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SCHOOL LAWS

Enacted By

The Forty-First General Assembly

Second Regular Session

STATE OF COLORADO

1958



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



DENVER
1958

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School Laws

Enacted By

The Forty-First General Assembly

Second Regular Session

STATE OF COLORADO

1958



OFFICE OF
ADMINISTRATIVE SERVICES

John H. Swenson,
Assistant Commissioner



DENVER
1958

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

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INDEX

HOUSE BILLS

House Bill No. 3—Compensation of county officials—salary increase (Ch. 41, S.L. '58)	1
House Bill No. 8—Refund overpayment sales tax District 13, Morgan County (Ch. 20, S.L. '58)	4
House Bill No. 40—Refund overpayment sales tax District 4, Routt County (Ch. 21, S.L. '58)	5
House Bill No. 43—Disposition of sale of lands—Deaf & Blind Schools (Ch. 54, S.L. '58)	6
House Bill No. 82—Appropriation—State School Aid—Transportation, etc. (Ch. 7, S.L. '58)	7

SENATE BILLS

Senate Bill No. 10—Refund overpayment sales tax, District No. 12, Adams County (Ch. 19, S.L. '58)	11
Senate Bill No. 13—Amends "Public School Foundation Act." (See H.B. No. 82) (Ch. 51, S.L. '58) (for appropriation)	12
Senate Bill No. 18—Supplemental appropriation—Teachers' Emeritus Retirement Fund (Ch. 25, S.L. '58)	29
Senate Bill No. 21—Supplemental appropriation—State Institutions of Higher Learning Retirement Fund (Ch. 23, S.L. '58)	30
Senate Bill No. 25—Scholastic Achievement—Board of Education state agency (Ch. 50, S.L. '58) (See H.B. 82 for appropriation)	31

