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# SCHOOL LAWS

Enacted by

The Thirty-fourth  
General Assembly

STATE OF COLORADO



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# AN ACT

## HOUSE BILL NO. 120

TO PROVIDE FOR THE EDUCATIONAL TRAINING OF DEAF-BLIND STUDENTS OF THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND IN OUT-OF-STATE INSTITUTIONS EQUIPPED FOR SUCH TRAINING, OR OTHERWISE.

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

Section 1. The Superintendent of the Colorado School for the Deaf and the Blind is hereby authorized to expend any moneys necessary out of the mill levy for the support of the Colorado School for the Deaf and the Blind, to provide for the educational training of eligible deaf-blind students who are residents of the State of Colorado and who are financially unable to pay for such training, in institutions located outside of the State of Colorado which are equipped to provide for the educational training of such students, or by the employment of a skilled person, as a home teacher, trained in the work of teaching deaf-blind students; provided that the compensation of any such skilled person as a home teacher shall not be greater, in any one instance, than the expense of the education of any such deaf-blind pupil if resident in any named institution located outside of the State of Colorado.

In each instance, the Institution selected or the skilled person employed for the educational training of such deaf-blind student shall be approved by the Board of Trustees of the Colorado School for the Deaf and the Blind.

Section 2. Any moneys expended under authority of this act shall be expended under the direction and control of the Board of Trustees of the Colorado School for the Deaf and the Blind, and the State Treasurer is hereby authorized, upon presentation of vouchers of said Board of Trustees, duly issued and certified as provided by law, to draw warrants in payment thereof.

Section 3. The General Assembly finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Section 4. 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 20, 1943.

# AN ACT

## HOUSE BILL NO. 180

### RELATING TO REVENUE AND TAXATION AND TO AMEND SECTION 36, CHAPTER 175, SESSION LAWS OF COLORADO, 1937, AS AMENDED.

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

Section 1. Section 36, Chapter 175, Session Laws of Colorado, 1937, as amended by Chapter 116, Session Laws of Colorado, 1939, as amended by Section 1, Chapter 144, Session Laws of Colorado, 1941, is hereby amended to read as follows:

Section 36. Allocation of Revenue.—All moneys received under the provisions of this act shall be deposited daily with the state treasurer.

(1) Five per cent (5%) of the revenue collected under this act shall be placed in a separate fund and designated "Income Tax Refund" as provided in Section 30. Any taxpayer who establishes a claim that he has paid more under this act than the law requires shall be reimbursed from this fund and if such fund is insufficient, then such refunds shall be made from current collections under this act without regard to the year or period to which said refund relates, provided the period of limitations (Section 29) is not violated. If at the end of any state fiscal year there is in said fund a sum in excess of fifty thousand dollars (\$50,000.00), such excess shall be allocated as provided by this section.

(2) The remainder of the taxes collected under this act shall be allocated as follows:

(a) *Five per cent (5%) to the Department of Revenue Administration Fund, as much thereof as is necessary to be appropriated by the General Assembly for the administration of this act.*

*"(b) There is hereby created a fund to be known as 'reserve for general county school funds.' After the deductions required by subdivisions (1) and (2)-(a) of this section, there is hereby appropriated and set aside out of the remainder of the income tax collections accrued and accruing, received and receivable, on and after July 1, 1943:*

*"To the 'reserve for general county school funds' 35 per cent of said remainder of all collections of said tax made after June 30, 1943.*

*"To the general fund of the state 65 per cent of said remainder of all collections of said tax made after June 30, 1943; provided, however, that for and during the biennium commencing July 1, 1943, and ending June 30, 1945, there shall be set aside out of the remainder of income tax collections and prior to the allocation of 65% thereof to the General Fund as aforesaid, 15% of said collec-*

tions, which said 15% shall be paid to the State School Equalization Fund.

“(c) All sums of money hereinabove appropriated to the ‘reserve for general county school funds’ shall be paid out on warrants drawn by the State Treasurer for the purpose of replacing the property tax in whole or in part now authorized by law in Chapter 146, Sections 242 and 243, as amended, 1935 Colorado Statutes Annotated, in the manner and at the times hereinafter set forth in this Section 36.”

(3) The amount of money which each county, or city and county, may receive in any fiscal year from aid (said) “Reserve for General School Funds” shall be determined as follows:

(a) Prior to the first day of September in the years 1937 and 1938, and prior to the fifteenth day of September of each year thereafter, the County Superintendent of Schools in each county or in each city and county shall certify to the State Superintendent of Public Instruction, the school population of the county, or of the city and county, as determined by the last school census taken as required by law.

(b) Prior to the fifteenth day of September, in the years 1937 and 1938, and prior to the first day of October of each year thereafter, the State Superintendent of Public Instruction shall certify to the State Treasurer the school population of each county, or of each city and county, within the state and the total school population of the state.

(c) On the first day of October, in the years 1937 and 1938, and on the twentieth day of October each year thereafter, the State Treasurer shall divide the total amount of money in the “Reserve for General County School Funds” by the total number of children of school age in the state as certified to him by the State Superintendent of Public Instruction.

(d) To determine the amount available for allocation to each county, or city and county, the State Treasurer shall multiply the quotient obtained by the division specified in paragraph 3-c of this section by the number of children of school age in each county, or city and county. Provided that no county, or city and county, shall receive from the “Reserve for General County School Funds” a sum in excess of the amount the county, or city and county, needs to meet the requirements of Chapter 146, Sections 240, 241 and 242, Colorado Statutes Annotated, 1935.

(e) If the sum so obtained is in excess of the amount of money which is levied in said county, or city and county, as specified in Chapter 146, Sections 240, 241 and 242, Colorado Statutes Annotated, 1935, the excess shall be retained by the State Treasurer and placed in a fund marked “For Special School Fund.”

(f) If the sum so obtained is less than the amount of money which is levied in said county, or city and county, as specified in Chapter 146, Sections 240, 241 and 242, Colorado Statutes Annotated, 1935, the Board of County Commissioners shall make the nec-

essary levy on the assessed valuation of said county, or city and county.

(g) On October 10, in the years 1937 and 1938, and on the 20th day of October in each year thereafter, the State Treasurer shall divide the total amount of money in his possession marked "Reserve for Special School Fund" by the total number of children of school age in the state as certified to him, as required by this act, by the State Superintendent of Public Instruction.

