

January 1947

The Thirty-Sixth General Assembly

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Recommended Citation

Hubert D. Henry, The Thirty-Sixth General Assembly, 24 Dicta 145 (1947).

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The Thirty-sixth General Assembly

BY HUBERT D. HENRY*

The Thirty-sixth General Assembly, which adjourned on April 18, enacted 341 laws. In addition to these, the governor vetoed six bills. The legislature referred the horse racing bill, H. B. 439, to a vote of the people at the next general election. It ratified the amendment to the U. S. Constitution limiting the terms of office of president (H. C. R. 15). It renamed "Squirrel Gulch" in Clear Creek County "Steve Canyon", in honor of a newspaper picture strip character of the same name (S. C. R. 13). It submitted to the people a constitutional amendment eliminating the elective office of State Superintendent of Public Instruction and providing for an elective board of education (S. C. R. 6). Of the 341 new laws, 49 were deficiency appropriations and 68 were straight appropriations, leaving 224 new laws for the future perusal of the bar. However, thirty of these 224 laws were of extremely limited application and effect. On the basis of preliminary study, it would appear that the 1947 session laws will be the largest volume of session laws of the state yet printed.

Many new laws urged by the bar associations and by lawyers individually, as improvements in our procedural statutes, are the result of the efforts of our lawyer members of the legislature, who were: William Albion Carlson, speaker of the House, Representatives Lyman P. Weld, V. H. Johnson, Milton J. Blake, Otis J. Gibson, George G. Priest, Clifford J. Gobble, Robert S. Gast, Jr., Clem Crowley, Lawrence M. Henry, James B. Radetsky and Charles C. Town-

*Of the Denver Bar.

send, and Senators Claude W. Blake, Arthur H. Laws, Averill C. Johnson, Charles E. Blaine, Harold Ward Gardner, Wayne N. Aspinall, Sam T. Taylor, Robert A. Theobald and Arthur A. Brooks, Jr.

Because of the defective manner in which several of the bills were passed, which in some cases consisted of the failure to include in the enrolled bill which was signed by the governor amendments made in one or the other house, there may be some question as to the validity or real content of some of these laws.

Probate

- H. B. 556. Drafted by Legislation Committee of Probate and Trust Law Section of Colorado Bar Association pursuant to suggestions made at last annual meeting. A will executed in contemplation of marriage is no longer revoked by the marriage. Deposition of witness to will may be taken if witness is not present in county, and may be taken without notice in absence of contest. Foreign will statute revised. Applies only to non-residents. Will of non-resident probated in another jurisdiction may be admitted in Colorado even if not executed according to Colorado law. In sale or mortgage of real estate by conservator, notice must be given to ward's apparent heirs. Debts under \$25 may be paid without claim. Sub-section c of section 253 clarified. Determination of heirship proceeding in sections 18 to 26 eliminated by repeal of those sections. Effective date August 14.
- H. B. 674. Person 18 years of age may make will of personal or real property.
- S. B. 386. Leasing of hotel property by estate.
- H. B. 690. Determination of interests outside of probate proceeding. Now no date set for hearing, but default judgment taken after time for answering petition has expired. Effective date June 25.
- H. B. 239. Fee of appraisers increased. No notice to creditors necessary if estate not opened until after one year after death.
- H. B. 157. Testimony of witnesses to will.
- S. B. 226. Executor named in will to be appointed special administrator.
- H. B. 308. Common Trust Fund Act.
- H. B. 309. Exempts common trust funds from income tax.

Courts

- H. B. 241. Uniform docket fees in civil actions. \$10 for plaintiff; \$10 for cross or counter claimant; \$5 for defendant; etc.
- H. B. 235. Probation officers in counties under 100,000 population.

- H. B. 846. Permits change of venue from juvenile court to another court of record in same county.
- H. B. 469. Changes Cheyenne County from Fourth to Fifteenth Judicial District. Effective date July 25.
- S. B. 23. New terms of court of Fifteenth Judicial District Court. (This act is apparently superseded by H. B. 469).
- S. B. 461. New terms of court for Eighth Judicial District Court.
- S. B. 285. Judgments, orders and decrees of foreign courts in matters of divorce, separate maintenance, annulment, support, recognized by courts of this state.

Inheritance and Gift Tax

- H. B. 255. Jointly owned bank accounts and government bonds now taxed on basis of contribution by decedent. Inheritance tax remains a lien for 15 years (this provision becomes effective April 14, 1948).
- S. B. 232. Reciprocal gift tax act.
- H. B. 254. Assessment of gift tax.

