

Stacks  
2  
Colo.6  
No. 207  
1

Stacks  
S2  
Colo.6  
No. 207-

210

# Report to the Colorado General Assembly:

## RECOMMENDATIONS FOR 1975, RECEIVED COMMITTEES ON:

Health, Environment, Welfare,  
and Institutions

Administration of Justice

Education

Banking

Water

APR 22 1976

LAW LIBRARY  
UNIVERSITY OF DENVER

RECEIVED

JAN 28 1975

LAW LIBRARY  
UNIVERSITY OF DENVER



### VOLUME I

## COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 207

DECEMBER 1974

Bound by DENVER BOOKBINDING CO., 2715 - 17th St., Denver, Colo. 80211

LEGISLATIVE COUNCIL  
OF THE  
COLORADO GENERAL ASSEMBLY

Senators

Fred E. Anderson  
Chairman  
Joseph V. Calabrese  
Vincent Massari  
Richard H. Plock, Jr.  
Ruth S. Stockton  
Ted L. Strickland  
Joseph Schieffelin,  
Senate Majority  
Leader

Representatives

Clarence Quinlan  
Vice Chairman  
Carl H. Gustafson  
Hiram A. McNeil  
Phillip Massari  
Hubert M. Safran  
Ronald H. Strahle  
John Fuhr, Speaker  
of the House

\* \* \* \* \*

The Legislative Council, which is composed of six Senators, six Representatives, plus the Speaker of the House and the Majority Leader of the Senate, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

Stacks  
S2  
Colo. 6  
no. 207  
v. 1

COLORADO LEGISLATIVE COUNCIL  
RECOMMENDATIONS FOR 1975

(Volume I)

Committees on:

Health, Environment, Welfare,  
and Institutions

Administration of Justice

Education

Banking

Water

*Colorado*, Legislative Council  
" " " " " "  
Report To The  
Colorado General Assembly

Research Publication No. 207  
" " " " " "  
December, 1974

# COLORADO GENERAL ASSEMBLY

## MEMBERS

SEN. JOSEPH V. CALABRESE  
SEN. VINCENT MASSARI  
SEN. RICHARD H. PLOCK JR.  
SEN. JOSEPH B. SCHIEFFELIN  
SEN. RUTH S. STOCKTON  
SEN. TED L. STRICKLAND  
REP. JOHN D. FUHR  
REP. CARL H. GUSTAFSON  
REP. HIRAM A. McNEIL  
REP. PHILLIP MASSARI  
REP. HUBERT M. SAFRAN  
REP. RONALD H. STRAHLE



## LEGISLATIVE COUNCIL

ROOM 48 STATE CAPITOL  
DENVER, COLORADO 80203  
892-2285  
AREA CODE 303

December 11, 1974

## OFFICERS

SEN. FRED E. ANDERSON  
*Chairman*  
REP. CLARENCE QUINLAN  
*Vice Chairman*

## STAFF

LYLE C. KYLE  
*Director*  
DAVID F. MORRISSEY  
*Assistant Director*  
STANLEY ELOFSON  
*Principal Analyst*  
DAVID HITE  
*Principal Analyst*  
RICHARD LEVENGOOD  
*Principal Analyst*  
ALLAN GREEN  
*Senior Analyst*  
WALLACE PULLIAM  
*Senior Analyst*  
EARL THAXTON  
*Senior Analyst*  
LENNY R. ARNOLD  
*Research Associate*  
JAMES HENDERSON  
*Research Associate*  
DENNIS A. JAKUBOWSKI  
*Research Associate*

To Members of the Fiftieth Colorado General Assembly:

Submitted herewith are the final reports of the Legislative Council committees for the 1973-74 biennium. This year's report has consolidated the individual reports of ten committees in the first two volumes, with the report of the State and Local Finance Committee contained in Volume III of this publication.

The study directives for some committees were adopted in 1973 by the Legislative Council and additional topics were assigned pursuant to action of the 1974 General Assembly.

In addition to the above reports, included is a recommendation by the Legislative Council for a bill concerning the order in which referred and initiated constitutional amendments and laws are to appear on the ballot. The bill and a summary are included at the end of Volume II.

Respectfully submitted,

/s/ Senator Fred Anderson  
Chairman  
Colorado Legislative Council

## FOREWORD

The report of the Colorado Legislative Council again assumes the format initiated last year in which all Legislative Council committee reports are printed in consolidated form. This year the reports are contained in three volumes.

With the exception of one long bill, all committee reports and recommended bills, constitutional amendments, and resolutions are included in this three-volume document of "Recommendations for 1975." The exception is the proposed 365-page recodification of the municipal laws submitted by the Committee on Local Government.

Volume I contains the reports and recommendations of the Committees on Health, Environment, Welfare, and Institutions; Administration of Justice; Education; Banking; and Water. The reports in Volume II are from the Committees on Legislative Procedures; Federal and State Lands; Local Government; Energy; and Criminal Justice. The Committee on State and Local Finance has reported separately in Volume III.

Also included at the end of Volume II is a bill which is recommended to the General Assembly by the Legislative Council. This bill, noted as Bill 41, concerns the order in which proposed constitutional amendments and laws are to appear on the official ballot.

The committees and staff of the Legislative Council were assisted by the Legislative Drafting Office in the preparation of bills and resolutions. James C. Wilson, Jr., Director, assisted the Committee on Legislative Procedures; Douglas C. Brown, the Committees on Energy and Local Government; Vincent C. Hogan, the Committees on Administration of Justice and Water; Michael T. Risner, the Committees on Criminal Justice, State and Local Finance, and Health, Environment, Welfare, and Institutions; and Terry D. Walker, the Committees on Banking, Education, and Federal and State Lands.

December 11, 1974

Lyle C. Kyle  
Director

TABLE OF CONTENTS

VOLUME I

	<u>Page</u>
Letter of Transmittal.....	iii
Foreword.....	v
Table of Contents.....	vii
List of Bills, Constitutional Amendments, and Resolutions.....	ix
Committee on Health, Environment, Welfare, and Institutions.....	1
Bill 1.....	15
Committee on Administration of Justice.....	35
Bills 2 through 10.....	49
Committee on Education.....	73
Bills 11 through 14.....	91
Committee on Banking.....	145
Bills 15 through 20.....	155
Committee on Water.....	177
Bills 21 through 23.....	187

LIST OF BILLS, CONSTITUTIONAL  
AMENDMENTS, AND RESOLUTIONS

VOLUME I

	<u>Page</u>
Bill 1 -- Concerning services for the developmentally disabled.....	15
Bill 2 -- Authorizing the performance of certain functions of county courts by the clerks thereof.....	49
Bill 3 -- Concerning composition of the state Council on Criminal Justice.....	53
Bill 4 -- Requiring submission of plans by the Division of Criminal Justice to the General Assembly for approval of new programs prior to state funding.....	55
Bill 5 -- Concerning requirements relating to the use of state funds for programs and purposes partially financed by federal funds, and making an appropriation therefor.....	57
Bill 6 -- Concerning the Division of Criminal Justice, and providing for a name change thereof.....	59
Bill 7 -- Concerning debts due the State of Colorado, and providing for the duties of the executive director of the Department of Administration with respect thereto.....	61
Bill 8 -- Concerning the collection of debts due the state, and providing for the duties of the controller and the Division of Accounts and Control with respect thereto, and making appropriations therefor.....	63
Bill 9 -- Concerning the representation of indigent persons in criminal cases.....	67
Bill 10 -- Concerning social security coverage for the Office of District Attorney.....	71
Bill 11 -- Concerning school elections, and making an appropriation therefor.....	91

	<u>Page</u>
Bill 12 -- Concerning the election of school directors..	115
Bill 13 -- Establishing student-aid programs at accredited nonprofit institutions of higher education, authorizing contracts with such institutions, and making an appropriation therefor.....	125
Bill 14 -- Concerning teacher certification.....	131
Bill 15 -- Concerning the state banking code.....	155
Bill 16 -- Concerning the power of the Division of Banking to assess fees.....	161
Bill 17 -- Concerning the emergency grant of new bank charters.....	165
Bill 18 -- Concerning reports of change in ownership of a state bank to the state bank commissioner.....	167
Bill 19 -- Concerning the powers and duties of the state bank commissioner.....	171
Bill 20 -- Concerning membership in credit unions.....	175
Bill 21 -- Concerning the duties of the state engineer relating to the adequacy of subdivision water supplies.....	187
Bill 22 -- Concerning tabulations of water rights to be compiled under the "Water Right Determination and Administration Act of 1969".....	191
Bill 23 -- Concerning the powers of counties to control floods, and authorizing state assistance to local governments for such purposes..	199



LEGISLATIVE COUNCIL COMMITTEE  
ON HEALTH, ENVIRONMENT, WELFARE,  
AND INSTITUTIONS

Members of the Committee

Sen. Ruth Stockton, Chairman	Rep. Betty Benavidez
Rep. Carl Showalter Vice-Chairman	Rep. Charles Edmonds
Sen. Roseanne Ball	Rep. Dennis Gallagher
Sen. Joseph Calabrese	Rep. David Gaon
Sen. Ted Strickland	Rep. Larry Hobbs
	Rep. Floyd Sack
	Rep. Morgan Smith
	Rep. Mick Spano
	Rep. Arie Taylor
	Rep. Carol Tempest
	Rep. Walter Younglund

Council Staff

Earl Thaxton Senior Analyst	Steve Jordan Senior Research Assistant
--------------------------------	--

COMMITTEE ON HEALTH, ENVIRONMENT,  
WELFARE, AND INSTITUTIONS

The Committee on Health, Environment, Welfare, and Institutions was charged by the Legislative Council to study the various programs for the mentally retarded and to consider the need for the development of standards and alternative treatment approaches, and the coordination of treatment and habilitative programs, with the ultimate goal of improving services for the retarded.

First year of interim study. The recommendations submitted by the committee are the result of two years of interim study. In its first year (1973 interim), the committee discovered that the provision of services to the mentally retarded had become the responsibility of five different executive departments. While the need for the program in each department continued, the committee concluded that one agency should have ultimate responsibility for providing a continuum of services for the mentally retarded individual.

The question of which department should be the mental retardation authority for the state became one of resolving whether to use the agency regarded as possessing expertise in the field of mental retardation, the Department of Institutions, or the agency which administers federal funds through the Social Security Act, the Department of Social Services. The committee determined that, given the existing administrative framework, the Department of Institutions was best qualified to act as the single state agency to provide these services.

It was recommended that the department be designated in the statutes as the single state agency for the provision of services to the developmentally disabled. Legislation was not adopted in 1974, but the department was reorganized by executive order to establish a Division of Developmental Disabilities.

Second year of interim study. During the course of the second interim study period, a series of newspaper articles appeared describing alleged staff shortages at the State Home and Training School at Ridge and the potential loss of \$5 million of federal funding to the state's institutional program. 1/ Subsequent articles discussed the shigellosis

1/ Denver Post, July 7, 1974, at 1; July 11, 1974, at 1; July 12, 1974, at 1.

epidemic at Ridge and staffing shortages at the State Home and Training School at Grand Junction. 2/

At the request of several groups, the Joint Budget Committee scheduled a hearing with the superintendents of the schools at Ridge and Grand Junction, as well as the chief of the Division of Developmental Disabilities, to discuss problems which had arisen at the institutions and which could be partially solved through the appropriations process. 3/ During the hearing, it was suggested that the state's program was in need of change, and that the General Assembly should contract with the executive board of the Developmental Disabilities Council to develop standards for the state's mental retardation program which would include cost-effectiveness figures. It was also suggested that the JBC consider visiting institutions of excellence throughout the country to provide a basis for comparison of Colorado's programs to those of other states.

At a subsequent hearing, the JBC committed \$3,000, to be matched by \$9,000 from the council, for a contractual agreement for a study to develop program standards. The study was to be completed within 90 days.

The JBC also announced its intention to tour four institutions in other states which were selected from lists submitted by various individuals in Colorado considered to be professionals in the field of mental retardation. Institutions selected for the tour were:

- (1) Mansfield Training School, Mansfield Depot, Connecticut;
- (2) Central Colony, Madison, Wisconsin;
- (3) Utah State Training School, American Forks, Utah; and
- (4) Arizona Training Program, Tucson, Arizona.

2/ Denver Post, July 23, 1974, at 1; July 24, 1974, at 3; July 25, 1974, at 3.

3/ For an account of the hearing, see: Denver Post, July 26, 1974, at 3.

Accompanying members of the JBC and their staff were a subcommittee of the interim Committee on Health, Environment, Welfare, and Institutions, a representative of the Ridge Parent's Association, a representative of the Colorado Association for Retarded Children, a director of a community center program, and a member of the press.

An outline of the group's findings at these institutions follows. Further information concerning these institutions is available in the Legislative Council office.

## I. Institutions of Other States

### Connecticut

Central authority. Connecticut statutes provide for a strong central authority to administer the state's mental retardation program. The head of the Office of Mental Retardation is responsible

...for planning and developing a complete comprehensive and integrated statewide program for the mentally retarded; for the implementation of said program; and for the coordination of the efforts of the office of mental retardation with those of other state departments and agencies, municipal governments and private agencies concerned with and providing services for the mentally retarded.

To assist in achieving the integrated statewide program, Connecticut has established a regionalized system of services. The state is divided into twelve regions, two of which are served directly by the two state training schools, Mansfield and Southbury, with the remainder being served by individual state-operated regional centers. Most regional centers provide an array of services, including case services, diagnosis, evaluation, functional education, respite care, short-term and long-term residential care, vocational training, and sheltered workshops. Under these regional centers are the community-based programs provided by the private sector. These include preschool activity programs, day care, vocational and sheltered workshop programs, social recreational programs, and diagnostic services.

Connecticut credits its regional program as being the greatest deterrent to institutionalization through the process of providing the supportive and program services neces-

sary to sustain most mentally retarded persons within their home communities. Individuals who are unable to successfully adjust to a total community setting, or whose communities do not have the services required by the individual, may utilize the regional center for whatever combination of services, including residential services, are necessary. If the local private agencies or the regional center are unable to meet the individual's needs, the training school is utilized. Connecticut attempts to make its system movement-oriented at all times.

Unique programs. Connecticut has instituted a unique computer program, Project Place, in which key elements of client information, program information, and resource information have been placed into a computer system. Utilizing 13 computer input and output terminals located at the training schools, regional centers, and the central state office, Connecticut has the capability of having comprehensive visibility on many program and client elements that are essential to planning, developing, and supporting a system of services designed to keep individuals from having to enter institutions and to enable persons presently residing in institutions to return to the community.

When Project Place is completed it will provide the following:

- (1) A client-data bank involving over 90 characteristics on each of approximately 10,000 developmentally disabled persons;
- (2) A program-data bank involving over 60 characteristics on approximately 500 public and private programs; and
- (3) An information-data bank on special human resources as to personal areas of expertise and programs for the developmentally disabled.

Another unique program in Connecticut is the implementation of a contract for service on all admissions to the training schools and to the regional centers. The contract for service, which is negotiated with the client and the family or his guardian, requires that specific program objectives be outlined and that a program plan be developed to meet these objectives within a designated period of time, generally six months to a year. An attempt is made to provide for active involvement of the family or guardian, but it appears that the obligation is primarily upon the state. The object of the system is to eliminate a majority of the

long-term admissions and substitute residential care plans for shorter periods of time with the focus on returning the individual to the community as soon as feasible. Contracts are renegotiated on their termination date, reassuring parents of continued care with specific program goals.

Of particular interest to the subcommittee was Mansfield's utilization of undergraduate students from the University of Connecticut. Students in various disciplines such as engineering, interior decorating, special education, speech therapy, and physical therapy earn college credits while enriching the training school's programs. Some students work at Mansfield on an internship program for an entire semester, while others are involved with the training school only until the completion of a specific project. For example, interior decorating students were assigned the task of renovating the inside of old dormitory halls so that they would appear more homelike; and engineering students designed special apparatus to aid handicapped retarded individuals in becoming more mobile.

