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SCHOOL LAWS

Enacted by

The Thirty-second
General Assembly

STATE OF COLORADO



1939

INEZ JOHNSON LEWIS

State Superintendent of
Public Instruction

AN ACT

SENATE BILL NO. 296

TO AMEND THE LAW RELATING TO THE CONSOLIDATION OF SCHOOL DISTRICTS.

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

Section 1. Section 68, chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows :

Section 68. The School Boards of two (2) or more adjoining school districts may submit the question of consolidation, and on the petition of not less than one-fourth ($\frac{1}{4}$) of the number of qualified electors of each of such school districts voting at the last regular school elections in said districts, must, within thirty (30) days after the filing of such petition, submit such question to a vote of the qualified electors of such districts; *provided*, that in districts of the third class not less than one-fifth ($\frac{1}{5}$) of the number of qualified electors of such district shall be sufficient to submit the question to a vote of the qualified electors, but in no case in districts of the first class shall any said petition, containing less than five hundred (500) names, be held valid, and in no case in districts of the second class, shall any said petition containing less than three hundred (300) names be held valid. For the purpose of determining the question in districts other than districts of the first class, the Secretary of the school board in each district affected shall call a special meeting of the electors of said districts, to be held at the usual place of holding school district elections, by posting a notice in three (3) conspicuous and public places in said district, stating the object and designating the day, hour and place of meeting. The legally qualified electors when assembled in accordance with the notice above specified shall vote by ballot for or against such consolidation. Those in favor will vote "For consolidation — Yes," those opposed "For consolidation — No." If at said meeting more votes are cast against the proposition by either district than for it, the question shall not be again submitted to the electors of said adjoining districts for a period of one (1) year; *provided*, for the purpose of determining the question in districts of the first class the Board of Directors of each district must cause said question to be submitted to the qualified electors of their respective districts at the next general school election occurring after the petition is filed with the Secretary of the respective boards; *provided*, said petition is filed more than thirty (30) days prior to the date of said election. At said election those in favor will vote "For consolidation" and those opposed "Against consolidation". If at said election there are more votes cast against consolidation in either district than for the consolidation, the question

shall not be again submitted to the electors of said adjoining districts for a period of two (2) years.

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

Section 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 May 13, 1939.

AN ACT

SENATE BILL NO. 662

RELATING TO THE DEPOSIT OF FUNDS BY SCHOOL DISTRICTS WITH COUNTY TREASURERS FOR THE PURPOSE OF PAYING THE BONDS OF SUCH SCHOOL DISTRICTS.

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

Section 1. The Governing Boards of School Districts are authorized and empowered to designate the office of the County Treasurer of the county in which any school district, or the greater part thereof, is situated as the place of payment or as the optional place of payment of the principal of or interest on all or any bonds issued by any such school district.

Section 2. In the event the office of the County Treasurer is so designated by any school district as the place or as the optional place of payment of the bonds of such school district, it shall thereafter be the duty of the County Treasurer whose office is so designated, to pay the principal of and the interest on any bonds of such school district as the same shall respectively become due, upon the presentation for payment of the bonds and coupons, respectively, evidencing such principal and interest, from any funds to the credit of such district available for that purpose; provided, however, that at the time of any such payment, said funds shall be sufficient to pay in full the matured or next maturing installment of interest on, or principal of, said bonds, or both interest and principal, as the case may be.

Section 3. The designation by school districts of the office of the appropriate County Treasurer as the place or optional place of payment of any bonds issued prior to the effective date of this act, is ratified and approved, and any such County Treasurer, whose office has been so designated shall pay the principal of and interest on any such bonds from the funds to the credit of such district available for said purpose, if at the time of any such payment, said funds shall be sufficient to pay in full the matured or next maturing installment of interest on or principal of said bonds, or both interest and principal, as the case may be.

Section 4. The term "school district" or "school districts" as used in this Act shall include County High School Districts, Union High School Districts and all other School Districts of every character.

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

Section 6. In the opinion of the General Assembly an emergency exists; therefore this Act shall take effect and be in force from and after its passage.

