

THE LIBRARIAN'S NOOK

Thirteenth Legislature

This issue of the *State Library Newsletter* is dedicated to the Thirteenth Legislature. We trust its cabalistic number may prove both lucky and prophetic—that the members may accurately interpret every occult sign of the times and with prescience solve the great mystery of the public welfare.

No Loss of Membership

The Thirteenth, thanks to Santa Claus (clothed, this time, in the robes of the Supreme court), will have the same number of members as the Twelfth. Although the vote for Governor, which serves as the basis of House representation, indicated a loss of ten members, the high court, when called upon, declared that the constitution means literally what it says: that while the representation, by reason of a greater vote, may be increased, it shall not, by reason of a smaller vote, be decreased below the 1930 figure—fifty-one members.

Maricopa Gains One

Due to the record vote of 1936, most pronounced in the capital county, Maricopa will have nineteen Representatives in the Fourteenth, a gain of one. Cochise would lose one but for the rule against reductions. An addition of 138 votes to her 1936 total of 18,613 would entitle Pima to another member. No other county came in striking distance of an increase, although in eight of them besides Maricopa the vote exceeded that of 1934.

Another Thirteenth

Turning back the pages of Arizona's legislative history to "Fifty-two years ago," we find the Thirteenth Territorial Legislature, assembled at Prescott January 12, 1885, making a record which no one will want to see broken.

In the Council (as the smaller house was known), absence of a quorum prevented temporary organization until 8 o'clock of the second day. Then, J. W. Dorrington, Yuma, and R. B. Todd, Maricopa, were placed in nomination for Temporary President. The first vote resulted in a six-six tie, and inaugurated a deadlock that remained unbroken until the tenth day, January 21, when Dorrington's withdrawal made possible Todd's election. He served two hours, while the credentials committee was reporting, the members being sworn in, and a President (F. K. Ainsworth, of the Northern District) being elected. And what did Todd get?—a vote of thanks.

In the House the situation was the same, only more of it. Following a day's wait for the appearance of a quorum, Samuel Purdy, Yuma, and W. F. Nichols, Cochise, were sent to the post for Temporary Speaker. Through fifteen ballots and into the fourth day the vote stood at twelve all, when Nichols withdrew and Purdy was unanimously chosen. As soon as preliminary organization was effected, the civil war was resumed. Levi Ruggles, Pinal, and H. G. Rollins, Pima, lined up for Speaker. Thirty-three ballots at 12-12, four days of bitter conflict, and no member ever was absent or a vote changed. Finally the long battle was brought to a close on the thirty-fourth ballot, when Temporary Speaker Purdy left the group which had seated him in the chair and cast his ballot for Rollins—elected thirteen to eleven. During this strange struggle the unique parliamentary procedure was permitted of one candidate or the other, at intervals, withdrawing his own name and proposing another. Thus the contest veered from Ruggles and Rollins to Ruggles and Porter, to Watkins and Porter, to Watkins and Rollins, back again to Ruggles and Rollins—ending with its original contestants, Rollins the winner.

Legislative Drafting

The feature of this number, "Legislative Drafting," speaks for itself. It is sincerely hoped that there will be unanimous recognition of the need for more accurate draftsmanship and a uniform style in the preparation of Arizona's laws.

LEGISLATIVE DRAFTING



BY

MULFORD WINSOR



LEGISLATIVE BUREAU

STATE LIBRARY

of Arizona

1936

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LEGISLATIVE DRAFTING

As a legal axiom, "ignorance of the law is no excuse" is all very well as far as it goes. But in fairness to everyone concerned there should be another one: ignorance is no excuse for the law.

But whatever the opinion may be regarding its validity as an excuse, there is no gainsaying that ignorance is a valid explanation of the uncertainty if not actual mystery which veils the meaning of many examples of the lawmaker's handiwork, and certain it is that without a clear understanding of its terms and conditions there can be no effective knowledge of a law.

Altogether too many laws find their way into the statutes which, without necessarily identifying the designator as an alarmist, may well be characterized as wonderfully and fearfully made. The allusion is of course not to the motive or intention of the legislator but to the form in which his purpose is expressed. For this condition responsibility must be accepted by the lawmaker, but in the first instance fault lies with the draftsman, except in those cases—and they are frequent—where amendments, hastily and crudely constructed, improperly placed, make restaurant hash of the draftsman's skill.

Too much importance can hardly be attributed to the form in which laws are drawn. It is unfortunate that a great many legislators do not as yet fully realize this fact, but it is a fact nevertheless, and, happily, with every term of every legislative assembly it is coming to be better and better understood. Frequent fatalities in the courts to cherished, and perhaps really important legislative concepts, are arousing the concern of observant law-makers. Inept drafting, featured by careless conflicts with the fundamental law or, more often, by indefinite and confusing language which the courts, between optional constructions, are unable to satisfactorily interpret, is seen as a primary source of trouble. And then, too, among the better legislators, pride in the class of workmanship displayed in the finished legislative product is becoming a consideration. Skillfully drawn, scientifically arranged laws, their purpose clear, meaning unmistakable, and finally, their style correct and uniform, inevitably arouse the admiration—and gratitude—of jurists, attract the attention of students of legislative questions, incite emulation, and reflect credit generally upon the legislature contributing them. It is worth while to be known as a member of a legislative body with a reputation for that kind of work.

