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SCHOOL LAWS

Enacted by

The Fortieth General Assembly

First Regular Session

STATE OF COLORADO



1955

H. GRANT VEST

State Commissioner of Education

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AN ACT

House Bill No. 74

(Ch. 162, S. L. 35)

CONCERNING HOLIDAYS AND TO AMEND THE LAW
RELATING THERE TO

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

Section 1. Sections 62-1-1, Colorado Revised Statutes 1953, is hereby amended to read as follows:

SCHOOL LAWS

Enacted by

FORTIETH

GENERAL ASSEMBLY

First Regular Session

STATE OF COLORADO

1955

AN ACT

House Bill No. 74

(Ch. 163, S. L. '55)

CONCERNING HOLIDAYS AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. 67-1-1, Colorado Revised Statutes 1953, is hereby amended to read as follows:

67-1-1. Legal holidays—effect. The following days, viz: the first day of January, commonly called New Year's day; the twenty-second day of February, commonly called Washington's birthday; the thirtieth day of May, commonly called Decoration day; the fourth day of July, commonly called Independence day; the first Monday in September, commonly called Labor day; the day of the general election in November or such other day as a general election may be held; the eleventh day of November, commonly called Veterans' day; Thanksgiving day; the twenty-fifth day of December, commonly called Christmas day; and any day appointed or recommended by the governor of this state or the president of the United States as a day of fasting or prayer, or thanksgiving, are hereby declared to be legal holidays; and shall, for all purposes whatsoever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, drafts, bank checks, promissory notes, or other negotiable instruments, also for the holding of courts, be treated and considered as is the first day of the week commonly called Sunday. In case any of said holidays or any other legal holiday hereafter designated shall fall upon a Sunday, then the Monday following shall be considered as the holiday, and all notes, bills, drafts, checks or other negotiable instruments falling due or maturing on either of said days, shall be deemed to be payable on the next succeeding business day. In case the return or adjourned day in any suit, matter or hearing before any court shall come on any day before mentioned, such suit, matter or proceeding, commenced or adjourned, as aforesaid, shall not, by reason of coming on any such day, abate, but the same shall stand continued to the next succeeding day, at the same time and place, unless the next day shall be the first day of the week, when in such case the same shall stand

continued to the day next succeeding, secular or business day, at the same time and place. Nothing in this section shall prevent the issuing or serving of process on any of the days above mentioned, or on Sunday.

Section 2. 67-1-2, Colorado Revised Statutes 1953, is hereby amended to read as follows:

67-1-2. Additional holidays—effect. The following days, viz: the twelfth day of February, commonly called Lincoln's birthday; the first day of August, commonly called Colorado day; and the twelfth day of October, commonly called Columbus day, are hereby declared to be legal holidays and shall, for all purposes as regards the holding of courts, be treated and considered as the first day of the week commonly called Sunday. In case any of said holidays shall fall upon a Sunday, then the Monday following shall be considered as the holiday, and in case the return or adjourned day in any suit, matter or hearing before any court shall come on any such days, such suit, matter or proceeding, commenced or adjourned as aforesaid, shall not by reason of coming on any such day, abate, but the same shall stand continued to the next succeeding day, at the same place and time, unless the next day shall be the first day of the week, when in such case the same shall stand continued to the next succeeding, secular or business day, at the same time and place. Nothing in this section shall prevent the issuing or serving of process on any of the days above mentioned or on Sunday. Any bank as defined in Section 14-1-1, or any industrial bank, national banking association, savings bank, trust company or state or federal chartered building or savings and loan association, or federal reserve bank, may, at its option, close or remain open for business on any date designated in this section as a legal holiday. Upon any such bank or other such organization being closed on such day, any act authorized, required or permitted to be performed at or by such bank or other such organization may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from such delay, notwithstanding the provisions of any other law of this state to the contrary. The provisions of this section shall not operate to invalidate or prohibit the doing on any of the legal holidays named in this section of any such act by any person or organization referred to herein, and nothing in this section shall, in any manner whatsoever affect the validity of or render void or voidable the pay-

ment, certification or acceptance of a check or any other negotiable instrument or any other transaction by any of such organizations because done or performed during any of the legal holidays designated in this section, notwithstanding the provisions of any other law of this state to the contrary.

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

Approved by the Governor March 31, 1955

AN ACT

House Bill No. 92

(Ch. 321, S. L. '55)

RELATING TO VETERANS' EDUCATION AND TRAINING, AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. 143-6-8, Colorado Revised Statutes 1953, is hereby amended to read as follows:

143-6-8. Duration of article. This article shall be effective until midnight, June 30, 1957.

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

Approved by the Governor February 9, 1955

AN ACT

House Bill No. 110

(Ch. 257, S. L. '55)

CONCERNING THE ORGANIZATION OF A NEW SCHOOL DISTRICT OUT OF ONE OR MORE OLD SCHOOL DISTRICTS, AND TO AMEND 123-7-1 AND 123-7-5, COLORADO REVISED STATUTES 1953.

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

Section 1. 123-7-1, Colorado Revised Statutes 1953, is hereby amended to read as follows:

123-7-1. For the purpose of organizing a new district out of a portion of one or more old districts, the parents of at least fifteen children of school age residing within the limits of the proposed new district shall petition the county superintendent in writing, which petition shall describe the boundaries of the proposed district, and the names of all children of school age residing in such proposed district at the date of said petition; and said list of names shall be held to be the census list of said district until the next regular school census shall be taken, and if any names are found on said list, and also on other census lists for the current year, if the county superintendent is satisfied that the children so named are bona fide residents of the proposed district he shall strike such names from the lists of the old districts, when the organization of the new district is complete.

Upon presentation of such petition the county superintendent shall fix a time for a hearing upon said petition, notices of which shall be posted in each district or parts of districts, at direction of the county superintendent by the secretary of each district affected in at least three public places in each district, or parts of districts, at least ten days prior to the hearing.

If, upon such hearing, in the judgment of the county superintendent, the school interests of the district affected by the proposed change will be best promoted by said change, he shall direct some one of the petitioners, who is a legal voter, to notify each elector residing within the district so to be formed, by personal service as far as convenient, and to post a notice in three public places in said new district, that such petition has

been made, and that a meeting will be held, naming the time and place of such meeting, to determine the question of the proposed organization.

Section 2. 123-7-5, Colorado Revised Statutes 1953, is hereby amended to read as follows:

123-7-5. A joint school district may be formed from contiguous territory belonging to two or more contiguous counties. For the purpose of organizing a joint district, the same preliminary steps shall be taken, and the same course pursued as is provided for the organization of other districts in sections 123-7-2 and 123-7-3. Such district shall be designated as "Joint District No. of the counties of and" and shall be so numbered that it shall have the same number in all the counties from which it is formed.

The petition required by section 123-7-1 shall be made to each county superintendent interested, who shall unite in forming such districts;

Provided, That the board of education of a joint district shall designate the location of its administrative headquarters and shall notify the state board of education and the county treasurer of each county in which such joint district is located of such designation in accordance with the provisions of subsection (4) of section 123-6-19.

Provided, further, That the school census, the assessing of property, the collection of taxes, and all other acts which from their nature should be separately kept or done shall be kept and done, and the reports thereof made, as if each portion of said joint district belonging to each county were an entire district in the respective counties. The records of attendance of the children of residence in each district of which the joint district is a part are to be kept separate and reported to the respective county superintendents. The budget, teacher's or principal's annual report and secretary's annual report are to be made for the entire district and filed in and reported by the county superintendent of the county which has been designated as administrative headquarters. Teachers of such joint district shall have a certificate from the superintendent of the county in which the administrative headquarters are located. No joint district shall be annulled except by the consent of the county superintendents of the counties in which such district is located.

Provided, further, That when any joint district desires to be annulled for the purpose of forming separate districts, it shall require a majority vote of the voters constituting said joint district, at a meeting called for such purpose.

Provided, further, That any school district or school districts organized under any law of this state, any part of which is contiguous to any part of the boundary of any such joint school district which has heretofore been organized under the provisions of said law or which may hereafter be organized under the provisions of this law may be annexed to and become a part of said joint school district by the submission of the question of such annexation on the petition of not less than one-fourth of the qualified electors of said joint school district and the school district or districts desiring to unite therewith, at an election of the qualified electors within the proposed district, which shall be called by the board of directors of such joint school district within thirty days after the filing of said petition for annexation with the secretary of the joint school district and at such election so called, the district or districts in which a majority of those qualified electors have voted in favor of such annexation shall be united with and become a part of such joint school district in which a majority of those qualified electors have voted in favor of such annexation.

There shall be a separate polling place in each school district affected at which the judges of election shall be the same as provided for by law for the annual school election. The certificate of the returns and result of the election shall be made in sufficient number so that one copy may be filed with the county superintendent in each county in which any part of said joint school district may be located.

Such election shall be held, notices posted, and returns canvassed as provided by law for elections on the question of creating a bonded indebtedness in a school district as far as the same are applicable, except as herein otherwise expressly provided.

Nothing in this law contained shall be construed to prevent the consolidation of any school district with said joint school district or the formation of a consolidated district from territory embraced in any joint school district as may otherwise be provided by law.

Provided if any portion of a joint district is included in a county or union high school district, that portion of the joint district that lies without the county or union high school district either within or without the same county may be annexed to the county or union high school district by a majority vote of the electors of said joint district voting at any election called for that purpose and held as provided in this act. If a majority of those voting are in favor of annexation to the county high school district or union high school district, the county superintendents of counties in which the joint district has been organized shall within fifteen days after such election, jointly complete the annexation to the county or union high school district and shall notify the county commissioners of the respective counties of such annexation. The county commissioners of the counties affected shall make the necessary levies for the support of such county high school or union high school.

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.

Approved by the Governor March 10, 1955

AN ACT

House Bill No. 111

(Ch. 181, S. L. '55)

REQUIRING EQUAL PAY FOR COMPARABLE WORK, REGARDLESS OF SEX.

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

Section 1. As used in this act:

(1) The term "employee" means any individual in the employment, as defined in subsection (3) herein, of any employer as defined in subsection (2) herein.

(2) The term "employer" shall mean and include:

The state and every county, city, town and body corporate and politic therein, and every person, corporation, partnership and association, including those operating in a representative capacity.

(3) The term "employment" shall mean and include any trade, occupation, job or position in which any person may be engaged in the service of another for wages or salary, save and except household, domestic servants, farm and ranch laborers.

(4) The term "commission" means the industrial commission of Colorado.

Section 2. No employer shall make any discrimination in the amount or rate of wages or salary paid or to be paid his employees in any employment in this state solely on account of the sex thereof.

Section 3. (1) The commission shall have the power to administer, carry out and enforce all of the provisions of this act and may make all reasonable and necessary rules and regulations for that purpose, copies of which shall be furnished to all employees and employers upon written request.

(2) Upon written complaint, duly executed and verified, by any employee that an employer has, within one year from the date of such complaint, violated the provisions of Section 2 of this act, the commission, or any referee of the commission, may proceed to hear and determine such complaint and make an

award upon said complaint in the manner provided for hearing of disputes under the Workmen's Compensation Act of Colorado, so far as the same may be applicable. Judicial review may be had of any award of the commission under this act in the manner provided for review of awards of the commission under the Workmen's Compensation Act of Colorado.

Section 4. An employer who violates the provisions of Section 2 of this act shall be liable in an amount equal to the difference between the amount which he paid to the complaining employee and the amount which the employee would have received had there been no discrimination and, if the commission shall find that such discrimination was willful, the commission may impose a penalty upon the employer in addition thereto of not more than the amount of such difference. The amount of such liability so determined by the commission shall constitute the award of the commission. Such award shall be the property of the employee, but may be recovered for the employee in a suit brought by the commission in its name in any court in the county of the residence of the employer within this state having jurisdiction of the amount of the demand in said suit. The commission may join in one suit all of its awards against any one employer under this act.

