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# SCHOOL LAWS

Enacted by

The Thirty-first  
General Assembly

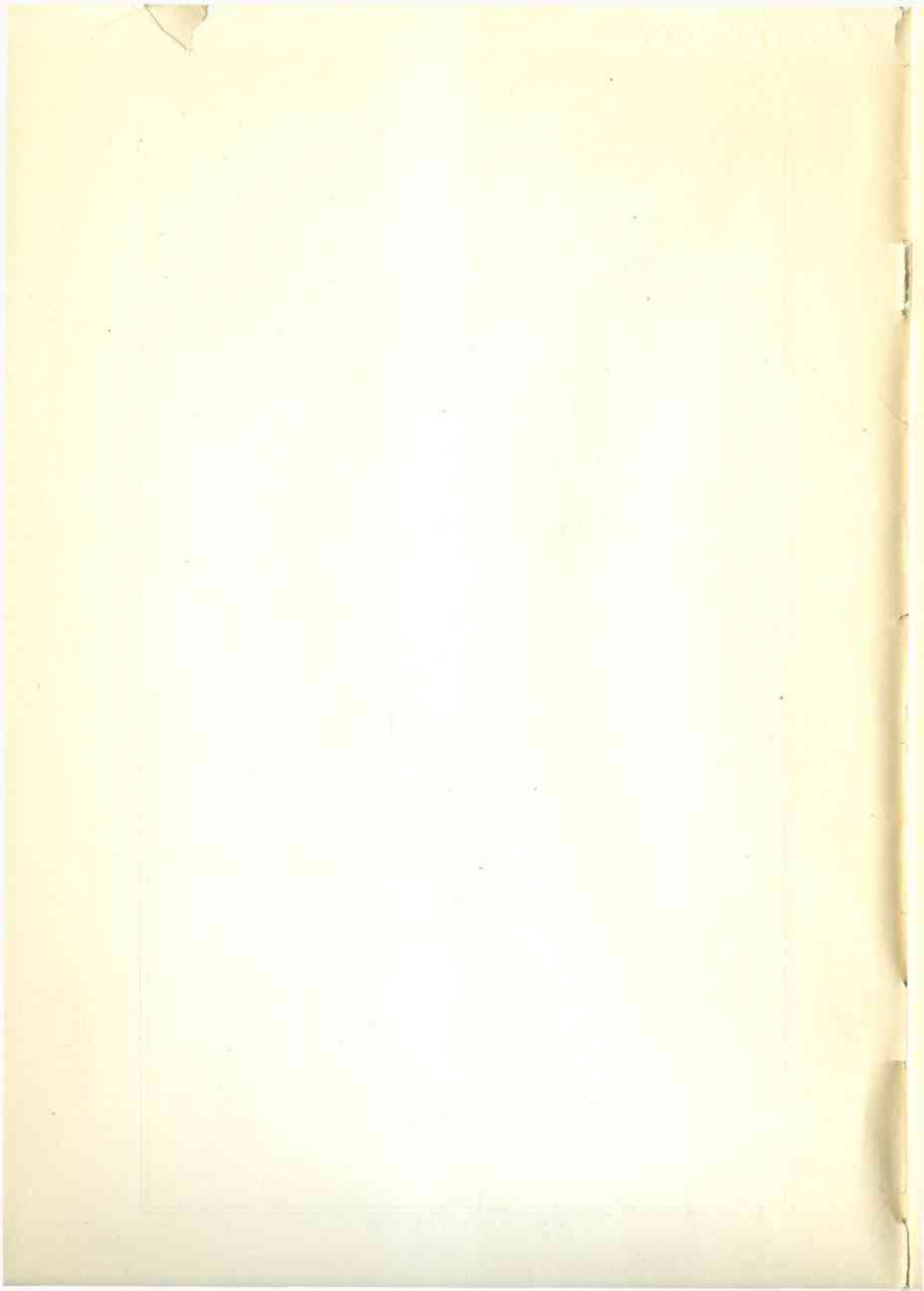
STATE OF COLORADO



1937

INEZ JOHNSON LEWIS

State Superintendent of  
Public Instruction



# AN ACT

SENATE BILL NO. 576

## CONCERNING EDUCATION

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

Section 1. All county teacher certificates of whatever kind issued and in force on April 1, 1937, shall be valid until August 31, 1941. All county teacher certificates issued after April 1, 1937, and before September 1, 1937, shall be valid until August 31, 1943. After September 1, 1937, all county examinations for teacher certificates and the issuance and renewal of county teacher certificates by the county superintendent of schools shall be discontinued and thereafter all teacher certificates shall be issued by the state superintendent of public instruction except such teacher certificates as are issued by the Colorado State normal schools or state teachers colleges as provided by law; *provided, however*, that this act shall not apply to county teacher certificates nor to certificates issued by boards of education prior to July 15, 1923, which are now in force and effect.