The committee observes that such a program would be of great benefit to the training schools at Ridge, Grand Junction and Pueblo, and is pleased that the Colorado Higher Education Consortium, a federation of 24 colleges and universities across the state, has begun implementing a similar program.

### Wisconsin

Program responsibility. Wisconsin places the primary responsibility for providing care for the mentally retarded on the local county developmental disabilities board. These boards coordinate services of sheltered workshops, nursing homes, day care centers, and group homes. Any recommendation for admission to a state training school must first be approved by the local board.

Education of all handicapped persons between the ages of three and 21 is the responsibility of the local school district. The school district is not required to operate the programs, but may place a child in an appropriate day care center or residential care facility operated by the local county developmental disabilities board.

Medically oriented. The subcommittee found that the program at Central Colony is based primarily upon a medically-oriented philosophy. Admissions are limited to individuals six years of age or under who are severely or profoundly retarded and who have a severe accompanying phys-

ical handicap. Because of the admissions policy, only 36 clients were admitted out of 140 requests. Of the 36 admissions, some were only "paper commitments", with children being placed directly into a foster home rather than the training school.

Other indications of the orientation of the facility were the maintenance of a hospital on the grounds of the training school, and the requirement that all professional staff be involved in research in addition to their regular duties. Central Colony also maintains a separate research staff in cooperation with the University of Wisconsin at Madison.

Internal management system. Central Colony divides its direct resident care staff into unit levels with two to four wards in each unit. The unit staff consists of registered nurses, licensed practical nurses, and institutional aides. Clients are assigned to units on the basis of the client's needs. Each unit is required to develop a formal written program for each client, which is placed on the client's bed and at the nursing station.

Each unit has its own budget for operating expenses, but receives services such as food, laundry, and housekeeping from the general staff. Budgets are developed by the entire unit staff, based upon the programs and needs of the unit's clients. The subcommittee found this method of developing a budget of great interest, and recommends that the state homes and training schools investigate the possibility of adopting a similar procedure.

Staff turnover. The employee turnover rate at Central Colony is between four and five percent per year. The superintendent estimates that 75 percent of the training school's 1,201.8 FTE employees have been employed at the Colony for at least five years. The subcommittee credits much of the low turnover rate to the fact that there are 14 unions representing the Colony's employees which results in starting wages for an institutional aide (hall technician) of \$648 per month, much above the local market for similar positions.

## Utah

Program responsibility. Utah statutes provide that the local school district is responsible for the education and training of all handicapped children from the district between the ages of five and 21 years, regardless of where they may be temporarily domiciled. If a school-age child

enters the Utah State Training School, the child's local school district is still responsible for providing for the child's education.

Most other state services fall within the jurisdiction of the Utah State Training School which is the only institution for the retarded in Utah. Because Utah statutes do not provide for community-centered programs, the training school operates group homes, sheltered workshops, and recreation activity centers.

The superintendent noted that operation of community programs by the training school resulted in quality programs being provided in the community which could utilize all the resources of the "mother ship" institution. However, it appeared that a majority of the community programs operated by the training school were in the immediate vicinity of the training school, resulting in services being provided only to those living near the institution. After some discussion with the superintendent and a representative of the local school district, the subcommittee concluded that adequate plans had not been made prior to the implementation of Utah's handicapped children's act. Many school districts were not equipped to provide programs for retarded children. Consequently, retarded children in most areas of the state are not receiving services.

Educational funding. As noted earlier, local school districts are responsible for providing for the education of children domiciled at the Utah State Training School. This has resulted in an increase of \$801,300 in the training school's budget over the previous fiscal year, or an addition of 30 teachers and 40 teacher-aides to the educational program. The expanded educational program has just begun and is not yet fully developed. However, it is suggested that the General Assembly consider a program similar to the Utah program.

### Arizona

Accreditation. The Arizona Training Program at Tucson was first funded in fiscal year 1969-1970. It began operations in fiscal year 1970-1971 with a clientele of 51 and a staff of 93. In its first five years of operation, Tucson's staff has exceeded the number of 24-hour care residents. The facility has always served a day care population, increasing from 76 in fiscal year 1970-1971 to 242 in fiscal year 1974-1975.



Tucson's program was accredited by the Joint Commission on Accreditation of Hospitals (JCAH) in July, 1972. When discussing accreditation, the superintendent noted that it has both advantages and disadvantages. On the positive side is the visibility given the training school's programs. On the negative side is the requirement that the training school maintain staffing ratios that may not be applicable to a facility that emphasizes movement into the community.

Program description. Tucson has a Family Education Clinic which maintains family contact. Before a child is admitted, specific goals are set with the parents and the child, including the long-range goal of his eventual return to community life. This process includes the utilization of a contract for service similar to Connecticut's. After a child is returned to the family, the clinic provides on-going consultation. The clinic, which meets once each week, is available for parents to learn methods of dealing with their child.

Perhaps the most important aspect of the Tucson program is the day programming, which includes preschool, school-age, and post-school programs for both 24-hour care residents and community residents. Specific training includes:

Fundamental Learning - Sensory stimulation, mobility, self-care skills, communication, physical development, and parental assistance. For young clients, profoundly retarded, multiply handicapped, living at home.

Preschool - Language and perceptual development, self-care, and behavior modification. For three to eight year olds, ambulatory, severe to moderately retarded, potential for public school enrollment.

Primary - Language development, socialization, and behavior modification. For eight to 16 year olds, ambulatory, possessing basic self-care skills, basic academic skills, and basic academic readiness.

Secondary - Same as Primary, except that students are older.

Adult and Adolescent Fundamental Training - Same as Fundamental Learning, except that clients are older.

Adult Day Activity - Socialization, task training, basic community living, occupational therapy as preparation for vocational training. For severe and profoundly retarded adults with no potential for public schooling, but trainable.

The subcommittee was particularly impressed with the method by which the Tucson program utilized its staff. During day programming, all cottages are closed and the residential staff accompanies the residents to their programs, increasing the program client-staff ratio. It would appear that a similar procedure could be implemented at Colorado facilities. The committee therefore recommends that the superintendents of the state homes and training schools objectively review their present staff utilization with the goal of increasing client-staff ratios during educational programming.

## II. Committee Recommendations

### Legislative Recommendations -- Bill 1

After completing the tour of these institutions, the delegation visited the state homes and training schools at Ridge, Grand Junction, and Pueblo. Areas of discussion included programming, staff utilization, and follow-up responsibility after community placement, with the intent of relating knowledge gained from the Connecticut, Wisconsin, Utah, and Arizona programs. (For a comparison of funding, population characteristics, staffing ratios, and available man-hours in Colorado to those in Connecticut, Wisconsin, Utah, and Arizona, see Table I, page 13.)

The committee concluded that one of the principal problems with Colorado's mental retardation program was the lack of statutory direction, the need for single agency responsibility, for lifetime follow-up services, and for specific program areas. As a result, the committee recommends a bill which would essentially reorganize Colorado statutes pertaining to the developmentally disabled citizen. The bill is divided into three parts. Part I describes the powers and duties of the Department of Institutions; Part II is concerned with the institutional aspect of the program for the developmentally disabled; and Part III describes four broad types of programs to be provided at the community level, utilizing the purchase of service from community center programs.

There are four primary differences between the provisions of this bill and the provisions of existing Colorado statute. The first difference is that the bill places programmatic responsibility on the executive director of the Department of Institutions, and requires that certain minimum types of services be provided by the department. Presently, the statutes are silent as to what types of services are to be provided the developmentally disabled.

The second difference is that the proposed bill requires the Department of Institutions to maintain a central registry of all developmentally disabled persons who are or have been recipients of state assistance. The registry will allow the department to monitor the progress of each individual so that no one will "fall through the cracks". Provisions are included to ensure the privacy of the individuals involved. The committee does not use the term "state assistance" in the narrow sense of categorical assistance under the provisions of the Social Security Act, but rather the term is used in the broader sense of any assistance provided a developmentally disabled person through any state program, including both direct provision of services and purchase of services.

The third difference is that the bill provides for a placement office to be located in each training school. As the bill is submitted, three alternatives for the office are presented. While the committee endorses Alternative 2, the committee suggests that the General Assembly consider all three alternatives. The placement office will assist in the placement of both individuals from the training school and individuals referred to the department from the community who are in need of placement, and will be responsible for providing lifetime follow-up services.

The final difference is that the bill requires the department to develop four types of community programs: Day care programs, day camp programs, recreational programs, and residential programs. Day care programs are essentially those being provided at this time by community centers, and would include self-care, activities of daily living, personal and social adjustment, work habits, and speech and language development. Day camp programs, which would function in the summer months, would provide supervised out-of-doors activities when many programs are not in operation. Recreational programs would provide continued supervised activities of a social, athletic, and purely diversionary nature. The residential program would be designed to provide family living experiences for those capable of living in the community.

TABLE I

Comparison of Colorado Residential Facilities for the Mentally Retarded  
to Connecticut, Wisconsin, Utah and Arizona Facilities

	<u>Ridge</u>	<u>Pueblo</u>	<u>Grand Junction</u>	<u>Mansfield School Connecticut</u>	<u>Central Colony Wisconsin</u>	<u>Utah State Training School</u>	<u>Arizona Training Program at Tucson</u>
74-75 Appropriated Population - 24 Hr. Care	810	410	575	1,100	965	860	200
Current Population - 24 Hr. Care	808	397	569	1,226	907	878	242
Population Characteristics							
% Severe and Profound	73	50	53	72	95	67	59
% Nonambulatory	20	1	24	18	67	22	9
Average Age	16.5	29	18	29	13	22	23
74-75 Anticipated Placements	25	39	20	300	89	63	50
74-75 Appropriated State Funds Per Resident Percent	\$6,447 <u>1/</u> 65	\$4,508 <u>1/</u> 48	\$4,874 <u>1/</u> 53	N/A <u>3/</u>	\$ 2,031 14	\$4,593 59	N/A <u>4/</u>
74-75 Appropriated Federal Funds Per Resident Percent	\$3,400 35	\$4,930 52	\$4,273 47	N/A <u>3/</u>	\$11,967 86	\$3,192 41	N/A <u>4/</u>
74-75 Appropriated Funds Per Resident - 24 Hr. Care	\$9,847	\$9,438	\$9,147	\$8,303	\$13,998	\$7,785	\$9,118
Total Staff-Institution Services Only	715.8	279.3 <u>2/</u>	450.5	1,076	1,159.8	793.5	232.5
Current Resident to In- stitution Staff Ratio	1:.89	1:.70	1:.79	1:.88	1:1.28	1:.90	1:.96

TABLE I (continued)

Resident Direct Care/Project - Man Hour Analysis

	<u>Ridge</u>	<u>Pueblo</u>	<u>Grand Junction</u>	<u>Mansfield School Connecticut</u>	<u>Central Colony Wisconsin</u>	<u>Utah State Training School</u>	<u>Arizona Training Program at Tucson</u>
Staff Assigned	358	163	242	733	641.7	543.5	194.5
Available Annual Man-Hours Per Employee <sup>5/</sup>	1,776	1,776	1,776	1,554	1,760	1,880	1,663
Available Annual Man-Hours Per Current Resident	966	93	857	929	1,245	1,164	1,327

- 14-
- 1/ Funding includes proration of employee fringe benefits, applicable to the agency, but funded in the Division of Accounts and Control.
  - 2/ Pueblo FTE analysis does not include any positions covered by a purchase of service agreement with the Colorado State Hospital.
  - 3/ Mansfield does not know positions or dollars obtained from Federal Public Assistance Funds. Federal funds are administered by the Department of Finance and Control and reported back as state general funds.
  - 4/ The total Arizona Training Program uses no federal public assistance funds and a small amount of federal grant monies. With a total MR appropriation for 1974-1975 of \$14,334,700, Arizona will receive \$647,779 (4.5%) in federal grant monies. Tucson's total 1974-1975 appropriation is \$3,432,400 with \$82,149 (2.4%) from federal grants.
  - 5/ Available annual man-hours is the net working time after deductions for vacation, holidays, sick leave, and other lost time.

COMMITTEE ON HEALTH, ENVIRONMENT,  
WELFARE, AND INSTITUTIONS

BILL 1

A BILL FOR AN ACT

1 CONCERNING SERVICES FOR THE DEVELOPMENTALLY DISABLED.

---

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. Article 11 of title 27, Colorado Revised  
4 Statutes 1973, as amended, is REPEALED AND REENACTED, WITH  
5 AMENDMENTS, to read:

6 ARTICLE 11

7 Services for the Developmentally Disabled

8 PART 1

9 POWERS AND DUTIES

10 27-11-101. Definitions. As used in this article, unless  
11 the context otherwise requires:

12 (1) "Department" means the department of institutions.

13 (2) "Developmentally disabled person" means a person with a  
14 disability attributable to mental retardation, cerebral palsy,  
15 epilepsy, or neurological impairment, which may originate during

1 the developmental period, which can be expected to continue  
2 indefinitely, and which constitutes a substantial handicap.  
3 Unless the context otherwise indicates a mentally ill person,  
4 whenever the term "idiot", "feble-minded person", "mental  
5 incompetent", "mental defective", "weak-minded person", "mentally  
6 deficient person", or "mentally retarded person" is used within  
7 the laws of the state of Colorado, it shall be deemed to mean and  
8 to be included within the term "developmentally disabled person".

9 (3) "Executive director" means the executive director of  
10 the department of institutions.

11 27-11-102. Duties of executive director. The executive  
12 director shall be responsible for planning, developing, and  
13 implementing a complete, comprehensive, and integrated statewide  
14 program for the developmentally disabled and for the coordination  
15 of the efforts of the department with those of other state  
16 departments and agencies, county and municipal governments, and  
17 private agencies concerned with providing services for the  
18 developmentally disabled. He shall be responsible for the  
19 administration and operation of the state training schools and  
20 all state-operated community residential facilities established  
21 for the diagnosis, care, education, and training of the  
22 developmentally disabled. He shall be responsible for  
23 establishing standards, providing technical assistance, and  
24 exercising the requisite supervision of all state-supported  
25 community centers, diagnostic facilities, day care centers,  
26 habilitation centers, sheltered workshops, boarding homes, and  
27 other facilities for the developmentally disabled. He shall

1 stimulate research by public and private agencies, institutions  
2 of higher education, and hospitals, in the interest of the  
3 elimination and amelioration of developmental disabilities and  
4 care of the developmentally disabled. He shall be responsible  
5 for the development of criteria as to the programmatic  
6 eligibility of any developmentally disabled person for  
7 residential care in any public or state-supported private  
8 institution and, after considering the recommendation of a  
9 properly designated diagnostic agency, may assign such person to  
10 a public or state-supported private institution.

11 27-11-103. Types of services. (1) The department shall  
12 provide services for the developmentally disabled, including but  
13 not limited to the following:

14 (a) Consultation and guidance for developmentally disabled  
15 persons and their families;

16 (b) Residential services;

17 (c) Diagnostic and evaluation services;

18 (d) Preschool programs;

19 (e) Day care services for school-age persons not eligible  
20 for public schools;

21 (f) Day care services for adults;

22 (g) Overnight or temporary residential privileges;

23 (h) Postschool vocational training and vocational  
24 rehabilitation services;

25 (i) Consultation services to community operated programs;

26 (j) Recreational and leisure time activities.

27 (2) Services may be provided directly by the department or



1 through a purchase-of-services contract.

2 27-11-104. Central registry. (1) The department shall  
3 maintain a central registry of each developmentally disabled  
4 person who is a recipient or former recipient of state  
5 assistance. The registry shall contain such information  
6 pertaining to the individual's disability as may be prescribed by  
7 the executive director.