Section 5. When complaint is made to the commission by any employee against any employer for a violation of this act, all books, records and payrolls of such employer, material and pertinent to such complaint, shall be open for inspection by the commission or any of its agents duly appointed for that purpose.

Section 6. 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 are declared to be severable.

Section 7. 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 by the Governor April 7, 1955

AN ACT

House Bill No. 159

(Ch. 258, S. L. '55)

CONCERNING SCHOOLS, PROVIDING FOR THE ANNEXATION OF TERRITORY TO SCHOOL DISTRICTS, AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. 123-7-3, Colorado Revised Statutes 1953, is hereby amended to read as follows:

123-7-3. Uniting contiguous districts. Two or more contiguous districts may be united into one district. For the purpose of effecting such union, each district, at a special meeting legally called for the purpose, shall determine by ballot whether or not a majority of the legal voters assembled are in favor of such union. Those in favor will vote "yes" and those opposed "no". If a majority of the voters present in each district vote in favor of a union, a union meeting shall be called by giving at least ten days' public notice, at which meeting the organization shall be perfected by the election of officers and other necessary proceedings, in the same manner as provided for the organization of districts in section 123-7-2. Where a first class district is joined in such union with districts of a lower class, the board of directors of such first class district shall be held to be the board of directors for the united district and the members thereof shall be entitled to serve the unexpired portion of their respective terms as such directors of said united district; and the board or boards of directors in the lower class districts in said united districts shall cease and determine upon notice from the county superintendent of schools that such districts have been united under the provisions of this article.

Upon receiving notice from the county superintendent of such union of districts, it shall be the duty of the county treasurer to transfer all funds belonging to said districts to the credit of the new district thus formed. When one or more of the districts so united, previous to the time of being united, shall have incurred a bonded indebtedness, such districts alone shall be subject to the same, and none of the other districts uniting under

this article shall be held in any manner subject to such indebtedness or interest thereon. A portion of unorganized territory may be annexed to a school district, or a portion of one district may be detached from said district and annexed to a contiguous district by the county superintendent, in his descretion, upon petition, in either case, of a majority of the legal voters resident within the territory to be so annexed, subject, always, to the limitation of section 123-7-2; **provided, however,** that upon petition of a two-thirds majority of the legal voters resident within the territory to be so annexed, said territory shall be annexed with or without the approval of the county superintendent, subject, however, to the approval of the board of directors of the district to which the territory is to be annexed and subject to the limitation of section 123-7-2.

Upon the presentation of such petition the county superintendent shall fix a time for the hearing of the same and shall thereupon give written notice thereof to the districts affected, which notice shall be served by delivery of a copy thereof to the secretary or to any member of the board of directors.

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

Approved by the Governor March 17, 1955

AN ACT

House Bill No. 160

(Ch. 259, S. L. '55)

PROVIDING FOR A CHANGE IN BOUNDARIES OF ADJOINING SCHOOL DISTRICTS.

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

Section 1. Whenever the school boards of two adjoining school districts believe it to be to the best interests of their respective districts to revise their common boundaries for the purpose of more economical operation of the districts and in providing better educational opportunities for the children of such districts, such revision may be accomplished in the following manner :

(1) The two boards of directors of said districts shall meet with the county superintendent of schools in the county in which the boundary change is to be effected, and shall so revise the common boundary lines. The proposed new boundaries shall first be approved by a majority vote of the boards of the respective school districts voting separately thereon before any further action shall be taken.

(2) If approved by said boards, the territory to be transferred from one district to the other district shall constitute a special election district for the purpose of voting on the proposed change in boundaries, by the legal voters resident within the territory to be so transferred. A date shall be set by the respective boards for the purpose of holding such election.

(3) The county superintendent of the county in which the territory so to be transferred is located shall notify all legal voters resident within said territory of the time and meeting place for the holding of the special election, which notice shall be sent at least thirty days in advance of said election.

(4) At such meeting and holding of said special election, the school boards and the county superintendent shall explain the proposed change in boundaries before the holding of the election. If a majority of the legal voters voting at said election shall vote in favor of such proposed change in boundaries, the prop-

osition shall be adopted and the county superintendent shall thereupon give written notice thereof to the county assessor of the proper county within thirty days from the date of the election.

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.

Approved by the Governor March 11, 1955

AN ACT

House Bill No. 191

(Ch. 103, S. L. '55)

CONCERNING COUNTY LIMITATION OF LEVY, AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. 36-3-2, Colorado Revised Statutes 1953, is hereby amended to read as follows:

36-3-2. Levies reduced—limitation. Except as otherwise provided, all statutory tax levies when applied to the total assessed valuation of the state, and each of the counties, cities, towns and schools and each of the fire, sanitation, irrigation, drainage, conservancy and all other special districts established by law shall be so reduced as to prohibit the levying of a greater amount of revenue than was levied in the preceding year plus five per cent except to provide for the payment of bonds and interest thereon.

In cases where an increase over said five per cent shall be allowed by the Colorado tax commission or voted by the electors of a taxing district under the provisions of section 36-3-5, the increased revenue resulting therefrom shall be included in determining the five per cent limitation in the following year.

Section 2. 36-3-5, Colorado Revised Statutes 1953, is hereby amended to read as follows:

36-3-5. Increased levy—submitted to Colorado tax commission—to people at election. If any board of levy or any officer that is charged with the duty of levying a tax in any taxing district shall be of the opinion that the amount of tax limited by section 36-3-2, will be insufficient for the needs of such taxing district for the current year, the question of an increased levy may be submitted to the Colorado tax commission and it shall be the duty of the Colorado tax commission to examine into the needs of such taxing district and ascertain from such examination the financial condition thereof, and if in the opinion of the Colorado tax commission, such taxing district is in need of additional funds, the said commission may grant an increased levy for such taxing district above the limits hereinbefore applied, and such

taxing district is authorized to make such excess levy; provided, that in case the Colorado tax commission refuses or fails within ten days after submission to it of an adopted budget to grant such increased levy, the question may be submitted to the taxpaying electors paying taxes on real estate within said district at a general or at a special election called for the purpose and in the manner provided by law for calling special elections in such taxing district. Due notice of such election shall be given for at least thirty days in advance of the date set therefor by publication in some newspaper published in such taxing district; provided, that in case of such election for a school district in which no such newspaper is published, notice of said election may be given by posting the same at each schoolhouse in such district. If a majority of the votes cast at any such election shall be in favor of the increased levy as named in said election notice, then the officers charged with levying taxes may make such increased levy for the year voted upon.

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.

Approved by the Governor April 15, 1955

AN ACT

House Bill No. 250

(Ch. 254, S. L. '55)

TO AMEND SECTION 123-2-7, COLORADO REVISED STATUTES 1953, CONCERNING COUNTY SUPERINTENDENTS OF SCHOOLS.

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

Section 1. 123-2-7, Colorado Revised Statutes 1953, is hereby amended to read as follows:

123-2-7. Supplies and office hours. The county commissioners shall provide him with a suitable office at the county seat and all necessary blank books, stationery, postage, expressage and other expenses of his office not otherwise provided for, which last mentioned expenses shall be paid for from the county general fund. He shall keep his office open for the transaction of official business such days of each week as the duties of the office may require.

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

Approved by the Governor March 21, 1955

AN ACT

House Bill No. 333

(Ch. 255, S. L. '55)

CONCERNING SCHOOL FEES TO BE PAID BY THE
GAME AND FISH COMMISSION AND AMENDING
123-3-1, COLORADO REVISED STATUTES 1953.

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

Section 1. 123-3-1, Colorado Revised Statutes 1953, is hereby amended to read as follows:

123-3-1. 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 shall certify to the board of county commissioners a statement showing the aggregate amount, which in the judgment of said school board, it is necessary to raise from the taxable property of said district, and from the payment of school fees by the game and fish commission as hereinafter provided, to create a special fund for any of the purposes specified in section 123-10-21; said statement shall also show the items composing said aggregate and the purpose to which it is intended to devote each sum so itemized. Such statement shall be considered as having been made for information purposes only and shall not be considered as having effected an appropriation of the sums so itemized to the purposes so shown. It shall thereupon be the duty of the county commissioners to levy, and to certify to the game and fish commission as to those lands and improvements thereon at the time of acquisition by the game and fish commission owned by the game and fish commission within the county, at the same time as other taxes are levied, such rate within the limits allowed by law, as will produce the aggregate amount so certified by the school board. The amount of such special tax, which shall be assessed to each taxpayer of such district, shall be placed in a separate column of the tax book, which shall be headed "special school tax." There shall also be a column in said tax book in which shall be designated the number of the school district in which the property is listed. This tax shall be collected in cash only, and placed to the credit of the proper district as fast as collected, and the amount placed to the

credit of each district shall be reported to the secretary of such district at the end of every month and shall be subject to the order of the district board.

It shall be the duty of the county assessor at the time that he values and assesses taxable property within the county, the value and assess each separate tract of land as owned by the game and fish commission, and also any improvements which may have existed on such land at the time ownership of said land was assumed by the game and fish commission within the county consistent with the standards as set forth in Section 137-3-17. It shall be the duty of the county commissioners at the time taxes are levied to certify to the game and fish commission as to those lands owned by the game and fish commission within the county, the amount owed by the game and fish commission as "school fees" which amount shall be determined at such rate of valuation and assessment as is applied in the levy of the "special school tax." Upon receipt of a certification of school fees due from a board of county commissioners, the game and fish commission shall cause to have properly drawn and signed vouchers issued which the state controller shall honor by issuing warrants upon the "game cash fund" established by section 62-2-5, which warrants shall be payable to the county treasurer of the certifying counties. Payment of such "school fees" shall be due on the last day of February of each year. The claim established by the certificate of school fees due by the respective counties shall constitute a preferred claim on the "game cash fund" and the certifying counties shall be treated as preferred creditors and paid in full. The game and fish commission shall have all the rights and obligations as to valuation and assessment and as to the certificate of school fees due, before the county board of equalization, the state board of equalization and Colorado tax commission, as granted or imposed upon private taxpayers. It shall be the duty of the county treasurer upon receipt of payment of school fees from the "game cash fund" to place to the credit of the proper school district the amount of "school fees" owed on lands and improvements within the school district owned by the game and fish commission, and the amount placed to the credit of each school district from such fees shall be reported to the secretary of the district on or before the last day of March of each year. It is hereby made the duty of the county assessor and county treasurer to so arrange their tax schedules and books as to con-

form to the above provisions; provided, that the county assessor shall list all property, both real and personal, in the school district in which the same may be on the first day of March; and provided that the board of any district may include in said certified statement an item for the purchase of books for a library, to be open to the public, under such rules as the district board may deem needful for the proper care of said library; but no levy or certification made for this purpose shall exceed one-tenth of one mill, and the money accruing therefrom shall be used for the purposes of such library, and for no other purpose, whatsoever.

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

Approved by the Governor May 5, 1955

AN ACT

House Bill No. 373

(Ch. 253, S. L. '55)

RELATING TO SCHOOL DISTRICTS AND CONSOLIDATED SCHOOL DISTRICTS, TO PROVIDE FOR PAYMENT FOR MONEY OR PROPERTY RECEIVED AND NOT REPAID OR COMPENSATED FOR, TO PROVIDE A LIMITATION FOR COMMENCEMENT OF SUITS OR ACTIONS THEREFOR, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. **Liability.** Whenever any county wide consolidated school district or any school district now consolidated in a county wide consolidated school district has heretofore, either before or after such consolidation, received and retained any money (except under the terms of an express gift or donation) without repaying the same and it would be an unjust enrichment or inequitable to retain such money without reimbursement therefor, or has contracted or incurred any debt, obligation or liability, without paying the same, and the right to repay such money so unjustly and inequitably retained, or to pay such debt, obligation or liability, has been heretofore barred by any statute or limitations of the state of Colorado, such consolidated school district by and through its board of education shall have the right to waive the statute of limitations.

