

TEXT

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respective resolutions shall be identical, except for typographical errors and minor omissions, if any; and the time limitations with respect to elections prescribed by subsection (2)(c) of this section shall be applicable to the detachment and annexation of territory pursuant to this subsection. A copy of the resolutions shall be forwarded to the department of education, and the county assessor shall be given written notice thereof.

(d) The proposed detachment and annexation shall be effective upon the thirtieth day after the committee or committees, or county superintendent or superintendents, as the case may be, shall have approved said resolution and, if more than one approval is required, such approval shall be given on the same day. The assets and liabilities of the school district from which said territory was detached shall be apportioned, distributed, and paid in the manner prescribed by sections 123-25-27 to 123-25-29.

(4) If a special election is held pursuant to this section and there is no suitable polling place within the territory proposed to be detached and annexed, the board of education of the new district or old school district having a school enrollment of over fifteen hundred from which said territory is proposed to be detached shall designate one or more polling places beyond the limits of the territory proposed to be detached.

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

123-25-40. New districts by operation of law. Each school district which was organized as a new district under the provisions of "The School District Reorganization Act of 1949" or "The School District Organization Act of 1957" shall become by operation of law, and is hereby declared to be, a new district organized under the provisions of this article upon the effective date of this article notwithstanding any other provisions herein relative to an election on the question of a proposed new district.

Based on present 123-25-46 (Section 3 of Chapter 239, S.L. 1964). Subsections (2) and (3) are deleted.

Note that present 123-25-47 through 123-25-51 (Chapter 71, S.L. 1964) on dissolution of

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SECTION 2. Repeal. 123-7-1, 123-9-1, and 123-9-2, Colorado Revised Statutes 1963, are hereby repealed.

SECTION 3. Effective date. This act shall take effect July 1, 1965.

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

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county high schools would be deleted.

Present 123-7-1 concerns division of funds under one of the old organization laws. Present 123-9-1 and 123-9-2 concern debt and division of property under the old consolidation law. This bill covers the subject matter of these sections.

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BILL I -- LIBRARIES

A BILL FOR AN ACT
RELATING TO LIBRARIES.

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

SECTION 1. Article 1 of chapter 84, Colorado Revised Statutes 1963, and the amendments thereto enacted by sections 89 and 90 of chapter 29, Session Laws of Colorado 1964, are hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

84-1-1. Short title. This article may be cited as "The 1965 Library Law."

84-1-2. Declaration of policy. It is hereby declared to be the policy of the state to promote the establishment and development of publicly supported library service and bookmobile service throughout the state; to encourage the development of libraries of all types and aid in their establishment, through leadership in research and planning; to aid in their improvement and maintenance; and to encourage and assist in improving the technical proficiency of persons skilled in library science.

84-1-3. Definitions. As used in this article, unless the context clearly requires otherwise:

(1) "Governmental unit" means any county, city, city and county, or town, in the state of Colorado.

(2) "Legislative body" means the body authorized to determine the amount of taxes to be levied in a governmental unit.

(3) "Qualified elector" means a person who is qualified to vote at general elections in this state.

COMMENTS

Replaces present 84-1-23.

Based on 84-1-1.

Based on present 84-1-2.

Based on present 84-1-2(1).
Eliminates reference to school districts.

Same as present 84-1-2(2).

Replaces present 84-1-2(7), which defines "taxpaying elector". The taxpaying requirement is eliminated throughout this bill.

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(4) "Public library" means a library supported in whole or in part from revenues derived from taxation, and which is maintained by a governmental unit for the use of the public.

Based on present 84-1-2(3).

(5) "Municipal library" means a public library maintained by a city or town.

New definition.

(6) "County library" means a public library maintained by a county.

Same as present 84-1-2(4).

(7) "Regional library" means a public library established and maintained by two or more governmental units and shall include:

Based on present 84-1-2(5). Specific reference to district libraries and multi-county libraries is new.

