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SCHOOL LAWS

Enacted by
The Forty-Fourth General Assembly
Second Regular Session
STATE OF COLORADO
1964



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

DENVER
1964

School Laws

Enacted by

The Forty-Fourth General Assembly

Second Regular Session

STATE OF COLORADO

1964

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July 1964

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BRADFORD-ROBINSON PTD. CO., DENVER

INTRODUCTION

The 1964 edition of SCHOOL LAWS has been prepared to give you as much assistance as possible in understanding the school laws enacted by the Forty-Fourth General Assembly of the State of Colorado in its Second Regular Session.

We have included some existing laws showing 1964 amendments by the use of italics. Strike-throughs indicate that part of a law which has been eliminated by 1964 legislation. Excerpts of other laws pertaining to education are also included. Excerpts are noted as such in the headings of these laws. They are also identifiable where asterisks are used.

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AN ACT
House Bill No. 17
(Ch. 243, S.L. '63)

RELATING TO PUBLIC SCHOOLS, PROVIDING FOR COM-
PULSORY ATTENDANCE.

*As Amended by House Bill No. 1006, Chapter 243, Session Laws
of Colorado 1964.*

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.

(6) “Academic year” means that portion of the school year during which the public schools are in regular session, beginning about the first week in September and ending about the first week in June next following.

Section 3.—*Free education—tuition may be charged, when.—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 DURING THE ACADEMIC YEAR when the schools of the district are in REGULAR session, and without the payment of tuition, subject only to the limitations of sections 6 and 7 of this act. TUITION MAY BE CHARGED FOR A PUPIL NOT A RESIDENT OF THE SCHOOL DISTRICT IN WHICH*

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

HE ATTENDS SCHOOL, AND TO RESIDENT OR NON-RESIDENT ADULT PUPILS, AS OTHERWISE PROVIDED BY LAW.

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 3.—**Repeal.**—Section 4 of chapter 243, Session Laws of Colorado 1963, is hereby repealed.

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: February 3, 1964.

AN ACT

House Bill No. 1007

(Ch. 87, S.L. '64)

CONCERNING THE DISPLAY OF THE FLAGS OF THE UNITED STATES AND OF THE STATE OF COLORADO ON STATE INSTITUTIONS.

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

Section 1. Article 3 of chapter 130, Colorado Revised Statutes 1953, as amended, is hereby amended BY THE ADDITION OF THE FOLLOWING NEW SECTION:

130-3-10.—**Display of flags.**—The chief administrative officer of any state institution supported in whole or in part by the state and under the control of the state, shall cause to have erected and maintained, at the entrance of the institution or on the principal administrative building or grounds thereof, a suitable flagstaff or flag-staffs with the attachments necessary for the display of flags, and shall cause to be displayed thereon the flags of the United States and of the state of Colorado. The flag of the state of Colorado shall be the same size as the flag of the United States with which it is displayed. If both flags are displayed on one flagstaff, the flag of the state of Colorado shall be placed below the flag of the United States. Such flags shall be displayed each day not earlier than sunrise and not later than sunset, except in inclement weather.

Section 2. 131-8-4, Colorado Revised Statutes 1953, is hereby amended to read:

131-8-4.—**State flag.**—A state flag be and the same is hereby adopted to be used on all occasions when the state is officially and publicly represented, with the privilege of use by all citizens upon such occasions as they may deem fitting and appropriate. The flag shall consist of three alternate stripes to be of equal width and at right angles to the staff, the two outer stripes to be blue of the same color as in the blue field of the national flag and

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the middle stripe to be white, the proportion of the flag being a width of two-thirds of its length. At a distance from the staff end of the flag of one ~~thirty-sixth~~ FIFTH of the total length of the flag there shall be a circular red C, of the same color as the red in the national flag of the United States. The diameter of the letter SHALL BE ~~one-sixth~~ TWO-THIRDS of the width of the flag. The inner line of the opening of the letter C shall be three-fourths of the width of its body or bar and the outer line of the opening shall be double the length of the inner line thereof. Completely filling the open space inside the letter C shall be a golden disk; attached to the flag shall be a cord of gold and silver intertwined, with tassels one of gold and one of silver. All penalties provided by the laws of this state for the misuse of the national flag shall be applicable to the said state flag.

Section 3.—**Repeal.**— 123-10-30 to 123-10-32, Colorado Revised Statutes 1953, are hereby repealed.

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: March 31, 1964.

AN ACT
House Bill No. 1009
(Ch. 71, S.L. '64)

CONCERNING SCHOOL DISTRICTS; PROVIDING FOR THE
DISSOLUTION OF COUNTY HIGH SCHOOL DISTRICTS
AND SCHOOL DISTRICTS SITUATE THEREIN, AND FOR
THE ORGANIZATION OF NEW SCHOOL DISTRICTS IN
LIEU THEREOF.

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

Section 1.—**Changes in boundaries.**—Notwithstanding any other provisions of law to the contrary, the boundaries of a county high school or any school district situate therein shall not be altered, revised, modified, or changed in any manner on or after June 30, 1964, except pursuant to a plan of organization adopted by the electors on or before December 30, 1964.

Section 2.—**Plan of organization—committee.**—(1) The school planning committee existing pursuant to section 123-25-4, CRS 1953, in each county wherein a county high school district may be situate shall have developed a statement of the conditions of organization of the proposed new school district prior to February 1, 1965. The boundaries of the new district shall be coterminous with the boundaries of the county high school district as it may exist pursuant to section 1 of this act.

(2) The statement of conditions shall be developed for the geographic area of the county high school district by the school planning committee in accordance with the provisions of "The School District Organization Act of 1957"; provided, that the statement of conditions shall not be submitted to a vote of the electors as required by said act, and all other provisions of said act relating to said special election shall not be applicable thereto; and provided further, that said committee shall hold a hearing on said statement of conditions and a meeting to explain said statement of conditions as otherwise required by said act.

Section 3.—**Corporate status—termination.**—The corporate status of each county high school district and each school district situate therein shall terminate on February 1, 1965, and each such county high school district and other school district situate therein shall thereupon cease to exist, and the term of office of each school director or committee member thereof shall thereupon automatically expire.

Section 4.—New school district—status—powers.—

A new school district is hereby organized and declared to be a body corporate, effective February 1, 1965, without a vote of the electors of the proposed district, in each county wherein there may exist a county high school district, and the boundaries of such new district shall be coterminous with those of the existing county high school district; provided, in the event that the total enrollment of all public schools contained within the boundaries of such new district is less than 1,500, then the county school planning committee shall within its statement of conditions of organization of the new school district provide for annexation of the territory of said county high school district and the included elementary district to the nearest adjacent school district containing a total public school enrollment of more than 1,500. The new school district shall be a body corporate under the name and style as set forth in the organization, statement of conditions of and in the manner provided by law for other school districts. Each new school district organized and created under the provisions of this section shall be deemed to be a new district organized under the provisions of "The School District Organization Act of 1957" and, on and after February 1, 1965, said district shall have the same powers and duties otherwise delegated to a new district formed under the provisions of said act.

Section 5.—School directors — election.—The school planning committee of each county wherein a county high school district may be situate shall call a special election to be held on the day the new school district becomes a body corporate, for the purpose of electing school directors for said new school district. The special election for school directors of said new district shall be called and held in accordance with the provisions of section 123-25-27, CRS 1953.

Section 6.—Repeal.—Articles 13, 14, 15, and 16 of chapter 123, Colorado Revised Statutes 1953, as amended, are hereby repealed effective February 1, 1965, but the repeal of said articles shall not be so construed as to impair the obligation of any debt contracted and outstanding prior to said date by any county or union high school in accordance with law.

Section 7.—Safety clause.—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 26, 1964.

AN ACT

House Bill No. 1013

(Ch. 68, S.L. '64)

CONCERNING PUBLIC SCHOOLS AND THE ADMINISTRATION OF LAWS RELATING THERETO; CONCERNING THE STATE BOARD OF EDUCATION, THE STATE DEPARTMENT OF EDUCATION, THE COMMISSIONER OF EDUCATION, AND THE STATE BOARD OF TEACHER CERTIFICATION, AND PRESCRIBING THEIR POWERS AND DUTIES.

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

Section 1. Article 1 of chapter 123, Colorado Revised Statutes 1953, as amended, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

123-1-1.—**Short title.**—This article shall be known and cited as “The State Department of Education Act of 1964”.

123-1-2.—**Definitions.**—Unless otherwise indicated by the context, the following words and phrases when used in this article shall have meanings respectively ascribed to them in this section:

(1) “State board of education” or “state board” means the state board of education created and existing pursuant to section 1, article IX of the state constitution.

(2) “Commissioner of education” or “commissioner” means the office of the commissioner of education created and existing pursuant to section 1, article IX of the state constitution.

(3) “Public schools” means the schools maintained and operated by a school district or a junior college district.

(4) “Non-public school” means a school organized and maintained by a recognized religious or independent association performing an academic function.

(5) “Department of education” or “department” means the department of education created and existing pursuant to section 3-1-1, CRS 1953.

123-1-3.—**Department of education.**—The department of education shall be a department of the executive depart-

ment of the state government, and shall include the following:

- (1) State board of education;
- (2) Commissioner of education, assistant commissioners of education, and other officers and employees of the department;
- (3) State library;
- (4) State board of teacher certification;
- (5) State board for vocational education, which shall continue as now constituted and existing. The board shall have and exercise all powers and authority and have all the duties and obligations provided by law.

123-1-4.—Offices and positions — nature.—As a matter of legislative determination, the offices of commissioner of education and assistant commissioners of education, and all positions of employment heretofore or hereafter classified by the board as director, consultant, supervisor, or instructor, are hereby declared to be educational in nature and not under the classified civil service of the state.

123-1-5.—State board — composition.— (1) The state board of education shall consist of a member from each congressional district of the state and, if the total number of such congressional districts be an even number, one additional member.

(2) The member of the state board from each congressional district of the state shall be nominated and elected by the qualified electors of such district in the same manner as members of the house of representatives of the Congress of the United States are nominated and elected. Each member from a congressional district shall be a qualified elector of such district. If the total number of congressional districts of the state be an even number, the additional member of the board shall be nominated and elected at large in the same manner as state officers are nominated and elected.

(3) Members shall be elected for terms of six years, shall serve without compensation, but shall be reimbursed for any necessary expenses incurred by them in the performance of their duties as members.

(4) The state board shall elect from its own membership a chairman and a vice-chairman who shall hold office for terms of two years. The commissioner shall act as secretary to the state board. The state board shall meet at least quarterly and at such other times as may be neces-

sary, upon call of the chairman, the commissioner, or by a majority of its members.

(5) Any vacancies that may occur by reason of death, removal, or resignation from office, or removal from the district from which elected, shall be filled by the state board, and the person so appointed shall serve until the next regular election providing such appointee is subject to the qualifications set forth by law.

123-1-6.—State board — duties.—The state board shall have and perform the following duties:

(1) To exercise general supervision over the public schools of the state and the educational programs maintained and operated by all state governmental agencies for persons who shall not have completed the twelfth grade level of instruction.

(2) To appoint a commissioner of education.

(3) To appraise the public schools and submit recommendations to the governor and general assembly for improvements in education.

(4) To approve the annual budget request for the department prior to submission.

(5) To order the distribution or apportionment of federal and state moneys granted or appropriated to the department for the use of the public schools of the state, except moneys granted or made available to another agency specifically designated.

(6) To review the annual report prepared by the commissioner and to transmit it to the governor in the form and manner prescribed by the controller pursuant to the provisions of section 3-3-17, CRS 1953.

(7) To perform any other duty which may be required by law.

123-1-7.—State board — powers.—The state board is hereby vested with powers to perform the following:

(1) To perform all duties which may be delegated to it by law.

(2) To employ personnel, subject to the provisions of section 13, article XII of the state constitution, as may be necessary for the performance of powers and duties delegated to the state board, the commissioner, and the department.

(3) To promulgate and adopt policies, rules, and regulations concerning general supervision of the public schools, the department, and the educational programs maintained and operated by all state governmental agencies for persons who shall not have completed the twelfth grade level of instruction.

(4) To approve within the appropriation made by the general assembly a salary schedule for personnel of the department who are not within the classified civil service.

(5) To create, maintain, and modify from time to time, such administrative organization for personnel of the department as may be deemed necessary or beneficial.

(6) To provide consultative services to the public schools and boards of education of school districts.

(7) To appraise for the purpose of accreditation any non-public school, but only upon its request.

(8) To accept gifts, grants, and donations of any nature for the use of the department or the public schools in accordance with conditions prescribed by the donor; provided, that no gift, grant, or donation shall be accepted if the conditions attached thereto require the use or expenditure thereof in a manner contrary to law.

(9) To prepare, approve, and implement plans necessary as a prerequisite to the receipt of federal moneys or property under any act of Congress for the use of the public schools of the state, except moneys granted or made available to another agency specifically designated.

(10) To require a school district to take a school census from time to time, containing such items of information as determined by the state board, and to give reasonable notice to each school district before requiring the taking of a census.

(11) To appoint such advisory committees as may be beneficial to the improvement of education in the state.

(12) To cooperate with other agencies either within or without the state for the improvement of education.

(13) To cause to be prepared or corrected any report required by law to be filed by a school district at any time that a school district has failed to file such report when due or has filed a grossly inaccurate or incomplete report and to cause such school district to pay the cost of such preparation or correction.

(14) To enter into reciprocal agreements for the exchange of information relative to the issuance, denial, or revocation of teacher certificates with the legally constituted certificating agencies in other states.

123-1-8.—**Federal financial assistance.**—(1) The state board of education is hereby authorized to accept, use, and administer all moneys and properties heretofore and hereafter granted or made available to the state or any agency

thereof for an educational purpose, except those moneys and properties granted or made available for such purpose to another such agency specifically designated.

(2) In the event it shall be necessary to execute a formal agreement with a federal agency or officer as a condition precedent to receiving federal moneys or property pursuant to subsection (1) of this section, the state board is authorized to execute such an agreement, with the approval of the attorney general, provided such agreement shall not be inconsistent with law.

(3) The state treasurer is authorized to receive any moneys accepted pursuant to the provisions of subsection (1) of this section as official custodian thereof, and shall disburse said moneys upon the order of the state board.

123-1.9.—State board of teacher certification.— (1) The state board of teacher certification as heretofore created, is hereby recreated and shall continue as existing on the effective date of this article. The board shall consist of the commissioner of education, who shall serve as chairman, and ten members to be appointed by the state board as follows: Two members shall be appointed from the faculties of universities or colleges situated in this state which provide approved programs of teacher preparation, provided such members shall first be recommended for appointment by the presidents of the universities or colleges from which the appointment is made; one member shall be a superintendent of schools of a public school district in the state; two members shall be lay persons who are residents of this state; and five members shall be certified classroom teachers who are actively engaged in teaching in the public schools of this state, and each of whom shall be qualified by education and experience to represent at least one of the following areas of teaching: Elementary education, secondary education, vocational education, humanities or fine arts, social sciences and physical sciences.

(2) The terms of office of all appointed members shall be for five years commencing on July 1 of the year of appointment. Vacancies on the board shall be filled by appointment by the state board for the remainder of the unexpired term. No member shall be appointed to succeed himself.

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

123-1.10.—State board of teacher certification — duties.— (1) It shall be the duty of the state board of teacher certification:

(2) (a) To investigate and determine, from time to time, and to publish its findings as to which institutions of higher learning meet the requirements of a standard institution of higher learning pursuant to section 123-17-20 (7); which programs of study meet the requirements of an approved program of preparation pursuant to 123-17-20 (8); what qualifications, preparations, training, or experience shall be required for the issuance of a school administrator certificate pursuant to section 123-17-23 (2); and what endorsements may be appropriate for each type of certificate or letter of authorization, and the requirements for each such endorsement pursuant to section 123-17-27.

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

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

(4) To conduct or arrange for research pertinent or essential to implement the provisions of sections 123-17-18 to 123-17-27 and sections 123-17-30 to 123-17-34, with the approval of the state board of education, including but not limited to teacher employment, teacher certification, and teacher preparation programs in institutions of higher learning. Publication of research findings and studies circulated in quantity outside the executive branch shall be issued in accordance with fiscal rules promulgated by the controller pursuant to the provisions of section 3-3-17, CRS 1953.

(5) To advise and cooperate with the state board, and professional organizations within and without the state, concerning matters relating to the preparation, recruitment, and selection of teachers.

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

123-1-11.—**Commissioner of education.**—(1) The commissioner of education shall be the chief state school officer and executive officer of the department of education. He shall possess such professional qualifications as may be deemed appropriate for the office by the state board.

(2) The commissioner shall be appointed by the state board, serve at the pleasure of the board, and receive such compensation as may be determined by the board.

(3) Before entering upon his duties, the commissioner shall subscribe to an oath of office, which oath shall be filed with the secretary of state.

123-1-12.—Commissioner of education — office — records—confidential nature of.— (1) The commissioner shall have an office at the seat of the government where he shall keep an official seal and all books and papers pertaining to the business affairs of his office. He shall be entitled to reimbursements for necessary travel and subsistence expenses, incurred either within or without the state, in accordance with regulations promulgated by the state controller.

(2) Copies of all papers, reports, and documents filed in his office, and his official acts, may be certified by him under seal, and when so certified shall be evidence of his official acts equally and in a like manner as the original paper, report, or document, or testimony under oath.

(3) Except when requested by the governor or a committee of the general assembly, all papers filed in the department of education which contain personal information about applicants for employment, employees, holders of a teacher's certificate or letter of authorization, or about pupil test scores are hereby classified as confidential in nature. Provided that each teacher shall have the right to inspect, and to have copies made at his expense of, all information pertaining to himself on file in the department of education. The teacher may challenge any such record by formal letter or other evidence, which shall be added to the state records. The state board may authorize any material to be added to or removed from a teacher's official records in its custody. It shall be unlawful for any officer, employee, or other person to divulge, or to make known in any way, any such personal information without the written consent of said applicant, employee, teacher, or pupil; provided, that such information may be divulged, or made known in the normal and proper course of administration of programs relating thereto without such written consent. Nothing in this subsection shall be construed in a manner to prohibit the publication of statistics relative to the aforementioned information when so classified as to prevent the identification of teachers or pupils involved in said statistics.

123-1-13.—Commissioner — duties.—Subject to the supervision of the state board, the commissioner shall have the following duties:

(1) To advise the state board concerning the current operation and status of the public schools, and upon other educational matters.

(2) To supply the state board with such information as it may require, and to prepare for the board to transmit annually, in the form and manner prescribed by the controller pursuant to the provisions of section 3-3-17, CRS 1953, a report accounting to the governor and the general assembly for the efficient discharge of all responsibilities assigned by law or directive to the department; and to issue all publications of the department circulated in quantity outside the executive branch in accordance with fiscal rules promulgated by the controller pursuant to the provisions of section 3-3-17, CRS 1953.

(3) To prepare and submit to the state board a budget for the department; and to properly execute the approved budget in accordance with appropriations.

(4) To establish and maintain a system of personnel administration within the department.

(5) To cause all policies, rules, and regulations adopted by the state board to be duly executed.

(6) To serve as state librarian pursuant to section 84-1-4, CRS 1953.

(7) To visit public schools and communities which most need his personal attendance for the purpose of stimulating and guiding public sentiment to education and diffusing by public addresses and personal communication with parents, school officers, and teachers, a knowledge of existing defects of and a knowledge of desirable improvements in the government, finance, curriculum of, and instruction in the public schools.

(8) To establish and maintain adequate statistical and financial records of school districts, and to maintain a continuous research program to stimulate improvements in education.

(9) To cause to be reprinted annually laws enacted by the general assembly concerning education, in accordance with fiscal rules promulgated by the controller pursuant to the provisions of section 3-3-17, CRS 1953, and to furnish copies thereof to interested persons. All publishing costs therefor shall be paid out of the public school income fund on warrants of the controller covering vouchers approved by the commissioner.

(10) To perform other duties as may be delegated to him by law or by the state board.

123-1-14.—**Commissioner — powers.**—Subject to the supervision of the state board, the commissioner shall have the following powers:

(1) To perform all duties which may be required by law.

(2) To issue instructions to school district officers and employees concerning the government of the public schools under their control.

(3) To prescribe forms and items to be included in reports submitted by school district officers and employees and other persons.

(4) To construe provisions of the school laws on questions submitted to him in writing by any school district officer or employee or other person. Said construction may be published in either memorandum form or in any periodical devoted to the interest of education with general distribution to the public schools.

(5) To cause to be prepared, printed, and distributed report forms, registers, curriculum and instructional guides, pamphlets, and other materials as may be beneficial to personnel and pupils of the public schools. All publishing costs therefor shall be paid out of the funds appropriated to the department on warrants of the controller covering vouchers approved by the commissioner. A reasonable fee may be charged for any such materials delivered to a person not in the service of a school district or enrolled as a pupil in the public schools thereof. All receipts from such fees shall be deposited to the credit of the general fund.

Section 2.—**Repeal.**—123-5-1 to 123-5-3, 123-21-23, and 124-5-3, Colorado Revised Statutes 1953, and 123-17-28 and 123-17-29, Colorado Revised Statutes 1953 (1961 Supp.), are hereby repealed.

Section 3.—**Effective date.**—This act shall take effect on July 1, 1964.

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: March 31, 1964.

AN ACT

House Bill No. 1014

(Ch. 69, S.L. '64)

CONCERNING TAX LEVIES AND REVENUES OF SCHOOL DISTRICTS.

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

Section 1. Article 3 of chapter 123, Colorado Revised Statutes 1953, as amended, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

ARTICLE 3

TAX LEVIES AND REVENUES

123-3-1.—**Definitions.**—Unless otherwise indicated by the context, the following words and phrases when used in this article shall have meanings respectively ascribed to them in this section:

(1) "School district" or "district" means a school district or a junior college district organized and existing pursuant to law.

(2) "Board of education" or "board" means the governing body authorized by law to administer the affairs of any school district as defined in subsection (1) of this section.

123-3-2.—**Certification — tax revenues.**—(1) No later than the sixteenth day of October, the board of education of each school district shall certify to the board of county commissioners of the county wherein said school district is located the separate amounts necessary, in the judgment of said board of education, to be raised from levies against the valuation for assessment of all taxable property located within the boundaries of said school district for its general, bond redemption, and capital reserve funds to defray its expenditures therefrom during its next ensuing fiscal year.