Section 2. Actions for the recovery of money instituted under this act must be commenced before December 31, 1955.

Section 4. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Approved by the Governor April 19, 1955

AN ACT

House Bill No. 399

(Ch. 267, S. L. '55)

RELATING TO THE INVESTMENT OF FUNDS INCIDENT TO BENEFIT OR RETIREMENT SYSTEMS OF SCHOOL DISTRICTS.

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

Section 1. 123-19-12, Colorado Revised Statutes 1953, is hereby amended to read:

123-19-12. **Board may invest retirement funds—when—**In school districts of the first class, having a population of one hundred thousand or more and maintaining a benefit or retirement system for its employees, the boards of education of such school districts shall have the power to invest such portions of the funds of such districts held for the purposes of such benefit or retirement system as in their judgment may not be immediately required for the payment of refunds or annuities. Such boards shall have similar power to invest payments of members held in reserve for future benefit payments. Such investments, if made, shall be made by the custodian of such funds after notification to him by such boards of education, at market price in bonds, notes or warrants of the United States of America, the state of Colorado, or in the bonds of any other state of the United States of America, or in the general obligation bonds of any city, town or school district in the United States of America, the assessed valuation of which city, town or school district in the year next preceding the year in which said bonds are purchased, equals or exceeds two million dollars, as designated by said boards of education. In addition, if desired, in making such investments such boards of education may acquire and retain every kind of property, real, personal and mixed, and every kind of investment, specifically including, but not by way of limitation, bonds, debentures and other corporate obligations, stocks, preferred or common, securities of any open-end or closed-end management type investment company or investment trust, and participations in common trust funds, which men of prudence, discretion and intelligence would acquire or retain for their own account, but in doing so such boards of education shall exercise the judgment

and care under the circumstances then prevailing which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. The purchase or sale of any investments by the custodian of such funds shall be only upon the direction of his board of education.

Section 2. **Liability of member of board.** 123-19-14, Colorado Revised Statutes 1953, shall not be deemed repealed or in any way affected hereby, but the same shall remain in full force and effect.

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

Approved by the Governor April 4, 1955

AN ACT

House Bill No. 435

(Ch. 265, S. L. '55)

CONCERNING THE LIMITATION OF BONDED INDEBTEDNESS THAT MAY BE CONTRACTED BY COUNTY HIGH SCHOOL DISTRICTS AND UNION HIGH SCHOOL DISTRICTS AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. Section 123-14-19, Colorado Revised Statutes 1953, is hereby amended to read as follows:

123-14-19. On the petition of fifty qualified voters of any county high school district, the county superintendent of public schools and ex officio secretary of said district shall give notice, not less than twenty days before any regular meeting for electing members of school boards in the respective districts of the state, or special meeting held under the provisions of this article, that the question of contracting a bonded debt for the purpose of erecting and furnishing high school buildings, or purchasing ground, or for funding floating debts, will be submitted to such qualified voters of the county high school district as have paid a school tax therein in the year next preceding said meeting. Notice of such meeting shall be given and such meeting shall be held and conducted and the returns thereof made and the result declared in the manner as nearly as may be as is provided for the organization of county high school districts. Any person offering to vote at such meeting in the respective public school districts of the county high school district may be challenged by any legally qualified elector of the district and any one of the judges of election shall thereupon administer to the person challenged, an oath as follows: "You do swear (or affirm) that you are a citizen of the United States; that you have resided in the State of Colorado one year immediately preceding this election: that you have paid a school tax within this school district in the year next preceding this election, and that you have not voted at this election, so help you God (or under the pains and penalties of perjury)."

If he shall refuse to take such oath or affirmation, his vote shall be rejected. The high school committee of any such county

high school district shall first agree, and certify the amount of indebtedness to be created, if any. In no case shall the aggregate amount of bonded indebtedness of any county high school district for high school purposes, exceed five per cent of the assessed value of the property of such high school district. At such election a separate ballot box for this purpose shall be provided and the qualified electors shall vote by ballot "For high school bonds" or "Against high school bonds." If it shall appear from the final record of the county superintendent that a majority of all the votes cast are for the high school bonds, the high school committee as soon as practicable thereafter, shall issue coupon bonds of the county high school district, bearing interest not exceeding six per cent per annum payable semiannually, which bonds shall mature serially commencing not later than five years and extending not more than twenty-five years from the date thereof; the principal and interest thereof to be payable at such place or places as shall be fixed by said high school committee and designated in said bonds. All such bonds so issued shall be signed by the president of the county high school committee, and shall have the seal of the high school district attached, attested by the secretary and shall be countersigned by the county treasurer, and the coupons thereto annexed shall be signed by the president of the high school committee by original or engraved signature. If the high school committee of any county high school district shall determine that an emergency exists and that the limitation on bonded indebtedness hereinabove set forth prevents the said district from meeting such emergency, said committee may make application to the Colorado tax commission for permission to incur a bonded indebtedness up to but not exceeding ten per cent of the assessed valuation of the property within said district, and if such application be approved by the Colorado tax commission the total limitation on bonded indebtedness of such county high school district shall be increased to the amount approved by said commission. In no event shall the bonded indebtedness of a county high school district exceed at any time ten percent of the assessed valuation of the property within said district for the year next preceding the date of said bonds.

Section 2. 123-14-18, Colorado Revised Statutes 1953, is hereby repealed.

Section 3. Section 123-16-5, Colorado Revised Statutes 1953, is hereby amended to read as follows:

123-16-5. Statutory limitations now provided by law, relating to the bonded indebtedness of school districts, shall not be applicable to union high school districts organized under articles 15 and 16 of this Chapter, but the total amount of bonded indebtedness of a union high school district under the provisions of this article shall not exceed five per cent of the assessed value of the property in such union high school district, for the year next preceding the date of issue of said bonds. If the school board of any union high school district shall determine that an emergency exists and that the limitation on bonded indebtedness hereinabove set forth prevents the said district from meeting such emergency, said board may make application to the Colorado tax commission for permission to incur a bonded indebtedness up to but not exceeding ten per cent of the assessed valuation of the property within said district. If such application be approved by the Colorado tax commission the total limitation on bonded indebtedness of such union high school district shall be increased to the amount approved by said commission. In no event shall the bonded indebtedness of a union high school district exceed at any time ten per cent of the assessed valuation of the property within said district for the year next preceding the date of said bonds.

Section 4. Section 123-16-6 and 123-16-7, Colorado Revised Statutes 1953, 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.

Approved by the Governor, April 21, 1955

AN ACT

House Bill No. 455

(Ch. 11, S. L. '55)

MAKING AN APPROPRIATION TO THE COLORADO TAX COMMISSION FOR THE FISCAL YEAR 1955-1956, FOR EXPENSES INCURRED BY SAID COMMISSION IN ASSISTING IN THE ADMINISTRATION OF THE PUBLIC SCHOOL FINANCE ACT OF THE STATE OF COLORADO, AS AMENDED.

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

Section 1. In addition to any appropriation made to the Colorado Tax Commission for the fiscal year 1955-1956, there is hereby further appropriated to said commission for said fiscal year, out of any moneys in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary, to be expended by said commission in the administration of the Public School Finance Act of the State of Colorado, as amended by Senate Bill No. 321, enacted by the Fortieth General Assembly. Said moneys may be expended for personal services, maintenance and operation, capital outlays and other necessary expenses of said commission specifically incurred for the purposes for which appropriated.

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.

Approved by the Governor April 21, 1955

AN ACT

House Bill No. 475

(Ch. 41, S. L. '55)

MAKING AN APPROPRIATION TO THE STATE BOARD
FOR VOCATIONAL EDUCATION FOR THE FISCAL
YEAR BEGINNING JULY 1, 1955.

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

Section 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the State Board for Vocational Education for expenditure during the fiscal year beginning July 1, 1955, the sum of three hundred fifty thousand dollars (\$350,000.00), or so much thereof as may be necessary, for the following purposes :

(1) Vocational education purposes

For expenditure for personal services, state payment to retirement fund, operating expenses, travel and subsistence, and capital outlay necessary for the administration of the vocational education program of the state of Colorado, and to match federal funds received by the state of Colorado pursuant to the provisions of the Smith-Hughes and George-Barden acts.....\$225,000.00

(2) Vocational rehabilitation purposes

For expenditure for personal services, state payment to retirement fund, operating expenses, travel and subsistence, and capital outlay necessary for the administration of the vocational rehabilitation program of the state of Colorado, and to match federal funds received by the state of Colorado pursuant to the provisions of Public Law 565, 83rd Congress.....\$125,000.00

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.

Approved by the Governor April 21, 1955

1601

AN ACT

House Bill No. 476

(Ch. 43, S. L. '55)

MAKING APPROPRIATIONS TO THE STATE DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR YEAR BEGINNING JULY 1, 1955.

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

Section 1. There is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, to the State Department of Education, for expenditure during the fiscal year beginning July 1, 1955, the sum of four hundred thousand dollars (\$400,000.00), or so much thereof as may be necessary, for administrative costs of said department and of the state library, as follows:

A	Personal services	\$295,000.00
D	State payment to retirement fund	14,500.00
B	Operating expenses	35,000.00
F	Travel and subsistence	25,000.00

Capital outlay:

C-1	Office of Commissioner of Education	10,000.00
C-2	State Library	20,500.00

Section 2. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the State Department of Education the sum of four hundred thousand dollars (\$400,000.00), or so much thereof as may be necessary to be expended during the fiscal year beginning July 1, 1955, for the purposes specified in Article 22 of Chapter 123, Colorado Revised Statutes 1953.

Section 3. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the State Department of Education the sum of two hundred seventy-five thousand dollars (\$275,000.00), or so much thereof as may be necessary, for payment during the fiscal year beginning July 1, 1955, to persons qualifying for retirement benefits as provided by Article 5 Chapter 111, Colorado Revised Statutes 1953.

1617

1619

Section 4. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the State Department of Education the sum of twenty-five thousand dollars (\$25,000.00), or so much thereof as may be necessary, for payment during the fiscal year beginning July 1, 1955, to persons qualifying for retirement benefits as provided by Chapter 59, Session Laws of Colorado, 1954.

1613

Section 5. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the State Department of Education for the purpose of providing funds for distribution during the fiscal year beginning July 1, 1955, under the provisions of the Public School Finance Act, and any amendments thereto, the sum of fourteen million dollars (\$14,000,000.00).

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.

Approved by the Governor April 21, 1955

SENATE BILLS

Section 1. The General Assembly hereby finds, determines and declares that this act is necessary for the maintenance and preservation of the public peace, health and safety.

Approved by the Governor March 9, 1925

111
The first of these is the fact that the
legislation is not a simple matter of
amending the law, but involves a
complete reorganization of the
entire system. It is a radical
change in the fundamental principles
of the law, and will have a
profound effect on the whole
of our legal system.

112
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SENATE BILLS

113
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of our legal system.

AN ACT

Senate Bill No. 22
(Ch. 262, S. L. '55)

CONCERNING SCHOOLS, AND TO AMEND THE LAW
RELATING THERETO.

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

Section 1. 123-10-3, Colorado Revised Statutes 1953, is hereby amended by the addition of a new subsection (1) to read as follows:

123-10-3. (1) In districts of the second or third class heretofore or hereafter organized or reclassified, the board may consist of five directors if any such district shall, by a two-thirds majority of all electors voting thereon, vote in favor of such increase. The question of increasing the board of directors from three to five members shall be submitted at any special election or at any annual election in the district for members of the board if a petition asking for the submission thereof shall have been signed by five per cent (5%) of the electors qualified in said district to vote at school elections and filed with the secretary of the board at least thirty days prior to any such election.