8 (2) The executive director shall cause each person listed  
9 on the central registry to be reevaluated at least once every  
10 three months. It shall be the responsibility of each state  
11 agency providing services to developmentally disabled persons to  
12 assist the executive director in the compilation of data for the  
13 central registry.

14 (3) The executive director shall ensure that access to  
15 information contained in the central registry be limited to those  
16 agencies and their authorized officers and employees who provide  
17 services to the developmentally disabled. Information may be  
18 made available to qualified persons for research related to  
19 developmental disabilities under regulations issued by the  
20 department pursuant to section 27-11-105. Such regulations shall  
21 establish procedures to assure the privacy of individuals about  
22 whom information is released.

23 27-11-105. Administration of article - rules and  
24 regulations. The executive director has the power to adopt  
25 reasonable rules and regulations to carry out the provisions of  
26 this article. Such rules and regulations shall be adopted in  
27 accordance with the provisions of section 24-4-103, C.R.S. 1973,

1 and may be amended or revoked from time to time. The executive  
2 director is also authorized to promulgate standards for and  
3 supervise programs supported under this article and to prescribe  
4 the form of: Reports; budgets; the holding of meetings and  
5 investigations; and evaluations necessarily incident to the  
6 administration of this article.

7 27-11-106. Acceptance of federal grants. The executive  
8 director is authorized to accept, on behalf of the state, any  
9 grants of federal funds made available for any purposes  
10 consistent with the provisions of this article. The executive  
11 director, with the approval of the governor, has the power to  
12 direct the disposition of any such grants so accepted in  
13 conformity with the terms and conditions under which given.

14 27-11-107. State coordinating advisory board. There is  
15 hereby created the state coordinating advisory board, referred to  
16 in this article as the "board", to advise and consult with the  
17 executive director in the administration of this article and to  
18 coordinate all state services provided by various state  
19 departments, in their respective fields, with local services.  
20 The board shall consist of nine members to be appointed by the  
21 governor for terms of three years; except that, of the members  
22 first appointed, three shall be appointed for three years, three  
23 for two years, and three for one year. Thereafter, members shall  
24 be appointed for terms of three years except in the case of a  
25 vacancy, which shall be filled for the remainder of the unexpired  
26 term. The members of the board shall serve without compensation  
27 but shall be entitled to reasonable expenses incurred in the

1 performance of their official duties. Such expenses shall be  
2 paid as a part of the expenses of the department in the general  
3 administration of this article. One member of the board shall  
4 represent the department of institutions, one member the  
5 department of health, one member the department of social  
6 services, and one member the department of education. Five  
7 members shall be persons other than personnel of said departments  
8 who have demonstrated interest and leadership in the care and  
9 treatment of the developmentally disabled. A majority of the  
10 members of the board shall constitute a quorum and shall have  
11 full and complete power to act upon and resolve any matter or  
12 question referred to it by the department.

13 PART 2

14 STATE TRAINING SCHOOLS

15 27-11-201. State training schools established - names.

16 There are hereby established three state training schools for the  
17 developmentally disabled. Said training schools shall be  
18 designated and known as the state training school at Ridge, the  
19 state training school at Grand Junction, and the state training  
20 school at Pueblo.

21 27-11-202. Superintendents. The executive director shall

22 appoint, pursuant to section 13 of article XII of the state  
23 constitution, a superintendent for each of the state training  
24 schools. Persons appointed shall be skilled and trained  
25 administrators with training and experience related to the  
26 exceptional needs of these schools, shall have had experience in  
27 a similar institution, and shall be competent to direct and

1 administer the medical, hygienic, educational, and industrial  
2 interests of the schools. The superintendent of each school  
3 shall appoint such other employees in accordance with section 13  
4 of article XII of the state constitution as are necessary to  
5 carry out the functions of the school.

6 27-11-203. Admissions. (1) Any developmentally disabled  
7 person who is unable to care for himself or his property may be  
8 admitted to any state training school if he or his legal guardian  
9 is a bona fide resident of Colorado.

10 (2) Nonresident developmentally disabled persons may be  
11 admitted or retained in any state training school if there is  
12 room after all Colorado applicants are cared for. The entire  
13 cost, as determined pursuant to section 27-12-102 (1), shall be  
14 paid by such person, his children, his parents, or the state of  
15 his legal residence. If it affirmatively appears that a patient  
16 does not have legal residence in this state and the interstate  
17 compact on mental health is not applicable, it is the duty of the  
18 superintendent of any state training school to notify the  
19 executive director, who shall make arrangements to return such  
20 person to the state of his legal residence. All expenses  
21 incurred in effecting the transportation of such person shall be  
22 paid from funds appropriated for the care of the developmentally  
23 disabled. The county department of social services of the county  
24 alleged to be the residence of such person shall make an  
25 investigation of such residence on request and report thereon to  
26 said executive director. The department of social services shall  
27 receive and forward such requests.

1           27-11-204. Superintendent to have custody and control of  
2 residents. All persons admitted to a state training school or  
3 other state-operated facility for the care, training, and  
4 education of the developmentally disabled shall be under the  
5 custody and control of the superintendent until discharged  
6 therefrom. No developmentally disabled person committed by a  
7 court of this state shall be discharged from such institution  
8 until, in the judgment of the superintendent, the person's mental  
9 and physical condition justifies such discharge.

10           27-11-205. Placement. (1) The superintendent of any state  
11 training school may place any developmentally disabled resident  
12 committed to such training school into a private facility,  
13 including but not limited to a boarding home, nursing home, or  
14 family care home, to be cared for in accordance with the  
15 following conditions:

16           (a) Such person shall, despite such placement, remain  
17 subject to the control of the superintendent of such training  
18 school, and such superintendent may, at any time, order and  
19 provide for the return of any such patient to such training  
20 school, subject to any limitations of the term of commitment  
21 contained in the order of commitment under which such patient was  
22 committed.

23           (b) When the placement of any such person has been  
24 authorized or when, having been placed in a private facility for  
25 developmentally disabled persons, such person has been returned  
26 to the training school, the superintendent of such training  
27 school shall immediately so notify the executive director.

1 (c) Such private facilities shall be licensed under joint  
2 regulations promulgated by the department of institutions and the  
3 department of social services.

4 Alternative 1

5 (2) (a) To assist the superintendent in the selection of an  
6 appropriate private facility for the placement of a  
7 developmentally disabled person, the department of social  
8 services shall maintain an office at each state training school.  
9 Each office shall be staffed with a sufficient number of social  
10 workers who are acquainted with available placement facilities  
11 and with each resident to be placed. Upon the determination that  
12 a resident is prepared for placement in a private facility, the  
13 superintendent shall consult with the social service office  
14 concerning an appropriate placement facility for the resident.

15 (b) The social service office shall provide follow-up  
16 services for each resident placed from the state training school  
17 into a private facility for one year after discharge from the  
18 training school. After the resident has been discharged for one  
19 year, follow-up services shall become the responsibility of the  
20 county department of social services of the county of residence  
21 of the developmentally disabled person.

22 Alternative 2

23 (2) (a) To assist the superintendent in the selection of an  
24 appropriate private facility for the placement of a  
25 developmentally disabled person, the department shall maintain a  
26 placement office at each state training school. Each placement  
27 office shall be staffed with a sufficient number of social

1 workers who are acquainted with available placement facilities  
2 and with each resident to be placed. Upon a determination that  
3 the resident is prepared for placement in a private facility, the  
4 superintendent shall consult with the placement office concerning  
5 an appropriate placement facility for the resident.

6 (b) The placement office shall be responsible for providing  
7 follow-up services for said resident for the remainder of the  
8 resident's life.

9 (c) The department shall determine geographical areas to be  
10 served by each placement office. If a resident is placed into a  
11 geographical area other than the geographical area served by the  
12 institution from which he was placed, the placement office of the  
13 geographical area in which he was placed shall provide follow-up  
14 services.

15 Alternative 3

16 (2) (a) To assist the superintendent in the selection of an  
17 appropriate private facility for the placement of a  
18 developmentally disabled person, the department of social  
19 services shall maintain a placement office at each state training  
20 school. Each placement office shall be staffed with a sufficient  
21 number of social workers who are acquainted with available  
22 placement facilities and with each resident to be placed. Upon  
23 the determination that a resident is prepared for placement in a  
24 private facility, the superintendent shall consult with the  
25 placement office concerning an appropriate placement facility for  
26 the resident.

27 (b) The placement office shall provide follow-up services

1 for each resident placed from the state training school into a  
2 private facility for the remainder of the resident's life.

3 (c) The department shall determine geographical areas to be  
4 served by each placement office. If a resident is placed in a  
5 geographical area other than the geographical area served by the  
6 institution from which he was placed, the placement office of the  
7 geographical area in which he was placed shall provide follow-up  
8 services.

9 27-11-206. Types of services. In addition to the services  
10 prescribed by the executive director, each state training school  
11 may provide any of the services enumerated in section 27-11-103.

12 27-11-207. Annual reports - publications. The  
13 superintendent of each state training school shall prepare  
14 reports for the executive director at such times and on such  
15 matters as the executive director may require. Publications of  
16 each state training school circulated in quantity outside the  
17 department shall be subject to the approval and control of the  
18 executive director.

19 27-11-208. Endowment fund. There is hereby authorized the  
20 state training school endowment fund. Any parent, person,  
21 corporation, or institution may contribute to said endowment fund  
22 an amount, or may provide an income, sufficient to perpetually  
23 maintain a person in a state training school. The bylaws to be  
24 provided by the department shall prescribe the different  
25 endowments, but the investments from said endowment fund shall be  
26 in state, county, or municipal bonds or in first mortgages on  
27 improved realty for not more than forty percent of the actual



1 value of such realty.

2 27-11-209. Gifts - receipt and disposition. Each state  
3 training school is hereby authorized to receive gifts, legacies,  
4 devises, and conveyances of real or personal property that may be  
5 made, given, or granted to or for such state training school. If  
6 the gifts are not prescribed, the superintendent, with the  
7 approval of the executive director, shall exercise such authority  
8 and make such disposition of the gift property as may be for the  
9 best interest of said state training school.

10 27-11-210. Expenditures. No moneys shall be paid by the  
11 state treasurer out of any other appropriation for, or moneys  
12 belonging to, a state training school, except upon warrants of  
13 the controller upon vouchers in favor of the persons to whom the  
14 state is indebted on account of said state training school and  
15 certified by the superintendent of said state training school.

16 27-11-211. Buildings - Pueblo. The state training school  
17 at Pueblo may occupy buildings designated by the executive  
18 director on the grounds of the Colorado state hospital at Pueblo.  
19 While such buildings are occupied by such school, they shall be  
20 under the management and control of the superintendent of the  
21 school except as to utilities and other services supplied by the  
22 Colorado state hospital.

23 27-11-212. Lease of property at state training schools.  
24 The executive director is authorized to lease cottage facilities  
25 at each of the state training schools to nonprofit agencies upon  
26 reasonable terms and conditions to be established by the  
27 executive director.

1 PART 3

2 COMMUNITY SERVICES

3 27-11-301. Programs for developmentally disabled persons.

4 (1) The department shall develop day care programs, day camp  
5 programs, recreational programs, and residential programs for  
6 developmentally disabled persons in the community. A nonprofit  
7 agency may apply through the department for funds to be used to  
8 assist in establishing, maintaining, or expanding such programs.

9 (2) A day care program may provide:

10 (a) For the care and training of preschool age children or  
11 of children judged inadmissible to the special classes in the  
12 public schools established for the educable developmentally  
13 disabled and shall be devoted primarily to the training of the  
14 developmentally disabled in the regimen and procedures necessary  
15 for their adjustment to such classes or shall be devoted to  
16 enabling school-excluded children to achieve their maximum  
17 social, physical, and emotional potential;

18 (b) Developmentally disabled adolescents and adults with an  
19 activity program which includes training in one or more of the  
20 following areas: Self-care, activities of daily living, personal  
21 and social adjustment, work habits and skills, and speech and  
22 language development.

23 (3) A day camp program may provide developmentally disabled  
24 children or adults with a supervised program of out-of-doors  
25 activities which may be conducted during all or part of the  
26 months of June, July, August, and September.

27 (4) A recreational program may provide planned and

1 supervised recreational activities for developmentally disabled  
2 children or adults, which activities may be of a social,  
3 athletic, or purely diversionary nature and which programs shall  
4 be considered separate and apart from the day camp program  
5 described in subsection (3) of this section.

6 (5) A residential program may provide for a live-in  
7 environment in which the developmentally disabled may experience  
8 all aspects of family living.

9 27-11-302. Placement. The department shall be responsible  
10 for the placement of developmentally disabled persons referred to  
11 it by local school districts, nonprofit community incorporated  
12 boards, or state agencies for placement into day care programs,  
13 day camp programs, residential programs, or recreational programs  
14 which are approved by the department. Individuals referred to  
15 the department shall be placed through the appropriate office  
16 established pursuant to section 27-11-205 (2) (a). Follow-up  
17 services shall be provided pursuant to section 27-11-205 (2) (b).

18 27-11-303. Purchase of services. (1) The department is  
19 authorized to purchase services for the developmentally disabled  
20 through community incorporated boards or accredited nonprofit  
21 sheltered workshops which have been approved by the department.  
22 Such boards may purchase services from public or private  
23 nonprofit sheltered workshops, day care centers, and other  
24 private facilities and from universities, colleges, public  
25 schools, boards of cooperative services, and preschool nurseries  
26 having approved facilities and offering approved programs. In  
27 case such approved facilities and services are not available in

1 the community, the community incorporated board may develop and  
2 operate such services directly.

3 (2) In the purchase of services from community incorporated  
4 boards or accredited nonprofit sheltered workshops which have  
5 been approved by the department, the executive director shall  
6 specify levels and types of services to be provided and shall  
7 review expenditures in accord with these standards for programs  
8 of such centers and other agencies that are supported with funds  
9 provided by this article. Such standards shall be in writing and  
10 shall be submitted annually in the department's budget to the  
11 general assembly. In fulfilling its responsibility, the  
12 department may withhold state funds when the executive director  
13 determines that the programs of such centers and other agencies  
14 are not in compliance with the standards.

15 27-11-304. Appropriation for community programs. (1) Each  
16 year the general assembly shall appropriate funds to purchase  
17 services for the developmentally disabled from community center  
18 boards, corporations not for profit, or accredited nonprofit  
19 sheltered workshops which have been approved by the department on  
20 the basis of five percent local funding to be matched by  
21 ninety-five percent state funding less any federal or cash funds  
22 received for general operating expenses from any other state or  
23 federal source and less the required local school district funds  
24 as provided under subsection (2) of this section. The yearly  
25 appropriation when combined with all other sources of funding,  
26 including local, federal, other state, and school district funds,  
27 shall in no case exceed one hundred percent of the approved

1 program costs as determined by the general assembly. Funds that  
2 are received for capital construction, specific research, or  
3 enrichment programs which do not create a requirement for future  
4 state funding shall not be considered in the calculation for the  
5 distribution of funds under the provisions of this section.  
6 Boards of county commissioners may levy up to one-half mill for  
7 the purpose of purchasing services for the developmentally  
8 disabled from community center boards, corporations not for  
9 profit, or accredited nonprofit sheltered workshops which have  
10 been approved by the department.

11 (2) The department shall submit to the governor and the  
12 joint budget committee of the general assembly an annual report  
13 of the number of students served under the program, including, as  
14 a minimum, the total number of students served, the number in  
15 average daily membership by both school-age and nonschool-age  
16 students served, and the number of full-time equivalent students  
17 served of both school age and nonschool age. For purposes of  
18 this subsection (2), "full-time equivalent" means a minimum of  
19 five hours of program per day for one hundred eighty days per  
20 year. In addition, the report on the services provided shall  
21 include, as a minimum, both educational and other services  
22 provided, the costs of the services whether state-funded or  
23 federally, locally, or privately funded, and a measurable  
24 qualitative evaluation of the services rendered.

