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# SCHOOL LAWS

Enacted by

The Thirty-fifth  
General Assembly

STATE OF COLORADO



1945

INEZ JOHNSON LEWIS

State Superintendent of  
Public Instruction

## I N D E X

### HOUSE BILLS

- H. B. 271 Minimum Education Program  
“ “ 447 State Income Tax  
“ “ 123 General School Fund  
“ “ 141 Fund Allotments to Consolidated Districts  
“ “ 525 Post-war Reserve Fund  
“ “ 492 Payment of Unclaimed Funds to State Treasurer  
“ “ 701 Investment of Public School Fund  
“ “ 796 Vocational Rehabilitation  
“ “ 126 Motor Vehicle Regulations  
“ “ 21 Auditing School Finances in Excess of \$10,000  
“ “ 22 Budget Act  
“ “ 481 Salaries of State Officers

### SENATE BILLS

- S. B. 17 Levy for Teacher Retirement  
“ “ 331 Combining Benefit Provisions  
“ “ 301 Relating to Pensioning Public Employees  
after Retirement  
“ “ 157 Teachers' Contracts  
“ “ 80 Education of Deaf and Blind  
“ “ 37 Changing Name of Adams State Teachers College  
“ “ 296 Relating to Handicapped Children  
“ “ 390 Concerning Salaries of County Superintendents  
“ “ 284 Relating to Motor Vehicles

# AN ACT

## HOUSE BILL NO. 271

AN ACT TO AMEND AND RE-ENACT CHAPTER 175, SESSION LAWS OF COLORADO, 1943, BEING ENTITLED "AN ACT RELATING TO EDUCATION AND RELATING TO THE ADMINISTRATION AND FINANCING OF 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:*

Chapter 175, Session Laws of Colorado, 1943, is hereby amended and as so amended is re-enacted to read as follows:

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, 1945, for the maintenance of each whole elementary classroom unit, as hereinafter defined, there shall be provided the minimum sum of one thousand two hundred dollars (\$1,200.00) 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 one thousand five hundred dollars (\$1,500.00) 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 bear to nine (9), if the school term is not less than seven (7) months; provided that in school districts with fewer than fifteen of school population the minimum program shall be the same fractional amount of one classroom unit that the school census is of fifteen; and 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 dis-

tricts, (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 during any calendar year there shall not have been collected by the county treasurer and credited to the General School Fund of the county the net amount in dollars (less the collecting fee allowed the county treasurer by law) of the tax levied under the provisions of Sections 240 to 247, inclusive, of Chapter 146, 1935 Colorado Statutes Annotated, as amended, for such calendar year, said county treasurer shall on or before October 16th of the year following, certify to the county commissioners of his county the amount of such deficiency, if any, 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 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, if any, 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, if any, 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, hereinafter provided for, during the ensuing calendar year.

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 which has elected to accept and be subject to the terms of this Act and which has 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

certify that such district has elected to accept and be subject to the terms of this Act and shall show the aggregate amount over and above the amount 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 accepting the provisions of this Act in the county to the board of county commissioners.

It shall thereupon be the duty of the county commissioners in all counties with a population of less than 100,000, as shown by the last federal census, 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 provide the amount so certified. The proceeds of this tax shall be allocated by the county superintendent of schools to the school districts of the county electing to accept and be subject to the terms of this Act, 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. The proceeds of this tax shall be apportioned to the respective districts by the county treasurer in accordance with certification of the county superintendent of schools.

The minimum special fund levy necessary to entitle districts to participate in distribution of the State School Equalization Fund under this Act shall be as follows: In county high school districts and in union high school districts one (1) mill; in districts of the first, second or third class which are parts of county or union high school districts, two (2) mills; in all other districts, three (3) mills.

(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 and set up in the state treasurer's office a fund to be known as 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, which have elected to accept the benefits of this Act, 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 in districts electing to be subject to 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 in each district in that county, which has elected

to be subject to the terms of this Act, and the amount of money which will be raised for the respective school districts by the Minimum Special Fund levy, and by the one mill county levy, herein provided for. Any amount required over and above the money provided by said County General School Fund, said Minimum Special Fund levy and said one mill county levy (assuming 100% collection less county treasurer's collection fee) for the maintenance of the minimum educational program as defined in this Act in each of the several districts electing to be subject to this Act, 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 or be paid from the State Equalization Fund to the county treasurer unless and until the school district board shall have certified to the county commissioners the minimum special fund levy on the assessed valuation of the school district herein provided for, and such tax shall have been levied by the county commissioners and the commissioners of such county shall have made the one mill county levy herein provided for. 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 March 30th 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 treasurers 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 amount received from the state treasurer from the State School Equalization 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 herein have been made, and the state superintendent of public instruction shall not include any of 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 counties or school districts, without prejudice to other counties or school districts by reason of such delinquency.

(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 or 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 and 247, inclusive, of Chapter 146, Colorado Statutes Annotated, 1935 as amended.

Section 9. All school districts now qualified to participate in benefits under this Chapter shall continue eligible for such benefits during the calendar year 1945, but shall not participate thereafter without compliance, with this Chapter as amended, by such district and the county in which located. No district not now eligible for benefits hereunder shall become entitled to participate in such benefits until January 1, 1946.

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: March 31, 1945.

# AN ACT

## HOUSE BILL NO. 447

### AN ACT RELATING TO REVENUE AND TAXATION AND TO AMEND CHAPTER 175, SESSION LAWS OF COLORADO OF 1937, AS AMENDED RELATING TO THE INCOME TAX.

*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, as amended by Section 1, Chapter 115, Session Laws of Colorado, 1943, 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, so 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, 1945:

*To the "reserve for general county school funds," 35 per cent.*

*To the "general fund" of the state, 50 per cent.*

*To the "state school equalization fund," 15 per cent.*

(c) All sums of money hereinabove appropriated to the "reserve for general county school funds" shall be paid out on warrants drawn for the purpose of replacing the property tax in whole or in part now authorized by law in Sections 242 and 243,



Chapter 146, 1935 Colorado Statutes Annotated, as amended, 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 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 divisions 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 Sections 240, 241 and 242, Chapter 146, 1935 Colorado Statutes Annotated, as amended.

(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 Sections 240, 241 and 242, Chapter 146, 1935 Colorado Statutes Annotated, as amended, 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 Sections 240, 241 and 242, Chapter 146, 1935 Colorado Statutes Annotated, as amended, the Board of County Commissioners shall make the necessary 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 Section 242, Chapter 146, 1935 Colorado Statutes Annotated, as amended, 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 for the State Treasurer to pay any money, and the State Treasurer shall be liable under his bond for any money paid, to the 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 Sections 242 and 243, Chapter 146, 1935 Colorado Statutes Annotated, as amended, 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 sub-section 5, the State Treasurer shall pay to the various county treasurers the allotments available under sub-sections 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 Section 25, Chapter 66, 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 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 affect 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 Section 247, Chapter 146, 1935 Colorado Statutes Annotated, as amended, 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, 1945, and until said date the distributions and allocations 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 5, 1945.

# AN ACT

## HOUSE BILL NO. 123

### AN ACT 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, and as further amended by Section 1, of Chapter 176, of the Session Laws of Colorado, 1943, it 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 purpose 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 fifteen or more 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 the said school district; and PROVIDED, FURTHER, that school districts with a population of fifteen or more may petition, on forms approved by the State Department of Education, the county superintendent of schools of the county in which such district is located to permit the use of the funds so apportioned to it for any purpose for which boards of education may legally spend money for current expenses including transportation to, and payment of tuition in, another school district for children of school age in such district and on approval of such petition by said County Superintendent of Schools, the same to be made in writing and endorsed on such petition, the funds apportioned to such district may be used by such district for the purposes as set forth in such petition; 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 to 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. Section 247, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Section 5, Chapter 234, Session Laws of Colorado, 1937, Section 25, Chapter 237, Session Laws of Colorado, 1937, and Section 2, Chapter 176, Session Laws of Colorado, 1943, is hereby amended to read as follows:

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, a warrant shall be drawn 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 general 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 *two 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 *three 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 Section 243, Chapter 146, 1935 Colorado Statutes Annotated, as amended. The remainder of the said Public School Income Fund shall be apportioned as provided by law.

