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'51

SCHOOL LAWS

Enacted by

THE THIRTY-EIGHTH
GENERAL ASSEMBLY

STATE OF COLORADO

1951

Includes

SCHOOL LAWS

Passed at the

FIRST EXTRAORDINARY SESSION OF THE
THIRTY-EIGHTH SESSION *of the* GENERAL ASSEMBLY
OF THE STATE OF COLORADO

Convened at Denver

At 12 o'clock M., Thursday, May 17,
A. D. 1951, and adjourned sine die on
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SCHOOL LAWS

Enacted by

The Thirty-eighth

General Assembly

STATE OF COLORADO

1951

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SENATE BILLS

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AN ACT

House Bill No. 25

(Ch. 266, S.L. '51)

RELATING TO THE POWERS OF SCHOOL BOARDS AND JUNIOR COLLEGE COMMITTEES TO ESTABLISH AND MAINTAIN SPECIAL FUNDS FOR POST-WAR IMPROVEMENTS; AND TO AMEND SECTION 4, CHAPTER 224, SESSION LAWS OF COLORADO, 1945.

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

SECTION 1. Section 4, Chapter 224, Session Laws of Colorado, 1945, is hereby amended to read as follows:

Section 4. This Act shall be effective for a period of not to exceed ten (10) years after the cessation of hostilities of the war in which the United States is now engaged as determined by act of Congress or proclamation of the President of the United States. At the end of the fiscal year during which said period ceases, any moneys remaining in said fund and not appropriated for any specific project or thereafter reverting to said fund from any lapsed appropriation, shall revert to the general fund of said district.

SECTION 2. This Act shall be in force and effect from and after July 1, 1951.

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

Approved: March 28, 1951.

This Act extends "Post-War Improvement Fund Levy" ten years from passage of original Act. (H.B. 525 School Laws 1945.)

AN ACT

House Bill No. 79

(Ch. 165, S.L. '51)

RELATING TO SALARIES OF ELECTIVE COUNTY OFFICIALS, AND TO AMEND THE LAWS RELATING THERETO.

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

SECTION 1. Class II counties are divided into Group A and Group B. Group A consists of the counties of El Paso, Pueblo and Weld. Group B consists of the counties of Arapahoe, Adams, Boulder, Jefferson, Larimer, Las Animas, Otero and Mesa. The annual salaries of the following county officials in said counties shall be as follows:

Official	Annual Salary	
	Group A	Group B
(b) County Superintendent of Schools.....	\$4000.00	\$3700.00

SECTION 2. Class III counties are divided into Group A and Group B. Group A consists of the counties of Delta, Fremont, Logan and Morgan. Group B consists of the counties of Alamosa, Conejos, Garfield, Huerfano, La Plata, Montrose, Prowers, Rio Grande, Routt and Yuma. The annual salaries of the following county officials in said counties shall be as follows:

Official	Annual Salary	
	Group A	Group B
(b) County Superintendent of Schools.....	\$3400.00	\$2800.00

SECTION 3. Class IV counties are divided into Group A and Group B. Group A consists of the counties of Baca, Bent, Chaffee, Costilla, Gunnison, Kit Carson, Lake, Montezuma, Rio Blanco, Teller and Washington. Group B consists of the counties of Crowley, Eagle, Elbert, Lincoln, Moffat, Phillips, Saguache and Sedgwick. The annual salaries of the following county officials in said counties shall be as follows:

Official	Annual Salary	
	Group A	Group B
(b) County Superintendent of Schools.....	\$2600.00	\$2400.00

SECTION 4. Class V counties consist of the counties of Archuleta, Cheyenne, Clear Creek, Custer, Douglas, Grand,

Kiowa, Ouray, Park and San Miguel. The annual salaries of the following county officials in said counties shall be as follows:

	Annual Salary
(b) County Superintendent of Schools.....	\$2200.00

SECTION 5. Class VI counties are divided into Group A, Group B and Group C. Group A consists of the counties of Dolores, Gilpin, Jackson, Pitkin, San Juan and Summit. Group B consists of Mineral County, Group C consists of Hinsdale county. The salaries of the following county officials in said counties shall be as follows:

Official	Salary (Annual, Unless Otherwise Specified)		
	Group A	Group B	Group C
(b) County Superintendent of schools.....	\$1800.00	\$480.00	\$150.00

Section 6. All acts and 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.

Approved: April 2, 1951.

AN ACT

House Bill No. 236

(Ch. 272, S.L. '51)

TO AMEND SECTIONS 194 AND 195, AS AMENDED, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED, CONCERNING TAX LEVIES FOR COUNTY AND UNION HIGH SCHOOLS.

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

SECTION 1. Section 194, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Section 1, Chapter 227, Session Laws of Colorado, 1949, is hereby amended to read as follows:

Section 194. **District—Powers and Duties—Tax Limit.** Each high school district heretofore formed or that may be formed as provided in this subdivision, shall exercise all the powers, and perform all the duties that are at the time of the adoption of this subdivision accorded to, and required of directors of first and second class districts throughout the state; provided, that the amount of tax certified to the county commissioners for the maintenance of the high school in any high school district, shall in no case *exceed eight mills on the dollar for taxes levied for the years 1951, 1952 and 1953 and thereafter five mills on the dollar of the assessed valuation of the high school district.*

SECTION 2. Section 195, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Section 2, Chapter 227, Session Laws of Colorado, 1949, is hereby amended to read as follows:

Section 195. **Tax Levied by County Commissioners.** The county commissioners of any county wherein is located a county or union high school district heretofore or hereafter organized, according to law, or where any high school district is organized, under the provisions of this subdivision, or heretofore or hereafter organized, as a union high school under Section 162 of this chapter, or under the provision of Section 171 of this chapter, shall levy annually at the time of levying taxes for other purposes, a high school tax on all the taxable property of the county embraced within the limits of such county or union high school district, said tax not to exceed *eight mills on the dollar for taxes levied for the years 1951, 1952 and 1953 and thereafter five mills on the dollar of the assessed valuation of such county or union high school district.*

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

Approved: April 2, 1951.

AN ACT

House Bill No. 294

(Ch. 215, S.L. '51)

RELATING TO JUNIOR COLLEGES AND TO AMEND SECTION 9, CHAPTER 237, SESSION LAWS OF COLORADO, 1937, AS AMENDED BY SECTION 1, CHAPTER 227, SESSION LAWS OF COLORADO, 1947, AND TO APPEAL SECTION 10, CHAPTER 237, SESSION LAWS OF COLORADO, 1937.

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

SECTION 1. Section 9, Chapter 237, Session Laws of Colorado, 1937, as amended by Section 1, Chapter 227, Session Laws of Colorado, 1947, is hereby amended to read as follows:

Section 9. (a) **Canvass of Votes and Record of Votes Cast.** 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 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) Election of First Junior College Committee. If a 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 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 is to 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 more than

thirty days after the election herein provided for. Such meeting shall be presided over by the County Superintendent of the county where the meeting is held, and he shall appoint a temporary secretary. The assembled directors shall then proceed to elect five 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," which committee shall serve as the Junior College Committee for such district until the next regular election for such Junior College District as hereinafter provided.

(c) **Regular Elections for Junior College Committee.** (1) **Date of Election.** The regular election for the election of members of a Junior College Committee either heretofore or hereafter organized, shall be held on the first Monday of May, 1951, and on the first Monday of May of each second year thereafter; **provided, however,** that any Junior College Committee heretofore organized may be elected at the time and in the manner hereinafter provided.

(2) **Committees Heretofore Elected.** Members of a Junior College Committee heretofore organized shall hold office until the regular election immediately following the expiration of their present term of office, and until their successor is elected and qualified. Each successor shall hold office for a term of six years. If the committee so elects, members thereof shall be selected as follows: Vacancies occurring by reason of expiration of a term shall be filled by the election of a successor to such expired term by all of the directors of the respective school districts of the Junior College District at a meeting held any time not sooner than thirty days prior to the expiration of the term or terms to which successors are to be elected. Nominations of Junior College Committee members may be by petition, containing the 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, and any person so nominated and elected by a majority vote of the school directors assembled shall serve for a term of six years. All vacancies occurring in any other manner than by expiration of a term shall be filled by appointment by the County Superintendents of Schools if the district comprises an area of a county, or by joint action of the County Superintendents of Schools if the district comprises an area of two or more counties, and such appointee shall hold office until the next regular meeting of school board directors and until his successor is elected and qualified.

(3) **Junior Colleges Hereafter Organized.** At the first regular election following the organization of a Junior College hereafter organized, five members of the Junior College Committee shall be elected, one to hold office for a term of two years, two for a term of four years, and two for a term of six years, and as each of said terms expires, a successor shall be elected for a term of six years.

(4) **Vacancies.** In the case of a vacancy in any Junior College Committee, a successor shall be chosen by the remaining members of the Committee, and shall hold office until the next regular election, at which time a successor shall be elected to serve for the remainder of the unexpired term.