25 (3) For purposes of allocating moneys under this article,  
26 the community boards shall submit to the department a proposed  
27 budget, which budget shall include proposed expenditures,

1 including services said community boards intend to purchase from  
2 various local agencies or institutions that offer services for  
3 developmentally disabled persons.

4 (4) (a) Governmental units, including but not limited to  
5 counties, municipalities, school districts, hospital districts,  
6 or state institutions of higher education, are authorized, at  
7 their own expense, to purchase services or to furnish money,  
8 materials, and services for developmentally disabled persons  
9 through community incorporated boards; except that each school  
10 district shall provide to the community incorporated board which  
11 supports programs attended by any developmentally disabled person  
12 domiciled in that district, as a minimum, for each such person  
13 attending such programs who is less than twenty-one years of age  
14 and is at least of such an age that, but for his developmental  
15 disability, he would be enrolled in the regular school program in  
16 the district, an amount equal to: The amount raised per pupil in  
17 attendance entitlement in the district by the levy for the school  
18 district's general fund.

19 (b) Developmentally disabled persons as provided for in  
20 this article shall not be counted as regularly enrolled for  
21 purposes of the "Public School Finance Act of 1973".

22 (5) For purposes of this section, "attendance entitlement"  
23 shall have the meaning ascribed to such term in section  
24 22-50-104, C.R.S. 1973.

25 27-11-305. Approval of community-centered programs. (1)

26 In approving or rejecting community-centered programs for the  
27 purchase of services for developmentally disabled persons, the

1 executive director shall consider the following factors:

2 (a) The adequacy and utilization of existing approved  
3 facilities and programs in the community, such as public and  
4 private nonprofit sheltered workshops, public school programs,  
5 preschool nurseries and day care centers, and universities and  
6 colleges;

7 (b) The adequacy of participation by state services,  
8 including but not limited to social services, public health,  
9 rehabilitation, and education;

10 (c) General community interest and participation;

11 (d) The establishment of programs for the prevention of  
12 institutionalization and for habilitation when they do not  
13 already exist.

14 (2) The executive director shall require the following in  
15 the community administration of this program:

16 (a) Each community-centered program shall be under the  
17 control and direction of a board of directors or trustees of a  
18 corporation not for profit.

19 (b) The members of the board of directors or trustees shall  
20 be representative of, but not limited to, public, private, or  
21 voluntary agencies, including political subdivisions of the  
22 state, which participate in a program for developmentally  
23 disabled persons in the community.

24 (c) The community incorporated board shall make application  
25 annually to the department to participate in the state program  
26 for developmentally disabled persons, and only programs which  
27 meet the requirements set forth in subsection (1) of this section

1 shall be approved.

2 SECTION 2. 27-1-104 (1) (d), (1) (e), and (1) (m), Colorado  
3 Revised Statutes 1973, are amended to read:

4 27-1-104. Institutions managed, supervised, and controlled.

5 (1) (d) State ~~home-and~~ training school at Ridge;

6 (e) State ~~home-and~~ training school at Grand Junction;

7 (m) State ~~home-and~~ training school at Pueblo;

8 SECTION 3. Repeal. Article 14 of title 27, Colorado  
9 Revised Statutes 1973, is repealed.

10 SECTION 4. Appropriation. There is hereby appropriated out  
11 of any moneys in the state treasury not otherwise appropriated,  
12 to the department of institutions, for the fiscal year commencing  
13 July 1, 1973, the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), for the  
14 implementation of this act.

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



**LEGISLATIVE COUNCIL COMMITTEE  
ON ADMINISTRATION OF  
JUSTICE**

**Members of the Committee**

**Rep. Ronald Strahle,  
Chairman**  
**Sen. Fay DeBerard,  
Vice-Chairman**  
**Sen. Fred Anderson**  
**Sen. Ralph Cole**  
**Sen. Lorena Darby**  
**Sen. Harold McCormick**  
**Sen. Maurice Parker**

**Rep. Forrest Burns**  
**Rep. Betty Ann Dittmore**  
**Rep. Robert Eckelberry**  
**Rep. David Gach**  
**Rep. Gerald Kopel**  
**Rep. Kenneth Kramer**  
**Rep. Phillip Massari**

**Council Staff**

**Stan Eloffson**  
**Principal Analyst**

**Joyce Emerson**  
**Senior Research  
Assistant**

## COMMITTEE ON ADMINISTRATION OF JUSTICE

The Committee on Administration of Justice focused its attention on the following major topics and recommends nine bills relating to these topics:

### I. Courts

Performance of certain functions by clerks of county courts (Bill 2)

### II. Procedures involving Law Enforcement Assistance Administration (LEAA) funds

Composition of state Council on Criminal Justice (Bill 3)

Legislative review of LEAA projects (Bill 4)

Requirements for use of state funds for partially-financed federal programs (Bill 5)

Change in name of Division of Criminal Justice (Bill 6)

### III. Collection of debts due the state

Duties of executive director, state Department of Administration (Bill 7)

Duties of state controller (Bill 8)

Representation of indigent persons in criminal cases -- reimbursement to the state of legal fees (Bill 9)

### IV. District Attorneys

Colorado District Attorneys Association -- social security coverage (Bill 10)

## I. Courts

### Authorizing the Performance of Certain Functions by Clerks of County Courts -- Bill 2

An expeditious and practical method for dispensing with some of the minor misdemeanor violations and routine matters which are presently being handled by county court judges would be provided through Bill 2. County judges are presently required to spend an unnecessary amount of time on functions which are solely routine and could be handled in a suitable manner by the clerk of the court whose salary would be much less than that of a judge. The routine matters which would be handled by clerks include advising defendants of their rights, setting of bail, issuance of certain warrants and writs, setting motions for hearing and cases for trial, and entering default and process on judgments.

Persons charged with a minor traffic violation or a violation involving game, fish and parks may not want a full court proceeding in order to plead guilty to the offense. A proceeding before a clerk would save time for the judge, for law enforcement officers, as well as for the alleged violator. This approach could be particularly convenient in counties in which the court judge is part-time or for some other reason is not available to conduct routine court proceedings.

In performing these functions, the clerk would be under direction of a judge. In addition, approval by the Chief Justice of the Supreme Court would be required before the clerk would be authorized to act under this statute. In effect, the Chief Justice would be able to select the county courts in which this procedure is most appropriate for implementation.

The bill provides that a clerk, if authorized, could accept guilty pleas and impose penalties up to \$250 for certain traffic offenses and specific wildlife, parks and outdoor recreation offenses. In no case could a clerk impose a jail sentence and a defendant would need to give express consent to a proceeding in which he would plead guilty before the clerk of the county court. If the clerk concluded that a fine of over \$250 or a jail sentence were warranted for the violation, the case would be certified to the judge of the county court for arraignment and trial de novo.

### Classification of Motor Vehicle Offenses

To further expedite the disposition of traffic cases, the committee endorsed a concept concerning the classification

of offenses relating to motor vehicles. This concept would provide a system of four classes of offenses, with minimum and maximum sentences for each class, for violations of the state's motor vehicle laws governing the regulation of vehicles and traffic. A similar approach has been adopted in the Colorado criminal code, in which there are five classes of felony violations, three classes of misdemeanors, and two classes of petty offenses. In the approach suggested, there would be four classes of misdemeanor traffic offenses with the penalties ranging from one year imprisonment and \$1,000 fine, for the most serious offenses, to a minimum sentence of a \$10 fine. All traffic offenses in Article 4 of Title 42, C.R.S. 1973, which relate to vehicles and traffic would be listed under one of the four classes of misdemeanors.

The proposal was brought to the committee late in the interim and time did not permit detailed examination of the draft bill. However, the committee concluded that the concept was important and could be beneficial to the judicial system in handling traffic offenses.

## II. Procedures Involving LEAA Funds

Two hearings were held with officials of the Division of Criminal Justice and members of the state council, which is the board which governs the disbursement of LEAA funds in Colorado. On the basis of its review of the Colorado LEAA structure, the committee recommends four bills.

### Composition of the State Council -- Bill 3

Considerable attention was given to the membership of the State Council on Criminal Justice, particularly to the effects of having council membership dominated by recipients, or potential recipients, of LEAA funds. Many of the concerns of the committee are addressed in Bill 3, which revises the membership of the state council.

Ex officio state officials. The executive director of the Office of State Planning and Budgeting would replace the adjutant general and would provide expertise in the functions of budget analysis, planning, and evaluation of projects.

Increased number of members. One member would be appointed from each of the 13 planning and management regions to assure adequate geographic representation. Of these members, no less than seven would be county commissioners or members of governing bodies of municipalities to assure that local govern-

mental units, which frequently are asked to continue programs after LEAA funding is ended, have their concerns expressed in deliberations of the state council. Finally, the remaining members from planning and management regions, plus five members from the state at large, should provide the council with representation from persons with a broad variety of community backgrounds, including core city, other urban, and law enforcement backgrounds.

#### Eventual Cost of LEAA Projects -- Bill 4

The federal Law Enforcement Assistance Administration provides financial assistance to state and local units of government in the form of block grants. To qualify for these grants, the state and local units of government must provide funds to match the federal dollars.

In 1974, the General Assembly appropriated \$805,555 in the aggregate to the Division of Criminal Justice and the Department of Institutions to serve as the state's "match" for all regular LEAA programs for state and local governments for fiscal 1975.

The general rule adopted by the State Council on Criminal Justice is that there will be a three-year period of federal funding (90% federal and 10% state match) after which project continuation becomes a state or local responsibility.

The committee expressed concern that the General Assembly is not adequately apprised of state LEAA projects and may not be aware which specific projects may ultimately require full state funding. Bill 4 would require that new state programs, approved by the state council, must be approved by the General Assembly through legislation other than in a general appropriations bill. This procedure is designed to assure that the appropriate legislative committees would be informed of proposed state LEAA projects at the beginning of the projects and not only at the time when full state funding is requested.

An example of an LEAA project which could ultimately require state funding upon termination of federal funding is a closed adolescent treatment center established by the Department of Institutions. The original federal grant of \$263,000 provided for one year of operation of the center with a capacity population of approximately 18 students. The per capita cost was approximately \$14,000 per student for that year of operation. A question arises concerning at what point, in the absence of federal funds, would the cost to the state for continuation of this center become prohibitive.

As another example, the General Assembly in 1974 appropriated \$50,000 to serve as the local "match" for a forensic unit in El Paso County when the county did not appropriate the third year of matching funds. For 1975-76, the General Assembly will be asked to appropriate \$124,894 to continue the juvenile portion of the forensic unit and \$316,080 for the adult section of this LEAA-initiated project.

Colorado Commission on Criminal Justice Standards and Goals. Another topic reviewed by the committee was the Colorado Commission on Criminal Justice Standards and Goals. The principal concern of the committee was whether future LEAA grants would be contingent on the state's adoption of the standards and goals set by this commission. The question is whether the commission will be in the position of acting as a legislative body in developing policies which would make certain types of LEAA projects acceptable and other projects unacceptable, and whether national standards will be imposed in Colorado. At this point, at least, the commission's approach and conduct is such that legislative action is not warranted. However, appropriate legislative committees should continue to monitor the activities of the commission.

Legislative Review of All Federally-Funded State Programs --  
Bill 5

For reasons similar to those discussed in conjunction with Bill 4, the committee recommends legislation which would require that the executive director of the Office of State Planning and Budgeting provide information to the General Assembly concerning all projects in the executive branch for which state funding is required for the receipt of federal funds. Approval of such projects by the General Assembly would be required prior to the expenditure of any state funds.

An appropriation of \$50,000 to the Office of State Planning and Budgeting and \$15,000 to the Department of Administration is provided to cover the administrative costs for implementation of the act. However, this appropriation is contingent upon the availability of federal funds in the amount of \$65,000 to reimburse the state for administrative overhead costs.

Change in Name of Division of Criminal Justice to Division of  
Criminal Justice Planning -- Bill 6

To ensure that the state agency which is responsible for the development of a comprehensive plan to improve criminal justice in Colorado is not inaccurately interpreted as a

law enforcement agency and that the name of the agency adequately reflects its principal planning functions, the committee recommends Bill 6, which changes the name of the Division of Criminal Justice to the Division of Criminal Justice Planning.

### III. Collection of Debts Due the State

Three bills are submitted which relate to administrative procedures involved in the collection of accounts receivable owed the state by individuals who have utilized state facilities or services for which fees are charged. These bills were originally considered as a result of the committee's review of the procedures used for collection of fees from persons who use the services of the public defender's office; however, these bills would establish uniform collection procedures and extend them to other agencies as well as the Office of the Public Defender.

#### Duties of Executive Director, Department of Administration -- Bill 7

The committee found that collection of debts due the state through all state agencies is not presently performed on a coordinated basis with responsibility centralized with one state official or in one state agency. The state controller reported that there is approximately \$31 million in accounts receivable due the state for services performed at state institutions or by state agencies, an amount accumulated over a period of approximately three years. Departments with the largest delinquent accounts which could be collected are the Department of Higher Education (student fees) -- \$3.4 million; the University of Colorado Medical Center -- \$8.5 million; and the Department of Institutions -- \$3.45 million.

A number of economies of administration could be obtained through the centralization of the collection responsibility in one administrative department. Bill 7 would provide that the Department of Administration would review the debts owed the state and would be responsible for assisting state agencies in their efforts to recover debts owed the state and for promulgating rules and regulations relating to collection procedures.

Under the recommended bill, each agency would first utilize its own resources for the collection of delinquent accounts, after which the accounts would be referred to the state controller for further collection procedures. Referral of accounts would occur after certain time periods have elapsed or

if other defined conditions of the account were found to exist.

The rules and regulations promulgated by the department would be as uniform as possible for all agencies and would include a classification system which would indicate the types of debts, the amounts due, the time periods of delinquency, the circumstances of the debtor, and at what state of delinquency a debt should be turned over to the state controller for further collection efforts.

#### Duties of State Controller -- Bill 8

As a companion bill to Bill 7, Bill 8 would designate the state controller as the person responsible for assisting state agencies in their collection procedures. Beginning January 1, 1976, all state agencies would be required to turn over to the controller those debts which they are unable to collect. The conditions of the accounts which would determine the point at which the accounts would be considered "referrable to the controller" for further collection. Procedures would be described in the rules and regulations issued by the executive director of the Department of Administration.

The controller would utilize the services of assistant state solicitors assigned to assist in collection efforts. Private attorneys or private collection agencies could be employed in those cases where it was not feasible or possible for the controller, within the limitations of his office, to follow up on a case, e.g., cases in which the debtor is living out of the state.

The controller could compromise debts when authorized under state statute permitting the writing-off of bad debts (as authorized by Amendment 6, adopted by the electorate in the November 1974 general election) or under the department's rules and regulations. The controller could apply to the court to obtain a judgment against persons who have been ordered to reimburse the state for the services of the public defender but who are in defiance of the court order.

An appropriation is included in the bill for \$100,000 to the Department of Administration and \$20,000 to the Department of Law. It is anticipated that the assignment of one assistant state solicitor would be required to carry out the requirements of this bill.



Fees for Representation of Indigent Persons in Criminal Cases

-- Bill 9

Many of the aspects of the operation of the public defender's office were reviewed in detail by the committee. Two problems involving reimbursement to the state of legal fees for representation of indigent defendants are addressed in Bill 9. First, the current statutes are not specific concerning the type of information a defendant is to provide to the public defender and to the court in order for a judge to determine the defendant's indigency and his qualifications for assignment to a public defender or court-appointed counsel.