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 be put in force and effect from and after its passage.

Approved: April 17, 1945.

# AN ACT

## HOUSE BILL NO. 141

AN ACT PROVIDING FOR THE CONSOLIDATION OF SCHOOL DISTRICT; AND PROVIDING FOR ALLOTMENT OF MONEY TO CONSOLIDATE DISTRICTS FROM CERTAIN STATE AND COUNTY SCHOOL FUNDS.

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

Section 1. For a period of five years after the organization of any consolidated school district within the state, such consolidated school district shall share in all of the apportionments, or allotments, of the public school income fund, or other state funds, and in the general school fund of the county in which such consolidated school district is located to the same extent that the former school districts which are included in such district did share in such funds in the school year next previous to such consolidation, anything in the present statutes of Colorado to the contrary notwithstanding, such money so obtained to be used in the payment of salaries of teachers, cost of transportation of pupils, including the cost or purchase of necessary equipment for transportation or for any other expense of such consolidated district.

Section 2. After such five-year period such consolidated district shall share in the apportionments, or allotments, of the public school income fund, or other funds, and in the general school fund of the county in which such district is located as is now, or may hereafter be, provided by the statutes of Colorado.

Section 3. If it is determined that said consolidated school district would receive from the allotment from the public school income fund or other state funds and in the general school fund of the county in which such consolidated district is located under the provisions of the statutes of Colorado as is now or may be hereafter provided by law a larger sum than is provided by Section 1 of this Act, then the Board of Education of such consolidated district may petition the County Superintendent of Schools that it be allowed to share in such funds not under the provisions of Section 1 of this Act, but under the provisions of the general statutes of Colorado, and the County Superintendent, if he finds that such consolidated school district will receive more funds under the present statutes or as the same may be amended, then such district would receive under the provisions of Section 1 of this Act, he shall direct allotment to be made to such consolidated district on the basis of the present statutes, or as the same may be amended, instead of under Section 1 of this Act.

Section 4. Anything in the laws of Colorado in conflict or inconsistent with the provisions of this Act is hereby declared to be



inapplicable to the matters and things by this Act covered and provided for.

Section 5. 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 6. 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, 1945.

# A N A C T

## HOUSE BILL NO. 525

AN ACT RELATING TO THE POWER OF SCHOOL BOARDS AND JUNIOR COLLEGE BOARDS OF THE STATE TO ESTABLISH AND MAINTAIN POST-WAR AND OTHER PLANNED BUILDING, IMPROVEMENTS, AND REPAIR RESERVE FUNDS; TO FORMULATE, DEVELOP AND REVISE CAPITAL BUDGETS AND SCHEDULES FOR LONG RANGE, POST-WAR AND OTHER PLANNED PROGRAMS FOR BUILDINGS, IMPROVEMENTS AND PROJECTS, AND TO MAKE PRELIMINARY PLANS AND SURVEY THEREFOR.

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

Section 1. That notwithstanding any provision of any law inconsistent with the provisions of this Act, any school board of a public school district and any committee of a junior college district shall have power to establish and maintain a Post-War Reserve Fund (herein referred to as the "Fund") for the purpose of paying all or part of the cost of long-range, post-war and other planned future programs of building, improvements, deferred betterments, additions and added facilities.

The school board of any district, and the committee of any junior college district, may include in the amount certified to the county commissioners as necessary to be levied annually such amount as said school boards, or committees, may deem necessary for the creation and maintenance of said fund, and may, by provision in the budget, appropriate, transfer or credit to said fund any gifts, donations, or tuitions received by it. All unexpended balances of appropriations made out of said fund which shall remain after the appropriations lapse according to law shall revert to said fund.

If and when authorized by law to construct new buildings said school boards and committees of junior college districts may use any part or all of said fund for such purpose.

Section 2. The tax herein authorized shall not in any year exceed one mill and shall be levied, assessed and collected as are other taxes; *provided*, that the tax herein authorized may be in excess of any limits otherwise provided by law if approved by the State Tax Commission.

Section 3. A budgetary account established pursuant to this Act shall be kept entirely separate and apart from all other funds. Boards of education of the school districts or the junior college committees may invest monies belonging to the fund in such securities as are legal for the investment of funds of such district. The interest and income from the investments shall be a part of the fund.

Section 4. This Act shall be effective for a period of not to exceed five years after the cessation of hostilities of the war in which the United States is now engaged as determined by Act of Congress or proclamation of the President. At the end of the fiscal year during which said period ceases, any monies remaining in said fund and not appropriated for any specific project or thereafter reverting to said fund from any lapsed appropriation shall revert to the general fund of said district.

Section 5. If any provision 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 6. 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 7. 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 16, 1945.

# AN ACT

## HOUSE BILL NO. 492

### AN ACT CONCERNING THE PAYMENT TO THE STATE TREASURER OF UNCLAIMED FUNDS IN THE HANDS OF AN EXECUTOR, ADMINISTRATOR OR OTHER FIDUCIARY.

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

Section 1. Section 230 of Chapter 176, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 230. (a) Hearing on final settlement.—If it shall appear that notice of final settlement has been duly given as aforesaid, the court may, upon the day named therein, or upon the day to which the same may be continued, hear and examine the accounts of the executor, administrator, guardian or conservator, which shall be rendered in the same manner as other settlements, and the objections of any parties in interest who may object thereto, and if it shall appear that the executor, administrator, guardian or conservator has fully and faithfully administered the estate of the decedent, minor or mental incompetent which has come to his hands according to law, the court may approve such accounts and discharge the executor, administrator, guardian or conservator, but no such discharge shall, in any manner, affect the right of any creditor, heir, devisee or ward to bring an action upon the bond of such executor, administrator, guardian or conservator for any breach of the condition thereof. All claims presented against the estate and not allowed shall upon the motion of the executor, administrator, guardian or conservator, on the day fixed in such action, be disallowed for the failure of the claimant to prosecute the same, unless upon good cause shown by the claimant it shall appear to the court that the claim should then be adjudicated.

(b) If any heirs or legatees of any intestate or testator are unknown, or if known and there is no person qualified to receive the legacies or distributive shares of such heirs or legatees at the time of making final settlement of the estate, or if such heirs or legatees refuse to receive and receipt for such legacies or distributive shares, the administrator or executor shall be ordered by the court to pay any balances remaining in his hands to the state treasurer, and the state shall be answerable for the same, without interest, any time within twenty-one years after the same shall have been paid into the treasury, to such person or persons as shall appear to be legally entitled to the same, upon order of the court having administration of the estate.

(c) *Except as provided in sub-section (b), any person, corporation, association or other entity, in possession of moneys paid to him or it or in his or its possession in any fiduciary capacity, and the said moneys are unclaimed, or the person to whom the person in*

*possession may lawfully pay the same, or the person who may be entitled thereto is unknown or absent or fails to receive and properly receipt therefor, may pay said moneys to the state treasurer, and the state shall be answerable for the same, without interest, any time within twenty-one years after the same shall have been paid to the state treasurer. Such payment to the state treasurer shall discharge the person making the same from any further liability or responsibility for such moneys.*

(d) After the lapse of twenty-one years from the time any such moneys shall be paid into the state treasury, and no claim therefor having been made and established by any person entitled thereto, said moneys shall become the property of the state, and shall be transferred to the public school fund thereof, and the state shall not be liable therefor.

(e) At the time any executor or administrator or other fiduciary pays into the state treasury any moneys as aforesaid, he shall make a written report thereof to the attorney general of the state, giving him such information as he may have, under oath or affirmation, touching the identity and antecedents of the deceased, as well as of any person supposed to be entitled to said moneys, to the end that fictitious claims thereto may be forestalled. The attorney general shall file such reports in his office and keep the index thereof, and no order shall be made by a court for the repayment of any moneys so paid into the state treasury without the attorney general having first been served with written notice thirty days before the time of making application therefor. Upon the serving of such notice, the attorney general may appear and take all steps for and on behalf of the state that any person who might be a defendant to such action might take. The reasonable expense of any such action taken by the attorney general shall be initially paid out of the attorney general's contingent fund; but, with the approval, order and direction of the court having jurisdiction of the estate, any such reasonable expense incurred by the attorney general in conserving the estate, and in investigating and litigating the claim of any alleged heir, legatee, devisee, distributee or creditor, shall be repaid to said contingent fund, out of the moneys in the estate or fund in controversy before final settlement thereof.

