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DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona

LETTER

*60-74-L*

WADE CHURCH  
THE ATTORNEY GENERAL

LESLIE C. HARDY  
CHIEF ASSISTANT  
ATTORNEY GENERAL

*orig*

May 6, 1960

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Mr. W. Roy Wayland  
Valley National Bank  
141 N. Central Avenue  
Phoenix, Arizona

Dear Mr. Wayland:

We have a letter from Honorable Paul Fannin, Governor of Arizona, informing this office you have requested the Governor's office for an opinion from the Attorney General as to whether or not the Thomas E. Campbell Memorial Commission has authority to modify or rescind a resolution of that Commission adopted at its initial meeting held several years ago, which authorized the fund appropriated to be utilized as a scholarship endowment at the University of Arizona.

The principal amount of the fund, together with a small accumulation thereto, is now on deposit in the office of the State Treasurer who requires further authority to invest the fund in some type of permissible securities.

The Thomas E. Campbell Memorial Commission was created by laws 1959, Arizona Legislature, Regular Session, Chapter 77. We think it advisable that the members of the Commission have a copy of that law, and we therefore set it forth in full as follows:

"Chapter 77  
(Senate Bill No. 75)  
AN ACT

PROVIDING FOR THE ESTABLISHMENT OF A MEMORIAL TO THOMAS EDWARD CAMPBELL; AUTHORIZING THE APPOINTMENT OF A COMMISSION, AND MAKING AN APPROPRIATION.

Be it enacted by the Legislature of the State of Arizona:

Section 1. CREATION OF COMMISSION. The governor shall appoint five persons, who shall constitute a

commission to be known as the Thomas E. Campbell memorial commission, to serve without compensation, for such term as may be required for the performance of the duties imposed by this Act. In the event of any vacancy, the governor shall designate a successor.

Sec. 2. DUTIES OF THE COMMISSION. It shall be the duty of the commission to invite suggestions for a memorial to the late Thomas Edward Campbell, second governor of Arizona (1917, 1919-22), in recognition of his many distinguished services to the state; to consider such suggestions, adopt such plan within the limits of resources available as may seem most appropriate, and cause the plan to be effected.

Sec. 3. AUTHORITY TO RECEIVE CONTRIBUTIONS. The commission shall have authority to receive private contributions to the Thomas E. Campbell memorial fund, not to exceed, when added to the amount made available by legislative appropriation, the sum of thirty thousand dollars.

Sec. 4. APPROPRIATION. The sum of ten thousand dollars is appropriated to the governor, for the use of the Thomas E. Campbell memorial commission, in carrying out the purposes of this Act. Not to exceed ten per cent of such amount shall be available for any expense of the commission other than the actual execution of the plan adopted as provided in this Act.

Approved by the Governor--March 12, 1945.

Filed in the Office of the Secretary of State--  
March 12, 1945."

Upon the enactment of the foregoing Chapter 77, the Governor appointed to the Commission Col. J. E. Thompson, Mr. James B. Girard, Mr. Byron S. Cummings, Mr. M. B. Hazeltine and Mrs. Hollie Butler.

The first meeting of the Commission was held on February 9, 1946 at 2:00 P.M., at 235 Ellis Building, Phoenix, Arizona. Mr. Hazeltine and Mrs. Butler were represented by proxy. The minutes of that meeting were recorded, and a copy of the minutes is enclosed. The Commission directed, by resolution, that the fund of \$10,000 appropriated

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by the Legislature for a memorial to Governor Campbell " \* \* \* shall be invested and the income used to assist worthy young men and women of the State of Arizona to pursue their education at the University of the State." Other conditions were imposed by the resolution. It appears from the recitals of the resolution that the commission, at its meeting held on February 5, 1940, unreservedly committed the funds appropriated to the University of Arizona for student endowment purposes. It is the opinion of the Attorney General that Chapter 77, above set forth, in this respect has been executed and is not now subject to modification or revision.