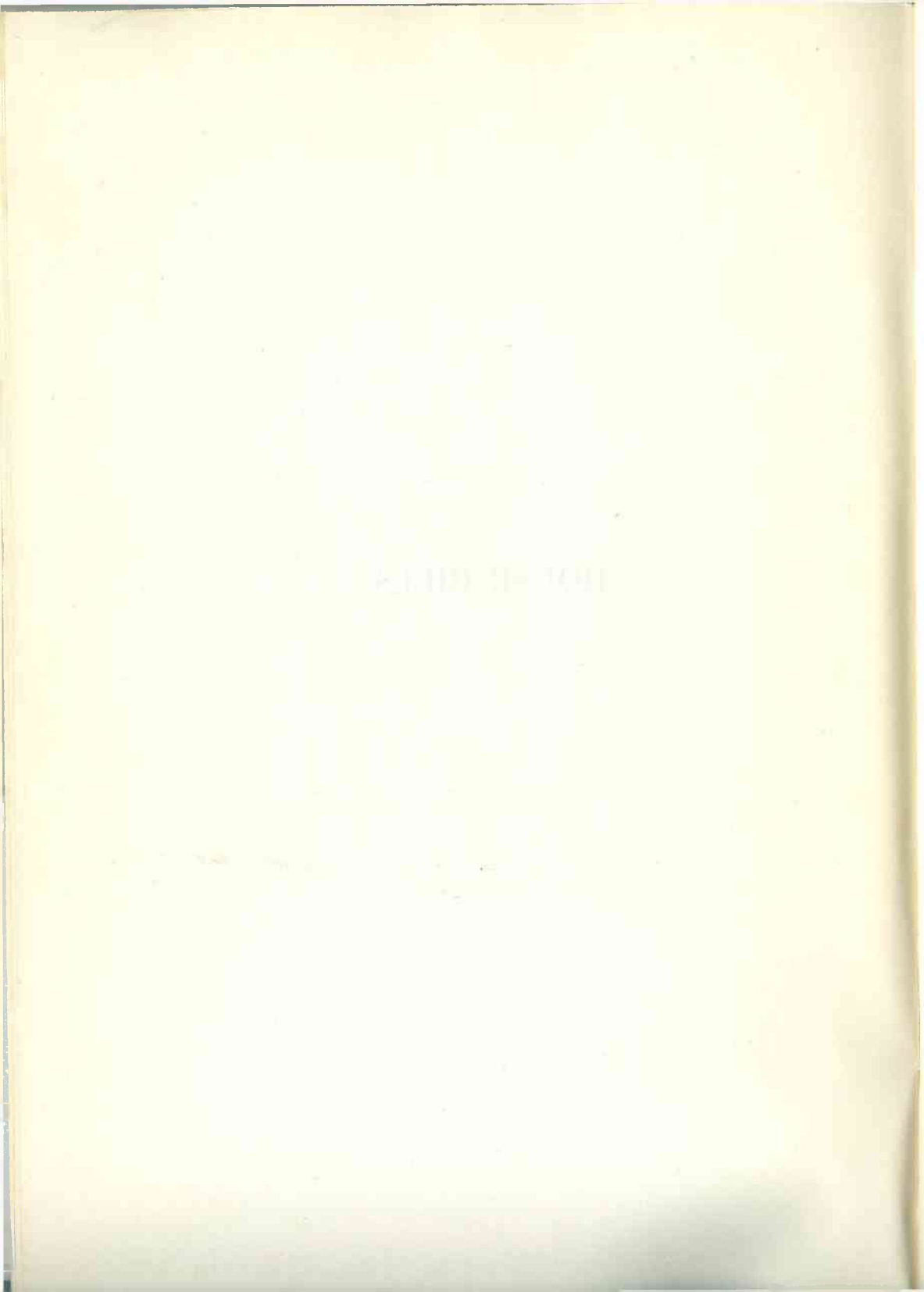
AMENDMENTS TO THE COLORADO CONSTITUTION

House Concurrent Resolution No. 1 (Compensation county and precinct officers)	35
House Concurrent Resolution No. 14 (Provision for alternate forms of county government)	37
Senate Concurrent Resolution No. 10 (Civil Service)	39

RESOLUTION

House Joint Resolution No. 6 (Education Beyond the High School)	47
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HOUSE BILLS



A N A C T
House Bill No. 3
(Ch. 41, S.L. '58)

RELATING TO THE COMPENSATION OF CERTAIN
COUNTY AND OTHER OFFICERS.

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

SECTION 1. 56-2-4, 56-2-5, 56-2-6, 56-2-7, 56-2-8, Colorado Revised Statutes 1953, as amended, are 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, Adams, and Larimer as Group A; and Mesa, Las Animas and Otero as Group B; and the annual salaries of county and other officers shall be as follows:

	Group A	Group B
(a) County Commissioners	\$6,000.00	\$4,100.00
(b) County superintendent of schools	5,600.00	5,200.00
(c) County clerk	6,000.00	5,400.00
(d) County treasurer	6,000.00	5,400.00
(e) County assessor	6,000.00	5,400.00
(f) County sheriff	6,000.00	5,400.00

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

	Group A	Group B	Group C
(a) County commis- sioners	\$3,120.00	\$2,640.00	\$2,640.00
(b) County superintend- ent of schools.....	4,900.00	4,400.00	4,400.00
(c) County clerk	5,100.00	4,700.00	4,700.00
(d) County treasurer	5,100.00	4,700.00	4,700.00
(e) County assessor	5,100.00	4,700.00	4,700.00
(f) County sheriff	5,100.00	4,700.00	4,700.00

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; and Cheyenne, Clear Creek, Archuleta, Kiowa, Park, Teller and San Miguel as Group B; and the annual salaries of county and other officers shall be as follows:

	Group A	Group B
(a) County commissioners	\$2,400.00	\$2,040.00
(b) County superintendent of schools	3,900.00	3,240.00
(c) County clerk	4,400.00	4,000.00
(d) County treasurer	4,400.00	4,000.00
(e) County assessor	4,400.00	4,000.00
(f) County sheriff	4,400.00	4,000.00

56-2-7. **Class V.** Class V shall consist of the counties of Ouray, Jackson, Dolores, Pitkin and Custer; and the annual salaries of county and other officers shall be as follows:

(a) County commissioners	\$1,800.00
(b) County superintendent of schools	2,880.00
(c) County clerk	3,600.00
(d) County treasurer	3,600.00
(e) County assessor	3,600.00
(f) County sheriff	3,600.00

56-2-8. **Class VI.** Class VI shall consist of the counties of San Juan, Summit and Gilpin as Group A; and Mineral and Hinsdale as Group B:

	Group A	Group B
(a) County commissioners	\$1,560.00	\$ 720.00
(b) County superintendent of schools	2,520.00	720.00
(c) County clerk	3,360.00	2,760.00
(d) County treasurer	3,360.00	2,760.00
(e) County assessor	3,360.00	2,760.00
(f) County sheriff	3,360.00	2,760.00

SECTION 2. This act and the salaries fixed for county and other officials by section 1 of this act shall become effective the second Tuesday of January, 1959.

SECTION 3. **Effect of invalidity of part of this act.** If a court of competent jurisdiction shall adjudge to be invalid or

unconstitutional any clause, sentence, paragraph, section or part of this act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this act so adjudged to be invalid or unconstitutional.

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

Approved by the Governor March 6, 1958.

A N A C T
House Bill No. 8
(Ch. 20, S.L. '58)

FOR THE RELIEF OF SCHOOL DISTRICT NO. 13,
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 seventy dollars and ninety-nine cents (\$470.99), to reimburse School District No. 13, Morgan County, Colorado, for sales taxes paid on the construction of a school building and other improvements, 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. 13, Morgan County, 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 5, 1958.