(f) *Any of such funds in the state treasury may be invested by the treasurer in United States Government bonds or notes, the interest or increment therefrom, when paid, to be paid into the public school income fund of the state.*

Section 2. *Section 144 of Chapter 45, 1935 Colorado Statutes Annotated, is hereby repealed. Within six months from the effective date of this act, all moneys in the hands of county treasurers pursuant to said Section 144 of Chapter 45, shall be paid to the state treasurer, and the information required by sub-section (e) of Section 1 of this Act shall be, at that time, furnished the attorney general.*

Approved: April 4, 1945.

# AN ACT

## HOUSE BILL NO. 701

### AN ACT CONCERNING THE INVESTMENT OF THE PUBLIC SCHOOL FUND AND AMENDING SECTIONS 47, 48 AND 49 OF CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED.

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

Section 1. Section 47, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read:

Section 47. All school funds of the state, whether permanent or income, unless otherwise disposed of by law, shall be invested as directed by the state board of land commissioners in any one or more, or all, of the following ways, at the discretion of said board:

- (a) In interest bearing warrants of the state of Colorado;
- (b) In bonds of the state of Colorado;
- (c) *In loans on cultivated farm lands or on improved and operating ranches within the state of Colorado, and in manner as herein provided;*
- (d) In bonds of school districts within the state of Colorado;
- (e) In bonds of any county, city, town, or municipality known as city and county, of the state of Colorado; *provided*, that before any monies are so invested in any bonds mentioned in this section, the validity of such bonds shall be determined by the attorney general of the state, and said board must be satisfied that such bonds are in all respects legal and a safe investment, and, *provided, further*, that no bond mentioned in this sub-section shall be purchased at a price which will yield to maturity an income of less than two percent per annum on the purchase price.
- (f) In bonds or other obligations of the United States of America, or bonds or other obligations the payment of the principal and interest of which is unconditionally guaranteed by the United States of America, *provided that no such obligation shall be purchased at a price which will yield to maturity an income of less than three-fourths of one per cent per annum on the purchase price.*

Section 2. Section 48, Chapter 146, 1945 Colorado Statutes Annotated, is hereby amended to read:

Section 48 (a) *Investment of Public School Permanent Funds may be made by the board on cultivated farm land or improved and operating ranches located within the State of Colorado, but only to actual residents of the state. The land and improvements together shall have an actual appraised value of not less than five dollars per acre; no loan shall be made in an amount greater than one-half of the appraised value of the security offered nor in a*

total amount of greater than twenty-five thousand dollars to any one person. Title must be in the applicant in fee simple, as determined by examination of abstract of title by the attorney general; provided, that loans may, in the discretion of the board, be made where the minerals are reserved and held by the United States of America or the state of Colorado, and, provided further, that in the event land offered as security for the loan is then encumbered, the state board of land commissioners may approve a loan, the proceeds of which shall first be used to extinguish in full the indebtedness represented by such encumbrance.

(b) It shall be within the discretion of the state board of land commissioners to require the repayment of such loan, on such terms as may be agreed upon by the board and the borrower, but in no event shall the maturity date of the original loan extend beyond forty years from the date of the loan; provided, however, any loan which the maturity date extends beyond five (5) years from date of the loan, such loan must be made on an amortized basis, provided that any loan by the state board of land commissioners outstanding at the date of the passage of this Act may upon application of the borrower, and with the consent of the state board of land commissioners, be converted to a loan under the provisions of this act, but such conversion shall be handled in the same manner and with the same procedure as in the case of a new loan; and the borrower must pay all expenses of such conversion including recording fees in the office of the county clerk and recorder, extension of and examination of abstract, and appraisal expense when, in the opinion of the board, a new appraisal is deemed necessary.

(c) Applications for loans shall be made direct to the board upon blank forms provided for that purpose and with each application must be submitted an abstract of title certified to date and such fees as are required by the board, it being understood that the applicant must pay all expenses of making a loan, including examination and extension of abstract. Every loan, after approval by the board, shall be secured by a deed of trust in favor of the state of Colorado, evidenced by a promissory note bearing interest at not less than three and one-half per cent per annum until due, and thereafter at the rate of six per cent per annum. Said deed of trust shall provide that in case of foreclosure, the board shall at once be entitled to a receiver for such property, upon application to any court having jurisdiction; and shall be entitled to possession, use and enjoyment of the property covered by said deed of trust, and all rents, issues and profits thereof during the period of foreclosure and redemption, regardless of the solvency or insolvency of the borrower, and without notice.

(d) In the event that the loan is made on irrigated lands or on lands to which are attached water rights of any kind or character, the loan shall be so arranged that the state shall have a first lien on all water rights, ditch rights and rights of way in any way appurtenant to the property.

(e) The Board may at any time, under any loan, require that the borrower carry insurance in favor of the state of Colorado on

the buildings or other improvements located on the premises covered by the deed of trust, and shall pay the premium thereon.

(f) In the event that any property upon which the state of Colorado holds a deed of trust, shall, after the execution and recording of said deed of trust, be included in a drainage district, irrigation district or any other district wherein a levy is made for local improvements, the lien thereby created shall be subject to and subordinate to the deed of trust in favor of the state.

(g) When it becomes necessary during the life of the loan, to pay general taxes in order to preserve the lien of the deed of trust, or if there be any such taxes past due after a Public Trustee's deed to the property shall have been executed to the state of Colorado, the board shall certify the amount of such taxes to the State Treasurer who shall pay same from the Public School Permanent Fund and charge the amount so paid as a part of the loan; also, if during the life of a loan it becomes necessary, in the opinion of the board, to pay the premiums on insurance covering the improvements on the land included in the deed of trust, or the assessments on water rights attached to the said land, such premiums or water right assessments shall be paid from the same fund as set forth hereinabove for the payment of taxes, and charge the amount so paid as a part of the loan.

(h) As soon as the deed of trust has been recorded and the abstract of title has been certified to include the deed of trust to the state, showing that such deed of trust constitutes a first lien to the state, the register shall transmit the note and the deed of trust to the state treasurer who shall thereupon pay to the applicant or on his order, with the approval of the state board of land commissioners, the amount of money named in the note.

(i) All payments of either principal or interest upon loans shall be made to the register of the board, who shall forthwith transmit the same to the state treasurer with a certificate showing the amount and purpose for which the payment is made, and the treasurer shall forthwith endorse upon the note the payment so made, and when the debt is fully paid, the treasurer shall deliver said note and deed of trust to the register who shall cancel said note and execute and deliver a request for the release of such deed of trust, canceled note, deed of trust, abstract of title and any and all other securities to the borrower; report such transaction to the board at its next meeting and spread such report upon the records of the office.

(j) The register shall keep in his office, in books provided for that purpose, an account to be known as "Public School Permanent Funds Account," in which memoranda shall be made of all notes, mortgages, deeds of trust, bonds, monies, both principal and interest, and assets of every kind and character which may come into his hands pertaining to any and all investments of the Public School Permanent Fund.

(k) When monies under a loan become due and payable, the register shall at once notify the borrower by mail, that payment



must be made within thirty days and in the event the payment is not made, the register may report same to the attorney general who shall immediately bring action by foreclosure or such other procedure as may be deemed necessary to recover the amount or amounts due, and an injunction may issue without bond and a receiver be appointed for cause, when so prayed.

(l) In no case shall lapse of time be a bar to any action to recover any part of the school or other permanent fund loaned hereunder, nor shall lapse of time prevent the introduction of evidence in any such action, any provision of the statutes to the contrary notwithstanding.