(a) A district library established and maintained by two or more governmental units, or parts thereof;

(b) A multi-county library maintained by two or more counties.

(8) "School library" means a library maintained by a school district.

Based on present 84-1-2(6).

(9) "State agency library" means a library maintained by a state agency or institution.

New definition.

84-1-4. State library. The state library is hereby created as a division of the state department of education and its operation is declared to be an essential function of the state government.

Same as present 84-1-3.

84-1-5. Ex-officio state librarian. The commissioner of education shall be ex-officio state librarian. He shall recommend to the state board of education the appointment of library advisory committees.

Based in part on Article IV, Section 20, Colorado Constitution. Also based on present 84-1-4. Clarifies the position of the commissioner (to be consistent with present practices) by eliminating the words "shall have charge and direction of the state library". Reference to recommending library advisory committees is new.

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84-1-6. Director of the state library. The office of the director of the state library is hereby created and declared to be educational in nature and not under the classified civil service of the state. The director shall be appointed by the state board of education, and shall have charge and direction of the state library, under the supervision of the commissioner of education and the state board of education. The director shall hold a degree from a graduate school of librarianship accredited by the American Library Association, and shall have had at least three years' experience in administrative library work during the five years immediately preceding his appointment.

84-1-7. Duties of director. (1)(a) The director of the state library shall have the following duties:

(b) He shall make reasonable rules and regulations for the administration of the provisions of this article; for the control, maintenance, and use of the state library; for the purchase, control, and use of books and materials in said library; and for the lending of such books and materials to publicly supported libraries and institutions.

(c) He shall appoint all professional and clerical help in the state library, subject to the provisions of section 13 of article XII of the state constitution.

(d) He shall furnish or contract for the furnishing of library or information services to state officials and departments as may be requested.

(e) He shall furnish or contract for the furnishing of library services to penal, correctional, charitable, and medical institutions operated by the state.

(f) He shall contract as necessary for special library services from other libraries or agencies.

COMMENTS

Based on present 84-1-5 and part of 84-1-4. Title of "deputy state librarian" is changed to "director of the state library". Specifically exempts the office from civil service provisions (in accordance with present practice). Clarifies the director's position as the functioning head of the state library. Strengthens educational and experience requirements.

This section is based on present 84-1-6 and 84-1-7.

Based on part of present 84-1-6 (1). Reference to libraries in state institutions is deleted in view of paragraph (d) below.

Based on present 84-1-6(2).

Based on present 84-1-6(3).

Based on present 84-1-6(4).

New provision. Permission to contract for services is implicit in the present law;

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(g) He shall cooperate with local legislative bodies, existing library boards, library advisory committees, professional library associations, and other groups in the development and improvement of libraries throughout the state.

the proposed language spells it out.

Based on present 84-1-7(1). Local legislative bodies, library boards and committees, and professional associations are specifically mentioned.

(h) He shall serve as the agent of the state board of education to receive and administer state or federal funds or grants appropriated or made available for services and construction for library development in the state, and shall establish regulations under which such funds or grants shall be distributed for assisting in the establishment, improvement, or enlargement of libraries or library systems, for conducting studies of any library or group of libraries, and for the improvement of the technical knowledge and further training of professional persons employed by a library within the state; provided, that this provision shall not apply to appropriations or funds made or granted directly to any specific governmental unit or state agency or institution.

Based on 84-1-7(2). The words "agent of the state board of education" are substituted for the words "agency of the state".

(i) He shall aid and provide general advisory assistance in the development of effective school libraries and public library services, and encourage contractual and cooperative relations among libraries of all types, and do any and all things necessary to promote and advance library services in the state.

Based on present 84-1-7(3), (4), and part of (6).

(j) He shall furnish information to and advise libraries in the state through field visits, conferences, institutes, correspondence, and publications.

Based on parts of present 84-1-7 (4) and (6).

(k) He shall report to the state board of education at such times and on such matters as the board may require.

Based on section 89 of chapter 29, S.L. 1964.

