

Biennial Report
of the
ATTORNEY GENERAL
of the
STATE OF COLORADO



Years 1961-1962

DUKE W. DUNBAR
Attorney General

Publication Approved by E. G. Spurling, Controller

Printed by Publishers Press, Denver

ATTORNEYS GENERAL OF COLORADO

From the Organization of the State

A. J. Sampson.....	1877-1878
Charles W. Wright.....	1879-1880
Charles H. Toll.....	1881-1882
David F. Urmy.....	1883-1884
Theodore H. Thomas.....	1885-1886
Alvin Marsh.....	1887-1888
Samuel W. Jones.....	1889-1890
Joseph H. Maupin.....	1891-1892
Eugene Engley.....	1893-1894
Byron L. Carr.....	1895-1898
David M. Campbell.....	1899-1900
Charles C. Post.....	1901-1902
Nathan C. Miller.....	1903-1906
William H. Dickson.....	1907-1908
John T. Barnett.....	1909-1910
Benjamin Griffith.....	1911-1912
Fred Farrar.....	1913-1916
Leslie E. Hubbard.....	1917-1918
Victor E. Keyes.....	1919-1922
Russell W. Fleming.....	1923
Wayne C. Williams.....	1924
William L. Boatright.....	1925-1928
Robert E. Winbourn.....	1929-1930
John S. Underwood.....	1930
Clarence L. Ireland.....	1931-1932
Paul P. Prosser.....	1933-1936
Byron G. Rogers.....	1936-1940
Gail L. Ireland.....	1941-1944
H. Lawrence Hinkley.....	1945-1948
John W. Metzger.....	1949-1950
Duke W. Dunbar.....	1951

DEPARTMENT OF LAW
PERSONNEL

Office of the Attorney General (Division of Legal Affairs)

DUKE W. DUNBAR, Attorney General
FRANK E. HICKEY, Deputy Attorney General
ANN G. LANDY, Administrative Assistant

Assistant Attorneys General

RICHARD W. BANGERT, appointed 4/11/62
JOHN B. BARNARD, JR., resigned 1/31/62
JOHN E. BUSH, reappointed 6/1/62
JOHN F. BRAUER, JR., resigned 12/31/62
ROBERT F. CARR
JOHN J. CONWAY, assigned to Public Utilities Commission
PETER L. DYE
FLOYD B. ENGEMAN, transferred from Inh. Tax 7/1/61
CLIFTON A. FLOWERS
SAMUEL R. FREEMAN
JAMES D. GEISSINGER, appointed 2/1/62
JAMES D. McKEVITT, assigned to Dept. of Employment
WILLIAM H. MOULTON, resigned 1/31/62
THOMAS A. NELSON, JR., appointed 5/1/61
ROBERT G. PIERCE, resigned 3/31/62
DONALD B. ROBERTSON
WENDELL P. SAYERS
JACK W. STARK, assigned to Game, Fish & Parks, transferred
from Inh. Tax 2/1/62
CHARLES S. THOMAS, resigned 4/10/62
JAMES C. WILSON, appointed 4/1/62
RICHARD A. ZARLENGO, resigned 4/10/62

Legal Stenographers

ELEANOR GIACOMOZI ELIZABETH V. KITTO
EDITH HEZMALHALCH HELEN T. TRECKMAN
DOROTHY SACH

Legal Division, Department of Highways

JOHN P. HOLLOWAY, Chief Highway Counsel
GEORGE L. ZOELLNER, Assistant Attorney General
JOSEPH M. MONTANO, Assistant Attorney General
JAMES R. RICHARDS, Assistant Attorney General
NANCY NAPPE, Legal Stenographer
CAROL STATON, Legal Stenographer

Inheritance Tax Division

NEIL TASHER, Assistant Attorney General and Inheritance
Tax Commissioner
CATHERINE H. COURSEY, Deputy Inheritance Tax
Commissioner
ROYAL ROBERT IRWIN, JR., Assistant Attorney General
EDWARD J. O'BRIEN, II, Assistant Attorney General
JACK W. STARK, Assistant Attorney General
DAVID CREGER, Senior Inheritance Tax Analyst
MICHAEL J. O'HARA, Senior Inheritance Tax Analyst
PAUL R. KISER, Inheritance Tax Analyst
GEORGE A. WOLLBRINCK, Inheritance Tax Analyst
THOMAS T. CRUMPACKER, Assistant Inheritance Tax Analyst
JAMES R. RILEY, JR., Assistant Inheritance Tax Analyst
J. CHALMERS EWING, Real Estate Appraiser
CHARLES GAST, Real Estate Appraiser
JAMES W. KNOX, Real Estate Appraiser
SAMUEL TELEP, Real Estate Appraiser
LENA Z. DINSMORE, Administrative Secretary
LU M. SHAFFER, Legal Stenographer
ANN COGAN, Senior Clerk
GRACE KERR, Intermediate Clerk Typist
STELLA Z. ROWLEY, Intermediate Clerk Typist
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Legislative Reference Office

CLAIR T. SIPPPEL, Secretary
JERRY L. SMITH, Assistant Attorney General

Division of Securities

STANLEY R. HAYS, Commissioner
WILLIAM J. ANDERSON
CHARLES CRANSTON
HARRY H. HADDOCK
WILLIAM C. MURRAY, JR.
RHODA SON, Secretary
EVELYN FOLSOM, Clerk

HONORABLE JOHN A. LOVE
Governor of Colorado
State Capitol
Denver, Colorado

Dear Governor Love:

Pursuant to law, I herewith submit the Biennial Report of the Attorney General covering the period beginning January 1, 1961, and ending December 31, 1962.

Respectfully submitted,
DUKE W. DUNBAR
Attorney General

BIENNIAL REPORT
OF THE
ATTORNEY GENERAL
OF THE
STATE OF COLORADO

REPORT OF INHERITANCE TAX COMMISSIONER

The Inheritance Tax Division of the Department of Law is charged with the administration of the inheritance and succession tax law, the gift tax law and all escheat estates. From January 1, 1960 to December 31, 1961, the following amounts were collected:

Inheritance Tax	\$12,270,906.00
Gift Tax	606,842.00

In addition to the above amounts, \$1,175,067.00 was collected and deposited in the Old Age Pension Fund. Inheritance and gift taxes are deposited to the General Fund of the State of Colorado.

During this two-year period 22,502 estates were audited and a fee or tax assessed thereon. The number of estates audited was the largest in any two-year period since the Inheritance Tax Department was established.

Over 120 escheat estates were reported and handled by the Inheritance Tax Department. There were over 45 estates that had escheated to the State of Colorado on which a claim was filed and the money paid out to the rightful heirs.

REPORT OF CHIEF HIGHWAY COUNSEL

For the period April 1, 1960 through June 30, 1961

Condemnation Cases

Settled	Tried-Jury	Tried-Commission	Total
61*	20	12	93

*Several of these settlements were originated by staff or field right-of-way personnel and concluded in this office.

Other Cases

Seventeen cases, including four Supreme Court actions and two United States District Court actions, which involved contracts, real property and torts, were terminated by trial, settlement or dismissal. This does not include tort actions involving motor vehicle accidents which were docketed by this office and forwarded to the department's insurance carrier for handling. It is gratifying to report that we prevailed in all of the Supreme Court cases above mentioned as well as in all four that were involved in the previous period.

Public Utilities Commission

Nineteen applications were filed with the Public Utilities Commission and nineteen hearings were held during the above period. Certificates of Convenience and Necessity were issued in eighteen of these cases, decision pending in one.

New and Pending Cases

During the period of this report, new law suits filed, either by or against the department, and their character as compared with the previous period were as follows:

	1959	1960
Condemnations	62	95
Other cases	23	61
P.U.C.	13	19
	98	175
TOTAL	98	175

Cases pending as of June 30, 1961:

Condemnations	67
Other cases—State, District Courts.....	53
U. S. District Court.....	3
Colorado Supreme Court	4
P.U.C.	1
	128
TOTAL	128

For the period July 1, 1961 through June 30, 1962

Condemnation Cases

Settled	Tried-Jury	Tried-Commission	Abandoned	Total
59*	6	21**	3	89

*Including 5 prior to filing.

**Including 1 trial to court.

Other Cases

Thirty-two cases, including two Supreme Court actions, which involved damages, contracts, real property and torts, were terminated by trial, settlement or dismissal. This does not include tort actions involving motor vehicle accidents which were docketed by this office and forwarded to the department's insurance carrier for handling.

P.U.C.

Eight applications were filed with the Public Utilities Commission and two hearings were held during the above period. Certificates of Convenience and Necessity were issued in both of these cases; decisions pending in six.

Disposition Comparison

With respect to the above condemnation disposition record, the following comparison can be made with the last fifteen months operation of this division (Report June 30, 1961):

	1960-61	1961-62
Settled	61	59
Tried—commission and jury.....	32	27
	<hr/>	<hr/>
Total	93	86

While it appears that fewer cases were tried in this period, it should be noted that the previous report included fifteen months, as against twelve months for the period of this report, so the disposition activity remains relatively constant.

New Cases Filed—Comparison

During the period of this report, new law suits filed, either by or against the department, and their character as compared with the previous report were as follows:

	1960-61	1961-62
Condemnations	95	79*
Other cases	61	49
P.U.C.	19	8
	<hr/>	<hr/>
Total	175	136

*Including 2 for National Center for Atmospheric Research and 1 for Colorado School of Mines.

Cases Pending—Comparison

Cases pending as of:	June 30, 1961	June 30, 1962
Condemnations	67	60
Other cases—State		
District Courts	53	44
U. S. District Court	3	5
Colorado Supreme Court	4	6
P.U.C.	1	6
	<hr/>	<hr/>
Total	128	121

REPORT OF THE DIVISION OF SECURITIES

for the period January 1, 1961, to December 31, 1962

The Division of Securities is empowered to administer and enforce the provisions of the Colorado Securities Law.

The Division administers the act relating to licensing of broker-dealers, issuer-dealers and salesmen engaged in the securities business. It prepares and distributes the necessary forms and procedures for filing, processes the application, provides for written examinations, testing applicants' general knowledge and qualification, and analyzes dealer financial statements. It has the duty to investigate complaints involving dishonest or unethical practices or failure to comply with the statutory requirements and to hold hearings for denial or revocation of registrations where violations are alleged.

A modified uniform securities law was enacted by the 43rd General Assembly and became effective July 1, 1961, repealing Articles 1 and 2 of Ch. 125, Colorado Revised Statutes, 1953, as amended, known as the Securities and Fraudulent Practice Laws, respectively. The effect of this statutory revision extended authority to the commissioner for the first time to reject registration of securities where it is determined that an offering is contrary to the public interest, and where unreasonable promoters' profits or participation, or excessive underwriters' commissions or options and warrants are involved or where the offering would tend to work a fraud upon purchasers. The commissioner may also require escrow of funds from an offering until sufficient proceeds are derived to accomplish the primary purposes thereof. These provisions are applicable to registrations by qualification, essentially intra-state offerings. The coordination principle is retained in cases of registration where filings are made under the federal securities act, which renders them automatically effective for

distribution in Colorado upon compliance with the regulations of the Securities and Exchange Commission.

A comprehensive set of rules and regulations was compiled and promulgated by the commissioner to carry out the intent and administration of the new law.

The record of number of registrations, and receipts and disbursements from the operations of the Division for the period covered by this report is as follows:

	1-1-61 to		1-1-62 to	
	Number	12-31-61	Number	12-31-62
Registration Statements				
filed: (Original)	552	\$44,722.24	397	\$34,600.32
(Renewal)	84	8,300.00	111	10,575.00
Dealers' Licenses issued:				
(Original)	48	2,025.00	30	1,500.00
(Renewal)	159	7,950.00	152	7,600.00
Salesmen's Licenses issued:				
(Original)	1,395	11,945.00	1,167	11,670.00
(Renewal)	1,122	11,220.00	1,013	10,130.00
Miscellaneous fees		45.75		90.75
Total Receipts		\$86,207.99		\$76,166.07
Expenditures		— 46,595.66		— 57,305.18
Receipts over Expenditures..		\$39,612.33		\$18,860.89

· LEGISLATIVE REFERENCE OFFICE

The Legislative Reference Office is a division of the Department of Law, under the direction of the Attorney General. The office was established in 1927 and began functioning in 1930.

The three primary functions of the office are: (1) the drafting of legislative bills, resolutions, and memorials, and amendments thereto, for members of the General Assembly and for the Governor; (2) the maintenance of legislative records; and (3) legislative reference services.

While the office does approximately 60 to 70 percent of the actual drafting of bills, resolutions, and memorials introduced in and considered by the General Assembly, under a Joint Rule of the Senate and House adopted in 1959, all bills introduced in the assembly must be submitted to the office for approval as to form as set forth in the Joint Rule.

The office maintains complete legislative records on bills, resolutions, and memorials, and amendments thereto, and on

other legislative actions. During a session of the General Assembly a subject index is maintained of all bills introduced, and a progress report is kept daily covering the consideration and passage of each bill through the assembly. Copies of all bills drafted by the office and all bills printed by the assembly are kept on file for reference purposes, and are available back to 1931.

The office maintains a legislative informational service for members of the General Assembly and the public, the purpose of which is to make available studies and information on legislative subject and laws of other states. Spot research reports are prepared for members of the assembly. A small but selective legislative library is maintained. The office works closely with the Legislative Council and the Supreme Court Library, so as to eliminate duplication of legislative and law library facilities.

Part I
DIGEST OF OFFICIAL OPINIONS OF THE
ATTORNEY GENERAL

FOR
BIENNIAL PERIOD
1961-1962

NOTE: A copy of each opinion is on file under a number corresponding with that of the digest hereof.

FORT LEWIS A. & M. COLLEGE**61-3466**

Charles T. Porter
State Senator
January 9, 1961

The State Board of Agriculture is authorized to expand the curriculum at the Fort Lewis A & M College to a four year course under the statutes presently in effect.

STATUTES CONSTRUED—124-10-9, CRS '53.

DUAL OFFICE HOLDING**61-3467**

Byron W. Hansford
Commissioner of Education
January 18, 1961

Under Canons of Judicial Ethics, Canon 24, Appendix B, Vol. 1, CRS '53, it would appear improper for a district judge to simultaneously hold the office of school director.

CONTRACTS—CIVIL SERVICE**61-3468**

John Quigley, Staff Director
Joint Budget Committee
January 19, 1961

State departments may enter into contracts with individuals or quasi-public corporations for professional services, providing their appropriations allow such expenditures to be made from their "operating expenses."

Under Chap. 81, Sec. 11, S.L. 1959, the State Department of Employment may hire employees on a provisional basis under civil service provisions.

STATUES CONSTRUED—Chap. 81, Sec. 11, S.L. 1959.

**REHABILITATION DEPARTMENT
CIVIL SERVICE****61-3469**

Stephen L. R. McNichols
Governor of Colorado
January 20, 1961

Professional employees of the Department of Rehabilitation are exempt from civil service under Art. XII, Sec. 13, and the Governor, by executive order, cannot place said employees under civil service coverage.

CONSTITUTION CONSTRUED—Art. XII, Sec. 13, State Constitution.

RETIREMENT—NATIONAL GUARD TECHNICIANS**61-3470**

Jack E. Kennedy, Assistant Secretary
Public Employes Retirement Association
January 23, 1961

National Guard technicians are not state employees and therefore ineligible for participation under PERA coverage.

STATUTES CONSTRUED—111-1-1(1), CRS '53.

SCHOOLS**61-3471**

Byron W. Hansford
Commissioner of Education
(Re Teachers Wearing Ecclesiastical Garb, etc.)
January 25, 1961

The wearing of the ecclesiastical garb or the wearing of visible ecclesiastical insignia by a teacher while performing duties within the public schools does not constitute the teaching of sectarian doctrines or tenets as prohibited by Sec. 8, Art. IX, Colorado Constitution.

CONSTITUTION CONSTRUED—Sec. 8, Art. IX, Colorado Constitution.

**ESTATES—COURT FEES
WORDS AND PHRASES****61-3472**

Carl A. Mays
Clerk of the County Court of Kiowa County
February 6, 1961
(Re Probation of Foreign Will)

No fee is due and payable to the clerk of the county court if a foreign will is admitted to probate in the county court without administration, pursuant to 56-5-2, CRS '53, as amended, with exception contained in 1960 Session Laws, page 143, under the following conditions: If the foreign executrix proceeds with the action in the district court, if an administratrix C.T.A. is appointed by the county court with approval to proceed with the action in the district court, and if the foreign executrix is replaced with an administrator, C.T.A. appointed by the county court.