Section 2. Temporary certificates to teach in the elementary schools may be issued by the state superintendent of public instruction to such applicants as have taught in Colorado thirty-six months on a county certificate and have secured ninety quarter (60 semester) hours of college credit in a standard college or normal school, said credits to be approved by the state superintendent of public instruction. Such temporary certificates shall be valid for five years in any elementary school or junior high school of the state. Said temporary certificates may be renewed by the state superintendent of public instruction upon presentation of evidence that the holder has completed during the life of the certificate twelve quarter (eight semester) hours of college credit in an accredited college or normal school, such credit to be approved by the state superintendent of public instruction.

Section 3. Permanent certificates may be issued by the state superintendent of public instruction upon presentation of the evidence that the holder of such temporary certificates has taught at least nine months in Colorado during the life of the temporary certificate and has secured an A. B. Degree or its equivalent, completing at least 180 quarters (120 semester) hours of college credit, with thirty quarter (20 semester) hours in educational subjects, including six quarter (4 semester) hours of practice teaching. Three years of teaching experience may be substituted for the six quarter hours of practice teaching.

Section 4. All Acts or parts of Acts in conflict herewith are hereby repealed as to so much thereof as conflicts with provisions of this Act.

Section 5. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

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

Section 7. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved May 19, 1937.

# AN ACT

## HOUSE BILL NO. 977

RELATING TO THE ESTABLISHMENT OF JUNIOR COLLEGES AS A PART OF THE PUBLIC SCHOOL SYSTEM OF THE STATE OF COLORADO; PROVIDING FOR THE FINANCING THEREOF AND AMENDING OR REPEALING ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

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

Section 1. Junior Colleges established in Colorado pursuant to the provisions of this act are hereby declared to be an integral part of the public school system of the State of Colorado.

Section 2. A junior college established pursuant to the provisions of this act within the State of Colorado is hereby defined to be an educational institution which shall provide not to exceed two (2) years of training in the arts, sciences and humanities beyond the twelfth (12th) grade of the public high school curriculum and/or vocational education.

Section 3. Junior college districts in Colorado may be organized in the area which shall consist of the territory of a county or of two or more counties, if such area shall have had a school population, as determined by the immediately preceding school census, of thirty-five hundred (3,500) or more and an assessed valuation at the time of the organization of such district of twenty million dollars (\$20,000,000.00) or more.

Section 4. A junior college district may be formed upon the petition of five hundred (500) electors of the county, or counties, having the qualifications hereinafter prescribed. If the petition is for the formation of a junior college district consisting of the area of a single county, it shall be filed with the county superintendent of public schools of such county and if the petition is for the formation of a junior college district consisting of two or more counties, a copy of the petition shall be filed with each of the county superintendents of public schools of the counties comprising said district.

Section 5. Upon receipt of the petition heretofore provided, the county superintendent of public schools of such county or counties shall give notice to the qualified school electors of the county that at the next regular meeting for the electing of members of school boards 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 in the county or counties at such meeting.

Section 6. The notice herein provided shall be given not less than twenty (20) days before the regular or special meeting at which

the organization of the junior college district is to be submitted. The county superintendent of the county or of each county within the proposed district shall cause notices to be posted in each school district in the county, stating that such petition has been filed and that a meeting will be held at which time the question of organizing the county or counties into a junior college district shall be submitted to the qualified voters of the district. The secretary of each school board shall, under direction of the county superintendent, 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 box or boxes shall be kept open which shall be not less than three (3) hours. If the meeting shall be a regular meeting for electing members of school boards, the time and place specified in such notice shall be the same time and places at which the regular election of members of the school board 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 school boards are held. Said notices shall be posted at least twenty (20) days previous to the time of such meeting, in at least three (3) public places in the district, one of which shall be the general offices of the school district at the school house.

Section 7. 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.

Section 8. 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 (3) days after the closing of the polls.