(5) **Precincts and Polling Places.** Not less than thirty days before any election in any Junior College District, the Junior College Committee of such Junior College District shall by resolution divide the Junior College District into such number of election precincts as they shall see fit, and fix the boundaries of the same, and in each case they shall designate one voting place in each of said election precincts; provided that said Committee may at any time before the day of the election change the location of the voting place in an election precinct, and in case of such change the secretary shall forthwith post notice of such change at the old and new polling places. In case a Junior College District shall consist of territory in more than one county, no voting precinct shall include territory in more than one county.

(6) **Candidates for Junior College Committee.** Any person who may desire to be a candidate for the office of Junior College Committeeman and who is qualified to vote at the next general election in said Junior College District, shall file a written notice of such intention with the secretary of the Junior College Committee at least eight (8) days before the holding of the election for members of the Junior College Committee, and shall file with the said notice a certificate of nomination signed by not less than fifty (50) qualified electors of said Junior College District, which certificate of nomination shall contain the name of the office for which such person is nominated, and his post office address, place of residence, and, if in a city, the street number of his place of residence and place of business. Each of the electors signing the same shall add to his signature his place of residence. The secretary of the Junior College Committee shall for five (5) consecutive days preceding the day of said election publish in some daily newspaper published in such district, or, when no daily newspaper is published in said district, then by posting a printed or written notice of each polling place and in not less than three (3) other public places in said district, the names of all of the candidates who shall have been nominated as above provided.

In case the Junior College District shall consist of territory in more than one county, notices shall be published in each county in which a daily newspaper is published, and posted at each polling place and in not less than three (3) other public places in each county where no such newspaper is published.

(7) **Ballots.** The secretary of the Junior College Committee shall have printed ballots prepared, bearing the names of all candidates so nominated, which names shall be arranged in alphabetical order according to surnames of candidates; and on

the ballot will be printed such words as will indicate the number of members of the committee to be elected and the term of office for which each person nominated is a candidate. All such ballots shall be uniform in every respect and of sufficient length and width to allow all the names of candidates to be printed in clear, plain type, and so as to give each elector an opportunity to designate by a cross mark (X) in a sufficient margin at the right of the name of each candidate, his choice of candidates. There shall be printed on the back of each ballot the following endorsement: "Official ballot of Junior College District of the State of Colorado," together with the date of the election and a facsimile of the signature of the secretary of the Junior College Committee.

(8) **Notice of Election.** The secretary of the Junior College Committee shall cause written or printed notice to be posted, specifying the day and place or places of such election, the boundaries of the election precincts, the location of the polling places, and the time during which the ballot boxes shall be kept open, which shall be from 7 o'clock A.M. to 7 o'clock P.M. Said notice shall be posted at each polling place and at least three (3) other public places in each county of the Junior College District at least twenty (20) days prior to the time of the election. Said notice shall also be published weekly for the four (4) weeks next preceding such election in a newspaper published in such district, provided that if said district shall contain territory in two or more counties, such notice shall be published in a newspaper published in each of said counties where such a newspaper is published. If there be no newspaper published in the Junior College District, notice by posting as herein provided shall be sufficient.

(9) **Judges of Election.** At least five (5) days before an election for members of the Junior College Committee, the Junior College Committee shall appoint three judges for each of the polling places in such district, who shall be paid by the Junior College District not to exceed Ten Dollars (\$10.00) per day for their services, plus mileage for one judge at the rate of Fifteen Cents (\$.15) per mile one way for each mile necessarily traveled in delivering ballots and certificates to the secretary of the Junior College Committee.

(10) **Qualification of Voters.** Each elector qualified to vote at a general election in the county of his residence and having been a resident of the Junior College District for thirty (30) days next preceding the date of the election, shall be eligible to vote at Junior College District elections.

(11) **Miscellaneous provisions.** In all cases where specific provision is not made herein, election of members of Junior College Committee shall be governed by general laws governing elections in school districts of the first class having a school population in excess of three thousand.

(d) **District Officers.** Within ten (10) days after the election of any Junior College Committee, said Committee shall meet and select from among its members a president, a secretary and a treasurer for said Junior College Committee, who shall serve until the first meeting of said Junior College Committee following the next election for members of said Committee.

SECTION 2. Section 10, Chapter 237, Session Laws of Colorado, 1937, is hereby repealed.

SECTION 3. **Severability.** 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 4. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

Approved: April 2, 1951.

AN ACT

House Bill No. 300

(Ch. 78, S.L. '51)

RELATING TO THE EQUIPMENT REQUIRED ON MOTOR AND OTHER VEHICLES, AND TO AMEND THE LAW RELATING THERETO

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

SECTION 1. Subsection 3 of Section 245, Chapter 16, 1935 Colorado Statutes Annotated, as amended by Section 16, Chapter 117, Session Laws of Colorado, 1949, is hereby amended to read as follows:

Section 245. 3. **Clearance reflectors.** Every motor vehicle having a width at any part in excess of 80 inches shall be equipped with clearance reflectors located as follows:

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

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

(c) 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.

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

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: April 2, 1951.

AN ACT

House Bill No. 330

(Ch. 116, S.L. '51)

RELATING TO THE PENSIONING OF SCHOOL DISTRICT EMPLOYEES.

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

SECTION 1. **Declaration of Policy.** In order to extend to employees of school districts of Colorado the provisions of the Public Employees' Retirement Act (Chapter 149, 1943 S. L., as amended) and thereby provide for better educational standards for the school children of Colorado, it is hereby declared to be the policy of the General Assembly that such steps be taken as to provide such retirement coverage for all school employees in the State of Colorado not now covered under any retirement system.

SECTION 2. Effective January 1, 1952, the provisions of said Retirement Act is hereby extended to every school district of the State of Colorado, including consolidated and reorganized school districts, county high school districts, union high school districts, joint school districts and junior college districts, who have not affiliated with the state-wide retirement system as provided for in said Chapter 149, 1943 S. L. as amended, or who have not established a local retirement system in said district.

SECTION 3. The County Superintendent of Schools in each county is hereby authorized and directed to notify each third-class school district in said county of the provisions of this Act and for the purposes of administration thereof, the Secretary of each third-class school district in said county shall report monthly to the County Superintendent of Schools the names and salaries of all employees of said third-class school district who are covered by said Act and in drawing the salary warrants for such employees of said district the amount of five per cent (5%) of said salary shall be withheld as employee contributions to the Retirement Fund, and such amount along with the matching public employer payments, payable from district funds, shall be transmitted to said County Superintendent by warrant payable to the State Treasurer. The County Superintendent of Schools shall transmit all of said payments along with such monthly report thereon as may be prescribed by the Public Employees' Retirement Board to the Secretary of the Public Employees' Retirement Association monthly. All school districts other than third-class school districts shall make such payments direct to the Public Employees' Retirement Association as otherwise provided by law.

SECTION 4. Any school district which has affiliated, or may be hereafter affiliated, with said Public Employees' Retirement

ment System and which shall be in arrears in making the public employer payments provided for in said act, and amendments thereto, shall have any monies which are allocable to such district from state funds, as now or hereafter provided by law, reduced by the amount of 10% (ten per centum) for such period or periods such district is in arrears and until such time as any such school district shall have made up any such arrears in payments due said retirement system.

SECTION 5. Whenever any school district affiliated with said Public Employees' Retirement System shall be in arrears, the Secretary of the Public Employees' Retirement Association is hereby authorized and directed to certify to the State Department of Education the fact that such school district is in arrears, stating the amounts due and the periods delinquent; whereupon, the State Commissioner of Education shall notify the Secretary of such school board and the County Treasurer or other public officer whose duty it is to allocate state funds to such school district, of any such default, and until such time as such school district has made payment of such arrears the said County Treasurer or other public officer shall withhold 10% (ten per centum) of any state monies allocable to said school district and remit the same to the Public Employee's Retirement Fund on account of such deficiency for the credit of such school district, and such funds shall be held in trust in said Retirement System pending full compliance of said district in making up said arrears.

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

SECTION 7. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

SECTION 8. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

Approved: March 28, 1951.

AN ACT

House Bill No. 331

(Ch. 274, S.L. '51)

REGARDING PAYMENT OF PENSIONS TO TEACHERS AND RETIRED TEACHERS AND ESTABLISHING A STATE TEACHERS' EMERITUS RETIREMENT FUND, MAKING AN APPROPRIATION THEREFOR FOR THE PERIOD BEGINNING JULY 1, 1951.

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

SECTION 1. This Act shall apply to all teachers retired from service of school districts of Colorado provided that said teachers:

(a) Shall have served at least twenty (20) years in the employ of Colorado school districts;

(b) Shall be at least sixty-five (65) years of age;

(c) Shall have retired from teaching in the public schools of Colorado prior to July 1, 1962;

(d) Be a resident of Colorado;

(e) And if retiring from school service after January 1, 1952, shall have become a member of the Public Employees' Retirement Association and any available local school district retirement plan on or before January 1, 1952.

