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January 26, 1954
Letter Opinion
No. 54-16-L

The Honorable Robert Hodge
House of Representatives
Capitol Building
Phoenix, Arizona

Dear Mr. Hodge:

Pursuant to your verbal request of January 25, 1954, the Department of Law has examined the proposed house bill relating to the purchase of machinery and equipment to be furnished to non-profit organizations. Your request dealt specifically with the following problems:

1. "Would such a bill open the door to any non-profit organization wishing to use such machinery?" and
2. "Could any non-profit organization demand the furnishing of such equipment?"

After considering the bill in its present form, the Department of Law has determined that the only way in which such problems could arise would be in connection with the administration of the provisions of the act.

If, in fact, a non-profit organization saw fit to demand the furnishing of equipment purchased by the Division of Vocational Rehabilitation, the division would be the judge as to whether or not such assistance would be rendered to the organization. The bill provides specifically that the division may aid non-profit organizations "whenever it deems proper."

An inspection of the bill also reveals that its provisions are effective only as to "non-profit organizations employing disabled persons in a work shop or similar enterprise." Therefore, only such organizations would be eligible and the necessity of determining whether an organization is eligible would again be determined by the division.

Naturally the effectiveness of such legislation depends in its entirety upon the manner in which it is administered. Thus, until

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an abuse of discretion is made manifest, it is purely problematical as to whether or not the bill is adequately drawn. For this reason it is extremely difficult to frame a "yes" or "no" answer to the inquiries which you have made. As the bill now stands it is merely a matter of opinion as to whether or not adequate safeguards have been provided, but it will be observed that broad powers have been vested in the division of vocational rehabilitation. By way of protection, however, certain provisions could undoubtedly be added to the bill setting forth certain basic requirements which would have to be met by the organization applying for assistance.

Should you determine that further "checks" are necessary as a part of the bill this Department would be happy to discuss the propriety of the suggested changes.

Very truly yours,

JAMES P. BARTLETT
Assistant to the
Attorney General

JPB:LR

54-16-1