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# SCHOOL LAWS

Enacted by

The Thirty-sixth  
General Assembly

STATE OF COLORADO



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NETTIE S. FREED  
State Superintendent of  
Public Instruction

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# AN ACT

House Bill No. 44

DESIGNATING THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AS THE STATE EDUCATIONAL AGENCY TO ADMINISTER A SCHOOL LUNCH PROGRAM IN CONJUNCTION WITH THE FEDERAL GOVERNMENT; AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The State Superintendent of Public Instruction is hereby authorized as the State educational agency to administer a school lunch program in conjunction with the Federal Government under the provisions of Public Law 396, 79th Congress, Chapter 281, 2d Session, known as the "National School Lunch Act", and any amendments or supplemental legislation thereto; and said State Superintendent of Public Instruction is hereby authorized to enter into any agreements or contracts on behalf of the State of Colorado, and to perform such functions and do such acts as are required by the Federal Government as a condition precedent or otherwise to receiving the benefits of said Federal Act and the benefits of any amendments or supplemental legislation thereto.

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: April 10, 1947.

# AN ACT

## House Bill No. 159

CONCERNING SALARIES OF COUNTY AND OTHER OFFICERS, AND PROVIDING FOR THE CLASSIFICATION OF RIO BLANCO AND GARFIELD COUNTIES FOR THE PURPOSE OF FIXING SALARIES.

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

SECTION 1. Section 5, Chapter 125, Session Laws of Colorado, 1945, is hereby amended to read as follows:

Section 5. Class IV shall consist of the Counties of Montezuma, Bent, Washington, Chaffee, Costilla, Kit Carson, Lake, Teller, Baca, Gunnison, and Rio Blanco as Group A; Saguache, Lincoln, Elbert, Crowley, Eagle, Sedgwick, Moffat and Phillips as Group B; and the annual salaries of County and other Officers shall be as follows:

	Group A	Group B
(a) County Commissioners .....	\$1,200.00	\$1,000.00
(b) County Superintendent of Schools.....	1,800.00	1,650.00
(c) County Clerk .....	2,400.00	2,250.00
(d) County Treasurer .....	2,400.00	2,250.00
(e) County Assessor .....	2,400.00	2,250.00
(f) County Sheriff .....	2,400.00	2,400.00
(g) County Judge .....	2,100.00	1,900.00
(h) Clerk of County Court.....	1,700.00	1,500.00
(i) Clerk of the District Court.....	1,800.00	1,800.00

SECTION 2. Section 6, Chapter 125, Session Laws of Colorado, 1945, is hereby amended to read as follows:

Section 6. Class V shall consist of the Counties of Archuleta, Clear Creek, San Miguel, Grand, Douglas, Park, Cheyenne, Kiowa, Custer and Ouray, and the annual salaries of County and other Officers shall be as follows:

(a) County Commissioners .....	\$1,000.00
(b) County Superintendent of Schools.....	1,500.00
(c) County Clerk .....	2,100.00
(d) County Treasurer .....	2,100.00
(e) County Assessor .....	2,100.00
(f) County Sheriff .....	2,300.00
(g) County Judge .....	1,800.00
(h) Clerk of the County Court.....	1,200.00
(i) Clerk of the District Court.....	1,800.00

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: April 4, 1947.

# AN ACT

House Bill No. 176

RELATING TO SCHOOL DISTRICTS.

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

SECTION 1. Section 9, Chapter 237, Session Laws of Colorado, 1937, is hereby amended to read as follows:

Section 9. (a) 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 each County of the proposed Junior College District that the majority of the votes cast in each County on the question of organizing a Junior College District were in favor of such organization, then such District shall be formed in accordance with provisions of this Act, but if it shall appear from the record of the Superintendent of any County of the proposed Junior College District that the majority of the votes cast in such County on the question of organizing a Junior College District were against such organization, then such District shall not be organized in accordance with the provisions of this Act; **provided, however**, that the provisions of this Section shall not be construed to prevent the filing of a subsequent petition or petitions for the formation of a similar Junior College District.

(b) If the majority of the votes cast in each County at said election shall be in favor of the organization of the Junior College District, 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 a 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 manner 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 2. Section 20, Chapter 237, Session Laws of Colorado, 1937, is hereby amended to read as follows:

Section 20. (a) 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 its certificate of such fact with the County Clerk of the County wherein the District is situate. Thereupon such District shall be considered at an end.

If any property or funds shall remain in the hands of the Junior College Committee, credit after such dissolution of such property or funds shall be distributed as provided in such plan of dissolution for the distribution of the assets of such Junior College District.

(b) If a Junior College District consists of two or more Counties, any County in such District may withdraw therefrom in the manner hereinafter provided. A plan for the withdrawal of such County from such Junior College District may be submitted to the qualified electors of such County at a special election in such County held for that purpose, which election shall be called by the Superintendent of Schools for such County upon petition of at least two hundred fifty (250) qualified electors of such County. Such plan must provide that the territory of such County shall be held to pay its ratable proportion of all then existing debts and liabilities of such Junior College District, which proportion of the existing debts and liabilities shall, however, be reduced by a credit to the territory of such County of a portion of the assets of such Junior College District, which portion shall be computed in the same proportion as the existing debts and liabilities of the district aforesaid. If the qualified electors of such County shall authorize such withdrawal by a vote of the majority of electors voting at such special election, the Superintendent of Schools of each County shall transmit the result of such election to the Junior College Committee of such District and such Committee shall thereupon proceed to the carrying out of the plan so authorized and, upon accomplishment thereof, shall file its certificate of such fact with the County Clerk and Recorder of each County of which such District is composed. Thereafter said County shall no longer be a part of such Junior College District. Withdrawal of such County from such Junior College District shall not impair in any manner the validity or existence of such District as so changed, with respect to the remaining County or Counties of which such District is or shall be composed, regardless of the assessed valuation and school population of such remaining County or Counties, but such District as so changed shall remain a valid and existing Junior College District until dissolved in the manner provided in subsection (a) of this Section. Upon the withdrawal of any such County from the District, any members of the Junior College Committee residing in the County so withdrawing shall cease to be members of said Committee, and the vacancies thus occurring shall be filled in the manner provided in Chapter 237, Session Laws of Colorado, 1937. After the withdrawal of any such County or Counties, the Junior College Committee may, in its discretion, change the name of the District, and shall certify such change of name to the County Superintendent of Schools of each of the Counties remaining a part of the District.

SECTION 3. The General Assembly hereby finds, deter-

mines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

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 12, 1947.



# AN ACT

## House Bill 228

AUTHORIZING CITIES, TOWNS, COUNTIES AND SCHOOL DISTRICTS TO OPERATE SYSTEMS OF PUBLIC RECREATION AND PLAYGROUNDS AND TO AMEND CHAPTER 136, COLORADO STATUTES ANNOTATED OF 1935.