On March 4, 1960, Dr. J. Byron McCormick, Advisor to the Board of Regents of the University and State Colleges of Arizona, addressed a letter to the undersigned in connection with this fund. A copy of that letter is enclosed for your observation. The last two paragraphs of Dr. McCormick's letter read as follows:

"It is my judgment that the only function of the Commission, as now constituted, is to take action with respect to the investment of the principal fund. The original action of the Commission directed that Mr. M. B. Hazeltine, the Treasurer of the Commission, now deceased, or his successor, should make the investment and the proceeds paid to the Comptroller of the University of Arizona for use for the scholarships established.

I would believe, when the Commission as presently constituted meets, that a prepared resolution should be submitted to the members merely directing that the State Treasurer be authorized to invest the funds, or in the alternative that the funds be transferred by the State Treasurer to the Board of Regents of the Universities and State College of Arizona with directions that the Board shall invest the funds, and that the income therefrom be devoted to the designated Memorial purpose."

The Attorney General concurs in the foregoing conclusion of Dr. McCormick and suggests that the Commission convene and adopt a motion or resolution authorizing and directing that the funds now available be invested in accordance with the last paragraph of Dr. McCormick's letter quoted above.

Very truly yours,

WADE CHURCH  
The Attorney General

LESLIE C. HARDY  
Chief Assistant  
Attorney General

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ARIZONA ATTORNEY GENERAL

cc: Honorable Paul Fannin  
Governor of Arizona

Mr. Sherman Hazeltine  
First National Bank of Arizona  
411 N. Central Avenue  
Phoenix, Arizona

Mr. Joseph T. Melzer, Sr.  
1400 E. Thomas Road  
Phoenix, Arizona

Mr. Robert Creighton  
1622 West Washington Street  
Phoenix, Arizona

Mrs. Mollie Butler  
Greer, Arizona

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Board of Regents of the Universities and State College of Arizona

OFFICE OF THE ADVISER TO THE BOARD  
UNIVERSITY OF ARIZONA  
TUCSON, ARIZONA

March 17, 1960

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Mr. Leslie C. Hardy  
Chief Assistant Attorney General  
State Capitol  
Phoenix, Arizona

Re: The Thomas E. Campbell Memorial Fund

Dear Mr. Hardy:

Thank you for your letter of February 25, 1960 relating to the above subject. I recall our conversation when I was in your office on January 27th. You then informed me that the Governor had made appointments to fill the vacancies on the Thomas E. Campbell Memorial Commission.

My recollection is that the new members appointed to this Commission, to serve along with Mrs. Mollie Butler, are Robert Creighton, Roy Weyland, Sherman Hazeltine and Joseph E. Melzer, Jr.

I was disturbed when we had our conversation on January 27th to have you indicate that one or more of the newly appointed members of the Commission entertain the opinion that their function when they meet is to determine what should be done with the fund in establishing a Memorial to the former Governor.

The Commission as originally constituted made that determination. At their meeting of February 5, 1946 the members of the Commission decided upon awards, in the nature of scholarships, to assist worthy students, as the appropriate Memorial. They then directed that the \$10,000 appropriated for the Memorial be invested and the income used to assist worthy young men and women of the state of Arizona to pursue their education at the university of Arizona, and prescribed the method of selecting those to receive the awards.

These awards were established and members of the Commission were present at the University when the first awards were made. The University of Arizona Catalogue

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Mr. Hardy

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has since listed these awards as "The Thomas E. Campbell Memorial Awards", available to students meeting the qualifications prescribed by the Commission.

It is my judgment that the only function of the Commission, as now constituted, is to take action with respect to the investment of the principal fund. The original action of the Commission directed that Mr. M. B. Hazeltine, the Treasurer of the Commission, now deceased, or his successor, should make the investment and the proceeds paid to the Comptroller of the University of Arizona for use for the scholarships established.

