside, may make application to the state board to participate in the program established by this article. From such applications, the state board shall select such school districts for the purpose of establishing a state demonstration program as provided by this article, provided that the locations of such school districts so selected shall be dispersed

Any school
district may
apply to state
board

throughout the state in such manner that all sections of the state and the maximum number of children will be served as far as practicable. School districts selected to participate in said program shall administer such program in their respective districts under the supervision of the state board.

Local board
to determine
selection of
children

123-29-5. Eligibility of children to participate in program. (1) The local school board of participating districts shall be responsible for determining the selection of children eligible to receive special training under the provisions of this article, in accordance with rules and regulations prescribed by the state board. A child, before acceptance under the program, shall undergo psychological and physical examinations and such other additional evaluations as determined to be necessary by the state board.

(2) Any participating child shall be regarded as eligible for such training as long as benefit to him from the program can be determined to exist, such determination to be in accordance with rules and regulations prescribed by the state board.

Nonresident
applications

(3) The parents or guardian of any child resident in a school district where no specialized training program is established under this article, may make application to the local school board of a participating school district, upon forms prescribed by the state board, for enrollment of such child in the project, provided the school board of the district wherein such child is resident shall agree to pay one-half the per capita cost of the training of such child; and within the limits of the number of children authorized to be enrolled in each project and upon determination of eligibility and capability of receiving benefits from such program, said child may be enrolled in an authorized project, and in such case the district of residence shall pay to the district of attendance an amount equal to one-half the actual cost of training such child under the program authorized by this article.

Transportation

(4) The local school board of a participating district, if it determines that a child is in need of transportation to enable that child to participate in the program, may, with the approval of the state board, provide for the transportation of the child to and from the place of residence, whether within or without the district to the location where such special training facilities are conducted. In lieu of providing such transportation; the local board may reimburse

Parents for costs incurred in transporting their own or other children receiving training under this article. [L. 62, p. 241].

State board to prescribe rules and regulations

123-29-6. Special training facilities. (1) (a) The state board shall prescribe necessary rules and regulations in regard to the special training facilities authorized by this article, including but not limited to the following:

(b) The location of classrooms in which such special training facilities shall be conducted, provided that participating school districts may provide suitable facilities either in school buildings or in such other places as the state board may approve.

(c) Curricula, which, in the discretion of the state board, may be varied for experimental purposes in the participating districts, and which shall include counselling and guidance of parents or guardians of children participating in the program.

(d) Class size limitations, provided that in no case shall a demonstration project be comprised of less than five nor more than twelve children.

(e) Special equipment and instructional supplies.

(f) Hours of instruction in classroom.

(g) Approval and requirements for the transportation of children. [L. 62, p. 241].

123-29-7. Qualifications and employment of personnel, psychologists, teachers, and assistants. (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 article 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 article.

123-29-8. Cost of program shared by district. (1) (a)

State and school district to share cost

The cost of administering and maintaining the program authorized by this article shall be paid jointly by the state and the participating school district for the school years beginning in September 1962 and 1963. The per capita cost of educating a child in each school district participating in the program established by this article shall include the following expenses applicable only to such special training and educational facilities, under rules and regulations prescribed by the state board as follows:

(b) Salaries of professional personnel, assistants to teachers, and custodial employees; and specialized services as needed. [L. 61, p. 242].

(c) Specialized educational supplies and equipment. [L. 61, p. 242].

(d) Operation of physical plant, including heat, light, water, repairs, and maintenance, if regular school facilities are not used. [L. 61, p. 242].

(e) Costs of transporting children. [L. 61, p. 242].

State board shall report specified data to general assembly

123-29-9. Report to the general assembly. (1) (a) *On the convening of the general assembly in January 1964, the state board shall report and certify to the general assembly the following data, together with its recommendations and appraisal of the value and need of a state-wide program similar to the program conducted on an experimental basis under the provisions of this article.*

(b) The number and other statistical data of children who received training pursuant to this act.

(c) The period of time each child received such training.

(d) An itemized statement for the school year of expenditures of the classifications specified under section 123-29-8 (1) for providing such training.

(e) The per capita cost for providing such training, including all administrative expenses.

AN ACT

House Bill No. 317

(Ch. 246, S.L. '63)

CONCERNING THE EMPLOYMENT OF MEDICAL PERSONNEL AT CERTAIN STATE INSTITUTIONS.

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

SECTION 1. Article 2 of chapter 124, Colorado Revised Statutes 1953, is hereby amended by the addition of a new section 43 to read:

124-2-43. Employment of medical personnel. The board of regents of the university of Colorado shall have authority to employ medical personnel not citizens of the United States of America at the school of nursing at the university of Colorado, the Colorado general hospital, the psychopathic hospital and laboratory of the university of Colorado, and the medical division of the graduate school of the university of Colorado. Such medical personnel who are not citizens of the United States of America shall be exempt from the licensure requirements of "The Medical Practice Act of 1951" (91-1-1 to 91-1-32, Colorado Revised Statutes 1953) and "The Basic Science Act, 1937" (91-5-1 to 91-5-19, Colorado Revised Statutes 1953) with respect to services performed in the course of such employment, provided that such personnel shall have complied first with all other requirements of "The Medical Practice Act of 1951" (91-1-1 to 91-1-32, Colorado Revised Statutes of 1953), which shall include the taking and passing of examinations given by the state board of medical examiners and the state board of examiners in the basic sciences on subjects as now provided by law within three months of the date of employment, or within three months of the passage of this act, whichever is the later, unless such examinations are not required by the provisions of sections 91-1-7 (1) (b) or (1) (c) and 91-5-9, Colorado Revised Statutes 1953. Such exemptions from said licensure or provisions herein provided for such personnel who are not citizens of the United States shall continue only during the minimum period of time within which the particular individual can become a citizen according to the laws of the United States and the regulations

of the immigration and naturalization service of the United States department of justice or such additional time thereto as may be granted by such boards. The exemptions herein extended shall be limited to services performed in the course of employment with the university of Colorado as above limited and shall terminate when and if such employment shall terminate.

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 May 3, 1963.

AN ACT

House Bill No. 341

(Ch. 213, S.L. '63)

CONCERNING RECIPROCITY BETWEEN RETIREMENT SYSTEMS FOR CERTAIN PUBLIC EMPLOYEES.

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

SECTION 1. Reciprocity of retirement systems. The public employees' retirement association and any school district of the first class having a population of one hundred thousand or more and which has established, or hereafter may establish, a benefit retirement system for its employees, are hereby authorized and empowered to enter into and to perform such agreements or contracts as they may deem advisable to establish reciprocity between their respective retirement systems so as to provide for granting or transfer of service credit for the purpose of establishing eligibility for coverage under the survivor benefit schedules or disability retirement provisions, or both thereof, of the respective retirement systems, upon the transfer from one system to the other by any employee covered under either such retirement system.

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 May 3, 1963.

AN ACT

House Bill No. 349

(Ch. 249, S.L. '63)

CONCERNING THE SYSTEM OF HIGHER EDUCATION IN THE STATE OF COLORADO, AND "METROPOLI- TAN STATE COLLEGE" AS A COMPONENT PART OF SUCH SYSTEM.

*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 the addition of a new
article 20, to read:

ARTICLE 20

METROPOLITAN STATE COLLEGE

124-20-1. Purpose. The general assembly hereby de-
clares that this act is passed in conformity with the plan for
the development of higher education in this state, which in-
cludes a system of state general colleges, whose functions
shall principally be those of undergraduate education, a sys-
tem of universities and special-purpose institutions conduct-
ing extensive graduate and research programs, as well as
providing courses in undergraduate education, and a system
of junior colleges. In conformity with such general plan,
Metropolitan State College shall be a part of the state gen-
eral college system.

124-20-2. Control, objects, and purposes. Metropolitan
State College shall be under the control and management of
the trustees of the state colleges in Colorado and its objects
shall be:

(1) To provide and offer programs of undergraduate
instruction in the liberal arts and sciences, as determined by
the trustees in the manner hereinafter specified;

(2) To provide and offer programs of instruction in
semi-professional technical education in science and engi-
neering technology on a terminal basis, either on its own
campus or through contracts with public school districts in

the city and county of Denver and in the counties of Adams, Arapahoe, and Jefferson;

(3) To encourage other state institutions of higher learning to offer at the college, by extension, such credit courses as are beyond its scope and function, and to cooperate with such other state institutions of higher learning in the offering of such courses;

(4) To serve the needs for higher education in the Denver metropolitan area, as well as to serve the needs for higher education in the state of Colorado generally.

124-20-3. Initial plan of operation. No later than December 30, 1963, the trustees shall develop and submit to the general assembly a plan for the operation of the first two years of the lower-division academic program of Metropolitan State College, which lower-division program shall be comprehensive and of a quality which will enable a student to transfer his credits to any other existing state institution of higher learning for an appropriate degree. Such plan shall describe the curriculum and shall outline the opportunities for the full utilization of available facilities including the programming of instructional offerings on a year-round basis. Other means of providing efficient operational concepts, procedures, techniques, and materials shall be studied and described. The plan shall include an analysis of the physical facilities needed and shall recommend an orderly procedure for acquiring these facilities. There shall be a five year forecast of the operational costs, and the capital construction requirements for the lower-division programs, with particular emphasis on the appropriations required for the fiscal year beginning July 1, 1964.

124-20-4. Comprehensive plan of operation. In conformity with the general plan for the development of higher education in the state and in cooperation with the Association of State Institutions of Higher Education, the trustees shall develop a comprehensive plan for the long range development of Metropolitan State College, involving the addition of an upper-division program to the lower-division program specified in section 124-20-3, and shall periodically transmit planning reports to the governor and to the committee on education beyond the high school. Such plans shall contemplate full activation of the upper-division program no later than the fall of the year 1970, but such upper-division program

shall in no event be activated until authorized by the general assembly.