(m) Foreclosure under deeds of trust given to the state in accordance with the foregoing provisions, shall be upon the terms and conditions except as herein otherwise provided, as are prescribed by law for the foreclosure of ordinary deeds of trust, and the board or any representative of said board shall have the right to bid in, in behalf of the state, the property at such foreclosure sale, but, in the event of redemption, or in case someone other than the state, bids in the property at foreclosure sale, the amount for which the property shall be bid in shall include all unpaid interest and delinquent interest, any monies advanced by the state, and any and all other expense incident to such foreclosure.

(n) In the event that foreclosure becomes necessary, the board shall have the right to withdraw from the custody of the state treasurer for the purpose of foreclosure, the note, deed of trust and all papers relating to the loan, and give the treasurer a receipt therefor.

Section 3. Section 49, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read:

Section 49. (a) When a loan, made from the Public School Permanent Fund shall have been foreclosed, and not redeemed. and the public trustee's deed shall have been issued to the state of Colorado and placed on record in the office of the Recorder of the county in which the property is situated, said property shall thereafter be considered an investment of the Public School Permanent Fund, shall be designated as "Permanent School Fund Lands," shall be under the control and direction of the board and subject to disposition under all the laws, terms and conditions which now or may hereafter apply to Public School Lands, except that any and all mineral rights acquired through such trustee's deed may be sold together with the land. A separate list of said lands shall be kept in the office of the state board of land commissioners, and

(b) In the event of foreclosure, the cost of such foreclosure, all water right assessments, taxes and insurance premiums advanced by the state to protect the lien of the deed of trust to the state, shall be added to the unpaid principal and the total sum shall be considered to be the amount of investment in said loan when computing the minimum price at which the property may be sold without loss.

(c) If, at the end of any biennial period, it is determined that the total accumulated sale price of all Permanent School Fund lands sold is less than the total amount invested in the loan, under

foreclosure of which, title to the said lands was acquired by the state, the board shall certify the amount of such loss to the state board of equalization or such other board, bureau or officer as may hereafter have authority to make levies in behalf of the state, and such board, bureau or officer, shall at the next meeting where the levy of state taxes for state purposes is made, include in said levy a tax upon all taxable property within the state, in an amount sufficient to reimburse the Public School Permanent Fund for said loss incurred by reason of said sales, and such tax when collected, shall be by the state treasurer credited to the Public School Permanent Fund. At the end of subsequent biennial periods, whenever an additional loss is sustained by additional sales, additional tax levies shall be made in like manner as provided above.

(d) All lands upon which foreclosure has taken place prior to the passage of Chapter 211, Session Laws of Colorado, 1935, for which no tax levy had been made at that time, shall always be designated as "Permanent School Fund Lands" and subject to all the provisions of this Act.

(e) The State Board of Land Commissioners is hereby empowered to make all rules and regulations that are necessary in carrying out the terms and provisions of this Act not inconsistent herewith.

(f) The board shall have the right at any reasonable time, to require from the state treasurer a statement of the investments in the Public School Permanent Fund, the time for which invested, rate of interest, amount invested, and the total amount of said fund.

Section 4. All Acts, or parts of Acts, in conflict herewith are hereby repealed.

Section 5. 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 6. 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: May 3, 1945.

# AN ACT

HOUSE BILL NO. 796

AN ACT TO AMEND CHAPTER 172, 1935 COLORADO STATUTES ANNOTATED, RELATING TO VOCATIONAL REHABILITATION OF THE PHYSICALLY HANDICAPPED.

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

Section 1. Section 9, Chapter 172, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 9. The state of Colorado does hereby:

(1) accept the provisions and benefits of the Act of Congress entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended by *Public Law 113—78th Congress; Sections 31 through 41, Chapter 4, Title 29, U.S.C.A.*;

(2) designate the state treasurer as custodian of all moneys received by the state from appropriations made by the Congress of the United States for vocational rehabilitation of persons disabled in industry or otherwise, and authorize and direct the state treasurer to make disbursements therefrom *in accordance with the laws of the state of Colorado*;

(3) empower and direct the State Board of Vocational Education to cooperate with *the U. S. office of Vocational Rehabilitation* in carrying out the provisions of the federal civilian vocational rehabilitation Act.

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 be in force and take effect from and after its passage.

Approved: April 18, 1945.

# A N A C T

## HOUSE BILL NO. 126

AN ACT TO AMEND SECTIONS 245 AND 251, CHAPTER 16, OF 1935 COLORADO STATUTES ANNOTATED, AS AMENDED, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH.

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

Section 1. That Section 245, Chapter 16, of Colorado Statutes Annotated, as amended by Chapter 75, Session Laws of Colorado, 1939, be, and the same is hereby amended to read as follows:

Section 245. Within thirty (30) days after the effective date of this part, every motor vehicle or motor-drawn vehicle designed or used for the transportation of property or for the transportation of passengers, for compensation, except buses operated entirely within municipalities when their interiors are illuminated, shall display lighted lamps at the times mentioned in Section 242 of this chapter when and as required in this section, except that such lamps may be but are not required to be lighted when any such vehicle is upon a highway which is sufficiently illuminated by street lamps to render any person or vehicle visible at a distance of 500 feet.

1. Additional lighting and identification equipment required on certain vehicles.—In addition to the head lamps and rear lamp required by Sections 243 and 244 of this Act, the following vehicles shall be equipped as herein stated:

(a) On every bus or truck, whatever its size, there shall be the following:

On the rear, two red reflectors, one at each side.

(b) On every bus or truck 80 inches or more in over-all width, in addition to the requirements in sub-paragraph (a), there shall be the following:

On the front, two amber clearance lamps, one at each side.

On the rear, two red clearance lamps, one at each side; two red reflectors, one at each side.

On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.

(e) \* \* \* \* \*

(d) \* \* \* \* \*

(e) \* \* \* \* \*

(f) \* \* \* \* \*

(g) Where electrical lamps are used to meet the requirements of this section, they shall be securely and permanently affixed to the permanent structure of the motor vehicle, except for the combination marker lamps on pole trailers.

(h) Required clearance lamps shall be mounted in such a manner as to indicate the extreme width of the motor vehicle and as near the top thereof as practicable.

(i) Side-marker lamps may be in combination with clearance lamps and may use the same light source.

(j) Clearance and side-marker lamps shall when lighted be capable of being seen at a distance of 500 feet under normal atmospheric conditions during the time when lights are required. The light from front clearance lamps shall be visible to the front, from side-marker lamps to the side, and from rear clearance and tail lamps to the rear, of the motor vehicle.

(k) No reflector required by these regulations shall be mounted upon the motor vehicle at a height to exceed 60 inches, nor less than 24 inches, above the ground on which the motor vehicle stands.

(l) Every reflector shall be of such size and characteristics as to be readily visible at night from all distances within 500 feet to 50 feet from the motor vehicle when directly in front of a normal headlight beam.

(m) One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps, provided that any such tail lamps be located within the height limits specified for reflectors. Whether or not the rear reflectors are incorporated in tail lamps, they shall be located on the rear of the motor vehicle at opposite sides and shall also meet the requirements as to visibility set forth in this section.

Section 2. That Section 251, Chapter 16, of Colorado Statutes Annotated, be, and the same is hereby amended to read as follows:

Section 251. Every motor vehicle, and every trailer and semi-trailer having a gross weight in excess of 3,000 pounds, shall be equipped with a stop light in good working order at all times, and such lights shall be actuated by application of the service (foot) brakes, and shall be capable of being seen and distinguished from a distance of 100 feet to the rear of the motor vehicle in normal daylight, but shall not project a glaring or dazzling light. The stop light may be incorporated with the tail lamp.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. If any provision 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 5. 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 6. 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 28, 1945.

# AN ACT

## HOUSE BILL NO. 21

AN ACT RELATING TO THE PROTECTION AND CONSERVATION OF PUBLIC FUNDS OF THE STATE OF COLORADO AND DEPARTMENTS, AGENCIES AND POLITICAL SUB-DIVISIONS THEREOF; REQUIRING PERIODICAL AUDITS AND ESTABLISHMENTS OF ACCOUNTING PROCEDURE BY INDEPENDENT ACCOUNTS; PROVIDING FOR THE CONTROL AND THE SCOPE AND FOR THE COST AND EXPENSE THEREOF.