Approved May 17, 1939.

AN ACT

SENATE BILL NO. 295

TO AMEND SECTION 1, CHAPTER 208, SESSION LAWS
OF COLORADO, 1937, RELATING TO PUBLIC FUNDS.

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

That section 1 of chapter 208, Session Laws of Colorado, 1937, is hereby amended to read as follows:

Section 1. That whenever public funds of this state or any of its departments, institutions, agencies, or offices, or of any county, city, city and county, or of any municipality, *school district*, conservancy district, water board, improvement or drainage district, or of any other governmental or public institution, board, agency, department, project or district created or existing under or by virtue of any law or laws of the state of Colorado, whether by statutory or constitutional enactment, shall be on deposit in banks, trust companies or other financial institutions, no interest shall be paid thereon where, under the law of the United States or rules or regulations of the Federal Reserve Bank made pursuant to such laws of the United States, the payment of interest on account of said deposit would be prohibited if said deposits were then maintained in either a national bank or in a state bank, a member of the federal reserve system. Where a depository bond or bonds or the deposits in escrow of approved securities to secure any such deposits shall be required of any such bank, trust company or other financial institution so accepting such deposits, the said public officials who by virtue of their office have the aforementioned public funds in their custody or possession or under their control, are hereby authorized to pay all necessary premiums upon such depository bonds and all necessary escrow fees or charges in connection with the deposit of such approved securities out of any funds not otherwise appropriated.

The State Treasurer is hereby authorized to pay premiums on depository bonds and escrow fees or charges and insuring cash and securities on hand in the office of the State Treasurer out of any appropriations heretofore or hereafter made for any of said purposes.

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

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

Approved April 3, 1939.

AN ACT

HOUSE BILL NO. 1280

A BILL FOR AN ACT RELATING TO EDUCATION

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

Section 1. Section 194, chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 194. *District—Powers and duties—Tax limit.* Each High School District heretofore formed or that may be formed as provided in this subdivision, shall exercise all the powers, and perform all the duties that are at the time of the adoption of this subdivision accorded to, and required of directors of first and second class districts throughout the State; provided, that the amount of tax certified by the County Commissioners for the maintenance of the high school in any high school district, shall in no case exceed five mills on the dollar, of the assessed valuation of the High School District.

Section 2. Section 195, chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 195. *Tax levied by County Commissioners.* The County Commissioners of any county wherein is a County or Union High School District heretofore or hereafter organized, according to law, or where any high school district is organized, under the provisions of this subdivision, or heretofore or hereafter organized, as a union high school under section 162 of this chapter, or under the provision of section 171 of this chapter, shall levy annually at the time of levying taxes for other purposes, a high school tax on all the taxable property of the county embraced within the limits of such County or Union High School District, said tax not to exceed five mills on the dollar of the assessed valuation of such County or Union High School District. The high school tax shall be assessed and collected in the same manner as other taxes are assessed and collected and shall be paid out by the County Treasurer on warrants drawn by the President and Secretary of the high school committee or school board and countersigned by the Treasurer thereof.

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

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.

Section 5. 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 1, 1939.

AN ACT

HOUSE BILL NO. 96

RELATING TO THE SCHOOL ATTENDANCE OF NON-RESIDENT PUPILS.

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

Section 1. Every Board of Education shall have the power to exclude from the schools of the district under its control, or to fix the terms of admission for, a pupil whose parent or parents reside in some other school district if (in) the judgment of the Board of Education the pupil does not need to be in the school district in order to have a home and the necessities of life. However, if (in) the judgment of the Board of Education the pupil needs to be in the school district in order to have a home and the necessities of life, the Board of Education is hereby authorized to waive all tuition costs.

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 May 13, 1939.

AN ACT

HOUSE BILL NO. 83

RELATING TO QUALIFICATIONS OF AN ELECTOR VOTING AT ELECTIONS OF SCHOOL DIRECTORS AND TO AMEND SECTIONS 128 AND 129, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED.

