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# School Laws

Enacted By

The Forty-First General Assembly

First Regular Session

STATE OF COLORADO

1957



**COLORADO STATE  
DEPARTMENT OF EDUCATION  
H. Grant Vest, Commissioner**



**DENVER**

**1957**

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# School Laws

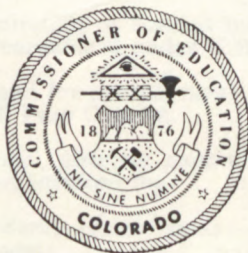
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STATE OF COLORADO

1957



**OFFICE OF  
ADMINISTRATIVE SERVICES**  
John H. Swenson,  
*Assistant Commissioner*



**DENVER**  
**1957**

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A N A C T  
House Bill No. 4  
(Ch. 267, S. L. '57)

CONCERNING THE GENERAL PROPERTY TAX AND  
AMENDING THE LAW RELATING THERETO.

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

SECTION 1. Article 1 of Chapter 137 (being sections 137-1-1 through 137-1-30), and Article 2 of Chapter 137 (being sections 137-2-1 and 137-2-2), Colorado Revised Statutes, 1953, are hereby specifically repealed.

SECTION 2. In order to provide funds for the support of the state government and its political subdivisions, for payment of public debts and interest thereon, and for the advancement of the public interest, property taxes shall be levied, assessed and collected as provided in this chapter.

SECTION 3. In this chapter:

(1) The term "property" includes both tangible and intangible property.

(2) The term "intangible property" includes rights, credits, franchises, special privileges and special advantages attendant upon or derivable from contract rights having a value of themselves for the purpose of income or sale, or in connection with other property.

(3) The term "credits" includes every claim and demand for money, labor or other valuable thing, and every annuity or sum of money receivable at stated periods; but pensions from the United States, and salaries and payments expected for services to be rendered, are not included in the above term.

(4) The term "real estate" includes, first, all lands or interest in lands within the state to which title or the right of title has been acquired from or ratified by the government of the United States, or from the state; second, all mines, minerals, and quarries in and under the land and all rights and privileges appertaining thereto; and, third, improvements.

(5) The term "improvements" includes all water rights, buildings, structures, fixtures and fences erected upon or affixed to land, whether or not title to said land has been acquired.

(6) The term "fixtures" includes those articles, which although once movable chattels, have become an accessory to and a part of real estate by having been physically annexed or affixed thereto.

(7) The term "personal property" includes everything which is the subject of ownership, excepting intangibles, and is not included within the term "real estate".

(8) The term "household furnishings" includes personal property in residential buildings and structures, except fixtures, and which is not used for the production of income at any time.

(9) The term "personal effects" includes such tangible personal property as is, or may be, worn or carried on or about the person, and such articles as are usually associated with the person, and which are not used for the production of income at any time.

(10) The term "taxable property" includes all property not expressly exempted from taxation by law.

SECTION 4. The following shall be exempt from taxation under this chapter:

(1) Household furnishings which are not used for the production of income at any time.

(2) Personal effects which are not used for the production of income at any time.

(3) Ditches, canals and flumes owned and used by individuals or corporations for irrigating land owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purposes.

(4) The property, real and personal, of the state, counties, cities, towns, and other municipal corporations, and public libraries.

(5) Property, real and personal, that is used solely and exclusively for religious worship.

(6) Property, real and personal, that is used solely and exclusively for schools, other than schools held or conducted for private or corporate profit. "School" is hereby defined to mean an educational institution having a curriculum comparable to a grade, grammar, junior high, or high school, or college, or any combination thereof, requiring daily attendance, having an enrollment of at least forty students, and charging a tuition fee.

(7) Property, real and personal, that is used solely and exclusively for strictly charitable purposes.

(8) Cemeteries not used or held for private or corporate profit.

(9) Intangible personal property as provided in section 138-1-48, CRS 1953.

SECTION 5. When the assessed valuation of any building or house and the necessary lot or parcel of land therefor upon which said building or house is situate, and which is owned by a church or synagogue organization and used solely and exclusively as a residence or dwelling by a minister, preacher, priest or rabbi actually serving the church or synagogue organization as such, shall not exceed six thousand dollars, then the same shall be exempt from general taxation; but if the assessed valuation of any such property shall be greater than six thousand dollars, then only six thousand dollars of such assessed valuation shall be exempt from general taxation.

SECTION 6. The increase in value of private lands caused by the planting of trees shall not be taken into account in valuing such lands for taxation for a period of thirty years from the date of planting, and such exemption shall apply to all lands so planted; but in the event that prior to the expiration of thirty years, any of such trees shall become sufficiently mature as to be of economic use, then the increase in value so resulting shall be taken into account in valuing such lands for taxation thereafter.

SECTION 7. The board of county commissioners of each county is hereby authorized and empowered, and it shall be



its duty in each and every year, to refund or rebate any and all taxes for state, county, municipal, and school purposes levied upon or standing against any and all real and personal property of any agricultural or mechanical fair association duly organized under the laws of this state, when and while said property is actually and exclusively being used and employed for the purpose of holding thereon county fairs for the promotion and encouragement of agricultural, horticultural, livestock, mechanical and other county fair purposes, not for pecuniary profit.

SECTION 8. (1) The county clerk of each county shall procure from the proper land office, at least once each year, an abstract of all lands and mineral claims within such county which have been entered in the land office, and shall keep such abstract in his office as a public record.

(2) The county commissioners of each county shall cause maps or plats of such county to be made, upon which maps or plats shall be designated all lands and mineral claims entered and subject to taxation under this chapter, as shown by the abstract on file in the office of the county clerk.

SECTION 9. All property not expressly exempted by law shall be subject to taxation. All taxable property shall be listed and valued each year, personal property to be listed and valued separate from real property. Improvements shall be listed and valued separate and apart from land, except lands which are used for agricultural purposes, which agricultural lands shall be valued as a unit with the improvements and water rights located upon them.

SECTION 10. For purposes of taxation, it shall make no difference that the possession, use or ownership of any taxable property is qualified, limited, not the subject of alienation, or the subject of levy or distraint separately for the particular tax derivable therefrom; provided, that where any property within this state is mortgaged, conveyed, or pledged for the security of a loan or debt then owing, the property and the notes, mortgage, trust deed, deed of trust, contract or other conveyance shall be assessed as a unit, and as one and the same, and as of one value, and as the value of said property so mortgaged, conveyed, or pledged only, and any such notes, mortgages, trust deeds, deeds of trust, contracts or conveyances shall not be otherwise assessed.

SECTION 11. All equities in state and school lands purchased under contract taken from the state shall, during the life of the contract, be valued for assessment at their full cash value, and all improvements thereon shall likewise be valued for assessment at their full cash value.

SECTION 12. Property taxes, levied under this chapter, shall be available for the fiscal year of the levying authority during which they become due and payable. The dates when property taxes are assessed, become liens or become due and payable, proceedings in connection with property taxes, and the procedure for the collection of all such taxes, shall be as provided by law.

SECTION 13. Taxes levied upon real estate shall be a perpetual lien upon such real estate until such taxes and any interest, penalties, and charges which may accrue thereon shall have been paid, except as otherwise provided in this chapter, and such liens shall have priority over all other liens. Any property, real, personal, or mixed, which by mistake or oversight, has been omitted from the tax list for any year shall be subject to assessment for all back taxes properly chargeable thereon.

SECTION 14. (1) In all counties having a population of less than three hundred thousand, the board of county commissioners shall, on or before the first day of November in each year, levy against the valuation of all taxable property existing on the assessment date within the various taxing districts, by an order to be entered in the record of their proceedings, the requisite taxes for the year for county purposes, for county high school purposes, for general school purposes, and for all other purposes required by law; and in all counties having a population in excess of three hundred thousand, the board of county commissioners or other body authorized to levy county taxes shall, on or before the second Tuesday in December of each year, similarly levy all such taxes.

(2) As soon as the county levy has been made, the board of county commissioners or other body authorized to levy county taxes shall forthwith certify to the county assessor, upon forms which shall be prescribed by the Colorado tax commission, such county levy, together with all special school

levies, all municipal levies theretofore certified to them, and all other levies, and shall mail a copy of such certification to the Colorado tax commission.

(3) If the board of county commissioners or other body authorized to levy county taxes shall fail to certify such levies to the county assessor as provided in this section, it shall be the duty of the county assessor to extend the previous year's levies.

SECTION 15. All personal property taxes assessed in any county of this state that shall have been delinquent for a period of six years may be canceled by the board of county commissioners in the respective county; provided, the board of county commissioners is satisfied that said taxes are uncollectible. The county treasurer shall keep a full and complete record of all taxes so canceled.

SECTION 16. (1) Each county shall be responsible to the state for the full amount of taxes levied for state purposes, excepting such amounts as are certified to be unavailable, double, or erroneous assessments.

(2) In all cases where any person shall pay any tax, interest, penalty or other charge, or any portion thereof, which thereafter shall be found to be erroneous or illegal, whether the same be due to erroneous assessment, to improper or irregular levying of the tax, or to clerical or other errors or irregularities, the board of county commissioners or other body authorized to levy county taxes, shall refund the same without abatement or discount to the taxpayer.

(3) The county treasurer shall keep a full and complete record of all taxes refunded or canceled, and he shall submit a report thereof to the state controller, who shall give the county credit for the amount of state taxes so refunded or canceled.

SECTION 17. As between the grantor and grantee, when there shall be in the instrument of conveyance no express agreement as to which shall pay the taxes that may be assessed on the property conveyed, if such conveyance shall be made between the thirty-first day of December and the first day of next July, then the grantee shall pay the taxes for the year in which the conveyance is made; but if the property

shall be conveyed between the thirtieth day of June and the first day of the next January, then the grantor shall pay the taxes for the year in which the conveyance is made.

SECTION 18. If the mortgagor of lands fails or neglects to pay the taxes thereon, or permits any lands so mortgaged to be sold for taxes, the mortgagee may pay said taxes or redeem the land so sold for taxes. On the payment of any such mortgage, or in an action to enforce the same, such mortgagee may demand the taxes so paid, with interest thereon at the same rate specified in the mortgage, and the same shall be included in any judgment rendered on the mortgage. Any taxes so paid by the mortgagee shall be a lien on such land so mortgaged until the same shall be paid.

SECTION 19. All lands and lots, and all buildings, improvements and fixtures on public lands, and all the interest or title which any person owning or claiming such improvements may have in the land upon which the same are made, upon which the taxes shall not have been paid before the first day of August of each year, shall be subject to sale for taxes, as provided in this chapter.

SECTION 20. All interest and penalties, excluding the cost of advertising, accruing upon any tax shall, when collected, be distributed between the state, the county, and the various municipalities and districts in and for which the tax is levied, in the same proportion as the tax; provided, that fifty percent of all interest and penalties accruing upon delinquent personal property taxes shall, when collected, be retained by the collecting county, and the remaining fifty percent shall be distributed as hereinabove provided.

SECTION 21. When any fact, matter or thing is required to be verified by oath or affirmation by this chapter, any assessor, treasurer or county clerk, or any deputy of any of said officers, may administer such oath or affirmation. The deputy need not certify the oath in the name of the principal.

SECTION 22. The assessment rolls, the tax warrants, the entries made in the county treasurer's books, and the lists of lands sold for taxes recorded by said treasurer or by the county clerk, or a certified copy thereof, shall be prima facie evidence of all things appearing therein in all courts and places.

SECTION 23. Any officer who shall willfully neglect or refuse to perform any of the duties imposed upon him by this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both such fine and imprisonment, the fine not to exceed five thousand dollars, nor the imprisonment to exceed one year.

SECTION 24. Section 137-3-2, CRS 1953, is hereby amended to read as follows:

**137-3-2.** All taxable property, real and personal, within this state at twelve meridian on the first day of February in the then current year shall be listed and assessed in the county wherein it shall be on the first day of February aforesaid, hereby designated as the official assessment date.

SECTION 25. Section 137-3-3, CRS 1953, is hereby amended to read as follows:

**137-3-3.** If any taxable personal property shall be brought into this state for any purpose whatsoever at any time subsequent to twelve meridian on the assessment date, the owner thereof shall at once file a schedule thereof with the assessor of the county wherein such taxable personal property shall be located, and such property shall thereupon be listed by the assessor and be assessed for the then current year. Upon failure of the owner to file such schedule, the assessor shall proceed to list and assess such property, the assessment to be based upon the best information available to him. Personal property as used in this section shall not be deemed to include livestock or agricultural or livestock products which shall be subject to regulation under Section 137-3-33. Such processed agricultural or livestock products as are held by a retailer for sale to the ultimate consumer shall be subject to assessment under this section.

Taxable personal property under this section brought into the state for resale in temporary establishments or sold under a temporary lease agreement with an established business shall be assessed at its full cash value and not averaged for taxation under the provisions of Section 137-3-25.

Exhibitions not for resale shall not be subject to assessment under this section.

SECTION 26. Section 137-3-6, CRS 1953, is hereby amended to read as follows:

**137-3-6.** On the assessment date of each year or as soon thereafter as practicable, the assessor or his deputy shall call upon each taxpayer of his county at his residence or place of business, and obtain from each taxpayer a statement under oath, setting forth specifically all the real and personal property owned by such person, or in his possession, or under his control, at twelve meridian on the assessment date of the then current year, and such person shall file such schedule with the assessor not later than the first day of May next following. At any time before or after said first day of May, such person shall furnish such information or records for examination as may be required by the assessor to make a proper and correct assessment. No assessment shall be rendered invalid by reason of the failure of the assessor to demand or secure the schedule required herein to be filed prior to the making of such assessment. Nothing contained in this section shall be deemed to require any person having possession or control of any livestock or agricultural or livestock products in a raw or unprocessed state on the assessment date of any year, or at any time during the year, as a warehouseman, or merely as agent, consignee, or bailee of the owner thereof, to pay any tax which may be assessed upon such property for such year.

(2) As soon after the assessment date as may be practicable, the assessor shall mail a schedule of assessment to each non-resident owner of taxable real and personal property situated within his county. The person receiving such schedule shall list therein all the taxable real and personal property owned by him, or in his possession, or under his control, at twelve meridian on the assessment date, and shall include therein any taxable real and personal property acquired, and deduct therefrom any taxable real and personal property disposed of, subsequent to the previous year's assessment, sign the schedule under oath, and return it to the assessor not later than the first day of May next following.

SECTION 27. Section 137-3-13, CRS 1953, is hereby amended to read as follows:

**137-3-13** (1) When assessing real estate, the assessor shall

identify each parcel assessed, describing the same by section or part of section, and township and range, or where such part of section is not a legal subdivision, by some other description sufficient to identify the same, and if town lots, naming the town or city in which the same are situated, and the description thereof by number of lot or block, or otherwise, according to the system of numbering or describing in such town or city.

(2) Any person having or claiming to have an undivided interest in lands, or any lien upon a parcel or tract of land, or any inchoate interest, possessory interest, equitable or other estate less than the fee, may file a schedule specifying such undivided interest or estate, for the assessment of taxes thereon. All such undivided interests or estates, and such liens and inchoate interests so specified, shall be assessed, advertised for sale, sold for non-payment of taxes assessed thereon, and redeemed from such sale in like manner and with like effect as estates in fee simple and entires are assessed, advertised for sale, sold, and redeemed from sale for taxes.

SECTION 28. Section 137-3-14, CRS 1953, is hereby amended to read as follows:

**137-3-14.** Mining claims shall be listed by the assessor by the name of the lode and placer, and the mining district, and where any such mining claim has been entered in the United States land office the survey number shall also be set down. The number of survey lot or the government subdivision or a description by metes and bounds, or any description by which the premises are commonly or well known or may conveniently be found, shall be a sufficient description for the assessment of such lands, and in describing the same abbreviation of words and figures may be used. In assessing two or more mining claims under one United States survey number, the assessor shall list separately on the assessment rolls the names of all claims included in any one patent.

SECTION 29. Section 137-3-32, CRS 1953, is hereby amended to read as follows:

**137-3-32.** Every person or company engaged in the business of pawnbroking, as that business is defined by section 139-58-16, shall, not later than the first day of May in each year, return to the county assessor a written statement, under oath,

of the value of all property pledged to and held on hand by him as a pawnbroker, together with the full name and address of the owner or reputed owner of such property on the assessment date of the then current year, and such property shall be assessed to the lawful owner thereof, as provided by law, the same as other property; *provided, however*, that such personal property as may be exempt by general law shall not be assessed.

SECTION 30. Section 137-3-33 (1), CRS 1953, is hereby amended to read as follows:

**137-3-33** (1) When livestock is herded or grazed in two or more counties between the first day of January and the thirty-first day of December in any year, the assessor within whose county such livestock is located on the assessment date in any year shall assess the total number of such livestock to the owner thereof, and shall make a division of the assessment so made, based as nearly as may be upon the proportionate time such livestock may be herded or grazed in each of said counties.

SECTION 31. Section 137-3-39, CRS 1953, is hereby amended to read as follows:

**137-3-39.** It shall be the duty of the assessor to list all real property exempted by law, and the same shall be entered in the same detail required by all assessable property.

SECTION 32. Section 137-9-1, CRS 1953, is hereby amended to read as follows:

**137-9-1** (1) Upon receiving the tax list and warrant, the county treasurer shall proceed to collect the tax therein levied, and the list and warrant shall be his authority and justification against any illegality in the proceedings prior to receiving such list and warrant.

(2) The county treasurer shall keep one account for all state taxes, including taxes levied for state institutions, and on or before the tenth day of each month he shall remit the total amount of such taxes collected during the month immediately preceding to the state treasurer, with a report thereof, on forms prescribed and furnished by the state treasurer.

(3) No expense incurred by the county in the assessment,



collection or remittance of state taxes shall be paid by the state, except as otherwise provided by law.

SECTION 33. Section 137-9-8, CRS 1953, is hereby amended to read as follows:

**137-9-8.** The lien of general taxes for the current tax year shall attach to all property, real and personal, not exempt by law, at twelve meridian on the assessment date in each year.

SECTION 34. Section 137-9-19, CRS 1953, is hereby amended to read as follows:

**137-9-19.** Whenever the treasurer of any county, after the tax list has been committed to him, shall ascertain that any real or personal property, not exempt by law, then in his county has been omitted from the tax list and has not been assessed in any other county for the current tax year, he shall forthwith proceed to list, value and assess said property in the same manner that the assessor might have done, and he shall enter such assessment in his tax book, following the levies made and delivered to him. Such entries shall be designated as additional assessments. The taxes so levied and assessed by the county treasurer shall be valid for all purposes, the same as if the assessment had been made by the assessor, anything in this chapter to the contrary notwithstanding.

SECTION 35. Section 137-9-27, CRS 1953, is hereby amended to read as follows:

**137-9-27.** In any county in which is located a school district having a school population in excess of thirty thousand, the county treasurer, on or before the tenth day of each month, shall pay all monies due such school district remaining in his hands on the first day of such month to the treasurer of such school district.

SECTION 36. Sections 137-9-28 and 137-9-30, CRS 1953, are hereby specifically repealed.

SECTION 37. Section 137-10-12, CRS 1953, is hereby amended to read as follows:

**137-10-12.** (1) When any lands or town lots are offered for sale for any taxes, it shall not be necessary to sell the same as the property of any person. No sale of any land or town lots for taxes shall be considered invalid because charged

on the roll in any other name than that of the rightful owner, or charged as unknown; but such land or lots in other respects shall be sufficiently described on the tax roll to identify the same, and the taxes for which sold shall be due and unpaid at the time of such sale.

(2) When any land lying in one county shall be erroneously taxed and sold for taxes in another county, the county so erroneously taxing and selling such land for taxes shall be liable to the owner of such land for any expense or damage caused to such owner by such erroneous sale.

SECTION 38. Section 137-11-3, CRS 1953, is hereby amended to read as follows:

**137-11-3.** (1) Real property sold for taxes may be redeemed by the owner thereof, his agent, assignee, or attorney, or by any person having a legal or equitable claim therein, or by a holder of a tax sale certificate, provided, however, that such holder may redeem such real property from any tax sale thereof made subsequent to the time of the issuance of the tax sale certificate upon which he is relying, and the amount paid for the redemption of the subsequent certificate of purchase shall be endorsed as subsequent taxes paid on the certificate upon which he is relying.

(2) An undivided interest may be redeemed upon payment of a ratable share of the sum required to redeem the whole even though the whole shall have been sold. In case any tract of land sold for taxes under the provisions of this chapter shall belong to two or more separate and distinct parties in severalty, the county treasurer, when satisfied of the fact, and upon application of any one of the parties, or their agent, assignee, or attorney, and upon payment of the proper proportional amount, shall issue a certificate of redemption for such party's interest in said land.