(h) To determine the amount of money available to distribute to each county, or city and county, from the fund designated "Reserve for Special School Fund," the State Treasurer shall multiply the quotient obtained in the division specified in paragraph 3-c of this section by the total number of children of school age in each county, or city and county, as certified to him by the State Superintendent of Public Instruction.

(4) On or before the fifteenth day of October in the years 1937 and 1938, and on or before the twenty-fifth day of October of each year thereafter, the State Treasurer shall notify the Board of County Commissioners of each county, or city and county, the amount of money that is available and to the credit of their respective counties, or cities and counties, from the fund designated "Reserve for General County School Fund" and in the fund designated "Reserve for Special School Fund."

(a) On receipt of said notice from the State Treasurer, the Board of County Commissioners of each county, or city and county, shall certify to the State Treasurer that it has reduced the levy for the general county school fund as required in Chapter 146, Section 242, Colorado Statutes Annotated, 1935, as much as the money available to said county in the "Reserve for the General County School Fund" will permit; and that it has reduced the levy on the assessed valuations of the several school districts of the county as much as the amount available in the "Reserve for Special School Fund" for the county will permit.

(b) To determine the amount of money due each school district of the county, or city and county, from the "Reserve for Special School Fund" the Board of County Commissioners of each county, or city and county, shall divide the total amount due the county, or city and county, from the state from this fund, as certified to it by the State Treasurer, by the total number of children of school age in the county, as certified to it by the County Superintendent of Schools, and shall multiply the quotient so obtained by the number of children of school age in each school district of the county, or city and county, provided that school districts in any county, or city and county, shall not be allotted any money from this fund that is in excess of the returns from the special school tax levy for the school district.

(5) It shall be unlawful and the State Treasurer shall be liable under his bond for any money paid to any county, or city and county, under the provisions of this act unless and until he receives the sworn statement from the Board of County Commissioners of each county, or city and county;

(a) That it has reduced the property tax required in Chapter 146, Sections 242 and 243, Colorado Statutes Annotated, 1935, as much as the allotment from the "Reserve for General County School Fund" to said county, or city and county, will permit.

(b) That it has reduced the property tax required for the special school fund of each school district in the county, or city and county, as much as the allotment from the "Reserve for Special School Fund" will permit.

(6) Upon receiving the sworn statements specified in subsection 5, the State Treasurer shall pay to the various county treasurers the allotments available under subsections 3 and 4 of this section, and upon receipt of the said moneys the county treasurer shall credit them to the general school fund or to the special school fund of the various school districts of the county as the case may be. The commission of one per cent allowed by the Chapter 66, Section 25, 1935 Colorado Statutes Annotated for the collection of certain tax moneys shall not apply to moneys received by the county treasurer on account of the income tax; and provided, that in the case of any county, or city and county, having a population in excess of two hundred and fifty thousand (250,000) people, all funds apportioned to such county, or city and county, as provided in this act shall be allocated so that fifty per cent (50%) of the said funds shall be allocated for the county or city and county and fifty per cent (50%) shall be allocated to the school district or districts therein; and the funds so allocated shall be paid to the treasurer of the said county, or city and county, without the necessity of the sworn statement specified in the sub-section 5 of this section, and shall be used as the governing authorities of the said county, or city and county, and of the said school district or districts may determine in regard to their respective amounts; and it is the intent of this proviso to effect the use of the allocations to such county, or city and county, and not in any manner either to increase or to decrease the amount of such allocations, which amount shall be determined as in the case of other counties, or cities and counties.

(7) State aid to the public schools of Colorado provided in Chapter 146, Section 247, Colorado Statutes Annotated, 1935, shall not be affected by the provisions of this act.

*"Section 2. The provisions of this Act shall be and become effective on and after July 1, 1943, and until said date the distributions and allocations now provided by law shall not be affected by this act."*

Section 3. 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 4. 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 19, 1943.

NOTE: This bill amends Section 177, School Laws 1941. Changes are shown by italics.



## AN ACT

HOUSE BILL NO. 246

PROVIDING THAT ALL INSTALLATIONS OF TANKS OR CYLINDERS CONTAINING GASES USED FOR HEATING OR COOKING IN HOMES, HOSPITALS, RESTAURANTS, CHURCHES, *SCHOOLS*, OR COMMERCIAL PLANTS SHALL BE INSTALLED OUTSIDE OF THE BUILDING WHERE SAME IS USED AND ALL GASES SOLD FOR SUCH PURPOSE SHALL CONTAIN AN ODORIZING AGENT, AND PROVIDING FOR THE VIOLATION THEREOF.

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

Section 1. Hereafter all installations of cylinders or tanks containing gas or gaseous compounds installed for the purpose of heating or cooking in homes, hospitals, restaurants, churches, *schools*, or commercial plants, shall be outside the building where such gas is used; the term "gas or gaseous compound" as used in this act shall mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same; propane, propylene, butanes (normal butane and isobutane), and butylenes.

Section 2. All such gas or gaseous compounds hereafter sold shall be effectively odorized by an agent approved by the State Inspector of Oils, of such character as to indicate positively, by a distinctive odor, the presence of such gas down to concentration in air of not over one-fifth the lower limit of combustibility.

Section 3. It shall be unlawful hereafter for any person to sell any gas or gaseous compound to any person, firm or corporation for use in any of said tanks or cylinders where said tanks or cylinders are not located outside of the building wherein said gas or gaseous compound is used or to sell any gas or gaseous compound for use in any such tank or cylinder which does not contain said odorizing agent.

Section 4. Any person who shall fail to comply with any of the foregoing provisions of this act shall be punished by imprisonment in the county jail for not more than sixty days or by a fine not exceeding three hundred dollars (\$300.00) or by both such fine and imprisonment.

Section 5. The State Inspector of Oils shall enforce the foregoing provision of this act, and he is hereby empowered and authorized to do all acts necessary to accomplish such enforcement.

Approved: March 20, 1943.

## AN ACT

HOUSE BILL NO. 286

CONCERNING SCHOOLS AND TO AMEND CHAPTER 146,  
1935 COLORADO STATUTES ANNOTATED, AS  
AMENDED.