SECTION 2. Retiring teachers eligible under Section 1 of this Act shall make application to the Commissioner of Education for pension benefits as herein provided prior to July 1, 1962. There shall be no applications accepted by the Commissioner of Education on or after July 1, 1962.

SECTION 3. All retired teachers who are declared eligible to receive the benefits of this Act by the Commissioner of Education shall receive a monthly pension so long as they shall remain a resident of the State of Colorado, effective July 1, 1951, and thereafter.

SECTION 4. There is created by this Act a State Teachers' Emeritus Retirement Fund from which the Commissioner of Education shall authorize payments from such appropriations as shall be granted to the Fund. Persons qualifying for retirement benefits under this Act shall receive a monthly payment of \$75.00 per month, less any pension or retirement benefit received from any other retirement or pension fund supported in whole or in part by the state or any of its political subdivisions; provided, however, that all payments hereunder shall be pro rated on an

equal monthly basis within the limits of the appropriations granted and no payments shall exceed \$75.00.

SECTION 5. For the purpose of carrying out the provisions hereof during the annual fiscal period beginning July 1, 1951, and ending June 30, 1952, there is hereby appropriated out of any monies in the state treasury not otherwise appropriated to the "State Teachers' Emeritus Retirement Fund" the sum of Three Hundred Thousand Dollars (\$300,000.00) or so much thereof as may be necessary for the payment of retirement benefits provided for in this Act.

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

SECTION 7. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

SECTION 8. The General Assembly hereby finds, determines and declares this Act necessary for the immediate preservation of the public peace, health and safety.

Approved: March 28, 1951.

AN ACT

House Bill No. 334

(Ch. 112, S.L. '51)

PERTAINING TO THE ALLOWANCE OF MILITARY SERVICE FOR RETIREMENT PURPOSES UNDER THE PUBLIC EMPLOYEE RETIREMENT ACTS OF THE STATE OF COLORADO.

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

SECTION 1. Any member of the Public Employees' Retirement System as provided for in Chapter 36, 1935 Colorado Statutes Annotated, as amended, and Chapter 149, Session Laws of Colorado, 1943, as amended, who shall be, or shall have been inducted into active military service while on leave of absence from the public service, as provided for by said acts and amendments thereto, shall receive credit for retirement purposes, as provided by said acts, as amended, for such periods; **provided, however,** such credit shall not be allowed for any such period of active military service, unless such member shall return to such public service as a regular employe prior to such retirement, and military service accredited under Public Law 810, enacted by the Eightieth Congress of the United States shall not be deducted from the member's service record under the Public Employees' Retirement System.

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

SECTION 3. 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 provisions or application, and to this end the provisions of this Act are declared to be severable.

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

Approved: March 28, 1951.

AN ACT

House Bill No. 376

(Ch. 56, S.L. '51)

MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION.

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

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to the State Department of Education for the fiscal year 1951-1952, the sum of Thirty Thousand Dollars (\$30,000.00), or so much thereof as may be necessary, to be expended for the personal service maintenance and operations, capital outlays and other necessary expenses of said State Department of Education incurred in the administration of Section 5 (e) of Chapter 153, Session Laws of Colorado, 1949.

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: April 19, 1951.

AN ACT

House Bill 391 (Ch. 221, S.L. '49) as amended by

House Bill 289 (Ch. 264, S.L. '51)

RELATING TO SCHOOLS; PERTAINING TO THE EDUCATION OF CERTAIN PHYSICALLY HANDICAPPED AND MENTALLY RETARDED MINORS AND TO AMEND THE LAW RELATING THERETO.

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

SECTION 1. *Education of all types of handicapped children. The General Assembly hereby declares that the purpose of this Act is to provide educational services of those physically handicapped and mentally retarded children between the ages of three and twenty-one years for whom the regular public school facilities are inadequate or not available. Physically handicapped and mentally retarded children, as herein used, shall include all those children who because of physical impairment or other disability cannot receive the full benefits of ordinary educational facilities but possess the ability to learn even though their development may be retarded. In this regard, the Commissioner of Education shall establish rules and regulations governing the qualifications of children who participate in any educational program operating under the terms of this Act.*

SECTION 2. **Educational Services shall include.** Educational services for physically handicapped and mentally retarded children, as provided in this Act, shall include teaching services for any of the following types of handicapped children—crippled, partially seeing, deaf or hard of hearing, deficient in speech, cardiopathic, tuberculosis, cerebral palsied, or otherwise physically or mentally handicapped—and the cost of transporting such handicapped children to and from school, but nothing in this Act shall permit the use of funds or monies provided for the education of physically handicapped or mentally retarded children to be used for the erection or maintenance of school buildings in any school district.

SECTION 3. **Enrollment of children in schools.** The parent, parents or guardian of any child or children qualifying to receive education and benefits under the provisions of this Act may enroll such child or children in any school in any district in the State of Colorado, which may be now or hereafter properly equipped to educate handicapped children, as determined by the Commissioner of Education.

SECTION 4. **Form of application for admission.** The parent, parents or guardian of such child or children desiring to receive the benefits of this Act, shall make application to the County Superintendent of Schools upon a form to be provided

by the office of the Commissioner of Education; and upon the proper filing of such application in the State Department of Education, the Commissioner of Education may cause any child to be enrolled in any school in any district, with the approval of the Board of Education of the school in which the child shall be enrolled for education.

SECTION 5. *Transfer of children from one district to another. On the request of any school district, the Commissioner of Education may approve a portion of the payment of enrollment or maintenance cost to another school district which maintains a special classroom or classrooms and which accepts the enrollment of the children from the district making the request. In granting the approval, the Commissioner must ascertain first that the district making the request cannot maintain practically a special classroom or classrooms of its own and further that the district shall pay for the attendance of its handicapped child or children in the district in which said child attends school the actual cost for educating a normal child or children of like ages in such district. For such child or children as may be transferred from the district of residence to another district of attendance where facilities for teaching handicapped children are available, the Commissioner of Education may pay an enrollment fee of not in excess of Three Hundred Dollars (\$300.00) per annum to the school district in which the child is to receive education, and may pay an additional sum not in excess of Five Hundred Dollars (\$500.00) per annum for care and maintenance of each child during the period of education. The provisions regarding care and maintenance shall apply only in such cases where the parent, parents or guardian do not maintain a residence within the school district where the child is enrolled.*

SECTION 6. Application for hospitalized and homebound instructional services. Application for hospitalized and homebound instructional services shall be made by the County Superintendent of Schools of the County in which the child to receive such services and instructions resides.

Upon receipt of such application the Commissioner of Education shall make reasonable investigation of the need of such instruction and services. If the Commissioner of Education is satisfied of a just claim, he shall authorize the employment by the School Board of such District of a teacher to give instruction to said child, in accordance with the rules and regulations set up by the State Department of Education.

SECTION 7. Teachers certified. Any teacher giving such services and instructions to homebound and hospitalized children shall be certified by the Commissioner of Education.

SECTION 8. Reimbursement of excess costs of educating physically handicapped and mentally retarded children. Those school districts which now or may hereafter provide special programs to the education of physically handicapped and mentally retarded children, as approved by the Commissioner of Education,

shall be eligible for reimbursement under this Act for a certain part of the cost of instruction and other services which exceed(s) the cost of instruction and services of ordinary classes maintained in the same district. Such reimbursement shall be One Hundred Dollars (\$100.00) per child in average daily attendance per annum, provided if the excess cost does not exceed One Hundred Dollars (\$100.00) per child in average daily attendance per annum, that the actual excess cost be the amount of the reimbursement. Where a special transportation cost over and above such normal transportation facilities as might be available are required for the transportation of physically handicapped or mentally retarded children within the school district of residence and enrollment, the Commissioner of Education may approve the cost of transporting such children for reimbursement up to but not to exceed seven cents per mile.

SECTION 9. Reporting for reimbursement and pro rating of funds. The governing board of each school district eligible for reimbursement under any section of this Act for educating physically handicapped and mentally retarded children shall, on or before June 30 of each year, file a report with the Commissioner of Education which report shall show units of average daily attendance in special classes during the preceding school year, and shall contain both a statement of costs of instruction and services in such special classes and similar costs of ordinary programs maintained within the same district. Upon approval of such report by the Commissioner of Education such reporting district shall be reimbursed for indicated excess costs, within the limitations of this Act. In the event of insufficient appropriations under the terms of this Act, all approved reimbursements to school districts shall be pro rated.

SECTION 10. Grouping of common handicaps. The Commissioner of Education may recommend the grouping of pupils with common handicaps, such as cerebral palsy, hard of hearing, speech defects and others, and may determine by regulation minimum and maximum class enrollments for purposes of reimbursement under this Act.

SECTION 11. Provision of personnel. The Commissioner of Education shall facilitate the provision of adequately trained teachers to staff this program by: (a) encouraging State supported colleges and universities to establish classes in Special Education for the training of teachers; (b) encouraging the establishment of in-service or Specialized Training Programs in said schools.

The Commissioner of Education shall set up standards and qualifications for teachers of such Special Classes.