(3) The redemption may be made at any time before the execution of the treasurer's deed to the purchaser, his heirs or assigns, upon payment to the county treasurer, to be held by him subject to the order of the purchaser, of the amount for which the property was sold, with interest thereon from the date of sale at the rate percent per annum bid by the purchaser at such sale, not to exceed eighteen percent per

annum for the first six months, and twelve percent per annum for the remaining period, together with the amount of all taxes accruing on such real property after the sale, paid by the purchaser and endorsed on his certificate of purchase, with interest at the rate of twelve percent per annum on such taxes so endorsed on the certificate of purchase.

(4) If subsequent taxes should be paid before the time when they would become delinquent, interest shall be computed only from the time of their delinquency. Such taxes shall bear interest at eight percent per annum, and no more, from the time when the purchaser becomes entitled to a deed up to the time of application for such deed.

(5) All statutory fees paid by the purchaser in connection with such certificate shall bear the same rate of interest and penalties as the original amount for which the property was sold, the same to be prorated among the several tracts described in said certificate, but in no case to exceed ten cents each.

SECTION 39. Article 11 of Chapter 137, CRS 1953, is hereby amended by adding a new section 137-11-14, reading as follows:

**137-11-14.** (1) Any person who has or claims an interest in or a lien upon all or any part of any undivided or divided estate or interest in any piece or parcel of land, or lots, sold as a whole for taxes may redeem such undivided or divided estate or interest by paying to the county treasurer his proportionate part of the amount required to redeem the whole. In such case the county treasurer shall issue to such party a certificate of redemption for his interest in such land or lots, as provided by law.

(2) In the event that the county treasurer cannot definitely ascertain the amount required to redeem the portion sought to be redeemed, he shall request the assessor or assessing power having the right to assess the real property so sold for taxes to fix and assess a valuation on such portion sought to be redeemed, as of the date of the original assessment for the tax upon which the sale was based. Such assessor or assessing power shall furnish such assessment to the treasurer forthwith. The treasurer shall thereupon ascertain

such proportionate redemption amount as that amount which bears the same proportion to the amount required to redeem the entire piece or parcel of land, or lots, so sold as such assessed valuation so furnished bears to the original assessed valuation of the entire piece or parcel of land, or lots, so sold.

SECTION 40. This act shall be in effect from and after its passage, except for Section 24 hereof, the provisions of which Section shall become effective at 12:01 A.M. on the first day of January 1958.

SECTION 41. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 42. 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 28, 1957.

A N A C T  
House Bill No. 6  
(Ch. 30, S. L. '57)

FOR THE RELIEF OF SCHOOL DISTRICT NO. 2 OF  
BRUSH IN MORGAN COUNTY, COLORADO.

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

SECTION 1. There is hereby appropriated out of the sales tax fund, the sum of seven hundred nine dollars and thirty-six cents (\$709.36), to reimburse School District No. 2 of Brush in Morgan County, Colorado, for sales taxes paid on the construction of a school building in the city of Brush, claim for the recovery of said taxes not having been made within the prescribed time limit.

SECTION 2. A warrant shall be drawn by the state controller in the amount of the appropriation hereby made, payable to the secretary of the school board of School District No. 2, Brush, Colorado.

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 February 19, 1957.

A N A C T

House Bill 18

(Ch. 234, S. L. '57)

and

Senate Bill 231

(Ch. 235, S. L. '57)

Amending (Ch. 19, CRS '53)

TEACHERS' EMERITUS ACT

(Amendments in Italics)

CONCERNING PAYMENT OF PENSIONS TO TEACHERS  
AND RETIRED TEACHERS THROUGH THE STATE  
TEACHERS' EMERITUS RETIREMENT FUND AND TO  
AMEND THE LAW RELATING THERETO.

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

SECTION 1. 123-19-15, CRS 1953, is hereby amended to  
read as follows:

**123-19-15. Teachers eligible.** Sections 123-19-15 to 123-  
19-18 shall apply to all teachers retired from service of school  
districts of Colorado provided that said teachers:

(1) *Shall have served at least twenty years in the employ  
of Colorado school districts or of an office or offices of Colo-  
rado county superintendent of schools, provided that no more  
than ten years of employment in the office of county superin-  
tendent may be applied to the total service required.*

(2) Shall be at least sixty-five years of age;

(3) *Shall have retired from teaching in the public schools  
of Colorado prior to July 1, 1967;*

(4) Be a resident of Colorado as of the date of application;

(5) *And if retiring from school service after January 1,  
1952, shall have become a member of the Public Employees'  
Retirement Association or any available local school district  
retirement plan on or before January 1, 1952; provided, how-  
ever, that teachers who re-enter teaching service after said*

date, and who are otherwise qualified, may qualify for such benefits if they become or shall become members of the Public Employees' Retirement Association or any available local school district retirement plan immediately upon returning to school service.

(6) If retiring from school service after January 1, 1952, prior to January 1, 1957, having first had the opportunity to join the public employees' retirement system as of January 1, 1952, and having failed to elect such option because the respective school authorities had not indicated to the respective teachers that they would lose their entitlements to receive benefits from the state teachers' emeritus retirement fund, shall apply to the commissioner of education as otherwise specified in Section 123-19-16 on or before July 1, 1957, and shall execute respective affidavits that the conditions specified in this subsection are true and correct.

(7) If residing outside the state of Colorado at any time following entitlement under this section, shall not accept full-time teaching appointment; provided further, if residing either in or out of Colorado, shall not accept part-time teaching duties in excess of the equivalent of ten full-time teaching days per month.

**123-19-16. Application for benefits.** Retiring teachers eligible under section 123-19-15 shall make application to the commissioner of education for pension benefits prior to July 1, 1967. There shall be no applications accepted by the commissioner of education on or after July 1, 1967.

**123-19-17. Residents in state—furnishing of address.** Retired teachers who are declared eligible to receive the benefits of sections 123-19-15 to 123-19-18 shall not be required to maintain residence in the state of Colorado; provided, however, that all beneficiaries shall be required to advise the commissioner of education of their addresses at least once in every six month period.

**123-19-18. Teachers' retirement fund.** There is created a state teachers' emeritus retirement fund from which the commissioner of education shall authorize payments from such appropriations as may be made to said fund. Persons qualifying for retirement benefits under sections 123-19-15 to 123-

19-18 shall receive a monthly payment of one hundred dollars per month less any pension or retirement benefit received from any other retirement or pension fund supported in whole or in part by the state or any of its political subdivisions. All payments made hereunder shall be prorated on any equal monthly basis within the limits of the appropriations made and no payment shall exceed one hundred dollars.

SECTION 5. Section 4 of this act shall take effect at 12:01 A.M., on July 1, 1957.

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.



# AN ACT

House Bill No. 22

(Ch. 68, S. L. '57)

RELATING TO SCHOOL BUSES.

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

SECTION 1. 13-4-84, CRS 1953, is hereby amended to read as follows:

**13-4-84. School buses—stops—signs—passing.** (1) The driver of a vehicle upon any highway, road or street outside a city or town, upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging a school child or school children, shall stop his vehicle before reaching such school bus if there is in operation on said school bus visual signal lights as specified in subsection (2) of this section, and said driver shall not proceed until such school bus resumes motion or until the driver of such vehicle is signaled by the school bus driver to proceed or until the visual signal lights are no longer being actuated; provided, that in the case of small passenger type vehicles having a seating capacity of not more than six, and if such vehicles are operated as school buses but not owned by the school district, no such visual signal lights need be displayed or actuated.

(2) Every school bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and except as provided in subsection (1) of this section in the case of small passenger type vehicles, shall display four visual signal lights which shall be two alternating flashing red lights visible to the drivers of vehicles approaching from the front of said bus and two alternating flashing red lights visible to the drivers of vehicles approaching from the rear of said bus; said visual signal lights shall be mounted as high as practicable, be as widely spaced laterally as practicable, and shall

be located on the same level. Said lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight, and which signal lights shall be actuated by the driver of said school bus whenever such vehicle is stopped for the purpose of receiving or discharging school children, and at no other time.

(3) When a school bus is being operated for purposes other than the actual transportation of children either to or from school, all markings thereon indicating that the vehicle is a "school bus" shall be covered or concealed.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway.

(5) Every school bus shall stop as far to the right off the highway, road or street as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus.

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 27, 1957.

(Note: See House Joint Resolution No. 25, page 119.)

**A N A C T**

**House Bill No. 24**

**(Ch. 285, S. L. '57)**

**CONCERNING THE VETERANS' EDUCATION AND TRAINING PROGRAM, AND EXTENDING THE EXPIRATION DATE THEREOF.**

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

SECTION 1. Section 143-6-8, CRS 1953, is hereby amended to read as follows:

**143-6-8. Duration of article.** This article shall be effective until midnight, January 31, 1965; *provided, however,* that if Congress of the United States shall terminate said veterans' education and training program prior to said date, without substitution, then this article shall be effective only until the date the federal statutes providing for such termination, without substitution, shall become effective.

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 28, 1957.

# A N A C T

## House Bill No. 58

(Ch. 143, S. L. '57)

### RELATING TO THE CLASSIFICATION OF COUNTIES.

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

SECTION 1. 56-2-4, CRS 1953, is hereby amended to read as follows:

**56-2-4. Class II.** Class II shall consist of the counties of Pueblo, El Paso, Weld, Jefferson, Arapahoe, Boulder and Adams as group A; and Larimer, Mesa, Las Animas and Otero as group B; and the annual salaries of county and other officers shall be as follows:

	<i>Group A</i>	<i>Group B</i>
(1) County Commissioners .....	\$5,400.00	\$3,500.00
(2) County superintendent of schools..	5,000.00	4,600.00
(3) County clerk .....	5,400.00	4,800.00
(4) County treasurer .....	5,400.00	4,800.00
(5) County assessor .....	5,400.00	4,800.00
(6) County sheriff .....	5,400.00	4,800.00
(7) County judge .....	8,000.00	7,000.00

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 24, 1957.

# AN ACT

House Bill No. 59  
(Ch. 226, S. L. '57)

CONCERNING LIMIT OF BONDED INDEBTEDNESS UNDER THE SCHOOL DISTRICT REORGANIZATION ACT OF 1949, AND TO AMEND THE LAW RELATING THERETO.

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

SECTION 1. 123-8-32, CRS 1953, is hereby amended to read as follows:

**123-8-32. Limit of bonded indebtedness.** Any new district shall have a limit of bonded indebtedness of ten per cent of the assessed valuation of the taxable property in such district; provided that if the board of education of such new district shall determine that an emergency exists and that the limitation of bonded indebtedness of such new districts hereinabove set forth prevents such district from meeting such emergency, said board may make application to the Colorado tax commission for permission to incur an additional bonded indebtedness of not exceeding five per cent of the assessed valuation of the taxable property within such district, and on receiving such permission such district may contract an additional indebtedness over ten per cent hereinabove provided if not exceeding five per cent of the assessed valuation of the taxable property within such district.

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, 1957.

**A N A C T**  
**House Bill No. 87**  
**(Ch. 29, S. L. '57)**

FOR THE RELIEF OF EL PASO COUNTY SCHOOL DISTRICT NO. 2.

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

SECTION 1. There is hereby appropriated out of the sales tax fund, the sum of one thousand four hundred fifty dollars (\$1,450.00), or so much thereof as may be necessary to reimburse El Paso County School District No. 2 for sales taxes paid on the construction of a school building, claim for the recovery of said taxes having not been made within the prescribed time limit.

SECTION 2. A warrant shall be drawn by the state controller in the amount of the appropriation hereby made, payable to the secretary of the school board of El Paso County School District No. 2.

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 13, 1957.

# A N A C T

## House Bill No. 110

(Ch. 77, S. L. '57)

TO AMEND SECTION 13-5-23 (14), COLORADO REVISED STATUTES 1953, RELATING TO FEES FOR REGISTRATION OF MOTOR VEHICLES.

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

SECTION 1. Section 1, of Chapter 65, of Session Laws 1956, being 13-5-23 (14) CRS '53, is hereby amended to read as follows:

**13-5-23 (14) Ton mile and passenger mile tax—fees.** No fee shall be charged for the registration or re-registration of a motor vehicle or trailer owned by the state, a county of the state, a city, a city and county, a town, a school district, or other political subdivision, *provided, however*, that vehicles which are leased by the State of Colorado or any political subdivision thereof shall be exempt from the payment of registration or re-registration fees if the agreement under which the said vehicles are leased has been approved by the Department of Revenue for exemption purposes, and said leased vehicles shall remain exempt from the payment of such fees only if operated under the leasing agreement in strict conformance with the rules and regulations which may be established by the Department of Revenue.

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, 1957.

# AN ACT

House Bill No. 162

(Ch. 203, S. L. '57)

AMENDING 112-7-9, COLORADO REVISED STATUTES 1953, CONCERNING THE APPORTIONMENT OF CERTAIN FEDERAL FUNDS.

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

SECTION 1. 112-7-9, CRS 1953, is hereby amended to read as follows:

**112-7-9. Funds apportioned—school funds—road funds.** All monies to which the various counties of the state are now or may hereafter become entitled under the act of congress of May 23, 1908, or other acts in which counties a forest reserve, or any portion thereof, is situated, or the act of congress of July 23, 1955, disposing of surface resources, as defined in Section 601-604, chapter 15, title 30, U.S.C.A., shall at the beginning of each fiscal year and every six months thereafter be awarded and apportioned through the proper state officials of this state to such counties in proportion to the area of the forest reserve in each county as may be derived from the sale of forest products under the act of congress of May 23, 1908, and to such counties in proportion to the materials taken from said counties as determined by the secretary of agriculture, or the secretary of the interior under the act of July 23, 1955. Apportionment of the funds shall be determined by the state controller, and the state controller is authorized and directed to draw warrants upon the state treasurer in favor of the county treasurer of each county for the amount due each county under the apportionment, and made direct to the county treasurers of said counties, and in accordance with the so-called agricultural appropriation act of congress, approved May 23, 1908, and the so-called disposal of materials on public lands act of July 23, 1955. The same procedure shall be followed on any other funds to which the counties of the state may hereafter become entitled under acts of congress. The county commissioners of the counties shall direct the monies to be credited to the school fund and the road fund



of their respective counties, apportioning said monies between two funds in amounts as they desire. Five per cent of the monies is the minimum amount that shall ever be credited to either of the funds.

**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 27, 1957.

# AN ACT

House Bill No. 204

(Ch. 231, S. L. '57)

TO AMEND SECTION 123-14-15, COLORADO REVISED STATUTES 1953, AS AMENDED, CONCERNING TAX LEVIES FOR COUNTY AND UNION HIGH SCHOOLS.

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

SECTION 1. 123-14-15, CRS 1953, as amended, is hereby amended to read as follows:

**123-14-15. Limitation of levy.** 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 ten mills on the dollar.

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 May 1, 1957.

# AN ACT

House Bill No. 220

(Ch. 225, S. L. '57)

## POST-WAR RESERVE FUND

Amending Art. 4, CRS '53

Amendments in Italics

CONCERNING THE POST-WAR RESERVE FUNDS FOR PUBLIC SCHOOL DISTRICTS AND JUNIOR COLLEGE DISTRICTS, AMENDING 123-3-4, AND REPEALING 123-3-7, COLORADO REVISED STATUTES 1953.

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

SECTION 1. 123-3-4, CRS 1953, is hereby amended to read as follows:

**123-3-4** (1). *Notwithstanding any provision of any law inconsistent with the provisions of sections 123-3-4 to 123-3-6, any school board of a public school district and any committee of a junior college district shall have power to establish and maintain a capital reserve building fund herein referred to as the "fund", for the purpose of paying all or part of the cost of long-range, post-war and other planned future programs of building, improvements, deferred betterments, additions and added facilities.*

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

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

123-3-5. The tax authorized in section 123-3-4 shall not in any year exceed one mill and shall be levied, assessed and collected as are other taxes; provided, that the tax may be in excess of any limits otherwise provided by law if approved by the state tax commission.

NOTE: For other tax limitations see 36-3-2 et seq.

123-3-6. A budgetary account established pursuant to sections 123-3-4 to 123-3-7 shall be kept entirely separate and apart from all other funds. Boards of education of the *school districts* or the junior college committees may invest monies belonging to the fund in such securities as are legal for the investment of funds of such district. The interest and income from the investments shall be a part of the fund.

NOTE: For legal investments for government units see 83-1-1 et seq. and article 4 of this chapter; also H.B. 239 (Ch. 184, S.L. '57).

SECTION 2. 123-3-7 CRS 1953, is hereby repealed.

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 27, 1957.

# A N A C T

House Bill No. 239

(Ch. 184, S. L. '57)

## RELATING TO LEGAL INVESTMENTS.

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

**SECTION 1. Definitions and use of terms.** When used in this act and all acts amendatory hereof, unless otherwise apparent from the context:

(1) "Federal intermediate credit bank" means any federal intermediate credit bank chartered by the farm credit administration pursuant to the federal farm loan act as amended.

(2) "Bank for cooperatives" means the corporation known as the central bank for cooperatives and any bank for cooperatives organized and chartered by the governor of the farm credit administration pursuant to the farm credit act of 1933 as amended.

(3) "Debenture" means an instrument evidencing an obligation issued by a federal intermediate credit bank pursuant to the federal farm loan act, as amended, or by a bank for cooperatives pursuant to the farm credit act of 1933, as amended, and includes consolidated debentures issued by federal intermediate credit banks acting together or banks for cooperative acting together.

(4) "Public bodies or officers" includes but is not limited to the state of Colorado and any of its institutions, agencies, counties, municipalities, districts, and any political subdivision, department, agency or instrumentality thereof, and any political or public corporation, board, commission, or officer.

(5) "Funds" includes but is not limited to any monies or deposits, or any fiduciary, sinking, insurance, investment, retirement, compensation, pensions, estate, trust or other funds, public or private.

**SECTION 2. Debentures legal investments.** It shall be lawful, notwithstanding any restrictions on investments con-

tained in any of the laws of this state, for any bank, trust company, savings bank, savings and loan association, insurance company, credit union, public body or officer, or any person, including but not limited to those doing business under any banking, insurance, deposit, fiduciary, or investment laws of the United States, or of any of the states thereof, to invest any funds in its, his, or their custody, control, or possession, in any debentures or other similar obligations issued by a federal intermediate credit bank or by a bank for cooperatives and to use any such debentures as security for public deposits or any other fund in their custody, control or possession.

SECTION 3. It shall be lawful notwithstanding any restrictions on investments contained in any of the laws of this state, for any bank, trust company, savings bank, savings and loan association, insurance company, credit union, public body or officer, or any person, including but not limited to those doing business under any banking, insurance, deposit, fiduciary or investment laws of the United States, or of any of the states thereof, to invest any funds in its, his or their custody, control, or possession, in the obligations of the International Bank for Reconstruction and Development.

SECTION 4. **Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. **Act controlling.** Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act are controlling; *provided, however,* nothing herein shall be construed as modifying article 3, chapter 57, Colorado Revised Statutes 1953.

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 22, 1957.

# AN ACT

House Bill No. 266

(Ch. 72, S. L. '57)

TO AMEND SECTION 13-5-9, COLORADO REVISED STATUTES 1953.

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

SECTION 1. Subsection (3) of 13-5-9, Colorado Revised Statutes 1953, as amended by Chapter 36, Section 12, Session Laws of 1954, is hereby further amended to read as follows:

(3) (a) No specific ownership tax shall be charged or paid for any vehicle owned by the State of Colorado or any political subdivision thereof.

(b) Vehicles which are leased by the State of Colorado or any political subdivision thereof may be exempt from the payment of specific ownership tax if the agreement under which the said vehicles are leased has been approved by the Department of Revenue for exemption purposes, and said leased vehicles shall remain exempt from the payment of specific ownership tax only if operated under the leasing agreement in strict conformance with the rules and regulations which may be established by the Department of Revenue.

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 24, 1957.

# A N A C T

House Bill No. 352

(Ch. 232, S. L. '57)

RELATING TO COUNTY HIGH SCHOOLS.

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

SECTION 1. Article 14, chapter 123, Colorado Revised Statutes 1953, as amended, is hereby amended by adding thereto a new section to be numbered 123-14-32 to read as follows:

**123-14-32. Statutes made applicable to grades seven and eight—when.** The school board of any county high school organized pursuant to the provisions of this chapter, 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. **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 April 23, 1957.