So it is that scientific legislative drafting is advancing in rank among the practical arts. Similarly it is coming into recognition as essential not only to a more general knowledge of the law, ignorance of which is said—probably unjustly—to be no excuse, but also to a rational development of the statute law. But the progress of scientific legislative drafting, or at any rate the establishment of uniform practices therein, is handicapped by want of literature. Not that it is a new subject. It has received the attention of a few learned men over a period of well above a hundred years. But the writings of these men occurred at wide intervals and for reasons which will not now be discussed excited comparatively little interest. It is significant, however, that their conclusions with respect to fundamentals are in close agreement. They form a sound foundation upon which to construct a set of rules for the writing of modern laws.

Such a set of rules—comprehensive, detailed, and accompanied by a full discussion of the subject—is a genuinely felt want, felt most keenly, of course, by experienced draftsmen, who well understand the value of uniformity. The Committee on legislative drafting of the National conference of commissioners on uniform state laws has proposed the preparation of a draftsmen's manual, primarily for the use of the Conference but incidentally to serve all legislative draftsmen. There is no more authoritative source in this country for such a work, and realization of the proposed undertaking is greatly to be desired.

The present effort must not be considered as a manual, or set of authoritative rules. It presumes to no such dignity, claims no such authenticity. It is intended merely as an approach to the subject, for use in the absence of a more authoritative work, primarily in the preparation of measures for introduction in the Arizona legislature. If it shall prove to be of assistance to the casual legislative draftsman; if it shall make for uniformity in style and arrangement, and therefore in clarity of proposed laws, it will have served its purpose. It is based upon the fundamental principles of legislative drafting to which allusion has been made, and borrows freely from such meagre rules, found in authentic quarters, as are available, supplemented somewhat out of a rather extensive experience as legislator and bill-drafter.

ELEMENTARY PRINCIPLES

Language. Use simple language, understandable alike by jurist and non-jurist, lawyer or layman.

Sentences and words. Avoid long, involved sentences; likewise complicated expressions composed of long words.

Precision. State each proposition or rule of law precisely, but not technically, unless technical language is necessary.

Brevity with completeness. Be direct, concise, brief—but do not sacrifice completeness for brevity. Use no superfluous word, but use every word needed to make the meaning perfectly clear.

Expressions and phrases. Keep to the same expressions. Invariably use the same words to describe the same thing. In every case give the same meaning to the same words.

And/or. Shun this unnatural device. Not just because it is a sore to the eye, an impediment to the thought, an offense to sober English; nor because “it is a refuge of him who would confound by speaking Choctaw to a German.” But for the substantial reason that numerous appellate courts have condemned its appearance, in law and in pleadings; have declared judicially that it is anomalous, contradictory, confusing, and by adverse decisions have penalized its use.

Punctuation. Punctuate with care. Be not stingy with commas; employ them, in conformity with good grammatical usage, to so separate small word-groups, phrases, or clauses as to render the meaning of the language used indubitably clear. So with the comma's ranking brother, the semi-colon. And by no means overlook the abrupt, sharp, incisive period, with its vital function of putting an end to long-winded sentences—the bane of law drafting as they are of literature.

Short title. If a bill is designed as a complete law upon a given subject, and not merely as an amendment of an existing law, it should be designated, for identification and reference purposes, by a short title.

Definitions. If a bill contain words or phrases which are obscure or susceptible of different meanings, they should be defined in a definitions section—preferably immediately following the short title. Do not disturb words the meaning of which is clear. Superfluous definitions are more likely to confuse than to clarify.

Single definition. If a word or phrase requiring definition is used in one section only, define it in that section.

Imperative. A bill should be so phrased that the law will appear to be speaking when the action dealt with is occurring or

the offense prohibited is being committed. Thus it should be written that "any person who 'does' thus and so shall be liable," not "any person who 'shall do' thus and so."

Division into parts. If a bill is long and complex and lends itself to rational division, each part relating to a distinct branch of the general subject, it may be convenient and desirable to separate it into parts, called articles. In such case, each article should be numbered and given a brief descriptive heading. Consecutive numbering of the sections of the bill as a whole, however, should not be interrupted.

One provision to a section. A section should, if possible, be limited to a single definite provision, thus making for orderliness, accuracy, facility of interpretation, and adaptability to amendment without disturbing other and disconnected provisions.

Sub-sections. For accuracy, clarity, and brevity, the breaking down of long sections into sub-sections is desirable. Such sub-sections should each state a distinct phase or condition (and only one) of the subject matter of the section, and should be complete in itself. Sub-sections should be designated by the use of small letters in parentheses, as (a), (b), (c).