124-20-5. Coordination of plans with the University of Colorado. Plans for development of Metropolitan State College shall be coordinated with plans for the appropriate adjustment of offerings by the University of Colorado at the University of Colorado extension center in Denver, first in the lower-division programs, and later in the upper-division offerings.

SECTION 2. Appropriation. There is hereby appropriated to the governor for the use of the trustees of the state colleges in Colorado, out of any moneys in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000.00), or so much thereof as may be necessary, for the purposes of planning and development of the program of Metropolitan State College, and other necessary expenditures. Such appropriation shall become available to the trustees upon approval of this act, and shall remain available for expenditures to and until June 30, 1965.

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 May 5, 1963.

AN ACT

House Bill No. 376

(Ch. 19, S.L. '63)

MAKING AN APPROPRIATION FOR THE BENEFIT OF JUNIOR COLLEGE DISTRICTS.

WHEREAS, The question of the constitutionality of sections 123-23-35 to 123-23-51, Colorado Revised Statutes 1953 (1961 Suppl.), allocating funds to junior college districts to provide a portion of the maintenance costs of nonresident students, is presently before the supreme court of the state of Colorado, and no moneys have been distributed under the provisions of said sections to junior college districts as a result of said litigation, and

WHEREAS, Certain junior college districts of the state, in anticipation of the receipt of moneys for maintenance costs of nonresident students under said statutes, have adjusted their budgets accordingly for the current school year, and the failure to receive such moneys has materially affected their fiscal operation; now, therefore,

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

SECTION 1. Appropriation. (1) There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the state board of education, the sum of four hundred fifty-five thousand three hundred dollars (\$455,300.00), to be distributed to junior college districts as provided in subsection (2) of this section.

(2) (a) Within thirty days after the effective date of this act, the junior college committee of each junior college district of the state shall certify to the state board of education, the amount of moneys which its district would have received under the provisions of section 123-23-35 to 123-23-51, Colorado Revised Statutes 1953 (1961 Supp.), had moneys provided by said statutes been made available to the district.

(b) Upon approval by the state board of such certification, the state board shall certify to the state treasurer the amounts to be paid to each junior college district eligible to receive such funds, and the state treasurer shall make dis-

tribution thereof upon warrants drawn against the appropriation hereby made. The treasurer of the junior college district shall credit such payments to the special fund of the junior college district and to the capital reserve building fund of the junior college district, respectively, as said apportionment is provided in section 123-23-47, Colorado Revised Statutes 1953 (1961 Supp.).

(3) If, as a result of litigation, any moneys now in the state junior college tuition fund created by section 123-23-38, Colorado Revised Statutes 1953 (1961 Supp.), shall become available to junior colleges, the amount of such moneys due and payable to any junior college district shall be reduced by the amount of moneys received by said district under the provisions of this act, and the state treasurer shall credit such difference to the general fund of the state, in order to reimburse the general fund for payments made under this act.

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 May 3, 1963.

AN ACT

House Bill No. 438

(Ch. 236, S.L. '63)

As Amending

Art. 11, Ch. 123, C.R.S. 1953

CONCERNING BONDED INDEBTEDNESS OF SCHOOL DISTRICTS

123-11-1. Bonded indebtedness—elections. (1) The board of education of any school district, at any regular school election or at a special school election called for the purpose, may submit to the qualified taxpaying electors of the district the question of contracting a bonded indebtedness for the purpose of purchasing grounds, or for erecting and furnishing school buildings, or for funding floating indebtedness, or for any of said purposes.

Submit to electors

Purposes

(2) The question or questions of contracting bonded indebtedness may be submitted or resubmitted to those electors of the district qualified to vote thereon after the same or any other such question or questions have previously been rejected by such electors; provided that no such question shall be submitted or resubmitted at any election held less than one hundred twenty days after a previous submission of such question and provided further, that the board of education of any school district shall not submit any question or questions of contracting bonded indebtedness at more than two elections within any twelve-month period. The provisions of this subsection shall not apply to elections on assumption of existing bonded indebtedness held pursuant to the provisions of section 123-25-44, Colorado Revised Statutes 1953, as amended.

Resubmission after one hundred twenty days

No more than two elections within twelve months

Provisions do not apply

(3) For the purposes of this article, the terms "taxpaying elector" and "qualified taxpaying elector" shall mean and include any person who is at least twenty-one years of age, a citizen of the United States, and who has resided in the state for twelve months, in the county for ninety days, and in the school district for thirty days next immediately preceding the regular or special school election, and who, during the twelve months next preceding said regular or special school

Tax paying elector or qualified tax-paying defined

election, shall have paid an ad valorem school tax upon property situated within the school district and owned by said person.

Ad valorem or general ad valorem school tax defined

(4) For the purposes of this article, the terms "ad valorem school tax" and "general ad valorem school tax" shall mean and include only the general property tax, levied yearly on real or personal property listed with the county assessor. No person shall be qualified as a taxpaying elector for the purposes of this article by payment of any one or more, or all, of the following taxes: Income tax, sales tax, use tax, excise tax, specific ownership on a motor vehicle or trailer, or any other tax which is not a general ad valorem school tax as hereinabove defined, and the generality of said definition shall never be restricted by the listing set forth herein.

Board to determine indebtedness to be contracted; also interest rate

Limits of bonded indebtedness

123-11-2. Bonded indebtedness limited.—The amount of the bonded indebtedness proposed to be contracted, and the maximum rate of interest which is proposed that it shall bear, prior to such submission to said electors, shall be determined by said board of education, but in no event shall the aggregate amount of bonded indebtedness of any school district of the first or second class exceed ten per cent, or of any school district of the third class exceed seven per cent of the assessed value of the property in such district for the year next preceding the date of said bonds; provided, that if the board of education of any school district shall determine that an emergency exists and that the limitation on bonded indebtedness hereinabove set forth prevents the said district from meeting such emergency, said board may make application to the Colorado tax commission for permission to incur a bonded indebtedness up to but not exceeding fifteen per cent in districts of the first and second class, of the assessed valuation of the property within said district, and in districts of the third class up to but not exceeding ten per cent thereof and if such application be approved by the Colorado tax commission the total limitation on bonded indebtedness of such district shall be increased to the amount approved by said commission. In no event shall the bonded indebtedness of a district of the first or second class exceed at any time fifteen per cent, and in a district of the third class ten per cent of the assessed valuation of the property within said district for the year next preceding the date of said bonds.

123-11-3. Election notice—polls.—The secretary of the

school district shall give notice of such election in the same manner and for the same length of time as is required by law for notices of elections of school directors, which notices in addition to any other things that may be required by law, shall contain a statement of the amount of the bonded indebtedness proposed to be contracted, the maximum rate of interest which it is proposed that the same shall bear, and the time or times of payment thereof; the day, and the place or places of such election, and the time during which the ballot boxes shall be kept open, not less, however, than three hours in districts of the second and third classes. In districts of the first class the polls and ballot boxes shall be kept open from seven a.m. to seven p.m.

Requirement and content of election notices

Voting hours

123-11-4. Voting precincts.—In districts of the first and second classes the board of education may in the same manner and within the same time before election as shall then be provided by law for elections of school directors, divide the district into election precincts, designate voting places therein and appoint judges and clerks of election therefor. If one or more judges or a clerk of election shall be absent at the time and place stated in the notice for the opening of the polls and ballot boxes, the vacancy thus created shall be filled in the same manner as shall then be provided by law for filling like vacancies at elections of school directors.

Establishment of election precincts in first and second class districts; voting places, appointment of election officials

Filling of vacancies among election officials

123-11-5. Ballots.—In districts of the first and second classes the secretary shall cause to be prepared printed ballots containing a statement of the amount of bonded indebtedness proposed to be contracted, the maximum rate of interest which it is proposed that such bonds shall bear, and the time or times at which the principal of said bonds shall be payable, and beneath such statement the words "for the bonds," and the words "against the bonds," with suitable places opposite each of the same wherein the voter may indicate his approval or disapproval of the proposition submitted, by a crossmark (X). In districts of the third class each elector voting at such election shall deposit in the ballot box a ballot whereon shall be printed or written the words "for the bonds," and the words "against the bonds," and shall indicate his approval or disapproval of the proposition submitted by placing a crossmark (X) opposite the group of words on his ballot which expresses his choice. In districts of the first and second classes there shall be printed on the back of each ballot the following endorsement: "Official Bal-

Nature of ballots in first and second class districts

Nature of ballots in third class districts

Ballot endorsement

lot 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.

Use of same notices, polling places, officers and ballot boxes

123-11-6. Joint election for directors and bonds.—If such question or proposition shall be submitted at an election for the election of school directors, the notice of the said election shall be included in the notices of said election, and the election precincts, polling places and judges and clerks of election shall be the same as for said election of school directors; and the ballot of said bond election may or may not, in the discretion of the board of education, be deposited in the same ballot box with the ballots of said election of school directors.

Preparation and use of poll books

123-11-7. Poll books—certificate of return.—Poll books shall be prepared, used and kept under the same conditions and in the same manner in bond elections as is, or shall be required by law for elections of school directors; provided, that on the pages thereof whereon are to be written the names and addresses of electors, and between the column containing the series of numbers of electors and the column for the names of the same, shall be a third column at the head of which shall be printed the words "bond election," in which column the judge or clerk of election having charge of the same shall make a cross or other mark, opposite the name of each elector who shall cast a ballot in said bond election; provided, further, that on one of the latter pages of the poll books for such bond elections shall be printed a blank form of certificate of return, substantially as follows:

Record of bond election in poll book

To the Board of Education of School District No..... in the county of..... and State of Colorado:

Requirement and character of certificate of return

At an election held at in Election Precinct No..... of said school district, on the..... day of A.D. 19....., at which was submitted the question of contracting a bonded indebtedness in the amount of Dollars, there were cast

For the bonds votes.