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

Chapter 136, 1935 Colorado Statutes Annotated, is hereby amended, and as so amended, is re-enacted to read as follows:

SECTION 1. Any city, town, village or county may own and operate public recreation facilities and playgrounds; acquire, equip and maintain land, buildings or other recreational facilities either within or without the corporate limits of such city, town or village; and expend funds therefor and for all purposes connected therewith.

SECTION 2. Any school district may operate a system of public recreation and playgrounds, and may exercise all other powers enumerated in the preceding Section.

SECTION 3. Any city, town, village, county, or school district may operate such a system independently or may cooperate in its conduct in any manner in which they may mutually agree; or may delegate the operation of the system to a recreation board created by any or all of them, and appropriate money, voted for this purpose, to such board, and may make charges and require the payment of fees for the admission to and use and enjoyment of such recreation facilities and playgrounds.

SECTION 4. Any municipal corporation or board given charge of the recreation system is authorized to conduct its activities on (1) property under its custody and management; (2) other public property, under the custody of other municipal corporations or boards, with the consent of such corporations or boards; (3) private property, with the consent of the owners, or without such consent as provided below. It shall have authority to accept gifts and bequests for the benefit of the recreational service, and employ supervisors and directors of recreational work, and may take private property for the aforesaid purposes without the owner's consent upon payment of just compensation and shall have and exercise the right of eminent domain in accordance with the provisions of Chapter 61, Colorado Statutes Annotated, 1935, and all amendments thereto, and other applicable laws and statutes.

SECTION 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 6. It is hereby declared 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: March 14, 1947.

## AN ACT

House Bill No. 340

TO AMEND SECTION 253, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED, AS AMENDED, RELATIVE TO THE SPECIAL LEVY FOR USE OF PUBLIC SCHOOL TEACHERS' RETIREMENT FUND.

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

SECTION 1. Section 253, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Chapter 217, Session Laws of Colorado, 1945, is hereby amended to read as follows:

Section 253. The money for the use of the Public School Teachers' Retirement Fund shall be secured by a special levy not to exceed 3 mills upon the said School District, and from any gifts or bequests which may be made to said Fund.

SECTION 2. All Acts or parts of Acts in conflict herewith are hereby expressly repealed.

Approved: April 9, 1947.

Note: This bill applicable to first class districts and county and union high school districts **only**.

## AN ACT

### House Bill No. 342

TO AMEND PARAGRAPH 251, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED, CONCERNING PENSIONS FOR EMPLOYEES OF SCHOOL DISTRICTS.

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

SECTION 1. That Paragraph 251, Chapter 146, 1935 Colorado Statutes Annotated be, and the same hereby is, amended to read as follows:

Paragraph 251. The Board of Education in any such district is hereby authorized to establish a public school teachers' retirement fund, and shall be authorized to pay out of such fund a sum not more than Sixty-five Dollars (\$65.00) per month to any man teacher who shall have attained the age of sixty years while in the service of said school district, or to any woman teacher who shall have attained the age of fifty-five years while in the service of said school district, and who has also been in active service as a teacher for a period of twenty-five years, of which not less than fifteen years shall have been within said school district. The Board of Education of any such school district may also make provisions not exceeding the above amounts for such teachers as shall have become permanently incapacitated from teaching while in the service of the district; provided, however, that the said beneficiary shall have served in the said school district for a period of not less than ten years.

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 3, 1947.

Note: This bill applicable to first class districts and county and union high school districts **only**.

# AN ACT

## House Bill No. 351

TO AMEND SECTIONS 245, 249, 251, AND 258, CHAPTER 16, 1935 COLORADO STATUTES ANNOTATED, AS AMENDED, RELATING TO LIGHTS, AND REFLECTORS OF VEHICLES.

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

SECTION 1. That Section 245, Chapter 16, 1935 Colorado Statutes Annotated, as amended, is hereby amended to read as follows:

Section 245. Within thirty (30) days after the effective date of this Act, every vehicle designed or used for the transportation of property, or for the transportation of persons, except buses operated entirely within municipalities, when their interiors are illuminated, shall display lighted lamps at the times mentioned in Section 242 of this Chapter when and as required in this Section, except that such lamps may be but are not required to be lighted when any such vehicle is upon a highway which is sufficiently illuminated by street lamps to render any person or vehicle visible at a distance of 500 feet.

1. Clearance lamps—Every motor vehicle or motor-drawn vehicle having a width at any part in excess of 80 inches shall be equipped with four clearance lamps located as follows:

(a) Two on the front, one at each side, displaying an amber light visible from a distance of 500 feet to the front of the vehicle.

(b) Two on the rear, one at each side, displaying a red light visible only to the rear and visible from a distance of 500 feet to the rear of the vehicle, which said rear clearance lamps shall be in addition to the rear red lamp hereinbefore required.

(c) All clearance lamps required herein shall be located not more than one inch from the extreme outside edges of the vehicle and not more than 72 inches nor less than 36 inches above the level on which the vehicle stands.

(d) Any trailer when operated in conjunction with a vehicle which is properly equipped with front clearance lamps as herein provided, may be but is not required to be equipped with front clearance lamps; provided the towing vehicle is of equal or greater width than the towed vehicle.

(e) All clearance lamps required herein shall be of a type approved by the State Highway Department.

2. Side marker lamps—Every motor vehicle or motor-drawn vehicle or combination of such vehicles which exceeds 30

feet in overall length shall be equipped with four side marker lamps located as follows:

(a) One on each side near the front displaying an amber light visible from a distance of 500 feet to the side of the vehicle on which it is located.

(b) One on each side near the rear displaying a red light visible from a distance of 500 feet to the side of the vehicle on which it is located; provided, such rear marker light shall not be so placed as to be visible from the front of the vehicle.

(c) Each such sidemarker lamp shall be located not more than 72 inches nor less than 36 inches above the level on which the vehicle stands.

(d) If the clearance lamps hereinbefore required are of such a design as to display lights visible from a distance of 500 feet at right angles to the sides of the vehicles they shall be deemed to meet the requirements as to marker lamps in this paragraph.

(e) All marker lamps required herein shall be of a type approved by the State Highway Department.

3. Clearance reflectors—Every motor vehicle or motor-drawn vehicle having a width at any part in excess of 80 inches shall be equipped with four clearance reflectors located as follows:

(a) Two amber reflectors on the front, one at each side, located not more than one inch from the extreme outside edges of the vehicle.

(b) Two red reflectors on the rear, one at each side, located not more than one inch from the extreme outside edges of the vehicle.

(c) All such reflectors to be located not more than 60 inches nor less than 24 inches above the level on which the vehicle stands.

(d) One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps, provided that any such tail lamps meet the location limits specified for reflectors.

(e) Any trailer when operated in conjunction with a vehicle which is properly equipped with front clearance reflectors as herein provided may be but is not required to be equipped with front clearance reflectors; provided, the towing vehicle is of equal or greater width than the towed vehicle.

