

February 23, 1943

Mr. A. L. Favour
House of Representatives
State House
Phoenix, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Favour:

We have your letter of February 22d in reference to a communication from Messrs. Cox & Cox in relation to certain claims they have under the Arizona minimum wage law.

We gather from the information we have before us, submitted by Messrs. Cox & Cox, that they hold alleged claims for various persons for personal services rendered to the State during the years of 1938 and 1939, but that suits have not been filed on these claims.

If we are correct in our assumption, these claims are all barred by the one year statute of limitation and could not be collected from the State. This position is sustained in the case of City of Phoenix vs. Drinkwater, 46 Ariz. 470-52 Pac. (2d) 1175, wherein the court said:

"the liability upon which plaintiff sues was created solely by the terms of the statute and cannot exist without it, being, therefore, statutory in its nature. The language of subdivision 3, section 2058, applies the one-year period of limitation to a 'liability' and not a relationship. We hold, therefore, that since the particular 'liability' upon which this suit is based was created by statute, the one-year statute of limitations applies thereto."

See also, City of Glendale vs. Coquat 46 Ariz. 478-52 Pac. (2d) 1178.

As we stated in our previous letter to you, all cases against the State involving the minimum wage law have been determined by the courts.

Yours very truly,

JOE CONWAY
Attorney General

EARL ANDERSON
Chief Assistant
Attorney General