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

Section 1. Section 128, chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 128. In all School Districts wherein by law it is required, as one of the qualifications of an elector for voting at elections of school directors, that his name shall appear upon the registration list of the voting precinct in which he resides, no person whose name does not appear on such registration list, and who has not also paid a school tax in the School District on property listed with the County Assessor, in the year next preceding, shall be allowed to vote on the question of contracting such bonded indebtedness. In such school districts and the voting precincts thereof the registration list shall be the same in all respects, as that required by law for elections of School Directors. In all such bond elections in all School Districts, ballots shall be prepared for voting and cast in the same manner as shall then be provided by law for the preparation and casting of ballots at elections of School Directors.

Section 2. Section 129, chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 129. Any person offering to vote at any such bond elections may be challenged by any qualified elector of the district, and thereupon the judges of election or one of them, may require him to answer on oath or affirmation such questions touching his qualifications as a voter at such bond election as they shall see fit. One of the judges shall administer to him an oath, which he shall sign, as follows: "I do solemnly swear (or affirm) that I am a citizen of the United States; that I have resided in this state for one year immediately preceding this election, in this county ninety days, and in this school district thirty days; that I am twenty-one years of age, and that I have not previously voted at this election, and that I have paid school tax on property listed with the county assessor, within this school district in the year next preceding this election: So help me God."

If the person so challenged shall refuse to make such oath or affirmation, his vote shall be rejected, and the judges may reject the vote of any person offering to vote, if, in their judgment, the said voter is not qualified according to law, whether the said voter takes the said oath or not.

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

Section 4. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved May 1, 1939.

AN ACT

SENATE BILL NO. 302

RELATING TO THE ABOLISHMENT OF THE BOARD OF CONTROL OF THE BUREAU OF HOME AND SCHOOL SERVICE.

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

Section 1. That sections 287 and 288, both inclusive, chapter 146, 1935 Colorado Statutes Annotated, are hereby 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 May 11, 1939.

AN ACT

HOUSE BILL NO. 886

RELATING TO THE EMPLOYMENT OF COLORADO LABOR ON PUBLIC WORKS FINANCED IN WHOLE OR IN PART BY FUNDS OF THE STATE, COUNTIES, SCHOOL DISTRICTS OR MUNICIPALITIES OF THE STATE OF COLORADO.

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

Section 1. Whenever any Public Works financed in whole or in part by funds of the State, Counties, *School Districts* or Municipalities of the State of Colorado shall be undertaken in this State, Colorado Labor shall be employed to perform the work, of not less than eighty per cent (80%) of the labor used on each project. The Term "Colorado Labor" as used herein means any person who has been a bona fide resident of the State of Colorado for a period of not less than one (1) years; without discrimination as to race, color, creed, or religion.

Section 2. All contracts let for Public Works, financed in whole or in part by funds of the State, Counties, *School Districts* or Municipalities of the State of Colorado, shall contain provisions for the preference in employment of Colorado Labor. Any officer or agent of the State, Counties, *School Districts* or Municipalities of the State of Colorado, or any contractor who violates the provisions of this Act, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment in the County Jail for not more than one (1) year or by both such fine and imprisonment within the discretion of the Court.

Section 3. The General Assembly hereby finds, determines and declares this Act necessary for the immediate preservation of the public peace, health and safety.

Section 4. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

*Approved April 17, 1933.

*Note: The 1939 legislature amended sec. 1 of this statute by the passage of H. B. No. 42. Section 2 of this Act, however, is still in force and effect.

AN ACT

HOUSE BILL NO. 42

RELATING TO THE EMPLOYMENT OF COLORADO LABOR ON PUBLIC WORKS FINANCED IN WHOLE OR IN PART BY THE STATE, COUNTY OR SCHOOL DISTRICTS OR MUNICIPALITIES OF THE STATE OF COLORADO AND TO AMEND SECTION 1 OF CHAPTER 122 OF THE SESSION LAWS OF COLORADO, 1933.