A N A C T  
House Bill No. 363  
(Ch. 236, S. L. '57)

JUNIOR COLLEGE ACT  
Amending Art. 23, CRS '53  
Amendments in Italics

RELATING TO JUNIOR COLLEGES AND TO AMEND SECTIONS 123-23-3, 123-23-4, 123-23-5, 123-23-6, 123-23-9, 123-23-10, 123-23-15, 123-23-17 AND 123-23-29, AND TO REPEAL SECTION 123-23-31, COLORADO REVISED STATUTES 1953.

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

**123-23-1. Part of public school system.** Junior colleges established in Colorado pursuant to the provisions of this article are hereby declared to be an integral part of the public school system of the state of Colorado.

**123-23-2. Definitions.** A junior college established pursuant to the provisions of this article within the state of Colorado is hereby defined to be an educational institution which shall provide not to exceed two years of training in the arts, sciences and humanities beyond the twelfth grade of the public high school curriculum or vocational education.

**123-23-3. Districts organized—when.** *Junior college districts in Colorado may be organized in an area approved for organization by the state board of education which shall have had a school population, as determined by the immediately preceding school census, of thirty-five hundred or more and an assessed valuation at the time of organization of such district of twenty million dollars or more. A district may be entirely within one county or partly in two or more counties. Any existing first, second, or third class school districts shall be entirely included or entirely excluded.*

Organization  
of junior  
college  
districts.

Approval of  
State Board  
of Education.

**123-23-4. Petition of electors.** *A junior college district may be formed upon the petition of five hundred electors residing in the area of the proposed district and having the qualifications prescribed in 123-23-7. If the petition is for the formation of a junior college district consisting of an area within a single county, it shall be filed with the county superintendent of public schools of such county, and if the petition is for the*

Handling of  
petition for  
formation of  
junior college  
districts.

formation of a junior college district situated in two or more counties, a copy of the petition shall be filed with each of the county superintendents of public schools of the counties in which a part of the district is located.

**123-23-5. Election to organize.** Upon receipt of the petition provided in section 123-23-4, the county superintendent of public schools of such counties shall give notice to the qualified school electors of his county resident in the area of the proposed district located in such county that at the next regular meeting for the election of members of the board of education in the respective districts of the state, or at a special meeting which may be called for the purpose, the question of organizing a junior college district will be submitted to the qualified voters of the respective school districts located in the area of the proposed junior college district in the counties at such meeting.

Organizing  
junior college  
district.

**123-23-6. Notice to be given—when.** The notice herein provided shall be given not less than twenty days before the regular or special meeting at which the organization of the junior college district is to be submitted. The county superintendent of public schools of each county in which a part of the proposed district is located shall cause notices to be posted in each school district located in the area of the proposed junior college district, stating that such petition has been filed, and that a meeting will be held at which time the question of organizing a junior college district shall be submitted to the qualified voters of the district. The secretary of each board of education of each first, second, or third class school district located in the proposed junior college district, under direction of the county superintendent, shall cause written or printed notices to be posted in his district, specifying the purpose, the day, and the place or places of such election, and the time during which the ballot boxes shall be kept open, which shall be not less than three hours. If the meeting shall be a regular meeting for electing members of the board of education, the time and place specified in such notice shall be the same time and place or places at which the regular election of members of the board of education shall be held. If the meeting is one specially called for the purpose of submitting the question of the organization of a junior college district, the time shall be stated in such notice, and the place or places shall be the same at which the regular election of members of the boards of education are held. The

Notice of  
regular or  
special  
meeting.

Secretary to  
post notice.

time for said election shall be the same in all districts located in said proposed junior college district, and shall be determined by the county superintendent of the county in which the proposed junior college district is located, and if in more than one county, then by agreement among the respective county superintendents of schools. Said notices shall be posted at least twenty days previous to the time of such meeting, in at least three public places in the district, one of which shall be the general offices of the school district at the school house.

Conduct of election.

**123-23-7. Qualifications of voters.** Every legally qualified elector who is eligible to vote at a bond election of a school district and none other, shall be entitled to vote at any meeting upon the question of the organization of a junior college district. At the time and place of said meeting the qualified electors shall proceed to vote by ballot on the question of whether or not the proposed junior college district shall be organized. Those in favor of the organization shall vote for the organization and those opposed against the organization. The ballots upon the question of organization shall be deposited by the voters in a separate ballot box to be provided by each school district for the said purpose. The president, secretary and treasurer of the district school board, or other qualified electors appointed by them shall act as judges of the election.

Result of election.

**123-23-8. Certification of returns.** Immediately after the closing of the polls the judges shall open the ballot boxes and proceed to count the votes polled, and the counting thereof shall be commenced and continued until finished before the judges shall adjourn. As soon as all the ballots have been counted, the judges shall make out a certificate under their hands certifying the whole number of votes cast upon the question of organizing and the number of votes cast for organization and the number of votes cast against organization. Said certificate, together with the ballots cast upon the question, shall then be enclosed and sealed under suitable cover and directed to the county superintendent of the county in which such election is held and the packet thus sealed shall be sent by registered mail, where practicable; otherwise it shall be conveyed by one of the judges of the election, to be determined by lot if they cannot agree otherwise, within three days after the closing of the polls.

Canvass of votes.

**123-23-9. Canvass and record of votes.** (1) *On the tenth*

day after the holding of the election, or sooner if all returns be received, the county superintendent of the county shall proceed to open said returns and determine the results of the election in such county therefrom. Said county superintendent shall make and permanently preserve in his office a record of the total number of votes cast for organization and against organization. If said proposed junior college district be situated entirely within one county and it shall appear that the majority of the votes cast on the question on organizing a junior college district were in favor of such organization, then such district shall be formed in accordance with the provisions of this article.

Record of votes cast preserved in county superintendent's office.

(2) If said proposed junior college district be situated in two or more counties, then the respective county superintendents of schools shall, not less than ten nor more than twenty days after said election, meet and total the votes cast for and against such organization in all counties in which a part of the proposed district is located. If it shall appear that the majority of all votes cast in said proposed district were in favor of such organization, then such district shall be formed in accordance with the provisions of this article.

Procedure for counting votes if more than one county involved.

(3) In any case if it shall appear that the majority of the votes cast were not in favor of said organization, then such district shall not be organized, provided, however, that the provisions of this section shall not be construed to prevent the filing of a subsequent petition or petitions for the formation of a similar junior college district.

When junior college district may not be organized—proviso.

**123-23-10. Election of first committee.** If a majority of the votes cast at said election shall be in favor of the organization of the junior college district, the county superintendent of schools of such county or counties shall so notify by letter the directors of the first, second, and third class school districts in said junior college district, and shall call a meeting of directors of the respective school districts of the proposed junior college district, which meeting shall be held at the office of the county superintendent of schools of the county in which the buildings of the junior college are located, or proposed to be located, not more than thirty days after the election herein provided for. Such meeting shall be presided over by the county superintendent of the county where the meeting is held, and he shall appoint a temporary secretary.

County superintendent give notice of meeting of directors.

County superintendent preside at meeting—appoint secretary.

Election of first junior college committee.

The assembled directors shall then proceed to elect five members, who may or may not be directors of school districts within the junior college district, for what shall be known as the ".....Junior College Committee," which committee shall serve as the junior college committee for such district until the next regular election for such junior college district. Committee members shall be qualified electors resident in said junior college district.

Members must be qualified electors.

Regular election, when held.

**123-23-11. Date of election.** The regular election for the election of members of a junior college committee, either heretofore or hereafter organized, shall be held on the first Monday of May, 1951, and on the first Monday of May of each second year thereafter; *provided, however,* that any junior college committee heretofore organized may be elected at the time and in the manner hereinafter provided.

Terms of office of members heretofore elected.

**123-23-12. Committees heretofore elected.** Members of a junior college committee heretofore organized shall hold office until the regular election immediately following the expiration of their present term of office, and until their successor is elected and qualified. Each successor shall hold office for a term of six years. If the committee so elects, members thereof shall be selected as follows: Vacancies occurring by reason of expiration of a term shall be filled by the election of a successor to such expired term by all of the directors of the respective *school districts* of the *junior college district* at a meeting held any time not sooner than thirty days prior to the expiration of the term or terms to which successors are to be elected. Nominations of junior college committee members may be by petition, containing the names of one hundred qualified electors of the counties of the district, presented to the school directors assembled, or from the floor of the meeting, and any person so nominated and elected by a majority vote of the school directors assembled shall serve for a term of six years.

Nominations, how made.

Vacancies, how filled.

All vacancies occurring in any other manner than by expiration of a term shall be filled by appointment by the county superintendent of schools if the district comprises an area of a county, or by joint action of the county superintendents of schools if the district comprises an area of two or more counties, and such appointee shall hold office until the next regular meeting of school board directors and until his suc-

cessor is elected and qualified.

**123-23-13. Junior Colleges hereafter organized.** At the first regular election following the organization of a junior college hereafter organized, five members of the junior college committee shall be elected, one to hold office for a term of two years, two for a term of four years, and two for a term of six years, and as each of said terms expires, a successor shall be elected for a term of six years.

Election of members of committee of junior colleges hereafter organized.

In the case of a vacancy in any junior college committee, a successor shall be chosen by the remaining members of the committee, and shall hold office until the next regular election, at which time a successor shall be elected to serve for the remainder of the unexpired term.

**123-23-14. Precincts and polling places.** Not less than thirty days before any election in any *junior college district*, the junior college committee of such *junior college district* shall by resolution divide the *junior college district* into such number of election precincts as they shall see fit, and fix the boundaries of the same, and in each case they shall designate one voting place in each of said election precincts; provided that said committee may at any time before the day of the election change the location of the voting place in an election precinct, and in case of such change the secretary shall forthwith post notice of such change at the old and new polling places. In case a *junior college district* shall consist of territory in more than one county, no voting precinct shall include territory in more than one county.

Committee divide district into precincts.

Change of voting place —notice.

**123-23-15. Candidates for committee.** *Any person who may desire to be a candidate for the office of junior college committeeman and who is qualified to vote at the next general election in said junior college district, shall file a written notice of such intention with the secretary of the junior college committee at least eight days before the holding of the election for members of the junior college committee, and shall file with said notice a certificate of nomination signed by not less than fifty qualified electors of said junior college district, which certificate of nomination shall contain the name of the office for which such person is nominated, and his post office address, place of residence, and, if in a city, the street number of his place of residence and place of business. Each of the electors signing the same shall add to his signature his place*

Candidates file notice of intention and certificate of nomination.

Content of certificate of nomination.

Secretary  
publish  
list of  
candidates.

of residence. *The secretary of the junior college committee, for five consecutive days preceding the day of said election, shall publish in some daily newspaper published in such district, or, when no daily newspaper is published in said district, then by posting a printed or written notice at each polling place and in not less than three other public places in said district, the names of all of the candidates who shall have been nominated.*

Form of  
ballot.

**123-23-16. Form of ballot.** *The secretary of the junior college committee shall have printed ballots prepared, bearing the names of all candidates so nominated, which names shall be arranged in alphabetical order according to surnames of candidates; and on the ballot will be printed such words as will indicate the number of members of the committee to be elected and the term of office for which each person nominated is a candidate. All such ballots shall be uniform in every respect and of sufficient length and width to allow all the names of candidates to be printed in clear, plain type, and so as to give each elector an opportunity to designate by a cross mark (X) in a sufficient margin at the right of the name of each candidate, his choice of candidates. There shall be printed on the back of each ballot the following endorsement:*

*“Official ballot of.....Junior College District of the State of Colorado,”* together with the date of the election and a facsimile of the signature of the secretary of the junior college committee.

Notice of  
election.

**123-23-17. Notice of election.** *The secretary of the junior college committee shall cause written or printed notices to be posted, specifying the day and place or places of such election, the boundaries of election precincts, the location of polling places, and the time during which the ballot boxes shall be kept open, which shall be from 7 o'clock A.M. to 7 o'clock P.M. Additional notices shall be posted at each polling place and at least three other public places in the district. If the district is situated in two or more counties, then such notice shall be posted in at least three public places in the area of the district in each county. Said notice shall also be published weekly for the four weeks next preceding such election in a newspaper published in such district, provided, however, that if there be no newspaper published in the junior college district, notice by posting shall be sufficient.*

**123-23-18. Judges of election.** At least five days before an election for members of the junior college committee, the junior college committee shall appoint three judges for each of the polling places in such district, who shall be paid by the *junior college district* not to exceed ten dollars per day for their services, plus mileage for one judge at the rate of fifteen cents per mile one way for each mile necessarily traveled in delivering ballots and certificates to the secretary of the junior college committee.

Judges of election—  
appointment  
—compensation.

**123-23-19. Qualification of voters.** Each elector qualified to vote at a general election in the county of his residence and having been a resident of the *junior college district* for thirty days next preceding the date of the election, shall be eligible to vote at *junior college district* elections.

Qualification of voters.

In all cases where specific provision is not made herein, election of members of junior college committees shall be governed by general laws governing elections in *school districts* of the first class having a school population in excess of three thousand.

General laws apply.

**123-23-20. District officers.** Within ten days after the election of any junior college committee, said committee shall meet and select from among its members a president, a secretary and a treasurer for said junior college committee, who shall serve until the first meeting of said junior college committee following the election for members of said committee.

Organization of committee.

**123-23-21. Regular meetings.** The regular meetings of the junior college committee shall be held on the first Saturday of March, June, September and December of each year, and special meetings may be held upon call of the president or a majority of the committee and the secretary of the committee shall notify the members thereof.

**123-23-22. District body corporate.** Each regularly organized *junior college district* which may be formed, as provided in this article, is hereby declared to be a body corporate, by the name and style of ".....Junior College District," and in that name may hold property and be a party to suits and contracts, the same as municipal corporations in this state.

Meetings of junior college committee.

**123-23-23. Right to hold property.** It shall be lawful for any *junior college district* in this state to take and hold, under the provisions of any law in force and effect providing for the exercise of the rights of eminent domain, so much real estate

Legality of district and property powers.



as may be necessary for the location and construction of a junior college building or buildings and convenient use of said junior college. Any real estate now owned by a public junior college or by the state of Colorado for a public junior college heretofore organized under the laws of the state of Colorado shall become the property of the *junior college district* wherein such property is situate.

Duties of  
committee.

**123-23-24. Duties of committee.** It shall be the duty of the junior college committee to determine financial and educational policies and provide for the proper execution of such by selecting competent administrators, instructors, and other personnel for the administration, operation and maintenance of the institution; to fix fee rates, to accept gifts, to purchase, hold, sell or rent property and equipment, and to promote the general welfare of the institution for the best interests of education and the *junior college district*.

Duties of  
president.

**123-23-25. President—duties.**—The president shall preside at all meetings of the junior college committee of the *junior college district* and shall sign all orders on the county treasurer for the payment of money; provided, however, that no orders shall be drawn upon the county treasurer except in favor of parties to whom the *junior college district* has become lawfully indebted. He shall appear in behalf of the *junior college district* in all suits brought by or against the district, but in the event that the president is individually interested, this duty shall be performed by the secretary. In the absence of the president, the secretary shall preside at any meeting of the junior college committee.

Duties of  
secretary.

**123-23-26. Secretary—duties.**—The secretary shall keep an accurate account of the expenses incurred by the *junior college district* and shall present the same to the committee whenever called upon. He shall give the required notice of all regular and special meetings. He shall keep the same records, and make the same reports as are required by law to be kept and made by secretaries of public *school districts*. Any or all of the special duties of the secretary may be delegated by the junior college committee to a paid secretary who may be appointed by the junior college committee.

Duties of  
treasurer.

**123-23-27. Treasurer—duties.**—The treasurer shall countersign all warrants drawn by the president and secretary of the county treasury and shall keep an account of the same.

He shall take charge of all moneys received by the junior college committee on account of the *junior college district*. He shall render a statement of the finances of the district, as shown by the records of his office at the close of each school year and at any other time when required by the committee. The treasurer shall perform such additional duties and be subjected to such additional obligations as are imposed by law upon the treasurer of public *school districts*.

**123-23-28. Credits accepted by state institutions.** Credits received by students attending junior colleges shall be accepted in full by other states institutions of higher learning for provisional enrollment in such major courses for which the courses in the junior college qualify.

Credits  
accepted by  
state insti-  
tutions.

**123-23-29. Additions to district—procedure.** *In case any first, second or third class school district, or group of such districts, adjacent to a junior college district desire to be annexed to such existing junior college district it or they may do so by the following procedure:*

Annexation  
to junior  
college  
district.

(1) *By obtaining approval of the already existing junior college district. Such approval shall be given only upon a majority vote of the electors of such existing junior college district as expressed by a majority polled at the time of the general school election held in such junior college district.*

(2) *By the school district or districts desiring to be annexed voting on the question of annexation at a general school election. If a single school district desires to be so annexed, such annexation shall be effected by a majority vote of the qualified electors of such district. If two or more school districts desire annexation as a group, such annexation shall be effected only by a majority vote in favor thereof in each such district desiring annexation. If there shall not be a majority vote in favor of such annexation in any district comprising such group, then such annexation shall not occur.*

**123-23-30. Dissolution of district.** Any *junior college district* may be dissolved in the following manner. A plan for the dissolution of such *junior college district* may be submitted to the qualified electors of the *junior college district* at a special election held for that purpose. Such plan must provide for the payment of all district debts and liabilities and the distribution of all district assets. If the qualified electors shall authorize such dissolution by a vote of the majority of electors

Dissolution  
of district  
procedures.

voting at such special elections, the junior college committee of the district shall proceed to the carrying out of the plan so authorized and upon accomplishment thereof, shall file its certificate of such fact with the county clerk of the county wherein the district is situate. Thereupon such district shall be considered at an end. If any property or funds shall remain in the hands of the junior college committee, credit after such dissolution of such property or funds shall be distributed as provided in such plan of dissolution for the distribution of the assets of such *junior college district*. **123-23-31. Repealed.**

**123-23-32. Powers and duties.**—Each *junior college district* organized under the provisions of this article shall have and exercise all the powers, and perform all the duties accorded to and required of public school districts of the first class throughout the state, including, without limiting the generality of the foregoing, the power to issue negotiable interest bearing bonds and to refund the same and to provide for the payment thereof by taxation for the purposes, to the extent and in the manner provided by the laws applicable to such first class districts. Each such *junior college district* shall also have the power to pledge the revenues of the district as additional security for the payment of said bonds. Each such *junior college district* shall also have the power to issue bonds payable solely from the revenues, other than revenues derived from ad valorem taxes of the district without an election for the purposes provided by the laws applicable to such first class districts. In addition to any other powers hereby granted, *junior college districts* within this state are empowered and directed to cooperate with the state board for vocational education in carrying out the provisions of the national and state vocational education and rehabilitation acts or amendments thereto or any such acts providing for vocational education or vocational rehabilitation of physically disabled persons.

**123-23-33. Short title.**—This article shall be known as “The Junior College Organization Act.”

**123-23-34. Bonds as legal investments.**—Any junior college district bonds issued or validated in accordance with the provisions of this article, shall be eligible for the investment of all funds which may be invested in bonds of *school districts of this state*. (See School Laws '56, 123-4-1 to 123-4-3; 81-1-1 to 81-1-3; also see S.B. 217, Sec. 16, p. 82, this pamphlet).

Powers and duties.

Empowered to issue bonds.

Cooperate with state for vocational education.

STANDING OF THE SENATE IN THE HOUSE OF REPRESENTATIVES  
FOR THE YEAR 1951

## SENATE BILLS

SECTION 1. The Senate do hereby advise the Governor of the State of Colorado that the Senate has passed the following bills and resolutions, which are hereby approved and recommended to the Governor for his signature and execution:

SECTION 2. The Senate do hereby advise the Governor of the State of Colorado that the Senate has passed the following bills and resolutions, which are hereby approved and recommended to the Governor for his signature and execution:

SECTION 3. The General Assembly hereby does hereby advise the Governor that this act is necessary for the protection and preservation of the public peace, health and safety.

SECTION 4. This act shall be in full force and effect from and after January 1, 1951.

Signed by the Governor February 11, 1951.

SEATTLE BILLS

# AN ACT

Senate Bill No. 14

(Ch. 239, S. L. '57)

CHANGING THE NAME OF THE "COLORADO STATE COLLEGE OF EDUCATION AT GREELEY" TO THE "COLORADO STATE COLLEGE" AND CHANGING THE NAME OF "THE TRUSTEES OF THE STATE NORMAL SCHOOLS" TO THE "TRUSTEES OF THE STATE COLLEGES IN COLORADO".

