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December 23, 1957
Opinion No. 58-3

REQUESTED BY: The Honorable Charles S. Goff
Arizona State Senate

OPINION BY: ROBERT MORRISON, The Attorney General

QUESTION: Will the Bill drafted by the Legislative Council and labeled Folder #116 suffice to create a Department of Agriculture?

CONCLUSION: Qualified yes.

The proposed Act in question purports to create a Department of Agriculture by transferring the powers and duties imposed on seventeen separate agencies (including, for example, the State Egg Inspector, the State Veterinarian and the Arizona Fair Commission) to a centralized Commission and director. However, those agencies from whom duties and powers were transferred would continue in existence under the supervision and control of the Commission of Agriculture in an advisory capacity to the Commission.

The only question here presented is whether such legislation would violate Section 14, Part 2, Article 4, of the Arizona Constitution, which reads 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."

The Arizona Supreme Court has stated that a statute not amendatory in character, but original in form and complete in itself, is valid though changing or modifying, in effect, another law on the same subject. State Tax Commission v. Shattuck, 44 Ariz. 379, 38 P.2d 631.

It seems to us that that is exactly what this Act intends to do. It is our opinion that it is original in form.

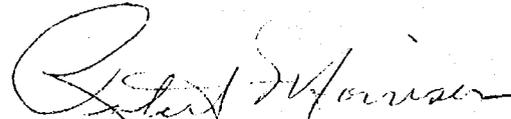
In 1940 the Alabama Supreme Court held that a statute creating a highway board and transferring all jurisdiction over public roads and bridges from the agency which originally regulated the roads and bridges was not violative of a similar constitutional provision in that the statute was original in form and purpose and in no sense amendatory. Johnson v. Robertson, 192 So. 412.

It is, therefore, the opinion of this office that the proposed Bill would not violate Section 14, Part 2, Article 4, Arizona Constitution and consequently would suffice to create a Department of

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Agriculture. However, in so holding we do not pretend to pass upon the additional constitutionality of any specific part or parts of the Bill.



ROBERT MORRISON
The Attorney General