(2) If only a portion of a school district is located within a county, the board of education of said school district shall certify the separate amounts to the board of county commissioners of each county wherein

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

a portion of said school district is located. The board of county commissioners of each such county shall levy a tax upon the taxable property located within said portion of the school district included in its county at a rate sufficient to produce a pro rata share of each separate amount certified, such pro rata share to be based on the ratio of the valuation for assessment of taxable property located within that portion of said school district located within said county to the total valuation for assessment of taxable property located in the entire school district; provided, that the rate of tax levies for said district shall be the same throughout the territorial limits of said school district except for a variation in the tax levy, or levies, needed for the bond redemption fund of said district which rate may vary because of changes in the boundaries of said district or the dissolution of a former school district.

(3) The board of education of a school district which had an actual enrollment of more than seventy thousand pupils during the preceding school year may make the certification provided for in subsection (1) of this section no later than the first day of December.

(4) The levy for the capital reserve fund shall not exceed two mills in any year.

(5) (a) Whenever after a reorganization any school district shall have within its boundaries any territory which was located within the boundaries of a former school district when said former school district incurred bonded indebtedness, or is otherwise liable for the payment thereof, and the obligations of such bonded indebtedness have not been satisfied or otherwise assumed by said existing school district, then the board of education of the existing school district shall certify to the board of county commissioners the amount required during the next ensuing fiscal year to satisfy such territory's proportionate share of the obligations of the outstanding bonded indebtedness incurred by said former school district. A separate levy, sufficient to raise the amount so certified, shall be made against the valuation for assessment of all taxable property located within such territory. The proceeds of such levy shall be credited to the bond redemption fund of the existing school district, but a separate account within such bond redemption fund shall be maintained to clearly reflect the amount raised from such separate levy. This subsection (5) (a) shall be construed to be supplemental to and not in modification of section 123-11-23.

(b) Whenever two or more school districts or portions of school districts shall have been united, either by

consolidation of whole districts, or of parts of districts, or by the detachment of territory from one school district and its annexation to another school district, and at the time of such uniting by any of the above methods, there shall be united into one school district portions of any territory liable for the payment of bonded indebtedness, different either in amounts, dates of creation, or dates of interest or principal maturities, then in certifying to the boards of county commissioners the statement of the amount necessary to be raised from levies pursuant to subsection (1) of this section, it shall be the duty of the board of education of such united district to also certify to the board of county commissioners the numbers of all school districts under which any portion of the united district had bonded indebtedness outstanding at the time of such uniting, the legal description of the territory liable for the payment of such bonded indebtedness, or portion thereof, and the amount required during the ensuing fiscal year to meet payments of interest and principal falling due therein. A separate levy, sufficient to raise the amount so certified, shall be made against the valuation for assessment of all taxable property located within such territory. The proceeds of such levy shall be credited to the bond redemption fund of the united school district, but a separate account within such bond redemption fund shall be maintained to clearly reflect the amount raised from such separate levy. This subsection (5) (b) shall be construed to be supplemental to and not in modification of section 123-11-23.

123-3-3.—Change in needed tax revenues — unlawful.

—A board of education or a board of county commissioners shall not modify the amounts certified pursuant to section 123-3-2 as needed for any fiscal year, nor shall said board of county commissioners be charged with any discretion in determining or reviewing the amounts so certified other than to ascertain if said amounts are within the limitations as prescribed by law.

123-3-4.—County treasurer — accounts — warrants.—

(1) It shall be the duty of the county treasurer to open and keep separate accounts by funds and subsidiary accounts for the bond redemption fund of each school district in his county and said funds and accounts shall be subject to the warrants of said district. The tax revenues shall be credited immediately to the proper fund and account, together with any accrued interest on school district moneys, and the amounts so credited shall be reported to the secretary of the board of education of said school district at the end of every month.

(2) If only a portion of a school district shall be situate within the territorial limits of said county and

the headquarters of said school district shall not be located therein, the county treasurer shall transfer at the end of each month all moneys which have accrued to the credit of said district to the county treasurer of the county wherein the headquarters of said school district is located. No warrant shall be drawn by a school district situate in more than one county against its moneys except against those moneys in the custody of the county treasurer of the county wherein the school district headquarters is located.

(3) Except in the case of a school district which shall have elected to withdraw its moneys if a school district warrant be presented to the county treasurer of a school district situate in his county and there are no moneys or insufficient moneys to the credit of said school district in the proper fund or account thereof to pay such warrant, it shall be the duty of said county treasurer to register such warrants in the order of presentment and endorse each such warrant "no funds". Registered warrants shall draw interest from the date of such registration and endorsement at the rate and in the manner as registered county warrants. The county treasurer shall keep a list of all warrants so registered and endorsed and furnish a copy of said list to the treasurer of said school district. The county treasurer shall pay both the principal and interest of said warrants, in the order of registration, when there shall be sufficient moneys to the credit of the school district fund or account upon which any such warrant was drawn. It shall be his duty to cause to be published in a newspaper with general distribution in said school district for five days, a notice that certain school district warrants, describing said warrants by numbers and amounts, will be paid upon presentation at the expiration of said five days notice, and at which time said warrants shall cease to bear interest.

(4) It shall be unlawful for a school district to issue warrants in excess of the amount budgeted or appropriated to, or the anticipated revenues for, any fund, whichever is less, for said school district's fiscal year whether or not the board of education of said district shall have elected to withdraw its moneys from the custody of the county treasurer.

(5) It shall be the duty of the county treasurer to cancel all paid school district warrants with a proper cancelling stamp and indicate the date of payment thereof.

123-3-5.—**Depositories.**—(1) When the board of education of a school district shall have elected to have all moneys belonging to the district paid over to the treas-

urer of said board, the treasurer shall deposit, or cause to be deposited, all such moneys in such depositories as shall be designated by such board.

(2) Each designated depository shall be required to give a surety bond in an amount equal to at least one hundred ten per cent of the amount on deposit to the credit of the district at any time, with sureties approved by the board of education of the district, and conditioned for the payment of all moneys on deposit to the credit of the district, upon demand of the treasurer thereof through presentation of checks, warrants, or orders. In lieu of such surety bond, the board of education may accept obligations of the United States, the state of Colorado, or general obligation bonds of any school district located within the state in an amount equal to said surety bond, and such securities shall be placed with and held in trust by some bank, other than the depository, within the state, or with the Denver branch of the Federal Reserve Bank of Kansas City, Missouri, contingent upon the issuance of a joint custody receipt subject to the joint order of the depository and the treasurer of said board of education, and conditioned to secure and guarantee payment of all moneys on deposit to the credit of said school district, upon demand of the district through presentation of a warrant or order.

(3) Any moneys belonging to a school district which are temporarily not needed in the conduct of its operations may be invested or deposited by the board of education of such district pursuant to the provisions of 83-1-1 to 83-1-3.

(4) Notwithstanding the provisions of this section, the board of education of any school district may provide for the establishment, operation, and maintenance of refunding escrow agreements and accounts, and may provide for payment of principal and interest on the outstanding bonds of such district by paying agents, pursuant to the provisions of articles 12 and 11, respectively, of this chapter.

123-3-6.—Registered warrants by treasurer of the board.—If a board of education shall have elected to withdraw all school district moneys from the temporary custody of the county treasurer, and there are no moneys or insufficient moneys to the credit of the proper fund of said school district on deposit with a depository, to pay any warrant or order drawn against said fund, the treasurer of said board shall register said warrant in the same manner as otherwise prescribed for a county treasurer under the provisions of section 123-3-4. Registered warrants shall draw interest from the date of such regis-

tration and endorsement at the rate and in the same manner as warrants registered by the county treasurer. The treasurer of said board shall perform all duties required of the county treasurer under section 123-3-4 (3) in the registration and payment of school district warrants registered by said treasurer of the board, including publication for notice of payment thereof.

123-3-7.—**Short term loans.**—The board of education of any school district may negotiate or contract with any person, corporation, association, or company for a loan not to exceed the difference between the anticipated revenues for the current fiscal year for the general fund and the amount credited to date to said general fund in order to eliminate the necessity of issuing registered warrants upon said general fund. Such loan shall be liquidated within six months thereafter from moneys subsequently credited to said general fund. The total interest and fees to be paid on such loan shall not exceed the total amount authorized by law for registered warrants in a like amount for the same length of time.

123-3-8.—**Revenues — reorganization.**—(1) If the corporate status of a school district shall be dissolved as a result of school district organization and all the bonded indebtedness of such school district shall not have been assumed by one or more school districts, the board of education of the successor district as designated in the plan of organization shall perform the duties and exercise the powers delegated to the board of education of the former school district relative to the certification of tax revenues needed to satisfy the obligations of bonded indebtedness incurred by said former district, receipt of such revenues, deposit or investment thereof, and satisfaction of such obligations which thereafter become due and payable; provided, that the revenues from a tax levy, and the proportionate share of specific ownership taxes allocated thereto, to satisfy the bonded indebtedness of said former school district shall be held in a trust account in the bond redemption fund of the designated successor district for the purpose only of payment or redemption of bonds issued by said former school district. Any moneys remaining after all of the bonded indebtedness obligations of said former school district have been satisfied may be transferred to another account within the redemption fund of said designated successor school district or, in the absence of any outstanding bonded indebtedness obligations, to the capital reserve fund of said school district.

(2) If the corporate status of a school district shall not be dissolved as a result of school district organization, the board of education of the school district which in-

curred said bonded indebtedness shall continue to perform the duties and exercise the powers delegated there to relative to the certification of tax revenues needed to satisfy the obligations of bonded indebtedness incurred by said school district, receipt of such revenues, deposit or investment thereof, and satisfaction of such obligations which thereafter become due and payable even though a portion of the territory of said school district shall be thereafter included in another school district; provided that, in the event the annexing school district shall be located in another county, such powers and duties shall be performed by the annexing school district with proper remittance to the school district from which said territory was detached.

Section 2. 123-19-3, Colorado Revised Statutes 1953 (1961 Supp.), is hereby amended to read :

123-19-3.—**Retirement fund secured by levy.**—The money for the use of the public school teachers' retirement fund shall be secured by the ~~special~~ GENERAL fund levy of the school district provided for in section ~~123-3-1~~ 123-3-2 and from any gifts or bequests which may be made to said retirement fund.

Section 3.—**Repeal.**—35-7-12, Colorado Revised Statutes 1953, is hereby repealed.

Section 4.—**Effective date.**—This act shall take effect on July 1, 1964.

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

Approved: March 26, 1964.

AN ACT
House Bill No. 1015
(Ch. 76, S.L. '64)

PROVIDING FOR THE ACCOUNTING AND REPORTING OF
FINANCIAL TRANSACTIONS OF SCHOOL DISTRICTS.

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

Section 1.—**Definitions.**—Unless otherwise indicated by the context, the following words and phrases when used in this act shall have meanings respectively ascribed to them in this section:

(1) “School district” or “district” means a school district or a junior college district organized and existing pursuant to law.

(2) “Board of education” or “board” means the governing body authorized by law to administer the affairs of any school district as defined in subsection (1) of this section.

Section 2.—**Accounts.**—(1) The board of education of each school district shall cause financial records to be kept in accordance with generally accepted principles of governmental accounting. The financial transactions of the school district shall be recorded in general, appropriation, revenue, and expenditure records. Appropriate entries from the adopted budget shall be made in the records for the respective funds. Separate accounts shall be maintained for each of the several funds prescribed by this act. Continuing balances of the various budgetary accounts shall be maintained on at least a monthly basis. The board of education of each school district shall review the financial condition of said school district from time to time during the fiscal year and may require the secretary, treasurer, or any employee who may have duties which relate to the fiscal affairs of said school district to submit a financial report covering his fiscal actions from time to time as deemed appropriate by said board.

(2) All records shall be maintained at the principal administrative offices of the school district. Accounts shall be posted and reconciled with fund resources at least monthly. Records shall be open for public inspection during reasonable business hours. The state board of education shall prescribe the minimum accounts to be maintained under the provisions of this act.

Section 3.—**Funds.**—(1) The following funds are hereby created for each school district for purposes herein specified:

(a) General fund: The current fiscal transactions for the ordinary operations of the school district shall be accounted for in the general fund, including all transactions not specified to be accounted for in another fund. The revenues shall accrue from taxes and other appropriate sources.

(b) Bond redemption fund: The revenues from a tax levy for the purpose of satisfying bonded indebtedness obligations, both principal and interest, shall be recorded in the bond redemption fund. The bond redemption fund may include more than one subsidiary account for which a separate tax levy is made to satisfy the obligations of bonded indebtedness, including a separate tax levy to satisfy the obligations of bonded indebtedness incurred by a former school district. The revenues from each separate tax levy shall be held in trust for the purpose of satisfying the obligations of the bonded indebtedness for which the tax levy was made; provided, that revenues, if any, remaining to the credit of a separate subsidiary account after satisfaction of all such obligations of that subsidiary account, may be transferred to another subsidiary account in the same fund.

(c) (i) Capital reserve fund: The revenues from a tax levy for capital outlay purposes shall be recorded in the capital reserve fund. Such revenues may be supplemented by gifts, donations, and tuition receipts. Expenditures from the fund shall be limited to long-range future programs and shall be made only for the following purposes:

(A) Acquisition of land and construction of structures thereon;

(B) Construction of additions to existing structures;

(C) Procurement of equipment for new buildings and additions to existing buildings and installation thereof;

(D) Alterations and improvements to existing structures where the total estimated cost of such projects for labor and materials is in excess of five thousand dollars;

(E) Acquisition of school busses or other equipment, the estimated unit cost of which, including any necessary installation, is in excess of five thousand dollars.

(ii) Expenditures from the fund shall be authorized by a resolution adopted by the board of education of a school district at any regular or special meeting of the board. The resolution shall specifically set forth the purpose of the expenditure, the estimated total cost of the project, the location of the structure or structures to be constructed, added to, altered, or repaired, and a description of any school busses or equipment to be purchased, and where such equipment will be installed.

(iii) Any balance remaining upon the completion of any authorized project may be encumbered for future projects which are authorized as provided in this subsection.

(2) The state board of education may authorize by regulation additional funds not provided for in this section, together with proper accounting procedures for the same.

Section 4.—**Fees, fines, etc.**—All moneys collected from fees or fines fixed and imposed by the board of education of any school district shall be paid over to the treasurer of such board as received, or in no event later than the tenth day of the month following that in which collected, and shall be credited to the student fee and fine account, and deposited in the same manner as other moneys belonging to the district.

Section 5. — **Moneys from school activities.** — All moneys derived from any school sponsored activity, including but not limited to athletics, dramatics, grade or class projects, or student clubs or organizations, and from gifts or donations from any person in support of any such activity, shall be collected, accounted for, and deposited, under the supervision of the secretary or treasurer of the board of education, in such manner as may be prescribed or directed by the board, and shall be expended for such purposes and in such manner as may be approved and directed by said board. A detailed report of such accounting as is provided for in this section shall be made available by the board for the general public. Such copy may be typewritten or mimeographed and shall be posted in the principal administrative offices of the district in a corridor or room easily accessible to the public and to which the public has access during all ordinary office hours.

Section 6.—**Food service or lunchroom account.**—All moneys derived from the operation, maintenance, or sponsorship of a food service facility by a school district shall be paid over to the treasurer of the board of education of such district as received, or in no event later than the tenth day of the month following that in which collected,

and shall be credited to the food service or lunchroom account, and deposited in the same manner as other moneys belonging to the district. Such moneys shall be expended in such manner as may be approved and directed by said board, but no amount shall be transferred from the food service or lunchroom account to any other account or fund except in the manner otherwise authorized by law.

Section 7.—Audit of certain moneys.—An audit of the moneys specified in sections 4, 5, and 6 of this act shall be made at such times as may be ordered by the board of education.

Section 8.—Report of county treasurer.—(1) The county treasurer shall, no later than the tenth day of each month, render a monthly itemized statement of account, on a form prescribed by the state board of education, to each school district in his county, and to each joint school district if the headquarters thereof are located in his county, in cases where the board of education of such school district or joint school district has elected, pursuant to law, to have school district moneys received by the county treasurer paid over to the treasurer of the district.

(2) In cases where the board of education of any such school district or joint school district has not elected to have school district moneys received by the county treasurer paid over to the treasurer of the district, the county treasurer shall render an itemized statement of account, as prescribed in subsection (1) of this section, which shall include the following:

(a) A list of all cancelled warrants and orders paid and charged by him against the district.

(b) The sources and amounts of money received and credited to the accounts of the district.

(c) The balance due the district at the end of each month.

Section 9.—Financial statements — publication.—It shall be the duty of the board of education of each school district to publish semiannually within thirty days after the close of business June thirtieth and December thirty-first of each year, a complete report of the financial condition of said school district, showing the total of all receipts and disbursements from each and every fund, so itemized as to give the general public definite information as to the financial condition of said district. Such publication shall be made once in a newspaper of general circulation printed and published within said district; provided, that if there be no newspaper published within said

district, then such publication shall be made once in a newspaper having a general circulation within said district.

Section 10.—**Violation — malfeasance.**—Any school director, officer, or employee of any school district who knowingly or willfully fails to perform any of the duties imposed upon him by this act is guilty of malfeasance in office, and, upon conviction, the court shall enter judgment that such director, officer, or employee so convicted shall be removed from office or position of employment.

Section 11.—**Junior college districts—powers.**—Nothing in this act shall be construed to restrict the power of any Junior College district to pledge to the payment of revenue bonds all or part of the revenue of such district, other than revenues derived from ad valorem taxes of the district, pursuant to 123-23-32, Colorado Revised Statutes, 1953.

Section 12.—**Repeal.**—123-10-38 and 123-10-39, Colorado Revised Statutes 1953; and 123-10-37, Colorado Revised Statutes 1953 (1960 Perm. Supp.), are hereby repealed.

Section 13.—**Effective date.**—This act shall take effect on July 1, 1964.

Section 14.—**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: February 27, 1964.

AN ACT

House Bill No. 1018

(Ch. 74, S.L. '64; with 123-23-10, (1) (a), (c) through (g) and 123-23-11 to 123-23-12, and 123-25-27. (1) to (3) included for clarification.)

CONCERNING SCHOOL DISTRICTS; PROVIDING FOR THE ELECTION OF SCHOOL DIRECTORS AND FOR SCHOOL DIRECTOR DISTRICTS.

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

Section 1.—**Definitions.**—As used in this act:

(1) “Regular biennial school election” means the election in a school district held in May of each odd-numbered year, as provided in section 4 of this act.

(2) “Special school election” means any school election provided for by law and held at a time other than the regular biennial school election.

(3) “Elector” or “qualified elector” means a person who is legally qualified to register to vote at general elections in this state and who has resided in the school district thirty days and in the school election precinct fifteen days immediately preceding the election at which he offers to vote.

(4) “Registered elector” means an elector who has complied with the registration provisions of this act.

(5) (a) “Taxpaying elector” and “qualified taxpaying elector” mean a 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, in the school district for thirty days, and in the school election precinct for fifteen days preceding the election, and who, during the twelve months next preceding said election, has paid an ad valorem school tax upon property situated within the school district and owned by said person; and “registered qualified taxpaying elector” means a qualified taxpaying elector who has complied with the registration provisions of this act.

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

(b) "Ad valorem school tax" and "general ad valorem school tax" mean only the general property tax, levied annually on real or personal property listed with the county assessor. No person shall be qualified as a taxpaying elector for the purposes of this act by payment of any one or more of the following taxes: Income tax, sales tax, use tax, excise tax, specific ownership tax 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.

(6) "Registration list" means the list of registered electors of each school election precinct prepared by the county clerk from the county registration books in accordance with section 6 of this act.

(7) "Poll book" means the list of voters to whom ballots are delivered or who are permitted to enter a voting machine booth for the purpose of casting their votes at a regular biennial school election.

(8) "Watcher" means a person whose name has been submitted to the county clerk of the county in which his school election precinct is located and who has been certified by such county clerk as a registered elector of the school district, entitled to serve at a polling place in such school district with the right to remain inside the polling place from at least fifteen minutes prior to the opening of the polls until after the completion of the count of votes cast at the election and the certification of the count by the election judges. Each watcher shall have the right to maintain a list of voters, to witness and verify each step in the conduct of the election from prior to the opening of the polls through the completion of the count and announcement of the results, and, in the case of discrepancies, to assist in the correction thereof.

(9) "School enrollment" means the end-of-year enrollment reported by the secretary of the board of education to the state department of education for the school year next preceding the school year in which the election is held.

Section 2.—Computation of time.—Calendar days shall be used in all computations of time made under the provisions of this act. In computing time for any act to be done before an election, the first day shall be included and the last, or election day, shall be excluded. Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Sunday or a legal holiday, such act shall be done upon the day following such Sunday or legal holiday.

Section 3.—Board of education to govern conduct of school elections — contract with county clerk.—(1) Except as otherwise provided in this act, the board of education of each school district shall govern the conduct of regular biennial school elections in said district and shall render all interpretations and make all initial decisions as to controversies or other matters arising in the conduct of such elections.

(2) The board of education of any school district may contract with the county clerk or clerks for the administration of any of the duties of such board, or the secretary thereof, relating to the conduct of regular biennial school elections.

Section 4.—Regular biennial school election.—(1) The regular biennial school election in each school district having a school enrollment of seventy thousand or less shall be held on the first Tuesday in May of each odd-numbered year.

(2) The regular biennial school election in each school district having a school enrollment of more than seventy thousand shall be held on the third Tuesday in May of each odd-numbered year, in accordance with the provisions of section 31 of this act. Whenever the date of such election is identical to the date set for a municipal election in a city or city and county having boundaries coterminous with such school district, such school election shall be combined with and held in conjunction with such municipal election.

Section 5.—School directors — number — election — term.—(1) In each school district organized under "The School District Organization Act of 1957", there shall be elected five, six, or seven school directors, the number having been established in the organizational plan as required by law. Following the initial election, to be held in accordance with the provisions of "The School District Organization Act of 1957", the school directors shall be elected at the respective regular biennial school elections, each for a term of four years and until a successor shall have been elected and qualified.

(2) In each school district organized under the provisions of "The School District Reorganization Act of 1949", as amended, and affected by section 3 of chapter 239, Session Laws of Colorado 1963, there shall be five school directors who shall be elected at the respective regular biennial school elections, each for a term of six years and until a successor shall have been elected and qualified.

(3) In each school district with three school director offices on July 1, 1963, 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.