Section 9. On the tenth (10th) day after the holding of the election, or sooner if all returns be received, the county superintendent of the county shall proceed to open the said returns and determine the results of the election therefrom. Said county superintendent shall make and permanently preserve in his office a record of the total number of votes cast upon the said question of organization and the number of votes cast for organization and against organization. If it shall appear from the record of the superintendent of the county or counties of the proposed junior college district that the majority of the votes cast on the question of organizing a junior college district shall be in favor of such organization, the county superintendent of public schools of such county or of such counties shall notify by mail or by publication, where practicable, the directors of the respective school districts of said county or counties and shall call a meeting of the 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 within which the buildings of the junior college are located, or are proposed to be located not later than thirty (30) days after the election herein provided for. Such meetings shall be presided over by the county superintendent of the county wherein the meeting is held and he shall appoint a temporary secretary. The assembled directors shall then proceed to elect five (5) members, who may or may not be directors of school districts of the county, or counties, for what shall be known as the ".....Junior College Committee", except where a junior college board or committee already exists within such district, in which event said board or committee shall automatically constitute the first junior college committee and shall serve during the first two (2) year period. This committee shall be a representative committee at large, consisting of five (5) members, chosen by nomination and polled by the school directors assembled. At least two (2) members of said junior college committee shall be residents of first class school districts of the county or counties; *provided, however*, that in counties where there are no school districts of the first class at least two (2) members of said junior college committee shall be residents of school districts of the second class. Nomination of junior college committee members may be by petition, containing names of one hundred (100) qualified electors of the county or counties of the district, presented to the school directors assembled, or from the floor of the meeting. The term of offices for two (2) members of said committee shall be for a term of six (6) years, for two members for a term of four (4) years and the remaining member for a term of two (2) years. The terms of members shall be determined by drawing lots. At the expiration of these terms of office, the members shall be elected for a term of six (6) years. Vacancies occurring by reason of expiration of term shall be filled by the school directors at a regular or special meeting for the purpose in the manner hereinbefore described. All vacancies caused in any other man-

ner than by expiration of term of office shall be filled by appointment by the county superintendent of schools if the district comprises the area of a county, or by the joint action of the county superintendents of schools if the district comprises an area of two or more counties. Appointees other than by election shall hold office until the next meeting of the school directors of the junior college district which is held for the purpose of electing members of the junior college committee. Immediately after its selection as aforesaid, the junior college committee shall select from its members a president, secretary and treasurer.

Section 10. The secretary of a junior college committee shall thereafter have the power to call a meeting of the directors of the school districts of the county or counties and he shall give ten (10) days notice by mail of the holding of any meeting of said directors in the interests of the junior college district.

Section 11. 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.

Section 12. Each regularly organized junior college district which may be formed, as provided in this act, 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.

Section 13. It shall be lawful for any junior college district in this state to take and hold, under the provisions of any law now or hereafter in force and effect, providing for the exercise of the rights of eminent domain, so much real estate 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.

Section 14. 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 and/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.

Section 15. 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.

Section 16. 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 as herein authorized. He shall keep the same records, and make the same reports as are now or may hereafter be 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.

Section 17. The treasurer shall countersign all warrants drawn by the president and secretary on 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 now or may hereafter be imposed by law upon the treasurer of public school districts.

Section 18. Credits received by students attending junior colleges shall be accepted in full by other state institutions of higher learning for provisional enrollment in such major courses for which the courses in the junior college qualify.

Section 19. In case the county adjacent to a junior college district which has been organized, desires to be annexed to such existing junior college district, it may do so by the following procedure:

(a) By obtaining the 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 elections held in such junior college district.

(b) By the county, desiring to be annexed, voting on the question of annexation at the general school election, following the procedure hereinbefore set forth for the organization of junior college districts. If the majority of the voters are for annexation, then the two or more counties shall proceed as one junior college district provided that in the management of the affairs of the junior college district and the choosing of a junior college committee the school directors of the two or more counties shall meet as hereinbefore provided in the original junior college district.

Section 20. Any junior college district may be dissolved in the manner hereinafter provided. 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 voting at such special election, the junior college committee of the district shall proceed to the carrying out of the plan so authorized and upon accomplishment thereof, shall file their certificate of such fact with the county clerk of the county wherein the district is situated. 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 funds shall be distributed as provided in such plan of dissolution for the distribution of junior college district assets.

Section 21. Sub-section 240, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Sub-section 240. *On or before the first day of October in each year, the Board of Directors or Board of Education of every school district and the Junior College Committee of every Junior College district shall certify to the County Superintendent of Schools of the county wherein such school district or Junior College District is located the number of teachers employed or to be employed in such school district or who may be employed in a Junior College District during the then ensuing school year, the length of time during which the school will be kept open during said year, and the amount of money necessary to pay each of said teachers of the school districts a salary of \$75.00 per month, and each of such teachers of the Junior College district or districts a salary of \$75.00 per month, during the said portion of the year during which said schools or Junior Colleges are to be kept open. The County Superintendent of Schools shall transmit to the secretary of each school district and Junior College District in the county a summary of said estimates and a certification as to the required county levy at least ten days before the date designated by law for the district school boards to certify their special levies to the County Commissioners.*

Section 22. Sub-section 241, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Sub-section 241. *On or before the date designated by law for the County Commissioners of each county to levy taxes for county purposes for the ensuing year, the county superintendent of schools shall certify to the said Board of County Commissioners, and to the County Treasurer, the amount of money necessary to be levied upon all of the taxable property in the county to raise or provide the aggregate amount of all said sums so certified to them by the Board of Education and Boards of Directors in the school districts and the Junior College Committee of the Junior College district in the county, for the purpose of paying the said salaries, together with the*

amount so required by each school district and Junior College District.

