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August 22, 1934

Miss Florence M. Warner,
Federal Relief Administrator
for Arizona,
Heard Building,
Phoenix, Arizona

My dear Miss Warner:

This is in response to your request of August 21st for an opinion of this office as to whether our state or county welfare boards may legally employ aliens and pay them out of the welfare funds that are being administered by said boards.

Section 10, of Article 18, Constitution of Arizona, provides that:

> "No person not a citizen or ward of the United States, or who has not declared his intention to become a citizen, shall be employed upon, or in connection with, any State, county or municipal works or employment; Provided, that nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof, on street or road work, or other public work. The Legislature shall enact laws for the enforcement, and shall provide for the punishment of any violation, of this section."

It will be noticed that the foregoing constitutional provision contains but one exception, namely, alien prisoners. In our present statutes the legislature adopted the identical language quoted above (see Section 1352, R. C. A., 1928, as amended by Chapter 31, Laws of 1931). The legislature has also provided a penalty for violators of this law. (See Section 1353, R. C. A., 1928, as amended by Chapter 85, Laws of 1929)

"State, county or municipal works or employment", as used in the foregoing constitutional provision, undoubtedly includes any work or employment that is to be paid for out of state, county or municipal funds. The funds that are being

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administered by our state and county welfare boards are state funds, therefore, I am of the opinion that the welfare boards cannot legally hire aliens and pay them out of the public welfare funds.

Yours very truly,

ATL/GD

Attorney General

cc-Miss Gemmy Marton, Secretary,
Labor Department,
State Building,
Phoenix, Arizona

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