Against the bonds votes.

The whole number of votes cast at said bond election was.....

The number of excess ballots at said bond election was.....

The number of unused ballots at said bond election was.....

Clerk

O.P.,

Attest, R.S.

J.K.,

L.M.,

Judges.

If said bond election shall be held at the same time as an election of school directors, the substance of the foregoing certificate may be combined in one certificate with the substance of a certificate required by law of return of the results of said election of school directors.

Combination certificate for election of directors and bond issue

123-11-8. Registration. *In any school district having a school population of more than three thousand, no person shall be allowed to vote on the question of contracting any bonded indebtedness without first having been registered in the manner required by the provisions of sections 123-10-7 and 123-10-8 of this chapter, in addition to being qualified in the manner required by the provisions of section 123-11-1. In such school districts and the voting precincts thereof the registration list shall be the same, in all respects, as that required by law for the election of members of school boards. No registration shall ever be required for a bond election held in any school district where such registration would not be required for an election of members of the school board.*

Districts with population of more than three thousand

Voter must be registered

Registration list

When required

123-11-9. Challenges—oath—rejection of vote. (1) *Any person offering to vote at any such bond election may be challenged by any qualified taxpaying elector of the district, and thereupon the judges of election or one of them, may require such person to answer on oath or affirmation such questions touching upon his qualifications as a voter at such bond election as they shall see fit. One of the judges shall administer to him an oath, which he shall sign, as follows: "I do solemnly swear (or affirm) that I am a citizen of the United States; that I have resided in this state for twelve months immediately preceding this election, in this county for ninety days, and in this school district for thirty days; that I am twenty-one years of age, and that I have not previously voted at this election, and that I have paid an ad valorem school tax during the twelve months next preceding this election upon property situated within this school district, and which property is owned by me. So help me God."*

Any person may be challenged

Answer questions on oath

(2) *If the person so challenged shall refuse to make such oath or affirmation, his vote shall be rejected, and the judges may reject the vote of any person offering to vote, if, in their judgment, the person is not qualified according to law, whether such person takes the oath or not.*

Rejection of vote

123-11-10. Count and canvas. (1) *The ballots cast at*

Count and canvass as prescribed such bond elections shall be counted and canvassed at the same time and in the same manner as is prescribed by law for the counting and canvassing of ballots cast at elections of members of school boards. The board of education shall enter upon the minutes of the meeting at which the canvass shall be made the result of the election.

Contest of validity or result (2) Proceedings to contest the validity or result of any election at which the question of contracting bonded indebtedness was submitted in any school district in this state may be instituted only by a qualified taxpaying elector of the school district who would in all respects have been qualified to vote at the election being contested. Such proceedings shall be instituted within ten days after the votes cast at such election are canvassed, but shall not be instituted thereafter. The county and district courts for the county or district wherein the school district is situated shall have concurrent jurisdiction for the settlement of all such contests of such elections. In all cases, the rules, practice, and procedures for contested elections for county officers as otherwise provided by law shall apply insofar as the same are applicable and consistent with the provisions of this article.

Instituted by tax-paying elector

Time

Rules, practice and procedure applicable

Board may issue **123-11-11. Board may issue bonds.** If a majority of all votes cast are found to be "for the bonds," the board of education, from time to time, as the proceeds thereof shall be needed for the purposes specified in the notice of said bond election, shall issue coupon bonds of the district in denominations of one thousand dollars or any multiple of one thousand dollars, in its discretion, bearing interest at a rate not exceeding the maximum rate specified in the notice of said bond election, and not exceeding eight per cent per annum in districts of the third class, and not exceeding six per cent per annum in districts of the first and second classes, payable either annually or semiannually in the discretion of the board, which bonds shall mature serially, commencing not later than five years and extending not more than twenty-five years from the date thereof; principal and interest thereon shall be payable at such place or places as shall be determined by said board and designated in said bonds.

Denominations

Interest

Payable annually or semiannually

Maturity

Numbering **123-11-12. Form of bonds.**—The bonds issued under the provisions of sections 123-11-1 to 123-11-18 shall be numbered consecutively, beginning with number one. The board of education of the district is authorized to prescribe the form of such bonds and the coupons thereto. Said bonds shall re-

Form of bonds

cite the title of the act under which they are issued, shall be signed by the president of the district, bear an impression of the seal of the district, attested by the signature of the secretary, and in districts of the third class shall be countersigned by the county treasurer of the county in which such district is situated. The interest coupons evidencing the interest thereon shall bear the signature of the president of the district, which may be affixed by him in person, or, if so authorized by the board of education, may be an engraved or lithographed facsimile thereof.

Interest coupons

123-11-13. Sale at less than par—discount.—If it shall be found to be impracticable for the school district to obtain for such bonds their full face value, the board of education of the school district, in districts of the third class, when so authorized by a vote of the districts, and in districts of the first and second classes without such authorization, may issue such bonds and accept therefor less than their face value; provided, that the total amount of such discount plus the interest paid or payable on such bonds when due, shall not be greater than the total amount of interest that would have been paid or be payable on such bonds when due at the maximum rate of interest specified in the notice of the bond election.

Sale below par

Discount limitation

123-11-14. Board to certify bond fund.—Whenever the board of education shall have issued any of said bonds, at the time of certifying to the board of county commissioners a statement showing the amount necessary to raise from the taxable property of said district to create a special fund, as required by law, it shall also certify to said board of county commissioners the amount necessary to pay all installments of principal and interest of said bonds, which, according to their terms, shall become due and payable during the next ensuing fiscal years, together with such additional amount, if any, as in the judgment of the board of education, it is desirable to raise from the taxable property of said district for the purpose of redeeming, during the said ensuing fiscal year, any of said bonds which shall then be redeemable but not due.

Board to certify to county commissioners funds necessary to pay interest, principal installments and redemption of bonds

123-11-15. Tax levy to pay principal and interest.—Whenever any school district shall issue bonds under the provisions of sections 123-11-1 to 123-11-18, it shall be the duty of the board of county commissioners of the county in which said district is situated, at the time of levying other

County commissioners to levy tax to make bond payment

Certification of amounts necessary to redeem and pay non-serial bonds

Duty of county commissioners to make levy

County commissioners to make necessary levies though boards fail to make certifications

Collection of taxes

Use of the taxes

school district taxes, to levy and assess a tax on all the taxable property of said district in an amount sufficient to pay all installments of principal and interest of the indebtedness thereby evidenced when the same shall become due, according to the terms and tenor of said bonds and interest coupons; and also such additional amount as shall be certified by the board of education of said district, for the purpose of redeeming bonds not yet due, as provided in section 123-11-14. If the said bonds do not, by their terms, become due and payable in series at different times, the board of education of said school district, in the fiscal year next preceding the date fixed by said board after which said bonds are redeemable, at the time of certifying a statement of the amount necessary for a special fund, and annually thereafter until the payment of said bonds, shall certify to the board of county commissioners a statement showing the amount which it will be necessary to raise from the taxable property of said district to create a fund sufficient to pay and redeem such portion of the principal of said bonds as in equal annual installments, will be sufficient to redeem and pay all of said bonds by the time at which they mature; and the board of county commissioners, at the time of levying other school taxes, and in addition thereto, shall levy and assess on all the taxable property of said district a tax sufficient to raise the said amount of money.

If the board of education shall fail to certify such a statement to the board of county commissioners, the board of county commissioners, nevertheless, shall levy upon the taxable property of said district, a tax in addition to the taxes levied for other purposes, in an amount sufficient to pay all installments of principal and interest of said bonds that shall become due during the next ensuing fiscal year, or, if said bonds do not become due and payable in series at different times, in an amount sufficient to pay all installments of interest then to become due and the aforesaid portion of principal.

123-11-16. Bond fund—payment and redemption. (1) *Such taxes shall be collected in the same manner as other school district taxes and when collected shall be placed by the county treasurer in a special fund. Such fund shall be used only for payment of interest upon and for the redemption of such bonds, upon orders signed and countersigned in the manner provided by law for the execution of other school district orders.*

(2) Redemption of said bonds, prior to the respective maturities thereof may be made in either direct or inverse numerical order as determined 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.

Redemption
of bonds

Notice

(3) *In the event that bonds are made payable at 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 notation of such payment or redemption upon his books.*

Where
redeemed

Notation

(4) 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.

Inform
county
treasurer

(5) 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.

123-11-17. Place of payment.—The governing board of school districts are authorized and empowered to designate the office of the county treasurer in which any such school district, or the greater part thereof, is situated as the place of payment or as the optional place of payment of the principal

Place of
payment

of or interest on all or any bonds issued by any such school district.

In the event the office of the county treasurer is so designated by any school district as the place or as the optional place of payment of the bonds of such school district, it shall thereafter be the duty of the county treasurer whose office is so designated, to pay the principal of and the interest on any bonds of such school district as the same shall respectively become due, upon the presentation for payment of the bonds and coupons respectively, evidencing such principal and interest, from any funds to the credit of such district available for that purpose; provided, that at the time of any such payment, said funds shall be sufficient to pay in full the matured or next maturing installment of interest on, or principal of, said bonds, or both interest and principal, as the case may be.

Pay principal and interest from proper fund

The designation by school districts of the office of the appropriate county treasurer as the place or optional place of payment of any bonds issued prior to the effective date of this section, is ratified and approved, and any such county treasurer, whose office has been so designated shall pay the principal of and interest on any such bonds from the funds to the credit of such district available for said purpose, if at the time of any such payment, said funds shall be sufficient to pay in full the matured or next maturing installment of interest on or principal of said bonds, or both interest and principal, as the case may be.