SECTION 12. Administrative personnel. The Commissioner of Education shall maintain within the Department of Education sufficient and qualified personnel to administer and supervise the provisions of this Act.

SECTION 13. Who required to attend. No handicapped individual shall be required to be enrolled in such Special Classes,

provided that the parent, parents or guardian of such child certifies to the satisfaction of the Commissioner of Education that such individual is receiving adequate educational advantages.

SECTION 14. Determination of eligibility of candidates. Determination of eligibility of applicants for such Special Classes shall rest primarily with the Board of Education of the District supplying such facilities. In those cases where the ability of the applicant to learn shall be determined to be border-line or questionable by current standards, such child shall be enrolled for a trial period of three months, at which time determination of the child's ability can be made.

The Commissioner of Education shall create, from existing public and private agencies, a non-salaried State Committee, which shall act, in an advisory capacity, on such cases where psychometric evaluation is complicated by extensive physical limitations or other reasons. The parent of such child or children or the Board of Education of the School District in which the child resides, may appeal to such State Committee, through the Commissioner of Education, for examination and evaluation of such child to determine eligibility for enrollment.

SECTION 15. State Department of Public Health to give medical consultation. The State Department of Public Health shall provide general medical consultation for the administration of this program by the Commissioner of Education, and the Commissioner of Education shall refer to the State Department of Public Health such School District programs as may be, in their estimation, in need of medical consultation. The services of the Health Department shall be made available to assist in carrying out all other provisions of this Act wherever applicable.

SECTION 16. How monies paid. The Commissioner of Education is authorized to accept and, in accordance with rules and regulations adopted by him, to disburse and administer all Federal Aid and other monies received or allotted for the purpose of establishing, extending and improving services for the education of physically and mentally handicapped children. Consistent with the Laws of this State the Commissioner of Education is authorized to furnish to any appropriate Federal Agency information and records, to submit plans, and to enter into any agreements or arrangements, required as a condition to the receipt of Federal Funds available for the purpose of carrying out these provisions.

SECTION 17. Sections 305 (1) (being Sections 1-4, Chapter 78, Session Laws of Colorado, 1937), and 305 (2) (being Sections 1-9, Chapter 69, Session Laws of Colorado, 1945), of Chapter 146, 1935 Colorado Statutes Annotated (Supplement), are hereby repealed.

SECTION 18. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 19. 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 20. 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 21. 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.

SPECIAL NOTICE

The Sections herein set in italics are the amendments to H.B. 391 as amended by H.B. 289.

AN ACT

House Bill No. 458

(Ch. 65, S.L. '51)

MAKING AN APPROPRIATION TO THE STATE SCHOOL REORGANIZATION FUND FOR THE FISCAL YEAR 1951-1952.

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the State School Reorganization Fund, for the fiscal year 1951-1952, the sum of Ten Thousand Dollars (\$10,000.00), or so much thereof as may be necessary, for the purpose of paying the expenses incurred in the work of reorganizing school districts in the several counties of the state, as provided by Chapter 224, Session Laws of Colorado, 1949, as amended.

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

Approved: April 19, 1951.

AN ACT

House Bill 900 (Ch. 224, S.L. '49) as amended by

House Bill 308 (Ch. 268, S.L. '51)

RELATING TO SCHOOLS AND SCHOOL DISTRICTS
AND TO PROVIDE FOR A METHOD OF REORGANI-
ZATION OF SCHOOL DISTRICTS.

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

SECTION 1. This Act may be cited as "The School Dis-
trict Reorganization Act of 1949." Title of Act

SECTION 2. The General Assembly hereby declares this
Act is passed for the general improvement of the public schools
in the State of Colorado; the equalization of the benefits and
burdens of education throughout the various counties and com-
munities of the State; to provide for the reorganizations of the
public school districts in the state, and the alteration of the
boundaries of established districts and generally to enlarge the
areas of school districts in the state in order to provide for the
maintenance of a thorough and uniform system of free public
schools throughout the state; to provide for high school educa-
tion of the citizens of the state of school age who are qualified
therefor; to make possible a higher degree of uniformity of school
tax rate among school districts and to have a wiser use of public
funds expended for the support of the public school system of the
state. To these ends this Act shall be liberally construed. Purposes of
the Act

SECTION 3. Whenever the following words or terms are
used in this Act they shall be taken to mean as follows: Definition of
words or terms

"State Board" shall mean the State Board of Education as
provided in Section 1, Article IX of the Constitution of Colorado,
or such board or body as may hereafter by law succeed to the
duties of said State Board of Education.

"Commissioner" shall mean the State Commissioner of Edu-
cation, who is the chief State School Officer.

"School District" shall mean school districts of the first,
second and third classes, consolidated districts, County High
School and Union High School Districts.

"New District" shall mean a district formed from all, or parts
of two or more districts under the provisions of this Act.

"Proposed Districts" shall mean an area composed of all, or
parts, of two or more districts, the plan for the reorganization
of which shall have been proposed by a county committee, or in
case the same embraces parts of two, or more, counties by the
county committees of the said counties.

"County Superintendent" shall mean County Superintendent of Schools.

Establishing the number of members of County Committees

SECTION 4. (1). *Within ninety days, and each two years thereafter, after the effective date of this Act, there shall be elected in each county a county committee of not less than seven nor more than eleven, provided, however, that in counties having more than forty school districts, the committee may be increased to fifteen, but shall always have an odd number; and provided further one member of the county committee shall be elected from each first class school district within the county and one member from one of each two (2) second class school districts.*

Commissioner's notification to County Superintendent for calling of the Presidents of Boards of Education

(2) *Within thirty days after the effective date of this Act the Commissioner shall notify in writing each County Superintendent of the provisions of this Act, and shall request the election of a county committee as herein provided for. The County Superintendent shall, within sixty days after the effective date of this Act and each two years thereafter, call a meeting of the Presidents of the Board of Education of all school districts and the chairman of high school districts within the county. The notice of such meetings shall be sent by registered mail and placed in the United States mails at least seven days before the date set for such meeting and shall state the time and place of such meeting. In the event the president of any Board of education or the chairman of a high school district cannot personally attend said meeting it shall be his duty to designate, in writing, a member of his board or committee as his proxy, who shall have the same rights as said president, or chairman, if attending personally.*

Notice of meeting sent by registered mail

Establishing the number on County Committee

(3) *At said meeting the number of members of the county committee shall be established, within the limits herein provided, by a majority vote present. The members of the County Committee shall then be selected at said meeting by nomination and ballot. There shall also be elected by the same method an alternate for each member of the committee. Each member of the committee, and alternate shall be a resident of the county in which elected. Due consideration in the selection of members of the committee and alternates shall be given to the interest theretofore shown by such persons in the affairs of the schools in the county also the place of residence of such members and alternates in order that all parts of the county may be duly represented.*

Member of committee and alternate residents of county

County Superintendent notify members of election as member of County Committee

(4) *Upon the election of members of the county committee and their alternates the County Superintendent shall prepare a written form of acceptance of membership on said committee and shall send by registered mail to each member selected one of such forms, together with a letter notifying such person of his or her, election as a member of such county committee, the duties of such committee, and that acceptance as a member of such committee should be returned to the county superintendent within ten days. If such person so elected as a member of the county committee fails to accept such appointment within 15 days of*

date of mailing of such notification he, or she, shall be dropped from such committee and a similar form of acceptance and notification shall be mailed by registered mail to his, or her, alternate. If such alternate does not accept such appointment to said county committee within fifteen days of date of mailing such notification then there shall be a vacancy in such county committee to be filled as hereinafter provided for filling of vacancies on the county committee.

Failure to accept within 15 days

(5) Upon the acceptance by a majority of the members of such county committee, or their alternates, the County Superintendent of schools shall call a meeting of such county committee to be held at such time and place as he may designate and shall send notice thereof by registered mail to each member at least five days before the date set for such meeting.

Calling of County Committee by County Superintendent

(6) If acceptance shall not be received as herein provided from a majority of the members of said county committee, or their alternates, then a new meeting shall be called by the County Superintendent of the Presidents of the Board of Education and chairmen of the high school districts as hereinbefore provided, at which meeting vacancies in said county committee shall be filled.

Calling another meeting when—

(7) At its first meeting the County Committee shall select a chairman and vice chairman. The County Superintendent shall be a non-voting member of said county committee and shall serve as the secretary thereof.

Selecting Chairman and Vice-Chairman, County Superintendent Secretary

SECTION 5. The County Committee shall have and perform the following duties:

(1) The making of a careful study of the public school system in its county;

(2) To co-operate with the State Board and the Commissioner in arriving at a plan of reorganization of school districts within said county;

(3) To pass upon and recommend any plan for the reorganization of the school districts in said county, or a portion thereof;

Duties of County Committee

(4) To call for an election, or elections, to vote such plan as provided herein;

(5) To make arrangements for such election;

(6) To assist in the dissemination of information to the electors of the proposed district, or districts, as to the purpose and benefits of any such proposed plan;

(7) To co-operate with the county committee of adjoining counties in the event districts embracing two or more counties appears advisable;

(8) To make all certifications and perform all other acts specifically enjoined upon said county committee by this Act;

(9) In general to do and perform any and all things reasonable or necessary to carry out the intent and purposes of this Act and perfect a reorganization of the school districts within the county in conformity with the spirit of this Act.