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

SECTION 1. The state school at Greeley, referred to under the name and title of the "Colorado State College of Education at Greeley" by article 6, chapter 124, Colorado Revised Statutes 1953, and amendments thereto, shall hereafter be designated under the name and title of the "Colorado State College"; *provided, however*, that the legal effect of any statute heretofore designating such institution by any other name, or property rights heretofore acquired and obligations heretofore incurred under any other name, shall not be impaired hereby.

SECTION 2. The board of trustees which controls certain state colleges, designated by the name of "the trustees of the state normal schools" in section 124-5-1, shall hereafter be designated under the name of the "Trustees of the State Colleges in Colorado"; *provided, however*, that the legal effect of any statute heretofore designating such board of trustees by any other name, or property rights heretofore acquired and obligations heretofore incurred under any other name, shall not be impaired hereby.

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

SECTION 4. This act shall be in force and effect from and after October 1, 1957.

Signed by the Governor February 11, 1957.

**A N A C T**  
**Senate Bill No. 21**  
**(Ch. 144, S. L. '57)**

CONCERNING THE COMPENSATION OF CERTAIN  
COUNTY OFFICERS, AND AMENDING SECTION  
56-2-6, COLORADO REVISED STATUTES 1953.

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

SECTION 1. 56-2-6, CRS 1953, is hereby amended to read  
as follows:

**56-2-6. Class IV.** Class IV shall consist of the counties of  
Chaffee, Lake, Costilla, Moffat, Lincoln, Gunnison, Saguache,  
Crowley, Sedgwick, Phillips, Rio Blanco, Eagle, Elbert, Grand  
and Douglas as group A; Cheyenne, Clear Creek, Archuleta,  
Kiowa, Teller and San Miguel as group B; and the annual  
salaries of county and other officers shall be as follows:

	<i>Group A</i>	<i>Group B</i>
(1) County Commissioners .....	\$2,000.00	\$1,700.00
(2) County superintendent of schools....	3,300.00	2,700.00
(3) County clerk .....	3,800.00	3,400.00
(4) County treasurer .....	3,800.00	3,400.00
(5) County assessor .....	3,800.00	3,400.00
(6) County sheriff .....	3,800.00	3,400.00
(7) County judge .....	3,500.00	3,000.00

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

Approved by the Governor February 27, 1957.

**A N A C T**  
**Senate Bill No. 26**  
**(Ch. 241, S. L. '57)**

CHANGING THE NAME OF "THE COLORADO AGRICULTURAL AND MECHANICAL COLLEGE" TO THE "COLORADO STATE UNIVERSITY".

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

SECTION 1. The Agricultural College at Fort Collins, declared to be an institution of the state by section 5 of article VIII of the state constitution, and designated under the name and title of "The Colorado Agricultural and Mechanical College" by section 124-10-1, Colorado Revised Statutes 1953, shall hereafter be designated under the name and title of the "Colorado State University"; *provided, however*, that the legal effect of any statute heretofore designating such institution by any other name, or property rights heretofore acquired and obligations heretofore incurred under any other name, shall not be impaired hereby.

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

SECTION 3. This act shall be in force and effect from and after May 1, 1957.

Signed by the Governor February 11, 1957.



A N A C T  
Senate Bill No. 29  
(Ch. 105, S. L. '57)

CONCERNING THE REMOVAL OF COUNTY OFFICERS  
AND VACANCIES IN OFFICE.

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

SECTION 1. 35-1-5, CRS 1953, is hereby amended to read as follows:

**35-1-5. When office becomes vacant.** (1) Every county office shall become vacant, on the happening of any one of the following events, before the expiration of the term of office:

- (a) The death of the incumbent;
- (b) The resignation of the incumbent;
- (c) The removal of the incumbent;
- (d) The incumbent's ceasing to be an inhabitant of the county for which he was elected or appointed;
- (e) The incumbent's refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath and bond within the time prescribed by law;
- (f) The decision of a competent tribunal, declaring void his election or appointment.

(2) In the event that a county officer is found guilty of any felony or infamous crime by a court or jury the board of county commissioners shall immediately suspend such county officer from office without pay until his conviction is final and he has exhausted, or by failure to assert them has waived all rights to new trial and all rights of appeal. At the time such officer's conviction is final and he has exhausted, or by failure to assert them has waived all rights to appeal and new trial, the said board shall remove such officer from office and his successor shall be appointed as provided by statute, unless during such period of suspension a successor shall have been duly elected and qualified and said successor, whether so appointed or elected, shall be the duly constituted officer. Should the officer heretofore suspended from office

by the county commissioners be found not guilty in a state or federal court either on appeal, original trial or new trial, the county commissioners shall forthwith reinstate such officer and give him his back pay, unless during such period of suspension a successor to such suspended officer shall have been duly elected and qualified. In the event a successor to such suspended officer shall have been so elected and qualified, such suspended officer shall receive his back pay only up to the expiration date of his regular term of office and he shall not be reinstated or paid further unless he be such person duly 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 April 24, 1957.

# A N A C T

## Senate Bill No. 104

(Ch. 227, S. L. '57)

### CONCERNING PUBLIC SCHOOLS AND SCHOOL BOARDS.

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

SECTION 1. 123-10-20, CRS 1953, is hereby amended to read as follows:

**123-10-20. Bylaws.** (1) Every school board shall make such bylaws for its own government and for the government of the public schools under their charge as they may deem expedient and not inconsistent with the provisions of this article or the instructions of the commissioner of education. District boards of the first class shall also have power to fill any vacancy which may occur in the boards until the regular election, at which time the vacancy shall be filled for the unexpired term.

(2) Every school board shall make a bylaw stating where the board meeting shall be held. Thereafter, all board meetings shall be held at the regular meeting place and all meetings and business transacted by the school board shall be open to the public and all interested parties shall have the right to be present; *provided, however*, upon the vote of a majority of the board members present, the board may go into executive session at which time such persons as the board may invite may be present during the executive session. No voting shall be done in executive session.

(3) Regular meetings of the board shall be held on the day and at the time as stated in the bylaws of the board, *provided* such regular meetings shall be held at least once during each of the months of March, June, September and December.

(4) Special meetings of the school board may be called by the president or the secretary upon the request of two or more members of the board, *provided, however*, that the secretary shall notify each director of the time and place of the special meeting.

(5) All voting shall be done upon roll call. The names of the directors shall be called alphabetically and each member present shall vote "Yea" or "Nay" upon all questions unless excused by the board for good cause. Voting by secret ballot shall be prohibited.

**SECTION 2. Repeal.** Section 123-10-19, CRS 1953, is hereby repealed.

**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 30, 1957.

A N A C T  
Senate Bill No. 151  
(Ch. 224, S. L. '57)

CONCERNING THE STATE BOARD OF EXAMINERS AND  
TO AMEND THE LAW RELATING THERETO.

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

SECTION 1. 123-1-8, CRS 1953, is hereby amended to read as follows:

**123-1-8. State Board of Examiners.** (1) The state board of examiners shall consist of the state commissioner of education, who shall be president of the board; and ten other persons who shall be appointed by the state board of education in the following manner: One faculty member recommended by the president of the Colorado State University; one faculty member recommended by the president of the University of Colorado; one faculty member recommended by the president of Western State College of Colorado; one faculty member recommended by the president of the Colorado State College; one faculty member recommended by the president of Adams State College, and five other persons recommended by the state commissioner of education who shall be actively engaged in educational work. All members of said board shall be citizens of Colorado.

In order to permit continuity of board membership, all present members of the state board of examiners who have been appointed prior to the date of the enactment of this statute shall serve for the remainder of their respective unexpired terms; *provided, however*, if a vacancy shall occur in any of these offices prior to the date on which the term of office otherwise would have expired, the state board of education shall appoint a person to serve the remainder of the unexpired four-year term upon the recommendation of the appropriate officer and in accord with the provision of this statute.

On May 1, 1957, the state board of education shall appoint two members to serve on the state board of examiners as

follows: One faculty member recommended by the president of Adams State College to serve until May 1, 1961, and one person recommended by the state commissioner of education to serve until May 1, 1961. As each of these terms of office and the unexpired terms of office of the present members of the state board of examiners shall expire, the state board of education shall appoint persons to serve on the board of examiners for terms of five years each and in accord with the other provisions of this statute.

(2) The members of the state board of examiners shall serve without pay, but they shall be entitled to the necessary traveling and subsistence expense while attending the meetings of the state board of examiners. Other expenses of the board, such as clerical and stenographic help, postage and printing, shall be paid from the funds created by the fees derived from the issuance of state certificates as determined by the state board of education, provided that said expenses shall not exceed the revenue derived from the fees.

SECTION 2. 123-17-10, CRS 1953, is hereby repealed.

SECTION 3. This act shall be in force and effect from and after July 1, 1957.

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 30, 1957.

# AN ACT

Senate Bill No. 182

(Ch. 233, S. L. '57)

## TEACHER TENURE ACT

Amending Ch. 123, Art. 18, CRS '53

Amendments in Italics

### CONCERNING TENURE OF TEACHERS AND AMENDING CHAPTER 123, ARTICLE 18, COLORADO REVISED STATUTES 1953.

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

**123-18-1. Short title.**—This article shall be known as “The Teacher Tenure Act of Colorado”.

**123-18-2. Definition.**—The term “teacher” as used in this article shall be deemed to mean and include all persons regularly certified by the teacher certifying authority of the state of Colorado, excepting those holding special permits and excepting the chief administrative officer of any *school district*. A person whose duties include those of a chief administrative officer and who is on the average required to spend two-thirds or more of the regular school hours during each school day in classroom teaching, shall be included under the provisions of this article as a teacher.

**123-18-3. Service required.**—Any teacher having served as a teacher in active service in the same first-class *school district, county or union high school district, or junior college*, including the time before and after the passage of this article, on a regular full-time basis continuously and without interruption for three full years, and who shall thereafter, and subsequent to the effective date of this article, be re-employed for the fourth year immediately succeeding in such first-class *district, county or union high school district, or junior college*, without further election, shall have stable and continuous tenure as a teacher in such school during efficiency and good behavior and continuous service. Absences or leaves of absence approved by the employing board shall not be considered as an interruption. The teachers of any other *school district*

may be made subject to the provisions of this article by the affirmative vote of two-thirds of the members of the school board of such district. Service as a substitute, special, or part-time or supply teacher shall not be deemed service on a regular full-time basis within the meaning of this article.

**123-18-4. Prior tenure unaffected—termination.**—Nothing contained in this article shall be construed as affecting the right of permanent tenure acquired by any teacher under laws in effect prior to the passage of this article; *provided*, that the right to such continuing tenure shall hereafter be subject to termination as provided in this article.

**123-18-5 Transfers—discrimination.**—A teacher on continuous tenure, upon the recommendation of the superintendent, may be transferred from one school, position, or grade to another within the same district, *provided* such transfer does not result in the assignment of a teacher to a position which he is not qualified to fill by virtue of training and certification, and *provided* that such transfer shall not change the position to which such teacher is entitled on the regular teacher salary schedule of the employing district; except that a teacher who has been occupying a position of an executive or administrative nature, may if deemed unsatisfactory in such position be returned to regular classroom teaching at the regular salary figure to which he would have been entitled had he not occupied such administrative or executive position. There shall be no discrimination shown toward any teacher in the assignment or transfer of that teacher to a school, position, or grade because of race, creed or color.

**123-18-6. Salary changes—reduction.**—Salary or compensation of any teacher on continuous tenure may be changed for any succeeding year to accord with the general salary schedule adopted by the employing board of education, *county high school* or *junior college committee*. There shall be no reduction in the salary of any classroom teacher unless there is a general reduction in the salaries of fifty per cent or more of all teachers in the district.

**123-18-7. Cancellation grounds—procedure.**—Cancellation of an employment contract with a teacher on continuous tenure may be made for incompetency, neglect of duty, immorality, insubordination, justifiable decrease in the number



of teacher positions, or other good and just cause. The employing board or committee may cancel such employment or impose a mandatory retirement only upon the following procedure:

(1) Written notice setting forth the basis upon which such action is requested or contemplated shall be filed with the secretary of the employing board or committee by the person initiating such action.

(2) A copy of such notice shall be mailed, by registered mail, to the teacher whose employment is sought to be terminated, at his address as last known to the employing board or committee, together with a statement over the signature of the president or secretary of the employing board or committee, advising such teacher that if he desires a hearing upon such requested or contemplated cancellation of employment or mandatory retirement, a request for such hearing, either public or private at his choice, must be delivered to the secretary of the employing board or committee within ten days from the date of mailing such copy of notice and statement. If no such request for hearing is made by such teacher, the right to a hearing shall be deemed waived. The employing board or committee may permit such hearing if, in its sole discretion, the failure to request such hearing was due to excusable oversight or inability to act on the part of such teacher. In the absence of such request for hearing, or permission for such hearing, the employing board or committee may proceed to consideration of the requested or contemplated cancellation of employment or mandatory retirement at any regular meeting of such board or committee, or at a special meeting including such matter in the call therefor.

(3) If a hearing shall be requested or permitted, the employing board or committee, or its president or other chief executive officer, shall fix a date for such hearing which shall be within thirty days after request therefor or permission given therefor, and notice setting forth the time and place thereof shall be mailed by registered mail to such teacher at his address as last known by the employing board or committee, at least ten days before such hearing.

(4) *The hearing shall be conducted before a panel selected as follows: The teacher shall select one member, the school*

board shall select one member who is not a member of the board, and the two persons selected shall choose a third member.

The three persons selected shall elect one of themselves as chairman, and the chairman shall be responsible for calling the hearings and presiding at the hearings and at all meetings of the panel. The chairman shall be responsible for giving the teacher ample notification of all hearings to be held.

Decisions of the panel shall be by a majority of two, the chairman having a vote.

The panel shall make provisions for the recording of all evidence and testimony presented at hearings.

Following the receiving of evidence and testimony, the panel shall review any prior findings of the board or committee, and make recommendation to the board or committee with regard to confirming, rejecting, or amending the decision of the board or committee.

Any teacher requesting a hearing before a panel shall, at the time of making the request, deposit with the school board a cash bond in the amount of \$100.00 to cover the cost of making a record of the evidence and testimony presented at the hearings. If the panel shall confirm the action of the board or committee then the \$100.00 or such portion as may be required shall be used to defray secretarial costs for recording the evidence. If the panel rejects the action of the board or committee, then the school board shall pay the costs. If a compromise is reached then the panel shall decide how the costs are to be apportioned between the two litigants.

At any hearing conducted by the panel, the teacher shall have the right to appear in person with or without counsel; shall have the right to be heard and to present testimony of witnesses and the records of other evidence bearing upon the reasons for the proposed cancellation of employment; and shall have the right to cross examine witnesses at the hearing. No testimony shall be received from a witness except under oath or affirmation, which may be administered by any member of the hearing panel. Any witness who shall testify falsely pertaining to the matter under inquiry shall be deemed guilty of perjury and shall be punished accordingly.

*The panel shall report its findings and conclusions to the members of the board or committee. The board or committee shall then make decision with regard to the recommendations of the panel. If the decision of the panel is confirmed by the board or committee, such conclusion shall not be set aside except for fraud, abuse of discretion, or violation of any law.*

*If the recommendations of the panel are rejected by the board or committee the teacher shall have the right to appeal the decision to the state commissioner of education as set forth in subsection (5) of this section.*

**123-18-8. Automatic re-employment.**—Any teacher in the public schools employed on a full-time basis but not under continuous tenure shall be deemed re-employed for the succeeding year at the same salary unless the employing board of education shall cause notice in writing to be given said teacher on or before the 15th day of April of the term of school in which the teacher is employed, and such teacher shall be presumed to have accepted such employment unless he shall notify the employing board of education in writing to the contrary on or before said 15th day of April.

**123-18-9. Cessation of tenure protection.**—After the effective date of this article tenure protection against dismissal or retirement shall cease when the teacher reaches the age of sixty-five years. Tenure protection shall continue beyond the age of sixty-five years unless or until the teacher has had at least one year's notice in writing from the employing board or committee that his employment will be terminated.

Approved by Governor April 30, 1957.

# AN ACT

Senate Bill No. 193

(Ch. 199, S. L. '57)

AN ACT CONCERNING PUBLIC EMPLOYEES' RETIREMENT, AND TO AMEND THE LAW RELATING THERETO.

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

SECTION 1. Subsection (4) of 111-1-9, CRS 1953, as amended, is hereby amended to read as follows:

**111-1-9 (4)** Effective July 1, 1958, 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 a deferred retirement annuity payable in monthly installments in an amount equal to two and one-half per cent of the average of the highest monthly salary received by the member during any period of five consecutive years of service contained within the ten years of service immediately preceding the cessation of employment of said member; or if less than ten years service then the average of the highest monthly salary received during any period of five consecutive years, multiplied by the number of years of covered service, not to exceed twenty years, without further payment into the retirement fund. 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 2. Subsection (3) of 111-1-10, CRS 1953, is hereby amended to read as follows:

**111-1-10 (3).** Any employee of the state department of employment security who entered the service of said department after the transfer of the state employment service to the federal government, under Executive Order Number 8990 dated December 23, 1941, and prior to the return of said employment service to state control, upon payment into the retirement fund by such employee of a five dollar membership fee and three and one-half per cent of salary received during such period of federal employment, shall be credited for retirement purposes with a year of state service for each such year of federal service, or fraction thereof, on the same basis that he would have received credit for state service had he been fully in the employ of the state during such period; *provided* such payment is made with interest at four per cent compounded semi-annually for the period due.

SECTION 3. Subsection (1) of 111-1-25, CRS 1953, is hereby amended to read as follows:

**111-1-25 (1).** Any member who continues in such public service on and after the date he becomes eligible to retire with a service retirement annuity, and dies prior to the effective date of his retirement while in public service, and leaves a widow; or in the case of a female member, leaves a husband whom the public employees' retirement board finds to be totally and permanently disabled and to have been dependent upon the female member for at least fifty per cent of his financial support, such deceased member's said widow or dependent husband, as the case may be, shall, at his or her option, receive a retirement annuity computed in the same manner in all respects as if the said deceased member had retired effective the day preceding the date of his death and had elected "option three" under the optional forms of annuities provided for in said retirement system and had nominated his said widow or dependent husband as joint beneficiary. In the event the joint beneficiary thereafter remarries or dies his retirement annuity shall terminate. If the aggregate amount of retirement annuity payments received by the joint beneficiary prior to such remarriage or death is less than the accumulated deductions credited to the said deceased member's individual account in

the retirement system at the time of his or her death, the remainder shall be paid to such person or persons as the member shall have nominated as beneficiary by written designation duly executed and filed with the retirement system. In the event there be no such designated beneficiary or beneficiaries surviving, then such remainder, if any, shall be paid to the legal representative of the deceased member.

SECTION 4. (1) Effective July 1, 1958, whenever any member of the Public Employees' Retirement Association, as embodied in Articles 1 to 5, inclusive, Chapter 111, Colorado Revised Statutes 1953, as amended, shall qualify for retirement, upon such retirement the limitation heretofore provided that the retirement benefit receivable by such employee shall not exceed two hundred (\$200.00) per month is hereby increased to three hundred dollars (\$300.00) per month.

(2) Such increase in the limitation on retirement annuities payable to said public employees shall not apply to any benefits effective prior to July 1, 1958.

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 30, 1957.

A N A C T  
Senate Bill No. 194  
(Ch. 201, S. L. '57)

AN ACT CONCERNING SURVIVORS' BENEFITS FOR  
PUBLIC EMPLOYEES.

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

SECTION 1. There is hereby created a survivors' benefit reserve fund, within the public employees' retirement fund provided for in Chapter 111, Colorado Revised Statutes 1953, in which shall be accumulated reserves for the payment of survivor annuities, payable as provided in this act, and from which said survivor annuities shall be paid. If survivor benefits become payable under this act on account of the death of a member, said member's accumulated deductions shall be transferred to the survivors' benefit reserve fund.

SECTION 2. Upon the death of an active member of the Public Employees' Retirement Association who has five or more years of credited service, of which at least two such years were rendered immediately preceding such member's death, certain dependents of said deceased member shall receive annuities subject to the conditions hereinafter set forth in this act. The term "widow" as used in this act shall include a deceased member's widower whom the retirement board finds to have been dependent upon the said member for at least fifty per cent of his support. "Final average salary" as used in this act is hereby defined to mean the average of the highest monthly salary received by the member during any period of five consecutive years of service contained within the ten years of service immediately preceding his death, or if the deceased member did not have ten years service, the average of the highest monthly salary received during any period of five consecutive years of service.