(f) All such clearance reflectors shall be of a type approved by the State Highway Department.

SECTION 2. That Section 249, Chapter 16, of Colorado



Statutes Annotated, 1935, be and the same is hereby amended to read as follows:

Section 249. Lamps on other vehicles and equipment—All vehicles including animal-drawn vehicles and including those referred to in Section 241 (b) of this Chapter not hereinbefore specifically required to be equipped with lamps, shall at the times specified in Section 242 of this Chapter be equipped with lighted lamps or lanterns on the front and rear of such vehicles or equipment or with at least one red reflector on the rear. Such lighted lamps and reflectors to be visible at a distance of 500 feet from the vehicle or equipment.

SECTION 3. That Section 251, Chapter 16, 1935 Colorado Statutes Annotated, as amended is hereby amended to read as follows:

Section 251. Signal lamps and signal devices—Every motor vehicle or motor-drawn vehicle after the passage of this Act, shall be equipped with a stop light in good working order at all times, such stop lights to be automatically controlled by brake equipment. Every such stop light shall emit a red light visible from a distance of 500 feet to the rear of the vehicle, but shall not project a glaring or dazzling light. Such stop light may be incorporated with the tail lamps.

SECTION 4. That Section 258, Chapter 16, 1935 Colorado Statutes Annotated, as amended is hereby amended to read as follows:

Section 258. Special restrictions on lamps—Sale of unapproved lamps—Prohibited—

(a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, or auxiliary driving lamps which projects a beam of light of an intensity greater than 300 candle-power shall be so directed that no part of the beam shall strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front thereof, nor shall any vehicle display lights or reflectors thereon except as herein specifically provided, and in no event shall they display lights other than white or amber lights visible from the front, or lights other than red visible to the rear thereof; however, the rear license plate illuminating light and back-up light shall be white as provided for in this part. This Section shall not apply to authorized emergency vehicles.

(c) Flashing lights are prohibited on motor vehicles except as a means for indicating right or left turn.

(d) No person shall have for sale, sell or offer for sale for

use upon or as a part of the equipment of a motor vehicle, trailer, semi-trailer, bicycle or motorcycle, or use upon any such vehicle any head lamp, auxiliary driving lamp, rear lamp, signal lamp, cowl lamp, courtesy lamp, back-up lamp, clearance lamp, identification lamp, side marker lamp, spot lamp, electric lanterns or reflectors which lamp or reflector is required hereunder, or parts of any of the foregoing, which tend to change the original design or performance, unless of a type which has been submitted to and approved by the State Highway Department.

SECTION 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 6. 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 of 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 7. 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 8. 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 26, 1947.

## AN ACT

### House Bill No. 391

#### CONCERNING SCHOOLS AND THE FINANCING THEREOF.

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

SECTION 1. The State of Colorado hereby declares that it is the policy of the State to provide to school districts of this State which qualify under the provisions of this Act such additional State support to that which is now provided by the provisions of Chapter 13, Session Laws of the Extraordinary Session, 1945, as is consistent with sound financial policy, and to that end this Act is passed.

SECTION 2. All funds remaining in the State School Equalization Fund at the end of each fiscal year of the State of Colorado, after payment of the sums provided in Chapter 13, Session Laws of the Extraordinary Session, 1945, shall be distributed to all school districts of the State upon the basis of aggregate days attendance of pupils in each district at a rate of not to exceed fifteen cents (15c) per day per pupil, except as hereinafter limited, and as defined and set forth herein.

SECTION 3. No school district in the State of Colorado shall receive any funds under the provisions of this Act, unless said district shall have a minimum special fund levy 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; and unless said district shall maintain a school term of at least 140 days, provided, however, that no credit shall be allowed any school district in computing the aggregate number of days of attendance, as hereinafter provided, over and above a school term of 180 days.

SECTION 4. No school district which receives any funds by reason of the provisions of this Act shall use the same for any purpose other than current operating expenses, and at least three-fourths ( $\frac{3}{4}$ ths) thereof shall be used in payment of teachers' salaries.

SECTION 5. The Secretary of the Board of Education of each school district in this State shall immediately, upon the conclusion of each term, ending prior to the end of the fiscal year of this State, certify to the County Superintendent of Schools of the county in which such district is located, the aggregate number of days of attendance, as herein defined, of pupils in his district from and after the July first preceding, and the number of days during which school was held including days

of enforced closing as referred to in Section Six hereof. The County Superintendent of Schools, shall, before June 25 of each year, certify the aggregate number of days of attendance, as herein defined, in his County and the special fund mill levy of each district in his county, to the State Superintendent of Public Instruction, who shall, on or before June 30 of each year, certify the aggregate number of days of attendance of the districts which have qualified in the entire State, to the State Treasurer.

SECTION 6. Each school district shall be entitled to one day of attendance credit for each full day's attendance by any enrolled pupil under the age of 21 years in schools of that district, and who shall not have completed a full four year high school course. Attendance for more than one-half of the regular hours of school during a day shall count as a full day's attendance, and attendance for less than one-half of the regular hours of school during a day shall count as one-half day of attendance. Night school classes shall count as one-half day of attendance. Holidays shall not be considered in determining aggregate days of attendance. In the event of the enforced closing of a school by order of the Board of Education on account of storms or other acts of God, or upon the order of a health officer with jurisdiction, the aggregate daily attendance for such closed period shall be computed upon the basis of the average daily attendance during the period of the school year in which school was held, provided, however, that a reasonable effort has been made to reopen the school. The State Superintendent shall be the final authority to decide the merit of claims for benefit under this Section. Such days of enforced closing shall be considered as school days under Section 3 of this Act.

SECTION 7. In cases where a child attends a school other than that of the district of his or her residence under an arrangement for payment of tuition by the district of his or her residence, the tuition charged by the district of attendance shall not exceed the current cost per pupil plus ten percent in said district of attendance. The current cost per pupil shall be the amount shown on the secretary's annual report to the County Superintendent of Schools for the preceding school year. The district of attendance shall within thirty days after receipt of state aid under this Act, refund to the district of residence the amount received for such tuition pupil.

SECTION 8. The State Treasurer shall, on or before August 15 of each year, make distribution of moneys remaining in the State School Equalization Fund, after payment of the sums required under the provisions of Chapter 13, Session Laws of the Extraordinary Session, 1945. He shall divide the amount of moneys so remaining in said Fund by the number of days of aggregate attendance in the entire State, and shall forward to the Treasurer of each County or City and County in the State the sum to which all of the school districts in such County, or

City and County, are entitled, being the proportion of said remaining fund which the total days of actual attendance in said county bear to the balance in said Fund.

SECTION 9. In distributing said money to the County Treasurer, the State Treasurer shall certify the amount to which each district in the county is entitled, and the County Treasurer shall forthwith credit the Special Fund Account of each district in the county with its respective amount.