If said increase in membership is adopted in any such second or third class district by the required majority, there shall be elected at the next annual election for members of the board held thereafter, three members, one for a term of six years, one for a term of three years, and one for a term of two years; at the second annual election held thereafter, one member shall be elected for a term of three years; and at the third annual election held thereafter, two members shall be elected, one for a term of five years and one for a term of three years. As each of said terms expires, successors shall be elected for terms of six years each, provided that at the third annual election hereinabove described no more than two directors shall be elected in order that no more than five directors shall serve at any one time. All of said elections shall be held in accordance with the laws governing elections in districts of the second and third class in so far as applicable.

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.

Approved by the Governor March 9. 1955

AN ACT

Senate Bill No. 30
(Ch. 315, S. L. '55)

RELATING TO ANNEXATION OF UNINCORPORATED
TERRITORY BY A MUNICIPALITY AND TO AMEND
THE LAW RELATING THERETO.

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

Section 1. 139-11-1, Colorado Revised Statutes 1953, is hereby amended to read as follows:

139-11-1. Eligible territory may be annexed. Territory in the state of Colorado may be annexed to a city, city and county, or incorporated town, provided the territory is eligible therefor, as set out in section 139-11-2, provided the procedure set out in sections 139-11-3 and 139-11-4 shall have been complied with and provided that in no case of annexation, not heretofore approved by ordinance in accordance with the procedures set out in this article, shall any real property owned by any school district be incorporated within any territory annexed without the written consent of the board of education of such school district, unless the entire school district be included within the territory so annexed.

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.

Approved by the Governor February 25, 1955

AN ACT

Senate Bill No. 31
(Ch. 260, S. L. '55)

RELATING TO SCHOOLS AND SCHOOL DISTRICTS
AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. 123-8-26, Colorado Revised Statutes 1953, is hereby amended to read as follows:

123-8-26. (1) Whenever any new school district is created or has been created under the provisions of this article, such school district shall be a school district of the class as now provided by law. It shall have all the powers conferred thereon; **provided, however**, that all boards of education in such districts shall have five members.

(2) Where more than two former existing districts comprise a district already organized under the provisions of this article, a majority of the directors shall not be elected from any one district existing prior to reorganization. The county superintendent of the county, of a district reorganized shall, prior to sixty days before the next school election, divide the reorganized district into director districts, and determine the terms of the members as hereinafer provided.

(3) After the original division of such a reorganized district into director districts, the county superintendent may from time to time change the boundaries of some or all of said director districts therein, with the consent of the majority of the directors, provided that in no case shall any change in the boundaries of director districts be made within the period of sixty days next prior to any regular school election.

(4) Directors shall be elected from the director districts in which they reside and whenever a director shall cease to reside in his director district his office shall become vacant and be filled as other vacancies are filled; **provided, however**, that a director continuing to reside in the school district who is no longer in his director district solely by reason of a change in the bound-

aries of such director district shall continue to hold his office for the remainder of his term.

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.

Approved by the Governor February 14, 1955

AN ACT

Senate Bill No. 34

(Ch. 261, S. L. '55)

RELATING TO SCHOOLS AND SCHOOL DISTRICTS
AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. 123-8-27, Colorado Revised Statutes 1953 is hereby amended to read as follows:

123-8-27. Special election to elect board. The regular election for electing members of boards of education in districts heretofore or hereafter organized under the provisions of this article shall be held biennially on the first Monday in May of each odd numbered year.

When a new district shall have been formed under the provisions of this article the chairman of the county committee shall call a special election in such new district for the selection of a board of education for the district, to be held on the day the new district becomes a body corporate, and at such election five members of the board of education shall be elected, one to serve until the next regular biennial election, two to serve until the second regular biennial election, and two to serve until the third biennial election. As each of said terms expire, successors shall be chosen for terms of six years each. In districts heretofore organized under the provisions of this article, two members of the board of education shall be elected at the regular biennial election to be held on the first Monday in May, 1953, to serve a term of two years. At a special election to be held on the first Monday in May, 1954, one member shall be elected, who shall have a term of three years, and at the regular biennial election of 1955, two members shall be elected, who shall have terms of four years each. As each of said terms expire, successors shall be chosen for terms of six years each.

All of said elections shall be held in accordance with the laws governing elections in districts of the class in which the new district belongs, except that the number of directors, their terms and times of election, shall be governed by this article, and in all districts of any class organized under this article the president,

secretary and treasurer shall be elected by the board of directors at the first meeting after each election, to hold office for a term of two years, and until their respective successors are elected and qualified.

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.

Approved by the Governor February 14, 1955

AN ACT

Senate Bill No. 43
(Ch. 85, S. L. '55)

CONCERNING THE SCHOOL FOR THE DEAF AND THE
BLIND AND TO AMEND THE LAW RELATING
THERETO.

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

Section 1. 16-2-20, Colorado Revised Statutes 1953, is hereby amended to read as follows:

16-2-20. **Who may be admitted.** Every blind, deaf or mute citizen of the state of Colorado, of sound mind, and under twenty-one years of age, shall be entitled to receive an education in said school at the expense of the state. All applicants above the age of twenty-one years may be admitted at the option of the board. Each county superintendent of schools shall report on the first day of June in each year to the superintendent of the school for the deaf and blind, the name, age and postoffice address of every blind or deaf person of suitable age, for admission to said school, residing in his county, including all such persons as may be too deaf or blind to acquire an education in the public school.

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.

Approved by the Governor February 3, 1955

AN ACT

Senate Bill No. 56

(Ch. 221, S. L. '55)

RELATING TO THE LEASING OF THE PUBLIC LANDS OF THE STATE UNDER THE JURISDICTION OF THE STATE BOARD OF LAND COMMISSIONERS.

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

Section 1. 112-3-18, Colorado Revised Statutes 1953, is hereby amended to read as follows:

112-3-18. Terms of leasing—renewals—sale of leased land.

(1) The public lands of the state may be leased by the state board of land commissioners, and if so leased, shall be leased, in such manner and to such persons as will produce an optimum long-term revenue. No lease of such lands for grazing or agricultural purposes shall be for a longer period than ten years.

In determining the maximum benefit to the state in the renewal of any expiring lease, the board shall consider, among other things, the care and use given the land and the development work done by the lessee in conserving and promoting the productivity thereof and in promoting optimum long-term revenue for school purposes, and the classification, location and contribution to the unit controlled by the lessee.

Before land shall be leased to anyone other than the present lessee said present lessee shall be given ten days notice and an opportunity during said ten days to negotiate with the state board of land commissioners concerning a new lease.

(2) Prior to the quarter period beginning April 1, 1955, and prior to each quarter period thereafter, the board shall make a listing of all leases which will expire within the second succeeding quarter period thereafter, giving a description of the land leased, the name of the lessee and the expiration date of the lease. At least five days prior to the beginning of each such quarter period, a copy of such listing shall be certified to and transmitted by the board to the county clerk of each county in which any such land to be leased is situate, and shall by said

county clerk, immediately upon receipt thereof, be posted in the court house in a conspicuous place to which the public shall have access, and kept so posted until all leases listed thereon shall have expired. A copy of such quarterly listing shall also be posted at the times above provided in the main office of the state board of land commissioners at the state capitol, available for public inspection.

(3) All applications to lease or to renew a lease shall be made in writing to the board, stipulating the rental the applicant is willing to pay and under such other regulations, not in conflict with the law, as the board may prescribe.

The board shall require from any applicant for a lease that he give evidence of his responsibility to carry out the terms of the lease. Any applicant except the present lessee shall deposit with his application a sum of money equal to the first annual rental offered in his application.

The board shall also require that an applicant state under oath the total acreage of agricultural or grazing land, if any, owned and to be operated by him in connection with the land to be leased, and (a) the intended use, during the term of the lease, of both such private land, if any, and public land, either as to agricultural products to be produced thereon, or as to the carrying capacity of such lands in terms of the number of livestock such tracts are expected to reasonably support; and (b) if a renewal, a history, for such period of time as prescribed by the board, of the past use of both such private land, if any, and public land, as to agricultural products produced and the number of livestock grazed thereon.

(4) The board may, in its discretion, offer for sale any land leased at any time during the term of the lease as though said lease had not been executed, or it may withdraw such land from sale during the full term of the lease.

(5) The board shall have power to cancel and terminate any lease at any time if it finds that a lessee has violated any of the provisions of the lease or made any false statement in his application therefor.

(6) The board shall as soon as practicable, and not more than thirty days after the close of every quarter period, post, in

the main office of the board, a complete listing of leases executed during that quarter period, together with rental figures for same.

Section 2. Repeal. 112-11-1 to 112-11-6, Colorado Revised Statutes 1953, are hereby repealed.

Section 3. First quarterly listing. The quarter period listing for leases expiring within the quarter beginning July 1, 1955, shall be prepared, transmitted and posted pursuant to the provisions of section 112-3-18 (2), as herein amended, five days prior to April 1, 1955, or fifteen days after the date of approval of this act by the governor, whichever is the later.

Section 4. The General Assembly hereby finds, determines and declares this act is necessary for the immediate preservation of the public peace, health and safety.

Approved by the Governor April 19, 1955

AN ACT

Senate Bill No. 58
(Ch. 100, S. L. '55)

CONCERNING COUNTY OFFICERS AND TO AMEND
THE LAW RELATING THERETO.

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

Section 1. 35-7-10, Colorado Revised Statutes 1953, is hereby amended to read as follows:

35-7-10. It shall be the duty of the county treasurer to apportion, and keep all taxes collected by him in the several funds for which the taxes were levied, and it shall not be lawful to use the moneys belonging to any fund, for the purpose of paying warrants drawn or which properly should have been drawn upon some other fund: **provided, however**, that the amount of interest gained through the investment of county funds, regardless of the origin of such funds, may be credited to the general fund of the county by the county treasurer, unless such investment is made from specific funds allocated for a definite purpose and so maintained. The treasurer, and the sureties on his official bond, shall be liable at the action of any taxpayer of the county for any violation of this section.

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.

Approved by the Governor February 9, 1955

AN ACT

Senate Bill No. 63
(Ch. 215, S. L. '55)

CONCERNING ANNUAL AUDITS FOR SCHOOL DISTRICTS, AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. 110-1-3, Colorado Revised Statutes 1953, is hereby amended to read as follows:

110-1-3. **Annual audits for school districts.** For each fiscal year, it shall be the duty of the directors of each school district in the state of Colorado, except third class school districts not operating high schools, 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 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.

Approved by the Governor February 3, 1955

AN ACT

Senate Bill No. 76

(Ch. 50, S. L. '55)

MAKING AN APPROPRIATION TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION.

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

Section 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the Western Interstate Commission for Higher Education, the sum of sixteen thousand three hundred seventy-five dollars (\$16,375.00), said amount being the state of Colorado's share of the expenses for the work of said Commission from July 1, 1953 to July 1, 1956.

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.

Approved by the Governor February 14, 1955

AN ACT

Senate Bill No. 157

(Ch. 311, S. L. '55)

CONCERNING MOTOR FUEL TAX AND TO AMEND
THE LAW RELATING THERETO.

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

Section 1. Subsection (2) of 138-3-3, Colorado Revised Statutes 1953, is hereby amended to read as follows:

138-3-3. (2) Refund shall be made or credit allowed for the tax paid on all motor fuel which shall be purchased and used by the state, by any town, city, county or other political subdivision of the state, including specifically any school district therein, in any machines owned or operated by the state, or by such town, city, county, school district or other political subdivision of the state.

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.