Section 23. Sub-section 242, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Sub-section 242. The County Commissioners shall, at the time of levying the taxes for county purposes, levy on all of the taxable property in the county a tax which shall be sufficient to raise and provide the aggregate amount of money so certified by the County Superintendent of Schools, not exceeding, however, five (5) mills on the dollar of the assessed valuation of said taxable property. The said tax shall be collected at the same time and in the same manner as State and County Taxes are collected, except that it shall be receivable in cash only.

Section 24. Sub-section 243, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Sub-section 243. *The said tax so raised shall constitute a separate fund to be known as the general school fund, and shall be apportioned among the several school districts and Junior College Districts in the amounts and proportions so certified by the county superintendent of schools; provided, that each school district shall be entitled to at least one teacher hereunder, and provided further, that in school districts wherein is employed more than one teacher and such school district having a school population of less than one hundred, no greater amount shall be so apportioned than is necessary to pay the said salary to one teacher for each twenty-five or major fraction thereof, of the school population of said school district; and provided further, that in school districts having a school population of more than one hundred, no greater amount shall be apportioned than is necessary to pay the said salary to four teachers plus one teacher for each additional forty or major fraction thereof in excess of one hundred of the school population of said school district; and provided, further, that any school district having an area of over 75 square miles, or an assessed valuation not in excess of \$500,000, or a school census of less than 38, the board of directors of the said district may make application to the county superintendent of schools for an additional apportionment sufficient to pay the minimum salary to the teacher or teachers in addition to the teachers hereinabove authorized, exclusive of special teachers, and upon the recommendation of the county superintendent of schools to the board of county commissioners, the said county commissioners may make the additional levy necessary to provide for the salary of said additional teacher or teachers. Provided, that the total amount of the levy for the general school fund does not exceed 5 mills.*

All apportionments shall be based upon the school census and valuations of the year in which such tax shall be levied and no greater amount shall be apportioned than is necessary to pay the above-named salaries for a term of nine and one-half months. *Provided, that in cases of county high school districts and union high school districts apportionment for high schools shall be based upon*

actual enrollment of students resident within this state as hereinafter provided. *Provided*, that school districts of the third class maintaining high schools, and third class districts wherein branch county high schools are maintained, shall have an apportionment for an additional teacher for each twenty or major fraction thereof of high school enrollment, when certified by the board of education or high school committee to the county superintendent of schools. *Provided*, further, that county high school districts and union high school districts shall be apportioned an amount sufficient to pay said salary to one teacher for every twenty-five or major fraction thereof of the high school enrollment on October first of said school year when properly certified by the high school committee of said union or county high school district to the county superintendent of schools. *Provided*, further, that all districts of the first or second class maintaining high schools, shall be apportioned an amount sufficient to pay said salary to every high school teacher in the public schools of said district, except substitute teachers, part-time teachers and teachers of special subjects, when certified by the board of education or the board of directors of said district to the county superintendent of schools according to the school population basis as stated in previous paragraphs of this section. *Provided*, further, that all money derived from the county general school fund levy made in 1928 for payment of minimum salaries of teachers and received by the county treasurers of Colorado during the year 1929, shall be apportioned to the respective districts upon the basis of the number of teachers certified by the county superintendent of schools in 1928.

*Provided*, further, that in junior college districts organized in accord with this act an apportionment shall be made to said districts of enough money to pay one teacher for each seven (7) pupils enrolled and taking full time work in said junior college as of October first of the calendar year in which the junior college is organized and thereafter enough money to pay one teacher for each seven (7) pupils carrying an average of forty-five (45) quarter hours or thirty (30) semester hours of credit during the preceding regular academic year. In determining the amount of money which shall be allotted to a junior college district by this act the total number of the quarter or semester hours of the preceding regular academic year shall be divided by the number of forty-five (45) if quarter hours and by the number thirty (30) if semester hours. The quotient arrived at in either case shall be divided by the number seven (7) and the quotient arrived at thereby shall be the number that shall be used in computing the amount sufficient to pay the salaries of the number of teachers who shall be allowed to participate in said apportionment. Said apportionment shall be made only to those junior college districts that have made a special levy for the support of the junior college organized under this act on the assessed valuation of the property of their respective districts as follows: At least .75 mill in a junior college district having an assessed valuation of \$20,000,000 and less than \$50,000,000; and .5 mill in all junior college

districts having an assessed valuation of over \$50,000,000. The funds arising from the apportionment from the general county school fund to junior college districts and from the special minimum mill levy required herein shall be placed by the county treasurer of each county in which a junior college district is organized in a fund designated "For the Expense of the Junior College" and shall be paid out on warrants legally drawn on the county treasurer of the county in which the junior college buildings are located by the junior college committee. The fund created by this act for the support of junior colleges may be used for any purposes for which public money may be expended for the current costs of education.