Items or Specifications. For accuracy and ease of differentiation, a series of items or specifications falling in a given class or under a main provision, may be separated by the use of Arabic numerals. If the items or specifications are in the form of somewhat extended phrases they may well be paragraphed, but not as sub-sections.

Provisos. Beware provisos—provided this, provided that—provided however, provided further. They are usually unnecessary, almost invariably complicating and confusing, and constitute a standing invitation to amendment-minded legislators to string proviso upon proviso like unto the beads of a necklace. Better form is to so word a substantive statement or rule of law that a desired exception or qualification is implicit in it; or if that be impracticable, to follow in the same or a separate section with an affirmative statement of exceptions or qualifications.

Arrangement. In the preparation of a bill carefully observe system, order, logic, and sequence in arrangement—first (after the short title and definitions), the main principle, or rule of law to be observed; second, the agency or authority by which the law is to be administered, and the scope of its powers and duties; third, the procedure to be followed in administering the law; fourth, penalties.

The above is a very incomplete list of the principles underlying the technique of legislative drafting. It is believed, however, that it includes the most essential and useful fundamental directions.

STYLE SHEET

1. Specifications

Number of copies. Ten copies are required of measures introduced in the House; for introduction in the Senate, eight.*

Paper. Measures are typed on 8½x13 paper, medium-weight bond for the original, very light-weight for manifold copies.

Margin. Allow margins of three-quarters of an inch at the left, one inch at the right, and one and one-half inches at the top of the sheet.

Spacing. All measures, including titles, should be typed triple-spaced.

Numbered lines. Lines should be consecutively numbered, beginning with the first line of the enacting or resolving clause, or in the absence of such clause, the first line of the body of the measure. Number each sheet independently, starting with the digit "1".

2. Technical Details

Section designations. (a) Sections should be designated thus: the first section, "Section 1."; subsequent sections, "Sec. 2." and so on. When a section is referred to in the body of the text the word "section" should be written in full; except at the beginning of a sentence it should not be capitalized. Example: "as prescribed in section 34."

(b) In numbering a section of the code or of an act of the session laws which it is proposed to amend, the word "section" should be omitted. Example:

Section 1. Sec. 2793, Revised Code of 1928, is amended to read:

2793. Classification. Counties shall, etc.

Section sub-headings. Each section should be preceded by a sub-heading, as brief as possible, descriptive of its contents. The sub-heading should be underscored. Example:

Sec. 20. Diseased animals. Whenever any animal is found, etc. . .

Capitalization. (a) In statute laws the strict "down" style, conforming to the Revised Code of 1928, should be followed. Only proper nouns should be capitalized. Names of offices, departments, and institutions should not be capitalized.

(b) In proposed amendments to the constitution the "up" style should be followed.

Numerals. Numerals should not be used except for reference to things which by common usage are identified by numbers, such as divisions

*For specifications regarding the backing of measures apply to the chief clerk of the House of Representatives, secretary of the Senate, or the State Library.

of the law, dates, public highways, etc., or in schedules or tables. Sums of money should always be written out.

Citations. Statute laws should be cited:

1. Revised code, as "Revised Code of 1928."
2. Session laws, regular sessions, as
"Session Laws of (year), regular session."
3. Session laws, special sessions, as
"Session Laws of (year), first (or other)
special session."

House amending bills. A House bill by which it is proposed to amend an existing law by direct reference must indicate by the use of asterisks where words contained in the law are proposed to be deleted, and words proposed to be inserted must be typed in capitals. Example:

Sec. 14 Violation of lease. A lessee violating
any condition of the lease shall * * * **BE REQUIRED**
TO SHOW CAUSE, etc. . .

3. Arrangement—Standard provisions

General frame. Following is a desirable general frame for a bill:

1. Title
2. Enacting clause
3. Short title, if any
4. Definitions, if any
5. Main purpose
6. Administrative authority
7. Administrative details
8. Penal provisions
9. Appropriation, if any
10. Severability clause
11. Specific repeal clause, if any
12. Emergency clause (or time of becoming effective), if desired.

Title. (a) A brief title, omitting details, expressing only the "one subject" to which an act is required to be limited (article iv, part 2, section 13, Arizona Constitution), is much to be preferred. Particularization is more of a peril than a precaution. References to the time when an act is to become effective (the emergency clause), and to the fact that the act provides for an incidental appropriation, have no proper place in the title. Example:

AN ACT

Relating to the classification of counties for the fixing of salaries.

(b) If the bill proposes to amend an existing law by direct reference, this purpose should be embraced in the title. Example:

AN ACT

Relating to the classification of counties for the fixing of salaries, and amending sections 2793, 2794, and 2795, Revised Code of 1928.

Enacting clause. The enacting clause of every bill * * * shall be as follows: "Be it enacted by the Legislature of the State of Arizona:". (Article iv, part 2, section 24, Arizona Constitution).