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

Section 1. Sub-section 243, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Section 4, Chapter 234 and Section 24 of Chapter 237 of the 1937 Colorado Session Laws is hereby amended to read as follows:

Sub-section 243. The said tax so raised shall constitute a separate fund to be known as the general school fund, and shall be apportioned among the several school districts and Junior College districts in the amounts and proportions so certified by the county superintendent of schools; *in a school district with fewer than fifteen of school population, the apportionment shall be the same fractional part of the amount necessary to pay the minimum salary of one teacher that the school census is of fifteen; PROVIDED, HOWEVER, that such amounts so apportioned to said districts with fewer than fifteen on school census may be used for any purposes for which boards of education may legally spend money for current expenses including transportation to and payment of tuition in another school for the children of school age in such district; PROVIDED, FURTHER, that in such districts on petition of the board of education to the county superintendent of schools, and with the approval of the county superintendent of schools, the apportionment shall be for the full amount of the teacher's minimum salary; and PROVIDED, FURTHER, that in school districts having a school population of more than fifteen and less than one hundred, no greater amount shall be so apportioned than is necessary to pay the said salary to one teacher for each twenty-five or major fraction thereof, of the school population of said school district; and PROVIDED, FURTHER, that in school districts having a school population of more than one hundred, no greater amount shall be apportioned than is necessary to pay the said salary to four teachers plus one teacher for each additional forty or major fraction thereof in excess of one hundred of the school population of said school district; and PROVIDED, FURTHER, that any school district having an area of over 75 square miles, or an assessed valuation not in excess of \$500,000.00, or a school census of less than 38, the board of directors of the said district may make application to the county superintendent of schools for an additional apportionment sufficient to pay the minimum salary to the teacher or teachers in addition to the teachers hereinabove authorized, exclusive of special teachers, and upon the recommendation of the county superintendent of schools to the board of county commissioners, the said county commissioners may make the additional*

levy necessary to provide for the salary of said additional teacher or teachers. *Provided*, that the total amount of the levy for the general school fund does not exceed 5 mills.

All apportionments shall be based upon the school census and valuations of the year in which such tax shall be levied and no greater amount shall be apportioned than is necessary to pay the above-named salaries for a term of nine and one-half months. *Provided*, that in cases of county high school districts and union high school districts apportionment for high schools shall be based upon actual enrollment of students resident within this state as hereinafter provided. *Provided*, that school districts of the third class maintaining high schools, and third class districts wherein branch county high schools are maintained, shall have an apportionment for an additional teacher for each twenty or major fraction thereof of high school enrollment, when certified by the board of education or high school committee to the county superintendent of schools. *Provided*, further, that county high school districts and union high school districts shall be apportioned an amount sufficient to pay said salary to one teacher for every twenty-five or major fraction thereof of the high school enrollment on October first of said school year when properly certified by the high school committee of said union or county high school district to the county superintendent of schools. *Provided*, further, that all districts of the first or second class maintaining high schools shall be apportioned an amount sufficient to pay said salary to every high school teacher in the public schools of said district, except substitute teachers, part-time teachers and teachers of special subjects, when certified by the board of education or the board of directors of said district to the county superintendent of schools according to the school population basis as stated in previous paragraphs of this section. *Provided*, further, that all money derived from the county general school fund levy made in 1928 for payment of minimum salaries of teachers and received by the county treasurers of Colorado during the year 1929, shall be apportioned to the respective districts upon the basis of the number of teachers certified by the county superintendent of schools in 1928.

*Provided*, further, that in junior college districts organized in accord with this act an apportionment shall be made to said districts of enough money to pay one teacher for each seven (7) pupils enrolled and taking full time work in said junior college as of October first of the calendar year in which the junior college is organized and thereafter enough money to pay one teacher for each seven (7) pupils carrying an average of forty-five (45) quarter hours or thirty (30) semester hours of credit during the preceding regular academic year. In determining the amount of money which shall be allotted to a junior college district by this act, the total number of the quarter or semester hours of the preceding regular academic year shall be divided by the number of forty-five (45) if quarter hours and by the number thirty (30) if semester hours. The quotient arrived at in either case shall be divided by the number seven (7) and the quotient arrived at thereby shall be the number that shall be used

in computing the amount sufficient to pay the salaries of the number of teachers who shall be allowed to participate in said apportionment. Said apportionment shall be made only to those junior college districts that have made a special levy for the support of the junior college organized under this act on the assessed valuation of the property of their respective districts as follows: At least .75 mill in a junior college district having an assessed valuation of \$20,000,000.00 and less than \$50,000,000.00; and .5 mill in all junior college districts having an assessed valuation of over \$50,000,000.00. The funds arising from the apportionment from the general county school fund to junior college districts and from the special minimum mill levy required herein shall be placed by the county treasurer of each county in which a junior college district is organized in a fund designated "for the Expense of the Junior College" and shall be paid out on warrants legally drawn on the county treasurer of the county in which the junior college buildings are located by the junior college committee. The fund created by this act for the support of junior colleges may be used for any purposes for which public money may be expended for the current costs of education.

Nothing in this act shall be construed to prohibit persons certified as grade school teachers on a census basis teaching high school subjects when in the opinion of the board of directors of the district this is necessary or desirable, provided, such teachers are properly certified.

Section 2. Sub-section 247, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Section 5, Chapter 234 and Section 25 of Chapter 237 of the 1937 Colorado Session Laws, is hereby amended to read as follows:

Sub-section 247. If in any county the said maximum rate of levy of five mills on the dollar shall be insufficient to raise or provide sufficient funds with which to pay the minimum salary of seventy-five dollars (\$75.00) per month to every public school and junior college teacher within that county, as aforesaid, the county superintendent of schools, on or before the first day of June and December in each year, shall certify to the state superintendent of public instruction the said fact, together with the amount necessary to supply the deficiency.

If the state superintendent of public instruction, after investigation, shall be convinced of the necessity as set forth in the certificate of the county superintendent, it shall be his duty before apportioning the public school income fund of the state, to apportion to such county, in addition to the amount otherwise specified, a sum of money sufficient to supply the amount of such deficiency as ascertained by him, and shall certify said apportionment to the state auditor.

Upon such certificate, the state auditor shall draw his warrant on the state treasurer in favor of the county treasurer of such county for the amount so certified to be paid out of the said public school income fund. The sum of money so paid into the treasury of the county shall be, by the county treasurer, placed in the said gen-

eral school fund and used for the payment of teachers' salaries only, except as in this act provided otherwise for junior college districts.