SECTION 10. If any section, sub-section, clause, sentence or phrase of this Act be for any reason held to be unconstitutional, such decision 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, clause, sentence or phrase thereof separately and irrespective of the fact that any one or more of the sections, sub-sections, clauses, sentences or phrases be unconstitutional.

SECTION 11. All parts (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 12. 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 13. 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 25, 1947.



# AN ACT

## House Bill No. 526

### RELATING TO THE ESTABLISHMENT OF THE COLORADO HIGHWAY SAFETY COUNCIL.

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

SECTION 1. There is hereby established, as a division of the Executive Department, as established by Article 2 of the Administrative Code of 1941, being Chapter 2, Session Laws of Colorado, 1941, as amended, the Colorado Highway Safety Council, hereinafter referred to as the "Council".

SECTION 2. The Council shall be composed of an official committee and an advisory committee, and the staff of the Council.

SECTION 3. The official committee shall be composed of the Director of Revenue, or some one from the Motor Vehicle Division appointed by him, the Chief of the Colorado State Patrol, the Superintendent of Public Instruction, the Attorney General, the Secretary of State, the Chairman of the Public Utilities Commission, and the State Highway Engineer.

The advisory committee shall be composed of twelve citizens of the State appointed as follows: Within thirty days after the effective date of this Act the Governor shall appoint twelve members of said committee, four to serve until January 30, 1949, four to serve until January 30, 1951, and four to serve until January 30, 1953. In each second year thereafter, the Governor shall appoint four members for terms beginning January 31st of said year, and expiring on January 30th of the sixth year thereafter. Any vacancy on the advisory committee shall be filled by the Governor by the appointment of a qualified person for the unexpired term. Each committee shall elect its own officers, fix its times and places of meetings, and determine its own procedure. The advisory committee shall be composed of persons who are known to have an interest in highway safety, and shall be representative of all groups interested and active in the promotion of highway safety.

SECTION 4. The Council shall study the problems of street and highway safety, safety control and engineering, safety education, and the better observance and uniform enforcement of the laws regulating the use of the highway and vehicle operation; shall act as the central coordinating agency, in the planning and execution of safety programs and campaigns for the prevention of accidents, of State and local departments and officials, organizations and instrumentalities engaged in the elimination of vehicle and street and highway accidents; shall conduct conferences on various phases of street and highway safety and



traffic law enforcement; shall advise with and assist the Motor Vehicle Division, the State Highway Department, the Colorado State Patrol, the Department of Education, their officers and employees, and all other departments, agencies and officers of the State government in the accomplishment of the purposes herein stated. The Council shall study methods and programs existing in other states, and the recommendations of all persons and groups engaged in the study and promotion of highway and vehicle safety, for the purpose of ascertaining what recommendations may be applicable to and improve conditions within this State. The Council shall keep the public informed as to the results of all studies and recommendations made by it, and shall biennially report to the Governor and the General Assembly concerning all matters studied and all aspects of the work of the Council. The Council shall have no authority, power or duties now vested in any other department or departments of the State government except as provided in this Act.

SECTION 5. All final actions and decisions shall be done and made by the official committee. The recommendations, actions and decisions of the advisory committee shall be advisory only, and shall not become official recommendations, actions and decisions of the Council until approved by the official committee.

SECTION 6. The Council is hereby authorized to use any facilities of public or private agencies that may be offered, and to receive and expend any sums that may be contributed to it by public or private agencies.

SECTION 7. The Council is authorized to appoint a special committee on publicity to direct the proper release and publicizing of public materials developed by the Council.

SECTION 8. The Motor Vehicle Division and the Colorado State Patrol are hereby authorized and directed to assign to the Council for part-time or full-time work, any employees of the Motor Vehicle Division and the Colorado State Patrol necessary to perform any work required to be performed by the Council.

SECTION 9. All appropriations and other moneys shall be expended on voucher signed by the chairman of the official committee.

SECTION 10. 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: April 26, 1947.

# AN ACT

## House Bill No. 531

PROVIDING A METHOD FOR DISSOLVING UNION HIGH SCHOOL DISTRICTS, AND FOR WITHDRAWAL THEREFROM.

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

SECTION 1. Whenever the boundaries of a Union High School District shall have become, either before or after the passage of this Act, coincidental with the boundaries of a First, Second or Third Class School District, said Union High School District shall be dissolved in accordance with this Act.

SECTION 2. Whenever it shall appear by the records of the County Superintendent of Schools that the boundaries of a Union High School District have become coincidental with the boundaries of a First, Second or Third Class School District, said County Superintendent of Schools shall notify the School Board of the School District, the High School Committee of said Union High School District and the County Treasurer, by mail, that said Union High School District is to be dissolved in accordance with this Act. Thirty days after mailing such notice to the School Board, the High School Committee and the County Treasurer, said Union High School District shall cease to exist, and the property, moneys, assets, uncollected taxes, contracts, liabilities, and bonded indebtedness of said Union High School District shall become and be property, moneys, assets, uncollected taxes, contracts, liabilities, and bonded indebtedness of said First, Second or Third Class School District, and the high school shall thereafter be operated as the high school of such School District. Thereupon the County Treasurer shall transfer to the account of the School District any moneys in his hands to the credit of the Union High School District, and shall thereafter credit to the School District any moneys collected on account of levies theretofore made for such Union High School District. All obligations of said Union High School District shall thereafter be paid out of the funds of said School District.

SECTION 3. The High School Committee of said Union High School District shall cease to exist, and the School Board of said School District shall assume all functions theretofore vested in said High School Committee.

SECTION 4. If the boundaries of any Union High School District shall heretofore have become coincidental with the boundaries of any First, Second or Third Class School District, said Union High School District shall be dissolved in accordance with this Act, and the County Superintendent of Schools shall give notice of such dissolution in accordance with this Act, and

such Union High School District shall be dissolved thirty days after the mailing of such notice.

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: April 11, 1947.

# AN ACT

House Bill No. 559

PROVIDING FOR THE ALLOTMENT OF MONEY TO CERTAIN SCHOOL DISTRICTS FROM CERTAIN STATE AND COUNTY FUNDS AND REPEALING CHAPTER 218 OF THE SESSION LAWS OF COLORADO, 1945.

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

SECTION 1. For a period of five (5) years after the organization of any new school district within the State, which new district takes in two or more former districts, or portions thereof, whether such organization of such new school district is by consolidation or by any other method provided by law, and for a period of five (5) years after the annexation of all or part of one school district to another, such new or annexing district shall share in the apportionments, or allotments, of the public school income fund, or other State funds, and of the general school fund of the county in which such new or annexing district is located to the same extent that the former school districts, or the school districts from which territory is taken, would share in such funds in the school year next previous to such annexation or the organization of such new district, anything in the present Statutes of Colorado to the contrary notwithstanding. The money so obtained is to be used in the payment of salaries of teachers, cost of transportation of pupils, including the cost or purchase of necessary equipment for transportation or for any expense of such new or annexing district.