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

Section 1. Beginning with the year 1946, and each year thereafter, it shall be the duty of the Board of County Commissioners of each county of the state to provide for and cause to be made an annual audit of the financial affairs and transactions of the county. At the option of said Board of County Commissioners, audits may be made at more frequent intervals.

Section 2. Beginning with the year 1946, and each year thereafter, it shall be the duty of the governing body of each city and town within the state, which spends in excess of Ten Thousand Dollars (\$10,000.00) per annum, unless otherwise provided by charter, to provide for and cause to be made an annual audit of the financial affairs and transactions of such city or town. At the option of said governing body, audits may be made at more frequent intervals.

Section 3. For each fiscal year, it shall be the duty of the directors of each school district in the State of Colorado, that spends in excess of Ten Thousand Dollars (\$10,000.00) per annum, to provide for and cause to be made an annual audit of the financial affairs and transactions of the school district. At the option of said directors, audits may be made at more frequent intervals.

Section 4. The audits herein required shall be made by a certified public accountant or a registered accountant licensed by the State of Colorado, or by deputies or employees of the State Auditor. The local government for which said audit is made shall pay therefor and shall pay all expenses in connection therewith.

Section 5. Each audit must show:

(a) All monies collected, disbursed and retained by said local government, or by any agency, department or office thereof,

(b) In all agencies, departments or offices which are permitted by law to retain cash in its possession, such cash must be counted and reconciled with the books of accounts and records thereof,

(c) That duplicate receipts or other evidences of collections shown in said books and records, have been properly made and filed,

(d) That proper vouchers for all monies paid out by any such agency, department or office have been properly made out and filed,

(e) A comparison of the expenditures actually made from each fund with the amount provided therefor in the budget adopted by the governing body of the local government so as to reflect any expenditure made from any fund in excess of the budgeted amount for such fund.

Section 6. Upon the completion of the audit of any local government unit, the person making such audit shall certify his findings in writing to the governing body of the unit, and said governing body shall, within thirty days from receipt of such audit, send to the State Auditor a copy thereof, and retain in its office the original thereof as a public record. The State Auditor shall inspect such audit report for the purpose of ascertaining that requirements of this act, as to the scope of audit, have been complied with. In the event such audit is incomplete as to the requirements contained in Section 5 hereof, he shall immediately report such fact in writing to the governing body of the local government.

If an audit report of any local government required by this act to have an audit has not been received by the State Auditor within six months from the close of the fiscal year of such local government, the State Auditor shall make inquiry as to the reasons for the failure of the governing body of such local government to comply with the provisions of this Act.

Section 7. Any auditor knowingly making any false report under the provisions of this Act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) for each offense.

Section 8. Any member of the governing body of any county, city, town or school district or any member, officer, employee or agent of any department, board, commission or other spending agency who knowingly or wilfully fails to perform any of the duties imposed upon him by this Act or who knowingly and wilfully violates any of the provisions hereof or who knowingly and wilfully furnishes to said auditors or their employees any false or fraudulent information shall be deemed guilty of malfeasance in office and, upon conviction thereof, the court shall enter judgment that such officer so convicted shall be removed from office. It shall be the duty of the court rendering any such judgment to cause immediate notice of such removal to be given to the proper officer of the county, city, town or school district or other proper department or officer so that the vacancy thus caused may be filled.

Section 9. If any provision 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 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.

Approved: March 26, 1945.

# AN ACT

## HOUSE BILL NO. 22

### AN ACT RELATING TO LOCAL GOVERNMENT BUDGETS: AND AMENDING CHAPTER 103, 1935 COLORADO STATUTES ANNOTATED, AS AMENDED.

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

Section 1. This chapter shall be known and may be cited as "The Local Government Budget Law of Colorado."

Section 2. *Chapter to apply to all subdivisions of the state.* This chapter shall apply to all subdivisions of the state which have power to appropriate money or levy taxes, except to home rule cities or cities and counties or to cities operating under a charter. For the purpose of this chapter, any such subdivision shall be designated and referred to by the term "local government."

Section 3. *Fiscal year.* The fiscal year of local governments shall be as may be fixed by law. Such fiscal year shall constitute the budget year of the local government.

Section 4. *Local government shall adopt budgets.* Each local government shall adopt an annual budget as hereinafter provided. Such budget shall present a complete financial plan for the ensuing fiscal year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, boards, commissions and institutions of such local government, including publicly owned and operated utilities and enterprises. It shall show the actual or estimated deficits from prior years, all debt redemptions and interest charges during the budget year, and all expenditures for capital projects to be undertaken or executed during the budget year. In addition thereto, it shall set forth the anticipated incomes and other means of financing the proposed expenditures for the ensuing fiscal year.

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

Section 6. *Information for Budget.* All offices, departments, boards, commissions or other spending agency of any local government, shall, on or before the first day of September of each year if the fiscal year of such local government commences the first day of January of each year, or on or before fifty (50) days prior to the commencement of the fiscal year of such local government if such fiscal year commences at a time other than on the first day of January of each year, prepare and submit to the person or persons appointed to prepare the budget, estimates of their expenditure requirements and their estimated revenues for the ensuing



budget year, and shall submit in connection therewith the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year. The estimates of expenditures shall be classified so as to set forth the data by funds, character and objects of expenditure. Such budget shall be segregated as to offices, departments, boards, commissions or other spending agencies. Such data may be sub-classified by function and activities at the discretion of the person or persons making up such budget. The revenue estimates shall be classified as to funds and sources of income.

Section 7. *Preparation of Budget.* On or before the twentieth day of September of each year if the fiscal year of such local government commences on the first day of January of each year, or on or before thirty (30) days prior to the commencing of any fiscal year if the fiscal year of such local government commences at a time other than on the first day of January of each year, the person or persons appointed to prepare the budget shall prepare and submit to the governing body a proposed budget for the ensuing budget year. Such proposed budget shall be accompanied by a statement which will describe the important features of the budget plan. It shall also contain a general summary wherein shall be set forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income or other means of financing the proposed budget for the ensuing budget year as contrasted with the corresponding figures for the last completed fiscal year and the current fiscal year. It shall be supported by explanatory schedules or statements classifying the expenditures contained therein by offices, boards, departments, commissions, or other spending agencies and by subjects and funds. Also the anticipated income shall be classified in the same manner.

Section 8. *Notice of budget.* Upon receipt of such proposed budget, the governing body shall cause to be published a notice showing that such proposed budget is open for inspection by the public at such office as may be designated, that said governing body will consider the adoption of such proposed budget on a certain date; and that any interested taxpayer may inspect such proposed budget and file or register any objections thereto at any time prior to the final adoption of the budget. Said notice shall be in substantially the following form:

#### NOTICE AS TO PROPOSED BUDGET

Notice is hereby given that a proposed budget has been submitted to.....for the ensuing fiscal  
(naming the governing body)  
 year of..... That a copy of such proposed  
(name year)  
 budget has been filed in the office of.....  
(name office)  
 where same is open for public inspection. That such proposed budget will be considered at a.....meeting of the  
(state whether regular or special)

..... to be held at.....  
(name governing body) (state place)

on..... at..... Any  
(state date) (state time)

taxpayer within such.....

.....  
(name municipality, county, school district or other  
subdivision of such governing body)

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

Dated.....  
(Governing Body)

By.....  
Clerk or Secretary.

Such notice shall be published one time in a newspaper having  
general circulation within such governmental subdivision; *provided,*  
*however,* any local government unit whose proposed budget is  
\$10,000.00 or less shall, in lieu of such publication, post copies of  
such notice in three (3) public places within the limits of such gov-  
ernmental subdivision.

Section 9. *Objections to budget.* Any taxpayer of such gov-  
ernmental subdivision shall have the right to file or register his  
protest with such governing body prior to the time of the adoption  
of the budget.

Section 10. *Adoption of budget.* On the day set for considera-  
tion of such proposed budget the governing body shall review  
the proposed budget, revise, alter, increase or decrease the items  
as it shall deem necessary in view of the needs of the various offices,  
departments, boards, commissions, or other spending agencies and  
the probable income of the local government. The governing body  
shall then adopt a budget setting forth the expenditures to be made  
in the ensuing fiscal year. If it shall increase the total proposed  
expenditures it shall also provide for an increased income, so that  
the total means of financing the budget shall be at least equal to  
or greater than the amount of the aggregate proposed expendi-  
tures. In estimating the anticipated revenues, consideration must  
be made of unexpended surpluses and the percentage in prior  
years of the collection of taxes.