*Provided, That no county or union high school district shall share in such distribution which has not made a special school tax levy of one mill or more for the same year, that no (elementary) school district included within the limit of a county or union high school district shall share in such distribution which has not made a special school tax levy of one and one-half mills or more for the same year, that no other first, second or third class district shall share in such distribution which has not made a special school tax levy of two and one-half mills or more for the same year, and that no junior college district shall share in such distribution which has not made the minimum special tax levy provided for junior college districts in Sub-section 243, Chapter 146, 1935 Colorado Statutes Annotated, as herein amended. The remainder of the said Public School Income Fund shall be apportioned as provided by law.*

Section 3. All other sections of Chapter 234, Session Laws, 1937, are hereby repealed.

Section 4. 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 5. 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 28, 1943.

NOTE: This bill amends Sections 163, 398 and 635, School Laws 1941; also Sections 167, 399 and 636, School Laws 1941 Changes are shown by italics.

# AN ACT

## HOUSE BILL NO. 36

RELATING TO EDUCATION AND RELATING TO THE ADMINISTRATION AND FINANCING OF THE PUBLIC SCHOOLS OF COLORADO AND TO AMEND OR REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. This Act shall be known and cited as the Minimum Educational Program Act of the State of Colorado.

Section 2. None of the terms or provisions of this Act shall be operative against or in any way apply to or affect any school district tax levy unless such school district shall first by an action of its Board of Education elect to accept and be subject to the said terms and provisions hereof; provided, however, that a county or a school district which does not comply with the provisions of this Act shall receive no benefits from the State School Equalization Fund hereinafter provided.

Section 3. The State of Colorado hereby specifies that from and after July 1, 1943, for the maintenance of each whole elementary classroom unit, as hereinafter defined, there shall be provided the minimum sum of one thousand dollars (\$1,000) per school year; that for the maintenance of each whole high school classroom unit, as hereinafter defined, there shall be provided the minimum sum of thirteen hundred thirty-three dollars (\$1,333) per school year; *provided*, that the minimum program of a district, which maintains school for less than nine (9) months, shall be the amounts which bear the same ratio to the above amounts that the length of term in months bears to nine (9), if the school term is not less than seven (7) months; *provided, further*, that nothing in this Act shall be construed as a limitation upon the right of any school district in Colorado to expend per classroom unit amounts in excess of the amounts specified in this section; and *provided, further*, that expenditures from these minimum funds shall not be made for capital outlay or debt service by any school district in Colorado.

Section 4. The necessary funds to support the state's minimum program of education as defined in the preceding section shall be provided (1) by the counties of the state, (2) by the school districts, (3) by state funds supplied by legislative acts. All funds designated by law as belonging to the General School Fund of the county from all sources, including the proceeds of the county tax for the County General School Fund, the proceeds of the State Income Tax allotted to the county for use as provided by law, and the county's share of the Public School Income Fund, and by law being distributed to the districts of each county from said fund, shall be paid into the County General School Fund and shall be apportioned to

the school districts of each county as provided by law; *provided*, however, that if for any twelve month period beginning November 1 and ending October 31 there shall not have been collected and credited by the county treasurer to the General School Fund of the county the net amount in dollars of the tax levied under the provisions of Sections 240 to 247, inclusive, as amended, of Chapter 146, 1935 Colorado Statutes Annotated, said county treasurer shall certify to the county commissioners the amount of such deficiency in collections for and payments into the County General School Fund, exclusive of any prior deficiency tax levies, and the amount of all collections for, and payments into, the county general school fund on account of delinquent taxes for former years; and the amount of such deficiency, less such delinquent payments and collections shall thereupon be added to the tax levied for the County General School Fund by the county commissioners for the succeeding year and the county commissioners are authorized to make a tax levy because of such net deficiency even though such deficiency levy may make a total levy in excess of the five (5) mill limitation. On or before November 15 of each year the respective county treasurers of each county shall report the amount of such net deficiency to the state treasurer and to the state superintendent of public instruction, and the rate of tax levied to make up the deficiency. If said county commissioners shall fail to levy a sufficient tax for such net deficiency at the time of making the tax levy for the County General School Fund, the said state treasurer and the state superintendent of public instruction shall be and hereby are prohibited from setting aside, paying over, or distributing to said county any funds or moneys from the State School Equalization Fund until such time as said deficiency tax shall be levied by said county commissioners.

Section 5. (a) For the purpose of paying for the support of the minimum educational program and minimum standards as herein set forth, in addition to the funds provided as now required by law for the County General School Fund, funds and tax levies may be made as follows:

On or before the day designated by law for the commissioners of each county to levy the requisite taxes for the then ensuing year, the school board in each district with one or more classroom units shall certify to the county superintendent of schools a statement, in such manner and form as shall be prescribed by the state superintendent of public instruction, which statement shall show the aggregate amount, over and above the amounts derived from the County General School Fund, which it is necessary to raise for the purpose of maintaining in said district the minimum educational program and standards as provided in this Act. The county superintendent of schools shall report the aggregate amount for all districts in the county to the board of county commissioners. It shall thereupon be the right or prerogative of the county commissioners in their discretion to levy, at the same time that other taxes are levied, such rate of tax levy on all the taxable property in the county, not exceeding, however, one (1) mill, as will produce the amount so certified. The proceeds of this tax if levied shall be allocated by the county super-

intendent of schools to the school districts of the county in the same proportion as the amount needed for the whole classroom units in the district bears to the amount needed for the whole classroom units in the county. If the proceeds of this tax, together with the proceeds of the County General School Fund, are insufficient to maintain the minimum educational program in any school district, it shall be the additional right or prerogative of the county commissioners in their discretion to levy such rate of tax on all the property of the district or on request of the Board of Education of the district, the county commissioners shall levy such tax, not exceeding, however, two and one-half ( $2\frac{1}{2}$ ) mills, as will produce the amount so certified. In county high school districts and in union high school districts, the levy for this purpose shall not exceed one (1) mill; and in districts of the first, second, and third class, which are parts of county or union high school districts, the levy for this purpose shall not exceed one and one-half ( $1\frac{1}{2}$ ) mills. The amount of such tax, together with the proceeds of the county one (1) mill levy shall be placed in a separate column of the tax book, which shall be headed "Minimum Educational Needs Fund", and said tax shall be collected at the same time and in the same manner as state and county taxes are collected, except that it shall be receivable in cash only. The proceeds of such tax shall be entered for record by the county treasurer in the "Minimum Educational Needs Fund" and placed to the credit of the Special Fund of the proper district as fast as collected, and shall be reported by said county treasurer to the secretary of such district at the end of every month, and shall be disbursed by order of the district board for the purposes as in this Act provided.