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

Section 1. That section 1 of chapter 122 of the Session Laws of Colorado, 1933, be and the same is hereby amended to read as follows:

Section 1. Whenever any Public Works financed in whole or in part by funds of the State, Counties, *School Districts* or Municipalities of the State of Colorado shall be undertaken in this State, Colorado labor shall be employed to perform the work to the extent of not less than eighty per cent of each type or class of labor in the several classifications of skilled and common labor employed on such Project or Public Works. The Term "Colorado Labor" as used herein means any person who has been a bona fide resident of the State of Colorado for a period of not less than one (1) year, without discrimination as to race, color, creed or religion.

Section 2. The General Assembly hereby finds and determines 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 May 6, 1939.

***Note:* This statute amends section 1 of H. B. No. 886, passed by the 1933 legislature; but *section 2* of H. B. No. 886 is not affected and is still in force and effect.

AN ACT

HOUSE BILL NO. 97

RELATING TO THE RETIREMENT AGE OF SCHOOL EMPLOYEES.

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

Section 1. From and after the passage of this act, tenure protection against dismissal or retirement as provided in sections 238 and 239, 1935 Colorado Statutes Annotated, shall cease when a teacher reaches the age of sixty-five. However, tenure protection shall continue beyond the age of sixty-five unless, or until, a teacher has had at least one year of notice in writing from the Board of Education that he will be required to discontinue his teaching duties.

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

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 May 13, 1939.

AN ACT

SENATE BILL NO. 307

RELATING TO THE RETIREMENT OF EMPLOYEES OF SCHOOL DISTRICTS OF THE FIRST CLASS AND TO AMEND SECTION 254, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED.

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

Section 1. Section 254, chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 254. Board of Education may pay funds to retired employees. In any school district of the first class, wherein there shall have been created and shall exist a school teachers' retirement fund, the board of education of such school district is hereby authorized and empowered in its discretion, to pay out of the said fund, upon similar terms and conditions as payments from the same shall be made to retired school teachers, like sums as shall be paid to retired school teachers therefrom, to any retired employee of that district.

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

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.

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 May 13, 1939.

AN ACT

HOUSE BILL NO. 857

TO AMEND SECTION 151 OF CHAPTER 164 OF THE SESSION LAWS OF COLORADO FOR THE YEAR OF 1935, ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES AMENDING CHAPTER 122 OF THE SESSION LAWS OF COLORADO FOR THE YEAR OF 1931 AND REPEALING ALL ACTS AND PARTS OF ACTS THAT CONFLICT HEREWITH, ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES PROVIDING A PENALTY FOR THE VIOLATION THEREOF AND REPEALING ALL ACTS AND PARTS OF ACTS THAT CONFLICT THEREWITH.

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

Section 1. That section 151 of chapter 164 of the Session Laws of Colorado for the year of 1935, be, and the same is hereby amended to read, as follows:

Section 151. *Trucks, tractors, wreckers, busses operating for compensation and all school busses to carry emergency lighting equipment.* No motor vehicle carrying a truck license, no service car used as a wrecker, no passenger bus shall be operated over the highways of this state at any time without carrying in an accessible place on the outside of the vehicle the following emergency equipment, provided, that the use of such equipment will not be required in municipalities where there are street lights within not more than 100 feet.

No motor vehicle operating as a wrecking car at the scene of an accident shall move or attempt to move any wrecked vehicle without first complying with those sections of the law concerning emergency lighting. Failure to comply with this section shall be a misdemeanor punishable as provided in this act.

(A) Three flares or torches of a type approved by the Motor Vehicle Department.

(B) Three red flags with suitable standards.

(C) Three red emergency flares, fusee type, capable of burning at least twenty minutes each, approved by the Motor Vehicle Department and manufactured in accordance with the Bureau of Explosives specifications.

