

14 June 1947

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ARIZONA ATTORNEY GENERAL**

Honorable W. G. Rosenbaum,  
Member, House of Representatives,  
Eighteenth Legislature,  
Capitol Building,  
Phoenix, Arizona

Dear Mr. Rosenbaum:

We acknowledge receipt of your letter of 14 June 1947  
in which you propound the following questions:

"I will appreciate an opinion relative to  
the status of H.B. 166, Chapter 60, Laws  
of 1947, regular session, copy of which  
is herewith attached.

The reason for this request is that sub-  
division 28 of H.B. 308, Chapter 142,  
regular session, has been declared un-  
constitutional. There is a possibility  
that there may be a conflict in such  
funds that were transferred by Chapter  
60 of the Session Laws of 1947".

The State Welfare Sanitarium originated as a WPA  
project and was administered by the Federal Government. Subse-  
quently, the Federal Government abandoned the project and we  
are informed that under the direction of Governor Moeur the  
State Board of Public Welfare assumed the administration. In  
1937 the Legislature passed Section 70-107, Arizona Code Anno-  
tated 1939, which provided in part as follows:

"The state department (State Department of  
Social Security and Welfare) shall: \* \* \*  
and shall administer all institutions now  
administered by the State Board of Public  
Welfare; \* \* \* provided, however, that  
nothing in this section shall be construed  
to mean the state institutions operated by  
the Board of Directors of State Institu-  
tions".

This act definitely placed the administration of the  
State Welfare Sanitarium in the State Board of Social Security  
and Welfare.

Honorable W. G. Rosenbaum  
Member, House of Representatives

14 June 1947  
Page 2

The question resolves itself to a determination of the legal effect of Chapter 60, Laws of the Eighteenth Legislature, Regular Session (hereinafter referred to as Chapter 60). By Chapter 60 the administration of the State Welfare Sanitarium was transferred to the State Board of Health.

Article 4, part 2, paragraph 14, Arizona Constitution provides as follows:

"No act or section thereof shall be revised or amended by mere reference to the title of such act, but the act or section as amended shall be set forth and published at full length".

It is clear that Chapter 60 is an attempt to amend the powers of the State Board of Social Security and Welfare as laid down in Section 70-107, Arizona Code Annotated 1939, without compliance with Article 4, part 2, section 14 of the Arizona Constitution; nor can Chapter 60 be considered as a repeal of 70-107, as no such intent is reflected in the title to the act, nor in the body thereof. Furthermore, a section of the law cannot be repealed in part. It would probably be true the powers of the State Board of Health could only be increased by proper amendment of Section 68-108, Arizona Code Annotated 1939.

Therefore, it is our opinion that Chapter 60, Laws of the Eighteenth Legislature, Regular Session, is a violation of Article 4, part 2, section 14, of the Arizona Constitution, and would be so declared and held unconstitutional by our courts. It is our further opinion that the inclusion of the appropriation to the State Welfare Sanitarium under the appropriation to the State Board of Social Security and Welfare is entirely proper.

Very truly yours,

JOHN L. SULLIVAN, Attorney General

JOHN W. ROOD,  
Chief Assistant Attorney General

BURR SUTTER  
Assistant Attorney General

PERRY M. LING  
Assistant Attorney General