(b) For the purpose of paying the state's share of the cost of the minimum educational program as defined herein, there is hereby created the State School Equalization Fund, which is derived from such percentage of the collections of the State Income Tax as may be appropriated to said fund from time to time. This fund shall be distributed to the school districts of the state as follows:

(1) To determine the amount due to each county of this state, over and above the amounts paid into the County General School Fund, for the minimum educational program as defined in this Act, the county superintendent of schools of each county shall report and certify to the state superintendent of public instruction the total number of classroom units as defined in this Act for his county, and shall also report the aggregate minimum sum of money for the maintenance of such classroom units for his county as defined in Section 2 of this Act, and then shall certify to the state superintendent of public instruction the amount of money provided by his county through the general school fund of that county for the support of the classroom units of each district in that county and the amount of money raised for the respective school districts by the "Minimum Educational Needs Fund" as hereinbefore provided; and one-half of the difference between the amount of money raised for the respective program by the counties and the school districts for each district and the total amount needed for the support of the mini-



imum educational program in each of the several districts in his county, shall be a charge against this fund; *provided*, however, that such amounts shall not be certified by the state superintendent of public instruction and be paid from the State Equalization Fund to the county treasurer and by him credited to the school district unless and until the school district board shall have certified to the county commissioners a special tax on the assessed valuation of the school district, and such tax shall have been levied by the county commissioners as will raise the other half of the difference between the amount needed for the minimum educational program and the amount supplied by the county and the district as hereinbefore specified; and *provided, further*, that such special tax levy together with the educational needs tax levy of the county and the school districts of the third class shall not exceed twenty (20) mills, for the minimum program. Any deficiency for the minimum program above this twenty (20) mill limitation shall be supplied from the State School Equalization Fund. The county superintendent shall certify to the state superintendent of public instruction the several levies made for school purposes for the county and for each school district in the county.

(2) The reports and certification above mentioned, required to be made by the county superintendent of schools, shall be made by him within thirty days from and after the fixing by the county commissioners of each county of the county levy for the County General School Fund to the state superintendent of public instruction, who shall examine such reports from the counties for their accuracy and compliance with this Act, and pursuant to such examination by him, the state superintendent of public instruction shall certify to the state treasurer for payment, out of the State School Equalization Fund, the respective amounts due to the respective counties in this state. Such certification to the state treasurer shall be made by the state superintendent of public instruction not later than December 30 of each year. Payments out of the State School Equalization Fund by the state treasurer to the county treasurer shall be made semi-annually during the fiscal year of the State of Colorado; *provided, however*, that said state treasurer, with the approval of the Governor, may make such payments to the respective county treasurer at other periodic intervals during the fiscal year.

(3) In the event that the total sums of moneys payable to the respective counties out of the State School Equalization Fund exceed the amount of this fund, the state treasurer is authorized to pay only the proportionate amount to each county, in the proportion as the amount of this fund bears to the total amount due to all the counties of this state. *Provided*, that any money remaining in the fund at the end of the biennium shall be transferred to the General Fund.

The county treasurer shall enter for record the amounts received from the state treasurer from the State School Equalization Fund to the "Minimum Educational Needs Fund" and place to the credit of the special fund of each district as certified by the county superintendent of schools.

(c) No school district or county shall receive any moneys out of this fund unless and until all levies as provided by law have been made for the County General School Fund and the "Minimum Educational Needs Fund," and the state superintendent of public instruction shall not include any such counties or school districts which have so failed to make such levies, in his computations which he certifies to the state treasurer, it being intended hereby to exclude from the benefits of the State School Equalization Fund only the delinquent county or school district without prejudice to other counties or school districts by reason of such delinquency. *Provided, further,* that after July 1, 1944, no county or school district shall share in the State School Equalization Fund if the State Tax Commission certifies to the state superintendent of public instruction that the assessed valuations of such county are not properly equalized with those of other counties of the state.

(d) No school district which fails to maintain school for a term of seven (7) months shall receive any money from the State School Equalization Fund.

**SECTION 6. CLASSROOM UNITS DEFINED.** The number of classroom units to which any school district is entitled under the provisions of this Act shall be the same number as the number of teachers to which said district is allowed and entitled under the provisions of Section 243, as amended, of Chapter 146, 1935 Colorado Statutes Annotated.

It is the power and it shall be the duty of the State Board of Education to adopt and publicize such rules, not inconsistent with law, as will govern the classification of teachers as elementary and high school teachers.

No school district shall be allowed a classroom unit in excess of the number of regular teachers actually employed by it.

**Section 7.** If any section, sub-section, sentence, clause or phrase of this Act be for any reason held to be unconstitutional such holding shall not affect the validity of the remaining portion of this Act. The General Assembly hereby declares that it would have passed this Act and each section, sub-section, sentence, clause and phrase thereof separately and irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be unconstitutional.

**Section 8.** All Acts or parts of acts in conflict herewith are hereby repealed, nothing herein contained shall be construed as repealing any part of Sections 240 to 247, inclusive, of Chapter 146, Colorado Statutes Annotated, 1935.

**Section 9.** This Act shall terminate at midnight on June 30, 1945.

**Section 10.** 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 11.** 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 15, 1943.

# AN ACT

HOUSE BILL NO. 311

CONCERNING REVENUE AND TO AMEND CHAPTER 142,  
1935 COLORADO STATUTES ANNOTATED.

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

Section 1. All dates in this bill shall begin with the year 1944.

Section 2. Section 4 of Chapter 142, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 4. Lien to Attach on March First at Twelve o'clock Meridian. The lien of general taxes for the current tax year shall attach to all property, real and personal, not exempt by law, on the first day of March, at twelve o'clock Meridian, in each year.

Section 3. Section 47 of Chapter 142, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 47. Certification of Valuation to School Districts, Towns and Cities—Levies Certified. On or before the *first day of October*, the county assessor shall certify to the clerk of each city and town within the county the total valuation of assessable property within each city and town, directing each city and town through its clerk to officially certify its levy for town or city purposes upon said valuation to the county commissioners prior to the *sixteenth day of October*. On or before *the first day of October* the county assessor shall certify to the county superintendent of schools the assessable valuation of all property within each school district in the county. The county superintendent of schools is required to immediately notify the clerks of the several school boards of the several school districts within the county, and upon receipt of said notice each school board shall make their levy and certify same to the county superintendent of schools on or before the *sixteenth day of October* of the current year. Upon receipt of said certification the county superintendent of schools shall immediately certify the levy of the several school districts of the county to the county commissioners. \* \* \* \* \*

Approved: April 22, 1943.