A second, closely-related issue concerns the need to improve the procedures for collection of fees charged to persons who use court-appointed counsel or the public defender system and who may be able to pay some costs of their defense in criminal cases. There are other persons who are indigent under guidelines established by the Colorado Supreme Court at the time of arrest, but who may have the potential to earn reasonably high salaries at some future time. College students, for example, may have little or no income but could probably repay costs after graduation. Recovered fees presently represent less than one-tenth of one percent of the total operating budget of the public defender's office.

Bill 9 provides the specific types of information which a defendant must submit to the court for determination of his degree of indigency and eligibility for the services of a public defender or court-appointed counsel. Current statutes contain no guidelines for the determination of indigency, but state that the determination of indigency is to be made by the state public defender, subject to review by the court (Title 21-1-103, C.R.S. 1973). The Supreme Court has issued guidelines for determination of indigency and a schedule of fees, which is based on the hours of work for each case.

By providing that an inquiry be made into a person's financial condition and requiring a financial statement and other information under oath, including information on family resources, the committee believes that this procedure would deter abuses of services of the Office of the Public Defender. The public defender would continue the practice of making the initial determination of a defendant's ability or inability to obtain private counsel and would continue to provide legal assistance after arrest and prior to arraignment for persons who are believed to be indigent. However, the official assignment of the public defender would occur only after the judge had reviewed the defendant's financial information.

To assure that judges would not overlook the public defender's recommendation regarding appointment of public counsel, the bill would require that the public defender report to the State Court Administrator all cases in which a public defender is appointed to represent a defendant over the recommendation of the public defender.

At the time the court assigned a public defender or private counsel to represent a defendant, regardless of the defendant's condition of indigency, the court would also order payment of a "reasonable fee" to reimburse the state for a portion or all of the costs of the public defender's office which could be attributed to the person's defense. The court order would specify the period of time in which the defendant is to reimburse the state.

To further ensure that the state would be repaid and the court order enforced, the court could order the assignment of a person's earnings or require some other form of security from the defendant. If he failed to comply with the order, the state, through the controller's office, could apply to the court to have the order reduced to judgment for the amount which remained unpaid. If the person against whom an order has been entered were a minor, his family would be financially responsible for reimbursing the state for the cost of legal defense provided by the state under the provisions of this bill.

Office of the Public Defender. The committee considered whether the Office of the Public Defender is appropriately located as a part of the judicial branch or whether it should be placed in the executive branch in order to be absolutely certain that the public defender can function in a manner independent from the court system.

The committee expressed reservations on retaining the office in the judicial branch since neither the functions of prosecution or defense are properly a part of this branch. Difficulties arise, however, in placing the public defender in the Office of Attorney General, which frequently is involved in a prosecutorial role, or in some other department of the executive branch under which the public defenders would be protected by civil service. The committee concluded that service to the public is of paramount importance and employees of the office should be subject to immediate removal if they do not perform in a proper manner.

#### IV. District Attorneys

Colorado District Attorneys Association. House Joint Resolution 1047, adopted by the General Assembly in 1974, expanded the committee's study directive to include "a study of the office of district attorney, with respect to the possible need for state assistance in areas of technical research services, standardized briefs, and similar aids to the more effective prosecution of violations of the criminal law of the state."

The Colorado District Attorneys Association has been funded for approximately three years, primarily with LEAA funds, and it is anticipated that this source of funding will expire June 30, 1975. Different approaches toward funding of the association were included in several draft bills which would provide legal, research, or other technical assistance for district attorneys.

The committee concluded that the services provided by the association are worthwhile and, if funding is to be continued, that it be provided by the counties composing a judicial district. Funding by the state is not recommended for several reasons, including the fact that district attorneys are essentially officials of local government.

Further, the board of directors of the association, in a resolution submitted to the committee, opposed the suggestion that the functions of providing research, standardized briefs, and other aids to district attorneys be conducted through the Office of Attorney General.

#### Social Security Coverage for Offices of District Attorneys -- Bill 10

Bill 10 concerns a complex problem of social security taxes due for offices of district attorneys. Basically, some counties, in particular counties in multiple county judicial districts, have overpaid social security taxes for the offices of district attorneys while other counties apparently have not paid social security. In those cases where the social security contribution has not been paid, both the employer and employee appear to be liable retroactively for social security contributions within the statute of limitation to January 1, 1971.

The over-payment situation exists because each county in a judicial district is presently considered, under the state's agreement with the federal government, to be fully liable for social security contributions for the district

attorney and his employees. As multiple employers, they are collectively paying more than they would be as single employers because each county pays a full employer's share rather than a proportionate share of the taxes.

The committee recommends Bill 10 which should resolve the overpayment situation. This bill would provide that an office of district attorney is to be considered a "juristic entity" which would allow counties to apportion the social security payments for this office in the same manner as they apportion salaries and other expenses.

No recommendation is submitted concerning the problem of back payments of the employer's and employee's share of social security taxes due. The committee concluded that it is not a state responsibility to pay these contributions retroactively for those counties which have not been reporting the social security taxes accurately.

COMMITTEE ON ADMINISTRATION OF JUSTICE

BILL 2

A BILL FOR AN ACT

1 AUTHORIZING THE PERFORMANCE OF CERTAIN FUNCTIONS OF COUNTY COURTS  
2 BY THE CLERKS THEREOF.

---

Bill Summary

Permits clerks of county courts, when authorized by the chief justice of the state supreme court and the chief judge of the judicial district, to perform certain duties in place of the judge, but under his supervision, such as to issue some types of warrants and writs, to set bail, to approve bonds, to advise criminal defendants of their rights, to set motions for hearing and cases for trial, to grant continuances, to enter default and process on judgments, and to accept guilty pleas and set penalties therefor up to \$250 fine in specified wildlife, parks and outdoor recreation, and motor vehicle law violations.

---

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 13-6-212, Colorado Revised Statutes 1973, is  
5 amended to read:

6 13-6-212. Duties of clerk. (1) The powers and duties of  
7 the clerk of the county court shall be similar to the powers and  
8 duties of the clerk of the district court exclusive of the powers  
9 of the district clerk in probate and shall include such duties as  
10 may be assigned to him by law, by court rules, and by the county  
11 judge.

12 (2) UPON APPROVAL BY THE CHIEF JUSTICE OF THE SUPREME

1 COURT, THE CHIEF JUDGE OF A JUDICIAL DISTRICT MAY AUTHORIZE,  
2 EITHER GENERALLY OR IN SPECIFIC CASES, THE CLERK OF THE COUNTY  
3 COURT TO DO THE FOLLOWING:

4 (a) ISSUE BENCH WARRANTS, MISDEMEANOR OR FELONY WARRANTS,  
5 AND WRITS OF RESTITUTION UPON WRITTEN OR ORAL ORDER OF A JUDGE;

6 (b) ADVISE DEFENDANTS IN CRIMINAL CASES OF THEIR PROCEDURAL  
7 AND CONSTITUTIONAL RIGHTS;

8 (c) UNDER DIRECTION OF A JUDGE, SET BAIL;

9 (d) UNDER DIRECTION OF A JUDGE, APPROVE THE TYPE OF BOND IN  
10 CRIMINAL CASES;

11 (e) ACCEPT PLEAS OF NOT GUILTY IN ALL CRIMINAL CASES AND  
12 SET DATES FOR HEARINGS OR TRIAL IN SUCH CASES;

13 (f) SUBJECT TO THE REQUIREMENTS OF THE COLORADO RULES OF  
14 CIVIL PROCEDURE, ENTER DEFAULT AND DEFAULT JUDGMENTS AND ISSUE  
15 PROCESS FOR THE ENFORCEMENT OF SAID JUDGMENTS;

16 (g) UNDER THE DIRECTION OF A JUDGE, GRANT CONTINUANCES, SET  
17 MOTIONS FOR HEARING, AND SET CASES FOR TRIAL; AND

18 (h) WITH THE CONSENT OF THE DEFENDANT, ACCEPT PLEAS OF  
19 GUILTY AND IMPOSE PENALTIES IN MISDEMEANOR CASES INVOLVING  
20 VIOLATIONS OF WILDLIFE AND PARKS AND OUTDOOR RECREATION LAWS FOR  
21 WHICH THE MAXIMUM PENALTY SPECIFIED IN SECTION 33-6-127, C.R.S.  
22 1973, IN EACH CASE IS A FINE OF NOT MORE THAN TWO HUNDRED FIFTY  
23 DOLLARS, AND MISDEMEANORS INVOLVING THE REGULATION OF VEHICLES  
24 AND TRAFFIC FOR WHICH THE PENALTY SPECIFIED IN SECTION 42-4-1501  
25 OR ELSEWHERE IN ARTICLE 4 OF TITLE 42, C.R.S. 1973, IN EACH CASE  
26 IS LESS THAN THAT MAXIMUM. A CLERK SHALL NOT LEVY A FINE OF OVER  
27 TWO HUNDRED FIFTY DOLLARS NOR SENTENCE ANY PERSON TO JAIL. IF IN

1 THE JUDGMENT OF THE CLERK A FINE OF OVER TWO HUNDRED FIFTY  
2 DOLLARS OR A JAIL SENTENCE IS JUSTIFIED, THE CASE SHALL BE  
3 CERTIFIED TO THE JUDGE OF THE COUNTY COURT FOR REARRAIGNMENT AND  
4 TRIAL DE NOVO.

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

BILL 3

A BILL FOR AN ACT

1 CONCERNING COMPOSITION OF THE STATE COUNCIL ON CRIMINAL JUSTICE.

---

Bill Summary

Increases the membership of the state council on criminal justice from 22 to 26 with substantial changes in the qualifications for appointment of members.

---

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 24-32-504 (2), Colorado Revised Statutes 1973,  
4 is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

5 24-32-504. Criminal justice council created - composition -  
6 chairman - compensation. (2) The council shall be comprised of  
7 twenty-six members. The following eight shall be ex officio  
8 members of the council: The attorney general, the state public  
9 defender, the director of the Colorado bureau of investigation,  
10 the executive director of the office of state planning and  
11 budgeting, the executive director of the department of  
12 institutions, the director of the division of local government in  
13 the department of local affairs, the state court administrator,  
14 and the chief of the Colorado state patrol. Any of the foregoing  
15 officials may designate a substitute to serve regularly in his  
16 place. Thirteen members shall be appointed by the governor, one



1 from each of the planning and management regions of this state  
2 established by executive order, seven of whom shall be county  
3 commissioners or members of governing bodies of municipalities.  
4 Five additional members shall be appointed by the governor from  
5 the state at large. Of those members first appointed for terms  
6 commencing July 1, 1975, nine shall be appointed for a two-year  
7 term, and nine shall be appointed for a four-year term.  
8 Thereafter, each member shall serve a four-year term and shall be  
9 eligible for reappointment.

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

BILL 4

A BILL FOR AN ACT

1 REQUIRING SUBMISSION OF PLANS BY THE DIVISION OF CRIMINAL JUSTICE  
2 TO THE GENERAL ASSEMBLY FOR APPROVAL OF NEW PROGRAMS PRIOR  
3 TO STATE FUNDING.

---

Bill Summary

Requires the director of the division of criminal justice to report to the general assembly concerning new programs which do or may require state funds. Requires general assembly approval by means of an appropriation therefor made by separate bill.

---

4 Be it enacted by the General Assembly of the State of Colorado:

5 SECTION 1. 24-32-503, Colorado Revised Statutes 1973, is  
6 amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

7 24-32-503. Duties of division. (2) The director of the  
8 division of criminal justice shall report periodically and at  
9 least once each year to the general assembly concerning the state  
10 plans and the projects approved for funding by the council which  
11 currently require or which may require funding by the state.

12 (3) No state funds shall be appropriated for purposes of  
13 matching requirements of the federal government for new programs  
14 approved by the state council on criminal justice unless such new  
15 programs have been approved by the general assembly in a bill

1 other than a general appropriations bill.

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

BILL 5

A BILL FOR AN ACT

1 CONCERNING REQUIREMENTS RELATING TO THE USE OF STATE FUNDS FOR  
2 PROGRAMS AND PURPOSES PARTIALLY FINANCED BY FEDERAL FUNDS,  
3 AND MAKING AN APPROPRIATION THEREFOR.

---

Bill Summary

Requires the executive director of the office of state planning and budgeting to compile reports and summaries to show the general assembly all projects for which state funding is a requirement for the receipt of federal funds, and prohibits state expenditures for any such projects without specific approval thereof by the general assembly.

---

4 Be it enacted by the General Assembly of the State of Colorado:

5 SECTION 1. 27-37-102, Colorado Revised Statutes 1973  
6 (numbered as 3-39-102, C.R.S. 1963), as enacted by section 1 of  
7 chapter 32, Session Laws of Colorado 1974, is amended BY THE  
8 ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

9 24-37-102. Executive director - duties. (2) The executive  
10 director shall collect appropriate information from all  
11 departments of the executive branch relating to the number of  
12 projects for which state funding is a requirement for the receipt  
13 of funds from the federal government. An annual summary of this  
14 information shall be submitted to the general assembly and a

1 complete report of projects shall be available on request of any  
2 member of the general assembly.

3 (3) No state funds shall be expended for projects  
4 incorporated in the annual report of the executive director  
5 unless specific approval of the general assembly has been given  
6 for such expenditure.

7 SECTION 2. Appropriation. (1) There is hereby  
8 appropriated out of any moneys in the state treasury not  
9 otherwise appropriated, to the office of state planning and  
10 budgeting, the sum of fifty thousand dollars (\$50,000), or so  
11 much thereof as may be necessary, for 3.5 FTE to carry out the  
12 duties of the division of planning in the implementation of this  
13 act.

14 (2) There is hereby appropriated, out of any moneys in the  
15 state treasury not otherwise appropriated, to the department of  
16 administration, the sum of fifteen thousand dollars (\$15,000), or  
17 so much thereof as may be necessary, for 1.0 FTE to carry out the  
18 duties of the division of accounts and control in the  
19 implementation of this act.

20 (3) These appropriations are contingent upon the  
21 availability of federal funds in like amounts for reimbursement  
22 to the state of administrative overhead costs.

23 SECTION 3. Effective date. This act shall take effect July  
24 1, 1975.

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

BILL 6

A BILL FOR AN ACT

1 CONCERNING THE DIVISION OF CRIMINAL JUSTICE, AND PROVIDING FOR A  
2 NAME CHANGE THEREOF.

---

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Changes the name of the division of criminal justice to the division of criminal justice planning.

---

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 24-32-502 (1), Colorado Revised Statutes 1973,  
5 is amended to read:

6 24-32-502. Division of criminal justice planning created.

7 (1) There is hereby created as a division of the department of  
8 local affairs the division of criminal justice PLANNING, referred  
9 to in this part 5 as the "division". The executive director of  
10 the department of local affairs shall, subject to the provisions  
11 of section 13 OF article XII of the state constitution, appoint  
12 the director of the division, which office is hereby created.

13 SECTION 2. 24-1-125 (2) (h), Colorado Revised Statutes 1973,  
14 is amended to read:

1           24-1-125. Department of local affairs - creation. (2) (h)  
2 Division of criminal justice PLANNING, the head of which shall be  
3 the director of the division of criminal justice PLANNING. The  
4 division of criminal justice PLANNING and the office of the  
5 director thereof, created by part 5 of article 32 of this title,  
6 and their powers, duties, and functions are transferred by a type  
7 2 transfer to the department of local affairs as a division  
8 thereof. The state council on criminal justice, created by part  
9 5 of article 32 of this title, and its powers, duties, and  
10 functions are transferred by a type 1 transfer to the department  
11 of local affairs and allocated to the division of criminal  
12 justice PLANNING.

13           SECTION 3. Effective date. This act shall take effect July  
14 1, 1975.

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

BILL 7

A BILL FOR AN ACT

1 CONCERNING DEBTS DUE THE STATE OF COLORADO, AND PROVIDING FOR THE  
2 DUTIES OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
3 ADMINISTRATION WITH RESPECT THERETO.