The phrase "and no others" defined.

STATUTES CONSTRUED—56-5-2, CRS '53, as amended.

JUNIOR COLLEGES**61-3473**

Thomas F. Phelps, Esq.
Pueblo, Colorado

February 8, 1961

Chapter 214, S.L. 1959 does not apply to the election of junior college directors of Pueblo County. Sub-section (2) (c) of 123-23-10, CRS '53 controls the election.

STATUTES CONSTRUED—Chap. 214, S.L. 1959. 123-23-10 (2) (c), CRS '53.

COURT FEES**61-3474**

Jim R. Carrigan
Judicial Administrator

February 9, 1961

When a county files a civil case in the District Court the County does not pay a docket fee. Cases cited.

COURTS**61-3475**

Jim R. Carrigan
Judicial Administrator

February 10, 1961

The service of a certified copy of a restraining order in a divorce action is sufficient.

STATUTES CONSTRUED—46-1-2, CRS '53.

INSURANCE**61-3476**

Sam N. Beery
Commissioner of Insurance

February 10, 1961

The commissioner may, upon proper authorization from a corporation, permit the withdrawal of the excess securities above the statutory requirement without a court order.

STATUTES CONSTRUED—72-2-5, CRS '53.

LEGISLATION—REAL ESTATE**61-3477**

Floyd Oliver
State Senator

February 14, 1961

Proposed amendments to S.B. 66, First Reg. Session, 43rd G.A., relating to Real Estate, etc., defined.

LEGISLATION**61-3478**

Charles E. Bennett
 Chairman, Judiciary Committee
February 20, 1961

Legality of restriction contained in H.B. 46, First Reg. Session, 43rd G.A., relating to Food and Drugs.

**ACTIONS—COLORADO STATE UNIVERSITY
 STATE COMPENSATION INSURANCE FUND**

61-3479

Ronald O. Roberts
 Assistant Business Manager
 Colorado State University
February 28, 1961

Liability of Colorado State University to its various departments, both employees and other persons, against potential claims for damages arising out of the use of radioactive materials, etc., at said institution.

STATUTES CONSTRUED—81-18-9, 11 (1) and (3), CRS '53 and 81-5-1, CRS '53.

COURTS—PENITENTIARY—PAROLE BOARD

61-3480

Hon. Max C. Wilson
 Judge, District Court
 Canon City, Colorado
March 2, 1961

Re Petitions for Rule to Show Cause filed by inmates of the state penitentiary in the district court. Court may refuse to issue order to show cause without any hearing on the matter.

STATUTES CONSTRUED—39-18-1, CRS '53; 65-1-1, CRS '53.

ELECTIONS**61-3481**

Lillian Cook
 Democratic County Central Committee
March 2, 1961

A non-resident of an election precinct cannot be appointed to fill a vacancy in the office of committeeman or committee-woman of that election precinct.

STATUTES CONSTRUED—49-4-24, CRS '53, as amended.

COURTS—PENITENTIARY**61-3482**

Honorable Max C. Wilson
Judge, District Court Fremont County
March 3, 1961

The Governor of Colorado has authority to deliver to the authorities of another state, upon proper requisition of the Governor of that state in an extradition proceeding, a fugitive from justice from the demanding state who has not yet completed his maximum sentence for a crime committed in this state.

STATUTES CONSTRUED—60-1-19, CRS '53 and cases cited.

GOVERNOR**61-3483**

Hon. Steve McNichols
Governor of Colorado
March 10, 1961

Re Interpretation of 3-3-2(5), CRS '53 contained in Opinion No. 1827-50, dated May 9, 1950:

There is no statute providing that the governor shall actually sign vouchers or that his signature must appear in authorizing the expenditure. Should he elect to use his signature it may be done in any manner he desires.

COUNTY COMMISSIONERS**61-3484**

Clarence Svedman, Secretary
Colorado State Soil Conservation Board
March 13, 1961

Under 120-13-12, CRS '53, the county commissioners are not given, either expressly or by clear implication, power to condemn land for the purpose of constructing watershed facilities to protect said roads if owner of said land refuses to sell. No definite and certain answer can therefore be given as it is impossible to predict the outcome of a condemnation suit under such circumstances.

STATUTES CONSTRUED—120-13-12, CRS '53.

AGRICULTURE**61-3485**

William E. Myrick
 State Representative
March 15, 1961

Inspection fees prescribed by 6-13-6(1), CRS '53 are properly collectible in connection with the registration and sale and distribution of manipulated manures.

STATUTES CONSTRUED—6-13-6(1) CRS '53.

**ELECTIONS—POLITICAL ACTIVITIES
 STATE BOARD OF EDUCATION**

61-3486

Martin P. Miller, Judge
 Littleton, Colorado
March 21, 1961

Members of the State Board of Education under 49-1-2, CRS '53, are state officers and as such are qualified to vote at the State Central Committee meeting. Unless the State Central Committee provides for proxy voting by its rules, proxy voting is not permitted.

STATUTES CONSTRUED—Ch. 111, S.L. 1959.

LIVESTOCK**61-3487**

Earl Brown, Brand Commissioner
 Board of Stock Inspection Commission
April 3, 1961

The owner of an unbranded beef calf, who also owns the mother of said calf, may lawfully remove said calf from his own premises without the certificate of ownership prescribed by 8-2-36, CRS '53.

STATUTES CONSTRUED—8-2-36, CRS '53.

UNIVERSITY OF COLORADO-INDUSTRIAL COMMISSION**61-3488**

Honorable Quigg Newton, President
 University of Colorado
April 3, 1961

Regents of the University of Colorado do not have legal authority to formally recognize any union as the exclusive

bargaining representatives for certain categories of non-academic employees if a majority but not all of them sign authorization petitions for this purpose. Do not have legal authority to enter into a collective bargaining agreement with a union for a fixed term, if agreement contains an exclusive recognition clause.

Regents may authorize University administrative officers to confer with employee representatives on matters relating to wages and working conditions as a basis for making recommendations.

STATUTES CONSTRUED—124-2-11, CRS '53. 80-5-1, CRS '53.

SCHOOL DISTRICTS

61-3489

Byron W. Hansford
Commissioner of Education
April 4, 1961

Where several school districts are wholly included within a newly organized district, the positions of superintendents of schools are abolished as a result of school district reorganization and such contracts are terminated assuming that the contracts in question were executed subsequent to May 1, 1957.

STATUTES CONSTRUED—123-25-24 and 123-25-27(3), CRS '53.

PENITENTIARY

61-3490

Harry C. Tinsley, Warden
Colorado State Penitentiary
April 10, 1961

A sentence cannot be made retroactive while two sentences are to run concurrently.

STATUTES CONSTRUED—105-4-18, CRS '53.

SCHOOL OF MINES

61-3491

Homer F. Bedford
Auditor of State
April 11, 1961

The net income from the dining hall building could be cross-pledged along with the income from the other two facilities pursuant to the terms of 124-1-7, CRS '53, concerning revenue funds for self-liquidating college housing facilities.

STATUTES CONSTRUED—124-1-7, CRS '53.

SCHOOL OF MINES**61-3492**

Gurnett Steinhauer
 Business Manager
 Colorado School of Mines
April 11, 1961

Supplementing Opinion 61-3491: Not authorized to accumulate the net income during periods in which the said net income is not cross-pledged.

STATUTES CONSTRUED—130-4-2(1), CRS '53.

STATE AUDITOR—SCHOOL OF MINES**61-3493**

Homer F. Bedford
 State Auditor
April 11, 1961

The State Auditor is not authorized to examine and audit the books and moneys of the five corporations of the School which were organized separately from the school and no state funds are spent or controlled by said corporations.

STATUTES CONSTRUED—3-8-4, CRS '53.

**FIRE PROTECTION DISTRICTS—
WORKMEN'S COMPENSATION****61-3494**

J. W. Vaughn, Secretary
 Windsor-Severance Fire Protection District
April 12, 1961

A fire protection district only has the power to enter into a contract which has as its direct effect the providing of fire protection *within the district*.

The missile site being within said district, it is proper for the district to fight fires on the site and the volunteer firemen would be covered by workmen's compensation as provided in 81-13-12, CRS '53, assuming the United States has not accepted jurisdiction over the site in question.

STATUTES CONSTRUED—81-13-12, CRS '53.

INDUSTRIAL COMMISSION**61-3495**

Truman C. Hall, Chairman
Industrial Commission

April 18, 1961

Private Employment Agency license. Where cash bond accepted in lieu of surety bond, such bond should be retained for at least 30 days.

Commission not authorized to accept cash bond in lieu of surety bond required by CRS '53, 80-18-1.

STATUTES CONSTRUED—80-18-1, CRS '53.

**CHILDREN
PUBLIC WELFARE****61-3496**

Guy R. Justis, Director
Department of Public Welfare

April 21, 1961

County welfare department not legally obligated to pay child's subsistence at the Colorado Children's Diagnostic Center. Primary responsibility of parents; if unable to pay, costs should be presented to county commissioners.

STATUTES CONSTRUED—124-3-30, CRS '53; 36-2-10, CRS '53.

STATE BOARD OF AGRICULTURE**61-3497**

C. L. Terrell, Secretary
State Board of Agriculture

April 24, 1961

State Board of Agriculture no authority to trade or exchange certain parcels of land held for the use of Colorado State University for that of the United States Forest Service.

STATUTES CONSTRUED—124-11-2, CRS '53.

COURT FEES**61-3498**

Honorable Neil Horan
Presiding Judge

Denver District Court

April 26, 1961

Compensation allowable to a court reporter brought in from out of town to serve a visiting judge of the Denver District Court and whether such reporter is entitled to mileage and per diem living expenses for services rendered in Denver.

STATUTES CONSTRUED—56-3-8, CRS '53. 37-4-15, CRS '53.

ANTI-DISCRIMINATION COMMISSION—REAL ESTATE**61-3499**

Roy Chapman, Director
 Anti-Discrimination Commission
April 28, 1961

A real estate broker or agent acting upon his own initiative and without instructions from his principal who refuses to show housing, to transmit offers to buy or rent, to sell or rent exempt housing (owner-occupied or otherwise) to anyone because of race, creed, color, sex, national origin or ancestry is not in violation of the Colorado Fair Housing Act of 1959.

STATUTES CONSTRUED—Sec. 3(1), (c), Ch. 148, S.L. 1959.

GOVERNOR—STATE BOARD OF AGRICULTURE**61-3500**

C. L. Terrell, Secretary
 State Board of Agriculture
May 4, 1961

The two members whose terms expired in January 1961 and no appointments were made by the Governor to fill these offices, said members will continue in office until their successors are appointed by the Governor with the consent of the Senate at some subsequent session of the Senate.

STATUTES CONSTRUED—124-11-1, 3, 13, CRS '53.

CONSTITUTION CONSTRUED—Art. IV, Sec. 6, State Constitution.

EMPLOYEES RETIREMENT**61-3501**

Raymond J. Heath, Secretary
 Public Employes' Retirement Association
May 5, 1961

May invest funds in a military housing project located at Travis Air Force Base, Suisun, California, since said notes are unconditionally guaranteed by the United States.

STATUTES CONSTRUED—83-1-1, CRS '53.

DIVISION OF MARKETS**61-3502**

Lew Ray, Chief
 Division of Markets
 May 5, 1961

The Board of Control of a marketing order may not levy an assessment for the purpose of making payments of principal and interest on a loan made by the United States Government to a third party.

STATUTES CONSTRUED—7-3-1, CRS '53, et seq., as amended.

MINES**61-3503**

G. A. Franz, Jr.
 Deputy Commissioner of Mines
 May 8, 1961

The Bureau of Mines does not have the authority to require reports from highway contractors.

STATUTES CONSTRUED—92-33-13, 23, CRS '53.

COUNTY WELFARE—CHILDREN**61-3504**

Guy R. Justis, Director
 State Department of Public Welfare
 May 10, 1961

County welfare department not obligated to furnish text books to children attending public school who are residing with their parents but dependent upon the county for support, and whose legal custody has been placed with the county welfare department.

STATUTES CONSTRUED—123-1-21, CRS '53. 123-20-7, 16, 17, CRS '53.

**DISTRICT ATTORNEYS—CRIMINAL LAW—
 CONSTITUTIONAL LAW
 WORDS AND PHRASES**

61-3505

Hon. Bert M. Keating
 District Attorney
 Second Judicial District
 May 11, 1961

Under Chap. 106, S.L. 1961, it is advisable to use the word

“feloniously” in charging the offense of shoplifting, whether misdemeanor or felony.

The misdemeanor of shoplifting can be plead with the use of the word “feloniously” as it is contained in the act.

The act is constitutional.

STATUTES CONSTRUED—Chap. 106, S.L. 1961.

CRIMINAL LAW—COURTS

61-3506

Robert A. Theobald
Director of Revenue
May 17, 1961

Under 13-4-30(5), CRS '53, courts do have the power to suspend fines of persons convicted of drunken driving for a second time within five years, and insofar as this power of the courts is concerned, there is no conflict between 13-4-30(5) and 79-2-24(1), CRS '53 as amended.

STATUTES CONSTRUED—13-4-30(5), CRS '53. 79-2-24(1), CRS '53.

COURT FEES

61-3507

Jim R. Carrigan
Judicial Administrator
May 18, 1961

Under Chap. 256, S.L. 1961, probate proceedings, mental health proceedings and adoptions and relinquishments are not actions as that word is used in the act.

Juvenile proceedings, not criminal or filed by the state or a political subdivision or agency thereof, but which come within the above definitions as adversary proceedings would be subject to the one dollar tax.

Appeals from municipal or justice of the peace courts should be subject to the tax.

STATUTES CONSTRUED—135-4-29, CRS '53, as amended (Supp), as amended by Chap. 256, S.L. 1961.

DISTRICT JUDGES—POLITICAL ACTIVITIES

61-3508

Hon. Martin P. Miller
District Judge
May 19, 1961

District judges are state officials and therefore qualified to vote at the State Central Committee meeting. See Opinion No. 61-3486.

STATUTES CONSTRUED—49-4-24, CRS '53, as amended by Chap. 111, S.L. 1959, subdivision (6).

STATE TREASURER—ESCHEATS**61-3509**

Frank W. Bieser
 Bond and Securities Officer
 State Treasurer's Office
May 23, 1961

Procedure for recovery of escheated funds held for a dissolved Colorado corporation pursuant to Section 99, Chapter 32, 1958 Session Laws.

STATUTES CONSTRUED—Sec. 99, Chap. 32, 1958 S.L. 152-14-14(5), CRS '53.

**SPECIFIC OWNERSHIP TAX
MOTOR VEHICLES****61-3510**

Robert A. Theobald, Director
 Department of Revenue
May 25, 1961

Chap. 73, S.L. 1961 eliminated all the wording in 13-5-6(2), CRS '53 which established a minimum specific ownership tax. As result, the decreasing tax provisions of 13-5-8 are applicable to the \$3.00 tax on vehicles aged ten years or more, subject to the absolute minimum of \$1.50.

STATUTES CONSTRUED—13-5-6(2), CRS '53 as amended by Chap. 73, S.L. 1961.

INSURANCE**61-3511**

Sam N. Beery
 Commissioner of Insurance
May 26, 1961

A domestic reciprocal insurance company existing under Chap. 87, Sec. 98, CSA '35 (72-4-1 to 14, CRS '53) would be required to pay the annual tax of 2% as provided therein.

STATUTES CONSTRUED—Chap. 87, Sec. 98, CSA '53 (72-4-1 to 14, CRS '53).

MOTOR VEHICLES—SPECIFIC OWNERSHIP TAX**61-3512**

Robert A. Theobald,
 Director of Revenue
June 7, 1961

Re: Specific ownership tax on collectors' items.
 The \$3.00 minimum provided in Chap. 73, S.L. 1961 applies

to all motor vehicles which are in the tenth or later years of service. 13-5-29, CRS '53, as amended, applies to a specific class of motor vehicles. Applying the rule that specific legislation prevails over general legislation, the provisions of 13-5-29(4) are still in effect.

STATUTES CONSTRUED—13-5-6(2), CRS '53, as amended. 13-5-29(4), CRS '53, as amended.

**FORT LOGAN MENTAL HEALTH CENTER—
PUBLIC INSTITUTIONS**

61-3513

F. C. Engelman, Business Manager
Fort Logan Mental Health Center

June 7, 1961

Center not required to give information concerning patient's welfare over the telephone, administrative matter.