Prior designation of office of county treasurer as place of bond payment ratified

The term "school district" or "school districts" as used in this section shall include county high school districts, union high school districts and all other school districts of every character.

All types of school districts included in act

123-11-18. Registration of bonds.—Whenever any school district shall issue bonds under the provisions of sections 123-11-1 to 123-11-18, the board of education shall make and enter in and upon its record a request that the county clerk and recorder of the county wherein such school district is situated register the bonds in a book to be kept by him for that purpose, and when so registered, the legality thereof shall not be open to contest by such district, or any person or corporation in behalf of such district for any reason whatever; and a certified copy of the order of the board, so made and entered of record, shall be furnished to the said

Duty of boards to register bonds

Registered bonds closed to contest

county clerk and recorder by the said board of education, and hereupon it shall be his duty to register said bonds, noting the name of the district and the amount, the date of issuance and maturity and rate of interest of said bonds. He shall receive a fee of ten cents for registering each bond.

Duty of county clerk to register bonds

Fee

123-11-19. Change of boundaries not to release property —annexed property. —No change in the boundary lines of such school district shall release the taxable real estate of the district from assessment and levy of taxes to pay the interest and principal of such bonds, and if there shall be any change of the lines of such school district, so as to leave any portion of the taxable real estate of the district out of the district, which was subject to taxation in the district at the time of the issue of such bonds, the assessment and levy for principal and interest of such bonds shall be made on such property as if it were still within the district and if there shall be any change of the lines of such school district, so as to annex any taxable real estate, after the issue of such bonds, the real estate so annexed shall thereafter be subject to the assessment and levy for principal and interest of such bonds.

Boundary changes not to affect bond obligations

123-11-20. County treasurer's charges.—The treasurer of the county shall receive the same fees for the collection of such special taxes as he does for other school taxes.*

123-11-21. Absent electors—school bond elections. (1) *Persons otherwise fully qualified to vote on the question of contracting bonded indebtedness by a school district may vote on such question by absentee ballot under the terms and conditions and in substantially the same manner as is set forth in sections 49-22-82 through 49-22-88, Colorado Revised Statutes 1953, as amended, relating to elections in cities and towns, except as hereinafter specifically modified.*

Absentee ballot

(2) *No registration shall be required of absentee voters at school bond elections except in districts having a school population in excess of three thousand.*

Registration

(3) *All acts required or permitted to be performed by the clerk of a municipality under said sections 49-22-82 through 49-22-88 shall be performed by the secretary of a school district or by a deputy secretary thereof who may be*

Secretary to perform acts of clerk

*See 56-4-2 for county treasurer's fee.

appointed by the board of education of the district for such purposes.

Application for ballot

(4) Such an elector may apply for an absentee ballot not sooner than twenty-eight days nor later than seven days before the election on the question of contracting bonded indebtedness.

Affidavit

(5) The return identification envelope shall have printed thereon an affidavit in substantially the form set forth in section 123-11-9, except that it shall also specify that the ballot is being cast in accordance with the provisions of this article and section and further except that such affidavit may be subscribed before an official authorized by law to administer oaths, or before the secretary or deputy secretary of the school district.

Preparation of ballots

(6) In any such election at which voting machines are used, the board of education shall provide paper ballots for absentee voters containing the same question as appears on the voting machines. Such paper ballots shall be prepared in accordance with the provisions of section 123-11-5.

Voting machines

123-11-22. Use of voting machines. Voting machines may be used in any school district bond election provided the board of education by resolution authorizes their use.

Amended sections approved by the Governor April 19, 1963.

AN ACT

House Bill No. 452

(Ch. 24, S.L. '63)

MAKING AN APPROPRIATION TO THE PUBLIC
SCHOOL TRANSPORTATION FUND.

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

SECTION 1. Appropriation to public school transportation fund. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the public school transportation fund, created by section 123-10-57, CRS 1953 (1960 Perm. Supp.) for the fiscal year beginning July 1, 1963, the sum of two million eight hundred thousand dollars (\$2,800,000.00), for distribution by the department of education under the provisions of sections 123-10-56 to 123-10-66, CRS 1953, as amended.

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

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 18, 1963.

AN ACT

House Bill No. 472

(Ch. 36, S.L. '63)

CONCERNING THE DEFINITION OF INSTRUCTIONAL
OR SCIENTIFIC EQUIPMENT FOR CAPITAL CON-
STRUCTION PURPOSES.

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

SECTION 1. 3-3-10 (1) (f), Colorado Revised Statutes
1953 (1960 Perm. Supp.), is hereby amended to read:

3-3-10. Definitions. (1) (f) Any item of instructional or
scientific equipment if the cost will exceed fifty thousand
dollars;

SECTION 2. **Safety clause.** The general assembly here-
by 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 30, 1963.

AN ACT

House Bill No. 474

(Ch. 239, S.L. '63)

and

House Bill No. 476

(Ch. 240, S.L. '63)

and

House Bill No. 168

(Ch. 238, S.L. '63)

As Amending

Art. 25, Ch. 123, C.R.S., 1953

THE SCHOOL DISTRICT ORGANIZATION ACT OF 1957

123-25-1. **Short title.**—This article may be cited as “The Act—how cited 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

State Board (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.

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

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

Number of members

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 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.

Representation of all classes of districts

In reorganized counties

(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

Number of members established

Quorum

Nominations and election of committee

Alternates

Qualifications of members of planning committee

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.

Acceptance of membership

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

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 nonacceptance shall be filled by the committee as provided in section 123-25-6.

Vacancies caused by nonacceptance of Sec. 6

Committee selects chairman

(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.

and
vice-chairman—
county
superintendent
secretary

(8) (a) The committee shall have and perform the following duties:

Duties of
committee

(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 or 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

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

and shall conduct the election in the same manner as elections are otherwise provided by law for school board directors. The county committee selected by the electors shall have within its jurisdiction the territory of said joint district for the purposes of organizing school districts under this article. If no member of the board of such district is a member of said planning committee, the president of the board of such joint district shall be made a member of the county committee by the county superintendent; provided, 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

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

Committee meetings
Chairman calls

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

Aid committees

(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;

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.

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

(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 Election districts

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.

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

Filing of map and statement of benefits

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

Notice of filing and 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 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"

Final approved plan

and shall be ready for submission to a vote as hereinafter provided.

Special election on 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.

Notice

123-25-19. Notice—publication.—The notice provided for in section 123-25-18 shall be published twice in some newspaper of general circulation in the area of the proposed district, and posted at each schoolhouse in said area wherein school was held during any part of the preceding twelve months and in five other public places in said area. If there is no newspaper of general circulation in said area, the posting of said notice as provided in this section shall be sufficient. Copies of 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.

Conduct of special election on plan

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.

Judges

Polling places

Certification of results

Judge compensation

Electors

123-25-21. Qualification of electors—ballot—meeting to explain plan.—(1) Electors voting in said election shall be taxpaying electors as defined by section 123-25-3 (9). No pre-

vious 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.

Judges make list

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

Ballots

OFFICIAL BALLOT

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

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

(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

Contest
of election

(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.

New district

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 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.

Body corporate

Commissioner
may approve
old district
operation
to end
of 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 dis-

trict 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:

(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.

Five 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.

Six 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.

Seven directors
—terms

(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

Old boards

Term expires
cf. sec. 24

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.

New board's
power for new
year

(4) Any person desiring to be a candidate for the office of director of a new district formed under the provisions of this article shall be a resident of the director district which he seeks to represent. Such candidate shall be nominated in the manner provided in section 123-10-7, except that the certificate of nomination shall be signed by at least fifty qualified electors of the director district in which such candidate resides, or by at least forty per cent of the qualified electors in such director district, whichever is less. If a member of the board of education shall become, during his term of office, a nonresident of the director district from which elected, he shall be deemed thereby to vacate his office. If any vacancy for any cause shall occur on the board, the same shall be filled, by a majority vote of the remaining members, by the appointment of a resident of the director district in which the vacancy occurs, and such appointee shall hold his office for the remainder of the unexpired term and until his successor shall be duly elected and qualified. [L. 59, p. 679].

Candidate for
office of
director must
be resident of
director district

Vacancy
on board

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.

Disposition
of funds

District
wholly
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

District
partly
embraced

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.

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.

Union or county high schools partly embraced

(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.—(1) *The bonded indebtedness of any district outstanding at the time*

Indebtedness outstanding at time of inclusion

of inclusion of all or any part of such district's area in a new district organized under this article shall be paid in the following manner:

Paid by former district by special tax

(a) All of said bonded indebtedness of such former district shall be paid by the former district which issued and owes the same by a special tax levied from time to time as may be necessary by the board of education of the new district, which special tax shall be levied upon only the property liable for said indebtedness at the time said former district became a part of such new school district, except as is herein-after provided to the contrary.

cf. section 33

(b) If the assumption of said bonded indebtedness has been approved as provided in section 123-25-44, such bonded indebtedness shall be paid in the manner provided by law for the paying of any bonded indebtedness which the new district contracts pursuant to section 123-25-33.

(2) Whenever two or more former school districts, or portions of such districts, shall have been reorganized and included within a new district, and whenever a former school district shall have been dissolved and included in any other district or districts, under the provisions of this article, and at the time of such reorganization or dissolution and inclusion one or more of said former districts has outstanding bonded indebtedness, which indebtedness has not been assumed by said new or including district pursuant to section 123-25-44, the following duties and responsibilities shall be performed by the following officers or officials:

Duties and responsibilities

School board shall certify information to county commissioners

(a) It shall be the duty of the school board of such new district to certify to the county commissioners under separate headings, in addition to all other matters required by law to be so certified, the following: the numbers of all former districts which had any bonded indebtedness outstanding at the time said former districts were reorganized and united into such new district, the legal description of the property of such former districts, which property is liable for payment of outstanding bonded indebtedness of such districts, the amount of such indebtedness which is outstanding, its rate or rates of interest and maturities and the amount required for the ensuing fiscal year to meet said several sums of interest and principal falling due therein.