County
Committee to
complete
reorganizing
of districts

SECTION 6. *The county committee shall continue as such until a complete plan of reorganization of all school districts within the county shall have been adopted, or until July 1, 1954, whichever date may be earlier.*

Filling vacancy
on County
Committee

SECTION 7. In case of a vacancy in a county committee by death, resignation, removal from the county, or failure of both a committee member and alternate to accept under the provisions of Section 4 of this Act, the remaining members of the county committee shall have the authority to fill such vacancy, or vacancies. If a member shall fail to attend two consecutive meetings, after due notice and without being excused by the committee, the office of such member may be declared vacant by majority vote of the remaining members of the committee and such vacancy filled by action of the remaining members of the committee.

Meetings
of County
Committee

SECTION 8. Meetings of a county committee may be held at a time and place specified by the committee at a previous meeting, without further notice. Other meetings may be held upon notice mailed by the secretary to each member at least five days before such meeting. A meeting of the committee shall be called by the chairman on written request of three members of the county committee. Notice of a meeting may be waived in writing by a committee member either before, at, or after such meeting.

Certifying
names of
County
Committee to
Commissioner
of Education

SECTION 9. When any county committee shall have been constituted, as by this Act provided, the secretary thereof shall certify to the Commissioner the names and post office addresses of each member of such committee, indicating the persons elected as chairman and vice chairman; any change in the personnel or officers of such committee shall be likewise certified to the Commissioner.

SECTION 10. (This Section is repealed.)

Commissioner
to make study
of public school
systems

SECTION 11. *It shall be the duty of the Commissioner, (1) to make a thorough study of the public school system in the various states, particularly in those states having a similar situation to that in Colorado, (2) to make a thorough study and survey of the plan, or plans, for the reorganization of the school districts in each county in the state and to make available to the county committee in each county of the state all information, facts, figures and statistics gained and acquired through such study and survey, (3) he shall render to the various county committees such aid and assistance as may be reasonably required in each county, to the end that a proper plan of reorganization may be accomplished as soon as possible in every county in the state.*

Render
Assistance
to County
Committee

SECTION 12. In developing a plan of reorganization in any county or part thereof, the county committee and Commissioner shall give consideration to the following:

Consideration to be given Educational needs of local committee, etc.

(1) Educational needs of local communities.

(2) Future use of existing school buildings, sites, playgrounds and facilities either for school purposes, or other community activities.

Use of Buildings, etc.

(3) Convenience and welfare of pupils.

(4) Equalization of costs and benefits of the public school system in the county.

(5) Value, amount and location of the school properties involved in the proposed plan.

(6) *Nature and amount of all bonded, warrant, or other indebtedness of the districts, or parts of districts involved, including unsatisfied legal obligations and contracts of the districts involved, together with any cash or other assets of such districts.*

(7) Existing highways and roads and particularly as to whether they are all weather roads.

(8) Terrain and topography of the counties and proposed districts.

(9) The manner and extent to which transportation should be furnished to pupils who will attend the school, or schools, in any "proposed district," the approximate cost of such transportation and the manner in which such cost should be met and no such plan shall provide for the closing of any school unless suitable provision is made where necessary for the transportation of the pupils who would attend such school to some other school.

Transportation needs to be studied

(10) Means of providing high school education for residents of any proposed districts of school age who are qualified therefor.

Provide high school facilities

(11) Advisability of combining under one administrative head, high school and elementary school districts.

(12) *It shall provide a specific plan of representation for the members of the Board of Education of the proposed district. Said proposed district shall be subdivided into director districts, said subdivision to be equal in number to the number of members of the Board of Education. Said subdivision shall be as nearly as possible contiguous, compact and represent substantially the same number of people for each subdivision. Said plan shall designate from which director districts the members of the Board of Education shall be selected for (a) the "short term" which shall be a term of office continuing until the first regular school board election held after said district becomes a body corporate, (b) the "intermediate term" which shall continue until the second regular school board election held after the school district becomes a body corporate, (c) the "regular term" which shall continue until the third regular school board election held after the school district becomes a body corporate.*

Provide plan for representation of members

Terms of members

Plan to be approved by County Committee and Commissioner

SECTION 13. *No plan of reorganization shall be submitted to a vote as in this Act provided unless:*

(1) *The plan shall have been approved by the county committee.*

Name and number of proposed district

(2) *The plan shall set forth the name and number by which the "proposed district" shall be designated.*

(3) *The plan shall set forth all details as may have been determined by the county committee.*

Content of plan for reorganization

SECTION 14. *The plan for reorganization shall contain a specific proposal for the equitable adjustment and distribution of all, or any part, of the properties and cash assets of the districts involved. In considering such equitable adjustment of the assets and liabilities as between the districts affected, the county committee shall consider the number of children of school age resident therein and the assessed valuation of the property located in each district, or parts of districts involved and affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which, in the judgment of the committee are of importance or essential in making the aforesaid equitable adjustment.*

Number of children and assessed valuation to be considered—Equitable adjustment to be made

Present boundaries to be disregarded

SECTION 15. In working out any plan of reorganization of school district within a county, or any part thereof, as provided by this Act, present district boundaries may be disregarded, and districts, or parts of districts may be included in a new district proposed to be organized, it being the intent hereof to provide, without regard to present boundaries, for the creation of larger administrative school units, or districts, having a broader tax base, in which it is necessary so to do, more than one attendance unit, or school, may be maintained. A "proposed district" may include areas of one or more counties; provided, however, no plan for a "proposed district" situated in more than one county shall be submitted to a vote as herein provided for unless the county committee of each county involved shall have approved such plan.

More than one attendance unit within areas of one or more Counties in proposed district provided

Map to be prepared of proposed district filed in County Superintendent's office

SECTION 16. (1) When a proposed plan of reorganization of the school districts within a county, or part thereof, shall have been tentatively agreed upon by a county committee, a map of the "proposed district," or districts shall be prepared showing the boundaries thereof and a statement of the description of the boundaries of such "proposed district," or districts, and details of the plan; which map and statement shall be placed on file with the County Superintendent, together with a statement prepared with the county committee setting forth facts considered pertinent by said County Committee for the information of the public as to the reasons for and benefits to be had from such proposal. The county committee shall fix a date and a place for a hearing on such proposed plan.

(2) The County Superintendent shall give notice of the filing of such map and statements by publication of said fact in a newspaper of general circulation in each of the "proposed districts" and by causing to be posted a copy of said notice upon each school house, in which school was held during any part of the preceding twelve months, located within any such "proposed district" and in five other public places within any such "proposed district" and which notice shall give the time and place of the meeting of the county committee for hearing on such proposed plan. Any interested person may appear at such hearing and make objections to the proposed plan.

County Superintendent to give notice of filing of map, etc., by newspaper and posting notices

Time and place of hearing

(3) One publication of such notice shall be sufficient and said publication and posting of such notice as aforesaid shall be made at least ten days prior to the date of such hearing. If there be no newspaper of general circulation in the district, or districts, affected, posting of the notice as herein provided shall be sufficient.

Publication of notices at least ten days before hearing

SECTION 17. *After such hearing the County Committee may make any changes in such proposed plan as it may deem advisable and shall then approve such proposed plan. Thereupon a copy of such proposed plan, together with a map showing the boundaries of any "proposed district" and a statement showing the facts considered pertinent by the county committee in arriving at its approval of such proposed plan, shall be submitted to the Commissioner for consideration. If the commissioner shall desire to suggest any changes or amendment in such proposed plan, the commissioner's changes or amendments together with the proposed plan shall be returned to the County Committee and conferences had with the Commissioner, to the end that a mutually satisfactory plan may be perfected, if reasonably possible, provided, however, that final approval shall rest with the County Committee. Maps and statements of such revised plan shall be filed with the County Superintendent and notice of hearing thereon shall be given as provided in the preceding section for any original plan.*

County Committee may make changes

Submit statement, maps, etc., to Commissioner

County Committee has final approval

Hearing held

SECTION 18. *When a plan for reorganization of the school districts within a county, or any part thereof, has been approved by the county committee, it shall be designated as the "final approved plan" and shall be ready for submission to a vote as hereinafter provided.*

Final plan submitted to vote

SECTION 19. The County Committee shall then set a date, not more than forty days after final plan has been approved, for a special election wherein the voters in each "proposed district" may vote upon the adoption, or rejection, of such "final approved plan" and proceed to give notice thereof.

County Committee set date for election within 40 days, etc.

Said notice shall describe the boundaries of the "proposed district." Where an entire district is to be included in the "proposed district," reference to the legal name and number of such district shall constitute a description of the boundaries thereof.