SECTION 2. After such five (5) year period, such new or annexing district shall share in the apportionments, or allotments, of the public school income fund, or other funds, and in the general school fund of the county in which such new or annexing district is located as is now, or may hereafter be, provided by the Statutes of Colorado.

SECTION 3. If it is determined that such new school district as mentioned in Section 1 of this Act or the district annexing as mentioned in Section 1 of this Act would receive from the public school income fund, or other State funds, and from the general school fund of the county in which such new or annexing district is located under the provisions of the Statutes of Colorado, as is now or may hereafter be, enacted, a larger sum than is provided by Section 1 of this Act, then the Board of Education of such new or annexing district may petition the County Superintendent of Schools that it be allowed to share in such funds, not under the provisions of Section 1 of this Act, but under the provisions of the general Statutes of Colorado, and the County Superintendent, if he finds that such new or annexing

school district will receive more funds under the present Statutes, or as the same may be amended, or through any other enactments of the General Assembly, than such new or annexing district would receive under Section 1, of this Act, he shall direct allotment to be made to such district on the basis of the present Statutes, or as the same may be amended, or through additional enactments of the General Assembly instead of under Section 1, of this Act.

SECTION 4. Anything in the laws of Colorado in conflict or inconsistent with the provisions of this Act is hereby declared to be inapplicable to the matters and things by this Act provided for.

SECTION 5. Chapter 218 of the Session Laws of Colorado, 1945, is hereby repealed.

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 17, 1947.

## AN ACT

House Bill No. 569

PROVIDING FOR THE SETTING UP OF A SPECIAL FUND FOR SCHOOL PURPOSES: PROVIDING FUNDS THEREFOR: REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

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

SECTION 1. There is hereby appropriated out of any moneys out of the State Treasury not otherwise appropriated:

- (a) To the "reserve for general county school funds" for the purpose of providing funds for the distribution under the provision of Chapter 175, Session Laws of Colorado 1937, as amended, for the fiscal year 1947-1948 the sum of Two Million One Hundred Fifty Thousand Dollars (\$2,150,000.00) and for the fiscal year 1948-1949 the sum of Two Million One Hundred Fifty Thousand Dollars (\$2,150,000.00).
- (b) To the "state school equalization fund" for the purpose of providing funds for the distribution under the provisions of Chapter 13, Session Laws of the First Extraordinary Session of 1945 and House Bill No. 391 enacted by the Thirty-sixth General Assembly for the fiscal year 1947-1948 the sum of Six Million Dollars (\$6,000,000.00), and for the fiscal year 1948-1949 the sum of Six Million Dollars (\$6,000,000.00).

SECTION 2. The funds hereby appropriated in Section 1 of this Act shall, for the purpose of distribution under laws applicable to the said funds, be considered as having remained in said funds for distribution at the end of each fiscal year, beginning with the fiscal year ending June 30, 1947.

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: April 24, 1947.



## AN ACT

House Bill No. 587

TO AMEND CHAPTER 261, SESSION LAWS OF 1945 AND TO PROVIDE THAT INTEREST RECEIVED FROM INVESTMENT OF THE ESCHEAT FUND PRIOR TO APRIL 4TH, 1945, SHALL BE PAID INTO THE PUBLIC SCHOOL INCOME FUND OF THE STATE.

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

SECTION 1. Subsection (f) of Section 230, Chapter 176, Colorado Statutes Annotated, 1935, as amended by Chapter 261, Session Laws of 1945, is hereby amended to read as follows:

(f) Any of such funds in the State Treasury may be invested by the Treasurer in United States Government bonds or notes, the interest or increment therefrom, when paid, to be paid into the public school income fund of the State. This subsection shall include all interest received in the State Treasury from escheat funds invested prior to April 4, 1945.

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 26, 1947.

## AN ACT

House Bill No. 589

ACCEPTING THE TERMS AND CONDITIONS OF THE FEDERAL ACT KNOWN AS THE "GEORGE-BARDEN ACT—PUBLIC NO. 586, 79TH CONGRESS, S. 619—TO PROVIDE FOR THE FURTHER DEVELOPMENT OF VOCATIONAL EDUCATION IN THE SEVERAL STATES AND TERRITORIES."

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

SECTION 1. In compliance with an Act of Congress (Public No. 586—79th Congress) entitled, "An Act to provide for the further development of vocational education in the several states and territories", the State of Colorado hereby gives full and complete acceptance to its terms and conditions.

SECTION 2. In order to make available Federal Funds to the State of Colorado as provided by said Act, the State Board for Vocational Education is hereby authorized to prepare plans for the further development of vocational education and when such plans have been found to be in conformity with the Federal Act, said Board is directed and empowered to carry the same into effect by entering into agreement and contract with Boards of Education, with County High Schools and District Boards or other local governmental agencies, with Public Junior Colleges; and with State Institutions of higher learning, for teacher training services; and all such agencies as are in turn authorized to enter into agreement and contract with the State Board for Vocational Education and to use a portion of their revenues for the purposes provided in this Act.

SECTION 3. In order to meet the ever-increasing demands for organization, supervision, administration and instruction in the various fields of vocational education in the State of Colorado, this Act accepts the fundamental principle of State matching of Federal Funds, with State Funds within the limits of appropriations made therefor, or local funds, or both.

SECTION 4. The State Board for Vocational Education is hereby granted all the powers required to comply with the provision of said Act of Congress.

SECTION 5. The State Treasurer is hereby appointed Custodian of the Federal funds made available to the State by the Federal Act and is hereby directed to pay out such funds on warrants drawn by him upon vouchers issued by the State Board for Vocational Education, signed by its President and countersigned by its Secretary.

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

SECTION 7. 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 8. 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 9, 1947.

## AN ACT

House Bill No. 641

RELATING TO THE INVESTMENT OF FUNDS INCIDENT TO BENEFIT OR RETIREMENT SYSTEMS OF SCHOOL DISTRICTS.

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

SECTION 1. In school districts of the first class, having a population of 100,000 or more and maintaining a benefit or retirement system for its employees, the Boards of Education of such school districts shall have the power to invest such portions of the funds of such districts held for the purposes of such benefit or retirement system as in their judgment may not be immediately required for the payment of refunds or annuities. Such Board shall have similar power to invest payments of members held in reserve for future benefit payments. Such investments, if made, shall be made by the custodian of such funds after notification to him by such Boards of Education, in securities available for investment of trust funds under the laws of the State of Colorado or at market price in bonds, notes or warrants of the United States of America, the State of Colorado, or in the bonds of any other state of the United States of America, or in the general obligation bonds of any city, town or school district in the United States of America, the assessed valuation of which city, town or school district in the year next preceding the year in which said bonds are purchased, equals or exceeds Two Million Dollars, as designated by said Boards of Education. Any such securities purchased shall be sold by said custodian only upon the written direction of his Board of Education.