A N A C T
House Bill No. 40
(Ch. 21, S.L. '58)

FOR THE RELIEF OF SCHOOL DISTRICT NO. 4 OF
STEAMBOAT SPRINGS IN ROUTT COUNTY, COLO-
RADO.

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 sixty-nine dollars and fourteen cents (\$769.14), to reimburse School District No. 4 of Steamboat Springs in Routt County, Colorado, for sales taxes paid on the construction of a school building in the city of Steamboat Springs, 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. 4, Steamboat Springs, 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 5, 1958.

A N A C T
House Bill No. 43
(Ch. 54, S.L. '58)

TO AMEND SECTION 2 OF CHAPTER 299, SESSION LAWS OF COLORADO 1955, CONCERNING THE DISPOSITION OF THE PROCEEDS FROM THE SALE OF LAND AUTHORIZED BY SECTION 1 OF SAID CHAPTER.

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

SECTION 1. Section 2 of chapter 299, Session Laws of Colorado 1955, is hereby amended to read as follows :

SECTION 2. **Disposition of proceeds.** The proceeds from the sale of the above described land shall be remitted by the board of trustees to the state treasurer and shall be credited by him to a special fund. Said fund shall be retained by the state treasurer subject to appropriation by the general assembly, for the repair, maintenance and furnishing of existing buildings or for the construction and furnishing of additional buildings and facilities at said school. Any portion of said fund not required for the above purposes may be utilized, upon appropriation by the general assembly, for other purposes at said school.

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

Approved by the Governor February 4, 1958.

A N A C T
House Bill No. 82
(Ch. 7, S.L. '58)

RELATING TO THE PUBLIC SCHOOLS AND MAKING
AN APPROPRIATION TO THE STATE DEPART-
MENT OF EDUCATION FOR THE PURPOSE OF
PROVIDING FUNDS FOR DISTRIBUTION DURING
THE FISCAL YEAR BEGINNING JULY 1, 1958.

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the state department of education, for the purpose of providing funds for distribution during the fiscal year beginning July 1, 1958, under the provisions of Chapter 123, Article 26, Colorado Revised Statutes 1953, as amended (which is Chapter 238, Session Laws of 1957, as amended by Senate Bill 13, Second Regular Session, Forty-first General Assembly), the sum of twenty-one million eight hundred thousand dollars (\$21,800,000.00).

SECTION 2. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the state department of education, the sum of fifty thousand dollars (\$50,000.00) for the purpose of fulfilling the provisions of Senate Bill 25, Second Regular Session 1958, Forty-first General Assembly, during the fiscal year beginning July 1, 1958, provided that if said bill does not become law or if any balance otherwise remains unexpended or unencumbered as of May 15, 1959, the balance of said moneys shall be distributed prior to June 30, 1959, in the same manner as are moneys appropriated under Section 1 of this act.

SECTION 3. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the public school transportation fund for the fiscal year beginning July 1, 1958, the sum of one million three hundred thousand dollars (\$1,300,000.00) for distribution under the provisions of chapter 99, Session Laws of Colorado 1956, as amended by chapter 238, Session Laws of Colorado 1957.

Any provisions of said chapters to the contrary notwithstanding, the moneys appropriated by this section shall also be used to transport children who must necessarily attend out-of-state schools, subject to the allocation by formula in the provisions of said chapters.

SECTION 4. In the event there is temporarily an insufficient cash balance in the general revenue fund or the general cash revolving fund to meet the immediate obligations for distribution of money under the provisions of sections 1, 2 and 3 of this act, and there is money to the credit of the "direct grant reserve" allocated from the public school income fund under the provisions of 123-26-13 (7), Colorado Revised Statutes 1953, which is not needed to meet the obligation of such fund, the state treasurer shall, with the approval of the governor and the state controller, transfer so much as is necessary of such money in said fund to the state general fund for the purpose of meeting the payments required to meet the appropriations in sections 1, 2 and 3 of this act. If any such transfer is approved, the transfer of moneys to the general fund under this section shall be made on or before April 20, 1959, and shall be repaid in full to the general revenue fund or general cash revolving fund on or before the same date.

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 March 6, 1958.

SENATE BILLS

REYNOLDS

A N A C T
Senate Bill No. 10
(Ch. 19, S.L. '58)

FOR THE RELIEF OF ADAMS COUNTY SCHOOL DISTRICT NO. 12.

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-nine dollars and eighty-six cents (\$499.86), or so much thereof as may be necessary, to reimburse Adams County School District No. 12 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 Adams County School District No. 12.

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 14, 1958.

A N A C T
Senate Bill No. 13
(Ch. 51, S.L. '58)

TO AMEND SECTIONS 7 (3) AND 11 OF CHAPTER
238, SESSION LAWS OF COLORADO 1957 (SECTIONS
123-26-7 (3) AND 123-26-11, SUPPLEMENT TO COLO-
RADO REVISED STATUTES 1953), RELATING TO

"THE PUBLIC SCHOOL FOUNDATION ACT"

(Amendments in Italics)

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 committee in junior college districts.