Income Tax

- H. B. 112. Income tax.
 1. *Effective Period.*—May 1, 1947 to December 31, 1948, inclusive.
 2. *Rates.*—On individuals, trusts and estates increased rates start at 1% on the first \$1000 and progress to 10% on all income over \$11,000.00. The surtax and surtax rate remains unchanged.
 3. *Tax on corporations.*—Tax on banks is unchanged. On other corporations, the rate is raised from 4% to 5% and the tax is based on income from all sources in Colorado including interstate activities. This change adopts the wording of the California statute recently upheld by the U. S. Supreme Court, and will have the effect of taxing some foreign corporations which were previously exempt.
 4. *Exemptions.*—A flat \$750 exemption is allowed for every individual, estate or trust and an additional \$750.00 exemption for the spouse of a married taxpayer and for each dependent. The definition of dependent follows the federal act.
 5. *Partnerships.*—Gains and losses and charitable contributions of a partnership are not considered in determining partnership income, but are reported by each partner individually on a pro rata basis.

6. *Returns.*—Every individual estate or trust with \$200 of surtax income or \$750 of ordinary net income or \$5,000 of gross income must file a return. Information returns must be filed of all payments of interest or dividends of \$50.00 or more and of all other payments of \$750.00 or more.

7. *Taxable years.*—Each taxpayer reports on the same taxable year but applies the old rates and exemptions to income realized prior to May 1, 1947 and the new rates and exemptions to income before and after May 1, 1947, or may report income for the entire taxable year and prorate it to the two periods.

8. *Optional short forms.*—Resident calendar-year taxpayers with income up to \$5,000.00 may use a short form table similar to the federal optional table. Such taxpayers report adjusted gross income (gross income less business deductions) and the table automatically gives the taxpayer the proper number of exemptions, a deduction of the federal income tax payable, and an additional 10% deduction to cover all other deductions allowed by law. Resident individuals with \$5,000 or more adjusted gross income may take a standard deduction of \$500.00 in lieu of reporting actual non-business deductions.

Conveyances

- H. B. 807. Acknowledgments of persons in military service.
- H. B. 847. Notaries public may take acknowledgments in any county.
- H. B. 750. Continues wartime powers of attorney act for persons in military service.
- H. B. 318. Advertising fees for tax sales.
- S. B. 250. Redemption of real property by persons under disability.
- S. B. 25. Limitation of time for issuing tax deed for certificate of purchase, and limitation of time of lien of tax sale certificate.
- H. B. 319. Increases fee for certificate of taxes due from \$1.00 to \$2.00.
- H. B. 285. Conveyance or encumbrance of homestead where claimant is under mental disability.
- S. B. 87. Conveyance of real property by a county or municipality.
- H. B. 772. Granting of easements by State Board of Land Commissioners.
- H. B. 325. U. S. Government must give notice of intention to acquire land to board of county commissioners.

Crimes

- S. B. 483. Desertion by shepherd.
- S. B. 227. Bribery of athletes.

Insurance

- S. B. 148. Extensive revision of group life insurance law.
- S. B. 68. Regulation of rates for fire, marine and inland marine insurance.
- S. B. 70. Regulation of sickness and accident insurance.
- S. B. 67. Regulation of rates for certain casualty insurance, including fidelity, surety and guaranty bonds and all other forms of motor vehicle insurance.
- S. B. 347. Examination of insurance companies.
- S. B. 345. Investments of domestic insurance companies.
- S. B. 517. Insurance brokers.
- S. B. 100. Powers of insurance companies.
- S. B. 147. Reciprocal or inter-insurance contracts.
- S. B. 125. Governing of mutual benefit associations.

Workmen's and Unemployment Compensation

- H. B. 586. Increases payments under workmen's compensation.
- S. B. 135. Coverage of volunteer firemen under workmen's compensation.
- H. B. 805. Increases payments under unemployment compensation.
- H. B. 916. Amends definition of persons covered by unemployment compensation.

Welfare

- S. B. 90. Increases monthly payments under old age pension.
- H. B. 214. Amends S. B. 90 relating to amount of deduction from old age pension for rent of house owned by pensioner.
- S. B. 165. Board of Standards of Child Care.
- H. B. 451. Sets up merit system for county welfare employees.
- H.B.1031. Appointment of State Board of Public Welfare.
- S. B. 81. Alters amount of assistance to blind persons.
- S. B. 8. Increases daily assistance in indigent tuberculosis cases.

Elections

- H. B. 248. Amendments to election laws to make them conform to secret ballot amendment voted in 1946 election.
- S. B. 467. Amendments to election laws.
- S. B. 464. Amendments to election laws.
- H. B. 878. Voting machines at elections.
- H.B. 230. Amendments to absentee voting law.