(b) It shall thereupon be the duty of the county com-

missioners to levy, segregated under separate headings for the said former districts and for the whole of said new district, the several amounts properly applicable thereto for taxes at the same time that other taxes are levied and at such rates, within the limits allowed by law, as to each such former district and as to the whole of said new district, for the payment of the moneys required for said amounts of either principal or interest and for the other funds needed by said new district, certified by the school board, as will produce the several amounts so certified.

County
commissioners
shall levy

(c) The amounts of said taxes which shall be assessed to the several portions of said new district and the amount of the taxes which shall be assessed to the entire new district shall be placed in separate columns in the tax book, which columns shall be headed "special school tax" and shall be subdivided into separate columns designated by the numbers of the former districts by which said bonded indebtedness was issued, showing what portion of said special tax is for the purposes of the entire new district and what portion is for interest or principal of bonded indebtedness of former districts, to which indebtedness said former districts were subject at the time of reorganization or dissolution, and inclusion of such former districts in the new district.

(d) It is hereby made the duty of the county assessor and the county treasurer to so arrange their tax schedules and books so as to conform to the above provisions and with column headings respectively for the entire new district subdivided into columns designated by parenthesis, with the number of the former district by which such bonded indebtedness was created and which indebtedness is undischarged, and showing, as to each property listed, the amount of tax properly assessed to such property on account of such bonded indebtedness existing against said property as a portion of the former school district reorganized or dissolved, and included within the new district at the time of said levy.

Assessor and
treasurer
to arrange
schedules
and books

123-25-32 Limit of bonded indebtedness—new district.

—Any new district formed under this article shall have a limit of bonded indebtedness of ten per cent of the assessed valuation of the taxable property in such district for the year next preceding the date of said bonds. The indebtedness of the former districts or parts of districts, constituting the new district, shall not be considered in fixing the limit

Limit of
bonded
indebtedness

Assumption included in limitation

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. [L. 61, p. 656].

New district may contract indebtedness

123-25-33. New district—bonded indebtedness. (1) *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 the state of Colorado, or as the same may be amended.*

Power to issue refunding bonds

New district

(2) *Any such new district shall have the power and authority to issue refunding bonds for the purpose of refunding outstanding indebtedness of said new district in the same manner and procedure as is now, or may hereafter be provided by law for the issuance of such bonds by other school districts.*

Former districts: indebtedness has been assumed

(3) *Any such new district shall have the power and authority to issue refunding bonds for the purpose of refunding outstanding indebtedness of former school districts, which former districts have been reorganized or dissolved, and included within said new school district and which indebtedness has been assumed by said new district pursuant to section 123-25-44 of this article. Such refunding bonds shall be issued in the same manner as if the indebtedness being refunded were indebtedness originally contracted by the new district under the provisions of this article.*

(4) *Any such new district shall have power and authority to issue refunding bonds for the purpose of refunding*

outstanding bonded indebtedness of former school districts, which former districts have been reorganized or dissolved, and included within said new school district, and which indebtedness has not been assumed by the new district, in the same manner as if the indebtedness being refunded were indebtedness originally contracted by the new district under the provisions of this article, except for the following particulars:

Former districts; indebtedness has not been assumed

(a) Said bonds shall be designated as refunding bonds of the former school district which contracted the original indebtedness in the first instance. The refunding bonds shall be payable from the same funds which are to be derived from the same source as would have been used to pay the original bonds of the former district if no refunding thereof had ever occurred.

Designation of the bonds

Payable from same funds

(b) The covenants and agreements in and relating to such refunding bonds shall be made and entered into by the new district as successor to the former district, and all necessary actions shall be taken by the board of education of the new district as successor to the board of education of the former district.

New district as successor to old district

(5) Whenever any former school district shall have been reorganized and parts thereof included within two or more new districts, and whenever a former school district shall have been dissolved and parts thereof included in two or more other districts, under the provisions of this article, and said former districts has outstanding bonded indebtedness, the refunding of such outstanding indebtedness of said former district shall require affirmative action by a majority of the members of the boards of education or each new district within which any part of the lands formerly included within said former district are now included, except as is hereinafter provided to the contrary.

Refunding of outstanding indebtedness requires affirmative action by board

(6) Any school district from which land has been detached and included within any other school district, by reorganization or any other lawful means, and which district has retained its lawful corporate existence subsequent to the detachment of such land from said district shall be specifically exempted from the requirements and provisions of section 123-25-33 (5), above, and the board of said district from which land has been detached may refund its bonds to which such detached land is subject with or without con-

Districts exempted from section 123-25-33 (5)

currence or action by the board of the district within which said detached land is then included.

Additional powers of board

123-25-34. Additional powers of board.—(1) (a) 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: [L. 61, p. 693].

Rental of school buildings

(b) 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; [L. 61, p. 693].

Payment of tuition or board and room

(c) 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. [L. 61, p. 693].

Revision of director district boundaries
Submit to election

(d) 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. [L. 61, p. 694].

State school organization fund

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.

Compensation; expenses

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.

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 superintendent

(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 superintendents

(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 organization fund upon vouchers signed by the person claiming reimbursement, and in case of members of the committee, its assistants, and assistants to the county superintendent, the vouchers shall be approved by the county superintendent and by the commissioner, or in case the claimant is a county superintendent, the voucher shall be approved by the commissioner only.

Travel expenses

(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.

State board personnel

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

Automobile travel

(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.

Auditing

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

Committee ceases to function

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

Attorney General legal counsel

123-25-40. Duties of the attorney general.—In addition to any other powers and duties of the attorney general as set forth in section 3-9-1, Colorado Revised Statutes 1953, the attorney general shall be the legal counsel and advisor of the state board of education, the commissioner of education, and also, when requested by the commissioner of education, shall be the legal counsel and advisor of any of the county school planning committees organized pursuant to the provisions of this article, for purposes related to the proper administration of this article. It shall be the duty of the attorney general, at the request of the commissioner of education, to prosecute and defend any suit or suits relating to the organization of school districts pursuant to this article. [L. 59, p. 680].

County Planning Committee may dissolve and annex a district—when

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 com-

*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.

missioner 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:

(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 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.

County
committee
notifies county
superintendent

(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 dis-

Territory
annexed—
approval of
county
committee and
commissioner
of education

trict 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].

123-25-42. Appeal to the state board of education.—

Appeal to
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 school district organized under "The school district organization act of 1957" shall assume the bonded indebtedness, or a proportionate share of such 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 regular biennial school election held for the purpose of electing school directors of said new district; provided, that the provisions of this section shall be also applicable to annexing districts, even though not a new district, pursuant to section 123-25-41.*

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 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. [L. 61, p. 655].

Qualifications of electors

(3) (a) *The election on the question of the assumption of the outstanding bonded indebtedness, or proportionate share thereof, as provided in subsection (1) of this section, shall be held in the manner prescribed by law for a school district to incur bonded indebtedness unless otherwise specified in this section. Separate ballots and ballot boxes for the question of assumption of bonded indebtedness shall be furnished at the regular biennial school election. The outstanding bonded indebtedness incurred by more than one school district, or proportionate shares thereof, may be assumed simultaneously by a new district, under the provisions of subsection (1) of this section, through the submission of a single ballot; provided, that voting on separate amounts, or alternative voting, on one ballot shall be prohibited.*

Ballots

Form of ballot

Proportionate share of the outstanding bonded indebtedness determined

(b) The ballot shall be printed or typewritten and shall contain a statement of the amount, or amounts, of outstanding bonded indebtedness proposed to be assumed by the new district. In the event that only a portion of the territory of a school district or former school district shall have been included within a new district, the proportionate share of the outstanding bonded indebtedness incurred by the school district or former school district shall be determined on the basis of the total amount of outstanding bonded indebtedness on the first day of the month next immediately preceding the month during which the election is to be held, in proportion to the amount of assessed valuation of all taxable property within the territory of the school district or former school district so included in the new district, as shown by a certification of such assessed valuation made by the county assessor, or assessors if the territory is situated in more than one county, on the first day of the month next immediately preceding the month during which the election is to be held. When requested by the secretary of the new district, the county assessor, or assessors, shall make such certification on such date, or immediately thereafter, and such certification may be computed upon the most recent assessed valuation of all taxable property of the territory within the school district or former school district which is liable for said bonded indebtedness with due regard to the location of such properties as related to the territory included within the new district. The legal description of said territory included in said new district shall be furnished to the county assessor, or assessors, by the secretary of the new district when he requests the certification of such assessed valuation.

Content of ballot

(c) The ballot shall contain the words "Official Ballot" and below set forth the amount, or amounts, of outstanding bonded indebtedness to be assumed by the new district, the name and style of each school district, or former school district, which incurred said bonded indebtedness and, if the ballot shall contain more than one amount to be assumed, the total of such amounts shall be indicated thereon.

(d) Below the statement of the amount, or amounts and the name and style of the school district, or former school district, which incurred said bonded indebtedness, the ballot shall contain the words "For assuming the bonded indebtedness" and the words "Against assuming the bonded indebtedness" with suitable places opposite each group of

words wherein the voter may indicate his approval or disapproval of the proposed question of assumption of bonded indebtedness 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(ies) of and state of Colorado," together with the date of the election, and a facsimile of the signature of the secretary of said new district.

(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. [L. 61, p. 656].