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

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

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

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

Additional
classroom
units for
attendance
centers

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 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.

State Board
to make
annual report
to General
Assembly

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.

Definition
of
aggregate
days of
attendance

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

Aggregate
days of
attendance
when new
districts
are
formed

(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.

(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 of one hundred seventy-two.

Average
daily
attendance
computed
upon
172 days

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 treasurer's office a fund to be known as the "state public school fund," which is derived from the net balance of the public school income fund as of 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 moneys allocated to said state public school fund by statutes now in effect; from such moneys as may be appropriated to the state public school fund from time to time; and from such other sources as may be made available to the said fund.

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

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

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 moneys provided for in this act, and moneys 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

Twelve
mill
county
levy
provided

County
commissioners
petition
State
Board for
reduced levy,
when—

the board of 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 two years only, being the school years 1957-1959, the tax years 1957 and 1958, which are the tax collection years of 1958 and 1959, 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.

Minimum days of school

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.

Closing of school in case of emergency

Computing average attendance

State Board to 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. Upon approval of the county superintendent of schools, a district shall be considered an eligible district if it is educating all or a portion of its children in a school district of another state, except that such funds as would be due it under this section shall not exceed the tuition and transportation paid by said district to the district of the other state. Under the provisions of this section, the days of attendance of pupils in the out-of-state district shall be considered the days of attendance to compute the classroom units in the district educating its children out-of-state. 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

Pupils attend out-of-state when—

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

treasurer the proportionate part of said fund to which each district is entitled, and furnish the county superintendent with a duplicate of certification. The proportion so certified by the state board shall be the basis on which the fund shall be distributed during the calendar year. The county treasurer at the end of each month shall credit the amounts of money in the county public school fund to the special funds of the respective districts in said proportion.

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.

SECTION 13. Distribution of state public school fund.

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

(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 moneys 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
investigations

(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

Direct
grant
reserve

State Board to determine distribution

districts in the state. The state board shall determine the proportionate share of all moneys to be distributed 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 moneys to the county treasurers, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled.

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 cal-

endar 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 moneys to the county treasurers, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled.

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 non-graduate 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 classroom

Assignment of classroom units

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 moneys to the respective county treasurers of the counties in which the college buildings are located, and said moneys shall be by each such county treasurer credited to a fund designated "For the expense of _____ Junior College." Said moneys shall be paid out on warrants regu-

Money
received may
be used for
current
operating
uses.

larly drawn on said county treasurer by the junior college committee and may be used for current operating costs.

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

Moneys 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 joint district shall be drawn only upon the county treasurer of the county in which such administrative headquarters is situated. The county treasurer of the county in which such administrative headquarters is situated shall not charge any treasurer's collection fee upon moneys so transferred to him from other counties.

Payments made at end of each month

Board of
education notify
State Board
and county
treasurer of
administrative
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 moneys 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 moneys 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 moneys 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 moneys 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 moneys in the county public 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 in which 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 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.

Board allowance in lieu of transportation

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 March 6, 1958.

(See House Bill 82, on Page 7, for appropriations.)

A N A C T
Senate Bill No. 18
(Ch. 25, S.L. '58)

MAKING A SUPPLEMENTAL APPROPRIATION FOR
THE CURRENT FISCAL YEAR ENDING JUNE 30,
1958, TO THE TEACHERS' EMERITUS RETIRE-
MENT FUND, ADMINISTERED BY THE STATE
DEPARTMENT OF EDUCATION.

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

SECTION 1. In addition to any appropriation heretofore made for the current fiscal year, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the state teachers' emeritus retirement fund, the sum of forty-eight thousand nine hundred dollars (\$48,900.00), or so much thereof as may be necessary, for the current fiscal year ending June 30, 1958, for payment to persons qualifying for retirement benefits payable from said fund, as specified in article 19 of Chapter 123, Colorado Revised Statutes 1953, as amended.

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 15, 1958.

A N A C T
Senate Bill No. 21
(Ch. 23, S.L. '58)

MAKING A SUPPLEMENTAL APPROPRIATION FOR
THE CURRENT FISCAL YEAR ENDING JUNE 30,
1958, TO THE STATE INSTITUTIONS OF HIGHER
LEARNING EMERITUS RETIREMENT FUND, AD-
MINISTERED BY THE STATE DEPARTMENT OF
EDUCATION.

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

SECTION 1. In addition to any appropriation heretofore made for the current fiscal year, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the state institutions of higher learning emeritus retirement fund, the sum of twenty-seven thousand three hundred dollars (\$27,300.00), or so much thereof as may be necessary, for the current fiscal year ending June 30, 1958, for payment to persons qualifying for retirement benefits payable from said fund, as specified in article 17 of chapter 124, Colorado Revised Statutes 1953 (Cumulative Supplement), as amended.