Contents of Notice

Said notice shall state that a map and plan of the "proposed district" is on file in the office of the County Superintendent. It shall give the date of the special election, the hours the polls will be open, and the location of the polling places. It shall inform the voters that the purpose of the election is to vote upon the adoption, or rejection, of the proposed plan of reorganization in the area affected as shown by the map and plan in the office of the County Superintendent. The original notice shall be signed by the chairman of the County Committee.

Notices published and posted

SECTION 20. The notice provided for in Section 19 hereof shall be published twice in some newspaper of general circulation in the area of the "proposed district," and posted at each school house in said area wherein school was held during any part of the preceding twelve months and in five other public places in said area. If there is no newspaper of general circulation in said area, the posting of said notice as herein provided shall be sufficient. Copies of such notice shall be posted at least twenty days before the date of said election and if notice be published it shall be published at least two times, six or more days shall elapse between the first and second publication and the last publication shall be at least ten days before said election.

County Committee appoints judges

SECTION 21. At least five days before the special election three judges of election shall be appointed by the County Committee for each polling place in the "proposed district." The polling places shall be conveniently located, preferably in existing school buildings. Polls shall be open from two to seven P.M. In case any judge of election shall be absent or unable to act, the vacancy shall be filled by the qualified electors present including the other judges. Certification of the results of election shall be made by the judges to the "secretary" of the County Committee within twenty-four hours after the closing of the polls. Judges shall receive \$5.00 each for their services to be paid from the State School Reorganization Fund herein provided for.

Polling places

Filling vacancy on election board—Results of election reported to County Superintendent

Salary of Judges

Defining an elector

SECTION 22. (1) Electors voting in said election shall be taxpaying electors, shall be of the age of twenty-one years, citizens of the United States, and shall have resided in the State for twelve months immediately preceding the election and shall have resided in the area of the "proposed district" for at least ninety days immediately preceding said election. No previous registration shall be required except in first and second class districts. The judges shall make a list of all voters voting at the election and shall deliver such list, together with the used and unused ballots to the secretary of the committee, with certification of results.

Judges make list of voters voting

(2) Ballots shall be unnumbered and shall be in form as follows:

OFFICIAL BALLOT

Official Ballot

Against the plan of reorganization ()

For the plan of reorganization ()

Each voter shall indicate his approval or disapproval of the prop-

osition submitted by placing a cross mark (X) opposite the group of words on his ballot which expresses his choice.

(3) Prior to such election a meeting, or meetings, of the electors in the area to be included in the "proposed district" shall be held in a convenient place, or places, within the area, at which meeting, or meetings, the plan of reorganization of the school districts in such area shall be fully explained. The County Committee shall arrange for such meeting, or meetings, and shall give notice thereof through the public press and in such other manner as may be deemed best by the County Committee, or committees, as the case may be.

Plan to be explained prior to election

County Committee arrange meetings, give notice, etc.

SECTION 23. It shall be the duty of the County Committee to meet and canvas the returns and certification of said election and to declare the result thereof within five days after the closing of the polls. A certificate of such canvass and results thereof shall be forthwith filed in the office of the County Superintendent. Ballots, lists of voters and certifications shall be filed in the office of the County Superintendent and kept there for a period of one year after the election.

County Committee canvas votes

Ballots, etc., filed and kept in office of County Superintendent

SECTION 24. *The County Superintendent shall, with ten (10) days from the filing in his office of the certificate as to the result of such election by the County Committee, if the vote is in favor of said reorganization plan, certify such fact to the Commissioner of Education and shall furnish to the Commission a map and description of such "new district" together with the name and number by which the same shall be designated.*

County Superintendent certify result to Commissioner

SECTION 25. *If a majority of the votes cast in a school district or part of a school district which is included in the "proposed new district" shall be in favor of reorganization, a new district, composed of all school districts so voting, shall on the sixtieth (60) day after certification of the results of the election, become a body corporate under the name, style and number by which it is designated in the plan, and exercise all the rights, privileges and powers of such bodies; provided, however, that the county committee, the county superintendent and the Commissioner of Education shall review the facts pertaining to the new district so created and further provided, that if the county committee after consultation with the Commissioner of Education and the county superintendent shall by a majority vote decide that the new district so created is not a desirable district for a workable reorganization of such districts as have voted in favor of the plan, they shall not form a reorganized district, and the county committee shall continue its efforts to create an acceptable plan. The old district constituting a part of the new district may continue to function until the close of the school year and may use the funds on hand or received through existing tax levies for the expense of operation of such schools to the end of said school year. In such cases no division of property or assets of said district as heretofore provided shall be made until the close of the school year.*

New district become body corporate
When—

District may operate till end of school year
When—

If plan not acceptable to voters revised plans may be submitted

SECTION 26. *If the majority vote in a school district or part of a school district included in the said plan shall not be in favor of said reorganization, the County Committee shall continue in its efforts to prepare a revised plan that is feasible and acceptable. When such a revised plan is approved by the County Committee, it shall then be submitted to a vote in the manner heretofore provided for obtaining approval of the original plan.*

No change in class of district

SECTION 27. (1) *Whenever any new school district is created or has been created under provisions of this Act, such new district shall be a school district of the class as now provided by the law. It shall have all the powers conferred thereon; provided, however, that all Boards of Education shall have five (5) members.*

County Superintendent divide district into director districts

(2) *Where more than two former existing districts comprise a district already organized under the provisions of this Act, a majority of the directors shall not be selected from any one district existing prior to reorganization. The County Superintendent or superintendents of the county or counties of a district heretofore reorganized shall within sixty days before the next school election divide the reorganized district into director districts, and determine the terms of the members, as hereinafter provided.*

Election of Board of Education

SECTION 28. *When a new district shall have been formed under the provisions herein, the chairman of the County Committee shall call a special election in such new district for the selection of a Board of Education for the new district to be held on the day the new district becomes a body corporate, and said election shall be held as follows:*

Terms of members

(a) *In all districts created under this Act, two members of the Board of Education shall be elected for the "short term" and every three years thereafter. Two members of the Board of Directors shall be elected for the "intermediate term" and every three years thereafter. One member of the Board of Education shall be elected for the "regular term" and every three years thereafter.*

(b) *Districts of each class organized under this Act shall elect a president, a secretary and a treasurer as is now provided by law for districts of the first class.*

Elect officers

(c) *When members of the Board of Education of the district assume their duties, they shall within ten (10) days after the date of the issuance of the certification of election, and as provided by law for districts of its class, elect its officers and forthwith enter upon and perform all the duties and exercise all the powers of the Board of Education of the district of which said new district is a class.*

Funds, etc., of old district become property of new district When—

SECTION 29. (1) *Unless otherwise provided in the plan when a "new district" formed under this Act shall embrace all of the area of a former district, or districts, the school funds of such former district, or districts, except funds for the retirement of bonded indebtedness then on hand or to be received under existing tax levies, after providing for all outstanding debts, except bonded indebtedness, shall become the property of the "new district."*

(2) When only a part of a former district, or districts, is embraced within a "new district," a division of funds, except for the retirement of bonded indebtedness then on hand or to be received under existing levies shall be apportioned between the old district, or districts, and the "new district" as provided in Section 66, Chapter 146, 1935 Colorado Statutes Annotated. School buildings, grounds, playgrounds, furnishings and equipment therein situate shall be the property of the "new district" in which located, and none of such property shall be moved, or otherwise disposed of, in contemplation of any reorganization herein provided for.

Funds to be apportioned between districts
When—

Disposition of property

SECTION 30. (1) Unless otherwise provided in the plan when a "new district" formed under this Act shall embrace part of the area of a Union or County High School district, such area shall be automatically withdrawn from the Union or County High School district, except for the purpose of paying its portion of any existing bonded indebtedness as provided by law. In such case the properties and funds of the Union or County High School district shall be retained by the Union or County High School District. When a "new district" formed under this Act shall embrace all of a Union or County High School district such Union or County High School district shall be automatically dissolved and the properties and funds, except funds then on hand or to be received under existing tax levies, after providing for all outstanding indebtedness and obligations, except bonded indebtedness, shall become the property of the "new district."

When a new district embraces part of Union or County High Schools

Disposition of property when new district embraces all of Union or County High School District

(2) In cases where a Union or County High School district shall be partly or entirely included in two or more "new districts," the properties or funds shall be divided as provided in Sec. 66, Chapter 146, Colorado Statutes Annotated, unless the plan shall otherwise provide.

Division of property when Union or County High School district is partly included in two or more districts

SECTION 31. In the event lands, buildings, or lands and buildings shall be sold by a "new district" formed under this Act the proceeds of such sale, less costs of selling, shall be applied first to the payment of unpaid principal and interest of bonded indebtedness, if any, of the former district, in which such property be situated at the time of its inclusion in the "new district." If there be no such indebtedness then, the proceeds of any such sale shall be used as otherwise provided by law.