I would believe, when the Commission as presently constituted meets, that a prepared resolution should be submitted to the members merely directing that the State Treasurer be authorized to invest the funds, or in the alternative that the funds be transferred by the State Treasurer to the Board of Regents of the Universities and State College of Arizona with directions that the Board shall invest the funds, and that the income therefrom be devoted to the designated Memorial purpose.

With kind personal regards, I am

Sincerely yours,

  
Byron McCormick  
Adviser to the Board

JBMcC:ED

cc President Richard A. Harvill  
University Comptroller Kenneth R. Murphy  
University Business Office Manager C. J. Edwards

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Minutes of the Meeting of the Thomas E. Campbell Memorial Commission,  
Held in the Office of the Secretary, 233 Ellis Building, Phoenix,  
Arizona, February 5, 1946.

Present:

Presiding, Col. J. E. Thompson

Mr. James B. Girard

Dr. Byron S. Cummings

Represented by Proxy, Mr. M. B. Hazeltine (see copy of telegram  
attached.) Represented by Proxy, Mrs. Mollie Butler.

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**ARIZONA ATTORNEY GENERAL**

The meeting was called to order at 2:30 P.M. by Chairman  
Thompson; proceeded to discussion of the allocation of the \$10,000  
appropriated by the Legislature, plus such other monies as may  
be added by contributions.

The following motion was presented by Dr. Cummings, seconded  
by Mr. Girard:

"In the memory of the stalwart, straightforward life and the  
able administration of Thomas E. Campbell, Governor of the State  
of Arizona, in accordance with the act of the State Legislature.

"This fund shall consist of the \$10,000 appropriated by the  
Legislature for a memorial to ex-governor Thomas Campbell and such  
other monies as may be added by contributions from friends. These  
funds shall be invested and the income used to assist worthy young  
men and women of the state of Arizona to pursue their education  
at the University of this state.

"Applicants for participation in the benefits of the scholar-  
ships must be bona fide residents of the state of Arizona, of  
good character and standing, industrious, and of good praise; and  
must have completed one year of work in the undergraduate classi-  
fication at an accredited college in the state of Arizona.

"Selection shall be made without regard to race, color, or  
creed by the Dean of the College of Arts and Sciences; the Dean  
of Men; and the Dean of Women of the University of Arizona. The  
amount of assistance and the length of time a recipient shall  
receive this assistance shall be determined by the deans above  
mentioned."

Motion carried. Votes recorded as follows:

Mr. Girard -	Yes
Dr. Cummings -	Yes
Mr. Hazeltine, by proxy -	Yes
Mrs. Butler, by proxy -	Yes
Chairman Thompson -	Yes

The following motion was presented by Chairman Thompson and  
seconded by Mr. Girard:

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"We hereby authorize the Governor of the state of Arizona to deliver the funds available to the Commission to Mr. M. B. Hazeltine, treasurer of the Commission, for investment; and the Commission shall deliver any additional funds on hand and hereafter collected to Mr. Hazeltine, or his duly appointed successor, for investment. The proceeds of such investment shall be paid to the Comptroller of the University of Arizona for use in the scholarship funds established above and for no other purpose."

Motion carried. Votes recorded as follows:

Mr. Girand -	Yes
Dr. Cummings -	Yes
Mr. Hazeltine, by proxy -	Yes
Mrs. Butler, by proxy -	Yes
Chairman Thompson -	Yes

Meeting adjourned at 4:20 P.M.

I hereby certify that this is a true and exact copy of the minutes of the meeting held on February 5, 1946.

JAMES B. GIRAND (SGD.)  
James B. Girand, Secretary

STATE OF ARIZONA }  
COUNTY OF MARICOPA } ss.

Sworn to and subscribed before me this 14th day of Feb., 1946.

F. A. CORSEN (SGD.)  
(Notary Public)

My Commission Expires 13 - 1947.

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