Short title. Where a short title is desirable (see Principles, p. 1), state it in the first section. Example:

Section 1. Short title. This act is known and may be cited as the county classification act of 1937.

Definitions. (a) If words or phrases contained in a bill make a definitions section advisable (see Principles, p. 1), it should follow the short title, if any, and precede the main provisions.

(b) Each word or phrase should be in a separate line, should be enclosed in quotation marks, and should begin with a small letter unless the word be a proper noun. If the definition is restrictive the conjunct should be "means"; if extensive, "includes". "Means and includes" should never be used. Example:

Sec. 2. Definitions. In this act, unless the context otherwise requires:

"....." means.....

"....." includes.....

Body of the bill. The definitions section should be followed by the body of the bill, setting forth: 1. the main principle, or rule of law to be observed; 2. agency or authority by which the law is to be administered; 3. procedure to be followed in administering the law; 4. penal provisions. (See Principles, paragraph on Arrangement, p. 8.)

Amending sections. If a bill is not designed as a complete law, the order stated in the preceding paragraph may not be practicable. In such event the sections proposed to be amended should be set out in numerical sequence, regardless of the arrangement of the law therein. Example:

Section 1. Sec. 2793, Revised Code of 1928, is amended to read:

2793. Classification. Counties shall be classified, etc. . . .

Sec. 2. Sec. 2794, Revised Code of 1928, is amended to read:

2794. Salaries. In counties of the first class, etc. . .

Amending amended section. If a section proposed to be amended has been previously amended, the reference to it should be:

Sec. 2. Sec. 2794, Revised Code of 1928, as amended, is amended to read:

Adding sections. What has been said of the order of amended sections also applies where amendment is proposed to be effected by the addition of a new section or sections. Example:

Section 1. Chapter 65, Revised Code of 1928, is amended by the addition of section 2793a:

2793a. Taxpayer appeal. Any taxpayer in the county, etc. . . .

Penalties. It is desirable that penalties for the violation of provisions of an act be set forth in a penalties section, which should immediately follow the provisions relating to administrative procedure.

Appropriation. If it is desired that a bill shall carry an appropriation to effectuate the purposes of the act, the appropriation section should precede the severability section. The proper form for an appropriation section:

Sec. 40. Appropriation. The sum of dollars is appropriated to the use of the (official or department), for the purpose of carrying out the provisions of this act.

Severability clause. If a constitutional severability or saving clause is deemed desirable the form should be:

Sec. 41. Severability. If any provision of this act be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of the act are declared to be severable.

Repeal. (a) The common blanket repealing clause, "All acts and parts of acts inconsistent with this act are hereby repealed," is not desirable. "It leaves open the question of what acts are inconsistent and frequently leaves the question of repeal in doubt; in legal effect it adds nothing * * * , as without such provision all prior conflicting laws or parts of laws would be repealed by implication. 59 C. J. 902-903. To support the text cases are cited from United States and many state supreme courts. There are no contra cases." Handbook of the National conference of commissioners on uniform state laws, 1934, 121-122.

(b) Where an act covers the whole subject of an earlier act or acts, an express repealing clause is often desirable. Example:

Sec. 42. Repeal. Chapter 65, Revised Code of 1928, is repealed. This section does not negative an implied repeal of any statute which conflicts with this act.

Emergency. A measure designed to become immediately operative, and therefore not subject to the referendum, is known as an emergency measure, and is required to "state in a separate section why it is necessary that it shall become immediately operative." The emergency clause is placed at the foot of the measure. Example:

Sec. 43. Emergency. To preserve the public peace, health, and safety it is necessary that this act (or joint resolution) shall become immediately operative. It is therefore declared to be an emergency measure, and shall take effect upon its passage in the manner provided by law.

ARIZONA LEGISLATIVE MEASURES

Measures. According to Arizona usage, legislative measures, in the order of their importance, include Bills, Joint Resolutions, Concurrent Resolutions, Resolutions (commonly known as simple resolutions), Joint Memorials, Concurrent Memorials, Memorials.

Bill. A Bill is a proposal for the enactment of a new law, the amendment of an existing one, or the appropriation of public money.

Joint Resolution. A Joint Resolution is the next highest class of legislative measure. Requiring passage, on roll-call, by both houses, and approval of the Governor, it has the effect of law. It is employed in the correction of errors in enactments, authorization of the transfer of money from one fund to another, extension of appropriations which are limited as to time, and for other important purposes, special or local in their nature. It is sometimes used for the ratification of amendments to the Federal Constitution, though the proper vehicle for the exercise of this purely legislative function is the Concurrent Resolution.

Concurrent Resolution. A Concurrent Resolution is an expression of the legislative will on subjects or matters not requiring executive approval. Introduced in either house, its passage requires concurrence by the other. It is the proper vehicle for the ratification of proposed amendments to the Federal Constitution; for referring to the people proposed amendments to the State Constitution or measures submitted by the Legislature; for requesting a given action on the part of a state department, where it is not desired to legislate on the subject; for the authorization of legislative investigations which are to be participated in by both houses, where no appropriation of public funds is involved; for extending invitations to distinguished persons to address the Legislature, and is often employed to express sorrow over the death of a person who has served in both houses of the Legislature.

