

January 16, 1941

Hon. Lorna Lockwood,
Chairman; House Judiciary Committee
Capitol Building,
Phoenix, Arizona.

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Miss Lockwood:

Mr. John H. Rapp a member of your committee has asked this office, at the request of the Judiciary Committee, to render a written opinion as to the proper method of referring to laws that may be amended in this Session; that is, whether the amendatory act should refer to the 1928 Code and any amendments thereto and the appropriate session laws or whether it should refer to the section to be amended as the same appears in the compilation of the laws of the State of Arizona, known as the Arizona Code Annotated, 1939.

We are inclined to the view that the A.C.A. 1939 is merely the recompilation of the laws of the State of Arizona and not a codification of same as was the 1928 Code and although Section 6, Chapter 89, Laws of Arizona, 1939, Regular Session, provides that upon authentication of such recompilation the same shall be in force and shall be received, recognized and referred to and used in all the Courts and all departments and offices of the State as the official compilation of the Statute Laws of Arizona. It is our opinion that Section 6 merely makes the official compilation prima facie evidence of what the law in the State of Arizona is, which presumption may be overcome by referring to the original Session Laws as the same appear in the engrossed copy in the office of the Secretary of State.

It is also our opinion therefore that any amendatory act to be passed at this session of the Legislature should refer to the section desired to be amended as Section _____, Revised Code of Arizona, 1928, or if the law desired to be amended was passed subsequent to the effective date of the 1928 Code the Session law or section thereof should be referred to as Chapter _____, of the Laws of Arizona _____ Legislature, Regular Session or Special Session as the case may be. However in order to meet any possible objection that might be raised, it is our suggestion that any amendatory act should refer to the section as it appears in the 1928 Code and also as it appears in the 1939 compilation,

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i. e. if it were desired to amend Section 1956, Revised Code of Arizona, 1928, which was later amended at the Regular Session of the Thirteenth Legislature, the wording should be as follows: amending Section 1956, Revised Code of Arizona 1928 as amended by Chapter 30, Laws of Thirteenth Legislature, Regular Session, appearing in the Arizona Code Annotated 1939 as 71-304.

Very truly yours,

JOE CONWAY,
Attorney General.

EDWARD P. CLINE,
Assistant Attorney General.

EARL ANDERSON,
Special Assistant
Attorney General.