Section 11. *Appropriating ordinance or resolution.* Before  
the beginning of the fiscal year, the governing body shall enact an  
ordinance or resolution making appropriations for the ensuing fiscal  
year, and the amounts appropriated for the several offices, depart-  
ments, boards, commissions and other spending agencies shall not  
exceed the amounts therefor fixed in the budget adopted by the  
governing body. The income of the local government, as estimated  
in the budget and as provided for by the tax levy ordinance or  
resolution and other revenue and borrowing resolutions or ordin-  
ances shall be allocated in the amounts and according to the funds  
specified in the budget for the purpose of meeting the expenditures  
authorized by the appropriation ordinance or resolution. Nothing  
herein contained shall be construed to prohibit the governing body

making an appropriation to and for a contingent fund to be used only in cases of emergency.

Section 12. *Failure to make appropriation.* If at the termination of any fiscal year, the appropriations necessary for the support of the local government for the ensuing fiscal year shall not have been made, then ninety per cent of the several amounts appropriated in the last appropriation ordinance or resolution for the objects and purposes therein specified, so far as the same shall relate to the operation and maintenance expenses, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation ordinance or resolution.

Section 13. *Officer, department or board not to make contract for expenditures in excess of appropriation.* No officer, department, board, commission or other spending agency shall, during the fiscal year, expend or contract to expend any money, or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the appropriation ordinance or resolution in excess of the amounts appropriated in said ordinance or resolution for such officer, department, board, commission, or other expending agency, or purpose, for such fiscal year. Any contract, verbal or written, made in violation of this section shall be null and void as to the local government, and no moneys belonging thereto shall be paid thereon. *Provided, however,* that nothing herein contained shall prevent the making of contracts for governmental services or for capital outlay for a period exceeding one year in first class school districts or if same be allowed otherwise by law, but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years.

Section 14. *Contingencies.* In cases of emergency caused by act of God or the public enemy or some contingency which could not have been reasonably foreseen at the time of the adoption of the budget, the governing body of such local government may, by ordinance or resolution duly adopted by a two-thirds vote of such governing body, authorize the expenditure of funds in excess of such budget. Such resolution shall set forth in full the facts concerning such emergency and shall be spread at length in the minutes of the meeting of such governing body at which such ordinance or resolution was adopted. A certified copy of such ordinance or resolution shall be filed with the State Tax Commission and in case of third class school districts with the county superintendent of schools. Said ordinance or resolution shall be published in full one time in a newspaper having general circulation within the limits of such governmental subdivision; *provided, however,* any local government unit whose budget is \$10,000.00 or less, shall, instead of such publication, post copies of such ordinance or resolution in three public places within the limits of such governmental subdivision.

Section 15. *Payment for contingencies.* In case of such emergency and the passage of an ordinance or resolution authoriz-

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

Section 16. *Filing of budget.* Upon the adoption of the budget as herein provided, the governing body of the local government shall cause a certified copy of such budget to be filed in the office of the State Tax Commission and, if the local government be a school district, a copy of such budget shall be filed in the office of the county superintendent of schools. Copies of such budget and of ordinances or resolutions authorizing additional expenditures or the transfer of funds, shall be filed with the officer or employee of the local government whose duty it is to issue warrants or orders for the payment of money.

Section 17. *Record of expenditures.* The officer or employee of the local government, whose duty it is to draw warrants or orders for the payment of money, shall keep in his office a record showing the funds authorized by the budget and the warrants drawn against the same, and also a record of the transfer of money from one fund to another and of any authorized additional expenditure as provided in Section 14 of this Act. Such record shall be kept so that it will show at all times the unexpended balance in each of the budgeted funds. Such officer or employee shall, at such periodical times as may be required by the governing body, submit a report showing such unexpended balances. In case of third class school districts, a copy of such report shall be given to the county superintendent of schools at least quarterly. No such officer or employee shall draw any warrant or order for the payment of money against any fund in excess of the amount available in such fund as shown by said record or report.

Section 18. Any member of the governing body of any county, city, town or school district or any member, officer, employee or agent of any department, board, commission or other spending agency who knowingly or wilfully fails to perform any of the duties imposed upon him by this Act or who knowingly and wilfully

violates any of the provisions hereof shall be deemed guilty of malfeasance in office and, upon conviction thereof, the court shall enter judgment that such officer so convicted shall be removed from office. It shall be the duty of the court rendering any such judgment to cause immediate notice of such removal to be given to the proper officer of the county, city, town or school district or other proper department or officer so that the vacancy thus caused may be filled.

Section 19. If any provision 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 20. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

Approved: March 27, 1945.

# AN ACT

HOUSE BILL NO. 481

## AN ACT CONCERNING SALARIES OF STATE OFFICERS.

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

Section 1. Section 52, Chapter 66, 1935 Colorado Statutes Annotated, is hereby amended to read:

Section 52. The governor shall receive an annual salary of ten thousand dollars, and the further sum of three thousand dollars for the payment of an annual salary of a private secretary. The lieutenant-governor shall receive an annual salary of one thousand two hundred dollars together with the sum of twenty dollars per day as expenses while serving as governor during the governor's disability or absence from the state. The secretary of state shall receive an annual salary of five thousand dollars. The auditor of state shall receive an annual salary of five thousand dollars. The state treasurer shall receive an annual salary of six thousand dollars. The superintendent of public instruction shall receive an annual salary of four thousand dollars. The attorney general shall receive an annual salary of six thousand dollars. The judges of the supreme court of this state shall each receive an annual salary of six thousand five hundred dollars. Judges of the district courts of this state shall each receive an annual salary of five thousand dollars. The salaries herein provided shall be payable monthly. The district attorneys shall each receive an annual salary of eight hundred dollars.

Section 2. The payments to be made under the provisions of this Act regarding the annual salaries of the lieutenant-governor, secretary of state, auditor of state, state treasurer, superintendent of public instruction, and attorney general shall first become effective upon the date upon which the persons elected to said offices in the year 1946 assume the duties of their offices.

Section 3. The General Assembly hereby finds, determines and declares this Act to be 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 16, 1945.

A N A C T  
SENATE BILL NO. 17  
IN RELATION TO EDUCATION

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

Section 1. Section 250, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Chapter 198, Session Laws of Colorado, 1941, is hereby amended to read as follows:

Section 250. In every school district of the first class, *in every county high school district, and in every union high school district* there may be created a school teachers' retirement fund which shall be controlled by the board of education of the school district concerned.

Section 2. Section 253, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Chapter 198, Session Laws of Colorado, 1941, is hereby amended to read as follows:

Section 253. The money for the use of the public school teachers' retirement fund shall be secured by a special levy *not to exceed two mills upon the said school district* and from any gifts or bequests which may be made to said fund.

Section 3. All Acts or parts of Acts in conflict herewith are hereby expressly repealed.

Approved: February 15, 1945.

# A N A C T

## SENATE BILL NO. 331

TO AMEND SECTION 7 OF CHAPTER 198, SESSION LAWS  
OF 1941.

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

Section 1. Section 7 of Chapter 198 of Session Laws of 1941 is hereby amended to read as follows:

Section 7. Boards of Education which have established or may establish a *retirement fund* for their employees in accordance with Chapter 146, Sections 250-254, inclusive, of the 1935 Colorado Statutes Annotated, or any amendments thereof, are hereby authorized to combine and extend the benefit provisions thereof with any benefits which may be provided for employees or their dependents under any provisions of this act, in which case the limitation on the amount of the monthly payments specified in Chapter 146, Section 251, 1935 Colorado Statutes Annotated, or any amendments thereof, shall not be operative. However, no levy shall be made by any Board of Education for any retirement or benefit fund in excess of any limitation imposed by law upon levies for such purposes.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved: March 14, 1945.