(4) In each school district not included in subsections (1) through (3) of this section, and having a school enrollment of less than forty thousand, there shall be elected one director at the regular biennial school election in 1965, and every six years thereafter; there shall be elected two directors at the regular biennial school election in 1967, and every six years thereafter; and there shall be elected two directors at the regular biennial school election in 1969, and every six years thereafter; provided, that in any such school district in which the term of office of none of the directors shall expire in 1965, and the terms of office of three of the directors shall expire in 1969, there shall be elected two directors at the regular biennial school election in 1967 and every six years thereafter, and two directors at the regular biennial school election in 1969 and every six years thereafter, and one director to serve until the regular biennial school election in 1971, at which time there shall be elected one director for a six-year term and every six years thereafter; provided, further, that in any such school district in which any school director's term of office shall expire during an even-numbered year, such term of office shall be automatically extended until the next regular biennial school election. The term of office of each such school director shall be six years and until his successor is elected and qualified.

(5) In each school district not included in subsections (1) through (3) of this section, and having a school enrollment of forty thousand or more, there shall be elected seven directors, each for the term designated, and until his successor is elected and qualified as follows:

(a) For any such district having seven directors as of the effective date of this act, three directors shall be elected at the regular biennial school election of 1965, and every six years thereafter; two directors shall be elected at the regular biennial school election in 1967, and every six years thereafter; and two directors shall be elected at the regular biennial school election in 1969, and every six years thereafter. The term of office of each such school director shall be six years and until his successor is elected and qualified.

(b) For any such school district which, as a result of growth in school enrollment, comes under the provisions of this subsection (5), thereby increasing the required number of directors thereof from five to seven, at the first regular biennial school election following such enrollment growth two additional directors shall be elected. If at such election, two directors are already required to be elected for six-year terms, one of such additional directors shall be elected for a two-year term of office, and the other shall be elected for a four-year term of office; otherwise, both such additional directors shall be elected for six-year terms of office. Thereafter, any successor shall be elected for a six-year term of office.

(6) All school directors shall be voted on at large by the electors of the entire school district, whether or not the district shall have a director district plan of representation.

(7) (a) The board of education of any school district may, by resolution passed by a majority of the whole board, submit to the qualified registered electors of the school district, at the next regular biennial school election, a proposal to change the terms of office of the directors of the district from six years to four years, or from four years to six years, as the case may be. The proposed plan shall be adopted by resolution of the board at least sixty days prior to the election.

(b) Upon written petition the board of education of any school district shall submit to the qualified registered electors of the school district, at the next regular biennial school election, a proposal to change the terms of office of the directors of the district from six years to four years, or from four years to six years, as the case may be. The petition shall be signed by at least ten per cent of the registered electors of the district, and the proposed plan, specifying terms of office and establishing the procedure for making the transitions, shall be attached thereto. The petition, together with the proposed plan, shall be submitted to the secretary of the board of education at least ninety days prior to the election.

(c) No proposal to change the terms of office of the directors of the district shall be submitted within four years after a previous proposal to change the terms of office has been submitted to the qualified registered electors of the district.

(d) The secretary of the board of education shall cause notice to be given that at the next biennial election for school directors a plan revising the terms of office of school directors will be submitted to the voters of the district; and such notice shall be published and posted in the

same manner as required for the regular biennial school election. Said notice shall state the question to be submitted to the electors, the qualification of an elector to vote thereon, the date of election, the polling places and hours of polling as shall be designated for the regular biennial school election, and that such plan is on file in the administration offices of the district for public inspection during reasonable business hours; provided, that said notice may be combined with the notice otherwise required for the election of school directors at said regular biennial school election.

(e) The ballot shall contain the words "For the..... (four) (six) year term of office for school directors" and "Against the.....(four) (six) year term of office for school directors". Otherwise, the ballots and election procedures shall be the same as prescribed for the regular biennial school election.

(f) If a majority of the votes at said election shall be "For the.....(four) (six) year term of office for school directors" the plan shall become effective upon canvass of election returns. If a majority of the votes shall be "Against the.....(four) (six) year term of office for school directors" the school directors of said district shall continue to be elected or appointed as prescribed in this section".

Section 6.—Persons entitled to vote at regular biennial school elections — registration required.—(1) No person shall be permitted to vote at any regular biennial school election or special school election without first having been registered in the manner required by the provisions of this section. Any qualified elector in any school district whose name appears upon the registration list of the school election precinct in which such person resides shall be entitled to vote on candidates for school director at such school election. This subsection shall in no way prohibit the submission, at the regular biennial school election, of propositions required by law to be voted on by only the registered qualified taxpaying electors of the district.

(2) Registration requirements for regular biennial school elections or for special school elections shall be the same as those governing general elections.

(3) The county clerk of each county, prior to the time of holding any regular biennial school election or special school election in said school district, shall make a full and complete copy of the list of the registered electors of each school election precinct of each school district or districts located within his county; provided, that if a contract is made with the county clerk pursuant to section 3 (2) of this act the county registration books may be used in lieu of separate registration lists. The registration list for

each school election precinct shall contain the names of the electors registered whose names appear on the registration list at the close of business on the fifteenth day prior to the time of such school election, arranged in alphabetical order. He shall certify the registration list and shall deliver the same to the secretary of the board of education of such school district not less than five days prior to the time of holding of such election. The said school district shall pay to the county clerk a fee of not to exceed one cent for each name contained on the registration list.

Section 7.—Qualifications and nomination of candidates for school director.—(1) Any candidate for the office of school director of a school district shall be a qualified elector of such district and, if the school district shall have a director district plan of representation, he shall be a resident of the director district in which he is a candidate unless he shall have been elected at the time of or prior to the adoption of a director district plan of representation by the electors of said district.

(2) 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 board of education of the school district in which he resides at least twenty days prior to the election date, together with a nomination petition signed by at least fifty, or fifteen per cent, whichever is less, of the registered electors of said district; provided, that if the school district shall have a director district plan of representation, the petition shall be signed by at least fifty, or fifteen per cent, whichever is less, of the registered electors resident in the director district in which the person is a candidate. The nomination petition shall contain the name and term of the office for which the person is nominated, and his post office address, place of residence, and place of business. Each of the electors signing the same shall add to his signature his place of residence.

Section 8.—Adoption of director district plan of representation.—(1) A board of education of any school district which shall not have a director district plan of representation may develop such a plan and submit the proposed plan to the registered electors of said district at any regular biennial school election. The proposed plan shall be adopted by resolution of the board at least sixty days prior to the election.

(2) The electors of any school district which shall not have a director district plan of representation may petition the board of education of said district to submit the question of a director district plan to the registered electors at any regular biennial school election. The petition shall be signed by at least fifteen per cent of the registered electors of said school district, and the proposed plan of director district representation shall be attached thereto. The

petition, together with the proposed plan, shall be submitted to the secretary of the board of education of the school district at least sixty days prior to the election. It shall be the duty of a board of education to submit to the registered electors of said school district the question of the director district plan when petitioned to do so pursuant to this subsection.

(3) A director district plan of representation developed pursuant to either subsection (1) or (2) of this section shall be subject to the specifications prescribed in section 9 of this act.

(4) The secretary of said board of education shall cause notice to be given on the question of whether the school district shall have a director district plan of representation as provided in either subsection (1) or (2) of this section, and such notice shall be published and posted as required for the regular biennial school election. Said notice shall indicate the question to be submitted to the electors at the next regular biennial school election, the qualifications of an elector to vote thereon, the polling places and hours of polling as shall be designated for the regular biennial school election, and that such plan of director district representation is on file with said secretary for public inspection during reasonable business hours; provided, that said notice may be combined with the notice otherwise required for the election of school directors at said regular biennial school election.

(5) The ballot shall contain the words "For the director district plan of representation" and "Against the director district plan of representation". Otherwise, the ballots and election procedures shall be the same as prescribed for the regular biennial school election.

(6) If a majority of the votes at said election shall be "For the director district plan of representation", the plan shall become effective upon canvass of the election returns; provided, that no such director district plan of representation shall terminate the office of any school director elected at the time such plan shall be submitted to the electors or prior thereto, but such plan shall be thereafter effective for vacancies and the election of school directors at any subsequent regular biennial school election. If a majority of the votes shall be "Against the director district plan of representation", the school directors of said district shall continue to be elected or appointed from any location within said school district until a director district plan of representation shall have been adopted by a majority of the electors of said district.

Section 9.—**Specifications for director districts.**—In school districts having a director district plan of representa-

tion, each director district shall be represented by a school director and shall, as nearly as practicable, be contiguous and compact and contain substantially the same number of electors as each other director district within the school district; provided, that a director district need not be contiguous, compact, and contain substantially the same number of electors as each other director district within the school district when, subsequent to the adoption of the director district plan, the boundaries of the director districts shall have been changed as a result of changes in the boundaries of said school district in a manner pursuant to law.

Section 10.—Changes in boundaries of director districts.—The board of education may 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. Any such proposed plan shall be made by resolution of the board not less than sixty days prior to the regular biennial school election at which it is to be voted upon. The question of the proposed plan for changes in boundaries of director districts shall be submitted to the registered electors of the district at such regular biennial school election and the plan, if adopted, shall become effective for subsequent vacancies and elections of school directors; provided, that no such change in director district boundaries shall terminate the office of any school director elected at the time of, or prior to, the adoption of the plan.

Section 11.—Precincts and polling places.—(1) The board of education, not less than five weeks prior to the time of the holding of any school election, shall establish one or more school election precincts in the school district, consisting of one or more whole general election precincts wherever practicable, shall number the same consecutively beginning with the number one, and shall designate one polling place in each precinct; provided, that the board may at any time before the day of election change the location of the polling place in the election precinct, and in case of such change shall post notices thereof at both the original and newly selected polling places no later than seven a.m. on election day.

(2) Immediately after the establishment of such precincts the secretary of the board of education of each school district shall certify to the county clerk of the county or counties in which the district is situated, a description of the school election precincts. The description may give the boundaries of said school district election precincts or may name the general election precincts contained in each of said school election precincts.

Section 12.—**Judges and clerks.**—(1) Prior to the date of the regular biennial school election, the board of education shall appoint three election judges, and in their discretion one clerk, for each of the school election precincts. Each election judge or clerk shall be a registered elector of the school election precinct for which he is appointed, and he shall not be a member of the board of education.

(2) In case one or more election judges or the clerk of election shall be absent at the time and place stated in the notice for the opening of the polls and ballot boxes, one or more duly registered electors of the precinct shall be chosen by voice vote of the registered electors present to fill the vacancies. The person so elected shall have all the powers and perform all the duties prescribed for an election judge.

(3) (a) On the first page of the poll book shall be printed a blank form of oath to be taken by each of the judges and clerks of election, substantially as follows:

“I,, do solemnly swear (or affirm) that I am a citizen of the United States and the state of Colorado; that I am a registered elector in school election precinct in the school district; 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 disclose how any elector voted if, in the discharge of my duties such knowledge comes to me, unless required to do so in some court of competent jurisdiction, and that I will not disclose the result of the votes until the polls have closed, so help me God.

.....
Elector

Subscribed and sworn to before me this
day of,

.....
Judge”

(b) The said oath shall be taken and subscribed by each of the judges and clerks 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) A clerk of election may perform any of the duties of election judges except the administering of oaths and passing upon the qualifications of electors and the legality, construction and interpretation of ballots.

(5) (a) The board of education may determine the amount of compensation, not to exceed twenty dollars, to be paid the judges and clerks of election for their services at a regular biennial school election.

(b) The compensation of all judges and clerks shall be uniform throughout a particular school district.

Section 13.—Notice of school election.—The secretary of each board of education shall give written or printed notice of the regular biennial school election, specifying the day and polling places of such election, the boundaries of school election precincts, the time during which the polls shall be open, the offices and questions to be voted on, the names of all candidates who have been nominated, and the qualifications for an elector to vote at said election. Said notice shall be published for the two weeks next preceding such election, in some newspaper having general circulation in the district, in accordance with the provisions of article 1 of chapter 109, CRS 1953, as amended.

Section 14.—Ballots, ballot boxes and voting machines.
—(1) Either paper ballots or voting machines of a type approved for use in general elections may be used in regular biennial school elections or in special school elections. Prior to the time of the election the secretary of the board of education of the school district shall cause to be prepared and delivered to each school election precinct a sufficient number of printed ballots and ballot boxes or voting machines for the precinct for said election. Ballots or voting machines shall contain the names of all candidates nominated for school director and questions to be voted upon at said election, which names shall be arranged by director districts when applicable, and otherwise in alphabetical order according to surnames; and on the ballot shall be printed such words as will indicate the number and terms of school directors to be elected. Ballot boxes shall meet the same specifications as required for ballot boxes in general elections.

(2) In school districts which use paper ballots, 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. The secretary shall cause all ballot stubs to be numbered consecutively 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 crossmark (X) in a sufficient margin at the right of the name of each candidate, his choice of candidates. At the end of the list of candidates for each different office shall be as many blank spaces as there are persons to be elected to such office, in which the elector may write the name of any eligible person not printed on the ballot for whom he desires to vote; provided, that no crossmark (X) shall be required at the right of the name so written in. There shall be printed on the back of each ballot substantially 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.

Section 15.—Poll books — certificate of return.—(1)

Prior to the time of any regular biennial school election, the secretary of the board of education of each school district shall cause to be prepared and delivered to the election judges one poll book for each precinct. The first page of the poll book shall contain the oath prescribed in subsection (3) (a) of section 12 of this act. The next succeeding pages 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.

(2) 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 the regular biennial school election held at in school election precinct no. of said district on the day of, the following named persons received respectively the number of votes placed opposite their names for the office of school director 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

Section 16.—**Hours of voting.**—At all regular biennial school elections and special school elections the polls shall be opened at seven a.m. and shall remain open until seven p.m. of the same day.

Section 17.—**Voting at school elections.**—(1) Any registered elector desiring to vote shall give his name and place of residence to one of the judges, who shall thereupon announce the same clearly and audibly. If his name is found on the registration list, 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.

(2) If paper ballots are used, a judge shall give the elector a ballot with a number corresponding to the number in the poll book opposite the elector's name, tearing it along the perforated line between the stub and the duplicate stub and retaining the 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 voting booth and prepare it for casting by marking a cross (X) opposite the name of those candidates for whom he desires to vote; provided, that no crossmark (X) shall be required opposite the name of a write-in candidate.

(3) 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.

Section 18.—**Watchers.**—Each candidate for the office of school director shall have the right to appoint a watcher in each school election precinct. Watchers shall not disclose the result of the votes until the polls have closed.

Section 19.—**Absentee voting.**—(1) A registered elector may vote in a regular biennial school election by absent voter's ballot under the terms and conditions and in substantially the same manner as is set forth in section 139 through section 159 of the "Colorado Election Code of 1963", except as hereinafter specifically modified.

(2) All acts required or permitted therein to be performed by the county clerk shall be performed by the secretary or assistant secretary of the board of education, unless the services of the county clerk are contracted for, but no oath shall be administered by the secretary or assistant secretary unless he is also an officer authorized to administer oaths.

(3) A registered elector may apply for an absent voter's ballot not more than twenty days nor less than three days before the election.

(4) No consideration shall be given nor distinction made with reference to any person's political party affiliation or the lack thereof.

(5) The return envelope for the absent voter's ballot shall have printed on its face an affidavit substantially in the following form:

"State of ;
....., County of"

I,, being first duly sworn according to law, depose and say that I am a registered elector in precinct, school district, county of, and state of Colorado; that I am not registered in any other precinct; that my residence and post office address is"

.....
Signature of voter

Subscribed and sworn to before me this
day of, 19.....

.....
(Signature of notary public, county clerk,
or other officer authorized to administer
oaths)

(SEAL).....
Title of office"

Section 20.—**Registration list omissions — challenges — oath — rejection.**—(1) No person shall be permitted to vote at any regular biennial school election or special school election unless his name is found on the registration list; provided, that any person who has been denied

the right to vote because his name does not appear on the registration list shall be permitted to vote upon either presenting a certificate of registration issued on the day of election by the county clerk of the county in which the school election precinct is located or subscribing to an oath substantially as prescribed in subsection (5) of this section for the challenge of a person offering to vote. All such certificates and oaths shall be surrendered to the judges of election and returned to the secretary of the board of education with other election records and supplies.

(2) When any person whose name appears on the registration list, or who has presented a certificate of registration or subscribed to an oath as above provided, offers to vote at any regular biennial school election or special school election, his right to vote at that polling place and election may be challenged by an election judge, clerk, watcher, or any legally qualified elector of the district.

(3) Each challenge shall be made by written oath, signed by the challenger under penalty of perjury, setting forth the name of the person challenged and the basis for the challenge. The judges of election shall deliver all challenges and oaths to the secretary of the board of education at the time the other election papers are returned. The secretary of the board of education shall forthwith deliver all challenges and oaths to the district attorney for investigation and appropriate action.

(4) If a person offering to vote be challenged as unqualified, one of the judges of election may require him to answer, under oath, the questions stated in section 136 of chapter 118, Session Laws of Colorado 1963, and such other questions as concern his qualifications as an elector at such regular biennial school election or special school election.

(5) If the challenge be not withdrawn after the person offering to vote shall have answered the questions put to him, 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 twelve months immediately preceding this election; in this county ninety days, in this school district thirty days and in this school election precinct fifteen days; that I am twenty-one years of age or over; that I am a registered elector in this school election precinct; and that I have not previously voted at this election, so help me God.”

If the person so challenged shall take the oath or affirmation, his vote shall be accepted, and the judges of election shall write “sworn” on the poll book after the person’s name. If he shall refuse to make such oath or affirmation, his vote shall be rejected.

Section 21.—**Count and certification of votes.**—(1) Immediately after the close of the polls the judges shall open the ballot box and proceed to count the votes cast, and shall continue to count without adjournment until finished. If it shall be found that the number of ballots in the box exceeds the number of names entered in the poll book, the judges of election, without unfolding the ballots, shall examine the endorsement on the backs of the same, and, if in their opinion any one or more of them is spurious, they shall be separated from the others unopened, and shall not be counted, but shall be enclosed in a package by themselves, marked "excess ballots" and returned to the ballot box. A record of the number of such excess ballots shall be made and certified to the board of education in the certificate of returns.

(2) As soon as all the ballots shall have been counted the judges shall make out the certificate of returns in the poll book, stating the number of votes cast, the number of excess ballots, the number of unused ballots and the number of votes received by each candidate in both words and numerical figures.

Section 22.—**Return of ballot box, poll book, and registration list.**—(1) After the ballots have been counted they shall be returned to the ballot box; the ballot box shall thereupon be returned, together with the poll book, registration list, and other election materials, to the secretary of the board of education of the school district by one of the judges of election. Upon receiving the ballot box, poll book, and registration list, the secretary of the board of education shall give his receipt therefor.

(2) If the distance from the polling place to the administrative office of the school district is greater than five miles, the judge providing the transportation for the return of election materials may be paid a mileage allowance, to be set by the board of education, but not to exceed ten cents per mile for each mile necessarily traveled in excess of ten miles in going to and returning from the administrative office of the school district.

Section 23.—**Tie votes.**—If it appears that any two or more candidates for school director have an equal number of votes for the same office, and a higher number than any other candidate, the "tie" shall be resolved in such manner as shall be agreed upon by the candidates so "tying". If the candidates fail to agree upon the method of resolving the "tie", the same shall be resolved by lot, to be cast as the secretary of the board of education shall determine.

Section 24.—**Canvass of votes — certificate of election.**—Immediately upon receiving all the returns of election the secretary shall call a meeting of the board of edu-

cation to meet not more than twenty-four hours later. At such meeting the board of education shall proceed to open and examine the certificate of returns and shall canvass the votes cast. It shall be the duty of the board immediately upon the conclusion of such canvass to make out and deliver a certificate of election to the candidate who shall receive the highest number of votes; provided, in a district which does not have a director district plan of representation and in which there is more than one vacancy to be filled for the same term, certificates of election shall be delivered to those candidates who shall receive the highest number of votes. Each certificate shall be signed by the president and secretary of the board. A duplicate of each certificate of election shall be forwarded to the state department of education.

Section 25.—**Oath of directors.**—Each director shall, within ten days after delivery of his certificate of election, appear before some officer authorized to administer oaths and take an oath that he will faithfully perform the duties of his office as required by law, and will support the constitution of the United States, the constitution of the state of Colorado, and the laws made pursuant thereto. The oath may be administered by the county superintendent or by the president of the board of education and shall be filed with the county clerk of the county in which the headquarters of the district is located. In case a director fails to take the oath within said period, his office shall be deemed vacant and the vacancy thus created shall be filled in the same manner as other vacancies in the office of director.

Section 26.—**Preservation of ballots.**—The board of education shall preserve the ballot boxes unopened and intact for at least fifteen days from the day of election, after which time the secretary shall open the same and burn their contents, unless the board shall be required to produce them in a court of competent jurisdiction. In school districts which use voting machines, the machines may be unlocked and the seals broken after fifteen days from the date of election.

Section 27.—**Contests.**—Proceedings to contest the election of any person declared duly elected as a member of the board of education of any district in this state may be instituted by any qualified elector of such school district. Such proceedings shall be instituted within ten days after the votes cast at such election are canvassed. The county court of the county wherein the headquarters of a school district shall be situated shall have jurisdiction in all contests for the office of director of any such school district. In such cases the rules of practice and procedure in

contested elections for county officers shall apply, as far as applicable.

Section 28.—**Recall of school directors.**—(1) Any school director may be recalled from office at any time, provided he has held his office for at least six months. Recall proceedings may be initiated against a school director as follows:

(a) A petition containing the requisite number of signatures shall be filed with the secretary of the board of education of the school district, demanding an election of a successor to the school director named in the petition. The petition shall contain a general statement, in not more than two hundred words, of the grounds on which the recall is sought, which statement shall be intended for the information of the electors of the school district. Such electors shall be the sole and exclusive judges of the legality, reasonableness and sufficiency of the grounds assigned for recall, and said grounds shall not be open to review.

(b) The petition shall be signed by registered electors of the school district equal in number to at least forty per cent of the entire vote cast at the last preceding election for all candidates for the position occupied by the incumbent sought to be recalled; provided, that if the school district does not have a director district plan of representation, and if more than one person were elected to fill the office of school director at the last preceding election for the position occupied by the incumbent sought to be recalled, then the petition shall be signed by registered electors of the school district equal in number to at least forty per cent of such entire vote cast for all candidates for school director, divided by the number of school directors elected at such last preceding election.

