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# SCHOOL LAWS

Enacted by

The Thirty-fifth  
General Assembly

STATE OF COLORADO

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## 1945 Supplement

EXTRAORDINARY SESSION

Convened at Denver

At 12 o'clock noon on Monday, November 19,  
A. D. 1945, and adjourned sine die on  
Tuesday, December 4, 1945

INEZ JOHNSON LEWIS

State Superintendent of  
Public Instruction

THE BRADFORD-ROBINSON Ptg. Co., DENVER

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# AN ACT

## HOUSE BILL NO. 10

AN ACT TO AMEND AND RE-ENACT CHAPTER 175, SESSION LAWS OF COLORADO, 1943, AS AMENDED, KNOWN AS THE "MINIMUM EDUCATIONAL PROGRAM ACT OF THE STATE OF COLORADO."

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

Chapter 175, Session Laws of Colorado, 1943, as amended by Chapter 220, Session Laws of Colorado, 1945, is hereby amended and as so amended is re-enacted as follows:

Section 1. This Act shall be known and cited as the Minimum Educational Program Act of the State of Colorado.

Section 2. None of the terms or provisions of this Act shall be operative against or in any way apply to or affect any school district tax levy unless such school district shall first by an action of its Board of Education elect to accept and be subject to the said terms and provisions hereof; provided, however, that a county or a school district which does not comply with the provisions of this Act shall receive no benefits from the State School Equalization Fund hereinafter provided.

Section 3. The State of Colorado hereby specifies that from and after January 1, 1946, for the maintenance of each whole classroom unit, as hereinafter defined, there shall be provided the minimum sum of one thousand eight hundreds dollars (\$1,800.00); provided, that the minimum program of a district which maintains school for less than nine (9) months shall be the amount which bears the same ratio to the above amount as the length of term in months bears to nine, if the school term is not less than seven (7) months; provided that in school districts with fewer than fifteen (15) of school population, the minimum program shall be the same fractional amount of one classroom unit that the school census is of fifteen. Provided, however, that where in the opinion of the County Superintendent of Schools in the county in which the district is located, undue hardship or discrimination would result from the application of the last proviso, and upon recommendation of said County Superintendent and approval by the State Superintendent of Public Instruction and the Colorado Tax Commission, a district with a school census of less than fifteen (15) may be allowed the amount available for a full classroom unit, or such part thereof as may be deemed necessary by said officials. Nothing in this Act shall be construed as a limitation upon the right of any school district in Colorado to expend per classroom unit amounts in excess of the amount specified in this section. Expenditures from these minimum funds shall not be made for capital outlay or debt service by any school district in Colorado.

Section 4. The necessary funds to support the state's minimum program of education as defined in the preceding section shall be provided (1) by the counties of the state, (2) by the school districts, (3) by state funds supplied by legislative acts. All funds designated by law as belonging to the General School Fund of the county from all sources, including the proceeds of the county tax for the County General School Fund, the proceeds of the State Income Tax allotted to the county for use as provided by law, and the county's share of the Public School Income Fund, and by law being distributed to the districts of each county from said fund, shall be paid into the County General School Fund and shall be apportioned to the school districts of each county as provided by law; provided, however, that if during any calendar year there shall not have been collected by the county treasurer and credited to the General School Fund of the county the net amount in dollars (less the collecting fee allowed the county treasurer by law) of the tax levied under the provisions of Sections 240 to 247, inclusive, of Chapter 146, 1935 Colorado Statutes Annotated, as amended for such calendar year, said county treasurer shall on or before October 16th of the year following, certify to the county commissioners of his county the amount of such deficiency, if any, in collections for any payments into the County General School Fund, exclusive of any prior deficiency tax levies, and the amount of all collections for and payments into the County General School Fund on account of delinquent taxes for former years and the amount of such deficiency, less such delinquent payments and collections, shall thereupon be added to the tax levied for the County General School Fund by the county commissioners for the succeeding year and the county commissioners are authorized to make a tax levy because of such deficiency even though such deficiency levy may make a total levy in excess of the five (5) mill limitation. On or before November 15 of each year the respective county treasurers of each county shall report the amount of such net deficiency, if any, to the state treasurer and to the state superintendent of public instruction, and the rate of tax levied to make up the deficiency. If said county commissioners shall fail to levy a sufficient tax for such net deficiency, if any, at the time of making the tax levy for the County General School Fund, the said state treasurer and the state superintendent of public instruction shall be and hereby are prohibited from setting aside, paying over, or distributing to said county any funds or moneys from the State School Equalization Fund, hereinafter provided for, during the ensuing calendar year.