Disposition of proceeds of sale of property

SECTION 32. The bonded indebtedness of any district existing at the time of inclusion of all or any part of its area in a "new district" under this Act shall be paid in the manner provided by Sections 71 and 72, Chapter 146, 1935 Colorado Statutes Annotated, the duties therein assigned to the Board of Education of a united district to be formed by the Board of Education of the new district organized under this Act.

Payment of bonded indebtedness

Limitations
of bonded
indebtedness

SECTION 33. Any new district formed under this Act shall have a limit of bonded indebtedness of five per cent (5%) of the assessed valuation of the taxable property in such district. The indebtedness of the former districts, or parts of districts, constituting new district, shall not be considered, in fixing the limit of such five per cent (5%); provided further that if the Board of Education of such new district shall determine that an emergency exists and that the limitation of bonded indebtedness of such new district hereinabove set forth prevents such district from meeting such emergency, said Board may make application to the Colorado Tax Commission for permission to incur an additional bonded indebtedness of not exceeding five per cent (5%) of the assessed valuation of the taxable property within such district, and on receiving such permission such district may contract an additional indebtedness over five per cent (5%) hereinabove provided of not exceeding five per cent (5%) of the assessed valuation of the taxable property within such district.

Board to apply
to State Tax
Commission
When—

Contracting
bonded indebted-
ness of new
district

SECTION 34. Any "new district" formed under the provisions of this Act shall have the power and authority to contract bonded indebtedness under the same procedure for the issuance of bonds by a school district of its class as is now provided by the laws of Colorado, or as the same may be amended.

Power to rent
school property
to community
organization

SECTION 35. *In addition to the powers conferred by general statutes of Colorado upon Boards of Education of School Districts the Board of Education of any "new district" formed under this Act shall have the power and authority to rent to any community organization any school building within such district not needed for school purposes at such rental as the said board may deem fair and reasonable under the circumstances; also such boards shall have the power and authority to contract with any school district maintaining a four (4) year accredited high school, and whose course of study is approved by said board, for the payment to such district of tuition of any resident of its district of school age and qualified to attend high school and pay the cost of transportation of such resident to and from such high school or, in lieu thereof, with the consent of the parents or guardian, to pay the board and room, or part thereof, of such resident while attending such high school; also, when deemed necessary or expedient to contract with any other school district within the state maintaining a grade school, and whose course of study is approved by said board, for the payment of tuition and transportation to such other district of any resident of its school district.*

Authority to
pay tuition to
other districts

Failure to
perform any
of Acts

SECTION 36. The failure to do and perform any of the acts and things enjoined to be done by this Act at or within a certain time shall not invalidate any such acts and things done at a subsequent time.

Certain Counties
not affected by
this Act

SECTION 37. No county, or city and county, which has only one school district which embraces the entire county, or city and county, shall be affected in any way by the provisions of this Act.

SECTION 38. There is hereby established in the office of the State Treasurer a fund to be known as "State School Reorganization Fund," which fund shall consist of such money as may be from time to time appropriated thereto by the General Assembly.

"State school Reorganization Fund" established

SECTION 39. (1) Members of the county committees shall not receive any compensation for their services performed under this Act, but shall be entitled to reimbursement for actual expenses incurred in the performance of their duties hereunder.

Reimbursement of actual expenses of County Committee

(2) County Superintendents in their respective counties shall not receive any additional compensation for their services performed under this Act, but shall be entitled to reimbursement for any extra expenses incurred in the performance of their duties hereunder.

Reimbursement of extra expenses of County Superintendent

(3) On request by the county committee and approval by the Commissioner, a County Superintendent may employ temporary assistants for the performance of his duties hereunder, such assistants to be paid from the State School Reorganization Fund herein provided for under voucher signed by the person rendering such service approved by the County Superintendent and the Commissioner.

County superintendent employ temporary assistants When—

(4) Reimbursement for travel and other expenses within the State of Colorado of the County Superintendent, his assistants employed under this Act, and of the members of the County Committee and its employees including necessary supplies and travel expense within the State of Colorado, shall be made by the State Treasurer from the State School Reorganization Fund upon voucher signed by the person claiming reimbursement, and in case of members of the county committee, its assistants, and assistants to the County Superintendent the voucher shall be approved by the County Superintendent and by the Commissioner, or in case the claimant is a County Superintendent, the voucher shall be approved by the Commissioner, only.

Reimbursement of expenses from State School Reorganization Fund when properly approved

(5) Payment of compensation to and expenses of the personnel appointed by this Act by the State Board, together with the expenses of the Commissioner including clerical help, supplies and travel expense shall be made by the State Treasurer upon voucher approved by the Commissioner.

Compensation and expenses of personnel

(6) All travel by automobile shall be reimbursed at a rate of eight cents per mile, actual travel.

(7) All vouchers as aforesaid after their approval as herein provided shall, prior to payment by the State Treasurer, be referred to the Division of Accounts and control for audit.

Vouchers subject to audit of Accounts and Control

SECTION 40. (This Section is repealed.)

Provisions of
act apply to

SECTION 41. The provisions of this Act for reorganization of school districts shall apply only to the creation of new districts under the provisions of this Act and are in addition and supplemental to all present Acts relating to school districts.

SECTION 42. 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 43. 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.

SPECIAL NOTICE

The sections herein set in italics are the amendments to H.B. 900 as amended by H.B. 308.

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SENATE BILLS

SENATE BILL NO. 1. To provide for the establishment of an alliance
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SENATE BILL NO. 10. To provide for the establishment of an alliance
between the State of Colorado and the State of New Mexico
for the purpose of promoting the interests of the people of
both States in the production and sale of agricultural products.

AN ACT

Senate Bill No. 19

(Ch. 2, S.L. '51)

MAKING AN APPROPRIATION TO THE BOARD OF
EDUCATION FOR THE CURRENT FISCAL YEAR

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the Board of Education, for the current fiscal year, the sum of seven thousand five hundred dollars (\$7,500.00), or so much thereof as may be necessary, to be expended for maintenance and operation, capital outlays, and other necessary expenses of said Board.

SECTION 2. All moneys hereby appropriated shall be expended in accordance with the statutes of this state relating to the expenditure of appropriations, and the State Controller is hereby authorized to draw warrants against the appropriation hereby made, upon vouchers duly issued and certified as provided by law. All moneys unexpended from the appropriation hereby made at the end of the current fiscal year shall revert to the general fund.

Approved: January 24, 1951.

AN ACT

Senate Bill No. 47

(Ch. 271, S.L. '51)

RELATING TO SCHOOLS AND SPECIAL SCHOOL TAX,
AND TO AMEND THE LAW RELATING THERETO.

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

SECTION 1. Section 32, Chapter 146, 1935 Colorado Statutes Annotated is hereby amended to read as follows:

SECTION 32. **Special School Tax—Levy—Assessment—Collection.** On or before the day designated by law for the commissioners of each county to levy the requisite taxes for the then ensuing year, the school board in each district shall certify to the board of county commissioners a statement showing the aggregate amount, which, in the judgment of said school board, it is necessary to raise from the taxable property of said district, to create a special fund for any of the purposes specified in Section 89 of this chapter; said statement shall also show the items composing said aggregate and the purpose to which it is intended to devote each sum so itemized. Such statement shall be considered as having been made for information purposes only and shall not be considered as having effected an appropriation of the sums so itemized to the purposes so shown. It shall thereupon be the duty of the county commissioners to levy, at the same time that other taxes are levied, such rate, within the limits allowed by law, as will produce the aggregate amount so certified. The amount of such special tax, which shall be assessed to each taxpayer of such district, shall be placed in a separate column of the tax book, which shall be headed "special school tax." There shall also be a column in said tax book in which shall be designated the number of the school district in which the property is listed. This tax shall be collected in cash only, and placed to the credit of the proper district as fast as collected, and the amount placed to the credit of each district shall be reported to the secretary of such district at the end of every month and shall be subject to the order of the district board. It is hereby made the duty of the county assessor and county treasurer to so arrange their tax schedules and books as to conform to the above provisions; provided, that the county assessor shall list all property, both real and personal, in the school district in which the same may be on the first day of March; and provided, further, that the board of any district may include in said certified statement an item for the purchase of books for a library, to be open to the public, under such rules as the district board may deem needful for the proper care of said library; but no levy made for this purpose shall exceed one-tenth of one mill, and the money accru-

ing therefrom shall be used for the purposes of such library, and for no other purpose, whatsoever.

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: February 15, 1951.

AN ACT

Senate Bill No. 121

(Ch. 265, S.L. '51)

CONCERNING THE INVESTMENT OF PUBLIC SCHOOL FUNDS AND AMENDING SECTION 47, CHAPTER 146, COLORADO STATUTES ANNOTATED, 1935, AS AMENDED BY CHAPTER 223, SESSION LAWS OF COLORADO, 1945.