In any case of a breakdown or stop, other than stops required by law, upon the paved or traveled portion of the highway between sundown and sunrise, the driver shall immediately display a lighted fusee type flare at the side of the vehicle nearest the traffic, and then proceed forthwith to place a torch or flare as ap-

proved by the department as follows: One torch or flare not less than 200 feet directly in rear of said motor vehicle; one torch or flare not less than 200 feet directly in front of said motor vehicle; and one at the side of such vehicle nearest traffic. The distance shall be left to the discretion of the driver to place the torches or flares as he sees fit to insure safety in case the vehicle should be stopped on a curve or in any manner where the distance of 200 feet is not ample warning. During any kind of weather, such as rain, snow, or fog, where torches or flares cannot be seen for a distance ample to give the proper warning, the fusee type flare shall be used in their place. Said red flags or flares of a type approved by the department shall be used in place of torches, and displayed in the front and rear of said vehicle in the same manner, in case of breakdowns or stops on the highways between sunrise and sunset; *provided*, that the provisions of this rule shall not apply to passenger-carrying vehicles operated exclusively over lighted streets and highways.

In case any vehicle shall become stalled upon any railroad crossing between sundown and sunrise, the operator thereof shall, after placing proper warning lights upon the highway, cause to be continuously displayed a lighted fusee at least 500 feet down the railroad track in each direction from said crossing.

(D) Vehicles subject to this section hauling explosives or inflammable material as cargo shall be required to use only electrical type lighting and signalling devices or a flare, of a non-inflammable type approved by the Department.

Section 2. *Repeal of inconsistent provisions.* That in so far as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Section 3. The General Assembly hereby finds, determines and declares this Act necessary for the immediate preservation of the public peace, health and safety.

Section 4. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved May 1, 1939.

AN ACT

HOUSE BILL NO. 122

RELATING TO REVENUE AND TAXATION; AND AMENDING SECTION 36, CHAPTER 175, SESSION LAWS OF COLORADO, 1937.

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

Section 1. Section 36, chapter 175, Session Laws of Colorado, 1937, is hereby amended to read as follows:

Section 36. *Allocation of revenue.* All moneys received under the provisions of this act shall be deposited daily with the state treasurer.

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

(b) There are hereby created two funds; one such fund to be known as "Reserve for General Fund of the State" and the other known as "Reserve for General County School Funds." After the deductions required by sub-divisions (1) and (2)-(a) of this section, there is hereby appropriated and set aside for said funds out of the remainder of the income tax collections accrued and accruing, received and receivable, on and prior to June 30, 1941, the following amounts:

To the "Reserve for General County School Funds" \$300,000.00 out of the unallocated and unpaid collections of said tax accrued or received subsequent to October 1, 1938, and prior to April 15, 1939;

To the "Reserve for General County School Funds" 35% of the remainder of all collections of said tax made on or before June 30, 1941, on income tax returns for the calendar years 1938 and 1939, and 35% of the remainder of the collections

of said tax made on and after April 15, 1939, and before April 15, 1941, on returns for fiscal years commencing subsequent to July 1, 1937, and not later than December 1, 1939;

To the "Reserve for General Fund of the State" 65% of said remainder of all collections of said tax made on or before June 30, 1941, on income tax returns for the calendar years 1938 and 1939, and 65% of said remainder of the collections of said tax made on and after April 15, 1939, and before April 15, 1941, on returns for fiscal years commencing subsequent to July 1, 1937, and not later than December 1, 1939;

To the "Reserve for General County School Funds" 10% of said remainder of all collections of said tax made on and after April 15, 1941, and on or before June 30, 1941, on income tax returns for the calendar year 1940;

To the "Reserve for General Fund of the State" 90% of said remainder of all collections of said tax made on and after April 15, 1941, and on or before June 30, 1941, on income tax returns for the calendar year 1940;

To the "Reserve for General Fund of the State" the balance, if any of any collections of said tax made prior to June 30, 1941, and not otherwise allocated by this act.

