

October 11, 1948

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Hon. Dan E. Garvey
Acting Governor
State Capitol
Phoenix, Arizona

Dear Governor Garvey:

In regard to your request for an opinion as to whether House Bill 4 is constitutional as reenacted by the Legislature numbering the provision for a "non-communist affidavit" on the part of teachers 54-804(a). It is our belief, as stated before, that this provision more properly should have been an amendment to Section 54-1002, which does deal with oaths required of teachers. However, though the now bill may not be the best possible from the point of view of legislative draftsmanship and proper Code indexing, we believe that it is valid and does not fall by being omnibus legislation.

Our reason for this conclusion is that Article 4, part 2, section 13 of the Arizona Constitution, dealing with titles of legislative enactments, requires only that the title of the act shall embrace but one subject and that the act itself contain matter only such as could be reasonably embraced within the confines of the subject title. House Bill 4 carries as a part of its title "An act relating to education; prescribing requirements for teaching; * * *". The teachers' oath in question does relate to education and does prescribe requirements for teaching. Unfortunately Article 8 in our Code deals with "Special Courses of Study" and up to this present enactment every piece of legislation passed under Article 8 has actually dealt with "Special Courses of Study".

Our previous objections to the Legislature's first attempt to pass this provision under a section number already existing and dealing with wholly unrelated subjects has been corrected.

In conclusion then, it is the opinion of this office that the legislation, though not as logically

Hon. Dan E. Garvey
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Page Two
October 11, 1948

placed in our Code as might be hoped, is constitutional.

Respectfully submitted,

EVO De CONCINI
Attorney General

FRED O. WILSON
Assistant Attorney General

EDWARD JACOBSON
Assistant Attorney General

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