# AN ACT

## SENATE BILL NO. 301

### RELATING TO PENSIONING OF CERTAIN CLASSES OF PUBLIC EMPLOYEES AFTER RETIREMENT FROM OFFICE: AMENDING CHAPTER 149, 1943 SESSION LAWS.

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

Section 1. Section 11 of Chapter 149, 1943 Session Laws is hereby amended to include the following as Sub-Section c thereof, to be inserted immediately after Sub-Section b.

Sub-Section c.—*Optional Forms of Annuities.* Any member making application for retirement for superannuation as provided in this section may elect to receive his or her retirement annuity in any of the following forms; and after an election has been made of any of the following options by a retiring member, and the same has been approved by the Retirement Board, no further change or alteration in the plan of payment may be made by the Board or the retiring member or his co-beneficiary, if one is designated. If no option is elected by a member prior to the effective date of his or her retirement, he or she shall be considered to have automatically elected to receive his or her benefit as a regular retirement annuity under Option 1.

*Option 1:* A single life, ordinary annuity, payable for life of the primary annuitant only, and terminating at his or her death, without refund of any kind to the estate of the deceased annuitant or his or her beneficiary, upon his or her death, of any difference between the amount paid into the Retirement Fund by such member and the amount withdrawn by annuity payments prior to death.

*Option 2:* A reduced single life, refund annuity, which is the actuarial equivalent of the annuity payable under Option 1, payable for the life only of the primary annuitant with a refund on the death of the annuitant, to his or her designated beneficiary, or if none, to the estate of the deceased annuitant, of any difference between the amount paid into the Retirement Fund by said annuitant during his or her lifetime, and the amount drawn as annuity after retirement.

*Option 3:* A reduced joint life, ordinary annuity, which is the actuarial equivalent of the annuity payable under Option 1, payable for the joint lives of the primary annuitant, the retired member, and that of his or her designated co-beneficiary, having an insurable interest in his or her life, without refund of any kind to the estates of either of the co-annuitants upon the death of the survivor, of any difference between the amount paid into the Retirement Fund by the primary annuitant and the amount withdrawn by the joint annuitants prior to death.

*Option 4:* A reduced joint life, ordinary annuity, which is the actuarial equivalent of the annuity payable under Option 1, payable to the primary annuitant and his or her designated co-beneficiary, having an insurable interest in his or her life, in an amount monthly which shall be decreased by one-half upon the death of either of them, and payable to the primary annuitant and his or her designated co-beneficiary, or the survivor of them, so long as either of them shall live, without refund of any kind to the estates of either of the co-annuitants upon the death of the survivor, of any difference between the amount paid into the Retirement Fund by the primary annuitant during his or her lifetime and the amount withdrawn prior to the death of the survivor of the joint annuitants.

Section 2. Section 14 of Chapter 149, 1943 Session Laws is hereby amended by the addition of the following Sub-Section a. and b. thereof.

Sub-Section a.—*Military Service.* Whenever any member of the Retirement Association shall be inducted into active military service with the National Guard, United States Army or Navy, or other branch of service engaged in the national defense, as may be determined by the Retirement Board, while on leave of absence from the public service, the payments of any such member into the Retirement Fund in lieu of salary deductions shall be waived for such periods while such member is so engaged in such service, providing his compensation is less than his compensation when last engaged in public service, and if later retired for superannuation such periods of non-service with an affiliated public employer while engaged in such service shall be considered as public service for the purpose of computing service credit for retirement; *provided*, nothing in this Act shall be construed to cover any disability incurred by reason of such military service.

Sub-Section b. Whenever any public employe is on leave of absence for military service at the time his or her employer became, or shall hereafter become affiliated with the retirement system and such employe shall re-enter the employment of such public employer, he or she shall be entitled to all rights and privileges and may be charged with all the duties and liabilities of membership as of the date of his or her employer affiliated with the retirement system.

Section 3.—Sub-Section (1) of Section 15 of Chapter 149, 1943 Session Laws is hereby amended to read as follows:

(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.

Section 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 5. If any provision 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 6. The General Assembly hereby finds, determines, and declares this Act is necessary for the immediate preservation of the public peace, health and safety.

Section 7. 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 14, 1945.

# AN ACT

## SENATE BILL NO. 157

### CONCERNING SCHOOLS, AND TO AMEND SECTION 249, CHAPTER 146, 1935 COLORADO STATUTES AN- NOTATED.

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

Section 1. Section 249, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 249. *Teachers' breach of contract—Hearing—License suspended.*—If a school teacher enters into a contract with a board of directors of a school district to teach in said district for a prescribed number of months and afterwards fails or refuses to fulfil such contract without receiving a release from the district school board, or without giving to said school board at least thirty days' notice of intention to cancel such contract, such failure or refusal to complete such contract, or give such notice, shall cause said teacher to forfeit his or her license to teach in any public school in the State of Colorado during the period covered by said contract. It shall be the duty of said school board, upon the breach of said contract, to file a sworn affidavit setting forth the facts of said employment with the person or board who has authority to license teachers to teach in Colorado. The licensing board shall thereupon notify said teacher to appear before said board within thirty days and show cause why the said teacher's license may not be suspended during the period of the contract. The licensing board shall thereupon hold a hearing, and if they find that the teacher has violated said contract without just cause therefor, they may suspend said teacher's license during the period of said contract. *It shall be lawful for a board of directors to assess a teacher up to and including one-twelfth of his or her annual salary for failure to complete his or her contract between August first and the close of the regular school term, unless release is granted by the board of directors of the school district. Every teacher's contract hereinafter entered into shall contain a clause that the same is subject to the provisions of this Act, mentioning the Chapter of the Session Laws of 1945 wherein same appears.*

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 21, 1945.

# AN ACT

## SENATE BILL NO. 80

CONCERNING THE INSTRUCTION, TEACHING AND TRAINING OF PHYSICALLY HANDICAPPED STUDENTS; TO PROVIDE READERS FOR BLIND STUDENTS ATTENDING ANY INSTITUTION FOR HIGHER EDUCATION OR CONSERVATORY OF MUSIC APPROVED BY THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL FOR THE DEAF AND BLIND; AND TO ASSIST DEAF STUDENTS ATTENDING THE NATIONAL INSTITUTION FOR THE DEAF AT THE CITY OF WASHINGTON IN THE DISTRICT OF COLUMBIA.

*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 annually any moneys deemed necessary or advisable out of the presently existing and any future mill levies for the support of the Colorado School for the Deaf and the Blind, to provide readers for blind persons who shall be residents of the State of Colorado and graduates of the Colorado School for the Deaf and the Blind and who shall regularly matriculate in, and thereafter study for a degree in any institution of higher education or any conservatory of music to be approved by the Board of Trustees of the Colorado School for the Deaf and the Blind; and to defray the expenses of deaf persons who shall be citizens of the State of Colorado, and graduates of the Colorado School for the Deaf and the Blind, taking a collegiate course of instruction in the National Institution for the Deaf at Washington, D. C., known as Gallaudet College for the Deaf.

Section 2. Any moneys annually expended by said Superintendent under the authority of this act shall be disbursed under the direction and control and subject to the prior approval 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 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: March 12, 1945.

# A N A C T

## SENATE BILL NO. 37

TO CHANGE THE NAME OF THE "ADAMS STATE TEACHERS COLLEGE OF SOUTHERN COLORADO," TO THE "ADAMS STATE COLLEGE OF COLORADO."

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

"Section 1. The Adams State Teachers College of Southern Colorado, designated as such in Section 41, Chapter 155, 1935 Colorado Statutes Annotated, shall be designated and known as the 'Adams State College of Colorado'."

Section 2. The General Assembly hereby finds, determines, and declares this Act 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 12, 1945.

# AN ACT

SENATE BILL NO. 296

TO PROVIDE STATE FUNDS FOR THE EDUCATION OF PHYSICALLY HANDICAPPED CHILDREN AND MAKING AN APPROPRIATION THEREFOR.

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

Section 1. There is hereby appropriated from the General Fund of the State of Colorado the sum of Ten Thousand Dollars (\$10,000.00) for the biennium for the purpose of providing education for physically handicapped children of the State of Colorado who, for physical reasons, are unable to attend public school but are mentally capable of receiving an education.