Counties not financially responsible for care of patients at the Center.

Center cannot receive Class C pension checks directly from the disbursing agency.

STATUTES CONSTRUED—153-1-7(4) and (5); 36-1-9(2), as amended in 1959; 71-1-15; 101-1-5(3) and (4); and 101-1-7(c), CRS '53.

PUBLIC WELFARE

61-3514

Guy R. Justis, Director
State Department of Public Welfare

June 7, 1961

The State Department of Public Welfare may participate in the salary and expenses of county welfare employees appearing before the State Board at its specific request in matters pertaining to wages, working conditions or other problems. Such expenditures may be considered as an administrative cost of the county department and approved by the State Welfare Department for payment.

STATUTES CONSTRUED—119-1-13, 15, 15(2), CRS '53.

INDIANS—SCHOOLS

61-3515

George R. Armstrong
Cortez, Colorado

June 20, 1961

The State under no obligation under existing law for the education of Indians and for the education of persons, other than Indians, residing and working on federal property or on the reservation. Federal government pays education costs.

**LEGISLATION—COUNTY OFFICERS—
CONSTITUTIONALITY**

61-3516

Rep. John Mackie, Chairman
Interim Legislative Committee on County Salaries
June 22, 1961

Constitutionality of proposed legislation affecting salaries of county officers.

CONSTITUTION CONSTRUED—Art. XIV, Secs. 8 and 15.

LEGISLATION—CONSTITUTIONALITY

61-3517

Representative C. P. Lamb
Brush, Colorado
June 22, 1961

The method of apportionment proposed would be in violation of Article V, Section 45 of the Colorado Constitution for the reason that it does not fix ratios as contemplated by the Constitution.

CONSTITUTION CONSTRUED—Art. V, Sec. 45.

STATUTES CONSTRUED—63-1-2, CRS '53.

TRAINING SCHOOLS—COURTS

61-3518

A. T. Noller, Executive Assistant
State Home and Training School
June 23, 1961

The right to allow a patient of the Home to move to another state for the purpose of continuing his employment lies only with the Court which committed the patient.

The issuance of a conditional release to go to another state and out of the jurisdiction of the committing court should have prior authorization of the committing court.

STATUTES CONSTRUED—71-1-11, 28, 28(3), CRS '53.

AGRICULTURE—FEES—PUBLIC INSTITUTIONS

61-3519

Lee Ray, Chief
Division of Markets
Department of Agriculture
June 26, 1961

A state institution which is maintained by moneys appropriated by the legislature and which operates a scale or tank is not required to procure a license from the department of agriculture or to pay the prescribed fee.

STATUTES CONSTRUED—151-1-23(4), CRS '53.

CHILDREN—TRAINING SCHOOLS—COURT**61-3520**

A. T. Noller, Executive Assistant
State Home and Training School
June 28, 1961

The State Home and Training School, not named in the statute, cannot legally place a child for adoption and has no authority to consent to adoption.

STATUTES CONSTRUED—4-1-6, 6(2) (g), CRS '53.

DEPARTMENT OF EMPLOYMENT**61-3521**

Bernard E. Teets, Executive Director
State Department of Employment
June 30, 1961

The Department of Employment Building Authority may erect a building in Pueblo under the terms of existing legislation without further action of the General Assembly, and not necessary to comply with the procedures of Chap. 33, S.L. 1959.

STATUTES CONSTRUED—82-12-1, 2 and 3, CRS '53 (Supp). Chap. 33, S.L. 1959.

**PUBLIC FUNDS—
SAVINGS AND LOAN ASSOCIATIONS****61-3522**

E. G. Spurlin
State Controller
June 30, 1961

All funds of state institutions shall be deposited with the State Treasurer as provided by 130-4-2(1), CRS '53, excepting those governed following the semicolon thereof, and said funds must be deposited in accordance with the provisions of 130-4-5, 6 and 7, CRS '53. None of these sections authorize deposits in savings and loan associations.

STATUTES CONSTRUED—130-4-2(1), 5, 6 and 7, CRS '53; 83-1-1, 3, CRS '53.

PUBLIC RECORDS—OLD AGE PENSIONS**61-3523**

Guy R. Justis, Director
Department of Public Welfare
July 13, 1961

The list of physicians, receiving more than \$1,000 during a calendar or fiscal year from the Old Age Pension Health and

Medical Care Program, a document which is a public record, should be made available to a member of the public on request, unless there is some reason that the revealing of the list would be detrimental to the public interest.

STATUTES CONSTRUED—101-1-22, CRS '53.

ELECTIONS—CITIES AND TOWNS

61-3524

Edward N. Juhan
First Deputy District Attorney
First Judicial District
July 20, 1961

Re Metropolitan Capital Improvement Districts, Chap. 179, S.L. 1961.

Under Sec. 10, Chap. 179, S.L. 1961, it was the intent of the legislature to dispense with the necessity of special precinct registrations for this election, and for that reason the provisions in 49-6-13 are not applicable.

STATUTES CONSTRUED—Chap. 179, Sec. 10, S.L. 1961; 49-6-13, 26(1), CRS '53.

ANTI-DISCRIMINATION COMMISSION

61-3525

Roy M. Chapman, Director
Anti-Discrimination Commission
August 2, 1961

The Anti-Discrimination Commission has jurisdiction in the submitted complaint as far as the Fair Housing Act of 1959, but is without power or authority to act upon the allegations of the complainant asking for reinstatement in his former position and for payment of salary during his unemployment.

STATUTES CONSTRUED—69-7-4, 6, CRS '53, as amended.

PUBLIC WELFARE

61-3526

Guy R. Justis, Director
Department of Public Welfare
July 26, 1961

The State Board of Public Welfare cannot legally "establish one or more health and medical care programs for recipients of old age pensions outside of the present health and medical care program for such recipients" and establish a new fund, using the additional federal monies available by virtue of Public Law 86-778 (Kerr-Mills Bill) for this purpose. See Opinion No. 60-3461.

CONSTITUTION CONSTRUED—Art. 24, Secs. 2(d) and 7

**PUBLIC INSTITUTIONS—
FORT LOGAN MENTAL HEALTH CENTER**

61-3527

Donald W. Masar, Administrative Officer
Fort Logan Mental Health Center
August 2, 1961

The taking of pictures of patients for purposes of identification, medical records, research and the like is permissible. Publishing photographs is questionable.

EMPLOYEES RETIREMENT

61-3528

Jack E. Kennedy
Assistant Secretary
Public Employes Retirement Association
August 9, 1961

A state employee having elected to start his membership in the retirement association one year after his initial employment cannot one year later following his retirement request that his service record be back dated by paying the principal and interest for his first year of service.

STATUTES CONSTRUED—111-1-1(1) and 2, CRS '53.

**ANTI-DISCRIMINATION COMMISSION
PUBLIC RECORDS**

61-3529

John I. Binkley
Anti-Discrimination Commission
August 14, 1961

The Commission or its staff may legally use recording devices in connection with telephone and investigational inquiries and such recordings would be admissible before a Commission hearing or a court of law.

AUDITS—CITIES AND TOWNS

61-3530

Homer F. Bedford
State Auditor
August 14, 1961

Chap. 178, S.L. 1961 includes all local improvement and service districts, except water and sanitation districts, for audit purposes mentioned in Chap. 89, CRS '53.

The fiscal year ending November 30 does not apply to all local improvement and service districts.

The first audits should be made in December 1962 for the year ending November 30, 1962, and be filed in the State Auditor's office in January 1963.

STATUTES CONSTRUED—89-16-1, CRS '53, as amended by Chap. 178, S.L. 1961.

CITIES AND TOWNS—FIREMEN'S PENSION FUNDS

61-3531

Oakley Wade
Las Animas, Colorado

August 14, 1961

139-50, CRS '53, as amended by Chap. 267, S.L. 1961, relating to transfer of firemen's pension funds in case of a consolidation or merger.

Revenues received from investment of accumulated firemen's pension funds may not be counted in computing state matching funds.

STATUTES CONSTRUED—139-50, CRS '53, as amended by Chap. 267, S.L. 1961.

LIVESTOCK—TAXATION

61-3532

Earl Brown
Brand Commissioner

August 16, 1961

Re assessment and rerecording brands under Chap. 55, S.L. 1961.

State Board of Stock Inspection Commissioners not *required* to make an assessment every five years, but authorized to do so if deemed necessary. Assessments cannot be made at intervals of less than five years but may be made at intervals of longer than five years.

STATUTES CONSTRUED—8-2-15, CRS '53, as amended by Chap. 55, S.L. 1961.

SCHOOL DISTRICTS

61-3533

Dr. Byron W. Hansford
Commissioner of Education

August 15, 1961

Re reorganization of districts.

Interpretation of Chap. 208, S.L. 1961 (House Bill No. 106)

relating to school districts and assumption of bonded indebtedness of former school districts.

STATUTES CONSTRUED—123-25-41, CRS '53, as amended by Chap. 208, S.L. 1961.

ANTI-DISCRIMINATION COMMISSION

61-3534

Edward Terrones
Acting Coordinator
Anti-Discrimination Commission
August 14, 1961

The Commission's ruling dated March 31, 1961, referring therein to CRS '53, 69-7-5(d) (supp) would not seem to be in point. 69-7-5(e), CRS '53 (supp) would seem to be applicable and the Commission would not have authority to issue and enforce its said ruling relating to housing advertising.

STATUTES CONSTRUED—69-7-5(e), 53 CRS (Supp).

INSURANCE—STATE CONTROLLER

61-3535

E. G. Spurlin
State Controller
August 16, 1961

Pre-need funeral contract fund.

Section 19 of Chapter 157, S.L. 1961, is not a valid appropriation because it fixes no specific amount appropriated, and further legislative action would be necessary before moneys can be withdrawn from this fund.

STATUTES CONSTRUED—Sec. 19, Chap. 157, S.L. 1961.

PUBLIC UTILITIES

61-3536

Ralph C. Horton, Commissioner
Public Utilities Commission
August 16, 1961

Cooperative electric associations under Chap. 198, S.L. 1961, are now public utilities and as such cannot make membership in an association a condition precedent to obtaining electric service.

STATUTES CONSTRUED—115-1-3, CRS '53, as amended by Chap. 198, S.L. 1961.

**MOTOR VEHICLES
CONSTITUTIONAL LAW**

61-3537

Robert A. Theobald
Director, Department of Revenue
August 21, 1961

New procedures to be followed by Department of Revenue relating to driving motor vehicles while licenses are under suspension and effect of financial responsibility law occasioned by Supreme Court decision in case of *People v. Nothaus*, 147 Colo. 210, declaring 13-7-7, CRS '53 unconstitutional.

STATUTES CONSTRUED—13-7-7, 6(1), 3 and 4, CRS '53.

COUNTIES—TAXATION

61-3538

Albert J. Tomsic
Walsenburg, Colorado
August 22, 1961

A two mill levy can be assessed on all taxable property in the county for Hospital District purposes *or* the county commissioners can appropriate out of the general fund an amount of money equal to the proceeds of a two mill levy but both cannot be done.

STATUTES CONSTRUED—89-14-6(2) and 89-14-5(13), CRS '53.

FORT LOGAN MENTAL HEALTH CENTER

61-3539

Donald W. Masar
Hospital Administrative Officer
Fort Logan Mental Health Center
August 22, 1961

Fort Logan Mental Health Center is a "hospital" as defined in 71-1-1(2)(b), CRS '53 and is eligible to receive persons committed involuntarily under 71-1-4(1), CRS '53.

STATUTES CONSTRUED—71-1-1(2)(b) and 4(1) CRS '53.

CHILDREN

61-3540

Grace Kenehan, Chairman
Board of Standards of Child Care
August 24, 1961

Board may not request investigative services of an agency concerning foster boarding homes from an agency on a county

or local level but might call on a state welfare department for assistance.

Board may make use of facilities and services of any existing state board or department in evaluating private nurseries, pre-schools and kindergartens.

STATUTES CONSTRUED—22-12-3(4), CRS '53.

GOVERNOR—COUNTY COMMISSIONERS

61-3541

Fred M. Betz, Sr., Chairman
Democratic Central Committee

August 24, 1961

Governor cannot appoint a county resident to fill a vacancy who does not reside in the commissioner district.

Commissioners cannot change boundaries of county districts and reduce commissioner districts.

STATUTES CONSTRUED—35-3-9, 6, CRS '53.

CORPORATIONS—SECRETARY OF STATE

61-3542

George J. Baker
Secretary of State

August 24, 1961

Secretary of State not required to accept a tendered amendment which purports to give perpetual life to a certificate of an association originally formed under the then existing corporation law specifically limiting its existence to twenty years. If a charter be not extended before its expiration period, the corporation becomes absolutely dissolved as is the case in this instance.

STATUTES CONSTRUED—31-24-1, 2(1) (d), CRS '53.

CITIES AND TOWNS

61-3543

Jerry Russell
Broomfield, Colorado

August 31, 1961

The City of Broomfield is not eligible to receive an allocation from the highway users tax fund for the current fiscal year.

The provisions of 137-12-13(4) (a), CRS '53, Vol. 8, do not apply.

SAVINGS AND LOAN**61-3544**

Guy L. Reed
Savings and Loan Commissioner

August 31, 1961

Under the stated facts, to change the name of Republic Loan Company to "Republic Savings Company" would violate the intent of 122-2-3, CRS '53.

STATUTES CONSTRUED—122-2-3, CRS '53.

LIQUOR**61-3545**

Myron R. Donald, Director
State Liquor Department

August 31, 1961

Re liquor license within 500 feet of school.

A restaurant which was issued a three-way license prior to the passage of 75-2-12(9) which was in the exception of the 500 feet of a school and is still in the same building, a license can be transferred to another part of the same building.

STATUTES CONSTRUED—75-2-12(9), CRS '53.

CITIES AND TOWNS—LIQUOR**61-3546**

Gordon D. Hinds
City Attorney of Pueblo

September 1, 1961

Re renewal of liquor license.

A local licensing authority cannot require the re-posting of the premises or inquire into the reasonable requirements of a neighborhood at the time the license to sell liquor or 3.2% beer is to be renewed.

STATUTES CONSTRUED—75-2-10, CRS '53.

FORT LOGAN MENTAL HEALTH CENTER**61-3547**

Donald W. Masar
Hospital Administrative Officer
Fort Logan Mental Health Center

September 8, 1961

The Fort Logan Mental Health Center can make information obtained from screening alcoholics available to local judges, police, welfare departments and other governmental agencies having a legitimate interest in such information.

Patients sent from the Center to private homes will not ordinarily be in need of nursing care, but will merely be private homes in which the patients are staying and receiving room and board, and a license would not be necessary.

STATUTES CONSTRUED—22-12-1, CRS '53. 66-1-7, CRS '53.

NATIONAL GUARD

61-3548

Major General Joe C. Moffitt
The Adjutant General of Colorado
September 12, 1961

The Adjutant General, with the approval of the Governor in writing, has authority to trade a portion of the land property for a like size and shape area of land in order to achieve a square land area and also has authority to release the present right of way for a right of way consistent with the proposed Armory access road.

STATUTES CONSTRUED—94-9-6(19), CRS '53.

FIREMEN'S PENSIONS

61-3549

Perry E. Williams
Attorney at Law
Rocky Ford, Colorado
September 12, 1961

Re Rocky Ford Rural Fire Protection District—City of Rocky Ford—contributions.

Any of the submitted methods of contribution to the Firemen's Pension Fund would be proper under 139-50, CRS '53, as amended by Chap. 267, S.L. 1961, and no benefits to any of the firemen performing services for either the city or the district would be denied thereunder.

139-50, CRS '53, as amended by Chap. 267, S.L. 1961.

CHILDREN—INDIANS—PROPOSED LEGISLATION

61-3550

Hon. Elizabeth E. Pellet
Chairman, Children's Laws Committee
September 14, 1961

The State's obligations to the Indians under the Acts of Congress would be fulfilled if Indians are admitted to the proposed youth center for borderline delinquent and disturbed children at the old Fort Lewis A & M campus at Hesperus, free of charge, in the same manner and on the same basis as persons of other races.

AGRICULTURE—BONDS**61-3551**

Lew Ray, Chief
Division of Markets
Department of Agriculture
September 18, 1961

Recovery on a penal bond is limited to the amount thereof unless the express provisions of the bond are to the contrary.

STATUTES CONSTRUED—7-3-21(5)(f), CRS '53 (Sec. 1. Chap. 51, S.L. 1961).