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

Section 25. Sub-section 247, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

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

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

Upon such certificate, the state auditor shall draw his warrant on the state treasurer in favor of the county treasurer of such county for the amount so certified to be paid out of the said public school income fund. The sum of money so paid into the treasury of the county shall be, by the county treasurer, placed in the said general school fund and used for the payment of teachers' salaries only, except as in this Act provided otherwise for junior college districts.

Provided, that no school district shall share in such distribution which has not made a special school tax levy of five mills or more for the same year, and, that no junior college district shall share in such distribution which has not made the minimum special tax levy provided for junior college districts in Section 24 of this Act.

The remainder of said public school income fund shall be apportioned as provided by law.

Section 26. Each junior college district organized under the provisions of this act shall exercise all the powers, and perform all the duties that are at the time of the passage of this Act accorded to and required of directors of first class public school districts throughout the state. 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.

Section 27. This Act shall be known as the "Junior College Organization Act".

Section 28. 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 29. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 30. 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 31. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved May 6, 1937.

# AN ACT

## SENATE BILL NO. 411

### IN RELATION TO EDUCATION

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

Section 1. Sub-section 240, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Sub-section 240. On or before the first day of October in each year, the Board of Directors or Board of Education of every school district, the Junior College Committee of every junior college district, and the governing boards of state supported teacher training institutions maintaining laboratory schools for teacher training purposes, shall certify to the County Superintendent of Schools of the county wherein such school district, junior college district, or teacher training laboratory school is located, the number of teachers employed or to be employed in such school district, junior college district or teacher training laboratory school during the then ensuing school year, the length of time during which the school will be kept open during said year, and the amount of money necessary to pay each of said teachers of said school districts a salary of \$75.00 per month, each of such teachers of junior college district or districts a salary of \$75.00 per month, and each of such teachers of said teacher training laboratory schools a salary of \$75.00 per month during the said portion of the year during which said schools, junior colleges, or teacher training laboratory schools are to be kept open. The County Superintendent of Schools shall transmit to the secretary of each school district, junior college district and governing board of state supported teacher training institutions maintaining teacher training laboratory schools in the county a summary of said estimates and a certification as to the required county levy at least ten days before the date designated by law for the district school boards to certify their special levies to the county commissioners.

Section 2. Sub-section 241, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Sub-section 241. On or before the date designated by law for the county commissioners of each county to levy taxes for county purposes for the ensuing year, the County Superintendent of Schools shall certify to the said Board of County Commissioners and to the County Treasurer, the amount of money necessary to be levied upon all of the taxable property in the county to raise or provide the aggregate amount of all said sums so certified to them by the Board of Education and Boards of Directors in the said school districts, the Junior College Committee of the junior college district in the county, and the Board of Control of the state supported teacher training institutions located in the county for the purpose of paying

the said salaries together with the amount so required by each school district, junior college district and state supported teacher training institutions located within the county.

Section 3. Sub-section 242, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Sub-section 242. The county commissioners shall, at the time of levying the taxes for county purposes, levy on all of the taxable property in the county a tax which shall be sufficient to raise and provide the aggregate amount of money so certified by the County Superintendent of Schools, not exceeding, however, five (5) mills on the dollar of the assessed valuation of said taxable property. The said tax shall be collected at the same time and in the same manner as State and County taxes are collected, except that it shall be receivable in cash only.