Section 2. The appropriation hereby provided shall be an appropriation of the first class and shall be placed in a fund designated as the State Fund for the Education of Physically Handicapped Children, and such Fund shall be expended under the direction and control of the office of the State Superintendent of Public Instruction.

Section 3. The parent, parents or guardian of any child or children qualifying to receive education and benefits under the provisions of this Act, may enroll such child or children in any school district in the State of Colorado which may be now or hereafter properly equipped to educate physically handicapped children, as determined by the State Superintendent of Public Instruction.

Section 4. The parent, parents or guardian of such children, desiring to receive the benefits of this Act shall make application to the County Superintendent of Schools upon a form to be provided by the Office of the State Superintendent of Public Instruction; and upon the proper filing of such application in the State Department of Education, the State Superintendent of Public Instruction may cause any child to be enrolled in any school in any county, with the approval of the School Board of the school in which the child shall be enrolled for education.

Section 5. For such children as may be transported from one district to another which has facilities for teaching handicapped children, the State Superintendent of Public Instruction may pay an enrollment fee of not in excess of Three Hundred Dollars (\$300.00) per annum to the School District in which the child is to receive education, and may pay an additional sum not in excess of Five Hundred (\$500.00) per annum for care and maintenance of each child during the period of education. The provisions regarding care and maintenance shall apply only in such cases

where the parent, parents or guardian do not maintain a residence within the school district where the child is enrolled.

Section 6. There is hereby appropriated from the General Fund of the State of Colorado the further sum of Ten Thousand Dollars (\$10,000.00) for the biennium for the purpose of providing free instruction for hospitalized and home-bound children. This money shall be expended for instruction of such children under rules and regulations established by the State Department of Education.

Section 7. Application for instructional services shall be made by the County Superintendent of the county in which the child to receive such services and instructions resides.

Upon receipt of such application the State Superintendent shall make reasonable investigation of the need of such instruction and services. If the State Superintendent is satisfied of a just claim, he shall authorize the employment by the local school board of a teacher to give instruction to said child, in accordance with the rules and regulations set up by the State Department of Education.

Section 8. Any teacher giving such services and instructions to homebound and hospitalized children shall be certified by the State Superintendent of Public Instruction.

Section 9. All moneys paid out for the purposes specified in this Act, shall be by the State Treasurer upon recommendation and approval of the State Superintendent of Public Instruction, in accordance with the rules and regulations already established for the payment of State money to the person to whom the State is indebted.

Section 10. All Acts, or parts of Acts, in conflict herewith 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, 1945.



# A N A C T

## SENATE BILL NO. 390

CONCERNING FEES AND SALARIES; PROVIDING FOR A CLASSIFICATION BY COUNTIES, ACCORDING TO POPULATION, FOR THE PURPOSE OF PROVIDING FOR A CLASSIFICATION OF COUNTIES, ACCORDING TO POPULATION, FOR THE PURPOSE OF REGULATING THE COMPENSATION OF COUNTY JUDGES, CLERKS OF DISTRICT AND COUNTY COURTS AND OF COUNTY, PRECINCT AND OTHER OFFICERS, THEIR DEPUTIES, ASSISTANTS, AND EMPLOYEES, AND PROVIDING FOR THEIR COMPENSATION AND THE PAYMENT THEREOF; AMENDING CHAPTER 66, 1935 COLORADO STATUTES ANNOTATED, AS AMENDED; AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. For the purpose of providing for and regulating the compensation of county and other officers, the counties of this state are classified according to population into six classes, which are designated as Class I, Class II, Class III, Class IV, Class V and Class VI.

Section 2. Class I shall consist of the City and County of Denver, and the annual salaries of county and other officers shall be as follows:

(a) County Superintendent of Schools	\$ 900.00
* * * * *	

Section 3. Class II shall consist of the counties of Pueblo, Weld and El Paso as Group A; and Boulder, Larimer, Mesa, Las Animas, Arapahoe and Jefferson as Group B; and the annual salaries of county and other officers shall be as follows:

	<i>Group A</i>	<i>Group B</i>
(b) County Superintendent of Schools	\$3000.00	\$2800.00
* * * * *		

Section 4. Class III shall consist of the counties of Otero, Adams, Fremont, Logan and Morgan as Group A; Delta, Huerfano, LaPlata, Montrose, Rio Grande, Prowers, Yuma, Conejos, Garfield, Routt and Alamosa as Group B; and the annual salaries of county and other officers shall be as follows:

	<i>Group A</i>	<i>Group B</i>
(b) County Superintendent of Schools	\$2500.00	\$2000.00
* * * * *		

Section 5. Class IV shall consist of the counties of Montezuma, Bent, Washington, Chaffee, Costilla, Kit Carson, Lake, Teller, Baca and Gunnison as Group A; Saguache, Lincoln, Elbert, Crowley, Eagle, Sedgwick, Moffat and Phillips as Group B; and the annual salaries of county and other officers shall be as follows:

	<i>Group A</i>	<i>Group B</i>
* * * * *		
(b) County Superintendent of Schools	\$1800.00	\$1650.00
* * * * *		

Section 6. Class V shall consist of the counties of Archuleta, Clear Creek, San Miguel, Grand, Douglas, Park, Cheyenne, Rio Blanca, Kiowa, Custer and Ouray, and the annual salaries of county and other officers shall be as follows:

* * * * *		
(b) County Superintendent of Schools		\$1500.00
* * * * *		

Section 7. Class VI shall consist of the counties of Dolores, Pitkin, Jackson, Summit, Gilpin and San Juan as Group A; and Mineral as Group B; and Hinsdale as Group C; and the annual salaries of county and other officers shall be as follows:

	<i>Group A</i>	<i>Group B</i>	<i>Group C</i>
* * * * *			
(b) County Superintendent of Schools	\$1200.00	\$300.00	\$100.00
* * * * *			

Section 8. \* \* \* \* \*

Section 9. The county clerks, county treasurers, county assessors and county superintendents of schools of the respective counties may appoint such deputies, assistants, and employees as shall be necessary at such compensation, payable monthly, as shall be fixed by said officers with the approval of the boards of county commissioners of their respective counties.

Section 10. The board of county commissioners in the several counties shall also allow the county superintendent of schools mileage, not to exceed eight cents (8c) per mile, for the distance actually and necessarily traveled in the performance of duty, but not to exceed one thousand dollars (\$1000.00) per annum in each county.

Section 11.	*	*	*	*	*	*	*
Section 12.	*	*	*	*	*	*	*
Section 13.	*	*	*	*	*	*	*
Section 14.	*	*	*	*	*	*	*
Section 15.	*	*	*	*	*	*	*
Section 16.	*	*	*	*	*	*	*

Section 17. Sections 41, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, and 91, Chapter 66, 1935 Colorado Statutes Annotated, Chapter 148 of the Session Laws of Colorado, 1937, Chapter 129 of the Session Laws of Colorado, 1941, and Chapters 96, 97, and 99 of the Session Laws of Colorado, 1943, are hereby repealed, provided, however, that this Act shall not be construed to repeal any provisions of existing statutes concerning salaries to be paid to county or other officers until the salaries herein provided for become operative, and provided, further, that all salaries or compensation provided for in this Act shall be paid monthly out of the county general fund except as in this Act specifically provided or except as prohibited by the Constitution of the State of Colorado. In the event there is a conflict between any of the provisions hereof and any of the provisions of such existing statutes which are not herein specifically repealed, the provisions hereof shall govern.

Section 18. The General Assembly hereby finds and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

Approved: April 2, 1945.

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# AN ACT

SENATE BILL NO. 284

TO AMEND CHAPTER 16, COLORADO STATUTES ANNOTATED, 1935, AS AMENDED, RELATING TO MOTOR VEHICLES.

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

Section 1. Section 201, Chapter 16, Colorado Statutes Annotated, 1935, is hereby amended to read as follows:

Section 201. *Following too closely.*—(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any motor truck or motor truck drawing another vehicle when traveling upon a roadway outside of a business or residence district shall not follow within 300 feet of another motor truck or motor truck drawing another vehicle. The provisions of this subdivision shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks.

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 18, 1945.

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