(c) Any such recall petition may be circulated and signed in sections; provided, that each section shall contain a full and accurate copy of the title and text of the petition. The signatures need not all be on one sheet of paper, but each sheet shall contain an oath, subscribed to by the person circulating such sheet, that the signatures thereon are genuine. Each person signing the petition shall add to his signature the date of his signing and his place of residence.

(d) (i) Any such petition shall be deemed sufficient if signed by the requisite number of registered electors of the district, unless a protest in writing under oath shall be filed in the county court of the county in which the headquarters of the district is located, by some

registered elector of the district, within fifteen days after such petition was filed, setting forth specifically the grounds of such protest. Upon receipt of a protest, the clerk of the county court shall forthwith mail a copy of the protest to the person or persons named in the petition as representing the signers thereof and to the secretary of the board of education, giving notice of the time and place for hearing such protest. The hearing shall be held in the county court of the county in which the headquarters of the district is located. Such hearing shall be summary and not subject to delay, and shall be concluded within thirty days after the petition was filed. The result of the hearing shall be forthwith certified to the person or persons representing the signers of such petition and to the secretary of the board of education.

(ii) If the petition is not sufficient, it may be withdrawn by the person or persons representing the signers of such petition, and, within fifteen days thereafter, may be amended and refiled as an original petition.

(iii) The determination of the sufficiency of a petition as provided in this paragraph (d) shall not be held to refer to the grounds assigned in such petition for the recall of the incumbent sought to be recalled from office thereby.

(e) When any such petition is sufficient, the secretary of the board of education shall thereupon call a special election to be held not less than thirty days nor more than sixty days from the date of submission of the petition; provided, that if a regular biennial school election is to be held within ninety days after the date of submission of said petition, the recall election shall be held as a part of said regular biennial school election.

(2) (a) The recall election shall be conducted in the same manner as provided by law for regular biennial school elections, insofar as practicable.

(b) In school districts which use paper ballots, there shall be printed on the official ballot, in not more than two hundred words, the grounds set forth in the petition for demanding the recall, and, in not more than two hundred words, the school director's justification of his course in office. In school districts which use voting machines, there shall be posted inside each voting machine booth a card on which is printed, in not more than two hundred words, the grounds set forth in the petition for demanding the recall, and, in not more than two hundred words, the school director's justification of his course in office.

(c) The ballot or voting machine shall contain the question, "Shall (name of person against whom recall

petition is filed) be recalled from the office of school director?" Following such question shall be the words "Yes" and "No" and a blank space in which the voter shall indicate his vote for or against such recall.

(3) If a majority of the registered electors of the school district voting on the question of the recall of any incumbent school director shall vote "No", said incumbent shall continue in said office; if a majority shall vote "Yes", such incumbent shall thereupon be deemed removed from such office upon the qualification of his successor.

(4) (a) If the vote in the election shall recall the school director, the secretary of the board of education shall call an election to fill the vacancy for the remainder of the unexpired term; such election shall be held within thirty days after the certification of the results of the recall election.

(b) The election called to fill such vacated position shall be conducted in the same manner as provided by law for regular biennial school elections, insofar as possible.

(5) If the school director named in the recall petition shall offer his resignation after the filing of such petition, it shall be accepted, and the vacancy caused by such resignation shall be filled in the same manner as other vacancies are filled. The person appointed to fill such vacancy shall hold office for the remainder of the unexpired term and no recall election shall be held.

Section 29.—**Vacancies.**—(1) (a) A school director office shall be deemed to be vacant upon the occurrence of any one of the following events prior to the expiration of the term of office:

(b) If for any reason a school director shall not be elected to a school director office by the electors as may be required at a regular biennial school election.

(c) If the person who was duly elected or appointed shall fail, neglect, or refuse to subscribe to an oath of office as provided in section 25 of this act within ten days after receipt of the certificate of election or appointment.

(d) If the person who was duly elected or appointed shall submit a written resignation to the board of education and such resignation shall have been duly accepted by the board of education.

(e) If the person who was duly elected or appointed shall be or become during his term of office a nonresident of the school district in which he was elected or, in the

event the district shall have a director district plan of representation, if he shall be or become during his term of office a nonresident of the director district which he represents unless he shall have been elected at the time or prior to the adoption of a director district plan of representation by the electors or prior to a revision and redesignation of director district boundaries.

(f) If the person who was duly elected or appointed shall be found guilty of a felony.

(g) If a court of competent jurisdiction shall void his election or appointment or remove the person duly elected or appointed for any cause whatsoever, but only after his right to appeal shall have been waived or otherwise exhausted.

(h) If a court of competent jurisdiction shall determine that the person duly elected or appointed is insane or otherwise mentally incompetent, but only after his right to appeal shall have been waived or otherwise exhausted.

(i) If the person who was duly elected or appointed shall not attend three consecutive regular meetings of the board of education without the board of education having entered upon its minutes an approval for an additional absence, or absences; provided that such additional absence, or absences, shall not be due to a temporary mental or physical disability or illness.

(j) If the person who was duly elected or appointed shall die during his term of office.

(2) At the next board of education meeting immediately following the occurrence of any condition specified in subsection (1) of this section, the board of education of said district shall adopt a resolution declaring a vacancy in said school director office, and the board of education of the school district in which the vacancy occurs shall appoint a person to fill the vacancy within sixty days after said vacancy shall have occurred. If the appointment is not made by the board within such sixty-day period, the president of the board shall forthwith appoint a person to fill the vacancy. The appointment shall be evidenced by an appropriate entry in the minutes of the meeting and the board shall cause a certificate of appointment to be delivered to the person so appointed. A duplicate of each certificate of appointment shall be forwarded to the state department of education.

(3) An appointee to the office of school director shall serve for the remainder of the unexpired term.

Section 30.—**School election offenses.**—The election offenses prescribed by 49-21-1 through 49-21-6 and 49-21-8 through 49-21-39, CRS 1953, as amended, shall be applicable to regular biennial school elections and special school elections.

Section 31.—**Election procedures in districts having more than seventy thousand school enrollment.**—(1) The regular biennial school election in each school district having a school enrollment of more than seventy thousand shall be held on the third Tuesday in May of each odd-numbered year and shall be conducted and supervised by the county clerk, or election commission where such commission has been established, of the county or city and county within which such school district is located.

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

(3) Any candidate for the office of member of the board of education of such district shall be a registered elector of such district.

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

(5) The county clerk or election commission, at least ten days before such regular biennial school election, shall give written notice of the election in substantially the same manner as is set forth in the "Colorado Election Code of 1963" and shall include therein the names of the candidates who have been nominated for the office of school director.

(6) Either ballots or voting machines of a type approved for use in general elections may be used in such school elections. The county clerk or election commission shall prepare the ballots or voting machines for said election. Said ballots or voting machines shall contain the names of the candidates to be balloted for at said election, which names shall be arranged in alphabetical

order according to surnames, and such words as will indicate the number of members of the board of education to be elected. Whenever such school election is combined with a municipal election, the county clerk or election commission shall permit and arrange for the joint use of voting machines for balloting for candidates for municipal offices, for candidates for the board of education of said school district and for such other propositions as may be submitted to the electors of said school district, city, or city and county.

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

(8) (a) The appointment of judges and clerks of election, the printing of poll books and oath forms, the designation of precinct boundaries and polling places, the canvassing of the votes cast and other procedures pertaining to the conduct of school elections required by this act to be done or performed by the secretary or board of education shall, in school districts having a school enrollment of more than seventy thousand, be done and performed by the county clerk or the election commission. The county clerk or election commission shall canvass the returns within five days of such election and shall certify the results thereof to the secretary of the board of education forthwith upon completion of such canvass.

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

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

(10) If such school election is combined with a municipal election of a city or city and county that is coterminous with said school district, said school district

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

(11) Except as provided in this section, school elections in school districts having a school enrollment of more than seventy thousand shall be subject to other provisions of law pertaining to school elections.

123-23-10.—**Election of committee—members and terms.**—(1) (a) All public junior college districts established under the provisions of “the junior college organization act”, now existing or hereafter organized, shall have a board of control known as the committee consisting of five members elected at public elections, except as provided in subsection (1)(g) of this section, for staggered terms of six years each in the manner hereinafter provided, except those districts coterminous with a first class public school district choosing the alternative as provided in section 123-23-12(1) (b).

(b) *The regular election of members of a junior college committee shall be held on the first ~~Monday~~ TUESDAY in May in odd-numbered years except that in a junior college district having boundaries coterminous with a city and county of the state such elections shall be held on the date of the municipal elections THIRD TUESDAY IN MAY IN ODD-NUMBERED YEARS, as provided for first class public school districts in section 123-27-1, CRS 1953 BY LAW FOR REGULAR BIENNIAL SCHOOL ELECTIONS IN SCHOOL DISTRICTS HAVING A SCHOOL ENROLLMENT OF MORE THAN SEVENTY THOUSAND.*

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

(d) The committee of any junior college district may establish committee member districts for the junior college district if it determines that such districts are in

the best interests of the junior college district. Such committee member district shall be established on the basis of nearly equal population or on the basis of geography and population in the case where the junior college district consists of more than one county.

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

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

(g) If the committee of any existing junior college district so elects, committee members may be elected by a majority vote of all of the directors of the respective school districts within the junior college district present at a meeting called by the county superintendent of schools for that purpose, not sooner than thirty days prior to the expiration of the term, or terms, of any committee member, or committee members, of the junior college district, unless a petition or petitions, in writing be signed and sworn to by not less than five per centum of the qualified electors of the district be filed with the secretary of the district at least sixty days prior to the expiration of the term, or terms, of such committee member, or committee members, demanding that the successor, or successors, of the committee member, or committee members, whose term, or terms, is, or are, about to expire, be elected by the qualified electors of the junior college district in which event, such election shall be called as provided in section 123-23-11.

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

—(1) (a) In all junior college districts organized under the provisions of “the junior college organization act” or other applicable statutes, after the effective date of this section, except those districts coterminous with a first class public school district, the first committee shall be elected in the following manner:

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

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

member for a two-year term or until the first regular school election.

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

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

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

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

(b) If at such an election the majority of the votes cast thereon are in favor of the formation of the junior college district and the majority of the votes cast thereon are in favor of the board of directors of the first class school district acting as the committee of the junior college district, the board of directors of the first class district will immediately assume the duties and responsibilities as the committee for the new junior college district. When the respective terms of the members of the board of directors of the first class district expire their membership on the committee of the junior college district also terminates, and their successors shall also be members of the committee of the junior college district.

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

Section 33. 123-25-27 (4), Colorado Revised Statutes 1953 (1960 Perm. Supp.), is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

123-25-27.—Boards of education.—(1) (a) When a new district shall have been formed under the provisions of this article the chairman of the committee shall call for

a special election in such new district for the selection of a board of education for the district, to be held on the day the new district becomes a body corporate. At such election five to seven members of the board of education, the number having been established in section 123-25-13 (2), shall be elected as follows:

(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.

(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.

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

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

(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.

(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.

(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.

(3) When members of the board of education of the new district assume their duties as herein provided, the board of education of any district or districts situated wholly within said new district shall cease to function and the terms of office of the members thereof shall thereupon automatically expire, save and except, however, that if the schools in the old districts which are included in the new district continue to operate under the provisions of section 123-25-24, the boards of education of the old districts shall continue to act as such for the purpose only of carrying on the operation of said schools until the end

of the school year, and at the end of said school year the said boards of education shall have no further power and authority and the terms of the members thereof shall automatically expire. The board of education for the new district shall have full power and authority even if schools are held therein as above provided to make all necessary contracts for teachers, adopt budget, make contracts for transportation and do all other things necessary to be done with reference to the business affairs of said new district for succeeding school years.

123-25-27.—*Boards of education.*—(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 by law for the nomination of candidates for the office of school director at regular biennial school elections.*

Section 34.—**Repeal.**—The following sections are hereby repealed:

(1) 123-2-5, 123-10-6, 123-10-8, 123-10-9, and 123-10-12 to 123-10-18, Colorado Revised Statutes 1953;

(2) 123-10-3 (2), 123-27-1, and 123-27-2, Colorado Revised Statutes 1953 (1960 Perm. Supp.);

(3) 123-10-7 and 123-10-10, as amended by chapter 234, Session Laws of Colorado 1963; 123-10-11, as amended by chapter 98, Session Laws of Colorado 1963; and section 2 (1) of chapter 233, Session Laws of Colorado 1963.

Section 35.—**Application of act.**—Except for section 32 this act shall not apply to junior college districts.

Section 36.—**Effective date.**—This act shall take effect on July 1, 1964, except section 5 which shall take effect on the passage of this act.

Section 37.—**Saving clause.**—This act shall not be construed to remove any school director from office during the term for which he was elected or appointed, but shall apply to the election and appointment of directors after the effective date of this act.

Section 38.—**Safety clause.**—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 26, 1964.

AN ACT

House Bill No. 1019

(Ch. 75, S.L. '64)

CONCERNING BUDGETS OF SCHOOL DISTRICTS AND JUNIOR COLLEGE DISTRICTS, AND ENACTING "THE SCHOOL DISTRICT BUDGET LAW OF 1964".

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

PART I

"School District Budget Law of 1964"

Section 1.—**Short title.**—This act may be cited as "The School District Budget Law of 1964".

Section 2.—**Definitions.**—Unless otherwise indicated by the context, the following words and phrases when used in this act shall have the meanings ascribed respectively to them in this section:

(1) "School district" or "district" means a school district or a junior college district organized and existing pursuant to law.

(2) "Board of education" or "board" means the governing body of a school district.

(3) "Contingency" means an act of God or the public enemy, or some event which could not have been reasonably foreseen at the time of the adoption of the budget of a school district.

(4) "Fund" means a sum of money or other resources set aside for a specific purpose of a school district, and the accounts thereof shall constitute a complete entity, and all of the financial transactions for a particular fund shall be recorded in said fund.

(5) "Function" means a classification within a fund in accordance with a major purpose such as, but not limited to, administration, instruction, operation, or maintenance of physical plant.

(6) "Object" means a classification within a function in accordance with the article or service received in return for expenditures such as, but not limited to, personal services, materials, supplies, or equipment.

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

(7) "Fiscal year" means any twelve months period of time as determined by the board of education of a particular school district; provided, that beginning January 1, 1967, "fiscal year" shall mean the calendar year beginning January 1 and ending December 31, next following, for all school districts except junior college districts.

(8) "Appropriation" means the setting aside by resolution of a specified amount of moneys for a fund, function, and object, with an authorization to make expenditures and incur obligations for the purposes thereof.

Section 3.—Budget and appropriation—required.—

(1) The board of education of each school district shall adopt a budget and an appropriation resolution for each fiscal year, prior to the beginning of the fiscal year for which adopted.

(2) If a new school district is organized during a fiscal year and the school districts included therein do not operate the schools until the end of the school year, the board of education of the newly organized district shall adopt a budget and appropriation resolution to cover only the remaining portion of the fiscal year. Such budget shall be based on the total of the amounts budgeted and appropriated by the board or boards of education of the former districts wholly included in the new district, and the pro rata amounts budgeted and appropriated by the board or boards of education of the districts only partly included therein, to the respective funds, functions, and objects in the budget of the newly organized district.

Section 4.—Failure to adopt budget or appropriation.

—If a board of education shall fail or neglect to adopt a budget or an appropriation resolution prior to the beginning of the ensuing fiscal year as required by section 3 of this act, then ninety per cent of the amounts budgeted and appropriated to the funds, functions, and objects by the last duly adopted budget and appropriation resolution shall be deemed to be budgeted and appropriated by operation of law for the fiscal year for which no budget or appropriation resolution was adopted prior thereto; provided, that an amount of moneys sufficient to satisfy all obligations of bonded indebtedness which will be due and payable during said fiscal year shall be deemed to be budgeted and appropriated by operation of law.

Section 5.—Budget—contents—mandatory.—(1) The budget shall present a complete financial plan for the ensuing fiscal year. It shall specify:

(a) The amounts budgeted for proposed expenditures by funds, functions, and objects, specifically including, but not limited to, administration, operation, and main-

tenance of physical plant, capital outlay for buildings and sites, and debt redemptions.

(b) The corresponding amounts budgeted by fund, function, and object that were actually expended during the last completed fiscal year, and are anticipated to be expended during the current fiscal year.

(c) Appropriate notations indicating the amount of moneys transferred to each fund, function, and object during the current and last completed fiscal years after the budget for each such fiscal year was adopted.

(d) All revenues anticipated for the ensuing fiscal year and classified as to funds and sources of income, including only those revenues which can be reasonably anticipated, and excluding contingency revenues.

(e) The fund balance at the end of the fiscal year, which shall be carried forward as a beginning fund balance for the ensuing fiscal year.

(2) The proposed expenditures and anticipated revenues in the budget shall be supported by explanatory schedules or statements of sufficient detail to judge the validity thereof, including a statement which shall summarize the aggregate of revenues, appropriations, assets, and liabilities of each fund in balanced relations.

Section 6.—Contingency reserve—operating reserve.

—(1) A board of education may budget moneys for a contingency reserve within the general fund. Moneys budgeted to said contingency reserve may be transferred to another function or object in the general fund whenever in the judgment of the board such transfer be deemed necessary.

(2) A board of education may provide for an operating reserve in the general fund, which reserve shall not exceed fifteen per cent of the amount budgeted to the general fund for the current fiscal year. Such operating reserve shall not be appropriated nor shall any moneys therein be expended during the fiscal year covered by the budget, but shall be a continuing reserve and be considered as a beginning general fund balance for the next following fiscal year.

Section 7.—Appropriation—resolution—required.—

(1) The board of education of each school district shall adopt an appropriation resolution at the time it adopts the budget. The appropriation resolution shall specify the amount of moneys appropriated to each fund, function, and object; provided, that the operating reserve authorized by section 6 (2) of this act shall not be subject to appropriation for the fiscal year covered by the budget; and provided further, that the appropriation resolution may by reference

incorporate the budget as adopted by a board of education for the current fiscal year.

(2) The amounts appropriated to a fund, function, or object shall not exceed the amount thereof as specified in the adopted budget.

Section 8.—Preparation of budget.—(1) The board of education shall each year cause to have prepared a proposed budget for the ensuing fiscal year. In all districts having a fiscal year beginning on January 1, such proposed budget shall be submitted to the board no later than the twentieth day of September in each year; in all other districts, such proposed budget shall be submitted to the board at least thirty days prior to the beginning of the next fiscal year. A statement shall be submitted with the proposed budget describing the major objectives of the educational program to be undertaken by the school district during the ensuing fiscal year, and the manner in which the budget proposes to fulfill such objectives.

(2) Upon receipt of the proposed budget and statement, the board of education may change the proposed budget and statement prior to the publication of the notice of budget required by section 9 of this act.

Section 9.—Notice of budget — publication.—(1) Within ten days after submission of the proposed budget, the board of education shall cause to be published a notice stating that the proposed budget is on file at the principal administrative offices of the school district; that the proposed budget is available for inspection during reasonable business hours; that any person paying school taxes in the district may file or register an objection thereto at any time prior to its adoption; and that the board of education of the school district will consider adoption of the proposed budget for the ensuing fiscal year on the date, time, and place specified in the notice.

(2) Such notice shall be in substantially the following form:

NOTICE OF PROPOSED SCHOOL BUDGET

Notice is hereby given that a proposed budget has been submitted to the Board of Education of.....
(Name of school district)
for the fiscal year beginning.....and has been filed
in the office of.....where it is available
for public inspection. Such proposed budget will be consid-
ered for adoption at a.....meeting of the Board
(Regular or Special)
of Education of said District to be held at.....on
(Place)
.....at..... Any person paying school taxes
(Date) (Time)

in said district may at any time prior to the final adoption of the budget file or register his objections thereto.

BOARD OF EDUCATION

Dated.....

(Name of school district)

(Secretary)

(3) Such notice shall be published at least once prior to the date specified for consideration of the budget in a newspaper having general circulation in the school district. If there be no newspaper having general circulation in the district, the secretary of the board of education shall cause the notice to be posted for at least fifteen days in the administrative offices of the district and in two other public places in the district.

Section 10.—**Budget—consideration—adoption.**—(1) Any person paying school taxes in the school district shall be entitled to attend the meeting of the board of education at which the proposed budget for the district will be considered. At such meeting, the board shall review the functions and objects of the proposed budget. Any taxpayer or his representative shall be entitled to file or register objections to the proposed budget prior to its final adoption.

(2) It shall not be necessary for a board of education to formally adopt the budget on the date specified in the notice of consideration of the proposed budget, but if the budget is to be adopted at a future meeting, the date, time, and place of such meeting shall be entered in the minutes of the meeting of the board held for consideration of the proposed budget as specified in such notice.

(3) After the board of education has considered the objections of taxpayers, it may change the proposed budget in any manner deemed advisable; provided, that if a board increases the total expenditures, it shall provide also for increased revenues at least equal to or greater than the proposed increased expenditures.

(4) Prior to the beginning of the ensuing fiscal year, the board of education shall formally adopt the budget by appropriate resolution duly recorded. The words "Adopted Budget", and the name of the school district, the date of adoption, and the signature of the president of the board shall be entered upon the adopted budget.

(5) After adoption of the budget, the board shall not review or change the budget except as authorized by this act, but the board may, by appropriate entry or entries at any time prior to the certification of needed tax revenues to the board of county commissioners, revise the amount of needed tax revenues for any fund, but such a revision shall not change the amount appropriated to any fund, function,

or object, except that where money for a specific purpose from other than ad valorem taxes shall subsequently become available to meet a contingency, a supplemental budget for expenditures not to exceed the amount of said money may be adopted and appropriation of said money made therefrom.

Section 11.—Budget—filing.—(1) The board of education shall cause the adopted budget and the appropriation resolution to be placed on file at the principal administrative office of the school district, where they shall remain throughout the fiscal year and be open for inspection during reasonable business hours.

(2) Certified copies of the adopted budget and appropriation resolution shall be filed with the commissioner of education within thirty days after the beginning of the fiscal year for which the budget was adopted.

Section 12.—Transfer of moneys.—(1) A board of education shall not transfer moneys from one fund, function, or object to another except as authorized and in the manner prescribed by this act.

(2) (a) A board of education may transfer any unencumbered moneys from one object to another object within the same function at any time during the fiscal year; or may transfer any unencumbered moneys from one function to another function within the same fund during the last four months of a fiscal year.