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 15, 1958.

A N A C T
Senate Bill No. 25
(Ch. 50, S.L. '58)

CONCERNING THE PROMOTION OF SCHOLASTIC
ACHIEVEMENT.

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

SECTION 1. **Acceptance of federal funds — custodian.**

(1) The state board of education, hereinafter referred to as the "board," is hereby authorized as the approved state agency to accept such funds as may be made available to said board in conformity with public law of the United States and as appropriated under the provisions of House Bill No. 82, Second Regular Session, Forty-first General Assembly, for the promotion of scholastic achievement: *provided, however*, that the administration of the receipt and expenditure of such funds is not inconsistent with either federal or state laws relating to the distribution of funds for school purposes.

(2) The state treasurer is hereby appointed custodian of federal funds so accepted by the state and is hereby directed to pay out such funds on vouchers issued by the board during the effective period of this act.

SECTION 2. **Advisory committee.** The Legislative Council shall appoint an advisory committee of not less than twelve persons to study and report upon problems and programs of scholastic achievement in all levels of scholastic endeavor.

(1) The membership of said committee shall embrace at least

(a) Four persons in full-time educational positions to include these areas of professional assignment: Public elementary-secondary level, private degree-conferring institutions of higher learning, public degree-conferring institutions of higher learning, and public or private junior colleges; *provided*, that at least two of said four persons shall be fulfilling full-time instructional duties; and

(b) Four persons who are lay citizens.

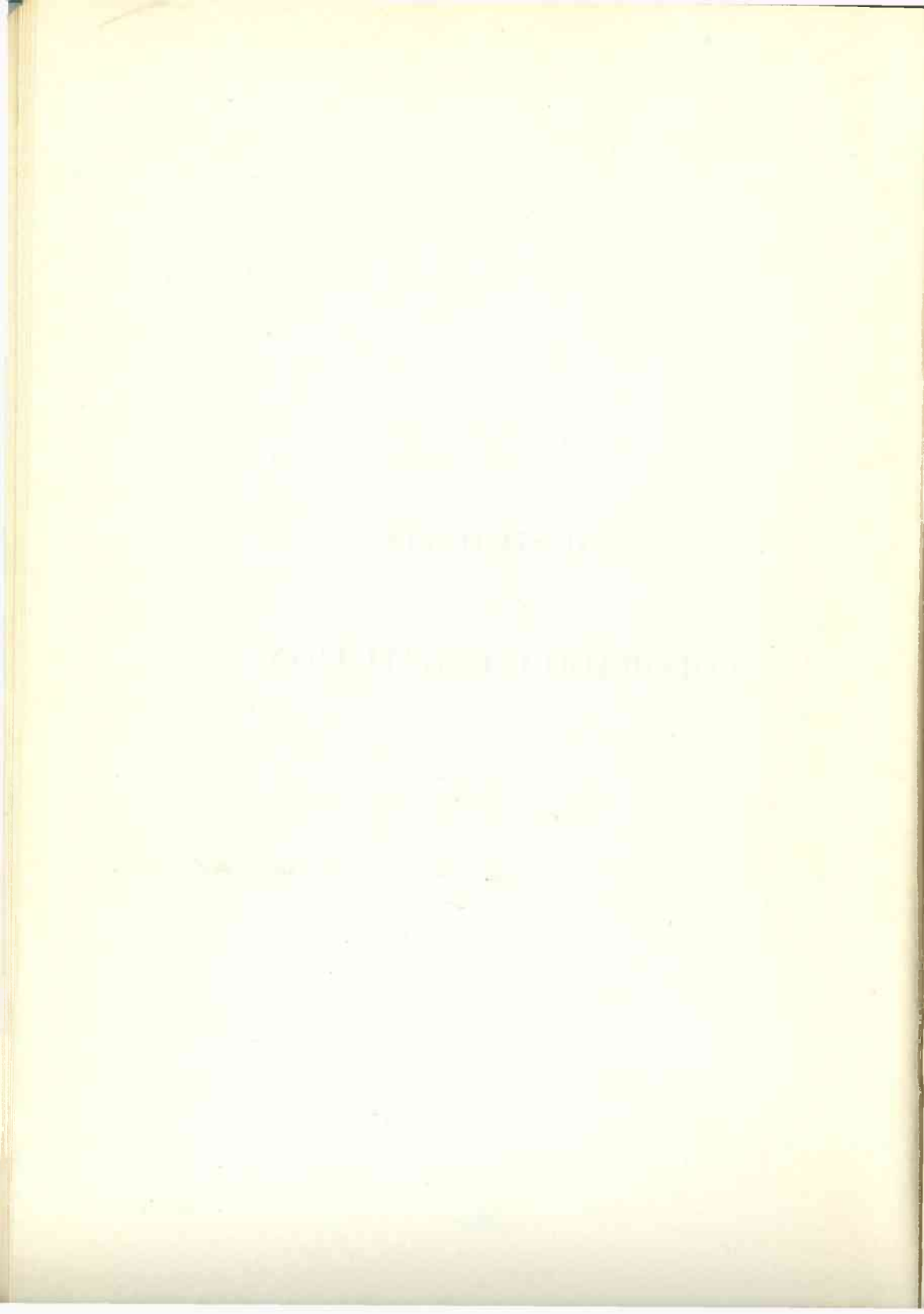
(2) Such committee, through the Legislative Council, shall make a full report to the First Regular Session of the Forty-second General Assembly on matters relating to the following: Scholarship standards, curricular and administrative devices aimed at promoting scholastic achievement, tuition and grants in aid programs for students in secondary and higher education, teaching and other types of fellowship programs for upper division and graduate levels of colleges and universities, counselling and guidance programs in areas of scholastic endeavor, and other such related programs as the committee deems advisable to report.