(l) He shall collect such information and statistics as are necessary to his work. Publication of information circulated in

Based on section 90 of chapter 29, S.L. 1964.

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quantity outside the library is subject to the approval and control of the state board of education.

84-1-8. Establishment of public libraries. Any governmental unit of the state of Colorado may establish and maintain a public library under the provisions of this article, either by itself or with one or more governmental units.

84-1-9. Method of establishment. A public library may be established for a governmental unit by the legislative body thereof, acting either on its own initiative or upon petition of qualified electors signed by at least eight per cent of the whole number of votes cast in the territory comprising said governmental unit for the office of secretary of state at the last preceding general election at which a secretary of state was elected. Petitions shall be addressed to the legislative body of the governmental unit in which the establishment of a public library is requested, and filed not less than ninety days preceding the election at which the proposition for the establishment of a public library is to be voted on, as hereinafter provided. Upon verification by said legislative body that the petitions contain the required number of valid signatures, the legislative body shall submit the proposition of the establishment of a public library to a vote of the qualified electors, in the case of a county library at the next general election; in the case of a municipal library at the next regular municipal election; provided, that such petitions shall have been filed with said legislative body within the time limit hereinbefore provided. If a majority of the qualified electors voting on the proposition shall vote in favor thereof, then the legislative body shall forthwith establish such public library.

COMMENTS

Based on part of present 84-1-8. See section 84-1-10 (2) herein concerning option not to participate in a regional library. Specific reference to option on participation in county libraries is deleted.

Based on present 84-1-9. Petition signers would be "qualified electors" rather than "taxpaying electors".

The number of required signatures would be changed. At present the number is 100; under the proposal it would be eight per cent of the votes cast for secretary of state in the governmental unit.

Submission of the question at an election would not be necessary in cases where the governmental unit establishes a library on its own initiative.

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84-1-10. Establishment of regional library. (1) A regional library may be established by the legislative bodies of two or more governmental units, acting either on their own initiative or upon petition, and each proceeding in the manner set forth in section 84-1-9 as in the case of the establishment of a public library by a single governmental unit. In either case the territorial boundaries shall be defined. If establishment is by petition, the required number of signatures of qualified electors on petitions shall be at least eight per cent of the whole number of votes cast for the office of secretary of state, at the last preceding general election at which a secretary of state was elected, within the territory comprising the governmental units to be served by the regional library; provided, that the proposition of establishing a regional library shall be submitted only at an election at which the qualified electors in the territory comprising the governmental units to be served by the regional library shall be entitled to vote.

(2) If a regional library is established, the legislative bodies of the governmental units comprising the region to be served shall appoint one or more of their members to a committee to recommend to the respective legislative bodies the structure, representation, and number of members of the board of trustees of the regional library. The regional library shall be supported by and shall serve all areas within the territorial limits of the governmental units, or parts thereof, comprising the region; provided, that the legislative body of any governmental unit which maintains a public library within the territory to be served by a regional library may vote not to participate in the services rendered by said regional library, nor contribute to its support.

84-1-11. Participation by established library. When a county library or regional library has been established, the legislative body of any governmental unit therein maintaining a public library may determine, with the concurrence of the board of trustees of its library, to participate in the services of the county library or regional library while retaining title to its own property, continuing its own board of trustees, and continuing its own support for library purposes as authorized in section 84-1-14;

COMMENTS

Based on part of present 84-1-10. Detail is added to clarify the petition and election requirements.

Based on parts of present 84-1-8 and 84-1-10.

In the absence of a vote to the contrary by a governmental unit already maintaining its own library, all areas within the region would help support the regional library and participate in its services.

Specific reference to merger of municipal library with regional library is deleted.

Based on present 84-1-12. No election would be required on the question of transferring ownership and control of the library and property to another governmental unit.

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or the legislative body of any such governmental unit may transfer, conditionally or otherwise, the ownership and control of its library, with all or any part of its property, to another governmental unit which is providing or will provide library services to it.