SECTION 3. The widow of a deceased member, provided said member has five years service credit, shall receive a survivor annuity equal to fifty per cent of the monthly retirement annuity to which said deceased member would have been entitled had he retired the day preceding the date of his death, notwithstanding that he might not have attained

an age to become eligible to retire for superannuation, and said member's annuity to be based on two and one-half per cent of his final average salary as defined hereinabove, multiplied by the number of years and any fraction of a year, of his credited service, not to exceed twenty years; *provided*, that said survivor annuity shall not be less than \$125.00 per month or twenty-five per cent of the final average salary, whichever is smaller. The survivor annuity shall begin upon the said widow's application for same filed with the retirement board on or after her attainment of age sixty-two years. The survivor annuity provided for herein shall be in addition to, but shall not be paid concurrently with, the annuities provided in Section 5 of this act. No survivor annuity shall be paid hereunder to said widow after her re-marriage subsequent to said member's death.

SECTION 4. Subject to the condition that the deceased member has fifteen or more years of credited service, of which at least two such years of service were rendered immediately preceding his death, his widow shall receive a survivor annuity equal to fifty per cent of the monthly retirement annuity to which deceased member would have been entitled had he retired the day preceding the date of his death, notwithstanding that he might not have attained an age to become eligible to retire for superannuation, and said member's annuity to be based on two and one-half per cent of his final average salary as defined in this act, multiplied by the number of years, and any fraction of a year, of credited service, not to exceed twenty years; *provided*, that said survivor annuity shall not be less than \$125.00 per month or twenty-five per cent of the final average salary, whichever is smaller. The survivor annuity shall begin upon the said widow's application for the same filed with the retirement board on or after her attainment of age fifty years. The survivor annuity provided for herein shall be in addition to, but shall not be paid concurrently with, the annuities provided in Section 5 of this act. No survivor annuity shall be paid hereunder to said widow after her remarriage subsequent to said member's death.

SECTION 5. If the said deceased member leaves a widow who has in her care said deceased member's unmarried child or children under age eighteen years, the said widow shall



receive an annuity of \$200.00 per month for such time as such child or children under age eighteen years are in the care of said widow. If said widow dies or re-marries while having the care of such unmarried child or children under age eighteen years, each such child shall receive an annuity of \$75.00 per month; *provided*, that if there be more than two such children, each such child shall receive an annuity of an equal share of \$200.00 per month, subject to the condition that in no case shall the annuity payable to any one child exceed \$75.00 per month. The said child's annuity shall terminate upon his adoption, marriage, attainment of age eighteen years, death, or if the retirement board finds said child is physically and mentally able to attend regularly scheduled classes in a duly accredited school and fails to attend such classes, whichever event occurs first.

SECTION 6. If the said deceased member leaves an unmarried child or children under age eighteen years and no annuities have been or will be payable under sections 3, 4 or 5 of this act on account of said member's death, each such child shall receive an annuity of \$75.00 per month; *provided*, that if there be more than two such children, each such child shall receive an annuity of an equal share of \$200.00 per month, subject to the condition that in no case shall the annuity payable to any one child exceed \$75.00 per month. The said child's annuity shall terminate upon his adoption, marriage, attainment of age eighteen years, death, or if the retirement board finds said child is physically and mentally able to attend regularly scheduled classes in a duly accredited school and fails to attend such classes, whichever event occurs first.

SECTION 7. If the said deceased member leaves a dependent parent or parents who were dependent upon him for at least fifty per cent of his support, and no annuities have been or will be paid under sections 3, 4, 5 or 6 of this act on account of the death of said member, his said dependent parents shall each receive an annuity of \$75.00 per month. Upon the remarriage or death of said parent his annuity shall terminate.

SECTION 8. Effective July 1, 1958, every member of the public employees' retirement association shall pay into the retirement fund, in addition to his present contribution as required by law, one per cent of his regular salary. Such payment shall be made by deduction thereof from such salary.

The head of each department is hereby directed to cause such deductions to be made and included on each abstract from the salary of each member of the retirement association and to approve one voucher payable to the state treasurer for the aggregate amount so deducted from the salaries covered by the abstract. All such salary deductions shall be credited to the fund known as the retirement fund and all interest and other income of said association shall be credited to the fund. The retirement fund shall be disbursed subject to approval of the board, only for the purposes of investment, refundment to members, annuities for retirement, annuities for survivors, and the expenses of the association as provided by law.

Officers of the state highway patrol who pay into the retirement fund at the rate of seven per cent are hereby excepted from payment of the additional one per cent as provided herein.

SECTION 9. Effective July 1, 1958, in addition to any appropriations, transfers or contributions made to the public employees' retirement association as required by law, the head of each department, institution, board, bureau or agency of the state, and each public employer affiliated with the retirement system, is hereby authorized and directed to pay into the public employees' retirement fund, monthly, and charge as an administrative cost, an additional amount equal to one per cent of salaries paid to employees who are under the public employees' retirement act; *provided*, however, that no additional payment shall be made on account of members of the state highway patrol who pay into the retirement fund at the rate of seven per cent. Monies so transferred shall be credited to the survivors' benefit reserve fund created herein for the purpose of creating actuarial reserves for survivor annuities as may be deemed necessary by the public employees' retirement board.

SECTION 10. The provisions of this act shall not apply to members of the judges' retirement fund as set forth in Article 6 of Chapter 111, Colorado Revised Statutes 1953.

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

Approved by the Governor April 30, 1957.

**A N A C T**  
**Senate Bill No. 209**  
**(Ch. 95, S. L. '57)**

RELATING TO CIVIL DEFENSE AND THE EVACUATION  
OF SCHOOL BUILDINGS IN SCHOOL DISTRICTS OF  
THE STATE.

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

SECTION 1. Any board of education of any school district in the state of Colorado may enter into an agreement with the appropriate local civil defense agency or authorities for the purpose of establishing an orderly plan for the evacuation of any or all school buildings within the jurisdiction of said school district.

SECTION 2. In the event that said school district and the respective local civil defense agency or authorities desire to perform an evacuation drill for any or all school buildings, the board of education of said school district and its officers, employees and agents participating therein shall be relieved of all liability with regard to the accidental injury of any pupil during school hours from the time that the pupil leaves the school building until his return to the building at the conclusion of the evacuation drill.

SECTION 3. For drill or other evacuation purposes as described in this act, buses and such other modes of transport as are operated by the respective school district for the transportation of pupils may be operated by the district outside the boundaries of the district without liability notwithstanding any other statutes to the contrary.

SECTION 4. For purposes of this act, a school district may expend available funds to utilize the services of its employees or properties and may, if the board of education so desires, pay premiums from available funds to procure liability and property damage insurance covering such district, its governing body, officers, employees and, if deemed necessary or desirable, volunteer workers while participating in such civil defense activity, *provided* there shall be no right of contribution on the part of such district to the insurance carrier.

Nothing herein contained shall be construed as creating or intending to create any liability against any such district or persons nor as waiving or intending to waive any immunity hereinafter in this act provided for, except in such amount as is covered by an existing and valid policy of insurance, *provided further* that failure to procure such insurance shall not be construed as recognizing, creating, or intending to create any liability against said district or such persons by reason of an injury or damage to persons or property of others occurring incident to any such civil defense exercise or activity.

SECTION 5. Whenever the officers, employees or agents of any school district, participating in any civil defense exercise in connection with the provisions of this act, are required to go beyond the territorial limits of such political subdivision, such person or persons shall nevertheless have the same powers, duties, rights, privileges and immunities while beyond the territorial limits of the school district as if they were performing their duties within the territorial limits of such district.

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 22, 1957.

**A N A C T**

**Senate Bill No. 217**

**(Ch. 238, S. L. '57)**

**PUBLIC SCHOOL FOUNDATION ACT  
RELATING TO EDUCATION AND TO FINANCING OF  
PUBLIC SCHOOLS.**

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

**Title**            **SECTION 1. Short title.** This act shall be known and cited  
as "The Public School Foundation Act".

**Definitions**    **SECTION 2. Definitions.** Unless otherwise indicated by  
the context, the following words and phrases, when used in  
this act, 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, as amended, or sections 123-8-1  
to 123-8-39, as amended, Colorado Revised Statutes 1953, 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 chapter 123, Colorado Revised  
Statutes 1953.

(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 com-  
mittee in junior college districts.

(6) "County superintendent", the county superintendent  
of schools provided for in article XIV, section 8 of the consti-  
tution.

(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.

**SECTION 3. Classroom units.** (1) A classroom unit shall be the basis for equalization support under the provisions of this act. 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 one hundred eighty days of school shall be used in computing the classroom units to which a district is entitled.

Number  
of  
classroom  
units.

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

(a) One classroom unit for the first fifteen pupils in average daily attendance, *provided* that regardless of the number of pupils, every school district maintaining a school shall be entitled to at least three fourths of one classroom unit.

Districts  
entitled  
to at  
least  
three-  
fourths  
of one class-  
room unit.

(b) A second, third and fourth classroom unit for each additional twenty pupils in average daily attendance.

(c) One additional unit for each additional twenty-five pupils in average daily attendance.

(d) Districts having an increase in average daily attendance during the first twelve weeks of the current school year of seven per cent or more of the average daily attendance of the first twelve weeks of the previous school year, may, in the discretion of the state board, be allowed one additional classroom unit for each twenty-five pupils in average daily attendance in excess of such seven per cent increase.

Additional  
classroom  
units for  
increased  
attendance.

(e) In the event that any county or union high school district maintains a school attendance center of less than one hundred and fifty pupils in average daily attendance or any other school district maintains a school attendance center of less than three hundred pupils in average daily attendance in a full twelve grade program, such district may make application to the state board for a determination of the needs of such school attendance center. If the state board shall determine that more than the number of classroom units as determined by subsections (a), (b), (c) and (d) are necessary for

Additional  
classroom  
units for  
attendance  
centers.

State Board to make annual report to General Assembly.

such school district to carry out a desirable educational program in such school attendance center, the state board may allow additional classroom units for such school district, *provided* that no more than three additional classroom units shall be allowed for each such school attendance center maintained by the respective district. The state board shall make an annual report to the general assembly of the additional units authorized under this subsection.

Definition of aggregate days of attendance.

**SECTION 4. Aggregate days of attendance and average daily 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.

Aggregate days of attendance where new districts are formed.

(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.

Average daily attendance computed upon 172 days.

(4) Average daily attendance shall be computed by dividing aggregate days of attendance as determined under subsections (1), (2) and (3) of this section by the figure one hundred seventy-two.

Creation of State Public School Fund in State Treasurer's office.

**SECTION 5. 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 treas-

urer'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 June 30, 1957, and quarterly thereafter, said net balance to be after allocation of funds from said public school income fund under statutes now in effect providing for such allocations; from any balances which may be in the state public school fund created by section 123-6-6, Colorado Revised Statutes 1953, repealed by this act, and from all monies allocated to said state public school fund by statutes now in effect; from such monies 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 monies 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.

State  
Public  
School  
Fund a  
continuing  
fund.

**SECTION 6. 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 monies provided for in this act, and monies now allocated by law to the county public school fund created by section 123-6-7, Colorado Revised Statutes 1953, repealed by this act.

County  
Public  
School  
Fund a  
continuing  
fund—  
created in  
county  
treasurer's  
office.

**SECTION 7. County levies.** (1) For the purpose of paying each county's share of the cost of the public school foundation 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 twelve mills on all of the taxable property in the county. If a levy of twelve mills will produce a sum greater than the total aggregate value of all of the classroom unit values as provided for in this act of all eligible school districts in any county, the board of county commissioners of such county may petition the state board for a determination of the amount of money which will be needed for the total aggregate classroom unit values of said county. The state board, immediately upon such determination, shall certify the amount to the board of

Twelve  
mill  
county  
levy  
provided.

County  
commis-  
sioners  
petition  
State  
Board  
for  
reduced  
levy,  
when—



county commissioners, and the board shall then make such levy as will produce such amount.

Certain  
counties  
exempt,  
when—

(2) A county or city and county consisting of one school district only shall be deemed to have made the necessary levy required by this section if the total general and special school levies of such county or city and county be not less than twelve mills.

(3) For one year only, being the school year 1957-1958, the tax year 1957, which is the tax collection year 1958, this section shall be in effect for the purpose of determining each county's share of the public school foundation program.

Revenue  
levied  
plus 5  
per cent  
reduced,  
when—

(4) For each school district under this act, the amount of revenue levied in the preceding year plus five per cent shall be reduced by the increased amount of money anticipated to be realized by the school district as a result of any increase of the county public school fund levy over such levy in the preceding year, and in the event the county public school fund levy is decreased, the anticipated decreased amount of money resulting thereby to each school district shall be added to the amount of revenue levied in the preceding year plus five per cent.

Increased  
revenue  
used for  
determining  
tax  
limitations.

In cases where an increase over five per cent, or in the case of school districts where the increase over the adjusted amount as provided above, 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, Colorado Revised Statutes 1953, the increased revenue resulting therefrom shall be included in determining the five per cent limitation in the following year.

Method to  
determine  
county's  
ability  
to be  
established  
by second  
regular  
session.

**SECTION 8. Declaration of policy.** With regard to the operation of this act, it is the intent of the first regular session of the Forty-first general assembly that the second regular session of the same general assembly shall establish the method for the determination of the ability of each county to support its share of the minimum equalization program provided in this act. Such method may include ratios of assessed valuations based on sales, loan values, independent appraisals or other related factors; or indices based on other economic data.

**SECTION 9. Minimum days of school.** No school district maintaining a school term of fewer than one hundred seventy days in 1956-1957 nor fewer than one hundred seventy-two days from and after the effective date of this act 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 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 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 4 of this act. 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 act.

Minimum days of school.

Closing of school in case of emergency.

Computing average attendance.

State Board decide merit of claims.

**SECTION 10. Minimum salaries.** No school district shall receive any funds from the state public school fund unless such district shall pay each full-time teacher not less than sixty-five per cent of the classroom unit value as provided by section 12 of this act, and each part-time teacher not less than sixty-five per cent of the proportionate part of the classroom unit value allocated to each such part-time teacher.

Minimum salary of teachers required.

**SECTION 11. 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 total classroom unit values of such school district bear to the total classroom unit values of all 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 first 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 calen-

State Board to determine proportionate share of county public school fund paid to each district.

Amount to be certified to county treasurer—copy to county superintendent.

County treasurer credit amounts to special fund of each district.

dar 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.

**SECTION 12. Minimum equalization program.** From and after July 1, 1957, the state of Colorado hereby undertakes to provide the deficiency in funds of any school district between:

(1) The sum of its share of the amount produced by the county levy, assuming one hundred per cent collection of such levy, and

Basis for amount provided for each classroom unit.

(2) The aggregate amount required to provide four thousand five hundred dollars for each classroom unit served by teachers holding any valid certificates other than a graduate certificate, and five thousand two hundred dollars for each classroom unit served by teachers holding graduate certificates.

Proration when money is insufficient.

(3) In the event that there is insufficient money in any year in the state public school fund to pay the amount required for full participation by the state under the provisions of this act, as determined by the state board, then the amount to be distributed to any school district shall be in the same proportion as the amount available in the state public school fund bears to the amount required for full participation by the state.

Amount of distribution of State Public School Fund determined by State Board.

**SECTION 13. Distribution of state public school fund.**

(1) The amount which each county and each school district of the state shall be entitled to receive from the state public school fund under the provisions of this act shall be determined by the state board.

Provision for contingency reserve.

(2) The state board shall withhold from normal distribution one and one-half per cent of the appropriation made by the general assembly from general 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 as are other monies in the state public school fund.

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 act.

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:

Basis for distribution of contingency reserve.

- (a) Financial emergencies caused by act of God.
- (b) Temporary enrollments.
- (c) Efforts of the district to provide sufficient funds for its own use.
- (d) Standards of education maintained by the district.
- (e) Geographical and physical factors which result in increased costs.

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.

Application to State Board for supplemental support.

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.

State Board to make investigation.

(3) (a) The state board shall withhold from normal distribution the June thirtieth, September thirtieth, December thirty-first and March thirty-first net balance receipts from the public school income fund, which amount is hereby designated as "direct grant reserve." The direct grant reserve shall be distributed to eligible school districts in the proportion that the aggregate days of attendance of each eligible school district bear to the total aggregate days of attendance of all eligible school districts in the state. The state board shall determine the proportionate share of all monies to be dis-

Direct grant reserve.

State Board determine distribution.

tributed on the basis of aggregate days of attendance in the school districts in the preceding school year.

Certification  
of Direct  
Grant  
Reserve  
April 20.

(b) On or before April twentieth of each year, 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 treasurers the amount of money to be paid to each of the eligible school districts of their counties, and furnish the county superintendents with a duplicate of such certification.

Payment  
of Direct  
Grant  
Reserve  
May 1.

(c) Not later than May first of each year, the state treasurer shall make distribution of said monies to the county treasurers, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled.

Remainder  
distributed  
Sept. 1  
Dec. 1  
March 1  
June 1

(4) The remaining portion of said state public school fund after deduction of the payments to junior colleges as determined under section 16 of this act shall be distributed quarterly in such equal amounts as possible, on or about September first, December first, March first and June first. The state board shall determine on or before July first of each year an estimate of the amount of money which will be available to the said fund during the succeeding fiscal year. Payments shall be allocated to eligible school districts as follows:

Preliminary  
payments.

(a) The payments to be made on September first, nineteen hundred fifty-seven and December first, nineteen hundred fifty-seven shall be preliminary payments, allocated on the basis of classroom units as determined by average daily attendance and the number and salaries and types of certificates for teachers during the school year nineteen hundred fifty six-fifty seven and the assessed valuation for the tax year nineteen hundred fifty-six. The payments to be made on September first and December first in the succeeding years shall be preliminary payments allocated on the basis of the preceding June first payment.

Adjusted  
payments.

(b) The payments to be made on March first and June first shall be adjusted payments, allocated on the basis of classroom units as determined by average daily attendance of the preceding school year, the number and salaries and types of certificates for teachers employed during the school year of distribution, and the assessed valuations for the preceding calendar year, which calculations shall constitute the entitlement of each district for the current school year.

(c) It is specifically provided that the state board may, if it determines that any district is likely to be overpaid in any of said quarterly payments, adjust such payments so as to eliminate such overpayment. In the event of overpayment to any school district, such amounts shall be refunded to the state public school fund by the school district to which such overpayment was made.

Special provision for over payment and refunds thereof.

(5) As soon as the state board shall have determined the quarterly amounts to be paid to each eligible school district in all counties under this act, but not later than August fifteenth, November fifteenth, February fifteenth and May fifteenth, 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 September first, December first, March first and June first, the state treasurer shall make distribution of said monies to the county treasurers, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled.

State Board certifying quarterly to State Treasurer amount to be paid each county.

State Board certify to county treasurer amount to be paid each district—  
County superintendent a copy.

State treasurer make distribution to county treasurer.

**SECTION 14. Report 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 act, immediately upon the conclusion of each school term, shall certify to the county superintendent of the county in which such district is located:

Secretary certify to county superintendent certain information required.

(a) That it has accepted and elected to be subject to the terms and provisions of this act, 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 days that school was actually in session.

(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.

County superintendent certify information to State Board.

Secretary of board not later than Oct. 1 makes certain certification to county superintendent.

(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.

By Oct. 15 county superintendent make certification to State Board.

(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 nongraduate certificate for the purposes of this act.

State Tax Commission certify to State Board certain information.

(6) On or before October fifth of each year, the state tax commission shall certify to the state board the locally and state assessed 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 locally and state assessed 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.

Secretary of board certify to county superintendent any increases in average daily attendance.

(7) On or before December tenth of each year, the secretary of the board of education of any district eligible for additional classroom units under the provisions of section 3 (2) (d) of this act, shall certify to the county superintendent such increase in average daily attendance.

(8) On or before November fifteenth of each year, the secretary of the board of education of each eligible school district shall certify to the county superintendent the number of high school graduates of the preceding school year who are attending an institution of higher education, and, if possible, the names of such institutions and the number of such graduates attending thereat.

Secretary of board by Nov. 15 certify certain information concerning high school graduates.

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

County superintendent by Dec. 15 certify certain information to State Board.

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

**SECTION 15. Classroom unit values.** (1) The classroom unit values to which each district shall be entitled shall be determined by computing the number of classroom units to which such district is entitled, based on the average daily attendance for the preceding school year, and the teachers employed by the district. 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.

