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SCHOOL LAWS

Enacted by

The Thirty-third
General Assembly

STATE OF COLORADO



1941

INEZ JOHNSON LEWIS

State Superintendent of
Public Instruction

AN ACT

SENATE BILL NO. 25

CONCERNING EDUCATION AND AMENDING SECTION ONE (1) OF CHAPTER 239 OF THE SESSION LAWS OF 1937.

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

SECTION 1. That Section 1, Chapter 239, Session Laws of 1937, is hereby amended to read as follows:

Section 1. All County teacher certificates of whatever kind issued and in force on April 1, 1941, shall be valid until August 31, 1942. All teacher certificates issued after April 1, 1941, and before September 1, 1941, shall be valid until August 31, 1942. All county examinations for teacher certificates and the issuance and renewal of county teacher certificates by the county superintendent of schools shall be discontinued and thereafter all teacher certificates shall be issued by the state superintendent of public instruction except such teacher certificates as are issued by the Colorado State normal schools or state teachers colleges as provided by law; *provided, however*, that this act shall not apply to county teacher certificates nor to certificates issued by boards of education prior to July 15, 1923, which are now in force and effect.

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

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 17, 1941.
Effective immediately.

AN ACT

HOUSE BILL NO. 216

RELATING TO THE DISTRIBUTION OF RENTALS RECEIVED FROM STATE LANDS.

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

SECTION 1. Section 6, Chapter 211, Session Laws of Colorado, 1937, is hereby amended to read as follows:

Section 6. The Board is authorized to designate as State Forests, units of lands suitable in character and size for such purpose and to administer such units for the sustained yield of forest and range products therefrom. All funds of moneys collected or acquired by the Board from rentals in the administration of such units, shall be paid over to the state treasurer to be deposited and transferred as follows: Seventy-five per cent (75%) to the Public School Income Fund of the State and twenty-five per cent (25%) to the General County School Fund of the county in which the land from which the rentals were derived is located.

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

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 17, 1941.

Effective immediately.

AN ACT

HOUSE BILL NO. 1364

AMENDING SECTION 74 OF CHAPTER 146, 1935 COLORADO
STATUTES ANNOTATED, RELATING TO SCHOOL DIS-
TRICTS. .

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

SECTION 1. Section 74, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 74. It shall be lawful for any school district in this state to take and hold, under the provisions of any law now or hereafter in force providing for the exercise of the right of eminent domain, so much real estate as may be necessary for the location and construction of a school house and convenient use of the school; provided, that the real estate so taken otherwise than by the consent of the owner thereof, shall not exceed three acres in any one place or location if real estate be unplatted and not exceeding one block if real estate be platted.

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

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 26, 1941.

Effective immediately.

AN ACT

SENATE BILL NO. 746

TO AMEND SECTION 89, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED, RELATING TO THE POWERS OF SCHOOL BOARDS.

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

SECTION 1. Section 89, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended by adding thereto a new subsection Sixteenth, to read as follows:

Sixteenth—Whenever a pupil, resident in any school district which does not have a high school system, is admitted to a high school in a school district having a high school system the tuition of such pupil shall be not less than fifty-four dollars (\$54.00) for any school year unless otherwise fixed by agreement of the boards of directors of the respective school districts.

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

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 17, 1941.

Effective immediately.

AN ACT

SENATE BILL NO. 534

TO PERMIT A BOARD OF EDUCATION OF A SCHOOL DISTRICT TO ESTABLISH A BENEFIT AND RETIREMENT SYSTEM FOR EMPLOYEES FINANCED WHOLLY OR IN PART BY CONTRIBUTIONS OR ASSESSMENTS OF THE EMPLOYEES OF THE SCHOOL DISTRICT.

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

SECTION 1. Any board of education may establish a benefit or retirement system for its employees.

SECTION 2. The board of education shall determine the method to be used in providing for the organization of such a system, including provision for a board of managers for the benefit or retirement system.

SECTION 3. The board of managers, subject to the approval of the board of education, shall adopt and may from time to time amend or repeal rules, regulations, and by-laws for the conduct of the benefit or retirement system, including rules and regulations regarding the contributions or assessments of the employees of the school district, the custody of the funds received from the contributions or assessments, and the benefits to which members of the system shall be entitled.

SECTION 4. Boards of education are hereby authorized to determine whether or not membership in such benefit or retirement system shall be required or voluntary for employees then employed or for future employees or for both.

SECTION 5. Boards of education are hereby authorized to make deductions from the salary payments of employees participating in the benefit or retirement system and to transmit said deductions to the board of managers of the benefit or retirement system to be used by said board to pay benefits in accordance with the rules, regulations, and by-laws authorized in Section 3 of this Act.