Section 5. (a) For the purpose of paying for the support of the minimum educational program and minimum standards as herein set forth, in addition to the funds provided as now required by law for the County General School Fund, funds and tax levies may be made as follows:

(1) On or before the day designated by law for the commissioners of each county to levy the requisite taxes for the then ensuing year, except as otherwise specifically provided herein, the

school board in each district which has elected to accept and be subject to the terms of this Act and which has one or more classroom units, shall certify to the county superintendent of schools a statement, in such manner and form as shall be prescribed by the state superintendent of public instruction, which statement shall certify that such district has elected to accept and be subject to the terms of this Act and shall show the aggregate amount over and above the amount derived from the County General School Fund which it is necessary to raise for the purpose of maintaining in said district the minimum educational program and standards as provided in this Act. The county superintendent of schools shall report the aggregate amount for all districts accepting the provisions of this Act in the county to the board of county commissioners.

(2) It shall thereupon be the duty of the county commissioners in all counties with a population of less than 100,000, as shown by the last federal census, to levy at the same time that other taxes are levied such rate of tax levy on all the taxable property in the county, not exceeding, however, one (1) mill, as will provide the amount so certified. The proceeds of this tax shall be allocated by the county superintendent of schools to the school districts of the county electing to accept and be subject to the terms of this Act, in the same proportion as the amount needed for the whole classroom units in the district bears to the amount needed for the whole classroom units in the county. The proceeds of this tax shall be apportioned to the respective districts by the county treasurer in accordance with certification of the county superintendent of schools.

(3) The minimum special fund levy necessary to entitle districts to participate in distribution of the State School Equalization Fund under this Act shall be as follows: In county high school districts and in union high school districts, one and one-half ( $1\frac{1}{2}$ ) mills; in districts of the first, second or third class which are parts of county or union high school districts, four and one-half ( $4\frac{1}{2}$ ) mills; in all other districts, six (6) mills. Provided, however, that all eligible districts shall receive their portion of said State School Equalization Fund for the year 1945 in accordance with the provisions of Chapter 220, Session Laws of Colorado, 1945, and provided further that during the year 1946 the following districts shall be deemed entitled to participate in said distribution under the provisions of this subsection: county high school districts and union high school districts with a special mill levy for the year 1945 of one (1) mill or more; district of the first, second or third class which are parts of county or union high school districts, with a special mill levy for 1945 of two (2) mills or more; all other districts with a special mill levy for 1945 of three (3) mills or more. The term "special mill levy for 1945" as used in this section shall mean that set in the year 1945 to produce revenue payable in 1946.

In case any such county or union high school district has a special mill levy for 1945 of one (1) mill or more and less than one and one-half ( $1\frac{1}{2}$ ) mills, such district shall be entitled to receive only such portion of said State School Equalization Fund

for the year 1946 as it would have received with a one and one-half ( $1\frac{1}{2}$ ) mill levy.

In case any first, second or third class district which is part of a county or union high school district has a special mill levy for 1945 of two (2) mills or more and less than four and one-half ( $4\frac{1}{2}$ ) mills, such district shall be entitled to receive only such portion of said State School Equalization Fund for the year 1946 as it would have received with a four and one-half ( $4\frac{1}{2}$ ) mill levy.