Resolution. A Resolution (simple resolution) does not call for concurrent action, but is merely an expression of the will, wish, feeling, or attitude of the house adopting it. It may be employed by the house which has acted last on a measure to request its return, from the Governor or from the other house, for correction, and is the customary vehicle for legislative expression with respect to deceased members of the house employing it. For any purpose not requiring action by both houses it may be used in the same way as a Concurrent Resolution, but of course expresses the judgment only of the house by which it is passed.

Memorial. A Memorial is a petition or prayer, usually addressed to the President, the Congress, or some official or department of the United States government, for the taking of an action which is within the jurisdiction of the official or body addressed. The procedure with respect to the passage of Joint, Concurrent, and simple Memorials is the same as for Resolutions, and their relative standing and authority is comparable, except that, unlike the rule with respect to a Joint Resolution, a roll-call is not required for adoption of any Memorial. Only a Joint Memorial calls for the Governor's signature.

LEGISLATIVE FORMS

(Bill For Complete Law)

State of Arizona
 Thirteenth Legislature
 Senate
 Regular Session

S. B.....

....., 1937. Introduced by Mr.....; laid over one day.

....., 1937. Read first time;copies ordered printed; referred to Committee on

AN ACT

Relating to agriculture, and regulating the sale of commercial fertilizer.

(Note brevity of the title. It states the subject; no more is required).

- 1 Be it enacted by the Legislature of the State of Arizona:
- 2 Section 1. Short title. This act is known and may be cited
- 3 as the fertilizer law of 1937.
- 4 Sec. 2. Definitions. In this act, unless the context otherwise
- 5 requires:
- 6 "manufacturer" means
- 7 "person" includes
- 8 Sec. 3. Fertilizer dealer must have license. (Here state the
- 9 main principle of the proposed law, in one or more sections.)
- 10 Sec. 4. Administrative agency. This act shall be administered
- 11 by the (state the official, department, or agency charged with ad-
- 12 ministration of the act.)
- 13 Sec. 5. Administrative details. (Set forth, in sequence, the
- 14 procedure of administration, limiting each section to a particular
- 15 step, requirement, or condition.)
- 16 Sec. 6. Organization. (If a new agency of administration is

(Bill For Complete Law)—Continued

1 being created, place it in this order. Write the previous provisions
2 as if the agency already existed.)

3 Sec. 7. Penalties. If possible, describe all penalties for
4 violations of the act in one section, giving each penalty a sub-
5 section.)

6 Sec. 8. Appropriation. (See appropriation clause, p. 12.)

7 Sec. 9. Severability. (See severability clause, p. 12.)

8 Sec. 10. Repeal. (See specific repeal clause, p. 12.)

9 Do not use the obsolete blanket repeal clause. (See "Blanket repeal,"
10 p. 12.)

11 Sec. 11. Emergency. (See emergency clause, p. 12.)

(Bill For Amendment By Direct Reference)

State of Arizona
 Thirteenth Legislature
 House of Representatives
 Regular Session

H. B.

....., 1937. Introduced by Mr.; read first
 time;copies ordered printed.

....., 1937. Read second time; referred to Committee on
and to Committee on.....

AN ACT

Relating to liens on baggage, and amending sections 2038 and 2039,
 Revised Code of 1928,

(if the sections proposed to be amended have been previously amended, add)
 as amended.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Sec. 2038, Revised Code of 1928, as amended, is
 3 amended to read:

4 2038. Lien on baggage. Hotel, inn, boarding house, lodging
 5 house, APARTMENT HOUSE,*.....etc.

6 Sec. 2. Sec. 2039, Revised Code of 1928, as amended, is
 7 amended to read:

8 • 2039. Sale. When any baggage or other property comes into
 9 the possession....., etc.

*See "House amending bills", p. 10. The Senate does not have such a rule.

(Bill For Amendment By Adding)

State of Arizona
Thirteenth Legislature
Senate
Regular Session

S. B.

....., 1937. Introduced by Mr.....; laid over one day.

....., 1937. Read first time;copies ordered printed; referred to Committee on.....

AN ACT

Relating to public officers; imposing limitations upon the salaries of deputies, and amending article 2, chapter 3, Revised Code of 1928, by adding section 62a.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Article 2, chapter 3, Revised Code of 1928, is
3 amended by adding section 62a:

4 62a. Salaries of deputies. No deputy, assistant, clerk, or
5 other employee,, etc.

6 Sec. 2. Emergency. (See emergency clause, p. 12.)

(Bill For Authorization, With Incidental Appropriation)

State of Arizona
 Thirteenth Legislature
 House of Representatives
 Regular Session

H. B.

....., 1937. Introduced by Mr.; read first time; copies ordered printed.