84-1-12. Board of trustees -- appointment -- organization -- expenses. (1) The management and control of any library established or operated under the provisions of this article shall be vested in a board of not less than five nor more than nine trustees. For municipal libraries the trustees shall be appointed by the chief administrative officer, whether elected or appointed, with the consent of the legislative body. For county libraries the trustees shall be appointed by the board of county commissioners. For regional libraries the trustees shall be appointed by the respective legislative bodies of the governmental units supporting the regional library.

(2) The first appointments of members of such boards of trustees shall be for terms of one, two, three, four, and five years respectively, and thereafter they shall be appointed annually to serve for terms of five years. A trustee may be removed only by vote of the legislative body or bodies of the governmental unit or units maintaining the library. Vacancies shall be filled for unexpired terms in the manner in which members of the board are regularly chosen.

COMMENTS

Based on present 84-1-13 and part of 84-1-14. Size of board is changed from "five" to "not less than five nor more than nine". The increase is to accommodate future multi-county libraries which might have more than five counties participating, to allow larger boards for dense population areas, and to legalize many boards now in the state that have more than five members.

Regional library board would be appointed by the respective legislative bodies rather than by a committee.

County superintendent of schools would no longer be an additional ex-officio member of the county library board. Reference to school districts is deleted.

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(3) The board of trustees, immediately after appointment, shall meet and organize by the election of a president and a secretary and such other officers as deemed necessary. The board may adopt bylaws for its own procedure.

(4) Trustees shall receive no salary or other compensation for services as trustees, but shall be allowed necessary travelling and subsistence expenses actually incurred in the performance of their duties, to be paid from the library fund.

84-1-13. Duties and powers of board. (1)(a) The board shall:

(b) Adopt rules and regulations and establish written policies for the operation of the library.

(c) Have supervision, care, and custody of all property, real and personal, of the library.

(d) Employ and prescribe the duties of a librarian, and approve the employment of such other employees as may be necessary and prescribe their duties.

(e) Fix the compensation of all employees.

(f) Submit an annual budget to the legislative body or bodies of the governmental unit or units which the library serves.

(g) Have exclusive control of the disbursement of the funds of the library.

(h) Hold and acquire land by gift, lease, or purchase for library purposes.

COMMENTS

Based on part of present 84-1-14. Powers are separated from duties.

Deletes specific reference to the purchase of books, periodicals, maps, supplies and materials on recommendation of the librarian.

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(i) Do all other acts necessary for the orderly and efficient management and control of the library.

(2)(a) The board may:

(b) Adopt a job classification plan for all employees of the library.

(c) Accept such gifts of money or property for library purposes as they deem expedient.

(d) Lease, or recommend to the legislative body or bodies of the governmental unit or units which the library serves the purchase or construction of, any appropriate building or buildings for library purposes.

84-1-14. Funds. (1) The legislative body of any city or town is authorized to levy a special tax of not more than one and one-half mills, which shall be separate and apart from the municipal general fund levy, or to appropriate money from its general funds, or to levy both such special tax and appropriate moneys from its general funds, for the establishment, maintenance and operation of a public library, or for the support of school libraries open to the public.

(2) The board of county commissioners of a county is authorized to levy a special tax of not more than one and one-half mills, which shall be separate and apart from the county general fund levy, or to appropriate money from its general funds, or to levy both such special tax and appropriate moneys from its general

COMMENTS

This section is based on present 84-1-11 and 84-1-15. Methods of financing are revised to provide greater flexibility.

Municipal libraries (in non-home rule municipalities) are presently financed by a tax levy with a 1½ mill ceiling; this proposal would provide for appropriation from the general fund and/or the special 1½ mill library tax. Funds could be used to support municipal libraries or school libraries open to the public.

County libraries are presently financed from the county general fund; the proposal would also permit the levying of a special library tax

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funds, for the establishment, maintenance, and operation of a public library, or for the support of school libraries open to the public.