In case any other district shall have a special mill levy for 1945 of less than five (5) mills, said district shall be entitled to receive only such portion of said State School Equalization Fund for the year 1946 as it would have received with a six (6) mill levy.

(4) To be entitled to participate in distribution of said fund under this Act for the year 1946 any district may make and file, together with the information required by this Act, its election to be subject to the terms and conditions of this Act on or before January 15, 1946. For said year the county superintendent of schools shall have until January 30th to submit the statement and certification herein required to the state superintendent of public instruction and the board of county commissioners.

(b) For the purpose of paying the state's share of the cost of the minimum educational program as defined herein, there is hereby created and set up in the state treasurer's office a fund to be known as the State School Equalization Fund, which is derived from such percentage of the collections of the state income tax as may be appropriated to said fund from time to time, and such other funds as may be proved by law. This fund shall be distributed to the school districts of the state which have elected to accept the benefits of this Act, as follows:

(1) To determine the amount due to each county of this state, over and above the amounts paid into the County General School Fund, for the minimum educational program as defined in this Act, the county superintendent of schools of each county shall report and certify to the state superintendent of public instruction the total number of classroom units as defined in this Act for his county, and shall also report the aggregate minimum sum of money for the maintenance of such classroom units for his county as defined in Section 2 of this Act in districts electing to be subject to this Act, and then shall certify to the state superintendent of public instruction the amount of money provided by his county through the general school fund of that county for the support of the classroom units in each district in that county, which has elected to be subject to the terms of this Act, and the amount of money which will be raised for the respective school districts by the Minimum Special Fund Levy, and by the one mill county levy, herein provided for. Any amount required over and above the money provided by said County General School Fund, said Minimum Special Fund Levy and said one mill county levy (assuming 100 per cent collection less county treasurer's collection fee) for the maintenance of the minimum education program as defined in this Act in each of the several districts electing to be subject to

this Act, in his county, shall be a charge against this fund; provided, however, that such amounts shall not, except in cases herein specifically provided for, be certified by the state superintendent of public instruction or be paid from the State Equalization Fund to the county treasurer unless and until the school district board shall have certified to the county commissioners the minimum special fund levy on the assessed valuation of the school district herein provided for, and such tax shall have been levied by the county commissioners and the commissioners of such county shall have made the one mill county levy herein provided for. The county superintendent shall certify to the state superintendent of public instruction the several levies made for school purposes for the county and for each school district in the county.

(2) The reports and certification above mentioned, required to be made by the county superintendent of schools shall, except as otherwise specifically provided herein, be made by him within thirty days from and after the fixing by the county commissioners of each county of the county levy for the County General School Fund to the state superintendent of public instruction, who shall examine such reports from the counties for their accuracy and compliance with this Act, and pursuant to such examination by him, the state superintendent of public instruction shall certify to the state treasurer for payment, out of the State School Equalization Fund, the respective amounts due to the respective counties in this state. Such certification to the state treasurer shall be made by the state superintendent of public instruction not later than March 30th of each year. Payments out of the State School Equalization Fund by the state treasurer to the county treasurer shall be made semi-annually during the fiscal year of the State of Colorado; provided, however, that said state treasurer, with the approval of the Governor, may make such payments to the respective county treasurers at other periodic intervals during the fiscal year.

(3) In the event that the total sums of money payable to the respective counties out of the State School Equalization Fund, exceed the amount of this fund, the state treasurer is authorized to pay only the proportionate amount to each county in the proportion as the amount of this fund bears to the total amount due to all the counties of this state.

The county treasurer shall enter for record the amount received from the state treasurer from the State School Equalization Fund and place to the credit of the Special Fund of each district as certified by the county superintendent of schools.