....., 1937. Read second time; referred to Committee on and to Committee on

AN ACT

Authorizing the eradication of citrus scale, and providing for a survey of orchards and fields.*

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Scale eradication; survey. The Arizona commission
 3 of agriculture and horticulture is directed:

4 1.* * To take the necessary steps to eradicate, etc.

5 2. To conduct a survey of the agricultural and horticultural
 6 area, etc.

7 Sec. 2. Appropriation. (See appropriation clause, p. 12.)

8 Sec. 3. Emergency. (See emergency clause, p. 12.)

*Reference in title to incidental appropriation is not necessary. The appropriation is not the subject.

**The paragraphs 1. and 2. are not sub-sections, but items. See "Sub-sections" and "Items or specifications", p. 9.

(Bill For Emergency Appropriation For Going Project)

State of Arizona
Thirteenth Legislature
Senate
Regular Session

S. B.

....., 1937. Introduced by Mr.....; laid over one day.

....., 1937. Read first time;copies ordered printed; referred to Committee on.....

AN ACT

Making an appropriation for the continuation of work on the improvement of the state fair grounds.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Appropriation. The sum of.....
3 dollars is appropriated to the state fair commission.

4 Sec. 2. Purpose. The purpose of said appropriation is to
5 enable the state fair commission to continue work (identify the
6 project and describe the emergency.)

7 Sec. 3. Emergency. (See emergency clause, p. 12.)

(Relief Bill)

State of Arizona
Twelfth Legislature
House of Representatives
Regular Session

H. B.

....., 1937. Introduced by Mr.; read first
time;copies ordered printed.

....., 1937. Read second time; referred to Committee on
..... and to Committee on.....

AN ACT

For the relief of.....

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Appropriation. The sum of.....

3 is appropriated for the relief of.....

4 Sec. 2. Basis of claim. Said sum shall be in full satisfaction

5 of the claim of for (service

6 or occurrence for which compensation is claimed).....

7 (period covered by service or date of occurrence).....

8 (place of service or occurrence).....

(Joint Resolution On The Death Of A National Character)

State of Arizona
Eleventh Legislature
House of Representatives
Regular Session

H. J. R.....

....., 1937. Introduced by Mr.....; read first time;copies ordered printed.

....., 1937. Read second time; referred to Committee on and to Committee on.....

A JOINT RESOLUTION

On the death of Calvin Coolidge, thirtieth President of the United States.

1 Whereas, Calvin Coolidge, thirtieth President of the United
2 States, passed away suddenly and unexpectedly, on January 5, 1933,
3 at his home in Northampton, Massachusetts; and

4 Whereas, with the news of the passing of this most eminent
5 American, party lines were obliterated and partisan feeling extin-
6 guished in the wave of universal sorrow which surged over the
7 nation; and

8 Whereas, Calvin Coolidge was a courageous, devoted, far-seeing
9 and illustrious chief executive, whose incumbency of the highest place
10 in the gift of the American people will illumine the pages of history
11 and add to his country's glory; therefore

12 Be it resolved by the Eleventh Legislature of the State of Arizona:

13 1. That the death of Calvin Coolidge is viewed with the deep-
14 est and most poignant regret, and the sympathy and condolence of
15 this body is extended to the well-beloved and likewise distinguished
16 widow, Mrs. Calvin Coolidge.

17 2. That out of respect for and in contemplation of the virtues
18 of our departed ex-President, the members of this body, in the act of
19 adopting this expression of grief and sympathy, stand in silence for
20 one minute with bowed heads.

(Joint Resolution Ratifying A Proposed Amendment To The Constitution of the United States)

State of Arizona
Twelfth Legislature
Senate
Regular Session

S. J. R.....

....., 193..... Introduced by Mr.....; laid over one day.

....., 193..... Read first time;copies ordered printed; referred to Committee on.....

A JOINT RESOLUTION

Ratifying the proposed amendment to the constitution of the United States fixing the commencement of the terms etc.

1 Whereas, the Congress of the United States of
2 America, in both houses, by a constitutional majority of two-thirds
3 thereof, has made the following proposition to amend the Constitution
4 of the United States:

“JOINT RESOLUTION

6 “Proposing an amendment to the Constitution of
7 the United States fixing the commencement of
8 the terms etc.

9 (Insert proposed amendment)

10 Therefore

11 Be it resolved by the Legislature of the State of Arizona:

12 1. That said proposed amendment to the Constitution of the
13 United States of America be, and the same is ratified.

14 2. That certified copies of this resolution be forwarded by
15 the Secretary of State to the Secretary of State of the United States,
16 to the presiding officer of the Senate of the United States, and to the
17 Speaker of the House of Representatives of the United States.

(Joint Resolution, Directing Act Of A State Official, Without Preamble)

State of Arizona
Twelfth Legislature
House of Representatives
Regular Session

H. J. R.

....., 193.... Introduced by Mr.....; read first time;copies ordered printed.

....., 193.... Read second time; referred to Committee on and to Committee on.....