(3) The legislative body of each of the several governmental units comprising a regional library is authorized to appropriate money from its general funds or levy a special library tax of not more than one and one-half mills, for the establishment, maintenance, and operation of said library, the cost thereof to be divided equitably among such governmental units; in a county in which only a part of the territory of the county will be served by a library, the board of county commissioners shall provide support for such library by the levy of a tax on only that part of the county so served.

(4) The treasurer of the governmental unit for a municipal or a county library, or in the case of a regional library, the treasurer of the governmental unit containing the largest assessed valuation for tax purposes, shall be the custodian of the funds for the library, whether derived from taxation, gift, or otherwise. The funds shall in all cases be credited to a special fund in the office of said treasurer, to be known as the "public library fund". The funds shall be used only for library purposes, and shall be expended only as authorized by the board of trustees of the library.

84-1-15. Contract to receive library service. In lieu of establishing a public library, the legislative body of a governmental unit shall have power to contract to receive library service from an existing public library, the board of trustees of which shall have reciprocal power to contract to render such service with

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of not to exceed 1½ mills. Funds could be used for county libraries or school libraries open to the public.

Regional libraries are presently financed in the same manner as county libraries (including authorization for a tax on the area served if only part of a county); this proposal would permit each governmental unit to appropriate money from its general funds or levy a special library tax of not more than 1½ mills. Costs would be divided "equitably" among the governmental units. If only part of a county is served, the county commissioners would levy a tax on that part of the county.

Deletes statutory requirement for signature of the president of the board of trustees on all warrants.

Based on present 84-1-16. Specific reference to contracts between school districts and public libraries is ~~eliminated~~.

TEXT

the consent of the legislative body or bodies of its governmental unit or units.

84-1-16. Annual report. At the close of each year the board of trustees of every public library shall make a report to the legislative body or bodies of the governmental unit or units wherein the board serves, showing the condition of their trust during the year, the sums of money expended and the purposes of the expenditures, the number of books and periodicals on hand, the number added during the year, the number retired, the number loaned out, and such other statistics and information and such recommendations as they deem of public interest. A copy of such report shall be filed with the state library.

84-1-17. Nonresidents and interlibrary exchanges. The board of trustees of a public library, under such rules and regulations as it may deem necessary and upon such terms and conditions as may be agreed upon, may allow nonresidents of the governmental unit or units which the library serves to use the services, books, and other materials thereof; and may make exchanges of books and other materials with any other library, either permanently or temporarily.

84-1-18. Willful retaining or mutilating of library property. Any person who willfully retains any book, newspaper, magazine, pamphlet, manuscript, or other property in or belonging to any public library, reading room, or educational institution for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such public library, reading room, or educational institution such article or other property may be kept, is guilty of a misdemeanor. Any person who willfully mutilates any book, newspaper, magazine, pamphlet, manuscript, or other property in or belonging to any public library, reading room, or educational institution is guilty of a misdemeanor.

84-1-19. Title to property. The title to property given to or for the use or benefit of a public library shall be in the board of trustees, to be held and used according to the terms of the gift.

COMMENTS

Based on present 84-1-17.

Based on present 84-1-18.

Based on present 84-1-19. This section is strengthened by including mutilation as well as retention of library materials and property.

Same as present 84-1-20.

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84-1-20. Existing libraries to comply. Any public library established after the effective date of this article shall be established as provided in this article. Every existing public library which has been heretofore established under the provisions of state law shall be considered as established under this article, and the board of trustees and the legislative body of the governmental unit in which the library is located shall proceed forthwith to make such changes as may be necessary to effect a compliance with the provisions of this article. Every existing contract for library service shall continue in force and be subject to the provisions of this article until the contract is terminated or a public library is established by the governmental unit for which the service was contracted.

84-1-21. Abolishment of libraries. (1) A public library established or maintained under this article may be abolished only in pursuance of a vote of the qualified electors of the governmental unit or units, or parts thereof, served by the library, taken in the manner prescribed in section 84-1-9 for a vote upon the establishment of a public library.