Motor Vehicles and Roads

- H. B. 838. Renewal of operator's and chauffeurs' licenses.
- H. B. 526. Establishing the Colorado Highway Safety Council.
- S. B. 150. Safety glass required in motor vehicles.
- S. B. 411. Weight of vehicles using highways.
- H. B. 350. Revision of Colorado State Patrol Act.
- H. B. 296. Establishment of state radio and teletype system.
- H. B. 532. Use of white canes by blind persons.
- H. B. 353. Definition of trailers and trailer coaches, license fees thereof, and motor numbers of vehicles.
- H. B. 332. Specific ownership tax.
- H. B. 331. Revision of motor vehicle dealers law.
- H. B. 351. Lights and reflectors for vehicles.
- S. B. 76. Requiring the showing of financial responsibility by persons involved in accidents.
- H. B. 645. Imposes an additional gas tax of 2c a gallon.
- H. B. 447. Use of cities' share of gas tax revenues.
- S. B. 325. Definition of distributor in collection of gas tax.
- H. B. 218. Provides for funds for highway emergencies.
- H. B. 725. Taking of property for state highway purposes.
- H. B. 726. Designation of freeways in cities and payment for rights of way in cities.
- S. B. 56. Authorizes the state highway department to construct and finance toll roads.
- S. B. 218. Construction of culverts across highways.

Regulatory Acts

- H. B. 187. Sale of poultry.
- S. B. 168. Creates new State Athletic Commission and prescribes its powers and duties.
- H. B. 362. Operations of cold storage and locker plants.
- H.B.1016. Investment by banks of savings deposits.
- H.B.1017. Investment by banks of demand deposits.
- H.B.1025. Investment of bank reserves.
- H.B.1027. Limitation on bank loans.
- H.B.1015. Bank loans on real estate.
- H. B. 839. Building and loan association.
- S. B. 282. Sale and distribution of insecticides.
- S. B. 453. Practice of chiropody.
- S. B. 503. Cleaning and dyeing industry.
- S. B. 69. Bees and beekeeping.

- H. B. 549. Hours of labor for females.
- H. B. 919. Sale of cigarettes.

Veterans

- H. B. 400. Establishes new Colorado Department of Veterans Affairs.
- H. B. 788. Removal of disability of minor veteran and spouse for purposes of Servicemen's Readjustment Act.
- S. B. 327. Rights of veterans as to housing projects.
- S. B. 325. Reemployment rights of veterans.
- H. B. 82. Establishes Governor's Advisory Committee on Veterans' Education and Training.

Corporations

- S. B. 249. Shareholder's right to vote.
- S. B. 523. Contributions by corporations.

State Government

- H. B. 131. Creates Committee on reorganization of the state government.
- H. B. 589. Vocational education and training.
- S. B. 104. Pensioning of state employees.
- H. B. 326. Establishes new Division of Accounts and Control.
- H. B. 370. Authorizes refund of money illegally collected by state.
- H. B. 287. Soldiers' and Sailors' Home.
- H. B. 320. Persons eligible for Soldiers' and Sailor's Home.
- H. B. 840. Authorizes oil and gas development of state school lands.

Local Government

- H. B. 414. Tax sales for local improvement taxes.
- S. B. 40. Annexation of one town to another.
- H. B. 479. Annexation of unincorporated territory.
- S. B. 322. Recall of municipal officers.
- S. B. 86. Establishment of airports by towns and cities.
- S. B. 105. Establishment of public libraries.
- H. B. 228. Authorizing cities, towns, counties and school districts to operate systems of public recreation and playgrounds.
- H. B. 146. Increasing authorized mill levy for public cemeteries.
- H. B. 707. Dissolution of water, sanitation and fire protection districts.
- H. B. 510. Creation of recreation districts in unincorporated areas.
- H. B. 600. Issuance of bonds for fire protection districts.
- H. B. 714. Death benefits for firemen.

- S. B. 114. Firemen's Pensions.
- H. B. 295. Firemen's pension fund.
- H. B. 709. Organization of fire protection, police and metropolitan districts.
- H. B. 727. Water and sanitation districts.
- S. B. 217. Area building codes.
- S. B. 83. Authorizing establishment of county and district health departments.
- S. B. 107. Public hospitals in counties.
- S. B. 444. County hospitals.
- H. B. 641. Investment of school district retirement funds.
- S. B. 518. Powers of school boards.
- H. B. 176. Junior college districts.
- H. B. 342. Pensions for school employees.
- S. B. 96. Pensions for retired school teachers.
- H. B. 531. Dissolution of union high school districts.
- H. B. 391. Financing of public schools.
- H. B. 569. Creation of special fund for reorganization of school districts.
- H. B. 44. School lunch program.
- H. B. 340. Increasing levy for Public School Teachers' Retirement Fund.
- S. B. 338. Bonds of junior college districts.
- H. B. 559. Funds for consolidated school districts.