SECTION 3. **Effective dates.** This act shall become effective on April 1, 1958, and shall continue in effect to and including March 31, 1959.

Approved by the Governor March 3, 1958.

(See House Bill 82, Page 7, for appropriation.)

AMENDMENTS
to the
COLORADO CONSTITUTION



HOUSE CONCURRENT RESOLUTION NO. 1

SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO ARTICLE XIV OF THE CONSTITUTION OF THE STATE OF COLORADO, RELATING TO THE COMPENSATION OF COUNTY AND PRECINCT OFFICERS, AND TO THE TERMS OF OFFICE OF COUNTY, TOWNSHIP, PRECINCT AND MUNICIPAL OFFICERS WHOSE TERMS OF OFFICE ARE NOT OTHERWISE PROVIDED FOR IN THE CONSTITUTION.

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

SECTION 1. There shall be submitted to the qualified electors of the state of Colorado at the next general election for members of the general assembly, for their approval or rejection, the following amendment to article XIV of the constitution of the state of Colorado, to-wit:

Section 7 of article XIV of the constitution of the state of Colorado is hereby amended to read as follows:

Section 7. The compensation of all county and precinct officers shall be as provided by law. The compensation of such officers, after their election or appointment, may be increased or decreased, during their terms of office, as provided by law.

Section 12 of article XIV of the constitution of the state of Colorado is hereby amended to read as follows:

Section 12. The general assembly shall provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require; and their terms of office shall be as prescribed by law.

Section 15 of article XIV of the constitution of the state of Colorado is hereby repealed.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast his vote as provided by law either "Yes" or "No" on the proposition: "An amendment to article XIV of the constitution of the state of

Colorado, relating to the compensation of county and precinct officers, and to the terms of office of county, township, precinct and municipal officers whose terms of office are not otherwise provided for in the constitution.”

SECTION 3. The votes cast for adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by the laws of the state of Colorado for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted “Yes,” the said amendment shall become a part of the state constitution.

HOUSE CONCURRENT RESOLUTION NO. 14

SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO ARTICLE XIV OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING COUNTY GOVERNMENT AND PROVIDING FOR ALTERNATE FORMS OF COUNTY GOVERNMENT.

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

SECTION 1. There shall be submitted to the qualified electors of the state of Colorado at the next general election for members of the general assembly, for their approval or rejection, the following amendment to article XIV of the constitution of the state of Colorado, to-wit:

Article XIV of the constitution of the state of Colorado is hereby amended by the addition of the following new sections to read as follows:

Section 16. **Alternate forms of county government.** Notwithstanding other provisions of this constitution concerning county officers, their election or appointment, terms of office, compensation, and powers and duties, the general assembly may provide by law for alternative forms of county government, including a "county home rule charter" form of county government. No alternative form shall become operative in any county until submitted to the electors thereof and approved by a majority of those voting thereon under such regulations as may be provided by law.

Under alternative forms of county government, including a "county home rule charter" form of county government, a county shall have only such powers as may be granted by law enacted by the General Assembly, which powers may from time to time be extended, amended or repealed.

Section 17. **Local improvements and services.** The general assembly may by law authorize any county to provide local improvements and services, but such improvements and services shall be financed by charges, or by taxes or assessments upon the benefited property.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast his vote as provided by law either "Yes" or "No" on the proposition: "An amendment to article XIV of the constitution of the state of Colorado, concerning county government and providing for alternate forms of county government, including a 'county home rule charter' form; and providing for the furnishing of local improvements and services by counties as authorized by law."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by the laws of the state of Colorado for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes," the said amendment shall become a part of the state constitution.