Challenge
of votes

(5) Only taxpaying electors eligible to vote on the question of a school district incurring bonded indebtedness shall be entitled to vote on the question of assuming the outstanding bonded indebtedness, or proportionate share thereof, pursuant to this section. The votes shall be cast, counted, and canvassed in the manner prescribed by law for an election on the question of said district otherwise incurring bonded indebtedness. The board of education, and officers thereof, and the election judges shall have the same powers and duties relative to an election on the question of assuming outstanding bonded indebtedness as shall be prescribed by law for such board and officers for an election on the question of said district otherwise incurring bonded indebtedness. Election offenses shall be the same as those prescribed by section 123-10-11.

Qualification
to vote

Voting
procedure

(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. [L. 61, p. 656].

123-25-45. Detachment and annexation of territory. (1)
Whenever the boards of education of two adjoining new

Alteration
or modification
of common
boundaries

school districts or any two adjoining districts each having a student population of over 1,500 deem it to be in the best interests of their respective districts to revise, alter, or modify the boundaries common to each such new school district or any district having a student population of over 1,500 for the purpose, or purposes, of more economical operation, administration, or in order to provide better educational opportunities for the school-age children resident in certain territory, such revision, alteration, or modification of the common boundary may be made or achieved by mutual consent in the manner prescribed in either subsection (2) or (3) of this section; and provided further, that nothing in this section shall be construed in a manner to limit the amount of territory of a school district which may be detached as a result of such territory having been included in a new district actually organized pursuant to this article.

Resolution

(2) (a) The boards of the two adjoining new school districts or any two adjoining districts each having a student population of over 1,500 shall adopt a resolution relative to the proposed change in boundaries, which resolution shall set forth the legal description of the proposed new common boundary; provided, that the legal description of the proposed new boundary shall be identical, except for typographical errors and minor omissions, in the resolution adopted by the board of education of each such new school district.

Resolution
submitted
to committee

(b) The board of education of each such new school district or any district having a student population of over 1,500 shall thereafter submit to the committee, or committees, a certified true and correct copy of said resolution; provided that in the event a committee shall not be in existence in the county, or counties, such copy shall be submitted to county superintendent or superintendents. The committee, or committees, or county superintendent, or county superintendents, as the case may be, shall approve the resolutions if determined to be in compliance with the provisions of this section.

(c) After both resolutions shall have been approved by the committee, or committees, or county superintendent, or county superintendents, as the case may be, the board of education of the new school district or any district having a student population of over 1,500 from which the territory is proposed to be detached shall call a special election to be held

in such territory proposed to be detached. Said special election shall be held in the manner for the holding of a special election in a proposed new district or any district having a student population of over 1,500 as prescribed by sections 123-25-18 to 123-25-23, except for the form of the ballot, and all powers and duties delegated to the committee, the chairman and secretary thereof, under the provisions of this article for the special election in a proposed new district or any district having a student population of over 1,500 shall be performed by the board of education, the president and secretary thereof, of the new school district or any district having a student population of over 1,500 from which said territory is proposed to be detached whether the territory proposed to be detached is situated within or without the county; provided, that no special election as authorized in this section shall be held within sixty days prior to the regular biennial school election or within sixty days after an election in the new school district from which the territory is proposed to be detached on the question of incurring bonded indebtedness.

Special election

(d) Only taxpaying electors who are also resident within the territory proposed to be detached shall be eligible to vote at such election. If a majority of the taxpaying electors resident therein shall vote in favor of said detachment and annexation, the said territory shall be automatically detached from said new school district or any district having a student population of over 1,500 and annexed to the respective adjoining new school district or any district having a student population of over 1,500 as indicated in the election notice upon the thirtieth day after the date of the election.

Qualifications of voters

Automatic detachment

(e) The assets and liabilities of the school district from which said territory was detached shall be apportioned, distributed, and paid in the manner prescribed by the applicable provisions of sections 123-25-28 to 123-25-31 without a plan of organization.

Assets and liabilities apportioned

(f) In the event a majority of the taxpaying electors resident within the territory voting in such election shall vote "For" said detachment and annexation of territory, the committee, or committees, or county superintendent, or county superintendents, as the case may be, shall forward to the department of education copies of the resolutions adopted by each board of education of said new school district or any district having a student population of over

1,500, together with a copy of the certificate of canvass of the election results, and provide written notice thereof to the county assessor.

No resubmission
for 12 months

(g) In the event a majority of the taxpaying electors resident within said territory voting in such election shall vote "Against" said detachment and annexation of territory, the question of detaching and annexing any portion of said territory shall not be submitted to a vote or be subject to consent as authorized by subsection (3) of this section for a period of twelve months thereafter.

Five or less
residents

(3) (a) In the event five or less taxpaying electors shall be resident within the territory proposed to be detached and annexed, it shall not be necessary to hold a special election within said territory as required by subsection (2) of this section; provided, that each taxpaying elector resident therein shall submit to the board of education of each new school district or any district having a student population of over 1,500 to be affected by the proposed detachment and annexation a notarized statement of consent to the proposed detachment and annexation. In the absence of the consent of all such taxpaying electors resident therein, a special election may be held as authorized by subsection (2) of this section; provided, that the time limitations as prescribed in subsection (2) of this section concerning an election shall be applicable to detachment and annexation of territory under this subsection.

Board shall
certify

(b) The board of education of the new school district or any district having a student population of over 1,500 from which said territory is proposed to be detached shall certify to the committee, or committees, or county superintendent, or county superintendents, as the case may be, that five or less taxpaying electors are resident within the territory proposed to be detached and annexed, and that each such taxpaying elector resident therein has submitted a notarized written consent to the proposed detachment and annexation of territory. In the event there are not any taxpaying electors resident within the territory proposed to be detached and annexed, the board of education of the new school district or any district having a student population of over 1,500 from which said territory is proposed to be detached shall certify to the committee, or committees, or county superintendent, or county superintendents, as the case may be, a written statement to that effect and no

special election shall be held in the territory on the question of said proposed detachment and annexation of territory.

(c) The committee, or committees, or county superintendent, or county superintendents, as the case may be, shall approve the proposed detachment and annexation of territory if otherwise in compliance with subsection (1) of this section; provided, that the legal description of the proposed new common boundary as set forth in the respective resolutions shall be identical, except for typographical errors and minor omissions, and the time limitations with respect to elections prescribed by subsection (2) (c) of this section shall be applicable to the detachment and annexation of territory pursuant to this subsection. A copy of the resolutions shall be forwarded to the department of education, and the county assessor shall be given written notice thereof.

Committee or superintendent shall approve

(d) The proposed detachment and annexation shall be effective upon the thirtieth day after the committee, or committees, or county superintendent, or county superintendents, as the case may be, shall have approved said resolution and, if more than one approval shall be required, such approval shall be given on the same day. The assets and liabilities of the school district from which said territory was detached shall be apportioned, distributed, and paid in the manner prescribed by subsection (2) (e) of this section.

Effective 30 days after approval

(4) In the event of an election pursuant to this section and in the event there shall not be a suitable polling place within the territory proposed to be detached and annexed, the board of education of the new district or any district having a student population of over 1,500 from which said territory is proposed to be detached shall have the authority to designate one or more polling places beyond the limits of the territory proposed to be detached; provided, that said election shall be held in the manner otherwise specified.

Polling place

(5) Nothing in this section shall apply to any annexation or detachment wherein county boundaries are modified.

Limitation of the section

123-25-46.* New districts by operation of law. (1) Each school district which was organized as a new district under the provisions of article 8, chapter 123, CRS 1953, as amended, shall be and become by operation of law, and is hereby de-

New districts created by this article

*House Bill 474 repealed sections 123-8-1 to 123-8-30, 123-8-33 to 123-8-39.

clared to be, a new school district organized under the provisions of this article upon the effective date of this act notwithstanding any other provisions herein relative to an election on the question of a proposed new district.

Term and
number of
offices
unchanged

(2) Notwithstanding any other provisions in this article to the contrary, the term of office and the number of school director offices in each school district declared to be a new district organized under the provisions of this article pursuant to subsection (1) of this section shall be and remain as existing upon the effective date of this act, namely five director offices for each such school district, and the term of office shall be and remain six years, and until a successor shall have been elected and qualified, provided, that the provisions of this article relative to the plan of representation shall be applicable to such districts for purposes of nomination for the office of school director, vacancies, and changes in the director district plan of representation.

New district
shall have
powers and
duties

(3) Each school district deemed to be a new school district pursuant to subsection (1) of this section shall hereafter have the powers and duties delegated to a new school district actually organized under the provisions of this article, but nothing herein shall be construed in a manner so as to affect the corporate status of any such district declared to be a new school district organized under this article pursuant to subsection (1) of this section.

Amended portion approved by the Governor May 3, 1963.

AN ACT

House Bill No. 478

(Ch. 233, S.L. '63)

CONCERNING PUBLIC SCHOOLS

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

SECTION 1. 123-10-2, Colorado Revised Statutes 1953, is hereby amended to read:

123-10-2. May hold real estate—eminent domain. It shall be lawful for any school district in this state to take and hold, under the provisions of any law providing for the exercise of eminent domain, so much real estate as the board of education thereof may deem necessary for any of the purposes of said school district.

SECTION 2. School directors—increase—term of office—number. (1) In each school district which shall have three school director offices on the effective date of this act, the terms of office of the school directors which would otherwise expire in 1964 and 1966 shall be automatically extended until the regular biennial school election in 1965 and 1967, respectively. At the regular biennial school election in 1965, there shall be elected four school directors, three for four year terms of office, and one for a two year term of office. As the term of office of each school director in such districts shall expire, a successor shall be elected for a four year term of office and until a successor shall have been elected and qualified.

(2) At the first meeting of the board of education of each such school district described in subsection (1) of this section after the regular biennial school election in 1965, said board of education shall elect a president, a secretary, and a treasurer in the manner and for the term of office prescribed by section 123-10-3 (2).