A JOINT RESOLUTION

Directing transfer of funds appropriated for the use of the legislature.

1 Be it resolved by the Legislature of the State of Arizona:

2 1. The transfer of dollars, being the
3 unexpended balance of the contingent fund of the house of represen-
4 tatives, legislature, as created by chapter,
5 Session Laws of 193...., session, approved,
6 193...., to the contingent fund of the house of representatives,
7 legislature, is authorized and directed.

8 2. The transfer of dollars, being the
9 unexpended balance of the contingent fund of the senate,
10 legislature, as created by said chapter, to the contingent fund of the
11 senate, legislature, is authorized and directed.

(Concurrent Resolution Submitting A Proposed Amendment To The Constitution of Arizona)

State of Arizona
Thirteenth Legislature
Senate
Regular Session

S. C. R.....

....., 1937. Introduced by Mr.....; laid over one day.

....., 1937. Read first time;copies ordered printed; referred to Committee on.....

A CONCURRENT RESOLUTION

Proposing an amendment to the Constitution of Arizona relating to (or providing for)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. That the following amendment to section,
4 article, (or, if the amendment is not express, "That the
5 following amendment to the") Constitution of Arizona is proposed,
6 to become valid as a part of said constitution when approved by a
7 majority of the qualified electors voting thereon and upon proclama-
8 tion of the governor.

9 Section (Insert proposed amendment.)

(Note: If the amendment is not express, omit section designation).

10 2. That the proposed amendment (approved by a majority
11 of the members elected to each house of the Legislature, and entered
12 upon the respective journals thereof, together with the ayes and nays
13 thereon) shall be by the Secretary of state submitted to the qualified
14 electors at the next regular general election (or at a special election
15 called for such purpose), as provided by article xxi, Constitution of
16 Arizona.

(Concurrent Resolution Referring A Measure To The People)

State of Arizona
Thirteenth Legislature
House of Representatives
Regular Session

H. C. R.....

....., 1937. Introduced by Mr.....; read first time;copies ordered printed.

....., 1937. Read second time; referred to Committee on and to Committee on.....

A CONCURRENT RESOLUTION

Enacting and ordering the submission to the people of a measure relating to

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. That under the power of the Referendum, as vested in the
4 Legislature, the following measure, relating to.....
5, and amending section, Revised
6 Code of 1928, is hereby enacted and approved, to become valid as a
7 law of the State of Arizona when approved by a majority of the
8 qualified electors voting thereon:

AN ACT

9
10 Relating to, and amending section
11, Revised Code of 1928.

12 Be it enacted by the Legislature of the State of
13 Arizona:

14 Section 1. Sec., Revised Code of 1928, is
15 amended to read:

16 2. That the Secretary of State is hereby directed to submit
17 the said measure to the people at the polls, and to cause to be printed
18 on the official ballot at the next regular general election the title
19 and number of said measure, as provided by section 1, part 1, article
20 iv, of the Constitution of Arizona.

(Concurrent Resolution Authorizing An Investigation)

State of Arizona
Thirteenth Legislature
Senate
Regular Session

S. C. R.

....., 1937. Introduced by Mr.....; laid over one day.

....., 1937. Read first time;copies ordered printed; referred to Committee on.....

A CONCURRENT RESOLUTION

Authorizing a legislative investigation of (office, department, or subject).

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. A legislative investigation of (office, department, or
4 subject) is authorized and directed.

5 2. The president of the Senate shall forthwith designate
6 members of the Senate, and the Speaker of the House of
7 Representatives shall designate members of the House to
8 serve on a special committee to be known as the Joint Committee
9 on

10 3. The committee shall organize by the selection of a chair-
11 man, vice-chairman and secretary.

12 4. It shall be the duty of the committee to make a thorough
13 investigation of (office, department, or subject), and for such purpose
14 is vested with all the powers conferred by sections 14 and 15, Revised
15 Code of 1928.

16 5. The committee shall submit a report of its findings, in
17 writing, not later than, to the
18 Legislature (or to the Governor).

19 6. The committee is authorized to employ, subject to approval
20 of the president of the Senate and the speaker of the House of

(Concurrent Resolution Authorizing An Investigation)—Continued

1 Representatives, such technical and clerical assistants as may be re-
2 quired for the proper performance of its duties, but in no event shall
3 the expenses incurred by such employment, when added to all other
4 expenses of the committee, exceed the amount of expenditures author-
5 ized by this resolution.

6 7. All expenses of the committee shall be paid out of the
7 contingent funds of the two Houses,* share and share alike, for which
8 purpose the expenditure of the total sum of.....
9 dollars is authorized.

*If a special appropriation is required, the vehicle of authorization should be a Bill.

(Concurrent Resolution Requesting A State Department To Perform An Act
Within Its Jurisdiction)

State of Arizona
Thirteenth Legislature
House of Representatives
Regular Session

H. C. R.

....., 1937. Introduced by Mr.....; read first
time;copies ordered printed.

....., 1937. Read second time; referred to Committee on
.....and to Committee on.....