(c) No school district or county shall, except as herein otherwise specifically provided, receive any moneys out of the State School Equalization Fund unless and until all levies as provided herein have been made, and the state superintendent of public instruction shall not, except as herein specifically provided, include any of such counties or school districts which have so failed to make such levies in his computations which he certifies to the state treasurer, it being intended hereby to exclude from

the benefits of said fund only the delinquent counties or school districts without prejudice to other counties or school districts by reason of such delinquencies, and provided further that no school district shall receive any moneys out of said fund unless such district shall pay three-fourths of the funds actually received for each classroom unit as compensation to each qualified full time teacher for full performance of his or her annual contract and certification of such fact be made by the secretary of the Board of Education and filed with the state superintendent of public instruction on or before January 30th of each year; subject, however, to the condition that this proviso shall not apply to any fund or funds which do not contain moneys from the State School Equalization Fund hereinabove referred to.

(d) No school district, which fails to maintain school for a term of seven (7) months, shall receive any money from the State School Equalization Fund.

Section 6. *Classroom Units Defined.* The number of classroom units to which any school district is entitled under the provisions of this Act shall be the same number as the number of teachers to which said district is allowed and entitled under the provisions of Section 243, as amended, of Chapter 146, 1935 Colorado Statutes Annotated.

It is the power and it shall be the duty of the State Board of Education to adopt and publicize such rules, not inconsistent with law, as will govern the classification of teachers as elementary and high school teachers.

No school district shall be allowed a classroom unit in excess of the number of regular teachers actually employed by it.

Section 7. If any section, sub-section, sentence, clause or phrase of this Act be for any reason held to be unconstitutional such holding shall not affect the validity of the remaining portion of this Act. The General Assembly hereby declares that it would have passed this Act and each section, sub-section, sentence, clause or phrase thereof separately and irrespectively of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be unconstitutional.

Section 8. All Acts or parts of Acts in conflict herewith are hereby repealed; nothing herein contained shall be construed as repealing any part of Sections 240 to 247, inclusive, of Chapter 146, Colorado Statutes Annotated, 1935, as amended.

Section 9. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

Section 10. 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: December 14, 1945.



# AN ACT

## HOUSE BILL NO. 12

AN ACT RELATING TO REVENUE AND TAXATION AND TO AMEND CHAPTER 175, SESSION LAWS OF COLORADO OF 1937, AS AMENDED, RELATING TO THE INCOME TAX.

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

Section 1. Sub-section 2 (b) of Section 36, Chapter 175, Session Laws of Colorado, 1937, as amended by Section 1 of House Bill No. 447, enacted by the Thirty-fifth General Assembly and approved by the Governor April 5, 1945, is hereby amended to read as follows:

Section 36. 2 (b) There is hereby created a fund to be known as "reserve for general county school funds." After the deductions required by subdivisions (1) and (2)-(a) of this section, there is hereby appropriated and set aside out of the remainder of the income tax collections accrued and accruing, received and receivable, on and after July 1, 1945:

To the "reserve for general county school funds," 35 per cent.

To the "general fund" of the state, 50 per cent.

To the "state school equalization fund," 15 per cent.

*Provided, however,* that on and after July 1, 1946, after the deductions required by subdivisions (1) and (2)-(a) of this section, there is hereby appropriated and set aside out of the remainder of the income tax collections accrued and accruing, received and receivable:

To the "reserve for general county school funds," 35 per cent.

To the "general fund" of the state, 30 per cent.

To the "state school equalization fund," 35 per cent.

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

Approved: December 14, 1945.

# AN ACT

## HOUSE BILL NO. 24

AN ACT CONCERNING THE LIMITATION OF BONDED INDEBTEDNESS THAT MAY BE CONTRACTED BY COUNTY HIGH SCHOOL DISTRICTS, AND TO AMEND SECTION 197, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED.