SECTION 2. Interest, gains or losses received from any such investment shall be credited to, or charged against, the fund from which said investment was made.

SECTION 3. No member of any Board of Education making any such investment shall be liable for any loss of such funds resulting thereby, in the absence of actual fraud by such member.

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: April 3, 1947.

# AN ACT

Senate Bill No. 96

## CONCERNING SCHOOLS.

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

SECTION 1. Any school district of the state hereafter employing a teacher who has retired and who is drawing or receiving any pension or retirement benefit payments under the provisions of Sections 250 through 254, Chapter 146, 1935 Colorado Statutes Annotated, as amended, or under the provisions of Chapter 198, Session Laws of Colorado, 1941 as amended, or otherwise, shall not be required to deduct from any compensation paid such teacher for his services the amount of such pension or retirement benefit payments or any part thereof; provided, however, that this Act shall not apply to compensation paid a retired teacher for employment in any month in which such retired teacher is employed by the school district paying the retirement benefits in excess of ten (10) days of actual teaching.

SECTION 2. This Act shall expire at midnight on June 30, 1949.

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 8, 1947.

# AN ACT

Senate Bill No. 105

## RELATING TO LIBRARIES.

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

### ARTICLE I

**SECTION 1. Public Policy.** It is hereby declared to be the policy of the state, as a part of its provision for public education, to promote the establishment and development of publicly-supported free library service throughout the state, and to encourage the development of libraries of all types.

**SECTION 2. Definitions.** As used in this Act, unless the context clearly requires otherwise:

(a) "Governmental unit" means any county, city, city and county, town, or school district of the State of Colorado;

(b) "Legislative body" means the body authorized to determine the amount of taxes to be levied in a governmental unit;

(c) "Public library" means a library supported in whole or in part with money derived from taxation and which is for the free use of the public;

(d) "County library" means a public library maintained by a county;

(e) "Regional library district" means a public library maintained by two or more governmental units or parts thereof;

(f) "School library" means a library maintained by a school district for the use of its students and the general public under such regulations as the district may prescribe;

(g) "Taxpaying elector" means a person who is qualified to vote at general elections in this state and who, within the twelve months immediately preceding the signing of the petition herein mentioned, paid a general tax upon real or personal property within the governmental unit.

**SECTION 3. State Library.** The State Library is hereby created as a division of the State Department of Education, and its operation is declared to be an essential administrative function of the state government.

**SECTION 4. State Librarian.** The State Superintendent of Public Instruction, as ex-officio, State Librarian, shall have charge and direction of the State Library, except that he shall have authority to delegate to the Deputy State Librarian any or all of the powers given to the State Librarian in this Act for such periods and under such restrictions as he shall see fit.



**SECTION 5. Deputy State Librarian.** The Deputy State Librarian shall be appointed by the State Librarian, under the provisions of Article XII, Section 13, of the Constitution of Colorado. Said Deputy State Librarian shall be a person who shall have had at least one year's preparation in a library school which is accredited by the American Library Association, and shall have had at least three years experience in Library work during the five years immediately preceding his appointment.

**SECTION 6. Powers and Duties of the State Librarian, with Respect to the State Library.** The State Librarian shall have the following powers and duties, with respect to the State Library:

(a) He shall make reasonable rules and regulations for the administration of the provisions of this Act; for the control, maintenance and use of the State Library; for the purchase, control and use of books and materials; for the lending of such books and materials to publicly supported libraries and institutions; for the establishment, maintenance and operation of libraries in the penal, correctional, charitable and medical institutions operated by the State;

(b) Subject to the provisions of Article XII, Section 13, of the Constitution of Colorado, he shall appoint all professional and clerical help in the State Library;

(c) He shall furnish or contract for the furnishing of library or information services to State officials and departments;

(d) He shall furnish or contract for the furnishing of library service to penal, correctional, charitable and medical institutions operated by the State;

(e) He shall make a biennial report concerning the activities of the State Library to the Governor, on or before the first day of December prior to the convening of the regular session of the General Assembly.

**SECTION 7. Powers and Duties of the State Librarian, with Respect to Other Libraries in the State.** The State Librarian shall have the following powers and duties, with respect to other libraries in the state:

(a) He shall further library development throughout the state, in cooperation with other agencies where practical;

(b) He shall serve as the agency of the State to receive and administer State or Federal funds which may now or in the future be appropriated to further library development within the state, and shall establish regulations under which such grants shall be distributed; except that this provision shall not apply to appropriations made directly to any institutions;

(c) He shall aid and provide general advisory assistance in the development of effective state-wide school library and pub-

lic library service, and encourage contractual and cooperative relations between school libraries and public libraries;

(d) He shall give assistance, advice and counsel to all libraries of any type within the state and to all communities or persons proposing to establish them, on the approved methods of operation, selections of books, or other activities necessary to the proper administration of a library;

(e) He shall collect such information and statistics as is necessary to his work, and publish findings and reports thereon;

(f) He shall supply further advice and information to libraries in the state through field visits, conferences, institutes, correspondence and publications, and do any and all things he may reasonably be expected to do to promote and advance library services in the state.

## ARTICLE II

**SECTION 8. Establishment of Public Libraries.** Any governmental unit of the State of Colorado shall have power to establish and maintain a public library under the provisions of this Act, either by itself or in cooperation with one or more other governmental units, provided that the legislative body of any governmental unit which maintains a public library within the territory to be served by a county library or a regional library district may decide not to participate in said county library or regional library district.

**SECTION 9. Method of Establishment.** A public library may be established for a governmental unit either by the legislative body of said governmental unit on its own initiative or upon petition of one hundred taxpaying electors residing in the governmental unit as herein provided. If establishment of a public library is by petition of taxpaying electors, petitions shall be addressed to the legislative body of the governmental unit requesting the establishment of such public library. Upon receipt of such petition the legislative body for the specified unit shall submit the question of the establishment of such public library to a vote of the qualified electors residing in said unit, at the next municipal election held thereafter (in the case of a city or town) or the next general election held thereafter (in the case of a county), provided that such petition shall have been received by such legislative body more than ninety days preceding said election. If a majority of the electors voting on the question shall vote in favor of the establishment of a public library, then the legislative body shall forthwith establish such public library.

**SECTION 10. Establishment of Regional Library Districts.** A regional library district may be established by the legislative bodies of two or more governmental units, each proceeding in the manner set forth in Section 9. The legislative

bodies of said units shall severally appoint one or more of their members to a committee which shall appoint the board of trustees of said regional library district. Said regional library districts shall be supported by and shall serve all unincorporated areas and all municipal corporations not operating their own public libraries within the territorial limits of the governmental units comprising the district. Any municipal corporation maintaining a public library may merge its library with the regional library district by agreement of its city council and the board of trustees of the regional library district.