SECTION 3. 123-10-21, Colorado Revised Statutes 1953, as amended, is hereby amended by the addition of new subsections (19), (20), (21), (22), and (23) to read:

123-10-21. Powers of school board. (19) To purchase or lease property for school sites or for any of the purposes

of the school district; to construct, erect, repair, and remodel needed buildings and structures; and to determine the location of each such school site, building, or structure.

(20) To sell and convey school property which is no longer needed for purposes authorized by law, upon such terms and conditions as it may in its discretion approve and to lease such property pending sale thereof or in connection with any agreement for lease and option to purchase the same.

(21) At its discretion to rent, or lease school property which is temporarily not needed for the purposes authorized by law, and at its discretion to permit community organizations to use such school property upon such terms and conditions as it may approve.

(22) To determine which schools within the district shall be maintained and operated, and to determine the attendance boundaries for each school within said district.

(23) To maintain and operate a full twelve grade education program within the territorial limits of said district.

SECTION 4. Repeal. 123-10-3 (1), 123-10-3 (3), 123-10-3 (4), 123-10-3 (5), 123-10-4, 123-10-21 (5), 123-10-25, 123-10-44, 123-10-50 to 123-10-53, Colorado Revised Statutes 1953, are hereby repealed.

SECTION 5. Effective date. This act shall take effect July 1, 1963.

SECTION 6. 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 May 3, 1963.

AN ACT

House Bill No. 478

(Ch. 233, S.L. '63)

As Amending

Art. 10, Ch. 123, C.R.S., 1953

CONCERNING THE GENERAL POWERS AND DUTIES
OF SCHOOL BOARDS

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. [L. 61, p. 653].

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. [L. 61, p. 653].

Insurance

(5) Repealed by Ch. 233, S.L. '63.

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

Holding
property

(7) Repealed by Ch. 243, S.L. '63.

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 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.

Tuition payments for non-residents

(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 provided for in this section.

Boards may
enter into
agreements
for payment
of tuition

(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

Surety bond

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 funds. [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. [L. 61, p. 659].

Purchase or lease property

(19) *To purchase or lease property for school sites or for any of the purposes of the school district; to construct, erect, repair, and remodel needed buildings and structures; and to determine the location of each such school site, building, or structure.*

Sell and convey property

(20) *To sell and convey school property which is no longer needed for purposes authorized by law, upon such terms and conditions as it may in its discretion approve and to lease such property pending sale thereof or in connection with any agreement for lease and option to purchase the same.*

Rent or lease school property

(21) *At its discretion to rent, or lease school property which is temporarily not needed for the purposes authorized by law, and at its discretion to permit community organiza-*

tions to use such school property upon such terms and conditions as it may approve.

(22) *To determine which schools within the district shall be maintained and operated, and to determine the attendance boundaries for each school within said district.*

Determine
operation and
boundaries

(23) *To maintain and operate a full twelve grade education program within the territorial limits of said district.*

Education
program

Amended sections approved by the Governor May 3, 1963.

There is no doubt that the proposed work will be of great value to the community.

The following is a list of the names of the persons who have been appointed to the various committees.

The names of the persons who have been appointed to the various committees are as follows:

1. The names of the persons who have been appointed to the various committees are as follows:

2. The names of the persons who have been appointed to the various committees are as follows:

3. The names of the persons who have been appointed to the various committees are as follows:

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8. The names of the persons who have been appointed to the various committees are as follows:

9. The names of the persons who have been appointed to the various committees are as follows:

10. The names of the persons who have been appointed to the various committees are as follows:

SENATE BILLS

SENATE BILLS

AN ACT

Senate Bill No. 31

(Ch. 43, S.L. '63)

CONCERNING PUBLIC MEETINGS.

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

SECTION 1. Public meetings. All meetings of any board, commission, committee, or authority of this state or a political subdivision of the state, created by law, and supported by law in its activities in whole or in part with public funds, are declared to be public meetings and open to the public at all times; provided such groups by majority consent of members present, may go into executive session for consideration of documents or testimony given in confidence, but shall not make final policy decisions nor shall any resolution, rule, ordinance, regulation or formal action or any action approving a contract or calling for the payment of money be adopted or approved at any session which is closed to the general public.

SECTION 2. Any action taken contrary to the provisions of this act shall be null and void and without force or effect.

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.

Signed by the Governor April 15, 1963.

AN ACT

Senate Bill No. 158

(Ch. 247, S.L. '63)

CONCERNING AUTHORITY OF TRUSTEES OF STATE COLLEGES, TO AMEND 124-8-13, COLORADO REVISED STATUTES 1953 (1960 PERM. SUPP.)

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

SECTION 1. 124-8-13, Colorado Revised Statutes 1953 (1960 Perm. Supp.), is hereby amended to read:

124-8-13. **Tax levy.** (1) There shall be levied and assessed on all taxable properties within this state, both real and personal, in the years 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963 and 1964, in addition to all other levies for the Adams State College at Alamosa, a tax of six thousand five hundred three hundred thousandths mill (\$.6503 mill) on each and every dollar of assessed valuation. Said taxes shall be assessed and collected in the same manner and at the same time as is provided by law for the assessment and collection of other revenues, and when so collected shall be paid by the state treasurer to the credit of the appropriation hereby made. The entire funds and monies derived from such levies each year, or so much thereof as may be necessary, are hereby appropriated to the board of trustees of the Adams State College, at Alamosa, for the purpose of carrying out the provisions of sections 124-8-10 and 124-8-11 and the acquiring by purchase or otherwise of the land necessary therefor together with improvements situated thereon at the time of such acquisition, and the equipping and furnishing of said buildings and for the remodeling of, addition to and improvement of existing buildings and facilities of the Adams State College, at Alamosa; provided that no monies hereby appropriated or which have heretofore been appropriated and remain uncommitted shall be committed or spent until the need for such facilities and the plans and specifications for proposed buildings shall have been reviewed and approved as provided by law.

(2) Nothing herein shall be construed to affect the validity of any outstanding anticipation warrants heretofore

issued pursuant to the provisions of section 124-8-14 against any state building mill levy heretofore assessed and appropriated for the Adams State College, at Alamosa, and the appropriation hereby made shall be first applied to such warrants; likewise nothing herein shall be construed to eliminate any balance of funds on hand which have been collected or which will be collected from any state building mill levy assessed in previous years for the Adams State College at Alamosa.

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 27, 1963.

AN ACT

Senate Bill No. 189

(Ch. 77, S.L. '63)

CONCERNING CHILDREN, AND PROVIDING FOR THE MANDATORY REPORTING OF INJURIES INFLICTED, BY OTHER THAN ACCIDENTAL MEANS, UPON CHILDREN UNDER THE AGE OF TWELVE YEARS.

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

SECTION 1. Declaration of purpose. In order to protect children whose health and welfare may be adversely affected through the infliction, by other than accidental means, of physical injury requiring the attention of a physician, the general assembly hereby provides for the mandatory reporting of such cases by doctors and institutions to the appropriate public authorities. It is the intent of the general assembly that, as a result of such reports, protective social services shall be made available in an effort to prevent further abuses, safeguard and enhance the welfare of such children, and preserve family life wherever possible.

SECTION 2. Definitions. For the purpose of and as used in this act:

(1) "Physician" means any doctor of medicine or doctor of osteopathy licensed to practice medicine in this state as provided in article 1 of chapter 91, Colorado Revised Statutes 1953, as amended, and any intern or resident as defined in said article 1 of chapter 91.

(2) "Institution" means a private or public hospital or other facility providing medical diagnosis, treatment, or care.

(3) "Department" means the county department of welfare.

(4) "Law enforcement agency" means the police department in incorporated municipalities and the office of the sheriff in unincorporated areas.

SECTION 3. Report by physicians and institutions. (1)

When any physician has cause to believe that a child under the age of twelve years brought to him or coming before him for examination, care, or treatment has had physical injury or injuries inflicted upon him other than by accidental means by a parent, stepparent, legal guardian, or any other person having custody of such child, he shall report such incident or cause a report to be made to the proper law enforcement agency as provided in subsection (3) of this section.

(2) When a physician is attending a child under the age of twelve years as a part of his regular duties as a staff member of an institution and has cause to believe that such child has had physical injury or injuries inflicted upon him other than by accidental means by a parent, stepparent, legal guardian, or any other person having custody of such child, he shall so notify the person in charge of the institution or his designated representative, who shall report the incident or cause such report to be made as provided in subsection (3) of this section.

(3) An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency and shall be followed by a report in writing. Such reports shall contain the following information if known:

- (a) The address and age of the child;
- (b) The address of the child's parents; stepparents; guardians; or other persons having custody of the child;
- (c) The nature and extent of the child's injury or injuries;
- (d) Any evidence of previous injuries, including their nature and extent; and
- (e) Any other information which in the opinion of the physician may be helpful in establishing the cause of the child's injury or injuries and the identity of the perpetrator or perpetrators.

SECTION 4. Duties of law enforcement agency—limitations. (1) Upon the receipt of a report concerning the possible non-accidental infliction of a physical injury upon a child, it shall be the duty of the law enforcement agency to refer such report to the department.

(2) No child upon whom a report is made shall be removed from his parents, stepparents, guardian, or other persons having custody by a law enforcement agency without consultation with the department unless, in the judgment of the reporting physician and the law enforcement agency, immediate removal is considered essential to protect the child from further injury or abuse.

SECTION 5. Duties of department. (1) The department shall investigate each report referred to it by a law enforcement agency to determine the circumstances surrounding the injury or injuries, the cause thereof, and the person or persons responsible. The department shall advise the law enforcement agency referring the report of its investigation and shall provide such social services as are necessary to protect the child and preserve the family.