---

Bill Summary

Requires executive director of the department of administration to acquire information on the collection by state agencies of debts due the state and then to make rules and regulations for the guidance of all agencies in carrying out collection procedures, including at what stage of delinquency or difficulty of collection a debt should be turned over to the controller for further collection efforts.

---

4 Be it enacted by the General Assembly of the State of Colorado:

5 SECTION 1. 24-30-102 (1) and (2), Colorado Revised Statutes  
6 1973, are amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS  
7 to read:

8 24-30-102. Powers and duties of executive director. (1)  
9 (g) Review the accounts of all state agencies with respect to  
10 the status of debts owed to the state through any agency (other  
11 than taxes recoverable by the department of revenue), and devise  
12 methods to increase the efficiency of the agencies and the  
13 controller in the collection of the debts.

14 (2) (f) Designate by rules and regulations, after



1 consultation with other state agencies, the methods to be  
2 employed by state agencies in the collection of debts due the  
3 state. Rules and regulations shall be uniform wherever possible  
4 for all state agencies and shall include such things as the  
5 classification of debts by type, amount, time status as to  
6 delinquency, circumstances of debtor, possibility of error, and  
7 any other method of classification which will aid an agency in  
8 efficient efforts to recover amounts due the state. Such rules  
9 and regulations shall also specify the requirements for a debt to  
10 be classified as "referable to controller" for further steps to  
11 effect collection thereof.

12 (g) Promulgate rules and regulations for the controller and  
13 the staff of the division of accounts and control in the  
14 collection of debts referred to that office, including such  
15 matters as referrals to collection agencies or practicing  
16 attorneys, authority to compromise, authorization of suit  
17 filings, and methods of collection of judgments.

18 SECTION 2. Effective date. This act shall take effect July  
19 1, 1975.

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

BILL 8

A BILL FOR AN ACT

1 CONCERNING THE COLLECTION OF DEBTS DUE THE STATE, AND PROVIDING  
2 FOR THE DUTIES OF THE CONTROLLER AND THE DIVISION OF  
3 ACCOUNTS AND CONTROL WITH RESPECT THERETO, AND MAKING  
4 APPROPRIATIONS THEREFOR.

---

Bill Summary

Requires controller to assist state agencies in the collection of debts due the state, pursuant to rules and regulations of the executive director of the department of administration, and, when such debts have reached a certain stage of delinquency as specified in those rules and regulations, the controller is to take over the collection effort on behalf of the state, including the use of the services of assistant state solicitors or in certain cases collection agencies and private counsel. The controller can compromise debts, when authorized by rule and regulation, and can apply to the court to obtain judgments in cases where court orders to pay the expenses incurred by the state in furnishing public defender or other services to indigents charged with crimes. Appropriates \$100,000 to the department of administration and \$20,000 to the department of law.

---

5 Be it enacted by the General Assembly of the State of Colorado:

6 SECTION 1. 24-30-201 (1), Colorado Revised Statutes 1973,  
7 is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8 24-30-201. Division of accounts and control - controller.

9 (1) (j) Pursuant to rules and regulations promulgated by the  
10 executive director of the department of administration, to assist

1 state agencies in their efforts to recover moneys owing to the  
2 state and to collect, on behalf of the state, accounts referred  
3 to the controller and the division under rules and regulations  
4 authorizing such referral under defined circumstances, as further  
5 specified in section 24-30-202.4.

6 SECTION 2. Part 2 of article 30 of title 24, Colorado  
7 Revised Statutes 1973, is amended BY THE ADDITION OF THE  
8 FOLLOWING NEW SECTIONS to read:

9 24-30-202.4. Collection of debts due state - controller's  
10 duties. (1) The controller shall advise and assist the various  
11 state agencies concerning the collection of debts due the state  
12 through such agencies, in accordance with rules and regulations  
13 promulgated by the executive director of the department of  
14 administration to achieve the prompt collection of debts due such  
15 agencies.

16 (2) Beginning January 1, 1976, all state agencies shall  
17 refer to the controller debts due the state which the agency has  
18 been unable to collect and which debts have been classified,  
19 pursuant to the rules and regulations applicable thereto, as  
20 being "referable to controller", together with the data, records,  
21 and information necessary for the controller to institute the  
22 collection procedures of his office.

23 (3) (a) Upon referral to the controller of debts due the  
24 state classified "referable to controller", he shall institute  
25 procedures for collection thereof, pursuant to the rules and  
26 regulations promulgated therefor by the executive director of the  
27 department of administration.

1 (b) The controller may employ collection agencies or  
2 private counsel to handle collections when it is not possible or  
3 feasible for the controller, with the assistance of the office of  
4 the state solicitor general, to handle a particular case or  
5 cases.

6 (c) The controller is authorized to compromise any debt due  
7 the state, but only in accordance with the rules and regulations  
8 applicable thereto.

9 (d) Net proceeds of debts collected by the controller shall  
10 be accounted for and paid into the general fund, and the  
11 controller shall report periodically and at least annually to the  
12 general assembly concerning the results of collection activities.

13 24-30-202.5. Additional collection work authorized. Upon  
14 request of the state court administrator, the controller shall  
15 also accept, for purposes of collection, payments ordered to be  
16 paid by defendants in criminal cases defended by the office of  
17 state public defender or court-appointed counsel in cases wherein  
18 judgment has been entered for the payment of any amount as  
19 attorney fee under section 21-1-103, C.R.S. 1973.

20 24-30-202.6. Assistant state solicitors. The state  
21 solicitor shall appoint to the division such assistants as are  
22 reasonably necessary to perform the legal services which the  
23 controller may require to carry out the duties of collection of  
24 debts due the state.

25 SECTION 3. Appropriation. (1) There is hereby  
26 appropriated, out of any moneys in the state treasury not  
27 otherwise appropriated, to the department of administration, for

1 the fiscal year commencing July 1, 1975, the sum of one hundred  
2 thousand dollars (\$100,000), or so much thereof as may be  
3 necessary, for the administration and implementation of this act.

4 (2) There is hereby appropriated, out of any moneys in the  
5 state treasury not otherwise appropriated, to the department of  
6 law, for the fiscal year commencing July 1, 1975, the sum of  
7 twenty thousand dollars (\$20,000), or so much thereof as may be  
8 necessary, to carry out the duties imposed upon the department by  
9 this act.

10 SECTION 4. Effective date. This act shall take effect July  
11 1, 1975.

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

BILL 9

A BILL FOR AN ACT

1 CONCERNING THE REPRESENTATION OF INDIGENT PERSONS IN CRIMINAL  
2 CASES.

---

Bill Summary

Provides that inquiry is to be made into the financial conditions of persons requesting the services of the public defender or other court-appointed counsel on the basis of their claimed indigencies. Requires a financial statement and other information under oath, including information on family resources. Provides that the court is then to order payment of a reasonable fee to reimburse the state for a portion or all of the costs of the public defender's office in handling the defense, or the fee of private counsel. Provides that the order may require assignment of earnings or other security for future payments ordered. Provides that upon failure to comply with such an order, the state, through the controller's office, can apply to the court for judgment on unpaid amounts. Provides that for purposes of the act, such costs and fees, when imposed against a minor, are to be treated as family expenses chargeable to either parent.

---

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. The introductory portion to 21-1-103 (1),  
5 Colorado Revised Statutes 1973, is amended to read:

6 21-1-103. Representation of indigent persons. (1) The  
7 state public defender shall represent as counsel, without charge  
8 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, each indigent  
9 person who is under arrest for or charged with committing a

1 felony if:

2 SECTION 2. 21-1-103, Colorado Revised Statutes 1973, is  
3 amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

4 21-1-103. Representation of indigent persons. (4) The  
5 determination of the degree of indigency of a defendant shall be  
6 based upon his financial statement and other information provided  
7 in writing under oath showing his lack of financial ability to  
8 obtain counsel and any other information required by the court  
9 that reasonably relates to his inability to obtain counsel,  
10 specifically including an inquiry into the defendant's family  
11 resources.

12 (5) (a) The court shall order that the defendant pay a  
13 reasonable fee as reimbursement to the state for all of the  
14 actual expenses of the office of public defender for representing  
15 him. Actual expenses shall include a proportionate share of the  
16 overhead costs of the office of public defender. When an  
17 attorney, other than the public defender, is appointed to  
18 represent a defendant, the court's order shall be for a  
19 reasonable fee for such services. The order provided for in this  
20 paragraph (a) shall be entered in all cases in which a defendant  
21 is represented by the public defender or by court-appointed  
22 counsel, regardless of the defendant's present condition of  
23 indigency, and shall provide for the period of time within which  
24 payment is to be made into the court.

25 (b) The court may order the defendant to make an assignment  
26 of a part of his periodic earnings or trust income to the state.  
27 The assignment is binding on the employer, trustee, or other

1 payor of the funds two weeks after service upon him of notice  
2 that the assignment has been made. The payor shall withhold from  
3 the earnings or trust income payable to the defendant the amount  
4 specified in the assignment and shall transmit the payments to  
5 the court. An employer shall not discharge or otherwise  
6 discipline an employee as a result of a wage or salary assignment  
7 authorized by this section.

8 (c) The court has the power to require security to be given  
9 to insure enforcement of its orders, in addition to other methods  
10 of enforcing court orders now or hereafter prescribed by statute  
11 or by the Colorado rules of civil procedure.

12 (6) Upon failure of the defendant to comply with any such  
13 order, the state court administrator shall refer the debt due the  
14 state to the controller for collection pursuant to part 2 of  
15 article 30 of title 24, C.R.S. 1973. Upon motion filed on behalf  
16 of the state, the court shall enter judgment in the amount then  
17 in default in the case.

18 (7) For the purposes of this section, any order entered  
19 against a minor requiring the payment of an attorney fee shall be  
20 considered an expense of the family of such minor under section  
21 14-6-110, C.R.S. 1973, and shall be chargeable upon the property  
22 of both parents of such minor, or either of them.

23 SECTION 3. 21-1-104, Colorado Revised Statutes 1973, is  
24 amended BY THE ADDITION OF A NEW SUBSECTION to read:

25 21-1-104. Duties of public defenders. (3) The state  
26 public defender shall report to the state court administrator all  
27 cases in which a judge appoints a public defender contrary to the



1 recommendation of the public defender.

2 SECTION 4. Effective date. This act shall take effect July  
3 1, 1975.

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

BILL 10

A BILL FOR AN ACT

1 CONCERNING SOCIAL SECURITY COVERAGE FOR THE OFFICE OF DISTRICT  
2 ATTORNEY.

---

Bill Summary

Provides that each office of district attorney shall enter into agreements with the director of the division of employment to obtain social security coverage under an agreement with the federal government authorizing such coverage.

---

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. Part 3 of article 1 of title 20, Colorado  
5 Revised Statutes 1973, is amended BY THE ADDITION OF A NEW  
6 SECTION to read:

7 20-1-307. Social security coverage. The office of district  
8 attorney, including the district attorney and the employees of  
9 each such office within each judicial district, shall be  
10 considered a juristic entity as described in section 24-51-701,  
11 C.R.S. 1973. Each office of district attorney shall enter into  
12 an agreement with the director of the division of employment of  
13 the state department of labor and employment for purposes of  
14 including the district attorney and the employees of his office  
15 under the state's federal-state social security coverage

1 agreement with the secretary of the United States department of  
2 health, education, and welfare pursuant to section 24-51-704,  
3 C.R.S. 1973.

4 SECTION 2. Effective date. This act shall take effect  
5 January 1, 1975.

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

**LEGISLATIVE COUNCIL COMMITTEE  
ON EDUCATION**

**Members of the Committee**

Rep. Austin Moore,  
Chairman  
Sen. Hugh Fowler, Vice-  
Chairman  
Sen. Roger Cisneros  
Sen. Fay DeBarard  
Sen. William Garnsey  
Sen. Kingston Minister  
Sen. Albert Ruland

Rep. Peter Buchanan  
Rep. Forrest Burns  
Rep. Dennis Gallagher  
Rep. Leo Labero  
Rep. Laura Miller  
Rep. Clarence Quinlan  
Rep. Virginia Sears  
Rep. Frank Southworth  
Rep. Wellington Webb

**Council Staff**

Stan Kofson  
Principal Analyst

Joyce Hudson  
Senior Research  
Assistant

## COMMITTEE ON EDUCATION

The Committee on Education, in its second year of a two-year study, recommends two bills relating to a revision of the school election laws (Bills 11 and 12) and a bill to provide aid to private higher education (Bill 13). The committee endorses the action of the Committee on State and Local Finance in bringing before the General Assembly four bills relating to school finance.

Legislation is submitted, without recommendation, relative to a revision of the teacher certification statutes (Bill 14). The committee concluded that legislation is not necessary in the area of faculty dismissals and reductions in force (RIF) at institutions of higher education. The rationale for this conclusion is discussed in this report.

The committee also reviewed several other subjects, but submits no recommendations for legislation on these topics: (1) data needs assessment project of the state Department of Education; (2) bilingual and reading needs study, directed in Senate Joint Resolution 20, 1974 session; (3) special education; (4) Boards of Cooperative Services; (5) Colorado High School Activities Association; (6) local district junior colleges; (7) Colorado Educational Resource Inventory System (CERIS); (8) health education; and (9) collective negotiations.

### I. School Election Laws

House Joint Resolution 1027, adopted by the General Assembly in 1974, directed the committee to undertake a study of election laws. The resolution suggested the advisability of clarifying the relationship between the general election laws and the statutes governing school elections. Accordingly, the committee recommends legislation to separate school election laws, insofar as possible, from the general election statutes.

The two bills which are recommended are primarily the result of the work of a subcommittee which was appointed to resolve the problems with the school election laws. The bills, as recommended by the subcommittee and approved by the full committee, contain a number of substantive policy matters as well as technical amendments relating to the administration of elections. Also included in the recommended legislation is a provision which requires the state Department of Education to prepare a manual setting forth, in simplified terms, the most current procedures to be used in conducting school elections.

Recall School Elections -- Bill 11

Registration. Voters registered 32 days in advance of an election could vote in that election and voter registration for subsequent elections would take place up to five days before an election. Thus a person who registered after the 32nd day but before the fifth day prior to an election would have his name entered in the registration book after the election, but would not be eligible to vote until he had met the 32-day requirement.

Contested elections. Any school election, not just the election of school board members, could be contested. Colorado district courts would have jurisdiction in these contested elections.

Recall of school board members. Several significant changes are recommended in regard to recall proceedings:

(a) A committee of three to five persons would be responsible for representing the signers of the recall petitions.

(b) The petitions to be circulated would include the name of only one person to be recalled.

(c) In accordance with court decisions in Colorado, recall petitions could be signed by qualified voters, not just registered voters. Certain procedural requirements would help assure that the person is a qualified elector. A qualified elector, who is not a registered voter, would need to appear before a notary and make an oath by affidavit, stating that he is a citizen, is 18 years or older, has been a resident of the precinct for at least 32 days, and has given his correct address. The affidavit would be attached to the petition.

(d) The school board would determine the adequacy of the number of signers of recall petitions but this determination could be challenged in district court. Provision would also be made for the school board to contract with the county clerk to determine the sufficiency of signatures on the petitions. If such a case were necessary, the committee representing the signers of the petitions would pay no more than 40 cents per signature toward the cost of the service. Costs over that amount would be borne by the school district.

Technical amendments. (a) Certain definitions such as electronic voting equipment would be added to the school election laws and the statutes would specifically authorize the use of voting machines for school elections.

(b) Special provisions pertaining only to the school elections held in 1974 would be repealed.

(c) Statutory references to school districts of over 70,000 enrollment would be eliminated, although school election statutes pertaining to Denver would continue to be separate from other school districts. The reason for the separate statutes for Denver is that the election commission administers school elections in Denver while the school boards in all other districts have the principal responsibility for the election.