Computation of classroom unit values.

(2) An aggregate of part-time regularly employed teachers may be included in computing classroom 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.

Part time regularly employed teachers.

Value of each classroom unit.

State Board define standards for full and part-time teachers.

(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

Assignment of classroom units.



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.

Direct grant to junior college.

Junior college district make report to State Board.

State Board determines amount paid to junior college district.

Method of computation.

**SECTION 16. Junior colleges.** (1) Any junior college district heretofore organized shall be entitled to a direct grant of one thousand fifty 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 students 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 an additional direct grant, and fractions of less than one-half shall be disregarded.

Junior colleges entitled to direct grant—when

(2) Junior colleges hereafter organized for the first school year shall be entitled to a direct grant of one thousand fifty 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.

State Board certify to state treasurer amounts to be paid from state public school fund.

(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 monies to the respective county treasurers of the counties in which the college buildings are located, and said monies shall be by each such county

treasurer credited to a fund designated "For the expense of \_\_\_\_\_ Junior College". Said monies 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.

Money received may be used for current operating uses.

**SECTION 17. 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.

State public school fund not to be used for debt services or capital outlay.

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

No collection fee charged by county treasurer.

**SECTION 18. Joint districts.** The classroom units to which a joint school district shall be entitled shall be calculated by the state board upon the total average daily 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 average daily attendance of pupils residing in each such county bears to the total average daily 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 14 of this act, 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.

Classroom units for joint districts.

Secretary certify information to each county superintendent of county involved.

County superintendent to report to 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 monies 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.

Monies paid to county treasurer in administrative headquarters.

(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

Payments made at end of each month.

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 monies so transferred to him from other counties.

Board of education notify State Board and county treasurer of administration headquarters.

(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.

Additional levies allowed.

**SECTION 19. Other levies allowed.** (1) Nothing in this act 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 act.

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

Fiscal year determined.

**SECTION 20. Fiscal year.** The fiscal year of each school district shall be as provided by the board of education of said district.

State Board make rules.

**SECTION 21. Rules and regulations.** The state board is hereby directed and empowered to make reasonable rules and regulations for the administration of this act.

County levy—when made.

**SECTION 22. Districts qualified to participate in first 1957 distribution.** The county levy required by section 7 of this act shall first be made in the calendar year 1957, and the failure of any county to have made a county levy for school purposes in 1956 in the amount required by said section shall not deprive any school district or districts in such county which received monies during 1956-1957 under the provisions of "The Public School Finance Act of the State of Colorado", repealed hereby, from participating in the first distribution in 1957 of monies from the state public school fund in accordance with the provisions of this act.

Disposition of present county public school funds and levies.

**SECTION 23. Disposition of present county public school funds and levies.** On and after January 1, 1958, any unused balances in the county public school fund repealed by this act, or any monies thereafter collected and payable into said fund

from county levies or otherwise, shall upon receipt by the county treasurer be forthwith credited to the county public school fund of each county created by this act. Until December 31, 1957, any monies in the county school fund repealed by this act shall be apportioned under the laws relating thereto and repealed hereby.

**SECTION 24. Repeal.** 123-6-1 to 123-6-23, Colorado Revised Statutes 1953, are hereby repealed as of January 1, 1958; *provided, however*, that for the period from the effective date of this act until December 31, 1957, no distributions from the state public school fund, no county or school district levies and no reports or certifications required to be made by said laws repealed hereby, shall be made; and *provided, further*, that the repeal of said statutes shall not be construed as releasing any tax levies, or any interest or penalties thereon, made in the year 1956 or prior thereto under the provision of said laws.

Repeal of  
statutes  
construed.

**SECTION 25.** Section 3, Chapter 99, Session Laws of Colorado 1956, is hereby amended to read as follows:

Section 3. *Method of payment.* (1) Each school district of the state of Colorado actually furnishing transportation in buses owned or rented and operated by such district or under contract with the district, shall be entitled to payment from said school transportation fund as follows:

Payment of  
transportation.

(a) For each mile actually traveled during the periods referred to in section 4 (a) of Chapter 99, Session Laws of Colorado 1956, hereof by said bus in the transportation of regularly enrolled pupils to and from their place of residence and the public school in which enrolled, eight cents per mile.

Rate per  
mile for  
transportation.

(b) For each pupil regularly enrolled in a public school, actually transported to and from their place of residence to and from the public school in which enrolled, where their place of residence is one mile or more by public or private road from the school in which enrolled, four cents per day for each day of such transportation during the periods referred to in section 4 (a) of Chapter 99, Session Laws of Colorado 1956, hereof.

Place of  
residence  
one mile  
or more  
from  
school  
enrolled  
rate per  
day for  
transportation.

(c) For each pupil whose place of residence is one mile or more from the public school in which such pupil is enrolled

Board  
allowance  
in lieu  
of  
transportation.

and who is temporarily residing during the periods referred to in section 4 (a) of Chapter 99, Session Laws of Colorado 1956, hereof at a place other than his or her residence nearer the school of attendance, for the purpose of attending such school, and where the district pays a board allowance in lieu of furnishing transportation, fifteen cents for each day such board is paid by the district, in no event to exceed one-third of the amount actually paid by the district or for more than one hundred eighty days.

Limitation  
of amount  
to be  
paid.

(2) Notwithstanding the provisions of subsection (1) hereof, no school district furnishing transportation, as provided therein, shall be entitled to receive a larger amount in payment than seventy-five per cent of the amount said district has actually expended in furnishing such transportation.

Effective  
date  
of act.

**SECTION 26. Effective date.** This act shall be in force and effect from and after July 1, 1957, except that section 14 of this act shall be in force and effect from and after June 1, 1957.

**SECTION 27. Severability clause.** If any provision of this act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**SECTION 28.** 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 May 1, 1957.

# A N A C T

Senate Bill No. 218

(Ch. 242, S. L. '57)

PROVIDING FOR RETIREMENT BENEFITS TO RETIRED PRESIDENTS, DEANS, PROFESSORS, INSTRUCTORS AND RESEARCH WORKERS OF STATE INSTITUTIONS OF HIGHER LEARNING AND THEIR SURVIVING SPOUSES AND SURVIVING SPOUSES OF SAID FACULTY MEMBERS WHO HAVE DIED IN SERVICE AFTER TWENTY (20) YEARS EMPLOYMENT: MAKING AN APPROPRIATION TO THE STATE INSTITUTIONS OF HIGHER LEARNING EMERITUS RETIREMENT FUND: AND AMENDING THE LAW IN RELATION THERETO.

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

SECTION 1. Article 17 of chapter 124, 1955 Cumulative Supplement to CRS 1953, is hereby amended to read as follows:

**124-17-1. Persons eligible for pensions.** This article shall apply to all presidents, deans, professors, administrators, instructors and research workers, hereinafter referred to as "faculty members", retired from service of state institutions of higher learning of Colorado, their dependent surviving spouses, and surviving spouses of said faculty members who have died in service after twenty years employment in said state institutions, *provided*:

(1) That any faculty member applying for benefits hereunder:

(a) Shall have served as such faculty member at least fifteen years in one or more state institutions of higher learning in Colorado, be at least sixty-five years of age, and retired prior to July 1, 1962;

(b) Shall have retired at any age, at the initiative of the institution where last serving, for disability regarded as rendering such faculty member unfit for further service, *pro-*

*vided*, such faculty member shall have served at least twenty years, and the president of the institution so retiring such member shall certify to the commissioner of education as to the disability of such member;

(c) Shall have been retired after twenty years of service and be at least sixty years of age prior to July 1, 1962;

(2) That the surviving spouse of any deceased faculty member applying for benefits hereunder:

(a) Was married to said faculty member on the date on which eligibility of said member for retirement benefits hereunder was established under the provisions of subparagraphs (a), (b) or (c) of subsection (1) of this section;

(b) Or was married to said faculty member who died in service after twenty years employment in state institutions of higher learning in Colorado;

(c) May be of any age;

(d) Is not receiving a pension or annuity under a retirement system supported in whole or in part from the state or its political subdivisions which is in excess of the retirement benefits provided for by this article.

**124-17-2. Applications—cut-off date.** Any faculty member or the surviving spouse of such faculty member eligible under section 124-17-1 of this article shall make application to the commissioner of education for retirement benefits not later than sixty days following the date on which eligibility for such benefits shall have been attained, in compliance with section 124-17-1, and no application shall be received by the commissioner after the expiration of such sixty days.

**124-17-3. Pensions commence when.** All faculty members or their surviving spouses who are declared eligible by the commissioner of education to receive the retirement benefits provided by this article, shall receive a monthly benefit herein provided effective the first month after the commissioner shall so declare any such faculty member or surviving spouse so eligible. Retired presidents, deans, professors, instructors and research workers receiving retirement benefits under this article before amendment hereby shall receive the increased

benefits herein provided effective on or after the first month following the effective date of this amended article, without being required to further establish his eligibility to receive such retirement benefits.

**124-17-4. Fund—limitation on pension.** There is hereby created a state institutions of higher learning emeritus retirement fund, from which the commissioner of education shall authorize payments from such appropriations as shall be made to the fund, as follows:

(1) To any faculty member—a monthly payment of two hundred dollars, less any pension or retirement benefit or annuity received from any other retirement or annuity pension fund supported in whole or in part by the state of Colorado or its political subdivisions.

(2) To any surviving spouse of an eligible faculty member—a monthly payment of one hundred dollars, less any pension or retirement benefit or annuity received from any other retirement or annuity pension fund supported in whole or in part by the state of Colorado or its political subdivisions.

(3) To any surviving spouse of a faculty member who died in service after twenty years employment—a monthly payment of one hundred dollars, less any pension or retirement benefit or annuity received from any other retirement or annuity pension fund supported in whole or in part by the state of Colorado or its political subdivisions.

(4) All monies remaining in the state institutions of higher learning emeritus retirement fund created under this article before amendment hereby shall remain in said fund for the purposes of paying retirement benefits hereunder until the end of the fiscal year ending June 30, 1958. If at any time there shall be insufficient monies in said fund to pay the full amount of the retirement benefits provided hereby, then said monies shall be prorated among all eligible recipients at any given date within the limits of the monies available.

**124-17-5. Appropriation.** For the purpose of paying the retirement benefits provided by this article, there is hereby appropriated out of any monies in the state treasury not otherwise appropriated, to the state institutions of higher learning emeritus retirement fund, the sum of one hundred forty



thousand (\$140,000.00), or so much thereof as may be necessary, which monies shall become available for the payment of retirement benefits the first day of the first month after the passage of this article and remain available from said date until June 30, 1958, at which time all unexpended monies in the fund shall revert to the general fund.

**SECTION 2. Constitutionality clause.** If any provision of this act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**SECTION 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 25, 1957.

# AN ACT

Senate Bill No. 220

(Ch. 228, S. L. '57)

PERMITTING THE APPOINTMENT OF AN ASSISTANT  
TREASURER IN SCHOOL DISTRICTS HAVING A  
SCHOOL POPULATION OF MORE THAN THIRTY  
THOUSAND.

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

SECTION 1. In school districts having a school population of more than thirty thousand the board of education, school board, or board of directors, in its discretion may appoint an assistant treasurer who shall hold such position during the pleasure of the board and who shall give bond with like conditions as the treasurer in such amount as the board of education, school board, or board of directors, may fix and who, in the absence or inability of the treasurer to perform any of his duties, shall perform all of the duties of the treasurer, and to whom at any time, with the approval of the board, the treasurer may delegate the performance of any of his duties.

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 22, 1957.

# AN ACT

Senate Bill No. 235

(Ch. 229, S. L. '57)

RELATING TO POWERS OF SCHOOL BOARDS AND SCHOOL DISTRICTS OF THE FIRST AND SECOND CLASSES.

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

SECTION 1. Article 10, Chapter 123, CRS 1953, is hereby amended by adding a section thereto to read as follows:

**123-10-55. Additional powers—first and second class districts.** All school boards in districts of the first and second classes, in addition to the powers now conferred upon them by law, shall have power to contract with each other in behalf of their respective districts upon such terms as they may mutually approve for the sale, purchase or other disposition or acquisition of any real or personal property which in the opinion of the school board desiring to dispose thereof is no longer needed for any purpose of the disposing district, or the retention of which such school board may deem inadvisable, or the transfer of which would in the opinion of the contracting school boards be to the best interests of education.

Where inclusion of any such real property in the territory of the acquiring district requires any annexation proceeding, the school board desiring to dispose of any such real property shall have power to petition for and take all action requisite to procure any such annexation and the fact of annexation shall not impair the terms of the contract between said participating districts notwithstanding that such real property may by operation of law become the property of the acquiring district upon such annexation, but such contract shall be duly carried out by the respective parties in accordance with its terms.

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 May 1, 1957.

# AN ACT

Senate Bill No. 236

(Ch. 275, S. L. '57)

RELATING TO ANNEXATION OF TERRITORY TO CITIES, CITIES AND COUNTIES, AND INCORPORATED TOWNS, AND TO AMEND COLORADO REVISED STATUTES 1953, SECTION 139-11-8.

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

SECTION 1. Section 139-11-8, CRS 1953, is hereby amended to read as follows:

**139-11-8. Landowner defined—joint tenants.**—For the purposes of this article "landowners," as used in section 139-11-3, shall mean owners in fee of real property in the territory proposed to be annexed who have in the next preceding calendar year become liable for a property tax thereon, and also, when there are no residents in the territory proposed to be annexed, owners in fee of real property in the territory whose property is exempt from property tax, including cities, cities and counties, incorporated towns, *school districts*, and any other municipalities or political subdivisions of the State of Colorado.

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 May 1, 1957.

A N A C T  
Senate Bill No. 240  
(Ch. 230, S. L. '57)

CONCERNING THE POWERS OF BOARDS OF EDUCATION OF SCHOOL DISTRICTS RELATING TO THE TEMPORARY TRANSPORTATION OF SCHOOL CHILDREN AND THE PROCUREMENT OF LIABILITY AND PROPERTY DAMAGE INSURANCE INCIDENT THERE-TO.

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

SECTION 1. In any school district, the board of education may authorize its officers, employees or agents to provide temporary transportation in any motor vehicle owned or operated by any such officer, employee or agent, for school children, incident to any approved school event or activity or in the event of illness or other emergency affecting any such school child or children.

SECTION 2. Any board of education so authorizing such transportation by its officers, employees or agents may also procure and pay the premiums upon liability and property damage insurance in such amount as it may approve covering such school district, its officers, employees and agents while engaged in or participating in any such transportation; *provided*, that there shall be no right of contribution to the insurance carrier as against the school district. Nothing contained in this section shall be construed as creating or intending to create a liability against the insuring school district or its officers, employees or agents while engaged in or participating in such transportation, except in such amount as is covered by an existing and valid policy of insurance; *provided, further*, that failure to procure such insurance shall not be construed as creating any liability against the school district or against any such officer, employee or agent by reason of any injury or damage to the person or property of others occurring in connection with any such transportation.

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

Approved by the Governor May 1, 1957.

# AN ACT

Senate Bill No. 278

(Ch. 31, S. L. '57)

FOR THE RELIEF OF SCHOOL DISTRICT NO. 3 OF FORT MORGAN, IN MORGAN COUNTY, COLORADO.

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

SECTION 1. There is hereby appropriated out of the sales tax fund, the sum of four hundred ninety-five dollars and fifty-nine cents (\$495.59), to reimburse School District No. 3 of Fort Morgan in Morgan County, Colorado, for sales taxes paid on the construction of a school building in the city of Fort Morgan, claim for the recovery of said taxes not having been made within the prescribed time limit.

SECTION 2. A warrant shall be drawn by the state controller in the amount of the appropriation hereby made, payable to the secretary of the school board of School District No. 3, Fort Morgan, Colorado.

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 May 1, 1957.

A N A C T  
Senate Bill No. 385  
(Ch. 237, S. L. '57)

RELATING TO ORGANIZATION OF SCHOOL DISTRICTS,  
CREATING COUNTY COMMITTEES ON SCHOOL DIS-  
TRICT ORGANIZATION AND MAKING AN APPRO-  
PRIATION THEREFOR.

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

SECTION 1. **Act cited.** This act may be cited as "The School District Organization Act of 1957."

SECTION 2. **Legislative declaration.** The General Assembly hereby declares that this act is passed for the general improvement of the public schools in the state of Colorado; the equalization of the benefits and burdens of education throughout the various counties and communities of the state; to provide for the organization of the public school districts in the state, and the alteration of the boundaries of established districts and generally to enlarge the areas of school districts in the state in order to provide for the maintenance of a thorough and uniform system of free public schools throughout the state; to provide for high school education of the citizens of the state of school age who are qualified therefor; to make possible a higher degree of uniformity of school tax rate among school districts; and to have a wiser use of public funds expended for the support of the public school system of the state. To these ends this act shall be liberally construed.

Definitions

SECTION 3. **Definitions.** Unless otherwise indicated by the context, the following words and phrases when used in this act shall, for the purposes of this act, have the meanings respectively ascribed to them in this section.

State  
Board

(1) "State board" shall mean the state board of education as provided in section 1, article IX of the Constitution of Colorado, or such board or body as may hereafter by law succeed to the duties of said state board of education.

(2) "Commissioner" shall mean the state commissioner of education, who is the chief state school officer. Commissioner

(3) "School district" shall mean school districts of the first, second, and third classes, consolidated and joint districts, county high school and union high school districts. School district

(4) "New district" shall mean a district formed from all or parts of two or more districts under the provisions of this act. New district

(5) "Proposed district" shall mean an area composed of all or parts of two or more districts, the plan for the organization of which shall have been proposed by a school planning committee, or, in case the same embraces parts of two or more counties, by the school planning committee of the said counties. Proposed district

(6) "County superintendent" shall mean county superintendent of schools. County superintendent

(7) "Committee" shall mean the school planning committee provided for under section 4 of this act. Committee

(8) "Taxpaying electors" shall mean persons who are at least twenty-one years of age, citizens of the United States, and who have resided in the state for twelve months immediately preceding the election and shall have resided in the area of the proposed district for at least ninety days immediately preceding said election, and who in a calendar year last preceding said election shall have paid a tax, or be liable for a payment of such tax, upon real or personal property assessed to them and owned by them within the proposed district. Taxpaying elector defined

**SECTION 4. School Planning Committee.** (1) Within sixty days after the effective date of this act, there shall be elected in each county a school planning committee, hereinafter referred to as "the committee," of not less than nine nor more than thirteen members, said committee to serve for two years; *provided, however,* that in counties having more than forty school districts, the committee may be increased to fifteen; and *provided, further,* that members of said committee shall represent all classifications of districts within the county; and *provided further* that in the event any county School planning committee

Number of members

Representation of all classes of districts



In reorganized counties

or city and county which has only one school district embracing the entire county or city and county or is a county in which a complete plan of reorganization under the provisions of Article 8, Chapter 123, Colorado Revised Statutes 1953, satisfactory to the commissioner on consideration of the standards set forth in section 11 of this act has been effected, then in that event such committee shall not be elected unless a majority of the school districts (or if there shall be but one school district then a majority of the board of directors thereof) shall request that such committee be elected for the purpose of complying with the provisions of this act.

Commissioner notifies county superintendent

(2) **Commissioner notify county superintendent of provisions of act.** Within thirty days after the effective date of this act, the commissioner shall notify in writing each county superintendent of the provisions of this act and shall request the election of a committee as provided for in this act. County superintendents shall, within thirty days after the effective date of this act, call a meeting of the presidents of the boards of education of all school districts and the chairmen of high school districts within their county. The notice of such meeting shall be sent by certified mail and placed in the mails at least seven days before the date set for such meeting and shall state the time and place of such meeting. In the event the president of any board of education or the chairman of a high school district cannot personally attend said meeting, it shall be his duty to designate in writing a member of his board or high school committee as his proxy, who shall have the same rights as said president or chairman, if attending personally.

County superintendents call meetings

Notice

Proxies

Number of members established

(3) **Number of members and election.** At said meeting, the number of members of the committee shall be established, within the limits prescribed in this act, by a majority vote of those present, provided a quorum is in attendance. A quorum shall be a simple majority of the presidents of the boards of education and chairmen of high school districts notified under subsection (2) of this section, or their proxies. The members of the committee shall then be elected at said meeting by nomination and secret ballot. There shall also be elected by the same method an alternate for each member of the committee. Each member of the committee, and alternate, shall be a qualified taxpaying elector of the county in which elected,

Quorum

Nomination and election of committee

Alternates

as defined in section 3 (8) of this act. Due consideration in the selection of members of the committee and alternates shall be given to the interest theretofore shown by such persons in the affairs of the schools in the county, also the place of residence of such members and alternates, in order that all parts of the county may be duly represented.