**SECTION 11. Regional Library Districts—Parts of Counties.** Whenever the board of county commissioners of any county decides that only a part of the territory of the county which is not already served by a public library shall join in establishing a regional library district, said board may levy a tax on that part of the county for the support of said regional library district.

**SECTION 12. County Library or Regional Library District—Participation in by Established Library.** When a county library or regional library district shall have been established, the legislative body of any governmental unit therein that is maintaining a public library may decide, with the concurrence of the board of trustees of its library, to participate in the county library or regional library district while retaining title to its own property, continuing its own board of library trustees, and levying its own taxes for library purposes; or by a vote, as authorized by Section 9 of this Act, a governmental unit may transfer, conditionally or otherwise, the ownership and control of its library, with all or any part of its property, to another governmental unit which is providing or will provide free library services in the territory of the former, and the trustees and legislative body making the transfer shall thereafter be relieved of responsibility pertaining to the property transferred.

**SECTION 13. Board of Trustees—Appointment.** The management and control of any library established or operated under the provisions of this Act shall be vested in a board of five trustees. In cities and towns the trustees shall be appointed by the mayor with the consent of the legislative body. In counties they shall be appointed by the board of county commissioners, which shall appoint the county superintendent of schools as an additional, ex-officio member of the board. In regional library districts they shall be appointed in the manner set forth in Section 10. In school districts they shall be appointed by the school board. The first appointments of such boards of trustees shall be for terms of one, two, three, four and five years respectively, and thereafter a trustee shall be appointed annually to serve for five years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A trustee shall not receive a salary or other compensation for services as a trustee, but necessary travel-

ing and subsistence expenses actually incurred may be paid from the library fund. A library trustee may be removed only by vote of the legislative body or bodies.

**SECTION 14. Board of Trustees—Organization, Powers and Duties.** The board of trustees, immediately after their appointment, shall meet and organize by the election of a president and a secretary and such other officers as they may deem necessary. The board of trustees shall have power to (1) Adopt such by-laws, rules and regulations for their own guidance and for the government of the library as they deem expedient; (2) Have supervision, care and custody of all property of the library, including rooms for buildings constructed, leased or set apart therefor; (3) Employ a librarian and, upon his recommendation, employ such other employees as may be necessary, prescribe their duties and fix their compensation; (4) Submit annually a budget as required by law, and certify to the legislative body or bodies of the governmental unit or units which the library serves the sums necessary to maintain and operate the library during the ensuing year; (5) Have exclusive control of the disbursement of the finances of the library; (6) Accept such gifts of money or property for library purposes as they deem expedient; (7) Hold and acquire, by gift, lease or purchase, land for library purposes; (8) Lease, purchase or erect any appropriate building or buildings for library purposes, and acquire such other property as may be needed therefor; (9) Purchase books, periodicals, maps, supplies and materials for the library on the recommendation of the librarian; and (10) Do all other acts necessary for the orderly and efficient management and control of the library.

**SECTION 15. Funds.** The legislative body of a governmental unit may levy a tax of not more than one-half mill for county and regional libraries, and not more than one and one-half mills for municipal libraries, upon real and personal property for the establishment and maintenance of a public library. The treasurer of the governmental unit in which such library is located, or, in the event a regional library district shall be established as herein provided which shall embrace parts or all of more than one county, then the treasurer of the county containing the largest assessed valuation of property for tax purposes of the said district, shall be the custodian of the funds for the library, whether derived from taxation, gift or otherwise. Such funds shall be credited to a special fund in the office of said treasurer, to be known as the "Public Library Fund". Such funds shall be used only for library purposes, and shall be expended only upon warrants signed by the president of the board of trustees.

**SECTION 16. Contract Service.** In lieu of establishment of an independent public library, the legislative body of a governmental unit shall have power to contract to receive library service from an existing public library, the board of trustees of which



shall have reciprocal power to contract to render the service with the consent of the legislative body or bodies of its governmental unit or units. Any school district may contract for library service from any existing public library, such service to be paid from funds available to the school district for library purposes.

**SECTION 17. Annual Report.** At the close of each year the board of trustees of every public library shall make a report to the legislative body or bodies of the governmental unit or units wherein the board serves, showing the condition of their trust during the year, the sums of money expended and the purposes of the expenditures, the number of books and periodicals on hand, the number added during the year, the number retired, the number loaned out, and such other statistics and information and such suggestions as they deem of public interest. A copy of this report shall be filed with the State Librarian.

**SECTION 18. Non-Residents and Inter-Library Loans.** The board of trustees of a public library, under such rules and regulations as it may deem necessary and upon such terms and conditions as may be agreed upon, may allow non-residents of the governmental unit or units which the library serves to use the books and other materials thereof; and make exchanges of books and other materials with any other library, either permanently or temporarily.

**SECTION 19. Willful Retaining of Books.** Whoever willfully retains any book, newspaper, magazine, pamphlet, manuscript or other property belonging in or to any public library, reading room or other educational institution, for thirty (30) days after notice in writing to return same, given after the expiration of the time that by the rules of such institution such articles or other property may be kept, shall be guilty of a misdemeanor.

**SECTION 20. Title to Property.** The title to property given to or for the use or benefit of a public library shall be in the board of trustees, to be held and used according to the terms of the gift.

**SECTION 21. Existing Libraries to Comply with Act.** Any public library established after the effective date of this Act shall be established as provided in this Act. Every existing public library which has been heretofore established under provisions of state law shall be considered as established under this Act, and the board of trustees and the legislative body of the governmental unit in which the library is located shall proceed forthwith to make such changes as may be necessary to effect a compliance with the terms hereof. Every existing contract for library service shall continue in force and be subject to this Act until the contract is terminated or a public library is established by the governmental unit for which the service was engaged.

**SECTION 22. Abolishment of Libraries.** A library established or maintained under this Act may be abolished only in pursuance of a vote of the electors of the governmental unit or units in which the library is located, taken in the manner prescribed in Section 9 for a vote upon establishment of a library. If a library of a city, town or school district be abolished, the books and other printed or written matter belonging to it shall go to the library of the county whereof the municipality is a part, if there be a county library, or to the regional library district if there be one, but if not, then to the Colorado State Library. All other library property shall be disposed of as the legislative body or bodies of the governmental unit or units shall direct.

**SECTION 23. Repeal.** Sections 1 to 44, both inclusive, Chapter 99, 1935 Colorado Statutes Annotated; Section 17, Chapter 146, 1935 Colorado Statutes Annotated; Paragraph 76, Section 10, Chapter 163, 1935 Colorado Statutes Annotated; Chapter 192, Session Laws of Colorado 1937; and all Acts or parts of Acts in conflict herewith are hereby repealed.