(d) References to county superintendents of schools would be deleted.

#### School Boards - Membership and Terms -- Bill 12

The second bill concerning school elections would provide a method for changing the number of school district directors on each board and the length of terms served by the board members. Bill 12 is separate from the previous bill for the reason that it is concerned with the structure of school boards rather than the requirements and procedures of school elections.

Denver would continue to elect seven school board members and other districts would continue to elect either five, six, or seven members. In these districts, if a plan is proposed, a change would be made to have either a five or seven-member board. All districts would have the option of establishing terms of either four or six years, provided that as close to the same number of vacancies as possible would be rotated at each election.

Changes in terms and number of members could be submitted to the voters either in the form of a plan adopted by the board by resolution or upon petition signed by at least 10 percent of the registered electors of the district. If a suitable petition were filed, the question to adopt or reject the plan would be submitted to the electorate at the next biennial school election. The statutory language which appears on the ballot would be simplified.

#### Aid to Private Institutions of Higher Education -- Bill 13

Because of the committee's concern over the role of the private colleges and universities in Colorado, a one day hearing was scheduled with the presidents of the five major private colleges and universities in the state (i.e., Regis

College, Loretto Heights College, The Colorado College, Colorado Women's College, and the University of Denver). The presidents of these colleges supported the position that a strong dual system of public and private colleges contributes to diversity among institutions and presents an educational choice for students.

A serious concern expressed by the presidents is that enrollments in the private sector have declined each year since 1970, for a net loss of 1,900 students, or 13.6 percent, in a four-year period while, during the same four-year period, enrollments in the public sector have increased by more than 14,500 students, or 13.9 percent statewide. Because of concerns similar to those expressed by the college presidents, the Commission on Higher Education, as part of its comprehensive planning project, appointed a Task Force on the Private Sector to study possible ways and means to utilize the resources of the existing private colleges in the state to enhance the state's total higher education system and to examine several forms of state funding which could be applicable within the private sector.

Since this study was already underway at the time of the committee hearing, members of the task force were requested to complete the initial stage of their study, i.e., determining options for more effective use of resources of the private sector, in time for the Committee on Education to consider the task force recommendations for possible inclusion as part of its final recommendations for 1975.

Bill 13 which established student-aid programs and authorizes contracts for services at accredited nonprofit institutions of higher education, incorporates the task force recommendations and is recommended by the committee.

The major provisions of the bill include:

- Authorization for the Colorado Commission on Higher Education to contract for educational services with each private college to provide educational services to Colorado resident students. An appropriation in the amount of \$892,700 for this purpose is included.
- Authorization for student grants to Colorado resident students, both undergraduate and graduate, attending private colleges. Such grants would include both need-based and no-need awards (excluding athletic scholarships), under the same guidelines applicable in the public sector. An appropri-



ation of \$1,152,000 for student grants is included.

- Authorization for a state appropriation to match federal funds for student loans made at private colleges, as they are presently matched in the public sector. An appropriation of \$100,000 for matching fund is included.
- An amendment to the statute which establishes a Colorado work-study program, extending the program to private institutions of higher education. An amount of \$75,000 is provided for the Colorado work-study program for Colorado resident students.

Rationale for recommendations. Generally, the task force's objective was to provide options for utilizing the resources of the private colleges and universities and not to propose any assumption by the state for either the responsibility for, or the control of, any institution in the private sector. The three major determinations which provided the basis for the task force's recommendations are:

- (1) It is in the public interest for Colorado to provide higher education opportunities for its citizens;
- (2) Colorado should preserve for its citizens the freedom of choice presented by the private institutions; and
- (3) The state could more efficiently utilize the total and diversified resources, both public and private, at less cost.

The task force was cognizant of the United States' constitutional restrictions prohibiting any laws respecting the establishment of religion. However, in light of recent U.S. Supreme Court decisions, the task force concluded that their recommendations were acceptable.

The task force was also aware of the Colorado Constitutional restrictions contained in Article V, Section 34, prohibiting an appropriation to any person or corporation not under absolute control of the state, and in Article IX, Section 7, prohibiting appropriations for sectarian purposes. In this regard, attorney general's opinions have been requested as to the applicability of these provisions to the recommendations of the task force. (At the time of this report, the opinions had not been received.)

The final report of the task force explains in greater detail the options for state funding in the private sector, precedents for such options, and constitutional issues involved in applying these approaches in Colorado.

## II. School Finance

The committee reviewed four proposals on school finance which were submitted to the committee by members of the Council on Educational Development (COED):

- Modification of the pupil transportation formula;
- An amendment to further assist school districts with declining enrollments;
- Increase in the equalization support level and authorized revenue base; and
- Capital reserve and bond redemption fund equalization program.

Briefly, the major provisions of the bills are as follows:

### Public School Transportation Act

State reimbursement at the rate of 24 cents per bus mile traveled in transporting pupils, plus 25 percent of the district's current operating expense which is in excess of 24 cents per bus-mile traveled. The present 90 percent limitation would be expanded to include the purchase of buses.

In addition, the recommendation would provide state reimbursement for 50 percent of the costs for the purchase of buses, subject to the overall 90 percent limitation. State payments would be exempted from the county treasurer's collection fee.

COED estimated the revised pupil transportation legislation would require a state appropriation of \$13,990,000 for fiscal year 1975-1976.

### School Finance Act, Declining Enrollments

The School Finance Act would be amended to allow the

districts to compute attendance entitlement on either the average of the four years preceeding the budget year or the present provision for first or second preceeding year.

COED estimated the cost of the declining enrollment provision to be \$3 million for fiscal 1975-1976; \$6 million for calendar year 1976.

#### School Finance Act, Increase of Equalization Support Level and Authorized Revenue Base

The recommendation would provide (1) that: the state equalization support level per mill, per student, be increased for 1976 from \$29 to \$30.50; (2) that the minimum state support level per mill, per student, be increased for 1976 from \$10 to \$10.75; and (3) that the 1976 authorized revenue base for all school districts be increased by \$50.

The proposed legislation will require state funding of \$13.5 million for fiscal year 1975-1976 over what the act, unamended, would require. For calendar year 1976, the increased cost would be \$27 million.

#### Capital Reserve and Bond Redemption Fund Equalization Program

As a method of providing more revenue under the capital reserve levy, the proposal would provide that the state equalization formula apply to the capital reserve levy in the same manner as the general fund levy.

To encourage stabilization of the total school mill levy, it is proposed that school districts having a debt against the entire school district (as contrasted to the re-organized portions of old districts) would be required to use at least one-fourth of the equalized revenue from four mills for the bond redemption fund, thereby, reducing the bond and interest levy.

The state equalization support level for each of the four mills, per student, would be for 1976, \$30.50 with a minimum state support level of \$10.75, which is consistent with the proposed change in the state equalization support level in the School Finance Act.

Committee recommendation. In view of the fact that the Committee on State and Local Finance acted on these bills, the Committee on Education endorsed the action of the State and Local Finance Committee in bringing these matters before the General Assembly in 1975.

A more detailed description of the bills, as well as the text of the bills, is included in the report of the Committee on State and Local Finance.

### III. Teacher Certification

#### Teacher Certification -- Bill 14

A significant amount of time was devoted to the consideration of draft legislation prepared by a committee of educators appointed by the state Department of Education to review the teacher certification statutes in Colorado. Bill 14, which sets forth a process of teacher preparation, certification, and subsequent recertification incorporates some of the recommendations of the committee of the state department, as well as amendments adopted by the Committee on Education, but is submitted to the General Assembly without recommendation. The process, as envisioned, would involve a series of interlocking steps rather than a list of specific requirements. A number of key steps in the process are noted below with some elaboration of the responsibilities involved in each step.

#### Setting of standards for teacher preparation programs.

(a) The state board would establish guidelines and standards to be used in the evaluation of any preparation program leading to certification of school professional personnel.

(b) Program review, site visitations, and comprehensive evaluations would be conducted by the state board to ensure that institutions develop programs responsibly, that the public interest and students are protected, and that institutions undertake activities within their capabilities.

#### Assistance, review, and evaluation of teacher training.

(c) The commissioner would provide recommendations and expertise to the state board to assist with their program review and approval responsibilities.

(d) The state department would serve as a resource to colleges and universities as they develop and implement programs.

(e) The commissioner, the state department, and advisory committees would review and evaluate standards and programs of teacher preparation so that the programs would be relevant to the role of educators and the needs of students in the schools in Colorado.

(f) The state department would follow up on graduates of Colorado teacher preparation programs to provide data for evaluation and improvement of these programs.

Requirements for certification. (g) Candidates for teaching certificates would be required to meet general qualifications and specific requirements for each type of certificate. Specific requirements for certification would vary between the types of certificates issued. Appropriate academic degrees, programs of teacher preparation, and other criteria, in addition to formal education requirements, would be established for each type of certificate. Certification fees would be \$15 and certification would be valid for five-year periods.

(h) An approved plan of professional development experience would be required for the renewal of a teaching certificate. The plan, to be submitted by the teacher to the state department, would need to be appropriate to the certificate to be renewed.

A plan of professional development for teachers would consist of not less than eight semester hours, three of which could be earned through in-service programs approved by the state board. Other criteria, in addition to formal education requirements, could be adopted by the state board for certification and recertification of teachers.

Renewal of certificates. (i) Applicants for renewal of certificates who had taught less than one year in the last five would be required to complete an approved plan of eight semester or twelve quarter hours of college credit and would be required to submit an institutional recommendation.

Types of certificates. (j) The subjects presently covered by special services certificates (Type E Certificates) could be extended by the state board. The state board could prescribe qualifications for persons who had completed a program of preparation in areas of the education of handicapped children; the physical and mental health of students; counseling and other psychological services for students; and curriculum materials.

Revocation or suspension of certificates. (k) The state board could revoke or suspend any teaching certificate or letter of authorization upon determination that the holder:

- (1) Knowingly made false or misleading statements on the application;

- (2) Had been adjudicated mentally incompetent;
- (3) Was in violation of a law involving unlawful sexual behavior;
- (4) Was in violation of a law involving illegal sale of narcotics; or
- (5) Had been determined to be professionally incompetent or found guilty of unethical behavior.

#### IV. Dismissals and Reduction in Force -- Higher Education

The committee considered the related topics of faculty dismissals, non-renewal of contracts, and reduction in force (RIF) in public higher education institutions in Colorado. A number of persons representing several different governing bodies of the institutions explained the status of the faculty rules, policies, and procedures which govern the various community colleges, state colleges, and universities in these areas.

The committee concluded that state legislation is not necessary at this time for the following reasons:

(1) The most satisfactory method for dealing with the situation is for each institution, or group of institutions under one governing board, to develop due process procedures as a joint effort between members of the faculty, the administration, and the institutional governing board.

(2) The committee found that the governing boards of all public institutions of higher education have acted to formulate written policies concerning the topics of dismissal, non-renewal, and RIFs. Policies have been adopted by the University of Colorado Board of Regents for all campuses of CU; the State Board of Agriculture for Colorado State University and for Fort Lewis State College; Trustees of the State Colleges for the five institutions which that board governs; the trustees of the University of Northern Colorado for UNC; and the State Board for Community Colleges and Occupational Education for the seven state community colleges under their jurisdiction. At the time of this writing, the trustees of the Colorado School of Mines were engaged in the process of extending existing procedures to include policy areas not previously covered.

(3) The several types of academic institutions have different objectives, requirements, and qualifications for faculty members which require their individual solutions for each campus or group of institutions. Since different conditions and situations may exist from institution to institution, the adoption of rigid statutory procedures to be used for a reduction in force or in the dismissal of tenured faculty (as opposed to non-tenured or probationary faculty) could result in a cumbersome and unwieldy procedure which would ultimately work to both the disadvantage of the faculty as well as the institution.

The committee supported the concept that fairness to all faculty members is fundamental, but each institution should develop its own standards and due process procedures uniquely suited to the needs and goals of the institution. In short, procedures fair and appropriate to a university may be inappropriate and unnecessary to achieve the same results at a small community college.

#### V. Other Issues Considered

Collective negotiations. Anticipating accelerated pressure for the adoption of collective bargaining legislation in Colorado, members of the committee believed it advisable to review the major issues involved in collective negotiations legislation. The committee heard from representatives of several educational organizations in Colorado as to the alternative approaches which they have considered and the possible implications that need to be recognized when dealing with the complex issue of public employee collective negotiations.

Statements were presented to the committee from the Colorado Federation of Teachers (CFT), Colorado Education Association (CEA), Colorado Association of School Executives (CASE), and the Colorado Association of School Boards (CASB).

Briefly, some of the positions taken were as follows:

(1) CFT: Amend the Colorado Labor Peace Act to provide collective bargaining for teachers and faculty. Strikes would be permitted, binding arbitration for grievances would be provided, and an elected teacher's organization would be the exclusive bargaining agent of the bargaining unit.

(2) CEA: Negotiations legislation should include: (a) enumeration of unfair practices by teachers or boards; (b) mediation followed by fact-finding if mediation is unsuccessful; (c) legalized work stoppage following employment of a

mediator and fact-finder; (d) binding arbitration over grievances; and (e) negotiated terms and conditions reduced to a written contract.

(3) CASE: If there is legislation, it should include (a) all public employees; (b) negotiable items, i.e., salaries and wage-related fringe benefits; (c) a provision that legal responsibilities of governing boards may not be negotiated; (d) prohibition of strikes; (e) mediation, fact-finding, and advisory arbitration; and (e) a timetable for negotiations consistent with the budgetary timetable.

(4) CASB: The Colorado Association of School Boards did not present an official position but submitted a list of issues to be considered in the development of the law and the popular arguments in favor and against a collective bargaining law for teachers.

Although the committee's intent was not to consider or recommend legislation, the committee concluded that if a collective negotiations law for teachers is adopted, the presence of a collective contract would eliminate the need for individual contracts.

Bilingual and reading study (S.J.R. 20, 1974 session). The committee followed the development of a study by the state Department of Education which is to establish the extent of activities and needs in school districts for special reading programs and bilingual education. Results of a survey of existing programs are being returned to the state department. The results should indicate the school districts in which programs are now being conducted, characteristics of the most effective programs, and how the programs can be adopted or modified for application in other school districts. In the reading program, in particular, some conclusions may be reached which will result in better coordination of existing programs such as right-to-read, compensatory education, and Title III of the Elementary and Secondary Education Act.

Junior colleges. Statutory provisions governing the operation of local district junior colleges are presently scattered in several articles of Colorado Revised Statutes pertaining to public elementary and secondary education and higher education. A number of committee members indicated a willingness to draft a recodification of the junior college statutes for introduction in the 1975 session. One of the objectives of this effort would be to codify, in one article of the higher education statutes, all of the laws which govern local district junior colleges.

Colorado High School Activities Association. In the 1973 committee report it was noted that a number of policies



and rules of the Colorado High School Activities Association (CHSAA) had been the topic of discussion and contention by persons interested in this organization. The specific issues raised related to procedures for appeal of a decision affecting an individual participant; time limitations on participation in interscholastic activities during non-school hours, in summer clinics, and during off-seasons; and the differentiation in rules for team sports as contrasted with individual sports and between athletic and non-athletic competition.

Subsequent to the committee's review and report on the CHSAA, the Colorado Association of School Boards, at its annual convention, directed a "study and review of CHSAA operations...to make appropriate recommendations for changes or improvement in that operation, if it is determined that such are needed." The Colorado Association of School Boards appointed a committee of seven school board members and four administrators to conduct the study. In addition, the CHSAA Board of Control, at its 1974 meeting, adopted a number of changes in procedure including a new appeals procedure, modification of the outside practice rule, and changes in the transfer rule.

The CASB committee had held six meetings at the time of this report and the Committee on Education was impressed with the diligence and care with which the problems were being studied. It appears, however, that a number of additional meetings will be required by the CASB committee prior to the formulation of their recommendations; therefore, it is premature to anticipate the changes which might result from this effort.