Public Health

- H. B. 895. Hospital construction act.
- S. B. 524. Venereal diseases and the sale of prophylactics.
- S. B. 82. State Health Department Reorganization Act.

Livestock

- S. B. 164. Branding of livestock.
- H. B. 377. Inspection of livestock.
- H. B. 640. Control of wandering and abandoned livestock.

Game and Fish

- H. B. 661. Requires commission to publish rules, regulations and orders.
- H. B. 975. Increases fees for hunting and fishing licenses.
- H. B. 974. Closed seasons.
- S. B. 62. Training of hunting dogs.
- H. B. 665. Regulation by commission of importation or exportation of game and fish.

Liquor and Narcotics

- H. B. 516. Uniform closing hours for sale of liquor.
- S. B. 463. Notice of issuance of liquor license.
- S. B. 181. Narcotic drugs.

Ten Year Building Program

23 bills making annual mill levies for the ten year building program of the state institutions.

Miscellaneous

- H. B. 557. Aviation and airports.
- S. B. 476. Establishing a Children's Code Commission to prepare a children's code for consideration by the next general assembly.
- H. B. 74. Exempting radio stations from defamation penalties by reason of activities of speakers over radio.
- S. B. 303. Bureau of Mines.
- H. B. 376. Damages to warehoused goods.
- H. B. 868. Lien for personal property left at service and storage establishments.
- H. B. 950. Levying a state tax of two mills for state purposes.
- H. B. 1021. Assignments of and liens upon accounts receivable.
- H. B. 164. Payment of expenses of persons hospitalized in the State Home and Training School for Mental Defectives.
- S. B. 225. Issuance or guarantee of securities by gas and electric companies.
- S. B. 166. Permitting cities to claim refunds due to public utility customers when customers cannot be located.
- S. B. 391. Investment of State Compensation Insurance Fund.
- H. B. 955. Board of directors of credit unions.
- S. B. 5. Discharge of prisoners from state penitentiary.
- H. B. 885. Control and eradication of predatory animals.
- S. B. 499. Filing of label or trade mark.

Special Appropriations

- H. B. 65. Appropriating \$25,000 to purchase a building on West Sixth Ave., Denver, for the Operators' and Chauffeurs' License Division of the Motor Vehicle Dept.
- H. B. 100. Appropriating \$31,000 to purchase five lots adjoining lots now owned by the state on the northwest corner of Colfax and Sherman, Denver, upon which a new state building will eventually be built.

- H. B. 343. Appropriating \$100,000 to the Colorado Tax Commission to make a reappraisal of all taxable property in the state.

Vetoed

- H. B. 304. Refund of motor fuel tax on uncollected accounts.
 H. B. 311. Increasing limit for grand larceny.
 H. B. 642. Transfer of land by State Board of Land Commissioners.
 H. B. 733. Third degree.
 B. B. 854. Use of armories of the national guard.
 S. B. 26. Compensation of members of the general assembly.

What the Legislature Did Not Do

Submit a call for a constitutional convention, or several other important constitutional amendments.

Pass a community property law.

Increase the salaries of district and county judges, or provide a retirement program for them.

Provide a more adequate system of probation and parole.

Provide for a substantial consolidation of school districts.

Levy a service tax or severance tax.

Provide for a judicial council.

Provide a more adequate legislative staff.

Provide for the revision and codification of the school laws.

Change the mechanics' lien law.

Except for the Game and Fish Commission and State Department of Public Health, require administrative agencies to publish rules and regulations, make rules and regulations available to the public, give notice of rule making, or provide a uniform method of making rules and uniform procedure for appealing from decisions of administrative agencies.

Corrected Notice of Supreme Court Amendment

The Colorado Supreme Court, on recommendation of the Committee on Rules, has adopted the following amendment to its rules as of May 22, 1947:

“that Rule 79C (b) be amended to read as follows:

79C (b) CIVIL ORDER BOOK. The Clerk shall keep a book for civil actions entitled “civil order book” in which shall be kept in the sequence of their making exact copies of all judgments and orders; provided, however, that two such books may be kept concurrently, one for divorce cases, the other for all other civil cases. Photographic copies may be used if deemed advisable.”