(b) The transfer of moneys from one object to another, or from one function to another, pursuant to paragraph (a) of this subsection shall be evidenced by a resolution duly adopted by the board of education authorizing such transfer. A copy of such resolution shall be filed with the employee or officer who issues checks, warrants, or orders on the school district.

(3) (a) A board of education may transfer unencumbered moneys from one function to another function within the same fund during the first eight months of the fiscal year in the event of a contingency caused by an act of God, any act of a public enemy, or some event which could not have been reasonably foreseen at the time of the adoption of the budget.

(b) The transfer from one function to another pursuant to paragraph (a) of this subsection shall be evidenced by a resolution duly adopted by the board of education authorizing such transfer. The resolution shall set forth fully the procedure to be followed and the facts concerning the contingency, and shall be recorded at length in the minutes of the meeting of the board at which adopted. Certified copies of the resolution shall be filed with the state tax

commission and the commissioner of education. A copy of the resolution shall be filed with the employee or officer who issues checks, warrants or orders on the school district.

(c) If the resolution shall authorize expenditures in excess of the amount budgeted and appropriated to a particular function, and there are no unencumbered moneys available in another function to transfer to the function wherein additional expenditures are needed, the board of education may issue warrants to be registered, in order to provide for such excess expenditures. The total amount of warrants which may be issued and registered pursuant to this paragraph during any one fiscal year shall not exceed an amount equal to that which could be raised by a two mill levy on the assessed valuation of the taxable property located within the territorial limits of the school district. Transfers and excess expenditures pursuant to this paragraph shall be deemed to be budgeted and appropriated for the purpose specified in the resolution upon the effective date of the resolution.

(4) Proceeds from the sale of bonds remaining after the completion of the project for which such bonds were authorized, may be transferred to the bond redemption fund or, in the event all bonds have been redeemed, to the general fund. Moneys remaining in the bond redemption fund after all obligations of bonded indebtedness have been satisfied shall be transferred to the general fund; provided, that any moneys remaining in a particular account in the bond redemption fund, after all obligations of bonded indebtedness of that particular account have been satisfied, shall be transferred to another account within said bond redemption fund which still has outstanding obligations of bonded indebtedness.

(5) The provisions of this section shall not apply to moneys budgeted and appropriated in the general fund for student activity and food service functions and transferred to such functions.

(6) Notwithstanding the provisions of this section, a junior college committee may transfer moneys from the student activity fund and the food service fund, or moneys from any other auxiliary enterprise fund, to the general obligation or revenue bond funds.

Section 13.—Borrowing from funds.—(1) Notwithstanding the provisions of section 12 of this act, a board of education may borrow unencumbered moneys from any one fund, except the bond redemption fund, for the use of another fund at any time during the fiscal year. All moneys borrowed from a fund pursuant to this subsection, shall be repaid to said fund when needed to meet the obligations of

said fund, and in any event shall be repaid not later than the last day of the fiscal year during which said moneys were borrowed.

(2) Borrowing moneys from a fund pursuant to subsection (1) of this section shall be evidenced by a resolution duly adopted by the board of education authorizing such borrowing, and shall be recorded in the minutes of the meeting of the board at which adopted. A copy of said resolution shall be filed with the employee or officer who issues checks, warrants, or orders on said school district.

Section 14.—**Record of expenditures.**—Each board of education shall cause to be maintained a complete set of books of account as required by law.

Section 15.—**No obligation in excess of appropriation.**—(1) A board of education of a school district shall not expend, or contract to expend, during the fiscal year any moneys in excess of the amount appropriated by resolution for a particular fund, function, or object, except as the amount appropriated therefor may be modified to the extent of a transfer or excess expenditures as otherwise authorized by this act.

(2) A board of education of a school district shall not expend, or contract to expend, during the fiscal year any moneys for a function or object to which no moneys were appropriated by resolution; provided, that in the event of a contingency, moneys shall be transferred from the contingency reserve to the appropriate function of the general fund prior to disbursement of any such moneys.

(3) Any obligation of a contract, verbal or written, made contrary to the provisions of subsections (1) or (2) of this section shall be void for the fiscal year during which such obligation is due and payable, and no school district moneys shall be paid thereon.

Section 16.—**Malfeasance—removal.**—Any school director, officer, or employee of a school district who knowingly and willfully violates any provision of this act, or who knowingly and willfully fails to perform any duty required by this act, shall be deemed guilty of malfeasance in office or position of employment and, upon conviction thereof, the court shall order that such school director, officer, or employee be removed from his office or position of employment.

Section 17.—**Budget—minimum content.**—The commissioner of education shall have authority to prescribe the form of school district budgets.

PART II

Amendments to "Local Government Budget Law"

Section 18. 88-1-2, Colorado Revised Statutes 1953, is hereby amended to read:

88-1-2.—**Applies to local subdivisions—exceptions.**—This article shall apply to all subdivisions of the state which have power to appropriate money or levy taxes, except home rule cities ~~or~~ AND cities and counties, ~~or~~ cities operating under a charter, SCHOOL DISTRICTS AND JUNIOR COLLEGE DISTRICTS.

Section 19. 88-1-5, Colorado Revised Statutes 1953, is hereby amended to read:

88-1-5.—**By whom budget prepared.**—The governing body of such local government shall designate or appoint some person to prepare the budget and submit same to the governing body. ~~In all school districts the governing body shall be the board of school directors.~~

Section 20. 88-1-16, Colorado Revised Statutes 1953, is hereby amended to read:

88-1-16.—**Payment for contingencies.**—In case of such emergency and the passage of an ordinance or resolution authorizing additional expenditures in excess of the budget and if there be funds of money available for such excess expenditure in some other fund which will not be needed for expenditures during the balance of the fiscal year, the governing body shall transfer such available money from such fund to the fund from which the excess expenditure is to be paid. If sufficient money, which can be so transferred, is not available to meet the authorized excess expenditure, then the governing body may make a temporary loan through the issuance of registered warrants so as to provide for such excess expenditures. The total amount of such temporary loan shall not exceed such amount as can be raised by a two mill levy on the assessed valuation of the taxable property within the limits of the local government of such governing body. ~~In school districts the governing body shall have the power to authorize the transfer within the budgeted funds of any unencumbered appropriation balance or any portion thereof from one spending agency under its jurisdiction to another. Such action shall be taken only during the last four months of the fiscal year and total expenditures shall not exceed the total amount of the budget.~~

Section 21. 88-1-17, Colorado Revised Statutes 1953, is hereby amended to read:

88-1-17.—**Filing of budget.**—Upon the adoption of the budget the governing body of the local government shall cause a certified copy of such budget to be filed in the office of the state tax commission. ~~If the local government be a school district, a copy of such budget shall be filed in the office of the county superintendent of schools.~~ Copies of such budget and of ordinances or resolutions authorizing additional expenditures or the transfer of funds, shall be filed with the officer or employee of the local government whose duty it is to issue warrants or orders for the payment of money.

Section 22. 88-1-19, Colorado Revised Statutes 1953, is hereby amended to read:

88-1-19.—**Violation in malfeasance — removal.**—Any member of the governing body of any county, city, OR town, ~~or school district~~ or any member, officer, employee, or agent of any department, board, commission, or other spending agency who knowingly or willfully fails to perform any of the duties imposed upon him by this article or who knowingly and willfully violates any of its provisions shall be deemed guilty of malfeasance in office and, upon conviction thereof, the court shall enter judgment that such officer so convicted shall be removed from office. It shall be the duty of the court rendering any such judgment to cause immediate notice of such removal to be given to the proper officer of the county, city OR town ~~or school district~~ or other proper department or officer so that the vacancy thus caused may be filled.

Section 23.—**Repeal.**—88-1-8, Colorado Revised Statutes 1953, is hereby repealed.

Section 24.—**Effective date.**—This act shall take effect on July 1, 1964.

Section 25.—**Safety clause.**—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 26, 1964.

AN ACT

House Bill No. 1028

(Ch. 13, S.L. '64)

MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR THE PAYMENT OF EMERITUS RETIREMENT BENEFITS FOR PUBLIC SCHOOL TEACHERS.

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 fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, for the payment of emeritus retirement benefits for public school teachers as provided in sections 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: February 3, 1964.

AN ACT (EXCERPTS)

House Bill No. 1043

(Ch. 29, S.L. '64)

PROVIDING FOR THE ASSIGNMENT TO THE DIVISION OF ACCOUNTS AND CONTROL OF THE FUNCTION OF COORDINATION OF OPERATIONAL INFORMATION WITHIN THE EXECUTIVE BRANCH, AND AMENDING PRESENT LAWS TO EFFECTUATE THIS PURPOSE.

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

Section 1. Article 3 of chapter 3, Colorado Revised Statutes 1953, as amended, is hereby amended BY THE ADDITION OF A NEW SECTION 3-3-17, to read:

3-3-17.—Information coordination act—policy—functions of the division of accounts and control.—(1) This act shall be known as the "Information Coordination Act". The legislative policy with reference to the coordination of information is hereby declared to be that:

(a) The operational reports of the executive agencies should provide complete, concise, and useful information about executive operations, to the governor and the general assembly;

(b) The publications of executive agencies should be clearly related to agency functions and cost no more than is necessary to accomplish the purpose for which the material is published;

(c) Executive agencies should recover the full cost of those publications not necessary to the agency's function but issued for the convenience of the users; and

(d) Publication activities of executive agencies should be responsive to the direction of the governor.

(2) There is hereby assigned to the division of accounts and control the function of coordination and control of operational and administrative information within the executive branch.

(3) The controller shall have the following responsibilities of coordination and control:

(a) Development and direction of a system for the collection, coordination, control, and distribution of state operational and administrative reports and information;

(b) Preparation for the governor of an annual report or reports, accounting to the general assembly for the operations of all agencies in the executive branch, and publication of such report or reports, subject to the approval of the governor;

(c) Regular review of operational and administrative reports and bringing to the attention of the governor special problems of agencies as disclosed through the reporting system;

(d) Delivery to the custody of the state archivist, as director of the division of state archives and public records, of the official archival copies of original published and processed agency reports, studies, and other publications; and distribution of other copies of the original reports as directed by the governor;

(e) Effecting economies in the publication of operational and administrative information, consistent with the purpose of the publication and without interference to the discharge of the agency's statutory responsibilities;

(f) Promulgation of fiscal rules, not inconsistent with Section 109-2-6 Colorado Revised Statutes 1953, as amended, with the approval of the governor, for the implementation of this section.

(4) The governor, or the general assembly, may at any time require that the controller collect and from time to time publish certain regular or special reports, in whole or in part, in a form and manner different from that specified in the fiscal rules.

(5) The provisions of this section shall not apply to reports and publications of the legislative and judicial branches of state government, nor to the publications of executive agencies in connection with research they perform under contract.

(6) Nothing herein shall be construed to change or supersede the present authority and responsibility of the state archivist to act as official custodian and trustee of permanent public documents and to respond to all reasonable requests for reference, research, and information and to provide facsimiles thereof concerning the contents of original agency reports.

(7) The authority of the controller over the issuance of publications as prescribed herein shall in no way be construed as being in contravention of those administrative procedure laws which elsewhere either grant powers

to executive agencies to promulgate and issue agency rules and regulations or define legal notice and publication with reference to such rules and regulations.

(8) Nothing herein shall be construed to empower or authorize anyone to restrict or inhibit the free flow of news or the release of public information, or to establish censorship or control over news or information of actions by public employees or public bodies, or to restrict public access to public records; nor shall any part of this act be construed as restricting, amending, superseding, or contravening any existing law, order or requirement relating to any required or permitted official or public notice or legal advertisement.

Section 2.—**Repeal.**—Subsections (5) and (6) of 3-3-1, Colorado Revised Statutes 1953, are hereby repealed.

* * *

STATE LIBRARIAN

Section 89. 84-1-6 (5), Colorado Revised Statutes 1953, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

84-1-6.—**Powers and duties of librarian.**—(5) He shall report to the state board of education at such times and on such matters as the board may require.

Section 90. 84-1-7 (5), Colorado Revised Statutes 1953, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

84-1-7.—**Additional powers and duties of librarian.**—(5) He shall collect such information and statistics as are necessary to his work. Publication of information circulated in quantity outside the library is subject to the approval and control of the state board of education.

* * *

STATE COLLEGES AND UNIVERSITIES

Section 134. 124-1-1, Colorado Revised Statutes 1953 (1961 Supp.), is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

124-1-1.—**Colorado educational institutions — annual reports.**—The president of the board of regents of the university of Colorado; the president of the board of trustees of the school of mines; the president of the state board of agriculture for the Colorado state university and the Fort Lewis college; the president of the trustees of Colorado state college at Greeley, western state college, Adams state college of Colorado, southern Colorado state college, and metropolitan state college; the president of the board of trustees for the Colorado school for deaf and blind, shall

each prepare and transmit annually, in the form and manner prescribed by the controller pursuant to the provisions of section 3-3-17, CRS 1953, a report accounting to the governor and the general assembly for the efficient discharge of all responsibilities assigned by law or directive to their respective institutions.

Section 135.—**Repeal.**—124-1-2, 124-1-3, 124-1-4, Colorado Revised Statutes 1953, are hereby repealed.

Section 136. 124-1-5, Colorado Revised Statutes 1953, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read :

124-1-5.—**Publications of educational institutions.**—Publications of educational institutions, except publications issued by the institutions pursuant to a research contract, circulated in quantity outside the executive branch, shall be issued in accordance with fiscal rules promulgated by the controller pursuant to the provisions of section 3-3-17, CRS 1953.

* * *

Section 160.—**Effective date.**—This act shall take effect on July 1, 1964.

Section 161.—**Safety clause.**—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved : March 31, 1964.

AN ACT

House Bill No. 1077

(Ch. 70, S.L. '64)

CONCERNING BONDED INDEBTEDNESS OF SCHOOL DISTRICTS AND JUNIOR COLLEGE DISTRICTS, AND THE REFUNDING THEREOF.

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

Section 1. Article 11 of chapter 123, Colorado Revised Statutes 1953, as amended, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

ARTICLE 11

BONDED INDEBTEDNESS

123-11-1. — **Definitions.** — Unless otherwise indicated by the context, the following words and phrases when used in this article shall have meanings respectively ascribed to them in this section:

(1) "School district" and "district" mean a school district or a junior college district organized and existing pursuant to law.

(2) "Board of education" and "board" mean the governing body authorized by law to administer the affairs of any school district as defined in subsection (1) of this section.

(3) "Taxpaying elector" and "qualified taxpaying elector" mean 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, in the school district thirty days, and in the school election precinct fifteen days immediately preceding the election at which he offers to vote, and who, during the twelve months next preceding said election, has paid an ad valorem school tax upon property situated within the school district and owned by said person; and the term "registered qualified taxpaying elector" means a qualified taxpaying elector who has registered pursuant to the requirements of section 123-11-10.

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

(4) "Ad valorem school tax" and "general ad valorem school tax" mean only the general property tax, levied annually on real or personal property listed with the county assessor. No person shall be qualified as a tax-paying elector for the purpose of this article or article 12 of this chapter by the payment of any one or more of the following taxes: Income tax, sales tax, use tax, excise tax, specific ownership tax 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.

123-11-2. — Bonded indebtedness—election—districts over seventy thousand enrollment.—(1) The board of education of any school district having a school enrollment exceeding seventy thousand, at any regular biennial school election or at a special election called for the purpose, may submit to the registered qualified taxpaying electors of such 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 one or more of said purposes, which purposes shall be broadly construed, subject to the limitations provided in section 123-11-4.

(2) The county or city and county election officials shall give notice of any election on bonded indebtedness in the same manner required by law for notice of election of school directors. Such notice shall also contain a statement of the amount of the bonded indebtedness proposed to be contracted, the purposes thereof, the maximum rate of interest to be paid, and the maximum period of time within which such amount shall be payable.

(3) The manner and place of conducting such elections, and all other election procedures relating thereto, shall be as provided by law for the election of school directors except as otherwise provided in this article. Watchers as provided by law for the election of school directors shall be permitted at any school bond election. Each such watcher shall be a registered qualified taxpaying elector of the school district who shall have been certified by the county clerk to act as a watcher at said school bond election.

123-11-3.—Bonded indebtedness—elections—districts of seventy thousand or less enrollment.—(1) The board of education of any school district with a school enrollment of seventy thousand or less, at any regular biennial school election or at a special election called for the purpose, may submit to the registered qualified taxpaying electors of the district the question of contracting a bonded in-

debtedness for the purpose of purchasing grounds, or for erecting and furnishing school buildings, or for funding floating indebtedness, or for any one or more of said purposes, which purposes shall be broadly construed, subject to the limitations provided in section 123-11-4.

(2) The secretary of the board of education 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 shall also 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 maximum period of time within which such amount shall be payable, the day, and the place or places of such election, and that the polls and ballot boxes shall be kept open from seven a.m. to seven p.m.

(3) The manner and place of conducting such elections, and all other election procedures relating thereto, shall be as provided by law for the election of school directors, except as otherwise provided in this article. Watchers as provided by law for the election of school directors shall be permitted at any school bond election. Each such watcher shall be a registered qualified taxpaying elector of the school district who shall have been certified by the county clerk to act as a watcher at said school bond election.

(4) The board of education, in its discretion, may require each registered qualified taxpaying elector desiring to vote at any school bond election to sign a written oath that he has, during the twelve months next preceding said election, paid an ad valorem school tax upon property situated within the school district and owned by said person. If the elector is unable to write, he may request assistance from one of the judges of election, and such judge must sign the form and witness the elector's mark.

123-11-4.—**Limitations on elections.**—The question or questions of contracting bonded indebtedness may be submitted or resubmitted to the registered qualified taxpaying electors of the district 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 law.

123-11-5. — **Limit of bonded indebtedness.** — Each school district shall have a limit of bonded indebtedness of ten per cent of the latest valuation for assessment of the taxable property in such district as certified by the assessor to the board of county commissioners. The indebtedness of the former districts or parts of districts, constituting any new district, shall not be considered in fixing the limit of such ten per cent; provided, that if any school district shall assume the bonded indebtedness of any district or districts, or a proportionate share thereof, existing at the time of inclusion in the assuming school district, pursuant to law, such bonded indebtedness shall be included in the ten per cent limitation; and provided, that if the board of education of any school district shall determine that an emergency exists and that the limit of bonded indebtedness of the district set forth in this section prevents the district from meeting such emergency, the board of education may make application to the Colorado tax commission for permission to incur an additional bonded indebtedness of not exceeding five per cent of such valuation for assessment of the taxable property within such district, and on receiving such permission, the district may contract an additional indebtedness of five per cent of such valuation for assessment of the taxable property within such district.

123-11-6.—**Voting precincts.**—The board of education may, in the same manner and within the same time before election as shall be provided by law for elections of school directors, divide the district into election precincts consisting of one or more whole general election precincts wherever practicable, designate voting places therein, and appoint judges and clerks of election. 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 provided by law for filling like vacancies at elections of school directors.

123-11-7.—**Ballots.**—The secretary of the board of education shall cause to be prepared printed ballots or voting machines, if authorized, 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 maximum period of time within which such amount 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 cross mark (X). There shall be printed on the back of each printed ballot the following endorsement: "Official Ballot of School District No....., in the county

of....., and state of Colorado", together with the date of election, and a facsimile of the signature of the secretary of the district.

123-11-8.—Joint election for directors and bonds.—If the question of contracting bonded indebtedness shall be submitted at the regular biennial election for the election of school directors, the notice of such bond election shall be included in the notices of said regular biennial 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 shall not be deposited in the same ballot box with the ballots of said election of school directors. Where voting machines are used in such joint election, necessary procedures shall be utilized to assure that only registered qualified taxpaying electors cast votes on the question of contracting bonded indebtedness.

123-11-9.—Poll books — certificate of return.—Poll books shall be prepared, used, and kept in the same manner in bond elections as is required by law for elections of school directors; provided, that on the pages for recording the names and addresses of electors, there 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 shall make a cross or other mark opposite the name of each elector who shall cast a ballot in said bond election; and provided that on one of the latter pages of the 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....., and state of Colorado:

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.....

Attest:.....

Clerk

.....
.....
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.

123-11-10.—Registration.—In any school district, 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 law for the election of school directors, in addition to being qualified in the manner required by the provisions of section 123-11-1 (3). In each school district and the voting precincts thereof, the registration list shall be the same, in all respects, as that required by law for the election of school directors.

123-11-11.—Registration list omissions—challenges—oath—rejection of vote.—(1) No person shall be permitted to vote at any school bond election unless his name is found on the registration list and unless he is a qualified taxpaying elector; provided, that any person who has been denied the right to vote because his name does not appear on the registration list shall be permitted to vote upon either presenting a certificate of registration issued on the day of the election by the county clerk of the county in which the school bond election precinct is located or subscribing to an oath substantially as prescribed in subsection (5) of this section for the challenge of a person offering to vote. All such certificates and oaths shall be surrendered to the judges of election and returned to the secretary of the board of education with other election records and supplies.

(2) When any person whose name appears on the registration list, or who has presented a certificate of registration or subscribed to an oath as above provided, offers to vote at any school bond election, his right to vote at that polling place and bond election may be challenged by an election judge, clerk, watcher, or any qualified taxpaying elector of the district.

(3) Each challenge shall be made by written oath, and shall be as provided by law for elections of school directors.

(4) If a person offering to vote be challenged as unqualified or as not being a taxpaying elector, one of the judges of election may require him to answer, under oath, the questions stated in section 136 of chapter 118,

Session Laws of Colorado 1963, and such other questions as concern his qualifications as a taxpaying elector at such school bond election.

(5) If the challenge be not withdrawn after the person offering to vote shall have answered the questions asked him, one of the judges shall administer to him an oath, substantially 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 ninety days, in this school district thirty days, and in this school election precinct fifteen days; that I am twenty-one years of age or over; that I am a registered elector in this school election precinct; that, during the twelve months next preceding this election, I have paid an ad valorem school tax upon property situated within this school district and owned by me; and that I have not previously voted at this election, so help me God.”

(6) If the person so challenged, or a person whose name does not appear on the registration list and does not present a certificate of registration from the county clerk as provided in subsection (1) of this section, shall take the oath or affirmation, his vote shall be accepted, and the judges of election shall write “sworn” on the poll book after the person’s name. If he shall refuse to make such oath or affirmation, his vote shall be rejected.