Section 4. Sub-section 243, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Sub-section 243. The said tax so raised shall constitute a separate fund to be known as the general school fund, and shall be apportioned among the several school districts, junior college districts and state supported teacher training institutions in the amounts and proportions so certified by the county superintendent of schools; *provided*, that each school district shall be entitled to at least one teacher hereunder, and provided further, that in school districts wherein is employed more than one teacher and such school district having a school population of less than one hundred, no greater amount shall be so apportioned than is necessary to pay the said salary to one teacher for each twenty-five or major fraction thereof, of the school population of said school district; and *provided*, further, that in school districts having a school population of more than one hundred, no greater amount shall be apportioned than is necessary to pay the said salary to four teachers plus one teacher for each additional forty or major fraction thereof in excess of one hundred of the school population of said school district; and *provided*, further, that any school district having an area of over 75 square miles, or an assessed valuation not in excess of \$500,000, or a school census of less than 30, the board of directors of the said district may make application to the county superintendent of schools for an additional apportionment sufficient to pay the minimum salary to the teacher or teachers in addition to the teachers hereinabove authorized, exclusive of special teachers, and upon the recommendation of the county superintendent of schools to the board of county commissioners, the said county commissioners may make the additional levy necessary to provide for the salary of said additional teacher or teachers, and *provided*, further, that in school districts wherein are maintained practice teaching centers conducted cooperatively by the said school district and state supported teacher training institutions, the said school district shall receive an apportionment for teachers equal to that which it would receive were such cooperative agreement not in effect. *Provided*, that the total amount of the levy for the general school fund does not exceed 5 mills.



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

*Provided*, further, that in junior college districts organized in accord with this act an apportionment shall be made to said districts of enough money to pay one teacher for each seven (7) pupils enrolled and taking full time work in said junior college as of October first of the calendar year in which the junior college is organized and thereafter enough money to pay one teacher for each seven (7) pupils carrying an average of forty-five (45) quarter hours or thirty (30) semester hours of credit during the preceding regular aca-

demic year. In determining the amount of money which shall be allotted to a junior college district by this act the total number of the quarter or semester hours of the preceding regular academic year shall be divided by the number forty-five (45) if quarter hours and by the number thirty (30) if semester hours the quotient arrived at in either case shall be divided by the number seven (7) and the quotient arrived at thereby shall be the number that shall be used in computing the amount sufficient to pay the salaries of the number of teachers who shall be allowed to participate in said apportionment. Said apportionment shall be made only to those junior college districts that have made a special levy for the support of the junior college organized under this act on the assessed valuation of the property of their respective districts as follows: At least .75 mill in junior college districts having an assessed valuation of \$20,000,000 and less than \$50,000,000; and .5 mill in all junior college districts having an assessed valuation of over \$50,000,000. The funds arising from the apportionment from the general county school fund to junior college districts and from the minimum mill levy required therein shall be placed by the county treasurer of each county in which a junior college district is organized in a fund designated "For Expense of the Junior College" and shall be paid out on warrants legally drawn on the county treasurer of the county in which the junior college buildings are located by the junior college committee. The fund created by this act for the support of junior colleges may be used for any purpose for which public money may be expended for the current costs of education.

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

Section 5. Sub-section 247, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Sub-section 247. Insufficiency of County Tax—State Aid.

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

If the State Superintendent of Public Instruction, after investigation, shall be convinced of the necessity as set forth in the certificate of the county superintendent, it shall be his duty before apportioning the public school income fund of the state, to apportion to such county, in addition to the amount otherwise specified, a sum of money sufficient to supply the amount of such deficiency

as ascertained by him, and shall certify said apportionment to the state auditor.

Upon such certificate, the state auditor shall draw his warrant upon the state treasurer in favor of the county treasurer of such county for the amount so certified to be paid out of the said public school income fund. The sum of money so paid into the treasury of the county shall be, by the county treasurer, placed in the said general school fund and be used for the payment of teachers' salaries only, except as in this act provided otherwise for junior college districts.

Provided that no school district shall share in such distribution which has not made a special school tax levy of five mills or more for the same year, and that no junior college district shall share in such distribution which has not made the minimum special tax levy provided for junior college districts in Section 4 of this Act.

The remainder of said public school income fund shall be apportioned as provided by law.

Section 6. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 7. 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 8. 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 9. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved June 7, 1937.

# AN ACT

HOUSE BILL NO. 148

FROM STATE INCOME TAX LAW \*

RELATING TO REVENUE AND TAXATION; PROVIDING  
REVENUE AND EQUALIZING TAXATION.

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

Section 36. ALLOCATION OF REVENUE. All moneys received under the provisions of this Act shall be deposited daily with the State Treasurer.

(1) Five per cent (5%) of the revenue collected under this Act shall be placed in a separate fund and designated "Income Tax Refund" as provided in Section 30. Any taxpayer who establishes a claim that he has paid more under this Act than the law requires shall be reimbursed from this fund and if such fund is insufficient, then such refunds shall be made from current collections under this Act without regard to the year or period to which said refund relates provided the period of limitations (Section 29) is not violated. If at the end of any state fiscal year there is in said fund a sum in excess of Fifty Thousand Dollars (\$50,000) such excess shall be allocated as provided by this section.