NOTE: This bill amends Section 116, School Laws 1941. Changes are shown by italics.

## AN ACT

### HOUSE BILL NO. 312

#### RELATING TO THE LEVYING OF TAXES.

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

Section 1. Section 291, Chapter 142, 1935 Colorado Statutes Annotated, as amended by Section 1, Chapter 225, Session Laws of Colorado, 1937, is hereby amended to read as follows:

*Section 291. Commissioners to Order Tax Levy.—In all counties having a population of less than three hundred thousand (300,000) the board of county commissioners on or before November first, 1944, and each year thereafter, and in all counties with a population in excess of three hundred thousand (300,000), the board of county commissioners, or other body authorized to levy county taxes, on or before the second Tuesday in December, 1944, and each year thereafter, shall by an order to be entered on record among their proceedings, levy the requisite taxes for the year for general school purposes, for county high school purposes and all other county purposes as required by law.*

*It shall be the duty of the board of county commissioners, or other body authorized to levy county taxes, as soon as the county levy is made to immediately certify the county levy together with special school levies and municipal levies heretofore certified to them, to certify all levies to the county assessor. Copies of this certification to be also mailed to the Colorado Tax Commission. Forms for the certification of levies to the assessor and Colorado Tax Commission shall be prescribed by the Tax Commission.*

*If the county commissioners, or other bodies authorized to levy county taxes, fail to certify such levies as provided in this act, it shall be the duty of the county assessor to extend the previous year's levies.*

*Section 2. If any provision of this act, or the application thereof to any person or circumstances is held invalid, the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.*

Approved: April 22, 1943.

NOTE: Italics show change in law.

## AN ACT

### SENATE BILL NO. 9

#### RELATING TO THE ESTABLISHMENT OF LEIF ERIKSON DAY.

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

Section 1. The ninth (9th) day of October in each year, the same being the anniversary of the discovery of North America in the year 1000 A. D. by Leif Erikson, shall be known as "Leif Erikson Day," and appropriate observance may be held in all public schools of the state in tribute to the discoverer of the North American continent.

Effective April 30, 1943.

## AN ACT

### SENATE BILL NO. 322

#### RELATING TO PENSIONING OF CERTAIN CLASSES OF COUNTY, MUNICIPAL, AND SCHOOL DISTRICT EMPLOYEES AFTER RETIREMENT FROM OFFICE.

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

Section 1. Change of Name. The State Employes' Retirement Association of Colorado shall hereafter be known as the Public Employes' Retirement Association of Colorado, and the State Employes' Retirement Board shall hereafter be known as the Public Employes' Retirement Board; *provided*, that all legal, valid and authorized contracts and agreements entered into by the State Employes' Retirement Board shall be binding on the Public Employes' Retirement Board.

Section 2. Extension of Coverage. Commencing January 1, 1944, in addition to the present membership of said retirement association, there shall be included therein all municipal, city and county, and school district employes as hereinafter defined, and such employes shall have all the rights and privileges and be charged with all the duties and liabilities hereinafter provided.

Section 3. Method of Exemption by Cities and Counties, Municipalities and School Districts. For the purposes of this Act, "Public Employer" shall mean any municipality, City and County, or School District in the State of Colorado. Any public employer may, by appropriate action of the city council, or school district directors, as the case may be, exempt said municipality, city and county, or school district from the purview of this Act, provided such action in the form of resolution or ordinance, duly adopted, is taken before September 1, 1943, and notice thereof to the said retirement

board in the form of a certified copy of said resolution or ordinance is transmitted within ten days thereafter; except that incorporated towns of less than two thousand (2,000) population, and third class school districts are hereby exempted from the provisions of this Act; *provided*, however, that any of said towns or school districts may, by ordinance or resolution duly adopted, apply for affiliation in said retirement association at any time after the effective date hereof. In case any such public employer exempts itself from the terms of this Act, none of the employes thereof shall have any of the rights and privileges under this Act, or be subject to any of the obligations and duties hereinafter provided, unless said public employer shall thereafter affiliate with said retirement system. Any such public employer which has so exempted itself from the operation of this Act may at any later date, by resolution or ordinance, as the case may be, apply for coverage of its employes under said retirement Act, said coverage to be effective on the first day of the calendar year following such action, upon the making of the deductions on account of its employes, and payments as employer's consideration, as hereinafter provided.

Section 4. Method of Exemption by Present Employes of Covered Subdivisions. For the purpose of this Act, "Public Employe" shall mean any person holding a municipal, city and county, or school district office or employment, not elective, in the State of Colorado, and paid in full or in part by any municipality, city and county, or school district, or any agency thereof, in any capacity whatever; *provided*, however, that members of fire and police departments who are participants in existing retirement or pension plans, under statutes of the State of Colorado are hereby exempted from the provisions of this Act. All such employes, except such policemen and firemen, who are employed by municipalities, cities and counties, or school districts, which have not exempted their employes from the provisions of this Act shall be included in the membership of said Association and all new employes of such affiliated municipalities, cities and counties, and school districts, who are subsequently employed shall become members of said retirement system by the acceptance of such employment, and the salary deductions and employer payments provided for herein shall be made on account of such employes, except as follows:

(a) The retirement board shall have authority to exempt from compulsory membership in said retirement system classes or groups of employes engaged in work of a part time, temporary or casual nature, but individuals in any such class may become members by making application therefor, subject to the approval of the retirement board; *provided*, however, that any public employe who becomes a member must continue such membership as long as he is an employe of an affiliated public employer, even though he may be in, or transferred to an exempt class or group. In all cases of doubt the retirement board shall determine whether any person is a public employe, within the terms of this Act, and its decision shall be final, and only subject to review by proper court action.

(b) Any person who is a public employe at the time this Act becomes effective as to his respective public employer may be exempted from membership by filing written application for exemption, in duplicate, with the city treasurer, or the *secretary of the school board*, as the case may be, and a copy thereof shall be transmitted to the retirement board by said officer, said written application for exemption to be filed before January 1, 1944, in the case of public employers affiliating with the system as of that date, and within ninety days of the date of affiliation of public employers entering the system thereafter. Any public employe who has exempted himself from membership in said retirement system may, at his option, at any later date, apply for membership therein, and upon approval of such application by the Retirement Board and payments to cover such membership by the employe and the employer, such employe shall be entitled to all rights and privileges and be charged with all the duties and liabilities herein provided, *provided*, however, that only the service of such members rendered as a public employe of any affiliated public employer after the date of such membership shall be allowed by the Retirement Board in computing retirement benefits.