123-11-12.—**Count and canvass.**—(1) The ballots cast at 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 school directors. The board of education shall enter upon the minutes of the meeting at which the canvass shall be made the result of the election.

(2) Proceedings to contest the validity or result of any bond election 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 not thereafter. The county court for the county wherein the school district headquarters is situated shall have jurisdiction of all such contests. In all cases, the rules, practice, and procedures for contested elections for county officers as otherwise provided by law shall apply insofar as applicable.

123-11-13. — **Absentee voting.** — (1) A registered qualified taxpaying elector may vote in any school bond election by absent voter’s ballot under the terms and con-

ditions, and in substantially the same manner insofar as is practicable, as prescribed in section 139 through section 159 of the "Colorado Election Code of 1963" for general elections, except as hereinafter specifically modified.

(2) All acts required or permitted therein to be performed by the county clerk shall be performed by the secretary or assistant secretary of the board of education, unless the services of the county clerk are contracted for, but no oath shall be administered by the secretary or assistant secretary unless he is also an officer authorized to administer oaths.

(3) A registered qualified taxpaying elector may apply for an absent voter's ballot no more than twenty nor less than three days before the election.

(4) No consideration shall be given nor distinction made with reference to any person's political party affiliation or the lack thereof.

(5) The return envelope for the absent voter's ballot shall have printed on its face an affidavit substantially in the following form:

"State of.....;
....., County of

I,, being first duly sworn according to law, depose and say that I am a registered qualified taxpaying elector in precinct....., school district, county of....., and state of Colorado; that I am not registered in any other precinct; that my residence and post office address is.....; that I have paid an ad valorem school tax during the twelve months prior to this election upon property situated in said school district and owned by me.

.....
Signature of voter

Subscribed and sworn to before me this.....
day of....., 19.....

.....
(Signature of notary public, county clerk, or other officer authorized to administer oaths)

(SEAL)

....."
Title of office

(6) In any such bond 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 123-11-7.

123-11-14.—**Use of voting machines.**—Voting machines may be used in any school district bond election if the board of education, by resolution, authorizes their use.

123-11-15.—**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 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 or rates, not exceeding the maximum rate or rates, specified in the notice of said bond election, and in no case exceeding six per cent per annum, payable at such time or times determined 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.

123-11-16.—**Form of bonds.**—The bonds issued under the provisions of this article shall be numbered consecutively, beginning with number one. The board of education of the district is authorized to prescribe the form of such bonds. Said bonds shall recite that they are issued pursuant to this article, and said bonds shall be signed by the president of the district, bear an impression of the seal of the district, and be attested by signature of the secretary. Coupons, if any, evidencing the interest thereon shall bear the signature of the president of the district, which may be affixed by him in person, or it may be an engraved or lithographed facsimile thereof. At the discretion of the board of education, any school bonds may be issued with privileges for registration of such bonds for payment as to principal or interest, or both. In the execution of bonds authorized pursuant to this article, the board of education may provide for the use of facsimile signatures and facsimile seals in the manner set forth in article 7 of chapter 125, CRS 1953, as amended.

123-11-17.—**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 may issue such bonds and accept therefor less than their face value; provided, that the total amount of such discount plus the interest payable on such bonds from their date to maturity shall not be greater than the total amount of interest that would be payable on such bonds from their date to maturity at the

maximum rate of interest specified in the notice of the bond election.

123-11-18.—**Board to certify needed revenues.**—(1) 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 for the general fund, as required by law, it shall also certify to said board of county commissioners the amount needed for its bond redemption fund to pay all installments of principal and interest of said bonds, which, according to their terms, have already become due and payable or shall become due and payable during the next ensuing fiscal year, or both, 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. Separate amounts shall be certified for the bond redemption fund to satisfy the outstanding obligations of bonded indebtedness which involve separate tax levies on taxable property located within different territorial limits.

(2) The board of education shall have authority to include in each amount certified for said bond redemption fund an amount to create a reserve for the redemption of bonds in future years prior to their maturities, or for purchasing at a discount and cancellation, any bond on which the interest is being paid from the current district debt service mill levy; provided, that said reserve shall be restricted to the subsidiary account in the bond redemption fund for which said tax levy was made. A total of no more than one mill on the then current assessed valuation may be carried in the reserve at any one time to be available for prior redemption purposes.

123-11-19.—**Tax levy to pay principal and interest.**—(1) Whenever any school district shall have issued bonds under the provisions of this article, 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 school district taxes, to levy a tax on all the taxable property of said district at a rate sufficient to produce such amount or amounts as shall have been certified by the board of education of said district, for the purpose of paying bonds not yet due, as provided in section 123-11-18.

(2) Except when said school district shall have sufficient moneys or securities in a refunding escrow account to satisfy the bonded indebtedness obligations which will be due and payable during said district's next ensuing fiscal year, if the board of education shall fail to certify

such an amount, or amounts, to the board of county commissioners as required by section 123-11-18, the board of county commissioners, nevertheless, shall levy upon the appropriate 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.

(3) The amount or amounts certified pursuant to section 123-11-18 and the rate of the tax levy required by this section shall be sufficient to cover any deficiency which may occur by reason of delinquent payment of taxes.

(4) The county treasurer shall not collect any fee on the moneys received by virtue of a tax levied pursuant to this section, nor shall he collect any fee on any moneys received from any other source to pay bonds or interest thereon, or by virtue of his office having been designated as the place of payment, or optional place of payment, for bonds issued under this article, or under article 12 of this chapter.

123-11-20.—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 the bond redemption fund of said school district. The moneys in said 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; provided, that the board of education of said school district may withdraw any or all of such moneys credited to said fund, which are temporarily not needed to satisfy the obligations of bonded indebtedness, for the purpose of depositing or investing such moneys in the manner prescribed by law.

(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. Notice of the redemption of said bonds, prior to maturity, shall be made in the manner prescribed in said bond resolution. In the absence of such prescribed manner in the bond resolution, a redemption prior to maturity shall be made in the following manner: When authorized by the board of education, the treasurer of said school district shall advertise in some newspaper published in the school district two times, once a week for

two consecutive weeks that on a certain day, named in said advertisement, not less than four 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 that the principal, interest to redemption date, and redemption premium, if any, of said bonds will be paid in accordance with the bond resolution authorizing such bonds. The notice shall indicate also 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.

(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.

(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 record of such payment or redemption upon his books.

(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.

123-11-21.—**Place of payment.**—(1) The board of education of a school district is authorized to designate the office of the county treasurer of the county in which the headquarters of such school district is situated as the place of payment or optional place of payment of the principal of or interest on all or any bonds issued by any such school district, or to designate any commercial bank or trust company as the place of payment or optional place of payment of the principal of or interest on all or any bonds issued by any such school district, and the commercial bank or trust company so designated may be located either within or without this state.

(2) It shall be the duty of the board of education of said school district to cause sufficient moneys from said tax levy or refunding escrow account to be placed from time to time at the place of payment, or optional place of payment, designated on said bonds in an amount to satisfy the principal and interest obligations of said bonds

as the same may become due and payable from time to time. It shall thereafter be the duty of the treasurer of said school district to pay or cause to be paid the obligations of said bonds as the same may become due and payable, upon presentation of the bonds and coupons respectively evidencing such obligations, from any moneys to the credit of the appropriate account available for that purpose.

123-11-22.—**Registration of bonds.**—Whenever any school district shall issue bonds under the provisions of this article the board of education may make and enter in and upon its record a request that the county clerk and recorder of the county wherein the headquarters of 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 whomsoever, 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 county clerk and recorder by the said board of education and thereupon 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 twenty-five dollars for registering each such issue.

123-11-23.—**Changes in boundaries — liability.**—(1) Nothing in this article or in any other provision of law shall be construed in a manner so as to release the taxable property within a school district which incurred bonded indebtedness from liability for its proportionate share of the outstanding obligations thereof.

(2) The outstanding bonded indebtedness, or proportionate share thereof, incurred by a school district which is dissolved as a result of the formation of a new school district may be assumed by said new school district in the manner provided by article 25 of this chapter.

(3) The taxable property located within the territory of a school district which is dissolved, and the resultant unorganized territory annexed to an adjacent school district, shall be liable for its proportionate share of the bonded indebtedness previously incurred by the annexing school district.

(4) The taxable property located within the territory of a school district which is detached and annexed to an adjacent school district, shall be liable for its proportionate share of the bonded indebtedness previously incurred by the annexing school district.

Section 2. — **Repeal.** — 123-27-3, Colorado Revised Statutes 1953 (1960 Perm. Supp.), 123-8-32, Colorado Re-

vised Statutes 1953 (1961 Supp.), and 123-8-31, as amended by section 3 of chapter 238, Session Laws of Colorado 1963, are hereby repealed.

Section 3. Article 12 of chapter 123, Colorado Revised Statutes 1953, as amended, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

ARTICLE 12

REFUNDING BONDS

123-12-1.—**Definitions.**—Unless otherwise indicated by the context, the following words and phrases when used in this article shall have meanings respectively ascribed to them in this section:

(1) “School district” or “district” means a school district or a junior college district organized and existing pursuant to law.

(2) “Board of education” or “board” means the governing body authorized by law to administer the affairs of any school district as defined in subsection (1) of this section.

(3) “Net interest cost” of a proposed issue of refunding bonds means 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 means 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.

(4) “Net effective interest rate” of a proposed issue of refunding bonds means 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. “Net effective interest rate” of an outstanding issue of bonds to be refunded means the net interest cost of said issue to be refunded divided by the sum 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 re-

gard to any option of redemption prior to the designated maturity dates of the bonds.

123-12-2.—**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.

(2) (a) The bonded indebtedness of any district outstanding at the time of the inclusion of all such district's territory 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 territory at the time of such refunding, whether or not such indebtedness has been assumed by the district or districts including such territory.

(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 territory of such district owing said indebtedness is then included, except as is hereinafter provided to the contrary.

(3) The bonded indebtedness of any school district outstanding at the time any territory of said district is detached therefrom by any lawful means, and which district has retained its lawful corporate existence subsequent to the detachment of such territory from said district, may be refunded by action of the board of such district from which territory has been detached with or without concurrence or action by the board of the district within which said detached territory is included, and such districts from which territory has been detached and which retain their corporate existence subsequent to detachment are specifically exempted from the requirements and provisions of subsection (2) (b) of this section.

(4) Any such refunding bonds may be issued to refund one or more or all issues of outstanding bonds; provided, 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.

123-12-3.—**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 registered qualified taxpaying electors of such district, as defined by section 123-11-1 (3). 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 123-12-2 (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 refunding issue for purposes of determining the necessity of submitting the question of issuing such refunding bonds to a vote of the registered qualified taxpaying 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 submit the question of issuing such refunding bonds to the registered qualified taxpaying electors of the district for their approval or rejection at the regular biennial school election or at a special election called for that purpose. 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.

123-12-4.—**Authorization — form — interest.**—(1) Such refunding bonds shall be authorized by a resolution fixing the date, the denominations, the rate of interest, which rate shall in no case exceed six per cent per annum, the maturity dates which shall not be more than twenty-five years after 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 and shall be executed in the same man-

ner as prescribed for other school district bonds. At the discretion of the board, any such bonds may be issued with privileges for registration for payment as to principal or interest, or both.

(2) The interest accruing on such refunding bonds may be evidenced by interest coupons thereto attached in substantially the same form as prescribed for other school district bonds, 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 after the date thereof. The amount of such maturities shall be fixed by the board of education 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.

123-12-5.—**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.

123-12-6.—**Needed revenues — tax levy — miscellaneous.**—(1) Whenever a board of education shall issue refunding bonds under the provisions of this article, sections 123-11-18 to 123-11-22 shall be applicable to said refunding bonds and the procedures therefor, in the same manner as prescribed for other school district bonds; provided, that any such 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 if no refunding thereof had occurred.

(2) After refunding bonds are issued pursuant to this article, 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.

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 moneys remaining therein shall be returned to the district's bond redemption fund.

(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.

(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.

(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 established 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 sections 123-11-5 or 123-25-32; provided 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.

(6) The issuance of refunding bonds by any school district for the purposes and in the manner authorized by this article, or by the provisions of any other law, shall never be interpreted or taken to be the creation of an indebtedness such that the same would require the approval of the registered qualified taxpaying 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.

(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 after 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.

(8) No bonds shall be refunded under the provisions of this article within a period of one year following the actual issuance and delivery thereof to their initial purchasers unless the proceeds of said refunding bonds are immediately applied to the payment or redemption and retirement of the bonds being refunded.

(9) No bonds shall be issued under the provisions of this article for the purpose of refunding any refunding bonds unless the original bonds refunded by said refunding bonds have previously been paid or redeemed and retired.

123-12-8.—**Reports.**—Each school district which shall issue refunding bonds under the provisions of this article shall file a report within sixty days after the issuance of said bonds with the state board of education. The report shall indicate the principal amount of bonds refunded, the net effective interest rate of both the bonds refunded and

the refunding bonds, the net interest cost of both the bonds refunded and the refunding bonds, all school district costs incident to the issuance of refunding bonds, including those of the escrow agent and such other items as may be determined by the state board of education.

Section 4. 123-25-31 (1), Colorado Revised Statutes 1953, as amended by section 1 of chapter 238, Session Laws of Colorado 1963, is hereby amended to read:

123-25-31.—**Existing bonded indebtedness.**—(1) (a) The bonded indebtedness of any SCHOOL district outstanding at the time of inclusion of all or any part of such district's ~~area~~ TERRITORY in a new district organized under this article shall be paid in the following manner:

(b) All of said bonded indebtedness of such former SCHOOL 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 SCHOOL district became a part of such new school district, except as is hereinafter provided to the contrary.

(c) If the assumption of ALL OF said bonded indebtedness BY ONE NEW DISTRICT 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.

(d) IF THE ASSUMPTION OF ONLY A PORTION OF SAID BONDED INDEBTEDNESS HAS BEEN APPROVED BY ANY NEW DISTRICT, AS PROVIDED IN SECTION 123-25-44, SUCH PORTION OF THE BONDED INDEBTEDNESS SHALL BE PAID BY A TAX LEVIED FROM TIME TO TIME ON ALL THE TAXABLE PROPERTY LOCATED WITHIN THE NEW DISTRICT. SUCH TAX SHALL NOT EXCEED THAT PROPORTIONATE SHARE OF THE TOTAL AMOUNT OF OUTSTANDING BONDED INDEBTEDNESS SO ASSUMED, AS DETERMINED BY THE PROPORTION WHICH THE TOTAL VALUATION FOR ASSESSMENT OF THE TAXABLE PROPERTY IN THE SCHOOL DISTRICT, OR FORMER SCHOOL DISTRICT, WHICH IS INCLUDED IN THE NEW DISTRICT, BEARS TO THE TOTAL VALUATION FOR ASSESSMENT OF ALL TAXABLE PROPERTY IN SUCH SCHOOL DISTRICT OR FORMER SCHOOL DISTRICT.

Section 5. 123-25-44, Colorado Revised Statutes 1953, as amended, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

123-25-44.—**Election on assuming the existing bonded indebtedness.** (1) The board of education of the new district may decide, by a majority vote of its members, to submit the issue of assuming the bonded indebtedness of any school district or districts, or of any portion thereof, existing at the time of inclusion in the new district, to the qualified taxpaying electors of the district. If the board of education so decides, the question shall be submitted at any regular biennial school election in said new district or at a special election called for that purpose.

(2) (a) The election 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. The outstanding bonded indebtedness incurred by more than one school district, or the proportionate shares thereof, may be assumed simultaneously by a new district, under the provisions 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.

(b) If one or more whole school districts have been included in a new district, the ballot shall contain a statement of the amount or amounts of outstanding bonded indebtedness proposed to be assumed by the new district. If only a portion of the territory of a school district or former school district has been included within a new district, then the proportionate share of the outstanding bonded indebtedness incurred by said school district or former school district to be assumed shall be that share which would be paid by the portion of the territory of the school district or former school district included in the new district if no assumption thereof shall occur, and the ballot shall contain a statement of the total amount of bonded indebtedness of such school district or former school district, and that a proportional share of such debt is proposed to be assumed by the new school district.

(c) The ballot shall be printed or typewritten and shall contain the words "Official Ballot" and below set forth the amount or amounts of outstanding bonded indebtedness to be assumed, or that a proportional share of such amount or amounts are proposed to be assumed, as the case may be, by the new district, the name and style of each such school district or former school district which incurred said bonded indebtedness, and, if the ballot contains more than one amount to be assumed, the total of such amounts shall be indicated thereon.

(3) Only registered qualified taxpaying electors eligible to vote on the question of a school district incur-

ring bonded indebtedness shall be entitled to vote on the question of assuming the outstanding bonded indebtedness, or proportionate share thereof, pursuant to the provisions of this section.

(4) Election offenses in such election shall be the same as those prescribed in article 21 of chapter 49, CRS 1953, as amended.

(5) If a majority of the registered qualified tax-paying electors voting on the proposed question vote for the assumption of the bonded indebtedness, the public officials shall perform the duties set forth in sections 123-11-18 to 123-11-22, 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.

(6) The provisions of this section shall apply also to annexing districts, even though not new districts, pursuant to section 123-25-41 or 123-25-45.

Section 6.—Validation.—All outstanding bonds and all acts and proceedings heretofore had or taken, or purportedly had or taken, by or on behalf of any school district under law or under color of law preliminary to and in the authorization, execution, sale, issuance, and payment of all such bonds are hereby validated, ratified, approved, and confirmed, notwithstanding any lack of power, authority or otherwise, other than constitutional, and notwithstanding any defects and irregularities, other than constitutional, in such bonds, acts and proceedings, and in such authorization, execution, sale, issuance, and payment, including without limiting the generality of the foregoing, such acts and proceedings appertaining to bonds all or any part of which have heretofore not been issued nor purportedly issued.

Section 7.—Saving clause.—Nothing in this act shall be construed in a manner so as to impair the obligations of any bonds, or the refunding thereof, heretofore issued by a school district or otherwise invalidate any such bond, or the obligations or refunding thereof.

Section 8.—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 9.—Effective date.—This act shall take effect on July 1, 1964.

Section 10.—**Safety clause.**—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 26, 1964.

AN ACT

House Bill No. 1032

(Ch. 22, S.L. '64)

MAKING AN APPROPRIATION FOR THE BENEFIT OF JUNIOR COLLEGE DISTRICTS.

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

Section 1.—**Appropriation.**—There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the current fiscal year, to the following junior colleges, the amounts as hereafter set out for each junior college: Mesa Junior College, two hundred thousand three hundred ninety-two dollars (\$200,392.00); Lamar Junior College, forty-nine thousand three hundred ninety-two dollars (\$49,392.00); Northeastern Junior College, one hundred forty-eight thousand two hundred thirty-five dollars (\$148,235.00); Otero Junior College, sixty-four thousand nine hundred eleven dollars (\$64,911.00); and Trinidad Junior College, seventy-one thousand seven hundred fifty-seven dollars (\$71,757.00).

Section 2.—**Warrants to be drawn.**—The controller is hereby directed to issue warrants in favor of the junior colleges and in the amounts specified in section 1 of this act.

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: March 16, 1964.

AN ACT

House Bill No. 1085

(Ch. 73, S.L. '64)

CONCERNING PUBLIC SCHOOLS; DEFINING THE CORPORATE STATUS OF SCHOOL DISTRICTS, AND PRESCRIBING THE POWERS AND DUTIES OF BOARDS OF EDUCATION IN THE CONTROL AND GOVERNMENT OF SCHOOL DISTRICTS.

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

Section 1.—**Corporate status of school districts.**—Each regularly organized school district heretofore or hereafter formed is hereby declared to be a body corporate with perpetual existence, and in its name may hold property for any purpose authorized by law, sue and be sued, and be a party to contracts for any purpose authorized by law.

Section 2.—**Corporate status — when questioned.**—Except when the corporate status of a school district shall have been dissolved as provided by law, each school district which shall have undisputedly exercised the prerogatives and privileges of a legally formed school district during a period of twelve consecutive months following the first election of its school directors shall be deemed to be a de jure school district and the corporate status thereof shall not thereafter be questioned.

Section 3.—**Board of education — general powers and duties.**—(1) Each school district shall be governed by a board of education consisting of the number of school directors prescribed by law. Such board of education shall possess all powers delegated to a board of education or to a school district by law, and shall perform all duties required by law.

(2) Each school director shall have access to all school records at all times.

Section 4.—**Organization of board of education.**—(1) Within ten days after each regular biennial school district election, the incumbent secretary of such school district shall call a special meeting of the board of education of such district for the purpose of selecting officers of the board. At such meeting the incumbent president

of the board shall preside until a successor shall have been elected and qualified.

(2) The officers of a board of education of a school district shall be a president, a vice-president, a secretary, and a treasurer, and, at the discretion of the board, an assistant secretary and an assistant treasurer. One person may simultaneously hold the offices of secretary and treasurer, or the offices of assistant secretary and assistant treasurer if there be such offices.

(3) The president and vice-president shall be members of the board, shall be elected by a majority of the board, and shall each hold office for a term of two years and until a successor shall have been elected and qualified. Whenever a vacancy occurs in either office, the remaining members of the board shall elect a successor to fill the vacancy for the unexpired term. A vacancy shall occur in either office under the same conditions and in the same manner prescribed for a vacancy occurring in the office of a school director. Whenever a vacancy shall occur in the office of a school director who is also president or vice-president of the board, nothing contained in this section shall be construed to mean that the person appointed to fill the vacant office of school director shall also be entitled to serve as such officer of the board.

(4) (a) The secretary and treasurer, and the assistant secretary and assistant treasurer if there be such offices, shall be appointed by the board. They may or may not be members of the board, and shall hold their offices at the pleasure of the board.

(b) No person shall enter upon the office of secretary or treasurer, or assistant secretary or assistant treasurer if there be such offices, until he has given a surety bond, in form satisfactory to the board, in the amount of five thousand dollars, conditioned upon the faithful performance of his duties as required by law and prescribed by the bylaws of the board of education. In addition, the treasurer, and the assistant treasurer if there be such office, shall give bond in such further amount, in such form, and for such purposes as the board may require.

(5) The secretary, assistant secretary, treasurer, and assistant treasurer may be compensated for their services in such capacities in an amount determined by the board of education, but the president and vice-president shall receive no compensation for their services in such capacities. All officers shall be reimbursed for necessary expenses incurred in the performance of their duties in an official capacity.