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

(a) Three per cent (3%) to a fund to be known as the "Income Tax Administration Fund" for expenses of administering the Act and that sum is hereby appropriated for such purpose.

(b) The State Treasurer shall place the remainder of the revenues collected under this Act in a fund to be known as "Reserve for General County School Funds". Upon this fund the State Treasurer shall draw his warrant for the purpose of replacing the property tax, in whole or in part, now authorized by law in Chapter 146, Sections 242 and 243, Colorado Statutes Annotated, 1935.

(3) The amount of money which each county, or city and county, may receive in any fiscal year from this fund shall be determined as follows:

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

\*Copies of the full text of House Bill No. 148 may be secured from the office of the State Treasurer.

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Upon receiving the sworn statements specified in subsection (5), the State Treasurer shall pay to the various county

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

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

Effective July 1, 1937.

# AN ACT

## HOUSE BILL NO. 273

### TO AMEND SECTION 6 OF CHAPTER 125 OF THE SESSION LAWS, 1933.

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

Section 1. That section 6 of chapter 125 of the Session Laws of 1933 be amended to read as follows:

Section 6. PREPARATION OF THE BUDGET. At least (60) days prior to the beginning of the fiscal year, all departments, offices, boards and other spending agencies of each local government shall prepare and submit to the budget-making authority thereof, estimates of their expenditure requirements and their estimated revenues for the forthcoming budget year, compared with the corresponding figures of the last completed fiscal year and the estimated figures of the year in progress. The expenditure estimates shall be classified to set forth the data by funds, organization units, character and objects of expenditure; the organization units may be sub-classified by function and activities at the discretion of the budget-making authority. The revenue estimates shall be classified so as to show the receipts by funds, organization units and sources of income.

The budget-making authority shall review the estimates, altering, revising, increasing or decreasing the items of said estimates as it shall deem necessary in view of the needs of the various spending agencies, and the probable income of the local government. Such authority shall then prepare a budget in the form required by the provisions of Section 5 of this Act, and it shall transmit this budget to the appropriating body of the local government at least thirty (30) days before the beginning of the fiscal year.

For the purpose of this Act, the budget-making authority in cities or towns having the mayor-council form of government shall be the mayor, in those having the council-manager form of government shall be the manager, and in those having the commission form of government shall be the commissioner of finance; *provided, however*, that such authority in any of said cities or towns may be the agency which shall by law or by charter be empowered to formulate the budget. The budget-making authority of any city or town government shall have the power to appoint or designate, in its discretion, an official, to be known as the budget officer or the budget director to supervise or perform the work of preparing the budget. In each county, or city and county, having an executive or administrative head of the government, said head shall be the budget-making authority, or city and county, without an executive or administrative head, the board of commissioners shall designate or appoint an officer as the budget-making authority, or in lieu thereof,



one of its committees to act in the same capacity. In school districts that do not have a superintendent of schools the secretary of the school board shall be the budget-making authority; in school districts which employ a superintendent of schools he shall be the budget-making authority for said school district. In all school districts the board of school directors shall be the appropriating authority. In every local government the appropriating body shall be the council, commission, board of county commissioners, board of education, or other board or body designated by law or by charter to perform the legislative function of, or fix the amount of taxes to be levied for the government.

Approved April 8, 1937.

## AN ACT

### HOUSE BILL NO. 272

TO AMEND SECTION 8827 COMPILED LAWS OF COLORADO, 1921.

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

Section 1. That Section 8827 Compiled Laws of Colorado, 1921, be amended to read as follows:

Section 8827. There shall be elected in each county at each general election a county superintendent of public schools, who shall take office on the second Tuesday of January next succeeding that in which such election shall be held. He shall hold his office for two years, and until his successor shall be elected and qualified. Before entering upon the duties of this office, he shall take the oath prescribed by the constitution, and execute a bond payable to the people of the State of Colorado, with two or more sureties to be approved by the board of county commissioners, in penalty of not less than Two Thousand Dollars (\$2,000), to be increased at the discretion of said board; conditioned upon the faithful performance of the duties of his office, and the delivery of all moneys and property as such superintendent to his successors, which bond shall be filed in the office of the county clerk.

Provided, that no one shall be elected to the office of County Superintendent of Schools who does not hold a valid Colorado teaching certificate covering the period of his election, and who has not taught in the Colorado public schools at least eight months.

Approved March 20, 1937.

## AN ACT

HOUSE BILL NO. 683

TO PROVIDE FOR AN INTERIM COMMITTEE TO STUDY THE PROBLEMS CONCERNING PUBLIC EDUCATION OF THE STATE.