Approved by the Governor March 23, 1955

AN ACT

Senate Bill No. 168

(Ch. 217, S. L. '55)

CONCERNING PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. 111-1-3, Colorado Revised Statutes 1953, is hereby amended by the addition of a new subsection (1) to read as follows:

111-1-3. (1) The public employees' retirement board is hereby authorized to enter into a contract or contracts for group life insurance on a renewable term basis, through any life insurance company qualified to do business in the state of Colorado, which coverage shall be available to individual members of the public employees' retirement system on a voluntary basis, and the entire cost thereof to be payable by the participating members. Notwithstanding the provisions of 72-6-1, (5) of Colorado Revised Statutes 1953, such insurance coverage shall be available on such terms and conditions and in such amounts and at such premiums as shall be approved by the retirement board under any such contract, and the premium payments therefor shall be paid by salary deductions from the compensation of participants. The retirement board shall have full authority to adopt and promulgate rules and regulations for the administration of such insurance plan, and to determine the time and minimum coverage requirements under which any such plan shall be declared operative and conditions for termination thereof in the event the participating coverage shall fall below such standards. In the event such an insurance program shall be determined to be unfeasible or impractical, or rates and terms of coverage thereof shall not be acceptable to the board at any time, with respect to any initial contract or renewal thereof, the retirement board may, at its option, declare the plan inoperative, with the authority to reinstate or revive such program at any time thereafter, as may be deemed to be in the best interests of the members of the retirement association.

Section 2. 111-1-9, Colorado Revised Statutes 1953, is hereby amended by the addition of a new subsection (4) to read as follows:

111-1-9. (4) Effective July 1, 1955, whenever any member of the public employees' retirement system shall cease to be employed by the state or any affiliated public employer, if such member is not otherwise eligible to receive retirement benefits and such member has five years or more covered service under said retirement system to his or her credit, such member may, at his or her option, elect to leave the accumulated deductions standing to the credit of such individual member on deposit in the retirement system until attaining age sixty-five, at which time, upon application therefor to the retirement board, such member, in lieu of any refund, may receive such deferred retirement annuity payable in monthly installments, which is the actuarial equivalent of such deposit account, plus interest thereon until age sixty-five at two and one-half per cent interest compounded annually, as shall be determined by the retirement board upon certification by the actuary of the retirement system, based upon such actuarial tables as are in use by the retirement board at such time. Any member, having so elected, may at any time prior to attaining age sixty-five, further elect to withdraw his or her deposit account, without interest, at any time, and thereby terminate all obligation of the retirement system to such member.

Section 3. 111-1-10, Colorado Revised Statutes 1953, is hereby amended by the addition of a new subsection (4) to read as follows:

111-1-10. (4) Service by any member of the retirement system rendered in the State of Colorado under the federal Wagner-Peyser Act, or compensated for by funds derived from the federal government on any emergency basis under said act, shall be allowable as service credit for retirement purposes, provided such service was rendered in state employment offices managed by state officials and staffed by persons hired in accordance with state civil service procedures after April 1, 1934, and further provided that such members of the retirement system have made all payments in lieu of salary deductions, with interest thereon at four per cent compounded semiannually, if in arrears, that would

have been made into the retirement fund if such persons had become members thereof at the time of entering upon such employment.

Section 6. Subsection (1) of 111-1-26, Colorado Revised Statutes 1953, is hereby amended to read as follows:

111-1-26. (1) Effective July 1, 1953, whenever any member of the public employees' retirement association, as embodied in this chapter, shall qualify for retirement, for service rendered, and not because of disability, and only in case such member has attained the age of sixty-five years of age on or before the time of such retirement from service, and shall have remained in the public service until attaining age sixty-five, the limitation in sections 111-1-11, 111-2-10, and 111-2-11 that the retirement benefit receivable by such employee shall not exceed two hundred dollars (\$200.00) per month is hereby removed.

Section 8. Subsection (2) of 111-2-10, Colorado Revised Statutes 1953, is hereby amended to read as follows:

111-2-10. (2) Whenever any member of said retirement system has been employed by a municipality affiliated with the retirement system, for a period of five years or more and has attained the age of sixty-five years, and is not otherwise eligible for retirement, such member shall be eligible for retirement for superannuation provided such member has made regular monthly payments into the retirement fund for such period, or longer. Such member upon retirement shall receive a monthly annuity for the remainder of his life equal to one-twentieth part of fifty per cent of the average of the highest monthly salary received by such member during any period of five consecutive years of service contained within the ten years of service immediately preceding retirement, multiplied by the number of years of service covered by monthly contributions and membership, not to exceed twenty years, or the sum of two hundred dollars (\$200.00) per month, whichever is the smaller amount.

Section 9. 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 by the Governor March 16, 1955

AN ACT

Senate Bill No. 198

(Ch. 70, S. L. '55)

RELATING TO MOTOR VEHICLES, THE WIDTH OF SUCH VEHICLES, AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. Subsection (5) of 13-4-121, Colorado Revised Statutes 1953, is hereby amended to read as follows :

13-4-121. (5) The total outside width of buses and coaches used for the transportation of passengers shall not exceed eight feet six inches.

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.

Approved by the Governor March 23, 1955

A N A C T

Senate Bill No. 215

(Ch. 266, S. L. '55)

RELATING TO TEACHERS RETIREMENT AND BENEFIT SYSTEMS AND TO AMEND ARTICLE 19 OF CHAPTER 123 OF COLORADO REVISED STATUTES 1953.

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

Section 1. Paragraph 7 of article 19 of Chapter 123 of Colorado Revised Statutes 1953, is hereby amended to read as follows:

123-19-7. Powers of Board of Managers. The board of managers, subject to the approval of the board of education, shall adopt from time to time, may amend or repeal rules or regulations, and bylaws for the conduct of the benefit or retirement system, including rules and regulations regarding the contributions or assessments of the employees of the school district, the custody of the funds received from the contributions or assessments, and the benefits to which members of the system shall be entitled.

Without limiting the foregoing powers, the board of managers, subject to the approval of the board of education, may also provide for the payment of deferred benefits, upon such terms and conditions as it may prescribe, to employees who have been in the employ of the school district for at least five years and thereafter sever employment with the school district prior to retirement but do not withdraw their accumulated contributions previously made under such benefit or retirement system. Notwithstanding such severance of employment, the board of managers, subject to the approval of the board of education, may provide that such employees may become eligible to receive any such deferred retirement or benefit payments upon attainment of the required retirement age under such benefit or retirement system.

Section 2. Article 19 of Chapter 123 of Colorado Revised Statutes 1953, is hereby amended by the addition of an additional paragraph 19 to read as follows:

123-19-19. Funds Not Subject to Process or Income Tax. None of the moneys, payments or other benefits mentioned in

this Article 19 of Chapter 123 Colorado Revised Statutes 1953 shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment or other legal process, and shall be exempt from any state income tax.

Section 3. Article 19 of Chapter 123 of Colorado Revised Statutes 1953, is hereby further amended by the addition of an additional paragraph 20 to read as follows:

123-19-20. Insurance, Banking Laws Not to Apply. None of the laws of this state regulating insurance or insurance companies, or banking institutions, shall apply to any benefit or retirement system mentioned or provided for in this article 19 of Chapter 123 Colorado Revised Statutes 1953.

Section 4. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Approved by the Governor March 23, 1955

AN ACT

Senate Bill No. 216

(Ch. 268, S. L. '55)

RELATING TO TEACHERS RETIREMENT AND BENEFIT SYSTEMS AND TO AMEND ARTICLE 19 OF CHAPTER 123 OF COLORADO REVISED STATUTES 1953

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

Section 1. Article 19 of Chapter 123 of Colorado Revised Statutes 1953, is hereby amended by the addition of an additional paragraph 21 to read as follows:

123-19-21. Additional Powers of Board of Managers in Certain Districts. The board of managers in any school district of the first class having a population of one hundred thousand or more, which has established, or hereafter may establish, a benefit retirement system for its employees, may, subject to the approval of the Board of Education:

(a) Make provision for the payment of benefits upon the death of any member of the system who has served in any such district for at least five years;

(b) Make provision for the payment of benefits to such employees as may become permanently incapacitated from performing their duties with such school district after serving in the said school district for a period of not less than five years.

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.

Approved by the Governor March 23, 1955

AN ACT

Senate Bill No. 236

(Ch. 263, S. L. '55)

CONCERNING COUNTY HIGH SCHOOL DISTRICTS AND TO AMEND SECTION 123-13-2, COLORADO RE- VISED STATUTES 1953

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

Section 1. That section 123-13-2, Colorado Revised Statutes 1953, be and the same is hereby amended to read as follows:

123-13-2. **Bond issue—when election required.** Whenever the high school committee of any county high school district shall deem it expedient to issue refunding bonds under the provisions of this article, and the rate of interest thereon shall not exceed the rate of interest upon the bonds to be refunded, such refunding bonds may be issued without the submission of the question of issuing the same to a vote of the qualified electors of such district. In the event it is proposed to issue refunding bonds bearing a rate of interest greater than that of the bonds to be refunded, the high school committee shall cause the question of issuing such refunding bonds to be submitted to a vote of such qualified electors of the district as have paid a school tax therein in the year preceding such election. Any such election shall be called and held as nearly as may be in the manner provided by law for the issuance of other county high school district bonds, except that a petition shall not be required.

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.

Approved by the Governor March 29, 1955

AN ACT

Senate Bill No. 257

(Ch. 142, S. L. '55)

CONCERNING CLASSIFICATION OF CLASS III COUNTIES AND PROVIDING FOR THE COMPENSATION OF COUNTY AND OTHER OFFICERS.

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

Section 1. 56-2-5. Colorado Revised Statutes 1953 is hereby amended to read as follows:

56-2-5. Class III. Class III shall consist of the counties of Fremont, Morgan, Delta, Logan, Montrose, La Plata, Prowers, Rio Grande and Garfield as group A; Yuma and Huerfano as group B; Alamosa, Conejos, Montezuma, Routt, Bent, Kit Carson, Baca and Washington as group C; and the annual salaries of county and other officers shall be as follows:

	Group A	Group B	Group C
(1) County commissioners	\$2,600.00	\$2,200.00	\$2,200.00
(2) County superintendent of schools	4,300.00	3,800.00	3,800.00
(3) County clerk	4,500.00	4,100.00	4,100.00
(4) County treasurer	4,500.00	4,100.00	4,100.00
(5) County assessor	4,500.00	4,100.00	4,100.00
(6) County sheriff	4,500.00	4,100.00	4,100.00
(7) County judge	5,000.00	4,600.00	4,100.00

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.

Approved by the Governor April 9, 1955

AN ACT

Senate Bill No. 275

(Ch. 264, S. L. '55)

RELATING TO UNION HIGH SCHOOLS.

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

Section 1. The school board of any union high school organized pursuant to the provisions of Chapter 123, Revised Statutes of Colorado 1953, may, in its discretion, provide for the maintenance and operation of such school or schools as may be necessary to provide for the education of children within said district in grades seven and eight, as well as through grades nine, ten, eleven and twelve; that the provisions of said chapter 123 insofar as the same are now applicable to grades nine, ten, eleven and twelve shall be applicable to said grades seven and eight.

Section 2. Section 194, Chapter 57, Session Laws of Colorado 1954, is hereby amended to read as follows:

194. Each high school district heretofore formed or that may be formed as provided in this chapter, shall exercise all the powers and perform all the duties that are at the time of the adoption of this chapter accorded to and required of directors of first and second class districts throughout the State; provided, that the amount of tax certified to the county commissioners for the maintenance of the high school in any high school district shall in no case exceed eight mills on the dollar for taxes levied for the years 1954, 1955, 1956, 1957 and 1958 and thereafter five mills on the dollar of the assessed valuation of the high school district; provided, that if the school board of any union high school district shall elect to provide education for children in grades seven and eight, then the amount of tax so certified to the county commissioners for such purpose shall not exceed two mills on the dollar for taxes levied, which shall be in addition to the eight mills hereinbefore specified.

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.