Section 5.—Duties — president and vice-president.—

(1) The president of the board shall preside at all meet-

ings of the board. He shall sign any written contract to which the school district may be a party when such contract shall have been authorized by the board, and shall sign all official reports of the district except when otherwise provided by law.

(2) In the absence or inability of the president, the vice-president shall have and perform all of the powers and duties of the president.

Section 6.—**Duties — secretary.**—(1) The secretary of the board shall cause written notice to be given to each member of the board of all special meetings of the board. He shall cause minutes of each meeting of the board to be kept and preserved. He shall cause all notices of election to be published and posted when so required by law. He shall be custodian of the seal of the district, shall attest any written contract to which the district may be a party when such contract shall have been authorized by the board, and shall affix the seal thereto. He shall perform such other duties as may be assigned to him by the board.

(2) In the absence or inability of the secretary, the assistant secretary if any, or an officer of the board designated by the president if there is no assistant secretary, shall perform the duties of the secretary.

Section 7.—**Duties — treasurer.**—(1) The treasurer of the board shall account for all moneys belonging to the district, or coming into its possession, and shall render a report thereof when so required by the board.

(2) In all cases where moneys belonging to a district shall remain in the custody of the county treasurer, all warrants or orders drawn on the county treasurer in payment of lawfully incurred and properly authorized obligations of the district shall bear the written or facsimile signature of the treasurer of the board and, if required by the board, the written countersignature of any other person designated by the board.

(3) In all cases where the moneys belonging to a district are withdrawn from the custody of the county treasurer, such withdrawn moneys and all other moneys belonging to the district shall be deposited by the treasurer of the board to the credit of the district in one or more depositories designated by the board. All checks in payment of lawfully incurred and properly authorized obligations of the district drawn on any such depository shall bear the written or facsimile signature of the treasurer and, if required by the board, the written countersignature of any other person designated by the board.

(4) The board, by appropriate resolution, may authorize the treasurer or any other person employed by the district to deposit, or cause to be deposited, any moneys derived from food services, operation of a lunch-room, from other school activities, or any other moneys received by the district, in such depository or depositories as it may designate, and may likewise authorize the treasurer or any other person employed by the district to sign checks drawn on any such depository in payment of lawfully incurred and properly approved expenditures.

(5) The treasurer shall perform such other duties as may be assigned to him by the board.

(6) In the absence or inability of the treasurer, the assistant treasurer if any, or an officer of the board designated by the president if there is no assistant treasurer, shall perform the duties of the treasurer.

Section 8.—**Meetings of the board of education.**—(1) Regular meetings of the board of education of a school district shall be held at the time and place provided for in its bylaws. Special meetings may be called by the president at any time, and shall be called by him upon written request of a majority of the members of the board.

(2) The secretary of the board shall cause written notice of any special meeting to be mailed or delivered to each member of the board stating the time, place and purpose of the meeting; if the notice be delivered, it shall be in the hands of the member no later than twenty-four hours prior to the hour set for the meeting, and if it be mailed, it shall be mailed no later than seventy-two hours prior to the hour set for the meeting.

(3) Any member may waive notice of the time, place and purpose of a special meeting at any time before, during, or after such meeting, and attendance thereat shall be deemed to be a waiver.

(4) At any special meeting, no business other than that stated in the notice of said meeting shall be transacted, unless all members are present and shall consent to consider and transact other business.

(5) All regular and special meetings of the board shall be open to the public, but any person who disturbs good order may be required to leave. At any regular or special meeting the board may proceed in executive session, at which only those persons invited by the board may be present, but no final policy decisions shall be made by the board while in executive session.

(6) All voting at any meeting shall be by roll call. The names of the members shall be called alphabetically.

and each member present shall orally vote "Aye" or "No" upon each question unless excused from voting by the board for good cause. Election of the president and vice-president may be by secret ballot.

Section 9.—Board of education — specific duties.—
In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(1) To adopt written bylaws, not inconsistent with law, for its organization and operation.

(2) To adopt policies and prescribe rules and regulations necessary and proper for the efficient administration of the affairs of the district, including procedures for competitive bidding in the purchase of goods and services, except professional services, for the district.

(3) To cause a true and correct copy of all current bylaws, policies, and rules and regulations adopted or prescribed by the board to be made available for public inspection at the administrative office of the district during reasonable business hours.

(4) To cause to be filed with the department of education the name, address, and length of term of office of each school director; and the name, address, identification of office, and date of election or appointment of the president, vice-president, secretary, and treasurer, and of the assistant secretary and assistant treasurer if there be such offices.

(5) To cause minutes of all proceedings of the board, except those of an executive session, to be recorded in convenient form, which record shall be open for public inspection at the administrative office of the district during reasonable business hours.

(6) To employ all personnel required to maintain the operations and carry out the educational program of the district, and to fix and order paid their compensation.

(7) To require any employee or other person who may receive into his custody moneys which properly belong to the district to deliver such moneys to the treasurer of the district, or to deposit such moneys in a depository designated by the board.

(8) To require each employee who is likely to have in his temporary custody at any one time an amount of school district moneys in excess of fifty dollars to be bonded in an amount at least sufficient to cover the amount of school district moneys which is likely to be in his temporary custody at any time, or to be bonded

in such greater amount as the board may determine. A blanket form of surety bond may be utilized to cover more than one such employee. The district shall pay the costs for any such bonds.

(9) To cause to be kept complete and accurate financial records of the school district by funds and accounts, maintained on the basis of generally recognized principles of governmental accounting.

(10) To cause to be kept the stubs of, or a register of, all warrants or orders drawn upon school district moneys in the various funds, showing the number of each warrant or order, the date issued, the object or purpose for which drawn, the amount and to whom payable, or in lieu thereof, similar records as normally provided in accounting procedures through the use of automatic processing.

(11) To cause a statement of the financial condition of the district to be published and posted as required by law; to cause all accounts to be audited as required by law; and to review from time to time during each fiscal year the financial position of the district.

(12) To cause all statements of account and all cancelled warrants and orders to be kept on file for six years.

(13) To cause such records as relate to the affairs or business of the district to be preserved and disposed of only in the manner provided by law.

(14) To determine, prior to the end of a school year, the length of time during which the schools of the district shall be in session during the next following school year, but in no event shall said schools be in session for less than one hundred seventy-two days during such following school year.

(15) When so directed by the state board of education, but no more often than once during any twelve month period, to cause a census of all persons resident within the district who have not attained the age of twenty-one years, or any age group thereof, to be taken on a prescribed date, upon such forms as shall be supplied by the state board.

(16) To appoint an attendance officer or officers as required by "The School Attendance Law of 1963".

(17) To cause to be prepared, executed, and filed with the state board of education any report required by law, or by regulation.

(18) To comply with the rules and regulations adopted by the state board of education pursuant to chapter 3, article 16, Colorado Revised Statutes 1953.

(19) To cause to be erected and maintained, a suitable flagstaff with the attachments necessary for the display of flags upon the administration building, or, if none, on the principal school building, or the grounds thereof, and to cause suitable flags of standard bunting, not less than three by five feet in size, of the United States and the state of Colorado to be displayed upon said flagstaff at all times during the day while school is in session, except during inclement weather.

(20) To determine the educational program or programs to be carried on in the schools of the district, and to prescribe the textbooks for any course of instruction or study in such program or programs.

(21) To provide free textbooks for an indigent child enrolled in a school of the district without requiring a loss or damage deposit, and to insure that no child is denied the use of textbooks because of refusal of his parents to pay for the same.

(22) To cause an educational program to be maintained and operated within the territorial limits of the district for the school-age children resident therein; provided, that nothing herein shall be construed in a manner to prohibit the maintenance of ungraded levels of instruction therein.

Section 10.—Board of education — specific powers.—
In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(1) To take and hold in the name of the district so much real and personal property as may be reasonably necessary for any purpose authorized by law.

(2) To purchase or lease real property for school sites or for any school purpose authorized by law; to determine the location of each school site, building or structure; and to construct, erect, repair, alter, and remodel buildings and structures.

(3) To provide furniture, equipment, library books, and everything needed to carry out the education program.

(4) To construct, purchase, or remodel teacherages for the employees, or any classification thereof, of the district.

(5) To sell and convey district property which may not be needed within the foreseeable future for any purpose authorized by law, upon such terms and conditions as it may approve; and to lease any such property, pending sale thereof, under an agreement of lease, with or without an option to purchase the same.

(6) To rent or lease district property not immediately needed for its purposes for terms not exceeding three years, and to permit the use of district property by community organizations upon such terms and conditions as it may approve.

(7) To employ a chief executive officer to administer the affairs and the programs of the district, pursuant to a contract.

(8) To discharge or otherwise terminate the employment of any personnel.

(9) To reimburse employees of the district for expenses incurred in the performance of their duties either within or without the territorial limits of the district.

(10) To procure group life, health, or accident insurance covering employees of the district pursuant to section 72-6-3.

(11) To adopt written policies, rules, and regulations, not inconsistent with law, which may relate to the efficiency, in-service training, professional growth, safety, official conduct and welfare of the employees, or any classification thereof, of the district. The practices of employment, promotion, and dismissal shall be unaffected by the employee's religious beliefs, marital status, racial or ethnic background, or participation in community affairs.

(12) To adopt written policies, rules, and regulations, not inconsistent with law, which may relate to study, discipline, conduct, safety and welfare of all pupils, or any classification thereof, enrolled in the public schools of the district.

(13) To determine which schools of the district shall be operated and maintained.

(14) To fix the attendance boundaries of each school in the district.

(15) To provide for the necessary expenses of the board in the exercise of its powers and the performance of its duties; to maintain membership in established school board organizations; and to reimburse a board member for necessary expenses incurred by him in the performance

of his official duties, whether within or without the territorial limits of the district.

(16) To provide free use of textbooks to all school-age pupils enrolled in the public schools of the district.

(17) To require pupils enrolled in the public schools of the district to possess suitable supplies.

(18) To procure supplies and equipment required to carry on the musical, dramatic, athletic and equivalent programs of the district.

(19) To exclude from each school and school library any books, magazines, papers or other publications which, in the judgment of the board, are of immoral or pernicious nature.

(20) To procure such insurance coverage on the building, structures and equipment owned by the district, or in which the district has an insurable interest, as may, in the judgment of the board, be adequate from time to time.

(21) To procure such casualty insurance coverage on the personal property owned by the district, or in which the district has an insurable interest, as may, in the judgment of the board, be adequate from time to time.

(22) To procure public liability insurance covering the school district and the directors and employees thereof.

(23) To procure liability and property damage insurance on school busses or motor vehicles owned or rented by the school district.

(24) To contract for the transportation of pupils enrolled in the public schools of the district, and to require any such contractor operating a bus or motor vehicle for such purpose to procure liability and property damage insurance on such bus or motor vehicle and pay all premiums for such insurance, without the right of contribution from the school district to the insurer.

(25) To elect to have moneys belonging to the school district withdrawn from the custody of the county treasurer, and paid over to the treasurer of the board in the manner provided by law.

(26) To accept gifts, donations, or grants of any kind made to the district, and to expend or use said gifts, donations, or grants in accordance with the conditions prescribed by the donor, provided that no gift, donation, or grant shall be accepted by the board if subject to any condition contrary to law.

(27) To cause a census to be taken of all persons resident within the district who have not attained the age of twenty-one years, or any age group thereof, whenever determined by the board, notwithstanding any census theretofore or thereafter required to be taken by the state board of education.

(28) To authorize the use of facsimile signatures on teacher contracts, bonds, and bond coupons by appropriate resolution.

(29) To require every teacher in the public schools to report the mental, moral, and physical defectiveness of any child under his supervision, as soon as such defectiveness is apparent, to the principal or, where there is no principal, to the district or county superintendent. Such principal or superintendent shall promptly notify the parents or guardian of each child found to be defective, of the child's defectiveness, and shall recommend to such parent or guardian that such child be thoroughly examined as soon as possible by a person licensed to care for or treat such defect. If the parents or guardian of such child shall fail, neglect, or refuse to have such examination made and treatment begun within a reasonable time after such notice has been given, the said principal or superintendent shall notify the board of education of such fact. Whenever it shall be made to appear to the said principal or superintendent that such parent or guardian does not have the necessary funds to pay the expenses of such examination and treatment, the said principal or superintendent shall report such fact to the appropriate public welfare agency.

Section 11.—Liability insurance.—Each policy of liability insurance hereafter purchased by a school district pursuant to section 10 (22) and (23) of this act shall contain a condition to the effect that said insurer or carrier shall not assert the defense of sovereign immunity otherwise available to said school district and school director or employee thereof within the maximum amounts payable thereunder; provided, that the failure to procure such insurance or the failure to procure any such insurance in an amount sufficient to satisfy the entire claim or claims shall not be construed as creating any liability against the school district or school director or employee.

Section 12.—Power of eminent domain.—A school district shall have the power to take by eminent domain so much real property as the board of education of the district may deem necessary for any school purpose authorized by law, but the power of eminent domain shall not be exercised to acquire any real property located outside

the territorial limits of the school district. The procedure for the exercise of eminent domain as authorized by this section shall be as prescribed by article 1 of chapter 50, CRS 1953, but without regard to the municipal corporation and purposes specified therein.

Section 13.—Oil and gas leases.—(1) A board of education of a school district shall have the power to lease any real property or any interest therein owned by the district for oil and gas exploration, development, and production purposes, upon such terms and conditions as may be prescribed and contracted by the board in the exercise of its best judgment as the board deems to be for the best interests of the district. Any lease of oil and gas rights shall be for a term not to exceed ten years and as long thereafter as oil or gas is produced, and shall provide for a royalty of not less than twelve and one-half per cent of all oil and gas produced, saved, and sold, or the gross production value thereof, which royalty may be reduced proportionately under appropriate provision in the lease if the interest in the school district is less than a full interest in the land or oil and gas rights in the land described in the lease. Whenever in the opinion of the board of education, and because of the size, shape, or current use of any tract of land owned by the district, the best interests of the district so require, any lease of such tract may provide that no drilling shall be conducted on the land covered thereby, in which case such lease shall be for a term not to exceed ten years and so long thereafter as the district may share in royalties payable on account of production of oil or gas from lands adjacent to such tract so leased.

(2) Whenever deemed by the board of education of a school district to be in the best interests of the district, it may enter into a unit agreement providing for the pooling, unitization, or consolidation of acreage covered by any oil and gas lease executed by the district with other acreage for oil and gas exploration, development, and production purposes, and providing for the apportionment or allocation of royalties among the separate tracts of land included in the unit or pooling agreement on an acreage or other equitable basis, and may change, by such agreement, with the consent of the lessee under the lease, any or all of the provisions of any lease issued by the district, including the term of years for which the lease was originally granted, in order to conform such lease to the terms and provisions of the unit or pooling agreement and to facilitate the efficient and economic production of oil and gas from the lands subject to such agreement.

(3) The leasing of school district real property or any interest therein under the provisions of this section shall not be deemed to be a sale of such school property.

(4) All leases of oil and gas or rights therein and all unit agreements relating to or dealing with oil and gas and containing provisions similar to those set forth in this section affecting school district lands heretofore made or entered into by any school district are hereby confirmed, validated, and declared to be legal and valid in all respects.

Section 14.—Transportation of pupils — when.—(1)
The board of education of a school district may furnish transportation :

(a) To and from public schools of the district for any reasonable classification of resident pupils enrolled in the schools of the district.

(b) To and from public schools located in an adjacent state for any reasonable classification of resident pupils who have not completed the twelfth grade, but only if the district of attendance is one to which the district of residence of such pupils is authorized to pay tuition for the attendance of such pupils.

(c) To and from public schools for any reasonable classification of pupils enrolled in the schools of the district who are resident of any other school district in the state, if the district of residence is adjacent to the district of attendance, and if the board of the district of residence shall consent to such transportation.

(d) To and from any school sponsored activity, or for any emergency, for any reasonable classification of resident pupils enrolled in the schools of the district, whether said activity or emergency be within or without the territorial limits of the district, and whether or not occurring during school hours.

(2) A board may determine the points at which pupils shall be received and delivered and the routes of transportation pursuant to subsection (1) of this section.

(3) In the event it shall be impractical, as determined by the board, to furnish transportation to and from school for any resident pupil enrolled or eligible to be enrolled in the schools of the district pursuant to subsection (1) (a), (b), or (c) of this section, the board may pay the cost, or any portion thereof, of room and board for the pupil to reside at a point near a school of the district of residence, or a school of a district to which the district of residence is authorized to pay tuition.

(4) A board may reimburse a parent or guardian for the expenses incurred by such parent or guardian in furnishing transportation to and from a public school or school bus line for his child or children and for other pupils enrolled in the schools of the district; but the board may not reimburse any person for transportation furnished to a pupil resident in another school district without the consent of the board of the district of residence. The amount and payment of such expenses shall be as determined by the board paying such expenses.

Section 15.—**Transportation by parents of own children.**—Notwithstanding the provisions of section 13-4-85, CRS 1953, the board of a school district shall not require a parent or guardian to comply with said statutes and school bus regulations when such parent or guardian shall transport only his own child or children, even though the board may reimburse such parent or guardian for expenses incurred in furnishing such transportation.

Section 16.—**Tuition for resident school-age children.**
—(1) A board of education of a school district may pay tuition for any school-age child resident in the district who shall not have completed the twelfth grade to attend a school operated by another school district, whether said school is located within or without the county, when the board of the district of residence shall determine for any reason whatsoever that it would be to the educational advantage or general welfare or convenience of said child to attend such school operated by another school district.

(2) (a) The tuition to be paid as authorized by subsection (1) of this section shall not exceed one hundred fifteen per cent of the current per pupil cost in the district of attendance during the preceding school year. The average amount of money per pupil received by the school district of attendance during the preceding school year under the minimum equalization program of "The Public School Foundation Act" shall be deducted from the amount of tuition authorized by this subsection; provided, that if the district of residence is situate entirely, or its headquarters is located, in a county other than the county in which the district of attendance is situate, or its headquarters is located, then the amount of moneys received by the district of attendance during the preceding school year from the county public school fund need not be deducted.

(b) A board of education of a district may permit any child, the parents or guardian of whom are not residents of the district, to attend school in the district, if the parents or guardian of said child shall have paid, in

the calendar year next preceding the year of attendance, an ad valorem school tax upon real property situate in the district, and if the property upon which said tax has been paid is contiguous to the district of residence of the parents or guardian. In such event, a credit, not to exceed the amount of said tax so paid during the preceding calendar year, shall be deducted from the tuition for such child, and the amount of the tuition shall be computed in accordance with the provisions of paragraph (a) of this subsection. Nothing in this paragraph shall be construed as creating an obligation on the part of the school district of residence or the school district of attendance to provide transportation at public expense for any such child to and from the school of attendance.

(3) The authority of a board of education to pay tuition for a child pursuant to subsection (1) of this section shall include authority to pay tuition for a child to attend a public school of a school district situate in an adjacent state when the district of residence of the child is situate adjacent to the other state and the geographic conditions or distances are such that it would be impracticable for the child to attend the schools of his district. In the case of tuition paid to a school district of an adjacent state, the limitations of subsection (2) (a) of this section shall not be applicable.

(4) A district of residence shall not be liable for the tuition of any school-age child except pursuant to a written agreement with the district of attendance. In the absence of such written agreement, the parent or guardian of such school-age child shall be liable for all tuition charged by the district of attendance. A copy of any written agreement between the district of residence and the district of attendance shall be furnished the parent or guardian of a child covered by the agreement, and such parent or guardian shall be liable for such part of the tuition, if any, not paid to the district of attendance by the district of residence of such child.

(5) The tuition limitations prescribed by subsection (2) (a) of this section shall not be applicable to the amount of tuition which may be charged by a district of attendance to a nonresidence parent or guardian for attendance of his child at a school outside his district of residence contrary to a determination of the board of education of his district of residence made pursuant to subsection (1) of this section; nor shall such tuition limitation be applicable to the amount of tuition which a district of attendance may charge for a nonresident educable mentally or physically handicapped child.

Section 17.—Exclusion of nonresidents — exception.—
A board of education of a school district may exclude

from the schools of its district a pupil who is not a resident of the district or who becomes a nonresident of the district subsequent to the time of enrollment. A board may waive tuition for a nonresident school-age child and provide free textbooks for said child if the board determines that the child is required to reside temporarily in the district in order to have a home and the necessities of life.

Section 18.—Miscellaneous fees.—(1) When the free use of textbooks is provided pursuant to section 10 (16) of this act, a board of education of a school district may require each nonindigent pupil to make a reasonable loss or damage deposit to cover such textbooks. A board may also require each nonindigent pupil to make a reasonable loss or damage deposit to cover nonacademic equipment. All such deposits shall be refunded to the pupil when he shall have returned the textbooks or equipment in good condition except for ordinary wear.

(2) A board may not require a pupil who shall not have completed the twelfth grade to pay any fees as a condition of enrollment in school, or as a condition of attendance in any course of study, instruction, or class, except tuition as authorized by law, charges and fees authorized by this section and section 19 of this act, and those fees reasonably necessary for textbooks or expendable supplies if such are not provided free of charge; provided, that miscellaneous fees may be collected on a voluntary basis as a condition of participation or attendance at a school sponsored activity or program not within the academic portion of the educational program.

Section 19.—Summer schools — continuation and evening programs.—(1) During that period of the calendar year not embraced within the regular school term, a board of education may provide and conduct courses in subject matters normally included in the regular school program, or in demand by the pupils of the district, may fix and collect a charge for attendance at such courses in an amount not to exceed the per capita cost of the operation thereof, and give regular school credit for satisfactory completion by students of such courses in the discretion of the board. Such courses or programs not conducted during the regular school term shall not for any purpose, other than school credit, be considered part of the regular school program.

(2) A board of education may establish and maintain continuation programs, part-time programs, evening programs, vocational programs, programs for aliens, and other opportunity programs, and may pay for such programs out of the moneys of the school district. A board

may also establish and maintain open air schools, playgrounds, and museums, and may pay for the same out of moneys of the school district.

Section 20.—**Kindergartens.**—A board of education may establish and maintain kindergartens in connection with the schools of its district for the instruction of children one year prior to the year in which such children would be eligible for admission to the first grade, and prescribe courses of training, study and discipline, and rules and regulations governing such kindergarten programs. Said kindergartens shall be a part of the public school system, and the cost of establishing and maintaining them may be paid from the general school fund.