Qualifications of members of planning committee

**(4) County superintendent forward notice of election—acceptance—duties of members.** Upon the election of members of the committee and their alternates, the county superintendent shall prepare a written form of acceptance of membership on said committee, and shall send by certified mail to each member elected one of such forms, together with a letter notifying such person of his, or her, election as a member of such committee, the duties of such committee, and that acceptance as a member of such committee should be returned to the county superintendent within ten days. If such person so elected as a member of the committee fails to accept such election within fifteen days of the date of mailing of such notification, he, or she, shall be dropped from such committee and a similar form of acceptance and notification shall be mailed by certified mail to his, or her, alternate. If such alternate does not accept such election to said committee within fifteen days of date of mailing such notification, then there shall be a vacancy in such committee to be filled as provided for filling of vacancies on the committee under section 6 of this act.

Acceptance of membership

Failure of member to accept

Notification of alternate

Failure of alternate to accept

**(5) County superintendent call meeting of committee.** Upon the acceptance by a majority of the members of such committee, or their alternates, the county superintendent of schools shall call a meeting of such committee to be held at such time and place as he may designate and shall send notice thereof by certified mail to each member at least five days before the date set for such meeting.

County superintendent calls first meeting of committee

**(6) Failure of majority of committee to accept—new meeting called.** If acceptance shall not be received as herein provided from a majority of the members of said committee, or their alternates, then a new meeting shall be called by the county superintendent of the presidents of the boards of education and chairmen of high school districts as hereinbefore provided, at which meeting vacancies in said committee shall be filled by election as provided in subsections (3) and (4)

Failure of majority to accept—new meeting called

Vacancies caused by non-acceptance of Sec. 6

of this section, and so successively until a majority of this committee has been elected and accepted; and thereafter vacancies occasioned by nonacceptance shall be filled by the committee as provided in section 6 of this act.

Committee selects chairman and vice-chairman—County superintendent secretary.

(7) **Committee organization.** At its first meeting the committee shall select a chairman and vice-chairman. The county superintendent shall be a non-voting member of said committee and shall serve as the secretary thereof.

(8) **Duties of committee.** The committee shall have and perform the following duties:

Duties of committee

(a) The making of a careful study of the public school system in its county;

(b) To cooperate with the state board and the commissioner in arriving at a plan of organization of school districts within said county;

(c) To pass upon and recommend any plan for the organization of the school districts in said county, or portion thereof;

(d) To call for an election, or elections, to vote upon such plan as provided herein;

(e) To make arrangements for such election;

(f) To assist in the dissemination of information to the electors of the proposed district, or districts, as to the purpose and benefits of such proposed plan;

(g) To cooperate with the committee of adjoining counties in the event districts embracing two or more counties appear advisable;

(h) To make all certifications and perform all other acts specifically enjoined upon said committee by this act;

(i) In general, to do and perform all things reasonable or necessary to carry out the intent and purpose of this act and perfect an organization of the school districts within the county in conformity with the spirit of this act.

Term of committee members

**SECTION 5. Committee to continue until plan adopted.** The committee shall continue as such until a complete plan of organization of all school districts within the area of juris-

diction of the committee satisfactory to the commissioner, on consideration of the standards in section 11 of this act, shall have been adopted, either by a vote of the electors in case of organization, or by approval of the commissioner in cases where no such organization may be necessary in the existing districts, or until June 30, 1959, whichever date may be earlier. Upon the expiration of the term of the original committee, subsequent committees shall be elected by the procedure under section 4 of this act in each county in which no plan has been adopted; and each said subsequent committee shall have the powers and length of term of office as the original committee.

**SECTION 6. Vacancies in committee.** After the committee is instituted by acceptance of the majority as provided in section 4, in case of a vacancy in a committee by death, resignation, removal from the county, or failure of both a committee member and alternate to accept membership on a committee under the provisions of section 4 of this act, the majority members of the committee shall have authority to fill such vacancy or vacancies. If a member shall fail to attend two consecutive meetings, after due notice and without being excused by the committee, the office of such member shall be declared vacant and such vacancy filled by action of the remaining members of the committee.

**SECTION 7. Meetings—when and where held—notice.** Meetings of a committee may be held at a time and place specified by the committee at a previous meeting without further notice. The chairman may call special meetings upon notice mailed by the secretary to each member at least five days before such meeting. A meeting of the committee shall be called by the chairman on written request of three members of the committee upon notice mailed by the secretary to each member at least five days before such meeting.

**SECTION 8. Secretary certify personnel of committee.** When any committee shall have been constituted, as by this act provided, the secretary thereof shall certify to the commissioner the names and post office addresses of each member of such committee, indicating the persons elected as chairman and vice-chairman; any change in the personnel or officers of such committee shall be likewise certified to the commissioner.

Vacancies  
in  
committee  
of section  
4 (4) and  
(6)

Absence  
causes  
vacancy

Committee  
meetings

Chairman  
calls

Members  
request

Personnel  
certified to  
commissioner

Assistants  
to State  
Board

**SECTION 9. Assistants to the state board.** (1) *State board employ special assistants.* The state board shall have the power and authority to employ a special assistant to the commissioner, and such clerical and other assistants as may be necessary to render all reasonable assistance to the committees in the development and submission of a plan of organization in each county under the provisions of this act. Said special assistant to the commissioner, and other assistants, and clerical help in this section provided for shall work under the direction and supervision of the commissioner. All appointments provided for under this section shall be subject to the provisions of the constitution and laws of the state.

Compensation

(2) *Compensation and expenses.* The compensation of the special assistant, other assistants, clerical help and other expenses of the state board and the commissioner, including travel expenses of the commissioner, the special assistant and other assistants, incurred in the carrying out of provisions of this act shall be paid from the state school organization fund.

Expenses  
of Sec.  
35 and  
Sec. 38

**SECTION 10. Duties of commissioner and special assistant.**

Duties of  
commissioner  
and  
assistant

It shall be the duty of the commissioner and his special assistant if one be selected:

Study  
of plans,  
supply  
data

(1) To make a thorough study and survey of the plan, or plans, for the organization of school districts in each county in the state and to make available to the committees in each county of the state all information, facts, figures and statistics as available within the department;

Aid  
committees

(2) To render to the various committees such aid and assistance as may be reasonably required in such county, including visits to such county and meetings with the committee, to the end that a proper plan of organization may be accomplished as soon as possible in every county in the state; and

Publish  
reports

(3) To publish an annual report of progress of organization plans in the several counties on or before January 1, 1958, and each January 1 thereafter.

Conditions  
of plan

**SECTION 11. Conditions for consideration in development of organization plan.** In developing a plan of organization in any county, or part thereof, the committee and commissioner shall give consideration to the following:

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COLORADO SCHOOL LAWS -- 1957  
(Paragraphs 3 to 12, of SECTION 11)

- (3) Convenience and welfare of pupils.
- (4) Equalization of costs and benefits of the public school system in the county.
- (5) Value, amount and location of school properties involved in the proposed plan.
- (6) Nature and amount of all bonded, warrant, or other indebtedness of the districts, or parts of districts involved, including unsatisfied legal obligations and contracts of the districts involved, together with any cash or other assets of such districts.
- (7) Existing highways and roads and particularly as to whether they are all-weather roads.
- (8) Terrain and topography of the counties and existing attendance areas.
- (9) The manner and extent to which transportation should be furnished to pupils who attend the school, or schools, in any proposed district, the approximate cost of such transportation and manner in which such cost should be met, and no plan shall provide for the closing of any school unless suitable provision is made where necessary for the transportation of the pupils who would attend such school to some other school.
- (10) Provide attendance units for students in grade one through grade six near enough each student to permit transportation of the student to and from school each day under normal weather and road conditions in no more than one hour round trip, provided however that exceptions to this subsection may be approved by the state department of education.
- (11) Means of providing a twelve grade education for residents of any proposed districts of school age who are qualified therefor.
- (12) Advisability of combining under one administrative head, high school and elementary school districts.

(1) Educational needs of local communities.

(2) Maximum use of existing school buildings, sites, playgrounds and facilities either for school purposes, or other community activities.

**SECTION 12. Requirements for submission of plan to vote.** No plan of organization shall be subject to a vote as in this act provided unless:

Requirements  
for  
submission  
of plan

(1) The plan shall have been approved by the committee and the commissioner.

(2) The plan shall set forth the name and number by which the proposed district shall be designated.

(3) The plan shall set forth the considerations of section 11 herein and all other details as may have been determined by the committee and approved by the commissioner.

**SECTION 13. Requirements of plan.** (1) *Provisions for disposition of properties and assets.* The plan for organization shall contain a specific proposal for the equitable adjustment and distribution of all, or any part, of the properties and cash assets of the districts involved. In considering such equitable adjustment of the assets and liabilities as between the districts affected, the committee shall consider the number of children of school age resident therein and the assessed valuation of the property located in each district and in part of the districts involved and affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which, in the judgment of the committee, are of importance or essential in making the aforesaid equitable adjustment.

Requirements  
of plan

Disposition  
of  
property  
and  
assets

(2) *Election districts.* A plan shall provide a specific plan of representation for the members of the board of education of the proposed district. Said proposed district shall be subdivided into five to seven director districts as recommended by the committee and commissioner. Each subdivision shall be represented by one director and shall be as nearly as practicable contiguous, compact, and shall contain substantially the same number of people as each other director district. The plan shall designate the director districts from which

Election  
districts

members of the board of education shall be elected, (a) to serve until the next biennial election, and (b) to serve until the second biennial election.

Present  
boundaries  
disregarded

**SECTION 14. Present boundaries may be disregarded.**

In working out any plan of organization of the school districts within the county, or any part thereof, as provided in this act, the present district boundaries may be disregarded and districts, or parts of districts, may be included in a new district proposed to be organized, it being the intent hereof to provide, without regard to present boundaries, for the creation of larger administrative school units, or districts, having a broader tax base, in which, when it is necessary so to do, more than one attendance unit, or school may be maintained. A proposed district may include parts of one or more counties, *provided, however*, no plan for a proposed district situated in more than one county shall be submitted to a vote as herein provided for unless the committee of each county involved shall have approved such plan.

Joint  
committee  
approval  
for joint  
districts

**SECTION 15. Map and statements of benefits.** (1) *Preparation and filing of map and statement.*

When a proposed plan of organization of the school districts within a county, or part thereof, shall have been tentatively agreed upon by a committee, a map of the proposed district, or districts, shall be prepared showing the boundaries thereof and a statement of the description of the boundaries of such proposed district, or districts, and details of the plan; which map and statement shall be placed on file with the county superintendent, together with a statement prepared by the committee setting forth the considerations under section 11 herein and other facts considered pertinent by said committee for the information of the public as to the reasons for and benefits to be had from such proposal. The committee shall fix a date and a place for a hearing on such proposed plan.

Filing of  
map and  
statement  
of  
benefits

Hearing

(2) *Notice of filing.* The county superintendent shall give notice of the filing of such map and statement by publication of said fact in a newspaper of general circulation in each of the proposed districts and by causing to be posted a copy of said notice upon each schoolhouse, in which school is held during any part of the preceding twelve months, located within any such proposed district, and in five other public places with-

Notice of  
filing and  
hearing



in any such proposed district, and which notice shall give the time and place of the meeting of the committee for hearings on such proposed plan. A sufficient number of hearings shall be held to enable the residents of existing districts, which will be affected by the proposed plan, to receive adequate information and detail of said plan being considered. Any interested person may appear at such hearings and make objections to the proposed plan.

(3) *One publication.* One publication of such notice shall be sufficient and said publication and posting of such notice as aforesaid shall be made at least ten days prior to the date of such hearings. If there be no newspaper of general circulation in the district or districts affected, then posting of the notice as herein provided shall be sufficient.

**SECTION 16. Copy of plan and maps submitted to commissioner.** After such hearings the committee may make any changes in such proposed plan as to it shall seem advisable and shall then approve such proposed plan. Thereupon a copy of such proposed plan, together with a map showing the boundaries of any proposed district and a statement showing the facts considered pertinent by the committee in arriving at its approval of such proposed plan, shall be submitted to the commissioner for consideration. If the commissioner shall desire to suggest any changes or amendments in such proposed plan, the commissioner's changes or amendments together with the proposed plan shall be returned to the committee and conferences had between the commissioner or his special assistant or other assistants to the end that a mutually satisfactory plan may be perfected, if reasonably possible. Maps and statement showing revised plan arrived at after conference with the commissioner or his assistants shall be filed with the county superintendent and hearings shall be held thereon and notice thereof given as provided in the preceding section for any original plan.

**SECTION 17. Approved plan.** When a plan for organization of the school districts within a county, or any part thereof, has been approved by the committee and the commissioner, it shall be designated as the "final approved plan" and shall be ready for submission to a vote as hereinafter provided.

Publication

Submission  
of plan  
to  
commissioner

Commissioner  
amendments

Revised  
plan—  
filing—  
hearings  
cf.  
Sec. 21(3)

Final  
approved  
plan

Special  
election  
on plan

**SECTION 18. Committee set date of special election—**  
**notice.** The committee shall then set a date, not more than forty days after the final plan has been approved, for a special election wherein the voters in each proposed district may vote upon the adoption, or rejection, of such final approved plan and proceed to give notice thereof.

Notice

**SECTION 19. Notice published and posted.** The notice provided for in section 18 hereof shall be published twice in some newspaper of general circulation in the area of the proposed district, and posted at each schoolhouse in said area wherein school was held during any part of the preceding twelve months and in five other public places in said area. If there is no newspaper of general circulation in said area, the posting of said notice as herein provided shall be sufficient. Copies of such notice shall be posted at least twenty days before the date of said election and if notice be published it shall be published at least two times; six or more days shall elapse between the first and second publication and the last publication shall be at least ten days before said election.

Conduct  
of special  
election on  
plan—  
cf. Sec. 21

Judges

Polling  
places

Certification  
of results

Judge  
compensation  
cf. Sec. 38

**SECTION 20. Conduct of election.** At least five days before the special election three judges of election, who are qualified taxpaying electors of the district, shall be appointed by the committee for each polling place as designated by the committee in the proposed district. Such judges shall have the same power as provided by general law for school elections not inconsistent with this act. The polling places shall be conveniently located, preferably in existing school buildings. Polls shall be open from eight A. M. to seven P. M. In case any judge of election shall be absent or unable to act, the vacancy shall be filled by the qualified electors present including the other judges. Certification of the results of election shall be made by the judges to the secretary of the committee within twenty-four hours after the closing of the polls. Judges shall receive five dollars each for their services to be paid from the state school organization fund herein provided for.

Electors cf.  
Sec. 3 (8)

**SECTION 21. Qualification of electors and conduct of election.** (1) *Qualification of electors.* Electors voting in said election shall be taxpaying electors as defined by section 3 (8) of this act. No previous registration shall be required except in cases where such registration is required in general laws

pertaining to school district elections. The judges shall make a list of all voters voting at the election and shall deliver such list, together with the used and unused ballots to the secretary of the committee, with certification of results.

Judges  
make  
list

(2) *Form of ballot.* Ballots shall be unnumbered and shall be in form as follows:

Ballots

OFFICIAL BALLOT

For the plan of organization..... ( )

Against the plan of organization..... ( )

Each voter shall indicate his approval or disapproval of the proposition submitted by placing a cross mark (X) opposite the group of words on his ballot which express his choice.

(3) *Meeting to explain plan—notice.* Prior to such election a meeting, or meetings, of the electors in the area to be included in the proposed district shall be held in a convenient place, or places, within the area, at which meeting, or meetings, the plan of organization of the school districts in such area shall be fully explained. The committee shall arrange for such meeting, or meetings, and shall give notice thereof through the public press and in such other manner as may be deemed best by the committee, or committees, as the case may be.

Meetings  
to explain  
plan

**SECTION 22. Canvass of votes—certificate.** It shall be the duty of the committee to meet and canvass the returns and certification of said election and to declare the result thereof within five days after the closing of the polls. A certificate of such canvass and results thereof shall be forthwith filed in the office of the county superintendent. Ballots, lists of voters and certifications shall be filed in the office of the county superintendent and kept there for a period of one year after the election.

Canvass  
of votes

Certification  
of results

Ballots  
kept one  
year

**SECTION 23. Result of election certified to commissioner—contests.** (1) The county superintendent shall within ten days from the filing in his office of the certificate as to the result of such election by the committee, if the vote be in favor of said organization plan, certify such fact to the commissioner and shall furnish to the commissioner a map and description of such new district together with the name and number by which the same shall be designated.

Results  
certified  
to  
commissioner

Contest  
of  
election

(2) Contest of such election may be had in the county court wherein all, or a greater part, of the area of the proposed district is situated and the procedure shall be as provided in article 17 of chapter 49, Colorado Revised Statutes 1953, for the contest of election of county officers.

New  
district

Body  
corporate

Commissioner  
may  
approve  
old  
district  
operation  
to end  
of year

**SECTION 24. New district—body corporate—powers.** If a majority of the votes cast in the area of the proposed new district shall vote in favor of said organization the same new district shall upon the sixtieth day after certification of the results of said election to the county superintendent, be and become a body corporate under the name, style and number in the plan, and in that name may take, hold and convey property, both real and personal, and be a party to suits and contracts in the same manner and form as municipal corporations of this state; *provided* that on approval of the commissioner the old districts constituting a part of the new district may continue to function and operate the schools therein until the close of the school year, and to use the funds on hand or received through existing levies for the expense of the operation of such schools to the end of said school year and no apportionment or division of property or assets of said districts as herein provided shall be made until the close of the school year.

Preparation  
of revised  
plan

**SECTION 25. When revised plan prepared.** If the majority vote at said election shall not be in favor of the plan of organization the committee shall continue in its efforts in an attempt to prepare a revised plan which might be acceptable. If a revised plan is approved by the committee, it shall be submitted for the approval of the commissioner and if approved by him it shall be submitted to a vote under the procedure provided for submission of original plan.

New  
district  
first  
class

**SECTION 26. Classification of new districts.** Any new school district created under the provisions of this act shall become a district of the first class regardless of population, and all laws governing first-class districts shall be applicable to such new districts where not inconsistent with this act.

Board of  
Education

**SECTION 27. Board of Education.** (1) *Special election, notice and conduct.* When a new district shall have been formed under the provisions of this act the chairman of the committee shall call for 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. At such election five to seven members of the board of education, the number having been established in section 13 (2) herein, shall be elected as follows:

Election  
date cf.  
Sec. 13(2)

(a) When five members of a board of education are to be elected at such election, two shall be elected to serve until the next regular biennial school election, and three shall be elected to serve until the second regular biennial school election.

Five  
directors  
—terms

(b) When six directors are to be elected at such election, three shall be elected to serve until the next regular biennial school election, and three to serve until the second regular biennial school election.

Six  
directors  
—terms

(c) When seven directors are to be elected at such election, three shall be elected to serve until the next regular biennial school election, and four to serve until the second regular biennial school election.

Seven  
directors  
—terms

(d) As each of any of said terms expires, successors shall be chosen for terms of four years each.

Terms of  
successors

(e) Said election shall be held in accordance with the laws covering elections in school districts of a first class, except as otherwise provided in this act.

Conduct

(f) The chairman of the committee shall appoint judges of election, designate the polling place or places, and the hours during which the polls will be open, and in the absence of the secretary of the committee, he shall act as secretary with reference to such elections.

Chairman's  
duties

(2) *Organization.* After the first election of members of the board of education, the members so elected for such new district shall meet within ten days after the date of the organizational election and shall elect officers as provided by law for a district of the first class and thereupon enter upon and perform all the duties and exercise all the powers of the board of education of a district of the first class.

Organization  
of new  
board of  
education

(3) *Old boards of education.* When the members of the board of education of the new district assume their duties as herein provided, the board of education of any district or districts situated wholly within said new district shall cease

Old  
boards

Term  
expires

to function and the terms of office of the members thereof shall thereupon automatically expire, save and except, however, that if the schools in the old districts which are included in the new district continue to operate under the provisions of section 24 of this act, (the boards of education of the old districts shall continue to act as such for the purpose only of carrying on the operation of said schools until the end of the school year, and at the end of said school year the said boards of education shall have no further power and authority and the terms of the members thereof shall automatically expire. The board of education for the new district shall have full power and authority even if schools are held therein as above provided to make all necessary contracts for teachers, adopt budget, make contracts for transportation and do all other things necessary to be done with reference to the business affairs of said new district for succeeding school years. }

cf. Sec.  
24

New  
board's  
power  
for new  
year

Disposition  
of funds

District  
wholly  
embraced

**SECTION 28. Disposition of funds.** (1) *District wholly in new district.* Unless otherwise provided in the plan, when a new district formed under this act shall embrace all of the area of a school district, or districts, the school funds of such former district, or districts except funds for the retirement of bonded indebtedness then on hand or to be received under existing tax levies, after providing for all outstanding debts, except bonded indebtedness, shall become the property of the new district.