(2) If a municipal library is abolished, all books and nonbook library materials belonging to it shall be transferred, as determined by the legislative body of the city or town, to a county library if there is one in the county where the municipal library is located, to a regional library if there is one in the area where the municipal library is located, to the state library, or to an established library designated by said legislative body.

(3) If a county library is abolished, all books and nonbook library materials belonging to it shall be transferred to a regional library if there is one in the county, but if not, then, as determined by the legislative body of the county, to the state library or to an established library designated by said legislative body.

(4) If a school library is abolished, all books and nonbook library materials shall be transferred to another library in accordance with school laws covering disposition of school property.

COMMENTS

Based on present 84-1-21.

Based on present 84-1-22. Provisions for disposal of property when a library is abolished have been rewritten for clarity.

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(5) If a regional library is abolished, all books and non-book library materials belonging to it shall be transferred to the state library or to an established library designated by the legislative bodies of the governmental units, or parts thereof, which maintained the library.

(6) All other library property shall be disposed of as the legislative body or bodies of the governmental unit or units shall direct, or as provided by law.

84-1-22. Interstate library compacts. (1) The state library or any other library supported by a governmental unit within the state of Colorado is hereby granted permission to enter into agreements for the provision of library service and use of library facilities on an interstate basis, under the following conditions:

(a) Such agreements shall be in compliance with Colorado laws applicable to cooperation among libraries within the state;

(b) An interstate library district lying partly within this state may claim and be entitled to receive state aid in support of any of its functions to the same extent and in the same manner as such functions are eligible for support when carried on wholly within the state. For the purposes of computing state grants to an interstate library district, the state of Colorado will consider that portion of the area which lies within this state as an independent entity. Subject to any laws and regulations within this state, such a district may also apply for and be entitled to receive any federal aid for which it may be eligible.

(2) The director of the state library shall be compact administrator, pursuant to section 84-1-7 (g) and (h).

SECTION 2. Effective date. This act shall take effect on July 1, 1965.

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

COMMENTS

New provision to enable interstate library compacts.

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BILL J -- AMENDMENT TO 1964 LAW ON
ACCOUNTING AND REPORTING

A BILL FOR AN ACT
PROVIDING FOR THE ACCOUNTING AND REPORTING OF FINANCIAL TRANS-
ACTIONS OF SCHOOL DISTRICTS.

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

SECTION 1. Section 1 of chapter 76, Session Laws of Colorado 1964, is hereby amended BY THE ADDITION OF A NEW SUBSECTION (3) to read:

Section 1. Definitions. (3) "Capital outlay expenditures" means those expenditures which result in the acquisition of fixed assets or additions to fixed assets. They are expenditures for land or existing buildings, improvements of grounds, construction of buildings, additions to buildings, remodeling of buildings, or initial or additional equipment.

SECTION 2. Sections 3 (1)(a) of chapter 76, Session Laws of Colorado 1964, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

Section 3. Funds. (1)(a) General fund: All revenues except that revenue attributable to the bond redemption fund, the capital reserve fund, and any other fund authorized by the state board of education, as hereinafter provided in subsection (2) of this section, shall be accounted for in the general fund. Any lawful expenditure of the school district, including any expenditure of a nature which could be made from any fund, may be made from the general fund. All expenditures from the general fund shall be recorded therein.

SECTION 3. Section 3 (1)(c)(i)(E) of chapter 76, Session Laws of Colorado 1964, is hereby amended to read:

Section 3. Funds. (1)(c)(i)(E) Acquisition of school busses or other equipment, the estimated unit cost of which,

COMMENTS

This would be a new definition, based on common usage in school finance.

The present language has been interpreted by some as prohibiting the use of general fund moneys for transactions which could be financed from another fund. This amendment would clearly permit use of the general fund for any lawful expenditure.

This is one of the purposes for which the capital reserve fund may be used.

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including any necessary installation, is in excess of five thousand TWENTY-FIVE HUNDRED dollars.

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.