SENATE CONCURRENT RESOLUTION NO. 10

SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO, AN AMENDMENT TO ARTICLE XII OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE COMPETITIVE CIVIL SERVICE OF THE STATE.

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

SECTION 1. There shall be submitted to the qualified electors of the state of Colorado at the next general election for members of the general assembly, for their approval or rejection, the following amendment to article XII of the constitution of the state of Colorado, to-wit:

Section 13 of article XII of the constitution of the state of Colorado is hereby amended to read as follows:

Section 13. All appointments in the competitive civil service of the state, except as otherwise provided in this section, shall be based on merit as determined by tests or on performance as measured by records of achievement. The number of persons who shall be certified by the civil service commission to the appointing authority as eligible for appointment to each vacancy shall be determined by statute.

The competitive civil service of the state shall include all civil offices and employments in the executive branch of the government of the state, except:

1. Elective offices and those whose different manner of appointment is prescribed by the state constitution.
2. One deputy and one stenographer for each elective office.
3. Members of part-time boards and commissions appointed by the governor.
4. Members of the state industrial commission, of the public utilities commission and of the state civil service commission.
5. Executive, administrative, professional employees and teachers of all state colleges, universities, the State Department

of Education; officers, administrative and department heads, and curators in the State Historical Society; and all members of the teaching faculties of any state institution whose sole duty with such institution is teaching.

6. Consultants and counsel rendering temporary professional services under contract.

7. Part-time employees who are regularly employed for less than one-third time throughout the year or who are employed in seasonal or temporary employment for not more than one hundred twenty calendar days in any consecutive twelve months.

8. Students or inmates employed in any state school or institution.

9. The governor's private secretary, four confidential employees of his office and such administrative assistants of his office as he may appoint.

10. Attorneys-at-law attached to the office of the attorney general.

11. The chief administrative officer of each of the following departments: Agriculture, employment, health, highways, institutions, natural resources, purchasing, revenue and public welfare, but only if such exceptions shall hereafter be prescribed by law.

There shall be a state civil service commission to consist of three members who shall be appointed for overlapping terms by the governor with the consent of the senate. They shall be persons known to understand and subscribe to the application of merit principles to public employment. The term of a commissioner shall be for six years. The members of the civil service commission serving at the time this section takes effect shall remain members of the commission to serve for the balance of the term to which each was appointed plus sixty days. Vacancies occurring during a term shall be filled for the balance of the term. The salaries of the civil service commissioners shall be as provided by law. The commission shall devote such time as necessary for performance of its duties as prescribed herein and as may be prescribed by law. Members of the civil service commission shall be removed from office only by resignation, incapacity to serve, or impeachment.

The civil service commission shall make, promulgate, and enforce rules to give effect to the purposes of this section and the laws enacted pursuant hereto. The rule making authority of the commission shall not be limited to but shall include the making of rules governing:

1. The conduct of all tests.
2. The determination of persons eligible for appointment to positions.
3. The standardization of all positions.
4. The assignment of classes of positions to pay ranges.
5. The determination of standards of efficient service.
6. The terms and conditions of all probationary periods.
7. Causes and procedures under which employees may be demoted, disciplined, or dismissed.
8. Promotions on the basis of demonstrated efficiency and merit.

All rules adopted or altered by the commission shall be subject to the approval of the governor; provided, however, if the governor fails to disapprove any such rule within ten days of the date of submittal, such rule shall be in full force and effect. Such rules shall be effective and uniformly applied until rescinded by the commission.

The Civil Service Commission, after first giving a competitive examination, shall appoint a personnel director not within the provisions of the competitive civil service who shall, subject to the provisions of this section and the laws and commission rules enacted in pursuance hereof, be responsible for the general administration of the state personnel program.

Persons in the competitive civil service shall hold their respective positions during efficient service. They shall be removed or disciplined only upon written charges which may be filed by the head of a department or institution, or by any citizen of the state, for failure to comply with standards of efficient service or for the good of the service, to be finally and promptly determined by the commission upon inquiry and after opportunity to be heard. The commission may prescribe by rule causes and procedures under which appointing officers may suspend any permanent employee pending commission action. No person shall be discharged for a political reason or because of race,

color, creed, or place of national origin. The general assembly may, by law, provide for retirement because of superannuation or disability.

The commission by its rules shall provide for promotions in the competitive civil service on the basis of demonstrated efficiency and performance or by tests, or both. The veterans preference in examinations conducted by the state civil service commission shall not be allowed in promotional examinations, except in the case of the first promotional examination any veteran may take after returning from military service, if he had state civil service status when he entered the military service.

Any appointment from an eligible register shall be made for a probationary period of not to exceed one year, depending on the class of position to which the appointment is made.

Classes in the competitive civil service with comparable duties and responsibilities shall be assigned to the same pay range, the level of which shall be determined after taking into account the prevailing rates of pay in comparable public and private employment.