Section 21.—**Food services — facilities.**—(1) A board of education may establish, maintain, equip, and operate a food service facility or facilities, and expend the moneys of the district therefor, for pupils enrolled in the public schools of the district, for persons participating in or attending a school sponsored activity, and for the employees of the district. Any such food service facility shall be deemed to be an integral part of the program of the district, and shall be maintained, operated, and governed in the same manner as the schools of the district.

(2) All food shall be sold by a food service facility as nearly as practicable on a nonprofit basis, provided, that a district may sell food at lower than cost and may provide food free of charge to those pupils entitled thereto pursuant to the provisions of the national school lunch act. Capital outlay and rental costs shall not be included in computing the cost of the meals served.

(3) Upon the written request from a parent or guardian of a school-age pupil enrolled in a school, such pupil shall not be required to participate in a food service program or remain on the school premises during the lunch period.

Section 22.—**Facsimile signature.**—(1) A board of education may authorize an employee to affix the signature of the treasurer, or assistant treasurer if any, to any warrant, order or check by any device capable of affixing a facsimile signature; provided, that each such officer shall give written consent to the board for the use of such facsimile signature and written approval of the employee or employees designated to affix his facsimile signature.

(2) The authorization by a board of an employee to affix signatures pursuant to subsection (1) of this section shall be evidenced by a resolution adopted by the board, which, together with the written consent of the

officer or officers consenting thereto and approving the designated employee, shall be recorded in the proceedings of the board.

(3) Any employee who shall be authorized and approved pursuant to the provisions of this section to affix the facsimile signature of the treasurer, or assistant treasurer if any, of a board shall be bonded in the amount and manner as may be required for the said respective officers.

(4) If a board of education shall not elect to have its moneys withdrawn from the county treasurer in the manner authorized by law, and an employee or employees shall be authorized and designated to affix a facsimile signature of the treasurer, or assistant treasurer if any, pursuant to subsection (1) of this section, the board shall cause a copy of the resolution and written consent of such officer or officers to be forwarded to the county treasurer who has temporary custody of the moneys of the district.

Section 23.—Contract services, equipment and supplies.—(1) Any school district or districts shall have the power to contract with another district or with the governing body of a state college or university, with the tribal corporation of any Indian tribe or nation, with any federal agency or officer, or any county, city, or city and county, or with any natural person, body corporate, or association for the performance of any service, activity, or undertaking which any school may be authorized by law to perform or undertake. Such contract shall set forth fully the purposes, powers, rights, obligations, and responsibilities, financial or otherwise, of the parties so contracting. A contract executed pursuant to this section may include, among other things, the purchase or renting of necessary building facilities, equipment, supplies, and employee services. Any state or federal financial assistance which shall accrue to a contracting school district if said district were to perform such service, activity, or undertaking individually, shall be apportioned by the state board of education on the basis of the contractual obligations and paid separately to each contracting school district in the manner prescribed by law.

(2) Nothing herein shall be construed in a manner to authorize a school district or junior college district to expend proceeds from the sale of general obligation or revenue bonds issued by said district to procure or erect a school or other building beyond the territorial limits of the district.

Section 24.—Penalty.—Any officer or employee who shall refuse to perform a duty required by law when

specifically directed to perform such duty by the board of education, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed one hundred dollars or imprisonment in the county jail not to exceed ninety days, or both.

Section 25.—Building codes — zoning — planning.—Notwithstanding any authority delegated to a county, city, or city and county, or a planning commission, the board of education of a school district may determine the location of public schools within the district and erect necessary buildings and structures without a permit or fee, or compliance with a local building code; provided, that prior to the acquisition of land for school building sites or the construction of buildings thereon, the board of education shall consult with the planning commission which has jurisdiction over the territory in which the site, building or structure is proposed to be located relative to the location of such site, building or structure in order that the proposed site, building or structure shall conform to the adopted plan of the community insofar as is feasible. All buildings and structures shall be erected in conformity with the standards of the industrial commission of Colorado. A board shall advise the planning commission which has jurisdiction over the territory in which a site, building or structure is proposed to be located, in writing, relative to the location of such site, building or structure prior to the awarding of a contract for the purchase or the construction thereof.

Section 26.—Applicability of act.—This act shall apply to junior college districts insofar as applicable.

Section 27.—Repeal.—The following sections are hereby repealed:

(1) 123-10-1, 123-10-5, 123-10-21 as amended, 123-10-22, 123-10-27 to 123-10-29, 123-10-33 to 123-10-36, 123-10-40, 123-10-42, 123-10-43, 123-10-45 to 123-10-49, 123-10-54, 123-21-17, and 123-21-22, Colorado Revised Statutes 1953;

(2) 123-10-20, 123-10-21 (17), 123-10-41, 123-10-55, 123-10-67, and 123-10-68, Colorado Revised Statutes 1953 (1960 Perm. Supp.);

(3) 123-10-21 (3), (4), and (18), 123-10-24, 123-10-26, and 123-25-34 (1) (b) and (c), Colorado Revised Statutes 1953 (1961 Supp.);

(4) 123-10-2, Colorado Revised Statutes 1953, as amended by section 1 of chapter 233, Session Laws of Colorado 1963; section 2 (2) of chapter 233, Session Laws of Colorado 1963; and 123-10-21 (19) to (23), Colorado Revised Statutes 1953, as added by section 3 of chapter 233, Session Laws of Colorado 1963.

Section 28.—**Effective date.**—This act shall take effect on July 1, 1964.

Section 29.—**Safety clause.**—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 26, 1964.

AN ACT (EXCERPTS)

House Bill No. 1096

(Ch. 20, S.L. '64)

TO PROVIDE FOR THE PAYMENT OF THE EXPENSES OF THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL DEPARTMENTS OF THE STATE OF COLORADO, AND OF ITS AGENCIES AND INSTITUTIONS, FOR AND DURING THE FISCAL YEAR BEGINNING JULY 1, 1964, EXCEPT AS OTHERWISE NOTED.

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

Section 1. (1) As used in this act, the following terms shall have the meaning ascribed:

(2) The term "operating expenses" includes:

(a) Contractual services, meaning services rendered or performed by firms or individuals other than for employment compensation as an employee of the state as hereinafter provided under personal services, and the furnishings of goods and commodities:

(b) Supplies and materials, meaning products which by their nature are consumable and which have a useful lifetime of less than one year, or which, after usage, undergo an impairment of, or a material change in, physical condition;

(c) Current charges, meaning rental of property and equipment, insurance premiums, dues, subscriptions, grants, and other fixed charges;

(d) Current obligations, meaning awards, property damages, personal injuries, judgments, losses, and special assessments against state-owned property.

(3) The term "travel and subsistence" means and includes the cost of travel by common carriers or by state or privately owned conveyance and the cost of meals and lodging incident to such travel.

(4) The term "repair and maintenance of property" means and includes repairs to equipment and the cost of replacement of minor parts of equipment, repairs to buildings and to plumbing, heating, wiring, and air-condition-

ing systems thereof, the cost of replacement of parts of plumbing, heating, wiring, and air-conditioning systems in buildings occasioned by ordinary wear and tear or by physical damage, and the cost of painting the exteriors and interiors of buildings.

(5) The term "capital outlay" includes the following items, except that it shall not include those things defined as capital construction by section 1, chapter 33, Session Laws of Colorado 1959.

(a) Equipment, meaning motor trucks, tractors, trailers, automobiles or other vehicles, machinery, reference books, office furniture, file cabinets, typewriters, adding and calculating machines, and other business machines, having a useful lifetime of more than one year or other items, including but not limited to tools, implements and instruments, costing one hundred dollars (\$100.00) or more, and/or which may be used continuously without material change in physical condition;

(b) Alterations and replacements, meaning major and extensive repair, remodeling or alteration of buildings, the replacement thereof, or the replacement and renewal of the plumbing, wiring, heating, and air-conditioning systems therein costing less than ten thousand dollars (\$10,000.00);

(c) New structures, meaning the construction of entirely new buildings where the cost will be less than ten thousand dollars (\$10,000.00), including the value of materials and labor either state supplied or by contracts;

(d) Nonstructural improvements to land, the grading, leveling, drainage, and landscaping thereof, and the construction of roadways, fences, ditches and sanitary and storm sewers where the cost will be less than five thousand dollars (\$5,000.00).

(6) The term "personal services" shall mean and include all salaries and wages whether to full-time, part-time, or temporary employees of the state, and shall also include the state's contribution to the public employees' retirement fund and the state's contribution to the state compensation insurance fund.

(a) Maximum limitations on the number of full-time positions which shall be allowed for staffing, at any one time, at each agency or institution during the fiscal period to which this appropriation act pertains, shall be indicated by a numeral in parenthesis following the words "personal services" for each agency or institution to which a maximum staff limitation is intended to be applied.

(7) The term "general purposes" means personal services, travel and subsistence, operating expenses, and all other purposes except capital outlay.

(a) Where no purpose is specified, the appropriation shall be for general purposes and capital outlay.

(8) The term "education and general" when used in that part of this act pertaining to institutions of higher learning, shall mean personal services, operating expenses, travel and subsistence.

(a) Where no purpose is specified in this bill for a particular division or department of an institution of higher learning, the appropriation shall be for education and general and for capital outlay.

Section 2. The sums in this section hereinafter specified, or so much thereof as may be necessary for the purpose, are hereby appropriated out of any moneys in the general fund or the department cash funds authorized by statute in each case, for the payment of the ordinary operating costs of the legislative, executive, and judicial departments of the state, and of its agencies and institutions, for and during the fiscal year beginning July 1, 1964.

(a) Except as otherwise specifically provided in this act, wherever appropriations are from both cash funds and the general fund to the same agency, unexpended balances of the appropriations, existing at the close of the fiscal period covered hereunder, shall revert to the general fund;

(b) Wherever, in the judgment of the controller, good fiscal order may be fostered, the controller may order the payment of any of the expenses authorized by appropriation hereunder from either cash or general funds when appropriations are made hereunder from both general and cash funds for the same agency; provided, that in no case shall the total expenditure for each agency exceed the aggregate amount appropriated from both funds as hereinafter set forth and provided, that if expenditures are made from the general fund under this authority, the controller shall make transfers from cash funds to the general fund as necessary to keep the ultimate burden on the general fund within the appropriation therefrom for the fiscal year;

(c) Appropriations made herein to organizational units of state government which subsequently are reorganized and reconstituted by statutory authority may be reallocated for like functions to the new organizational units, by the controller, with approval of the governor and advice to the joint budget committee;

(d) Payment of workmen's compensation insurance premiums shall be made by the controller and charged

against the personal services appropriations made for this purpose to the state agencies from the general fund and from cash funds for the fiscal year beginning July 1, 1964;

(e) Of the separate amounts from the general fund and from cash funds appropriated in PART III, excepting (1) and (2) thereof, and PARTS IV, V, VI, VII, VIII, IX, X, and XI of this section, ten percent of each amount, other than amounts designated for personal services, set forth, is intended to be, and is hereby declared to be, set aside in a reserve, and no part thereof shall be expended or encumbered during the fiscal year 1964-65 except on the written prior approval of the Governor, pursuant to 3-3-7, CRS 1953.

* * *

	ITEM	SUB TOTALS	TOTAL BUDGET	APPROPRIATION FROM GENERAL FUND	CASH FUNDS
	PART X				
	EDUCATION				
(1)	DEPARTMENT OF EDUCATION	\$	\$	\$ 3,639,739	\$
(A)	Administration		656,166	656,166	
	Personal Services	546,366			
	Operating Expenses	27,500			
	Travel and Subsistence	28,500			
	Capital Outlay	3,800			
	Revolving Fund For Printing And Distribution Of Educational Materials	<u>50,000</u>			
(B)	State Library		351,247	351,247	
	Personal Services	98,747			
	Operating Expenses	9,500			
	Travel and Subsistence	3,000			
	Book Purchases	20,000			
	Grants to Public Libraries	200,000			

	Services to the Blind, Pursuant to PL 787	<u>\$ 20,000</u>	
(C)	Teachers' Emeritus Retirement	\$ 800,000	\$ 800,000
(D)	State Institutions Of Higher Learning Emeritus Retirement	135,000	135,000
(E)	Assistance To Migrant Education Programs	96,203	96,203
(F)	Education Of Physically And Educable Mentally Retarded Children	1,300,000	1,300,000
(G)	National Defense Education Act	<u>301,123</u>	<u>301,123</u>
(1)	For distribution to local districts under Title III	160,000	
(2)	To match Federal Funds under Title V	46,233	
(3)	To match Federal Funds under Title X	54,100	

	ITEM	SUB TOTALS	TOTAL BUDGET	APPROPRIATION FROM GENERAL CASH FUND FUNDS	
(4)	For administration of Title III	\$ 40,790			
(H)	Board for Vocational Education		\$ 314,355	\$ 314,355	
(1)	Administration	135,355			
(2)	For distribution to local districts with matching Federal Funds received under the Smith-Hughes and George Barden Acts	150,000			
(3)	National Defense Education Act— to match Federal Funds under Title VIII	29,000			
(2)	HISTORICAL SOCIETY	\$	\$	\$ 238,694	\$ 238,694 \$
	Personal Services	166,126			
	Operating Expenses	27,945			
	Travel and Subsistence	2,750			

AN ACT

House Bill No. 1097

(Ch. 26, S.L. '64)

CONCERNING SCHOOLS AND MAKING AN APPROPRIATION TO THE STATE PUBLIC SCHOOL FUND, AND TO THE PUBLIC SCHOOL TRANSPORTATION FUND.

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

Section 1.—Appropriation to the state public school fund.—(1) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the state public school fund, the following sums:

(a) The sum of forty-three million, six hundred seventy-one thousand nine hundred twenty-five dollars (\$43,671,925), 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, 1964, 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".

(b) The sum of one million seven hundred fifty-two thousand four hundred dollars (\$1,752,400), to be distributed by the state board of education during the fiscal year beginning July 1, 1964, 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".

(c) The sum of one million two hundred forty-eight thousand dollars (\$1,248,000), to be distributed by the state board of education during the fiscal year beginning July 1, 1964, 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".

(d) The sum of five hundred thousand dollars (\$500,000), to be used by the state board of education during the fiscal year beginning July 1, 1964, as a contingency reserve, and to be expended pursuant to the

provisions of section 17 of "The Public School Foundation Act".

(2) Any unexpended balances of the appropriations made by subsection (1) of this section shall revert to the general fund at the end of the fiscal year for which appropriated.

Section 2.—Appropriation to the 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, 1964, the sum of two million eight hundred twenty-one thousand five hundred forty-three dollars (\$2,821,543), for distribution by the department of education pursuant to the provisions of sections 123-10-56 to 123-10-66, CRS 1953, as amended.

Any provisions 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 such sections.

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: March 16, 1964.

AN ACT
House Bill No. 1104
(Ch. 21, S.L. '64)

MAKING AN APPROPRIATION TO THE JUNIOR COLLEGES
OF THE STATE OF COLORADO.

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

Section 1.—**Appropriation.**—There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the state public school fund, the sum of one million five hundred twenty-nine thousand five hundred dollars (\$1,529,500), to be distributed by the state board of education during the fiscal year beginning July 1, 1964, to eligible junior college districts of the state, pursuant to the provisions of section 2 hereof.

Section 2. **Grant to junior college districts.**—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 public school fund of five hundred dollars for each Colorado resident student carrying not less than forty-five quarter hours or thirty semester hours of credit during the preceding regular academic year; provided, however, that credit hour work carried by part-time, special, and summer term Colorado resident students who carry less than a forty-five quarter or thirty semester hour load per year and full-time Colorado resident students who complete less than three quarters or two semesters shall be counted on a pro-rata basis in proportion as the work carried shall bear to a full load or the time completed shall bear to a full academic year and grants made on an equivalent basis. No later than September first of each year, the junior college committee of each junior college district shall certify to the state board of education the number of such Colorado resident students for 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. Fractions of one-half or more shall be computed as an additional direct grant, and fractions of less than one-half shall be disregarded.

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: March 31, 1964.

AN ACT

Senate Bill No. 12

(Ch. 28, S.L. '64)

CONCERNING THE STATE HISTORICAL SOCIETY.

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

Section 1. 3-2-1, Colorado Revised Statutes 1953, as amended by section 1 of chapter 32, Session Laws of Colorado 1963, is hereby amended BY THE ADDITION OF A NEW SUBSECTION (19) to read:

3-2-1.—**Officers, boards, etc. under executive department.**—

(19) State historical society.

Section 2. 131-1-4, Colorado Revised Statutes 1953, is hereby amended to read:

131-1-4.—**Employees.**—The board of directors of the society shall appoint its employees and fix their salaries, subject to the provisions and exemptions of article XII, section 13, of the constitution; PROVIDED, THAT FOR THE PURPOSES OF THIS ARTICLE, ALL OFFICERS, CURATORS, ASSISTANT CURATORS, AND TEACHERS OF THE SOCIETY, SO DESIGNATED BY THE BOARD OF DIRECTORS, ARE HEREBY DECLARED, AS A MATTER OF LEGISLATIVE DETERMINATION TO BE OFFICERS AND TEACHERS IN AN EDUCATIONAL INSTITUTION, AND THEREFORE NOT UNDER THE CLASSIFIED CIVIL SERVICE OF THE STATE.

Section 3.—**Repeal.**—123-1-3 (1) (b), Colorado Revised Statutes 1953, is hereby repealed.

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: February 26, 1964.

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

HOUSE CONCURRENT RESOLUTION NO. 1001

SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO ARTICLE IX OF THE CONSTITUTION OF THE STATE OF COLORADO, PROVIDING THAT THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS MAY BE ABOLISHED BY THE QUALIFIED ELECTORS OF ANY COUNTY, AND ELIMINATING INOPERATIVE PROVISIONS WITH RESPECT TO CERTAIN DUTIES OF THE COUNTY SUPERINTENDENT.

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

Section 1.—At the next general election for members of the general assembly, there shall be submitted to the qualified electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 6 of article IX of the constitution of the state of Colorado is hereby amended to read:

Section 6.—**County superintendent of schools.**—There ~~shall~~ MAY be a county superintendent of schools in each county, whose term of office shall be ~~two~~ FOUR years, and whose duties, qualifications, and compensation shall be prescribed by law. ~~He shall be ex officio commissioner of lands within his county, and shall discharge the duties of said office under the direction of the state board of land commissioners, as directed by law.~~

THE PROVISIONS OF SECTION 8 OF ARTICLE XIV OF THIS CONSTITUTION TO THE CONTRARY NOTWITHSTANDING, THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS MAY BE ABOLISHED BY ANY COUNTY IF THE QUESTION OF THE ABOLISHMENT OF SAID OFFICE IS FIRST SUBMITTED, AT A GENERAL ELECTION, TO A VOTE OF THE QUALIFIED ELECTORS OF SAID COUNTY AND APPROVED BY A MAJORITY OF THE VOTES CAST THEREON. IN ANY COUNTY SO VOTING IN FAVOR

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

OF SUCH ABOLISHMENT, THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS AND THE TERM OF OFFICE OF ANY INCUMBENT IN SAID COUNTY SHALL TERMINATE ON JUNE 30 FOLLOWING.

Section 2. Each elector voting at said election and desirous of voting for or against the said amendment shall cast his vote as provided by law either "Yes" or "No" on the proposition: "An amendment to article IX of the constitution of the state of Colorado, providing that the office of county superintendent of schools may be abolished by the qualified electors of any county, and eliminating inoperative provisions with respect to certain duties of the county superintendent."

Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

HOUSE JOINT RESOLUTION NO. 1030

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

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 prior to the convening of the Forty-fifth General Assembly in 1965; the funds to be expended for these studies not to exceed the amount allocated therefor from funds appropriated for Legislative Council studies:

(a) The Legislative Council shall appoint a committee from the membership of the two standing education committees to complete the proposed revision of the Colorado school laws, to study the feasibility of transferring the functions of the Board for Vocational Education to the State Board of Education, and to review the program of advance refunding of bonds in the school districts of this state, as well as the general practice of the sale of all school bonds.

(b) The Legislative Council shall appoint a committee from the membership of the two standing education committees to study and review the school foundation act. The Legislative Council shall have the discretion to make this a subcommittee of the committee appointed under (a) above.

(c) The Legislative Council shall appoint a committee to study and review the department of institutions, the programs administered by the department, the laws relating to children, and to prepare drafts of legislation to revise and clarify the same.

(d) The Legislative Council shall appoint a committee to prepare a simplified manual of election procedures and such draft shall be submitted to the Secretary of State no later than June 1, 1964.

(e) The Legislative Council shall direct its Organization of State Government Committee to study state pro-

cedures in hearing, granting and paying for claims against the state with a view towards simplifying the procedures.

(f) The Legislative Council may appoint a committee to review the proposed uniform commercial code being prepared by the Colorado Bar Association upon presentation of that proposed code to the Legislative Council and if such committee is appointed it shall hold hearings on the proposed code prior to the 1965 session of the General Assembly.

(g) The Legislative Council may appoint a committee which shall study and make recommendations with respect to the minimum ages at which a minor may qualify for any license now authorized to be issued under the provisions of article 3 of chapter 13, Colorado Revised Statutes 1953, as amended, as well as any other matters relating to the licensing of operators and the point system for violations.

(h) The Legislative Council shall appoint a committee to undertake a study of consumer problems for the purpose of determining if Colorado law is adequate to safeguard the rights of its citizens from questionable sales promotion devices and individuals. The committee so appointed shall make a report of progress to the first regular session of the Forty-fifth general assembly and a final report at the second regular session.

(i) The Legislative Council shall appoint a committee to make a comprehensive study of the surface and underground water supplies of the state.

(j) The Legislative Council shall undertake a study of the funeral industry, the rules and regulations adopted by the Board of Funeral Directors and Embalmers, and problems related to the industry, with particular emphasis on costs of funerals, pricing practices, taxation of the industry, the competitive situation, prepaid funeral practices, and types of funerals offered.

(2) The committee appointed by the Governor, under the auspices of H.J.R. 23, 1963 session, shall continue its deliberations as an interim committee and shall give particular attention to the present rehabilitation program of the Compensation Insurance Fund, its needs for additional facilities, and the methods that should afford the most effective means of implementing a comprehensive rehabilitation program. The Legislative Council shall furnish staff services for the committee.

(3) All expenditures incurred in the conduct of any study directed by this resolution shall be approved by the chairman of the Legislative Council and shall be paid by vouchers and warrants drawn as provided by law from funds allocated for Legislative Council studies from appropriations made by the General Assembly.

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