Section 5. Duties of Public Employers. "The head of the department", as applied to public employers shall mean the elective or appointive head, as the case may be, of the several administrative, legislative and judicial departments, institutions, boards, commissions and agencies of the public employer, as the same are created and defined by law, or in the case of charter governments, by such charter. Such heads of the departments under public employers shall, except as otherwise provided herein, perform the same duties as are required of the heads of state departments, boards, bureaus, institutions and agencies under the laws relating to the said retirement system as applied to state employes.

Section 6. Public Employe Deductions. Commencing January 1, 1944, each public employe who is a member of said retirement system shall pay into the "Retirement Fund" as provided for in Ch. 157, 1931 S. L., as amended, three and one-half per cent ( $3\frac{1}{2}\%$ ) of his or her regular salary. Such payment shall be made by deduction from such salary, and remitted by the head of the department, or the fiscal agent of the respective public employer in accordance with the provisions of said Ch. 157, 1931 S. L., as amended. The administrative officers of said retirement system shall credit said payments on account of individual members to their respective individual accounts as provided for in said chapter. Each public employe member shall also pay by salary deduction, upon entering the system, a five dollar (\$5.00) membership fee towards administrative costs, which fee shall not be returnable.

Section 7. Public Employer Payments. Each public employer affiliated with said retirement system shall pay into said retirement fund, monthly, as consideration for the retirement coverage of the employes of said public employer, and charge as an administrative cost payable from the funds of said public employer, an amount equal to three and one-half per cent ( $3\frac{1}{2}\%$ ) of

salaries paid to the employes of said public employer who are covered by said retirement system, and the estimated amount required therefor shall be included in the annual budget of said public employer.

Section 8. Municipal Employes' Reserve Fund. The funds so paid into the retirement fund by the employer municipalities, and cities and counties, shall be credited to a separate reserve fund by the Retirement Board, said fund to be designated on its books and records as the "Municipal Employes Retirement Annuity Reserve" and such funds shall be used only for the payment of retirement annuities to retired municipal and city and county employes, or for the purpose of creating such actuarial reserves for said annuities as may be deemed necessary by the Retirement Board. In addition to such payments by such employer municipalities and cities and counties, upon the retirement of any member of the system who was last employed by such municipalities and cities and counties, the Retirement Board shall transfer the accumulated deductions of such retiring public employe to said "Municipal Employes' Retirement Annuity Reserve," and from time to time the Retirement Board shall transfer such percentage of the earnings from operations of the Retirement Fund, after provisions for contingencies and administrative expense, as the board shall determine, is derived from the pro rata participation in the retirement system of the employes of municipalities, and cities and counties. The payment of retirement annuities to such retired public employes shall be made only from said Municipal Employes' Retirement Annuity Reserve account and no deficit may be incurred by the payment of said retirement annuities from such account, or from the other reserve accounts of the Retirement Fund, or from the accumulated deductions of members not yet eligible for retirement.

Section 9. School District Employes' Reserve Fund. The funds so paid into the retirement fund by the employer *school districts* shall be credited to a separate reserve fund by the Retirement Board, said fund to be designated on its books and records as "The School District Employes' Retirement Annuity Reserve" and such funds shall be used only for the payment of retirement annuities to retired school district employes, or for the purpose of creating such actuarial reserves for said annuities as may be deemed necessary by the Retirement Board. In addition to such payments by the employer *school districts*, upon the retirement of any member of the system who was last employed by a *school district*, the Retirement Board shall transfer the accumulated deductions of such retiring member to said "School District Employes' Retirement Annuity Reserve" and from time to time the Retirement Board shall transfer such percentage of the earnings from operations of the Retirement Fund, after provisions for contingencies and administrative expense, as the board shall determine is derived from the pro-rata participation in the retirement system of *school district* employes. The payment of retirement annuities to retired *school district* employes shall be made only from said "School District Employes' Retirement Annuity Reserve" account, and no deficit may be in-



curred by the payment of said retirement annuities from such account, or from the other reserve accounts of the Retirement Fund, or from the accumulated deductions of members not yet eligible for retirement.

Section 10. Administration and Management. The general administration and management of the Public Employes' Retirement Association of Colorado and the duty of making effective the provisions of this Act are hereby vested in said Public Employes' Retirement Board, constituted and elected as provided for in said Ch. 157, 1931 S. L., as amended, except that at the annual meetings of said association an additional employe member of said board shall be elected by the membership for each additional one thousand (1,000) (or major fraction thereof) municipal and city and county employes, and of *school district* employes in the system at such time, except that additional members shall be limited to not to exceed three such employe board members to be elected by municipal and city and county employes, and not to exceed three such employe board members to be elected by *school district* employes affiliated with the retirement system; all of such additional board members to be elected for such terms, not to exceed four years, and at the time and in the manner to be fixed by the Retirement Board.

Section 11. Retirement of Public Employes.

(a) Whenever any public employe member has been employed by a public employer affiliated with the retirement system for a period of twenty (20) years and has attained the age of sixty-five (65) years of age, or when any such public employe has been in such covered service for a period of thirty-five (35) years, he or she shall be eligible for retirement for superannuation. Such retirement shall be made upon the application of the member or of someone acting in his or her behalf, and subject to such rules as the Retirement Board may prescribe. Upon such retirement such public employe members shall receive an annuity for the remainder of his or her life equal to forty per cent (40%) of his or her average salary during the last five years of service, provided that such retirement annuity shall not exceed one hundred dollars (\$100.00) per month.

(b) Whenever any public employe member has been employed by a public employer affiliated with the retirement system for a period of five (5) years or more and has attained the age of sixty-five (65) years, and is not otherwise eligible for retirement, he or she shall be eligible for retirement for superannuation, provided said member has made regular monthly payments into the Retirement Fund for said period of five (5) years or more. Such member upon retirement shall receive a monthly annuity for the remainder of his or her life equal to one-twentieth (1/20th) part of forty per centum (40%) of his or her average monthly salary for the last five years of service for each year that he has been so affiliated with the retirement system; *provided*, however, that such retirement annuity in any event shall not exceed either forty per centum (40%) of said annuitant's average monthly salary for the last five years of such covered employment, or the sum of one hundred dollars (\$100.00) per month, whichever is the smaller amount.