SCHOOLS—MOTOR VEHICLES**61-3552**

Byron W. Hansford
Commissioner of Education
September 15, 1961

Under the statement of facts submitted, the school districts in question contracting with certain parents using their private vehicles to transport children to and from school for compensation would come within the definition of "school buses" as defined in 13-1-1(46), CRS '53, and said districts would not be legally entitled to receive moneys from the public school transportation fund if the regulations promulgated by the State Board of Education required by the Colorado motor vehicle laws are not fully complied with.

The same would apply to drivers and vehicles transporting handicapped children, and the school districts in question cannot receive reimbursement for the excess costs incurred if the motor vehicle laws are not fully complied with.

STATUTES CONSTRUED—13-1-1(56), CRS '53, and 123-1-63 and 65, CRS '53.

PENITENTIARY—PAROLE**61-3553**

Earle L. Meyer
Parole Supervisor
State Department of Parole
September 18, 1961

Under the law, a sentencing judge, in imposing a sentence to run concurrently with a previous sentence, may not order that the subsequent sentence shall commence the day the previous sentence commenced; therefore, the date on which the person is received at the institution under his second sentence should be used in computing the time at which he becomes eligible for parole.

STATUTES CONSTRUED—105-5-18, CRS '53.

**STATE BOARD OF LAND COMMISSIONERS—
SCHOOL LANDS**

61-3554

State Board of Land Commissioners
September 25, 1961

Re underground storage of natural gas. •

A natural gas public utility can condemn state school lands.

School lands may be leased by the board for the purpose of the underground storage of natural gas.

Board does not have authority to execute a mineral deed on state school lands. If this is done, such minerals would be subject to forfeiture to the United States and might cause all the remaining school lands to revert to the federal government.

Board does not have authority to sell for a fixed sum, based upon engineers' estimates, oil and gas in place in an underground reservoir beneath state school lands.

STATUTES CONSTRUED—100-9-3, CRS '53. 112-3-13, 14, 17, 18, CRS '53.

WATER CONSERVANCY DISTRICT

61-3555

Hon. Richard Conour
District Judge, 12th Judicial District
September 25, 1961

An appointment to fill the vacancy on the Board of Directors of the San Luis Valley Water Conservancy District may be made by either judge but not by both sitting en banc.

STATUTES CONSTRUED—37-4-17, 18, CRS '53.

AGRICULTURE

61-3556

R. I. Sullivan
Pesticide Section, Division of Plant Industry
September 25, 1961

Commercial applicators who are engaged exclusively in the control of ornamental and lawn pests are required to maintain records and furnish such reports containing such information as the Agricultural Commission in its discretion may by regulation prescribe.

STATUTES CONSTRUED—50-2(16) and 7(1), 1961 Session Laws.

**DEPARTMENT OF INSTITUTIONS—CHILDREN
COURTS****61-3557**

Goodrich Walton
Department of Institutions
September 28, 1961

The committing court retains legal jurisdiction over delinquent children and can modify or vacate commitment order thus taking the physical control away from the institution and placing it elsewhere.

STATUTES CONSTRUED—22-8-11(2), as amended, (a) (f) (j) (k), and 105-1, CRS '53.

FIREMEN'S PENSIONS**61-3558**

Melvern Miles
Haxtun Fire Protection District
October 6, 1961

The District's contribution to the firemen's pension fund can be taken out of the District's general fund.

State will match contributions by local sources up to .5 mills on assessed valuation of the district.

Board of directors can make by-laws, and board of trustees of the fund can make its own rules and regulations. No statutory rules for determining who is a fireman and who is not.

STATUTES CONSTRUED—139-50, CRS '53 (Ch. 267 S.L. 1961).

**DEPARTMENT OF INSTITUTIONS
ACTIONS—INSURANCE****61-3559**

Goodrich Walton
Executive Assistant
Department of Institutions
October 9, 1961

The State Home and Training School is not liable for any negligence of its employees in supervising the boy in question. The doctrine of sovereign immunity from liability for private wrong is recognized in Colorado and extends to its various departments and subdivisions.

State Hospital has specific statutory authority to accept a grant made to it to study a central records system.

There is no specific statutory authority for a state institution to purchase liability and malpractice insurance for itself and for its employees.

AGRICULTURE**61-3560**

Laurence B. Phelps, Chief
 Administrative Services Division
 Department of Agriculture

October 9, 1961

A predatory animal control program established pursuant to Chap. 57, S.L. 1961, must be on a county wide basis.

STATUTES CONSTRUED—Chap. 57, S.L. 1961.

CIVIL SERVICE—COUNTY WELFARE DEPARTMENT**61-3561**

Lyle C. Kyle, Director
 Legislative Council

October 19, 1961

Civil Service Commission, under existing statutory authority, cannot recruit, test and classify employees in the county welfare departments on a contract basis for the Merit System Council.

CONSTITUTION CONSTRUED—Art. XII, Sec. 13.

STATUTES CONSTRUED—26-2-3(4), as amended, CRS '53.

STATE AUDITOR**61-3562**

Hon. Homer F. Bedford
 State Auditor

October 19, 1961

Sec. 2, Chap. 178, S.L. 1961 requires audits of all local government units and copies of all reports must be filed with the Auditor of State.

STATUTES CONSTRUED—Sec. 2, Chap. 178, S.L. 1961.

SPECIFIC OWNERSHIP TAXES—MOTOR VEHICLES**61-3563**

Hon. Roy R. Romer
 State Representative

October 20, 1961

Distribution by county treasurers of specific ownership taxes collected upon Class B motor vehicles, trailers and semi-trailers.

STATUTES CONSTRUED—13-5-9(2), CRS '53, as amended.

CONSTITUTION CONSTRUED—Art. X, Sec. 6.

AGRICULTURE—COUNTY COMMISSIONERS**61-3564**

Paul W. Swisher, Commissioner
Department of Agriculture
October 25, 1961

6-16-11, CRS '53, as amended by Chap. 49, S.L. 1961, does not prohibit the board of county commissioners of the several counties from making a weed tax levy on the entire county pursuant to 6-9-4, CRS '53.

NURSES**61-3565**

Mrs. Madolin M. Dickinson, R.N.
Director of Nursing Education and Licensing
November 2, 1961

The administration of intravenous fluids and/or intravenous medications includes the act of removing the needle from the vein. See Opinion No. 60-3402.

STATUTES CONSTRUED—97-2-2(1), CRS '53.

PHARMACY—LIQUORS**61-3566**

Hon. George J. Baker
Secretary of State
November 6, 1961

The holder of a "proprietary or patent medicine dealers' license" may not be licensed to sell liquor as a "liquor licensed drug store."

STATUTES CONSTRUED—48-1-14, 24, CRS '53, and 48-1-13(2), CRS '53.

ACCOUNTANCY**61-3567**

Charles A. Zarini, CPA, President
State Board of Accountancy
November 6, 1961

The term "regularly employed" as used in the accountancy act connotes a uniform, established mode or plan of rendering services for compensation which is more than occasional or casual. Whether a person is "regularly employed" is a question of fact to be determined in each case.

STATUTES CONSTRUED—2-25(1), CRS '53.

SCHOOLS**61-3568**

Dr. Byron W. Hansford
 Commissioner of Education
November 7, 1961

Proper distribution under the Public School Foundation Act of moneys appropriated by the provisions of Sec. 5, Chap. 221, 1961 Session Laws, with particular reference to Sec. 6 of said chapter and 123-26-12(3), CRS '53, Supp., outlined.

STATUTES CONSTRUED—123-26-12(3), CRS '53, Supp.

**DEPARTMENT OF INSTITUTIONS—
 FORT LOGAN MENTAL HEALTH CENTER**

61-3569

Goodrich Walton
 Executive Assistant
 Department of Institutions
November 8, 1961

The Department of Institutions can, under 66-1-23, CRS '53, rent facilities at Fort Logan to the State Training Schools without additional legislation. If a rental arrangement is not desirable, additional legislation will be necessary.

STATUTES CONSTRUED—66-1-23, CRS 53.

**SALARIES—PRESIDENT OF SENATE PRO TEM—
 LIEUTENANT GOVERNOR**

61-3570

E. G. Spurlin
 State Controller
November 7, 1961

The president of the senate pro tem is entitled to receive a salary as Lieutenant Governor only when he is performing the specific duties of the Lieutenant Governor, such as presiding over the senate or serving on the parole board, at the rate of \$400 per month.

56-1-4, 1960 Per. Supp. sets the amount of salary. The corresponding part of 56-1-1, CRS '53 was repealed when 56-1-4 was enacted.

STATUTES CONSTRUED—56-1-5, 1960 Per. Supp.
 CONSTITUTION CONSTRUED—Art. IV, Sec. 14.

LANDS—HIGHWAYS—COUNTIES**61-3571**

Wesley E. Woodward, Engineer
State Board of Land Commissioners
November 8, 1961

Validity of "section line" roads established prior to Chap. 202, Sec. 46, S.L. 1953, by various boards of county commissioners of the several counties upon and across state lands without obtaining formal rights of way therefor under the 1885 statute.

STATUTES CONSTRUED—S.L. 1885, p. 327, sec. 1, appearing as Chap. 143, 1935 C.S.A. Chap. 202, Sec. 46, S.L. 1953.

NURSING EDUCATION**61-3572**

Madolin M. Dickinson
Director of Nursing Education and Licensing
November 16, 1961

A student who is enrolled in an accredited nursing educational program and who is employed for compensation by an institution or individual to render any professional nursing service which is not a part of the nursing educational program is practicing professional nursing illegally, and would jeopardize the student's licensure after graduation.

STATUTES CONSTRUED—97-2, CRS '53.

EMPLOYMENT SECURITY**61-3573**

Bernard E. Teets
Executive Director
Department of Employment
November 16, 1963

An attorney holding the appointive position of city attorney, county attorney or town attorney would not be considered an officer of the state or the political subdivision by whom he or she is appointed where compensation is paid in the form of a retainer, fees or both, but is an independent contractor for social security purposes.

UNIVERSITY OF COLORADO—ARCHITECTS**61-3574**

Robert J. Glaser, M.D.
University of Colorado Medical Center
November 22, 1961

No objection to using the phrase "Robert G. Haselhuhn, Architect, of Schmidt, Garden & Erikson" on working draw-

ings, etc. in connection with the Medical Center Expansion Program, since Mr. Haselhuhn is licensed in Colorado, but it should not be represented to the general public that the firm is licensed in Colorado.

STATUTES CONSTRUED—10-3-14, CRS '53.

LIQUORS—FEDERAL

61-3575

Don W. Higby, District Attorney
Fourth Judicial District
November 28, 1961

The Base Welfare Fund at Ent Air Force Base, being a federal instrumentality, is immune from the provisions of the State Liquor Licensing Law and cannot be compelled to obtain a license to operate the bowling alley at which beer is sold.

HOSPITALS—COLLECTION AGENCY

61-3576

Ralph L. Printz, Secretary
Collection Agency Board
December 1, 1961

A hospital assigning accounts to its credit manager for the purpose of bringing suits in his own name or the credit manager would not be required to obtain a collection agency license as long as the credit manager collects for only the hospital.

STATUTES CONSTRUED—28-1-2, CRS '53.

COLLECTION AGENCY

61-3577

Ralph L. Printz, Secretary
Collection Agency Board
December 1, 1961

The services proposed by the Western Union Telegraph Company would be the receiving of payment of claims on behalf of another and would be conducting a collection agency for which a license would be required.

STATUTES CONSTRUED—28-1-1 and 2, CRS '53.

EXTRADITIONS—COURTS**61-3578**

William J. Chisholm
Deputy District Attorney
Denver, Colorado
December 5, 1961

Forms of Warrant and Summons in Extradition Proceedings.

The submitted form of Warrant duly issued would serve as a proper supporting document for the application for an extradition requisition. The summons form submitted would not.

The three different statutes to be considered in determining what documents may properly support an application for an extradition requisition are—60-1-3 and 60-1-23, CRS '53 and Title 18, Sec. 3182, USCA.

STATUTES CONSTRUED—60-1-3 and 60-1-23, CRS '53. Title 18, Sec. 3182, USCA.

COLORADO STATE HOSPITAL—INSTITUTIONS**61-3579**

Dr. J. F. Rosenbloom
Assistant Superintendent
Colorado State Hospital
December 6, 1961

Persons received at the State Hospital under the provisions of 3-11-6(2), CRS '53, 1960 Perm. Supp., are to be released or discharged in the same manner and under the same conditions as persons otherwise civilly committed and as provided by Art. I, Chap. 71, CRS '53 as amended.

STATUTES CONSTRUED—3-11-6(2), CRS '53, 1960 Perm. Supp. Art. I, Chap. 71, CRS '53, as amended.

BANKING**61-3580**

Frank E. Goldy
State Bank Commissioner
December 19, 1961

Money Lender's Act. A money lender, who is licensed under the 1913 Loan Law, and withholds loan closing costs from principal at the time the loan is made would be in violation of 73-3-5, CRS '53.

EMPLOYEES' RETIREMENT**61-3581**

Raymond J. Heath, Secretary
 Public Employees' Retirement Association
December 20, 1961

Under the Survivors Benefit Act, upon the attainment of the age of 18 years by the youngest child of a deceased member, any moneys remaining in such deceased member's account should be paid to the beneficiary designated by the member or, if there are none surviving, to the legal representative of the deceased member.

STATUTES CONSTRUED—111-8-1, CRS '53, amended by Sec. 11, Chap. 195, S.L. 1961.

CRIMINAL LAW—LEGISLATION**61-3582**

Hon. Charles E. Bennett, Chairman
 Legislative Council Criminal Code Committee
December 27, 1961

Re proposed amendments to criminal statutes.

The subject matter which would be contained in a bill amending the various criminal statutes of the state to provide for the place of confinement would be germane to the title "Crimes and Punishments" and would simply be subdivisions of that general subject. The amendments contemplated could be included in one properly titled and drafted bill without violating the provisions of the constitution. Better practice would be to introduce separate bills so that the legislators will be specifically advised by the titles as to which offenses are being changed from misdemeanors to felonies.

CONSTITUTION CONSTRUED—Art. V, Sec. 21, Colo. Constitution.

CRIMINAL LAW—LEGISLATION**62-3583**

Hon. Charles E. Bennett, Chairman
 Legislative Council
 Criminal Code Committee
January 8, 1962

Supplementing Opinion 62-3582 regarding proposed amendments to the criminal statutes.

STATUTES CONSTRUED—Criminal statutes.

PUBLIC WELFARE—CHILDREN

62-3584

Guy R. Justis, Director
State Department of Public Welfare
January 11, 1962

The state or county welfare departments may not charge a fee for services rendered in regard to the adoption of children, there being no legislation authorizing same.

STATUTES CONSTRUED—41-1-14, CRS '53.

HISTORICAL SOCIETY

62-3585

Mrs. Willena D. Cartwright
Curator of State Museums
January 18, 1962

The statute of limitations applies to objects and documents loaned to the Society but the time does not begin to run on such loans until a demand for return has been made. The Society must return such materials to the lender unless more than six years have elapsed since a demand for return was made by the lender.

STATUTES CONSTRUED—87-1-11, CRS '53.

FIREMEN'S PENSIONS

62-3586

Horatio S. Ramsey
Attorney at Law
Littleton, Colorado
January 24, 1962

City of Littleton and Littleton Fire Protection District jointly operating a fire department which serves both the City and the District.

Moneys paid by the District to the City's Firemen's Pension Fund would be matched by the State.

To eliminate any doubt, the District should establish a firemen's pension fund.

STATUTES CONSTRUED—139-50-4(3) and 5(7), CRS '53 as amended by Chap. 267, S.L. 1961.

CIVIL DEFENSE—ACTIONS**62-3587**

Heman H. Davis, Director
 Colorado Civil Defense Agency
January 24, 1962

Civil liability of owners of private and public facilities used as fallout shelters pursuant to submitted Fallout Shelter License or Privilege Agreement.

The State and its subdivisions owning such shelters would be immune from liability not only under the general doctrine of sovereign immunity but also under the provisions of 24-1-10, CRS '53.

Persons using the shelters would be mere invitees.

Owners of such shelters owe no duty to invitees except to refrain from willful or wanton negligence.

COLORADO STATE HOSPITAL—COURTS**62-3588**

Willis H. Bower, M.D.
 Superintendent, State Hospital
January 25, 1962

Superintendent should accept the obligations imposed by committing court granting patient probationary release.