(2) In the event that the department determines that further legal action is necessary to protect the child it may refer the case to the district attorney for criminal prosecution, it may file a petition in dependency in county or juvenile court as provided in article 1 of chapter 22, Colorado Revised Statutes 1953, as amended, or it may file a contributing to dependency petition in county or juvenile court as provided in article 7 of chapter 22, Colorado Revised Statutes 1953, as amended.

SECTION 6. Immunity from liability. Any person participating in the making of a report pursuant to this act or participating in a judicial proceeding resulting therefrom shall in so doing be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

SECTION 7. Evidence not privileged. The privileged communication between patient and physician shall not be a ground for excluding evidence regarding a child's injuries or the cause thereof, in any judicial proceeding resulting from a report pursuant to this act.

SECTION 8. 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 May 3, 1963.

AN ACT

Senate Bill No. 315

(Ch. 291, S.L. '63)

CONCERNING JURISDICTION OVER TERRITORY OF INDIAN RESERVATIONS AND FEDERALLY CONTROLLED PROPERTIES FOR SCHOOL DISTRICT PURPOSES.

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

SECTION 1. State jurisdiction over Indian reservations and federally controlled properties for school district purposes.

The state of Colorado hereby accepts jurisdiction over the territory of all Indian reservations, which is situated within the state, for the purpose of such territory, or any portion thereof, being included within one or more school districts and junior college districts. The state of Colorado hereby reserves jurisdiction over all federally owned or controlled territory within the state, in all instances wherein such reserved jurisdiction may be so construed in accordance with the terms of the grants or agreements heretofore or hereafter made to or with the federal government, for the purpose of such territory, or any portion thereof, being included within one or more school districts and junior college districts.

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 May 3, 1963.

Approved by the Governor May 3, 1903

SECTION 1. Right jurisdiction over Indian reservations and federally controlled properties for school district purposes.

SECTION 2. Safety clause. The general assembly has the immediate preservation of the public peace, health and safety.

Approved by the Governor May 3, 1903

SECTION 1. Right jurisdiction over Indian reservations and federally controlled properties for school district purposes.

SECTION 2. Safety clause. The general assembly has the immediate preservation of the public peace, health and safety.

Approved by the Governor May 3, 1903

SECTION 1. Right jurisdiction over Indian reservations and federally controlled properties for school district purposes.

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Approved by the Governor May 3, 1903

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Approved by the Governor May 3, 1903

SECTION 1. Right jurisdiction over Indian reservations and federally controlled properties for school district purposes.

SECTION 2. Safety clause. The general assembly has the immediate preservation of the public peace, health and safety.

RESOLUTION

HOUSE JOINT RESOLUTION NO. 25

WHEREAS, Numerous joint resolutions have been introduced in both houses of this General Assembly authorizing studies on various matters to be made by the Legislative Council, and certain standing committees of the two houses of the General Assembly, acting jointly; and

WHEREAS, The consolidation of all such studies into one joint resolution will provide a more concise and comprehensive method of authorizing such studies as this General Assembly may approve; now, therefore,

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

(1) That the Legislative Council shall make, or shall appoint committees to make, the following studies during the interim between the adjournment of this first regular session and the convening of the second regular session of this assembly or the first regular session of the Forty-fifth General Assembly; the funds to be expended for each such study not to exceed the amount allocated therefor from funds appropriated for Legislative Council studies:

(a) A study of existing and proposed "freeport" provisions in the laws of the several states of the union, and the evaluation and inclusion of all data available regarding the effect of such "freeport" provisions upon the marketing of goods and commodities grown, produced, and manufactured by so-called "home industry" and the desirability and necessity of extending to such "home industry goods" the same exemption from property taxation as is extended to "freeport" goods and commodities.

(b) A study of the problems relating to the tax exempt status of property owned by public bodies and religious and charitable organizations, and specifically the determination of the amount and value of tax exempt property owned by such groups in the state of Colorado.

(c) A study of alternative methods of taxing mobile homes and mobile equipment to assure equitable taxation of those classes of property in relation to other property.

(d) The three studies authorized in subsections (a) through (c) of this section being concerned with property

taxes, the Legislative Council shall appoint one committee to conduct these three studies, and no more than \$2,000 shall be expended for these studies.

(e) A continuation of the study on the administrative organization of state government, charged with the duty of considering all administrative phases of the executive department of state government. No more than \$2,000 shall be expended for this study.

(f) A study of Colorado criminal statutes and their application, including, but not limited to, such subjects as crimes against the person, crimes against property, crimes against public health and safety, arrest and arraignment, sentencing, parole and probation, narcotics control, and criminal insanity. No more than \$5,000 shall be expended for this study.

(g) A study of the various election laws of Colorado relating to school district, special district, and municipal elections, including any laws not specifically related to such elections but which are affected thereby, with a view to improving and revising said laws. The study shall also include a review of any problems which may arise under the primary and general election laws resulting from legislative districting. No more than \$5,000 shall be expended for this study.

(h) A study of the general mechanics' lien laws of this state. Such study shall include an inquiry into all phases of said laws, particularly as to the manner in which such laws apply to all parties and industries to which applicable, and an examination of similar laws of other states. No more than \$1,000 shall be expended for this study.

(i) The committee on educational endeavor, as authorized by chapter 219, Session Laws of Colorado 1959. No more than \$1,000 shall be expended by this committee.

(2) The council, or any committee appointed by the council to make a study authorized by paragraph 1 hereof, may request assistance of any organization, association, or agency, either private or public, or of any interested persons as it may deem advisable to aid it in its work, or may appoint advisory committees of interested citizens to so assist it; provided, that no person so appointed shall be entitled to vote or receive reimbursement for his services.

(3) The council shall report so much of the findings

and recommendations on each study authorized as may be completed to the second regular session of the Forty-fourth General Assembly, and shall make a complete and final report of those studies which will require additional time to the Forty-fifth General Assembly upon its convening in 1965.

(4) All expenditures incurred in the conduct of any study directed by this resolution shall be approved by the chairman of the council and shall be paid by vouchers and warrants drawn as provided by law from funds allocated for Legislative Council studies in House Bill 36, 1963 session.

(5) (a) The Legislative Council shall appoint the members of the Judiciary Committees of both houses to make a study of Amendment No. 1, adopted at the 1962 general election, providing for judicial reorganization, with the main purpose of preparing necessary implementing and corrective legislation required under said amendment. The committee shall elect its own chairman and vice chairman. For expenses of the committee, \$10,000 is hereby allocated from the appropriation made to the Legislative Council by H.B. 484, 1963 session, for special studies. The committee shall select an advisory committee to assist it in its study, but the members of such advisory committee shall not be reimbursed for their expenses or entitled to a vote.

(b) The Legislative Council shall appoint the members of the Education Committees of both houses, which shall meet during the interim between the first and second regular sessions of this Assembly, for the purposes of reviewing the codification of the school laws being prepared by the State Department of Education. The committee shall elect its own chairman and vice chairman. For expenses of the joint committee, \$2,000 is hereby allocated from the appropriation made to the Legislative Council for studies by H.B. 36, 1963 session.

(c) The Legislative Council shall appoint a committee to study, review, and keep currently informed on state institutional facilities, services, programs, and related matters. The subjects to be covered by the joint interim committee on state institutions may include, but shall not be limited to, the following:

(i) Pilot program and study on community centers for the mentally retarded;

- (ii) Juvenile commitment and transfer laws;
- (iii) Juvenile parole board;
- (iv) Program and functions of the state children's home and its relationship to over-all state programs and services for children;
- (v) Forestry camp programs for delinquents;
- (vi) Program planning and staffing for the children's psychiatric hospital at Fort Logan;
- (vii) The state's role in the community mental health center program.

For expenses of the committee, \$2,000 is hereby allocated from the appropriation made to the Legislative Council for studies by H.B. 36, 1963 session.

(6) Such special committees shall make their reports, together with recommended legislation, by December 1, 1963, to the Governor and the General Assembly in order that proposed legislation may be considered by the Governor for inclusion in his designation of legislation to be considered at the second regular session of this General Assembly.

(7) The Legislative Council shall make available to the committees such staff, facilities, and information as may be required to conduct their studies, and the Legislative Reference Office shall prepare or assist in the preparation of recommended legislation.

(8) (a) There is hereby created a joint interim committee of the House of Representatives and the Senate, consisting of nine members of the House of Representatives, to be appointed by the Speaker of the House, and seven members of the Senate, to be appointed by the President of the Senate, which joint interim committee shall be charged with the responsibilities of making a thorough study and review of the laws relating to the general property tax, as contained in chapter 137, Colorado Revised Statutes 1953, as amended, and particularly of the laws relating to the assessment of real and personal property; and concerning the state income tax act and the correlation thereof with the federal income tax code and specific ownership taxes on motor vehicles.

(b) Said joint interim committee in the conduct of its study and review shall have power and authority to hold

hearings, to summon witnesses, to take testimony under oath to be administered by the chairman or any member of the committee, and to assemble such records and documents as in its judgment may be deemed necessary;

(c) Said joint committee shall have power to call upon the staff of the Legislative Council, the Colorado Tax Commission, and the Department of Revenue for statistical information and research services in the conduct of its work, and to retain the services of such personnel as in its judgment shall be necessary to carry out its responsibilities;

(d) All expenditures incurred in the conduct of the work of the committee shall be approved by the chairman of the committee and the Speaker of the House or the President of the Senate, and shall be paid by vouchers and warrants as provided by law, said expenditures to be payable out of the appropriation made by the First Regular Session of the Forty-fourth General Assembly to the Legislative Council for special studies and \$10,000 is hereby allocated for the use of this committee; and

(e) The committee shall make a report of its study and review and submit its recommendations for revisions of the laws relating to the general property tax to the Second Regular Session of the Forty-fourth General Assembly no later than January 8, 1964.

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