A CONCURRENT RESOLUTION*

Requesting the State highway commission to provide for construction of a
fence along state highway 84.

1 Whereas, from Picacho overpass in Pinal county to a junc-
2 tion with the existing fence along the south side of the right-of-way
3 and the improved highway thereupon, state highway 84 is unfenced
4 along its south side and exposed to incursions of wandering stock; and

5 Whereas, this condition has contributed to the loss of a num-
6 ber of lives and the destruction of a great deal of property; there-
7 fore

8 Be it resolved by the House of Representatives of the State of
9 Arizona, the Senate concurring:**

10 1. That the state highway commission is requested to provide
11 for the erection of a fence * * *, and to repair said existing fence
12 and erect necessary cattle guards along the south side of said right-
13 of-way from the said point near the Pinal-Pima county border to
14 the city of Tucson.

*The subject is an appropriate one for a Concurrent Resolution or a simple
Resolution of either House.

**The form of a simple Resolution is identical with the form of a Concurrent
Resolution, with the exception of the resolving clause, which should be: "Be it
resolved by the House of Representatives of the State of Arizona:"

(Concurrent Resolution On The Death Of A Former Member Of Both Houses)

State of Arizona
Twelfth Legislature
Senate
Regular Session

S. C. R.....

....., 193..... Introduced by Mr.....; laid over one day.

....., 193..... Read first time;copies ordered printed; referred to Committee on.....

A CONCURRENT RESOLUTION

On the death of Charles Richard Waters.

1 Whereas, Charles Richard Waters, of Mohave county, suc-
2 cumbed to a lingering illness, on October 26, 1933; and

3 Whereas, the residence in Arizona of this notable citizen and
4 mining man, extending over a period of twenty-one years, was filled
5 with acts which endeared him to his fellow-men and entitled him to
6 the grateful remembrance of the people; and

7 Whereas, the deceased served as a member of the House of
8 Representatives of the Fourth Legislature and a member of the Senate
9 of the Eighth Legislature, in both of which bodies he served with
10 credit to his constituency and fidelity to the interests of the state;
11 therefore

12 Be it resolved by the Senate of the State of Arizona, the House of
13 Representatives concurring:

14 1. That the passing of Charles Richard Waters is deeply
15 mourned by this body, and his memory revered.

16 2. That the sympathy of the people of Arizona, through their
17 legislative representatives, is hereby extended to the surviving widow,
18 children and other bereaved relatives of the deceased.

(Joint Memorial To The President And The Congress)

State of Arizona
Twelfth Legislature
House of Representatives
Regular Session

H. J. M.....

....., 193..... Introduced by Mr.....; read first
time;copies ordered printed.

....., 193..... Read second time; referred to Committee on
..... and to Committee on.....

A JOINT MEMORIAL*

Relating to the Santa Cruz-Sonoita flood control project.

1 To the President and the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 The drainage basin, within the United States, of the Santa
4 Cruz and Sonoita rivers, constitutes a large part of southern Arizona,
5 including all or portions of the counties of Santa Cruz, Cochise, Pima,
6 and Maricopa, and contains some of the largest and most important
7 cities of the state.

8

* * *

9 This data conclusively shows the practicability and feasibility
10 of the project; the material benefits that would flow from its achieve-
11 ment, and discloses its universal endorsement, by political, industrial,
12 professional, and civic groups throughout the area affected.

13 Wherefore your memorialist, the Legislature of the State of Arizona,
14 prays:

15 1. That the public works administration be requested to give
16 its most earnest consideration to this constructive project, * * *.

17 2. That any legislation * * * looking to the continuation of
18 the present public works policy * * * shall include * * * the Santa
19 Cruz-Sonoita project for flood control, soil conservation, and water-
20 table improvement.

* May be either a Joint, a Concurrent, or a simple Memorial. The Joint Memorial hears the Governor's signature; the Concurrent Memorial does not. A simple Memorial is the petition of one house only.

(Concurrent Memorial To An Official Or Department Of The United States Government)

State of Arizona
Twelfth Legislature
Senate
Regular Session

S. C. M.....

....., 193..... Introduced by Mr.....; laid over one day.

....., 193..... Read first time;copies ordered printed; referred to Committee on.....

A CONCURRENT MEMORIAL

Relating to the letting of contracts by the Public Works Administration for educational projects.

1 To the Federal Emergency Administration of Public Works, Wash-
2 ington, D. C.:

3 Your memorialist respectfully represents:

4 The improvement programs of the higher educational institu-
5 tions of Arizona, * * *

6 Inasmuch as the situs of these building projects is in Arizona,
7 * * *

8 Wherefore your memorialist, the Senate of the State of Arizona, the
9 House of Representatives concurring, urgently requests:

10 1. That the Federal Emergency Administration of Public
11 Works adopt the policy, * * *

12 2. That the governing boards * * * and all other persons
13 and agents having duties with respect to * * * be instructed to
14 conform to said policy.