Approved by the Governor April 6, 1955

AN ACT

Senate Bill No. 277

(Ch. 322, S. L. '55)

RELATING TO THE STATE BOARD FOR VOCATIONAL EDUCATION AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. 145-2-6, Colorado Revised Statutes 1953, is hereby amended to read as follows:

145-2-6. 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 and as further amended by public Law 565, 83rd Congress.

(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 controller to make disbursements therefrom in accordance with the laws of the state of Colorado.

(3) Empower and direct the state board for vocational education to cooperate with the United States office of vocational rehabilitation in carrying out the provisions of the federal civilian vocational rehabilitation act.

(4) The state board for vocational education, which administers this act through the division of vocational rehabilitation, shall cooperate, pursuant to agreements, with the Federal Government in carrying out the purposes of any federal statutes pertaining to the purposes of this act, including an agreement on behalf of the state with the secretary of health, education, and welfare to carry out the provisions of the Federal Social Security Act, as amended, relating to the making of determinations of disability under title II of such act, and is authorized to adopt such methods of administration as are necessary for the proper

and efficient operation of such agreements and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes.

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.

Approved by the Governor April 9, 1955

AN ACT

Senate Bill No. 303

(Ch. 146, S. L. '55)

CONCERNING FEES OF THE COUNTY TREASURER AND TO AMEND THE LAW RELATING THERETO.

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

Section 1. Subsection (3) of 56-4-2, Colorado Revised Statutes 1953, is hereby amended to read as follows:

56-4-2. (3) For receiving all moneys other than taxes in counties of every class, one per cent, except moneys received from all federal funds derived from any and all sources.

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.

Approved by the Governor April 9, 1955

1613
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PUBLIC SCHOOL FINANCE ACT

S. B. 7 (123-6-1 thru 23, CRS '53)

as amended by 1955 General Assembly—S. B. 321

(Ch. 256, S. L. '55)

(Amendments in Italics)

123-6-1. **Short title.** This article shall be known and cited as "The Public School Finance Act of the State of Colorado."

123-6-2. **Definitions.** Unless otherwise indicated by the context, the following words and phrases, when used in this article, shall mean:

(1) "School district", any first, second, or third class district, county high school district, union high school district, and joint school district.

(2) "Joint school district", a district organized under the provisions of section 123-7-5 or sections 123-8-1 to 123-8-38 or otherwise as provided by law, and pertaining to territory in more than one county.

(3) "Junior college", any junior college organized under the provisions of article 23 of this chapter.

(4) "State board", the state board of education.

(5) "Board of education", the school board, board of directors, and board of education of school districts of the first, second and third class, the high school committee in union and county high school districts, and the junior college committee in junior college districts.

(6) "County superintendent", the county superintendent of schools provided for in Article XIV, section 8 of the constitution.

(7) "Teachers", any teacher, principal, supervisor or superintendent holding a valid certificate.

(8) "Public school income fund", the income from the public school fund as created by article IX of the constitution and statutes enacted pursuant thereto.

123-6-3. Classroom units. (1) A classroom unit shall be the basis for equalization support under the provisions of this article. The number of classroom units allowed any school district in no case shall be greater than the number of equivalent full-time teachers employed by the district. No more than the first one hundred eighty days of school shall be used in computing the classroom units to which a district is entitled.

(2) The number of classroom units, calculated to the major fraction of one-tenth of a unit, to which a school district is entitled shall be determined as follows:

(a) One classroom unit for the first two thousand one hundred sixty aggregate days of attendance.

(b) A second unit for the next two thousand eight hundred eighty aggregate days of attendance.

(c) One additional unit for each additional three thousand six hundred aggregate days of attendance.

(3) In any district the number of allowable classroom units shall be computed in the following manner: the aggregate days of attendance per square mile shall be computed by dividing the total aggregate days of attendance in the district, as determined by section 123-6-5, by the number of square miles in the district. If the aggregate days of attendance per square mile is two hundred sixteen or over, no additional aggregate days of attendance shall be allowed; if the aggregate days is one hundred forty-four but less than two hundred sixteen, the aggregate days shall be multiplied by one and twenty-five one hundredths; if the aggregate days is thirty-six but less than one hundred forty-four, the aggregate days shall be multiplied by one and five tenths; if the aggregate days is eighteen but less than thirty-six, the aggregate days shall be multiplied by one and seventy-five one hundredths; if the aggregate days is under eighteen, the aggregate days shall be multiplied by two; provided that for county and union high schools no computation factor shall be in excess of one and two tenths.

123-6-4. Isolated schools. (1) In the event a school district maintains any school which is necessarily isolated because of distances or geographical barriers, the board of education of such district may make application to the state board for a determination of the necessity of maintaining such isolated school, and for

the allowance of such classroom units for such school as it would be entitled to if it were a separate and distinct school district. If such determination by the state board shall be in the affirmative, such school shall be considered as a separate and distinct unit for the purpose of determining the allowable classroom units to which the district is entitled.

(2) In the event a school district maintains any school which is necessarily isolated because of distances or geographical barriers and which is entitled to less than one full classroom unit as computed under section 123-6-3, the board of education of such district may make application to the state board for a determination that it is necessary to maintain such isolated school and that more than its fraction of a classroom unit be allowed for said school. If such determination by the state board shall be in the affirmative, the state board may grant additional fractional units of a class room unit for such school; provided, however, that no such school district shall be allowed more than one full classroom unit for any such school.

123-6-5. Aggregate days of attendance. (1) Aggregate days of attendance shall be the aggregate of all days of attendance in the public schools in any school district during the school year by all regularly enrolled pupils under twenty-one years of age and who have not completed the twelfth grade in any high school. No more than the first one hundred eighty days of school shall be used in computing aggregate days of attendance. Each school district shall be entitled to credit for one day of attendance for each full day's attendance by any such pupil. Attendance for more than one-half of the regular hours of school during a day shall count as a full day's attendance, and attendance for one-half or less than one-half of the regular hours of school during a day shall count as one-half day of attendance. Night school classes, a minimum of two hours, shall count as one-half day of attendance.

(2) In any case where a new school district is formed, the aggregate attendance during the preceding school year of all districts or portions thereof composing the new district, shall be used in determining the aggregate days of attendance.

(3) The state board is empowered to make final determination of the proper aggregate days of attendance under subsections (1) and (2) of this section for any school district involved.

123-6-6. State public school fund. (1) For the purpose of paying the state's share of the cost of the public school finance program, there is hereby created in the state treasurer's office a fund to be known as the "state public school fund," which is derived from the net balance of the public school income fund as of December 31, 1952, and quarterly thereafter, said net balance to be after allocation of funds from said public school income fund under statutes not repealed or amended hereby; from such moneys as may be appropriated to the state public school fund from time to time; and from such other sources as may be made available to the said fund.

(2) The state public school fund shall be a continuing fund, and moneys remaining in the fund at the end of any fiscal year shall not revert to the general fund of the state but shall remain in the state public school fund and shall be available for distribution thereafter.

123-6-7. County public school fund. There is hereby created in the office of the county treasurer of each county of the state a continuing fund to be known as the county public school fund, into which shall be paid the proceeds of the county levies and other moneys provided for in this article.

123-6-8. County levies. For the purpose of paying each county's share of the cost of the public school finance program, it shall be the duty of the board of county commissioners of each county to levy at the same time that other taxes are levied for county purposes, a tax of four and one-half mills on all taxable property in the county. The levy required under this section shall be first levied for the tax year 1955 as assessed for collection in the year 1956.

A county or city and county consisting of one school district only shall be deemed to have made the necessary levies required by this section and section 123-6-11, if the total general and special school levies of such county or city and county be not less than eleven and one-half mills.

Any county which has made the required levy as required by law for the year preceding the enactment of this section shall be approved for the distribution of moneys from the state public school fund for the first year of operation of this section. Thereafter, any county which meets the requirements of this section shall be approved for participation in the distribution of moneys in the state public school fund as provided in this article.

123-6-9. Minimum days of school. No school district maintaining a school term of fewer than one hundred seventy days shall receive any funds from the county public school fund or the state public school fund herein provided for. In the event of enforced closing of school by order of the board of education on account of public emergency, storms, or other acts of God, or upon order of a health officer having jurisdiction, the aggregate days of attendance for such closed period shall be computed upon the basis of average daily attendance during the balance of the school year in which school was held, provided that a reasonable effort be made to reopen the school as soon as permissible. Average daily attendance shall be the quotient obtained by dividing the actual number of days the school was in session into the total of all days of attendance, computed as defined for aggregate days of attendance in section 123-6-5. The state board shall be the authority to decide the merit of claims for benefits under this section. Such days of enforced closing shall be considered as school days under this article.

123-6-10. Minimum salaries. No school district shall receive funds from the State public school fund unless such district shall pay each full-time teacher not less than three-fourths of the classroom unit value as provided by section 123-6-13, and each part-time teacher not less than three-fourths of the proportionate part of the classroom unit value allocated to each such part-time teacher; nor unless it shall use not less than three-fourths of any funds received under section 123-6-14 for the payment of teachers' salaries.

123-6-11. Minimum district levies. (1) The minimum special fund levy necessary to entitle school districts to participate in distribution of the state public school fund shall be as follows: in county or union high school districts, one and one-half mills; in districts of the first, second, or third class which are parts of county or union high school districts, five and one-half mills; in all other districts, seven mills.

(2) Any school district which made the required minimum district levy in the calendar year preceding the year of distribution of funds under this article, and in all other respects qualified under this article, shall be entitled to participate in the first distribution of moneys from the state public school fund based on aggregate days of attendance, in accordance with the provisions of subsection (2) of section 123-6-14.

123-6-12. *Distribution of county public school fund. Each eligible district in the county shall be entitled to participate in the county public school fund in proportion as the aggregate daily attendance of that district bears to the total aggregate daily attendance of all of the eligible districts in the county. The state board shall determine the proportionate part of the county public school fund to be paid to each eligible district in each county and on or before January 1 of each year shall certify to the county treasurer the proportionate part of said fund to which each district is entitled, and furnish the county superintendent with a duplicate of certification. The proportion so certified by the state board shall be the basis on which the fund shall be distributed during the calendar year. The county treasurer at the end of each month shall credit the amounts of money in the county public school fund to the special funds of the respective districts in said proportion.*

123-6-13. *Minimum equalization program. From and after July 1, 1955, the state hereby undertakes to provide to each school district in the state an amount equal to the difference between:*

(1) *Such district's share of the amount to be produced by the county levy, plus the amount to be produced by the minimum district levy for such district's participation in the distribution from the state public school fund (assuming one hundred per cent collection of both county and district levies), and*

(2) *The aggregate amount required to provide two thousand seven hundred dollars (\$2,700.00) for each classroom unit served by teachers holding any valid certificates other than a graduate certificate, and three thousand dollars (\$3,000.00) for each classroom unit served by teachers holding graduate certificates; provided, however, that the state board shall compute the percentage which the actual assessed valuation of all taxable property in each county in the state, as certified to it by the state tax commission, is of the appraised valuation of all taxable property in each county in the state, as determined by the State Board of Equalization, and from such percentages shall determine a factor for each county. Such factor, when determined, shall be applied to the assessed valuation of each such county in order to arrive at an adjusted valuation of all taxable property in such county, and the same factor shall be applied to the assessed valuation of all taxable property in each school district in such county in order to arrive at an adjusted valuation of all taxable property in each such school district. The*

adjusted county and district valuation so arrived at shall be used in calculating the amounts to be produced by the minimum county and district levies for each school district.

123-6-14. Distribution of state public school fund. (1) The amount which each county and each school district shall be entitled to receive from the state public school fund, based on aggregate days of attendance and for the minimum classroom unit program as defined in section 123-6-13, shall be determined by the state board. Upon certification by the state board, distributions of all such moneys shall be made by the state treasurer to the county treasurers of the respective counties and shall by the county treasurers be forthwith credited to the special fund of each district.

