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The Thirty-Fifth General Assembly†

BY HON. ROBERT G. BOSWORTH*

The Thirty-Fifth General Assembly is not adequately bipartisan. The Republican party has an overwhelming majority—over two-thirds in both houses. This is not a healthy condition, because the preservation of the two-party system is essential. In spite of the fact that the Republicans do have an overwhelming majority, the members of the senate are of a very high type. They are better than the average of a cross section of the state. With respect to the minority, their cooperation can be had as long as they think we are trying to be fair.

There are far too many committees, and each member has too many committee assignments. Every Republican is on six or seven committees, and every Democrat on nine committees. This hampers the work, because it is impossible to schedule very many committees at one time. At the early part of the session, the senate scheduled committee meetings during the morning hours and had its calendar during the afternoon. This has worked very well.

To date, twenty-five senate bills have passed both houses and thirteen house bills have passed both houses. Two senate bills have been vetoed by the governor. Seventy-two senate bills have passed the senate and are hanging fire in the house.

In general, there are three classes of bills: (1) Amendatory bills, such as ten or twelve bills sent up by the Legislative committee of the Denver Bar Association. (2) Policy measures—matters of state-wide import or importance. These bills are usually called administration bills. (3) Personal bills—suggested by various individuals to accomplish various purposes. Of the bills passed by the thirty-fifth general assembly, the most popular, particularly with lawyers who never did like the service tax, is the bill which repealed the service tax, effective February 28, 1945. This bill is unique in that very seldom does a state ever repeal a tax.

There are many important bills yet to come. Among these are the health bills.

Another bill will move the department of accounts and controls out of the treasurer's office, but it isn't yet determined whether it will be placed in the auditor's office or kept as a separate office. The present system of having it in the treasurer's office has not worked, and this is recognized by the present treasurer, Homer Bedford, who feels that the department should be taken out of his office. If the office does not go

†Summary of speech at Denver Bar Association March 5, 1945.

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back to the auditor's office, there will be created a controller. One question is whether or not this would cost more money. In this connection it is noted that in 1941 there was created a department of revenue and the office of director of revenue, which was a brand new office. The creation of this department and this office has saved the state lots of money. The auditor still has plenty to do as a post auditor. The auditor should audit county expenditures, which the auditor used to do, but doesn't now do, and this should throw additional work into the auditor's office.

On educational lines, the bill providing for the continuance of state aid to schools is of first importance. The question which has to be determined is whether state aid should be based on school space or on school population.

Another important proposal is the reorganization of the agriculture department. It has been proposed that the director of markets be consolidated with this department

Another problem of great importance is that of the conditions in the state institutions. The conditions in some of the institutions are bad. Why they are bad, we do not know. The State Industrial School for boys at Golden is in a run-down condition. Probably this is due to political maneuvering and an enormous volume of publicity. This school and the State Reformatory are junior and sub-junior schools for crime. In connection with the operation of an institution, much depends on the personal equation. The Industrial School for Girls at Morrison is a fine school because it has a fine superintendent and staff. Because it is a fine school and has a fine superintendent and staff, it has been able to get more money out of the legislature to continue its work. It seems that if you do a good job, you get the money to continue to do a good job, and if you don't do a good job, you don't get the money to do a good job. At the home for feeble minded at Ridge, the employees are clearly underpaid. Meals are overwhelmingly in favor of the help. It is probably necessary to feed the help well in order to get proper help, but there is too great a difference between the meals for the help and for the inmates.

Another important bill is the industrial disease bill. At the present time our workmen's compensation laws give no adequate coverage for industrial diseases.

The question of salaries for state employees is a very large problem. The civil service laws should have attention. The civil service commission, as now operated, is of doubtful benefit, but it should not be abandoned. Under civil service laws, the clerical worker has the protection of a permanent job and safety from discharge for political reasons. In return for this protection, civil service employees should be willing to work for lower wages than they would in industry. State employment is making it very difficult for the employees, and for the state to get em-

ployees. On the other hand, it should be noted that state salaries were never reduced. Under the civil service plan, the plain stenographer would receive \$185.00 a month. After the war is over, salaries generally may go way down, and yet the salaries of civil service employees will probably not be reduced.

One law which has passed both houses permits drivers to renew their drivers' licenses by mail without taking an examination. This law will expire July 1, 1947.

In connection with problems of service men, one bill permits the proof of a will of a service man where all witnesses are in the armed services and not available, by proving the signature of the testator.

Another bill would provide that powers of attorney given by a person in the armed services would not be revoked except by actual notice of death.

There has been unusual interest in amending the constitution and consideration of the question of a constitutional convention. The call for a constitutional convention was voted down in the senate. The Colorado constitution is neither bad nor bulky. The senate feels that if a call for the convention were placed before the voters, the voters themselves would reject it. A constitutional convention should be called during times of peace and not during times of war.

An amendment was before the general assembly to have four-year terms for county officials, to be elected in off-presidential years.

An amendment has been presented to create a state board of education of seven persons, to be elected by the voters for staggered terms of six years each, this board to appoint a commissioner of education who would replace the superintendent of public instruction.

Another amendment, known as the short ballot amendment, provides for the election of the governor, lieutenant governor and auditor, and appointment by the governor, without reference to civil service, of the attorney general, treasurer and secretary of state.

Another amendment would do away with the jackpot provision of the old age pension amendment.

The secret ballot amendment, which would do away with the numbering of ballots and provides that no ballot may be numbered or marked so that it can be identified as the ballot of the person casting it, has been passed by both houses and approved by the governor and will appear on the ballot in 1946.

The fifteen-day limitation on introduction of bills would be done away with by another proposal. Only about one-third of the bills introduced have a body; the other two-thirds are introduced by title. Because of this situation, the supreme court would probably not throw

away all laws created by bills introduced by title alone, but there is serious doubt as to whether or not this complies with the constitutional provision that all laws must be by bill. A title to a bill is not a bill.

Another proposal would give home rule to counties. There seems to be no merit to this proposal.

Another proposal would eliminate county courts and justice courts as constitutional courts, permitting the general assembly to make such provisions for county courts and justice courts as it deemed proper.

Another proposal is for a four-year term for members of both houses of the legislature. This is a violent change in our philosophy of government.

Another proposal would give to persons over eighteen years the right to vote. This is an amendment which grows out of war hysteria and is backed by the argument that one old enough to fight is old enough to vote. This is not a sound argument, as the best fighters are persons who lack discretion, while in a voter, we want the greatest discretion.

Another proposed amendment would transfer all funds to the general fund and would do away with all separate funds. In this connection, it is noted that the legislature may appropriate approximately twelve million dollars a year or twenty-four million dollars a biennium out of the state income of one hundred forty-four million dollars. One hundred twenty million dollars income each biennium is already earmarked. This is a serious abdication of the legislature's power over the purse strings.

These are some of the most interesting proposals before the Thirty-Fifth General Assembly and what will be done with them will not be known until final adjournment.

Some Tips On Practicing Law ... As Of 1945

BY HUBERT D. HENRY*

Inheritance Taxes

Under H. B. 498, effective June 10, 1945, the inheritance tax commissioner, rather than the county court, appraises the estate of the decedent and assesses the inheritance tax. The commissioner must give notice of the assessment to the executor, administrator, trustee or person filing the inheritance tax application and must file in the court, if any, under whose jurisdiction the estate is undergoing administration, a report

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