

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

January 9, 1951

Op. No. 51-8 ✓

Mr. Dick Frank  
Inspector of Weights and Measures  
State House  
Phoenix, Arizona

Dear Inspector:

We regret that we have taken so long to answer your question regarding your duties on air force bases, ordinance depots, National parks and forests, but as this involved a great deal of history as well as law, we have taken considerable time to arrive at our opinion. Section 76-103 ACA 1939 defines the further duties of inspector of weights and measures, the part pertinent to your question, as follows:

" \* \* \* At least once every year inspect the work of local sealers and he may inspect the weighing or measuring appliances of any person; \* \* \* and in other places on request, inspect at least once a year all instruments or mechanical devices for weighing or measuring exposed for sale, used, or employed, within the city by any person; \* \* \* When the inspector finds a violation of law relating to weights and measures he may cause the violator to be prosecuted. \* \* \* "

You have the duty to enter upon the places mentioned in your question and inspect the weights and measures and punish for violation, unless there is some impediment in the law respecting these places. An examination of our laws fails to show any impediment regarding any of the territories mentioned, however, for security reasons a commanding officer of air force bases, ordinance depot or other military establishments may refuse to permit you to enter for any purpose, but of course this exclusion would be a temporary matter for a properly recognized

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January 9, 1951  
Page Two

state official entering for the purpose of doing their duty. The state by proper legislation ceded jurisdiction to all property acquired by the Federal Government before 1928 so long as it remained in Federal ownership except Whipple Barracks and Whipple Barracks Target Range in Yavapai County, Fort Apache in Navajo County, and Fort Huachuca in Cochise County. Fort Huachuca, having been returned to the State, you now have jurisdiction there. It appears that the State ceded permanent jurisdiction over these mentioned places without reservation. The State Legislature has not ceded jurisdiction over any property acquired by the Government since 1928 and until they do, we have jurisdiction. Clause 17, Section 8, Article 1 of Constitution of the United States.

It can readily be seen that it might be necessary to know the history of the place you may attempt to inspect the weights and measures on before answering definitely, this would not apply to forests and parks.

We are therefore of the opinion that with the limitations and exceptions stated above, your jurisdiction covers all the places mentioned in your question. Should a question arise regarding any particular place or incident, give us the facts and we will be pleased to help you out.

Yours very truly,

FRED O. WILSON  
Attorney General

CHAS. ROGERS  
Assistant Attorney General

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