District  
partly  
embraced

(2) *District or districts partly in new district.* When only a part of a former district, or districts is embraced within a new district, a division of funds, except for the retirement of bonded indebtedness then on hand or to be received under existing tax levies shall be apportioned between the old district, or districts, and the new district as provided in section 123-7-6, Colorado Revised Statutes 1953. School buildings, grounds, playgrounds, furnishings and equipment therein situated shall be the property of the new district in which located, and none of such property shall be moved, or otherwise disposed of, in contemplation of any organization herein provided for.

Union or  
county  
high  
schools  
partly  
embraced

**SECTION 29. Union or county high schools in new district.** (1) *Areas partly embraced in union and county high schools.* Unless otherwise provided in the plan, when a new

district formed under this act shall embrace part of an area of a union or county high school district, such area shall be automatically withdrawn from the union or county high school district, except for the purpose of paying its portion of any existing bonded indebtedness as provided by law. In such case properties within its retained area and funds of the union or county high school district shall be retained by the union or county high school district.

(2) *High school or union district wholly embraced.* When a new district formed under this act shall embrace all of a union or county high school district, such union or county high school district shall be automatically dissolved and the properties and funds, except for the retirement of bonded indebtedness then on hand or to be received under existing tax levies shall, after providing for all outstanding indebtedness and obligations, except bonded indebtedness, become the property of the new district.

Union or  
county  
high  
schools  
wholly  
embraced

(3) *Union or county high school partly or entirely in two or more new districts.* In cases where a union or county high school district shall be partly or entirely included in two or more new districts formed under this act the properties or funds shall be divided as provided in section 123-7-6, Colorado Revised Statutes 1953, unless the plan shall otherwise provide.

Union or  
county  
high  
schools  
in two  
or more  
new  
districts

**SECTION 30. Proceeds from sale of assets.** In the event lands, buildings or land and buildings shall be sold by a new district formed under this act, the proceeds of such sale, less costs of sale, shall be applied first to the payment of unpaid principal and interest of bonded indebtedness, if any, of the former district, in which such property be situated at the time of its inclusion in the new district. If there be no such indebtedness, then, the proceeds of any such sale shall be used only for capital expenditures of the new district.

Proceeds  
from sale  
of assets

**SECTION 31. Bonded indebtedness of districts included.** The bonded indebtedness of any district existing at the time of inclusion of all or any part of its area in a new district under this act, shall be paid in the manner provided by sections 123-9-5 and 123-9-6, Colorado Revised Statutes 1953, for payment of bonded indebtedness and the duties therein assigned to the board of education of a united district shall be

Bonded  
indebtedness,  
cf. 123-9-5  
and  
123-9-6  
CRS '53

performed by the board of education of the new district organized under this act.

**SECTION 32. Limit of bonded indebtedness of new district.** Any new district formed under this act shall have a limit of bonded indebtedness of ten per cent of the assessed valuation of the taxable property in such district for the year next preceding the date of said bonds. The indebtedness of the former districts or parts of districts, constituting the new district, shall not be considered in fixing the limit of such ten per cent; *provided, however*, that if the board of education of such new district shall determine that an emergency exists and that the limit of bonded indebtedness of such new district hereinbefore set forth prevents such district from meeting such emergency, said board may make application to the Colorado tax commission for permission to incur an additional bonded indebtedness of not exceeding five per cent of the assessed valuation of the taxable property within such district, and on receiving such permission such district may contract an additional indebtedness of five per cent of the assessed valuation of the taxable property within such district.

**SECTION 33. New district may contract indebtedness.** Any new district formed under the provisions of this act shall have the power and authority to contract bonded indebtedness under the same procedure for the issuance of bonds by a school district of the first class as is now provided by the laws of Colorado or as the same may be amended.

**SECTION 34. Additional powers of the board.** In addition to the powers conferred by law upon boards of education of school districts of the first class, the board of education of any new district formed under the act shall have the power and authority to rent to any community organization any school building within such district not needed for school purposes at such rental as the school board may deem fair and reasonable under the circumstances; also such boards shall have the power and authority to contract with any other school district maintaining a four-year, accredited high school, and whose course of study is approved by said board, for the payment to such district of tuition of any resident of its district of school age and qualified to attend high school and to pay

Limit of  
indebtedness

Emergency  
increase  
in limit

New  
district  
may  
contract in-  
debtedness

Additional  
powers  
of board

Rental of  
buildings to  
community  
organizations

Contract for  
payment  
of high  
school  
tuition—  
Pay trans-  
portation  
or board  
and room



the transportation of such resident to and from such high school, or, in lieu thereof, with the consent of the parents or guardian, to pay the board and room, or part thereof, of such resident while attending such school; also, when deemed necessary or expedient, to contract with any other school district within the state, maintaining an accredited school, and whose course of study is approved by said board, for the payment of tuition to such other district of any resident of its school district.

Other  
tuition

**SECTION 35. State school organization fund.** There is hereby established in the office of the state treasurer a fund to be known as the "State School Organization Fund," which fund shall consist of such money as may be from time to time appropriated thereto by the General Assembly; said fund to be administered by the commissioner.

State  
school  
organization  
fund of.  
Sec. 38

**SECTION 36. Compensation of committee.** (1) *Members of the committee.* Members of the committee shall not receive any compensation for their services, but shall be entitled to reimbursement for actual expenses incurred for performance of their duties hereunder.

Compensation  
Members of  
committee

(2) *County superintendents.* County superintendents in their respective counties shall not receive any additional compensation for their services, but shall be entitled to reimbursement for any extra expenses incurred in the performance of their duties hereunder.

County  
superin-  
tendent

(3) *Assistants to county superintendents.* On request by the committee and approval by the commissioner, a county superintendent may employ temporary assistants to be paid from the state school organization fund herein provided for upon vouchers signed by the person rendering such service, approved by the county superintendent and commissioner.

Assistants  
to county  
superin-  
tendents

(4) *Travel expenses.* Reimbursement for travel and other expenses within the state of Colorado, of the county superintendent, his assistants employed under this act, and of the members of the committee and its employees, including necessary supplies and travel expenses within the state of Colorado, shall be made by the state treasurer from the state school organization fund upon vouchers signed by the person claiming reimbursement, and in case of members of the committee,

Travel  
expenses

its assistants, and assistants to the county superintendent, the vouchers shall be approved by the county superintendent and by the commissioner, or in case the claimant is a county superintendent, the voucher shall be approved by the commissioner only.

State board personnel

(5) *Compensation and expenses of state board.* Payment of compensation to and expenses of the personnel appointed by the state board together with the expenses of the commissioner, including clerical help, supplies and travel expense shall be made by the state treasurer upon vouchers approved by the commissioner.

Automobile travel

(6) *Automobile travel.* All travel by automobile shall be reimbursed at the rate of seven cents per mile, actual travel.

Auditing

(7) *Auditing.* All vouchers on school organization fund after their approval, prior to payment by the state treasurer, shall be referred to the division of accounts and control for audit.

Committee ceases to function

**SECTION 37. When committee ceases to function.** On June 30, 1959, except in cases where a final plan is ready to be submitted to a vote, or where a new district has been formed but the election of its board of education has not been held, all school planning committees shall cease to function, and a subsequent committee shall thereupon be elected in accordance with sections 4 and 5 of this act.

Appropriation

**SECTION 38. Appropriation.** There is hereby appropriated out of monies in the state treasury not otherwise appropriated to the state school organization fund the sum of \$55,000.00, or so much thereof as may be necessary to be expended for necessary expenses of any committee and the state department of education, but not to exceed \$500.00 for each such committee, or for travel expenses of any representative of the state department of education for fulfilling the purposes provided in this act. Said appropriation shall become available upon the effective date of this act.

Other laws on boundary changes superseded

**SECTION 39. Application of act.** From and after the effective date of this act no school district shall be organized except under the provisions of this act, and no consolidation of existing school districts, annexation to existing districts, or

formation of joint school districts, union high school districts, or county high school districts shall be made except as permitted under this act.

SECTION 40. **Severability clause.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

Severability  
clause

SECTION 41. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Emergency  
clause

Approved by the Governor May 1, 1957.

of making any law which shall be in violation of the provisions of this act, or of making any law which shall be in violation of the provisions of the constitution of the United States, shall be null and void.

**SECTION 10.** Any person who shall be guilty of any offense against the provisions of this act, shall be liable to a fine of not more than one hundred dollars, or to imprisonment for not more than six months, or to both such fine and imprisonment, at the discretion of the court.

**SECTION 11.** The Board of Health shall have the honor and authority to make and enforce such rules and regulations as may be necessary for the maintenance of the public health and safety.

**SECTION 12.** The Board of Health shall have the honor and authority to make and enforce such rules and regulations as may be necessary for the maintenance of the public health and safety.

**SECTION 13.** The Board of Health shall have the honor and authority to make and enforce such rules and regulations as may be necessary for the maintenance of the public health and safety.

**SECTION 14.** The Board of Health shall have the honor and authority to make and enforce such rules and regulations as may be necessary for the maintenance of the public health and safety.

**SECTION 15.** The Board of Health shall have the honor and authority to make and enforce such rules and regulations as may be necessary for the maintenance of the public health and safety.

## RESOLUTIONS

WHEREAS the State of Colorado will be the first State authorized with this safety measure;

While the General Assembly hereby expresses its desire to support the same for children riding school buses;

Resolved that a resolution of the General Assembly shall advise the State of Colorado and Federal Highway Administration of the steps as well as signs which will be placed on such highways that they are operating with such law may be successful in securing the safety of our children;

It is the policy of the State of Colorado that the State Highway Commission, the State Highway Board;

That the department of Highway is hereby authorized and directed to cooperate with the department of education and with local school districts in the purchase of such school busses and equipment, such signs and other such signs as may be necessary, all State and Federal highways of the department to be used and that such warning signs be placed on such highways that such signs that the motorist may see when they are in motor vehicle may be to comply with the provisions of House Bill No. 23 and

It is further resolved that a copy of this resolution be distributed to the department of highway and to the department of education of the State of Colorado.

RESOLUTIONS

HOUSE JOINT RESOLUTION NO. 25

WHEREAS, The House of Representatives and the Senate of the Colorado General Assembly have enacted House Bill No. 22, requiring motor vehicles to stop for school buses, and the enactment of this bill is an attempt by the state to comply with national safety practices and with those provisions of the National Safety Uniform Traffic Code concerning school buses and the displaying of signs at regular school bus stops and signs notifying motorists in the state of such bus stops when approaching such stops; and

WHEREAS, By this new law motorists in Colorado will be for the first time confronted with this salutary safety measure; and

WHEREAS, The General Assembly hereby expresses its desire to promote maximum safety for children riding school buses; and

WHEREAS, It is the consensus of the General Assembly that highway signs be erected along the state and federal highways indicating regular school bus stops as well as signs informing motorists travelling upon such highways that they are approaching such stops, so that they may be forewarned of scheduled bus stops in advance; now, therefore,

*Be It Resolved by the House of Representatives of the Forty-first General Assembly, the Senate concurring herein:*

That the department of highways is hereby authorized and directed, in cooperation with the department of education and with local school authorities, to fix the location of such school bus stops, and erect signs at such stops and also erect signs warning motorists on all state and federal highways of the approach to such bus stops, and that such warning signs be placed sufficient distance away from such stops that the motorist can, with safety, stop his motor vehicle so as to comply with the provisions of House Bill No 22; and

*Be It Further Resolved,* That a copy of this resolution be duly transmitted to the department of highways and to the department of education of the state of Colorado.

HOUSE JOINT RESOLUTION NO. 31

WHEREAS, Real and personal property in the state for ad valorem tax purposes is now assessed by sixty-three county assessors; and

WHEREAS, Property of all public utilities is now assessed by the State Tax Commission; and

WHEREAS, The statutes under which both county assessors and the State Tax Commission operate contain ambiguous and contradictory provisions and are subject to criticism by the assessors, the State Tax Commission, and property taxpayers throughout the state; and

WHEREAS, A sound and equitable program of state support of education requires that real and personal property in the several counties and school districts of the state be uniformly and equitably assessed; and

WHEREAS, The people of this state have approved an amendment to the state constitution whereby property taxes shall be levied, assessed, and collected under general laws which shall prescribe such methods and regulations as shall secure just and equalized valuations for assessment of taxes upon all property, real and personal, located within the territorial limits of the authority levying the tax; and

WHEREAS, There is urgent need for a study of the assessment statutes and methods and procedures now being used and followed in this state in assessing real and personal property for ad valorem tax purposes; now, therefore,

*Be It Resolved by the House of Representatives of the Forty-first General Assembly, the State of Colorado, the Senate concurring herein:*

1. The Legislative Council is hereby directed to make a study of the methods and procedures now being used and followed by each of the county assessors of the several counties of the state in assessing real and personal property situate in such counties, and of the methods and procedures now being used and followed by the State Tax Commission in assessing the property of public utilities in this state.



2. The Council is further directed to make a study of assessment statutes under which the county assessors and State Tax Commission operate.

3. In conducting such study, the Legislative Council shall make direct contact with each of the county assessors of the several counties of the state and with the State Tax Commission. Each county assessor, and the State Tax Commission, is hereby directed by the General Assembly to cooperate fully with the Council and its staff in the conduct of such study, and to furnish to the Council available data and information requested by the Council.

4. The Legislative Council is also directed to examine into the matter of uniformity of property assessments within and among the sixty-three counties of the state.

5. The Legislative Council shall make a report of its findings to the General Assembly and to the Governor no later than December 31, 1957.

6. In the conduct of the study, the Council may retain such technical assistants as it may determine necessary, and in the event that the Council shall create a subcommittee to function under the terms and directions of this resolution, the members thereof shall be reimbursed for all necessary travel and subsistence expenses incurred in the performance of their duties. The Council may also appoint an advisory committee to aid in such study, *provided, however*, the members of such advisory committee shall not receive any compensation or other reimbursement for their services or attendance at meetings.

7. All expenditures incurred in the conduct of the study directed by this resolution shall be approved by the chairman of the Legislative Council and shall be paid by vouchers and warrants drawn as provided by law, from the appropriation made to the Legislative Department by Senate Bill No. 5, enacted by the Forty-first General Assembly in its first regular session and approved by the Governor on January 18, 1957. No more than \$50,000 shall be expended for this purpose.

8. Copies of this resolution shall be transmitted to the Director of the Legislative Council, the President of the Colorado Assessors' Association, and to the Chairman of the Colorado Tax Commission.

HOUSE JOINT RESOLUTION NO. 34

WHEREAS, The statutes of the state requiring publication of financial statements by political subdivisions of the State of Colorado have not been reviewed with respect to their need and adequacy and, further, there is no uniformity of publication by the several political subdivisions, nor is there any relationship between the publications and the Local Government Budget Law and Public Audit Law; and

WHEREAS, There is a need for an investigation of the types of publications that will best inform the people about the financial affairs of their local governments; now, therefore,

*Be It Resolved by the House of Representatives of the Forty-first General Assembly, the Senate concurring herein:*

That the Colorado Legislative Council or a subcommittee appointed by the Council, is hereby directed to make a study of the existing statutes requiring publication of fiscal affairs of local subdivisions with a view to determining: (1) the present need for such publications, (2) the sufficiency of the existing statutes, and (3) possible changes in legislation; and

*Be It Further Resolved:* That the Council shall conduct its study during the year 1957 and report its findings and recommendations by the convening of the Second Regular Session of the Forty-first General Assembly in January, 1958; and

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

HOUSE JOINT RESOLUTION NO. 40

WHEREAS, The education of our young people has been, and remains of the utmost importance to the General Assembly; and

WHEREAS, Solution of the problems of financing, administration and organization of school facilities is basic to the providing of better educational facilities; and

WHEREAS, The Fortieth General Assembly deemed the matter of education to be of such importance that it requested the Legislative Council and a permanent subcommittee to make a study of some of the basic problems of education; and

WHEREAS, Said study has been performed and the report made pursuant thereto has expressed the need for a continuation of such study; and

WHEREAS, The Forty-first General Assembly has had numerous educational bills under consideration which have focused the need for continuing the study of education; and

WHEREAS, In the light of the foregoing, it is the conclusion of this body that there is a need for a sustained legislative study of educational problems, in order that the General Assembly may continue to provide leadership in this most important of all governmental functions; now, therefore,

*Be It Resolved by the House of Representatives of the Forty-first General Assembly, the Senate concurring herein:*

1. The Legislative Council is directed to appoint a committee for the purpose of continuing the study of education, at all levels, which it started under the terms of H.J.R. 8, passed by the General Assembly in 1955.

2. In addition to such other areas of inquiry which the Council and its Education Committee may pursue, the committee is directed to make specific study of:

(a) The operation of such new school legislation as is passed at the First Regular Session of the Forty-first General Assembly;

(b) The school district programs receiving state support which are not included in the basic school aid program;

(c) The school building requirements of school districts and their available financial resources to meet these needs;

(d) The extent of school district income from sources other than ad valorem taxes, and the likelihood of including such monies as a local resource in measuring the need for state equalization support;

(e) The desirability of removing from the State Tax Commission the responsibility for approving excess school district budget increases and bond issues, and placing this approval in the hands of the school district electorate or a state agency other than the Tax Commission;

(f) The methods by which the state can meet the demands for education beyond the high school. In this regard, the committee shall pay particular attention to the further development of junior colleges throughout Colorado and especially the establishment of a junior college in the metropolitan Denver area, the Colorado Springs area, Northwestern Colorado, and North-Central Colorado.

(g) Work in conjunction with the committee established under House Joint Resolution No. 31 relating to tax study to determine feasibility of sales ratio or economic index.

3. The Council shall report to the Second Regular Session of the Forty-first General Assembly and to the Forty-Second General Assembly.

4. All travel and subsistence expenses of legislators appointed as committee members pursuant to this resolution shall be paid from the Legislative appropriation made in Senate Bill No. 5, signed by the Governor on January 18, 1957; *provided, however*, that no more than \$5,000.00 may be expended for this purpose.

5. A copy of this Resolution shall be transmitted to the Director of the Legislative Council.

## HOUSE JOINT RESOLUTION NO. 42

WHEREAS, Repeated attempts have been made in the past few years to cover employees of the state under the provisions of the federal old age and survivors insurance system, by the enactment of appropriate legislation to integrate or supplement the present public employees' retirement system into the federal system; and

WHEREAS, The General Assembly does not believe at this time that it has sufficient information or data on the effect of covering public employees now covered under PERA, also under OASI, or of providing for an integrated or supplementary plan coordinating the two systems; and

WHEREAS, The General Assembly is desirous not only of protecting the interests of those employees of the state, school districts and municipalities who have contributed to PERA over a period of some twenty-five years and of maintaining on an actuarial basis the \$50,000,000 fund built up under such system, but is likewise interested in extending the benefits of OASI to public employees desiring it; now, therefore,

*Be It Resolved by the House of Representatives of the Forty-first General Assembly, the Senate concurring herein:*

(1) That the Legislative Council is hereby instructed to conduct a study of the public employees' retirement system and the feasibility of its coordination, integration or supplementation with the federal old age and survivors insurance system, or to appoint a subcommittee of the council to make such study;

(2) That the council or the subcommittee is authorized to consult with any interested persons, organizations or governmental officials to assist it in its study; to request the furnishing of data by any state official as to any additional contributions by employees required for any recommended changes, as well as additional state matching funds that may be necessary; and to employ an actuary to assist it in making an actuarial determination of the effect of any such recommended changes;

(3) That any necessary travel and subsistence expenses incurred by members of the council or the subcommittee, the expenses of employing an actuary or other personnel in connection with the study, and other necessary expenses of the committee, shall be paid from the appropriation made to the legislative department by S.B. No. 5, enacted by the Forty-first General Assembly and approved by the Governor on January 18, 1957; *provided* that such expenses shall not exceed \$2,500.00, which amount is hereby allocated from said appropriation for the purposes herein specified. All such expenditures shall be approved by the chairman of the council and be payable by warrants drawn as provided by law.

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