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

Section 1. There is hereby created an interim committee to study the problems of the public school system of Colorado. Said committee shall be appointed by the Governor not later than ninety days after the final adjournment of the regular session of the Thirty-first General Assembly. The committee shall consist of a total of eleven citizens of the state, two of whom shall be members of the Senate and three members of the House of Representatives of the Thirty-first General Assembly.

Section 2. The interim committee provided in section 1 shall study the problems of the public school system of the state and shall report its findings and recommendations to the Thirty-second General Assembly on or before January 10, 1939.

Section 3. The Legislative Reference Bureau, State Institutions, Boards and Bureaus and such other Institutions, and organizations as may aid the committee provided herein are hereby requested to grant assistance to the committee in its work when called upon by the chairman or by action of the committee.

Approved February 18, 1937.

# AN ACT

## HOUSE BILL NO. 230

RELATING TO THE DEPARTMENT OF EDUCATION; PROVIDING FOR THE ELEMENTARY AND SECONDARY EDUCATION OF ALL TYPES OF PHYSICALLY HANDICAPPED CHILDREN, ESPECIALLY THOSE RESIDING IN RURAL AREAS; TO MAKE AN APPROPRIATION OF MONEY THEREFOR, AND TO REGULATE ITS EXPENDITURE.

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

Section 1. The legislature hereby declares that the purpose of this Act is to provide educational services for those physically handicapped children between the ages of six and twenty-one for whom the regular public school facilities are inadequate or not available.

Section 2. To make effective the purposes of this Act, the Bureau of Home and School Service, under the supervision of the State Superintendent of Public Instruction is designated as the agency for cooperation with the federal government, the state and local school districts. In the administration of this Act, the Board of Control of the Bureau of Home and School Services under the direction of the State Superintendent of Public Instruction shall determine the policies, rules and regulations.

Section 3. Educational services for physically handicapped children, as provided in this act, shall include the training of teachers and teaching services for any of the six types of physically handicapped: crippled, blind, or partially seeing, deaf or hard of hearing, defective speech, cariopathic, tuberculosis, or otherwise physically handicapped and the cost of transporting such physically handicapped children to and from school, but nothing in this Act shall permit the use of funds or moneys provided for the education of physically handicapped children to be used for the erection or maintenance of school buildings in any school district.

Section 4. All funds or moneys allotted or granted by the federal government to the State of Colorado for the purpose of establishing, extending, and improving services for the education of physically handicapped children shall be administered under such rules and regulations as the State Superintendent of Public Instruction shall direct and in accordance with rules and regulations of the federal government.

Section 5. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of One Thousand Dollars (\$1,000.00) to be used for the purpose of matching federal funds provided for the education of physically handicapped children. The sum hereby appropriated shall only be expended upon a matching basis and shall be used wholly and exclusively to

pay local school districts for the excess cost of educating physically handicapped children over and above the cost of educating normal children. Rules and regulations for the allocating of funds shall be made by the State Superintendent of Public Instruction with the approval of the United States Office of Education. The moneys hereby appropriated shall not be available until July 1, 1937.

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

Section 7. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved June 3, 1937.

## AN ACT

### HOUSE BILL NO. 275

TO REPEAL SECTIONS 255 TO 262, BOTH INCLUSIVE, CHAPTER 146 OF THE 1935 COLORADO STATUTES ANNOTATED, AND SECTIONS 8460 TO 8467, BOTH INCLUSIVE, OF THE COMPILED LAWS OF COLORADO, 1921.

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

Section 1. That Section 255 to Section 262, both inclusive, Chapter 146 of the 1935 Colorado Statutes Annotated, and Sections 8460 to 8467, both inclusive, of the Compiled Laws of Colorado, 1921, be and the same hereby are repealed.

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

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall be in force and shall take effect from and after its passage.

Approved June 3, 1937.

## AN ACT

HOUSE BILL NO. 844

CONCERNING THE FISCAL YEAR OF 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 fiscal year shall commence on the first day of December and end on the thirtieth day of November in the year following.

Approved February 18, 1937.

## AN ACT

HOUSE BILL NO. 212

TO AMEND SECTION 187, CHAPTER 146, 1935 COLORADO  
STATUTES ANNOTATED, TO PROVIDE FOR TRAVEL-  
ING EXPENSES FOR MEMBERS OF HIGH SCHOOL  
COMMITTEES.

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

Section 1. Section 187, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 187. The regular meetings of the high school committee shall be held on the first Saturday of March, June, September and December in each year, and special meetings may be held upon call of the president or secretary of the committee or upon request of any two members thereof. Upon attendance of a member of the committee at any regular or special meeting, a mileage charge from and to his place of residence may be allowed at the rate of eight cents per mile, the same to be paid from county school 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.

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved February 18, 1937.