Section 12. Disability Retirement—Annuity. Whenever any public employe member of the Retirement Association, who has been employed by a public employer affiliated with the retirement system for a period of five (5) years or more and has paid regular monthly assessments to the Retirement Fund for a period of five (5) years or more, and is under the superannuated retirement age is found, after examination by one or more physicians selected by the board, to have been permanently and totally incapacitated, mentally or physically, by injuries sustained while in the actual performance of duty and not intentionally self-inflicted, such member shall become entitled to the full retirement annuity for superannuation as provided in this Act, and whenever such a member shall suffer permanent partial disability by injuries sustained while in the actual performance of duty and not intentionally self-inflicted, such member shall become entitled to a partial retirement annuity in such percentage of a full retirement annuity as in the judgment of the Retirement Board shall measure the decrease in his earning capacity caused by such permanent partial disability.

Whenever any public employe member of the Retirement Association, who has been employed by a public employer affiliated with the retirement system for a period of fifteen (15) consecutive years or more, and has paid regular monthly assessments to the Retirement Fund for not less than fifteen (15) years, and is under the superannuated retirement age is found, after examination by one or more physicians selected by the board, to be permanently incapacitated, either mentally or physically, of performing his or her regular employment duties, from any cause other than injury sustained while in the actual performance of duty, such member shall become entitled to the full retirement annuity for superannuation as provided in this Act, so long as such disability continues. *Provided*, however, that if such mental or physical disability results from intentionally self-inflicted injuries no annuity whatsoever shall be payable.

Section 13. Medical Examination to Be Required by All Applicants for Disability Retirement. The Retirement Board shall require the medical examination of all applicants for retirement for disability under such general rules and regulations as it may prescribe, and may provide therein for the discontinuance of any disability annuity, either full or partial, and the forfeiture of all rights under this Act in case of a persistent refusal to submit to such examination.

Section 14. General Provisions. For the purposes of this Act, credit for service to any public employer prior to the date the member entered the retirement system shall not be allowable by the Retirement Board in computing his or her retirement benefits, and service credit may only be allowed which is covered by concurrent payments into the retirement funds by members claiming such service. Retirement annuities shall be granted only upon application of the member and approval of the Retirement Board, and nothing done hereunder shall create any contract rights to anyone, except the right to receive back accumulated deductions upon withdrawing

from the public service, as provided in said Ch. 157, 1931 S. L., as amended. Service rendered the State of Colorado and any of its departments, institutions, boards, bureaus or agencies, shall be interchangeable with municipal, city and county or *school district* service, for purposes of computing service credit for retirement, provided all of such service has been covered by the payment of employes' deductions to the retirement fund.

Section 15. Heirs or Legal Representatives to Receive Amount Due Member.

(1) Whenever a member of said association shall die without having received an annuity, an amount equal to the total of his or her accumulated deductions shall be paid in one lump sum to the beneficiaries designated by such member, or if none, to the legal representatives of such member upon the establishment of a valid claim therefor. However, after the member's application for an annuity, as provided in Section 11, has been approved by the board, and the member has received one or more annuity payments thereon, and such member shall die, the balance of the member's accumulated salary deductions, if any, shall not be refunded as above, but such balance shall become the property of the Retirement Fund, free of further claim by the beneficiary or beneficiaries designated, or the legal representatives of such members.

(2) Any member of the Public Employes' Retirement Association may from time to time change the designated beneficiary or beneficiaries, upon written notice to the secretary of the Retirement Association, and such change or changes shall be effective upon receipt of such notice.

Upon the death of any member, in case the last designated beneficiary or any or all such beneficiaries if more than one are named, be not then surviving, the amount to the credit of such member in the Retirement Fund shall be payable as follows:

(a) If only one beneficiary is designated, and he or she shall not survive such member, the amount due shall be paid to the duly appointed personal representative of the deceased member.

(b) If more than one beneficiary is designated, and one or more of those named shall not survive such member, the amount due shall be paid to the surviving beneficiaries, and in case none of the designated beneficiaries shall survive such member, the amount due shall be paid to the duly appointed personal representative of the deceased member.

(c) If the amount of refund due does not exceed \$1,000, and if there has been no demand made upon the Public Employes' Retirement Association by a beneficiary or beneficiaries, or a duly appointed executor, administrator, or guardian, within one year from the date of death of the member, payment may be made to such person or persons as may appear in the judgment of the Retirement Board to be legally entitled thereto, under the laws of descent and distribution of the State of Colorado, and such payment shall be a bar to recovery by any other person or persons.

Section 16. Annuities to Be Paid in Monthly Installments. All annuities granted under the provisions of this Act shall be paid in equal monthly installments and shall be in addition to any benefits accruing to a public employe under the Workmen's Compensation Act.

Section 17. Funds Not Subject to Process. None of the monies, annuities or other benefits mentioned in this Act shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment or other legal process, and shall be exempt from any State income tax.

Section 18. Insurance and Banking Laws Not to Apply. None of the laws of this State regulating insurance or insurance companies, or banking institutions, shall apply to the Retirement Association or any of its funds.

Section 19. May Receive Gifts and Bequests. The Retirement Board is hereby authorized and empowered to credit to the fund any monies received in the form of donations, gifts, appropriations, bequests or otherwise, or derived therefrom, and every member of said Retirement Association who shall not demand the amount of his or her accumulated deductions within two years after his or her separation from the service of any public employer shall be deemed to have donated the same to the fund, unless he or she shall have retained his or her membership in the Retirement Association as herein provided.

Section 20. The Retirement Board May Make Rules and Regulations. The Retirement Board may, by general rules and regulations, adopted and promulgated from time to time, make such changes in the provisions for the management of the fund and affairs of the association as shall be deemed just, equitable and consistent with the general purposes of this Act, except that no increase may be made in the amount of deductions from salaries or a decrease in the amount of retirement annuities payable, unless such action is approved by a majority vote of an annual or special meeting of the association.

Section 21. All Acts or parts of Acts in conflict herewith are hereby repealed; *provided*, however, that nothing herein contained shall in any manner change, alter, amend, repeal, take away from or add to any of the rights, privileges, benefits, or duties, as applicable to employes of the State of Colorado, as provided in Chapter 157, 1931 S. L., as amended, and Acts supplemental thereto, and the same shall remain in full force and effect as to said State employes, and the boards, bureaus, agencies, institutions and departments of the State of Colorado.

Section 22. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 23. The General Assembly hereby finds, determines, and declares this Act necessary for the immediate preservation of the public peace, health and safety.

Section 24. 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 19, 1943.