(2) *The state board shall determine the proportionate share of all moneys to be distributed on the basis of aggregate days of attendance to which each eligible school district is entitled. The proportionate part of the moneys to be so distributed shall be in the same proportion as the total aggregate days of attendance of each such school district bears to the total aggregate days of attendance of all eligible school districts in the state. On or before July 15 of each year, fifty-five per cent of the appropriation made by the General Assembly to the state public school fund from general revenues, shall be so allocated. Upon such allocation, the state board shall certify to the state treasurer the amount of money to be paid to each county, and shall certify to the county treasurer the amount of money to be paid to each of the eligible school districts of his county and furnish the county superintendent with a duplicate of such certification. Not later than August 1 of each year, the state treasurer shall make distribution of one-half of said moneys to the county treasurers, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled, and not later than November 1 of each year the state treasurer shall make distribution of the remaining one-half of said moneys to the county treasurer, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled.*

Any remaining funds in the state public school fund after the payment of the classroom unit program distribution as provided in subsection (3) of this section shall be distributed on the basis of aggregate days of attendance, within fifteen days after May 31 of each year.

(3) *As soon as the state board shall have determined the amount to be paid to each eligible school district in all counties under the minimum classroom unit program, but not later than January 15 of each year, the state board shall certify to the state treasurer the amount of money to be paid each county, and shall certify to the county treasurer of the county the amount of money to be paid to each of the eligible school districts in his county and furnish the county superintendent with a duplicate of such certification. As soon as possible after such certification by the state board, but not later than February 1 of each year, the state treasurer shall make distribution of one-half of said moneys to the county treasurers, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled, and not later than May 1 of each year the state treasurer shall make distribution of the remaining one-half of the said moneys to the county treasurers, who shall forthwith credit to the special fund of each school district the amounts to which such district is entitled.*

(4) The state board shall withhold from normal distribution one and one-half per cent of the appropriation made by the general assembly revenues to the state public school fund, which amount is hereby designated as "contingency reserve." On May thirty-first of each year any balance of said contingency reserve shall not thereafter be held for contingency purposes but shall be distributed on the basis of aggregate days of attendance as provided in subsection (2) of this section.

The contingency reserve shall be for the purpose of providing supplemental support to school districts requiring assistance because of special circumstances or contingencies as provided in this article.

The state board shall have power and authority to approve and order payments from said contingency reserve for assistance of such school districts found to be in need thereof upon consideration of any or all of the following:

- (1) Financial emergencies caused by act of God.
- (2) Sudden increases in enrollment.
- (3) Temporary enrollments.
- (4) Efforts of the district to provide sufficient funds for its own use.
- (5) Standards of education maintained by the district.

Applications for assistance shall be made to the state board and shall set forth fully the facts upon which the district relies for assistance. The truth of such facts shall be sworn to by the president and secretary of the board of education of the district making the application before any officer authorized to administer oaths.

The state board shall make such investigations as it shall deem proper; and if it finds that assistance should be granted upon the application, it shall determine the amount to be paid and by order upon the state treasurer, shall direct payment of such sum to the county treasurer of the county in which such district is located, said sum to be forthwith credited by the county treasurer to the special fund of such district.

123-6-15. Reports to state board. (1) The secretary of the board of education of each school district electing to accept and be subject to the terms and conditions of this article immediately upon the conclusion of each school term, shall certify to the county superintendent of the county in which such district is located:

(a) That it has accepted and elected to be subject to the terms and provisions of this article, and the filing of such certification shall constitute such acceptance.

(b) The total aggregate days of attendance for the school year.

(c) The number of square miles in the district.

(2) On or before June twentieth of each year, the county superintendent shall certify to the state board all such information received from the boards of education of all districts in his county.

(3) On or before October first of each year, the secretary of the board of education of each eligible school district shall certify to the county superintendent:

(a) A statement of salary paid to and the type of certificate and degree held by each teacher employed by such district at the time of such report;

(b) Any changes made in any of the information required to be reported under subsection (1) of this section.

(4) On or before October fifteenth of each year, the county superintendent shall certify to the state board all such information received from the boards of education of all districts in his county.

(5) If the degree of any teacher employed by any district at the time of such certification to the state board cannot be authenticated, such teacher shall be considered as holding a non-graduate certificate for the purposes of this article.

(6) *On or before October fifth of each year, the state tax commission shall certify to the state board the assessable valuation of all taxable property within each school district in the state. On or before November fifth of each year, the state tax commission shall certify to the state board the special school district levies for each school district in the state, and at the same time shall furnish the state board with a statement setting forth the appraised valuation of all taxable property, as determined by the State Board of Equalization for assessment purposes, in each and every county of the state; provided, however, said tax commission shall make necessary corrections in the special school district levies when tax abatements have been allowed prior to November fifth in order that school district special levies will produce the same amount of revenue as called for in the annual budget of said school district.*

(7) All reports and certifications required under subsections (1) and (3) of this section shall be made in such manner and form as shall be prescribed by the state board.

123-6-16. Classroom unit values. (1) The classroom unit values of any district shall be determined by computing the number of classroom units to which the district is entitled, based upon the aggregate days of attendance for the preceding school year and computed as provided in section 123-6-3. The classroom units so determined shall be assigned a value in accordance with the certificates held by the teachers employed. The teachers employed by the district as of October first of each year shall be considered in determining such classroom unit values.

(2) An aggregate of part-time regularly employed teachers may be included in computing unit values, provided that the number of values so assigned to units shall not exceed the equivalent number of full-time teachers which the aggregate part-time personnel actually totals. If any one of said part-time teachers in any one classroom unit does not hold a graduate certificate,

the value assigned to such unit shall be the same value as that assigned to a teacher not holding a graduate certificate. The state board shall establish by rule standards for full-time and part-time teachers and upon the basis of such standards shall determine the credit to which any district is entitled for any part-time teachers in computing the classroom unit values allowable to any such district.

(3) A district which employs a fewer number of equivalent full-time teachers than the number of classroom units shall be entitled to no greater number than the number of classroom units of equivalent full-time teachers. A district that employs a larger number of full-time teachers than the number of allowable classroom units may first assign classroom unit values on the basis of those teachers holding graduate certificates.

123-6-17. Junior colleges. (1) Any junior college district heretofore organized shall be entitled to a direct grant of nine hundred dollars from the state public school fund for each seven students carrying an average of forty-five quarter hours or thirty semester hours of credit during the preceding regular academic year. On or before September first of each year, the junior college committee of each junior college district shall report to the state board the number of students and the quarter or semester hours credited to such student for the preceding regular academic year. Upon receipt of such information, the state board shall determine the amount of money which shall be paid to each such junior college district. In computing such amounts, the total number of quarter or semester hours shall be divided by the number forty-five if quarter hours, and by the number thirty if semester hours; the quotient arrived at in either case shall be divided by the number seven, and the quotient arrived at thereby shall be the number of direct grants to which each of said junior college districts shall be entitled; fractions of one-half or more shall be counted for and additional direct grant, and fractions of less than one-half shall be disregarded.

(2) Junior colleges hereafter organized for the first school year shall be entitled to a direct grant of nine hundred dollars for each seven students enrolled and taking full-time work as of October first of the calendar year in which the junior college is organized, and thereafter such junior colleges shall be entitled to direct grants as provided in subsection (1) of this section.

(3) On or before September fifteenth of each year, the state board shall certify to the state treasurer the amounts from the state public school fund to be paid junior colleges as direct grants, and upon such certification the state treasurer shall make distribution of such moneys to the respective county treasurers of the counties in which the college buildings are located, and said moneys shall be by each such county treasurer credited to a fund designated "For the expense of Junior College." Said moneys shall be paid out on warrants regularly drawn on said county treasurer by the junior college committee and may be used for current operating costs.

123-6-18. Use of funds. (1) No funds received from the state public school fund shall be used by any school district for debt services or capital outlay.

(2) No county treasurer shall charge a collection fee upon moneys received from the state public school fund.

123-6-19. Joint districts. (1) The classroom units to which a joint school district shall be entitled shall be calculated by the state board upon the total aggregate days of attendance of all schools of the district, but the classroom units so calculated shall be assigned to each county in which the joint district is situated in the same proportion as the aggregate days of attendance of pupils residing in each such county bears to the total aggregate days of attendance of all pupils in the joint district. The secretary of the board of education of a joint district, at the time of making the reports and certifications as required by section 123-6-15, shall certify to the county superintendent of each county in which the district is located the required information applicable to each such county, which information shall be included in the report of the county superintendent to the state board.

(2) Allocation of the county public school fund shall be made to a joint district partially located in such county upon the basis provided for in subsection (1) of this section.

(3) Payments of moneys from the state public school fund shall be made to the county treasurer of the county in which the administrative headquarters of such joint district is situated.

(4) All funds collected by the county treasurer of a county in which a part of a joint district is situated shall be credited to such joint district and, at the end of each month, shall be paid over to the treasurer of the county in which the administrative

headquarters of such joint school district is situated and forthwith credited by such county treasurer to the appropriate fund of said joint district, and warrants of a joint district shall be drawn only upon the county treasurer of the county in which such administrative headquarters is situated. The county treasurer of the county in which such administrative headquarters is situated shall not charge any treasurer's collection fee upon moneys so transferred to him from other counties.

(5) The board of education of a joint school district shall designate the location of its administrative headquarters and shall notify the state board and the county treasurer of each county in which such joint district is located of such designation.

123-6-20. Other levies allowed. (1) Nothing in this article shall affect or limit the rights of school districts to make such levies as otherwise allowed by law in excess of the minimum levies provided in this article.

(2) Nothing contained in this article shall in any wise affect the rights of school districts to moneys allowable or payable to such school districts under existing statutes.

123-6-21. Fiscal year. The fiscal year of each school district shall be as provided by the board of education of said district.

123-6-22. Rules and regulations. The state board is hereby directed and empowered to make reasonable rules and regulations for the administration of this article.

123-6-23. Disposition of county funds. Immediately upon receipt, the county treasurer shall credit to the county public school fund any moneys payable into the county general school fund as constituted prior to the passage of this article.

123-6-24. Mineral leases—disposition. From and after July 1, 1952, all rentals received by the state from stone, coal, oil, gas, gold, silver or other mineral leases of public school lands, and all moneys received from the sale of timber on said lands which is cut on a sustained yield basis, shall be placed to the credit of the public school income fund for the purpose of providing additional funds for distribution to public schools under the provisions of this article. The state board of land commissioners is hereby authorized to deduct from such receipts not to exceed ten per cent thereof for the purpose of paying the expenses of administering such lands.

Approved by the Governor April 15, 1955

HOUSE JOINT RESOLUTION NO. 2

WHEREAS The problem of school financing is becoming a big problem due to increases in population and enrollment and

WHEREAS A long range study should be started and conducted to determine necessary changes in law as the school finance law and to determine in effect of these increased enrollments on the primary and secondary schools of this state, in relation with the institutions of higher learning;

WHEREAS It is the function of the Legislative Council to conduct such studies and to report to the General Assembly; now, therefore,

RESOLUTIONS

Be It Resolved by the House of Representatives of the First General Assembly of the State of Colorado, the Senate concurring hereto:

That the Legislative Council is hereby directed to begin a study of school finances for primary and secondary schools and institutions of higher learning and the effect of contemplated increased enrollments on these schools, and the character of the problems arising therefrom.

That for the purposes of carrying on this study a permanent sub-committee of the Legislative Council be organized.

That the Legislative Council report to the General Assembly at the beginning of each annual session the progress of said study and the then current status of the state school financial program, and that such reports shall continue until the General Assembly by resolution discontinues said study.

That any and all necessary traveling and subsistence expenses by the members of any sub-committee of the Council appointed pursuant to the study of the matters directed in this resolution, shall be paid from the appropriation made to the Legislative Department by House Bill No. 14, enacted by the Fortieth General Assembly approved by the Governor January 16, 1955; all expenditures shall be approved by the chairman of the Committee and shall be payable by warrants drawn as provided by law.