Court may restrict patient's residence to Pueblo.

STATUTES CONSTRUED—39-8-4(3) and (4), CRS '53.

AGRICULTURE—COUNTIES**62-3589**

Paul W. Swisher, Commissioner
 Department of Agriculture
January 26, 1962

Re County Range Improvement Funds.

Said funds do not have to be used on federal grazing lands, but may be used for general weed control purposes any place within the county, including the area within a Pest Control District.

STATUTES CONSTRUED—8-8-10, CRS '53.

STATUTES CONSTRUED—24-1-10, CRS '53.

PUBLIC WELFARE**62-3590**

Guy R. Justis, Director
State Department of Public Welfare
February 5, 1962

An individual receiving Aid to Needy Disabled from one county, moves to another county, and while there is committed to the state hospital, the county committing him is responsible for providing A.N.D., assuming he was adjudicated prior to July 1, 1957 amendment, which repealed 71-1-3 and re-enacted 71-1-5, CRS '53, stating adjudication proceeding could be maintained against "any person then physically present in the county."

STATUTES CONSTRUED—71-1-5, 10, CRS '53.

CIVIL SERVICE—PAROLE**62-3591**

William R. Welsh, Jr., President
State Civil Service Commission
February 5, 1962

Parolee of state penitentiary or reformatory eligible for civil service position in a class of employment in which the elector requirement has been waived, providing parolee was not barred by Art. XII, Sec. 4, State Constitution, or Sections 39-1-17 and 18, CRS '53.

CONSTITUTION CONSTRUED—Art. XII, Sec. 4.

STATUTES CONSTRUED—39-1-17, 18, CRS '53.

AUDITOR—WATER CONSERVANCY DISTRICTS**62-3592**

Hon. Homer F. Bedford
Auditor of State
February 6, 1962

The Colorado River Water Conservancy District is a "special district" within the provisions of Sec. 2, Chap. 178, S.L. 1961, relating to audits, etc., and a copy of its annual audit should be submitted to the office of State Auditor. See Opinion 61-3562.

STATUTES CONSTRUED—89-16-1, CRS '53, as amended by Sec. 2, Chap. 178, S.L. 1961.

FIREMEN'S PENSIONS**62-3593**

Frederic B. Emigh
 City Attorney
 Durango, Colorado
February 6, 1962

Earnings of a pension fund cannot be counted as contribution from local sources in computing the amount payable to the fund by the State.

STATUTES CONSTRUED—139-50-4(3), as amended, CRS '53.

LEGISLATURE**62-3594**

Hon. Albert J. Tomsic, Speaker
 House of Representatives
February 15, 1962

Re voting on report of conference committee.

A majority vote of the members of each committee is necessary before a report may be sent to the General Assembly.

GAME AND FISH**62-3595**

Harry R. Woodward, Director
 Department of Game and Fish
February 16, 1962

It would not be legal under the public auction law for dealers to purchase from the department entire carcass and pelt of a taken beaver.

STATUTES CONSTRUED—62-7-16, CRS '53.

**PUEBLO JUNIOR COLLEGE—
 SOUTHERN COLORADO STATE COLLEGE**

62-3596

Mr. Frank S. Hoag, Jr.
 Member, Pueblo Junior College District Committee
February 16, 1962

Procedures effecting the plan of dissolution of the Pueblo Junior College to the Southern Colorado State College—transfer of assets, mill levy, bond issues, purchase of land, etc.—outlined.

STATUTES CONSTRUED—Chap. 124, CRS '53, as amended by Chap. 228, S.L. 1961.

STATE WELFARE BOARD

62-3597

Guy R. Justis, Director
State Department of Public Welfare
February 19, 1962

Appeals before Colorado Merit System Council.

No specific statutory requirement that a person appearing before the Merit System Council in a representative capacity be a licensed attorney. Exception.

STATUTES CONSTRUED—Chap. 12, CRS '53. 3-16-4 and 5, CRS '53 (S.L. 1959).

AGRICULTURE—TAXATION

62-3598

Laurence B. Phelps, Chief
State Department of Agriculture
February 19, 1962

The personal property of the State Wheat Administrative Committee, being an agency of the State, is exempt from taxation, under the constitution, by the several counties of the state.

CONSTITUTION CONSTRUED—Art. X, Sec. 4, Colorado Constitution.

STATUTES CONSTRUED—7-3, CRS '53.

**WORKMEN'S COMPENSATION—TAXATION—
INSURANCE**

62-3599

Industrial Commission of Colorado
February 20, 1962

Re safety device and method statute.

Under Chap. 164, S.L. 1961 amendments, insurance companies liable for the payment of taxes on insurance premiums under 72-1-14 and 72-4-12, CRS '53, are now exempt from making return and paying the tax altogether, and the Industrial Commission is empowered to enforce compliance with the provisions of 81-17-1(2), CRS '53, as amended.

STATUTES CONSTRUED—81-17-1 and 81-17-5, CRS 72-1-14 and 72-4-12, CRS '53. Chap. 164, S.L. 1961.

HIGHWAYS—PARKS**62-3600**

Honorable Ray H. Black
 State Representative
February 23, 1962

The transfer of the duty of constructing and maintaining roadside parks located on highway rights of way from the Park and Recreation Department to the Highway Department would not violate the provisions of Art X, Sec. 18, Colorado Constitution, providing these roadside parks would be confined to the highway right of way.

CONSTITUTION CONSTRUED—Art. X, Sec. 18, Colorado Constitution.

CHILDREN—INSTITUTIONS**62-3601**

Goodrich Walton
 Executive Assistant
 Department of Institutions
March 1, 1962

Commitments.

Before July 1, 1962, children who are in the State Children's Home and who are in need of treatment at the Colorado State Hospital should be committed to the State Hospital under the statute pertaining to involuntary commitments. After July 1, 1962, Chap. 28, S.L. 1962, provides a statutory procedure for transfers to the Colorado State Hospital from the State Children's Home.

STATUTES CONSTRUED—71-1-5, CRS '53 (S.L. 1957). 3-11-3, CRS '53, as amended by Chap. 28, S.L. 1962.

SCHOOLS**62-3602**

Dr. Byron W. Hansford
 Commissioner of Education
March 6, 1962

Legality of Ruling of Commissioner of Education dated November 1, 1961, concerning transportation and expenditure of funds for pupils enrolled in private or parochial schools.

STATUTES CONSTRUED—123-10-58, 59, 61, 63, CRS '53 (Supp.)

SCHOOLS**62-3603**

Hon. Stephen L. R. McNichols
Governor of Colorado
March 9, 1962

The state's share of the minimum equalization program pursuant to Section 11 of Chapter 77, S.L. 1962, would be the difference between \$5,200 for each classroom unit to which the district is entitled and the amount of the county's required and shared support as provided in Sections 6(1) and (2) (e) of said chapter.

STATUTES CONSTRUED—Chapter 77, S.L. 1962, Secs. 11, 6(1) and (2) (e).

INSURANCE—CIVIL SERVICE ACTIONS**62-3604**

J. E. Whitten
State Engineer
March 15, 1962

Section 2, Chapter 67, S.L. 1962, does not cover expenses incurred by employees in defending themselves before the Civil Service Commission but covers liability of employees for injuries or damages resulting from their negligence or other tortious conduct during the course of their employment.

Assuming said employees are covered under said chapter, the insurance company would be liable in the event of a judgment up to the policy limits provided therein.

STATUTES CONSTRUED—Chapter 67, S.L. 1962.

FIREMEN'S PENSIONS**62-3605**

Alan L. Sternberg
City Attorney
Littleton, Colorado
March 15, 1962

A fireman must serve at least twenty years *in a paid fire department* in order to be eligible for the pension provided in 139-50-12, CRS '53. His service as a volunteer cannot be counted toward this twenty years requirement.

STATUTES CONSTRUED—139-50-5(4) as amended and 139-50-12, CRS '53.

SAVINGS AND LOANS**62-3606**

Guy L. Reed, Commissioner
Savings and Loan Department

March 15, 1962

Under the prohibition contained in 122-3-11, CRS '53 as amended, in the absence of an approval by the State Commissioner of Savings and Loan Associations of the regulations of the Federal Home Loan Bank permitting the distribution of earnings on share accounts quarterly, unless such approval is given federal savings and loans associations with home offices in the State of Colorado, they are not permitted to distribute such earnings quarterly or on any other dates than June 30 and December 31 in each year prior to June 30, 1963.

STATUTES CONSTRUED—122-3-11, CRS '53, as amended (1960 Perm. Supp.)

SCHOOLS**62-3607**

L. W. Green, Superintendent
Rifle Public Schools

March 19, 1962

The residence of the father controls the child's legal residence for tuition purposes. School district authorized to exclude non-residents of district. School board may fix tuition charges for non-resident pupils.

STATUTES CONSTRUED—123-21-2(6), 123-1-22, 123-10-21(1), CRS '53.

BANKING**62-3608**

Frank E. Goldy
State Bank Commissioner

March 22, 1962

No Colorado statute prohibiting the soliciting of loans for members of the La Junta Production Credit Association, which is a quasi-agency of the United States, formed pursuant to Farm Credit Act of 1933.

BANKING**62-3609**

Frank E. Goldy
State Bank Commissioner

March 23, 1962

A credit union may make deposits in a savings and loan

association if said deposits do not exceed the statutory 25% limitation. No conflict with the Colorado Credit Union Act.

STATUTES CONSTRUED—38-1-1 and 23, CRS '53. 38-1-4(4) CRS '53.

BANKING

62-3610

Frank E. Goldy
State Bank Commissioner
March 26, 1962

Sec. 83-3-2, CRS '53 (Supp.) would control over 14-16-6(1)(g), CRS '53 (Supp.) in investments by a state chartered bank in Federal Intermediate Credit Bank Debentures. Said former statute specifically provides that such investments in the debentures of such Federal Intermediate Credit Bank shall be a lawful investment without restriction insofar as any state bank is concerned.

STATUTES CONSTRUED—83-3-2, CRS '53 (Supp.). 14-16-6(1)(g), CRS 53 (Supp.).

TAXATION—COLORADO STATE HOSPITAL

62-3611

Dr. Willis H. Bower, Superintendent
Colorado State Hospital
March 27, 1962

The sales tax imposed by the City of Pueblo, pursuant to its Ordinance 2189, Section 10, dated November 8, 1955, should be collected by the State Hospital on meals or food sold regularly to the persons eating in the cafeteria operated by the hospital.

HIGHWAYS—HIGHWAY PATROL

62-3612

George T. O'Malley, Jr., Director
State Park and Recreation Board
April 2, 1962

The Colorado State Patrol has jurisdiction within its statutory authority over highways across a parcel of land, the fee title to which is vested in the Secretary of Army, Corps of Engineers which is leased to the State of Colorado for the use and benefit of the Department of Natural Resources.

STATUTES CONSTRUED—120-1-15, CRS '53. 13-1(20), CRS '53.

FIREMEN'S PENSIONS**62-3613**

Hon. Tim Armstrong
 State Treasurer
 April 9, 1962

City of Westminster—Southwest Adams Fire Protection District.

No provision in the statute preventing the assessed valuation of an area from being included in two political subdivisions if in fact it is in two subdivisions which are otherwise qualified to participate in the State Firemen's Pension Fund.

STATUTES CONSTRUED—139-50-4(2), '53 CRS, as amended by Chap. 88, S.L. 1962.

STATE HOSPITAL—DEPARTMENT OF INSTITUTIONS**62-3614**

Goodrich Walton
 Executive Assistant
 Department of Institutions
 April 9, 1962

The only authority for the release of a civilly committed patient from the state hospital is 71-1-26 and 27, '53 CRS. No authority for a "parole" or the placing of a patient released from the hospital in the custody of another. Sec. 39-8-4, '53 CRS, as amended, provides that the release of a criminally committed patient is done only by the committing court. If the court should provide that the patient be in the custody of another person, the effect of that person leaving the state would depend upon the terms of the court order.

STATUTES CONSTRUED—71-1-26 and 27; 39-8-4, CRS '53, as amended.

DEPARTMENT OF INSTITUTIONS—COUNTY COURTS**62-3615**

Goodrich Walton
 Executive Assistant
 Department of Institutions
 April 10, 1962

A county court may not refuse to adjudicate a person competent, who has been previously adjudicated mentally ill, until he pays the costs of his commitment. The court cannot make such restoration to reason conditional upon the payment of an alleged debt for adjudication costs, but said costs should be paid by the county.

STATUTES CONSTRUED—71-1-18 and 26, CRS '53 (S.L. 1957).

GAME AND FISH**63-3616**

Harry R. Woodward, Director
Department of Game and Fish
April 12, 1962

Status of a non-resident college student re residence requirement for the purpose of purchasing a resident hunting and fishing license after six months domicile in the State of Colorado.

STATUTES CONSTRUED—62-1-2(8), CRS '53, as amended by Sec. 1, Chap. 128, S.L. 1961.

AGRICULTURE—TAXATION**62-3617**

Hon. Elizabeth E. Pellet
State Representative
April 20, 1962

Pest Control Districts.

The county commissioners may, in their discretion, do one of two things: (1) Levy the tax only against the landowners of a particular district or districts, or (2) levy the tax on a county-wide basis against all of the landowners in the county; therefore, in the discretion of the county commissioners they may levy the tax only against the landowners of a particular district or districts.

STATUTES CONSTRUED—6-16-11, CRS '53, as amended by Chap. 49, S.L. 1961.

**COLORADO STATE HOSPITAL—
DEPARTMENT OF INSTITUTIONS****62-3618**

Dr. Willis H. Bower, Superintendent
Colorado State Hospital
May 1, 1962

Under 71-1-27, CRS '53 (S.L. 1957), only the Superintendent can legally make and file verified statements submitted to county courts concerning persons discharged from the state hospital, who are no longer mentally ill.

STATUTES CONSTRUED—71-1-27, CRS '53 (S.L. 1957).

AGRICULTURE—CIVIL SERVICE**62-3619**

Paul W. Swisher, Commissioner
 Colorado Department of Agriculture
May 2, 1962

Under the facts submitted, the commissioner has the duty to organize the department as to achieve the highest degree of efficiency, and if necessary may assign an employee from one position to another in the same class to any division or section in the department.

STATUTES CONSTRUED—6-1-6, CRS '53 (1960 Supp.)

**SOLDIERS & SAILORS RELIEF ACT
 PARK AND RECREATION****62-3620**

George T. O'Malley, Jr., Director
 State Park and Recreation Board
May 7, 1962

Colorado Boat Licensing Law.

If a boat is licensed and numbered under federal law or under a federally approved numbering system of another state, such boat is exempt under 13-22-3(1), CRS '53 (1960 Perm. Supp.).

STATUTES CONSTRUED — 13-22-3(1), CRS '53 (1960 Perm. Supp.). 50 U.S.C.A. Appx. Sec. 574; 46 U.S.C.A., Sec. 527.

PUBLIC WELFARE—OLD AGE PENSION FUND**62-3621**

Guy R. Justis, Director
 Department of Public Welfare
May 15, 1962

Old Age Pension Medicare Fund.

State Welfare Department may not proceed against a possible third person responsible for injuries of an old age pensioner for reimbursement for hospital and medical expenses; and

No authority to adopt a regulation where an old age pensioner has medical insurance to reimburse the Medicare Fund to the extent of the insurance payments received by him; and

No authority to require the old age pensioner to reimburse the Medicare Fund to the extent of the payments received by him from a third person responsible for his injuries.

CONSTITUTION CONSTRUED—Art. XXIV, Sec. 7(c) and Sec. 3.

STATUTES CONSTRUED — 101-1-1(5), 6, CRS '53, as amended by S.L. 1957. 77-13-4 2(c), CRS (S.L. 1959).

SCHOOL DISTRICTS**62-3622**

Dr. Byron W. Hansford
 Commissioner of Education
May 16, 1962

Whether a prescribed course of study in either industrial arts or home economics as a prerequisite to graduation is primarily for the determination of a local board of education subject to review by the courts, citing *People v. Stanley*, 81 Colo. 276.

AGRICULTURE**62-3623**

Paul W. Swisher, Commissioner
 Department of Agriculture
May 25, 1962

Fruits and vegetables offered for sale in Toter Bags which are determined to be in package form must bear, on the outside of the package, a definite, plain and conspicuous declaration of the net quantity of the contents in terms of weight, measure or count. If it is determined that fruits and vegetables offered for sale in Toter Bags are not in package form, then the packages do not have to be so marked.