SECTION 6. Payments of members held in reserve for future benefit payments, if invested, may be invested only in securities authorized for the investment of trust funds in Colorado, or in Retirement Income plans of Legal Reserve Life Insurance Companies admitted to do business in the State of Colorado.

SECTION 7. Boards of education which have established or may establish pension plans for their employees in accordance with Chapter 146, Sections 250 to 254, inclusive, of the Colorado Annotated Statutes 1935, are hereby authorized to combine the benefit provisions of such pension plans with any benefits which may be provided for employees or their dependents under any provisions of this Act. However, the tax limitations specified in Chapter 146, Sections 250 to 254, inclusive, Colorado Annotated Statutes 1935, for the purposes designated by that chapter, is expressly re-enacted in this statute.

SECTION 8. All acts or parts of acts in conflict herewith are hereby repealed.

Approved April 17, 1941.

Effective 90 days from date of approval.

AN ACT

HOUSE BILL NO. 434

RELATING TO THE ESTABLISHMENT OF SUSAN B.
ANTHONY DAY IN COLORADO.

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

SECTION 1. The fifteenth (15th) day of February in each year, the same being the anniversary of the birth of Susan B. Anthony, shall be known as "Susan B. Anthony Day" and may be observed in the public schools of the State by suitable study and classroom discussion which set forth the importance of the great contribution she made to the cause of freedom.

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

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 18, 1941.

Effective immediately.

AN ACT

HOUSE BILL NO. 558

TO SIMPLIFY THE FUND STRUCTURE OF THE STATE GOVERNMENT; TO CLASSIFY STATE FUNDS; AND TO MERGE AND CONSOLIDATE FUNDS.

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

Section 1. DECLARATION OF POLICY. The practice of accumulating unnecessary surplus revenues by various cash funds of the state as a general policy is condemned by the General Assembly of the State of Colorado; and the necessity in the public interest for the provisions hereinafter enacted, is hereby declared as a matter of legislative determination.

Section 2. At the commencement of the biennial fiscal period beginning July 1, 1941, all revenues paid into the following designated funds derived from the provisions of law establishing the right to collect said funds together with all balances remaining after payment of any obligations incurred in the preceding biennium, shall be expended only in conformity with the provisions of this Act:

* * * * *

(22) The fund commonly called the Superintendent of Public Instruction Certificate Fund, established pursuant to Chapter 146, Article IX, of 1935 Colorado Statutes Annotated, including amendments thereto.

Section 3. The General Assembly commencing July 1, 1941, and for every biennial fiscal period thereafter, shall appropriate on a biennial fiscal basis so much of each said fund, designated in Section 2 of this Act, as is necessary to carry out the administration and functions of the department, board, bureau or agency for which said fund was created.

Section 4. The funds designated in subsections * * * 22 of Section 2 of this Act shall pay ten per cent (10%) of all the gross proceeds collected by them pursuant to the provision or provisions of law establishing the fund from the licenses, fees or revenues collected by each of them, which said ten per cent (10%) shall be payable to the General Fund of the State of Colorado.

Section 5. (a) The funds designated in Section 2 of this Act shall be allowed to accumulate a normal surplus of not to exceed one-fourth of the amount of the biennial appropriation made for any biennial fiscal period for each of said particular funds. Any amount accumulated in excess of said surplus shall be disposed of in the following manner:

(1) The board, bureau, commission or administrative head of each of said funds, thirty (30) days prior to the expiration of its license period or thirty (30) days prior to June 30 of each year, if there is no set date of license period, shall certify to the Budget and Efficiency Commissioner and to the State Treasurer, the amount of excess surplus available in said fund over and above the normal surplus designated in subsection (a) of this section, together with the number of licenses issued for each purpose or each class in the preceding year. Upon approval by the Budget and Efficiency Commissioner and the State Treasurer, the board, bureau, commission or administrative head of each fund shall certify to the Director of Revenue the amount of pro rata credit that shall be allowed for the next ensuing license period on the issuance of all renewal licenses, which said pro rata credit shall be determined by dividing the number of licenses issued the preceding year into the excess surplus available for distribution and crediting the quotient arrived at to those licenses which will be renewed for the next ensuing license period.

(2) In the event any board, bureau, commission or administrative head of any fund shall fail to certify said list, any excess surplus shall at the beginning of the next biennial period revert to and be merged in the General Fund of the State of Colorado.

* * * * *

Section 10. Repeal. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Section 11. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Section 12. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved April 9, 1941.

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