**SECTION 24. Short Title.** This Act may be cited as the "1947 Library Act".

**SECTION 25. Constitutionality Clause.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

**SECTION 26. Safety Clause.** The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

**SECTION 27. Emergency Clause.** 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 14, 1947.



## AN ACT

### Senate Bill No. 338

RELATING TO THE POWERS AND DUTIES OF JUNIOR COLLEGE DISTRICTS; AUTHORIZING SUCH DISTRICTS TO ISSUE THEIR NEGOTIABLE INTEREST BEARING BONDS, INCLUDING REFUNDING AND REVENUE BONDS; AMENDING SECTION 26, CHAPTER 237, SESSION LAWS OF COLORADO, 1937; VALIDATING BONDS HERETOFORE ISSUED BY JUNIOR COLLEGE DISTRICTS; AUTHORIZING THE ISSUANCE OF BONDS HERETOFORE VOTED AT AN ELECTION; AND PROVIDING THAT SAID BONDS SHALL BE LEGAL INVESTMENTS.

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

SECTION 1. That Section 26, Chapter 237, Session Laws of Colorado 1937 is hereby amended to read as follows:

"Section 26. Each junior college district organized under the provisions of this Act shall have and exercise all the powers, and perform all the duties accorded to and required of public school districts of the first class throughout the State, including, without limiting the generality of the foregoing, the power to issue negotiable interest bearing bonds and to refund the same and to provide for the payment thereof by taxation for the purposes, to the extent and in the manner provided by the laws applicable to such first class districts. Each such junior college district shall also have the power to pledge the revenues of the district as additional security for the payment of said bonds. Each such junior college district shall also have the power to issue bonds payable solely from the revenues, other than revenues derived from ad valorem taxes of the district without an election for the purposes provided by the laws applicable to such first class districts. In addition to any other powers hereby granted, junior college districts within this State are empowered and directed to cooperate with the State Board of 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 2. All bonds heretofore issued by junior college districts are hereby validated.

SECTION 3. The bonds of any junior college district organized under the laws of this State which have been authorized at an election held for that purpose prior to the effective date of this Act, may be issued in accordance with this Act and

when so issued, shall be the lawful and binding obligations of such district in accordance with their import.

SECTION 4. Any junior college district bonds issued or validated in accordance with the provisions of this Act, shall be eligible for the investment of all funds which may be invested in bonds of school districts of this State.

SECTION 5. 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 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: February 24, 1947.

## AN ACT

Senate Bill No. 518

TO AMEND SECTION 89, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED AS AMENDED BY CHAPTER 201, SESSION LAWS OF COLORADO 1941, RELATING TO THE POWERS OF SCHOOL BOARDS.

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

SECTION 1. Subsection Sixteenth of Section 89, Chapter 146, 1935 Colorado Statutes Annotated as added by Chapter 201, Session Laws of Colorado 1941, is hereby amended to read as follows:

Sixteen.—Any school district not providing its own high school which refuses to pay the tuition of any resident's qualified high school pupil for attendance at a high school in another district within the State, shall not be eligible to receive any funds from the State school equalization fund or any other State funds as are now, or may hereafter be, provided by legislation. The parents of pupils qualified for high school shall give written notice to their respective school boards of the number of pupils anticipating high school attendance and make application for payment of high school tuition to another district by June 1st each year; providing, however, if legal residence of a qualified high school student shall be changed after aforementioned date, the parents of such pupil shall give written notice within ten (10) days after moving into a non high school district, stating the number of pupils anticipating attendance, and make application for payment of high school tuition to another district. Tuition paid by any district for each pupil shall not exceed the cost of education per pupil in average daily membership in the district in which the child attends school, plus ten percent (10%) computed after expenditures for capital outlay and debt service, and receipts from the state equalization fund, are subtracted from the expenditures of the district. Tuition shall be payable for each school month in which a tuition child attends one or more days of school.

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: April 29, 1947.

## CONSTITUTIONAL AMENDMENT

### Senate Concurrent Resolution No. 6

SUBMITTING TO THE QUALIFIED ELECTORS AN AMENDMENT TO SECTION 1 OF ARTICLE IX OF THE CONSTITUTION OF THE STATE OF COLORADO, PROVIDING FOR A CHANGE IN THE MEMBERSHIP OF THE STATE BOARD OF EDUCATION, PROVIDING FOR THE ELECTION OF THE MEMBERS THEREOF, CHANGING THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE OFFICE OF COMMISSIONER OF EDUCATION AND PROVIDING THAT SUCH COMMISSIONER SHALL BE APPOINTED BY THE BOARD OF EDUCATION.

Be It Resolved by the Senate of the Thirty-sixth General Assembly, the House of Representatives concurring herein:

SECTION 1. That there shall be submitted to the qualified electors of the State of Colorado, at the next general election for members of the General Assembly, for their approval or rejection, the following amendment to the Constitution of the State of Colorado, which, when approved by a majority of those voting thereon, shall become a part of the Constitution of the State of Colorado, to-wit:

Section 1 of Article IX of the Constitution of the State of Colorado shall be amended to read as follows:

“Section 1. **Supervision of Schools—Board of Education.** The general supervision of the public schools of the state shall be vested in a Board of Education whose powers and duties shall be as now or hereafter prescribed by law. Said board shall consist of a member from each congressional district of the state and, if the total number of such congressional districts be an even number, one additional member, and said members shall be elected as hereinafter provided. The members of said board shall be elected by the qualified electors of the state, voting at general elections, in such manner and for such terms as may be by law prescribed; provided, that provisions may be made by law for election of a member from each congressional district of the state by the electors of such district; and provided, further, that each member from a congressional district of the state shall be a qualified elector of such district. If the total number of congressional districts of the state be an even number, the additional member of said board shall be elected from the state at large. The members of said board shall serve without compensation, but shall be reimbursed for any necessary expenses incurred by them in performing their duties as members of said board.

From and after the general election of 1948, the office of Superintendent of Public Instruction shall be known as the office of Commissioner of Education, and from and after the expiration of the two-year term of that office next following said general election, such commissioner shall be appointed by said Board of Education and shall not be included in the classified civil service of the state.

The qualifications, tenure, compensation, powers, and duties of said commissioner shall be as prescribed by law, subject to the supervision of said board."

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall deposit in the ballot box a ballot whereon shall be printed the words, "For the amendment of Section 1 of Article IX of the Constitution of the State of Colorado providing for a change in the membership of the State Board of Education, providing for the election of the members thereof, changing the Office of Superintendent of Public Instruction to the office of Commissioner of Education and providing that such Commissioner shall be appointed by the Board of Education," and the words "Against the amendment of Section 1 of Article IX of the Constitution of the State of Colorado providing for a change in the membership of the State Board of Education, providing for the election of the members thereof, changing the office of Superintendent of Public Instruction to the office of Commissioner of Education and providing that such Commissioner shall be appointed by the Board of Education," and shall indicate his choice by placing a cross (X) opposite one or the other groups of words.

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be counted and canvassed and the result determined in the manner provided by the laws of the State of Colorado for the canvass of votes for Representatives in Congress.