STATUTES CONSTRUED—151-1-20, CRS '53.

AGRICULTURE—LIVESTOCK**62-3624**

Thomas J. Doherty
 Extension Agent of Baca County
May 23, 1962

The terms "cattle" and "cattle owner" interpreted as applied in 8-5-48, CRS '53, as amended by Ch. 56, S.L. 1961.

STATUTES CONSTRUED—8-5-48, CRS '53, as amended by Ch. 56, S.L. 1961.

FIREMEN'S PENSION FUND**62-3625**

Edward A. Brown, Esq.
 Brighton, Colorado
June 7, 1962

Since there is no specific statutory authority for the payment of the proceeds of insurance to firemen or their de-

pendents in addition to the payment of pensions or other awards from the fund, such insurance proceeds may not be paid to the firemen or their dependents other than as provided by statute.

STATUTES CONSTRUED—139-50, CRS '53 as amended by Chap. 267, S.L. 1961.

PUBLIC UTILITIES—SCHOOLS

62-3626

J. J. Mahoney, Secretary
Public Utilities Commission

June 7, 1962

The provision in the law exempting a private owner or operator of a bus transporting students to and from public, parochial or private schools from obtaining a certificate of public convenience and necessity or a permit authorizing such transportation should not be extended to include extracurricular events away from the school actually attended by such students. Such an interpretation would give to the exemption a scope not intended by the legislature and would be contrary to basic principles of utility regulation and not in accordance with normal principles of sound statutory construction.

STATUTES CONSTRUED—115-9-4 and 25; 115-11-3 and 22, CRS '53.

REHABILITATION—BLIND

62-3627

Warren Thompson, Director
Department of Rehabilitation

June 8, 1962

No legal objection to withdrawing the "set-aside" fund for the vending stand program for the blind heretofore deposited with the State Treasurer and depositing it in a savings and loan association.

STATUTES CONSTRUED—145-3-8, CRS '53, as amended.

PHARMACY

62-3628

Honorable Bill Gossard
House of Representatives

June 12, 1962

The increase in fee applies to any initial registration or renewal of registration of a proprietary or patent medicine dealer issued by the Board of Pharmacy after the effective

date of Chapter 52, S.L. 1962. The increase in fee does not apply to initial registrations or renewals of registration which were issued prior to the effective date thereof, February 1, 1962.

STATUTES CONSTRUED—48-1-24, CRS '53 as amended by Chap. 52, S.L. 1962.

**DEPARTMENT OF EMPLOYMENT OFFICE BUILDING
AUTHORITY**

62-3629

Bernard E. Teets
Executive Director
Department of Employment

June 18, 1962

The Department of Employment Office Building Authority is authorized to purchase real property in Denver, Colorado, and anticipation warrants can be issued in accordance with 82-12-2, CRS '53, not to exceed \$100,000 for defraying cost of land site. See Opinion 61-3521.

STATUTES CONSTRUED—Chap. 82, Art. 12, CRS '53.

STATE HOSPITAL—ESTATES

62-3630

Dr. Willis H. Bower, Superintendent
State Hospital

June 21, 1962

A person committed to the state hospital is liable for the cost of his care and maintenance during the period of hospitalization.

In the event the person committed is indigent, the state hospital may look to the relatives of such person for payment of the cost of care and maintenance as in cases where the person has been previously adjudicated mentally incompetent. *People ex rel. Zimmerman v. Herder*, 122 Colo. 456. See Opinion 54-2660.

STATUTES CONSTRUED—71-1-4, CRS '53, as amended.

TAXATION—SCHOOLS

62-3631

Dr. Byron W. Hansford
Commissioner of Education

June 21, 1962

One who owns a tax certificate is not the owner of the property sold for the delinquent taxes until the owner of the

certificate obtains a tax deed to the property and for that reason the owner of a tax certificate is not qualified to vote at a school bond election. "Taxpayer" defined.

STATUTES CONSTRUED—123-11-1, CRS '53. 48-3-6, CRS '53.

EMPLOYMENT SECURITY—FEDERAL

62-3632

Bernard E. Teets
Executive Director
Department of Employment

June 27, 1962

The provisions of Section 82-4-13, CRS '53, are broad in scope and general in nature and refer to any unemployment compensation laws of any state or of the United States and for that reason the receipt of trade readjustment allowances under the provisions of the proposed "Trade Expansion Act of 1962" would act as a disqualification in whole or in part as to benefits received under the Colorado Employment Security Act.

STATUTES CONSTRUED—82-4-13, CRS '53.

EMPLOYMENT SECURITY—WAR VETERANS

62-3633

Hon. Stephen L. R. McNichols
Governor of Colorado

June 27, 1962

Korean War Veterans receiving unemployment compensation and federal benefits under the G.I. Bill.

This question was raised under the Connecticut Employment Security Act and the Supreme Court of Errors of Connecticut held that the language of the disqualifying provisions was broad; that it was the intent of the Connecticut General Assembly to avoid the duplication of benefits and the inequalities which would arise thereunder.

LEGISLATURE—STATUTE REVISION— FEES & SALARIES

62-3634

E. G. Spurlin
State Controller

July 6, 1962

The Committee on Statute Revision is not an interim committee authorized by joint resolution of the two houses of

the legislature or by law or a committee established by the Legislative Council. The legislative members serving on said committee cannot qualify for the twenty dollars per day payment as provided by 63-2-7(d), CRS '53 as amended by Chap. 62, S.L. 1962.

STATUTES CONSTRUED — 63-2-7(4) (d), CRS 53, as amended by Chap. 62, S.L. 1962. 135-3-1, CRS '53.

HEALTH—PARKS

62-3635

Dr. R. L. Cleere
Director of Public Health
July 9, 1962

Whether a state restaurant license is required where one person owns and operates several eating establishments at a local amusement park would have to be determined on the factual situations of each establishment depending on whether "meals" are served on an habitual basis to the patrons and whether or not "food" is consumed on the premises where sold. "Meals" and "food" defined.

STATUTES CONSTRUED—68-2-2(2) (3), CRS '53.

PUBLIC FUNDS—SAVINGS AND LOAN

62-3636

Hon. Tim Armstrong
State Treasurer
July 16, 1962

The State Treasurer is not authorized to deposit state funds in a savings and loan association by arranging collateral security in escrow with a commercial bank under the provisions of 83-1-3, CRS '53, as amended by Chap. 68, S.L. 1962, as said deposit would not be insured by the federal deposit insurance corporation or the federal savings and loan insurance corporation.

STATUTES CONSTRUED—130-4-5, 6 and 10, CRS '53. 83-1-3, CRS '53, as amended by Chap. 68, S.L. 1962.

CITIES AND TOWNS—SCHOOLS

62-3637

Dr. Byron W. Hansford
Commissioner of Education
July 17, 1962

Cities and towns do not have authority to impose zoning or building regulations for construction of school buildings and assessing fees for such purpose.

STATUTES CONSTRUED—Chap. 139, Arts. 59 and 60, CRS '53.

LANDS—HIGHWAYS—COUNTIES**62-3638**

Wesley E. Woodward, Engineer
State Board of Land Commissioners

July 17, 1962

Supplementing Opinion 61-3571 concerning authority of boards of county commissioners of the several counties to establish "section line" roads across state lands.

STATUTES CONSTRUED—Chap. 120, Articles 1 and 3, CRS '53.

COURT FEES**62-3639**

John F. Healy
Judicial Administrator

August 3, 1962

No docket fee is chargeable for the reopening of an estate except when new assets are discovered.

Amount to be charged upon merger of estates depends upon size of estate at time of merger. See Opinion 57-3106.

STATUTES CONSTRUED—56-5-2, CRS '53. 152-9-12, CRS '53.

**EMPLOYMENT SECURITY—
WATER CONSERVANCY DISTRICT****62-3640**

Bernard E. Teets
Executive Director
Department of Employment

August 8, 1962

Directors of Water Conservancy Districts are considered officers and are included within the definition of "employee" as set forth in Sec. 218 of the Social Security Act and eligible for coverage thereunder.

STATUTES CONSTRUED—Chap. 111, Art. 7, CRS '53. Sec. 18, Social Security Act.

WORKMEN'S COMPENSATION—STATUTES**62-3641**

Frank G. Van Portfliet, Chairman
Industrial Commission of Colorado

August 15, 1962

A re-enactment of a statute of limitation extending the time previously allowed for the filing of a claim with the

Industrial Commission does apply to all causes of action not barred by a failure to file a claim within the time allowed by the old statute at the time the new statute became effective.

STATUTES CONSTRUED—81-18-11, CRS '53 as amended by Chap. 165, S.L. 1961.

JUNIOR COLLEGES—SCHOOLS—PUBLIC FUNDS

62-3642

State Board of Land Commissioners

August 31, 1962

Northeastern Junior College.

Bonds issued by the Northeastern Junior College District, the principal and interest of which are payable solely from the revenues of the district, excluding the revenues derived from ad valorem taxes, are a legal and secure investment for state school funds.

STATUTES CONSTRUED—123-4-1, CRS '53.

CONSTITUTION CONSTRUED—Art. IX, Sec. 3, State Constitution.

REGIONAL LIBRARY DISTRICTS

62-3643

Gordon L. Bennett

Deputy State Librarian

September 5, 1962

Organization and administration of regional library districts under Chapter 84, CRS '53, defined.

STATUTES CONSTRUED—84-1-8, 10, 15 and 22, CRS '53.

COUNTY COURTS—STATUTES

62-3644

Hon. Joseph A. Davis

Judge of Logan County Court

September 6, 1962

Where two statutes are in seeming conflict, effect should be given to each so far as possible according to the rules of statutory construction. Applying this rule 35-1-1, CRS '53 should be given effect as to pleadings and papers filed in county court cases other than probate matters, while 37-5-12, CRS '53 should be given effect as to probate matters.

STATUTES CONSTRUED—35-1-1 and 37-5-12, CRS '53.

CHILDREN—JUVENILE PAROLE**62-3645**

Mrs. Geraldine Winson
 Board of Standards of Child Care
September 7, 1962

The Board of Standards of Child Care does not have authority to issue a placement agency or any other type license to the Colorado Division of Juvenile Parole.

STATUTES CONSTRUED—Chap. 22, Art. 12, CRS '53.

SCHOOLS—CHILDREN**62-3646**

Dr. Byron W. Hansford
 Commissioner of Education
September 5, 1962

The State Board of Education may not include the aggregate days of attendance of school age children in computing classroom units if said children were enrolled in the Laboratory School maintained by Colorado State College.

A school district may contract with the trustees of the state colleges for the payment of tuition charges for its resident school age children to attend the Laboratory School maintained by the Colorado State College.

STATUTES CONSTRUED—Sec. 3(1), Chap. 77, S.L. 1962. 88-2-1 and 2, CRS '53. 124-5-1(1), CRS '53.

SCHOOL DISTRICTS**62-3647**

Dr. Byron W. Hansford
 Commissioner of Education
September 11, 1962

School District Reorganization Act of 1949.

123-8-26(2), CRS '53 as amended, was interpreted to apply to the original organization of the district following reorganization.

The prohibition in said section against electing a majority of the directors from any one school district which existed prior to reorganization, if the boundaries of the director districts have been changed, does not apply.

STATUTES CONSTRUED — 123-8-26(2), CRS '53, as amended.

MOTOR VEHICLES**62-3648**

W. Gale Davey, Chief of Police
Fort Morgan, Colorado
September 12, 1962

An automobile dealer transporting a motor vehicle from the place of purchase to his place of business is required to have a valid brake and light inspection sticker on said automobile.

STATUTES CONSTRUED—13-4-115 (3), CRS '53, as amended.

MOTOR VEHICLES**62-3649**

Robert A. Theobald
Director of Revenue
September 14, 1962

Safety Responsibility Law.

Under the provisions of 13-7-2, 3 and 7, CRS '53, as amended by Chap. 37, 1962, the law does not require the suspension of the operator's license of an owner who is without fault and was not operating the vehicle at the time of the accident.

STATUTES CONSTRUED—13-7-2, 3 and 7, CRS 53, as amended by Chap. 37, S.L. 1962.

LEGISLATION—LEGISLATIVE COUNCIL**62-3650**

Lyle C. Kyle, Director
Legislative Council
September 17, 1962

Legality as to drafting proposed legislation re: Repealing Public Irrigation District Law of 1935, 149-4-1 through 149-4-24, CRS '53, and including a provision protecting the rights of any district organized thereunder. Compensating state employees under a merit awards program in addition to regular salaries. Repealing 21-1-1 through 21-1-7, CRS '53, jeopardize benefits accruing to the Colorado Humane Society under the terms of the Forrester Will.

LEGISLATION**62-3651**

Lyle C. Kyle, Director
Legislative Council
September 18, 1962

If proposed Constitutional Amendment No. 6, abolishing

the office of county superintendent, is carried at the 1962 General Election, such abolishment of the office would be applicable to the incumbent superintendent of schools and would terminate his right to any further salary as of the date the abolishment became effective.

CIVIL SERVICE—WAR VETERANS

62-3652

Michael A. Dinunzio, Commissioner
State Civil Service Commission
September 21, 1962

An employee in the classified service of the state, who is inducted or who enlists in the military service during peace time, would be entitled only to return to employment in the same status in which he was employed when he left for military service. He would not be entitled to the increased status he might have gained had he worked for the state continuously during the time he was in service.

STATUTES CONSTRUED—26-3-1 and 26-3-2, and 94-9-33 and 94-9-34, CRS '53.

CONSTITUTIONAL LAW—CORPORATIONS COUNTY COMMISSIONERS

62-3653

William A. Thompson, Jr.
County Attorney of Montezuma County
October 4, 1962

The board of county commissioners cannot legally appropriate public funds to a non-profit corporation to assist it in the operation and maintenance thereof.

CONSTITUTION CONSTRUED—Art. XI, Sec. 2, Colorado Constitution.

RECORDS—INSURANCE

62-3654

Sam N. Beery
Commissioner of Insurance
October 4, 1962

Written complaints from policy-holders of insurance companies and/or written statements on the part of citizens respecting insurance companies should be treated as confidential in order to protect the commissioner from any charges involving the spread of possibly libelous writings.

STATUTES CONSTRUED—72-1-3(4), CRS '53.

ELECTIONS**62-3655**

C. M. Brafford
 County Clerk and Recorder of Larimer County
October 9, 1962

Under the facts submitted, a wife of a serviceman who is a qualified elector of this state but who has not been a resident for one year prior to an election, would be qualified to vote.

CONSTITUTION CONSTRUED—Art. VII, Sec. 1, State Constitution.

STATUTES CONSTRUED—49-3-1, CRS '53.

OIL INSPECTION**62-3656**

Harvey H. Houston
 Director, Oil Inspection Department
October 10, 1962

The State Inspector of Oils has the right and authority to examine and inspect the records required to be kept by distributors, including manufacturer-distributors, of Class A and B fuel products under 100-2-9, CRS '53.

Has the right and authority to examine and inspect the records kept by railroad companies and other transportation companies under 100-2-10, CRS '53.

STATUTES CONSTRUED—100-2-9 and 10, CRS '53.

GAME AND FISH—AUDITOR**62-3657**

E. G. Spurlin
 State Controller
October 10, 1962

Status of Colorado State Game and Fish Department Employees' Protective Association.

Said association is not an agency of the state as to subject it to an audit review by the Auditor of State.

The funds of said association do not come under the provisions of 130-4-2, CRS '53.

Deposits and investment of said funds in savings and loan associations would not violate the provisions of 130-4-2, nor are the deposits or investments subject to the provisions of the Legal Investments Statute, Chap. 83, CRS '53.

STATUTES CONSTRUED—130-4-2, CRS '53. Chap. 83, CRS '53.

JUNIOR COLLEGES**62-3658**

Roe F. Saunders, Chairman
Mesa College Committee
Grand Junction, Colorado

October 15, 1962

All students resident in the State of Colorado, whether or not they are resident within a junior college district, must be charged the same tuition under Section 16 of House Bill 360 (Chap. 219, S.L. 1961).

STATUTES CONSTRUED—Chap. 219, S.L. 1961.

PHARMACY**62-3659**

Reid T. Harley
Colorado State Board of Pharmacy

October 16, 1962

Legality of regulation on Vending Machines.

The Board's regulation adopted April 21, 1961, providing "No drug or medicine, as defined in 48-1-25(1) and 48-1-25(5), shall be dispensed to the public by means of a vending machine," is valid in all respects.