Be It Further Resolved, That copies of this resolution be transmitted to the Chairman of the Legislative Council and to the Commissioner of Education.

with certified copies of such orders and a copy of the original order shall be retained by the Board of Health and the Board of Health shall be held responsible therefor. A copy of such orders shall be retained by the Board of Health and the Board of Health shall be held responsible therefor. A copy of such orders shall be retained by the Board of Health and the Board of Health shall be held responsible therefor.

(5) The Board of Health shall be held responsible for the enforcement of such orders and the Board of Health shall be held responsible therefor. A copy of such orders shall be retained by the Board of Health and the Board of Health shall be held responsible therefor.

RESOLUTIONS

123-6-21. That the Board of Health be and it is hereby authorized to take such action as may be necessary to carry out the provisions of this act.

123-6-22. That the Board of Health be and it is hereby authorized to take such action as may be necessary to carry out the provisions of this act.

123-6-23. That the Board of Health be and it is hereby authorized to take such action as may be necessary to carry out the provisions of this act.

123-6-24. That the Board of Health be and it is hereby authorized to take such action as may be necessary to carry out the provisions of this act.

123-6-25. That the Board of Health be and it is hereby authorized to take such action as may be necessary to carry out the provisions of this act.

123-6-26. That the Board of Health be and it is hereby authorized to take such action as may be necessary to carry out the provisions of this act.

APPROVED BY THE BOARD OF HEALTH, THIS 15th DAY OF MAY, 1933.

HOUSE JOINT RESOLUTION NO. 8

WHEREAS, The problem of school financing is a continuing problem due to increases in population and enrollment; and

WHEREAS, A long range study should be started and continued to determine necessary changes, if any, in the school finance law and to determine the effect of these increased enrollments on the primary and secondary schools of this state, together with the institutions of higher learning; and

WHEREAS, It is the function of the Legislative Council to conduct such studies and report the results thereof to the General Assembly; now, therefore,

Be It Resolved by the House of Representatives of the Fortieth General Assembly of the State of Colorado, the Senate concurring herein:

That the Legislative Council is hereby directed to begin a study of school finances for primary and secondary schools and institutions of higher learning and the effects of contemplated increased enrollments on these schools, and the state's role in the problems arising therefrom.

That for the purposes of carrying on this study a permanent sub-committee of the Legislative Council be appointed.

That the Legislative Council report to the General Assembly at the beginning of each annual session the progress of said study and the then current status of the state school financing program, and that such reports shall continue until the General Assembly by resolution discontinues said study.

Any and all necessary travel and subsistence incurred by the members of any sub-committee of the Council, appointed pursuant to the study of the matters directed in this resolution, shall be paid from the appropriation made to the Legislative Department by House Bill No. 14, enacted by the Fortieth General Assembly approved by the Governor January 18, 1955; all expenditures shall be approved by the chairman of the Committee and shall be payable by warrants drawn as provided by law.

Be It Further Resolved, That copies of this resolution be transmitted to the Chairman of the Legislative Council and to the Commissioner of Education.

HOUSE JOINT RESOLUTION NO. 12

WHEREAS, The laws of the State of Colorado pertaining to children are badly in need of revision, codification, and amendment; and

WHEREAS, Such laws, after a complete revision thereof, should be compiled in pamphlet form so as to be available to interested persons; now, therefore,

Be It Resolved by the House of Representatives of the Fortieth General Assembly of the State of Colorado, the Senate concurring herein:

That the Legislative Council is hereby directed to appoint a special committee to make a study of child welfare in Colorado, including: (1) The needs of children which can be controlled or improved by legislative enactment, including in particular those children who are dependent, neglected, or delinquent, those children who are in danger of becoming delinquent, and children otherwise requiring special care; (2) the laws affecting children, including the operation and effect of existing laws, the existence of conflicting, obsolete or otherwise undesirable laws.

Be It Further Resolved, That such special committee shall recommend such changes in the laws of the state pertaining to children, and such additions to said laws as it may deem necessary to correct conditions which adversely affect the welfare of children in Colorado; and

Be It Further Resolved, That any and all necessary travel and subsistence expenses incurred by the members of the special committee authorized by this resolution shall be paid from the appropriation made to the Legislative Department by House Bill No. 14, enacted by the Fortieth General Assembly and approved by the Governor January 18, 1955; all expenditures shall be approved by the chairman of the special committee and shall be payable by warrants drawn as provided by law; and

Be It Further Resolved, That a copy of this resolution shall be transmitted to the Director of the Legislative Council.

HOUSE JOINT RESOLUTION NO. 14

WHEREAS, The organization and reorganization of school districts is a continuing problem complicated by increasing population and rising costs; and

WHEREAS, The school statutes have been and are being amended in piece-meal fashion in such a way as to cloud further the basic intent of such statutes and in many cases to prevent or hinder achievement of the objects for which the statutes were originally enacted; and

WHEREAS, The result has been an inconsistent and illogical group of laws upon our statute books relating to the all-important subject of our schools, and such laws are subject to proper revision only by a patient and thorough study of the entire matter; now, therefore,

Be It Resolved by the House of Representatives of the Fortieth General Assembly of the State of Colorado, the Senate concurring herein:

That the Legislative Council is hereby directed to study school district organization, consolidation, and reorganization, with a view toward revision and codification of the relevant school statutes now appearing as part of Chapter 123 of Colorado Revised Statutes 1953:

That the desirable objectives of achieving stability in school district administration and at the same time of safeguarding taxpayers' interest be especially considered when dealing with the size of boards of directors, terms of office, and schemes for representation;

That special effort be made to consider local problems of geography, population distribution, and existing school districts which reflect the placing of school buildings, to the end that any proposed amendment of present statutes shall work no hardship on the peculiar situation of any community;

That in general the recommended statutes be broad in scope with the objective of encouraging school district reorganization;

That for the purposes of carrying on this study a permanent subcommittee of the Legislative Council be appointed, such subcommittee to include the same members as the subcommittee on public school finances appointed by virtue of H.J.R. No. 8, recently passed by the Fortieth General Assembly, if such be considered desirable by the Legislative Council; and

That the Legislative Council shall report to the General Assembly at the beginning of the 1956 annual session the results of its study together with its specific recommendations for revision and codification of Chapter 123 of Colorado Revised Statutes 1953, and related session laws.

Be It Further Resolved, That copies of this resolution be transmitted to the Chairman of the Legislative Council and to the Commissioner of Education.

INTRODUCTION AND CONSIDERATION
RESOLUTIONS AND MEMORIAL

H. J. R. No. 30, by Representative Burch.

WHEREAS, The General Assembly is hampered by lack of space in the State Capitol for the use of its Committees during and between its sessions, and

WHEREAS, The State Department of Education is likewise hampered by inadequate quarters in the State Capitol and requires larger quarters in order to properly perform the duties assigned to it by the people of the State of Colorado and the General Assembly, and

WHEREAS, The entire fifth floor and the major portion of the basement of the State Office Building will be vacated by the State Department of Highways prior to the end of the year 1955, and

WHEREAS, It is desirable and necessary that the most efficient use be made of such vacated space and that more adequate quarters be made available to the State Department of Education, and to the General Assembly for its committee work; now, therefore,

Be It Resolved by the House of Representatives of the Fortieth General Assembly, the Senate concurring herein:

That the Superintendent of Public Buildings be, and he is hereby, authorized and directed immediately upon removal of the State Department of Highways from the space it now occupies in the State Office Building, to prepare said space for occupancy by the State Department of Education and by the State Board for Vocational Education and to arrange for the moving of said department and board to the fifth floor of the State Office Building at the earliest possible date; and

Resolved Further, That the Superintendent of Public Buildings be, and he is hereby, authorized and directed, immediately upon removal of the State Department of Education from rooms numbered 125 to 129 State Capitol, to prepare said rooms for occupancy by the Inheritance Tax Department, and to arrange

for the moving of said Inheritance Tax Department to said rooms at the earliest possible date; and

Resolved, Further, That the Superintendent of Public Buildings be, and he is hereby, authorized and directed immediately upon removal of the Inheritance Tax Department from rooms numbered 305 to 312 State Capitol, to arrange for the moving from the third floor of the State Capitol to the State Office Building, or to the State Museum Building of such other boards and agencies as may be necessary in order to make available to the General Assembly for its committees and the office of the Legislative Council the entire south wings of the second and third floors of the State Capitol, except the space on the third floor of the south wing now occupied by State house reporters.

Resolved Further, That a copy of this resolution be delivered to the Superintendent of Public Buildings, the Commissioner of Education, the Director of the State Board of Vocational Education, the Inheritance Tax Commissioner and the Governor.

On motion of Representative Burch, H.J.R. No. 30 was given immediate consideration and was adopted.

SENATE RESOLUTION NO. 9

By Senator Carlson

Be It Resolved by the Senate of the Fortieth General Assembly of the State of Colorado:

(1) There is hereby created a committee of the Senate of the Fortieth General Assembly, to consist of not to exceed seven members from the standing Senate Judiciary Committee of the Senate or from the membership at large, to be appointed by the chairman of the Senate Judiciary Committee for the purpose of considering and preparing a Children's code, and a code embodying commitment procedures and estates of mental incompetent persons and other related matters.

(2) Said committee shall be appointed before the adjournment of the First Regular Session of the Fortieth General Assembly. Said committee shall meet at least three times during the calendar years 1955 and 1956. In the conduct of its study, the committee shall have authority to hold hearings, to assemble such records and documents as may in its judgment be deemed necessary, and to collaborate with organizations, groups or persons interested in and concerned with the purposes of the study. The committee may be organized to work as a subcommittee of the Legislative Council.

(3) The committee shall make a final report of its findings and recommendations to the Senate of the Forty-first General Assembly upon convening in First Regular Session in 1957, and shall incorporate such recommendations in the form of proposed legislation for consideration by said Senate.

(4) Members of the committee shall serve without compensation, but shall be reimbursed for all necessary expenses incurred in the discharge of their duties. There is hereby allocated from the appropriation made to the Legislative Department by H.B. No. 14, enacted by this General Assembly, and approved by the Governor on January 18, 1955, the sum of one thousand dollars (\$1,000.00), or so much thereof as may be necessary, to cover such expenses and other necessary expenditures incurred by the committee. Warrants shall be drawn against said allocation to cover any approved expenditures, upon vouchers certified by the chairman.

SENATE RESOLUTION NO. 9

By Senator Gordon
Be It Resolved by the Senate of the Fortieth General Assembly of the State of Colorado:

(1) There is hereby created a committee of the Senate of the Fortieth General Assembly to consist of not to exceed seven members from the standing Senate Judiciary Committee of the Senate or from the membership at large to be appointed by the chairman of the Senate Judiciary Committee for the purpose of considering and preparing a bill to amend and a code embodying commitment procedures and other related matters.

(2) Said committee shall have authority to hold public hearings and to collaborate with organizations or persons interested in and concerned with the study of the committee may be organized to work as a subcommittee of the Legislative Council.

(3) The committee shall make a final report of its findings and recommendations to the Senate of the Fortieth General Assembly upon convening in First Regular Session in 1957 and shall incorporate such recommendations in the form of proposed legislation for consideration by said Senate.

(4) Members of the committee shall serve without compensation but shall be reimbursed for all necessary expenses incurred in the discharge of their duties. There is hereby allocated from the appropriation made to the Legislative Department by H.L. No. 14 enacted by the General Assembly, and approved by the Governor on January 18, 1955, the sum of one thousand dollars (\$1,000.00), or so much thereof as may be necessary, to cover such expenses and other necessary expenditures incurred by the committee. Warrants shall be drawn against said appropriation to cover any approved expenditures upon vouchers certified by the chairman.

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