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

SECTION 1. That Section 47, Chapter 146, Colorado Statutes Annotated, 1935, as amended by Chapter 223, Session Laws of Colorado, 1945, be and the same is hereby amended to read:

Section 47.- All school funds of the state, whether permanent or income, unless otherwise disposed of by law, shall be invested as directed by the State Board of Land Commissioners in any one or more, or all, of the following ways, at the discretion of said board:

- (a) In interest bearing warrants of the State of Colorado;
- (b) In bonds of the State of Colorado;
- (c) In loans on cultivated farm lands or on improved and operating ranches within the State of Colorado, and in manner as hereinafter provided;
- (d) In bonds of school districts within the State of Colorado;
- (d) (1) *In bonds of Water, Sanitation, Water and Sanitation, Metropolitan and Fire Protection Districts of the State of Colorado;*
- (e) In bonds of any county, city, town, or municipality known as city and county, of the State of Colorado; **provided**, that before any moneys are so invested in any bonds mentioned in this section, the validity of such bonds shall be determined by the Attorney General of the state, and said board must be satisfied that such bonds are in all respects legal and a safe investment, and **provided, further**, that no bond mentioned in this subsection shall be purchased at a price which will yield to maturity an income of less than two per cent per annum on the purchase price.
- (f) In bonds or other obligations of the United States of America, or bonds or other obligations the payment of the principal and interest of which is unconditionally guaranteed by the United States of America, provided that no such obligation shall be purchased at a price which will yield to maturity an income of less than three-fourths of one per cent per annum on the purchase price.

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: March 6, 1951.

AN ACT

Senate Bill No. 196

(Ch. 270, S.L. '51)

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

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

SECTION 1. Section 122, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Chapter 14, First Extraordinary Session Laws of Colorado, 1945, 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 *ten per centum*, or of any school district of the third class exceed *seven per centum* 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 *fifteen per centum* 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 *ten per centum* 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 *fifteen per centum*, and in a district of the third class *ten per centum* 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.

Approved: March 28, 1951.

AN ACT

Senate Bill No. 197

(Ch. 273, S.L. '51)

RELATING TO SCHOOLS: PERTAINING TO TEACHERS
CONTRACTED AND THE COVENANTS THEREOF.

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

SECTION 1. From and after the effective date of this Act, no contract or other employment arrangement executed or made by and between any school district and teacher shall require by inference or otherwise that said teacher become a member of or belong to any group or organization.

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: March 28, 1951.

AN ACT

Senate Bill No. 337

(Ch. 267, S.L. '51)

TO ACCEPT, RATIFY AND ASSENT ON BEHALF OF THE STATE OF COLORADO TO THE PROVISIONS, TERMS, GRANTS AND CONDITIONS OF AN ACT OF CONGRESS ENTITLED "AN ACT RELATING TO CONSTRUCTION OF SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES, AND FOR OTHER PURPOSES," APPROVED SEPTEMBER 23, 1950, AND ALL ACTS SUPPLEMENTARY THERETO, AND TO PROVIDE AN APPROPRIATION FOR CARRYING OUT THE PROVISIONS OF SAID ACT.

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

SECTION 1. That full and complete acceptance, ratification and assent is hereby made and given by the State of Colorado to all the provisions, terms, grants and conditions and purposes of the grants made and prescribed by the Act of Congress of the United States, entitled "An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes," approved September 23, 1950, and all Acts supplementary thereto.

SECTION 2. The Board of Education is hereby designated as the "State Educational Agency" as that term is defined in Section 210 (13) of the above mentioned Act of Congress and the said Board of Education is hereby authorized to carry out the purposes of Title I of said Act. The Board of Education is hereby designated as the sole state agency for carrying out the purposes of said Act and is hereby authorized to make and file application for Federal grants pursuant to said Act.

SECTION 3. The state treasurer is authorized to receive the Federal grants made under Title I of the above mentioned Act of Congress, as official custodian thereof, and is directed to disburse said funds upon the proper warrant or order of the Board of Education.

SECTION 4. In order to make available Federal appropriations as provided for by said Act of Congress, and allocated to the several states in the same proportions as their respective school-age populations bear to the total school-age population of such other states, provided the state meets this on a dollar for dollar basis, there is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of twenty-four

thousand eighty dollars (\$24,080.00) for the fiscal year 1951-1952. The State Controller is hereby authorized and directed to draw warrants upon the funds hereby appropriated, signed and certified as provided by law.

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

Approved: April 2, 1951.

AN ACT

Senate Bill No. 360

(Ch. 263, S.L. '51)

CONCERNING THE LIMITATIONS OF BONDED INDEBTEDNESS THAT MAY BE CONTRACTED BY COUNTY HIGH SCHOOL DISTRICTS AND UNION HIGH SCHOOL DISTRICTS AND TO AMEND THE LAW RELATING THERETO.

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

SECTION 1. Section 197, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Chapter 12, Extraordinary Laws of Colorado, 1945, 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 preceding such meeting. Notice of such meeting shall be given and such meeting shall be held and conducted and the returns thereof made and the results declared in the manner as nearly as may be as if 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, an 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 *five 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 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 *ten per centum* 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 *ten per centum* of the assessed valuation of the property within said district for the year next succeeding (**preceding**) the date of said bonds.

SECTION 2. Section 175, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Chapter 15, Extraordinary Session Laws of Colorado, 1945, 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 *five per cent* of the assessed value of the property in such union high school district, for the next year 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 *ten per*

centum 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 *ten per centum* of the assessed valuation of the property within said district for the year next preceding the date of said bonds.

SECTION 3. The provisions of Sections 1 and 2 shall be effective until December 31, 1953, and thereafter the provisions of Section 197, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Chapter 12, Extraordinary Session Laws of Colorado, 1945, and Section 175, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Chapter 15, Extraordinary Session Laws of Colorado, 1945, shall be and remain the same as before the passage of this Act.

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

Approved: March 28, 1951.

AN ACT
ENACTED BY
THE THIRTY-EIGHTH
GENERAL ASSEMBLY
STATE OF COLORADO
CONCERNING SCHOOL
THERAPY AND TO AMEND THE LAW
RELATIVE THERETO

SCHOOL LAWS

Enacted by

THE THIRTY-EIGHTH
GENERAL ASSEMBLY

STATE OF COLORADO

1951 Supplement
EXTRAORDINARY SESSION

Convened at Denver

At 12 o'clock M., Thursday, May 17,
A. D. 1951, and adjourned sine die on
Monday, May 21, 1951

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AN ACT

Senate Bill No. 6

(Ch. 3, Extraordinary Session '51)

CONCERNING SCHOOLS AND THE FINANCING THEREOF, AND TO AMEND THE LAW IN RELATION THERETO.

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

SECTION 1. Section 3, Chapter 13, Extraordinary Session Laws of Colorado, 1945, as amended by Section 1, Chapter 223, Session Laws of Colorado, 1949, is hereby amended to read as follows:

Section 3. The State of Colorado hereby specifies that from and after July 1, 1951, for the maintenance of each whole class room unit, as hereinafter defined, there shall be provided the minimum sum of two thousand one hundred dollars (\$2,100.00); **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 (9) if the school term is not less than seven (7) months; **provided, further**, that in school districts with fewer than fifteen (15) of school population, the minimum program shall be the same fractional amount of one class room unit that the school census is of fifteen (15), but if in the opinion of the county superintendent of schools in the county in which the district is located, an undue hardship or discrimination would result from the application of the last proviso, and upon recommendation of said county superintendent and approval by the Commissioner of Education 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 class room 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 class room 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 2. Section 52, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 52. **County treasurer to keep separate accounts with each school district—Warrants.** It shall be the duty of the county treasurer to open and keep separate accounts with each school district in his county and hold the funds of each district, subject to the legal warrants of the president, as provided by Section 103 of this Chapter. If the legal warrant of any school

district in his county be presented to the county treasurer when there are no funds in his hands to the credit of the district fund against which the warrant is drawn, he shall endorse such warrant "no funds," and said warrant shall draw interest from the date of such endorsement at the same rate as county warrants in like condition. The treasurer shall keep a list of all warrants so endorsed and shall pay them whenever there is sufficient money to the credit of the proper fund, in the order of such endorsement, without reference to the tax levy from which such money was derived. The interest on such warrants shall stop when the treasurer shall give notice that he has funds to pay the same.

School boards shall not hereafter issue warrants in excess of their anticipated revenue for the current year.

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

Approved: April 21, 1951.

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AN ACT

Senate Bill No. 9

(Ch. 2, Extraordinary Session '51)

CONCERNING SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated:

(a) To the "reserve for general county school funds" for the purpose of providing funds for the distribution under the provisions of Chapter 175, Session Laws of Colorado, 1937, as amended, for the fiscal year 1951-1952, 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, First Extraordinary Session Laws of Colorado, 1945, as amended, and Chapter 279, Session Laws of Colorado, 1947, as amended, for the fiscal year 1951-1952, the sum of seven million eight hundred fifty thousand dollars (\$7,850,000.00).

SECTION 2. None of the moneys appropriated by Section 1 of this Act shall be paid as compensation to any person who is now a member of a political party or organization which advocates the overthrow of the government of the United States by force or violence, or to any person who refuses to take an oath of allegiance to the United States government.

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

Approved: May 21, 1951.

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