STATUTES CONSTRUED—48-1-2(1)(d) and 49-1-14(2), CRS '53 (1960 Perm. Supp.).

MOTOR VEHICLES**62-3660**

Robert A. Theobald
Director of Revenue

October 16, 1962

Retail Installment Sales Law.

13-16-6, CRS '53 as amended by Chap. 59, S.L. 1959.

(1) The year referred to in the above act refers to the calendar year.

(2) The maximum price differential is computed in any year succeeding the first year by reference to the calendar year of the sale.

(3) The time differential on older vehicles is calculated by reference to the calendar year in which such vehicle is sold.

STATUTES CONSTRUED—13-6-3, CRS '53, as amended by Chap. 59, S.L. 1959. 135-1-2(6), CRS '53.

COURTS—LIQUORS**62-3661**

Harry F. Claussen
Deputy District Attorney
October 16, 1962

Section 13-4-30(5), CRS '53, as amended, providing penalties for a second conviction within five years of a first conviction for driving under the influence of intoxicating liquor supersedes Section 79-2-24(1) CRS '53, as amended, authorizing a justice of the peace to suspend fines or jail sentences so that in case of a second conviction within five years for driving under the influence of intoxicating liquors the penalty provided therefor may not be suspended.

In pleading such a second conviction, the information or complaint should contain a second count to the effect that the conviction on the first count will be a second conviction. This does not create two separate offenses but is for the purpose of regulating the punishment to be imposed in the single aggravated offense.

STATUTES CONSTRUED—13-4-30(5), CRS '53, as amended. 79-2-24(1), CRS '53, as amended.

HIGHWAYS—STATE PATROL—PUBLIC FUNDS**62-3662**

John M. Sayre
General Counsel
Colorado Municipal League
October 19, 1962

Highway Users Tax Fund.

Section 120-12-8, CRS '53, as amended by Chap. 206, S.L. 1959, is interpreted to mean that beginning January 1, 1963, after paying the costs of the state patrol and making the allocations provided in sections 120-12-6 and 120-12-7, the entire remaining nine per cent of the highway users tax fund is to be paid to the cities and incorporated towns of the state.

STATUTES CONSTRUED—120-12-8, CRS '53, as amended by Chap. 206, S.L. 1959.

**CRIMINAL LAW—COLORADO PSYCHOPATHIC
HOSPITAL****62-3663**

Donn L. Smith, M.D.
University of Colorado Medical Center
October 22, 1962

Under 39-8-2, CRS '53, as amended by Chap. 45, S.L. 1962, the Colorado Psychopathic Hospital should receive its full per

diem rate for persons committed to it for examination. Section 36-10-9, CRS '53, as amended, has to do with the liability for support of poor persons who are civilly committed to state institutions for mental illness.

STATUTES CONSTRUED—39-8-2, CRS '53, as amended by Chap. 45, S.L. 1962.

INSURANCE

62-3664

Sam N. Beery
Commissioner of Insurance

October 22, 1962

There is nothing in the statutes or case law prohibiting any person, whether a licensed insurance agent or not, from holding himself out as an insurance consultant and charging a fee for any advice rendered in that capacity.

HIGHWAYS

62-3665

L. C. Bower
October 17, 1962

The State Highway Department must have the county's consent to *close* said intersecting roads and an agreement thereto is required. An agreement is not required when and if the department chooses to accommodate the intersecting road by carrying same over, under, or to connection with the free-way; and it is up to the department to select which of these three methods it may desire.

STATUTES CONSTRUED—120-6-3, CRS '53.

SCHOOLS

62-3666

Hon. Byron W. Hansford
Commissioner of Education

October 26, 1962

Public School Foundation Act.

The State Board of Education has authority to distribute moneys from the contingency reserve fund to school districts for supplemental assistance as provided by Sec. 17, Chap. 77, S.L. 1962.

STATUTES CONSTRUED—Chap. 77, S.L. 1962.

INSURANCE—REVENUE DEPARTMENT**62-3667**

Robert A. Theobald, Director
State Department of Revenue
October 26, 1962

Colorado's Retaliatory Insurance Tax Statute.

Under the provisions for retaliatory taxation of foreign insurance companies, it is Colorado's position that the entire amount of the tax collectible in the foreign state can be collected by Colorado and that voluntary payment of fees to rating bureau which admittedly are not taxes or even assessments are not deductible from the total bill assessed by the State of Colorado under its retaliatory tax provisions.

STATUTES CONSTRUED—72-1-14(2), CRS '53, as amended.

DEPARTMENT OF INSTITUTIONS—LAND BOARD**62-3668**

Robert L. Denholm
Department of Institutions
November 9, 1962

The State Board of Land Commissioners is authorized to issue a deed granting the Fort Logan lands to the Department of Institutions for the use and benefit of the Fort Logan Mental Health Center.

STATUTES CONSTRUED—112-3-37, CRS '53.

EMPLOYEES RETIREMENT**62-3669**

Retirement Board, PERA
November 9, 1962

Since the Pueblo Guidance Center as of January 1, 1963, will function as a nonprofit corporation, and the employees thereof will not be paid by state warrants and will not be under civil service, said employees will no longer be eligible for coverage under the Public Employees' Retirement Association.

STATE REFORMATORY—PAROLE DEPARTMENT**62-3670**

Mr. Edward W. Grout
Executive Director
Colorado State Department of Parole
November 14, 1962

Since there is no specific statute dealing with escapes from

the state reformatory, it is the general rule that escape time is never counted as part of the time required to be served on a sentence.

STATUTES CONSTRUED—105-4-18, CRS '53.

DEPARTMENT OF INSTITUTIONS—STATE HOSPITAL PAROLE

62-3671

Goodrich Walton
Department of Institutions
November 21, 1962

Neither the Parole Board nor the Department of Parole has jurisdiction over an inmate on parole from the state penitentiary who is civilly committed to the state hospital while on parole from the penitentiary. A reasonable construction is that he cannot be paroled because of his mental condition. His commitment to the hospital is in lieu of parole.

STATUTES CONSTRUED—39-18-6, 7 and 8, CRS '53.

COURT FEES—JUSTICE OF PEACE

62-3672

Ralph N. Wadleigh
Deputy District Attorney
La Junta, Colorado
November 21, 1962

The county commissioners cannot be compelled nor may they pay additional witness fees to expert witnesses in criminal cases in a Justice of the Peace Court. The defendant in a criminal case is liable for costs only in the event of conviction and not in the event of acquittal. A physician who attends as a witness in obedience to a subpoena may in particular cases be paid more than the ordinary witness fee allowed by statute.

STATUTES CONSTRUED—39-10-5 and 33-2-1, CRS '53, as amended. 56-6-2, CRS '53.

EXTRADITION

62-3673

B. J. O'Leary
Deputy District Attorney
Colorado Springs, Colorado
December 5, 1962

A fugitive may, as defined by 60-1-3, CRS '53, be admitted to bail pending determination of habeas corpus proceedings to attack the extradition proceedings.

STATUTES CONSTRUED—60-1-3 and 65-1-3, CRS '53.

OLD AGE PENSIONS—CONSTITUTIONAL LAW**62-3674**

E. G. Spurlin
State Controller
December 11, 1962

There is no constitutional provision prohibiting the legislature from abolishing the so-called Class C Old Age Pension for inmates of state non-penal institutions as now provided for in 101-1-5, CRS '53, except as to those persons receiving the Class C Old Age Pension prior to January 1, 1957.

CONSTITUTION CONSTRUED—Article XXIV, Sec. 6, State Constitution.

COUNTY WELFARE EMPLOYEES—SALARIES**62-3675**

Jerome A. Paul
County Attorney
December 13, 1962

A board of county commissioners has no discretion to refuse to approve the salary schedule adopted by the State Welfare Board for county welfare employees, nor to refuse to make the necessary funds available to pay whatever increases are required by the said schedule. The State Welfare Department may reimburse to the county its eighty per cent share only if the salaries paid by the county conform to the salary requirements specified by it.

STATUTES CONSTRUED—119-1-4, 5 as amended, 8 and 14, CRS '53.

COMMISSIONER OF EDUCATION**62-3676**

Dr. Byron W. Hansford
Commissioner of Education
December 14, 1962

The state controller may credit any unexpended balance of a federal grant made to the State Department of Education for a research project to its personal services item of the appropriation and expenditure therefrom may be made to pay an attorney under contract if it is properly within the purposes for which the grant was made.

STATUTES CONSTRUED—Chap. 123, CRS '53.

DUAL OFFICES—LEGISLATORS**62-3677**

Dr. H. Grant Vest, Secretary
The Trustees of the State Colleges in Colorado
December 18, 1962

An employee of the Trustees of the State Colleges in Colorado may legally hold an office in the General Assembly while simultaneously employed by the Board of Trustees, providing such employee obtains a leave of absence from his employment while in attendance during the legislative sessions.

STATUTES CONSTRUED—3-1-6, CRS '53.

INDIANS—RECREATION**62-3678**

Dan Milenski
Cortez, Colorado
December 20, 1962

An Indian tribe may promote wrestling exhibitions on its reservation without the usual license or requirements to remit any state taxes, as the state has no power over the conduct of Indians on a federal reservation.

**DEPARTMENT OF INSTITUTIONS—
LOOKOUT MOUNTAIN SCHOOL FOR BOYS****62-3679**

Goodrich Walton
Department of Institutions
December 19, 1962

An inmate of the Lookout Mountain School for Boys who is transferred to the State Hospital under 3-11-6(2), CRS '53, as amended, and thereafter by Executive Order transferred to the State Penitentiary for safekeeping, acquires the same status as any other patient of the state hospital even though he is physically in the penitentiary.

STATUTES CONSTRUED—3-11-6(2), CRS '53. 71-1-11, CRS '53.

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1961-1962

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- 439 *Department of Highways v. Willis M. Webber, Jr.,
et al.* Jefferson County. Damage claim.
- 441 *Department of Highways v. Arthur Elmer Johnson.*
Pueblo County. Damage claim.

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- 14 *Department of Highways v. Edmond Evi Robbins.*
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- 86 *George G. Christiansen v. Harry Tinsley, Warden
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Damage claim.
- 96 *Lawrence D. Daze v. Hazel Martin, et al.* Bent
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- 163 *National State Bank of Boulder v. State of Colo-
rado, et al.* Boulder County. No. 17048. Refund In-
heritance Tax paid.
- 192 *Edward Johnson v. State Retirement Association,
et al.* City and County of Denver. No. 8906. Return
of funds contributed to retirement. Case closed.
- 234 *Department of Highways v. Tudor Equipment Com-
pany, et al.* Arapahoe County. Damage claim.
- 239 *Department of Highways v. Paul Valdez.* Delta
County. Damage claim.
- 306 *Department of Highways v. Arnold Lynn Cornwell.*
Adams County. Damage claim.
- 313 *Department of Highways v. Anthony Joseph Liber-
atore.* El Paso County. Damage claim.

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- 322 *Department of Highways v. Elmer E. Yearwood.* Weld County. Damage to property.
- 336 *Estate of Theresa C. Fisch, Deceased, et al. v. State of Colorado, et al.* Washington County. No. 02463. Objections to Inheritance Tax Assessment.
- 361 *In the Matter of the Estate of Maria McKean Allen, Deceased.* El Paso County No. A-385. Inheritance taxes due.
- 375 *Department of Highways v. Tom Lee Eaton.* La Plata County. Damage claim.

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- 57 *In the Matter of the Estate of Wallie Eriksen, Mental Incompetent.* Arapahoe County. No. P-4506. Care and maintenance at Colorado State Hospital. Case closed.
- 108 *Cecil E. Cooper v. James B. Cook, Inc.* La Plata County. No. 6032. Garnishee.
- 139 *In the Matter of the Estate of Rose Leon, Deceased.* Alamosa County. No. 1398. Probate of Will.
- 238 *Department of Highways v. William Thomas Lightner, Sr.* El Paso County. Tort.
- 239 *Department of Highways v. Thomas M. Carlyle.* Jefferson County. Tort.
- 271 *Nor-Col Produce Company v. Morgan County Potato Growers, et al.* Weld County. No. 12984. Suspension of Produce license.
- 280 *Department of Highways v. Larry R. Strange.* Arapahoe County. Tort.

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- 398 *State Highway Department, Weld County.* Grade Crossing.

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410 *State Highway Department, Mesa County. Grade Separation.*

425 *State Highway Department, Garfield County. Grade Crossing.*

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228 *State Highway Department, City and County of Denver. Elevated Highway.*

241 *State Highway Department, Adams County. Grade Crossing.*

261 *State Highway Department, City and County of Denver. Highway overpass.*

262 *State Highway Department, Weld County. Grade Separation.*

269 *State Highway Department, Arapahoe County. Grade Separation.*

297 *State Highway Department, Pueblo County. Grade Crossing.*

418 *State Highway Department, City and County of Denver. Bridge Widening.*

419 *State Highway Department, Adams County. Grade Separation.*

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168 *State Highway Department, Weld County. Grade Crossing.*

281 *State Highway Department, El Paso County. Grade Separation.*

282 *State Highway Department, El Paso County. Grade Crossing.*

**APPEALS FROM AWARDS OF THE INDUSTRIAL
COMMISSION OF COLORADO
1961-1962
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No.	Title	Sup. Ct. No.	Disposition
1098	<i>American Red Ball, et al. v. Industrial Commission, et al.</i>	19552	Award Affirmed
1156	<i>American Smelting, et al. v. Industrial Commission, et al.</i>	19924	Writ Dismissed
1075	<i>Arkin v. Industrial Commission, et al</i>	19566	Award Reversed in part
1135	<i>Armour and Company v. Industrial Commission, et al.</i>	19907	Award Reversed
998	<i>Climax Molybdenum, et al. v. Industrial Commission, et al.</i>	19572	Award Affirmed
1181	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	20141	Award Affirmed
1198	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	20433	Pending
1145	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	19798	Award Affirmed
1151	<i>Continental Casualty, et al. v. Industrial Commission, et al.</i>	19845	Award Affirmed
1148	<i>Continental Casualty, et al. v. Industrial Commission, et al.</i>	19956	Writ Dismissed
1120	<i>Creacy, et al. v. Industrial Commission, et al.</i>	19713	Award Affirmed
1197	<i>Eby Construction, et al. v. Industrial Commission, et al.</i>	20306	Pending
1118	<i>Employers Liability, et al. v. Industrial Commission, et al.</i>	19726	Award Affirmed
1111	<i>Game and Fish, et al. v. Industrial Commission, et al.</i>	19635	Award Affirmed

No.	Title	Sup. Ct. No.	Disposition
1057	<i>General Plant Protection Corp. v. Industrial Commission, et al.</i>	19280	Award Reversed
1176	<i>Gugas v. Industrial Commission, et al.</i>	20065	Award Affirmed
1191	<i>Hawkeye Security Insurance Co., et al. v. Industrial Commission, et al.</i>	20201	Pending
1209	<i>Hood v. Industrial Commission, et al.</i>	20580	Pending
1094	<i>Huff, et al. v. Industrial Commission, et al.</i>	19597	Award Affirmed
1107	<i>Idarado Mining Company, et al. v. Industrial Commission, et al.</i>	19657	Award Affirmed
1206	<i>Industrial Commission, et al. v. Spoo</i>	20382	Pending
1071	<i>Industrial Commission, et al. v. Klaczkowski</i>	19326	Award Affirmed
1169	<i>Industrial Commission, et al. v. McLain</i>	20275	Pending
1199	<i>Industrial Commission, et al. v. Wolfer</i>	20447	Pending
1194	<i>Industrial Commission, et al. v. Peterson, et al.</i>	20283	Award Affirmed
1142	<i>Industrial Commission, et al. v. Vigil</i>	20024	Award Affirmed
1154	<i>Industrial Commission, et al. v. Standard Insurance, et al.</i>	19877	Award Affirmed in part
1149	<i>Industrial Commission, et al. v. Hesler</i>	19876	Award Affirmed
1171	<i>Industrial Commission, et al. v. Percy</i>	19922	Award Affirmed