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

Section 1. Section 197, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 197. On the petition of fifty voters having the qualifications hereinafter prescribed, of any county high school district, the county superintendent of public schools and ex-officio secretary of said district shall give notice, not less than twenty days before any regular meeting now or which may hereafter be provided by law, for electing members of school boards in the respective districts of the state, or special meeting held under the provisions of this subdivision, that the question of contracting a bonded debt for the purpose of erecting and furnishing high school buildings, or purchasing ground, or for funding floating debts, will be submitted to such qualified voters of the county high school district as have paid a school tax therein in the year next preceding said meeting. Notice of such meeting shall be given and such meeting shall be held and conducted and the returns thereof made and the result declared in the manner as nearly as may be as is by this subdivision provided for the organization of county high school districts. Any person offering to vote at such meeting in the respective public school districts of the county high school district, may be challenged by any legally qualified elector of the district and any one of the judges of election shall thereupon administer to the person challenged, on oath as follows:

“You do swear (or affirm) that you are a citizen of the United States; that you have resided in the state of Colorado one year immediately preceding this election; that you have paid a school tax within this school district in the year next preceding this election, and that you have not voted at this election, so help you God (or under the pains and penalties of perjury).”

If he shall refuse to take such oath or affirmation, his vote shall be rejected. The high school committee of any such county high school district shall first agree, and certify the amount of indebtedness to be created, if any. In no case shall the aggregate amount of bonded indebtedness of any county high school district for high school purposes, exceed two per cent of the assessed value of the property of such high school district. At such election a

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

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: December 14, 1945.

# AN ACT

## HOUSE BILL NO. 25

AN ACT CONCERNING THE LIMITATION OF BONDED INDEBTEDNESS THAT MAY BE CONTRACTED BY UNION HIGH SCHOOL DISTRICTS, AND TO AMEND SECTION 175, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED.

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

Section 1. Section 175, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 175, Statutory limitations now provided by law, relating to the bonded indebtedness of school districts, shall not be applicable to union high school districts, but the total amount of bonded indebtedness of a union high school district under the provisions of this law shall not exceed three per cent of the assessed value of the property in such union high school district, for the year next preceding the date of issue of said bonds: Provided, however, that if the school board of any union high school district shall determine that an emergency exists and that the limitation on bonded indebtedness hereinabove set forth prevents the said district from meeting such emergency, said Board may make application to the Colorado Tax Commission for permission to incur a bonded indebtedness up to but not exceeding six percentum of the assessed valuation of the property within said district, and if such application be approved by the Colorado Tax Commission the total limitation on bonded indebtedness of such union high school district shall be increased to the amount approved by said commission; and provided further, that in no event shall the bonded indebtedness of a union high school district exceed at any time six percentum of the assessed valuation of the property within said district for the year next preceding the date of said bonds.

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: December 14, 1945.

# AN ACT

## SENATE BILL NO. 3

CONCERNING THE LIMITATION ON BONDED INDEBTEDNESS THAT MAY BE CONTRACTED BY SCHOOL DISTRICTS, AND TO AMEND SECTION 122, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED.

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

Section 1. Section 122, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 122. The amount of the bonded indebtedness proposed to be contracted, and the maximum rate of interest which it is proposed that it shall bear, shall, prior to such submission to said electors, be determined by said board of education, but in no event shall the aggregate amount of bonded indebtedness of any school district of the first or second class exceed five percentum, or of any school district of the third class exceed three and one half percentum of the assessed value of the property in such district for the year next preceding the date of said bonds; Provided, however, that if the Board of Education of any school district shall determine that an emergency exists and that the limitation on bonded indebtedness hereinabove set forth prevents the said district from meeting such emergency, said Board may make application to the Colorado Tax Commission for permission to incur a bonded indebtedness up to but not exceeding ten percentum in districts of the first and second class, of the assessed valuation of the property within said district, and in districts of the third class up to but not exceeding seven percentum thereof and if such application be approved by The Colorado Tax Commission the total limitation on bonded indebtedness of such district shall be increased to the amount approved by said Commission; and provided further, that in no event shall the bonded indebtedness of a district of the first or second class exceed at any time ten percentum, and in a district of the third class seven percentum, of the assessed valuation of the property within said district for the year next preceding the date of said bonds.

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: December 14, 1945.

