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H. Lawrence Hinkley

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The Attorney General Looks at Proposed Legislation†

BY HON. H. LAWRENCE HINKLEY*

When this subject was selected it was thought that the governor's call for the special session of the legislature, to meet November 19, 1945, would have been issued. However, it has not been issued, and so it is necessary to discuss the subjects on the basis of what the governor said, in a recent press release, would be in the call.

Aviation. The regular session of the Thirty-fifth General Assembly passed S. B. 269 giving counties the right to establish airports either alone or jointly with other counties, or with municipalities, and to levy taxes and issue bonds to finance them. It also permits the zoning of airports and the abatement of airport nuisances. It permits counties to enter into agreements with the federal government regarding financing of airports. Another bill extends powers of the county to float bonds to establish airports by amending the general powers of counties. S. B. 2 pending in Congress provides for federal aid in building airports. There are controversies in Congress over whether the federal aid should be given directly to political subdivisions of the states, or be channelled through state agencies. The final bill will reveal what Colorado must do in order to obtain these federal funds in developing airports. A bill which has been suggested for Colorado provides for a director of aviation under the State Aeronautics Commission. The director would prepare reports, make surveys, give engineering and technical advice, cooperate with the federal government and assist counties and municipalities in getting federal aid. There will be a meeting, in the near future, of persons interested in aviation, to suggest legislation for Colorado. There will probably develop from all these ideas one bill. It might be that this bill will be similar to those already adopted in other states. For the sake of economy we must have careful planning of airports. Much money can be wasted if we don't.

There must be some regulation of intra-state carriers. Some groups feel that regulation should be in the hands of the Public Utilities Commission and others feel it should be in the hands of the Aeronautics Commission. We must encourage as well as regulate aviation. A question which will arise is, "How far should Colorado go in condemning the space over land without condemning the land?"

There is a proposal to appropriate to the game and fish department funds out of its own cash reserve, for expenditure in the current years.

†Summary of remarks before Denver Bar Association, November 5, 1945.

*Attorney General of Colorado.

There is a proposal to amend section 253 of the probate law, as amended in 1945, regarding the giving of notice in estate proceedings. This has been discussed pretty well by the lawyers.

One proposal will protect the rights of veterans to be candidates for office. The law now provides that the veteran will not lose his right to vote because of military service. The law should be extended to provide that the veteran will not lose his right to become a candidate because his party affiliation is not recorded, as now required.

Another proposal would increase the bonded indebtedness of school districts from five to ten per cent and from 3½ to six per cent, respectively. One proposal would merely suspend the present limits for a stated period.

In connection with the highway program, it is necessary that the legislature agree on one program and pass this program in order to take advantage of the federal act providing for funds to be matched by state funds. Under the 1944 highway act Colorado would be entitled to six million dollars annually for three years. The present income is not sufficient to match all of these funds, and the legislature should provide more funds so that the federal funds can be fully matched. There are three proposed ways of doing this. One group proposes the use of the general fund surplus. The argument of this group is that many people who do not use the highways get the use of them and so the state should provide money so that all money for the use of the highway department will not come out of gas and auto taxes alone. The second group advocates an increased gas tax. This group argues that those whose ride upon the highways should pay for them. The third group advocates an initial appropriation from the general fund, and an increased gas tax to provide for future funds.

There is some feeling that Colorado's highway laws need to be amended to take full advantage of the federal act. It may be necessary to change the laws relating to highways in urban areas.

These seem to be most of the subjects in which lawyers might be interested and which might be included in the call for the special session.

New Members of Denver Bar Association

The following persons were elected to membership in the Denver Bar Association at the October 1, 1945, meeting:

Charles J. Beise	Donald E. Kelley	Stuart B. St. Germain
William F. Dwyer	Grace Kenehan	Robert Swanson
Julius I. Ginsberg	Albert E. Radinsky	James B. Young

The following were elected to membership at the November 5, 1945, meeting:

John Adams	Thomas W. Nevin	Neil Tasher
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