No.	Title	Sup. Ct. No.	Disposition
1146	<i>Industrial Commission, et al. v. Saffeels</i>	19894	Award Affirmed
1165	<i>Industrial Commission, et al. v. Worthy</i>	19911	Award Affirmed
1103	<i>Industrial Commission, et al. v. Navajo Freight, et al.</i>	19833	Award Reversed
1136	<i>Industrial Commission, et al. v. Lopez, et al.</i>	19846	Award Reversed
1137	<i>Johnson, et al. v. Industrial Commission, et al.</i>	19786	Award Reversed
1130	<i>Jones v. Industrial Commission, et al.</i>	19737	Award Affirmed
1102	<i>Liberty Mutual Insurance Company, et al. v. Industrial Commission, et al.</i>	19517	Award Affirmed
1131	<i>Lindsay v. Industrial Commission, et al.</i>	19703	Award Affirmed
1095	<i>Marotte v. Industrial Commission, et al.</i>	19504	Award Reversed
1174	<i>Maryland Casualty Co. v. Industrial Commission, et al.</i>	20126	Pending
1113	<i>Monks Excavating, et al. v. Industrial Commission, et al.</i>	19827	Award Reversed
1114	<i>National Sugar, et al. v. Industrial Commission, et al.</i>	19797	Award Affirmed
1141	<i>Parrish v. Industrial Commission, et al.</i>	20127	Pending
1170	<i>Pioneer Construction, et al. v. Industrial Commission, et al.</i>	20009	Pending

No.	Title	Sup. Ct. No.	Disposition
1192	<i>Radetsky, et al. v. Industrial Commission, et al.</i>	20436	Writ of Error Dismissed
1214	<i>Salvador v. Industrial Commission, et al.</i>	20481	Pending
1208	<i>Skinner, et al. v. Industrial Commission, et al.</i>	20325	Pending
1178	<i>Smith v. Industrial Commission, et al.</i>	No Writ of Error —Closed
1101	<i>Spo, et al. v. Industrial Commission, et al.</i>	19516	Award Reversed
1167	<i>Stanley Hotel v. Industrial Commission, et al.</i>	20596	Pending
1072	<i>State Compensation Insurance Fund v. Industrial Commission, et al.</i>	20302	Pending
1139	<i>State Compensation Insurance Fund v. Industrial Commission, et al.</i>	20085	Writ of Error Dismissed
1063	<i>Sunnyside Cleaners v. Industrial Commission, et al.</i>	19535	Award Affirmed
1159	<i>Tri State Insurance Company, et al. v. Industrial Commission, et al.</i>	19987	Pending
1195	<i>United States Guaranty Co., et al. v. Industrial Commission, et al.</i>	20343	Writ of Error Dismissed
1157	<i>University of Denver, et al. v. Johnston, et al.</i>	19989	Pending
1147	<i>Watson v. Industrial Commission, et al.</i>	19819	Award Reversed
1133	<i>Williams v. Industrial Commission, et al.</i>	20147	Writ of Error Dismissed

IN THE DISTRICT COURTS OF COLORADO

No.	Title	Dist. Ct. No.	Disposition
Arapahoe County			
1161	<i>Anderson v. Industrial Commission, et al.</i>	16144	Award Affirmed
1207	<i>Oliver, dba Acme Steel Building v. Industrial Commission, et al.</i>	17242	Pending
Chaffee County			
1190	<i>Cadwell Trucking, et al. v. Industrial Commission, et al.</i>	5054	Award Affirmed
City and County of Denver			
1180	<i>Aetna Casualty & Surety, et al. v. Industrial Commission, et al.</i>	B-47116	Award Affirmed
1219	<i>Aetna Casualty & Surety, et al. v. Industrial Commission, et al.</i>	B-54233	Award Affirmed
1160	<i>Ager Construction Company, et al. v. Industrial Commission, et al.</i>	B-44368	Award Affirmed
1156	<i>American Smelting, et al. v. Industrial Commission, et al.</i>	B-43737	Award Affirmed
1240	<i>Aragon v. Industrial Commission, et al.</i>	B-58998	Pending
1135	<i>Armour & Company v. Industrial Commission, et al.</i>	B-41957	Award Affirmed
1129	<i>Associated Gas Company, et al. v. Industrial Commission, et al.</i>	B-39365	Award Affirmed
1211	<i>Bowlus v. Industrial Commission, et al.</i>	B-53230	Award Affirmed
1218	<i>Butters v. Industrial Commission, et al.</i>	B-53837	Pending

No.	Title	Dist. Ct. No.	Disposition
1158	<i>Chism v. Industrial Commission, et al.</i>	B-44095	Award Reversed
1232	<i>Classen v. Industrial Commission, et al.</i>	B-57708	Pending
1222	<i>Clay v. Industrial Commission, et al.</i>	B-54623	Award Affirmed
1144	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	B-42528	Award Affirmed
1145	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	B-42527	Award Affirmed
1175	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	B-46104	Pending
1198	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	B-50604	Award Affirmed
1181	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	B-47364	Award Affirmed
1217	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	B-53894	Award Reversed
1226	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	B-55935	Award Affirmed
1231	<i>Colorado Fuel & Iron Corp. v. Industrial Commission, et al.</i>	B-57558	Pending
1148	<i>Continental Casualty Co., et al. v. Industrial Commission, et al.</i>	B-43431	Award Affirmed
1151	<i>Continental Casualty Co., et al. v. Industrial Commission, et al.</i>	B-43431	Award Affirmed
1237	<i>Continental Casualty Co., et al. v. Industrial Commission, et al.</i>	B-58414	Pending
1037	<i>Cosmopolitan Realty Co. v. Industrial Commission, et al.</i>	B-20827	Pending

No.	Title	Dist. Ct. No.	Disposition
1216	<i>Cottingham v. Industrial Commission, et al.</i>	B-53479	Award Affirmed
1152	<i>Davey Tree Expert Co., et al. v. Industrial Commission, et al.</i>	B-43421	Award Affirmed
1050	<i>Dillon v. Industrial Commission, et al.</i>	B-23938	Pending
1162	<i>DML Investment Co. v. Pirtle, et al. v. Industrial Commission, et al.</i>	C-7425	Award Affirmed
1197	<i>Eby Construction Co., et al. v. Industrial Commission, et al.</i>	B-50662	Award Affirmed
1228	<i>Electric Mutual Liability, et al. v. Industrial Commission, et al.</i>	B-55664	Award Affirmed
1242	<i>Electric Mutual Liability, et al. v. Industrial Commission, et al.</i>	B-55664	Pending
1106	<i>Employers Casualty Company, et al. v. Industrial Commission, et al.</i>	B-37805	Pending
1177	<i>Evans v. Industrial Commission, et al.</i>	B-46474	Award Affirmed
1116	<i>Fireman's Fund Insurance Co., et al. v. Industrial Commission, et al.</i>	B-39721	Award Affirmed
1202	<i>Frisk v. Industrial Commission, et al.</i>	B-51822	Award Affirmed
1119	<i>Gates Rubber Co. v. Industrial Commission, et al.</i>	B-40003	Award Affirmed
1179	<i>Gates Rubber Co. v. Industrial Commission, et al.</i>	B-46995	Award Affirmed
1224	<i>Gates Rubber Co. v. Industrial Commission, et al.</i>	B-55622	Pending

No.	Title	Dist. Ct. No.	Disposition
1168	<i>G & R Mercantile, Inc., v. Industrial Commission, et al.</i>	B-45692	Award Affirmed
1214	<i>Gould National Batteries, et al. v. Industrial Commission, et al.</i>	B-53655	Award Reversed
1176	<i>Gugas v. Industrial Commission, et al.</i>	B-46041	Award Affirmed
1200	<i>Hale v. Industrial Commission, et al.</i>	B-51001	Pending
1044	<i>Havens v. Industrial Commission, et al.</i>	B-20761	Pending
1191	<i>Hawkeye Security Ins. Co., et al. v. Industrial Commission, et al.</i>	B-49674	Award Affirmed
1149	<i>Hesler v. Industrial Commission, et al.</i>	B-43194	Award Reversed
1209	<i>Hood v. Industrial Commission, et al.</i>	B-53077	Award Affirmed
1157	<i>Johnston, et al. v. Industrial Commission, et al.</i>	B-43908	Award Reversed
• 1130	<i>Jones v. Industrial Commission, et al.</i>	B-40622	Award Affirmed
1185	<i>Kishiyama v. Industrial Commission, et al.</i>	B-48606	Pending
1003	<i>Kurgener v. Industrial Commission, et al.</i>	B-12268	Dismissed
1128	<i>Leaf v. Industrial Commission, et al.</i>	B-40495	Pending
1136	<i>Lopez v. Industrial Commission, et al.</i>	B-42025	Award Reversed
1153	<i>Loper v. Industrial Commission, et al.</i>	B-43186	Pending

No.	Title	Dist. Ct. No.	Disposition
1155	<i>Maryland Casualty Co., et al. v. Industrial Commission, et al.</i>	B-43764	Award Affirmed in part
1174	<i>Maryland Casualty Co., et al. v. Industrial Commission, et al.</i>	B-46018	Award Affirmed
1097	<i>Matherly v. Industrial Commission, et al.</i>	B-35973	Award Reversed
1138	<i>Maurice Studios v. Industrial Commission, et al.</i>	B-41986	Pending
1169	<i>McLain v. Industrial Commission, et al.</i>	B-45816	Award Reversed
1113	<i>Monks Excavating, et al. v. Industrial Commission, et al.</i>	B-39201	Award Affirmed
1210	<i>Montgomery Ward v. Industrial Commission, et al.</i>	B-52633	Award Reversed
1117	<i>Mountain States Tel & Tel Co. v. Industrial Commission, et al.</i>	B-39788	Award Affirmed
1234	<i>Murphy, et al. v. Industrial Commission, et al.</i>	B-57329	Pending
1114	<i>National Sugar Manufac- turing Co., et al. v. Industrial Commission, et al.</i>	B-39364	Award Affirmed in part
1103	<i>Navajo Freight, et al. v. Industrial Commission, et al.</i>	B-36801	Award Reversed
1104	<i>New Jersey Zinc Co., et al. v. Industrial Commission, et al.</i>	B-37149	Award Affirmed
1164	<i>Nome Drug, et al. v. Industrial Commission, et al.</i>	B-45133	Award Reversed
1172	<i>Olds & Wrather, et al. v. Industrial Commission, et al.</i>	B-45200	Award Affirmed
1239	<i>Olguin v. Industrial Commission, et al.</i>	B-58579	Pending

No.	Title	Dist. Ct. No.	Disposition
1205	<i>Pace, et al. v. Industrial Commission, et al.</i>	B-52021	Pending
1140	<i>Pacific Employers Insurance, et al. v. Industrial Commission, et al.</i>	B-42327	Award Affirmed
1038	<i>Park Lane Operating Co. v. Industrial Commission, et al.</i>	B-20826	Pending
1141	<i>Parrish v. Industrial Commission, et al.</i>	B-42567	Award Affirmed
1171	<i>Pearcy v. Industrial Commission, et al.</i>	B-45663	Award Reversed
1236	<i>Pedigo v. Industrial Commission, et al.</i>	B-57244	Pending
1194	<i>Peterson, et al. v. Industrial Commission, et al.</i>	B-50549	Award Reversed
1150	<i>Phillips v. Industrial Commission, et al.</i>	B-43185	Pending
1132	<i>Pickens & Burrell, et al. v. Industrial Commission, et al.</i>	B-41078	Award Reversed
1170	<i>Pioneer Construction, et al. v. Industrial Commission, et al.</i>	B-45526	Award Affirmed
1193	<i>Plute v. Industrial Commission, et al.</i>	B-50099	Award Affirmed
1189	<i>Potomac Insurance, et al. v. Industrial Commission, et al.</i>	B-49305	Award Reversed
1223	<i>Powers v. Industrial Commission, et al.</i>	B-55282	Pending
1192	<i>Radetsky, et al. v. Industrial Commission, et al.</i>	B-49757	Award Affirmed
1204	<i>Roberts v. Industrial Commission, et al.</i>	B-51991	Pending
1229	<i>Rogers, Inc., et al. v. Industrial Commission, et al.</i>	B-55796	Award Affirmed

No.	Title	Dist. Ct. No.	Disposition
1146	<i>Saffeels v. Industrial Commission, et al.</i>	B-42903	Award Reversed
1221	<i>Schonlaw v. Industrial Commission, et al.</i>	B-54622	Award Affirmed
1212	<i>Schweda v. Industrial Commission, et al.</i>	B-52900	Pending
1235	<i>Security Insurance, et al. v. Industrial Commission, et al.</i>	B-57881	Pending
1196	<i>715 Grill, et al. v. Industrial Commission, et al.</i>	B-50565	Award Affirmed
1227	<i>Simpson and Company, et al. v. Industrial Commission, et al.</i>	B-55967	Pending
1178	<i>Smith v. Industrial Commission, et al.</i>	B-46382	Award Affirmed
1206	<i>Spoo, et al. v. Industrial Commission, et al.</i>	B-51902	Award Reversed
1080	<i>Standard Insurance, et al. v. Industrial Commission, et al.</i>	B-33295	Award Reversed
1154	<i>Standard Insurance, et al. v. Industrial Commission, et al.</i>	B-43678	Award Reversed
1167	<i>Stanley Hotel, et al. v. Industrial Commission, et al.</i>	B-45102	Award Affirmed
1072	<i>State Compensation Insurance Fund v. Industrial Commission, et al.</i>	B-30869	Award Affirmed
1139	<i>State Compensation Insurance Fund v. Industrial Commission, et al.</i>	B-42242	Award Affirmed
1188	<i>State Compensation Insurance Fund v. Industrial Commission, et al.</i>	B-49365	Pending
1213	<i>State Compensation Insurance Fund v. Industrial Commission, et al.</i>	B-53413	Pending

No.	Title	Dist. Ct. No.	Disposition
1238	<i>State Compensation Insurance Fund v. Industrial Commission, et al.</i>	B-58378	Pending
1241	<i>Stearns-Roger, et al. v. Industrial Commission, et al.</i>	B-58992	Pending
1173	<i>Transport Indemnity, et al. v. Industrial Commission, et al.</i>	B-45845	Award Affirmed
1187	<i>Transport Indemnity, et al. v. Industrial Commission, et al.</i>	B-49190	Pending
1159	<i>Tri State Insurance, et al. v. Industrial Commission, et al.</i>	B-44490	Award Affirmed
1195	<i>United States Guaranty, et al. v. Industrial Commission, et al.</i>	B-50390	Award Affirmed
1142	<i>Vigil v. Industrial Commission, et al.</i>	B-42608	Award Reversed
1215	<i>Watson Transportation, et al. v. Industrial Commission, et al.</i>	B-53374	Award Affirmed
1225	<i>Western Casualty, et al. v. Industrial Commission, et al.</i>	B-55307	Award Affirmed
1182	<i>Western Electric v. Industrial Commission, et al.</i>	B-47710	Pending
1220	<i>Western Electric v. Industrial Commission, et al.</i>	B-54444	Award Affirmed
1230	<i>Western Electric v. Industrial Commission, et al.</i>	B-57336	Pending
1133	<i>Williams, et al. v. Industrial Commission, et al.</i>	B-41588	Award Affirmed
1184	<i>Williamson v. Industrial Commission, et al.</i>	B-48064	Award Affirmed
1199	<i>Wolfer v. Industrial Commission, et al.</i>	B-50952	Award Reversed

<i>No.</i>	<i>Title</i>	<i>Dist. Ct. No.</i>	<i>Disposition</i>
1165	<i>Worthy, et al. v. Industrial Commission, et al.</i>	B-44909	Award Reversed

El Paso County

1137	<i>Johnson, et al. v. Industrial Commission, et al.</i>	40156	Award Affirmed
1201	<i>Murphy v. Industrial Commission, et al.</i>	41918	Dismissed per Stipulation
1134	<i>Thorp v. Industrial Commission, et al.</i>	40110	Award Affirmed

Garfield County

1166	<i>Holgate v. Industrial Commission, et al.</i>	5302	Award Affirmed
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Gunnison County

1186	<i>Haven Industries, et al. v. Industrial Commission, et al.</i>	5704	Award Affirmed
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Jefferson County

1115	<i>Cooper v. Industrial Commission, et al.</i>	14723	Dismissed
1208	<i>Skinner, et al. v. Industrial Commission, et al.</i>	16866	Award Affirmed

Montezuma County

1147	<i>Watson, et al. v. Industrial Commission, et al.</i>	3307	Award Affirmed
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Montrose County

1203	<i>Massey v. Industrial Commission, et al.</i>	8705	Pending
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Morgan County

1233	<i>Small v. Industrial Commission, et al.</i>	9913	Pending
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Otero County

1163 *Farmers Insurance v. Industrial
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Pueblo County

1183 *Martin, et al. v. Industrial
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Summit County

1143 *Markus v. Industrial
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Weld County

1127 *Oviatt v. Industrial
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