On and after July 1, 1941, said remainder of the collections of said tax shall be paid to the "Reserve for General County School Funds" as now provided by law. Subject to the proviso hereinafter stated, all sums of money at any time in said "Reserve for General Fund of the State" are hereby appropriated for the purpose of paying the balance of the first and second class appropriations made by the Thirty-First General Assembly and for the purpose of augmenting other general fund revenues of the state for the payment of the appropriations made and to be made by the Thirty-Second General Assembly; *provided*, however, that any part of the said "Reserve for General Fund of the State" which shall not have been allocated or expended for the purposes aforesaid on or prior to June 30, 1941, shall be then allocated to the "Reserve for General County School Funds," and *provided*, further, that if on June 30, 1941, there shall be in the general fund of the state, by reason of the allocation of income tax moneys as aforesaid and the use thereof in augmenting the said general funds, surplus funds over and above the amount necessary to pay the appropriations for the then current biennial period, then such surplus funds shall be paid to the "Reserve for General County School Funds," not, however, in an amount in excess of the amount of income tax moneys so transferred to the said general funds of the state. The sums of money from time to time comprising said "Reserve for General Fund of the State" shall be paid out on warrants duly drawn by the state treasurer, but only after the expenditures have been vouchered or approved for payment by the governor. All sums of money hereinabove appropriated to the "Reserve for General County School Funds" shall be paid out on warrants

drawn by the state treasurer 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, in the manner and at the times hereinafter set forth in this section 36.

(3) The amount of money which each county, or city and county, may receive in any fiscal year from said "Reserve for General School Funds" shall be determined as follows:

(a) Prior to the first day of September in the years 1937 and 1938, and prior to the fifteenth day of September of each year thereafter, the County Superintendent of Schools in each county or in each city and county, shall certify to the State Superintendent of Public Instruction, the school population of the county, or of the city and county, as determined by the last school census taken as required by law.

(b) Prior to the fifteenth day of September, in the years 1937 and 1938, and prior to the first day of October of each year thereafter, the State Superintendent of Public Instruction shall certify to the 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, in the years 1937 and 1938, and on the twentieth day of October each 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, in the years 1937 and 1938, and on the 20th day of October in each year thereafter, the State Treasurer shall divide the total amount of money in his possession marked

“Reserve for Special School Fund” by the total number of children of school age in the state as certified to him, as required by this act, by the State Superintendent of Public Instruction.

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

(4) On or before the fifteenth day of October, in the years 1937 and 1938, and on or before the twenty-fifth day of October of each year thereafter the State Treasurer shall notify the Board of County Commissioners of each county, or city and county, the amount of money that is available and to the credit of their respective counties, or cities and counties, from the fund designated “Reserve for General County School Fund” and in the fund designated “Reserve for Special School Fund.”

(a) On receipt of said notice from the State Treasurer, the Board of County Commissioners of each county, or city and county, shall certify to the State Treasurer that it has reduced the levy for the general county school fund as required in 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.

(c) Upon receiving the sworn statements specified in sub-section 5 the State Treasurer shall pay to the various County Treasurers the allotments available under sub-sections 3 and 4 of this section and upon receipt of the said moneys the County 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 the chapter 66, section 25, 1935 Colorado Statutes Annotated for the collection of certain tax moneys shall not apply to moneys received by the County Treasurer on account of the income tax; and *provided*, that in the case of any county, or city and county, having a population in excess of two hundred and fifty thousand (250,000) people, all funds apportioned to such county, or city and county, as provided in this act shall be allocated so that fifty per cent (50%) of the said funds shall be allocated for the county or city and county and fifty per cent (50%) shall be allocated to the school district or districts therein; and the funds so allocated shall be paid to the Treasurer of the said county, or city and county, without the necessity of the sworn statements specified in the 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.

(6) 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.

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

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

Approved March 31, 1939.

AN ACT

SENATE BILL NO. 661

TO AMEND SECTION 146, 147 and 148, CHAPTER 146, COLORADO STATUTES ANNOTATED, 1935, RELATING TO REFUNDING BONDS OF SCHOOL DISTRICTS.

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

Section 1. That section 146, chapter 146, Colorado Statutes Annotated, 1935, be and the same is hereby amended to read as follows:

Section 146. *Refunding bonds may be issued.* Any School District, County High School District or Union High School District in this state may issue negotiable coupon bonds to be denominated refunding bonds for the purpose of refunding any of the bonded indebtedness of such district, whether due or not due, or which has or may hereafter become payable at the option of such district, or by consent of the bondholders or by any lawful means, whether such bonded indebtedness be now existing or may hereafter be created, and there shall not be funds of the district available for the payment or redemption of such outstanding bonds.