The Committee on Education is optimistic that the major issues involving interscholastic activities in the public schools can be resolved through the approach used by the CASB, the CHSAA itself, and continued monitoring by a citizen ad hoc committee. The General Assembly should review this area of concern periodically to ensure continued progress in the resolution of problems.

Boards of cooperative services (BOCS). Several persons testified before the committee objecting to boards of cooperative services on the grounds that they are usurping the powers of local boards of education and diminishing local autonomy. In addition, these persons objected to BOCS serving as "administrative units" for implementation of the Handicapped Children's Act.

The committee concluded that BOCS are unique in the sense that they exist and function solely at the discretion of local boards of education and that a BOCS can do only those things delegated to it by the component boards and can embark

upon a new program only after the commitment of the member boards is sufficient to finance a program.

In addition, the committee reaffirmed that the value of BOCES is primarily as a service agency which can provide services and programs to districts which the districts cannot more efficiently provide by themselves.

Colorado Education Resource Inventory System (CERIS). The committee heard a presentation on the CERIS approach to management of teaching personnel and the potential for application of modern administrative technology to management of public education.

The committee concluded that there are certain elements of the CERIS approach which would be both beneficial and efficient for public education. The CERIS program could promote the interchange of teachers between districts based on a state inventory of teachers and available positions, provide opportunities for twelve-month employment resulting in an increased annual salary, and could establish a statewide salary scale relieving local school boards of the responsibility for negotiating teacher's salaries.

Data needs assessment project of Department of Education. The committee followed the progress of the data needs assessment project which is being conducted by the Department of Education in conjunction with Westinghouse Learning Corporation. The goal of the project is to determine what types of data various segments of the population believe are needed to adequately describe school districts in the state. Once this determination has been made, the department will structure its data collection procedures so that this information can be made readily available.

Citizen discussion. A hearing was held at which time several private citizens expressed their views on educational programs and policies. Some of the issues discussed were vocational education, career education, a redefinition of educational goals and values, and the need for legislation to restore parental rights in education. Many of the concerns which were expressed to the committee, particularly in regard to the inherent dangers in providing equal program opportunities in the schools for both sexes, are primarily matters of federal concern over which the state has no control.

Health education. Representatives from the Department of Health and the Department of Education, as well as other interested persons, appeared before the committee with a bill which would establish a comprehensive health education program for students in grades K through twelve.

The committee concluded that the need for health education is apparent, but submits no recommendation on this topic.

Special education. Members of the state Special Education Advisory Committee appeared before the committee to discuss the acceptance of the concept of "mainstreaming" a greater number of special education children in the regular classroom as provided in the Handicapped Children's Act. In addition, several persons testified as to the accuracy of the cost projections for full implementation of the act. Other topics were reviewed including the process used by the state department for plan approval and the status and success of in-service training.

The committee concluded that it would be advisable for the General Assembly to continue to monitor the progress of administrative units, through the Department of Education, toward the statutory requirement of full implementation of the act by July 1, 1975.

BILL 11

TEXT

EXPLANATION

A BILL FOR AN ACT

1 CONCERNING SCHOOL ELECTIONS, AND MAKING AN APPROPRIATION  
2 THEREFOR.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 1-2-202 (5), Colorado Revised Statutes 1973, is  
5 amended to read:

6 1-2-202. Registration by county clerk and recorder. (5)

7 ~~Notwithstanding~~ AT ANY TIME THAT THE REGISTRATION BOOKS OF THE  
8 COUNTY CLERK AND RECORDER ARE CLOSED PURSUANT TO the provisions  
9 of subsection (1) of this section, ~~during--the--period--that--the~~  
10 ~~registration-books-are-closed-prior-to-a-primary-election;~~ except  
11 for the five days before each primary election and on primary  
12 election days, the county clerk and recorder shall register any  
13 qualified elector residing in any precinct in the county who  
14 appears in person at his office, or at any office regularly  
15 maintained by him and staffed by his employees, BUT the names of  
16 persons registering pursuant to the provisions of this subsection  
17 (5) shall not be placed in the registration book nor added to the  
18 list of registered electors ~~nor-shall-such-persons-be-entitled-to~~  
19 ~~vote-at-any-election~~ until after the primary election for which

Would extend period during which a qualified elector may register with the county clerk, but the actual entering of the names in the registration book could not take place until after the election and in no case would the person be allowed to vote in any election until he had met the 32-day requirement.

TEXT

EXPLANATION

1 the registration books were closed. Registrations made pursuant  
 2 to this subsection (5) shall take effect on the day following the  
 3 primary election for which the registration books were closed,  
 4 and after said date such registrations shall be effective as of  
 5 the date the registration was actually made. The books and lists  
 6 prepared for all elections held after the primary election for  
 7 which the registration books were closed shall include the names  
 8 of all such persons WHO ACTUALLY REGISTERED MORE THAN THIRTY-TWO  
 9 DAYS PRIOR TO THE ELECTION FOR WHICH THE BOOKS OR LISTS ARE  
 10 PREPARED.

11 SECTION 2. 22-2-112 (1), Colorado Revised Statutes 1973, is  
 12 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13 22-2-112. Commissioner - duties. (1) (1) To prepare a  
 14 manual setting forth simplified election procedures for use by  
 15 the election judges in the district. He shall notify the  
 16 superintendent of each district that such a manual is available  
 17 and that copies will be furnished upon request and free of  
 18 charge. When the school election laws have changed, he shall  
 19 revise the manual to comply with the then existing laws. Such

Would provide a manual to be prepared by  
 the CDE to assist election judges with  
 election procedures.

TEXT

EXPLANATION

1 revisions may be made by inserts to the manual.

2 SECTION 3. 22-31-101, Colorado Revised Statutes 1973  
3 (numbered as 123-31-1, C.R.S. 1963), as amended by section 1 of  
4 chapter 90, Session Laws of Colorado 1974, is amended BY THE  
5 ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

6 22-31-101. Definitions. (9) "Electronic voting equipment"  
7 or a "punch card electronic voting system" means a method in  
8 which votes are recorded on ballot cards by means of marking or  
9 punching, and such votes are subsequently counted and tabulated  
10 by electronic vote tabulating equipment at one or more counting  
11 centers.

12 (10) "Electronic vote tabulating equipment" or "electronic  
13 vote counting equipment" includes any apparatus necessary to  
14 automatically examine and count votes as designated on ballot  
15 cards and tabulate the result.

16 (11) "Vote recorder" or "voting device" means any apparatus  
17 which the voter uses to record his votes by marking or punching a  
18 hole in a paper ballot or tabulating card, which votes are  
19 subsequently counted by electronic tabulating equipment.

Would add definitions of "electronic vot-  
ing equipment", "electronic vote tabula-  
ting equipment", and "voter recorder" to  
school election laws.

TEXT

EXPLANATION

1 SECTION 4. 22-31-104, Colorado Revised Statutes 1973,  
2 (numbered as 123-31-4, C.R.S. 1963), as amended by section 2 of  
3 chapter 90, Session Laws of Colorado 1974, is REPEALED AND  
4 REENACTED, WITH AMENDMENTS, to read:

5 22-31-104. Regular biennial school election. Except as  
6 provided in section 22-31-131, pertaining to districts whose  
7 boundaries are coterminous with a city and county, the regular  
8 biennial school election in each school district shall be held on  
9 the first Tuesday after the first Monday in May of each  
10 odd-numbered year.

11 SECTION 5. 22-31-106 (5), Colorado Revised Statutes 1973  
12 (numbered as 123-31-6 (5), C.R.S. 1963), as amended by section 1  
13 of chapter 91, Session Laws of Colorado 1974, is amended to read:

14 22-31-106. Persons entitled to vote at regular biennial  
15 school elections - registration required. (5) Notwithstanding  
16 the provisions of subsections (3) and (4) of this section, the  
17 registration list for any school election held within a period of  
18 one hundred thirty days following any general election, as

Cross reference to 22-31-131 (Section 14 of this act). Effect of section 4 would be to exclude Denver from this section since Denver school elections are provided for in Section 22-31-131.

TEXT

1 defined in section 1-1-104, C.R.S. 1973, shall include the names  
2 of all those persons registered to vote at said general election  
3 and in addition shall include the names of those persons who have  
4 registered pursuant to the provisions of section 1-2-202 (5),  
5 C.R.S. 1973, during the period when the registration books were  
6 closed and who actually registered more than thirty-two days  
7 prior to the school election for which said list is prepared.  
8 ~~Notwithstanding the provisions of subsections (3) and (4) of this~~  
9 ~~section, and any other provisions of law to the contrary, the~~  
10 ~~board of education of any school district may, in its discretion,~~  
11 ~~determine by resolution to use registration lists containing the~~  
12 ~~names of all those persons who were registered to vote at the~~  
13 ~~general election held in November, 1972, for any regular or~~  
14 ~~special school election held during the calendar year 1974 only;~~  
15 ~~if said lists are available and if, on the date on which said~~  
16 ~~board takes action to call said school election, the county clerk~~  
17 ~~and recorder in one or more of the counties having territory~~  
18 ~~include within said school district has been prevented from~~  
19 ~~completing the purchasing of said county's registration books by~~

EXPLANATION

Language stricken and the two subsections which follow (22-31-106 (6) and (7) repealed in Section 15) is not applicable after 1974 because these provisions pertain only to elections for 1974.



TEXT

1 legal-proceedings-or-otherwise:

2 SECTION 6. 22-31-107 (1), Colorado Revised Statutes 1973  
3 (numbered as 123-31-7 (1), C.R.S. 1963), as amended by section 3  
4 of chapter 90, Session Laws of Colorado 1974, is amended to read:

5 22-31-107. Qualification and nomination of candidates for  
6 school director. (1) Any candidate for the office of school  
7 director of a school district shall be a qualified REGISTERED  
8 elector of such district and, if the school district has a  
9 director district plan of representation, he shall be a resident  
10 of the director district in which he is a candidate unless he has  
11 been elected at the time of or prior to the adoption of a  
12 director district plan of representation by the electors of said  
13 district.

14 SECTION 7. 22-31-111 (1), Colorado Revised Statutes 1973  
15 (numbered as 123-31-11 (1), C.R.S. 1963), as amended by section 4  
16 of chapter 90, Session Laws of Colorado 1974, is REPEALED AND  
17 REENACTED, WITH AMENDMENTS, to read:

18 22-31-111. Precincts and polling places. (1) (a) The  
19 board of education, not less than five weeks prior to the time of

EXPLANATION

Change of "qualified" to "registered"  
elector as a qualification for candidates  
for school directors.

(1) Board of education, not county com-  
mission or election commission,  
would set precincts.

TEXT

1 the holding of any regular biennial school election, shall  
2 establish one or more school election precincts in the school  
3 district, consisting of one or more whole general election  
4 precincts whenever practicable, shall number the same  
5 consecutively beginning with the number one, and shall designate  
6 one polling place in each precinct. Such precincts shall remain  
7 in effect for all subsequent special elections unless modified by  
8 the board at least five weeks prior to any such special election.

9 (b) When it is deemed necessary by the board, the board, or  
10 if the board does not have time to meet, the secretary of the  
11 board, may at any time before the day of the election change the  
12 location of the polling place for the election precinct and in  
13 case of such change shall post notices thereof at both the  
14 original and the newly selected polling places no later than 7  
15 a.m. of election day.

16 (c) On the day of the election, if it is deemed necessary  
17 by the judges of election to hold an election at a place other  
18 than the place designated therefor, the judges, after having  
19 assembled at or as near as practicable to such place, may move to

EXPLANATION

(2) Time limit for precinct designation and changes would be five weeks prior to election.

(3) Precincts would be numbered and would have one polling place.

New paragraph (b) would add procedures for changes in polling places by the board or the secretary of the board.

New paragraph (c) would add procedure for judges of election to change polling place in case of emergency on the day of the election.

TEXT

EXPLANATION

1 the nearest convenient place for holding the election. In case  
2 of such change, the judges shall post notices thereof at both the  
3 original and the newly selected polling places as soon as  
4 possible, and at such newly selected place shall forthwith  
5 proceed with the election.

6 SECTION 8. 22-31-113, Colorado Revised Statutes 1973, is  
7 amended to read:

8 22-31-113. Notice of school election. The secretary of  
9 each board of education shall give written or printed notice of  
10 the regular biennial school election, specifying the day and  
11 polling places of such election, the boundaries of school  
12 election precincts, the time during which the polls shall be  
13 open, the offices and questions to be voted on, the names of all  
14 candidates who have been nominated, and the qualifications for an  
15 elector to vote at said election. Said notice shall be published  
16 for ~~the two weeks next preceeding such election~~ THREE CONSECUTIVE  
17 WEEKS BY THREE PUBLICATIONS, in some newspaper having general  
18 circulation in the district, ~~in accordance with the provisions of~~  
19 ~~part 1 of article 70 of title 24, C.R.S., 1973.~~ THE FIRST

Notice of school elections would be published not less than 18 days prior to the election, for three consecutive weeks,

TEXT

EXPLANATION

1 PUBLICATION OF SUCH NOTICE TO BE NOT LESS THAN EIGHTEEN DAYS  
2 PRIOR TO THE ELECTION DATE.

by three publications in newspapers hav-  
ing general circulation in the district.  
Reference to part 1 of Article 70 of  
Title 24 is to a general provision for  
publication of legal notices.

3 SECTION 9. 22-31-114 (1), Colorado Revised Statutes 1973,  
4 is amended, and the said 22-31-114 is further amended BY THE  
5 ADDITION OF A NEW SUBSECTION, to read:

6 22-31-114. Ballots, ballot boxes, voting machines, and  
7 electronic voting equipment. (1) Either paper ballots, ~~or~~  
8 voting machines, OR ELECTRONIC VOTING EQUIPMENT of a type  
9 approved for use in general elections may be used in regular  
10 biennial school elections or in special school elections. Prior  
11 to the time of the election the secretary of the board of  
12 education of the school district shall cause to be prepared and  
13 delivered to each school election precinct a sufficient number of  
14 printed ballots and ballot boxes, ~~or~~ voting machines, OR VOTE  
15 RECORDERS for the precinct for said election. Ballots, ~~or~~ voting  
16 machines, OR VOTE RECORDERS shall contain the names of all  
17 candidates nominated for school director and questions to be  
18 voted upon at said election, which names shall be arranged by  
19 director districts when applicable, and otherwise in alphabetical

Would add provisions for electronic vot-  
ing equipment and vote recorders for  
school elections.

TEXT

EXPLANATION

1 order according to surnames; and on the ballot OR VOTE RECORDER  
2 shall be printed such words as will indicate the number and terms  
3 of school directors to be elected. Ballot boxes shall meet the  
4 same specifications as required for ballot boxes in general  
5 elections.

6 (3) In school districts using electronic voting equipment,  
7 the requirements and procedures shall be the same as those set  
8 out in sections 1-6-113 to 1-6-121, C.R.S. 1973, insofar as they  
9 are not inconsistent with the provisions of this article.

10 SECTION 10. 22-31-125, Colorado Revised Statutes 1973, is  
11 amended to read:

12 22-31-125. Oath of directors. Each director shall, within  
13 ten days after delivery of his certificate of election, appear  
14 before some officer authorized to administer oaths, OR BEFORE THE  
15 PRESIDENT OF THE BOARD, and take an oath that he will faithfully  
16 perform the duties of his office as required by law and will  
17 support the constitution of the United States, the constitution  
18 of the state of Colorado, and the laws made pursuant thereto.

19 ~~The oath may be administered by the county superintendent or by~~

New subsection (3) would provide cross reference to general election statutes concerning requirements of electronic voting.

President of the school board could administer oath of office and the oath shall be filed with the county clerk and recorder. Reference to county superintendents administering the oath would be removed.