Provisional appointments to positions in the competitive civil service may be made when no list of eligible persons for such positions exists, but no such provisional appointment may exceed eight months and shall not be renewed or extended.

Any permanently certified employee who accepts an appointment to an exempt position from the governor or other elected official of the state shall retain all of his rights, including retirement rights and equities, as an employee within the provisions of this section and upon termination of such appointment shall be reinstated in the position to which he was certified when so appointed, provided such position still exists.

No person in the competitive civil service shall be paid until a certificate is furnished by the commission or its duly authorized representative that the appointment has been made pursuant to law.

To enable the commission to carry out the purposes of this section, the general assembly shall make adequate annual appropriations

The general assembly may prescribe that part or all of the cost of administering the provisions of this section shall be borne

proportionately by each department, institution, board and commission as measured by its payroll to the total payroll for employees in the competitive civil service and may further prescribe that each such department, institution, board and commission shall pay from its funds its pro rata share to be deposited in a revolving fund; provided, however, that any balances remaining in such fund at the end of each fiscal year shall be carried over and considered as part of the funds so authorized for the following fiscal year.

Each employee who has been in the competitive civil service of the state or is included in the competitive civil service of the state under the provisions of this amendment shall have: (1) permanent status in the class to which his position is then allocated if he has served for two or more years immediately preceding the effective date of this amendment; or, (2) probationary status in the class to which his position is then allocated if he has served for at least six months but less than two years immediately preceding the effective date of this amendment. All others shall retain the status they have on the effective date hereof, subject to the laws and rules affecting that status.

The general assembly shall enact laws to enforce the provisions of this section.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast his vote as provided by law either "Yes" or "No" on the proposition: "An amendment to Article XII of the constitution of the state of Colorado, concerning the competitive civil service of the state; veterans' preference; specifying the offices and employments comprising such service; providing for a state civil service commission and a personnel director, and prescribing their powers and duties; prescribing the conditions of employment in and separation from such service, and the status of present state employees."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by the laws of the state of Colorado for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes," the said amendment shall become a part of the state constitution.

RESOLUTIONS



HOUSE JOINT RESOLUTION NO. 6

A JOINT RESOLUTION OF THE COLORADO GENERAL ASSEMBLY DIRECTING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO STUDY THE FIELD OF EDUCATION BEYOND HIGH SCHOOL AND THAT SEGMENT OF THE PRIMARY AND SECONDARY EDUCATION SYSTEM WHICH AFFECTS EDUCATION BEYOND THE HIGH SCHOOL.

WHEREAS, The Legislative Council has under the terms of H.J.R. 8 (1955) and H.J.R. 40 (1957) made great progress in a survey of higher education in Colorado; and

WHEREAS, The universities, colleges and junior colleges of Colorado, both publicly and privately supported, have added materially to this survey and have initiated several studies on their own and the results of these studies have been of great benefit to higher education in Colorado; and

WHEREAS, It is now felt desirable to make a broad comprehensive study of the whole field of education beyond the high school and that segment of the primary and secondary education system which affects education beyond the high school; and

WHEREAS, It is desirable that this study be conducted by a committee of the legislature which will have available adequate money and staff to do the work necessary for such a study.

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

1. That the Legislative Council appoint a Committee on Education Beyond the High School.
2. That this committee be composed of 5 members of the House and 4 members of the Senate, to be appointed by the Chairman of the Legislative Council, subject to the approval of the Council membership.
3. In the conduct of this study, the committee may retain such technical assistance as it may determine necessary, and the members of the committee shall be reimbursed for all necessary

travel and subsistence expenses incurred in the performance of their duties. However, the members of Advisory Committees appointed shall not receive any compensation or other reimbursement for their services or attendance at meetings.

4. All expenditures incurred in the conduct of the study directed by this Resolution shall be approved by the Chairman of the Committee on Education Beyond the High School and 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 House Bill No. 1 enacted by the Forty-first General Assembly in its second regular session and approved by the Governor on January 24, 1958. No more than \$20,000 shall be expended for this purpose.

5. That the committee be directed to meet and organize itself for the election of a Chairman and Vice-chairman and that the Chairman appoint as soon as practicable an Advisory Committee, made up of representatives of the Governor's office, the state supported institutions of higher education, the publicly supported junior colleges, the privately supported institutions of higher education, the Department of Education, the secondary schools of Colorado, and such other representatives of agriculture, business, industry, and labor as are necessary to provide the committee with a cross-section of knowledge and interest in the field of education beyond the high school in Colorado.

6. Copies of this Resolution shall be transmitted to the Director of the Legislative Council, the Governor's office, the members of the governing boards and the chief administrative officer of each institution, privately and publicly supported, of higher education in Colorado, the members of the State Board of Education, and the Commissioner of Education.