Section 2. That section 147, chapter 146, Colorado Statutes Annotated, 1935, be and the same is hereby amended to read as follows:

Section 147. *Question of issuing refunding bonds need not be submitted to electors, except.* Whenever the High School Committee of any high school district, the Board of any union high school district, or the Board of Education of any school district shall deem it expedient to issue refunding bonds under the provisions of sections 146 to 151, inclusive, of this chapter, and the rate of interest thereon shall not exceed the rate of interest upon the bonds to be refunded, such refunding bonds may be issued without the submission of the question of issuing the same to a vote of the qualified electors of such district. If any of said districts propose to issue refunding bonds, bearing a rate of interest greater than that of the bonds to be refunded, the governing body shall cause the question of issuing such refunding bonds to be submitted to a vote of such qualified electors of the district as have paid a school tax therein in the year next preceding such election. Any such election shall be called and held as nearly as may be in the manner provided by law for the issuance of other school bonds of the issuing district, except that a petition shall not be required in Union High School Districts or County High School Districts. A

majority of all votes cast in favor of the proposition submitted shall be required for the issuance of such bonds.

Section 3. That section 148, chapter 146, Colorado Statutes Annotated, 1935, be and the same is hereby amended to read as follows:

Section 148. *Authorization by resolution—Form—Rate of interest—Maturity date—Coupons—Redemption.* Such refunding bonds shall be authorized by a resolution fixing the date, the denomination or denominations, the rate of interest, which rate shall not be more than eight (8) per centum per annum in the case of School Districts, and six (6) per centum in the case of County High School Districts or Union High School Districts, the maturity dates, the last of which shall not be more than twenty-five (25) years from the date of such refunding bonds, and the place or places of payment within or without the state of Colorado, of both principal and interest, and prescribing the form of such refunding bonds. Such bonds shall be negotiable in form, shall be executed in the name of the district, and signed by the President of the board of education or high school committee and have the seal of the district affixed thereto, attested by the Secretary, and shall be countersigned by the County Treasurer. The interest accruing on such refunding bonds shall be evidenced by semi-annual interest coupons thereto attached, bearing the engraved facsimile signature of the President of the board of education or high school committee, and when so executed such coupons shall be the binding obligations of the district according to their import. Such refunding bonds shall mature serially, commencing not later than five (5) years after the date of such bonds and maturing during a period not exceeding twenty-five (25) years from the date thereof. The amount of such annual maturities shall be fixed by the board of education or high school committee and specified in the resolution authorizing the issuance of the refunding bonds. The right to redeem all or part of said bonds, prior to their maturity, and the order of any such redemption, may be reserved in the resolution authorizing the issuance of bonds and shall be set forth on the face of said bonds.

Section 4. All Acts or parts of Acts inconsistent or in conflict with this Act are hereby repealed.

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

Section 6. In the opinion of the General Assembly an emergency exists, therefore this Act shall take effect and be in force from and after its passage.

Approved May 17, 1939.

HOUSE JOINT RESOLUTION NO. 7

(By Representatives Griffith, Smith, Kramer and
Senator Sanders)

Whereas, Colorado Blue Spruce (*Picea Pungens*) was first discovered on the slopes of Pikes Peak in 1862, and named by the noted botanist, Dr. C. C. Parry; and

Whereas, this species reaches its optimum development in the State of Colorado and has been transplanted throughout many other sections of the United States and the world; and

Whereas, the school children of the State of Colorado voted in 1892 to name the Blue Spruce as the State Tree of Colorado;

Now, therefore, *Be It Resolved by the House of Representatives of the Thirty-second General Assembly of the State of Colorado, the Senate Concurring Herein:*

That this action of the children of the State be officially recognized, and that the house of representatives and the senate of the State of Colorado, by this resolution, officially designate Colorado Blue Spruce as the State Tree of Colorado.

