

W. Sloan

August 22, 1949

Harriet Joan Oliver, Secretary
Commission of Agriculture and
Horticulture,
Capitol Building Annex
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Miss Oliver:

Upon your oral request this office has investigated the law regarding the payment by your Department to a student of the University of Arizona, a citizen of Iraq and not of the United States, for services which he rendered your Department in doing field work in pest eradication.

It is indeed regrettable that either your Department or the University did not know the law before the young man in question rendered the services to the State, because it is evident from the following provision that he cannot be paid from State funds. Section 56-104, Arizona Code Annotated 1939 provides, in part, as follows:

"No mechanic or laborer not a bona fide resident citizen of the state for one (1) year shall be employed upon or in connection with any state, county or municipal works or employment;"

It will be noted that the foregoing provision of law not only requires residence of one year but in addition there-to requires that the employee be a citizen as well.

By reason of the foregoing provision this office is of the opinion that the claim of the young man in question cannot be paid by the State Auditor from State funds. If there is other money available, such as Federal Aid funds, which are not controlled by the foregoing provision, efforts should be made to see that he is compensated for his labor from such funds.

Harriet Jean Oliver, Secretary
Commission of Agriculture, etc.

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It should be noted for future reference that the foregoing provision would apply to a citizen as well as a noncitizen who has not been a resident of the State for a year, should the question be raised.

Yours very truly,

FRED O. WILSON
Attorney General

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